



## Roy Nieuwenburg, Q.C.

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Partner

Infrastructure, Construction & Procurement  
Commercial Real Estate  
General Business Law  
Higher Learning

### Profile

Roy has extensive experience in a broad array of commercial matters. He can quarterback and work "hands on" as needed. He identifies closely with clients. Roy often works from the perspective of an "outsourced" legal counsel to his clients, directly involved as if he were part of the management team or project team. He will be happy to suggest, if a client wants, "well, in your shoes, this is what I would do". He has great energy and enthusiasm, and a strong work ethic. He is a self-starter, and highly responsive and proactive. He will think about what you are trying to do, and your needs, in the same way as you do, and look for ways to support and help you.

Roy's biggest reward is a happy client. Recent feedback includes:

"I processed your invoice.  
Good work is always worth the money spent. Thank you."

and

"Clearing out old papers today -retiring soon. Just wanted to let you know that through all the years your services have been very helpful and your forthright approach very much appreciated by me. Will definitely recommend your services in future."

Roy gets a lot of positive feedback from clients on his dedication to client service, knowledge and business sense. If your matter is important to you, Roy can help.

Roy started out in the 1980's as a banking lawyer, and then gravitated to mergers and acquisitions, leasing, development, construction, procurement, and institutional work. Roy has experience covering many complementary and overlapping areas. This grounding and overlap of experience gives him intuitive insights and "big-picture" perspectives that transcend specialties. Roy can get the job done with guidance informed by experience accumulated over many years.

Applying his experience and skills for his own benefit, as an investor he developed a 37-acre regional shopping centre with a Canadian Tire, Sobeys, Marks, Tim Hortons, Boston Pizza and professional building. Working with others, including other professionals as needed, he negotiated the purchase of the site, obtained city approvals, and negotiated development agreements, offers to lease, leases, and "build to suit" construction contracts. All built on-time and on-budget.

### **Work Highlights**

Roy has many private clients - businesses and companies whose names are not well known, and who would prefer to keep it that way. These clients have broad commercial needs: project-driven, transactional and in their daily operations.

In addition Roy has many clients who are well known, such as:

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#### **Vancouver Airport Authority**

- > Led a streamlined and cost-efficient process for the administration of retail concessions and companion requests for proposals

#### **UBC and UBC Properties Trust**

- > Established a set of templates and resources for construction and procurement projects. These are accessed by project leaders and supply managers for the extensive needs of the university

#### **HSBC Bank Canada Portfolio**

- > Leasing for portfolio of approximately 170 branches and office spaces in Western Canada.
- > Many, many successful leases and problems solved

*[Additional work highlights below](#)*

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### **Services**

- > Commercial and mixed use real estate development
- > Retail, commercial and office leasing
- > Contracts of all kinds
- > RFPs and tendering
- > Construction and procurement
- > Mergers and acquisitions

- > Shareholder agreements
- > IP licensing agreements
- > Partnership agreements
- > Joint venture agreements
- > Property transfer tax
- > Sale, purchase and leasing of office towers and shopping centres
- > Private companies and businesses of all kinds

## Credentials

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### Awards & Distinctions

- > Best Lawyers in Canada, Commercial Leasing Law, 2018-2021
- > Canada's Leading Infrastructure Lawyers, Lexpert, 2019
- > Queen's Counsel, 2016

### Industry Associations

- > Law Society of British Columbia
- > NAIOP, National Association of Industrial and Office Properties | Commercial Real Estate Development Association
- > UDI, Urban Development Institute | National Association of The Development Industry and related professions
- > Canadian Bar Association Practice Advisory Panels for General Real Estate, Construction, Environmental, Expropriation, and Bidding and Tendering
- > Canadian Bar Association BC Branch Banking Law Section, Founding Chair
- > Canadian Association of University Solicitors (CAUS)
- > CIAJ (Canadian Institute for the Administration of Justice)

### Community Involvement

- > Director, Canadian Forces Liaison Council BC
- > Coached minor hockey for 20 years
- > Westport Neighbourhood Association, Founder

### Education & Call to Bar

- > Call to Bar: British Columbia, 1981
- > Bachelor of Laws, University of Manitoba, 1980

