

# APPELLATE ADVISORY



## WHY USE APPELLATE COUNSEL?

Trials and trial counsel are usually focused on the facts. Appeals are more about the record, the law, and “errors” that warrant appellate intervention. Appellate counsel can bring focus to these points. New, outside appellate counsel can also bring fresh insight and perspective to assist trial counsel who have typically been involved with the matter for a considerable time. Appellate counsel can also advise on the current practices and procedures of the British Columbia Court of Appeal and Supreme Court of Canada.

## OUR ROLE

The Appeals Practice Advisory Team can assist other lawyers in any of three different capacities, depending on your needs: as a behind-the-scenes advisor, in a co-counsel role, or as referral counsel. We respect referrals – the client is yours; we are here to help you both.

## OUR SERVICES

Our Appeals Practice Advisory Team has extensive experience in appellate work. We can help you with the substantive matters that lie at the heart of an appeal, such as consideration of the standards of review, formulation of errors and issues, and drafting the factum and preparing for oral argument. We can also guide and assist you with procedural aspects of appellate work, including applications for leave to appeal, preparing and filing the materials to prosecute or respond to an appeal, and preparing chambers applications.

We can assist in every aspect of an appeal in the British Columbia Court of Appeal, including: reviewing judgments and providing opinions as to the prospects of an appeal; drafting, reviewing, advising on, and filing, a notice of appeal or notice of application for leave to appeal; drafting, reviewing, researching, and arguing motions for leave to appeal; dealing with motions, affidavits and arguments for interlocutory applications, such as extensions of time, stays of execution and security for costs; factum writing and necessary legal research; preparing or reviewing all documents and materials necessary for an appeal; and attending at motions and appeals as counsel, co-counsel, or as agent.

We also have experience in Supreme Court of Canada applications for leave to appeal and appeals. We work with numerous Ottawa agents and have relationships with well-respected Supreme Court of Canada counsel.

## TEAM LEADER



EILEEN  
**VANDERBURGH**  
PARTNER

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## TEAM MEMBERS

- | Thea Hoogstraten
- | Kathryn McGoldrick
- | Sarah Richmond
- | Karen Zimmer

## OUR TEAM + EXPERIENCE

The core members of the Appeals Practice Advisory Team are [Eileen Vanderburgh](#), [Karen Zimmer](#), [Thea Hoogstraten](#) and [Kathryn McGoldrick](#). Other lawyers at Alexander Holburn Beaudin + Lang LLP 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, insurance disputes, labour and employment, administrative tribunals, bankruptcy and insolvency, construction law, transportation law, defamation, professional negligence and wills.

Our team has handled numerous appeals and applications for leave to appeal in the British Columbia Court of Appeal. We have dealt with motions for directions, extensions of time, security for costs, stays of execution and applications for intervenor status. On appeal, we have dealt with substantive matters including all manner of tort and contractual issues, judicial review from a range of tribunals and decision-makers, and defamation. We have also handled appeals involving procedural and costs issues.

## REPRESENTATIVE WORK

- *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: 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: real estate appraisal
- *Dunn v. TD Canada Trust*, 2017 BCCA 90: interpretation of term in will establishing a trust
- *Chen v. Surrey (City)*, 2015 BCCA 57: judicial review of decision of Human Rights Tribunal
- *Dick v. Coquitlam (City)*, 2014 BCCA 471: property bylaws
- *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 Information and Privacy Commissioner order

