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**ANNOTATED BRITISH COLUMBIA LAW  
AND EQUITY ACT**

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**Release No. 18, March 2019**

The **Annotated British Columbia Law and Equity Act** is the only book of its kind on the **Law and Equity Act**. It provides everything you need to know regarding the issues, legislation, principles and more. Inside you'll find concise digests of all relevant decisions from the British Columbia courts, legislative history and commentary for each provision. Topics covered are broad and include: mortgages and purchase agreements; relief against penalties and forfeitures and acceleration provisions; sureties; assignments of personalty and debts; family law matters including status, guardianship, maintenance, access, custody and education of infants; charitable trusts; construction law issues; RSPs and contract law issues.

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## What's New in this Update:

### Legislative Highlights

This release includes 61 annotations and covers sections 2, 8, 10, 18, 20, 21, 24, 27, 34, 39, 43, 44, 56, 57, 59(3) and 62 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

In 2018, there were no amendments to the *Law and Equity Act*, R.S.B.C. 1996, c. 253, nor to any of its subordinate enactments. The Act was last amended in March 2014. The *Law and Equity Regulation*, B.C. Reg. 352/81 was last amended May 2014. The *Notice to Mediate (Family) Regulation*, B.C. Reg. 296/2007 was last amended March 2013. The *Notice to Mediate (General) Regulation*, B.C. Reg. 4/2001, was last amended September 2013.

### Case Law highlights

**B.C. Law and Equity Act — Section 8** — The court upheld a ruling dismissing an action as an abuse of process based on the Supreme Court Civil Rules and s. 8 of the Act. The appellant had advanced a claim against her mother and brother for beneficial ownership of assets to which she had stated in an earlier divorce proceeding she held no beneficial interest. *Este v. Esteghamat-Ardakani*, 2018 BCCA 290 (B.C.C.A.) (affirming 2017 BCSC 878).

**B.C. Law and Equity Act — Section 24 (Statutory Penalties and Forfeitures)** — The parties disputed an option agreement over certain mining claims when the optionee failed to make timely payments and the option or attempted to use that failure as a basis to terminate the option. The court on appeal confirmed the lower court view that s. 24 authorizes relief from forfeiture, particularly in circumstances where the terms of the option contract failed to expressly make “time of the essence”. *Illidge v. Sona Resources Corporation*, 2018 BCCA 368 (B.C.C.A.).

**B.C. Law and Equity Act — Section 39** — The plaintiff appealed a *Mareva* injunction and preservation order that froze its world-wide assets, specifically a swiss bank account. The court considered and discussed the provisions of the Act and the case law that underpins *Mareva* injunctions extensively in determining that the lower court duly and correctly had considered the legal test for risk of dissipation of assets and the balance of convenience in making its order. *Kepis & Pobe Financial Group Inc. v. Timis Corporation*, 2018 BCCA 420 (B.C.C.A.).