



## ADAM R. WAY

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

### ADAM R. WAY

Associate  
Harper Grey LLP  
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### ASSISTANT

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[cywong@harpergrey.com](mailto:cywong@harpergrey.com)

### EXPERTISE

Commercial Litigation  
Construction & Engineering Law  
Environmental Regulation &  
Disputes  
Insurance Law

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

Adam is also regularly engaged as a team member on large multi-million dollar commercial disputes. His experience includes cross-jurisdictional issues, including enforcement of Letters Rogatory or Letters of Request. He also represents directors and officers and companies with respect to coverage issues relating to D&O insurance.

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.

Adam has written and presented on a variety of environmental topics and has contributed to publications, such as the 2016 edition of the British Columbia Environmental Management Legislation & Commentary, the [British Columbia Environment Industry Association's \(BCEIA\)](#) newsletter and the BCEIA Industry Guide.

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

- Administrative Justice: A Practitioner's Guide, Published by LexisNexis® Canada,

Contributing Author (2016)

- British Columbia Environment Industry Association (BCEIA), Board Member
- Canadian Bar Association BC Branch Environmental Law Subsection Executive, Member-At-Large (2016-2017)
- Harper Grey Administrative Law Observer Newsletter, Contributing Author
- Harper Grey Canadian Administrative Law Blog, Contributing Author
- LexisNexis® Harper Grey Administrative Law Netletter™, Contributing Author

#### **MEMBERSHIP**

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

#### **RECOGNITIONS**

Recognized as a "Leading Lawyer" in the area of Corporate and Commercial Litigation by Best Lawyers® in Canada, 2021-2024

Recognized as a "Leading Lawyer" in the area of Construction Law by Best Lawyers® in Canada, 2022-2024

#### **SELECT ARTICLES + PUBLICATIONS**

##### **Chris Rusnak, KC, Adam Way and Karina Alibhai co-author article published in Canadian College of Construction Lawyers Legal Update**

Written by: Christopher M. Rusnak, KC\*, Adam R. Way, Karina Alibhai

##### **Christopher Rusnak, KC, Adam Way and Leyla Salmi publish case analysis in CCCL newsletter**

Published in: Canadian College of Construction Lawyers Newsletter

Written by: Christopher M. Rusnak, KC\*, Leyla Salmi, Adam R. Way

##### **Canadian Environmental Law Blog: Recent Changes to BC's Site Identification System**

Published in: Canadian Environmental Law Blog

Written by: Adam R. Way, Nicola Virk

##### **Adam Way & Nicola Virk co-author article for 2021 BCEIA Industry Guide**

Published in: 2021 BCEIA Industry Guide

Written by: Adam R. Way, Nicola Virk

**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: 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: JoAnne Barnum, William S. Clark\*, 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

**“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 & Nicola Virk to present at BEST Conference**

Presented by: Adam R. Way, Nicola Virk

**Richard Bereti, Una Radoja and Adam Way present at CBA BC Commercial & Real Estate – Okanagan Section Meeting on Contaminated Sites Regime in BC**

Event Date: 4.May.22

Presented by: Richard E. Bereti\*, Adam R. Way

**Richard Bereti, Una Radoja and Adam Way to present to CBABC Real Property Section**

Event Date: 18.Feb.22

Presented by: Richard E. Bereti\*, Adam R. Way

**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

**SELECT NEWS**

**Harper Grey receives 72 rankings from Best Lawyers Canada 2024**

Related to: Steven Abramson\*, Owais Ahmed\*, H. Roderick Anderson\*, Bryan G. Baynham, KC, Richard E. Bereti\*, Guy P. Brown, KC\*, William S. Clark\*, Prentice Durbin\*, Cameron B. Elder\*, Michael J. Hewitt\*, Kimberly J. Jakeman, KC\*, Rose Keith, KC\*, Michael P. Kennedy\*, Steven G. Lukas\*, Maureen L.A. Lundell, KC, William D. MacRae\*, Scott J. Marcinkow\*, Jonathan D. Meadows\*, Joel A. Morris\*, David W. Pilley, Daniel J. Reid, Christopher M. Rusnak, KC\*, Raj Samtani\*, John P. Sullivan\*, W. Sean Taylor, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Adam R. Way, Jennifer R. Woznesensky, Kim J. Yee, Lara C. Zee - 24.Aug.23

