IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *West Vancouver (District of) v. Este,* 2026 BCSC 479

Date: 20260320
Docket: S247392
Registry: Vancouver

Between:

District of West Vancouver

Petitioner

And

Rosa Donna Este and Mina Esteghamat-Ardakani

Respondents

Before: The Honourable Justice E. McDonald

Reasons for Judgment

Counsel for the Petitioner:	E. Anderson
Counsel for the Respondent, R.D. Este:	M. Canofari
Counsel for the Respondent, M. Esteghamat-Ardakani:	A. Dhawan J. Wierenga
Mehran Taherkhani, appearing in person:	M. Taherkhani
Place and Date of Hearing:	Vancouver, B.C. January 13-14, 19-20 and 23, 2026
Place and Date of Judgment:	Vancouver, B.C. March 20, 2026

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Overview

[1] On dates in January 2026, numerous applications were heard in a long-running dispute involving a house on a property located on lands and premises with a civic address of 2668 Bellevue Avenue, legally described as PID 013-216-422, Lot 5, Block 33, District Lot 555, Plan 3058 (the "Property"). The reasons for judgment arise from the applications that were heard.

[2] In 2015, a fire damaged the house on the Property. In 2021, the District of West Vancouver (the "District") declared the house to be a "derelict structure" and issued a "Remedial Action Requirement" that the owners of the Property, Dr. Este and Ms. Esteghamat-Ardakani, seek a permit and demolish the house (the "Demolition Order"). Instead of demolishing the house, Dr. Este has carried out work that she submits has fully remediated and repaired the house so that it cannot be considered a derelict structure.

[3] In early 2025, the District filed a petition seeking declarations including that Dr. Este is contravening a by-law by carrying out work at the Property without a permit and an injunction restraining Dr. Este. The District obtained an interlocutory injunction which was later stayed pending appeal, so the District is now applying for a permanent statutory injunction.

[4] The other applications are brought by Dr. Este and, in general, they involve relief sought in opposition to the District's efforts to enforce the Demolition Order. Additionally, on January 14, 2026, Dr. Este's former spouse, Mr. Taherkhani, brought a without notice application in his family law claim against Dr. Este and Ms. Esteghamat-Ardakani returnable January 14, 2026. Mr. Taherkhani's application appears intended to prevent the demolition of the house pending the determination of the family law claim. I adjourned Mr. Taherkhani's application generally given that there is a trial set and a trial management judge assigned.

[5] Broadly speaking, the District and Ms. Esteghamat-Ardakani support demolishing the house, while Dr. Este and Mr. Taherkhani oppose. In Dr. Este's view, the house has now been fully repaired, and she disagrees that it is, or ever

was, a derelict structure after the fire. Dr. Este is also concerned that new evidence has now emerged that she says raises a triable issue relevant to whether the Demolition Order is valid and enforceable.

[6] These reasons for judgment will address the District's petition for a permanent injunction restraining interference with a remedial action requirement to demolish the house on the Property owned by Dr. Este and Ms. Esteghamat-Ardakani, as well as Dr. Este's applications seeking to: (a) refer the petition to the trial list; (b) set aside the December 24, 2025 interlocutory order that granted the District an interlocutory injunction; and (c) enjoin and restrain the District from taking steps towards demolishing the house on the Property.

Background

[7] Dr. Este and Ms. Esteghamat-Ardakani are the registered owners of the Property. Ms. Esteghamat-Ardakani is Dr. Este's mother. Dr. Este is a retired dentist who has lived in the house on the Property since 2003.

[8] As mentioned, in 2015, the house was damaged by fire. After the fire, Dr. Este and the District had years of interactions concerning the future of the Property. Initially, Dr. Este wished to replace the fire-damaged house with a new house and she provided information in support of the District concluding that the damage was so extensive, that a Demolition Order should be issued. In 2021, the District made the Demolition Order based on its decision that the fire-damaged house was derelict.

[9] However, Ms. Esteghamat-Ardakani communicated to the District that she opposed granting a building permit for the construction of a new house on the Property. As a result, the District also decided in 2021 that it would not grant Dr. Este a permit to build a new house on the Property.

[10] When a building permit for a new house was not granted, Dr. Este began opposing the District's Demolition Order. Dr. Este also challenged the District's refusal to grant her a building permit to construct a new house. The District's

decisions, including the Demolition Order, were the subject of an unsuccessful judicial review proceeding commenced in 2021 by Dr. Este.

[11] The decisions concerning the judicial review proceeding are indexed as *Este v. District of West Vancouver*, 2022 BCSC 584, affirmed at *Este v. West Vancouver (District)*, 2022 BCCA 445 [*Willcock Reasons*], leave to appeal dismissed *Rosa Donna Este v. District of West Vancouver et al*, 2023 CanLII 54515 (SCC).

[12] In *Este v. District of West Vancouver*, 2022 BCSC 584, the first decision concerning the judicial review proceedings, Justice Burke summarized the background of the litigation involving the Property by referencing the history as it was laid out by Justice Saunders in *Este v. Esteghamat-Ardakani*, 2020 BCCA 202:

> [2] The Property has been the subject of much litigation, making the history of this matter long and complex. In *Este v. Esteghamat-Ardakani*, 2020 BCCA 202 [*Este CA*], the Court summarized the background of the Property as follows:
>
> > [3] In 2003, Mina and Donna purchased the property. Donna resided in the residence on the property until 2015, when a fire caused such extensive damage to the residence that it must be demolished.
> >
> > [4] An insurance policy taken out by Donna covered the residence and its contents. The policy is said to allow for two possible options of insurance benefits: either “extended replacement cost and rebuilding-to-code” coverage, which the judge said had a value of $5.6 million, or “verified replacement-cost” coverage, said to have a value of $1.6 million.
> >
> > [5] The insurance company has extended the time limit for Donna to elect the extended replacement cost and building option, and the appeal proceeded on the basis that such was still available. There is no evidence, however, that the insurance company has irrevocably committed to a payout on the basis of extended replacement cost.
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> > [6] The property has been the subject of litigation in family law proceedings between Donna and her former husband, in addition to these proceedings. In that family litigation, Donna’s former husband claimed an interest in the property. In filed documents Donna swore that Mina was the sole beneficial owner of the property, and she gave evidence to that effect. The family claim was resolved by a consent order made in May 2014 in which the former husband’s claim of an interest in the property was effectively dismissed.
> >
> > [7] This action was commenced by Donna in February 2015. In it she claims interests in several properties and funds, including that she is the sole beneficial owner of the property in dispute before us.

