

Christopher Rusnak

Curriculum Vitae

Summary

Chris Rusnak is established as one of British Columbia's leading litigation practitioners in the field of construction law. Combining an engineering degree with more than 25 years litigation experience, he has contributed extensively to the profession, particularly in matters involving construction and engineering disputes.

Chris is a senior litigation partner at Harper Grey LLP and Chair of the firm's Engineering and Construction Group. He has acted as counsel in hundreds of construction-related disputes and has represented his clients in courts and administrative proceedings across the country, including the courts of appeal in British Columbia, Ontario and New Brunswick, the trial courts of British Columbia, Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland, New Brunswick, Yukon and the Federal Court of Canada.

Education and Background

Graduated from Queen's University in 1989 with a degree in Chemical Engineering.

Law degree in 1992 from the University of Victoria.

Clerk to Justices of the Supreme Court of British Columbia in 1992-93.

Called to the Bar of British Columbia in 1994 and the Yukon Territory Bar in 2001.

Professional Service and Volunteer Contribution

Adjunct professor at the Peter Allard Law School, University of British Columbia - teaches Professionalism and Ethics.

Lecturer at the Faculty of Engineering, University of British Columbia on issues related to litigation involving the engineering profession.

Supervisor at the University of British Columbia's Law Student Legal Advice Program.

Group leader and lecturer with the Inns of Court Program, which is overseen by the Chief Justice and provides practical and ethical guidance to junior barristers. Teaches "The Role of Counsel in the Discovery of Documents".

Author of the Law Society's Professional Legal Training Course materials on discovery issues from 2003 to 2010.

Speaker at a number of the Law Society's Continuing Legal Education seminars.

Editor of the *British Columbia Limitations Manual* published by Butterworths.

Author of a series of articles on legal issues that impact the engineering profession published by the Association of Consulting Engineers of Canada - BC Branch (“ACEC-BC”).

Frequent speaker to the Construction and Engineering industry on legal, insurance and risk management issues.

Advisor and representative to the Engineers and Geoscientists of British Columbia and the Architectural Institute of British Columbia a part of a coordinated effort that was ultimately successful in achieving amendments to the British Columbia *Limitation Act*.

Outside of his professional work, Chris coached girls’ basketball and soccer for many years.

Construction Law Experience

The scope of Chris’ construction work has been varied. He has acted for architects, engineers, municipalities, developers, contractors, trades and public institutions. He has drafted construction contracts, provided risk management advice and acted as litigation counsel, both as plaintiff and defence counsel.

Currently, the focus of Chris’ practice includes some of Canada’s largest and most complex legal disputes. Most recently, he was counsel in litigation arising from what has been described as Canada’s largest environmental mining disaster - the failure of the tailings storage facility at the Mount Polley mine in northern British Columbia. Chris remains involved as counsel in respect of EGBC professional disciplinary proceedings.

A representative sample of Chris’ other construction work is set out below:

- Legal adviser and litigation counsel to the University of British Columbia on construction-related matters.
- Legal adviser and litigation counsel to an international bridge engineering firm, providing contract and risk management advice as well as legal representation in disputes throughout North America, including a significant arbitration in the United States addressing claims in excess of \$50 million.
- Legal adviser and litigation counsel for a national structural engineering and building envelope firm for many years, providing advice and representation on many project and disputes. Most recently, acting as litigation counsel in a significant multi-party dispute arising from the failure of manufactured stone cladding on a heritage building.
- Legal adviser and litigation counsel for a national geotechnical engineering firm. Notably, acted as defence counsel in a number of actions arising from two large landslides. In total, more than 20 separate actions were commenced. In addition to the legal proceedings, Chris was involved in extensive negotiations with the provincial and municipal governments regarding issues of ongoing public safety.
- Litigation counsel for a joint venture of three international engineering firms who were sued over their involvement in large-scale expansion of a waste water treatment plant. The case

related to alleged design and construction defects associated with the projects waste water digesters.

- Litigation counsel to a national engineering firm in federal court proceedings arising from the sinking of dozens of sea vessels at a marina following a severe weather event.
- Litigation counsel defending an international engineering firm in a dispute arising from the failure of equipment at a pulp and paper mill in Northern British Columbia.
- Advising the Architectural Institute of British Columbia on the interpretation and operation of the *Architects Act* to assist with its ongoing governance of the profession.
- Litigation counsel to the City of Vancouver in a high profile case that sought an injunction to stop construction of the highest building in Vancouver as a result of a dispute over the window wall being installed.
- Litigation counsel in six concurrent actions seeking more than \$35 million in clean-up costs in relation to historic hydrocarbon contamination of a large industrial site.
- Litigation counsel in civil proceedings commenced in the Yukon relating to delays and defects in the development of an expansion to the Territory's electric grid and power generation system.
- Providing risk management and litigation advice to a municipality in Saskatchewan with respect to a large landslide within a residential area.
- Appellate counsel for a professional engineer successful in overturning findings of professional misconduct made by the Association of Professional Engineers of Yukon
- Appellate counsel for a professional architect successful in overturning findings of professional misconduct made by the Architectural Institute of British Columbia.
- Counsel in over 100 cases relating to leaking condominiums and other buildings. These claims were generally large, complex multi-party proceedings. Damages claims range from \$200,000 to \$30 million, and there were often 20 or more parties involved in the claims.
- Legal advisor to many contractors, engineers, architects and developers providing advice on contractual and insurance issues.

Recognition

One of three finalists nominated for top Construction Lawyer in Canada by Best Lawyers®, 2017.

Recognized as a "Leader in His Field" in the area of General Commercial Litigation (British Columbia) by Chambers Canada®, 2017 - 2019

Recognized as a "Leading Lawyer" in the areas of Insurance Law and Construction Law by Best Lawyers® in Canada, 2015 - 2019

Recognized as a “Local Litigation Star” in British Columbia in the areas of Construction, Environmental and Product Liability by Benchmark Canada®, 2018-2019

Rated as a “Repeatedly Recommended Leading Practitioner” in the area of Litigation – Commercial Insurance by Canadian Legal Lexpert Directory®, 2018-2019

The following commentaries were provided about Chris’ work:

“Chris Rusnak is very strong, especially in dealing with engineering and environmental cases.”
(Benchmark Canada®, 2018)

“Christopher Rusnak is noted for his expertise in product liability and construction litigation. He also advised on class actions. One interviewer said ‘He is very thoughtful, methodical, careful, analytical lawyer’.” (Chambers Canada®, 2017)

“Chris Rusnak approaches everything like an engineer, everything is done very thoroughly.”
(Benchmark Canada®, 2012)