



AARON D. ATKINSON

Aaron is an Associate with Harper Grey and a member of our Health Law and Insurance Law Groups.

AARON D. ATKINSON

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EXPERTISE

Health Law
Insurance Law

Aaron advises and assists physicians with respect to civil medico-legal issues and disciplinary matters before the College of Physicians and Surgeons of BC.

Aaron's insurance law practice comprises insurance defence, subrogation and coverage work and he provides legal services to a broad range of insurers and self-insured organizations. Aaron's insurance defence practice includes property damage claims, construction deficiencies, bodily injury claims, general insurance disputes and professional negligence claims against home inspectors. Aaron has defended to trial and negotiated the settlement of numerous bodily injury claims involving occupiers' liability, products liability, assaults, sports related injuries, commercial host liability, and motor vehicle accidents. Aaron has also acted as counsel for clients before the Workers' Compensation Appeal Tribunal.

EXPERIENCE

HEALTH LAW

Representative cases include:

- Counsel for physicians in medical negligence actions.
- Counsel for a physician on a successful application to dismiss an action for failure to disclose a triable issue: *Castellanos v. Dr. Simon Triessman Inc.*, February 24, 2012, Kamloops Reg. 38699.
- Counsel for a physician at trial who prescribed an outpatient alcohol-withdrawal treatment program for an alcoholic patient: *Friebel v. Omelchenko*, 2014 BCSC 1039.
- Counsel for a physician at trial and subsequent successful applications at the Supreme Court and Court of Appeal to have the plaintiff declared a vexatious litigant: *Madzar v. Sullivan*, 2013 BCSC 1049, *M. v. Sullivan*, 2014 BCSC 1217, and *Madzar v. Sullivan*, 2014 BCCA 266.
- Counsel for physicians on an appeal of a summary trial decision dismissing the action against a group of physicians: *Kemp v. Vancouver Coastal Health Authority*, 2017 BCCA 229.

INSURANCE LAW

Aaron has acted in a broad range of insurance matters, including disputes involving negligence, breach of contract, breach of fiduciary duty, intentional torts and statutory causes of action.

Representative cases include:

- Defending home inspectors against allegations of negligent misrepresentation and breach of contract regarding inspections of residential homes and commercial premises.
- Defending insurance claims involving property damage and bodily injury.
- Subrogated property insurance claims resulting from fires, floods, motor vehicle accidents and product liability.
- Counsel on appeal from a dismissal of an action against members of a strata council for allegedly committing a nuisance by starting into the appellants' unit and defaming the appellants in a document distributed to the strata owners: *Martin v. Lavigne*, 2011 BCCA 104.
- Counsel at trial for a home inspector who allegedly failed to identify water damage in a condominium: *Peloquin v. Rodriguez*, 2012 BCPC 165.
- Counsel at trial for a home inspector who allegedly failed to identify structural deficiencies in a residential home: *Thibeault v. Northwood Building Consulting Ltd.*, January 29, 2014, Surrey Reg. No. 69472.
- Counsel for a restaurant in successful applications to the Workers Compensation Appeal Tribunal regarding alleged commercial host liability: WCAT 2014-02456 and WCAT 2014-02457.

CREDENTIALS

EDUCATION

- University of British Columbia, J.D., 2009
- University of British Columbia, B.A., 2006

BAR ADMISSION

- British Columbia, 2010

LEADERSHIP

- Contributing Author, LexisNexis® Harper Grey Insurance Law Netletter™
- Contributing Author, Harper Grey Canadian Insurance Law Blog
- Contributing Author, Harper Grey Insurance Law Update Newsletter
- Contributing Author, Contemporary Canadian Insurance Law Casebook, 2015, Published by LexisNexis® Canada
- Director-at-Large, Vancouver Bar Association, 2013-2015
- Treasurer, Canadian Bar Association, BC Branch, Health Law Subsection

MEMBERSHIP

- Member, The Law Society of British Columbia
- Member, Canadian Bar Association, BC Branch Subsections:
 - Insurance Law
 - Health Law

SELECT ARTICLES + PUBLICATIONS

Harper Grey publishes Contemporary Canadian Insurance Law, a comprehensive casebook providing access to the case law and legal principles relevant to virtually all areas of insurance law in Canada

Published by: Harper Grey - 08.Jul.17

Written by: Aaron D. Atkinson, Cameron B. Elder, David W. Pilley, Emily M. Williamson, JoAnne Barnum, Jonathan D. Meadows*, Kim J. Yee, Kora Paciorek, Michael J. Robinson, Michael G. Thomas*, Nigel L. Trevethan*

**“Neely v MacDonald: Good News for the Enforcement of Indemnity Clauses”
Article**

Published In: Travel Law Quarterly - Dec.14

Written by: Aaron D. Atkinson

SELECT EVENTS + PRESENTATIONS

Harper Grey hosts annual Insurance Law Seminar – “Focus On Risk”

Event Date: 31.May.17

Presented by: Jennifer R. Woznesensky, Nigel L. Trevethan*, Steven Abramson*, Aaron D. Atkinson, Daniel J. Reid, Dionne H. Liu

Harper Grey hosts annual Insurance Law Seminar – “We Love Vancouver”

Event Date: 29.May.15

Presented by: Aaron D. Atkinson, Emily M. Williamson, Jennifer R. Woznesensky, Jonathan D. Meadows*, Kora Paciorek, Nigel L. Trevethan*

Nigel Trevethan and Aaron Atkinson to co-present at the CAHPI National Conference in Banff, AB

