



#### Contact Info

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#### Practice Areas

Commercial and Real Property  
Litigation

Commercial Leasing Disputes

Employment & Human Rights

Insurance

#### Bar Admission

British Columbia, 2003

#### Education

The University of British  
Columbia, LL.B., 2002

University of Victoria, B.A. Hons.,  
with Distinction, Sociology, 1999

## C. NICOLE MANGAN, PARTNER

Nicole is a partner in the Litigation and Dispute Resolution Group and a key member of the firm's management committee. Her practice is focused on Commercial Leasing, Real Estate, and Employment and Human Rights disputes. She acts for commercial landlords and tenants, property managers, real estate owners and developers, strata corporations, employers, employees and insurers. Nicole is recognized by Best Lawyers® in Commercial Leasing Law.

She has significant litigation experience and has appeared before all levels of court in B.C. and several tribunals on a wide variety of commercial matters. However, Nicole is often able to resolve disputes through negotiation and mediation. She is also adept at representing clients in arbitrations.

Nicole is a sought-after lecturer on commercial lease disputes and employment and human rights matters to both industry organizations and organizations providing education for lawyers.

Nicole provides legal services through C.N. Mangan Law Corporation.

## REPRESENTATIVE CLIENT WORK

### Commercial Leasing

- Advises clients on:
  - Failure to pay rent and rent distress
  - Breach of lease
  - Fixture ownership
  - Abandoned premises or goods
  - Evictions

## Languages

English

- Nuisance
- Contractual interpretation
- Application of human rights and employment laws on tenancy and property management matters
- Acts for landlords and tenants on renewal rent arbitrations
- Notable cases:
  - Defended a landlord from an appeal of an order from summary trial in which the landlord was granted a substantial monetary award arising from the tenant's breach of lease
  - Obtained a Writ of Possession after successfully defeating the tenant's argument that section 16 of the *Commercial Tenancy Act* could be interpreted to permit overholding
  - Demonstrated a live/work property was a commercial premise and successfully obtained a Writ of Possession under the *Commercial Tenancy Act*

## Real Estate

- Advises developers, property owners, buyers and sellers on:
  - Breach of contract
  - Arbitrations
  - Collapsed sales
  - Disputes involving multiple owners, including obtaining orders for sale
  - Charges on title to a property, such as easements

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- Notable cases include:
  - Acted for clients in an arbitration involving a dispute among multiple owners over the interpretation of a multi-owner use agreement covering a large tract of land
  - Successfully argued that a B.C. court has jurisdiction in a case where the property was located in B.C., even though the corporate party was incorporated in the British Virgin Islands and the individual parties resided outside Canada
  - Obtained significant damage awards for buyers and sellers in collapsed transactions, and in one case for a developer, defeating allegations raised by a purchaser relating to REDMA
  - Acted for a joint venture party in the recovery of a debt owed to it by the other joint venture party both at trial and in a subsequent appeal
  - Obtained injunctions in the following cases:
    - Against a property owner constructing a building alleged to be outside the design guidelines that were contractually agreed
    - Against a property owner seeking to evict a resident following a collapsed sale where the resident was seeking an order that the sale be completed in the litigation

### **Employment and Human Rights**

- Advises clients on:
  - Duty to accommodate employees
  - Duty to inquire into a disability
  - Human rights issues arising on termination of employment
  - Severance pay, wrongful dismissal actions and constructive dismissal claims
  - Employment agreements

- Harassment and discrimination claims (including on the basis of sex, mental or physical disability, religion or visible minority status)
- Bullying and harassment claims
- Notable cases:
  - Obtained many dismissals of Human Rights claims through preliminary applications to dismiss on several bases, including:
    - No reasonable prospect the complaint will succeed
    - Complaint is barred by the limitations period
    - Complaint does not further the purposes of the *Code*
- Successfully refuted allegations of retaliation
- Defended an application to reopen complaint
- Acting for a complainant, successfully defended an employer's application to dismiss the complaint
  - Following a lengthy hearing, obtained the dismissal of a claim involving numerous discrimination allegations made by a former employee against the former employer following its attempt to correct behavior through a disciplinary process
  - Successfully applied the "worker" bar to an injury claim made against a homeowner by a contractor

### Insurance

- Defending insureds against a wide variety of claims including bodily injury and property damage claims arising from various incidents

- Acting on cases ranging from first party claims by home owners to third party liability to subrogated claims
- Advising on claims arising against strata corporations and their council members
- Defended a wrongful dismissal claim arising under wrongful employment practice provisions of an E&O policy

### PROFESSIONAL & COMMUNITY INVOLVEMENT

Nicole chairs the Board of the Sharing Our Future Foundation which works in partnership with the Burnaby Association of Community Inclusion and develops funds and strategic resources in order to support the economic and social inclusion of people with disabilities.

