



Education

Osgoode Hall Law School (1996) LLB

Bar Admissions

Ontario (1998)

Practice Areas

Class Actions
Commercial Litigation
Construction and Infrastructure
Employment
Insurance
Professional Liability and Regulation
Securities Litigation

Contact

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Mark Veneziano

MARK VENEZIANO is a partner at Lenczner Slaght.

"Mark is very strategic, practical and technically sound. He is a true partner and understands his clients' business." —
Chambers Canada

Mark has a broad-based litigation practice, encompassing commercial litigation, professional liability, shareholder disputes, insurance coverage, securities, construction and real estate law. His clients range from corporations and physicians to stockbrokers and banks.

Mark provides his clients with practical advice aimed at efficiently resolving disputes. However, when the case demands, he is willing and prepared to go to trial. Mark is an experienced trial lawyer. He has conducted dozens of trials as lead counsel in commercial, securities and medical negligence matters. He regularly acts as lead counsel in commercial arbitrations. Mark has significant experience in the area of professional regulation, and appears frequently before the College of Physicians and Surgeons of Ontario and other administrative and regulatory tribunals.

RECOGNITION

- Benchmark Canada (2014-2024)
Litigation Star – Commercial
- Best Lawyers in Canada (2013-2024)
Construction Law, Corporate & Commercial Litigation, Health Care Law, Insurance, Medical Negligence, Real Estate Law
- Best Lawyers in Canada (2018)
Toronto "Lawyer of the Year" in Health Care Law
- Canadian Legal Lexpert® Directory (2012-2024)
Litigation - Commercial Insurance, Litigation - Corporate Commercial, Medical Negligence, Professional Liability
- Chambers Canada (2024)
Healthcare: Contentious (Nationwide – Canada)
- Lexpert Rising Stars (2009)
Leading Lawyers Under 40
- Lexpert Special Edition: Canada's Leading Health Sciences Lawyers (2021)
- Lexpert Special Edition: Canada's Leading Infrastructure Lawyers (2020-2021)
- Lexpert Special Edition: Canada's Leading Litigation Lawyers (2016-2018, 2020-2021, 2023)

- **Lexpert® Guide to the Leading US/Canada Cross-border Litigation Lawyers in Canada (2014)**
Corporate Commercial
- **The Legal 500 Canada (2023-2024)**
Insurance (Recommended Lawyer)

SELECT CASES

- **Blevins Developments Inc** – Counsel to a defendant developer in an alleged oppression matter.
- **Armstrong v Ward** – Counsel to a physician in rare medical malpractice case before the Supreme Court of Canada, which discussed interesting issues relating to the standard of care.
- **Fraudulent and Deceptive Web Domains Dispute** – Counsel to an infrastructure company related to the takedown and transfer of a fraudulent web domains. Provided strategic advice on intellectual property portfolio and assertion of the same.
- **Jardine Lloyd Thompson Canada Inc v Aon Reed Stenhouse Inc** – Counsel to Jardine Lloyd Thompson in an action alleging breach of fiduciary duties, breach of contract and misappropriation of confidential information.
- **Del Ridge Homes Inc v Ledgemark Homes Inc** – Counsel to a sustainable real estate developer, Del Ridge Homes Inc, in a trademark infringement, false advertising, and unfair competition action in the Federal Court of Canada.
- **Tri-South Developments Inc v 583167 Ontario Inc** – Counsel to the Plaintiff developer in a breach of contract case concerning a real estate development.
- **New York Brand Studio Inc ats 110 Spadina Avenue Inc** – Counsel to the Respondent tenant in a breach of contract dispute with a landlord. The proceedings were resolved by way of settlement.
- **2730453 Ontario Inc v 2380673 Ontario Inc** – Counsel to the successful land developer at trial seeking specific performance of an agreement for the purchase of land for commercial development. Successfully obtained a Certificate of Pending Litigation pending the trial of the action.
- **Armstrong v Royal Victoria Hospital** – Appealed successfully on behalf of the defendant physician in a case of alleged negligence relating to a ureteric injury during a colectomy.
- **Warwaruk v Jones-Carter** – Counsel to the successful defendant physician in a medical malpractice trial involving allegations that the physician was negligent in his management of shoulder dystocia during delivery. Decision includes important consideration of the causation principles applicable to medical malpractice actions generally.
- **Schives v Stewart Title Guaranty Company** – Counsel to the defendant title insurer in a successful summary judgment motion arising from the applicability of the exclusion provisions of the insurance policy.
- **Zucchet v Giffin et al** – Successfully enforced an agreement to dismiss the matter on behalf of the defendant physicians.
- **Warkentin v BMO Nesbitt Burns Inc** – Counsel to BMO Nesbitt Burns in the successful defence at trial of an action by a former investment advisor involving allegations of deceit and breach of...
- **Thyssenkrupp Industrial Services Canada Inc v DBS Hearn Inc** – Counsel to employee defendants in an action alleging conspiracy and

