

TALIA GORDNER



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Talia Gordner is an experienced lawyer with a corporate and commercial litigation practice focused on the resolution of complex environmental, regulatory and real estate disputes. Talia represents clients from a range of industries, including construction, oil and gas, and manufacturing, in matters that range from common commercial disputes such as claims of breach of contract, fraud and negligence, to complex environmental disputes involving recent, ongoing and historical contamination.

Advising on environmental risk, liability and due diligence at all stages of real estate, business and financing transactions, Talia is known for her ability to get deals across the finish line. She assists clients in all areas of environmental compliance and has a full understanding of environmental reporting and approvals obligations as well as the federal and provincial greenhouse gas emissions regimes.

With experience as defence counsel for individual and corporate clients in a variety of regulatory and quasi-

criminal federal and provincial matters, including under environmental, construction, transportation and municipal legislation, Talia negotiates resolutions that give clients peace of mind and advance their interests.

Prior to joining McMillan, Talia practised at a mid-sized law firm in Toronto. An active supporter of the arts, Talia is proud to play the alto saxophone in a not-for-profit community concert band.

Email: talia.gordner@mcmillan.ca

Expertise: Construction & Infrastructure, Corporate Commercial Litigation, Environment, Manufacturing, Oil & Gas

Location: Toronto

Phone: 416.865.7834

Position/Title: Partner, Environment | Corporate Commercial Litigation

Directorships & Affiliations:

- Ontario Bar Association, [Chair of Environmental Law Section Executive](#)
- North Toronto Community Band, Board of Directors and President (2016-2018)
- Canadian Bar Association
- Toronto Lawyers Association

Publications:

- "[Plan for the Ban: Our New Year's Update of Single-Use Plastics Bans Across Canada](#)", Ontario Bar Association - Environmental Law Section (March 2022)
- "Combatting climate change through trade rules: Canada's and the European Union's efforts to put a cross-border price on carbon", Ontario Bar Association - Environmental Law Section (December 2021)
- "Thinning the Green Tape: Regulating Environmental Matters in the COVID-19 Pandemic", Environmental Law Section (December 2021)
- "[Carbon Tariffs – The Next Challenge in Canadian Climate Law and Policy?](#)", Energy Regulation Quarterly, Volume 9, issue 3 (October 2021)
- "[Fueling the Future: Canada's Plan to Reduce Greenhouse Gas Emissions under the Clean Fuel Regulations](#)", Ontario Bar Association – Environmental Law Section (April 5, 2021)
- "[Cannabis And Waste: Another “Green” Opportunity](#)", Ontario Bar Association – Environmental Law

Section (December 15, 2020)

- "[Plan For The Ban: An Update On Single-Use Plastics Bans In Canada](#)", Ontario Bar Association – Environmental Law Section (September 22, 2020)
- "[Expropriation of Contaminated Land and its Fair Market Valuation](#)", INSTI-NEWS Fall/Winter 2020, p.17
- "Update: Cross-Country Check-In: COVID-19 and the Environment", Environment Law Bulletin (May 20, 2020)
- "Update: Cross-Country Check-In: COVID-19 and the Environment", Environment Law Bulletin (May 1, 2020)
- "Cross-Country Check-In: COVID-19 and the Environment", Environment Law Bulletin (April 15, 2020)
- "New Guidance from Ontario Court of Appeal on Landlord Liability for Historical Contamination", Blaneys on Business (March 21, 2018)
- "Ontario Court of Appeal Provides Guidance on Landlord Liability for Historical Contamination", Ontario Bar Association – Environmental Law Section (February 21, 2018)
- "Law Society Amends and Clarifies the “Threatening Criminal Proceedings” Rule", Ontario Bar Association – Environmental Law Section (April 24, 2017)
- "Businesses may be helped by Law Society rule change (April 24, 2017)", Blaneys on Business (April 24, 2017)
- "[Doing Business 2017: Equal Opportunity for all](#)", A World Bank Group Flagship Report, 14 th ed. (2017)
- "Overview of Ontario’s Most Recent Additional to Environmental Legislation: The Great Lakes Protection Act, 2015", Ontario Bar Association – Environmental Law Section (December 18, 2015)
- "Overview of Ontario’s Most Recent Additional to Environmental Legislation: The Great Lakes Protection Act, 2015", Blaneys on Business (December 18, 2015)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 2012

Degree: JD

University: University of Detroit Mercy

Year: 2011

Degree: LLB

University: University of Windsor

Year: 2011

Degree: Bachelor of Musical Arts

University: University of Western Ontario

Year: 2008

Media Mentions:

- "[Builders brace for new excess soil rules in Ontario](#)", by Mark Sabourin, *Ecocompliance.ca*, Vol. 38, No 10 (October 2021)
- "[Can you dig it? New regulations are breaking ground on excess soil management](#)," by Ted McIntyre, *Ontario Home Builder*, p. 41 (Early Fall 2021)

