



# Kevan Hanowski

## Sociétaire

Vancouver

[khanowski@mccarthy.ca](mailto:khanowski@mccarthy.ca)

t. +1 604-643-5886

## Admission au barreau

Colombie-Britannique 2017

## Faculté de droit

University of British Columbia

## Domaines de pratique

Litige et résolution des différends

Actions collectives

Droit public

Mode alternatif de résolution des conflits

Litige en droit commercial et en droit des sociétés

## Secteurs d'activité

Droit bancaire et services financiers

*Disponible en Anglais seulement*

**Solution-oriented, efficient, effective. Kevan helps clients navigate and resolve complex disputes so that they can get back to business.**

Kevan is an associate in our Vancouver office. He represents clients involved in a wide range of complex commercial disputes, with a focus on financial services disputes, administrative and public law matters, and class action defence.

Kevan is known for providing pragmatic and practical advice, and he believes that a client's business and strategic objectives should always remain in the foreground.

## Complex Commercial Litigation and Arbitration

Kevan's commercial litigation and arbitration experience cuts across a range of industries and forums. Kevan has appeared at all levels of court in British Columbia and at the Supreme Court of Canada, and he has also represented clients in commercial arbitrations, mediations, administrative proceedings, regulatory investigations and before a provincial commission of inquiry.

His representative commercial litigation experience includes:

- Representing financial institutions in disputes involving (among other things) banking services, investment products, mortgage agreements, credit cards, fraudulent transactions, wire transfers and bills of exchange.
- Representing a real estate developer in a dispute about an engineering and design services contract.
- Representing a forestry company in a dispute about a statutory right of way over a logging road (TimberWest Forest Corp. v 0768816 B.C. Ltd., [2020 BCSC 1184](#)).
- Representing a biotechnology company in a dispute about contractual rights to use and develop mRNA vaccine technology.

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- Representing an independent power producer in a contractual dispute about rights to purchase and sell hydroelectricity.
- Representing an investment brokerage in a dispute involving the termination of an investment advisor.

## Navigating Administrative and Public Law Disputes

Decisions made by government and administrative actors can have critical impacts on businesses and their interests. Kevan helps clients facing these types of decisions to understand and exercise their rights and, where appropriate, to challenge those decisions. Kevan's representative experience includes:

- A constitutional challenge concerning the scope of provincial power to regulate interprovincial railways (British Columbia (Environmental Management Act) v Canadian National Railway Company, [2022 BCSC 135](#)).
- A judicial review of a municipality's decision to enter into a services agreement with a First Nation in relation to a real estate development on reserve land.
- A constitutional reference regarding the provincial government's ability to regulate interprovincial pipelines (Reference re Environmental Management Act, [2020 SCC 1](#)).
- A judicial review regarding the scope of the Attorney General's power to set the compensation of the chair of the BC Review Board (Walter v. British Columbia, [2019 BCCA 221](#)).
- A judicial review concerning the regulation of the British Columbia real estate industry (Superintendent of Real Estate v Real Estate Council of B.C., [2018 BCSC 1500](#)).
- Helping clients respond to regulatory investigations and production orders

## Class Action Defence

Kevan works with other members of the firm's National Class Action Group to defend class actions on behalf of clients located in Canada and around the world. Kevan has experience at all stages of the class action life cycle, including pre-certification applications, sequencing and carriage motions, contested certification proceedings and a lengthy common issues trial.

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Kevan's experience includes:

- Successfully defending a high-stakes common issues trial in a claim involving one of Canada's largest equity mutual funds (Turpin v TD Asset Management Inc., [2022 BCSC 1083](#)). The Turpin decision received the Benchmark Litigation [2023 Impact Case Award](#).
- A putative class action brought against North America's largest beef processors.
- A consumer goods class action brought against a manufacturer of personal care products.
- A putative class action concerning the provision of health care and related services in long term care homes during the COVID-19 pandemic.
- A privacy class action involving a large technology company. A worker classification class action involving a food delivery company.

Kevan regularly publishes articles and blog posts on topics relating to his areas of practice, and he is a regional editor of the [Canadian Class Actions Monitor](#).

Kevan received his J.D. from the University of British Columbia in 2016 and a Bachelor of Arts (First Class Hons.) in political science at the University of Alberta.

## Prix et distinctions

### Best Lawyers in Canada

Ones to Watch: Corporate and Commercial Litigation

## Mandats récents

- **Rio Tinto acquiert Turquoise Hill Resources pour 3,3 G\$ US**

16 décembre 2022

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- **Gestion de placements TD obtient gain de cause dans le cadre du procès sur les questions communes alléguant la pratique d'indexation de placard**

28 juin 2022

## Publications récentes

- **Statutory "best interest" obligations do not by themselves create fiduciary duties**
- **Divisional Court Overturns Certification of Class Action for Breach of Privacy**
- **Campbell: BC Supreme Court confirms there is no tort of intrusion upon seclusion in BC, but still certifies a data breach action not certified in Ontario**

11 mars 2022

8 avril 2022

8 juillet 2022

- **Lessons from TDAM's victory in rare securities class action trial**

2 septembre 2022