



## Marlena McMurtry

### Senior Associate

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[Environmental](#)  
[Commercial Litigation](#)  
[Commercial Arbitration](#)  
[Construction](#)  
[Insurance Claim Defence](#)  
[Environmental Disputes](#)

Marlena maintains a civil litigation practice with a focus on general commercial litigation and environmental law.

Marlena assists and represents individuals and corporations across various industries in contractual disputes, regulatory compliance matters, environmental prosecutions, negligence claims and professional liability disputes.

Marlena has appeared before the Supreme Court of British Columbia, the Provincial Court of Alberta, the Court of Queen's Bench of Alberta, the B.C. Surface Rights Board, the B.C. Oil and Gas Appeal Tribunal, and the Alberta Securities Commission. She has also participated in alternative dispute resolution, including pre-trial conferences.

## Experience

- Represented a corporation in contaminated lands litigation and successfully resisted an application for leave to file a third-party claim in the Supreme Court of British Columbia
- Represented a corporation in a debt claim arising from the breach of a share purchase agreement
- Represented an individual in defending against a breach of contract claim relating to the construction of an aircraft hangar
- Represented individuals in a dispute involving their former accountant's preparation of personal and corporate tax returns
- Represented a witness in an interview as part of an investigation before the Alberta Securities Commission
- Represented a corporation in the defence of a debt claim and successfully argued an appeal of a Provincial Court of Alberta decision in the Court of Queen's Bench of Alberta, based on an error of law on the face of the record grounded in the provisions of the *Provincial Court Act*

- Assisted senior counsel in an appeal of a permit issued under the *Environmental Management Act* before the Environmental Appeal Board
- Assisted senior counsel in providing regulatory advice regarding the construction of hydroelectricity infrastructure in British Columbia
- Assisted senior counsel in representing an individual against a money laundering claim
- Assisted senior counsel in a large dispute involving allegations of misfeasance in public office, bad faith, fraudulent concealment, intentional infliction of mental distress and deceit
- Assisted senior counsel in an appeal of a permit issued under the *Oil and Gas Activities Act* before the Oil and Gas Appeal Tribunal
- Assisted senior counsel in regulatory proceedings relating to charges under the *Fisheries Act*, including by analyzing possible *Charter* challenges to warrants and warrantless searches
- Assisted senior counsel in advising an international corporation relating to the regulatory impact of nonconformance of equipment with applicable regulatory requirements
- Assisted senior counsel in representing a corporation in a breach of contract claim relating to the provision of services and equipment at an oilfield waste disposal site
- Assisted senior counsel in a spill cost recovery appeal before the Environmental Appeal Board
- Assisted senior counsel in successfully applying to strike an individual plaintiff's claim against a school board in its entirety on grounds including that the claim constituted an abuse of the court's process
- Assisted senior counsel in representing a general contractor with respect to delay and payment issues arising from the construction of an Alberta hotel
- Assisted senior counsel in meeting the high threshold required to obtain leave to appeal a voluntary binding interest arbitration award issued pursuant to Alberta's *Arbitration Act*

## Insights & Events

- Author, "Closing the gaps: Canada's proposed recycled content, labelling rules and registry for plastics", BLG Article, May 2023
- Author, "Key developments in British Columbia and federal environmental law", BLG Article, April 2022
- Author, "Key developments in British Columbia and federal environmental law", BLG Article, April 2021
- Author, "Environmental obligations and compliance during the COVID-19 pandemic: A Canadian comparison", BLG Article, February 2021
- Author, "COVID-19 and your environmental obligations – Cross-country update", BLG Article, April 2020
- Author, "Ontario Court of Appeal Confirms Court May Render An Arbitration Clause Invalid in Order to Protect the Weaker Contracting Party," Mondaq, February 2019
- Author, "The Laws of the 'McDivorce,'" Mondaq, November 2017

## Beyond Our Walls

### Professional Involvement

- Member, Canadian Bar Association

### Community Involvement

- Volunteer, BLG Reads to Kids
- Volunteer, United Way
- Volunteer, Access Pro Bono

- Volunteer, UBC Homeless ID Clinic
- Civil Claims Duty Counsel, Pro Bono Law Alberta

## Education

- Alberta, 2017
- British Columbia, 2019
- JD, University of Calgary, 2016
- Bachelor of Commerce (Honours), Sauder School of Business, University of British Columbia, 2012

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