theft of confidential information.

- **Summersgill v O'Mahony** – Counsel to the defendant physician in an action for damages arising from the plaintiff's perforated ulcer.
- **Stanbarr Services Limited v Metropolis Properties Inc** – Counsel to the defendant at a trial relating to allegations of mortgage fraud.
- **Nodel v Stewart Title Guaranty Company** – Counsel to the respondent insurer in an application regarding coverage under a title insurance policy.
- **Paletta International Corporation v McDonald's Restaurants of Canada Limited** – Counsel to McDonald's Restaurants in connection with a dispute relating to a lease for a restaurant.
- **Iskander v BMO Nesbitt Burns Inc** – Counsel to the successful appellants, BMO Nesbitt Burns Inc. and BMO Trust Company, on an appeal related to withholding tax payable upon transfer of...
- **Boudreau v Farjalla** – Counsel to defendant physician in a successful defence in a jury trial involving a medical procedure.
- **Sobeys Capital Incorporated v Sentinel (Sherbourne) Land Corporation** – Counsel to a developer in connection with dispute relating to a large mixed residential commercial project.
- **Bollman v Soenen** – Counsel to the defendant physician in a medical negligence action at trial and on appeal in a matter relating to the treatment of menorrhagia.
- **McKenna v Gammon Gold Inc** – Counsel to the underwriters in a shareholder class action alleging prospectus misrepresentation and stock option manipulation. Successful dismissal of a...
- **Czamanske v Canadian Royalties Inc** – Counsel to underwriters in a class proceeding alleging prospectus misrepresentations.
- **Benard v Mundle** – Counsel to the successful defendant obstetrician in the trial of an action involving a post partum hemorrhage.
- **Marchand v Jackiewicz** – Counsel to three defendant physicians who allegedly failed to postpone the plaintiff's elective surgery that resulted in the plaintiff developing an...
- **Airport Taxicab (Pearson Airport) Association v Toronto (City)** – Counsel in a proceeding relating to the validity of a new by-law regulating the licensing of taxis and limousines. Successfully obtained interlo...
- **McDonald's Restaurants of Canada Ltd v The Corporation of the City of Toronto** – Counsel to the McDonald's in a successful appeal before the Ontario Municipal Board from the decision of Council for the City of Toronto to enact an...
- **McDonald's Restaurants of Canada Ltd v Grall Corp** – Counsel to McDonald's in the successful trial of an action involving a claim of a breach of a lease.
- **Parsons v McDonald's Restaurants of Canada Ltd** – Counsel to McDonald's Restaurants of Canada Ltd. in a class proceeding alleging misrepresentation arising out of a marketing and promotion campaign.
- **Allen v Bosley Real Estate** – Counsel to the defendant in the trial of a wrongful dismissal action.
- **Gould v FMF** – Counsel to underwriters in class proceeding alleging misrepresentations in a prospectus issued by a subprime lending broker, and related Ontario Secur...

- **Pagliarioli v BMO Investorline Inc** – Counsel to BMO Investorline, successfully defending at trial a claim involving allegations of negligence in connection with a stock trade.
- **Aviva Insurance Company v Lombard General Insurance** – Counsel at trial and appeal for Lombard General Insurance Company of Canada regarding the claims of equitable restitution and contribution for losses...
- **Sentinel (Church) Holdings Inc v Enat** – Trial counsel to the plaintiff landlord in a rent dispute with the defendant tenant. Successful at trial.
- **Novis v Werneck** – Counsel to the defendant physician. Resolved in favour of the defendant physician by way of summary judgment.

