



Charlene Schafer

Associée

Toronto

cschafer@mccarthy.ca

t. +1 416-601-7616

Admission au barreau

Ontario 2010

Faculté de droit

Osgoode Hall Law School

Secteurs de pratique

Droit immobilier

Acquisitions et aliénations immobilières

Location immobilière

Financement immobilier

Aménagement immobilier

Construction

Planification municipale

Expertise sectorielle

Commerce de détail et biens de consommation

Commerce de détail

Hôtellerie et restauration

Infrastructure

Droit bancaire et services financiers

Capital d'investissement et investissements

Charlene advises domestic and cross-border clients in all real estate sectors, including pension funds, owners, sponsors, managers, private equity funds, developers, local and international investors, universities, major lenders and borrowers, landlords and tenants.

She regularly acts on transactions involving acquisitions and dispositions (single property and national portfolio deals); sale/leaseback arrangements; real estate components of mergers and acquisitions transactions; single lender and syndicated construction; servicing; acquisition; term and take-out financing; the creation, promotion and management of both open-end and closed-end real estate private equity funds; limited partnerships; joint ventures and co-ownership; development-related matters (acquisitions, easements, cost-sharing arrangements) and asset management advice; industrial and office leasing negotiations; construction-related mandates; and land transfer tax matters.

Her extensive experience includes structuring real estate transactions and negotiating a variety of complex agreements, such as agreements of purchase and sale, limited partnership and co-ownership agreements, credit agreements, ground leases, major office and industrial leases, management services, development management and construction management agreements, reciprocal easement and operating agreements, limiting distance and tieback and crane swing agreements.

Clients value Charlene's calm demeanour, efficiency, dexterity for navigating the complexities of the tax and regulatory environments, and negotiation skills. Most importantly, they appreciate that her capacity for identifying risks is only outdone by her desire to mitigate them by formulating practical solutions or effective ways to structure the transaction in order to execute the deal.

Charlene has the ability to find creative solutions to complex issues. We look forward to a continuing, long-term working relationship with her.

— JOHN BARTKIW, MANAGING DIRECTOR, FENGATE

Some of Charlene's recent experience includes:

PRIVATE EQUITY & INVESTMENT

- acting as counsel to sponsors of a number of private equity funds operating in the real property space relating to marketing, fund formation, governance, structuring and tax matters, including open-end and closed-end funds, discretionary and non-discretionary funds and funds involving a variety of real estate asset classes;

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- acting as corporate counsel to fund sponsors in the day-to-day management of their funds, including ongoing tax and structuring advice relating to acquisitions, dispositions, development and financing/re-financing relating to fund investments;
- acting as counsel to Concert Real Estate Corporation in the launch of the CREC Commercial Fund;

ACQUISITIONS & DISPOSITIONS

- acting for the purchaser of a two-million square foot facility in Bellville, Ontario from Sears Canada by way of receivership order in connection with the purchaser's cannabis expansion initiatives;
- acting for Crestpoint Real Estate Investments in its acquisition of ABB's state of the art research and design centre in Montreal's West Island;
- acting for Crestpoint Real Estate Investments in its acquisition of a 50% interest in the Broccolini Corporate Centre Kirkland in Montreal's West Island;
- acting for IAM Real Estate Group of a purchase of a 20-portfolio property in Atlantic Canada;
- acting for IAM Real Estate Group on the sale of a portfolio of properties across Ontario;
- acting for Bluesky Hotels & Resorts on its acquisition of InnVest REIT for \$2.1B;
- acting on a number of shopping centre transactions, including the purchase of Bayview Village (Toronto), the purchase of Bridlewood Mall (Toronto), the sale of Agincourt Mall (Toronto), the purchase of Park Place Centre (Barrie), amongst others;
- acting on the purchase and sale of numerous office buildings and industrial properties throughout the GTA, Ontario and nationally;

DEVELOPMENT PROJECTS

- providing advice relating to the structuring of real estate development projects and investment properties through limited partnership, joint venture and co-ownership arrangements;
- acting on an on-going basis for various developers in connection with site acquisitions, marketing, pre-sale matters and complex development work for commercial, residential, retail, office, industrial or mixed-use developments;

