



## **RICHARD E. BERETI\***

Richard is a Partner with Harper Grey, co-chair of our Environmental Law Group, and an active member of our Commercial Litigation Group.

### **RICHARD E. BERETI\***

Partner  
Harper Grey LLP  
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\*Richard Bereti Law Corporation

### **ASSISTANT**

Karen Zimmerman  
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### **EXPERTISE**

Environmental Regulation &  
Disputes  
Commercial Litigation  
Real Estate Law

Richard is the author of the book, *British Columbia Environmental Management Legislation & Commentary*, a guide to the regulation of contaminated sites. He is a former adjunct professor of law at the University of British Columbia, and often speaks at continuing education and industry conferences on environmental issues.

Richard provides advice on liability issues arising under the *Environmental Management Act*, the Contaminated Sites Regulation and other provincial and federal environmental statutes. He advises industrial and commercial enterprises of all kinds, owners of commercial property, developers, parent companies and subsidiaries, municipalities, engineers and consultants, share and asset buyers and sellers, and directors and officers. He has acted in several leading environmental cases, and provides advice to enterprises on a broad range of environmental issues across Canada. Richard has particular strength in resolving issues with regulators, and achieving practical, business-focused results in complex civil and regulatory matters, including the many issues that arise for businesses out of their operations, corporate transactions, spills and emergencies and quasi-criminal charges.

Richard is the former Managing Partner of the firm, recently completing a six year term.

Originally from Regina, Richard usually spends part of his summer vacation with his young family at their lakeside cabin in Saskatchewan.

## **EXPERIENCE**

### **WORK ON BEHALF OF CORPORATIONS**

- Remediation advice
- Remediation cost recovery
- Spill and emergency response
- Share and asset transactions
- Commercial real estate transactions
- Director and officer liability
- Parent and subsidiary liability
- Due diligence
- Negotiating environmental liability, risk and responsibility
- Negotiating issues related to contaminated land on Aboriginal territory

- Advice regarding the development of contaminated lands
- Advice regarding air, water, soil and other pollution issues
- Corporate governance and structure related to managing environmental risk
- Environmental provisions in contracts, leases, indemnities and releases
- Landowner/tenant issues respecting contamination
- Criminal and quasi-criminal environmental investigations and charges
- Government ordered remediation and/or investigation
- Certificates of Compliance
- Federal and Provincial regulatory advice

#### **WORK ON BEHALF OF THE ENVIRONMENTAL INDUSTRY**

- Acting for environmental consultants and contractors alleged to have been negligent
- Advising consultants on legal aspects of remediation of contaminated sites, from initial investigation through risk assessment, pilot studies and implementation of remedial measures
- Preparation of expert witnesses
- Drafting and providing advice regarding consultants' contracts, access agreements, indemnities and releases

#### **SIGNIFICANT CASES**

- Counsel for Morguard in the Environmental Appeal Board decision *Morguard v. Ministry of Environment* which addressed numerous issues surrounding the Ministry's authority to reject Certificate of Compliance applications
- Counsel for CN Rail in a matter considered one of the most influential decisions regarding "responsible person" status of historic owners/operators of contaminated sites; *Beazer East Inc., et al. v. British Columbia*
- Acting for various parties following judgment in the leading case on allocation of costs of remediation; *Gehring*
- Acting for an international distributor in defence of various quasi-criminal charges under the *Ozone Depletion Regulation* (Federal)
- Acting for company charged under protected species legislation
- Representing an energy company in a matter before the Environmental Appeal Board regarding the responsibility of individual directors, officers and employees for corporate liability; *Lawson v. Deputy Director Waste Management et al*
- Representing an energy company in litigation that addressed the preconditions to cost recovery actions; *No. 158 Seabright Holdings Ltd. et al v. Imperial Oil Limited et al*
- Counsel for a pension plan that owns significantly contaminated property on Vancouver Island
- Counsel for a corporation dealing with quasi-criminal environmental offences related to release of contamination through specific business practices

#### **REPRESENTATIVE EXPERIENCE**

- Counsel for Morguard in the Environmental Appeal Board decision *Morguard v. Ministry of Environment* which addressed numerous issues surrounding the Ministry's authority to reject Certificate of Compliance applications
- Lead counsel for CN Rail in a matter considered one of the most influential decisions regarding "responsible person" status of historic owners/operators of contaminated sites; *Beazer East Inc., et al. v. British Columbia*
- Acting for various parties following judgment in the leading case on allocation of costs of remediation; *Gehring*.

