

Alberta Litigation Trends: How Energy Consolidation and Major Projects Are Reshaping Disputes

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Alberta's litigation landscape is shifting as energy consolidation, large public infrastructure builds, and rising project complexity drive bigger, more technical disputes. For businesses, the takeaway is practical: contracts, governance, and project controls that worked on smaller files are being tested on higher-value matters with more parties and greater scrutiny.

Key Takeaways

- Energy consolidation is producing fewer but larger disputes, often involving multiple parties, layered contracts, and expert evidence.
- Public sector tendering and federal capital investment are increasing major infrastructure work, while private development and related construction litigation have cooled.
- Bigger, JV-delivered projects can trigger disputes between participants over scope, governance, pricing, and risk allocation, sometimes long after shovels are in the ground.
- Tariffs and cost escalation are adding uncertainty to schedules and budgets, increasing the likelihood of claims and renegotiations.
- For clients, early attention to contract drafting, decision rights, records management, and change control can materially reduce dispute risk and improve outcomes if litigation becomes unavoidable.

Energy Consolidation is Raising the Stakes

As major assets change hands and operators scale up, disputes tend to involve larger project footprints, higher capital exposure, and more sophisticated commercial relationships. That can mean broader document production, more technical expert issues, and greater business disruption when a claim lands.

Fewer Mid-market Files, More High-stakes Litigation

Courts are seeing fewer mid-market disputes and more high-value matters involving major organizations. These files are typically more complex and technical, with higher exposure and more pressure to manage reputation, business continuity, and relationships alongside the legal strategy.

- Smaller, routine matters are declining.
- Large, multi-issue disputes are increasing.

Securities Claims have Moderated

Compared to prior cycles, securities litigation and shareholder activism appear to have eased. For public and private companies alike, that can reduce one category of headline risk, but it does not offset the growing dispute exposure tied to major projects, commercial contracts, and operational issues.

Public Investment is Reshaping Construction Disputes

Across Canada, public sector tendering and federal capital investment are driving significant infrastructure work, from roads to plant construction.

At the same time, private sector development has slowed, and the current regulatory environment has contributed to reduced private activity and fewer private-sector construction disputes.

What's emerging is a more complex public-project model: larger builds delivered through joint ventures, with tighter timelines, cost escalation pressures, and tariff-related uncertainty. For owners, contractors, and JV partners, that raises the importance of clear decision rights, disciplined change management, and strong project records, because disputes often turn on who approved what, when, and on what terms.

Construction Litigation Is Expected to Accelerate

Construction disputes are widely expected to grow as major projects advance. The biggest drivers are familiar but intensifying: project size and complexity, layered agreements, cost escalation, and schedule delays. Because construction activity in Alberta is closely tied to energy and infrastructure investment, these disputes can become one of the province's fastest-growing risk areas.

Key drivers:

- Layered contracts and multiple parties
- Cost escalation, tariffs, and supply uncertainty
- Delay, disruption, and change-order pressure

Where Disputes are Showing Up

Energy remains a dominant source of litigation in Alberta, particularly as consolidation creates more complex ownership and operating structures and higher-value commercial claims. Construction disputes are closely linked, often turning on contract interpretation, delivery failures, and cost overrun or delay claims.

Alberta is also seeing growth in intellectual property and technology-related disputes as investment expands beyond traditional energy assets. For businesses, that can mean more conflicts tied to data, innovation, and commercializing new tools and processes.



What this Means for Clients

In a market defined by larger projects and more complex counterparties, dispute prevention is increasingly a competitive advantage. Clear risk allocation, well-defined governance (especially in joint ventures), disciplined change management, and strong documentation can reduce the chance of a claim and strengthen your position if one arises.

When disputes do happen, the costs are not only legal. They can affect schedules, financing, supply chains, and long-term commercial relationships. Building a proactive strategy early can help organizations resolve issues faster, preserve optionality, and stay focused on delivery.

BD&P advises clients on high-stakes disputes and risk management across energy, construction, infrastructure, and complex commercial matters in Alberta.

Construction disputes are evolving. Our [Construction](#) and [Litigation](#) lawyers help clients manage risk and resolve issues efficiently. Reach out to learn how we can support your project.