



hamilton duncan

David Hunter

Litigator, Partner

Contact

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Practice Areas

Business

- ▶ Legal Fee Disputes (Business)
- ▶ Real Estate Litigation

Personal

- ▶ Elder Law
- ▶ Estate & Trust Litigation
- ▶ Real Estate Litigation

Education

- ▶ LLB, University of British Columbia (2007)
- ▶ BA, University of British Columbia (2003)

Bar Locations

- ▶ British Columbia (2008)

David Hunter is a partner of Hamilton Duncan and Co-Chair of the Estate and Trust Litigation department. David has a civil litigation practice with a primary focus on estate and trust litigation. He represents executors, trustees, attorneys, beneficiaries, and other individuals in all levels of court in British Columbia.

David has experience in a variety of estate and trust-related disputes, including undue influence and capacity claims, construction and variation of wills and trusts, determination of spousal status, and contentious matters of estate and trust administration. He also advises executors and trustees in the administration of estates and trusts, as well as clients concerned about elder financial abuse.

David joined Hamilton Duncan in 2011 after practicing with a national law firm in Vancouver. He received his Bachelor of Arts in 2003 and his Bachelor of Laws in 2007, both from the University of British Columbia. Prior to his call to the bar in 2008, David served as a law clerk for six judges of the Supreme Court of British Columbia. In his spare time, David enjoys traveling and spending time with his wife and twin boys. David has been recognized by Best Lawyers in Trusts and Estates since 2020.

Work Highlights

- ▶ Successful in obtaining an order enforcing an agreement among estate beneficiaries to settle a complex estate dispute: *Binng v. Gill*, 2022 BCSC 1479
- ▶ Successfully argued for the imposition of terms regarding access to an incapable elderly adult: *Srikureja v. Srikureja*, 2022 BCSC 514
- ▶ Counsel for the solicitor of an incapable adult in successfully obtaining an order waiving solicitor-client privilege to allow evidence of the adult's wishes and preferred committee: *Seifred v. Arnold*, 2020 BCSC 2250
- ▶ Counsel for estate beneficiary in successfully obtaining an order requiring the Deceased's former solicitor to disclose his estate planning file materials: *Re Moore Estate*, 2019 BCSC 2085
- ▶ Successfully obtained an order for fully indemnity costs on behalf of an executor named in a will found to be invalid by reason of lack of mental capacity: *Singh Estate v. Singh*, 2019 BCSC 1114

- ▶ Lead counsel for Deceased's children in the successful defence of a wills variation action started by the Deceased's spouse: *Klotz v. Funk*, 2019 BCSC 817
- ▶ Counsel for Deceased's spouse in successfully resisting an application by a separate alleged spouse to revoke grant of probate: *Re Berkenbos Estate*, 2018 BCSC 1661
- ▶ Counsel for committee of incapable son in successfully resisting application by Public Guardian and Trustee of British Columbia to rescind appointment: *Re Anand*, 2018 BCSC 34
- ▶ Successfully obtained an order for special costs from an estate on behalf of the former executor: *Re Crisafio Estate*, 2018 BCSC 305
- ▶ Counsel for minority shareholder in successfully obtaining leave to commence an action in the name of the company: *Mudaliar v. Mudaliar*, 2015 BCSC 1476
- ▶ Counsel for successful plaintiffs in action between family members concerning beneficial ownership of residential property: *Cerenzie v. Duff*, 2014 BCSC 1345
- ▶ Counsel for food manufacturer in successfully defending application to stay court proceedings on basis of lack of jurisdiction and forum non conveniens: *Original Cakerie Ltd. v. Renaud*, 2013 BCSC 755
- ▶ Counsel for homeowner in successful claim against neighbour for general and punitive damages relating to the removal of trees on homeowner's property: *Kranz v. Shidfar*, 2011 BCSC 686

Publications

- ▶ Estate Administration and the Public Guardian and Trustee (January 29, 2021)
- ▶ A Primer on Ordinary Costs (February 2020)
- ▶ Avoiding the Most Commonly Litigated Wills and Estates Issues (January 30, 2020)
- ▶ How to Successfully Defend an Undue Influence Action (March 2019)
- ▶ Validity of Testamentary Instruments Recent Developments (January 2019)
- ▶ Civil Contempt of Court: An Overview (April 2017)
- ▶ DNA Discovery and the Importance of DNA Evidence in Estate Litigation (May 2016)
- ▶ Mediation in a Time of Mourning (June 2015)
- ▶ Are you unknowingly unduly Influencing your elderly parent? (May 2015)

- ▶ No Right to Visit Elderly Parents (April 2015)
- ▶ Proprietary Estoppel – A Sword to Enforce Expectations (Summer 2014)
- ▶ Putting Things Right – How to Attack Financial Transactions (Spring 2014)

Speaking Engagements

- ▶ Administering Estates in Uncertain Times, January 29, 2021, PBLI
- ▶ Estate Planning and Estate Litigation, February 22, 2020 – CPA BC, Surrey/Langley/North Delta Chapter
- ▶ Estate Planning: The Tricky Issues, January 6, 2020 ? PBLI
- ▶ Ordinary Costs: Entitlement and Manner of Assessment, February 13, 2020 ? CLE
- ▶ Wills & Estate Planning and Estate Litigation, March 16, 2019 – CPA BC, Surrey/Langley/North Delta Chapter
- ▶ Validity of Testamentary Instruments: Recent Developments, January 2019 – Pacific Business and Law Institute Seminar
- ▶ Pit Falls of Wills and Estates and How to Avoid them, January 9, 2020 – Fraser Valley CPAA
- ▶ Undue Influence: How to Prosecute, How to Defend, and How to Win, April 5, 2019 ? TLABC
- ▶ Issues in Estate Litigation: Protecting the Estate Plan, May 2018 – Chartered Professional Accountants BC Seminar
- ▶ Civil Contempt of Court: An Overview, April 2017
- ▶ Contempt of Court: When is it Appropriate to Apply for a Contempt Order?, April 2017 ? TLABC
- ▶ DNA Discovery and the Importance of DNA Evidence in Estate Litigation, May 2016 – TLABC
- ▶ DNA – Who's Your Daddy?, May 2016 – TLABC

Associations

- ▶ Fraser Valley Estate Planning Council, Past President
- ▶ Surrey Bar Association, Past Director
- ▶ Law Society of British Columbia, Member
- ▶ Canadian Bar Association, Member
- ▶ Trial Lawyers Association of British Columbia, Member