> Donna alleges that Mina suggested to her that both she and Mina be registered as owners of the property in joint tenancy, that Mina wrongly severed the joint tenancy with the result the title records ownership as tenants in common, and that Mina's entire registered interest in the property is held for her benefit. That is, Donna alleges in the amended notice of civil claim that she is the sole beneficial owner of the property.
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> [8] Mina filed a response to the notice of civil claim as well as a counterclaim. In it Mina alleges that she and Donna each hold a 50% interest in the property. In relation to the property, Mina seeks partition and sale pursuant to the *Partition of Property Act*, R.S.B.C. 1996, c. 347, damages, and an accounting.
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> [9] At the trial in May 2017, Mina applied for dismissal of the action on the basis of abuse of process. In particular, Mina contended that Donna's position concerning the property in this action was inconsistent with the ownership interests she had advanced in the family proceedings, and an abuse of the judicial process. The judge agreed and dismissed Donna's claim against Mina in its entirety. The counterclaim remains outstanding.
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> [10] Donna appealed from the order dismissing her action. By reasons for judgment indexed as 2018 BCCA 290, leave to appeal ref'd [2018] S.C.C.A. No. 477, this court dismissed the appeal, upholding the judge's conclusions that Donna had engaged in deceitful conduct that amounted to abuse of process warranting dismissal of her claim.
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> [11] After Donna's claim was dismissed, the consent order in the family claim was set aside and the family claim was reopened. Donna's former husband again asserts an interest in the property, by way of a contended interest in "family property" under the *Family Law Act*, S.B.C. 2011, c. 25.
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> [12] In the context of the dispute before us, Donna and Mina do not agree that the residence should be rebuilt. Donna wishes to rebuild it using insurance proceeds and has requested Mina to sign an authorization to secure demolition and building permits; Mina has refused, preferring that her application for partition and sale proceed without rebuilding the residence.

[13] In the background to the present proceeding, there have been numerous other proceedings and judicial decisions respecting the parties and the Property. For example, there are family law proceedings involving Dr. Este and her former spouse, Mr. Mehran Taherkhani, that among other things, implicate the Property as family property. There is also a civil claim involving Dr. Este and, among others, Ms. Esteghamat-Ardakani.

[14] The procedural history of the family law proceedings and the claim between Dr. Este and Ms. Esteghamat-Ardakani were summarized by Justice Marzari in reasons for judgment granting the District an interlocutory injunction on December 24, 2024 (the "Interlocutory Order"). Justice Marzari's reasons for judgment respecting the Interlocutory Order are indexed as *West Vancouver (District) v. Este*, 2024 BCSC 2363 [*Marzari Reasons*], in which she summarized the procedural and litigation history as follows:

> [10] This Property has been the subject of litigation for many years, between multiple parties. I will attempt to summarize these proceedings below.
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> **Family Litigation**
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> [11] Mr. Taherkhani filed a Notice of Family Claim on May 22, 2013, seeking a divorce and various forms of corollary relief, including a claimed interest in the Property (the "Family Proceedings"). In filed documents, Dr. Este swore that Ms. Esteghamat-Ardakani was the sole beneficial owner of the Property.
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> [12] On May 27, 2014, the Family Proceedings were resolved by a consent order made by Justice Skolrood (as he then was), in which Mr. Taherkhani's claim of an interest in the Property was effectively dismissed.
>
> [13] Later, in 2017, Mr. Taherkhani brought an application to rescind the settlement agreement and set aside those parts of the May 27, 2014, order of Skolrood J. dealing with corollary relief on the basis that Dr. Este had falsely represented the nature and extent of her property ownership in the circumstances leading up to that agreement and order.
>
> [14] On February 7, 2018, Justice Pearlman granted the application, ordering that Mr. Taherkhani's notice of family claim was to proceed as if no settlement was reached and no court order for corollary relief was made. This decision was upheld by the Court of Appeal by reasons for judgment indexed as 2023 BCCA 290, leave to appeal to SCC ref'd, 40928 (21 March 2024).
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> [15] There has yet to be a trial of the Family Proceedings. I am advised that, after having been rescheduled a number of times, the trial is currently set for April 2026.
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> **Property Disputes Between Dr. Este and Ms. Esteghamat-Ardakani**
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> [16] In February 2015, Dr. Este commenced an action against Ms. Esteghamat-Ardakani, claiming interests in several properties and funds, including that she was the sole beneficial owner of the Property.
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> [17] At the trial in May 2017, Ms. Esteghamat-Ardakani applied for dismissal of the action on the basis of abuse of process. In particular, she contended that Dr. Este's position was inconsistent with the ownership interests she had previously alleged in the Family Proceedings.

[18] Justice Funt agreed, dismissing Dr. Este's action on the basis that it was an abuse of process, by reasons for judgment indexed as 2017 BCSC 878, aff'd 2018 BCCA 290, leave to appeal to SCC ref'd 38384 (14 March 2019).

[19] A further dispute arose between Dr. Este and Ms. Esteghamat-Ardakani as to whether the fire-damaged House should be rebuilt. Dr. Este wished to design and build a new house on the Property using insurance proceeds, but Ms. Esteghamat-Ardakani did not, refusing to sign an authorization to secure the appropriate building permits.

