



COMMERCIAL LEASING 2022

Co-Chaired by
Neil Davie & Liza Volpiana
Sampson Davie Fane Volpiana LLP

May 19th, 2022 • UBC Robson Square (800 Robson Street) • Vancouver, BC

Live Webinar also available!



RETURN POSTAGE GUARANTEED
PORT DE RETOUR GARANTI

COMMERCIAL LEASING 2022

Rapidly emerging trends across all industries are transforming our use of commercial spaces, and accordingly impacting the commercial leasing sector. It is essential that lawyers and business professionals are aware of the 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 updates on emerging trends disrupting the commercial leasing sector, and guidance on how to react. Our faculty will share strategies and approaches for keeping pace with these trends, and attendees will come away with the skills, knowledge, and inspiration they need to advise on the commercial lease of tomorrow.

KEY AREAS ADDRESSED:

- Emerging trends and recent caselaw in commercial leasing
- Leasing in the post-pandemic context
- Remedies and security
- Addressing landlord breaches
- The developer's view on the leasing market
- Best practices for boilerplate clauses
- Special rights and provisions

WHO SHOULD ATTEND?

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

CO-CHAIRS



Neil Davie, Partner, Sampson Davie Fane Volpiana LLP, Vancouver, BC. Neil is one of the founding partners of Sampson Davie Fane Volpiana LLP. 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.



Liza Volpiana, Partner, Sampson Davie Fane Volpiana LLP, Vancouver, BC. Liza is one of the founding partners of Sampson Davie Fane Volpiana LLP. Since the start of her career, she has focused her practice exclusively in the area of commercial real estate. Her practice involves advising clients on a wide range of real estate matters, including acquisitions, sales and financings of industrial, office, retail and residential properties, both tenant and landlord side leasing and all stages of the development process from rezoning through to building occupancy.

FACULTY



Kristian Arciaga, Associate, Fasken Martineau DuMoulin LLP, Vancouver, BC. Kristian Arciaga is a member of the Real Estate Law practice group at Fasken. Involved in all aspects of real estate law, he regularly advises developers and investors. Drawing on

his experience in commercial lending, Kristian advises on a wide range of real estate matters. Areas of focus include acquisitions and dispositions, financings and leasing, joint ventures and matters relating to development and land use.



Tom Boyd, Associate, Lawson Lundell LLP, Vancouver, BC. Tom is a commercial litigator, with particular experience in complex corporate disputes. Tom has appeared before all levels of Court in British Columbia as lead and junior counsel. Tom has particular experience

in real estate litigation, including closing disputes, challenges to certificates of pending litigation, landlord and tenant matters, and judicial review of Residential Tenancy Branch decisions.



Matt Carlson, CEO and Founder, Floorspace, Vancouver, BC. Matt established Floorspace in 2022 with his wife Lindsay to modernize the commercial real estate experience. He is responsible for the overall strategic direction of the business, driving revenue and growth, and elevating the customer experience for Floorspace's brokers and clients. Previously, at a global commercial real estate brokerage, Matt co-founded and chaired the firm's Canadian technology team. He was the youngest person to achieve the title of Executive Vice President as well as numerous performance awards including Canada's top broker in 2020. Over his career he has completed 500+ projects accounting for more than \$1 billion in aggregate value.



Camille Chisholm, Partner, Lawson Lundell LLP, Vancouver, BC. Camille is a lawyer in the litigation and disputes group at Lawson Lundell, where she focuses primarily on commercial and real estate litigation. Camille acts for a variety of clients in breach of contract

and negligence claims, in addition to representing companies and shareholders in various corporate disputes, including those related to corporate governance. She also represents clients with respect to commercial lease disputes, claims arising out of other real estate transactions, real estate agent services and issues arising under the *Strata Property Act*.



Alycia Kamer, Senior Commercial Leasing Manager, Bosa Properties Inc., Vancouver, BC. Since joining Bosa in 2014, Alycia has worked on behalf of ownership to manage a portfolio consisting of approximately 4 million square feet of retail, industrial, and office assets

across British Columbia, with a focus on maximizing revenue, reducing vacancy loss, and maintaining an existing tenant roster to achieve a stabilized occupancy level and improving the overall asset. Alycia also focuses on Bosa's vast pipeline of new mixed-use developments, providing guidance on future tenant mix and market deliverables. Alycia has a Bachelor of Arts Degree from Concordia University and completed her Diploma in Business Management at BCIT.



Andrew Mildenhall, Associate, Lawson Lundell LLP, Vancouver, BC. Andrew is an associate in Lawson Lundell's Real Estate Group. His practice focuses primarily on commercial leasing transactions. Andrew

works with landlords, tenants and developers to draft and negotiate commercial leases and all related documentation.



Jennifer Millerd, Associate, Sugden, McFee & Roos LLP, Vancouver, BC. Jen assists clients with a broad range of litigation matters including corporate commercial disputes, real estate and leasing disputes, and administrative law matters (including professional regulation and discipline matters). Jen has appeared as counsel in all levels of court in British Columbia, and has represented clients in arbitration and mediation proceedings. Jen's diverse background includes practicing commercial litigation at a large regional firm in Vancouver, working as in-house legal counsel at a regulatory body, and managing the legal team of a large Canadian airport authority.



Anna Pogosjan, Lawyer, Bosa Properties Inc., Vancouver, BC. Anna is in-house counsel at Bosa Properties where her practice focuses on all aspects of commercial real estate, including development, rezoning and permit approvals, commercial leasing, acquisitions and sales of real estate, and real estate financing. Anna regularly advises on *Real Estate Development Marketing Act* and *Strata Property Act* issues and other areas of regulatory matters, including FINTRAC compliance. Anna provides strategic advice with respect to multi-family residential, commercial, mixed-use and master-planned developments, as well as commercial and residential leasing matters. Anna is called to the bars of British Columbia and Alberta.



