

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: ***Dorman v. The Owners, Strata Plan
LMS784,***
2007 BCCA 513

Date: 20071018
Docket: CA034807

Between:

**William Dorman, Noemi Dorman, Grace Aburto,
Porfirio Aburto, David Lau, Sharon Skyes, Gurmeet Kaur Manhas, Robert
Bateman, Judy Batemen, Sandy Whalley, Diane Sullivan, Vincent Sheh, Vicki
Gibbons, Russ Bourne, Ronald Bourne, Waltraud Hildebrandt, Maria Almeida,
Pinar Oduncu, Dunuta Press and Rose Martincich**

Respondents
(Petitioners)

And

The Owners, Strata Plan LMS784

Appellant
(Respondent)

Before: The Honourable Mr. Justice Smith
The Honourable Mr. Justice Thackray
The Honourable Mr. Justice Lowry

Oral Reasons for Judgment

J. Sedlack	Speaking on behalf of The Owners, Strata Plan LMS784
H.C.C. Leung	Counsel for the Respondents William Dorman and Noemi Dorman
P.A. Williams	Counsel for the Administrator, J. Garth Cambrey
Place and Date:	Vancouver, British Columbia 18 October 2007

[1] **SMITH, J.A.:** This is an application to review a decision made by Madam Justice Levine of this Court in chambers in which she refused leave to appeal from a decision of the Supreme Court involving a dispute between two factions of owners of a strata building.

[2] The dispute concerns differing views as to how certain repairs in the two buildings that comprise the strata corporation should be carried out. Pursuant to a consent order, a secret ballot was held in which one method was approved. The faction represented here today by the strata council was not satisfied with that result and wished to have the secret ballot opened up to determine how the votes were cast.

[3] A Supreme Court chambers judge refused to do that, and council brought an application for leave to appeal which came on before Madam Justice Levine. In dismissing the application, she said the following:

[11] In my opinion, this case is one that is of interest and importance to the parties, but raises no issue of general importance. The issue here is a dispute between strata owners about different ways of reaching a result, which is the repair of their buildings. The consent order laid out certain alternatives for reaching that result. Having read that order and the reasons for judgment of the chambers judge, it is my opinion that there is no prospect for success; that is, based on the terms of the consent order, there is no likelihood that this Court would take a different view than that taken by the chambers judge.

[4] In order to succeed on this application, it is incumbent on the applicant to show that Madam Justice Levine made some error in law or some error in principle or that she misconceived the facts. I am not persuaded that any such error has

been shown or that there has been any misconception of the facts on her part, and I would dismiss the application

[5] **THACKRAY, J.A.:** I agree.

[6] **LOWRY, J.A.:** I agree.

[7] **SMITH, J.A.:** The application for review is dismissed.

(discussion with counsel regarding costs)

[8] **SMITH, J.A.:** We are all of the view that no basis has been shown for an award of special costs. We are also all of the view that there is no basis shown for departure from the usual rule of this Court that costs follow the event. There will be an order for costs on the ordinary scale in favour of Mr. Leung's clients.

"The Honourable Mr. Justice Smith"