[20] On December 3, 2019, Dr. Este applied for a mandatory injunction compelling Ms. Esteghamat-Ardakani to sign an authorization allowing Dr. Este to act on her behalf in order to secure the permits. By reasons for judgment indexed as 2019 BCSC 2214, Justice Giaschi allowed the application and issued the injunction.

[21] However, for reasons indexed as 2020 BCCA 202, leave to appeal to SCC ref'd, 39458 (1 April 2021), the Court of Appeal determined that it was not open to Dr. Este to demand Ms. Esteghamat-Ardakani take any action in respect of the use of the Property: para. 47. Moreover, as part of a tenancy in common, absent a positive act of destruction or agreement to the contrary, Ms. Esteghamat-Ardakani was immune from a mandatory injunction compelling her to act so as to alter the Property, even if the alteration may have improved its value: para. 48. The Court of Appeal therefore allowed the appeal, and set aside the order.

Judicial Review of Permit and Demolition Decisions

[22] In 2021, Dr. Este alone applied for a permit to build a new house on the Property. By decisions in March, June, and September 2021, the District refused to grant the building permit (the "Permit Decision") and on March 29, 2021, confirmed the Demolition Order, which was to go ahead without a permit for the construction of a new house on the Property.

[23] Shortly afterward, Dr. Este applied for judicial review of the Permit Decision and the Demolition Order.

[24] At issue on judicial review was whether Ms. Esteghamat-Ardakani, as a co-owner, was required to support Dr. Este's application for a permit to demolish and rebuild a new house on the Property. The District took the position that the bylaw requires *all* owners to participate in a permit application, and refused the application on the grounds that it had not been made on behalf of both registered owners. Dr. Este argued that this was an unreasonable decision and interpretation of the bylaw.

[25] By reasons for judgment indexed at 2022 BCSC 584, Justice Burke dismissed the petition for judicial review, finding that the Permit Decision was reasonable, and the Demolition Order was both reasonable and procedurally fair. In doing so, the Court agreed with the District's interpretation of the bylaw, concluding that it was reasonable for the District to refuse to consider an application for a building permit that was not made by or on behalf of all registered owners: paras. 51–54.

> [26] The Court of Appeal dismissed Dr. Este's appeal of the judicial review, by reasons for judgment indexed at 2022 BCCA 445, leave to appeal to SCC ref'd, 40599 (22 June 2023).
>
> [27] On October 26, 2023, Dr. Este's application for a stay of execution of the Demolition Order was dismissed by Justice Tammen.

[15] On July 10, 2025, Dr. Este was granted leave to appeal from the Interlocutory Order and the Interlocutory Order was stayed. Justice Butler's reasons for judgment are indexed as *Este v. West Vancouver (District)*, 2025 BCCA 269 [*Butler Reasons*]. There, Justice Butler provides some additional background to the Interlocutory Order and petition presently before the court:

> [3] The present appeal concerns the District's ongoing efforts to have the house demolished.
>
> [4] On December 14, 2020, the District passed a remedial action requirement ("RAR") under ss. 72–74 of the *Community Charter*, S.B.C. 2003, c. 26, requiring the house be demolished (the "Demolition Order"). On March 29, 2021, the District affirmed this resolution.
>
> [5] In the court below, the District brought an application for several injunctions under s. 274(1) of the *Community Charter*. The injunctions were aimed at preventing Dr. Este from interfering with the execution of the Demolition Order and violating the *Building Bylaw*, Bylaw No. 4400, 2004.
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> [6] The judge agreed with the District. She found there was uncontested evidence Dr. Este had breached both the Demolition Order and the *Building Bylaw*. She found Dr. Este had engaged in unpermitted demolition and renovation works on the house. She also found Dr. Este had interfered with stop work orders and the ability of the District to proceed with demolition of the house in accordance with the Demolition Order: RFJ at para. 41.
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> [7] The judge considered and rejected Dr. Este's various claims, including that the Demolition Order was invalid, inapplicable, or otherwise unenforceable, and that the District was required to issue her permits to keep and repair the house rather than demolish it. She found these issues had already been resolved by the Supreme Court and Court of Appeal in prior decisions concerning the house and the Demolition Order. According to the judge, Dr. Este's arguments amounted to an impermissible collateral attack on existing orders of the court: RFJ at paras. 38, 42–51.
>
> [8] The judge therefore granted the orders sought by the District as follows (from para. 67 of the RFJ):
>
> > a) An interlocutory order, pursuant to s. 274(1) of the *Community Charter*, enjoining and restraining the Respondent Rosa Donna Este, her agents, servants, employees, contractors, or any other person having notice of this order from doing any of the following on or from the lands and premises with a civic address of 2668 Bellevue Avenue,

legally described as PID 013-216-422, Lot 5, Block 33, District Lot 555, Plan 3058 (the "Property"):

i. carrying out any construction or demolition work upon the Property without a valid and subsisting permit issued to that person for the subject work, contrary to section 5.1 of the Building Bylaw;

iii. removing, defacing, obscuring or otherwise tampering with any Stop Work Order posted on or near the Property, contrary to section 5.3 of the Building Bylaw;

iii. obstructing the entry of the District's Building Inspectors, including Bylaw Officers, on and into the Property, contrary to section 5.4 of the Building Bylaw; and

iv. obstructing the entry of District building contractors on and into the Property, contrary to the District of West Vancouver Demolition Order dated December 14, 2020 (the "Remedial Action Requirement");

b) An interlocutory order, pursuant to s. 274(1) of the Community Charter, preventing the Respondent Rosa Donna Este from further interfering with the carrying out of the Remedial Action Requirement by prohibiting her from attending on or within 100 feet of the Property, until the demolition work ordered by the Remedial Action Requirement has been fully completed;

c) An order that this injunction will remain in effect pending final disposition of the petition in this proceeding; and

d) An order that the petition in this matter will be filed within 30 days of the date of this order.

[9] On appeal, Dr. Este claims the judge erred concerning the reasonableness, validity, and applicability of the Demolition Order. She also maintains she did not violate the *Building Bylaw*. In addition, Dr. Este argues the judge was not made aware of certain facts pertaining to Ms. Esteghamat-Ardakani's health and seeks to adduce fresh evidence in that regard.

