

## Raj Datt

Partner

### Toronto

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### Practice Areas

Commercial Litigation

Subrogation & Recovery

Raj Datt is a Partner and the Chair of the firm's Subrogation & Recovery practice. His practice is focused on prosecuting large commercial and residential property losses arising from fires, floods, product liability, oil & gas operations, water/sewer main failures, construction projects, and many other complex loss scenarios.

Raj has a deep understanding of the insurance industry and is able to use this knowledge to provide his clients with clear, practical and well-rounded advice. He frequently takes the complexity of insurance law and turns it into practical knowledge that his clients can easily understand.

It is this deep knowledge that has allowed Raj to successfully recover several millions of dollars for his clients throughout his career.

Raj has litigated cases throughout Canada, and has been the lead counsel for several trials, appeals, and interlocutory motions. He has appeared on behalf of his clients before the Ontario Court of Appeal, Ontario Divisional Court, New Brunswick Court of Appeal, and the Saskatchewan Court of Appeal.

Raj earned his undergraduate degree, with high distinction, from the University of Toronto and his law degree from Osgoode Hall Law School.

### WeirFoulds LLP

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#### Called to the Bar

- Ontario (2003)

#### Languages

- English

#### Education

- Osgoode Hall Law School of York University, L.L.B., 2002
- University of Toronto, B.A., 1999

#### Affiliations

- Canadian Bar Association

## Significant Cases

Acted for the subrogating insurer in *Stairs v. CFM Corp.*, 2017 NBCA 8, 276 A.C.W.S. (3d) 198, 406 D.L.R. (4th) 446, 63 C.C.L.I. (5th) 31, which is the leading case in Canada regarding the impact on rights of subrogation from a Release signed by an insured.

Acted for the subrogating insurer in *Williams-Sonoma Inc. v. Oxford Properties Group Inc.*, 2013 ONCA 441, [2013] O.J. No. 2980, 229 A.C.W.S. (3d) 865, 22 C.L.R. (4th) 199, 307 O.A.C. 314, which is one of the leading appellate cases in Canada on the application of waivers of subrogation in leases.

## Reported Cases

*Stairs v. CFM Corp.*, 2017 NBCA 8, 276 A.C.W.S. (3d) 198, 406 D.L.R. (4th) 446, 63 C.C.L.I. (5th) 31.

*URS Federal Support Services Inc. v. Kiani*, 2015 ONSC 7906, 261 A.C.W.S. (3d) 606.

*Boart Longyear Inc. v. Mudjatik Enterprises Inc.*, 2015 SKCA 15, 250 A.C.W.S. (3d) 189, 451 Sask. R. 288, 628 W.A.C. 288, 90 C.E.L.R. (3d) 173.

*Williams-Sonoma Inc. v. Oxford Properties Group Inc.*, 2013 ONCA 441, [2013] O.J. No. 2980, 229 A.C.W.S. (3d) 865, 22 C.L.R. (4th) 199, 307 O.A.C. 314.

*Saint-François de Madawaska (Village) v. Nadeau Poultry Farm Ltd.*, 2011 NBCA 55, [2011] N.B.J. No. 197, 1011 A.P.R. 107, 203 A.C.W.S. (3d) 417, 390 N.B.R. (2d) 107, 83 M.P.L.R. (4th) 169.

*Ruldoph Meyer & Son Ltd. v. Endurowe Contracting*, [2009] O.J. No. 1014, 175 A.C.W.S. (3d) 1014.

*1562860 Ontario Ltd. v. Insurance Portfolio Inc.*, 176 A.C.W.S. (3d) 1004, 73 C.C.L.I. (4th) 283, 94 O.R. (2d) 785, 94 O.R. (3d) 785.

*MacKenzie v. Hamilton*, 177 A.C.W.S. (3d) 77.

*M.G. Transport Canada Inc. v. Halsall Associates Ltd.*, 169 A.C.W.S. (3d) 761.

*Garratt v. Orillia Power Distribution Corp.*, [2005] O.J. No. 5489, 144 A.C.W.S. (3d) 576.

*Parlette v. Sokkia Inc.*, [2005] O.J. No. 318, 136 A.C.W.S. (3d) 1006, 194 O.A.C. 22.

*Parlette v. Sokkia Inc.*, [2004] O.J. No. 4626, [2004] O.T.C. 995, 134 A.C.W.S. (3d) 988, 30 B.L.R. (4th) 106.

## Professional Activities

- Chair, Equity, Diversity & Inclusion Committee, WeirFoulds LLP
- Member, CBA Legal Futures Sub-Committee

## Community Involvement

Member, CBA Legal Futures Sub-Committee

## Speaking Engagements

- Speaker, "Subrogation & Recovery Seminar: The Latest Updates and Best Practices", WeirFoulds LLP, Toronto, ON, March 20, 2025
- Instructor, "So You Have An Insurance Policy on the Project, Now What?", The Construction Institute of Canada, Online, February 5, 2025
- Speaker, "Subrogation & Recovery Seminar: The Latest Updates and Best Practices", WeirFoulds LLP, Toronto, ON, September 19, 2024
- Instructor, "So You Have An Insurance Policy on the Project: Now What?", The Construction Institute of Canada, Online, June 20, 2024, October 3, 2024, & November 15, 2024
- Speaker, "A legal Update for Subrogation Claims in Canada", The National Association of Subrogation Professionals (NASP), Online, June 23, 2021
- Panelist, "Commercial Leasing Outlook 2021: Ask An Expert", WeirFoulds, Online, January 28, 2021

## Publications

- Responsabilité des produits au Québec – Quoi de neuf?, March 23, 2023
- Product Liability in Quebec – What's New?, March 23, 2023
- *MDS Inc. v. Factory Mutual Insurance Company*: Implications for COVID-19 Business Interruption Litigation, September 24, 2021
- WeirFoulds Subrogation & Recovery Group Successfully Upholds \$24.3 Million Trial Award for Oil Pipeline Leaks, August 25, 2021
- *Kinectrics v. FCL Fisker et al.*: Novel Limitation Period Arguments for Subrogation Insurers, January 04, 2021
- Court of Appeal Decides Against Overruling its Prior Decisions on s. 7(6) of the Arbitration Act, October 09, 2020
- Protecting Limitation Periods During COVID-19, March 23, 2020
- Webinar: Commercial Litigation Seminar – Pre-Litigation Positioning: Tips for Improving Your Case, November 06, 2019
- Key Takeaways from One of Canada's Largest Subrogation Trial Judgments, May 01, 2019
- Webinar: Subrogation – Oil & Gas and Construction Claims, April 16, 2019
- What is the Reasonable Apportionment of Fault? The Case of the CNRL Emulsion Pipeline Failure, January 17, 2019
- Keys, Please: The Econolodge Park-and-Fly Conundrum, November 20, 2018
- Timing is Everything: Subrogation Claims in the Context of a Construction Loss, August 30, 2018