### HONOURS & AWARDS

Nicole has been recognized by *Best Lawyers®* in the area of Commercial Leasing Law for the 2021 – 2025 editions. Inclusion in this publication is based entirely on peer-review.



### PROFESSIONAL AFFILIATIONS

Canadian Bar Association  
 Law Society of British Columbia  
 British Columbia Shopping Centre Association

### NEWS

June 21, 2023  
 Honouring National Indigenous Peoples Day  
 June 7, 2023



Celebrating Pride Month in June!

June 6, 2023

RBS' Employment Law Group Sponsors The World Supported Employment Conference

February 17, 2023

Earthquake Relief: Join our Charitable Drive to Support Türkiye & Syria

February 13, 2023

Recognizing Black History Month in Canada

August 25, 2022

Ten Lawyers Honoured in the 17th Edition of The Best Lawyers in Canada Publication

June 9, 2021

C. Nicole Mangan & Jessie Skinnider Published in Office Space Magazine

June 4, 2021

Congratulations to our 2021 Students on Completing Their Articles!

August 27, 2020

10 Lawyers Recognized in *The Best Lawyers™ in Canada* 2021 Publication

April 29, 2020

Government Announces Commercial Rent Relief For Qualifying Businesses

April 6, 2020

COVID-19 News: Details of the Canada Emergency Wage Subsidy (CEWS) Program

March 19, 2020

FAQs About COVID-19 for Employers as of March 19, 2020

March 17, 2020

FAQs about COVID-19 for Employers

October 23, 2019

Nicole Mangan Presents at the Vancouver Real Estate Strategy & Leasing Conference

May 10, 2018

C. Nicole Mangan Featured in LexisNexis Publication

March 27, 2015

Nicole Mangan is published in The Lawyers Weekly

September 9, 2014

Nicole Mangan is published in the Canadian Journal of Insurance Law

January 1, 2014

RBS welcomes New Partner – Nicole Mangan

June 18, 2013

RBS Lawyer, Nicole Mangan, interviewed on CTV News



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## EVENTS

May 12, 2023

The Employment & Human Rights Group Host Client Seminars in Vancouver & Surrey

May 9, 2023

Demystifying Equity, Diversity and Inclusion

November 1, 2022

C. Nicole Mangan a Presenter at Vancouver Real Estate Leasing & Strategy Conference

February 18, 2022

Honouring February's Black History Month

November 24, 2021

RBS Sponsors 15th Annual Tree Lighting Celebration at VAG

March 23, 2021

Employment & Human Rights Virtual Seminar - 2020 A Year to Remember and Beyond ...

March 5, 2021

RBS' Annual University Counsel CLE Virtual Seminar

November 25, 2020

RBS' Real Estate Team Sponsors the Amacon Vancouver Christmas Tree Lighting Ceremony

October 16, 2019

RBS Sponsors Rock The Pacific Fundraiser

October 26, 2018

C. Nicole Mangan speaks at The Vancouver Real Estate Strategy & Leasing Conference

February 8, 2018

Join Our Employment & Human Rights Breakfast Seminar on April 5th

October 6, 2017

Nicole Mangan presents at BC Society of Fellows (BCSOF) Luncheon

September 20, 2017

Join us for a Panel Discussion on Oct 12: Tips from Women for Women on Success in Today's Insurance Industry

April 5, 2017

Commercial Leasing Seminar on "Options to Renew and Extend Commercial Leases" taking place on May 4th

October 6, 2016



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#### Employment Law and Human Rights Law Joint Section Meeting

June 23, 2016

Nicole Mangan and Nick Safarik present to the BC Society of Fellows on the Pollution Exclusion and Efficacy Exclusion.