[10] According to Dr. Este, the judge also erred by failing to recuse herself based on a reasonable apprehension of bias. Dr. Este's concern is that before being appointed to the bench, the judge had worked at the firm representing the District. During the hearing below, in oral submissions, Dr. Este raised this issue prior to the hearing and advanced an application asking the judge to recuse herself on this basis. The judge dismissed the application, noting that almost seven years had elapsed since she had worked at the firm and stating she could not recall having ever been involved in the file or related matters.

[11] However, in the course of submissions on the recusal application, the judge made a number of comments that are relevant to the application before me today, including:

I need to understand if you think that there's a chance that I was somehow involved in this case prior to 2017…

> I would be concerned if I had — and I certainly have looked at all the names of the affiants. I don't recognize anybody's names. I don't recall being involved in this file whatsoever. I think it arose after my appointment. But if there's been some correspondence in 2017 or earlier, it would be wise to bring it to my attention so that I am not in a situation where I find out later that I had some involvement and I wasn't — that I can't recall at this time…
>
> ... and I need you to respect my decision because it's my decision as to whether or not I can be impartial in this, subject to me being advised that I was involved in your file prior — you know, in 2017 or earlier. Is there any possibility that that was the case?...
>
> I'm going to ask, is anybody else aware? Ms. Anderson, [counsel for the District of West Vancouver] are you aware when this matter first arose? (Ms. Anderson stated she could not recall any involvement prior to 2020.)

[12] In making her decision on the recusal application, the judge stated:

> I have no concerns that I am biased in this case or that I'm impartial or that I've had any involvement through my former law firm, as I said, which I have no longer been involved with since December 2017. So I am going to proceed to hear the case today.

[13] Counsel for the District has very recently filed an affidavit alerting the Court to the fact that the judge, while practicing at the firm, had sent an email to employees of the District advising them on matters related to the possible demolition of Dr. Este's home. This information about the judge's prior involvement in the matter under appeal is clearly relevant to Dr. Este's allegation of apprehension of bias. For the reasons that follow, I conclude Dr. Este's applications must be granted.

[16] Justice Butler also concluded that the new information about the legal advice meant there was at least an arguable case "regarding the ground of appeal based on a reasonable apprehension of bias": *Butler Reasons* at para. 29.

[17] After granting leave to appeal on the apparent arguable case of reasonable apprehension of bias, Justice Butler stated he did not need to consider the merits of the other grounds of appeal that, on first blush, appeared "weak": *Butler Reasons* at para. 30. Justice Butler concluded the interests of justice necessitated granting leave to appeal, finding that that the issue raised had importance to the practice of law and significance to the action itself, in that success on appeal would prevent the District from carrying out the demolition order, "*at least until the matter is reheard or the underlying petition resolved*": *Butler Reasons* at paras. 32-33 [Emphasis added].

[18] As mentioned, the District now seeks to have the underlying petition resolved. Dr. Este also seeks, in effect, to have the judicial review matter reheard by applying, among other things, to set aside the Interlocutory Order. Dr. Este also submits that the email disclosed by the Distirct during the leave application provides new evidence about a triable issue.

[19] I will consider the District's petition at the same time as Dr. Este's applications seeking to set aside the Interlocutory Order and to convert the petition to an action. I decided it is appropriate to proceed this way for efficiency, since doing so could potentially eliminate the need to consider some of Dr. Este's other applications, for example, her October 20, 2025, application to set aside the Interlocutory Order and her November 14, 2024, application to preserve the Property.

The District's Petition and Dr. Este's Applications to Set Aside Interlocutory Order and Refer Petition to Trial List

[20] The District's petition filed January 21, 2025, seeks a declaration that Dr. Este is contravening the District's Building Bylaw No. 4400, 2004. The District also seeks an injunction restraining the respondents, Dr. Este and Ms. Esteghamat-Ardakani, and their agents, employees, etc., from doing a variety of things on or at the Property.

[21] Ms. Esteghamat-Ardakani does not oppose the relief sought, but Dr. Este does oppose.

Service Issue

[22] As a preliminary matter, I will address Dr. Este's submission that the District failed to serve her with the notice of hearing of the petition.

[23] The District relies on the affidavit of a paralegal, Ms. Jarvis, made January 22, 2026. Ms. Jarvis attaches information about the material served on Dr. Este and other parties in this proceeding as exhibits to her affidavit. Ms. Jarvis affirms that she arranged for a courier to deliver the notice of hearing for the petition to Dr. Este's address at 1588 West 23rd Street, West Vancouver, which is the address that

Dr. Este provided to the District in other proceedings. There is also evidence confirming that on December 16, 2025, the District's counsel emailed the notice of hearing to Dr. Este and other parties.

[24] Dr. Este submits that she requires service by mail, and she will not accept service by email. On December 16, 2025, Dr. Este emailed counsel for the District stating that she had not been personally served with the notice of hearing of the District's petition. The District's counsel responded by email and explained, correctly in my view, that personal service was not required. I find that when Dr. Este asked the parties for hard copies of their material, they provided those copies to her at her mailing address.

[25] I find that Dr. Este was properly served with the notice of hearing and the petition material.

The Law Respecting a Permanent Statutory Injunction

[26] Section 274(1) of the *Community Charter*, S.B.C. 2003, c. 26 [*Community Charter*], provides that a municipality may apply in the Supreme Court of British Columbia to enforce, or prevent or restrain contravention of a bylaw or resolution of the council under the *Community Charter* or a provision of the *Community Charter* or the *Local Government Act*, R.S.B.C. 2015, c. 1.

