



UNA RADOJA*

Una's practice focuses on two key areas: general commercial litigation and contaminated sites litigation and risk management. Una is the recipient of the 2017 Lexpert® Leading Lawyers Under 40 award and the Co-Chair of our Environmental law group.

UNA RADOJA*

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EXPERTISE

Commercial Litigation
Environmental Regulation &
Disputes
Real Estate Law
Securities Regulation & Litigation

Una is a partner in Harper Grey's Commercial Litigation and Environmental Regulation & Disputes practice groups. Una frequently lectures on various aspects of contaminated sites law for the Pacific Business and Law Institute, BC Environmental Industry Association, the Environmental Managers Association, and the BC Continuing Legal Education Society. She is the co-author of [BC Environmental Management Legislation and Commentary](#) and the recipient of the [2017 Lexpert® Leading Lawyers Under 40 award](#). Una is recognized by the 2018 Canadian Legal Lexpert® Directory as a Leading Lawyer to Watch in the area of corporate commercial litigation and by Benchmark Canada® as a Future Litigation Star. She has also been recognized by *Best Lawyers®* in Canada 2019 as a "Leading Lawyer in the area of Environmental Law."

In her commercial practice, Una handles a wide variety of commercial matters including contractual and real property disputes, mining expropriation claims, shareholder disputes, commercial fraud claims, and claims against directors and officers. Una's contaminated sites practice involves litigating cost recovery claims and claims against environmental consultants and contractors, handling appeals before the Environmental Appeal Board, advising clients on strategies to minimize environmental liability risk and representing them in their dealings with the regulator.

Una's clients range from small businesses and property owners, to developers, strata corporations, insurers, and multi-national, large corporations and REITs.

EXPERIENCE

COMMERCIAL (AND OTHER) LITIGATION / ARBITRATION

- *Eisler v. GWR Resources Inc.*, 2018 BCSC 162 – Successfully applied to remove a certificate of pending litigation from title to a valuable real property, on the basis of hardship and inconvenience, in the context of a fraud claim against a former director and officer of a public company.
- *Iwasaki v. Redford*, 2016 BCSC 504 – Una was co-counsel for the defendants in a \$60 million dollar fraud case brought by an individual who was an undischarged bankrupt in Japan. The defendants applied for security for costs against the plaintiff. The application was successful, the defendants obtaining what appears to be the highest security for costs award against an individual in this Province, a

strategic move after which the plaintiff abandoned the claim against the defendants.

- *Boss Power Corp. v. British Columbia*, 2013 BCSC 638 – Acted for the successful party in an application to enforce an alleged agreement in a commercial dispute involving mining claims expropriated by the Province.
- *Felty v. Ernst & Young LLP*, 2013 BCSC 815 – Acted for an individual in a breach of contract and negligence claim against an accounting firm.
- *Brausam v. Roland*, 2011 BCSC 1349 – Acted for the defendant in a negligent misrepresentation claim arising from an investment made by the plaintiffs in a Ponzi scheme. The defendant was also a victim of the scheme. Although the defendant was found liable for negligent misrepresentation, the plaintiffs were also found to have been negligent and 40% of damages were apportioned to the plaintiffs.
- *The Estate of Dennis Morgan, Deceased, v. Carol Fay Morgan*, 2010 BCCA 299 – Acted for the successful party (Respondent) in an appeal by the deceased husband's estate from an order declaring that the parties were still married on the date of husband's death. The Court of Appeal upheld the order.
- *Cosmetology Industry Assn. of British Columbia v. Nguyen*, 2010 BCSC 1051 – Acted for the plaintiff, Association, in a fraudulent misrepresentation and breach of fiduciary duty claim against a former director.
- Acted in an arbitration hearing involving a mining company and one of its shareholders in a breach of contract case.
- Represented various clients, ranging from individuals and small businesses, to large corporations, in breach of contract, misrepresentation, breach of fiduciary duty and breach of trust claims in the context of various commercial disputes.
- Represented companies (large and small) in wrongful dismissal suits brought by former employees.
- Represented an oil tank manufacturer in several product liability suits.
- Represented land owners in expropriation claims against the Province and a municipality.
- Completed a 20-day trial in a \$10 million commercial case involving an alleged verbal lease. The matter is under reserve.
- Acting for trustee in bankruptcy in inter-jurisdictional commercial matters related to the collection of large outstanding debts of bankrupt BC companies.
- Acting for a First Nations Band and its wholly-owned corporation in multiple wrongful dismissal suits by former executives, and in independent claims brought by the Band and the company against the former executives for breach of fiduciary duty, fraud and breach of contract.
- Representing a BC company in the business of global independent advisory and merchant banking services in a breach of contract dispute involving significant fees related to a \$32 Million investment made in the defendant as a result of the plaintiff's efforts.

