



## REQUEST FOR BIOGRAPHICAL INFORMATION

### Opportunity for arbitrators to be selected for the Canadian Transportation Agency rosters

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#### Contact Information

Please note that completion of this form is lengthy. You may be required to save and return to complete. If you have any questions or need help please contact Martina Faith at [Martina.Faith@otc-cta.gc.ca](mailto:Martina.Faith@otc-cta.gc.ca)



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Last name	Erdle
Middle initial	
Honorifics	Mr.
Professional title	
Firm name	
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Province	Ontario
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Telephone (mobile)	416-720-9784
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Web site URL	<a href="http://www.practicalresolutions.ca">www.practicalresolutions.ca</a>
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Ontario



<p>Willingness to travel within and to other provinces? Please specify provinces.</p>	<input checked="" type="checkbox"/> All provinces <input checked="" type="checkbox"/> British Columbia <input checked="" type="checkbox"/> Alberta <input checked="" type="checkbox"/> Saskatchewan <input checked="" type="checkbox"/> Manitoba <input checked="" type="checkbox"/> Ontario <input checked="" type="checkbox"/> Quebec <input checked="" type="checkbox"/> New Brunswick <input checked="" type="checkbox"/> Nova Scotia <input checked="" type="checkbox"/> Newfoundland and Labrador <input checked="" type="checkbox"/> Prince Edward Island <input checked="" type="checkbox"/> Yukon <input checked="" type="checkbox"/> Northwest Territories <input checked="" type="checkbox"/> Nunavut
<p>Languages spoken</p>	<input checked="" type="checkbox"/> English <input type="checkbox"/> French

**Education**

Please list degree(s), institution(s) attended and year degree(s) conferred below.

Degree	Institution attended	Year degree conferred
Bachelor of Laws (LL.B.)	Osgoode Hall Law School, Toronto	1986
Bachelor of Journalism	Carleton University, Ottawa	1978

Please list courses or degrees in **Economics**, if any.

Courses	Institution attended	Year

Please list courses or degrees in **Finance and Accounting**, if any.

Courses	Institution attended	Year



Please list courses relating to **logistics, transportation or transportation law**, if any.

Courses	Institution attended	Year

### Arbitration Designation

Please list below the designation(s), certification(s) or accreditation(s) in arbitration received from any recognized institution(s) and the year(s) conferred.

Designation	Organization	Year conferred
Chartered Arbitrator 2010	ADR Institute of Canada	2010
Fellow	Chartered Institute of Arbitrators	2013

### Arbitration Training

Please list below the **arbitration training** or course(s), if any, along with the institution providing the training and the year that you received this training.

Course	Institutions	Year
Accelerated Path to Fellowship	Chartered Institute of Arbitrators	2013
Intensive IP Arbitration Course	Canadian Bar Association & Intellectual Property Institute of Canada	2002

### Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.

15 (primarily commercial solicitor practice)

Please list range of years over which these cases occurred.

1994-2015

Please list law firms with which you were associated, according to years.



Firm name	Duration
Blake Cassels & Graydon	1988-1994
Deeth Williams Wall LLP	1994-2015

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	34
Respondent	66

Please list by subject area, the three most complex commercial cases with which you have been involved as counsel in arbitrations or litigation, the kind of evidence presented, what experts were involved, quantum in issue and duration of case.

Area of commercial litigation (e.g. patent infringement)	Kind of evidence presented	What type of experts were involved	Quantum (value of claim)	Duration (time in court)
Breach of Contract (software implementation)	Contract and project documents email experts	IT project specialist	\$18,000,000	
Electronic publishing; software development	Technical –re software development; Financial – re quantum of damages	Software developers; accounting	8,000,000	
Software Licensing	Technical – re use of software	Software analysis	1,000,000	

### Experience as an Arbitrator, Adjudicator or Judge

Please specify approximate number of cases in which you have acted as an arbitrator, judge or tribunal adjudicator. Please note that there are cells, in the table below, in which you are asked to provide the court level and tribunal.



	Arbitrator	Judge	Tribunal Adjudicator
Number of cases	30		
Over what period of years	10		
Number of commercial cases	30		
Over what period of years	10		
Level of court	n/a		
Please specify tribunal	Sole arbitrator		

Please list by subject area the three most complex commercial cases in which you acted as arbitrator, judge or adjudicator, the kind of evidence presented, experts involved, quantum in issue and duration of hearing.

