



Joel Richler, FCI Arb, LL.B, B.C.L.

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Mr. Richler has over 45 years of experience in commercial dispute resolution as a litigation counsel, arbitration counsel, mediation counsel, arbitrator (domestic & international), adjudicator dispute resolution board member and mediator.

Before establishing his independent neutral practice, Mr. Richler was a partner in Blake, Cassels & Graydon LLP and, for a number of years, he led that firm's Toronto dispute resolution group.

Mr. Richler obtained his Civil and Common Law degrees at McGill Law School in 1977-78 and was called to the Ontario Bar in 1980. He obtained a Diploma in International Commercial Arbitration from the Chartered Institute of Arbitrators in 2008 and was thereafter designated as a Fellow of that institute. He was a member of the Arbitration Roundtable of Toronto and then a founding director and officer of its successor organization, the Toronto Commercial Arbitration Society. In addition, Mr. Richler is a founding Fellow of the Canadian College of Construction Lawyers, and was, while practising as counsel, a Fellow of Litigation Counsel of America. Mr. Richler also acted as a director and treasurer of the Chartered Institute of Arbitrators (Canada Chapter).

Mr. Richler's experience includes:

- Over 135 arbitration appointments, with over 60 issued awards
 - 2 as emergency arbitrator
 - 88 as sole arbitrator
 - 27 as Chair/President
 - 21 as party appointee
- extensive experience in *ad hoc* and administered arbitrations in international and non-international arbitrations. He has also acted as a neutral evaluator, construction contract adjudicator and DRB chair on many projects, including some of the largest infrastructure projects in Canada.

Mr. Richler's arbitration roster memberships or appointments include:

- ICDR (Canadian and international rosters)
- Arbitration Place (Toronto)
- VanIAC (formerly the BCICAC) (including the VanIAC appeal roster)
- SIAC
- Roster of Referees for the Ministry of Transportation (Ontario) and the Ontario Roadbuilders Association

- ICC Canada,
- LCIA
- ADRIC

Peer Recognition

Mr. Richler has been recognized for many years for his litigation, mediation and commercial litigation practices in several professional directories and publications, including *Chambers Global & Canada*, *Expert*, *Best Lawyers in Canada*, *Who's Who (International and Canada)* and *Benchmark Canada*. He has twice been recognized by *Benchmark Canada* as International Arbitration Lawyer of the Year, once as Alternative Dispute Resolution Lawyer of the Year, and once as Procurement Lawyer of the Year.

Publications

Mr. Richler has written several papers, commentaries and short articles on arbitration theory, practice and procedure. Some of his publications have appeared in the *Advocates' Quarterly*, the *Canadian Journal of Commercial Arbitration*, and the *Canadian Arbitration and Mediation Journal*.

Areas of Experience

While Mr. Richler has broad commercial dispute resolution experience, his particular areas of practice include general commercial contract interpretation and other disputes, franchise disputes, construction and infrastructure, public and private procurement, shareholder and partnership disputes, oppression and other corporate remedies, commercial real estate, technology, intellectual property, and professional negligence.

Significant Arbitration Appointments

- Mining Option Agreement (sole arbitrator)
- Joint venture dispute (sole arbitrator)
- Franchise dispute relating to franchises in foreign state (sole arbitrator)
- Abortive corporate acquisition (sole arbitrator)
- Dispute between two provincial power authorities (tribunal chair)
- Hospital construction dispute (sole arbitrator)
- Corporate oppression (sole arbitrator)
- Commercial rent reset (sole arbitrator)
- Insurance claims arising from accidental destruction of commercial property (sole arbitrator)
- Share purchase agreement dispute (sole arbitrator)
- Oppression claim (sole arbitrator)
- Claims arising from divestment of energy distribution assets (party appointee)
- Rent reset (party appointee)
- Construction design and delay claims on large bridge construction project (neutral evaluation)
- Warehousing and storage claims (sole arbitrator)
- Construction delay claims on hospital project (sole arbitrator)
- Delay claims, construction of mass transit station (party-appointee)
- Commercial lease dispute (sole arbitrator)
- Condominium reciprocal agreement dispute (sole arbitrator)
- Energy Supply Agreement dispute (tribunal chair)
- Construction extras (sole arbitrator)

