



## Marlena McMurtry

### Senior Associate

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

Marlena has a diverse practice with a focus on regulatory/advisory work, environmental disputes, and general commercial litigation.

In her regulatory/advisory practice, she regularly assists clients in navigating a broad range of regulatory compliance matters, and has engaged directly with government agencies for this purpose.

She has assisted with commercial transactions, including providing guidance on environmental issues and assessing the regulatory implications of change of control scenarios. In her litigation practice, she handles complex legal issues and provides pragmatic advice and solutions to clients. Marlena is called and practices in both B.C. and Alberta. She is in her seventh year of practice.

## Experience

- Advised on regulations governing or restricting a consumer-facing, take-back recycling program for vaping products in B.C.
- Advised on the relevant federal and provincial regulatory processes and requirements governing hydropower licensing in Canada
- Conducting environmental due diligence and drafting environmental provisions in a share purchase agreement relating to an acquisition of a large-scale carbon capture facility
- Advised on the low carbon fuel programs in both B.C. and Alberta
- Advised on the regulatory impact of certain products not having been manufactured in accordance with applicable regulatory requirements

- Advised on community care facility licences and other regulatory requirements applicable to long-term care homes in B.C.
- Advised on the transfer or assignment of environmental permits in relation to a purchase of a sawmill in B.C.
- Advised on whether there was a regulatory requirement to report historical contamination in Alberta
- 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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