



# GABRIELLE K. KRAMER

## Partner

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Environmental Law  
Expropriation  
Municipal Law and Other Government  
Class Actions  
Climate Change

### Education / Bar Admissions

JD, University of Toronto, 1990  
BA (Hons.) in Literature and  
Philosophy, University of Toronto,  
1987

Ontario, 1992

### Professional Involvement

Member, Ontario Bar Association,  
Environmental Law and Municipal  
Law sections

Member, The Advocates' Society

Past President, Ontario Expropriation  
Association

### Community Involvement

Former Director, Environmental  
Defence

Former Volunteer, Rethink Breast  
Cancer

### EXECUTIVE SUMMARY

Gabrielle Kramer is a partner in the Toronto office of Borden Ladner Gervais LLP. She has a public law practice focusing on issues related to the environment, regulatory defence, municipal law, expropriations law and real estate.

Gabrielle has appeared as counsel before all of the courts in Ontario and the Supreme Court of Canada, and has extensive appellate experience. She represents a variety of private and public sector clients before the Environmental Review Tribunal, Ontario Municipal Board, Joint Board, and Boards of Inquiry and Negotiation. Gabrielle is able to work in French.

### REPRESENTATIVE WORK

- Prosecuting and defending varied environmental litigation for industries and private individuals; defending environmental offences; and conducting discoveries, pre-trials, trials, arbitrations, appeals, mediations and negotiations.
- Providing insurance coverage services, including legal opinions, litigation and document management services to leading insurers respecting environmental insurance issues.
- Providing coverage advice to excess insurer of Enbridge in respect of Michigan oil spill; serving as counsel to American Defence Committee in Exxon litigation involving refineries and service stations across the United States and Canada.
- Drafting environmental insurance policies for a number of leading insurers.
- Defending professional liability claims, including for environmental consultants, environmental contractors, real estate appraisers, listing agents and brokers.
- Advising on environmental aspects of corporate, commercial and real estate transactions, including the conduct of extensive environmental due diligence in connection with both international and Canada-wide acquisitions and financing transactions.

- Defending and challenging the exercise of public administrative authority.
- Acting in projects including Toyota Development in Woodstock, Region of Halton/CN Intermodal Terminal, York Region Rapid transit, TTC Sheppard Subway.
- Extension, Yonge/Dundas regeneration, Windsor Casino, Chrysler Canada Headquarters, road extensions and widenings, intersection installations, landfill sites, reservoir sites, and sewage treatment.

## **PUBLICATIONS & PRESENTATIONS**

### Speaker/Chair

- "The Legacy of Kawartha Lakes: Managing the Risks of Flow-Through Contamination," BLG's Municipal Law Client Seminar, April 2014.
- "Canadian Environmental Regulatory Changes and Their Implications for EIL Insurance," RIMS Canada Conference, October 2013.
- "Effective Due Diligence in Managing Transportation Spills: Legal and Engineering Perspectives," International Sites & Spills Expo, November 2012 (with Mathew Allen and Giffin Koerth).
- Conference Chair, Forum of Necessity: 2012 Advanced OEA Discussion, Ontario Expropriation Association, October 25-26, 2012.
- "Spills, Trucking and Clean-up Solutions," International Sites & Spills Expo, November 2011.
- "*Inco* Claim 'Smoke and Mirrors': Ontario Court of Appeal Reverses \$36-Million Dollar Damages Award," and "Is there Room for Fairness? The Environmental Review Tribunal Post-*Appletex*," BLG Client Seminar, October 2011.
- "New Rules for Brownfields Development in Ontario: Dispelling Myths about Finance and Insurance," Canadian Brownfields Conference, October 3-4, 2011.
- "Pending Changes to Ontario Environmental Regulations Guidance Documents," Presentation to Lombard Canada, March 2011.
- "Damages for Environmental Losses: The Challenges and the Risks," OBA Institute, Insurance Law Section, Session titled "Property Claims: A Primer," February 2011.
- "New Rules for Brownfield Development in Ontario; Class Actions: *Inco* and its Aftermath," BLG Client Seminar, September 2010.
- "Occupational Health and Safety: Stricter Standards for Employees," Client Seminar, November 2008.
- "The Implications of Managing Risk Arising from Climate Change," Toronto Client Seminar, June 2008.
- "Climate Change and the New Air Emissions Standards," Client Seminar, November 2007.
- "Climate Change Litigation: An Overview," September 2007.
- Insight Seminar, Hazardous Building Forum, May 2004.

- Insight Seminar, Water and Wastewater Management Strategies Forum, Liability Issues and Strategies for Managing Exposure to Risk, July 2003.

Author

- Co-Author, *Toxic Real Estate Manual*, 2012+, Thomson Reuters. [Release Note](#).
- Co-Author, "When Innocence is no Defence: The Legacy of the *Kawartha Lakes* Decision," *Pulse*, Ontario Risk and Insurance Management Society, March 2013.
- Co-Author, "Supreme Court Rules on the Status of Environmental Clean-Up Orders under the CCAA," *BLG Environmental Alert*, December 2012.
- "Ontario Court of Appeal Reinvigorates Absolute Pollution Exclusion," *BLG's Canadian Insurance Law Newsletter*, Fall 2011.
- "Smith v Inco : Polluter Must Pay Landowners \$36M," *The Lawyers Weekly*, August 27, 2010.
- "Smith v Inco : Environmental Class Action First," *BLG Alert*, July 2010.
- Co-Author, "Ontario MOE Overhauls Key Brownfields Regulation," *Enviromation*, CCH Canadian Ltd.
- "Foreseeability Cannot Be Viewed Through a Retrospective Lens," *BLG's Environmental Law News*, Winter 2010.
- "Dirty Dirt: Measuring Damages for Toxic Torts," *Canadian Insurance Business Magazine*, January 2010.
- "Nafta Creates New Scope for Environmental Claims," *Mondaq*, August 17, 2001.
- "The Resurgence of Civil Remedies in the Practice of Environmental Law," *Law Society of Upper Canada*, December 1996.

Contributor

- Interviewed, "Small Environmental Impacts Must be Reported," *Canadian Property Management*, November 4, 2013.
- *New Law of Expropriation*. This text is relied on by lawyers, appraisers and government authorities in assessing expropriations claims.

## RANKINGS & RECOGNITION

- Recognized in the 10th Edition of *The Best Lawyers in Canada*® in Insurance Law.

## ABOUT BORDEN LADNER GERVAIS LLP

Borden Ladner Gervais LLP (BLG) is a leading, national, full-service Canadian law firm focusing on business law, commercial litigation and arbitration, and intellectual property solutions for our clients. BLG is one of the country's largest law firms with more than 725 lawyers, intellectual property agents and other professionals in five cities across Canada. We assist clients with their legal needs, from major litigation to financing to trademark and patent registration.