



RICHARDS
BUELL
SUTTON LLP
Established in 1871



Practice Leader

Jonathan M.S. Woolley

Direct: 604.909.9313

Fax: 604.688.3830

jwoolley@rbs.ca

Lawyers

David L. Cayley

Alex L. Eged

Daniel D. Nugent

Michelle A. Quinn

Sabdeep Sidhu

James D. Vilvang, K.C.

Related Practices

Builders Liens

Commercial and Real Property
Litigation

Commercial Leasing Disputes

Construction

Debt Collection

Employment & Human Rights

Estate Litigation

Family

Insolvency

Insurance

Intellectual Property Disputes

Litigation & Dispute Resolution

APPELLATE ADVOCACY

The Lawyers at Richards Buell Sutton LLP have considerable experience advising and representing clients on appellate matters, including in the British Columbia Court of Appeal, the Yukon Court of Appeal, the Federal Court of Appeal, and the Supreme Court of Canada.

Our lawyers have successfully acted for both appellants and respondents in Canada's appellate courts, on numerous important cases. We also act on appeals to the superior courts from arbitrators' awards and decisions of the Small Claims Court. Our clients include individuals, corporations, and institutional clients whose important personal or business interests may be affected by the outcome of an appeal.

We are frequently consulted to provide opinions on the prospect of bringing or responding to an appeal, whether or not we acted as counsel at the lower court. We aim to prosecute appeals in a cost-effective manner for our clients, and can advise you on the merits, and likely costs, of an appeal before you proceed. Note that an appeal to the B.C. Court of Appeal must be commenced within 30 days.

A representative selection of our lawyers' appellate experience includes:

- *Grove v. Yukon (Ministry of Environment)*, 2022 YKCA 8: Successful appeal from a decision to strike out the plaintiff's claims against the Yukon government, in negligence and nuisance, arising from the government's alleged failure to manage a herd of wild elk that had caused damage to the plaintiffs' property.
- *Baring v. Grewal*, 2022 BCCA 42: Appeal arising from the foreclosure sale of a farm destroyed by the title holders prior to closing, involving numerous issues including the abatement of the purchase price, civil conspiracy, and quantification of damages.
- *Milly v. Kapelus*, 2021 BCCA 344: Chambers decision regarding whether a stay should be granted with respect to the orders under appeal.
- *Wang v. Shi*, 2021 BCCA 296: Appeal engaging novel issues of when a settlement agreement has been repudiated.
- *Prosperity Electric v. Aviva Insurance Company of Canada*, 2021 BCCA 237: Appeal



VANCOUVER OFFICE:

700 - 401 W GEORGIA STREET
VANCOUVER, BC CANADA V6B 5A1
TEL: 604.682.3664 FAX: 604.688.3830

SURREY OFFICE:

310 - 15117 101 AVENUE
SURREY, BC CANADA V3R 8P7
TEL: 604.582.7743 FAX: 604.582.7753

RBS.CA

Personal Injury

Shareholder and Partnership Disputes

notable to insurance policy interpretation, concerning the judicial interpretation of “physical loss or damage” to property and the necessity of proving harmful, physical alteration prior to triggering property insurance coverage.

- *Der v. Zhao*, 2021 BCCA 82: Notable appeal concerning the common law duty of homeowners to take reasonable care in removing snow and ice from municipal sidewalks adjacent to their residences.
- *Dhillon v. Robertson*, 2021 BCCA 77: Successfully sought order requiring appellants to post security for trial judgment pending the resolution of the appeal.
- *Ontario v. Quality Program Services Inc.*, 2020 FCA 53: Appeal from a judgment of the Federal Court, finding the appellant government ministry liable for trademark infringement through its use of an official mark.
- *Dubois v. Milne*, 2020 BCCA 216: Notable appeal of a finding of oppression pursuant to s. 227 of the Business Corporations Act arising from the breach of the reasonable expectations of a minority shareholder who was also an employee of the company.
- *Wang v. Jiang*, 2020 BCCA 165: Chambers decision of the Court of Appeal addressing extension to file an appeal, security for costs, and security for judgment.
- *Woo v. Crème De La Crumb Bakeshop Ltd.*, 2020 BCCA 172: Appeal of liability finding based on standard of care and causation rulings of the trial judge and response to cross appeal of 50% contributory negligence finding by the trial judge.
- *Goddard v. Bayside Property Services Ltd.*, 2019 BCCA 148: Appeal of judgment dismissing plaintiff’s action for damages from a slip and fall on stairs outside his residence.
- *Wei v. Li*, 2019 BCCA 114: Appeal of an order enforcing judgment from Chinese Intermediate People’s Court in British Columbia and challenge of amount of interest ordered to be paid on Chinese judgment.
- *Flying Frog Trading Co., Ltd. v. Amer Sports OYJ*, 2018 BCCA 384: Appeal from an order dismissing the defendant’s application to strike the claim against it on the ground that the court lacked jurisdiction.
- *Ackley v. Audette*, 2017 BCCA 283: Appeal of liability determination and damages award for pedestrian injured in motor vehicle accident.
- *Ecobase Enterprises Inc. v. Mass Enterprise Inc.*, 2017 BCCA 29: Appeal from a trial decision in a contractual dispute, where it was argued that the trial judge had provided inadequate reasons to explain a finding that promissory estoppel did not apply.

VANCOUVER OFFICE:

700 - 401 W GEORGIA STREET
VANCOUVER, BC CANADA V6B 5A1
TEL: 604.682.3664 FAX: 604.688.3830

SURREY OFFICE:

310 - 15117 101 AVENUE
SURREY, BC CANADA V3R 8P7
TEL: 604.582.7743 FAX: 604.582.7753

- *Wynward Insurance Group v. MS Developments Inc.*, 2016 BCCA 513: Notable appellate decision in relation to the interpretation of exclusion clauses in insurance contracts.
- *Strother v. Darc*, 2016 BCCA 297: Significant appellate decision in respect of the interpretation of contracts, specifically of collateral or “umbrella” agreements.
- *Litt v. Gill*, 2016 BCCA 288: Appeal in relation to collapsed sale of a subdivided parcel of land and the construction of a house on remaining two subdivided lots.
- *Suen v. Suen*, 2016 BCCA 107: The action was related to the beneficial entitlement of a father and son to a home they held as joint tenants. The issue on appeal as to whether the trial judge properly quantified the son’s unjust enrichment claim.
- *Jacobs v. Yehia*, 2016 BCCA 38: Significant appeal of a decision relating to breach of contract and unjust enrichment.
- *Robertson v. British Columbia*, 2014 BCCA 331: Appeal from a judicial review of a decision of the Teacher Regulation Branch, involving issues of res judicata and abuse of process by delay.
- *Suen v. Suen*, 2013 BCCA 313: An appeal related to whether there was an enforceable agreement between a father and son with respect to the financing and ownership of real estate.
- *Chouinard v. O’Connor*, 2011 BCCA 121: Appeal of procedural order that precluded suit against sports association, and which is notable for its discussion of the test for amending pleadings.
- *Saanich (District) v. Aviva Insurance Company*, 2011 BCCA 391: Appeal of order directing an insurer to defend the Corporation of Saanich.
- *Terrapin Mortgage v. Ruby Lake Country Developments*, 2011 BCCA 4: Appeal of conduct of sale order in foreclosure proceedings
- *Leskun v. Leskun*, 2006 SCC 25: Amicus curiae in appeal of a spousal support order.
- *Wewaykum Indian Band v. Canada*, 2002 SCC 79: Appeal concerning the Crown’s fiduciary duty to the Wewaykum Indian Band.