

Derek A. Brindle Q.C.

Retired Counsel

PROFESSIONAL BACKGROUND

Derek Brindle, Q.C. is experienced Counsel (retired) in complex Litigation, Arbitration and in Alternate Dispute Resolution involving commercial claims, insurance, and construction and engineering disputes. He regularly represents owners, construction participants, design professionals and insurers in construction law matters, and has appeared at all levels of the Courts in British Columbia and in the Supreme Court of Canada. He acts as an Arbitrator and in mediations involving construction and insurance disputes. Derek advises government institutions, Crown corporations and industry on risk mitigation strategies in major procurement, procurement and construction documentation, and claims.

He has a diversified commercial and insurance law practice and has acted as counsel in a wide range of disputes involving class proceedings, claims for defective design and construction, building envelope failures, tender claims, delay/impact claims, errors and omissions and liability insurance claims, insurance coverage "bad faith" claims and in administrative disciplinary proceedings. Derek is listed in the *Best Lawyers in Canada*, *Best Attorneys in British Columbia*, and in the *International Who's Who Legal – Canada*. He is ranked preeminent (AV) by *Martindale Hubbell* based on peer reviews.

In addition to counsel work, Derek writes and lectures on procurement legal issues of interest to the construction industry, architects, engineers, the legal profession and the insurance industry.

RANKINGS + RECOGNITION

- Ranked in the area of Construction Law by *Best Lawyers Canada*®
 - Recognized in *Who's Who Legal* as a Leading Lawyer in the area of Construction Law
 - Recognized as a Leading Practitioner in the 2020 Canadian Legal Lexpert® Directory
 - Recognized in the *Lexpert/ROB Infrastructure* Special Edition
 - Recognized as a Leading Construction Lawyer in the 2019 Canadian Legal Lexpert® Directory
 - Recognized as a Leading infrastructure Lawyer in the 2018 issue of the *Lexpert® Special Edition on Infrastructure*
 - Recognized as a Leading Lawyer in Construction in the 2018 Canadian Legal Lexpert® Directory
 - Ranked in the area of Construction Law by *Best Lawyers*® in Canada from 2006 – 2019
 - Best Attorneys in British Columbia
 - Derek Brindle, QC is "revered as an experienced counsel in complex construction and engineering disputes."
 - *International Who's Who Legal – Canada*
 - Ranked Preeminent(AV)in *Martindale Hubbell*
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MEMBERSHIPS

- Governor and Past President, Canadian College of Construction Lawyers, (2010 –)
- Vice Chair of International Construction Law and Litigation International Association of Defence Counsel, 2012
- Chair, British Columbia Hospital Appeal Board, 2005 – 2013
- Member, Canadian Bar Association, Construction Law Section. 1988 –



Alternative Dispute Resolution
Construction and Infrastructure
Law
Insurance
Professional Liability
Commercial and Business Litigation

(604) 488-4730

Assistant:

N/A

EDUCATION

- Appointed Queens Counsel, 2001
- Called to the British Columbia Bar, 1975
- Bachelor of Laws, University of British Columbia, 1974
- Bachelor of Arts (Cum Distinctione), University of Alberta, 1971

- Chair, Law Society of BC – Proceeds of Crime Committee, 1994 – 96
 - Director, CBA (BC) Benevolent Society, 2000 –
 - Member, BC Trial Lawyers Association
 - Past member, American Trial Lawyers Association
 - Member, Defence Research Institute
 - Member, Society for the Reform of Criminal Law, 1994 – 2003
 - Member, International Centre for Criminal Law Reform and Criminal Justice Policy (Beijing- Planning Committee, 1998)
 - Director, Society for the Study of Enterprise Crime in the Pacific Rim, 1999 – 2001
 - Member, Law Society of British Columbia
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EXPERIENCE

- UBC Law School Adjunct Professor and Lecturer – Construction Law
 - Co-Editor, British Columbia Builders Lien Practical Manual, C.L.E.
 - Co-author, Land Use Disputes, Chapter, Injunctions Practice Manual, C.L.E.
 - Co-Chair Continuing Legal Educational Program – Construction Law, The Canadian Institute, Pacific Business and Law Institute, Insight Programs (various)
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PUBLICATIONS

Representative External Articles and Publications

- Pure Economic Loss Revisited 50 CLR 245
- Tenders and the Owner's Liability to Subcontractors: Recent Developments 37 CLR (2d) 14
- Hybrid Procurement and the Duty of Good Faith 25 CLR (3d) 30
- Owners' Claims Against Contractors – A Primer 70 CLR (3d) 7
- The Trust, BC Builders Liens Practice Manual, Chapter 3
- Consultants and the Builders Lien Act, P.B.L.I. 2012
- Trade Tenders and the General Contractor's Duty of Good Faith, Construction Law Letter, Vol.23, No.6
- Building Envelope Failures – Litigation and Insurance Industry Responses, The Verdict, No.103
- Architects' and Engineers' Professional Liability, The Verdict, No.115
- Tendering and the Primacy of Judicial Ordering, Construction Law Letter, Vol.20, No.4
- Land Use Disputes (Co-author) C.L.E. Injunctions Practice Manual Chapter

Other Publications

- Author, "Improving Access to Justice," July, 2017
- Author, "Confidentiality in Mediation," July, 2017
- Author, "The Mediation of Construction Disputes and Win-Win Solutions," Letter of the Law, June, 2016
- Author, "Supreme Court of Canada Holds Liability Exclusion in Tender Documents Ineffective," April, 2010
- Vancouver Island Contractor Loses Appeal Of Tendering Case
- Court Enforces Architects' Contractual Protections
- Potential Conflicts of Interest Under the Mortgage Brokers Act
- A Bank, its Customer and an "Extra-Layered Fraud"
- Insurance Brokers' Liability

NEWS + INSIGHTS

- [US at SU - Spring 2012](#) - Jul 4, 2017 · Co-authored
- [Improving Access to Justice](#) - Jul 4, 2017
- [Confidentiality in Mediation](#) - Jul 4, 2017
- [Derek Brindle recognized by CLEBC for outstanding volunteer contribution](#) - Jul 25, 2016
- [The Mediation of Construction Disputes and Win-Win Solutions](#) - Jun 28, 2016

COMMUNITY + VOLUNTEERING

- Director, Gabriola Health Care Foundation
- Founder, CBA Battle of the Bar Bands