

February 11, 2020

BLOG

**COURT UPHOLDS NEW WESTMINSTER BUSINESS REGULATION BYLAW
TARGETING RENOVICIONS**

In *1193652 B.C. Ltd. v. New Westminster (City)*, 2020 BCSC 163, released on February 11, 2020, Chief Justice Hinkson dismissed a petition challenging the City of New Westminster’s *Business Regulations and Licensing (Rental Units) Bylaw No. 6926*. The petition, filed by the owner of a multi-family residential building seeking to evict tenants and perform renovations, asserted that the Bylaw was both beyond the City’s legislative authority to regulate in relation to businesses and rental units and in conflict with the *Residential Tenancy Act [RTA]*.

Hinkson C.J. found that the impugned Bylaw, which created a scheme protecting tenants from the practice of “renoviction”, was validly enacted within both s. 8(6) and 8(3)(g) of the *Community Charter* – the powers to regulate in relation to business and in relation to the health, safety or protection of persons. Further, he dismissed the petitioner’s arguments that the Bylaw was *ultra vires* because it related “in pith and substance” to landlord and tenant matters. The Court found that s. 10 of the *Community Charter* was both the only way to find a municipal bylaw inconsistent with a provincial enactment, and contemplated overlap between the two. While the Bylaw did exercise a municipal power in relation to matters also governed by the *RTA*, it did so in a way that was consistent with the *Act*.

Nick Falzon