- Construction delay and breach of EPCM contract (ICC, tribunal president)
- Construction delay claim (sole arbitrator)
- Franchise agreement dispute (ICC tribunal chair)
- Real estate development joint venture dispute (sole arbitrator)
- Construction delays on power plant project (VaniAC sole arbitrator)
- Road construction delay claim (party appointee)
- Dispute re scope of services on mass transit construction project (sole arbitrator)
- Oppression claims between shareholders of financial services provider (sole arbitrator)
- Dispute arising from law firm partnership agreement (sole arbitrator)
- Construction, fire damage (sole arbitrator)
- Mining royalty dispute (ICC tribunal chair)
- Supply agreement dispute (ICC sole arbitrator)
- COVID-19 related delay claims on transportation infrastructure project (sole arbitrator)
- COVID-19 related delay claims on construction project (sole arbitrator)
- Oppression and share purchase dispute (sole arbitrator)
- Commercial lease rent reset (sole arbitrator)
- Disputes between shareholders of real estate holdings and development companies (sole arbitrator)
- Disputes arising under an asset/share purchase agreement (sole arbitrator)
- Shareholder disputes and exercise of buy-sell provisions (sole arbitrator)
- Contract dispute in cannabis industry (ICDR party-appointee)
- Construction contract delay claims (sole arbitrator)
- Mining contract dispute (ICC sole arbitrator)
- Publication distribution contract dispute (international) (sole arbitrator)
- Franchise agreements dispute between U.S.-based franchisor and South American franchisee (ICC tribunal president)
- Distribution contract termination claims (ICC sole arbitrator)
- Anti-trust and contract breach claims between U.S. corporation and China corporation (ICDR tribunal chair)
- Construction disputes (delay claims) relating to construction of power facility (party-appointee arbitrator)
- Construction disputes (delay claims) relating to construction of three related waste disposal facilities (tribunal chair)
- Disputes between condominium corporations and services providers (tribunal chair)
- Disputes arising from property construction and development contracts (sole arbitrator)
- Claims related to construction of power supply facilities (sole arbitrator)
- Dispute relating to exercise of contractual rights of first refusal in mining royalty agreement (tribunal chair)
- Property development contract dispute (sole arbitrator)
- Oppression and contract rectification claims (sole arbitrator)
- Contract interpretation claim relating to sharing of allocation of expenses in construction of government infrastructure project (sole arbitrator)
- Franchise agreement dispute (sole arbitrator)
- Construction delay claim relating to construction of military facilities (sole arbitrator)
- Dispute relating to purchase price adjustments of an asset purchase agreement (sole arbitrator)
- Distribution Agreement dispute (party appointee)

- Delay claims relating to construction of power plants (sole arbitrator)
- Commercial tenancy rent reset (sole arbitrator)
- Disputes arising from energy supply contract (sole arbitrator)
- Construction contract interpretation claim (sole arbitrator)
- Franchise agreement termination claims (ICDR Emergency Arbitrator – injunction application)
- Claim for declaratory relief relating to contract between aircraft manufacturer and venture funds (ICC President of Tribunal)
- Claims relating to termination of hotel management contract re hotel in Panama City (ICC Emergency Arbitrator)
- Commercial tenancy rent reset (party-appointed arbitrator)
- Construction contract adjudication (tribunal chair)
- Dispute relating to interpretation of marine carriage contract (sole arbitrator)
- Disputes arising out of prior arbitration relating to award review process (party-appointed arbitrator)
- Commercial tenancy rent reset (party-appointed arbitrator)
- Contract interpretation agreement re supply of services (sole arbitrator)
- Law firm partnership compensation dispute (sole arbitrator)
- Contract termination claim (supply agreement) (sole arbitrator)
- Contract dispute re management of television services contract (tribunal chair)
- Disputes relating to auction of estate property (tribunal chair)

