



# Emerging Trends in Commercial Leasing

Co-Chaired by

**Neil Davie**

Norton Rose Fulbright Canada LLP

**Mario Rubio**

Norton Rose Fulbright Canada LLP

May 14<sup>th</sup>, 2021 • Attend via Live Webinar



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## CO-CHAIRS



**Neil Davie**, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Neil's practice in the Real Estate Group 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 advises clients at all stages of the development process and has worked on complex phased and mixed-use developments for leading residential and commercial real estate developers. Neil has been recognized as a leading Real Estate lawyer by Lexpert, Chambers Canada, Chambers Global, and Best Lawyers in Canada. Neil was named Vancouver's Commercial Leasing Law "2016 Lawyer of the Year" and "2018 Lawyer of the Year".



**Mario Rubio**, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Mario practices in the Real Estate Group at Norton Rose Fulbright. His practice involves all aspects of commercial real estate, including the acquisition, financing, development, leasing and sale of residential, industrial, office, retail and mixed-use properties. Mario represents a broad range of local, national and offshore clients, including developers of mixed-use and multi-family properties, shopping centre owners, retail chains, natural resource companies, housing societies and non-profit entities, health authorities and port authorities. He regularly advises clients at all stages of the property acquisition and development process and has extensive experience in acting for both landlords and tenants in negotiating commercial leases.

## FACULTY



**Tara Brockelmann**, Vice President, Leasing, QuadReal Property Group LP, Vancouver, BC. Tara Brockelmann (Rissanen) is a senior real estate professional with over 20 years of commercial development and leasing experience in the Western Canadian marketplace. She has been directly involved in redeveloping and leasing some of the most monumental mixed use and retail projects ever constructed in Western Canada and has a proven track record of achieving exceptional results for a wide range of large pension funds, third party managers, owners, and developers. Tara provides mentorship to QuadReal's western retail team and is the leasing lead for Oakridge, Canada's second highest performing shopping centre on sales per square foot, QuadReal's highest value retail asset and the subject of a very large and exciting redevelopment.



**Allison Godey**, Director, Terra Law Corporation, Vancouver, BC. Allison's practice is focused on all aspects of commercial real estate, including the acquisition, financing, development, sale and leasing of development and investment properties. She regularly advises clients on *Real Estate Development Marketing Act* and *Strata Property Act* issues, as well as real estate financing matters. Allison has extensive experience negotiating commercial leases and advising clients on other leasing matters, and is recognized by Best Lawyers as a leading lawyer in the practice area of Commercial Leasing Law. She also has experience negotiating agreements relating to municipal land use matters with local governments. Allison acts for a wide range of clients, including private and public companies, societies, pension funds and REITs.



**Dan Jordan**, Senior Vice President, Personal Real Estate Corporation, Colliers International, Vancouver, BC. Dan is a Senior Vice President with Colliers International in Vancouver, British Columbia. Since joining the firm in 2005, Dan has completed lease transactions totalling over 1 million square feet. He has been nominated for multiple awards and won the coveted 2014 NAIOP/BIV Office Lease of the Year. Dan has built a strong reputation for providing his clients with the highest level of service. Using his unparalleled knowledge of the Vancouver office market and creative, business-driven real estate strategies, Dan has been able to successfully complete a variety of transactions on behalf of his clients both locally and nationally.



**Christina Kobi**, Partner, Minden Gross LLP, Toronto, ON. Christina specializes in all aspects of commercial leasing and tenancy dispute matters, including retail, office, industrial, telecommunications, and solar panel leasing. She has expertise in sophisticated and volume leasing for major developers, international retail clients, and national property managers. Christina is recognized in Best Lawyers® in Canada, The Canadian Lexpert® Directory, and The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada as a leading Property Leasing lawyer in Canada and is also a Lexpert Zenith Award winner. She is a member of a number of prominent boards and committees, is a regular lecturer and moderator at legal and industry conferences, and is a frequent contributor to leasing publications and Minden Gross LLP bulletins and newsletters.



**Rhiannon Mabberley**, Westbank Projects, Vancouver, BC. Rhiannon is a senior executive with Westbank Projects where she has been involved in some of the company's most notable developments, including Woodward's, TELUSgarden and Oakridge. From sustainability initiatives to district energy systems to complex permitting and everything in between, Rhiannon's experience speaks to the finer details of real estate development. Westbank Projects is one of Vancouver's busiest development firms. Established in 1992 Westbank is active across Canada in a diversity of product types from luxury condominiums, purpose built rental, office, retail, hotel and non-market housing and industrial, with a focus on large mixed use projects involving highly complex entitlement processes.



