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**ANNOTATED BRITISH COLUMBIA
RESIDENTIAL TENANCY ACT**

by Allan Wotherspoon

Release No. 40, March 2019

This latest release includes updates to the following chapters:

Annotated Residential Tenancy Act

Annotated Manufactured Home Park Tenancy Act

Human Rights Code

Strata Property Act

Practice Guide

Author's Comments

In *Gates v. Sahota*, the British Columbia Court of Appeal turned back an attempt by a tenant to commence a representative action in the British

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Columbia Supreme Court, holding that the cost of repairs to residential premises or residential property was not limited by the monetary jurisdiction of the *Residential Tenancy Act* and that multiple claims from different tenants each under the monetary limit could not be combined so as to bring the matter under the jurisdiction of the Supreme Court.

In *Shahgaidi v. Zhang*, the Court construed the test for liability in nuisance narrowly, holding that a landlord will not be held liable for the nuisance of a tenant, unless the premises were let for a purpose calculated to cause a nuisance. In this case the fact that the premises were rented with a sink, toilet, and bathtub and shower did not make the landlord liable for damage to an adjoining suite resulting from an egress of water from the suite caused by the tenant.

K'omoks First Nation v. Thordarson and Sorbie and *Chiodo v. Doe* illustrate differing ways first nations have chosen to deal with tenancy disputes where the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act* do not apply.

Case Law Highlights

Gates v. Sahota, 2018 CarswellBC 2661, 298 A.C.W.S. (3d) 174, 2018 BCCA 375 (B.C. C.A.) — **MH51(4):01, RT58(4):01**

Shahgaidi v. Zhang, 2018 CarswellBC 3166, 299 A.C.W.S. (3d) 641, 2018 BCSC 2082 (B.C. S.C.) — **MH26:01, RT32(1):01**

K'omoks First Nation v. Thordarson and Sorbie, 2018 CarswellBC 1135, 292 A.C.W.S. (3d) 6, 2018 BCPC 114 (B.C. Prov. Ct.) — **MH2(1):01, RT2:01**

Chiodo v. Doe, 2018 CarswellBC 3145, 299 A.C.W.S. (3d) 228, 2018 BCSC 2078 (B.C. S.C.) — **MH2(1):01, RT2:01**