

PETER J. MACKEIGAN, Q.C.

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EDUCATION

- Bachelor of Commerce, Dalhousie University
- Dalhousie University Schulich School of Law, LLB
- Certificate in Environmental Management, DalTech
- Certificate in Negotiation and Conflict Management, Dalhousie University Schulich School of Law and Henson College
- Advanced mediation training over a period from 1995 to the present with courses endorsed by the ADR Atlantic Institute as well as advanced training with the International Academy of Mediators in Toronto, Los Angeles (Pepperdine University), Atlanta, New York, Boston (Harvard), Salt Lake City, Austin and the SDRCC in Montreal and the American Bar Association, Dispute Resolution Section, in Atlanta and New York. Completed the ADRIO course "Practical Ethics for Working Mediators"

MEMBERSHIPS and ACCOMPLISHMENTS

- ADR Institute of Canada, Inc. and designated as a Chartered Mediator and Chartered Arbitrator – (insured for ADR -Professional Liability with Marsh UK Ltd for \$3,000,000)
- ADR Atlantic Institute (Past Director and former member of Mediation Accreditation Committee)
- Nova Scotia Barristers Society - admitted 1973, designated Queens Counsel in 1992 and Director 2002-2003 – currently in Non-Practising category
- Awarded an AV rating in Martindale-Hubbell
- Listed previously in the Canadian Legal LEXPERT Directory as a leading practitioner in Nova Scotia in Property Leasing and Property Development.
- American Bar Association, Dispute Resolution Section (2005 to 2017)
- Canadian Bar Association, Nova Scotia Division (President 2002-2003) (1973 to 2017)
- Fellow International Academy of Mediators (2007 to 2017)

- Past Director of the Nova Scotia Barristers' Liability Fund and the Continuing Legal Education Society of Nova Scotia for Lawyers
- Past Chair of the Credentials Committee for the Civil Mediation Roster which is a joint effort of the Nova Scotia Barristers' Society, the Department of Justice and members of the mediation community with the support of the Supreme Court of Nova Scotia
- Served for a 10-year term as Chief Commissioner of the Nova Scotia Liquor Commission
- Past President and Director of the Canadian Association of Liquor Jurisdictions.
- Legal advisor to the former Provincial Task Force on Dental Care in the Province of Nova Scotia
- Past Director of the Denturist Licensing Board of Nova Scotia
- Past Secretary to the Halifax Waterfront Development Corporation
- Past Chief Legal Counsel to the Halifax Port Corporation
- Founding member of the Rotary Club of Dartmouth East
- Past Director of the Cancer Treatment and Research Foundation of Nova Scotia with particular responsibility for chairing the Selection Committee and in advocating and pursuing a Central Registry System
- Past Director of the Dartmouth YMCA
- Capital Campaign Co-Chairman to raise funding for Cole Harbour Place (a community recreation and cultural centre)
- Past Honourary Legal Advisor and First Vice President of the Canadian Cancer Society, Nova Scotia Division
- Past member (2000 to 2003) of the Part Time Faculty at Dalhousie Law School lecturing in Dispute Resolution and a guest lecturer in Dispute Resolution at numerous educational institutions, Nova Scotia Bar Admission Course, various Continuing Legal Education Seminars for lawyers and professional associations

EXPERIENCE

- After his graduation in 1973 Peter practiced law with the Halifax firm Daley Black and Moreira. Beginning in 1995 his practice shifted to acting as a neutral independent full time commercial and labour arbitrator and mediator. He has many thousands of hours in the arbitrator and mediator roles and has served on the roster, either as an arbitrator or mediator or has performed arbitrations or mediations at the request of the Nova Scotia Department of Labour and Environment, the Nova Scotia Department of Justice for Compensation for Survivors of Institutional Abuse, Canadian Transportation Agency, Centre for Sport & Law, Sport Dispute Resolution Centre of Canada (SDRCC), Farm Debt Mediation Service (Agriculture & Agri-Food Canada), Public Works & Government Services Canada, Portfolio Management Association of Canada and the Nova Scotia Registrar of Condominiums. He serves as Chair of the Sable Offshore Energy Project Commercial Fisheries Gear & Vessel Damage Compensation Board.
- Experience in all levels of courts in the Province of Nova Scotia and before many administrative and tribunal bodies including the Nova Scotia Utility and Review Board, Labour Relations Board, Labour Standards Tribunal, Liquor Licensing Board, Residential

