

Introduction to Franchise Law in Ontario



Date: Thursday, February 5, 2015 | 1:30 pm to 4:50 pm

Location: Westin Harbour Castle Conference Centre,
 2 Harbour Square, Toronto, ON

Program Chairs: **Liisa Kaarid**, Loblaw Companies Limited
Jeffrey Hoffman, Dale & Lessmann LLP

This program contains 0.75 Professionalism Hours
 This program is eligible for up to 2.25 Substantive Hours

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Franchise Law is a highly specialized area of practice and it is important that lawyers handling franchise files understand the essential contractual and statutory rights and obligations of the parties in a franchisor-franchisee relationship. Hone your ability to not only recognize and responsibly address issues that may arise in the course of that relationship, but also the potential for liability that can arise between lawyer and client and how to avoid common errors and omissions. Through the analysis of leading cases, and a discussion of the latest trends and developments, experienced franchise counsel will give you a solid understanding of the basic principles of franchise law.

1:30 pm **Welcome and Opening Remarks**

1:40 pm **Introduction to the *Arthur Wishart Act***
David Shaw, Blake, Cassels & Graydon LLP
Dominic Mochrie, Osler, Hoskin & Harcourt LLP
 Gain a solid understanding of the application and scope of the *Act*, including:

- The obligation to deliver a disclosure document to franchisee candidates
- The remedies available to franchisees when this obligation is not met, including rescission of the franchise agreement and a right of action in damages for misrepresentation
- The right of action in damages for interference with the right of a franchisee to associate with other franchisees.

2:20 pm **Preserving the Franchisor-Franchisee Relationship: Exploring the Duties of Fair Dealing and Good Faith**
Darrell Jarvis, Fasken Martineau DuMoulin LLP
David Altshuller, Teplitsky, Colson LLP
 The implied contractual duty of good faith and the statutory duty of fair dealing are essential to the relationship between a franchisor and franchisee. Learn to whom these duties apply, what these duties entail, and the statutory right of action in damages for a breach of the duty of fair dealing.

3:00 pm **Networking Break**

3:20 pm **The Lawyer-Client Relationship: Best Practices from the Intake Interview and Beyond**
Debi Sutin, Gowling Lafleur Henderson LLP (Hamilton)
David Kornhauser, Macdonald Sager Manis LLP
 Experienced counsel will give you practical tips and strategies for maintaining the lawyer-client relationship beyond the initial engagement including:

- Dealing with issues of retainer and joint retainer
- Maintaining confidentiality and privilege
- Confirming the importance of early information-gathering
- Ensuring prompt and ongoing communication as issues arise

4:00 pm **Five Franchise Law Cases You Should Know**
Geoffrey Shaw, Cassels Brock & Blackwell LLP
Allan Dick, Sotos LLP
 An analysis of the leading cases in this area will highlight the key principles of franchise law, compliance with the *Act*, identify problems and provide guidance on how to avoid them, and look at the relief granted by the court.

4:45 pm **Questions and Concluding Remarks**

4:50 pm **Program Concludes**

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org