



# Martin Smith

613.566.5970

[msmith@mccagueborlack.com](mailto:msmith@mccagueborlack.com)

Martin is the managing partner of the firm's Ottawa office, which was launched in September 2012.

Martin exclusively practices civil litigation, and as the chair of the firm's Employment Law and Human Rights Practice Groups, he predominantly represents employer clients but also routinely represents employee clients.

Martin's other areas of expertise include Professional Liability, Insurance Law, Occupiers' Liability, Municipal Law, and Animal Law. He regularly works with clients with self-insured retentions and assists insurers in advancing subrogated claims.

He has appeared before the Ontario Labour Board, the Canadian Industrial Relations Board, the Ontario Health Professions Board, the Ontario Superior Court of Justice, Divisional Court, the Human Rights Tribunal of Ontario, and the Ontario Court of Appeal.

*Managing Partner -  
Ottawa Office  
Bar Admission: 2001*

## Practice Areas

Animal Law  
Class Actions  
Commercial & Business Litigation  
Construction Law  
Cyber Risk  
Debt Collection and Recovery  
Defamation & Reputation Management  
Employment Law  
Energy Law  
Environmental Liability  
General Casualty & Special Risks  
Human Rights, Harassment & Abuse  
Landlord and Tenant  
Malpractice & Healthcare Litigation  
Municipal Liability  
Not For Profit and Charity  
Personal Injury  
Product Liability  
Professional Liability  
Risk Management Services  
Sports, Recreation & Resort Liability  
Subrogation  
Transportation Law

## Professional & Business Affiliations

Canadian Bar Association  
Ontario Bar Association  
The Advocates' Society  
County of Carleton Law Association

## Education

- Bachelor of Arts, York University - 1993
- LL.B., Osgoode Hall Law School - 1999

## Featured Cases

*Lumipro Inc. ats. Maxrelco, 2018 ONSC 3638 – PDF*

*Cameron J. Beach Sales Ltd. ats Sankreacha, 2018 ONSC 7216*

*Cameron J. Beach Sales Ltd. ats Sankreacha, 2019 ONSC 1313*

*Matlock v. Ottawa-Carleton Standard Condominium Corporation*

*Doyle v Zochem et al. 2016 ONSC 3188*

*Gustanar et al. v Minto et al. and Franick Rd. Service Inc, 2016 ONSC 2341*

*Victoria Mendes et al. v. Blaisdale Montessori School*

*A Chiropractic Malpractice Case*

## Publications and Speeches

*The Pendulum Swings towards Employer-Driven Mandatory Vaccination Policies*

*Allegations are Subject to Higher Scrutiny When Made Against Personal*

TORONTO

OTTAWA

KITCHENER

BARRIE

LONDON

*Defendants*

*New Financial Support for Workers Relying on Government Benefits during the COVID-19 Pandemic*

*In the Wake of Waksdale: A Recent Decision with Serious Consequences for Ontario Employers*

*Can a condominium corporation seek recovery of subrogated interests from a unit owner?*

*We're getting close! Reopening for business amid the ongoing COVID-19 pandemic*

*Expansion of the Canada Emergency Response Benefit*

*Civil Claims Online Portal: Filing Non Urgent Documents Online*

*Canada's Emergency Wage Subsidy in Response to COVID-19*

*Canada's Economic Response Plan in Response to COVID-19*

*What To Consider When Choosing An Expert: Maxrelco Inc. V. Lumipro Inc.*

*The Benefits of Employment Liability Practices Coverage: Civil Case Studies*

*Termination Provisions and Employment Contracts: The New Order*

*Probationary Employees: Employers' Termination Rights and Restrictions*

*Pet Problems: Avenues for Landlords to Deal with Problem Pets, First presented at a Landlords Association of Durham Meeting*

*The Dubious Status of Henson Trusts*

*The Top 5 Tort Cases of the Preceding Year and Ever Increasing Damage Awards and the Future Care Case Law*

*Five Years Later: The Application of the Human Rights Code Today*

*Sports Camp/Clinic Liability, First presented at a Sports Liability Seminar*



Suite 700  
99 Bank Street  
Ottawa, Ontario  
K1P 1H4

T: 613.569.2855  
F: 613.569.3882  
McCagueBorlack.com

**McCague  
Borlack** LLP  
Barristers & Solicitors