**Anousheh Torabi**, Associate, Osler, Hoskin & Harcourt LLP, Vancouver, BC. Anousheh is an associate in the Commercial Real Estate Group at Osler, Hoskin and Harcourt LLP. She is a member of both the Law Society of Alberta and the Law Society of British Columbia, practicing primarily in the firm's Vancouver office. Anousheh has a range of experience in real property matters, including acquisitions and dispositions, leasing, real estate development and lending for industrial, office, retail and

## EMERGING TRENDS IN COMMERCIAL LEASING

Rapidly emerging trends across all industries are transforming our use of commercial spaces, and accordingly impacting the commercial leasing sector. The lessons of the past year have significantly impacted relationships between landlords and tenants, workers and conventional office spaces, brokers and prospective clients, debtors and creditors, insurer and insured, and broader communities and their needs. These changing demands and shifts in perspective will inform the future commercial leasing practice of lawyers and business professionals alike.

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 in commercial leasing
- Insolvency and bankruptcy in the context of commercial leasing
- Insurance, subrogation and indemnification
- Best practices for drafting commercial leases based on the lessons of the past year
- Unique legal issues arising from the redevelopment of commercial retail space

### 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

residential portfolios. Prior to joining Osler, Anousheh practiced Commercial Real Estate law at national firms in Calgary and Vancouver.



**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.



**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 advises and represents 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 significant restructuring experience across multiple industries. In commercial finance, Lance advises borrowers and lenders on domestic and multi-jurisdictional loans and acts for major financial institutions, mezzanine lenders and distressed lenders.



# EMERGING TRENDS IN COMMERCIAL LEASING

MAY 14<sup>TH</sup>, 2021

## 9:00 Welcome and Introduction by PBLI

## 9:05 Chairs' Welcome and Introduction

Neil Davie & Mario Rubio

Norton Rose Fulbright Canada LLP

## 9:10 Legal Update

Anousheh Torabi

Osler, Hoskin & Harcourt LLP

- Recent cases of interest in the world of commercial leasing

## 9:45 Questions and Discussion

## 9:55 Insolvency and Bankruptcy in the Context of Commercial Leasing

Sauna Towriss & Lance Williams

Cassels Brock & Blackwell LLP

- Tenant CCAA and bankruptcy proceedings and the impact on the commercial lease
- Landlord status in insolvency proceedings
- Landlord's security and letters of credit

## 10:45 Questions and Discussion

## 10:55 Morning Break

## 11:10 Insurance, Subrogation and Indemnification

Christina Kobi

Minden Gross LLP

- Understanding the allocation of risk between landlords, tenants and insurers
- Common insurance requirements in the commercial lease
- Understanding the implications of subrogation
- Drafting considerations

## 12:00 Questions and Discussion

## 12:10 Lunch Break

## 1:00 Workshop: Drafting the Lease of the Future

Allison Godey

Terra Law Corporation

- Implementing the lessons learned in 2020 to create the lease of the future

- Knowing what we now know, best practices on clause drafting:

- Frustration
- Force Majeure
- Landlord Security
- Co-Tenancy
- Sublease and Assignment

## 1:50 Questions and Discussion

## 2:00 Afternoon Break

## 2:15 Emerging Trends in Real Estate – The Future of Commercial Office Space

Neil Davie & Mario Rubio

Norton Rose Fulbright Canada LLP

Dan Jordan

Colliers International

- Emerging trends in office space requirements and commercial lease negotiations
- Contraction and expansion of premises
- Impact of technological changes and the trend towards flexible work arrangements
  - Subleases, assignments, and other options for dealing with changing needs of the tenant

## 3:05 Questions and Discussion

## 3:15 Retail Spaces, Shared Spaces and Urban Redevelopment

Tara Brockelmann

QuadReal Property Group LP

Neil Davie

Norton Rose Fulbright Canada LLP

Rhiannon Maberley

Westbank Projects

- The continued value and relevance of brick-and-mortar real estate in retail
- The importance of shared spaces post-pandemic, and how the pandemic will affect planning in the future
- Spotlight on Oakridge: An Audacious Redevelopment – Using Architecture to Enhance Lives

## 4:05 Questions and Discussion

## 4:15 Chairs' Closing Remarks

## 4:20 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
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**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.

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**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)**. 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 (**May 7<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 **6 hours** of continuing professional development credits with the Law Society of BC.

## Registration Form

### Pacific Business & Law Institute

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MAY 14<sup>TH</sup>, 2021

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