

Avichay Sharon

Partner



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Avichay Sharon is a partner with Branch MacMaster LLP. He joined the firm as an associate in September 2017. Avichay has a broad civil litigation practice with a focus on class actions, insurance defence, health law and administrative law. Avichay has a particular interest in constitutional law and Charter litigation. He has appeared before all levels of courts in British Columbia, Alberta, Ontario, Quebec, and the Supreme Court of Canada as well as various administrative tribunals.

Before joining Branch MacMaster LLP, Avichay served as a judicial law clerk for 6 justices of the Supreme Court of British Columbia. Before and during law school Avichay worked for several Israeli and Canadian NGOs as an advocate and researcher in the area of international humanitarian law as well as human rights law. During his studies at the Faculty of Law at McGill University Avichay volunteered at the 'Center For Research-Action On Race Relations' in Montreal and was involved in human rights and Charter litigation in matters brought before courts and administrative tribunals in Quebec.

Areas of Practice

- General Civil Litigation
- Class Actions
- Constitutional Law
- Administrative Law
- Insurance Law

Education

- B.C.L./LL.B. studies at the Faculty of Law at McGill University, Montreal. Graduated in December 2015 (Recipient of the 2015 J.S.D. Tory Writing Award for an essay entitled "The Future of Legal Education: Imagining A. Transdisciplinary Law Faculty")
- B.A. studies at the Hebrew University in Philosophy, Jerusalem. Graduated in 2011.

Professional Memberships

- Law Society of British Columbia (2017)

- Law Society of Ontario (2017)
- Canadian Bar Association

Representative Counsel Work

- Counsel for two insurers in *Workman Optometry v. Certas Home and Auto Insurance*, 2023 ONSC 3356. Judgement in favour of insurers after a common issues trial. The Court answered the common issues in favour of the insurer defendants, finding no coverage for COVID-19 related business interruption losses.
- Counsel for the plaintiff in a class action against Facebook for the unauthorized use of class members' names and portraits: *Douez v Facebook*, 2022 BCSC 914, June 2022 decision following a common issues trial held in January 2022, finding Facebook breached class members' rights under provincial privacy legislation. Other related decisions include: 2019 BCSC 715; 2023 BCSC 1224
- Judicial review of a decision of the Health Professions Review Board: *College of Chiropractors of British Columbia v Health Professions Review Board*, 2023 BCSC 529
- Counsel for long term care homes in multiple lawsuits alleging COVID-19 injury and death in Ontario and Alberta.
- Counsel for long term care homes in proposed class action in British Columbia, alleging systemic abuses: *Huebner v PR Seniors Housing Management Ltd., D.B.A. Retirement Concepts*, 2020 BCSC 1290 and 2020 BCSC 1037 (successful defence on sequencing issues in class action) 2021 BCSC 837 (striking certification affidavits)
- Counsel for the plaintiff in a class action on behalf of Canadian merchants against the 5 largest Canadian banks who issue Visa and Mastercard credit cards for engaging in anti-competitive behavior: *Coburn and Watson's Metropolitan Home v Bank of Montreal*, 2018 BCSC 897; 2018 BCSC 1183; 2019 BCCA 308; 9085-4886 Québec inc. c. Bank of Montreal, 2018 QCCS 3730; 2018 QCCS 585; 2018 QCCS 4872; 2019 QCCA 1301
- Proposed class action challenging the constitutionality of a 15% additional tax imposed by the Province of British Columbia on foreign buyers of residential real estate in the Greater Vancouver area: *Li v. British Columbia*, 2021 BCCA 256
- Judicial Review of a decision of the Hospital Appeal Board: *Provincial Health Services Authority v Campbell*, 2021 BCSC 823
- Counsel for the plaintiff in a class action on behalf of consumers against issuers of pre-paid credit cards for allegedly breaching British Columbia's Consumer Protection Act: *Jiang v Peoples Trust Company*, 2018 BCSC 299; 2019 BCCA 149; 2019 BCCA 347; 2021 BCSC 2193; 2022 BCCA 40
- Judicial Review of a decision of the Health Professions Review Board: *College Of Dental Surgeons Of British Columbia v Health Professions Review Board*, 2022 BCSC 941
- Counsel for the plaintiff in a class action alleging the private tort of nuisance arising from noise pollution associated with the operation of railway grade crossings in Alberta: *Klassen v Canadian National Railway Company*, 2022 ABQB 280; 2023 ABCA 150
- Counsel for the College of Pharmacists of British Columbia in a proposed class action concerning opioid agonist treatment in British Columbia: *Shaver v Mallinckrodt Canada ULC*, 2021 BCSC 455;

- Counsel for the plaintiffs in a class action on behalf of Ontario surveyors alleging copyright infringement by Teranet: *Keatley Surveying Ltd. v. Teranet Inc.*, 2019 SCC 43

Publications

- Avichay Sharon, “The Legislative Framework of Organized Crime”, National Judicial Institute, Ottawa 2017.
- Avichay Sharon, “Glossary of Common Criminal Terms and Cases”, National Judicial Institute, Ottawa 2017.
- Avichay Sharon (2017): “‘Benefit at no cost’—should squatters pay rent? A comparative analysis of gain-based awards for trespass in the Common Law and customary Talmudic Law”, *Transnational Legal Theory*, Vo. 8, 2017- Issue 2.
- ‘The Settlers Secret Slush Fund’ (in Hebrew- ‘Hakupa Hasodit Shel Hayemin Hamitnachali’), Molad, Jerusalem 2014, p.100, (co-authored with Liat Schlesinger and Yonatan Levi).
- *Our Harsh Logic: Israeli Soldiers’ Testimonies from the Occupied Territories, 2000-2010*’, Metropolitan Books, New York 2012, p. 400. (Originally published in Hebrew in 2010 under the title ‘Kibush HaShtachim’, by *Breaking the Silence*, Jerusalem). (Mikahel Manekin, Avichay Sharon, Yanay Israeli, Oded Naaman and Levi Spectre, eds.).