CONTAMINATED SITES LITIGATION AND RISK MANAGEMENT / ADVICE

- *Burnaby (City) v. British Columbia (Environmental Appeal Board)*, 2017 BCSC 2267 – Acted for City of Burnaby on a judicial review of the Board's decision denying the City standing to appeal a certificate of compliance issued for lands owned by Suncor Energy Inc., adjacent to certain City lands for which Suncor also sought and obtained a certificate. Continuing to act for the City before the Environmental Appeal Board on appeal of the certificate of compliance issued for the City lands.
- *Valhalla Court / Husky Oil Limited – Site Investigation Order of the Director, Environmental Management Act, May 20, 2014* – Obtained a site investigation order from the Ministry of Environment, pursuant to section 41 of the *Environmental Management Act* against the polluter, on behalf of a victim of contaminant migration.
- *Burquitlam Building Ltd. and Morguard REIT v. British Columbia (Ministry of Environment)*, [2013] B.C.E.A. No. 14 – Acted for the successful party in an appeal from the Ministry's decision refusing to issue a certificate of compliance for a

commercial property in Coquitlam, BC.

- Acted on behalf of former owners, operators and directors in the *Gehring* appeal, BC's leading decision on allocation of clean-up costs for contaminated sites among responsible persons (matter resolved prior to hearing).
- Acted in numerous Supreme Court lawsuits involving claims for recovery of costs of remediation pursuant to the *Environmental Management Act* and common law.
- Defended environmental consultants and other experts facing negligence claims arising from investigation and remediation of contaminated sites.
- Advised various clients, including insurers, developers and other businesses (large and small) respecting strategies to assess and minimize environmental risk in a variety of circumstances, including in the context of a lease, purchase and sale, redevelopment, investigation/remediation, etc.
- Acting for the owner of a large commercial property in Vancouver that will undergo a major redevelopment. A historic dry-cleaner operated on the property and caused groundwater contamination of 17 parcels of valuable land primed for redevelopment. Assisting the client in obtaining the necessary legal instruments so that rezoning and redevelopment of the property can proceed, and advancing a cost-recovery claim against former owners and operators of the source property.
- Negotiated specific protective provisions in site access agreements, remediation agreements and purchase and sale agreements to minimize / allocate environmental risk.
- Assisted clients seeking instruments (certificates of compliance, etc.) and orders from the Ministry of Environment.
- Assisted clients facing requirements or orders from the Ministry of Environment.
- Advised executors respecting strategies to minimize environmental liability related to contaminated land in an estate.
- Acting for a large REIT in advancing and defending multiple lawsuits involving cost recovery claims arising from historic contamination of a large commercial property.
- Acting for a regional district to ensure compliance with the *Environmental Management Act*, its regulations and permits related to disposal of contaminated soils and hazardous waste.

CREDENTIALS

EDUCATION

- University of British Columbia, LL.B., 2007
- University of British Columbia, B.Sc., 2004

BAR ADMISSION

- British Columbia, 2008

LEADERSHIP

- Member, CLEBC *Women Thriving in Law* Conference Advisory Committee
- Co-Chair, Harper Grey Environmental Law Group
- Assistant Chair, Harper Grey Real Estate Law Group
- Diversity Officer, Harper Grey
- Chair, Harper Grey Diversity Committee
- Co-Author, 4th Edition of *British Columbia Environmental Management Legislation & Commentary*, 2016, LexisNexis® Canada

MEMBERSHIP

- Member-at-Large, Environmental Law Subsection, Canadian Bar Association, BC Branch

- Former Executive Member, Environmental Law Subsection, Canadian Bar Association, BC Branch
- [Member, Environmental Managers Association of BC \(EMA\)](#)
- Member, BC Environmental Industry Association (BCEIA)
- Member, Commercial Real Estate Women’s Network (CREW)
- Member, Mortgage Investment Association of BC (MIABC)
- Member, BC Shopping Mall Association (BCSMA)
- Member, National Brownfield Association
- Member, Women in Energy Network
- Member, BC Expropriation Association
- Member, Canadian Urban Institute
- Member, The Law Society of British Columbia
- Member, Canadian Bar Association, BC Branch Subsections:
 - Civil Litigation
 - Insurance Law
 - Women Lawyers Forum

RECOGNITION

40 and Under Hot List - Leading Lawyers Under 40 award recipient, Benchmark Canada®, 2018

Rising Stars - Leading Lawyers Under 40 award recipient, Lexpert®, 2017

Recognized as a “Future Star” in British Columbia by Benchmark Canada®, 2018

Recognized as a “Leading Lawyer to Watch” in Litigation - Corporate Commercial by Canadian Legal Lexpert® Directory, 2018

Recognized as a "Leading Lawyer" in the area of Environmental Law by Best Lawyers® in Canada, 2019

COMMENTARIES

“In her commercial litigation practice, Una Radoja, has acted in a number of high profile, high quantum, complex, multi-party disputes, often involving novel legal issues and, occasionally, application of foreign law.”

