Blaney McMurtry LLP

Jay A. Skukowski

Partner

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CALLED TO THE BAR OF ONTARIO, 2008

EDUCATION

- LL.B.,University of Ottawa, 2007
- B.A.,Political Science,Carleton University, 2004

PRACTICE AREAS

- Insurance Litigation
- Construction Law
- Environmental
- Cannabis

A well-rounded litigator who appreciates that cases are won both inside and outside of the courtroom, Jay is both a fearless advocate and expert negotiator. Clients appreciate his ability to know when to push forward and when to settle, resolving cases effectively, efficiently and with his clients' best interests in mind. Judges have noted that Jay's presentation in court and thorough submissions "were of great assistance to the court", and his civility towards his opponent and the court is "a model to be followed by those who appear before our courts".

Jay's practice focuses primarily on personal injury law, including defence of product liability, occupiers' liability, municipal liability and serious motor vehicle accident claims. He also expertly handles large property loss and environmental claims along with construction, architectural, and engineering claims, as well as professional negligence and life and disability claims.

Jay has developed extensive knowledge in the emerging area of cannabis law. He has acted as defense counsel for cannabis-related claims and has been a presenter on the subject at numerous conferences.

Jay has successfully litigated cases before all levels of court in Ontario as well as the Supreme Court of Canada. Just 3 days after

being called to the bar, he argued his first appeal, won, and in so doing clarified the law on defence medical examinations in personal injury cases (*Ceh v. Culver*). Only a few months later, Jay went to the Court of Appeal, winning a case that involved interpreting whether two teenagers engaged in horseplay was an intentional act (*Mitsios v. Aviva*). In 2010, Jay achieved the rare feat of obtaining leave to the Court of Appeal, and won the eventual appeal which upheld the dismissal of an action wrongfully brought against his psychologist client who was a court-appointed expert in a family law matter (*Van de Vrande v. Butkowsky*).

Jay has been involved in groundbreaking decisions in Ontario and the cases he has argued have been reported in the province and country's most significant law reports such as the *Ontario Reports* and *Dominion Law Reports*. He has successfully obtained an order for security for costs against a plaintiff corporation seeking over $50 million in damages and had that claim dismissed when the plaintiff failed to post the security (*AGC v. Rizzo*). He has successfully dismissed a plaintiff's claim seeking millions in damages from an explosion on the basis of misnomer (*Roni v. Kenworth Trucks*). He has won countless summary judgment motions, most recently applying the new summary judgment test in a chain-reaction motor vehicle action where credibility was in issue (*Nadeau v. Peters*).

Jay is also a regular speaker, presenter and author on topics such as uninsured / underinsured motorist coverage, occupiers' liability and motion advocacy. He has been called upon by legal publications to comment on legal updates relating to duty to defend applications, damage assessments in motor vehicle cases and significant decisions of Ontario's Court of Appeal.

Jay was recently elected President of Risk Management Counsel of Canada (RMC), a national association of independent law firms who work together to handle multi-jurisdictional insurance law matters.

Jay is a competitive golfer and played on an NCAA-Division 1 scholarship.

EXPERIENCE

- *Marguerite Crete v. Ottawa Community Housing Corporation* , 2025 SCC 41428 View decision here.
- *Bello v. City of Hamilton*, 2024 ONSC 5457 View decision here.

- *Crete v. Ottawa Community Housing Corporation*, 2024 ONCA 459 View decision here.
- *Pugliese v. Chartwell*, 2024 ONSC 1135 View decision here.
- *Strilchuck v. Tecumseh (Town of)*, 2022 ONSC 5841 View Case Here
- *Basaraba v. Bridal Image Inc.*., 2022 ONSC 3124 View Case Here
- *Lewis v. Chartrand*, 2022 ONSC 3055 View Case Here
- *Estate of James Freure et al v. Terracon Underground Ltd. et al*, 2022 ONSC 1591 View Case Here
- *Basaraba v. Bridal Image Inc.*, 2021 ONSC 8038 View Case Here
- *Galota v. Festival Hall Developments Limited*, 2016 ONCA 585
- *Santocono et al v. Cox*, 2016 ONSC 1950
- *Nadeau et al v. Peters*, 2016 ONSC 1844
- *Galota v Festival Hall Developments Ltd.*, 2015 ONSC 6177
- *Nadeau v Peters*, 2015 ONSC 4419
- *AGC Mechanical Structural Security Inc v Rizzo*, 2013 ONSC 1316
- *Roni Excavating Ltd v Paccar Inc.*, 2013 ONSC 5192
- *Case v Coseco Insurance Co.*, 2011 ONSC 2499, aff'd 2011 ONCA 741
- *AGC Mechanical Structural Security Inc v Rizzo*, 2011 ONSC 1790
- *Van de Vrande v Butkowsky*, 2010 ONCA 230
- *Petgrave (Litigation guardian of) v Maheru*, 2010 ONSC 1710
- *Dugas v Criminal Injuries Compensation Board*, [2009] OJ No 2374 (QL) (Div Ct)
- *O'Neill v Ferreira* (2009), 176 A.C.W.S. (3d) 992 (Ont Sup Ct J)
- *Atlific Hotels and Resorts Ltd v Aviva Insurance Co. of Canada* (2009), 97 O.R. (3d) 233 (Ont Sup Ct J)
- *Ceh (Litigation guardian of) v. Culver* (2008), 170 ACWS (3d) 486 (Ont Sup Ct J)
- *Mitsios v Aviva Insurance Co. of Canada*, 2008 ONCA 785

RECOGNITION

- Recognized by *Best Lawyers® in Canada* 2026 in the area of Personal Injury Litigation
- Recognized by *Best Lawyers® in Canada* 2025 in the area of Personal Injury Litigation

MEMBERSHIPS

- Law Society of Ontario
- Ontario Bar Association
- Toronto Lawyers Association
- Canadian Defence Lawyers

- The Advocates' Society

RELATED SPEAKING ENGAGEMENTS

- November 09, 2021
  Speaker, Civil Law, Secondary School, Kingston