- Acting for an international distributor in defence of various quasi-criminal charges under the Ozone Depletion Regulation (Federal)
- Representing an energy company in a matter before the Environmental Appeal Board regarding the responsibility of individual directors, officers and employees for corporate liability; *Lawson v. Deputy Director Waste Management et al*
- Representing an energy company in litigation that addressed the preconditions to cost recovery actions; *No. 158 Seabright Holdings Ltd. et al v. Imperial Oil Limited et al*
- Counsel for a pension plan that owns significantly contaminated property on Vancouver Island.
- Counsel for a corporation dealing with quasi-criminal environmental offences

## **CREDENTIALS**

### **EDUCATION**

- University of British Columbia, LL.B., 1992
- University of Regina, B.Ed. (With Distinction), 1989

### **BAR ADMISSIONS**

- British Columbia, 1993
- Saskatchewan, 1996

### **LEADERSHIP**

- Co-Chair, Harper Grey Environmental Law Group
- Author, 4th Edition of *British Columbia Environmental Management Legislation & Commentary*, 2016, LexisNexis® Canada
- Environmental Law Legal Annotator, Quickscribe Services Ltd. (2014-current)
- Former Managing Partner, Harper Grey (2012-2018)
- Former Member, Harper Grey Practice Management Committee
- Former Adjunct Professor, UBC Faculty of Law, Environmental Law
- Chair, PBLI: Dealing with Contaminated Land in British Columbia Workshop, 2014
- Co-Chair, CLEBC – Environmental Law Conference 2013
- CLE BC-TV, Business and Property Transactions Involving Contaminated Lands – Liability is sticky in the world of contaminated sites, 2018
- CLE BC-TV, The Delegation Dilemma, 2014
- Guest lecturer with the UBC Faculty of Engineering on environmental issues

### **MEMBERSHIP**

- Member, BC Expropriation Association
- Member, BC Environmental Industry Association (BCEIA)
- Member, [Environmental Managers Association of BC \(EMABC\)](#)
- Member, Canadian Urban Institute
- Member, Ontario Bar Association (OBA), Environmental Subsection
- Member, [The Law Society of British Columbia](#)
- Member, Canadian Bar Association, BC Branch Subsections:
  - Environmental Law
  - Aboriginal Law (Vancouver)
  - Administrative Law
  - Civil Litigation (Vancouver)

- Construction Law
- Insurance Law
- Law Practice Management
- Municipal Law
- Natural Resources Law
- Real Property (Vancouver)
- National Environment, Energy and Resources Law

## RECOGNITION

Named as a "Leading Lawyer" in the area of Environmental Law (Nationwide-Canada) by Chambers Canada®, 2017 - 2019

Recognized as a "Leading Lawyer" in the area of Environmental Law by Best Lawyers® in Canada, 2015 - 2020

Rated as a "Repeatedly Recommended Leading Practitioner" in the area of Environmental Law by Canadian Legal Lexpert Directory®, 2017-2019

Recognized as a "Recognized Practitioner" in the area of Environmental Law by Chambers Canada®, 2016

Recognized as a "Noted Practitioner" in the area of Environmental Law by Chambers Canada®, 2014 - 2015

Recognized as a "Local Litigation Star" in British Columbia in the area of Environmental Law by Benchmark Canada®, 2018-2019

## COMMENTARIES

"Clients find that he is friendly, professional, clear and has an amazing network of contacts and experience."

— *Chambers Canada@ 2018*

"Richard Bereti has substantial experience assisting clients with contaminated sites and advising on environmental liability. His clients include a number of commercial property owners and developers who praise him for being 'very knowledgeable'."

— *Chambers Canada@ 2017*

## SELECT ARTICLES + PUBLICATIONS

### **Harper Grey publishes 4th Edition of British Columbia Environmental Management Legislation & Commentary**

Published by: Harper Grey -13.Jun.16

Written by: Richard E. Bereti\*, Una Radoja\*

### **"A Victory of Substance Over Form in B.C." Article**

Published In: The Lawyers Weekly - 04.Oct.13

Written by: Richard E. Bereti\*, Una Radoja\*

### **"Legal Case Study: Terrim Properties v. Soprop Holdings Ltd." Article**

Published in: BC Environmental Industry Association Newsletter - 18.Nov.12

Written by: Richard E. Bereti\*

**“Changing Legal Landscape of the Green Economy” Article**

Published In: BC Environment Industry Guide - 20.Jun.11

Written by: Richard E. Bereti\*

**“Some Deals Stink – Land Transactions Involving Environmental Contamination” Article**

Published By: Harper Grey - 28.Oct.10

Written by: Richard E. Bereti\*, Una Radoja\*

**SELECT EVENTS + PRESENTATIONS**

**Richard Bereti and Una Radoja to chair CLE-TV course: Business and Property Transactions Involving Contaminated Lands – Liability is sticky in the world of contaminated sites**

