

# APPEALS PRACTICE



## WHY USE APPEALS COUNSEL?

An appeal is not a re-hearing of the case. Experienced appeals counsel can assist with identifying error and crafting persuasive arguments on an appeal. New, outside appeals counsel can also bring fresh insight and perspective to assist trial counsel who have typically been involved with the matter for a considerable time. Appeals counsel can also advise on the current practices and procedures of appellate courts.

## OUR SERVICES

In addition to representing clients on appeals, we can assist other lawyers in several capacities, depending on your needs: as a behind-the-scenes advisor, in a co-counsel role, or as referral counsel. We also provide opinions regarding the prospects of an appeal.

While most of our work is conducted in the British Columbia Court of Appeal, we also represent clients in other provincial courts of appeal and the Federal Court of Appeal. We also have experience in Supreme Court of Canada appeals and applications for leave to appeal.

## OUR TEAM + EXPERIENCE

The core members of the Appeals Practice Advisory Team are [Kathryn McGoldrick](#), [Karen Zimmer](#), and [Esher Madhur](#). Prior to being called to the bar, Kathryn and Esher worked as judicial law clerks at the appellate level, and draw on this experience in their appeals practice.

Other lawyers at Alexander Holburn have experience in many areas of substantive law and appellate advocacy and can be called on as appropriate. Their experience is wide-ranging, encompassing contractual disputes, personal injury claims, property damage claims, class actions, insurance disputes, municipal law, labour and employment, administrative tribunals, construction law, transportation law, defamation, professional negligence, strata and residential tenancy, and wills and estates.

## REPRESENTATIVE WORK

- *Dick v. Coquitlam (City)*, 2023 BCCA 261 (Dismissal of application for an extension of time to appeal)
- *Gill v. The Wawanesa Mutual Insurance Company*, 2023 BCCA 97 (Interpretation of a home insurance policy)

## TEAM LEADER



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## TEAM MEMBERS

| Emily Stock

| Esher Madhur

| Ian Breneman

| Sarah Richmond

| Menka Sull

| Karen Zimmer

| Joseph Cahan

- *Valdez v. Neron*, 2022 BCCA 301 (Damages awarded by a jury after a motor vehicle accident)
- *Thurlow & Alberni Project Ltd. V. The Owners, Strata Plan VR 2213*, 2022 BCCA 257 (Strata seeking court approval of repairs to building envelope)
- *Coquitlam (City) v. Dick*, 2022 BCCA 191 (Permanent injunction in respect of conduct violating City bylaws)
- *Sharifi v. WestJet Airlines Ltd.*, 2022 BCCA 149 (Appeal in class action rejecting the claim that airline travel credits are “gift cards”)
- *Drennan v. Smith*, 2022 BCCA 86 (Appeal setting aside dismissal for want of prosecution)
- *0694841 B.C. Ltd. v. Alara Environmental Health and Safety Limited*, 2022 BCCA 67 (Interpretation of a limitation of liability clause in an environmental assessment)
- *Belmont Properties v. Swan*, 2021 BCCA 265 (Interpretation of a tenancy agreement)
- *Metro Vancouver (Regional District) v. Belcarra South Preservation Society*, 2021 BCCA 121 (Appeal upholding notice to end tenancy for conversion of property to non-residential use)
- *The Owners, Strata Plan NW 2575 v. Booth*, 2020 BCCA 153 (Appeal finding Civil Resolution Tribunal erred in denying representation by counsel)
- *Schellenberg v. Wawanesa Mutual Insurance Company*, 2020 BCCA 22 (Appeal upholding dismissal of an action against insurance broker)
- *British Columbia v. The Administrator of the Ship-Source Oil Pollution Fund*, 2019 BCCA 232 (Liability for marine pollution)
- *Oddy v. Waterway Partnership Equities Inc.*, 2019 BCCA 185 (Liability for houseboat accident)
- *S.A. v. Metro Vancouver Housing Corp.*, 2019 SCC 4; 2017 BCCA 2 (Entitlement to rental subsidy)
- *Kokanee Mortgage M.I.C. Ltd. v. Burrell*, 2018 BCCA 151 (Limitation of liability clause in a real estate appraisal)
- *British Columbia v. Canadian Forest Products Ltd.*, 2018 BCCA 124 (Liability for damages arising from a forest fire)
- *Winstanley v. Winstanley*, 2017 BCCA 265 (Estate litigation (resulting trust))
- *Ryan Mortgage Income Fund Inc. v Alpine Credits Limited*, 2017 BCCA 206 (Liability of real estate appraiser)
- *Dunn v. TD Canada Trust*, 2017 BCCA 90 (Interpretation of a term in will establishing a trust)
- *Chen v. Surrey (City)*, 2015 BCCA 57 (Judicial review of a decision of Human Rights Tribunal)
- *Dick v. Coquitlam (City)*, 2014 BCCA 471 (Appeal upholding the decision of the City to reject development permits)



- *Ganitano v Metro Vancouver Housing Corporation*, 2014 BCCA 10 (Relief from forfeiture of a residential tenancy)
- *Shelton-Johnson v Delta School District No. 37*, 2012 BCCA 439 (Interpretation of a contractual indemnity)
- *Squamish Indian Band v. Capilano Mobile Park*, 2012 BCCA 126 (Commercial land use; adequate representation)
- *Slocan Forest Products Ltd. v. Trapper Enterprises Ltd.*, 2011 BCCA 351 (Liability for fire loss)
- *Simon Fraser University v. Noble*, 2011 BCCA 334 (Judicial review of order of Information and Privacy Commissioner)

