

# Andrew MacDonald

Partner

## Toronto

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## Practice Areas

Administrative & Public Law

Class Actions

Commercial Litigation

Media & Defamation

Litigation & Dispute

Resolution

Aviation & Transportation

Andrew has a varied practice that includes particular experience in media and defamation law, aviation law and administrative law.

He has appeared before the Ontario Court of Justice, Superior Court of Justice, Divisional Court, and Court of Appeal; the Supreme Court of Canada; the Federal Court; and administrative tribunals including the Human Rights Tribunal of Ontario and the Canadian Transportation Agency. Andrew has also acted in proceedings before several other courts, tribunals and inquiries including: the Federal Court of Appeal, the Québec Superior Court, the Canadian Human Rights Commission, the Elliot Lake Inquiry, the Coroner's Inquest Touching the Death of Ashley Smith, and the Ontario Review Board.

Prior to joining WeirFoulds, Andrew was a Partner at Bersenas Jacobsen Chouest Thomson Blackburn LLP. He articulated at a national full-service law firm in Toronto.

Before practising, Andrew was a land claims negotiator for the Ontario government's Ministry of Indigenous Affairs. He also worked for judges of the UN International Criminal Tribunal for Rwanda, located in Tanzania, where he assisted primarily with research and drafting of decisions relating to the "Butare" trial.

### Called to the Bar

- Ontario (2008)

### Languages

- French

### Education

- LL.B. & B.C.L., McGill University, 2007
- M.A. (Philosophy, Politics & Economics), Oxford University, 2003
- B.Sc. (Biochemistry), University of Victoria, 2001

### Affiliations

- The Advocates' Society, Member
- Ontario Bar Association, Member
- Canadian Media Lawyers' Association/Ad IDEM, Member

## WeirFoulds LLP

4100 – 66 Wellington St. West  
PO Box 35, TD Bank Tower  
Toronto, ON M5K 1B7

[www.weirfoulds.com](http://www.weirfoulds.com)

## Reported Cases

- *Bondfield Construction Co Ltd v The Globe and Mail*, 2018 ONSC 1880, rev'd 2019 ONCA 166
- *Delta Air Lines Inc. v Gábor Lukács*, 2018 SCC 2
- *R v Vice Media Canada Inc.*, 2017 ONCA 231 (counsel to intervener BCCLA), aff'd 2018 SCC 53
- *Diallo c Compagnie Nationale Royale Air Maroc*, 2016 ONSC 3247, aff'd 2016 ONCA 842, leave to appeal to SCC refused
- *Maltz v Witterick*, 2016 FC 524
- *R v Duffy*, 2015 ONCJ 694 (co-counsel to intervener media coalition)
- *Mardonet v. BDO Canada LLP*, 2015 ONCA 883
- *Ontario Psychological Association.v. Mardonet et al*, 2015 ONSC 3063
- *Parent c. R.*, 2014 QCCS 132
- *The Globe and Mail v HMQ*, 2013 ONSC 6836
- *Viegas v BANIF Banco Internacional do Funchal*, 2013 HRT0 1903

## Awards

- Recognized in the *Canadian Legal Lexpert Directory* as a leading lawyer in Litigation – Defamation & Media (2025)
- Recognized by *Best Lawyers in Canada* as a leading practitioner in Aviation Law and Defamation and Media Law (2025)

## Speaking Engagements

- Panel member, "Anti-SLAPP – Court of Appeal Weighs in" at Canadian Media Lawyers' Association Annual Conference, Toronto, 2019
- Panel member, "Global Regulatory Update – Are governments building a "cathedral" of air transport regulation?", 12th Annual McGill Conference on International Aviation Liability, Insurance & Finance, Montréal, 2019
- Speaker, Anti-SLAPP Update at Law Society of Ontario's "Civil Appeals: The Year in Review, 2018", Toronto, 2018
- Speaker, Pleading Requirements at Law Society of Ontario's "Defamation at a Crossroads: Trends and Developments", Toronto, 2018
- Speaker, "Flying cameras and the privacy (& property) concerns they raise" presentation for OBA Entertainment, Media and Communications Law Program "Navigating Drone Use in Media Production", Toronto, 2017

## Publications

- Co-author (with Shantona Chaudhury), "Balancing the Public Interest in Expression and the Right to Sue: How Much Protection Should Anti-SLAPP Laws Provide?" in Todd L. Archibald, ed., *Annual Review of Civil Litigation*, 2019 (Toronto: Thomson Reuters, 2019)
- "The Court of Appeal (Finally) Has its Say on Anti-SLAPP Legislation" paper for presentation by A.W. MacDonald & B. MacLeod Rogers at Law Society of Ontario's "Civil Appeals: The Year in Review, 2018"

- “Pleading for Clarity: A Flexible Approach to the Strict Requirements for Defamation Pleadings” paper for presentation at Law Society of Ontario’s “Defamation at a Crossroads: Trends and Developments”, 2018
- Co-author (with Shantona Chaudhury), “Teach a Fish to argue...”, Book Review, co-author with S. Chaudhury, *The Advocates’ Journal*, Vol. 36, No. 1, Summer 2017
- Co-author (with Carlos Martins), “Aviation” chapter in Bullen & Leake, *Canadian Precedents of Pleadings*, 3rd ed. (Toronto: Thomson Reuters Canada, 2017)
- Co-author (with Peter Jacobsen), “Bill C-51 Would Jeopardize the Canadian Charter of Rights and Freedoms”, *CJFE & Huffington Post Canada*, April 18, 2015

## Publications

- Court of Appeal Dismisses Class Action Over Expiring Airline Credits, May 27, 2022
- Transportation Notes: Contents of Cockpit Voice Recorder Released in Class Action, June 08, 2021
- Transportation Notes: Pair of Passenger Class Actions Certified Against WestJet, April 07, 2021
- How *Is* the Sausage Made?: Public Access to Third Party Information in Government Records, March 06, 2021
- Transportation Notes: Transportation Appeal Tribunal Unable to Consider Costs After Withdrawal, July 27, 2020
- Transportation Notes: Passenger’s Fall Due to Unsteadiness Not an Accident Under the Convention, July 20, 2020
- Transportation Notes: Proposed Class Action Claims Refunds for COVID-19 Cancellations, April 15, 2020
- Transportation Notes: Canada’s Accessible Transportation For Persons With Disabilities Regulations, February 28, 2020
- Transportation Notes: Proposed Discrimination Class Action by Airline Employee May Proceed, July 17, 2019
- Transportation Notes: Québec Court Rules One Passenger One Ticket Applies in Class Action, April 26, 2019
- Transportation Notes: Court Rules on Entitlement to Lost Baggage Compensation, March 18, 2019
- Transportation Notes: Class Action Regarding Flight Passes Denied Certification, February 28, 2019
- Transportation Notes: Federal Government Proposes Air Passenger Protection Regulations, January 01, 2019