



Damon Chisholm*

Co-Chair, Commercial Real Estate
Vancouver

604.691.7464

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*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

- Partner in Commercial Real Estate and Finance Services Groups
- Co-Chair of the 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 and 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 and advising developer clients on Strata Property Act 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's has experience in transactions involving the buying, selling, leasing, and financing of aircraft, as well as advising on aircraft title and registration issues.

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Damon's experience extends to protecting clients interests internationally under the Cape Town Convention through registration with the International Registry of Mobile Assets and 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 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 a boutique townhome development in BC and Seattle
- Counsel to Helijet International Inc., a large helicopter service in British Columbia. Acts in regard 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 aircraft
- 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*.

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- Acted for Great Basin Gold Ltd. as borrower and as guarantor in debtor-in-possession (DIP) financings under the Companies' Creditors Arrangement Act (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

- 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

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

publications

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

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



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February 2015

Recent BC Decisions Quashes Rezoning and Land Swap
Real Estate Bulletin

April 2014

Post-closing Rescission Rights Under REDMA
Real Estate Bulletin

presentations

November 1, 2017

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

February 16, 2014

AM 650's The Law Show with Stirling Faux
Radio broadcast on AM 650 regarding real estate law