



The Future of Commercial Leasing 2023

Co-Chaired by

Neil Davie

Sampson Davie Fane Volpiana LLP

Mario Rubio

Borden Ladner Gervais LLP

May 19, 2023 • UBC Robson Square (800 Robson Street) • Vancouver, BC

Live Webinar also available!



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PORT DE RETOUR GARANTI

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.



Mario Rubio, Partner, Borden Ladner Gervais LLP, Vancouver, BC. Mario practices commercial real estate law, with a focus on acquisitions/sales, commercial leasing and development. Mario acts for local, national and off-shore clients, including developers of mixed-use and multi-family properties, owners of retail, office and industrial properties, retail chain, natural resource companies, housing societies and non-profit entities. Mario has been listed in *Best Lawyers in Canada* in the area of Commercial Leasing Law and has been recognized in the *Canadian Legal Lexpert Directory* for Property Leasing.

THE FUTURE OF COMMERCIAL LEASING 2023

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
- Mixed use developments
- Redevelopment and dealing with existing tenants
- Leases on First Nations lands
- Due diligence tips and tricks
- Bankruptcy and insolvency
- Hot topics in the field of leasing

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

FACULTY



Don MacKinnon, Partner, Clark Wilson LLP, Vancouver, BC. Don has a range of solicitor's experience in commercial real estate, with an emphasis on acquisitions and sales of real estate, leasing, development and financing.



Michael Mjanes, Partner, DLA Piper, Vancouver, BC. Michael Mjanes advises clients in connection with real estate, construction and corporate commercial matters. Michael regularly acts with respect to real estate acquisitions and sales, commercial leasing, real estate financing and joint venture agreements, and strategic project and construction contract advice. He has also advised a diverse range of clients in private M&A transactions across a number of sectors, including forestry, mining, telecommunications, health sciences, mini-storage, food and beverage, and emerging technology. His corporate commercial expertise extends to shareholder agreements, secured lending, and corporate reorganizations.



Jennifer Nguyen, Associate, Fasken Martineau DuMoulin LLP, Vancouver, BC. Jennifer Nguyen is an associate on the real estate team at Fasken in Vancouver. She assists clients on a variety of real estate transactions involving the acquisition, financing, leasing, development and sale of commercial, industrial and residential properties.



Michael Nienhuis, Counsel, Singleton Urquhart Reynolds Vogel LLP, Vancouver, BC. Mike Nienhuis is Counsel practicing in the Indigenous Business Law, Commercial Real Estate and Corporate Commercial Law Groups at Singleton Urquhart Reynolds Vogel LLP. Prior to joining the legal profession, Mike worked as an executive with companies in Vancouver, San Diego and Seattle, with responsibility for sales and operations in North America, Europe and Asia. He frequently draws on that experience to develop an understanding of his clients' businesses and transactions, which span a range of industry sectors and areas of law. Mike Nienhuis served as a mentor to law students in the University of Victoria's Business Law Clinic and has represented clients in various pro bono matters. In addition, Mike has participated on several non-profit boards and committees.



Svet Savova, General Counsel, Chard Development Ltd., Vancouver, BC. A qualified lawyer with a focus on real estate, Svet has advised a diverse range of clients with a particular focus on acquisitions, dispositions, leasing of commercial properties and development matters. Svet provides legal advice and oversight on all of Chard's legal and risk issues and is committed to ensuring Chard's successful partnership with all of its external stakeholders.



Chris Sharpe, Partner, Clark Wilson LLP, Vancouver, BC. Chris specializes in providing timely and practical advice to a wide-ranging client base with interests in the commercial real estate sector. These clients include: real estate developers of residential, commercial, hospitality, leisure, retail and industrial projects; institutional clients undertaking complex and large-scale infrastructure, transportation, utility and natural resource transactions and ongoing developments in industries such as

hydroelectricity, liquefied natural gas, pipelines and mining. Chris's expansive experience with advising a broad spectrum of clients allows him to present a multifaceted view and specialized insight.



Nicholas Shon, Associate, Lawson Lundell LLP, Vancouver, BC. Nicholas is a member of the Real Estate Group at Lawson Lundell and assists clients with all aspects of real estate development, commercial leasing and municipal planning. In particular, Nicholas has experience assisting developers in the rezoning and subdivision of development properties, acting for developers in connection with the acquisition and disposition of commercial properties, advising tenants and landlords in lease preparation for industrial, retail and office leasing transactions, and assisting developers in the establishment of corporate structures appropriate for various real estate transactions, including the formation of limited partnerships, and bare trusts.



Vicki Tickle, Partner, Cassels Brock & Blackwell LLP, Vancouver, BC. Vicki Tickle is a partner in the Restructuring & Insolvency Group at Cassels. Vicki offers over 20 years of experience in Australia, England, and Canada. She acts on behalf of lenders, insolvency professionals, challenged companies, suppliers, directors and officers, and other stakeholders, in Canada and internationally. Vicki crafts commercial solutions for clients in such diverse fields as financial services, cannabis, retail, construction, forestry, technology, mining, and manufacturing. She is recognized as a leader in her field by *Best Lawyers* and *Lexpert*.



