



Karen L. Weslowski

Partner | Vancouver

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Biography

Karen L. Weslowski is Leader, Insurance at Miller Thomson. She practices insurance defence litigation, construction and commercial litigation. Her clients include a wide range of professionals, insurers, insurance brokers, manufacturers, land developers, contractors and others.

She has represented clients at all levels of court, including the British Columbia Supreme Court, the British Columbia Court of Appeal, the Federal Court of Canada, and the Supreme Court of Canada.

Karen offers clients practical advice and counsel in a number of specialized areas of litigation:

Insurance defence: Karen represents a wide range of professionals, including architects, engineers, building envelope consultants, insurance brokers, and real estate appraisers in defence of claims regarding professional liability and errors and omissions. She also handles property and bodily injury claims on behalf of insurers. Karen advises on insurance policy interpretation, drafting, and coverage issues.

Insurance—international, corporate and Lloyd's of London practice: Within her insurance practice, Karen provides policy construction, coverage, and defence services involving professional indemnity, product liability, and property claims.

Commercial litigation: Karen has represented manufacturers of various goods in claims of product liability.

Construction litigation: Karen has represented owners, developers, contractors, and tradespeople in disputes ranging from breach of contract to negligence, and a large portion of her construction work in recent years has centered on large multi-party litigation.

Karen has been a speaker for the Continuing Legal Education, Federated Press and various insurers and brokers in Canada as well as Lloyd's of London in the United Kingdom.

As a former Equine Canada Level 1 coach and hunter/jumper competitor, Karen has a special interest in "equine law" and has been a contributor to

RELATED SERVICES

Commercial Litigation
Construction Litigation
Insurance Defence

RELATED INDUSTRIES

Construction and Infrastructure
Insurance & Risk Management

RELATED FOCUS AREAS

Lloyd's of London and International
Insurance

The Canadian Horse Journal since March 2005, writing legal articles of interest to members of the equestrian community. Karen has represented clients with respect to various disputes involving horses.

Professional achievements & leadership

- *The Best Lawyers in Canada* – Insurance Law, 2016-2024; Corporate and Commercial Litigation, 2022-2024
- *The Canadian Legal Lexpert Directory*, Litigation – Commercial Insurance, 2022 - 2024
- Recipient, Jacqueline Dearman Memorial Prize
- Recipient, Graduating Class of '53 Scholarship
- Recipient, Trial Lawyers Association of British Columbia Kenneth S. Fawcus Memorial Prize
- Recipient, Hon. Thomas A. Dohm, Q.C. Scholarship in Law

Notable matters

- *Association of Professional Engineers and Geoscientists of the Province of British Columbia v. Engineer X*, 2023 BCCA 211
- *Engineers and Geoscientists Act, R.S.B.C. 1996, c 116 (Re)*, 2022 BCSC 361
- *0790482 B.C. Ltd. v. KBK No. 11 Ventures Ltd.*, 2021 BCSC 1761
- *Biermann v. Great West Truck Lease Rentals Ltd.*, 2019 BCSC 519
- *Sharif v. FN Design Associates*, 2018 BCSC 303
- *Rajan v. Hudon*, 2014 BCSC 1678
- *Baldface Mountain Lodge Limited Partnership v. Swan Engineering*, 2013 BCSC 2198
- *Sutton v. Burch and Knies*, 2011 BCPC 408
- *The Owners, Strata Plan LMS 1751 v. Scott Management Ltd.*, 2010 BCCA 192
- *0763486 B.C. Ltd. v. Landmark Realty Corp.*, 2009 BCSC 810
- *Vrabec v. College of Physicians and Surgeons of British Columbia*, 2009 BCSC 675
- *WCAT – 2009 – 02562 (Re)*, 2009 CanLII 76793
- *Doucette (Litigation Guardian of) v. Wee Watch Day Care Systems Inc. et al.*, 2008 SCC 8
- *Rintoul v. Granger*, 2008 BCSC 1852
- *WCAT – 2008 – 01569 (Re)*, 2008 CanLII 33717
- *McPhee v. British Columbia*, 2008 BCCA 254
- *McPhee v. HMTQ et al.*, 2007 BCSC 568
- *McPhee v. HMTQ et al.*, 2007 BCSC 1354
- *Lin and R&J Honeyland Inc. v. Tham*, 2007 BCSC 1862
- *Daniel v. McCrea et al.*, 2005 BCSC 1480
- *College of Physicians and Surgeons of British Columbia v. Meagher*, 2005 BCSC 1844
- *Dr. Q. v. College of Physicians and Surgeons of British Columbia*, 2003 SCC 19