Presentation Date: 04.Oct.14

Presented by: Aaron D. Atkinson, Nigel L. Trevethan*

Harper Grey hosts annual Insurance Law Seminar – “Summer Fun...And What Potentially Can Go Wrong”

Event Date: 23.May.14

Presented by: Aaron D. Atkinson, Jennifer R. Woznesensky, Kara L. Hill, Nigel L. Trevethan*, Steven Abramson*, W. Sean Taylor

Nigel Trevethan and Aaron Atkinson to present at the CAHPI(BC) AGM in Kelowna

Presentation Date: 02.May.14

Presented by: Aaron D. Atkinson, Nigel L. Trevethan*

Aaron Atkinson to present at Comprehensive Medical Review Conference

Presentation Date: 25.Apr.14

Presented by: Aaron D. Atkinson

Aaron Atkinson to present at CAHPI Conference

Presentation Date: 21.Apr.12

Presented by: Aaron D. Atkinson

Aaron Atkinson and Dan Reid to address BC Society of Fellows

Presentation Date: 05.Oct.10

Presented by: Aaron D. Atkinson, Daniel J. Reid

SELECT NEWS

Harper Grey hosts annual Insurance Law Seminar – “Changing the Rules of the Game: How Insurance Law Professionals Can Deal with Recent Changes in the Law”

Related to: Jonathan D. Meadows*, Dionne H. Liu, Michael J. Robinson, Paul Saunders, Steven Abramson*, Aaron D. Atkinson - 29.May.19

Harper Grey lawyers support WICC BC Spring Gala

Related to: Aaron D. Atkinson, JoAnne Barnum, Jennifer R. Woznesensky - 20.Apr.17

2012 Hoop-Law Champions! Harper Grey basketball team wins big to support local charity

Related to: Aaron D. Atkinson, JoAnne Barnum, Joel A. Morris - 12.Mar.12

Harper Grey welcomes two new Associates – Lindsay Johnston and Aaron Atkinson

Related to: Aaron D. Atkinson, Lindsay R. Johnston - 01.Sep.10

SELECT NEWSLETTERS + UPDATES

Case Summary: Insurer fails to meet burden of showing insureds’ representations were false in action for fraud, unjust enrichment and conspiracy

Published In: Insurance Law Newsletter - 10.Oct.17

Written by: Aaron D. Atkinson

Case Summary: Under section 171(1) of the Ontario Insurance Act, Change of Beneficiary Designation found to be valid

Published In: Insurance Law Newsletter - 10.Oct.17

Written by: Aaron D. Atkinson

Case Summary: Insurer’s representative required to answer questions regarding the reason for denial of coverage at discovery, but not required to answer questions regarding the details of the investigation that led to that decision in personal injury action where motor vehicle liability insurer added as statutory third party

Published In: Insurance Law Newsletter - 10.Oct.17

Written by: Aaron D. Atkinson

Case Summary: ONSC dismisses constitutional challenge – Sections 267.5(1) and 280 of the Insurance Act do not violate the Canadian Charter of Rights and Freedoms

Published in: Insurance Law Newsletter - 11.Jul.17

Written by: Aaron D. Atkinson

Case Summary: Insurers in Ontario are not required to advise their insureds of the applicable limitation period when denying or discontinuing insurance benefits

Published in: Insurance Law Newsletter - 11.Jul.17

Written by: Aaron D. Atkinson

Case Summary: Insurer obliged to provide City of Markham with a defence in slip and fall negligence claim

Published in: Insurance Law Newsletter - 11.Jul.17

Written by: Aaron D. Atkinson

Case Summary: Loss suffered by restaurant owners excluded under insurance policy's Freezing Exclusion

Published in: Insurance Law Newsletter - 14.Mar.17

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Ontario court finds insurance contract "read as a whole" provides for alternative methods of proceeding where terms of contract are in dispute

Published in: Insurance Law Newsletter - 14.Mar.17

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: A valid notice of renewal or non renewal of policy is mandatory under Ontario's compulsory automobile insurance

Published in: Insurance Law Newsletter - 18.Oct.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Insurer's duty and right to defend cannot arise until the insured gives the insurer notice of the claim

Published in: Insurance Law Newsletter - 18.Oct.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Court declined to grant relief for legal and professional fees above policy limits

Published in: Insurance Law Newsletter - 18.Oct.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Daughter lacked implied consent to drive mother's vehicle

Published in: Insurance Law Newsletter -19.Jul.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Failure to register a motor vehicle pursuant to BC legislation revoked owner's certificate

Published in: Insurance Law Newsletter - 19.Jul.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Court dismissed plaintiff's action for additional disability benefits concluding the insurer acted in good faith

Published in: Insurance Law Newsletter - 18.Apr.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: It was not within the Court's discretion to allow a dormant action to continue under amended Alberta rules of court

Published in: Insurance Law Newsletter - 15.Apr.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Allegation of negligence for failing to hire a competent contractor to remove trees from recreational property fell within coverage for "personal actions anywhere in the world"

Published in: Insurance Law Newsletter - 19.Jan.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Appeal court reduced punitive damages award against a disability insurer

Published in: Insurance Law Newsletter - 19.Jan.16

Written by: Aaron D. Atkinson, David W. Pilley

Case Summary: Location of automobile insurance policy is not a factor that satisfies the real and substantial jurisdictional connection test

Published in: Insurance Law Newsletter - 19.Jan.16

Written by: Aaron D. Atkinson, David W. Pilley