[27] In *Sunshine Coast (Regional District) v. Vanderhaeghe*, 2024 BCCA 169 [*Sunshine Coast*], the Court of Appeal described the requirements for obtaining a permanent statutory injunction:

> [87] To obtain a permanent statutory injunction, the local government must prove, on a balance of probabilities, a breach of the relevant bylaw: *Abbotsford (City) v. Mary Jane's Glass & Gifts Ltd.*, 2017 BCSC 237 at para. 43; *Thompson-Nicola Regional District v. 0751548 B.C. Ltd.*, 2014 BCSC 1867 at para. 119. As a general rule, once the local government demonstrates there has been a breach of a bylaw, the court has limited discretion to deny a statutory injunction to enforce a public right: *District of West Vancouver (Corporation of) v. Liu*, 2016 BCCA 96 at para. 68; *Burnaby (City) v. Oh*, 2011 BCCA 222 at para. 41, leave to appeal to SCC ref'd, 34373 (8 December 2011).

> [88] Where an injunction is sought to enforce a public right, the courts will be reluctant to refuse it on discretionary grounds. To the extent that the subject of the injunction may suffer hardship from its imposition and enforcement, that will not outweigh the public interest in having the law obeyed: *Maple Ridge (District of) v. Thornhill Aggregates Ltd.*, 1998 CanLII 6446 (B.C.C.A.) at para. 9.

Has Dr. Este Contravened the Bylaw?

[28] In the petition, the District seeks a declaration that Dr. Este has contravened the District's Building Bylaw No. 4400, 2004 (the "Bylaw").

[29] Section 5.1 of the Bylaw prohibits construction of any building or structure "without a Permit being first obtained from the Building Inspector". Sections 5.2 and 5.5, respectively, prohibit persons from tampering with any notice posted or affixed to any Building pursuant to any Bylaw provision or obstructing the entry of the Building Inspector acting to enforce the Bylaw.

[30] Sections 6.1.4 and 6.1.9 of the Bylaw authorize the Building Inspector to suspend a Permit where the Bylaw is contravened or direct that a Building or Structure not be occupied or vacated where the Building Inspector opines a hazard exits.

[31] The District submits that Dr. Este or her agents violated the Bylaw by commencing and continuing to carry out construction on the house without a permit, tampering with notices posted at the Property by employees of the District, obstructing the Building Inspector's entry on the Property, and occupying the house where the Building Inspector ordered the cessation of work and vacating of the house.

Has Dr. Este Carried out Unpermitted Work?

[32] There is no dispute that Dr. Este has caused extensive work to be carried out on the house since the Demolition Order was issued. The District submits that the Bylaw applies and it clearly prohibits the work that Dr. Este, by her own evidence, has carried out.

[33] Dr. Este's main argument is that the work carried out requires no permit because it is repair and remediation work authorized by the 2010 building permit. Dr. Este also argues that because of her unsuccessful efforts to obtain a permit and building inspection, the District ought to be required to regularize the work, for example, by conducting an inspection and levying fines, if necessary.

Does the Work Carried Out Require a Permit?

[34] As already mentioned, s. 5.1 of the Bylaw stipulates that no construction on a structure shall be carried out "without a Permit being first obtained from the Building Inspector". Section 13.3 of the Bylaw provides that permits expire after a maximum period of 18 months, which means that the 2010 permit expired long ago. There is no evidence that the 2010 permit was ever extended under s. 13.4.

[35] Dr. Este argues that the work she carried out merely repairs the house as authorized by the 2010 building permit and, in her view, the work has brought the structure into conformity with the current BC Building Code. As support for that position, Dr. Este relies on a letter dated November 1, 2024, from a professional engineer, Saeid Sadeghi, stating that the fire damaged portion of the house was removed and replaced as per his structural drawings and instructions. The letter further states that the structural framing of those areas "have been inspected after the framing completion, and approved as per plans, and in accordance with the 2018 BCBC". This letter is attached as Exhibit "B" to Dr. Este's affidavit made October 14, 2025.

[36] The District does not dispute that in 2010, it granted Dr. Este a permit to renovate the house. Also, the District does not dispute that there was an occupancy permit issued after the completion of the 2010 renovations to the house.

[37] However, Dr. Este's submission that she did not need a building permit for the work she carried out on the house since the Demolition Order was issued is problematic. It ignores the evidence that the 2010 renovations were long ago completed and the permit was closed when final inspection was carried out in 2012. It also ignores Dr. Este's own evidence that the work carried out complies with the

2018 Building Code, which was not the version of the code when the earlier renovations were completed and finally inspected in 2012.

[38] The District submits that the 2010 building permit is not a valid permit respecting the work Dr. Este has carried out since the Demolition Order. Mr. O'Connor, the District's Manager of Bylaw and Licencing Services, states in his affidavit made October 25, 2024, that the respondents never applied for a demolition permit as required by the District's Remedial Action Requirement decision, so the District commenced the process itself. There is no dispute that the respondents never applied for a demolition permit.

[39] Mr. O'Connor deposed that the District provided the property owners with notice that default work (i.e. the demolition) would be carried out on the Property and they needed to remove their personal effects before June 11, 2024. Mr. O'Connor further states that he was advised by the demolition contractor hired by the District in an email that they had attempted without success to commence work on the Property. In my view, this email is admissible for the fact that the statement was made, but not for the truth of its contents.

[40] On August 8, 2024, Mr. O'Connor went to the Property with another District employee and two police officers in response to a complaint about construction work on the Property without permits. Mr. O'Connor observed six to eight workers on the Property, none of whom were retained by the District. He further observed that "substantial and active work and modifications had been done to the structure on the Property without a permit". Mr. O'Connor took photographs during his inspection of the Property on August 8, 2024, showing what he describes as "the unpermitted work".

[41] The District's evidence amply demonstrates that the work was being carried out on the house without a valid active permit issued by the District.

Is the District Required to Regularize the Unpermitted Work?

[42] Dr. Este referred me to authorities as support for her submission that the District should be required to inspect and regularize the work she has carried out on the house without a valid permit.

