

Administrative Law Cheat Sheet – BCCAT Conference 2020/21

Principal of Law ¹	Recent Cases
Procedural and practice issues	
Exhaustion of internal remedies/prematurity	<ul style="list-style-type: none"> • <i>992704 Ontario Limited v. British Columbia (Assessor of Area #8 – Vancouver Sea to Sky)</i>, 2021 BCSC 1029 (appeal pending) • <i>Chu v. British Columbia (Police Complaint Commissioner)</i>, 2021 BCCA 174 • <i>O.K. Industries Ltd. v. District of Highlands</i>, 2021 BCSC 81 at paras. 111-122 • <i>Grimsmo v. Jones</i>, 2021 BCSC 575
Delay as a basis for dismissing a judicial review	<ul style="list-style-type: none"> • <i>Chiodo v. Doe</i>, 2021 BCSC 658 at paras. 32-48 • <i>Toor v. British Columbia (Superintendent of Motor Vehicles)</i>, 2020 BCSC 1701 at paras. 10-48
Record on judicial review	<ul style="list-style-type: none"> • <i>Morse v. Crystal River Court Ltd.</i>, 2021 BCSC 1868 at paras. 12-15 • <i>Jorgensen v. Surface Rights Board</i>, 2021 BCSC 396 at paras. 31-44 • <i>Chauhan v. The National Dental Examining Board of Canada</i>, 2021 BCSC 1538 at paras. 15-23
Whether reasons are required	<ul style="list-style-type: none"> • <i>Curran v. Victoria (City)</i>, 2021 BCSC 1552 at paras. 41-52
Convening an oral hearing	<ul style="list-style-type: none"> • <i>Weiss v. Worker’s Compensation Appeal Tribunal</i>, 2021 BCSC 231
In a multi-level administrative scheme, which decision is subject to review?	<ul style="list-style-type: none"> • <i>Jorgensen v. Surface Rights Board</i>, 2021 BCSC 396 at paras. 45-63 • <i>Beach Place Ventures Ltd. v. British Columbia (Employment Standards Tribunal)</i>, 2021 BCSC 1463 at paras. 50-53
Conversion of a petition to an action in a judicial review	<ul style="list-style-type: none"> • <i>Beedie (Keefer Street) Holdings Ltd. v. Vancouver (City)</i>, 2021 BCCA 160
Disclosure on judicial review	<ul style="list-style-type: none"> • <i>Fets Fine Foods Ltd. v. British Columbia (Liquor and Cannabis Regulation Branch)</i>, 2021 BCSC 1256

¹ This “cheat sheet” was prepared by Alandra Harlinton, Partner, Lovett Westmacott, as a resource for conference attendees. It is not intended to be an exhaustive list of leading cases on these topics.

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Interventions on a judicial review	<ul style="list-style-type: none"> • <i>Gibraltar Mines Ltd. v. Harvey</i>, 2021 BCSC 927
Addition of a party to a judicial review	<ul style="list-style-type: none"> • <i>Njoroge v. British Columbia (Information and Privacy Commissioner)</i>, 2021 BCSC 350
Tribunal standing	<ul style="list-style-type: none"> • <i>Chauhan v. The National Dental Examining Board of Canada</i>, 2021 BCSC 1538 at paras. 9-14
Is the decision subject to judicial review?	<ul style="list-style-type: none"> • <i>The Redeemed Christian Church of God v. New Westminster (City)</i>, 2021 BCSC 1401 • <i>A Lawyer v. The Law Society of British Columbia</i>, 2021 BCSC 914 at paras. 91-97
Standard of Review	
Statutory appeals applying appellate standards of review	<ul style="list-style-type: none"> • <i>Whieldon v. British Columbia College of Nurses and Midwives</i>, 2021 BCSC 1648 at paras. 29-36 • <i>Cassiar Jade Contracting Inc. v. Messmer</i>, 2021 BCSC 1963 at paras. 42-45
Standard of review for tribunals under the <i>Administrative Tribunals Act</i>	<ul style="list-style-type: none"> • <i>Wilson v. Covenant House Vancouver</i>, 2021 BCSC 1876 at paras. 22-35 • <i>Yellow Cab Company Ltd. v. Passenger Transportation Board</i>, 2021 BCSC 86 • <i>Halvarson v. Workers' Compensation Appeal Tribunal</i>, 2021 BCSC 71
Standard of review for decision-makers under the common law	<ul style="list-style-type: none"> • <i>Highlands District Community Association v. British Columbia (Attorney General)</i>, 2021 BCCA 232
Standard of review on stated cases	<ul style="list-style-type: none"> • <i>Beach v. Assessor of Area #01 - Capital</i>, 2021 BCSC 1770 at paras. 18-28 • <i>Allard v. British Columbia (Assessor of Area #24-Cariboo)</i>, 2021 BCSC 1088 at paras. 19-27
Judicial review of decision without reasons	<ul style="list-style-type: none"> • <i>Wilson v. Cowichan Valley (Regional District)</i>, 2021 BCSC 1735 • <i>Yu v. Richmond (City)</i>, 2021 BCCA 226 • <i>Ferguson Point Restaurants Inc. v. Vancouver Board of Parks and Recreation</i>, 2021 BCSC 1888