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COMMERCIAL LEASING IN THE WAKE OF THE COVID-19 PANDEMIC

Co-Chaired by

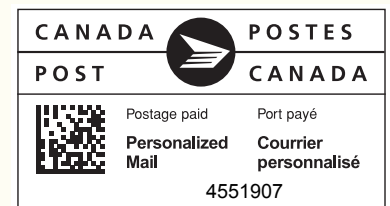
Neil Davie

Norton Rose Fulbright Canada LLP

Mario Rubio

Norton Rose Fulbright Canada LLP

August 7th, 2020 • Attend via Live Webinar



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CO-CHAIRS



Neil Davie, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Neil practises in the Real Estate Group at Norton Rose Fulbright. 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, Norton Rose Fulbright Canada LLP, Vancouver, BC. Mario is a partner in Norton Rose Fulbright's Real Estate Group. His practice involves all aspects of commercial real estate, including the acquisition, financing, leasing, development and sale of commercial, industrial, office and retail properties. Mario represents a broad range of local, national and offshore clients, including developers, retail companies, natural resource companies, 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. Mario is the past Chair of the Canadian Bar Association – Vancouver Real Property Subsection.

COMMERCIAL LEASING IN THE WAKE OF THE COVID-19 PANDEMIC

The COVID-19 pandemic has had deep and difficult impacts for the Canadian business community, and the landscape for commercial tenancies is no longer business as usual. What does commercial leasing look like in the wake of COVID-19? Join us for this half-day intensive conference where our expert faculty will discuss the impacts of the pandemic on commercial landlords and tenants, and the future of commercial leasing in this "new normal".

KEY AREAS ADDRESSED:

- Dealing with lease defaults
- The status of leases under bankruptcy, insolvency and CCAA proceedings
- Accessing and enforcing security under leases
- Co-tenancy issues and concerns

WHO SHOULD ATTEND:

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

AGENDA – AUGUST 7TH, 2020

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Neil Davie & Mario Rubio

Norton Rose Fulbright Canada LLP

9:10 Lease Defaults

Stacey J. Handley & Jeffrey Bradshaw

Gowling WLG

- Lease defaults, distress, terminating leases, affirming and suing on arrears, pursuing indemnifiers/guarantors, process (e.g. notice requirements, timing for court applications, etc.)
- COVID implications

9:45 Questions and Discussion

9:55 Leases Under Bankruptcy/Insolvency/CCAA

Scott Boucher & John Cassell

Norton Rose Fulbright Canada LLP

- Dealing with the legal and practical issues facing commercial landlords in insolvency proceedings

10:30 Questions and Discussion

10:40 Break

10:55 Security Under Leases

Anna Pogosjan

Terra Law Corporation

- Deposits, lines of credit, prepaid rent, indemnities/guarantees

11:30 Questions and Discussion

11:40 Co-Tenancy Issues and Concerns

Janet Derbawka

McMillan LLP

- Negotiating and drafting considerations for co-tenancy provisions
- Remedies for co-tenancy failures and limitations in enforcement

12:15 Questions and Discussion

12:25 Chairs' Closing Remarks

12:30 Program Concludes

FACULTY



Scott Boucher, Senior Associate, Norton Rose Fulbright Canada LLP, Vancouver, BC. Scott practises general commercial litigation with an emphasis on insolvency and restructuring and estates litigation. He assists clients and senior lawyers on a wide variety of matters, including contract and property disputes, insolvency files including receivership, CCAA, bankruptcy and foreclosure proceedings, wills variation claims, and trusts litigation. He has appeared before the Supreme Court of British Columbia, the British Columbia Court of Appeal and the Supreme Court of Canada.



Jeffrey Bradshaw, Associate, Gowling WLG, Vancouver, BC. Jeffrey is a member of his firm's Restructuring and Insolvency Group, as well as its Expropriation Law and Municipal Law groups. Acting on behalf of lenders and creditors, Jeffrey focuses his practice on achieving maximum debt recovery for his clients – either through negotiation, litigation or out-of-court enforcement. He complements his debt recovery expertise with practical and effective solutions to a range of significant legal and business challenges his clients face every day. Jeffrey gained a unique insight into the litigation process when he completed a clerkship with the Supreme Court of BC, and has experience appearing at all levels of court in the Province.



John Cassell, Partner, Norton Rose Fulbright Canada LLP, Calgary, AB. John Cassell is co-chair of the national data protection, privacy and cybersecurity team. John assists clients with all manner of privacy and cybersecurity law issues including: responding to complex local and international cybersecurity incidents, advising on risk management strategies, assisting clients with access to information requests, complying with Canada's anti-spam legislation and proceedings before the offices of the Alberta and federal privacy commissioners. John also maintains a general commercial civil litigation practice with a particular focus on insolvency and restructuring matters.



Janet Derbawka, Partner, McMillan LLP, Vancouver, BC. Janet is a partner in McMillan LLP's Vancouver office and is a member of the firm's Real Estate Group practising real estate, banking and commercial law. She was called to the bar of British Columbia and Ontario in 1994. Janet's practice includes commercial acquisitions, dispositions and financing transactions. Janet also has extensive experience in negotiating lease transactions for both landlords and tenants and represents some of Canada's largest landlords and tenants. Janet continues to act as corporate counsel in numerous complex business transactions involving multi-jurisdictional acquisitions, mergers and joint ventures for local and international clients. Janet is also a regular presenter at various industry and legal events, including the Vancouver Leasing Conference and the International Council of Shopping Centers Law Conference. Janet is a member of CREW and is a past Chair of ICSC Whistler Conference.



Stacey J. Handley, Partner, Gowling WLG, Vancouver, BC. A highly regarded lawyer in Vancouver's real estate industry, Stacey J. Handley has extensive expertise in commercial real estate transactions. She advises clients on a range of matters, including major sales and acquisitions, and the leasing, development, subdivision, and financing of commercial properties. A significant part of her practice involves leasing commercial retail and office properties on behalf of both Landlords and major Tenants. Stacey is repeatedly recognized as a leading lawyer in the areas of Real Estate and Property Leasing by Best Lawyers in Canada and by Lexpert. In 2017 Stacey was named by Best Lawyers in Canada as "Lawyer of the Year" in Commercial Leasing Law for Vancouver.



Anna Pogosjan, Lawyer, Terra Law Corporation, Vancouver, BC. Anna's practice involves 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 her clients on Real Estate Development Marketing Act and Strata Property Act issues and other areas of regulatory matters, including FINTRAC compliance. Anna frequently acts for developers of multi-family residential, commercial, mixed-use, independent seniors living and time-share developments, as well as commercial landlords and tenants. Anna is called to the bars of British Columbia and Alberta.

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/1612

Registration: The registration fee is \$350.00 plus GST of \$17.50 totalling **\$367.50** 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. (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 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 (**July 30th, 2020**). 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 **3.25 hours** of continuing professional development credits with the Law Society of BC.

Registration Form

Pacific Business & Law Institute

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AUGUST 7TH, 2020

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