



ADAM R. WAY

Adam is an Associate with Harper Grey practising with our Environmental, Commercial and Construction Law Groups.

ADAM R. WAY

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EXPERTISE

Commercial Litigation
Construction & Engineering Law
Environmental Regulation &
Disputes

Adam brings unique perspective and skill to his practice, having developed a high level of sophistication in both environmental and construction law. These combined strengths, along with his experience with technical, complex files, allows Adam to provide invaluable insight to his wide range of clients, which includes property owners, developers, insurers, engineers/consultants and contractors. His approach is aimed at finding practical and efficient resolutions that serve his clients' objectives.

Adam's environmental law practice involves contaminated sites litigation and risk management. On the litigation side, a large portion of his work relates to recovery of remediation costs pursuant to the [Environmental Management Act](#) and common law and appeals before the Environmental Appeal Board. Adam works for and provides advice to clients on a broad range of environmental files, from residential contamination caused by historic underground oil storage tanks (USTs) to large-scale commercial properties involving complex contamination and remediation.

Adam's construction law practice involves advising clients on risk management, contracts, insurance, and pre-litigation dispute resolution. He also represents clients on complex multi-party disputes involving error and omissions claims, construction defects, and contractual disputes.

Adam is a frequent writer and presenter. He contributed to the 2016 edition of the British Columbia Environmental Management Legislation & Commentary, and contributes to publications such as the [British Columbia Environment Industry Association's \(BCEIA\)](#) newsletter and the BCEIA Industry Guide.

Adam routinely appears before the Supreme Court of British Columbia and has also appeared before the Provincial Court.

In his spare time, Adam can be found running – and usually quite far. Adam trains and competes in ultra-marathons and mountain races and has run 100 miles through the mountains, just for fun!

CREDENTIALS

EDUCATION

- University of British Columbia, J.D., 2014
- Simon Fraser University, B.A., 2009

BAR ADMISSION

- British Columbia, 2015

LEADERSHIP

- Board Member, British Columbia Environment Industry Association (BCEIA)
- Member-At-Large, CBA BC Branch Environmental Law Subsection Executive (2016-2017)
- Contributing Author, LexisNexis® Harper Grey Administrative Law Netletter™
- Contributing Author, Harper Grey Canadian Administrative Law Blog
- Contributing Author, Harper Grey Administrative Law Observer Newsletter
- Contributing Author, Administrative Justice: A Practitioner's Guide, 2016, Published by LexisNexis® Canada

MEMBERSHIP

- Member, [BC Expropriation Association](#)
- Member, BC Environmental Industry Association (BCEIA)
- Member, [The Law Society of British Columbia](#)
- Member, Canadian Bar Association – BC Branch Subsections:
 - Environmental
 - Civil Litigation
 - Real Property
 - Construction
 - Insurance
 - Municipal

SELECT ARTICLES + PUBLICATIONS

Case Comment: Honing v. Phinney, 2018 BCSC 702 – Residential USTs, Misrepresentation and the Cost Recovery Provisions of the Environmental Management Act

Published by: Harper Grey - 17.Jul.18

Written by: Adam R. Way

“Transition Provisions for the Stage 10 (Omnibus) Update” Paper

Written by: Adam R. Way

“Changes Coming to the British Columbia Contaminated Sites Regulation” Paper

Published by: Harper Grey - 18.Jul.17

Written by: Adam R. Way

“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

“Underground Oil Storage Tanks on Residential Property in BC: What the Homeowner Needs to Know” Paper

Published By: Harper Grey - 30.Jan.17

Written by: Adam R. Way

“Residential Contamination and Innocent Purchasers” Article

Published In: BC Environmental Industry Association Newsletter - Aug.16

Written by: Adam R. Way

Harper Grey publishes Administrative Justice: A Practitioner’s Guide, a thorough overview of the current state of Canadian administrative law through detailed summaries of cases

Published by: Harper Grey - 25.Jun.16

Written by: Michael G. Thomas*, JoAnne Barnum, William S. Clark*, Julie K. Gibson, Kara L. Hill, Lindsay R. Johnston, Scott J. Marcinkow, Jonathan D. Meadows*, Joel A. Morris, Nathaniel J.W. Turner, Adam R. Way, Lara C. Zee

“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*

“The Latest Word from the BC Court of Appeal on Cost Recovery under the EMA” Legal Case Study

Published In: BC Environment Industry Association Newsletter - 22.Dec.15

Written by: Adam R. Way

SELECT EVENTS + PRESENTATIONS

Adam Way to present at the Sixth Annual Bettering Environmental Stewardship & Technology (BEST) Conference

