

May 6, 2021

BULLETIN

BC COURT OF APPEAL UPHOLDS NEW WESTMINSTER'S RENOVICTION BYLAW

In *1193652 B.C. Ltd. v. New Westminster (City)*, [2021 BCCA 176](#) the British Columbia Court of Appeal ruled that the provisions of New Westminster's Business Regulation Bylaw targeting the practice of 'renoviction' were lawfully enacted under the *Community Charter*. The Court affirmed that municipalities have broad authority to tackle existing and future community needs, finding that the challenged bylaw "fit comfortably within the jurisdiction granted to the City by ss. 8(6) and 8(3)(g) of the *Community Charter*". Contrary to the appellant's suggestion, the Court found that the bylaw complemented the existing scheme under the *Residential Tenancy Act*, which did not grant a landlord any express right to charge market rent following a renoviction.

This case is a victory for local governments both because it confirms that they have jurisdiction to protect renters and for its more general approach to the interpretation of the fundamental municipal powers found at section 8 of the *Community Charter*.

Nick Falzon