



Todd Kathol (He/Him)

Partner

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Overview

Todd Kathol is an experienced trial and appellate lawyer who handles commercial and construction-related litigation in Alberta on behalf of clients from throughout Canada. He regularly represents general contractors, owners, subcontractors, engineers, insurers, rural municipalities, creditors and others facing difficult and potentially costly construction disputes. These often involve property damage and consequential loss claims, bonding, tendering, construction liens and professional liability, including errors and omissions.

He has also acted for insurers, sureties, hospitals, product manufacturers, developers and oilfield service providers. Clients in the construction sector often turn to him to defend their interests pursuant to a Comprehensive General Liability or other insurance policies in claims arising from a defect claim or construction accident. He also has experience with fire losses, product liability, water nuisance, well site damage claims and other multiparty litigation. Many of his cases involve corporate officers and directors exposed to fraud claims or other alleged misconduct such as misrepresentations, conversion or interference with contractual relations.

Todd has extensive motion, trial and appeal experience before the Alberta Court of King's Bench and Court of Appeal as well as hearings before administrative tribunals. He has a Master of Laws Degree focusing on construction law.

Value to Clients

"Litigation is lengthy and costly. Most clients don't want to spend money fighting over a document or whether to answer a question. So, I try to fight the smart fights and not lose the forest for the trees. My ability to do so has improved with experience as well as familiarity with lawyers and Courts. My ability to keep perspective saves clients time and money and furthers the overall objective to effectively resolve the dispute at hand."

Outside the Office

Todd is part of his extended family's 100 mile relay run in the Kananaskis100 Relay, a springtime tradition that started 25 plus years ago. He has on his to-do list to qualify and run the Boston Marathon. When he's not running (seasonally) he skis, travels and still playing (semi) competitive men's hockey. *"I'm not sure whether it's more about the beer or the hockey but I'm still holding my own."*

Industries

Construction
Insurance

Services

Litigation
Construction
Construction Bonds
Products Liability
Construction Liens

Education

University of Toronto, 1999, Master of Laws
Queen's University, 1992, Bachelor of Laws
University of Calgary, 1988, Bachelor of Commerce

Admissions

Alberta, 1993

Experience

Renkinn Developments Inc (Renkinn Developments Ltd) v. Stevens, 2016 ABQB 549, Alberta Court of Queen's Bench

Elan Construction Limited v. South Fish Creek Recreational Association, 2016 ABCA 220, Alberta Court of Appeal

Elan Construction Limited v. South Fish Creek Recreational Association, 2016 ABCA 215, Alberta Court of Appeal

Geophysical Service Incorporated v. Encana Corporation, 2016 ABQB 230

Geophysical Service Incorporated v. Encana Corporation, 2016 ABQB 229, Alberta Court of Queen's Bench

Pillar Resource Services Inc. v. Primewest Energy Inc., 2016 ABQB 120, Alberta Court of Queen's Bench

Condominium Corporation No. 0321365 v 970365 Alberta Ltd., 2013 ABQB 471, Court of Queen's Bench of Alberta

PI Financial Corp. v. Computershare Trust Company of Canada, 2011 ABQB 115, Alberta Court of Queen's Bench

Sehdev v. Colours by Battistella Inc., 2008 ABQB 248, Alberta Court of Queen's Bench

Carma Ltd. v. Calgary (City), 2007 CarswellAlta 2148, Alberta Municipal Government Board

Professional

Law Society of Alberta, Canadian Centre for Continuing Legal Education

Instructor, Civil Litigation / Advocacy

2004 - Present

Canadian Bar Association

Executive Member

1993 - 2002

Community

Calgary Legal Guidance

Recognition

Listed Construction Law, The Best Lawyers™ in Canada: 2018 - 2024

"Litigation Star", Benchmark Canada: 2016 - 2023

"Repeatedly Recommended" Construction Law, Canadian Legal Lexpert® Directory: 2018 - 2022

Notable Work

Condominium Corporation No 0610078 v. Pointe of View Condominiums (Prestwick) Inc, 2016 ABQB 609: Successful opposition to add contractor as a new Defendant to ongoing class action litigation.

Renkinn Developments Inc (Renkinn Developments Ltd) v. Stevens, 2016 ABQB 549: Precedent decision on arbitration provisions and delay in litigation in the case of a breach of construction contract.

Elan Construction Limited v. South Fish Creek Recreational Association, 2016 ABCA 215, Elan Construction Limited v. South Fish Creek Recreational Association, 2015 ABQB 330: Successful representation at trial and Court of Appeal of general contractor claiming damages against owner for breach of bidding obligations.

Setoguchi v. Unicrete (2014), (Alberta Provincial Court): Successful trial representation of homeowner in product liability claim against roof tile manufacturer.

Pillar Construction v. Primewest v. Equinox Engineering, 2014 ABQB 317: Successful representation against indemnity claim for project costs.

Jozsa v. Jozsa (2013), (Alberta Court of Queen's Bench): Successful trial defence against constructive trust claim.

Online Constructors v. Speers Construction, 2011 ABQB 43, *Online Constructors Ltd. V. Speers Construction Inc.*, 2012 ABCA 132: Successful trial and appeal representation of general contractor on concrete works dispute.

Blue Ridge Excavating v. Mobile Technical Services (2009), (*Alta Q.B.*): Trial representation of mechanic with shared liability in case of commercial bailment.

Carma v. City of Calgary (2008), (*Municipal Government Board*): Rescission of Board decision on grounds of procedural unfairness.

Sehdev v. Colours by Battistella (2008), (*Alberta Court of Queen's Bench – Chambers*): Precedent authority on enforcement of arbitration provisions.

Rufnit Ranch v. Griffin (2007), (*Alberta Court of Queen's Bench*) *Rufnit Ranch v. Griffin* (2007), (*Alberta Court of Appeal*): Summary trial judgment and appeal in favour of purchaser client seeking specific performance of land sale.

Lorraine Carlson v. Boardwalk Equities (2007), (*Alta Q.B.*): Dismissal of claim against apartment to a jury trial.

AXA Pacific Insurance v. James Chamberlain (2005): Representation of successful Defendant in motor vehicle liability trial.

Carma v. City of Calgary (2004), (*Alta C.A.*): Successful judicial review of municipal assessment of environmental reserve lands.

Devitt & Forand Contractors Inc. v. Inner Coast (2002), (*Alberta Court of Queen's Bench*): Trial judgment proving builder's lien of subcontractor.

Lynett Field v. Heather Vircoe and Tracy Thompson (1999): Co-counsel representing successful Defendant in motor vehicle liability trial.

I.D. Foods Corp. v. Heileman Brewing Co. (1999), (*Alberta Court of Queen's Bench -Masters*): Precedent authority on pre-trial remedy under Civil Enforcement Act.

Condo Plan No. 7810477 v. Condo Plan 7711723 (1997), (*Alberta Court of Queen's Bench*) *Condo Plan No. 7810477 v. Condo Plan 7711723* (1998), (*Alberta Court of Appeal*): Successful trial judgment and appeal against adverse possession claim in commercial land dispute.

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