Presented by: Adam R. Way

Adam Way presents at GeoEnviroPro Annual Update

Presentation date: 01.Nov.18

Presented by: Adam R. Way

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*

SELECT NEWS

Richard Bereti and Adam Way attend SBOT Surrey Development Industry Forum

Related to: Adam R. Way, Richard E. Bereti* - 29.Oct.19

Introducing the new Canadian Environmental Law Blog

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

Adam Way re-elected to the BCEIA 2019-20 Board of Directors

Related to: Adam R. Way - 28.May.19

Harper Grey supports technical innovation through sponsorship of ACEC-BC’s Awards for Engineering Excellence

Related to: Cameron B. Elder, Christopher M. Rusnak*, Adam R. Way - 01.Apr.19

Adam Way quoted in Business in Vancouver article regarding the new CSR Omnibus legislation

Related to: Adam R. Way - 31.May.18

Adam Way joins British Columbia Environment Industry Association Board of Directors

Related to: Adam R. Way - 19.May.17

Adam Way joins Harper Grey's Environmental, Commercial and Construction Groups

Related to: Adam R. Way - 10.Jun.15

SELECT NEWSLETTERS + UPDATES

Case Summary: Hear me out! Judicial Review of the Vice President of Northern Lakes College decision to not convene a Student Appeals Committee after the applicant was removed from his practicum program

Published In: Administrative Law Newsletter - 17.Mar.20

Written by: Adam R. Way

Case Summary: Extradition in the face of medical hardship – finding the balance

Published in: Administrative Law Newsletter - 17.Mar.20

Written by: Adam R. Way

Case Summary: You didn't consider my reply! Canadian Human Rights Commission in breach of procedural fairness by ignoring reply submissions made by applicant to investigator's report

Published In: Administrative Law Newsletter – 19.Nov.19

Written by: Adam R. Way

Case Summary: Complaint Dismissed: What can the BC Human Rights Tribunal consider when dismissing a complaint on the basis that it “would not further the purpose of this Code”

Published In: Administrative Law Newsletter – 20.Aug.19

Written by: Adam R. Way

Case Summary: Pharmacists Professional Misconduct: The scope of conditions a Discipline Committee can impose when there is a finding of professional misconduct

Published In: Administrative Law Newsletter – 20.Aug.19

Written by: Adam R. Way

Case Summary: Moot – an interpretation and application of the principle in the context of an application for judicial review

Published In: Administrative Law Newsletter – 21.May.19

Written by: Adam R. Way

Case Summary: An application of the “Kienapple principle” in the administrative context – double punishment for the same offence

Published In: Administrative Law Newsletter – 21.May.19

Written by: Adam R. Way

Case Summary: The obligations of a liquor establishment to its patrons– an appeal from the decision of the Ontario Licence Appeal Tribunal

Published In: Administrative Law Newsletter – 21.May.19

Written by: Adam R. Way

Case Summary: The Privacy Act and access to personal information: Court rejects complaint with the Officer of Privacy Commissioner that it improperly denied the applicant access to his personal information

Published In: Administrative Law Newsletter – 19.Feb.19

Written by: Adam R. Way

Case Summary: PTSD in the Workplace: What must the claimant establish to be entitled to benefits under the Workers Compensation Act?

Published In: Administrative Law Newsletter – 19.Feb.19

Written by: Adam R. Way

Case Summary: Can the Human Rights Tribunal second guess the exercise of medical judgment: Court rejects Hospital's argument that patient's human rights complaint for discriminatory treatment as having no prospect of success

Published In: Administrative Law Newsletter – 19.Feb.19

Written by: Adam R. Way

Case Summary: Human Rights Complaint remitted back for reconsideration after Court determines failure by Commission to apply appropriate legal test and comply with duty of procedural fairness

Published In: Administrative Law Newsletter – 19.Feb.19

Written by: Adam R. Way

Case Summary: The Rebuttal Presumption in section 7(2) of the Worker's Compensation Act: A discussion of the appropriate interpretation and analysis

Published In: Administrative Law Newsletter - 16.Nov.18

Written by: Adam R. Way

Case Summary: Accommodation in the Workplace: Judicial Review of the decision of the Human Rights Commission denying that an employee was constructively dismissed due to a failure to accommodate her disability by her employer

Published In: Administrative Law Newsletter - 16.Nov.18

Written by: Adam R. Way

Case Summary: Caught Stealing: Judicial Review of the decision to terminate a police officer from her employment

Published In: Administrative Law Newsletter - 16.Nov.18

Written by: Adam R. Way

Case Summary: The battle for public space and accommodation: Appeal of the decision to deny a pro-life advocacy group advertising space on public buses

Published In: Administrative Law Newsletter - 16.Nov.18

Written by: Adam R. Way

Case Summary: This case considers the appropriateness of advancing new arguments on judicial review, not considered by the original decision-maker, and how the court ought to address those issues. The appellant in this case advanced new Charter arguments that were first raised with the Court of Appeal. The Court of Appeal concluded it would be inappropriate for it to hear these arguments for the first time without a complete factual record. The matter was remitted back to a new panel for consideration.