Tenancy Board, Nova Scotia Environmental Assessment Board, Nova Scotia Law Amendments Committee and Real Estate Tax Assessment Appeal Boards. Presentations made to committees of the Nova Scotia Legislature and the Governor in Council and presentations before municipal councils relating to Municipal Development Plans, zoning by-laws, planned unit developments, change in use applications and other matters involving analysis and interpretation of municipal legislation and by-laws. Acted for the Attorney General of Canada for purposes of prosecution under the Competition Act.

- Had a substantial real estate practice and has provided a full range of commercial real estate services. He has worked with surveyors, contractors, lenders and other professionals and has assisted with a spectrum of commercial projects including commercial industrial developments, office buildings, shopping centre developments, condominiums, and various complex financings. He has provided advice and representation on project developments including matters of contract, acquisition of property rights, statutory liens, easements and right of ways. His services have included matters relating to development contracts, municipal development plans, zoning by-laws, planned unit developments, change in use applications, lot consolidation and subdivision applications, land acquisition, development and building permit applications. Represented major development and real estate firms and provided advice and representation on project development generally, including matters of contract, acquisition of property rights, statutory liens, easements and rights-of-way. Acts on a regular basis for many financial lending institutions and frequently place various types of security instruments including debentures, bonds and mortgages. He has generally, providing legal services required on related matters including the following types; conveyancing, representing both vendors and purchasers, mortgage lending and borrowing, commercial, commercial and residential leasing, land assemblies and development, condominiums, construction contracts, municipal regulation and land use planning, foreclosures, boundary line disputes and related matters.
- Has been responsible for all legal aspects of the condominium development including land acquisition, municipal zoning and regulatory compliance requirements, preparation of construction contracts, investor agreements, contract management during the construction phase, declaration and by-laws of the condominium corporation, management agreements, agreements of purchase and sale for condominium units, financing matters including placement of debenture and mortgage security, and dealing with all regulatory authorities as may be required. Illustrations include a 25-acre residential condominium project known as Regatta Point located in Halifax and a mixed residential/commercial project known as Spring Garden Place in Halifax.
- Experience in construction law representing the legal interests of owners, developers, contractors and others in both simple and complex construction disputes, performance bond claims and mechanics' lien actions, on the acceptances and rejection of tenders, the preparation and negotiation of construction contracts and other documents in the construction process. He has been called upon to act as an arbitrator and mediator in construction issue disputes.

- Environmental legal services include advising on due diligence requirements on purchases and acquisitions, site decommissioning, spills, commercial financing, environmental impact assessments, environmental site assessments, audits, development of composting, refuse disposal systems, recycling, composting, landfills and energy to waste systems, acting as counsel in environmental legal proceedings, working with environmental consultants and experts, advising as to dealing with the Department of the Environment, and making representations to the Nova Scotia government.
- A financial understanding with experience in matters of budgeting, pricing and analysis. Experience in preparation of public offerings and prospectus' including structuring, financial analysis and forecasting, regulatory controls, compliance and related matters. Advanced understanding of the principles and theories of Corporate Governance and implementation techniques.
- Experience in corporate and commercial legal matters relating to the incorporation and organization of companies, ongoing contractual matters, preparation of shareholder's agreements, shareholders' rights, amalgamations, expropriations, importations, purchases, sales and windups. He was active in major corporate reorganizations and restructuring at both a local and national level and in dealing with the Nova Scotia Securities Commission in respect to private placement and the preparation of offering memorandum, perspectives and applications for discretionary rulings, share transfers and asset conveyancing, shareholders' and partnership agreements he has been invited to sit as a commercial arbitrator and mediator on numerous matters.
- Represented clients in banking and secured lending transactions, insolvency matters and provided counsel in the legal aspects of corporate finance and public accounting. Including commercial leasing and financing, representing both lenders and borrowers in mortgage commitments, financing obligations, forms of security, joint venturing, debentures and other matters of financing, incorporation, mergers and restructuring, banking and secured loan transactions. Acted as legal counsel on behalf of the Province of Nova Scotia with respect to the issuance of Government of Nova Scotia bonds administered by the Department of Finance.
- Acted on major public/private joint venture developments between the government and private sector, including matters relating to negotiating, contracting, leasing, operating agreements, offering memorandums and memorandums of understanding. Significant projects include providing representation with respect to the negotiation and development of Alderney Gate by the City of Dartmouth and acting for the Province of Nova Scotia in connection with the negotiation and development of casinos in the Province.
- Served on the executive of the Halifax Port Corporation in the capacity as Chief Legal Counsel with responsibility for advising the Board and the Executive on all matters relating to the port operations and facilities including regulating vessel activity in the harbour including the arrest and seizure of vessels for non-compliance, negotiating tariffs and rates,