Thought leadership

Editorial Contributions

- Editorial Board Member, *Insurance Law Journal* (Federated Press)
- Editor, CBA National Insurance Law Section newsletter, *Underwritings*
- Co-Editor, Miller Thomson Newsletter, *Lloyd's Brief: Canadian Legal Perspectives*

Publications

- "Public engagement for infrastructure projects," *Canadian Consulting Engineer*, April 2021

- "Causation and concurrent causes of business interruption involving COVID-19," April 2020
- "All-Risks Property Insurance: Meaning of physical damage," April 2020
- "Steps Canadian regulators can (and should) take to minimize the impacts of COVID-19 on insurers," April 2020
- "All perils policies: Is COVID-19 an insured peril?", April 2020
- "The loss of perishable products: Does this constitute physical damage sufficient to trigger coverage?", April 2020
- "Proposed National Class Action filed seeking payouts for business interruption insurance", April 2020
- "Coverage under business interruption and general liability policies for Coronavirus related claims," March 2020
- "Case Commentary: *Provost v. Dueck Downtown Chevrolet Buick GMC Limited*, 2020 BCCA 86," MT Insurance Blog, March 30, 2020
- "Validity of builder lien claims," MT Insurance Blog, March 20, 2020
- "Joint & Several Liability for Engineers," *Canadian Consulting Engineer*, March/April 2020
- "Negotiating terms beyond standard forms," MT Insurance Blog, March 4, 2020
- "Bad faith and punitive damages: *Stewart v. Lloyd's Underwriters*," *The Lawyer's Daily*, February 14, 2020
- "Bad faith & punitive damages update – case commentary – *Stewart v. Lloyd's Underwriters*," *Lloyd's Brief: Canadian Legal Perspectives*, January 8, 2020
- "Material Misrepresentation and Material Change in Risk: BC Case Commentaries," *Lloyd's Brief: Canadian Legal Perspectives*, July 3, 2019
- "Construction on First Nations Land: Determining the Applicable Building Code," *Lloyd's Brief: Canadian Legal Perspectives*, October 2018
- "Clarifying the "Trilogy" and the Covenant to Insure: *Royal Host GP Inc. v. 1842259 Ontario Ltd.*," *Lloyd's Brief: Canadian Legal Perspectives*, June 2018
- "Intentional Acts, Artful Pleading and the Duty to Defend in British Columbia," *Lloyd's Brief: Canadian Legal Perspectives*, October 2017
- "Mediation in British Columbia: Does Mandatory Mediation Mean Mandatory Attendance for *Lloyd's Underwriters*?", *Lloyd's Brief: Canadian Legal Perspectives*, June 2017
- "Equine Insurance: Understanding the Fine Print of your Policy", *Canada's Equine Guide 2017*
- "The Risks and Rewards of Buying at an Auction," *Equine Consumers' Guide 2016*
- "Gone but Not Forgotten—Water Ingress Claims in British Columbia: Will Rainscreens and Building Envelope Professionals Prevent Another 'Leaky Condo Crisis'?", 2016
- "Record Keeping: Document Retention Recommendations for Building Professionals," *Lloyd's Brief: Canadian Legal Perspectives*, December 2015
- "Limitation of Liability Clauses: Are They Enforceable and Effective?", *Lloyd's Brief: Canadian Legal Perspectives*, June 2015
- "Defamation: When Does Gossip Cross the Line?" *Canadian Horse Journal*, 2015
- "Horse Boarding: The Value of Written Boarding Agreements," *Equine Consumers' Guide 2015*
- "Vancouver's New Building Bylaw," *BC Broker*, 2014
- "Vancouver's New Building Bylaw," *Canadian Legal Perspectives: A*

