

Karen L. Weslowski

Partner

Vancouver

OFFICE

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Industries & Expertise

INDUSTRIES

Insurance and Risk Management

EXPERTISE

Professional Liability | Insurance Defence |
Insurance Risk Management | Lloyd's of London
and international insurance

Biography

BAR ADMISSION

British Columbia, 2001

EDUCATION

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

LANGUAGES SPOKEN

English

Karen L. Weslowski, the Leader of Insurance at Miller Thomson, is an experienced practitioner in insurance coverage and defence, construction and commercial litigation. In her insurance defence practice, she

represents a wide range of professionals, including engineers, architects, lawyers, insurance agents, appraisers, financial professionals and real estate agents. A large portion of her construction work in recent years has centred on large multi-party litigation. 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. As a former Equine Canada Level 1 coach and hunter/jumper competitor, Karen has a special interest in “equine law” and has represented clients with respect to various disputes involving horses.

Karen’s extensive publications on insurance, commercial law, and equine law posit her as a knowledgeable and forward-thinking legal professional. Through engaging presentations and contributions to legal discourse, Karen exemplifies a dynamic and client-focused legal professional.

Karen’s impressive professional footprint is marked by memberships in esteemed legal associations like the International Association of Defense Counsel. Her recognition in The Best Lawyers in Canada for Insurance Law and Corporate Litigation underscores her dedication to legal proficiency and client service.

Industry involvement

Recognition

- *Best Lawyers in Canada*, Insurance Law, 2016 – 2025; Corporate and Commercial Litigation, 2022 – 2025
- *The Canadian Legal Lexpert Directory*, Litigation – Commercial Insurance, 2022 – 2025
- 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

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

Notable Matters

- *Hansma v Atira Property Management Inc.*, 2024 BCSC 2023
- *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

Community roles

- 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

Memberships & affiliations

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