Presentation Date: 06.Jun.18

Presented by: Richard E. Bereti\*, Una Radoja\*

**Richard Bereti participates in CLE Webinar panel discussion on “Overcoming The Delegation Dilemma”**

Presentation Date: 24.Jun.15

Presented by: Richard E. Bereti\*

**Richard Bereti and Una Radoja to present at Federation of Canadian Municipalities – Brownfield Bootcamp**

Presentation Date: 22.Oct.13

Presented by: Richard E. Bereti\*, Una Radoja\*

**Richard Bereti to serve as Chair of the PBLI: Dealing with Contaminated Land in British Columbia Workshop**

Presentation Date: 26.Sep.12

Presented by: Richard E. Bereti\*

**Richard Bereti and Una Radoja to present at CBA Environmental Law Subsection**

Presentation Date: 11.Apr.12

Presented by: Richard E. Bereti\*, Una Radoja\*

**Richard Bereti will present on “Contaminated Sites / Inco” at CBA meeting**

Presentation Date: 11.Apr.12

Presented by: Richard E. Bereti\*

**Richard Bereti and Una Radoja will co-present on “Environmental Issues in Business Transactions” at CBA Summit**

Presentation Date: 26.Apr.12

Presented by: Richard E. Bereti\*, Una Radoja\*

**Jonathan Meadows and Richard Bereti to present at CIP Conference**

Presentation Date: 21.Mar.12

Presented by: Jonathan D. Meadows\*, Richard E. Bereti\*

**Richard Bereti and Una Radoja to present on Environmental Law: “Managing Risk”**

Presentation Date: 14.Mar.12

Presented by: Richard E. Bereti\*, Una Radoja\*

**Richard Bereti and Una Radoja join panel discussion on Environmental Law – Managing Risk**

Presentation Date: 18.Nov.11

Presented by: Richard E. Bereti\*, Una Radoja\*

**Richard Bereti to present at Canadian Urban Institute Conference**

Presentation Date: 03.Oct.11

Presented by: Richard E. Bereti\*

**Harper Grey hosts annual Insurance Law Seminar – “Murphy’s Law: How to Make it Right When Everything Goes Wrong”**

Event Date: 12.May.10

Presented by: Abigail C.F. Turner\*, Jennifer R. Woznesensky, Nigel L. Trevethan\*, Richard E. Bereti\*, Una Radoja\*

**Richard Bereti and Una Radoja present at conference addressing “Doing Business With Contaminated Land”**

Presentation Date: 28.Apr.10

Presented by: Richard E. Bereti\*, Una Radoja\*

**Richard Bereti and Una Radoja to present at The Western Canada Contaminated Sites Conference**

Presentation Date: 23.Feb.09

Presented by: Richard E. Bereti\*, Una Radoja\*

**SELECT NEWS**

**Harper Grey receives 48 rankings from Best Lawyers® in Canada 2020**

Related to: Sandra Abley, JD, CFP®, TEP, Steven Abramson\*, Owais Ahmed, Bryan G. Baynam, QC, Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, QC\*, William S. Clark\*, Prentice Durbin\*, Michael J. Hewitt\*, Kimberly J. Jakeman\*, Steven G. Lukas\*, Maureen L.A. Lundell, QC, William D. MacRae\*, Derek Mah\*, Jonathan D. Meadows\*, David W. Pilley, Una Radoja\*, Christopher M. Rusnak\*, Raj Samtani\*, John P. Sullivan\*, W. Sean Taylor, Michael G. Thomas\*, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Henning W. Wiebach\*, Jennifer R. Woznesensky, Lara C. Zee - 21.Aug.19

**Introducing the new Canadian Environmental Law Blog**

Related to: Richard E. Bereti\*, Una Radoja\*, Adam R. Way, Andrew Tang - 03.Jul.19

