



Pacific Business & Law Institute

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Hot Topics in Real Estate Development

Chaired by

Sarah Batut

Fasken Martineau DuMoulin LLP

September 18th, 2019 • UBC Robson Square • Vancouver, BC

Live Webinar also available!



CHAIR



Sarah Batut, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Sarah has comprehensive experience in real estate transactions including acquisitions and sales, subdivisions (including airspace subdivisions), development of mixed-use, commercial and residential projects and commercial leasing. Sarah also has experience in various corporate and commercial practices. She is on the Executive Board of the Vancouver Bar Association, and is a member of the CBA's Real Property Section, the International Council of Shopping Centers and the Commercial Real Estate Women's Network. Sarah is a regular presenter for PBLI.

FACULTY



Allyson Baker, Partner, Clark Wilson LLP, Vancouver, BC. Allyson's practice focuses primarily on the areas of infrastructure and strata property. When working through these issues, Allyson tries to convert complex concepts into simplified terms, which allows her clients to make informed decisions that bring success. Her goal is to draft her clients' documents in a way that minimizes potential problems during the implementation of her clients' endeavours. Allyson also has over 15 years of experience as a litigator, and

knows what is involved and what is at stake in going to trial. With the amendments to the Strata Property Act allowing for winding up with a reduced owner approval threshold, Allyson and Clark Wilson LLP have been working a number of strata corporations as they work their way through the winding up process. Allyson is a member of the Canadian Bar Association and the Canadian Council for Public Private Partnerships, and a board member for the Condominium Homeowners Association and the Developmental Disabilities Association of Vancouver-Richmond. She is also a co-editor of the CLE Strata Property Act Practice Manual and author or co-author of the chapters regarding rentals, insurance, employment and duty to repair.



David Curtis, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. David practises in the areas of litigation and dispute resolution, with a primary focus on the construction industry. Clients seek David's counsel primarily on his construction litigation expertise, as well as with mediations and commercial arbitrations. He also has experience in commercial litigation cases in the Supreme Court of British Columbia and the Court of Appeal for British Columbia. David also practises in the area of energy law, where he acts

in applications to the British Columbia Utilities Commission and other tribunals involving the regulation of thermal energy systems, district energy systems, electricity transmission, compliance with mandatory reliability standards, and natural gas.



Alex Fane, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Alexander Fane works with clients on a variety of legal matters related to complex real estate development projects with specific experience in navigating the requirements of the *Real Estate Development Marketing Act* (British Columbia). He represents a broad range of clients from developers to governmental agencies and health authorities. Mr. Fane is the co-chair of the Canadian Bar Association Real Property Subsection and has written several

articles on the evolution of the *Real Estate Development Marketing Act* (British Columbia). He has been recommended in the area of Property Development in the *Canadian Legal Expert Directory*.



Mark V. Lewis, Partner, Bennett Jones LLP, Vancouver, BC. Mark Lewis' real estate practice focuses on transactions and development work but also includes leasing and construction financing matters. His experience includes work on complex residential, seniors housing, commercial, industrial and resort developments. He regularly advises developers on disclosure compliance issues for the sale and marketing of residential real estate. He is ranked in *Chambers Canada* for Real Estate in British Columbia and is consistently

recommended for Property Development in *The Canadian Legal Expert Directory*. Since the introduction of the BC Real Estate Development Marketing Act in 2005, Mark has authored the Development Marketing chapter of CLEBC's Real Estate Development Practice Manual, and joined the Manual's editorial board in 2017. Mark has served on the board of the Urban Development Institute Pacific Region (UDI), and chaired UDI's Legal Issues Committee, since 2012.



Sarah McCalla, Associate, Norton Rose Fulbright Canada LLP, Vancouver, BC. Sarah McCalla practises dispute resolution and litigation. She assists clients and senior lawyers on a variety of matters, including commercial litigation, forestry issues, and municipal planning. She has appeared before the Provincial Court of British Columbia and the Supreme Court of British Columbia, and completed a clerkship with the Supreme Court of British Columbia after law school. During law school, Ms. McCalla volunteered

with the Law Students' Legal Advice Program and Pro Bono Students Canada. She is the recipient of scholarships and prizes in advocacy, environmental law, family law, fisheries law, and labour law.



Andrew Ramlo, Vice President Market Intelligence, Rennie Group, Vancouver, BC. Known as one of Canada's most respected demographers and planning consultants, Andy Ramlo has over two decades of experience conducting evidence-based demographic, economic, and housing market research. As VP Market Intelligence for Rennie, Andy and his team provide data-based insight, analysis, and strategy to the team internally, and externally to a range of private and public sector clients as well as the broader real

estate industry. Prior to his role at Rennie, Andy was Executive Director of Urban Futures, where he worked with many of the country's leading investors, retailers, and developers. In 2010 Andy was recognized as one of Business in Vancouver's Top 40 under 40 for his vital contributions to the local business community, and he is currently the President of the Planning Institute of BC.



