



Pacific Business & Law Institute

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Commercial Leases: Key Terms for Different Industries

Co-Chaired by

Neil Davie

Norton Rose Fulbright Canada LLP

Mario Rubio

Norton Rose Fulbright Canada LLP

March 8th, 2019 • SFU Harbour Centre • Vancouver, BC

Live Webinar also available!



CO-CHAIRS



Neil Davie, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Neil practises in the Real Estate Group at Norton Rose Fulbright. Neil's practice involves all aspects of commercial real estate including the acquisition, financing, leasing, development and sale of residential, industrial, office, and retail properties for local, national, and offshore clients. Neil has extensive experience advising clients at all stages of the development process – from rezoning through to building occupancy. He has worked on a number of complex phased and mixed-use developments for some of the Lower Mainland's leading residential and commercial real estate developers. Neil has also been recognized as a leading lawyer in the area of Real Estate by Lexpert, Chambers Canada, and Chambers Global. Neil has been listed in Best Lawyers in Canada in the areas of Commercial Leasing Law and Real Estate Law and was named the "2016 Lawyer of the Year" and the "2018 Lawyer of the Year" in the area of Commercial Leasing Law for Vancouver.



Mario Rubio, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Mario assists clients with real estate transactions involving the acquisition, financing, leasing, development, subdivision, and sale of commercial, industrial, office, retail, and residential properties. Mario represents a broad range of clients, including developers, retail companies, forestry companies, societies, port authorities, and other commercial, industrial, and residential landowners. Mario is a past Chair of the Canadian Bar Association – Vancouver Real Estate Property Section.

FACULTY



Damon Chisholm, Partner, McMillan LLP, Vancouver, BC. Damon is Co-Chair of his firm's Commercial Real Estate Group and is a member of the Financial Services Group. His practice focuses on all aspects of commercial real estate including development, subdivisions, stratifications, acquisitions, dispositions, financing, and leasing of commercial properties. Damon's experience includes acting for natural resource companies in complex project financing and acquisitions, purchasers and vendors of large commercial developments, including land acquisitions, hotels, apartment

buildings and industrial and office complexes as well as successfully negotiating complex commercial and railway land leases for major landlords and for a variety of industrial tenants. Damon's practice also includes commercial lending matters including secured, unsecured and project financing and he has acted for institutional and private lenders and borrowers.



Erin J. Easingwood, Partner, Lindsay Kenney LLP, Vancouver and Langley, BC. Erin has a comprehensive solicitor's practice that includes Corporate and Commercial Law, Real Estate Law, Commercial Transactions, Mergers and Acquisitions, and Estate and Incapacity Planning and Administration. She divides her time between LK Law's Langley and Vancouver offices and can often be found working with her clients in their own location.



Stacey J. Handley, Partner, Gowling WLG, Vancouver, BC. A highly regarded lawyer in Vancouver's real estate industry, Stacey J. Handley has extensive expertise in commercial real estate transactions. She advises clients on a range of matters, including major sales and acquisitions, and the leasing, development, subdivision, and financing of commercial properties. A significant part of her practice involves leasing commercial retail and office properties on behalf of both Landlords and major Tenants. Stacey is repeatedly recognized as a leading lawyer in the areas of Real Estate and Property

Leasing by Best Lawyers in Canada and by Lexpert. In 2017 Stacey was named by Best Lawyers in Canada as "Lawyer of the Year" in Commercial Leasing Law for Vancouver.



Jana McLean, Principal, Iris Legal, Vancouver, BC. Jana practises in the areas of environmental, natural resources and Indigenous law. Jana has advised on all areas of environmental law, with extensive experience in the areas of contaminated sites, water and fisheries law, environmental assessments, environmental compliance, and environmental prosecutions. She is also experienced in advising on all stages of resource development, including legal challenges to resource development decisions and project compliance. Jana is on the executive of the Environmental Law Sub-section of the CBA(BC). She was described as a "rising star" in environmental law in the 2016 edition of The Legal 500 Canada, and recognized in the 2016-2018 editions of The Best Lawyers in Canada in the area of environmental law.



Christian Petersen, Partner, McMillan LLP, Vancouver, BC. Christian is a partner in the Advocacy and Litigation Group at McMillan LLP. Christian has particular experience in real estate matters, including issues involving interests in land, property development and commercial leases. He also acts for clients in matters involving shareholder, partnership and joint venture disputes, and has experience in employment, entertainment and insurance law. In addition to trial and appellate experience, Christian has experience in mediations, commercial arbitrations and matters adjudicated by administrative tribunals. Christian regularly contributes to the professional development of lawyers and other professional groups.



Laura Smith, Associate, Fasken Martineau DuMoulin LLP, Vancouver, BC. Laura is an associate in the Real Estate Group and Banking & Finance Group at Fasken. Her practice involves real estate development, commercial property acquisitions, and commercial leasing. She has represented both landlords and tenants in a variety of commercial leasing transactions.



Chad Travis, Partner, Lawson Lundell LLP, Vancouver, BC. Chad works in the Real Estate Group at Lawson Lundell and assists clients with all aspects of real estate development, commercial leasing and municipal planning. He has experience acting for developers in the acquisition and disposition of commercial properties, and the rezoning and subdivision of development properties. Chad also advises landlords and tenants in the preparation of leases for industrial, retail and office leasing transactions. He is a graduate of Osgoode Hall and the University of Western Ontario.



