

DAMON CHISHOLM*

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Damon Chisholm is an accomplished commercial real estate lawyer and a leader of the firm's national Commercial Real Estate Group. He advises on all aspects of commercial real estate, including developments, subdivisions, stratifications, acquisitions, dispositions, financing and leasing of commercial properties. Assisting clients in banking and finance among various other industries, Damon is also known for his expertise in aviation law.

As part of his real estate practice, Damon acts for natural resource companies in complex project financing and acquisitions. He also represents purchasers and vendors of large commercial developments and assists with land acquisitions for hotels, apartment buildings, and industrial and office complexes. Damon has successfully negotiated complex commercial and railway land leases for major landlords and industrial tenants, and provided opinions on personal property, mortgage security and creditor / debtor relationships.

A secondary focus of Damon's practice is advising on the buying, selling, leasing, and financing of aircraft. An important aspect of this work is protecting the interests of his clients internationally under the Cape Town Convention through registration with the International Registry of Mobile Assets. Co-editor of the chapter on aviation in *O'Brien's Commercial Forms*, Damon is also McMillan's administrator for all matters relating to the Convention on International Interests in Mobile Equipment.

Recognized by *Best Lawyers in Canada 2021* for expertise in real estate law, Damon is an adjunct professor in real estate transactions at the Peter A. Allard School of Law at UBC.

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Expertise: Aviation, Banking & Finance, Commercial Real Estate, Financial Services

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Location: Vancouver

Phone: 604.691.7464

Position/Title: Partner, Commercial Real Estate

Community Involvement: Damon has provided pro bono legal advice to the MS Society, BC Division. 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

Directorships & Affiliations:

- 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)

Publications:

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

Education & Admissions:

Degree: Called to the British Columbia bar

Year: 2003

Degree: Certificate with Distinction, Aircraft Acquisition and Financing

University: International Air Transport Association (IATA) Training and Development Institute

Year: 2016

Degree: LLB

University: University of Calgary

Year: 2002

Degree: BA

University: University of Calgary

Year: 1999

Media Mentions:

- "[Condo buyers breaking contracts as prices fall](#)", Canadian Business Magazine, November 27, 2012

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- "Seller beware" by Kevin Marron, Canadian Lawyer Magazine, May 2011

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- "Selling Your Apartment Building: Thinking Ahead", *Avison Young Point of View Multi-Family Investment Report British Columbia Q2 2009*, September 21, 2009

Rankings & Recognition:

- Recognized by *Best Lawyers* in Canada (2022) as a leading lawyer in the area of Real Estate Law
- Recognized by the *Best Lawyers* in Canada (2021) as a leading lawyer in the area of Real Estate Law

Speaking Engagements:

- Housing Central: BC's Affordable Housing 2018 Conference, The Residential Tenancy Act and Non-Profit Housing

- November 18, 2018

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

- November 1, 2017

Representative Matters:

- Act for Georgia-Pacific with respect to the sale of commercial properties, including assignment of foreshore leases, licenses and permits and environmental remediation
- Act for Gracorp, a major real estate developer, and its affiliates with respect to property acquisitions and financings

- Act for Hancock Forest Management and its affiliates with respect to its master agreements, leases, property acquisitions and divestitures, and municipal law including statutory rights of way, easements and subdivisions
- Act for Nicola Wealth and its affiliates with respect to the acquisition and disposition of commercial property, including limited partnerships agreements, joint venture, co-owner and management agreements, as well as share purchases, construction financing and leasing
- Act for Realstar in the acquisition of commercial property for its real estate portfolio, including share purchases, financing, rezoning, subdivision and development
- Act for Merrill & Ring in the sale and acquisition of its British Columbia portfolio
- Act 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 and ongoing leasing and municipal/land use related to its stores in British Columbia
- Act for owners of liquor and cannabis stores, pubs and restaurants with respect to acquisitions and divestitures of real estate assets, including share disputes and leasing
- Act for commercial landlords and tenants in the negotiation and drafting of various types of leases
- Act for housing societies and a major Canadian national organization with respect to commercial real estate acquisitions, municipal and land use planning, redevelopment/development
- Act for clients in dispute resolution on remediation work for projects and builders lien claims
- Act for Citibank with respect to aircraft financings, including ISDA Swap Agreements and International Registry filings
- 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)
- 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

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

Industries: Aviation, Banking & Finance

Practices: Commercial Real Estate, Financial Services