



Education

Osgoode Hall Law School (1991) LLB
University of Western Ontario (1988)
BA (Arts)

Bar Admissions

Ontario (1993)

Practice Areas

Appeals
Commercial Litigation
Trusts and Estates Litigation
Professional Liability and Regulation
Public Law

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Anne E. Posno

ANNE E. POSNO is counsel at Lenczner Slaght.

Anne is an experienced and successful trial lawyer who brings passion and commitment to each case.

Anne has particular expertise in cases involving estates litigation, medical negligence, professional negligence and commercial disputes, especially in real estate, fraud and directors' and officers' liability. Anne also regularly works in the areas of human rights and of privacy law, and has acted as lawyer for The Refugee Law Office.

This diversity reflects Anne's ability to bring creativity and experience to bear. Her impressive track record demonstrates her solid judgment and her in-depth understanding of her client's needs.

Anne appears before the Ontario Superior Court of Justice, the Toronto Commercial List, the Ontario Court of Appeal, the Toronto Estates Court, the College of Physicians and Surgeons of Ontario, the Federal Court, private arbitrations, and the Human Rights Tribunal of Ontario. In addition, Anne has experience before other administrative tribunals including the Consent and Capacity Board and the Offices of the Privacy Commissioners of Ontario and Canada. Anne also presents on topics relating to health law. She is also a certified Associate Member of the Society of Trusts and Estates Practitioners (STEP).

RECOGNITION

- Best Lawyers in Canada (2014-2024)
Administrative & Public Law, Corporate & Commercial Litigation, Health Care Law, Medical Negligence, Trusts and Estates
- Canadian Legal Lexpert® Directory (2013-2024)
Estate & Personal Tax Planning, Litigation - Corporate Commercial, Medical Negligence, Professional Liability, Litigation - Regulatory & Public Law (2021)
- Chambers High Net Worth (2022-2023)
Private Wealth Disputes
- Lexpert Special Edition: Canada's Leading Litigation Lawyers (2021, 2023)

SELECT CASES

- **Sherwani v Fargher** – Counsel to the successful Defendant Physician at trial in dismissing allegations of defamation and misfeasance of public office arising from the end of the Plaintiff Physician's privileges at West

Parry Sound Hospital at a time when the Defendant Physician was Chief of Staff. The action was dismissed by the Trial Judge and costs of \$280,000 awarded to the Defendant Physician.

- **Barbara Cohen v Steven Eric Cohen** – Counsel to plaintiff in estates and family law proceeding.
- **CBRE v Hudson's Bay Company** – Counsel to CBRE in an oppression claim in the Supreme Court of British Columbia against HBC arising from the breach of department store leases in The Netherlands. Successfully opposed HBC's application to strike CBRE's claim.
- **Yang v Hines et al** – Counsel to the defendant in a successful Rule 21.01 and Rule 25.11 motion to strike the Plaintiff's claim for lack of jurisdiction.
- **Estate of Alan Cherry** – Counsel for the estates trustee in multiple legal proceedings including a solicitors' negligence action, passing of accounts and claim for dependent's support.
- **OHS v OSPCA** – Counsel for the respondent charity in a by-law and governance dispute.
- **Lateef v Barrage** – Counsel to the applicants in a will challenge involving an international estates and lost codicil.
- **The Board of Regents of Victoria University v GE Canada Real Estate Equity** – Counsel to GE Canada Real Estate Equity in an appeal to the Superior Court of Justice and to the Court of Appeal from an arbitration award over the...
- **Falodun v Lemckert** – Counsel to the respondent physician in proceedings before the Human Rights Tribunal relating to an allegation of discrimination with respect to services...
- **Broker v SCOPE Clinic** – Counsel to a physician and clinic against an allegation of discrimination with respect to services because of disability.
- **Molnar v Antoniuk** – Counsel to defendant physicians in a jury trial involving allegations of negligence in relation the treatment of the plaintiff's depression and risk...
- **Barrett v Saunders** – Counsel for beneficiary in a will challenge alleging negligent payment of a life interest under the Beck estate.
- **Pestotnik v Opara** – Counsel to successful beneficiary in administration of Estate, including stay application and appeal proceedings.
- **AbbVie Corporation v Janssen Inc** – Counsel for Janssen in a patent infringement action relating to Stelara (ustikinumab), a monoclonal antibody product for use in the treatment of psoriasis...
- **Jacot v Baxter** – Counsel for estate trustee and former family physician in a will challenge primarily based on alleged incapacity proceedings.
- **Marshall v Lakeridge Health Corporation** – Counsel to a physician in proceedings before the Human Rights tribunal relating to allegations of discrimination made against a physician, a hospital and...
- **EJ v Canada (Minister of Public Safety and Emergency Preparedness)** – Counsel on a successful motion to stay a removal order of applicant refugees to St. Lucia.
- **Goodman v Viljoen** – Counsel to the defendant physician in a compromised infant medical negligence action at trial and on appeal.
- **MJ and EJK v Canada (Minister of Public Safety and Emergency Preparedness)** – Counsel on a successful motion to stay a removal order of applicant refugees to South Korea.
- **Mendlowitz v Chiang** – Counsel to an individual in a series of complex