### External Publications & Presentations

- > "Landlords insecure after ruling", The Lawyers Weekly, August 28, 2015
- > "Construction Management: new CCDC 5A, CCDC 5B and CCDC 17", Presenter, BC Institute PMAC's 19th Annual Workshop, September 28th-30th, 2011
- > "New West Partnership: TILMA Expands East", The Legal Edge, July-September 2010
- > "FOI and Procurement: Case Highlights, 1995 to 2005", The Legal Edge, June-July 2007; Reprinted, Procurement and Contract Management Program (PCMP), Province of British Columbia, Course Materials, 2007
- > "Commentary: Outcome of Adjudication Between Owners and Bidders Hard to Predict",

The Lawyers Weekly, February 23, 2007

- > "'At Risk' Construction Management", Construction Business, September/October 2006
- > "The perils of tendering for real estate are not always appreciated", The Lawyers Weekly, June 30, 2006
- > "City Limits: BC Courts limit what city may require from developer", Construction Business, January/February 2006
- > "Risk Management: Broad Perspective", Presentation by Roy Nieuwenburg, January 13, 2006
- > "BC decision helpful for developers", The Lawyers Weekly, December 2005
- > Legal Comment to article entitled "A Lawyer's View of Lease Audits", The Legal Edge, December/January 2005
- > "Construction Law - 2004 Update: Procurement Methods", The Continuing Legal Education Society of British Columbia, 2004
- > "No duty of fairness owed to non-compliant bidder", The Lawyers Weekly, March 16, 2001
- > "The Holdback Account", 1997
- > "'Payment Certifiers' and 'Substantial Completion'", November 1997

## **Additional Work Highlights**

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### **Nippon Telegraph and Telephone Corporation**

- > Counsel to Nippon Telegraph and Telephone Corporation for its ten year joint venture based in Maple Ridge for development of lithium batteries with Moli Energy and NEC

### **University Boulevard International Design Competition**

- > With the Architectural Institute of BC, worked with UBC for the University Boulevard International Design Competition in 2005

### **Olympic Winter Sports Centre**

- > Counsel to UBC for the design-build project for the 2010 Olympic Winter Sports Centre at UBC

### **Canada Post Pacific Processing Centre on Sea Island**

- > Counsel for Vancouver Airport Authority for development and construction of the new 700,000 sf Pacific Processing Centre on Sea Island, which opened September 2014

### **Concord Pacific Properties**

- > Retail leasing for Concord Pacific / Prompton Real Estate group in Vancouver

### **Prince Rupert Port Authority**

- > Counsel to the Port Authority on various construction projects

### **Private Liquor Stores and Liquor Primary and Food Primary Establishments**

- > Counsel for many private liquor stores, pubs and sports bars including liquor store

relocations and associated municipal development and rezoning approvals

### **Privately held software company**

- > Acquisitions of software businesses in Canada, the United States, the UK and Australia
- > Related financings and day-to-day licensing and operational and customer management

### **University of Victoria**

- > Established the Vancouver Island Technical Park Trust

### **University of Manitoba**

- > Creation of a hybrid partnership / business trust for development of Southwood Lands
- > Various construction projects

### **Enmax Corporation (City of Calgary)**

- > Request for proposals for Meters | IT | Data Management and Communication Services and Systems | Technology and Network | Project Management | Deployment Services

### **Furry Creek Golf and Country Club**

- > Developed innovative tax structure

### **Sea Island Connector Project, Province of BC and Vancouver Airport**

- > Lead external counsel for Vancouver Airport Authority for the joint memorandum of understanding, and then the construction (by Walter/SNC Lavalin), development and associated expropriation issues, for the Sea Island Connector Project (for bridge and roadway improvements connecting Sea Island and City of Richmond)

### **Third Runway and the International Terminal Building**

- > Counsel for Vancouver Airport Authority for initial financing for the Third Runway and the International Terminal Building. This required innovation and leadership given the new management structure and governance at a pivotal time for the Authority

### **Fairmont Hotel at YVR**

- > Counsel for Vancouver Airport Authority for its RFP in 1996 for the new Fairmont Hotel at the Airport and the amended and restated arrangements for the Kingdom and Colony acquisition in May 2006 and subsequent Omers Realty acquisition in September 2006

### **Maple Ridge Sports Arena**

- > Counsel for the Municipality of Maple Ridge for the bidding and construction process for the new hockey and curling arena on the agricultural fair lands in Maple Ridge
- > Developed an innovative trust structure to accommodate this public / private development

### **Ridge Meadows Sports Ice Arena**

- > Counsel for City of Pitt Meadows for arena acquisition (out of receivership)

### **Commercial**

- > Development and leasing of office towers and shopping centres. Real estate and

business syndications. Acquisitions and sales of various businesses as going concerns

**Many private clients**

- > Roy has a broad base of private companies and business clients