



Scott W. McGrath
Partner

smcgrath@tgf.ca
416.304.1592



Scott has a broad commercial litigation practice. He has significant trial and appellate experience and has appeared before all levels of court in Ontario and before arbitral and regulatory tribunals.

Scott has significant experience in litigating disputes arising out of insolvencies and restructurings, including related to transfers at undervalue, fraudulent conveyances, contested receiverships and priority disputes.

Scott has also developed an expertise in real property disputes, having litigated numerous claims relating to failed real estate transactions, claims of adverse possession and easements and claims of nuisance and trespass.

Scott's experience includes litigating shareholder disputes, claims for relief pursuant to the *Ontario Business Corporations Act* and the *Canada Business Corporations Act*, professional negligence claims and claims framed in tort and breach of contract.

Scott regularly acts for public and private companies in construction disputes including residential low- and high-rise, commercial, highway, transit system, and other infrastructure projects.

In his mandates on behalf of clients, Scott is known as a strategic and respectful counsel, commended for his passion and proficiency in providing legal advice. Clients appreciate his straight-forward and collaborative work style and his creativity in solving complex litigation matters.

Scott is a recognized industry leader, having been recognized by Best Lawyers of Canada for Corporate and Commercial Litigation, in Benchmark Litigation Canada as a Future Star, and by Lexpert as a Rising Star, a Lawyer to Watch in Construction Law and as a Leading Infrastructure Lawyer.

Scott is committed to community leadership and contributing to the advancement of the legal profession. He is a member of the Mid-Career Advocates' Standing Committee of The Advocates' Society and has contributed articles to its publication, *Advocacy Matters*. Scott is also active in his local community, having

served at various times as Chair, Vice-Chair and Secretary of the Board of Directors of a wonderful not-for-profit organization, Durham Family Resources.

Representative mandates

- + Joint ventures and public companies in complex construction, engineering and design disputes involving public-private-partnership infrastructure projects across Ontario. Mandates have included transit systems, multi-modal stations, highways and sewage infrastructure.
- + Property development companies and constructors. Mandates include disputes over construction of low- and high-rise residential and mixed use projects, property acquisition and cost-sharing issues, and failed agreements of purchase and sale.
- + Real property disputes concerning the interpretation and enforcement of registered easements, as well as litigating non-registered property rights such as prescriptive easements and claims of adverse possession.
- + Shareholder disputes concerning companies registered in Ontario and federally, including claims pursuant to the oppression remedy and derivative actions.
- + Counsel for a publicly-traded cannabis company in the defence of three claims made pursuant to the oppression remedy wherein the plaintiffs seek payment for the fair value of shares.
- + Litigating complex commercial fraud claims.
- + Bankruptcy and insolvency proceedings, including within receiverships and CCAA proceedings.
- + Acting in one of the most highly publicized cases of civil contempt ever brought in the Province of Ontario.
- + Private actions pursuant to the federal *Competition Act*.
- + Defending parties in complex class proceedings.

Professional Involvement

Scott is a member of:

- + Canadian Bar Association
- + Ontario Bar Association
- + The Advocates' Society
- + Toronto Lawyers Association

Recognition

Scott is recognized as a leading lawyer in:

- + The Best Lawyers in Canada® 2026 & 2025 (Corporate and Commercial Litigation)
- + Future Star in Ontario - Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys 2026, 2025 & 2024
- + Lexpert Rising Star – 2022
- + The Canadian Legal Lexpert Directory 2022 (Leading Lawyer to Watch, Construction Law)
- + Lexpert Special Edition - Canada's Leading Infrastructure Lawyers 2022

Publications

- + Apr 15, 2026
Leave to Appeal under section 193 of the BIA
- + Jun 29, 2021
Reviewing CCAA Disclaimers Requires Balancing of Interests
- + Jan 21, 2021
Chambers 'Litigation 2021' Global Practice Guide - Canada: Law and Practice
- + Oct 30, 2020
Ontario Court of Appeal confirms landlord's rights under letters of credit in tenant's bankruptcy.
- + Nov 20, 2019
Supreme Court to Weigh in Again on Good Faith in Contracts
- + Dec 28, 2018
Chapter: Private Actions Before the Tribunal, Litigating Competition Law in Canada, LexisNexis 2018, Nikiforos Iatrou, ed.
- + Oct 29, 2018
Cooler Heads Often Prevail in Shareholder Disputes
- + Oct 01, 2017
Chambers Global Practice Guide: Cartels 2018 Canadian Chapter, Chambers and Partners, October 2017 (with Nikiforos Iatrou and Kayla Theeuwes)
- + Dec 01, 2016
Contempt and Bankruptcy: Striking the Right Balance, National Creditor Debtor Review, Vol. 31, No. 4, December 2016
- + Aug 01, 2013
Clarity in the Crystal Ball: Canada's Reasoned Approach to Prevention of Competition, Antitrust, Vol. 27, No. 3, Summer 2013 (with Nikiforos Iatrou and Bronwyn Roe)
- + Jan 01, 2013
Canada's New Appetite for Antitrust Litigation: Cross-Border Mergers will be Scrutinized, Executive Counsel, January 2013 (with Nikiforos Iatrou)

Education

Bar Admissions

- + Ontario, 2010

Education

- + LL.B. (Cum laude) (University of Ottawa), 2009
- + B.Sc. (Hons) with distinction, (University of Guelph), 2006