Vicki Tickle, Partner, McMillan LLP, Vancouver, BC. Vicki is a partner in McMillan's Restructuring and Insolvency Group and has practised in the commercial insolvency field in Australia, England and Canada. Vicki works with a wide range of clients, including lenders, insolvency professionals, challenged companies, suppliers, directors and officers, and other stakeholders, both in Canada and internationally. Vicki works actively to promote and encourage women working in the insolvency and restructuring

area and is the immediate Past Chair of the Western Canada Network of the International

HOT TOPICS IN
REAL ESTATE DEVELOPMENT

The commercial real estate sector is complex and dynamic. Economic realities require new and creative approaches to sourcing, development and structuring in order for participants to stay competitive and innovate for growth. At the same time, the legal and regulatory environments are evolving and compliance is becoming more nuanced. To stay ahead of the curve, advisors, developers and other industry participants must keep informed of current trends and opportunities, as well as changes in the governing law.

This one-day program brings together an esteemed group of experts to guide you through the legal and regulatory tangle and offer creative strategies to stay competitive in an aggressive market. Participants will gain a better understanding of the current climate and learn practical and proactive strategies to successfully navigate their commercial real estate projects.

KEY AREAS ADDRESSED:

- Developments in case law and legislation, including the *Land Owner Transparency Act*
- Recent amendments to the *Real Estate Development Marketing Act* and related issues
- Considerations for property development on First Nation lands
- *Strata Property Act* considerations
- Contractor insolvency issues and Builders Liens
- Issues surrounding crane swing and shoring easements
- Considerations arising from the current market

WHO SHOULD ATTEND?

- Real Estate Lawyers and their Paralegals
- Commercial Real Estate Developers and their Advisors
- Strata Owners and Operators
- Municipal Officials
- Financial Advisors

Women's Insolvency & Restructuring Confederation (IWIRC). She is recognized by *Best Lawyers in Canada* (2019) as a leading lawyer in the area of Insolvency & Financial Restructuring Law.



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.



Jean Yuen, Shareholder, Boughton Law Corporation, Vancouver, BC. Jean practises primarily in the area of Aboriginal Law, with a special emphasis on First Nations economic development. She has extensive experience in advising on land issues arising under the *Indian Act*, *First Nations Land Management Act*, the *Sechelt Indian Band Self-Government Act* and certain treaty First Nations legislation.

As well as economic development matters, Jean routinely advises on First Nations governance and property taxation matters and assists First Nations in the drafting of laws, policies and codes and in negotiating road tenure, protocol, accommodation and impacts and benefits agreements. A substantial part of Jean's practice involves commercial leasing, both in relations to First Nations lands and fee simple lands. Jean presents regularly on First Nations land issues and is the author of the chapter, "Development on First Nations Lands" in the *British Columbia Real Estate Development Manual* published by CLE.

HOT TOPICS IN REAL ESTATE DEVELOPMENT

SEPTEMBER 18TH, 2019

9:00 Welcome and Introduction by PBLI

9:05 Chair's Welcome and Introduction

Sarah Batut
Fasken Martineau DuMoulin LLP

9:10 Legal Update

Shauna Towriss
Cassels Brock & Blackwell LLP

- Case law update
- *Land Owner Transparency Act*

9:50 Questions and Discussion

10:00 Refreshment Adjournment

10:15 Real Estate Development Marketing Act (REDMA) Refresher

Mark V. Lewis
Bennett Jones LLP

- Recent updates to REDMA
- Condo and Strata Assignment Integrity Register and Policy Statement 16
- Policy Statements 5 and 6 – practices and pitfalls
- Marketing phased developments
- Cases of interest

11:00 Questions and Discussion

11:10 Development on First Nation Lands

Jean Yuen
Boughton Law Corporation

- Development of designated reserve lands under the *Indian Act*
- Development of reserve lands under *First Nations Land Management Act*

11:50 Questions and Discussion

12:00 Networking Lunch

1:00 Strata Property Act Update

Allyson Baker
Clark Wilson LLP

- The 80% requirement
- Litigating challenges: How have the courts responded?
- Current issues

1:45 Questions and Discussion

1:55 Contractor Insolvency Issues and Builders Liens

David Curtis
Fasken Martineau DuMoulin LLP

Vicki Tickle
McMillan LLP

- The impact of contractor and subcontractor insolvencies
- Managing claims of builders liens

2:40 Questions and Discussion

2:50 Refreshment Adjournment

3:05 Crane Swing and Shoring Easements

Alex Fane & Sarah McCalla
Norton Rose Fulbright Canada LLP

- City requirements
- Negotiating with neighbours: Proactive tips & tricks
- *Janda Group Holdings*: What a nuisance!

3:50 Questions and Discussion

4:00 Market Update

Sarah Batut
Fasken Martineau DuMoulin LLP

Andrew Ramlo
Rennie Group

- State of the market and impacts on development
- Municipal and Provincial interventions
- Rental housing measures

4:45 Questions and Discussion

4:55 Chair's Closing Remarks

5:00 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/1524

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 August 19th, 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.** UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://www.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 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 (**September 11th, 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 **6.5 hours** of continuing professional development with the Law Society of BC.

Registration Form

Pacific Business & Law Institute

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

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UBC Robson Square • Vancouver, BC

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

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