

## Update From Lidstone & Company Litigation Team

### Matthew Voell Successfully Defends Aggressive Dog Determination on Appeal

Dog bylaws often impose requirements for dogs determined to be “aggressive” or “dangerous”, but such determinations can be challenged in court. In *Madi v. North Vancouver (District)*, [2025 BCCA 369](#), the dog owner argued that the determination of District staff was unreasonable and procedurally unfair, but the Court upheld the determination. This case will be a useful guide for local governments when carrying out (and defending) their dog designation processes.

### Sara Dubinsky Successfully Defends Issuance of Permits to Easement Holders in “Unusual and Rather Difficult Situation” in Court of Appeal

In *Armstrong v. North Saanich (District)*, [2025 BCCA 277](#), the Court of Appeal held that the District acted reasonably when it issued permits for a staircase to the holders of an easement, over the objection of the fee simple owners of the property. The Court ruled that the *Community Charter, Local Government Act*, and procedure bylaw authorized the District to proceed as it did in this “unusual” situation. Leave to appeal the decision is being sought from the Supreme Court of Canada.

### Anthony Price Successfully Defends City Regarding Alleged Contract

The municipal world has unique legal principles which apply to contracts, namely that contracts must be authorized directly by council or via authority delegated by council. In *Olson v Cranbrook (City)*, [2025 BCSC 2171](#), previous City staff stated that the City might pay for a portion of road work in a new subdivision. Years later (well after the staff had left the City), the subdivider argued those statements gave rise to an enforceable contract. The court held there was no enforceable contract, in part because the alleged contract had not been authorized by council.

If you have any questions about the above noted cases or related issues, please do not hesitate to contact Matt at [voell@lidstone.ca](mailto:voell@lidstone.ca), Sara at [dubinsky@lidstone.ca](mailto:dubinsky@lidstone.ca), or Anthony at [price@lidstone.ca](mailto:price@lidstone.ca).

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