— *Benchmark Canada®*

SELECT ARTICLES + PUBLICATIONS

“Harper Grey Discusses Environmental Liability Risk for Landlords” Article

Published in: BC Shopping Centre Association Views & News Newsletter - 14.Jun.17

Written by: Una Radoja*, Adam R. Way

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*

“Clearing Hurdles During Redevelopment and the Site Profile Process” Article

Published In: British Columbia Environment Industry Guide - 2016

Written by: Adam R. Way, Una Radoja*

“Environmental Liability and the Commercial Lease – Who Pays the Cost to Remediate Contaminated Land” Paper

Published By: Harper Grey - 17.Apr.15

Written by: Kora Paciorek, Una Radoja*

“Cost Recovery under the EMA – J.I. Properties Inc. v. PPG Architectural Coatings Canada Inc.” Legal Case Study

Published In: BC Environmental Industry Association Newsletter - 16.Sep.14

Written by: 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*

“First Capital Realty Inc. v. Imperial Oil Limited” Case Comment

Published By: Harper Grey - 11.Jan.13

Written by: Una Radoja*

“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

Kim Jakeman and Una Radoja attend 2018 We for She Forum

Presented by: Kimberly J. Jakeman*, Una Radoja*

Harper Grey supports second Access Pro Bono Event in Vancouver

Presented by: Una Radoja*

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*

Una Radoja to present at Environmental Professional Webinar

Presented by: Una Radoja*

Una Radoja to present at “Local Government 2018: Current Issues” PBLI course

Presentation Date: 18.Apr.18

Presented by: Una Radoja*

Adam Way and Una Radoja to present at BCEIA’s BEST 2016 Conference in Whistler

Presentation Date: 25.May.16

Presented by: Adam R. Way, Una Radoja*

Nigel Trevethan and Una Radoja to speak at the Insurance Institute of Canada’s 2016 Symposium

Presentation Date: 15.Mar.16

Presented by: Nigel L. Trevethan*, Una Radoja*

Una Radoja to present at the Canadian Bar Association's Real Property – Vancouver Section Meeting

Presentation Date: 7.May.15

Presented by: Una Radoja*

Una Radoja to present at BCEIA's BEST 2015 Conference in Whistler

Presentation Date: 20.May.15

Presented by: Una Radoja*

Una Radoja to present at the PBLI 2015 Commercial Leasing Conference

Presentation Date: 09.Apr.15

Presented by: Una Radoja*

Una Radoja will present at SMART Remediation Vancouver 2015 on the topic of cost recovery under the Environmental Management Act

Presentation Date: 27.Jan.15

Presented by: Una Radoja*

Una Radoja to co-present at November PBLI: Contaminated Sites Workshop

Presentation Date: 26.Nov.14

Presented by: Una Radoja*

Harper Grey to host CBA Environmental Law Section meeting providing a "Key Update On Cost Recovery Actions: J.I. Properties Inc. v. PPG Architectural Coatings Canada Inc."

Event Date: 17.Sep.14

Presented by: Una Radoja*

Kim Fenwick and Una Radoja to present "What Every Lawyer Needs To Know About Dealing with Contaminated Land in BC" at CBA Meeting

Presentation Date: 28.Mar.14

Presented by: Una Radoja*

Una Radoja to present a Law Update to the Ministry of Environment in Victoria

Presentation Date: 22.Jan.14

Presented by: Una Radoja*

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 and Una Radoja to present at CBA Environmental Law Subsection

Presentation Date: 11.Apr.12

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

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*

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*

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

Kim Jakeman and Una Radoja attend Women Legal 2019 Conference on February 7, 2019

Related to: Kimberly J. Jakeman*, Una Radoja* - 07.Feb.19

Kim Jakeman and Una Radoja attend 2019 Women in Law Conference on February 6, 2019

Related to: Kimberly J. Jakeman*, Una Radoja* - 06.Feb.19

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

Una Radoja appointed Harper Grey’s Chief Diversity Officer

Related to: Una Radoja* - 09.Jul.18

Cameron Elder and Una Radoja recognized among the 25 most notable and up-and-coming litigation lawyers in Canada

Related to: Cameron B. Elder, Una Radoja* - 03.Jul.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

Harper Grey warmly welcomes four new partners

Related to: Prentice Durbin*, Una Radoja*, Roselle P. Wu, Kim J. Yee - 18.Jan.18

Una Radoja to present at the “Contaminated Land Clean Up Costs – How To Manage Costs And Maximize Recovery” CLEBC course

Related to: Una Radoja* - 10.Jan.18

Una Radoja Lexpert® 2017 Rising Star – Leading Lawyers Under 40 Award video interview

Related to: Una Radoja* - 04.Jan.18

Jennifer Woznesensky quoted in Lexpert Magazine article about the Lexpert® Rising Star – Leading Lawyers Under 40 Awards

Related to: Jennifer R. Woznesensky, Una Radoja* - 14.Dec.17

Una Radoja named Lexpert® 2017 Rising Star

Related to: Una Radoja* - 17.Nov.17

Una Radoja to Co-Chair PBLI: Contaminated Sites Workshop

Related to: Una Radoja* - 15.Sep.14

Harper Grey to host CBA Environmental Law Section meeting providing a “Key Update On Cost Recovery Actions: J.I. Properties Inc. v. PPG Architectural Coatings Canada Inc.”

Related to: Una Radoja* - 10.Sep.14

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*