

CANADA / JUDGMENT

Erickson et al v. Smith

2007 BCSC 165

COURT

Supreme Court of British Columbia

DECIDED

2 February 2007

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2007 BCSC 165 Erickson et al v. Smith IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Erickson et al v. Smith, 2007 BCSC 165 Date: 20070202 Docket: S102450 Registry: New Westminster Between: MARY ERICKSON & GLENN TURNER Petitioners And NOREEN SMITH Respondents Before: The Honourable Madam Justice C. J. Bruce Reasons for Judgment Counsel for Petitioners In Person Counsel for Respondents No one Appearing Date and Place of Trial/Hearing: January 30, 2007 New Westminster, B.C.

INTRODUCTION

- [1] This is an application by the Petitioners for judicial review of a decision of an arbitrator appointed pursuant to the Residential Tenancy Act S.B.C. 2002 c. 78. The Petitioners' application is pursuant to the Judicial Review Procedures Act R.S.B.C. c. 241.
- [2] The Petitioners properly served the Respondent with a copy of their petition and notice of the hearing of this matter by registered mail.
- [3] The matter came on for hearing before me on January 30, 2007. The Respondents failed to attend the hearing although they filed an affidavit in response to the petition.
- [4] Upon a review of the file, it has come to my attention that the Petitioners have failed to give notice of their application for judicial review to the Residential Tenancy Board and to the Attorney General. This prerequisite to a judicial review hearing is found in ss. 15 and 16 of the Judicial Review Procedures Act. These provisions provide as follows:
 - s. 15(1) For an application for judicial review in relation to the exercise, refusal to exercise, or proposed or purported exercise of a statutory power, the person who is authorized to exercise the power:
 - (a) must be served with notice of the application and a copy of the petition, and
 - (b) may be a party to the application, at the person's option. s.16(1) The Attorney General must be served with notice of an application for judicial review and notice of an appeal from a decision of the court with respect to the application.

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- (2) The Attorney General is entitled to be heard in person or by counsel at the hearing of the application or appeal. DECISION
- [5] The Petitioners' failure to serve the proper parties to their application for judicial review is a prerequisite to a hearing of the application on its merits. Accordingly, I am adjourning the Petitioners' application for judicial review to allow them time to properly serve the Residential Tenancy Board and the Attorney General pursuant to ss. 15 and 16 of the Judicial Review Procedures Act.
- [6] The Petitioners shall be at liberty to set this matter down for hearing seven (7) days from the date of service of the petition and notice of hearing on the Residential Tenancy Board and the Attorney General. Because a re-hearing of this matter may be necessary, the Petitioners must also serve notice of the hearing on the Respondent by registered mail.
- [7] I remain seized of this matter. "C.J. Bruce, J." The Honourable Madam Justice C.J. Bruce
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Prepared on 29 October 2026 · Esheria