**2019 Canadian Legal Lexpert® Directory recognizes 16 Harper Grey lawyers as “Leading Practitioners”**

Related to: Steven Abramson\*, H. Roderick Anderson\*, Richard E. Bereti\*, Guy P. Brown, QC\*, William S. Clark\*, Cameron B. Elder, Michael J. Hewitt\*, Kimberly J. Jakeman\*, Jonathan D. Meadows\*, David W. Pilley, Christopher M. Rusnak\*, Raj Samtani\*, W. Sean Taylor, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Lara C. Zee - 06.May.19

**Benchmark Canada® 2019 recognizes 19 Harper Grey lawyers for litigation expertise**

Related to: Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, QC\*, William S. Clark\*, Michael J. Hewitt\*, Kimberly J. Jakeman\*, Jonathan D. Meadows\*, David W. Pilley, Michael G. Thomas\*, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Jennifer R. Woznesensky, Steven Abramson\*, Cameron B. Elder, Una Radoja\* - 27.Mar.19

**Richard Bereti to give guest lecture to UBC engineering students**

Related to: Richard E. Bereti\* - 26.Sep.18

**Six Harper Grey lawyers recognized by Chambers Canada 2019**

Related to: Richard E. Bereti\*, Guy P. Brown, QC\*, Kimberly J. Jakeman\*, Michael J. Hewitt\*, John P. Sullivan\*, Christopher M. Rusnak\* - 21.Sep.18

**30 Harper Grey Lawyers recognized by Best Lawyers® in Canada 2019**

Related to: Steven Abramson\*, Owais Ahmed, H. Roderick Anderson\*, Bryan G. Baynham, QC, Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, QC\*, William S. Clark\*, Prentice Durbin\*, Michael J. Hewitt\*, Kimberly J. Jakeman\*, James M. Lepp, QC, Steven G. Lukas\*, Maureen L.A. Lundell, QC, Derek Mah\*, Jonathan D. Meadows\*, David W. Pilley, Una Radoja\*, Christopher M. Rusnak\*, Raj Samtani\*, John P. Sullivan\*, W. Sean Taylor, Michael G. Thomas\*, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Henning W. Wiebach\*, Jennifer R. Woznesensky, Lara C. Zee - 21.Aug.18

**19 Harper Grey Lawyers recognized for litigation expertise by Benchmark Canada® 2018**

Related to: H. Roderick Anderson\*, Bryan G. Baynham, QC, Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, QC\*, Karen F. Douglas\*, Michael J. Hewitt\*, Kimberly J. Jakeman\*, James M. Lepp, QC, Jonathan D. Meadows\*, David W. Pilley, Christopher M. Rusnak\*, John P. Sullivan\*, Michael G. Thomas\*, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Jennifer R. Woznesensky, Cameron B. Elder, Una Radoja\* - 19.Apr.18

**2018 Canadian Legal Lexpert® Directory recognizes 24 Harper Grey lawyers as “Leading Practitioners”**

Related to: Steven Abramson\*, H. Roderick Anderson\*, Bryan G. Baynham, QC, Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, QC\*, William S. Clark\*, Karen F. Douglas\*, Prentice Durbin\*, Michael J. Hewitt\*, Kimberly J. Jakeman\*, James M. Lepp, QC, Maureen L.A. Lundell, QC, Jonathan D. Meadows\*, David W. Pilley, Una Radoja\*, Christopher M. Rusnak\*, Raj Samtani\*, W. Sean Taylor, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Lara C. Zee - 13.Apr.18

**Four Harper Grey lawyers recognized by Chambers Canada 2018**

Related to: Richard E. Bereti\*, Christopher M. Rusnak\*, John P. Sullivan\*, H. Roderick Anderson\* - 28.Sep.17

**Best Lawyers® in Canada 2018 recognizes 27 Harper Grey Lawyers**

Related to: Bryan G. Baynham, QC, Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, QC\*, William S. Clark\*, Prentice Durbin\*, Kimberly J. Jakeman\*, James M. Lepp, QC, Steven G. Lukas\*, Maureen L.A. Lundell, QC, Derek Mah\*, L. Neil Matheson, QC\*, Jonathan D. Meadows\*, Barbara J. Norell, QC, David W. Pilley, Christopher M. Rusnak\*, Raj Samtani\*, John P. Sullivan\*, W. Sean Taylor, Michael G. Thomas\*, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Henning W. Wiebach\*, Jennifer R. Woznesensky, Lara C. Zee - 22.Aug.17