**Harper Grey receives 52 rankings from Best Lawyers Canada 2023**

Published in: 2023 Best Lawyers in Canada

Related to: William S. Clark\*, Kimberly J. Jakeman, KC\*, Lara C. Zee, W. Sean Taylor, Steven Abramson\*, Cameron B. Elder\*, Jonathan D. Meadows\*, Christopher M. Rusnak, KC\*, Adam R. Way, Owais Ahmed\*, Michael J. Hewitt\*, Daniel J. Reid, John P. Sullivan\*, Steven G. Lukas\*, Prentice Durbin\*, Bryan G. Baynham, KC, Richard E. Bereti\*, Maureen L.A. Lundell, KC, Guy P. Brown, KC\*, Scott J. Marcinkow\*, Abigail C.F. Turner\*, Nigel L. Trevethan\*, David W. Pilley, Raj Samtani\*, Jennifer R. Woznesensky, H. Roderick Anderson\*, William D. MacRae\* - 25.Aug.22

**Harper Grey lawyers receive 58 rankings from Best Lawyers® in Canada 2022**

Related to: Steven Abramson\*, Owais Ahmed\*, H. Roderick Anderson\*, Bryan G. Baynham, KC, Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, KC\*, William S. Clark\*, Prentice Durbin\*, Cameron B. Elder\*, Kimberly J. Jakeman, KC\*, Steven G. Lukas\*, Maureen L.A. Lundell, KC, William D. MacRae\*, Scott J. Marcinkow\*, Jonathan D. Meadows\*, David W. Pilley, Daniel J. Reid, Christopher M. Rusnak, KC\*, John P. Sullivan\*, W. Sean Taylor, Abigail C.F. Turner\*, Adam R. Way, Jennifer R. Woznesensky, Lara C. Zee - 26.Aug.21

**Harper Grey receives 51 rankings from Best Lawyers® in Canada 2021**

Related to: Steven Abramson\*, Owais Ahmed\*, H. Roderick Anderson\*, Bryan G. Baynham, KC, Richard E. Bereti\*, Salman Y. Bhura\*, Guy P. Brown, KC\*, William S. Clark\*, Prentice Durbin\*, Cameron B. Elder\*, Michael J. Hewitt\*, Kimberly J. Jakeman, KC\*, Steven G. Lukas\*, Maureen L.A. Lundell, KC, William D. MacRae\*, Jonathan D. Meadows\*, David W. Pilley, Christopher M. Rusnak, KC\*, Raj Samtani\*, John P. Sullivan\*, W. Sean Taylor, Nigel L. Trevethan\*, Abigail C.F. Turner\*, Adam R. Way, Jennifer R. Woznesensky, Lara C. Zee - 27.Aug.20

**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\*, 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, KC\*, 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: Impossibility of Compliance Defence – Mount Polley's attempt at avoiding contravention of its permit**

Published In: Administrative Law Newsletter 18.October.22

Written by: Adam R. Way

**Case Summary: Small Town Politics Gone Astray – Mayor denied procedural fairness after veiled attempt by Council to censure**

Published In: Administrative Law Newsletter 17.May.22

Written by: Adam R. Way

**Case Summary: The case of the missing dollar: Arbitrator's decision found procedurally unfair after reversing burden of proof**

Published In: Administrative Law Newsletter 22.Feb.22

Written by: Adam R. Way

**Case Summary: Is a business licence being renewed, revoked or granted? Turns out it matters**

Published in: Administrative Law Newsletter – 21.Dec.21

Written by: Adam R. Way

**Case Summary: Reviewable Decisions – The conundrum of determining whether a decision is subject to judicial review**

Published In: Administrative Law Newsletter 21.September.21

Written by: Adam R. Way

**Case Summary: Beyond the Supervisory Role – chambers judge fails to properly apply reasonableness standard by seeking to determine the “correct” test the Director of the Law Society should have applied**

Published In: Administrative Law Newsletter 18.May.21

Written by: Adam R. Way

**Case Summary: Strained interpretation – standard of review applicable to the Civil Resolution Tribunal decision when it has “specialized expertise”**

Published in: Administrative Law Newsletter – 16.Feb.21

Written by: Adam R. Way

**Case Summary: What do the residents have to say? Local Government required to gather the views of residents when providing recommendations to the Liquor and Cannabis Regulation Branch for proposed non-medical cannabis establishment**

Published In: Administrative Law Newsletter – 20.Oct.20

Written by: Adam R. Way

**Case Summary: City’s unreasonable decision to void a building permit on the basis that no construction activities had occurred**

Published In: Administrative Law Newsletter – 18.Aug.20

Written by: Adam R. Way

**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