proceedings relating to the enforcement of a foreign judgment, bankruptcy, and contempt of court. In the...

- **Gentra Canada Investments Inc v Lipson** – Counsel to successful plaintiff/respondent on an appeal from complex motion for summary judgment. Appeal raised issues of law involving the assi...
- **Timpano v Hurst** – Counsel to successful defendant general surgeon on a dismissal of an appeal and at the trial of a medical negligence action involving a patient who...
- **Tobin v Garside** – Counsel to successful defendant psychiatrist at trial in a medical negligence action involving an alleged improper discharge from hospital of a patient...
- **UBS Securities Canada, Inc v Sands Brothers Canada, Ltd** – Counsel on an appeal from a trial of an application to enforce an agreement to sell securities which were subsequently converted to shares of the TSX.
- **Workentin v Hospital for Sick Children** – Counsel to successful defendant pediatric surgeon at trial in a medical negligence action involving an alleged misdiagnosis of a bowel disease.
- **Senger v Lachman** – Counsel on successful appeal of the dismissal of an action based on a faulty jury charge. A new trial was ordered.
- **Vescio v Garfield** – Counsel to successful defendant pediatrician at trial in a medical negligence action involving an alleged missed diagnosis of hyperbilirubinemia.
- **Gentra Canada Investments Inc v 724270 Ontario Ltd** – Counsel on the enforcement and receivership of leasehold mortgages registered against luxury residential apartments complicated by extensive tenant...
- **Erinwood Ford Sales Ltd v Ford Motor Co of Canada** – Counsel on a successful injunction by local car dealership to preclude the termination of a Dealer Service Sales Agreement by the franchisee Ford.
- **Millgate Financial Corp v BF Realty Holdings Ltd; Canadian Broadcasting Corp. Pension Plan (Trustee of) v BF Realty Holdings Ltd** – Counsel to successful defendant on a trial of an issue involving a corporate restructuring of all or substantially all of a subsidiary's assets to...
- **Inquest into the Death of Lisa Shore** – Counsel to a physician at a Coroner's Inquest into the death of Lisa Shore caused by probable complex drug interaction leading to cardiac and respiratory...

SELECT PUBLICATIONS AND PRESENTATIONS

- **Litigation Skills Part 2: Appellate Advocacy for Estate Litigators** – Anne E. Posno co-chaired the Ontario Bar Association's program for estates litigators on how to excel at appellate advocacy, including preparing for the appeal, drafting effective documents, and presenting a case persuasively.
- **Litigation Skills Part 1: Advocacy for Estate Litigators** – Anne E. Posno was invited to present at the Ontario Bar Association's estates program on how to navigate complex estate litigation files with confidence, including techniques for effectively managing applications for directions, guardianship applications, and will challenges.
- **Top Cases in Estates Litigation 2024** – Anne E. Posno co-chaired The Advocates' Society's annual program on 'Top Cases in Estates Litigation'. Anne shared her expert insights on trends and landmark cases from across Canada in 2023.
- **Top Cases in Estates Litigation** – Anne E. Posno shared her expertise

at The Advocates' Society's annual Top Cases in Estates Litigation program on the top trends and cases from across Canada in 2022.

