



MARK O. CHARRON

Partner

Speaks: English

Year of Call: 1984 - Ontario

 +1 613-786-0122

 +1 613-563-9869

 mark.charron@gowlingwlg.com

Primary office: Ottawa

Mark O. Charron

Mark has practiced in the city of Ottawa exclusively in the area of civil litigation since 1985. Through his insurance defence practice, he acts for a range of property and casualty carriers throughout Eastern Ontario. Mark also acts for a number of carriers on behalf of specialized insureds, including local municipalities, and the Ottawa Carleton Regional Police Services Board. Several of these cases, in particular involving the Police

Services Board, have been high profile and sensitive in nature.

As part of his civil litigation practice, Mark also acts for a range of clients involved in construction disputes in the Ottawa area. He is regularly involved with the Ottawa Construction Association, providing seminars and advice on various topics.

Mark has extensive trial experience, both jury and non-jury, and has appeared regularly before Appellate Courts, including the Ontario Court of Appeal and the Supreme Court of Canada. Many of his cases have been reported, the most notable being his Supreme Court of Canada decision in *Herbison v. Lumberman's Mutual Casualty Co.*, a case involving the interpretation of "the use or operation of an automobile" for the purposes of determining insurance coverage under a motor vehicle liability policy.

Mark is an outgoing promoter of ongoing legal education, both within and outside of the legal community. Among his many pursuits in this area are conducting mock trials and conducting seminars for a number of organizations, including the Carleton County Law Association, the Ottawa Construction Association and the Ontario Bar Association, as well as the University of Ottawa.

Mark acted as a seminar leader for the Ontario Bar Admission Course for over five years on subjects of civil litigation and negotiation skills. He has also conducted seminars for the Advocacy Skills Course, which is carried as part of the University of Ottawa Law School's regular curriculum.

Mark also organizes and leads informal seminars on a regular basis for the firm's institutional clients as well as various local adjusting firms.

Expertise

Construction & Engineering

Financial Institutions & Services

Commercial Litigation

Insurance & Professional Liability

Career & Recognition

2020

August

Best Lawyers in Canada 2021

2019

August

The Best Lawyers in Canada 2020

2018

August

The Best Lawyers in Canada 2019

2017

August

The Best Lawyers in Canada 2018

2016

August

The Best Lawyers in Canada 2017

1984

Year of Call, Ontario

1982

Queen's University, LLB

1979

Memberships

- Advocates' Society
- Canadian Bar Association (Civil and Construction Law Sections)
- County of Carleton Law Association
- Law Society of Upper Canada
- Ottawa Construction Association
- Ottawa Valley Adjuster's Association

Representative Work

Automobile Insurance

- Herbison v. Lumberman's Mutual Casualty Co. (2003) O.J. No. 3024 (S.C.J.)
- Herbison v. Lumberman's Mutual Casualty Co. (2005) O.J. No. 2262 (Ont. C.A.)
- Herbison v. Lumbers Mutual Casualty Co., [2007] 3 S.C.R. 393
- In October 2007, the Supreme Court of Canada reversed two Ontario Court of Appeal decisions on the issue of whether or not, under certain circumstances, an injury can be said to have arisen from the "use or operation of a motor vehicle. Mark successfully represented the appellant in one of those decisions, Lumbers Mutual Casualty Company v. Herbison et al. Justice Ian Binnie wrote both Lumbers v. Herbison and the companion decision of Citadel v. Vytlingam on behalf of a unanimous court.

Police Negligence

- Magas v. Monette et al. [2006] Justice Brennan (S.C.J.)
In this case, which arose from a unique set of factual circumstances, Mr. Charron once again successfully defended two members of the Ottawa Police Force against numerous allegations, including the tort of negligent investigation. The matter was heard before the Ontario Court of Appeal on January 26, 2009, where the trial decision was upheld. A leave application to the Supreme Court of Canada is pending.
- Burns v. Johnston [2003] O.J. No. 2456 (S.C.J.)
The tort of negligent investigation in police cases is novel, and Mr. Charron has acted on

numerous occasions in successfully defending those types of claims on behalf of the Ottawa Police Services. He did so at this trial, involving an alleged negligent investigation arising from a coroner's report as to the cause of death.

Jury Trials

The decisions in jury trials are not reported, and civil jury trials are increasingly scarce in number. Over the years, however, Mark has taken seven cases to trial before a jury, with an excellent success rate achieved on behalf of his clients.