

Richmond News

Amacon asks court to reconsider ruling; Landlord wants evictions revisited by panel

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Byline: Nelson Bennett
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When the Appeal Court of B.C. upheld a lower court decision overturning more than 30 evictions at Richmond Gardens, Mark Allman suspected his landlord, Amacon Property Management Services, would not take no for an answer.

"We were waiting for the other shoe to drop, and here we go," Allman said.

He referred to a request Amacon has made that the Appeal Court reconsider its March 6 ruling.

In that ruling, the Appeal Court upheld a lower court decision that overturned more than 30 evictions allowed by a Residential Tenancy Office adjudicator.

The adjudicator had allowed the eviction of more than 30 tenants, saying that it would be more convenient for Amacon to renovate suites if they were empty.

The lower court had ruled that the arbitrator's decision was "patently unreasonable," and sent it back to the RTO.

Amacon appealed that decision. The Appeal Court agreed that with the lower court ruling that the RTO's adjudicator's decision had been patently unreasonable. But it disagreed that the matter still needed to be dealt with by the RTO, and ruled against sending it back for adjudication.

It is that decision that Amacon's lawyers are asking to be revisited.

"The issue of whether the Chambers judge erred in remitting the matter back to the Arbitrator was neither raised nor argued by the parties to the appeal," David Church, Amacon's lawyer, wrote in a letter to the Appeal Court registry.

"Given that the issue was not argued at the hearing, or addressed in either Factum, we are writing to request that the panel reconsider the issue."

Even if Amacon is successful in having the matter referred back to RTO, it will not change the fact that the B.C. Supreme Court and the B.C. Court of Appeal have both ruled against the evictions, said Louise Kim, the lawyer representing Richmond Gardens tenants in Amacon's appeal.

"We'll still be successful, unless they appeal to the Supreme Court of Canada," Kim said.

nbennett@richmond-news.com