



Denny Chung

Associate

Infrastructure, Construction & Procurement
Insurance
Insurance Coverage
Aviation Law

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Profile

Denny practices in aerospace and aviation, infrastructure, construction and procurement, and insurance risk management. Denny has litigated at all levels of court in British Columbia, in administrative tribunals, and arbitrations. He has experience in multi-billion dollar infrastructure projects and disputed claims in excess of \$60 million. Denny has been recognized every year in Best Lawyers' Ones To Watch from 2022 to 2024.

In construction matters, Denny acts in complex construction disputes for clients throughout the construction pyramid, including lenders, developers, owners, consultants, and contractors. Denny has represented clients in disputes over delay, cost overruns, builders' liens, bonding disputes, and other realization matters relating to force majeure, market price escalation, changed site conditions, scope of work changes, and owner interference. Denny also works with clients on matters involving biomass plants, universities, hospitals, commercial and residential developments, P3 projects, hydroelectric infrastructures and mega-dams, and other infrastructure assets. He has worked on multiple of the top 100 largest construction projects in Canada, including the largest dam in Canadian history. Denny has experience with receiverships and insolvencies under the Bankruptcy and Insolvency Act in relation to construction projects and disputes. Denny has also assisted owners and developers to enforce insurance coverage in connection with infrastructure projects when issues of design and construction arise.

Denny regularly provides procurement advice for owners, developers, and contractors involving review, negotiation, and drafting of standard-form and bespoke contracts.

In matters of insurance and aviation, Denny has acted for international insurers and policyholders focusing on professional liability, directors and officers' liability, errors and omissions, product liability, nationwide class action, and mass tort litigation involving claims under the Competition Act and Business Practices and Consumer Protection Act. He has acted for policy holders directly in enforcing insurance coverage in respect of course-of-construction policies and specialized London-Engineering-Group (LEG3) endorsements. Denny has successfully prosecuted claims for a Canadian airline in relation to breaches of aircraft charter agreements. Denny also represents aviation stakeholders in arbitrations of contractual disputes, including under the Commercial Arbitration Rules of the International Chamber of Commerce.

Denny approaches all disputes with a view toward adjudication at trial, arbitration, or otherwise. He believes developing a trial-ready case will put his clients in the best position to succeed on adjudication, or achieve the most favourable settlement when it makes business-sense to negotiate.

Work Highlights

Successful motion on arbitral jurisdiction

- > Successful on motion to enforce arbitration agreements in flow-down provisions of various subcontracts in arbitration of claims exceeding CAD\$60 million.

Arbitration of contractual dispute relating to aviation services

- > Arbitration of contractual dispute for aviation services provider under the Commercial Arbitration Rules of the International Chamber of Commerce.

Prosecution of breach of airline charter agreement

- > Counsel for a Canadian airline in a successful prosecution of contract and tort claims in respect of an aircraft charter agreement.

[Additional work highlights below](#)

Services

- > Construction disputes and litigation, including performance bonds, labour & material payment bonds, and contract price disputes
- > Builders' liens
- > Property claims
- > Delay claims
- > Bad faith claims
- > Contract disputes
- > Policy drafting and product development
- > Advancing and defending claims for extras
- > Insurance coverage advice

- > Construction deficiency claims
- > Professional indemnity claims
- > Product liability
- > Aviation litigation
- > Class action defence, mass tort litigation
- > Public-Private Partnerships (P3 Projects)
- > Construction contract advice, including reviewing, drafting, and negotiating contract terms
- > Commercial Arbitrations

Credentials

Awards & Distinctions

- > Best Lawyers in Canada: Ones to Watch, Insurance Law, 2022-2024

Industry Involvement

- > Canadian Bar Association, member, 2018 - Present
- > Canadian Bar Association of British Columbia, member, 2018 - Present
- > Law Society of British Columbia, member, 2018 - Present
- > The Lawyers' Inn Society, past board director, 2018 - 2020
- > American Bar Association, member, 2024 - Present

Education & Call to Bar

- > Call to Bar: British Columbia, 2018
- > University of Alberta, Juris Doctor (J.D.), 2017

Additional Languages

- > Cantonese

Additional Work Highlights

Arbitration of delay and extras claims

- > Arbitration of delay and extras claims exceeding CAD\$60 million on a commercial construction project.

Prosecution of delay and deficiency claims

- > Counsel for a waste-management company in respect of a Public-Private-Partnership (PPP) biofuel facility prosecuting claims for delay and deficiencies seeking relief in excess of CAD\$13 million.

Prosecution of extras claims

- > Counsel for contractor on multibillion dollar construction project involving extras exceeding CAD\$11 million.

Defence of environmental contamination claims

- > Defence of land contamination claims for breach of contract, nuisance, negligence, and strict liability under Rylands v. Fletcher in respect of alleged contamination spanning multiple decades of lands purchased for commercial development. The claims sought relief exceeding CAD\$5 million including for remediation costs as well as diminution in value of property, marketability, and resale.

Class Action Defence

- > Defence of a multinational supermarket chain in a proposed multi-jurisdictional class action seeking recovery including under the Competition Act and Business Practices and Consumer Protection Act, as well as for unjust enrichment and disgorgement.

Prosecution of lien claim

- > Counsel for trade contractor in claim for unpaid fees and extras, resulting in full payment of lien claims.

Defence of pipeline deficiency claims

- > Counsel for pipeline contractor in defence of claims of claims of construction deficiencies in respect of an oil pipeline.

Defence of geotechnical deficiency claims

- > Counsel for excavation trade contractor in defence of construction deficiencies claims, resulting in favourable settlement and extrication from the action.

Defeating petition for injunctive and declaratory relief to restrict marketing of property

- > Resisting petition for injunctive and declaratory relief against a Strata Corporation to restrict the potential marketing and listing for sale of the common assets, common property or lands of the strata plan: Buckerfield v The Owners of Strata Plan VR. 92, 2018 BCSC 839.

Dismissal of action for malicious prosecution

- > Successful in summary dismissal of action against a remanufacturer for claims of malicious prosecution in relation to issues of vicarious liability, and a novel interpretation of the law on malicious prosecution: Degen v British Columbia, 2019 BCSC 2498

Dismissal of action for financial misconduct and overcharges

- > Successful dismissal of action against a Strata Corporation for claims of financial misconduct and overcharge in relation to Strata Property Act and corporate Strata bylaws: Gutmann v. The Owners, Strata Plan LMS 13, 2019 BCCRT 235

Extrication from action for breach of contract and negligent claims-adjusting

- > Successfully extricated independent adjusting company with zero payment from claims of breach of contract and negligent claims-adjusting

Drafting of cannabis policies and practices for commercial host regulator

- > Redrafting of a provincial commercial-host mandatory training program governing commercial-host policies and procedures in respect to responsible service of alcohol, to

reflect the legalization of recreational cannabis in Canada