SELECT PUBLICATIONS AND PRESENTATIONS

- **Do a Trial!** – Mark Veneziano was invited to share his expertise at The Advocates' Society's acclaimed annual workshop "Do a Trial!". The program offered a unique opportunity for lawyers to test their trial skills in a real courtroom before a judge.
- **Do a Trial!** – Mark Veneziano shared his expertise at The Advocates' Society's acclaimed annual workshop "Do a Trial!".
- **Continuing Medical Education Seminar: Obstetrical Malpractice** – Tom Curry and Mark Veneziano shared their expertise at Mount Sinai Hospital's Continuing Medical Education Seminar. Tom discussed "Accountability for Expert Witnesses," while Mark presented on the topic of "Partogram: What is the Dilemma?".
- **MLST's 8th Annual Pot-Pourri of Medico-Legal Cases** – Mark Veneziano spoke at the Medico-Legal Society of Toronto's 8th Annual Pot-Pourri program. He shared his expert insight on recent cases and trending topics in health law.
- **Do a Trial!** – Mark Veneziano presented at The Advocates' Society's annual workshop "Do a Trial!" As an experienced trial lawyer, he provided expert advice on how to develop a team trial strategy and how to prepare witnesses.
- **Obstetrical Malpractice: A Survival Guide for 2018** – Mark Veneziano presented at Mount Sinai Hospital's Continuing Medical Education Seminar on the topic of "How Are Assisted Conception Babies Different than Spontaneous Ones?"
- **Expert Strategies for Trial Preparation** – Mark Veneziano presented at the Ontario Bar Association's professional development program *Averting Catastrophe: How to Deal with Everything that Goes Wrong at a Trial* on November 24, 2017.
- **A Litigator's Guide to the Challenging Lawyer-Client Relationship** – Mark Veneziano presented Effective Strategies with Challenging Client Relationships at the Law Society of Upper Canada Event "A Litigator's Guide..."
- **The Advocates' Society: Do a Trial!** – Mark Veneziano presented at The Advocates' Society event *Do a Trial!* on April 1, 2017.
- **The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care** – Mark Veneziano was an instructor for the Osgoode Professional Development Program The Osgoode Certificate in Clinical Risk, Negligence and Claims Mana...
- **OB Malpractice: A Survival Guide for 2017** – Mark Veneziano presented at OB Malpractice: A Survival Guide for 2017 at Mount Sanai Hospital on January 21, 2017.
- **Arbitration appeals becoming more of a gamble** – Mark Venezianos

article appeared in the June 19, 2015 issue of the Lawyers Weekly published by Lexis Nexis Canada Inc. The article discussed a recent British Columbia Court of Appeal decision *Boxer Capital Corporation v. JEL Investments Ltd.*, which deals with grounds for reviewing arbitral awards.

- **The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care** – Mark Veneziano spoke on Understanding and Dealing with the Litigation Process on February 13, 2015.
- **11th Annual Obstetrical Malpractice: A Survival Guide for 2015** – Mark Veneziano spoke at the Mount Sinai program 11th Annual Obstetrical Malpractice: A Survival Guide for 2015 held on January 17, 2015.
- **Mitigating Class Action Risks with Effective Arbitration Clauses and Class Action Waivers: A Guide for Canadian Corporations** – Lawrence Thacker and Mark Veneziano co-authored an article in the September, 2014 issue of the Class Actions Defence Quarterly.

BLOG POSTS

- **When Does the Clock Start: Limitation Periods in Contractual Claims for Indemnification** – The hardest mistake to fix in litigation may be missing the limitation period. Almost every other mistake can be fixed, but missing that critical window for bringing a claim can be catastrophic.
- **Getting the Full Story** – Lo Faso brings up the tension between fair and just court process and ensuring that all facts are available to adjudicate a dispute.
- **Is an expansion of banks' duties to non-customers on the horizon?** – Following the Ontario Court of Appeal's 2010 decision in *Dynasty Furniture Manufacturing Ltd. v. Toronto Dominion Bank* (2010 ONCA 514), many legal observers believed that the court had closed the door on a bank's liability for negligence in the absence of actual knowledge of fraudulent activities conducted through an account of its customer.

