

Update From Lidstone & Company Litigation Team

Sara Dubinsky Successfully Defends Remedial Action Resolution on Judicial Review

In *Ferstel v. Nanaimo (Regional District)*, [2026 BCSC 291](#), the BC Supreme Court dismissed a petition challenging a remedial action resolution (“RAR”) requiring the demolition of buildings declared hazardous and unsafe by the Regional District’s Board. Although the Petitioner had undertaken efforts to address the buildings’ condition, the Court held that the Board’s decision on reconsideration to uphold the RAR was reasonable. The Court further confirmed that a lack of unanimity among Board members does not render a decision unreasonable in law.

Matt Voell Successfully Defends Bylaw Notice Adjudication on Judicial Review

Property owners can be creative. In *Geddert v. Fraser Valley (Regional District)*, [2026 BCSC 268](#), the property owner argued that a woodshed was not a “structure” under the applicable zoning and building bylaws because it had been constructed on a trailer with wheels. The adjudicator rejected that argument and the BC Supreme Court upheld that decision on judicial review. The case confirms that affixing wheels to a structure will not necessarily place it beyond the reach of local government enforcement.

Catherine Li Secures Pre-Trial Dismissal of Claim Regarding Abandoned Personal Property

Sometimes sellers of real estate leave behind personal belongings after the possession date. In one recent Provincial Court decision, a seller transferred property to the Town of Osoyoos without removing numerous household furnishings and later sued the Town for compensation, alleging wrongful interference with his ownership of those items. The Town had retained the belongings and offered to return them to the claimant on three occasions without success. The Court dismissed the claim before trial, concluding that the claimant could not prove any loss and that proceeding further would not serve the interests of justice.

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Anthony Price Obtains Double Costs for Municipality Following Trial Victory

In *Olson v. Cranbrook (City)*, [2026 BCSC 278](#), the plaintiffs' claims were dismissed following a nine-day trial. The Court also awarded enhanced (double) costs to the City because it made a reasonable formal settlement offer that the plaintiffs declined, and their decision to proceed to trial resulted in an outcome less favourable than the offer. The decision highlights the strategic value of making formal settlement offers, as cost consequences may follow even where settlement is not ultimately achieved.

If you have any questions about the above noted cases or related issues, please do not hesitate to contact Sara at dubinsky@lidstone.ca, Matt at voell@lidstone.ca, Catherine at li@lidstone.ca or Anthony at price@lidstone.ca.

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