Christie Wilson, Senior Associate, Borden Ladner Gervais LLP, Ottawa, ON. Christie is a member of BLG's National Leasing Centre. Christie regularly assists clients across a broad range of industries with the purchase and sale, development, and financing of office, industrial, retail and mixed-use commercial property. Christie has extensive experience representing both landlords and tenants in commercial leasing matters and has acted for some of Canada's leading retailers. Christie's proactive and practical approach and her experience practicing in Alberta, British Columbia and Ontario

provide her clients with a national perspective focused on their business needs. In addition to her practice, Christie participates in real estate and leasing transaction seminars and blogs on a variety of topics related to commercial real estate in Canada.

COMMERCIAL LEASES: KEY TERMS FOR DIFFERENT INDUSTRIES

Commercial leases are vitally important to any business, and setbacks or disputes can be costly and time consuming. It is essential that lawyers and business professionals are aware of difficult situations that can arise and know how to prevent and handle conflict in order to reduce costs and ensure that a business runs smoothly.

This program brings together expert faculty to provide guidance on strategies to minimize risks and costs by taking proactive approaches to commercial leases of all kinds, from hospitality to shopping centres to industrial leases. Our faculty will share key precedent clauses to draft around commonly arising issues and avoid the necessity of litigation. Attendees will come away with new approaches and strategies to drafting commercial leases.

KEY AREAS ADDRESSES:

- The current legal landscape for commercial leasing
- Pitfalls to avoid when drafting commercial leases
- Key considerations for certain types of leases, including development, hotels and restaurants, cannabis leases and shopping centres.
- How to best manage environmental matters arising from industrial leases

WHO SHOULD ATTEND?

- Litigators with clients involved in commercial landlord-tenant disputes
- Solicitors who draft and advise on commercial leases
- Commercial landlords and tenants
- Lease administrators
- Business and owners and advisors
- Property managers

COMMERCIAL LEASES: KEY TERMS FOR DIFFERENT INDUSTRIES

MARCH 8TH, 2019

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Neil Davie & Mario Rubio
Norton Rose Fulbright Canada LLP

9:15 Case Law Update

Laura Smith
Fasken Martineau DuMoulin LLP

- Recent cases of interest in the world of commercial leasing

10:05 Questions and Discussion

10:15 Refreshment Adjournment

10:30 Developers and Residential Leases

Chad Travis
Lawson Lundell LLP

- Residential Tenancy Act* considerations in leaseback transactions
- Terminating residential tenancies in the development context
- Useful precedent clauses for drafting

11:20 Questions and Discussion

11:30 Hospitality Leases

Christie Wilson
Borden Ladner Gervais LLP

- Special considerations for hospitality leases (operating hours, HVAC, nuisance, garbage)
- Leases for hotels, restaurants, nightclubs and breweries
- Useful precedent clauses for drafting

12:20 Questions and Discussion

12:30 Networking Lunch

1:30 Cannabis Leases

Damon Chisholm & Christian Petersen
McMillan LLP

- Special considerations for cannabis leases
- Landlord issues in retail and industrial leases
- Tenant issues in retail and industrial leases

2:20 Questions and Discussion

2:30 Refreshment Adjournment

2:45 Shopping Centre Leases

Stacey J. Handley
Gowling WLG

- Special considerations for shopping centre leases (i.e. relocation clauses, exclusive use clauses, clauses applicable to anchor tenants)
- Useful precedent clauses for drafting

3:35 Questions and Discussion

3:45 Industrial Leases and Environmental Matters

Erin J. Easingwood
Lindsay Kenney LLP
Jana McLean
Iris Legal

- Who pays to remediate pre-existing environmental concerns?
- Who is responsible for clean-up costs in the event of a new incident?
- Contractual allocation of risk
- Overview of BC contaminated sites regime
- Useful precedent clauses for drafting

4:35 Questions and Discussion

4:45 Chairs' Closing Remarks

4:50 Program Concludes

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1487

Registration: The registration fee is \$770.00 plus GST of \$38.50 totalling **\$808.50** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments throughout the day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional \$50 charge will apply with applicable taxes. Webinar attendees will always receive their materials electronically.

Early Bird Discount: Register by February 8th, 2019 and receive a \$100 discount on the registration fee (\$670.00 plus GST).

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** SFU Harbour Centre is located at **515 West Hastings Street** in Vancouver, BC.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**March 1st, 2019**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

Course Accreditation: Attendance at this course can be listed for up to **6.25 hours** of continuing professional development with the Law Society of BC.

Registration Form Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street
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Telephone: 604-730-2500; Fax: 604-730-5085
E-mail: registrations@pbli.com

COMMERCIAL LEASES: KEY TERMS FOR DIFFERENT INDUSTRIES

March 8th, 2019

SFU Harbour Centre • 515 West Hastings Street • Vancouver, BC

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- In person [PDF ONLY]
- In person [HARDCOPY & PDF (+\$52.50)]
- Live webinar [PDF]

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