matters relating to the environment and pollution, marine and fishery related issues, land use matters relating to the Corporation properties, advice concerning the Canada Ports Corporation Act and related legislation.

PRESENTATIONS

- Investing in Commercial Real Estate - Legal Considerations, 1982 for the NS Bar, Continuing Education Program
- Syndications - 1984
- Limited Partnerships - Nova Scotia, 1985 for the NS Bar, Continuing Education Program
- Condominium Purchases - The Practical approach, 1993 for the NS Bar, Continuing Education Program
- Weber & O'Leary - An Arbitrator's Approach, 1996 for the National Labour Law Section, The Continuing Legal Education Committee of the Canadian Bar Association
- Mediating Harassment Complaints, 1997 for the Canadian Bar Association, Labour and Employment Law Section
- Mediating Shareholder Disputes, 1999 for the Canadian Bar Association
- Property Practice in the Next Millennium - The New Condominium Act, 2000 for the Continuing Legal Education Society of Nova Scotia
- Creative Alternatives to Legal Action, 2000 for the Continuing Legal Education Society of Nova Scotia
- Recommendations Blue Bag Collection - Empty Paint and Aerosol Cans 1996 for TUNS, co-author, for presentation to the Halifax Regional Municipality
- The Crumbling Real Estate Deal; - So You Can't Afford to go to Court- Curing the Deal - Real Estate Litigation Seminar, 2000
- Personal Injury Mediation, 2001 for The Continuing Legal Education Committee of the Canadian Bar Association
- Setting Up for Success Toward an ADR Practice - Conflict Resolution Network Canada, Connections, 2002 PEI
- The Use of Mediation - An Alternative Problem Solving Method for The Canadian Bar Association Annual Professional Development Conference, 2003
- Dispute Resolution Strategies - How to Best Use ADR in Bad Faith Claims, for the Canadian Defence Lawyers, 2003
- Mediation Strategies - When To Use Which Type, for the Atlantic Provinces Trial Lawyers Association, 2003
- Conflict Resolution: Alternatives to Arbitration, presented as part of a three-person panel for the Labour Management Relations Speaker Series of the Nova Scotia Conciliation Service and Federal Mediation Conciliation Service, 2003
- Use of Mediation in Discipline Matters - Canadian Council of Professional Engineers, Halifax, 2004
- Role of Mediators in Resolving Labour Disputes - Insight Conference, 2005
- Use of Mediation as an Alternative Problem Solving Method - CBA PEI 2005
- ADR Processes: Riding the Crest of the Wave in Atlantic Canada - ADR Institute of Canada, 2007

- Grievance Management: Tactical and Practical Considerations in the Use of Mediation and Med/Arb in the Arbitration Process - Atlantic Canada Labour & Employee Relations Insight Conference, 2010
- Moderator SDRCC Arbitrator and Mediator Conference, respecting Resolution Facilitation in Doping Cases January 2011
- Presenter on Arbitrations to the ADR Atlantic Institute Annual Meeting and CLE, 2012
- Presenter ADR Institute of Canada, Annual Conference and Meeting, Halifax, 2012, Med/Arb the How, When and Where
- Moderator Sport Dispute Resolution Centre of Canada, National Conference, Halifax, Styles of Mediation and New Trends and their use in sport mediation 2013
- Presenter respecting Tactical and Practical Considerations in the use of Mediation and Med/Arb to a conference for Lawyers' Insurance Association of Nova Scotia, 2017