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# THE CURRENT ENVIRONMENT OF COMMERCIAL REAL ESTATE

Co-Chaired by

**Sarah Batut**

Fasken Martineau DuMoulin LLP

**Barbara Vanderburgh**

Fasken Martineau DuMoulin LLP

January 19<sup>th</sup>, 2021 • Attend via Live Webinar



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## CO-CHAIRS



**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 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.



**Barbara Vanderburgh**, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Barbara practises business law with a focus on the real estate industry. Her practice includes real estate development and acquisitions, corporate acquisitions and reorganizations and asset-based commercial transactions. Barbara's work includes land acquisition and subdivision, development of mixed-use projects, air space subdivision, condominium development and leasing and property management. She represents real estate developers involved in industrial, commercial and residential developments and acts for commercial vendors and purchasers. Barbara is a member of the Commercial Real Estate Women's Network, the Urban Development Institute and International Council of Shopping Centers; and is a former adjunct professor teaching Real Estate Development at the UBC Faculty of Law. She has been listed in *The Best Lawyers in Canada* for Real Estate Law every year since 2010.

## FACULTY



**Allyson Baker**, Partner, Clark Wilson LLP, Vancouver, BC. Allyson has been providing practical legal advice to strata corporations throughout BC for over 20 years. Allyson's strata-related practice focuses on advising strata corporations on how to operate in compliance with the *Strata Property Act*, including with respect to the running of council and general meetings, insurance issues, and bylaw and rule drafting and enforcement. More recently, Allyson's practice has expanded to include advising strata corporations with respect to the winding up and sale of strata complexes. Allyson is a board member for the BC Condominium Homeowners Association (CHOA), a co-editor of the *CLE Strata Property Act Practice Manual* and author or co-author of the chapters in that manual regarding insurance, wind ups, separate sections and duty to repair.



**Michael Coburn**, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Michael Coburn's practice focuses on a broad range of corporate and personal tax matters. He regularly advises clients on the most tax-efficient means of completing a transaction, and he has extensive experience with respect to the tax implications and structuring of mergers and acquisitions, corporate reorganizations, financings, and other business transactions. Mike also regularly assists clients in disputes with the Canada Revenue Agency and other taxing authorities. Mike was included in the Canadian "Best Lawyers" list for the past three years, and he has previously presented at professional development courses provided by CLE BC and CPA Canada.



**Elizabeth (Betsy) Segal**, Partner, Singleton Urquhart Reynolds Vogel LLP, Vancouver, BC. Elizabeth (Betsy) Segal is Co-Chair of Singleton's Insurance Practice Group. She is also a member of Commercial Litigation, Civil Fraud and Construction and Infrastructure law practice groups. She specializes in resolving her clients' problems and provides innovative solutions for each of their unique issues. Betsy concentrates her practice on insurance coverage and defence, complex commercial litigation and professional liability defence. She is skilled in resolving multi-party claims, corporate disputes and challenges involving disability and travel insurance policies. Betsy advises her insurer clients on coverage, policy wording and regulatory compliance, and regularly drafts, and facilitates negotiation of, their licensing, distribution and service contracts.



**James Sutcliffe**, Partner, McMillan LLP, Vancouver, BC. James has extensive experience in all aspects of debt financing and acts for Canadian banks and other lenders, U.S. and other foreign financial institutions and Canadian and U.S. law firms and corporations. James has acted on all manner of loan transactions including construction and term real estate deals, asset-based loans and loans involving the forestry, renewable energy and seniors' living sectors. James has written articles and made presentations on lending issues and acted as editor of publications on real estate financing and mortgage practices. He is repeatedly recommended as a Leading Practitioner in Asset-Based Lending and Banking & Financial Institutions in the Canadian Legal Expert Directory; has been recognized for Banking and Finance law in Best Lawyers in Canada since 2006; and has a BV Peer Review rating in the Martindale-Hubbell International Law Directory.

## THE CURRENT ENVIRONMENT OF COMMERCIAL REAL ESTATE

The commercial real estate sector is complex and dynamic, and recent events including the COVID-19 pandemic have brought new layers of complexity. Advisors, developers and other industry participants must keep informed of emerging issues and creative opportunities to weather the current environment.

