

CANADA / JUDGMENT

# Gleason v. Mangat

2002 BCCA 350

## COURT

British Columbia Court of Appeal

## DECIDED

9 May 2002

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2002BCCA0350 Citation: Gleason et al v. Mangat et al Date: 20020509 2002 BCCA 350 Docket: CA029600 Registry: Vancouver COURT OF APPEAL FOR BRITISH COLUMBIA ORAL REASONS FOR JUDGMENT BEFORE THE HONOURABLE Mr. Justice Donald May 9, 2002 IN CHAMBERS Vancouver, B.C. BETWEEN: DOUG and CHRISTINE GLEASON APPELLANTS (PLAINTIFFS) AND: RAJ KAMAL MANGAT and KARMJIT MANGAT RESPONDENTS (DEFENDANTS) D. Gleason appearing in person R.K. Mangat appearing in person

- [1] DONALD, J.A.: This is an application for indigency status by the appellants. The appeal is taken from a decision of Mr. Justice Catliff reinstating the order of an arbitrator under the Residential Tenancy Act dated 16 January 2002 granting the respondents an order of possession.
- [2] The matter in this Court was first heard by Madam Justice Huddart on 2 April 2002. She said that she was not satisfied that Mr. Gleason had properly supported his claim of indigency on the financial information he provided. She gave him a further opportunity to provide better evidence and temporarily stayed the order of possession. But she told Mr. Gleason that he should move quickly on the matter and that he "would be well advised to get his materials in order for the actual application for leave to appeal".
- [3] Mr. Gleason appeared before Mr. Justice Hollinrake in chambers on April 16. He adjourned the matter to allow Mr. Gleason to apply for legal aid. On April 30th, the matter was again before the court. The clerk's notes read as follows: Extend the stay of execution to May 9, 2002. Mr. Gleason to have filed in this court materials necessary to support his indigency application and properly make application for stay and leave to appeal in accordance with the Rules and provide it to respondents. Appearance on that date pre-emptory.
- [4] Mr. Gleason appears this morning not having provided any proper information, that is a sworn affidavit regarding his earnings, nor has he provided any materials to support an application for leave to appeal. The application for indigency status is dismissed for want of prosecution and the stay of the order of possession is vacated. "The Honourable Mr. Justice Donald"

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