

# Michael C. Kwiatkowski

Partner

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OFFICE: CALGARY SOUTH



## ASSISTANT

Haley McLean

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## PRACTICE AREAS

Litigation & Dispute  
Resolution

Residential Real Estate  
Litigation & Dispute  
Resolution

Business Litigation & Dispute  
Resolution

Debt Recovery, Collections &  
Foreclosure

Commercial Real Estate

Real Estate Litigation &  
Dispute Resolution

Construction, Development &  
Infrastructure

To quote Jeremy Bentham, 'The power of the lawyer is in the uncertainty of the law.'

With over a decade of extensive trial and arbitration experience, Michael's primary focus is on construction-related, high-conflict issues and disputes, as well as commercial real estate disputes. Michael works on large-value and complex files.

Michael was an athlete on Canada's National Snowboard Team and is actively involved in professional sports organizations in the Vancouver and Calgary. He was a torchbearer for the 2010 Vancouver Olympic Games. In his leisure time, Michael enjoys flying and is a pilot of his Diamond Star 40.

Michael is the head of McLeod Law's Commercial Litigation group.

## Education

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**2003** Simon Fraser University, BA

**2007** University of Calgary, JD

## Admissions

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**2008** Alberta

## Experience

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- Represents homebuilders, homeowners, general contractors, and sub-trades on contractual disputes, negligence and lien claims, and Alberta New Home Warranty and National Home Warranty disputes.
- Represents commercial landlords on tenancy issues.
- Counsel to one of Canada's largest ATM services providers.
- Counsel to Canada's largest underground utility locator.
- Regularly appears in the Alberta Court of Queen's Bench and the Alberta Court of Appeal.

Notable decisions include:

- [Lee v Canyon Plumbing & Heating Ltd, 2023 ABCJ](#)
- [Mersereau v Vulcan County \(Development Authority\), 2023 ABLPRT 583](#)
- [Colleen Nesbitt v. RCA - SDRCC 19-0428](#)
- [Gillman v Mitton Endorsement - 1501 09673](#)
- [Giustini v Workman, 2021 ABCA 383](#)
- [CL Ranches Ltd v Rocky View County, 2021 ABQB 504](#)
- [Giustini v Workman, 2021 ABCA 65](#)
- [Kelana Holdings Ltd. v 393510 Alberta Ltd., 2020 ABQB](#)
- [Canterra Custom Homes Ltd. v. Curtis Engineering Associates Ltd., 2020 ABCA 115](#)
- [Canterra Custom Homes Ltd. v. Curtis Engineering Associates Ltd., 2019 ABQB](#)
- [The University of Calgary Students' Union v. The Governors of the University of Calgary and the University of Calgary, 2016 ABQB 550](#)
- [Direct Cash Processing Partnership v. Best Foods, 2016 ABPC](#)
- [Terry Coleman v. Rocky Barstad Contracting Ltd., Rocky Barstad and Ronald Barstad, 2010 ABPC](#)
- [Top Notch Garage Builders and Cement Contractors Ltd. v. Susan Henning, 2011 ABPC](#)
- [Azar Vani and Bahman Sepassi v. Condominium Corporation No. 8911860, 2011 ABPC](#)
- [Pendosi Holdings Ltd. v. The Forzani Group Ltd., 2011 ABCA 171](#)
- [Alliance Concrete Ltd. v. Robertson, 2014 ABQB 401](#)

## Recognition

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### RECENT MEDIA COVERAGE

- Interviewed in the Post-COVID commentary for restaurant and bar owners on handling their leases with landlords, with Joe McFarland on CHQR 770, June 25, 2020 (See the 43-minute mark of the [Calgary Today](#)

[Show here\)](#)

- Interviewed in "[Small business grapples with big rents](#)" on CTV News, June 24, 2020
- Quoted in "[Desperate owners of poorly built homes in Alberta say industry expert let them down](#)" in CBC News Edmonton, January 23, 2022.

## Memberships

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- Canadian Bar Association
- Law Society of Alberta

## Community

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- Alberta Snowboard Association  
Board of Directors, 2020-present
- HSBC Clean Air Champions Program and formerly with Esteem Team  
Motivational speaker, 1999-present
- Sport Dispute Resolution Centre of Canada  
Volunteer lawyer, 2004-present

## Teaching Roles & Speaking Engagements

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### Teaching Roles

#### LECTURER

CIVIL LITIGATION, FACULTY OF LAW FOR STUDENT LEGAL ASSISTANCE  
University of Calgary

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#### SESSIONAL INSTRUCTOR

ALBERTA CPLED COURSE

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### Speaking Engagements

#### SPEAKER

COMMERCIAL DEFAULT  
Annual Real Estate Update, February 2017

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**SPEAKER**

**CONTRACT LAW AND ENFORCEMENT**

Alberta Roofing Contractors Association, July 2014

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**SPEAKER**

**KNOWING YOUR RIGHTS AS A LANDLORD AND A TENANT**

Calgary Chamber Business Flood Recovery Expo, July 2013