



Kyle Kashuba

PARTNER

An accomplished insolvency and restructuring counsel with experience across Canada and the U.S., and a strong corporate and commercial litigation practice, Kyle combines skilled advocacy and deep technical ability to support clients in their most significant insolvency disputes.

CONTACT

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Overview

Kyle's practice focuses on disputes, insolvencies and restructurings across Canada and the U.S., with an emphasis on financial insolvency and corporate restructuring in the oil and gas sector. Kyle brings a wealth of experience in commercial litigation and corporate disputes, having acted on numerous major matters involving the *Companies' Creditors Arrangement Act*, the *Bankruptcy and Insolvency Act*, receivership proceedings, international commercial arbitration, mediation and other forms of alternative dispute resolution involving distressed companies.

Kyle works closely with insolvency professionals and has represented many of them in their capacities as monitors, receivers and trustees. His experience also extends to representing secured and unsecured creditors, purchasers and prospective purchasers, and financially challenged public and private corporations. He was notably appointed as *amicus curiae* counsel to the Court of Appeal of Alberta in a complex insolvency case.

Beyond insolvency and restructuring matters, Kyle also represents clients in major contractual disputes, shareholder disputes, franchise litigation, judgment-debt enforcements, builder's lien and construction claims, and the defence of professional negligence claims.



Kyle Kashuba is highly recommended by clients for his astounding litigative work within the oil and gas sector, as well as his 'vast understanding' of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*.

—WHO'S WHO LEGAL, 2021

Featured Work

Westbrick Energy, as a major creditor to Calgary Oil & Gas Syndicate Group Ltd. and certain related entities, in its stalking horse bid for Calgary Oil & Gas as part of its sales process under the Companies' Creditors Arrangement Act

an ad hoc group of bondholders, owed more than C\$800 million, in the restructuring proceedings of Dominion Diamond Mines ULC and certain affiliates under the Companies' Creditors Arrangement Act, including the initial proposed US\$186 million stalking horse bid by an affiliate of Dominion's equity owner, The Washington Companies

PricewaterhouseCoopers in its capacity as Proposal Trustee and Trustee in Bankruptcy of Sequoia Resources Corp., an oil and gas exploration and production company operating in Western Canada, in its large claims and sale procedure under the Bankruptcy and Insolvency Act, as well as in connection with a C\$225 million lawsuit concerning substantially all of Sequoia's current oil and gas properties

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Recognition and Awards

2024-2025 *Chambers Canada*—Leading lawyer in restructuring/insolvency

2020-2025 *Best Lawyers in Canada*—Leading lawyer in insolvency and financial restructuring law

2019-2023 *The Canadian Legal Lexpert Directory*—Leading lawyer in insolvency litigation and financial restructuring

2019-2022 *Who's Who Legal*—National leading lawyer in litigation and restructuring and insolvency

2018 *Lexpert's Rising Stars: Leading Lawyers Under 40*—One of Canada's leading lawyers under 40

Insights

Alberta Court of King's Bench warns: think twice before making unfounded claims against receivers

Although courts tend to apply a low threshold to requests for leave to sue a receiver, that threshold becomes significantly higher if the receiver's actions are court-approved.

Constructive solutions: the Alberta Court of King's Bench offers insight into evaluating fraud claims against a debtor on the eve of a transaction

Finding the shore of Redwater: Alberta Court of Appeal holds private litigant not entitled to "super priority" environmental remediation claim

2023 Recap and 2024 Predictions: Which Industries are Struggling?

Challenges in the CCAA with the Varying Treatment of Pre-Post Set-Off Rights

Foreclosure proceedings and available remedies for mortgage holders and other creditors

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News

What lies ahead for Canada's insolvency industry in 2025

81% of Torys' Canadian partners ranked by Chambers Canada

179 Torys lawyers recognized in the 2025 Best Lawyers guide

161 Torys lawyers named in the 2024 Best Lawyers guide

Best Lawyers recognizes 121 of Torys' leading lawyers

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Professional Involvement

Kyle is heavily involved in the insolvency community, acting as an Executive Member of the National Bankruptcy, Insolvency and Restructuring Section Executive Committee of the Canadian Bar Association; the Chair of the Bankruptcy, Insolvency and Restructuring Section of the Canadian Bar Association; and the Past Chair of the Young Lawyers Section of the Canadian Bar Association.

Kyle is also a member of the Insolvency Institute of Canada, the Canadian Association of Insolvency and Restructuring Professionals, INSOL International, Turnaround Management Association and the University of Alberta Division of the Golden Key Society.

Additionally, he was a former member of the Alberta Residential Tenancies Advisory Committee and a former Board Member of Student Legal Services of Edmonton, where he served on the Management Committee.

Kyle volunteers with the Calgary Legal Guidance and the Calgary John Howard Society. He also acts as a supervising lawyer at Pro Bono Students Canada.

Education and Bar Admissions

Education

LLB, 2005

University of Alberta

BA, 2002

University of Calgary

Bar Admissions

Alberta, 2006