

Scott W. McGrath
Partner

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Scott is a member of TGF's litigation team. He has significant trial and appellate experience, and has appeared before all levels of court in Ontario and before arbitral and regulatory tribunals. 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.

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. An accomplished commercial litigator, 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, bankruptcy and insolvency litigation, employment disputes and claims framed in tort and breach of contract.

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 named in Leading Lawyer to Watch, Construction Law in The Canadian Legal Lexpert Directory 2022, as well as one of Canada's Leading Infrastructure Lawyers 2022 in the Lexpert Special Edition. He was also named a Lexpert Rising Star as one of Canada's leading lawyers under 40 in 2022.

Scott is committed to community leadership and contributing to the advancement of the legal profession. He serves as the Vice-Chair of the Board of Directors of Durham Family Resources. He also volunteers with Pro Bono Law Ontario and has appeared as duty counsel at appeals at the Divisional Court of Ontario and at Civil Practice Court in Toronto. Within the firm, Scott supports the next generation of legal leaders as the head of TGF's student committee, in which he drives the hiring, development, mentorship and training opportunities of talented new legal professionals.

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® 2025 (Corporate and Commercial Litigation)
- + Future Star in Ontario - Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys 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

- + [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