

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Lamarche v. 447185 B.C. Ltd.*,
2025 BCCA 310

Date: 20250908
Docket: CA49828

Between:

Serge Noël Joseph Lamarche

Appellant
(Petitioner)

And

447185 B.C. Ltd. and Reginald Janzen, Administrator for 447185 B.C. Ltd.

Respondents
(Respondents)

Before: The Honourable Mr. Justice Willcock
The Honourable Justice Donegan
The Honourable Justice Riley

Supplementary Reasons to *Lamarche v. 447185 B.C. Ltd.*, 2025 BCCA 148,
Vancouver Docket CA49828.

The Appellant, on his own behalf:

S.N.J. Lamarche

Counsel for the Respondents:

A.M. Beal

Place and Date of Hearing:

Vancouver, British Columbia
March 25, 2025

Place and Date of Judgment:

Vancouver, British Columbia
May 8, 2025

Written Submissions Received:

June 3, 9, and 16, 2025

Place and Date of Supplementary
Judgment:

Vancouver, British Columbia
September 8, 2025

Supplementary Reasons by:

The Honourable Justice Riley

Concurred in by:

The Honourable Mr. Justice Willcock

The Honourable Justice Donegan

Summary:

These are supplemental reasons on costs. HELD: The respondents are awarded ordinary costs of the appeal. Mr. Lamarche has not shown a convincing basis for departing from the basic rule that costs should follow the event.

Supplementary Reasons for Judgment of the Honourable Justice Riley:

[1] Mr. Lamarche, whose appeal was dismissed in reasons indexed as *Lamarche v. 447185 B.C. Ltd.*, 2025 BCCA 148, submitted a supplementary written argument on costs, arguing that the respondents should not be awarded costs of the appeal.

[2] Mr. Lamarche says the Court should not follow the general rule that costs follow the event because: (i) requiring him to pay costs of the appeal will cause him undue financial hardship, (ii) such an order would have a disproportionate impact on him, considering that he will be forced to sell his mobile home or otherwise vacate the lot as a result of the Residential Tenancy Branch decision upheld on appeal, and (iii) there is a “stark” disparity between his financial circumstances and those of the respondents.

[3] The basic rule is that the successful party is to be awarded costs of the appeal, as provided for in s. 44 of the *Court of Appeal Act*, S.B.C. 2021, c. 6. The Court has the discretion to depart from this basic rule, however the case law holds that “litigation costs are, in general, based on the conduct and outcome of the litigation, not on the personal circumstances of litigants”: *Gadsby v. British Columbia (Attorney General)*, 2021 BCCA 388 at para. 4, citing *Brown v. Black Top Cabs Ltd.* (1997), 43 B.C.L.R. (3d) 76 (C.A.) at para. 16.

[4] In the case at bar, all three of the reasons why Mr. Lamarche says he should not have to pay costs relate principally, if not entirely, to his personal financial situation. Mr. Lamarche, as the owner of a mobile home situated at the respondent’s mobile park, must have appreciated that if and when his tenancy came to an end, he would have to vacate the lot. This presents a personal and logistical challenge for Mr. Lamarche. However, in the context of an appeal focused on a residential

tenancy at a mobile home park, it is not a convincing basis for departing from the general rule that costs should follow the event.

[5] The respondents are awarded ordinary costs of the appeal.

“The Honourable Justice Riley”

I AGREE:

“The Honourable Mr. Justice Willcock”

I AGREE:

“The Honourable Justice Donegan”