Published In: Administrative Law Newsletter – 21.Aug.18

Written by: Adam R. Way

Case Summary: This case involves judicial review of a decision of the Landlord and Tenancy Board, and subsequent decision of the chamber's judge upholding that decision, in which the Board granted an application to evict the appellants on the basis that their conduct was impairing the safety of others at a mobile home complex. The primary argument advanced was that the appellants did not have proper notice of the grounds for eviction. The court rejected this argument and affirmed the decision of the Board.

Published In: Administrative Law Newsletter – 21.Aug.18

Written by: Adam R. Way

Case Summary: This case involves judicial review of a decision of the Residential Tenancy Branch finding that a non-profit community housing guest policy was discriminatory and harmed the residents. The court dismissed the judicial review, finding that the Tribunal's decision was reasonable.

Published In: Administrative Law Newsletter – 21.Aug.18

Written by: Adam R. Way

Case Summary: The appellant high school teacher appealed a finding of professional misconduct made against him, and the resulting penalty, arising from interactions that he had with students and health unit staff at a school immunization clinic; court dismissed the appeal and affirmed the misconduct finding and penalty

Published In: Administrative Law Newsletter - 17.Apr.18

Written by: Adam R. Way

Case Summary: Appellant's appeal of a decision of the Federal Court, in which it dismissed the appellants' application for judicial review of three decisions from the Canadian Intellectual Property Office relating to an application for a patent, dismissed

Published In: Administrative Law Newsletter - 17.Apr.18

Written by: Adam R. Way

Case Summary: Addressing the doctrine of legitimate expectations in the context of an investigation and report into a harassment complaint, the Court found the applicant had a legitimate expectation based on a representation made and that this was never fulfilled; the matter was remitted back for reconsideration

Published In: Administrative Law Newsletter - 17.Apr.18

Written by: Adam R. Way

Case Summary: Court found the applicant failed to exercise all available remedies available to him under the legislative scheme and dismissed the judicial review accordingly

Published In: Administrative Law Newsletter - 17.Apr.18

Written by: Adam R. Way

Case Summary: Application for judicial review of a decision of the Legal Services Society of British Columbia in which it denied the applicant's claim for legal aid representation in her family law case; dismissed

Published In: Administrative Law Newsletter - 17.Apr.18

Written by: Adam R. Way

Case Summary: Alberta Court of Queen's Bench upholds Chief Electoral Officer's decision to impose administrative penalty for alleged election sign violation

Published in: Administrative Law Newsletter - 19.Dec.17

Written by: Adam R. Way

Case Summary: FCA affirms trial judge's decision where it overturned RCMP Commission refusal to order a new hearing in disciplinary proceeding because it concluded the outcome was legally inevitable

Published in: Administrative Law Newsletter - 19.Dec.17

Written by: Adam R. Way

Case Summary: FCA upholds finding that Public Works issued RFP in violation of the Agreement on Internal Trade

Published in: Administrative Law Newsletter - 19.Dec.17

Written by: Adam R. Way

Case Summary: Ontario court rules NDP party acted reasonably in rejecting leadership bid of candidate

Administrative Law Newsletter - 15.Aug.17

Written by: Adam R. Way

Case Summary: Tribunal of the Financial and Consumer Services Commission's decision to grant stay of proceedings for reason of delay set aside

Published in: Administrative Law Newsletter - 15.Aug.17

Written by: Adam R. Way

Case Summary: ONCA dismisses tenant's appeal from arbitral award as raising questions of mixed fact and law

Published in: Administrative Law Newsletter - 15.Aug.17

Written by: Adam R. Way

Case Summary: Transition Provisions for the Stage 10 (Omnibus) Update

Published by: Harper Grey - 26.Jul.17

Written by: Adam R. Way

Case Summary: Saskatchewan Court of Appeal concludes trial judge made no reviewable error in accepting Police Commission's decision on penalty for professional misconduct

Published in: Administrative Law Newsletter - 21.Feb.17

Written by: Adam R. Way

Case Summary: Court upholds arbitrator's eviction decision on judicial review following tenant's failure to comply with material terms of rental agreement

Published in: Administrative Law Newsletter - 21.Feb.17

Written by: Adam R. Way

Case Summary: Ontario Court of Appeal found a municipal resolution frustrated the legislative purpose of the provincial Renewable Energy Approval

Published in: Administrative Law Newsletter - 30.Aug.16

Written by: Adam R. Way