

The 17th Annual Franchise Law Conference Franchise Law in Canada: All Grown Up?

Franchise Law



In-Person

Webcast

Date: Thursday, November 16, 2017 | 8:15 am to 5:10 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Debi M. Sutin**, Gowling WLG
David N. Kornhauser, Macdonald Sager Manis LLP



Please see accreditation chart listed [HERE](#)

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

The OBA Franchise Law Section invites you to the 17th Annual OBA Franchise Conference where the very latest developments and emerging trends in this constantly evolving area of law will be presented by a stellar faculty of speakers. This year the conference will focus on a variety of advanced topics and includes two special Workshops: an In-house Counsel Workshop and a Franchise 101 Workshop.

The Conference will also host a series of round-tables on franchise-related topics, the granting of the Markus Cohen Q.C. Memorial Award, and the popular Annual Legal & Legislative Update, rolling up all the developments in franchise law and jurisprudence over the past year.

Join your colleagues for a full day of learning and networking at this well attended and highly informative event.

<p>8:15am Registration and Coffee</p> <p>8:45am Welcome and Opening Remarks</p> <p>8:55am Advice on Disclosure of All Material Facts Jeffrey Hoffman, Dale & Lessmann LLP Lawrence Weinberg, Cassels Brock & Blackwell LLP Deborah Barook, Bulk Barn Foods Limited Best practices guidance on the advice franchise lawyers might provide to their franchisor clients to ensure franchise disclosure documents are continuously up to date and include all material facts.</p> <p>10:00am Presentation of the Markus Cohen, Q.C. Memorial Award</p> <p>10:15am Networking Break</p> <p>10:30am Breakout - Workshop 1 (choose one of three workshops)</p> <p>[A] Show Me the Money: Enforcement Options For Franchise Litigation Derek Ronde, Cassels Brock & Blackwell LLP Judy Rost, Alexander Holburn Beaudin & Lang LLP This workshop will provide insight on how to enforce judgments and debts against opposing franchise parties. It will address technical enforcement options including garnishment, writs of seizure and sale, guarantees, promissory notes, as well as practical options such as work-arounds outside of the franchise agreement.</p> <p>[B] Toto, I've A Feeling We're Not in Kansas Anymore: Analysis of the Evolution of Franchise Disclosure Laws Allan Dick, Sotos LLP Adam Ship, McCarthy Tetrault An overview of the evolution of the case law considering statutory disclosure requirements in Canada. Using the evolution as a backdrop, the goal of the workshop is to provide a clear statement of the governing principles on disclosure, the practical takeaways from the case law, and questions that remain unanswered.</p> <p>[C] SPECIAL WORKSHOP FOR LAWYERS PRACTICING FOR LESS THAN 5 YEARS: Franchise 101 Workshop - The Anatomy of the Franchise Agreement and other Franchise Documentation Amy Delisle, Keyser Mason Ball LLP Pam Vermeersch, Gowling WLG Geared towards those who have been practising less than five years, this workshop will focus on the essential elements</p>	<p>that you should address when drafting franchise documentation.</p> <p>11:35am Roundtable 1 (choose one of eight roundtables) Each roundtable will explore topics related to Franchising:</p> <ol style="list-style-type: none"> 1. Risks and Issues Relating to Joint Employer Erin Kuzz, Sherrard Kuzz LLP 2. Franchisee Liability to Third Parties in the Context of a Rescission Claim Jill Knudsen, Macdonald Sager Manis LLP 3. Assessing Materiality for Disclosure Purposes David Shaw, Blake, Cassels & Graydon LLP 4. Legal Considerations Relating to Transfer and Renewals Andrae Marocco, Dickinson Wright LLP 5. Alternatives to Termination/Developing Alternative Franchisee Exit Strategies/Managing Default, Termination and the Duty to Act in Good Faith Edith Dover, Cara Operations Limited 6. Franchising 101 Roundtable Todd Greenbloom, Blaney McMurtry LLP 7. Who's Covering the Franchisor? Best Practices in Drafting Insurance Provisions Lyne Erwin, Willis Towers Watson LLP 8. The Perils of Selling Products to Your Franchisees: Litigation Threats for Rebates and Charging More Than Market Price Faye Lucas, Sotos LLP <p>12:05pm Break - Box Lunch Served - Pick up and eat at Second Roundtable at 12:30pm</p> <p>12:30pm Roundtable 2 (choose one of eight roundtables listed above at 11:35am session) Each roundtable will explore topics related to Franchising.</p>
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[PROGRAM REGISTRATION IS ONLINE www.oba.org/pd](http://www.oba.org/pd)

Questions? pd@oba.org

1:05pm **Breakout - Workshop 2 (choose one of three workshops)**

[D] Rise of the Machines: Advising Franchisors on Implementing Technology
Antonio Turco, Blake, Cassels & Graydon LLP
Dominic Mochrie, Osler, Hoskin & Harcourt LLP
Explore what steps franchisors should follow prior to the adoption, modification and use of technology in its franchise system.

[E] Closing the Deal: Negotiating Dynamics for Franchise Agreements
Melissa Won, McKenzie Lake Lawyers
Michael Melvin, McInnes Cooper
Examine the key steps in concluding a franchise agreement including: how the agreement is presented to prospective franchisees; the preferred process for receiving comments on the franchise agreement from the prospect's lawyer; and the "negotiations" and explanations of the agreement.

[F] SPECIAL WORKSHOP FOR IN-HOUSE COUNSEL: Managing the Disclosure Process
Joseph Adler, Hoffer Adler LLP
Fernando Garcia, General Counsel, Government Affairs and Corporate Secretary at Nissan Canada Inc.
Joshua Brubacher, Counsel, Franchising and Real Estate, TDL Group Corp.
Review the disclosure processes that in-house counsel should institute to ensure:

- all material facts are collected
- salespeople do not make projections, representations or provide any information regarding operating costs
- awareness of potential material changes
- proper records management and document retention are in place.

2:10pm **Breakout - Workshop 3 (choose one of two workshops)**

[G] The Master Class: Master Franchise, Multi-Unit Development and Area Development Agreements
Edward (Ned) Levitt, Dickinson Wright LLP
Darrell Jarvis, Fasken Martineau DuMoulin LLP
Identify the differences between these documents as well as the types of issues faced by both the franchisor's and the franchisee's lawyer, including drafting and negotiating the agreement. Understand how to identify the more complex disclosure issues raised by these types of agreements and how to prepare appropriate disclosure.

[H] The Measure of a Franchisee's Worth
Lloyd Hoffer, Hoffer Adler LLP
Jonathan Mesiano-Crookston, Goldman Hine LLP
Delve into damage claims that are recoverable under franchise legislation, issues in proving statutory damages in Section 6 or 7 cases, and the application of general common law damages principles, rights and remedies.

3:10pm **Networking Break**

3:25pm **Roundtable Report**
Roundtable leaders will report on the top two ideas raised during the roundtable sessions. These ideas will be made available to all attendees after the program.

4:05pm **Annual Legal and Legislative Update**
Dixie Ho, Sotos LLP
Evan Thomas, Osler, Hoskin & Harcourt LLP
Join us for the Annual Legal and Legislative Update during which we explore the latest developments in franchise law cases and legislation affecting franchising.

5:00pm **Closing Remarks**

5:10pm **Reception**

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300-20 Toronto St. Toronto, ON M5C 2B8 | Toll Free: 1-800-668-8900 | Tel: 416-869-1047 | Fax: 416-642-0424