



# 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

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## Featured Cases - see web bio for the full list

Winter Maintenance Contracts - Featured Case Study: Ruetz v Metro Canada - Michael Kennedy, February 16, 2021

MK and Wawanesa Mutual Insurance Company, 2019-01-28, 18-001879/AABS: Wawanesa submits that the sole issue to be considered and determined in this motion hearing is whether or not the documents it requests are reasonably required to determine MK's entitlement to the benefits he claims. Wawanesa's motion for production is granted.

Wawanesa Insurance and Travellers Insurance, 2018-04-14, Decision to determine which insurer stands in priority to pay SAB to or on behalf of the claimant.

Certas Direct Insurance and AIG Insurance, 2018-03-12, Decision with Respect to costs

Tauschek and TD General Insurance Company, 2017-02-13, Reg 34/10: Insurer successfully being awarded costs of defending the applicant's Application for Arbitration.

## Featured Articles and Speeches – see web bio for full list

Litigation Loans and Adverse Cost Insurance

Winter Maintenance Contracts - Featured Case Study: Ruetz v Metro Canada

Expert Evidence May Not Trump in Summary Judgment: Cases Case Study: Haley v Stepan

Jury Questions: When to Ask for Reasons - Case Study: Cheung v. Samra 2020 ONSC 4904

The New (and Improved?) Rule 76 Simplified Procedure

Limitations Law in Accident Benefits Cases



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