[43] Dr. Este primarily relies on *Rehberg v. Halifax Regional Municipality*, 2018 NSSC 142 [*Rehberg* NSSC] (rev'd *Halifax (Regional Municipality) v. Rehberg*, 2019 NSCA 65 [*Rehberg* NCCA]) for the proposition that a municipal government has an ongoing obligation to re-assess the state of the premise subject to remedial action for demolition. Dr. Este specifically relies on para. 63 of *Rehberg* NSSC, where the judicial review judge found that the municipality's determination of whether the premises was dangerous or unhealthy should have included a consideration of the existing use of the property and building. Dr. Este submits that *Rehberg* NSSC demonstrates that the District should be required to consider the current state of the house, including the work she had carried out, as part of deciding whether it must be demolished.

[44] However, in reversing *Rehberg* NSSC, the Nova Scotia Court of Appeal determined that the judicial review judge asked the wrong question, namely, whether the premises were dangerous or unsightly: *Rehberg* NSCA at paras. 44-45. The Nova Scotia Court of Appeal said the *only* question the Court should have asked was the appropriate standard of review and then applied it correctly: *Rehberg* NSCA at para. 46. The Court found the record provided ample justification for the municipality's decision for refusing an extension.

[45] Dr. Este also referred me to, for example, *McLaren v. Castlegar (City)*, 2010 BCSC 1629, where the city had passed a resolution imposing a remedial action requirement to demolish property owned by the petitioners because the buildings were hazardous and unsafe. The owners' application to judicially review the City's decision was dismissed because the court found the decision was reasonable.

[46] Dr. Este points out that in *McLaren*, the City inspected buildings on the property and provided a list of deficiencies along with an opportunity to fix the

deficiencies, and it was only after the owners failed to fix the deficiencies that a demolition order was issued. Therefore, Dr. Este submits that the District has failed to take reasonable steps, such as inspecting the house and giving her an opportunity to fix any deficiencies as the City did in *McLaren*.

[47] In my view, neither *McLaren* nor any of the other cases that Dr. Este referred me to are of assistance to Dr. Este. That is primarily because in the present circumstances, Dr. Este's judicial review of the District's Demolition Order decision has already been heard and finally decided. The reasonableness of the Demolition Order is not the issue before me.

[48] I was also referred to *Fraser Valley (Regional District) v. 13HE13 Holdings Corp.*, 2025 BCSC 1590, para. 42; *Surrey (City) v. Randhawa*, 2026 BCSC 16, Surrey (City) v. Sidhu, 2023 BCSC 1837 and *Corporation of the District of Saanich v. Kinney*, 2025 BCSC 1132 as authorities that respond to Dr. Este's submission that the District ought to retroactively inspect and approve the work she carried out on the house. In my view, these cases stand for the proposition that a municipal government may in fact require demolition and removal of unpermitted work.

[49] I find that the evidence on the record establishes that Dr. Este has carried out unpermitted work to the house on the Property and that it is contrary to the Bylaw. The evidence for this finding comes from the District, but there is also ample evidence from Dr. Este herself. While Dr. Este insists that the work carried out does not require a permit, I have explained why I disagree with that position. The work did require a permit and no permit was granted.

Has Dr. Este Obstructed the Building Inspector's Entry and Tampered With Notices Posted at the Property?

[50] Mr. O'Connor's evidence concerning his attendance at the Property on August 8, 2024, includes his account of a conversation he had with Dr. Este. He recalls that after identifying himself and his colleague as District Bylaw Officers, Dr. Este said that she will sue and that her human rights were being violated. According to Mr. O'Connor, Dr. Este advised them that they could not talk to or disturb her

workers. Mr. O'Connor stated that he provided Dr. Este with a copy of a letter to the owners of the Property stating the work being done was not permitted and that no further work could be done because she "ha[d] no active building or demolition permit". Dr. Este told Mr. O'Connor and his colleague to get off her property and they left.

[51] On August 15, 2024, Mr. O'Connor returned to the Property and posted two copies of a "Stop Work Order" on the front construction fencing and on the front of the building. At that time, Mr. O'Connor observed that additional work had been carried out since his attendance on August 8 and he took photographs.

[52] Mr. O'Connor stated that in late August 2024, District employees forwarded emails to him from Dr. Este threatening self-harm if the Remedial Action Requirement was carried out. In her affidavit made November 7, 2024, Dr. Este attaches as Exhibit "B", copies of her communications with the District, including her email of August 24, 2024, where she stated that the District must view the house before they make the decision that it must be demolished. She also threatened, "I need to live at my house or I will commit suicide in the house before it comes down".

[53] Mr. O'Connor attended the Property on August 30, 2024 along with two police officers. He observed ongoing construction work and that the Stop Work Order posted on the fence had been removed. He said that Dr. Este came out of the house and Dr. Este refused them access to the site, stating the police and the bylaw officers were violating her rights.

[54] Mr. O'Connor took photographs and issued four tickets for violations of the Bylaw. Later in the day of August 30, 2024, he reposted the Stop Work Order on the construction fencing. Mr. O'Connor recalled several members of the public complaining about the work on the Property being carried out without permits and the protest banner displayed on the construction fence.

[55] On September 10, 13, and 17 and October 9, 2024, Mr. O'Connor attended the Property. He saw work being carried out and that the Stop Work Order he had

posted on the construction fencing was covered with a black tarp. On each of those dates, Mr. O'Connor took photographs and issued additional tickets for breaching the Bylaw.

[56] Mr. O'Connor also attended the Property on October 17 and 23, 2024. On each of these occasions, he observed additional work being carried out on the house and on October 23, he re-posted the stop work order to additional locations on the construction fencing. On October 17, 2024, Dr. Este came out of the house, telling him that her rights were being abused, and Mr. O'Connor said she "did not allow officers to enter the property".

[57] Dr. Este responds to Mr. O'Connor's affidavit in her affidavit made November 15, 2024. Dr. Este baldly denies ever being served with or receiving a Bylaw ticket. She states that every time Mr. O'Connor appeared at the Property, he came with police officers and they never "accepted [her] repeated invitations to enter the Property for a visual inspection". Dr. Este states that she was mistreated and embarrassed when Mr. O'Connor attended at the Property. I find that Dr. Este received the tickets issued by the District.