Matthew Tolan, Senior Associate, Borden Ladner Gervais LLP, Vancouver, BC. Matthew advises clients on a wide range of real estate matters. His practice focuses on acquisitions and dispositions, planning and commercial leasing.



Jean Yuen, Shareholder, Boughton Law, Vancouver, BC. Jean practises primarily in the area of Indigenous law, with a special emphasis on First Nations economic development and is ranked as a leading Canadian Indigenous Law lawyer by LEXPERT. Jean has extensive experience in advising on land issues and development projects in respect of reserve land. She has assisted both First Nations and developers in structuring partnerships and other business arrangements to pursue commercial and residential developments on reserve land, and advised lenders in securing their loans for on reserve projects. Jean is the author of the chapter entitled "Real Estate Development on First Nations Lands" in the CLE British Columbia Real Estate Development Practice Manual, was recently a member of British Columbia Real Estate Association Standard Forms First Nations Leasehold Land Task Force and is a frequent presenter at CLE and PBLI conferences.



Michelle Yung, Partner, Bennett Jones LLP, Vancouver, BC. Michelle's practice is focused on real property, including infrastructure, construction, public private partnerships, procurement and commercial real estate. Michelle has extensive experience in commercial leasing transactions and regularly advises landlords, tenants and property managers on commercial leasing matters in the shopping centre, retail, office, mixed-use and industrial space leasing sectors. Michelle also advises clients on the financing, acquisition and disposition of real estate assets, and on the re-zoning, subdivision, development and building permit processes.

THE FUTURE OF COMMERCIAL LEASING 2023

MAY 19, 2023

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Neil Davie

Sampson Davie Fane Volpiana LLP

Mario Rubio

Borden Ladner Gervais LLP

9:10 Commercial Leasing Case Law Update

Jennifer Nguyen

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 Hot Topics Speed Round

Nicholas Shon

Lawson Lundell LLP

Michelle Yung

Bennett Jones LLP

- Net zero energy leases
- Short term tenancies (pop-up shops, movie productions, Halloween and fireworks stores)
- Lease vs. license considerations
- Opening and operating covenants
- Arbitration
- Co-Tenancies
- Delivery delays and penalties
- Estoppel certificates

11:00 Questions and Discussion

11:10 Redevelopment Implications

Chris Sharpe & Don MacKinnon

Clark Wilson LLP

- Redevelopment with existing tenants
- Relocations

12:00 Questions and Discussion

12:10 Catered Lunch

1:00 Leases on First Nations Lands

Michael Nienhuis

Singleton Urquhart Reynolds Vogel LLP

Jean Yuen

Boughton Law

- Legal regimes applicable to First Nations lands

– *Indian Act*

– *First Nations Land Management Act*

– Treaty / Other Self-Governing

- Key issues specific to leases in each regime

1:50 Questions and Discussion

2:00 Leasing Due Diligence

Michael Mjanes

DLA Piper

- Zoning
- Title searches
 - Restrictions on use
 - Easements
 - Landlord financing in considering registration
- Restrictions in strata developments
- Exclusives/RCs
- Leasehold title insurance

2:30 Questions and Discussion

2:40 Refreshment Adjournment

2:55 Bankruptcy and Insolvency in the Leasing Context

Vicki Tickle

Cassels Brock & Blackwell LLP

- Bankruptcy and insolvencies
 - (a) processes and rights for landlords
 - (b) deposits and letters of credit
 - (c) what happens to an indemnity/guarantee?

3:45 Questions and Discussion

3:55 Considerations for Mixed Use Developments

Svet Savova

Chard Development Ltd.

Matthew Tolan

Borden Ladner Gervais LLP

- Tenant mix/uses
- Airspace versus strata

4:45 Questions and Discussion

4:55 Chairs' Closing Remarks

5:00 Forum Concludes

INFORMATION

Two Ways to Register:

1. Telephone us: 604-730-2500
2. Register at www.pbli.com/leasing23

Registration: The registration fee is \$845.00 plus GST of \$42.25 totalling **\$887.25**. Registration fee covers your attendance at the program, electronic materials, a catered lunch and refreshments throughout the day.

Early Bird Discount: Register by April 19, 2023 and receive a \$100 discount on the registration fee (\$745.00 plus GST). 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). 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 (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**May 12, 2023**). 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 and transfer in-person registration to webinar registration 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. For practitioners in other jurisdictions, please check your governing body's CPD requirements.

Registration Form**Pacific Business & Law Institute**

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Telephone: 604-730-2500
E-mail: registrations@pbli.com

The Future of Commercial Leasing 2023

May 19, 2022

UBC Robson Square, 800 Robson Street, Vancouver, BC

- In person** (\$845+GST)
- In person** (Early Bird, \$745+GST)
- Live webinar** (\$845+GST)
- Live webinar** (Early Bird, \$745+GST)

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			Expiry Date

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 _____