

Michael Peraya

Partner

PROFESSIONAL BACKGROUND

Michael Peraya represents clients on complex, multi-party commercial and construction matters. He has successfully appeared as trial and appellate counsel before all levels of courts in British Columbia.

Michael's extensive construction and infrastructure practice has enabled him to develop a keen understanding of negotiation, drafting and interpretation of all types of procurement processes and contracts for major construction projects, as well as related construction insurance and bonding.

Michael acts for institutional clients that include Crown Corporations and insurers in relation to debt enforcement, defence of professional liability claims against consultants, and property loss and injury claims. Michael's commercial practice includes business venture and partnership issues, breaches of agreements and property disputes.

Michael has also taken on a leading role at the firm in the areas of builders' liens and strata property law, and he acts for clients in professional regulatory matters.

Michael's practical, hands-on knowledge and experience in construction, his business acumen, and his understanding of dispute resolution, allows him to provide his clients with strategic advice, not only in early resolution of disputes, but also to assist clients prior to award of contracts to identify and mitigate risks that may occur during performance of the contracts. Michael strives to understand the current and long-term objectives of his clients in order to provide them with the highest quality of legal services in a timely, cost-effective manner.

EXPERIENCE

Litigation and Dispute Resolution

- Successfully defended a professional liability claim against a consultant in the context of a major hydro-electric project in British Columbia which involved a \$20 million claim for damages
- Defended a delay claim involving the construction of a major works bridge initiative in the Lower Mainland, which was resolved through a multi-party mediation with the Ministry of Transportation and others; issues in the litigation included calculation of 'consideration' and responsibility for investigating contaminants
- Successfully represented a trade contractor involved with the City Hall project in the City of Surrey, which involved legal claims in the millions of dollars for faulty workmanship and project delays

Mediations and Alternative Dispute Resolutions

- Aggressively defended claims brought against the directors and officers of a corporation for acquiescing in a conversion of trust funds under the *Builders Lien Act*; three actions were at play in this instance and Michael moved all cases to successful resolution such that the claims were resolved without any settlement payment by his clients
- Acted for a large commercial landlord with a number of properties in downtown Vancouver; successes included defending the landlord against allegations of conspiracy and fraud in which injunctive relief was sought; resolution involved a dismissal of the action with costs
- Achieved the registration of a client as a sub-mortgage broker where the Staff of the Registrar had previously submitted that the client was unsuitable for registration
- Successfully tried several multi-week cases and was successful as appellate counsel at the Court of Appeal of British Columbia in a conflict of laws matter that clarified the law on enforcing judgments in British



Construction and Infrastructure
Law
Insurance
Commercial and Business Litigation
Immigration

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Assistant:

Deborah Rhodes
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EDUCATION

- Bachelor of Business Administration, Simon Fraser University: 2004
- Bachelor of Laws, University of Western Ontario: 2007
- Called to the British Columbia Bar: 2008

Columbia

Procurement, Negotiation and Preparation of Contracts

- Advised contractors and subcontractors in relation to procurement and construction strategies, mitigating risks, and in the review of standard form procurement and contract templates
 - Developed risk management strategies; interpreted and finalized contracts for construction
 - Represented developers, contractors, and subcontractors in connection with contracts for residential, commercial and institutional construction, utilizing both industry standard contracts and bespoke contracts
 - Represented owners in advising on termination of contract upon contractor default and completion by replacement contractors
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PUBLICATIONS

- [New Policies Can Assist Immigrants](#)
 - [Builders' Liens: Know Your Legal Paths to Resolution](#)
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PRESENTATIONS

- Presenter, Introduction to the Builders Lien Act, Law and the Architect Series, Architectural Institute of British Columbia (AIBC), September 2017
 - Presenter, "Express Entry – Navigating the New Reality", Morris J Wosk Centre for Dialogue, February 2018
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NEWS + INSIGHTS

- [New Policies Can Assist Immigrants](#) - Oct 18, 2016 • Co-authored
- [Builders' Liens: Know Your Legal Paths to Resolution](#) - Apr 28, 2016 • Co-authored