



Charles Tingley

Partner

Office

Toronto

Tel

416.367.6963

Email

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Expertise

Competition, Antitrust and Foreign Investment Investigations and White Collar Defence Advertising, Marketing and Distribution

Bar Admissions

New Zealand, 2008
Ontario, 2002

“Very intelligent, thoughtful, incisive and practical.”

Client – *Chambers Canada*

Charles brings a combination of expert knowledge in competition law and enforcement agency experience to his practice. He advises on Canadian competition and foreign investment review law, including mergers, abuse of dominance, cartel investigations, misleading advertising and general compliance matters.

Charles has significant expertise in securing competition and foreign investment approvals for complex M&A transactions. He also assists clients in major competition litigation and in negotiating resolutions with the Competition Bureau.

He brings a unique understanding of enforcement agency concerns to his clients' matters. Before rejoining us in 2012, he was Deputy General Counsel of the New Zealand Commerce Commission, where he managed the Commission's major litigation portfolio and acted as counsel in a variety of complex competition proceedings.

Charles holds leadership positions within the Canadian and American Bar Associations. He launched and co-hosts the *Counterfactual* podcast produced by the CBA's Competition Law and Foreign Investment Review Section, and serves as vice-chair of the Unilateral Conduct Committee of the American Bar Association's section of Antitrust law. He is a board member of the children's Ready, Set, Play.

REPRESENTATIVE WORK

Axium Infrastructure

Acted for Axium Infrastructure in its C\$340-million acquisition of a 49% interest in a 246-MW wind facility portfolio from Capital Power, consisting of the Quality Wind facility in British Columbia and the Port Dover and Nanticoke Wind facility in Ontario.

Oxford Properties Group and Canada Pension Plan Investment Board

Acted for Oxford Properties Group and Canada Pension Plan Investment Board in its C\$325-million sale of Les Galeries de le Capitale, a super regional enclosed shopping centre located in Quebec City, to Primaris Real Estate Investment Trust.

Axium Infrastructure Inc.

Acted for Axium Infrastructure with its acquisition, together with Nova Scotia Pension Services Corporation, of a 50% equity interest in the 100 MW Cedar Point II Wind Project located in Ontario from Fiera Infrastructure. The power produced by the project is sold to the Independent Electricity System Operator (IESO) under a 20-year power purchase agreement under Ontario FIT Program.

WESCO Distribution Inc.

Acted as Canadian counsel to WESCO Distribution Inc. in the US\$350-million sale of its integrated supply business to Vallen Distribution, Inc., a portfolio company of Nautic Partners, LLC.

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BMS Group

Acted for BMS Group in its acquisition of Smith & Reid Insurance Brokers and O'Neil Insurance Brokers.

Burgundy Diamond Mines Limited

Acted for Burgundy Diamond Mines Limited (BDM) in its US\$136-million acquisition of Arctic Canadian Diamond Company Limited, including the world-class Ekati Diamond Mine in Canada's Northwest Territories, and Arctic Canadian Diamond Marketing N.V. Upon closing, BDM became one of the largest listed diamond companies globally.

BELLUS Health Inc.

Acted for BELLUS Health Inc. in its US\$2-billion sale to GSK plc, a British-based pharmaceutical company.

Alimentation Couche-Tard Inc.

Acted for Alimentation Couche-Tard Inc. both in its acquisition of Cape D'Or Holdings Limited and Barrington Terminals Limited, which operate an independent convenience store and fuel network in Atlantic Canada under the Esso, Wilsons Gas Stops and Go! Store brands, and in connection with obtaining the Canadian Competition Bureau's approval for the transaction. Also acted for Alimentation Couche-Tard Inc. in the divestiture of 52 retail and fuel locations to Harnois Énergies.

TotalEnergies EP Canada Ltd.

Acted for TotalEnergies EP Canada Ltd., a subsidiary of TotalEnergies SE, in connection with its acquisition of an additional 6.65% working interest in the Fort Hills oils sands project located approximately 90 km north of Fort McMurray, Alberta.

Axiom Infrastructure

Acted for Axiom Infrastructure Inc. in connection with the acquisition from Copenhagen Infrastructure Partners of the Travers Solar Project located in Vulcan County, Alberta. Situated on approximately 3,330 acres of land, the project has a total nameplate capacity of 465 MW, making it the largest solar project in Canada at the time of closing.

RECOGNITIONS

Chambers Global: The World's Leading Lawyers for Business—
Competition/Antitrust

Chambers Canada: Canada's Leading Lawyers for Business—
Competition/Antitrust

GCR 100 Canada: A Guide to the World's Leading Competition Law and
*Economics Practices—*Competition and Foreign Investment Review

*The Canadian Legal Lexpert Directory—*Competition Law

*The Best Lawyers in Canada—*Advertising and Marketing Law;
Competition/Antitrust Law

*Who's Who Legal: Competition; Who's Who Legal: Canada—*Competition

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Expert Guides—Competition and Antitrust

INSIGHTS

Host, *Counterfactual* podcast, Canadian Bar Association, Competition and Foreign Investment Review Section, “The Competition Bureau’s AI Summit”
Oct. 24, 2024

Hold My Popcorn: Canadian Competition Tribunal Decides First Case Under *Competition Act*’s Amended Misleading Representations Provisions
Oct. 21, 2024

Canadian Competition Bureau Stakes Out Aggressive Stance on Property Controls in Preliminary Enforcement Guidance
Aug. 19, 2024

Host, *Counterfactual* podcast, Canadian Bar Association, Competition and Foreign Investment Review Section, “All Rise for the Adam F. Fanaki Competition Law Moot”
Mar. 19, 2024

First Set of Major Changes to Canada’s *Competition Act* in Force
Dec. 19, 2023

Host, *Counterfactual* podcast, Canadian Bar Association, Competition Law and Foreign Investment Review Section, “The Judge and the Clerk—An Inside Look at the Canadian Competition Tribunal”
Oct. 06, 2023

Canada’s *Competition Act* Reforms Include Expanded Power to Challenge Anticompetitive Agreements
Sept. 28, 2023

Canadian Government Announces “First Set” of *Competition Act* Reforms
Sept. 19, 2023

Competition Bureau Tests Canada’s New Drip Pricing Law
May 25, 2023

Host, *Counterfactual* podcast, Canadian Bar Association, Competition Law and Foreign Investment Review, “Taking the Pulse of Artificial Intelligence”
Dec. 15, 2022

EDUCATION

McGill University, BCL/LLB (with Great Distinction), 2000
McGill University, BA (First Class Honours), 1996

PROFESSIONAL AFFILIATIONS

American Bar Association, Section of Antitrust Law
Canadian Bar Association, Competition Law and Foreign Investment Review Section

BOARD MEMBERSHIPS

DAVIES

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Ready, Set, Play Children's Charity

COMMUNITY INVOLVEMENT

American Bar Association, Section of Antitrust Law, Unilateral Conduct Committee, vice-chair

Canadian Bar Association, Competition Law and Foreign Investment Review Section, Podcast Committee, former chair

Canadian Bar Association, Competition Law Section, Legislation and Competition Policy Committee, former vice-chair

Canadian Bar Association, Competition Law Section, 2016 Competition Law Spring Forum, former chair

Canadian Bar Association, Competition Law Section, Reviewable Matters/Unilateral Conduct Committee, former chair

Canadian Bar Association, Competition Law Section, Mergers Committee, former chair

McGill University Faculty of Law, Alumni Mentor Program, mentor

McGill University Faculty of Law, Moot Court Team, Adam F. Fanaki Competition Law Moot, coach