Justin Rektor, Associate, Sampson Davie Fane Volpiana LLP, Vancouver, BC. Justin is an associate at Davie Fane and advises clients on a broad range of commercial real estate matters, including purchases and sales, property development, commercial leasing, and financings. Justin has experience drafting purchase and sale agreements, commercial leases, and other real estate contracts. He has also assisted developers on various matters in connection with the development, sale and leasing of office, retail, industrial, and residential developments, including numerous mixed-use projects.



Shauna Towriss, Partner, Cassels Brock & Blackwell LLP, Vancouver, BC. Shauna Towriss is a partner in her firm's Real Estate & Development Group. In her practice, Shauna helps clients grow and achieve their business goals by securing the space where they conduct business and doing the legal work related to obtaining the funding that allows them to do so. She offers extensive experience in assisting clients in nearly all facets of commercial real estate including acquisitions, dispositions and financing or re-financing of office, retail, apartment and hotel properties on behalf of a range of owners, from individuals and syndications to institutional investors.



Julia Winters, Partner, Lawson Lundell LLP, Vancouver, BC. Julia Winters is a partner practising business law with Lawson Lundell's China Group. She regularly assists clients with acquiring, selling and financing real property in a variety of asset classes, including office buildings, shopping centres, wineries, residential apartment buildings and industrial land, and advises on corporate and partnership structuring matters for various real estate transactions. She also prepares and advises both landlords and tenants on commercial leases.

COMMERCIAL LEASING 2022

MAY 19TH, 2022

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Neil Davie & Liza Volpiana

Sampson Davie Fane Volpiana LLP

9:10 Commercial Leasing Case Law Update

Kristian Arciaga

Fasken Martineau DuMoulin LLP

- Recent cases of interest in the world of commercial leasing

9:50 Questions and Discussion

10:00 Refreshment Adjournment

10:15 Pandemic/Post-Pandemic Leasing

Matt Carlson

Floorspace

Shauna Towriss

Cassels Brock & Blackwell LLP

- Rent deferral and rent abatement agreements
- Government programs
- Force majeure - *Durham Barns* case
- How other jurisdictions have handled COVID
- Pandemic/emergency clauses
- Subleasing and assignments
- Dealing with co-tenancies

11:05 Questions and Discussion

11:15 Remedies and Security

Jennifer Millerd

Sugden, McFee & Roos LLP

- Deposits
- Prepaid rent
- Registering PPSA charges
- Court orders
- Use of bailiffs
- Collections
- Relief from forfeiture
- Abandoned premises and abandoned property
- Bankruptcy of tenant

12:05 Questions and Discussion

12:15 Catered Lunch

1:15 Landlord Breaches

Camille Chisholm & Tom Boyd

Lawson Lundell LLP

- Late delivery of premises (penalties)
- Quiet enjoyment - *Hengyun International Investment Commerce Inc. v 9368-7614 Quebec Inc.*
- Building deficiencies for new buildings
- Self-help
- Landlord bankruptcy/insolvency
- Landlord mortgage defaults
- Lease registration

2:05 Questions and Discussion

2:15 Market Update from a Developer's Standpoint

Alycia Kamer & Anna Pogosjan

Bosa Properties Inc.

- Market activity, rents and vacancy/absorption rates
- Recent transactions and trends in our portfolio
- Post-Covid trends
- The "Amazon effect" and shifts in business
- Strata opportunities
- Integration into mixed use buildings/master plan communities

3:00 Questions and Discussion

3:10 Refreshment Adjournment

3:25 Boilerplate Clauses

Justin Rektor

Sampson Davie Fane Volpiana LLP

- Joint and several
- Counterparts/execution

3:45 Questions and Discussion

3:55 Special Rights and Provisions

Julia Winters & Andrew Mildenhall

Lawson Lundell LLP

- Restrictive covenant and exclusives
- Fixturing periods
- Demolition clauses
- Strata/mixed use developments

4:45 Questions and Discussion

4:55 Chairs' Closing Remarks

5:00 Forum 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/leasing22

Registration: The registration fee for in-person attendance is \$795.00 plus GST of \$39.75 totalling **\$834.75**. The registration fee for webinar attendance is \$695.00 plus GST of \$34.75 totalling **\$729.75**. Registration fee covers your attendance at the program, electronic materials, a boxed lunch and refreshments throughout the day.

Early Bird Discount: For in-person attendance, register by April 19th, 2022 and receive a \$100 discount on the registration fee (\$695.00 plus GST). Early Bird Discount does not apply to webinar attendees. Discounts cannot be combined.

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Discounts 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. (PDT). **Provincial health regulations will apply.** UBC Robson Square is

located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://robsonsquare.ubc.ca/find-us/> for directions.

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 electronic 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/Transfers: Refunds will be given for cancellations or transferring registration from in-person to webinar (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**May 12th, 2022**). 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 **6.5 hours** of continuing professional development credits with the Law Society of BC.

Registration Form

Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street
Vancouver, BC Canada V6H 2P3
Telephone: 604-730-2500; Fax: 604-730-5085
E-mail: registrations@pbli.com

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May 19th, 2022

UBC Robson Square, 800 Robson Street, Vancouver, BC

- In person (\$795+GST)
- In person (Early Bird, \$695+GST)
- Live webinar (\$695+GST)

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Please indicate your areas of interest for future notifications (select all that apply):

- Real Estate Development Small Business Taxation of Real Estate Other _____

How did you hear about this program?

- Brochure Email Colleague PBLI Website Other _____