- **Estates Litigation Bench & Bar Reception** – As Vice-Chair of The Advocates' Society's Estates Litigation Practice Group, Anne E. Posno hosted its Estates Litigation Bench & Bar Reception. The event provided an opportunity for members of the estates litigation bench and bar to connect in an informal setting.
- **Thursday Tips with LAWPRO and TLA: Tips for Corporate Commercial Lawyers** – In a joint program by LawPRO and the Toronto Lawyers Association, Anne E. Posno discussed key risk areas and emerging risks faced by corporate commercial lawyers and how to manage them effectively.
- **24th Estates and Trusts Summit** – Anne E. Posno shared her expertise at the LSO's 24th Estates and Trusts Summit. Anne spoke on the panel "Changes to the *Succession Law Reform Act*: Focus on Substantial Compliance."
- **New Court-Ordered Validity of Will Under SLRA** – Anne E. Posno and Mari Galloway co-authored the article *New Court-Ordered Validity of Will Under SLRA* published by the Law Society of Ontario.
- **Your Comprehensive Guide to Will Challenges: A Series** – Anne E. Posno co-chaired the Ontario Bar Association's program "Your Comprehensive Guide to Will Challenges: A Series". Anne shared invaluable advice and critical insights on key substantive, procedural, and practice issues related to will challenges.
- **Conduct of the Estates Motion** – Anne E. Posno presented at The Advocates' Society's program *Conduct of the Estates Motion*. Anne shared her expertise on the panel "Demonstration and Commentary: What to do on the Day of the Motion".
- **Top Cases in Estates Law** – Anne E. Posno spoke at The Advocates' Society's annual program on top cases and trends in estates litigation from across Canada in 2020.
- **The Great Debate: Tackling Unsettled Issues in Trusts and Estates Law** – Anne E. Posno presented at the Ontario Bar Association's Institute on the program *The Great Debate: Tackling Unsettled Issues in Trusts and Estates Law*. Anne shared her expertise on the current most pressing and unsettled issues in trusts and estates law.
- **Leaders and Changemakers Breakfast** – Anne E. Posno spoke at the Ontario Bar Association's Institute on the program *Leaders and Changemakers Breakfast*. As part of the Women Lawyers Forum, she shared tips on achieving and leading change.
- **Top Cases in Estates Litigation 2020** – Anne E. Posno spoke on The Advocates' Society's program *Top Cases in Estates Litigation 2020*. Anne shared her expert insights on top cases and trends from 2019 as well as recent developments in estates litigation.
- **22nd Estates and Trusts Summit (Day One)** – Anne E. Posno presented at the Law Society of Ontario's 22nd Estates and Trusts Summit. She discussed the latest developments on estate, trust, and capacity/elder law litigation.
- **The Conduct of Examinations for Discovery** – Anne Posno shared her expertise on Victory Verbatim's panel discussion regarding the conduct of examinations for discovery.
- **Oppression Remedy and Family-Held Corporation** – Anne E. Posno authored a chapter that appeared in *Key Developments in Estates and Trusts Law in Ontario, 2017-2018 Edition*

, edited by Melanie A. Yach. The chapter discusses significant oppression cases involving family-held corporations.

- **Outcry may curtail police social media surveillance** – Anne Posno co-authored the article Outcry may curtail police social media surveillance which appeared in the November 18, 2016 issue of The Lawyers Weekly...
- **Recent Court of Appeal Decisions with Application to Estates & Trusts Law** – Anne Posno authored a chapter that appeared in *Key Developments in Estates and Trusts Law in Ontario, 2015-2016 Edition*, edited by Melanie A. Yach. The chapter discussed recent court of appeal decisions that had applications to Estates & Trusts Law.
- **The Time is Right to Start Planning Your Estate** – Anne E. Posno co-authored the article The Right Time to Start Planning Your Estate appeared on TheGlobeandMail.com on March 1, 2016. The article provides...
- **Safeguarding Real Estate Transactions 2015** – Anne Posno led a session regarding fraud at the Transactions 2015 Conference held November 24th for the Law Society of Upper Canada. Additionally...
- **Critical Issues in Health Law: Case Law and Legislation Updates** – Nina Bombier and Anne E. Posno presented at the OBA PD Program.
- **The Problems with Wrongful Life, and various damages implications: There should be no cause of action owed to a future fetus by a physician providing medical treatment to a mother** – Anne Posno presented her paper at the 4th Annual Update on Personal Injury Law and Practice for Osgoode Professional Development.