LENDING & FINANCIAL INSTITUTIONS

- acting as counsel to financial institutions, including BMO, Royal Bank

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and CIBC on construction financing deals, e.g. representing BMO Capital Markets, as lead arranger, in respect of a senior syndicated construction financing of One York Street, Toronto - a joint venture between Menkes and HOOPP;

- acting as counsel to and representing GE Canada Real Estate Equity in its \$1 billion sale of a 79-property portfolio and corresponding vendor take-back financing, which was awarded Investment Deal of the Year as part of the NAIOP Rex Awards;
- acting as borrower's counsel in respect of the financing and re-financing of the Distillery District lands;
- acting as Canadian counsel on the financing of major cross-border portfolio acquisitions, including acting for Blackstone on its loan to Spear Street in connection with the acquisition of the Blackberry real estate portfolio in Kitchener-Waterloo;

LEASING

- acting for commercial landlords and tenants in the preparation and negotiation of office, industrial and retail leases, renewals, extensions and amendments;

GOVERNMENT & EDUCATIONAL INSTITUTIONS

- acting for governmental and educational institutions in respect of leasing and regulatory matters, such as York University, Ryerson University and Wilfrid Laurier University.

Charlene is a keen contributor to, and former co-editor of, McCarthy Tétrault's widely-read real property blog, "The Lay of the Land", for which she provides followers with her perspective on the latest happenings in Canada's real estate sector. In addition, she is engaged in a number of other programs at the firm, including student recruitment, mentorship and Dress for Success, a charitable pro bono initiative that offers professional clothing and pre- and post-employment training and support for less fortunate individuals who are commencing new employment.

One of Charlene's favourite initiatives is a partnership with the Schulich School of Business Masters of Real Estate and Infrastructure Program. Charlene leads this invaluable learning experience in which MBA students specializing in the commercial real estate space participate in a mock negotiation of joint venture with an actual financier and developer, along with support from their respective legal teams.

Charlene is also a frequent speaker and moderator at prominent industry conferences, such as the Land and Development Conference and the Canadian Apartment Investment Conference. She enjoys these opportunities to share her knowledge and expertise and speaks on topics

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such as structuring deals and mitigating land transfer tax risk.

Keeping up on developing real estate trends, and relaying that insight to the clients she works with is important to Charlene. One of the ways she stays up to date and current is by volunteering her time serving on a number of committees, including NAIOP (the commercial real estate development association), CREW (Commercial Real Estate Women Network) and ICSC (International Council of Shopping Centers).

Charlene is a graduate of Osgoode Hall Law School and a member of the Law Society of Upper Canada, the Canadian Bar Association and the Ontario Bar Association.

Before joining the firm in 2013, Charlene practised general corporate/commercial law at the Toronto office of another law firm in the areas of mergers and acquisitions, private equity and venture capital, corporate governance and capital markets matters. During this time, she was also a co-instructor for Osgoode Hall Law School's Professional LLM in International Business Law.

Charlene was formerly employed with the Ontario Public Service in the area of emergency management and policy development in the fields of safety, security and policing. She also volunteered with the Toronto Police Service for a number of years as an Auxiliary Police Officer.

Prix et distinctions

Legal Media Group's Rising Stars - 2015, 2016, 2017, 2018

Rising Star

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Mandats récents

- **Composites One acquiert la société canadienne Polynt Composites Distribution**
02 décembre 2019
- **CCMP Capital Advisors conclut une entente d'environ 1 G\$ US en vue d'acquérir BGIS**
31 mai 2019
- **Olymel conclut l'acquisition de la société ontarienne Pinty's Delicious Foods Inc.**
26 novembre 2018
- **Nestlé clôture l'accord de licence perpétuelle mondiale avec Starbucks**
28 août 2018

Publications récentes

- **L'Aide d'urgence du Canada pour le loyer commercial – Indications supplémentaires pour les propriétaires d'immeubles et les locataires**
20 mai 2020
- **City of Toronto enacts Development Charges Bylaw**
01 juin 2018
- **Real Estate Funds: What You Need to Know**
29 mars 2019
- **Legal Implications of COVID-19 on Commercial Real Estate**
07 mai 2020

Événements

- **9e Sommet annuel sur le commerce de détail et les marchés des biens de consommation**
10 décembre 2018
- **Tendances dans les transactions immobilières**
11 septembre 2018