

February 10, 2016



THE SIX-MINUTE COMMERCIAL LEASING LAWYER 2016

Chairs: William (Bill) Rowlands, *McMillan LLP*

Alison Tortorice, Senior Director, Legal,
The Cadillac Fairview Corporation Limited

February 18, 2016

9:00 a.m. to 12:30 p.m.

Total CPD Hours = 3 h 30 m Substantive

**The Law Society of Upper Canada
130 Queen St West
Toronto, ON**

SKU CLE16-0020101



Agenda

9:00 a.m. – 9:05 a.m.

Welcome and Opening Remarks

William (Bill) Rowlands, *McMillan LLP*

Alison Tortorice, Senior Director, Legal,
The Cadillac Fairview Corporation Limited

Lease Provisions

9:05 a.m. – 9:13 a.m. **Landlord Renovations and Redevelopments: When, if ever, do they Breach the Landlord’s Covenant for Quiet Enjoyment?**

Deborah Watkins, *Daoust Vukovich LLP*

9:13 a.m. – 9:21 a.m. **Change in Use on Assignment or Sublease**

Abraham Costin, *McCarthy Tétrault LLP*

9:21 a.m. – 9:29 a.m. **Naming the Landlord in Tenant Insurance Policies**

Jory Grad, *Owens, Wright LLP*

Drafting Matters

9:29 a.m. – 9:37 a.m. **Drafting a Clear Use Clause**

Robert Fraser, *McMillan LLP*

9:37 a.m. – 9:45 a.m. **Drafting Tips for Letters of Intent and Term Sheets**

Jordan Hill, Director, Legal Services, Ontario Portfolio Office, *The Cadillac Fairview Corporation Limited*

9:45 a.m. – 9:53 a.m. **I Thought My Security Blanket Would Always Cover Me! A Review of Security Deposits and Prepaid Rent**

Melissa McBain, *Daoust Vukovich LLP*

Disputes, Remedies, and Damages

9:53 a.m. – 10:01 a.m. **Recoverable Damages for Breach of Lease**

Jason Annibale, *McMillan LLP*

10:01 a.m. – 10:09 a.m. Not so Inconsequential...Waiving Recoveries Related to Indirect and Consequential Damages

Joseph Grignano, Blake, Cassels & Graydon LLP

10:09 a.m. – 10:17 a.m. When Good Intentions Lead to Bad Results: How to Avoid the Unanticipated Consequences of Waiver and Estoppel

Laurie Sanderson, Gowling Lafleur Henderson LLP

10:17 a.m. – 10:25 a.m. Rights of First Refusals to Purchase in Leases

Angela Mockford, Minden Gross LLP

10:25 a.m. – 10:35 a.m. Question and Answer Session

10:35 a.m. – 10:50 a.m. Coffee and Networking Break

Updates and Recent Developments

10:50 a.m. – 10:58 a.m. Property Assessment and Taxation: Matters to Consider for Lease Agreements

Phillip Sanford, McCarthy Tétrault LLP

10:58 a.m. – 11:06 a.m. Registration Update

Christina Kobi, McLean & Kerr LLP

11:06 a.m. – 11:14 a.m. Retail Leasing Trends

Oliver Hobday, Vice President, Legal, RioCan REIT

11:14 a.m. – 11:22 a.m. ***Hudson’s Bay Co. v. Omers Realty Corp.: Another Look at Landlord’s Consent to a Transfer***

Sheldon Disenhouse, *Dentons Canada LLP*

11:22 a.m. – 11:30 a.m. **Update on Good Faith in Commercial Leasing**

Lisa Borsook, *WeirFoulds LLP*

11:30 a.m. – 11:38 a.m. **Alternative Fee Arrangements: Determining the “Right” Pricing Arrangement**

Syll Kushner, *Gowling Lafleur Henderson LLP*

Miscellaneous Items

11:38 a.m. – 11:46 a.m. **These Six Minutes Could Prevent an E & O Claim**

Alexandra Lev-Farrell, *Berkow, Cohen LLP*

11:46 a.m. – 11:54 a.m. **Flowing Obligations Through in Subleases**

Lauren Temple, *Metrolinx*

11:54 a.m. – 12:02 p.m. **Lease/Licence: What to Use When**

Elizabeth Phalen, *Brookfield Property Partners, Canadian Office Division*

12:02 p.m. – 12:10 p.m. **Moving the Building Blocks Around: Redevelopment and Relocation Rights**

Celia Hitch, Director, Retail Legal Services, *Oxford Properties Group Inc.*

12:10 p.m. – 12:18 p.m.

**Tenant’s Remedy for Landlord’s Termination of
a Lease in Good Standing**

Stephen Posen, *Minden Gross LLP*

12:18 p.m. – 12:30 p.m.

Question and Answer Session

Stephen Posen, *Minden Gross LLP*

William (Bill) Rowlands, *McMillan LLP*

Laurie Sanderson, *Gowling Lafleur Henderson LLP*

Alison Tortorice, Senior Director, Legal, *The Cadillac
Fairview Corporation Limited*

12:30 p.m.

Program Ends