



Tamara Farber

Partner | Toronto

416.595.8520

tfarber@millerthomson.com

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Biography

Tamara Farber is a partner, civil litigation lawyer and a national leader in environmental litigation at Miller Thomson. Her focus combines her interest in environmental matters with civil litigation as well as commercial transactions involving environmental issues.

Tamara provides expertise on real estate and business transactions involving brownfield redevelopment and contaminated land sale and acquisition including investigating contaminated lands, environmental due diligence, audits, property remediation, site decommissioning, waste management, environmental compliance matters, environmental risk management, representations, warranties, indemnities, and interactions with environmental regulators. On civil claims, Tamara acts on various matters including contaminated land migration claims, spills, consultant negligence, remedial option and cost disputes, director and officer liability in relation to environmental liabilities, and environmental issues in insolvency matters.

Prior to joining Miller Thomson LLP, Tamara worked as an environmental consultant. This background in environmental sciences allows Tamara to understand complex technical reports in a number of fields including environmental assessments, risk assessments, and site decommissioning parameters.

Tamara has acted for private and public companies, condominium corporations, REITs, investment groups, individuals, and municipal and provincial governments. She has appeared before the provincial and federal courts, the Environmental Review Tribunal and other provincial tribunals. She has written and presented many papers on provincial and federal environmental issues including brownfield redevelopment, environmental insurance, directors' and officers' liabilities in environmental cases, environmental compliance approvals, expert retainers, transactional advice, cross-border environmental issues, condominium redevelopment of contaminated lands, and other topics.

Tamara is a Certified Specialist in Environmental Law by the Law Society of Ontario. She has been recognized on the Best Lawyers in Canada list for environmental lawyers and is a former recipient of "Canada's Top 40 lawyers under 40" by Lexpert Magazine. Tamara also sits on the executive of the Environmental Law Section of the Ontario Bar Association.

Professional achievements & leadership

- *Chambers Canada*, Environment, 2017 – 2019
- *The Best Lawyers in Canada* – Environmental Law, 2013 – 2019
- *The Canadian Legal Lexpert Directory*, Environmental Law, 2012 – 2019
- Martindale-Hubbell, BV® Distinguished™ Rated Lawyer
- Certified Specialist, Environmental Law, The Law Society of Ontario

Notable matters

- Represents various insurers in environmental litigation claims, on coverage, liability and damage issues on both defence and subrogation side.
- Environmental spill/disaster management adviser to insurers on municipal and provincial civil claim and regulatory issues.
- Represents insured claims involving allegations of professional negligence in

environmental claims.

- Represents clients in large area contamination claims and overlap of insolvency with environmental matters.
- Represents several big box developers in identification of Brownfield opportunities and related transactions.
- Represents clients involved in petroleum, dry-cleaning, solvent, metal, and other contaminant-related litigation.