Brief for the Lloyd's Market, August 2014

- "British Columbia Case Commentaries," *Canadian Legal Perspectives: A Brief for the Lloyd's Market*, August 2014
- Author of chapter on "Marriage and Children", *Miller Thomson on Estate Planning*, Carswell, 2012
- "Horse Trading: When Purchases and Sales Go Wrong," *Equine Canada Magazine*, 2012
- "Rights and Duties of Charitable Beneficiaries," *Gift Planning in Canada*, 2012
- "Practical Considerations When Making a Charitable Gift by Will," *Charities and Not-for-Profit Newsletter*, May 2012
- "When a Horse Purchase Goes Awry," *The Lawyers Weekly*, 2012
- "Practical Considerations When Making a Charitable Gift," *Wealth Matters*, Spring 2012
- "Considerations when you decide to leave part of your estate to charity," *Vancouver Sun* Leave a Legacy Special Feature, 2012
- "Horse Trading: An Update on Sellers' Obligations," *Equine Consumers' Guide 2012*
- "Equine Insurance—Are You Covered?" *Equine Consumers' Guide 2011*
- "The Enforceability of Parental Waivers," *Sports Law Communiqué*, 2009
- "Managing Risk: A Guide for Coaches and Trainers," *The Canadian Horse Journal*, 2009
- "Negotiating Risk: The Use and Enforceability of Waivers in the Horse Industry," *The Canadian Horse Journal* p. 20-23, 2008
- "Border Crossings: Importing & Exporting Horses," *Horse Community Guide*, 2008
- "Tax Talk for Horse People," *The Canadian Horse Journal*, 2007
- "Alter Ego Trusts as a Means to Avoid Challenges to a Will," *Wealth Matters*, October 2007
- "Planning, Managing and Running a Horse Show: Ensuring Your Event Passes Uneventfully," (co-author) *The Canadian Horse Journal*, 2006
- "Horse Trading: How to Avoid Legal Pitfalls when Buying or Selling a Horse," *The Canadian Horse Journal*, 2005
- "A Home in the Country: Buying a Farm or Acreage," *The Canadian Horse Journal*, 2005
- "Liability for Horse Related Accidents," *The Canadian Horse Journal*, 2005
- "The Fine Print: Understanding Horse-Related Contracts," *The Canadian Horse Journal*, 2005
- "Managing Informed Consent and Patient Privacy," 2003

Presentations

- Co-presenter (with Rob McLeod, Metrix Professional Insurance Brokers Inc), "How to Avoid Potential Claims and Manage Them When They (Inevitably) Arise", 27th Vancouver Geotechnical Society Symposium on Risk and Liability, May 28, 2021
- Co-presenter (with Jeff McLellan, BFL Canada Insurance Services Inc.), "Risk Management in a Post-COVID-19 World", Architectural Institute of British Columbia Confab 2021, May 10, 2021
- Co-presenter (with Chris Blom), "Contractual Risk Transfer", RIMS The Risk Management Society, April 1-2, 2021 and June 28-29, 2021
- "The Insuring Agreement: Key Concepts of Fortuity, Accident, Occurrence, and Property Damage," CLEBC Insurance Law Conference, 2011
- "Confidential Information in Litigation", CLEBC Personal Injury

- Conference, 2007
- “Non-Disclosure and Misrepresentation,” CLEBC Insurance Law Conference, 2003

Community involvement

- Health Law/Ethics Tutor, UBC Faculty of Medicine, Doctor, Patient and Society Class

Corporate directorships

- Chair, Canadian Bar Association—National Insurance Law Section, 2016-17
- Vice-Chair, Canadian Bar Association—National Insurance Law Section, 2015-16
- Treasurer, Canadian Bar Association—National Insurance Law Section, 2012-14
- Chair, Canadian Bar Association—Insurance Section (BC Branch), 2011-2012
- Vice-Chair, Canadian Bar Association—Insurance Section (BC Branch), 2010-2011
- Treasurer, Canadian Bar Association—Insurance Section (BC Branch), 2009-2010
- Registration Officer, Canadian Bar Association—Insurance Section (BC Branch), 2008-2009
- Program Director, Canadian Bar Association—Insurance Section (BC Branch), 2007-2008
- Member at Large, Canadian Bar Association—Insurance Section (BC Branch), 2006-2007
- Treasurer, Canadian Bar Association—Young Lawyers' Section, 2005-2006

Professional memberships

- International Association of Defense Counsel
- DRI (Defence Research Institute)
- Canadian Bar Association
- Vancouver Bar Association
- Canadian Defence Lawyers

Bar admissions & education

- British Columbia, 2001
- LL.B., University of British Columbia, 2000
- B.A. (First Class), University of British Columbia, 1996