Rankings & Recognition:

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

Speaking Engagements:

- Building Communities, Ontario Bar Association Institute Series, Chair
- February 3 - 4, 2022
- <https://www.oba.org/Institute/Building-Communities>

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- When Environmental Impacts Seep Across Borders, Ontario Bar Association Institute Series, Moderator
 - November 10, 2021

- <https://windsorlawcities.ca/climate-blog-recording-of-panel-discussion-featuring-windsor-law-alumni-in-climate-related-legal-careers-now-available/>

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- Understanding Soil and Groundwater: Part 2 Ontario Bar Association – Environmental Law Section

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- Co-Chair of Environmental Law Mentorship event Ontario Bar Association – Environmental Law Section
 - June 7, 2017

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- Environmental Considerations in Real Estate and Business Transactions Toronto Lawyers Association
 - May 16, 2017

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- Roundtable Discussions: Environmental Law 101 ICSC Canadian Shopping Centre Conference
 - April 27, 2017

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- CANECT, Spill, Leaks, Discharges & Emergencies: Legal Framework
 - April 29, 2014
 - Upload File

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- CBA's NEERLS Conference: A Survey of Key Federal Statutes
 - April 16, 2021

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<https://windsorlawcities.ca/climate-blog-recording-of-panel-discussion-featuring-windsor-law-alumni-in-climate-related-legal-careers-now-available/>

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- Climate Change, Plastics and the Role of Federalism in Environmental Law, Ontario Bar Association's Institute Series: Building Communities
 - February 5, 2021

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<https://windsorlawcities.ca/climate-blog-recording-of-panel-discussion-featuring-windsor-law-alumni-in-climate-related-legal-careers-now-available/>

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- Working in Climate Action: Panel Discussion Windsor Law Cities and Climate Action Forum (CCAF) policy clinic, co-hosted by the Transnational Environmental Law Policy clinic at Windsor Law
 - November 25, 2020

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<https://windsorlawcities.ca/climate-blog-recording-of-panel-discussion-featuring-windsor-law-alumni-in-climate-related-legal-careers-now-available/>

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- Navigating Environmental Compliance and Risk During and After a Public Health Emergency OBA Environmental Law Program, Online
 - May 21, 2020

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- Developments in Environmental Law for Real Estate Transactions The Canadian Bar Association
 - March 5, 2020

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- Roundtable Discussions: Environmental Law 101 ICSC Canadian Shopping Centre Conference
 - March 27, 2019

- Unearthing Complexities in the Subsurface: Soil and Groundwater Essentials for Lawyers Ontario Bar Association's Institute – Environmental Law Section

- February 5, 2019

- Unearthing Complexities in the Subsurface: Soil and Groundwater Essentials for Lawyers Ontario Bar Association's Institute – Environmental Law Section

- May 1, 2018

Representative Matters:

- Representing clients in complex multi-party environmental litigation dealing with recent, ongoing and historical contamination events.
- Investigating and advocating for property owners and occupiers in environmental contamination disputes between neighbouring properties.
- Directing investigations and coordinating environmental consulting and engineering experts for the purpose of sampling, reporting on and remediating environmentally contaminated sites.
- Providing advice on environmental law, risk and liability in multi-million dollar corporate acquisition transactions.
- Representing clients in various levels of the Ontario Superior Court of Justice involved in commercial litigation arising from fraud, breach of contract, shareholder disputes and real estate and leasing matters.
- Appearing at the Environmental Review Tribunal in relation to Renewable Energy Approval appeal and municipality order appeals under the Environmental Protection Act.
- Providing guidance on federal and provincial greenhouse gas, stewardship, recycling and waste management legislation and compliance.
- Negotiating access and sampling agreements with major oil and gas companies on behalf of property owners.
- Defending both companies and individuals in regulatory investigations and prosecutions under the Environmental Protection Act, Technical Standards and Safety Act, 2000, Safe Water Drinking Act, 2002, Fire Protection and Prevention Act, 1997, Building Code, Highway Traffic Act and various municipal by-laws.
- Law Clerk to Federal Court judge in *Gitxaala Nation v. Canada* (Minister of Transport, Infrastructure and

Communities), 2012 FC 1336, involving and application by the Gitxaala First Nation regarding a breach of duty to consult by Minister of Transport, Infrastructure and Communities and the Northern Gateway Pipelines Limited Partnership in connection with a regulatory review of the Northern Gateway Pipeline project.

- Representing litigants in trademark disputes arising from claims of infringement, passing off, confusion, depreciation of goodwill and other related claims under the Trade-marks Act and in common law in both the Superior Court of Justice and Federal Court jurisdictions.

Industries: Construction & Infrastructure, Manufacturing, Oil & Gas

Practices: Corporate Commercial Litigation, Environment