



## Damon Chisholm\*

Co-Chair, Commercial Real Estate  
Vancouver

604.691.7464

damon.chisholm@mcmillan.ca

\*Law Corporation

### education and year of call

- Called to the British Columbia bar - 2003
- International Air Transport Association (IATA) Training and Development Institute – Certificate with Distinction, Aircraft Acquisition and Financing - 2016
- University of Calgary, LLB - 2002
- University of Calgary, BA - 1999

### practice areas

commercial real estate  
real estate acquisitions and  
divestitures  
real estate financing  
secured lending and syndicated  
finance  
leasing  
financial services  
construction

### industries

commercial real estate  
food, beverage and agribusiness  
banking, finance and insurance  
aviation  
forest products  
mining  
transportation

### profile

- Co-Chair of the National Commercial Real Estate Group
- Partner in the Vancouver Commercial Real Estate Group

Damon's practice focuses on all aspects of commercial real estate, including development, subdivisions, stratifications, acquisitions, dispositions, financing and leasing of commercial properties.

Damon's experience includes acting for natural resource companies in complex project financing and acquisitions, purchasers and vendors of large commercial developments, including land acquisitions, hotels, apartment buildings, industrial and office complexes as well as successfully negotiating complex commercial and railway land leases for major landlords and for a variety of industrial tenants. This experience extends to the preparation and filing of Disclosure Statements under the *Real Estate Development Marketing Act* (British Columbia) and advising developer clients on *Strata Property Act* (British Columbia) compliance issues.

Damon's practice also includes commercial lending matters including secured, unsecured and project financing and he has acted for institutional and private lenders and borrowers. He has provided advice and opinions on personal property and mortgage security and creditor/debtor relationships.

As a member of the firm's Aviation Group, Damon has experience in transactions involving the buying, selling, leasing, and financing of aircraft, as well as advising on aircraft title and registration issues.

Damon's experience extends to protecting clients interests internationally under the Cape Town Convention through registration with the International Registry of Mobile Assets and

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is the co-editor of the Aviation chapter in O'Brien's Commercial Forms and McMillan's administrator for all matters in relation to the Convention on International Interests in Mobile Equipment.

## directorships and professional associations

- Canadian Bar Association (British Columbia Branch) - Real Estate and Banking subsections
- Vancouver Bar Association
- Mortgage Investment Association of British Columbia
- Vancouver Solicitors' Legal Opinions Subcommittee (Real Estate)

## representative matters

Damon has been involved in various commercial transactions, some of which involve:

- Acted for Wal-Mart Canada with respect to the sale 15.5 acres of industrial sites which was the largest private sale in the last 10 years in the City of Vancouver in terms of square footage, April 2018.
- Acted for national real estate investment and management company with respect to apartment complex purchases over C\$600 million in acquisitions since 2014.
- Acted for a national pension fund company with respect to its acquisition of a commercial complex for C\$60 million, August 2016.
- Act for Quay Property Management Corp. with respect to the redevelopment of The Shipyards, North Vancouver, 2016.
- Act for InHaus Developments Ltd. with respect to the development of various boutique townhome developments in British Columbia and Seattle, Washington.
- Act for Helijet International Inc., a large helicopter service in British Columbia, with respect to all leases, acquisitions and financing and related regulatory matters.
- Acted for Executive Air Ambulance, a full service bed to bed air ambulance company, with respect to the acquisition and financing of its aircrafts.
- Represented HB Construction Company Ltd., a wholly owned indirect subsidiary of The Williams Companies, Inc., in connection with its acquisition of certain assets of Comstock Canada Ltd. and its affiliate pursuant to Comstock's restructuring under the *Companies' Creditors Arrangement Act* ("CCAA") (Canada).
- Acted for Great Basin Gold Ltd. as borrower and as guarantor in debtor-in-possession ("DIP") financings under the CCAA and Chapter 11 (US).