[58] Dr. Este attests that she communicated numerous times asking for permits and building inspections to be carried out, but her requests were ignored and the District refused to respond. However, there is evidence that on September 25, 2025, the District rejected Dr. Este's online request because there was a Stop Work Order in effect at the Property.

[59] I have no difficulty finding that the District has established that Dr. Este breached sections 5.2 and 5.5 of the Bylaw. I find Dr. Este repeatedly obstructed the Building Inspector, namely, Mr. O'Connor, from entering the Property and the house when he was attempting to enforce the Bylaw. I also find that she, her employees or agents, tampered with the Stop Work Order that was posted on construction fencing at the Property by covering it with a black tarp.

Has Dr. Este Been Occupying the House?

[60] There is ample evidence, including from Dr. Este herself, that she has been living in the house on the Property. For example, in Dr. Este's October 17, 2025 affidavit, she deposes that all repairs have been made in accordance with the BC Building Code. To this affidavit, she attaches a copy of a February 3, 2025 email to the District wherein she explained that she still lives in the house and that she finished work on the fire-damaged portion in November 2024. In her submissions, Dr. Este explained that for financial reasons, she had to move back into the house while it was being repaired.

[61] Based on the uncontroverted evidence in the record that Dr. Este has been living in the house on the Property, I find that the District has established that Dr. Este is in breach of the Bylaw by occupying the house in circumstances where she is not permitted to do so.

[62] Therefore, in considering whether the District has shown, on a balance of probabilities that Dr. Este has contravened the Bylaw, I find that the District has done so. The authorities are clear that generally, once a local government has demonstrated a bylaw breach, the Court has limited discretion to deny a permanent statutory injunction to enforce a public right.

Should the Court Deny the Permanent Statutory Injunction?

[63] The Court's limited discretion to refuse the permanent statutory injunction is narrowly applied and reserved for rare cases involving exceptional circumstances: *North Pender Island Local Trust Committee v. Conconi*, 2010 BCCA 494 at paras. 37-38.

[64] In considering whether this an adequate basis to exercise my discretion to deny the District a permanent statutory injunction, I find there are none of the kind of exceptional circumstances that might support denying the injunction sought: *Sunshine Coast* at para. 88. As I have already noted, numerous courts have

acknowledged the grave impact of the Demolition Order on Dr. Este, as well as the District's awareness of the gravity.

[65] From Dr. Este's submissions, it is clear that she cherishes the house and that her health issues are exacerbated by the stress of her many legal disputes and existence of the Demolition Order Obviously, she has expended considerable money and effort on the work carried out and she wishes to protect the house from demolition

[66] I agree with the District that the authorities make clear that hardship is not the kind of exceptional circumstance that would justify refusing a statutory injunction where a breach has been established. I am not convinced on a careful review of the evidence that exceptional circumstances exist that would justify exercising my discretion to deny a permanent statutory injunction.

Does the Petition Raise a Triable Issue?

[67] Dr. Este seeks to have the petition converted to an action, or to refer the petition to the trial list, because she submits that new evidence raises a triable issue. At para. 13 of the *Butler Reasons*, Justice Butler explained that an affidavit filed by the District alerting the Court to the involvement of then-counsel Ms. Marzari in matters related to the possible demolition of the house was "clearly relevant to Dr. Este's allegation of apprehension of bias". Dr. Este states that this was the first time she learned of such new evidence.

[68] Of particular concern to Dr. Este is the email dated May 3, 2017 from then-counsel Ms. Marzari to the District that Justice Butler was referred to.

[69] The District maintains a claim of solicitor-client privilege over the legal advice referred to in the May 3, 2017 email even though Dr. Este has now included the email in her application material before me. The District submits that it provided the May 3, 2017 email to the Court of Appeal for purposes of transparency.

[70] In my view, beyond recognizing that there is a stay and that leave to appeal the Interlocutory Order has been granted, there is no need for me to address Dr. Este's bias allegation. That is because the allegation is irrelevant to issues in the applications before me. However, I will consider the matter of the alleged "new evidence" arising from the May 3, 2017 email, including because Dr. Este submits that it raises a triable issue.

[71] Put briefly, Dr. Este submits that the new evidence in the May 3, 2017 email concerns an alleged statement to then-counsel Ms. Marzari by a District employee, Mr. Yee, advising "that [Mr. Yee] would not necessarily have considered this house to have been more than 75% destroyed above the foundation, but that generally the District will accept engineer's statements".

[72] As a result of Mr. Yee's alleged statement to the effect that he would not necessarily have considered the house to have been more than 75% destroyed, Dr. Este seeks to have the petition converted to an action. Dr. Este further seeks to cross-examine the District's affiants and to obtain production of the District's building inspection records and the contents of the legal advice provided to the District respecting the Property. Dr. Este believes that the new evidence provides grounds to oppose the petition and to challenge the Demolition Order.

[73] In sum, Dr. Este asserts that back when the Demolition Order was made and judicially reviewed, she did not know that Mr. Yee "would not necessarily have considered this house to have been more than 75% destroyed above the foundation". Had she known this, she says the decisions at first instance and on judicial review would have been different. In Dr. Este's view, this new evidence potentially means that the 2022 judicial review proceedings respecting the Demolition Order should be reopened.

[74] However, I note that there is evidence clearly showing that in 2020, when the District was considering imposing a Remedial Action Requirement and the Demolition Order, the Council Report included communications to Mr. Yee from a structural engineer where the engineer states that the foundations were structurally

adequate. Dr. Este submitted that when the Council Report was being considered, she did not notice it included this engineering opinion that contradicts other opinions stating that the structure was extensively damaged and in need of demolition.

[75] In other words, in 2020, the evidence indicates that the District disclosed there were conflicting opinions about the extent of the damage to the house during its consideration process. I find no basis for concluding that the existence of this conflicting information was kept from Dr. Este or Council, or that, but-for the new evidence, the conflicting opinions would have been unknown at the relevant time.