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

### KEY AREAS ADDRESSED:

- The impacts of COVID-19 on commercial real estate contracts
- Tax and succession matters for business owners
- Construction issues and delay
- Strata-related issues, including rising insurance costs
- Dealing with insolvency
- The changing landscape of financing

### WHO SHOULD ATTEND:

- Real estate lawyers and their paralegals
- Commercial real estate developers and their advisors
- Strata owners and operators
- Municipal officials
- Financial advisors



**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 is recognized by *Best Lawyers in Canada* (2020) as a leading lawyer, and in the 2020 Canadian Legal Expert Directory as a repeatedly recommended lawyer in the area of Insolvency & Financial Restructuring law.



**Lance Williams**, Partner, Cassels Brock & Blackwell LLP, Vancouver, BC. Lance is a partner in the Banking & Specialty Finance Group, where he specializes in restructuring & insolvency and commercial finance. Lance has been involved in numerous significant insolvency files and commercial finance transactions in multiple jurisdictions. Lance's practice includes advising and representing trustees, debtors, directors and creditors on insolvency and restructuring issues including debt restructuring, corporate reorganizations, plans of arrangement, loan workouts, fraudulent preference actions, foreclosures, bankruptcies, and receiverships. Lance is frequently involved in proceedings pursuant to the *Companies' Creditors Arrangement Act* and the *Bankruptcy and Insolvency Act* and has particular experience regarding restructurings involving: technology and intellectual property, mining, forestry, cannabis, oil and gas, retail operations, real estate and agriculture. In commercial finance, Lance often advises borrowers and lenders on domestic and multi-jurisdictional loans. He acts for major financial institutions, mezzanine lenders and distressed lenders on asset-backed loan, real estate financing, acquisition financing, debtor-in-possession (DIP) financing and syndicated loans.

# THE CURRENT ENVIRONMENT OF COMMERCIAL REAL ESTATE

JANUARY 19<sup>TH</sup>, 2021

**9:00 Welcome and Introduction by PBLI**

**9:05 Chairs' Welcome and Introduction**

**Sarah Batut & Barbara Vanderburgh**  
Fasken Martineau DuMoulin LLP

**9:10 Rethinking Commercial Real Estate Contracts In Light of COVID-19**

**Sarah Batut & Barbara Vanderburgh**  
Fasken Martineau DuMoulin LLP

- New drafting considerations for purchase and sale contracts
- Construction and service agreements
- Closing deals in a virtual world
- Force majeure clauses

**9:50 Questions and Discussion**

**10:00 Morning Break**

**10:15 Tax Considerations for Business Owners**

**Michael Coburn**  
Fasken Martineau DuMoulin LLP

- Tax and succession planning opportunities
- How business owners can manage a changing environment
- Updates on available programs

**11:00 Questions and Discussion**

**11:10 Managing Ongoing Construction Issues**

**Elizabeth Segal**  
Singleton Urquhart Reynolds Vogel LLP

- Force majeure, frustration, supply chain issues
- Extending dates and deadlines
- Consequences for late delivery

**11:50 Questions and Discussion**

**12:00 Lunch Break**

**1:00 Strata Property Act Matters**

**Allyson Baker**  
Clark Wilson LLP

- Strata wind-ups
- Strata insurance renewals, rising costs and inability to obtain insurance
- Dealing with COVID-19 before a strata corporation's first annual general meeting

**1:45 Questions and Discussion**

**1:55 Afternoon Break**

**2:10 Insolvency: Is the Light at the End of the Tunnel Actually a Train?**

**Vicki Tickle**  
McMillan LLP  
**Lance Williams**  
Cassels Brock & Blackwell LLP

- Contractor and subcontractor insolvencies
- What is coming up on the horizon? How to prepare?
- Tenant insolvencies

**2:55 Questions and Discussion**

**3:05 Financing**

**James Sutcliffe**  
McMillan LLP

- New underwriting requirements
- Dealing with existing deals
- Financing in the virtual world

**3:50 Questions and Discussion**

**4:00 Chairs' Closing Remarks – 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/1616](http://www.pbli.com/1616)

**Registration:** The registration fee is \$720.00 plus GST of \$36.00 totalling **\$756.00** covering your access to the live webinar and electronic materials.

**Group Discounts:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration.

**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. (PST)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

**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](mailto: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 (**January 12<sup>th</sup>, 2021**). 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 **5.5 hours** of continuing professional development credits with the Law Society of BC.

## Registration Form Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street  
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JANUARY 19<sup>TH</sup>, 2021

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