BLOG POSTS

- **Privacy includes freedom from unwanted scrutiny – even in a public place** – In *R v Jarvis*, the Supreme Court of Canada (“Court”) convicted a high school teacher of voyeurism under section 162(1)(c) of the *Criminal Code*. Mr. Jarvis used a concealed camera, inside a pen, to secretly video record female teenage students in common areas of a school. The video focused on their faces, upper bodies and breasts.
- **Cowper-Smith v Morgan: The Supreme Court Renovates Proprietary Estoppel** – Lord Denning once said that estoppel is a house with many rooms. In December 2017, in *Cowper-Smith v Morgan*, 2017 SCC 61, the Supreme Court of Canada undertook some significant renovations to an important, but little used, room in that house: proprietary estoppel. And just like your neighbour’s renovations to build their monster home can have a real impact on your property, this is a decision that has impacts well beyond the particular facts of that case.
- **Breach of Privacy: "Psychological Battery"** – Following years of debate in Ontario, in 2012, our Court of Appeal officially recognized breach of privacy as an independent common law tort, but subject to modest damages. Two recent breach of privacy cases significantly departed from the recommended range of damages, and awarded amounts that materially exceed the top award proposed by the Court of Appeal.
- **Interest Act Protection Applied to Promissory Note** – The Ontario Court of Appeal ruled in *P.A.R.C.E.L. Inc. v. Acquaviva*, 2015 ONCA 331 that section 8 of the Interest Act may apply to a promissory note even where it is not directly secured by a mortgage.
- **Reprisal Triggers 60-day Time Limit to Seek Protection under Whistle Blower Legislation** – In a judicial review, the Federal Court

upheld the decision of the Public Sector Integrity Commissioner (Commissioner) not to investigate a complaint under whistle blower legislation – the Public Servants Disclosure Protection Act, S.C. 2005 c. 46 (Act) -- on the grounds of a 6-year delay.

- **Investigation into Bell's Targeted Ad Program Identifies Surprising Findings** – In summer 2013, Bell announced the November launch of its Relevant Ads Program (RAP). RAP involved the use of Bell customer personal information for the purpose of delivering targeted ads to Bell customers. Bell would charge a fee to advertisers engaged in the program.
- **Unjust Enrichment Reversed On Appeal – Deprivation Not Sufficient** – At trial, the Judge held that the plaintiff and the defendant real estate agents should share the 10% commission on the sale of a plaza and gas station.
- **Court of Appeal Rules PHIPA Does Not Oust Common Law Tort of Breach of Privacy** – On an appeal from a Rule 21 motion, the Court of Appeal ruled that the *Personal Health Information Protection Act*, S.O. 2004, c. 3, Sch. A (*PHIPA*) does not create an exhaustive code precluding a civil action for intrusion upon seclusion.
- **Ontario Judge Applies Correctness Standard to Condominium Act Arbitrations** – On an appeal from an arbitration under the Condominium Act, in *90 George Street Ltd. v. Ottawa Carleton Standard Condominium Corporation No. 815*, 2015 ONSC 336, Justice Patrick Smith applied a correctness standard of review.
- **Racist Will Thrown Out for Being Contrary to Public Policy** – An Ontario decision has expanded the application of public policy to void a will, and in so doing has raised concerns of floodgates and abuse. In *Spence v. BMO Trust Company*, 2015 ONSC 615, Justice Gilmore determined that the deceased, who was black, disinherited his adult daughter because she had a child with a Caucasian man – "a clearly stated racist principle".

SELECT NEWS ARTICLES

- **The 2024 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Lexpert Recognizes Lenczner Slaght's Litigation Strength** – An increasing number of our expert litigators continue to be recognized as the foremost lawyers in their fields by peers and senior members of the legal profession.
- **Lenczner Slaght Litigators Recognized as Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 41 of our expert litigators are recognized for their expertise across 24 practice areas. The following lawyers have also been recognized as "Lawyer of the Year" for receiving the highest overall peer-feedback in their practice areas in Toronto.
- **Lenczner Slaght Litigators to Serve on The Advocates' Society's Leadership** – We are pleased to announce that Christopher Yung, Paul-Erik Veel, Andrew Parley, Anne Posno, Lidiya Yermakova, and Brendan Morrison will be serving prominent executive and committee positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **Lenczner Slaght's Litigation Excellence Recognized in 2023 Lexpert Directory** – Following comprehensive peer review surveys and interviews with senior members in the legal profession, the 2023 *Canadian Legal Lexpert Directory*

has recognized 31 of the firm's expert litigators for their experience, knowledge, and precision, with 108 rankings spanning 17 practice areas.