Thought leadership

- Environmental Liability Of Commercial Landlords: Limited Landlord Liability For Acts/Omissions Of Its Tenants, *Sorbam v. Litwack*, Mondaq, February 22, 2018
- Climate Change Progress in 2015, COP21 and What's Next?, *EnviroNotes!*, December 2015 – Climate Change Special Issue
- Does Ontario Court of Appeal Midwest Decision Signal Big Changes to Environmental Civil Litigation in Ontario?, *EnviroNotes!*, December 2015
- Testimony in Environmental Claim, *Environmental Science & Engineering Magazine*, July/August, 2015
- Expert Testimony in Environmental Claims: Participant vs Litigation Experts, *Lexology*, May 2015; *Ontario Bar Association Environmental Publications*, April, 2015
- Expert Testimony in Environmental Claims: Participant vs Litigation Experts, *EnviroNotes!*, May 2015
- Environmental Matters, *Condo Business*, 2014
- Environmental Matters, *MCondoLaw—Ontario*, May 2014
- Addressing Environmental Issues in Negotiating Purchase and Sale Agreements, *Ontario Bar Association*, May, 2014
- Summary Judgment—A Potential Tool in Defending Contaminated Land Litigation, *EnviroNotes!*, April 2014
- Contaminated Land: Transactional Tools—the Record of Site Condition, *Ontario Bar Association's Institute 2014*, February 6-8, 2014
- Northstar directors and officers settlement: does \$4.75m buy certainty?, *Lexology* 2013; *EnviroNotes!* September, 2013
- Turtles One, Turbines Zero, *EnviroNotes!*, September 2013
- Contaminated Land: Commercial, Regulatory and Insolvency Considerations, *Law Society of Upper Canada's Commercial Priorities for Real Estate and Business Lawyers 2013 program*, 2013
- Rewind re Wind, *EnviroNotes!*, April 2012
- Environmental Due Diligence in the Acquisition and Sale of Contaminated Assets, *Envirogate—Documenting and Demonstrating Environmental Due Diligence*, 2011
- No Harm, No Nuisance—The Ontario Court of Appeal Lays Out What Will, and Will Not, Fly in Proving Nuisance: *Smith v. Inco Limited*, *EnviroNotes!*, October 2011
- In the World of Wind—Setback Shmetback – No Harm, No Foul, *EnviroNotes!*, October 2011
- Wind Turbines and Health: Court Upholds Wind Energy Developments, *Canadian Consulting Engineers*, 2011
- ERT Decision Paves the Way for Wind Power in Ontario...or Does It?, *Environews—Environmental Law Section*, Volume 21, No. 1; *Lexology* 2011; *EnviroNotes!* — *Environmental Alert* August, 2011
- In the World of Wind: Setback Schmetback—Divisional Court Says Not Their Call, *Environews* 20:4 2011; *Lexology* 2011; *EnviroNotes!* May, 2011
- Can Title Insurance Protect You from Environmental Defects?, *EnviroNotes!*, May 2011
- Investment Properties May Come With Surprise Environmental Liabilities: An Environmental Primer, *It's Personal* (Vol. 4, Iss. 1), 2011
- The Bionic Brownfield: Regulation 153/04 – Amendments to Record of Site Condition Regulation: Better, Stronger, Faster?, *Institute* 2011, 2011
- Developing Brownfields—Regulation Changes in Ontario have big impact, *Canadian Consulting Engineers*, 2010
- Amendments to the Brownfields' Regulation, *EnviroNotes!*, January 8, 2010 – Client Alert
- Green Roofs Coming to Toronto, *EnviroNotes!*, December 2009
- Expert Evidence in Environmental Claims—Lessons from the South, Putting the Puzzle Together: An Exploration of Emerging and Critical Issue in Environmental Civil Litigation, 2009
- *Cousins v. McColl-Frontenac Inc.*: Update—SCC Grants Leave to Appeal but Settlement Prevails, *OBA Environews*, Vol. 18 (April 2009), 2009
- Expert Evidence in Environmental Claims—Lessons from the South, *OBA's Putting the*

Puzzle Together: An Exploration of Emerging and Critical Issues in Environmental Civil Litigation Seminar, 2009

- The 'Greening' of Leases, Leasing Times, December 2008
- 'Green' Leases: A Primer, EnviroNotes!, Fall 2008
- Two Can Play at this Game: Cross-Border Pollution Enforcement, OBA Environews, Vol. 17, 2008
- "Clean and Neat"—Environmentally Speaking?, Leasing Times, March 2008
- Two Can Play at This Game: Cross Border Pollution Enforcement, EnviroNotes!, March 2008
- Carbon Disclosure—Do Investors Want to Know How Companies Are Addressing Climate Change Issues?, EnviroNotes!, March 2008
- Waiver of Torts, a Potential Arrow in the Quiver of Climate Change Class-Action Litigants?, EnviroNotes!, Summer 2007
- Civil and Regulatory Liability Associated With Spills and Historic Site Contamination, 2007
- Managing Environmental Risks in Real Estate Transactions, 2007
- Environmental Litigators Beware—What You Don't Ask For in Discoveries Might Come Back to Bite You in the Contaminated Zone!, OBA Environews, Vol. 16, 2006

Community involvement

- Past Chair, Miller Thomson's United Way Campaign
- Past Chair, Miller Thomson's Law Challenge Participation in support of Camp Oochigeas
- Past Co-Chair, Legal Expert Assistance Program/Citizen Support Program, Environmental Defence Canada

Professional memberships

- Law Society of Ontario
- Canadian Bar Association
- Ontario Bar Association
- The Advocates' Society
- Toronto Lawyers' Association
- American Bar Association, Section of Environment, Energy, and Resources
- Executive Member, Environmental Law Section, Ontario Bar Association

Bar admissions & education

- Ontario Bar, 1995
- LL.B., Osgoode Hall Law School, York University, 1993
- B.Sc., (environmental sciences), University of Toronto, 1990