

## Commercial Leasing

### Our Landlord Practice:

Whether you are an established national landlord, an up-and-coming developer, or own a single building, the WeirFoulds leasing team has you covered!

WeirFoulds is the first choice of Canada's largest and most well-known landlords, as well as of smaller family-run real estate businesses. Our team of lawyers can help you effectively and efficiently manage your leasing portfolio – no matter the size or asset class!

### Our Tenant Practice:

For tenants, leasing space is often one of the most expensive initial costs your business will incur, but for most tenants leasing is not your business – and that's where we come in! At WeirFoulds, we are here to help you navigate the leasing process with an eye on your ultimate business goals.

We have experience acting for start-ups, national restaurant and grocery chains, large industrial companies, and new entrants to Canada, among many others. Our lawyers are more than happy to assist you in navigating your lease portfolio – whether it's a single office lease or 100 retail locations!

### Who We Are:

The WeirFoulds commercial leasing team is widely regarded as the top leasing group in the country. Drawing on our firm's long tradition of excellent service dating back to 1860, we remain consistently named amongst the best lawyers in Canada in commercial leasing and property development by several national and international organizations, including accolades for our group as a whole as well as for individual lawyers by the ***Canadian Legal Lexpert Directory***, ***Best Lawyers in Canada***, and ***Acritas Stars***.

In addition to being amongst the leading practitioners in our field across Canada, we are active contributors to the real estate and leasing community. Our lawyers are some of the most anticipated speakers at the annual ICSC Canadian Law Conference and we play integral roles in organizing seminars to update our clients on new developments in areas of interest. We are active contributing members to a variety of real estate organizations such as ICSC, NAIOP, the Real Estate Forum, and the Urban Land Institute, which allows us to not only keep ahead of advances in the commercial leasing industry, but to actively play a role in shaping how they develop.

### Spotlight on Lisa Borsook:

Lisa is the Chair of our Commercial Leasing Practice Group and is the firm's former Managing Partner. She is one of the most-frequently recommended leasing lawyers across Canada, and for twenty-five years has built WeirFoulds' leasing group into a national powerhouse. Lisa is well-known to her clients for her strategic focus, exceptional problem solving skills, entrepreneurial business sense and management skills that build trust and consensus. In addition, she takes an active interest in bringing issues concerning women in the workplace to the forefront and continues to be a champion of these causes both in the legal and business marketplaces. To read more about Lisa, please [click here](#).

## What We Can Do For You:

At WeirFoulds, our leasing group can help you navigate every issue that comes up during the life of a development or commercial lease.

### Preventing Problems Before They Arise

Our expert lawyers have decades of experience in drafting commercial leasing arrangements at every step of the process. From the letter of intent through to completion of the lease, we are there to help get the deal done as quickly as possible, all while protecting your rights. Our experience also extends to ancillary lease documentation such as extension and amending agreements, assignments, subleases, terminations/surrenders, non-disturbance agreements and notices of lease. Whether you are looking for a "quick and dirty" one-year deal for 500 square foot premises, a twenty-year 100,000 square foot anchor lease, or a ninety-nine year ground lease, we can get a deal done that makes sense for you and your business. We also have specialized experience in leasing to/from governmental bodies, and understand the unique idiosyncrasies involved in such deals.

As real estate becomes more expensive – especially in Canada's urban centres – and developers are increasingly turning to mixed use developments, our lawyers understand the intricate complexity of working on projects with not only mixed use components, but also those developments with multiple cost and profit centres, and those with complex access and cost sharing arrangements.

### Unlocking Value In Your Leases and Properties

One of the most pressing concerns currently facing landlords and tenants alike is how to maximize value from your existing real estate portfolio – if it's a single lease or thousands!

Looking to redevelop a property? Concerned about no build areas, use restrictions, parking and relocation rights? We have the experience to dig deep and perform due diligence with timely, practical, and quality analysis without breaking the bank.

Concerned you might be overpaying operating costs? We can perform a deep-dive audit to make sure you aren't footing the bill for services that are not your responsibility!

### Resolving Disputes Efficiently and in a Cost-Effective Manner

Despite best efforts, sometimes you are forced into a legal dispute. When that happens, you can trust WeirFoulds to offer practical advice that you can rely on!

Our speciality is in providing strategic advice that you can act on to gain every advantage before heading to litigation, and in diligently pursuing your matter to the best possible resolution.

Our lawyers also have broad experience acting on all sides of mediations and arbitrations (including as mediator/arbitrator) in any kind of commercial leasing dispute, ranging from questions of default, to environmental contamination, to complex property tax assessment issues.

#### Meet Our Team:

The WeirFoulds commercial leasing team includes partners, associates and clerks with varied areas of expertise, which allows us to make sure that you get tailor-made service at the right price. Our leasing lawyers are backed by cutting-edge technology and our interdisciplinary approach to the practice of law, which allows us to ensure that your business gets the advice and support you need to address existing concerns and avoid potential problems even before they arise.

In addition to our core leasing team, you have the benefit of support from WeirFoulds' award-winning lawyers in related specialities such as municipal and land use planning, construction, transactional real estate, infrastructure, financing and corporate, and tax. If your business takes you abroad, our membership in SCG Legal, a worldwide network of leading law firms, allows us to provide seamless connections with outstanding lawyers all over the world without the overhead costs of a large international firm.

#### Lawyers and professionals in this area



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## Areas of Expertise

- Cost recovery
- Disputes
- Due diligence
- Evictions
- Insurance
- Landlord and Tenant Board hearings
- Lease agreements
- Litigation
- Operating covenants
- Restoration obligations
- Risk allocation
- Tax
- Termination

## Experience

### Negotiation and Documentation

We have extensive expertise in creating, preparing and negotiating both basic and sophisticated lease documentation. We structure

and prepare lease agreements, acting for both commercial landlords and tenants, and create standard documents for use by both landlords and tenants across their national portfolios. Our expertise extends to all types of leases – industrial, retail, and office – and includes single tenant projects, multi-tenant projects, mixed-use developments (commercial and residential, as well as condominium developments) and ground leases.

We assist our clients in every phase of the leasing process, including preparation and negotiation of offers, letters of intent, non-disturbance agreements, financing documentation, landlord waivers and consents, notices of lease, estoppel certificates and status statements, lease amendments, extensions and renewals, surrender agreements, and subleases, licenses, and assignments.

We act for the largest retail shopping landlord in the country, one of the largest industrial landlords in the country and many national retailers. The representative engagements of our leasing practice include negotiating and drafting ground leases and other documentation for a major film studio development in the PortLands area of Toronto, negotiating and drafting leases for a build-to-suit medical office tower with retail component, negotiating and drafting leases for multiple single tenant build-to-suit retail buildings, negotiating and drafting a ground lease for a major cement company while addressing land use/zoning, environmental permitting and relocation issues, representing a landlord with more than 130 shopping centres throughout Ontario and over 200 centres throughout Canada and representing a tenant with more than 150 locations in Canada.

#### Interpretation

We provide our clients with expert advice on the day-to-day administration of their leases. This includes providing opinions, reviewing restrictive covenants, dealing with lease audits and operating costs issues, providing realty tax assessment advice and acting on appeals, and providing general tax advice.

#### Disputes

Should things go wrong, we step in to handle every aspect of lease disputes. These include default-related negotiations, mediations and resolutions, and financial restructuring issues. We also advise and implement distress and other enforcement of rent and non-rent lease provisions, prepare and deliver default notices and notices of termination, arrange for possession of occupied premises, participate in rent and other arbitrations and judicial applications such as applications for relief from forfeiture.

**WeirFoulds**<sup>LLP</sup>

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