



Michael Kennedy

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Partner

Bar Admission: 2009

Practice Areas

Accident Benefits
Animal Law
Automobile Fraud
General Casualty & Special Risks
Health, Life & Disability Insurance
Marine Law
Personal Injury
Product Liability
Professional Liability
Property Insurance
Sports, Recreation & Resort Liability
Subrogation
Transportation Law

Professional and Business Affiliations

The Law Society of Upper Canada
Canadian Defence Lawyers
The Advocates' Society
Canadian Bar Association
The Ontario Bar Association

Michael is the head of the firm's Transportation Law Newsletter. His opinions on recent case law have also been quoted in *The Lawyer's Weekly*. His defence practice focuses on all areas of negligence law, including occupiers' liability, transportation law, products liability and workplace safety issues.

Michael has successfully represented clients and their interests at all levels of court in Ontario as well as various administrative tribunals, including the Financial Services Commission of Ontario and the Workplace Safety and Insurance Appeals Tribunal. His reported decisions include the precedent-setting case of *Rampersaud v. TD General (FSCO)* which defined "residence" within the context of the *Statutory Accident Benefits Schedule, and Thayalan v. Wawanesa Mutual Insurance (FSCO)*, in which Michael successfully argued that an objective post-accident meniscus tear in the right knee would not prevent a claimant from returning to physical labour or household tasks. Michael was also the second chair on *Ursus Transport Inc. et al. v. Bernad (WSIAT)*, which successfully removed a claimant's right to sue his employer.

Michael is experienced representing large, multinational corporations and their interests for both defence and subrogation matters. He is regularly retained to provide opinions with respect to risk management, liability defence and rights of subrogation. He has assisted clients with the investigation and risk management of potential claims, including representing clients in regulatory proceedings.

As Michael operates out of both Toronto and Waterloo Region, he is able to cost-effectively handle cases in all of Southern and Southwestern Ontario. His reasonable, personable and proactive approach yields proven results for his clients.

When not representing clients, Michael is an avid musician who plays the piano, saxophone and oboe. He is a member of the Guelph Concert Ensemble, for which he has served on its board of directors. He can also be found exploring the live theatre scene or relaxing at home with his partner, beloved dogs and cat.

Education

- High honours in Political Science and Law, Carleton University – 2005
- Bachelor of Law degree, Western University – 2008

TORONTO

OTTAWA

KITCHENER

BARRIE

Featured Cases

Tauschek and TD General Insurance Company Reg 34/10: Insurer successfully being awarded costs of defending the applicant's Application for Arbitration.

Rampersaud v. TD General, FSCO Arbitration Reg 403/96: Precedent-setting case defining "residence" within the context of the Statutory Accident Benefits Schedule.

Yu and Security National, FSCO Arbitration Reg 403/96: Preliminary issue hearing to determine whether the applicant was involved in an "accident" as defined by the Statutory Accident Benefits Schedule.

Ursus Transport Inc. et al. v. I. Bernad, Workplace Safety and Insurance Appeals Tribunal Decision No. 2159/09 (<http://canlii.ca/t/2cjtz>): Right-to-sue application, for which Michael drafted the materials on behalf of Ursus and second-chaired the hearing, which successfully extinguished the respondent's right to sue for tort damages in a court action.

Summary judgment motion involving a two vehicle collision at an intersection

Brentnell and Wawanesa Mutual Insurance Co. - FSCO A13-008004

Thayalan and Wawanesa Mutual Insurance

Featured Articles and Speeches – see web bio for full list

A summary of threshold decisions from 2016 and 2017: Which got through and which got bounced

Featured Case: *Aranas v. Kolodziej* The buck stops here: A rare summary judgment win for the defence

Reasonable and Necessary: Defining the elusive test from the Statutory Accident Benefits Schedule

Goodbye FSCO, Hello LAT!



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