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ANNOTATED BRITISH COLUMBIA RESIDENTIAL TENANCY ACT

by Allan Wotherspoon
Release No. 1, April 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in April 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the April 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This latest release includes updates to the following chapters:

Annotated Residential Tenancy Act

Annotated Manufactured Home Park Tenancy Act

Human Rights Code

Author's Comments

In *Koyanagi v. Lewis*, the Court decided that occupation of a basement suite for the purpose of using it as a home office constituted occupation of the suite as a residence.

In *Hollyburn Properties Limited v. Staehli*, the Court set aside an arbitrator's decision because the arbitrator failed to give reasons for awarding the applicant a 75% abatement of rent when she had sought only a 30% abatement.

In *LaBrie v. Liu*, the Court set aside a notice to end a tenancy for non-payment of rent because the arbitrator reversed the burden of proof by requiring the tenant to prove that she had paid the rent rather than requiring the landlord to prove she had not. In addition, the arbitrator's failure to consider the doctrine of equitable estoppel was patently unreasonable.

Case Law Highlights

Koyanagi v. Lewis, 2021 CarswellBC 3327, 338 A.C.W.S. (3d) 456, 2021 BCSC 2062 (B.C. S.C.) — § **1:102**

Hollyburn Properties Limited v. Staehli, 2022 CarswellBC 31, 2022 BCSC 28 (B.C. S.C.) — §§ **1:155, 2:132**

LaBrie v. Liu, 2021 CarswellBC 4057, 2021 BCSC 2486 (B.C. S.C.) — §§ **1:155, 2:132**

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