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- Acted for Co-operators General Insurance Company in its sale of a development company to Ledingham McAllister Communities Ltd., March 2012.
- Acted for West Fraser Timber Co. Ltd. in its sale of Eurocan Pulp and Paper Mill to KMLNG Operating General Partnership, December 2011.
- Acted for Great Basin Gold Ltd. as borrower of a C\$150 million term facility with respect to its Burnstone Mine in South Africa, December 2011.
- Acted for a large national life insurance company with respect to its sale of an office/residential complex for C\$34 million, September 2011.
- Acted for West Fraser Timber Co. Ltd. in its sale of its Eurocan Terminal to Rio Tinto Alcan Inc., August 2011.
- Acted for Primero Mining Corp. (formerly, Mala Noche Resources Corp.) in its acquisition of the San Dimas gold-silver mine and associated assets in Mexico from subsidiaries of Goldcorp Inc. for US\$510 million, August 2010.

## awards and rankings

- Recognized by the Best Lawyers in Canada (2021) as a leading lawyer in the area of Real Estate Law

## teaching engagements

- Adjunct Professor at the Peter A. Allard School of Law from 2018
- Continuing Legal Education of British Columbia Real Estate Fundamentals for Lawyers Course, *Statement of Adjustments*, March 2016 & June 2014
- Pacific Business & Law Institute Commercial Leasing: Landlord / Tenant Disputes Course, *Pre-Litigation Problems and Solutions*, April 2015

## community involvement

Damon has provided pro bono legal advice to the MS Society, BC Division since 2004. Such services have included:

- Drafting of release forms for the BC Division Aeroplan Program.
- Drafting service contracts between the MS Society and service providers for the BC Division's largest client services program - the Equipment Provision Program.
- Providing immediate legal information/advice regarding liabilities for the BC Division programming.

## media mentions

Damon Chisholm  
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- "[Condo buyers breaking contracts as prices fall](#)", *Canadian Business Magazine*, November 27, 2012
- "[Seller beware](#)" by Kevin Marron, *Canadian Lawyer Magazine*, May 2011
- "Selling Your Apartment Building: Thinking Ahead", *Avison Young Point of View Multi-Family Investment Report British Columbia Q2 2009*, September 21, 2009

## publications

### May 2020

Court Dismisses Interim Relief Sought by Homeowners Currently Challenging the *Speculation and Vacancy Tax Act*  
Real Estate Law Bulletin

### April 2020

The Transport Finance Law Review – Edition 6

### October 2019

British Columbia's New Beneficial Ownership Registry  
Real Estate Bulletin

### June 2019

The Transport Finance Law Review – Edition 5

### June 2018

No Strata Supermajority Needed to Hire Realtor, B.C. Supreme Court Confirms  
Real Estate / Litigation Bulletin

### June 2018

The Transport Finance Law Review – Edition 4

### February 2018

2018 BC Provincial Budget Takes Aim at Real Estate Market  
Real Estate Bulletin

### October 2017

Wind-Up Unwound: For the First Time, the BC Supreme Court Rejects an Application to Wind-Up a Strata Corporation under Bill 40

### September 2017

Developer's Right to Deposit Trumps Condo Buyer in Trump Tower Residential Strata Dispute  
Real Estate Bulletin

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## **October 2016**

Proposed Amendments Could Shake Up Vancouver's Short-Term Rental Market  
Real Estate Bulletin

## **July 2016**

BC Government Targets Foreign Buyers with Massive Tax Hike  
Commercial Real Estate Bulletin

## **2016**

British Columbia Real Estate Practice Manual  
authored chapter on "Statement of Adjustments"  
Published by Continuing Legal Education of British Columbia for  
2010 through 2016

## **February 2015**

Recent BC Decisions Quashes Rezoning and Land Swap  
Real Estate Bulletin

## **presentations**

### **November 1, 2017**

Back to Basics: Bankruptcy, Insolvency and Managing Tenants  
2017 Vancouver Real Estate Strategy & Leasing Conference