Significant Adjudication Appointments

- Chair of Dispute Resolution Board on subway construction project
- Over 15 appointments as Referee (party-appointed and Chair appointments) as adjudicator under program administered by the Ministry of Transportation (Ontario) and the Ontario Road Builders Association
- Chair of Standing Dispute Resolution Committee on major bridge construction project

Significant Mediation Appointments

- Construction delay claims
- Delay and contract claims relating to construction of major bridge/infrastructure project
- Lawyer negligence/class action
- Disputes under a transfer payment agreement
- Construction delay claims
- Professional negligence claims against lawyer re. tax advice
- Disputes relating to funding of museum project
- Disputes relating to construction of transit facility
- Dispute between technology provider and software provider (settled)
- Dispute between parties to a self-storage warehouse project
- Dispute relating to professional fees of large accounting firm (settled)
- Dispute relating to construction of military facility in Kabul (settled)
- Dispute relating to supply of IT services (settled)
- Dispute between union and pension fund manager
- Oppression remedy claims (settled)
- Professional liability claims against lawyers and accountants (settled)

- Dispute relating to construction of highway exchange infrastructure (settled)
- Dispute between financial adviser and clients (settled)
- Dispute between two charitable organizations
- Dispute relating to construction of municipal facility

Significant Arbitration Counsel Experience

- dispute relating to terms of airline capacity purchase agreement between a national and a regional carrier
- dispute relating to termination of helicopter services joint venture agreement
- dispute between three oil pipeline companies and Ontario Hydro over easements agreements
- dispute relating to calculation of royalties under multi-national software licensing agreement
- dispute arising from copyright infringement of software code (arbitration counsel)
- dispute relating to termination of software development and installation contract between provider and a Crown Agency
- dispute relating to installation of defective manufacturing software (litigation counsel)
- dispute relating to shotgun provisions of a unanimous shareholder agreement
- dispute relating to claims made under P3 contract for construction of hospital
- dispute relating to interpretation of profit sharing provisions in real estate joint venture agreement
- dispute arising from installation of manufacturing process software
- product liability claim relating to retrofit of large steel plant

Significant Litigation Counsel Experience

- dispute relating to claims made on fraudulent corporate debentures
- oppression claims made by debenture holders in context of hostile takeover bid
- judicial review relating to application of Tobacco Tax Act provisions to a casino
- injunction proceedings brought by professional sports league relating to illegal broadcast of blacked-out telecasts
- dispute arising from claims made by losing bidder in public procurement for health therapy services
- dispute arising from claims made by losing bidder in public procurement for construction services for regional municipality health therapy services
- maritime law claims made in relation to loading accident and loss of cargo
- dispute relating to delay and defect claims made under contract to build municipal centre and city hall delay claims made in respect of renovation of large museum in City of Toronto
- several procurement and construction/contract disputes made against and by municipal mass transit system
- delay claims made in relation to construction of Pearson airport
- dispute relating to procurement of naval vessel retrofit services
- dispute relating to retrofit of large manufacturing furnace
- disputes relating to fraud and theft by key employees
- dispute relating to retrofit of manufacturing plant by Italian supplier
- international class action against fast food company in relation to promotional contest
- dispute relating to co-packing of national brand product and breaches of license agreement
- dispute relating to default on documentary letter of credit

- dispute relating to interference with commercial relations
- numerous professional liability claims against lawyers
- commercial claims made against a Superior Court Judge
- negligence claims made against a Superior Court Judge

Mr. Richler has long been an advocate of the use of arbitration as an effective means of resolving construction disputes. In addition to his professional engagements, he has authored a number of articles and text chapters on this subject and he has lectured on arbitration matters in many conferences and professional programs in Canada and the United States. For a number of years, Mr. Richler participated as a judge at the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria.

Mr. Richler is committed to the creative, efficient and fair conduct of arbitrations and, focused on working with parties and their counsel to achieve that result.