- **Lenczner Slaght Litigators Recognized Among the Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 39 of our expert litigators are recognized by their peers for their expertise across 24 practice areas.
- **Lenczner Slaght Litigators Elected to The Advocates' Society's Leadership** – We are pleased to announce that Brendan Morrison, Christopher Yung, Paul-Erik Veel, Andrew Parley, Nina Bombier, and Anne Posno will be serving prominent executive positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **The 2022 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – 31 of our expert litigators are recognized by their peers as the foremost practitioners across 18 fields.
- **Lexpert Recognizes Lenczner Slaght's Litigation Expertise** – Following an in-depth peer review process, the 2021 Lexpert Special Edition: Canada's Leading Litigation Lawyers guide recognizes 19 Lenczner Slaght lawyers for their extensive courtroom experience and subject-matter expertise.
- **Lenczner Slaght Litigators Appointed to The Advocates' Society's Leadership** – We are pleased to announce that Brian Kolenda, Andrew Parley, Shara Roy, Nina Bombier, Larry Thacker and Anne Posno have been elected to prominent leadership positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **Lenczner Slaght Litigators Ranked Among Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 37 of our expert litigators are recognized for their expertise across 25 practice areas.
- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **Lenczner Slaght Litigators Elected to The Advocates' Society's Leadership** – We are pleased to announce that Anne Posno, Nina Bombier and Shara Roy have been elected to prominent executive positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice. Peter J. Osborne, Brian Kolenda, and Chris Kinnear Hunter will also be continuing their terms in their leadership positions.
- **Lexpert Highlights Lenczner Slaght's Professional Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **The 2019 Lexpert Directory Recognizes Lenczner Slaght with 89 Rankings** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** –

Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.

- **Lexpert Recognizes Lenczner Slaght's Professional Excellence** – An increasing number of the firm's lawyers have been ranked by their peers as leading practitioners in their field.
- **Lenczner Slaght Ranked Among the Best** – Almost half of the leading litigation firm's lawyers are recognized in the *Best Lawyers in Canada*.
- **Lenczner Slaght Shines in 2017 Lexpert Rankings** – Lenczner Slaght's litigators continue to be recognized by their peers as leading practitioners in their fields according to the 2017 Canadian Legal Lexpert Directory.
- **Lenczner Slaght Lawyers Ranked Best** – Nearly half of the firm's lawyers recognized among Canada's foremost practitioners
- **23 Lenczner Slaght Lawyers Ranked in 2016 Lexpert Directory** – This year, the Canadian Legal Lexpert® Directory increased the number of Lenczner Slaght lawyers ranked among the best in Canada to 23, up from 20 in 2015.
- **Lenczner Slaght Lawyers Repeatedly Ranked Among the Best** – Half of the firm's lawyers are ranked as leading practitioners and three named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **20 Lenczner Slaght Lawyers Recognized in 2015 Lexpert Directory** – Recognized by Canadian Legal Lexpert® Directory as leading practitioners.
- **Privacy class actions taking off - Volume of information collected, breaches cited as key factors** – Anne Posno was quoted in the April 20, 2015 issue of Law Times on privacy class actions.
- **Ontario court nullifies minister's will for racism after he cuts out daughter** – Anne Posno was quoted in the Lawyers Weekly on February 27, 2015 in relation to a recent Ontario Superior Court decision in *Spence v. BMO Trust Company*, 2015 ONSC which deals with expanding application of public policy to void a will, and in so doing has raised concerns of floodgates and abuse.
- **23 Lenczner Slaght Lawyers Ranked Among the Best** – Nearly half of the firm's 49 lawyers are ranked as leading practitioners and two named "Lawyer of the Year" in the latest Best Lawyers in Canada Directory.
- **Lenczner Slaght Increases Rankings in 2014 Lexpert Directory** – Canada's leading litigation practice continues to add new names to the list.
- **Lenczner Slaght Lawyers Ranked Among the Best** – Canada's leading litigation practice has 22 professionals in the 2014 Best Lawyers in Canada list.

PROFESSIONAL ACTIVITIES

- TEP (Trusts Estates Professional) Designation
STEP Canada
- The Advocates' Society
Chair of the Estates Litigation Practice Group
- Canadian Bar Association
- Ontario Bar Association