**18 Harper Grey lawyers recognized as “Leading Practitioners” by 2017 Canadian Legal Lexpert® Directory**

Related to: Barbara J. Norell, QC, Abigail C.F. Turner\*, Bryan G. Baynham, QC, David W. Pilley, Guy P. Brown, QC\*, H. Roderick Anderson\*, James M. Lepp, QC, Jennifer R. Woznesensky, Jonathan D. Meadows\*, Karen F. Douglas\*, Kim J. Yee, Kimberly J. Jakeman\*, Nigel L. Trevethan\*, Raj Samtani\*, Richard E. Bereti\*, Salman Y. Bhura\*, W. Sean Taylor, William S. Clark\* - 05.May.17

### **Best Lawyers® in Canada 2017 recognizes 24 Harper Grey Lawyers**

Related to: Abigail C.F. Turner\*, Barbara J. Norell, QC, Bryan G. Baynham, QC, Christopher M. Rusnak\*, David W. Pilley, Guy P. Brown, QC\*, James M. Lepp, QC, Jennifer R. Woznesensky, John P. Sullivan\*, Jonathan D. Meadows\*, Kimberly J. Jakeman\*, Maureen L.A. Lundell, QC, Michael G. Thomas\*, Nigel L. Trevethan\*, Prentice Durbin\*, Raj Samtani\*, Richard E. Bereti\*, Salman Y. Bhura\*, Steven G. Lukas\*, Terrence L. Robertson, QC, William S. Clark\*, H. Roderick Anderson\*, L. Neil Matheson, QC\*, W. Sean Taylor - 10.Aug.16

### **Harper Grey recognized in Chambers Canada 2017 Guide**

Related to: Christopher M. Rusnak\*, John P. Sullivan\*, Richard E. Bereti\* - 10.Jun.16

### **20 Harper Grey Lawyers recognized by Best Lawyers**

Related to: Abigail C.F. Turner\*, Barbara J. Norell, QC, Bryan G. Baynham, QC, Christopher M. Rusnak\*, David W. Pilley, Guy P. Brown, QC\*, James M. Lepp, QC, John P. Sullivan\*, Jonathan D. Meadows\*, Kimberly J. Jakeman\*, Maureen L.A. Lundell, QC, Michael G. Thomas\*, Nigel L. Trevethan\*, Raj Samtani\*, Richard E. Bereti\*, Terrence L. Robertson, QC, William S. Clark\*, H. Roderick Anderson\*, L. Neil Matheson, QC\*, W. Sean Taylor - 25.Aug.15

### **Richard Bereti to Chair PBLI: Contaminated Sites Workshop**

Related to: Richard E. Bereti\* - 09.Sep.14

### **17 Harper Grey lawyers recognized by Best Lawyers® in Canada 2015**

Related to: Abigail C.F. Turner\*, Bryan G. Baynham, QC, Christopher M. Rusnak\*, Guy P. Brown, QC\*, James M. Lepp, QC, John P. Sullivan\*, Jonathan D. Meadows\*, Maureen L.A. Lundell, QC, Nigel L. Trevethan\*, Raj Samtani\*, Richard E. Bereti\*, Terrence L. Robertson, QC, William S. Clark\*, H. Roderick Anderson\*, L. Neil Matheson, QC\*, W. Sean Taylor - 02.Sep.14

### **Richard Bereti appointed Quickscribe's Environmental Law Legal Annotator**

Related to: Richard E. Bereti\* - 27.Jan.14

### **Richard Bereti to serve as Co-Chair of the CLEBC Environmental Law Conference**

Related to: Richard E. Bereti\* - 08.Oct.13

### **Seven Harper Grey lawyers named Leading Practitioners**

Related to: David W. Pilley, Guy P. Brown, QC\*, James M. Lepp, QC, Kimberly J. Jakeman\*, Richard E. Bereti\*, H. Roderick Anderson\* - 31.May.13

### **Richard E. Bereti elected as Harper Grey's new Managing Partner**

Related to: Richard E. Bereti\* - 14.Dec.12

### **Richard Bereti to act as panelist at Environmental Professionals Networking Workshop**

Related to: Richard E. Bereti\* - 27.Jan.11

## **SELECT NEWSLETTERS + UPDATES**

### **Case Summary: New Law from BC's Environmental Appeal Board – Lots for Landowners, Lawyers and Consultants Update**

Published by: Harper Grey - 23.Jul.13

Written by: Richard E. Bereti\*, Una Radoja\*