May 5, 2016

#### 2016 CLE Employment Law Conference

March 4, 2016

#### Seminar: 2015 – A Hot Year for Employment Cases

June 18, 2015

#### Employment Law Seminar – Lessons in Crisis Management for Employers

October 2, 2014

#### Employment Law Seminar – Basics for Business

June 26, 2014

#### 2014 University Counsel CLE Seminar

November 15, 2013

#### CLEBC: Priorities 2013 Conference

November 8, 2013

#### Seminar: Landlord's Secrets Revealed: Tenant's Best Defences to Landlord's Remedies

March 12, 2013

#### Avoiding Pitfalls – Important Lease Covenants Part II

November 28, 2012

#### Avoiding Pitfalls – Important Lease Covenants

November 16, 2012

#### Seminar: Navigating Overtime, Statutory Holidays and Vacation Issues

June 6, 2012

#### Considerations When Creating a Commercial Lease

### PUBLICATIONS

October 19, 2021

#### Are those “professional” services? A CGL v. E&O Policy Battle

August 19, 2020

#### B.C. Court of Appeal Weighs in on Legal Representation in CRT Proceedings

April 29, 2020

#### Commercial Rent Relief is Here . . . For Those That Qualify

March 20, 2020

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COVID-19: Five Issues for Commercial Landlords and Tenants to Consider

April 15, 2019

Insurance Policies Aren't Special! Costs and the Duty to Defend In BC

November 20, 2018

Nicole Mangan published in Insurance People Magazine

June 13, 2018

Long Overdue – New 18 Month Parental Leave Has Arrived

November 24, 2017

Nicole Mangan published in The Lawyer's Daily

November 22, 2017

Have "Maternity Leave" Benefits Changed in BC from 12 to 18 Months?

November 1, 2017

Nicole Mangan's article "Workplace discrimination and its cost" published in Insurance People

May 26, 2017

Nicole Mangan is quoted in The Lawyer's Daily

January 31, 2017

Nicole Mangan published in The Lawyers Weekly

November 29, 2016

Cyber Liability

November 10, 2016

BC Court Grants Solicitor-and Client Costs Award for Wrongful Coverage Denial

July 6, 2016

What's Covered? Insurance and Indemnity Clauses in Lease Agreements

May 24, 2016

Disability Benefit Claims in the Notice Period: Issues of Entitlement to Benefits and Double Recovery

January 25, 2016

Nicole Mangan is published in The Lawyers Weekly

December 1, 2015

Nicole Mangan published in Canadian Defence Lawyers' Hearsay

November 23, 2015

Has the Law on "Just Cause" for a Single Incident Changed?

October 30, 2015

Who Pays A Strata's Deductible?

June 12, 2015

Insurance lawyer Nicole Mangan writes for The Lawyers Weekly

February 27, 2015

The \$1 Million Lessor's Liability Cap in British Columbia – Revisited and Revised

December 19, 2014

Nicole Mangan, Partner at RBS, writes for The Lawyers Weekly

November 18, 2014

Employee Confidentiality Agreements – Can They Protect You And Your Customers?

October 2, 2014

The Top 5 Things Employers Need to Know About BC Human Rights Law

June 26, 2014

Is there “quiet enjoyment” if it stinks?

April 28, 2014

Is That ATV Owned By “you”?; Again, an Ambiguous Question.

January 31, 2014

IBM Pension Deductibility

November 1, 2013

RBS Insurance Law Group featured in 2013 Litigation Forum of Insurancewest Magazine

June 7, 2013

Nicole Mangan, of RBS, writes for The Lawyers Weekly

May 2, 2013

Take Care When Employing Resident Caretakers

April 12, 2013

It's Not Just Hockey Games Where the Fists Fly

September 18, 2012

Complexities of BC's Overtime Laws – Navigating the Field

August 17, 2012

Nicole Mangan, associate at RBS, writes for The Lawyers Weekly

June 15, 2012

Exclusion Clause Not Operating: Consider a Statutory Condition

June 15, 2012

One Safe Method for a Landlord to Recover Possession of Commercial Premises

November 9, 2011

Are You Hosting the “After Party” for your Employees?

August 10, 2011

The More “Absolute Pollution Exclusion”?



May 1, 2010

Assessing Employee Performance Tips for Performance Reviews, Probation Periods  
and Policy Manuals

December 29, 2009

Home Court Advantage?

December 18, 2009

Working with Facebook in personal injury actions



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