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 Stands Out as a Top-Tier Litigation Firm in Legal 500 Canada** – Canada's leading litigation firm is once again recognized as a "litigation powerhouse" according to *Legal 500 Canada*.
- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada's leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **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'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 Stands Out as a "Litigation Powerhouse" in Legal 500 Canada** – Canada's leading litigation firm is once again ranked in Tier 1 for Dispute Resolution by *Legal 500 Canada*.
- **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.
- **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 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.
- **Lexpert Recognizes Lenczner Slaght's Leading Health Sciences Expertise** – The inaugural issue of Lexpert's Special Edition on Canada's Leading Health Sciences Lawyers recognizes 11 Lenczner Slaght lawyers for their extensive industry experience. The rankings are also published in the June issue of the *Globe & Mail's* Report on Business.
- **Benchmark Canada Recognizes Lenczner Slaght as a "Powerhouse"** – Canada's leading litigation firm continues to be recognized with the top tier ranking of "Highly Recommended in Ontario" for its Dispute Resolution practice.
- **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.
- **Lexpert Recognizes Lenczner Slaght Lawyers for Litigation Excellence** – An increasing number of our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **Lexpert Recognizes Lenczner Slaght's Leading Infrastructure Lawyers** – Our expert litigators continue to be recognized as foremost litigators in their fields by peers and senior members of the legal profession.
- **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.

- **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.
- **Benchmark Canada Highlights Lenczner Slaght's Litigation Excellence** – Benchmark Canada 2019 not only recognizes Canada's leading litigation firm with the top tier ranking of "Highly Recommended in Ontario", 17 Lenczner Slaght litigators are also ranked for their expertise.
- **Lexpert Recognizes Lenczner Slaght's Excellence in Litigation** – Our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **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 Receives Top Tier Ranking in Benchmark Litigation** – 19 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2018 directory, including 7 new additions since last year. Three of the firm's litigation stars are also recognized as a Top 50 Trial Lawyer in Canada.
- **Lexpert Highlights Lenczner Slaght's Litigation Strength** – A total of 13 Lenczner Slaght litigators have once again been ranked among the foremost litigators in their field in the 2017 Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers.
- **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.
- **23 Percent of Lenczner Slaght Lawyers ranked in Benchmark Litigation 2017** – 12 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2017 directory.
- **16 Lenczner Slaght Lawyers Ranked as Canada's Leading Litigators** – Number of Lenczner Slaght lawyers ranked in the year-end Lexpert Special Edition published in conjunction with *Report on Business* magazine jumps to 16.
- **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.
- **Lenczner Slaght - "a fortress inhabited by litigation royalty"** – 13 Lenczner Slaght lawyers recognized in the 2015 Benchmark Litigation Directory.
- **A Leader in Cross-Border Litigation** – 14 Lenczner Slaght litigators ranked in Lexpert 2014 Guide to the Leading U.S./Canada Cross-Border Litigation Lawyers in Canada.
- **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.
- **The Class Action Storm** – Mark Veneziano was quoted in the July, 2014 issue of Lexpert - the Business Magazine for Lawyers.
- **Lenczner Slaght Increases Rankings in 2014 Lexpert Directory** – Canada's leading litigation practice continues to add new names to the list.
- **If U.S. retreats on securities class actions, Canada stands ready to fill in the gaps** – Mark Veneziano was quoted in the Financial Post on May 28, 2014 following his interview with Drew Hasselback.
- **Lenczner Slaght Lawyers Ranked Among the Best** – Canada's leading litigation practice has 22 professionals in the 2014 Best Lawyers in Canada list.
- **Lenczner Slaght in Top Tier and 11 Lawyers Ranked as Stars** – Canada's leading litigation practice also wins two national impact cases.
- **Lenczner Slaght Lawyers Win Top Peer Ratings** – Recognized by Canadian Legal Lexpert Directory as leading practitioners.
- **Mark Veneziano, a Lexpert Rising Star** – Mark Veneziano honoured with the Lexpert Rising Star Award.

PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Canadian Bar Association
- Ontario Bar Association