

## Wishart 101: The Fundamentals of Ontario Franchise Law

**Date:** Friday, February 8, 2013 | 1:30 pm to 4:50 pm

**Location:** Westin Harbour Castle Conference Centre, 2 Harbour Square

**Program Chairs:** **Chad Finkelstein**, Dale & Lessmann LLP  
**Andraya Frith**, Osler, Hoskin & Harcourt LLP



3.25 Substantive Hours  
0 Professionalism Hours

**Note:** New members may apply any program that contains a minimum of **0.5 Professionalism Hours** toward the annual CPD requirement.

This program will provide an introduction to Ontario franchise law, with an emphasis on how the law applies to traditional franchises and how to spot “accidental” franchises, the franchisor’s disclosure obligations and statutory remedies available to franchisees where disclosure is deficient. The program will provide an overview of the key provisions of a typical franchise agreement and drafting tips for the commercial lawyer. Leading cases as well as recent and important legal developments will be highlighted from the perspective of both the litigator and the commercial lawyer. This program will appeal to both lawyers representing franchisors and franchisees and will help lawyers understand their clients’ rights, obligations and potential liabilities.

1:30 pm	Introductory Remarks	3:20 pm	<b>Anatomy of a Franchise Agreement</b>
1:40 pm	<b>Introduction to the <i>Arthur Wishart Act</i></b>		<ul style="list-style-type: none"> <li>Overview of key provisions of the Franchise Agreement</li> <li>Franchisor and Franchisee perspective</li> <li>High level overview of ancillary agreements</li> </ul>
	<ul style="list-style-type: none"> <li>Statutory definition of a “franchise”</li> <li>The “accidental franchise”</li> <li>Disclosure obligations (content, timing and delivery)</li> </ul>		<b>Peter Viitre</b> , Sotos LLP
	<b>Frank Robinson</b> , Cassels Brock & Blackwell LLP		<b>Taimi Williamson</b> , Siskinds LLP - London
	<b>David Shaw</b> , Blake, Cassels & Graydon LLP	4:00 pm	<b>Duty of Good Faith and Fair Dealing</b>
2:20 pm	<b>Rescission Remedy and Statutory Damages Claims for Misrepresentations/Deficiencies</b>		<ul style="list-style-type: none"> <li>Litigation and commercial perspectives</li> <li>Leading Cases (<i>Shelanu</i>, <i>Tim Hortons</i>)</li> <li>Impact on day-to-day operations/decisions</li> </ul>
	<ul style="list-style-type: none"> <li>Distinguishing s. 6(1) (60-day remedy) from s. 6(2) (2-year remedy)</li> <li>How does s. 7 work?</li> <li>Limitation periods</li> <li>How to measure damages</li> </ul>	4:40 pm	Questions and Closing Remarks
	<b>David Altshuller</b> , Teplitsky Colson LLP	4:50 pm	Program Concludes
	<b>Adam Ship</b> , McCarthy Tétrault LLP		
3:00 pm	Break		

Your registration fee includes the keynote address, welcome reception, special events, breakfasts, lunches, refreshments, and access to the electronic materials for ALL programs.

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/institute2013](http://www.oba.org/institute2013)

Questions? [pd@oba.org](mailto:pd@oba.org)