Please specify your role	Area of commercial litigation	Evidence presented	Experts included	Quantum (value of claim)	Duration (time in court)
Arbitrator	Intellectual Property – ownership of custom software	Motions regarding jurisdiction, procedure, privilege, security for costs; substantive issues regarding contract interpretation, copyright ownership, software development, damages, costs	Software developers and consultants	1,000,000	5 day hearing
Arbitrator	Request for Interim Relief	Contract terms; affidavits regarding ownership of work product and claim for urgent interim relief (delivery of work product)	N/A	2,500,000	1 day hearing
Arbitrator	Software licensing	License terms; technical issues regarding scope of software use		45,000,000	Settled prior to hearing



## Work Samples

Please provide a written award (redacted) or decision that you have written. Files should be attached to this submission. Only .pdf or .doc files are accepted.

### Transportation Specific Legislation

#### FOR RAIL SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar".	Response
<i>Railway Costing Regulations – SOR/80-310</i>	Fair
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Fair
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Fair
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	Fair
<i>Railway Interswitching Regulations – SOR/88-41</i>	Fair

Please provide details explaining how you became familiar with this material.

I have read the legislation, regulations, procedures and related commentaries and other materials.

#### FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Canada Marine Act – S.C. 1998, c. 10</i>	Fair
<i>Coasting Trade Act – S.C. 1992, c. 31</i>	Fair
<i>Pilotage Act – R.S.C. 1985, c. P-14</i>	Fair
<i>Shipping Conferences Exemption Act, 1987 – R.S.C., 1985, c. 17 (3rd Supp.)</i>	Fair

Please provide details explaining how you became familiar with this material.

I have read the legislation, regulations, procedures and related commentaries and other materials.



FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Air Transportation Regulations – SOR/88-58</i>	Fair

Please provide details explaining how you became familiar with this material.

I have read the legislation, regulations, procedures and related commentaries and other materials.

**Familiarity with Transportation and Transportation Law**

Please describe your background involvement in the transportation industry or transportation law, if any.

I do not have specialized background in transportation law. I have 30 years experience in commercial law, particularly relating to technology contracts and licensing. I have extensive experience with international contracts and some experience with INCOTERMS.

**Disclosure**

If you have ever worked for, been associated with, or have a current or past interest in a transportation carrier or shipper in rail, marine or air, please provide details below:

None.

**Conflict**

If you OR YOUR FIRM currently represent, or have in the past represented, a carrier please advise.

N/A

If you OR YOUR FIRM currently represent, or have ever represented, a company in a matter relating to shipment of goods, please advise.

N/A

**Fees**

Please provide daily and hourly rates	Response
Daily	2000
Hourly	300





**Availability**

How many months in advance are you booked for?

One

**Signed Agreement**

PLEASE NOTE THAT YOUR APPLICATION IS NOT COMPLETE WITHOUT PROOF OF INSURANCE AND THE SIGNED AGREEMENT THAT YOU WILL FIND BELOW.

The information I have provided describes accurately my qualifications and experience.

I understand that:

- Roster members will be selected based on the criteria set out in this request for biographical information.
- The biographical information provided by me in this request for biographical information will appear online ON the Agency's Web site.
- Rosters and roster members may be reviewed every two years.
- Being accepted as a roster member does not guarantee that I will receive work under the *Canada Transportation Act*.
- The Canada Transportation Agency is in no way responsible for any fees, expenses or outstanding payments, all of which shall be billed by the arbitrator to the parties to any proceeding under the *Canada Transportation Act*.

If my request is accepted, I will comply with all the conditions of the program, including but not limited to the following:

- Compliance with the Canadian Transportation Agency's Code of Values and Ethics.
- Maintenance of insurance at the required level.

Please provide proof of insurance	Response
Policy number #	MCL 1966PL-5 / MCL1966GL-5
Issuer	Lloyds (ADR Institute of Canada)

<b>Signed on</b>	
<b>in the province of</b>	
<b>Signature (Please sign the form digitally by typing your first and last name.)</b>	* Signed on original copy



## Application Checklist

Please do not include a resume. If you have any questions or need help, please contact Martina Faith at [Martina.Faith@otc-cta.gc.ca](mailto:Martina.Faith@otc-cta.gc.ca).

If you wish to be considered for the roster, please ensure that you completed the following:

### Checklist

- Filled out the Application Form
- Provided your work sample
- Provided your digital signature above
- Faxed us (819-953-6613) or attached as a PDF, the proof of insurance