[76] For the purposes of Rule 22-1(7), a triable issue has been held to be an issue of fact or law that is not bound to fail: *Beedie (Keefer Street) Holdings Ltd. v. Vancouver (City)*, 2021 BCCA 160 at para. 80. Dr. Este submits that the new evidence raises a triable issue because it relates to credibility. She says that without this evidence, the Court will not be able to assess what the District knew when making its decision.

[77] Again, Dr. Este wants the petition converted to an action pursuant to Rule 22-1(7)(d), with a trial to be held of all issues. The Court of Appeal has clarified that where a respondent raises a triable issue in response to a petition, a judge is not obliged to refer the matter to the trial list under R. 22-1(7), but has discretion to do so or to use hybrid procedures within the petition proceeding itself to assist in determining the issues: *Cepuran v. Carlton,* 2022 BCCA 76 at para. 160.

[78] I find that all of Dr. Este's concerns and submissions about the potential impact of the new evidence are effectively aimed at reopening herchallenge to the District's decision respecting the Demolition Order. Dr. Este's 2021 petition for judicial review was previously heard, with the court ultimately determining that it was not unreasonable for the District to have interpreted the Bylaw as it did.

[79] In the *Willcock Reasons* at para. 14, Justice Willcock, writing for the panel, confirmed that the District's interpretation of the Bylaw was reasonable. Justice Willcock also acknowledged, at para. 16, the very heavy impact of the District's

decisions on Dr. Este including that “the decision to demolish the structure would leave the land vacant and deprive Dr. Este, for the time being, of the opportunity to rebuild her home”. The Supreme Court of Canada refused Dr. Este leave to appeal the decision set out in the *Willcock Reasons*

[80] Even if the import of the new evidence, taken at its highest and best, is that in 2017, Mr. Yee would not have considered Dr. Este’s house to have been more than 75% destroyed, I do not see how that raises a triable issue. The District’s present petition is concerned with whether Dr. Este is contravening the Bylaw and whether she ought to be restrained from continuing to do so. The District’s present petition does not, and could not, concern the reasonableness of the Demolition Order, because that matter has already been finally adjudicated.

[81] Therefore, I disagree that a triable issue has been raised by a respondent. However, if a triable issue had been raised by the new evidence, then considering the various factors applicable to deciding whether to convert a petition proceeding to an action, such as avoiding multiplicity of proceedings, preventing unnecessary costs and delay, and the overall interests of justice, I would have concluded that on balance, the factors militate against converting the petition to an action.

[82] In my view, a key consideration is the object of the *Rules* to secure a just, speedy, and inexpensive determination of every proceeding on its merits. The litigation concerning the house on the Property has, as many justices have already observed, already occupied considerable time and resources of the parties, as well as the courts.

[83] In my view, conducting a trial in what is essentially an effort to relitigate Dr. Este’s challenge of the District’s decision to make the Demolition Order based on the new evidence would run contrary to the object of the *Rules*.

[84] Having found that the District has met the legal requirements for obtaining a permanent statutory injunction and that no triable issue has been raised by a

respondent, I conclude that the relief sought in the petition should be granted and there is no basis to convert the petition to an action.

Police Enforcement Clause

[85] The District submits that the Court should, in addition to the other relief sought in the petition, grant a police enforcement clause.

[86] The District points out that the need for a police enforcement clause was previously addressed and argued during the application for the Interlocutory Order. On December 24, 2024, Justice Marzari declined to grant the police enforcement clause. In doing so, she stated: "…the court expects the support of law enforcement with respect to breaches of Court orders, and I have no evidence on this application to suggest that such support will not be provided absent such an order": *Marzari Reasons* at para. 66.

[87] Dr. Este strenuously objects to the Court granting a police enforcement clause. She points out that in the past, District employees have attended at her house, along with police officers, causing her embarrassment and distress.

[88] Dr. Este also submits that her non-compliance with the Bylaw has ceased. For example, she notes that she stopped the repair work and left her garage walls open to await the District's final inspection. On this basis, she submits that the police enforcement clause should once again be denied.

[89] I have already discussed the District's evidence describing bylaw and police officers' attending the house and Dr. Este's demands that they leave. I have also already noted Dr. Este's email message to employees at the District threatening self-harm if the District refuses her demand to inspect the work she has carried out on the house.

[90] Dr. Este is extremely distraught at the prospect of the demolition of the house. She made poignant submissions about her attachment to the house and the extensive efforts and expense she incurred carrying out the work. Dr. Este has

consistently, including in numerous proceedings in this court, taken steps to prevent the house from being demolished.

[91] The District took me to *Vancouver Island Health Authority v. Giannikos*, 2021 BCSC 957 in support of its argument that the Court can grant a police enforcement clause even where such a clause is not specifically identified as relief sought in the petition. In *Giannikos* at para. 81, the Court granted the orders sought in the petition with additional language permitting police enforcement in the same form as had been granted in an earlier order.

[92] The District has also included in the record, a January 14, 2025 letter from Inspector Erin Findlay at the West Vancouver Police Department stating that absent a police enforcement clause, the West Vancouver Police will not support the enforcement of a court order. The Inspector has also apparently provided the District with the specific terms the police require in the court's order so that the police will support the enforcement of a statutory injunction.

[93] For the reasons explained, I have found that Dr. Este and her agents, servants, or employees are violating the Bylaw. I also make the declarations sought and I grant the permanent statutory injunction that is being sought by the District.

[94] It may seem trite, but the police are expected to support the enforcement of the court's orders. It is unclear to me why Inspector Erin Findlay would apparently say to the District that the West Vancouver Police respect the court's orders, but they will not support enforcement of the court's orders without an enforcement clause containing particular terms.

[95] If it comes to pass that the West Vancouver Police will not to support the enforcement of my orders, the District may, on an urgent basis, contact SC Scheduling to seek a time to appear before me at 9:15 a.m. to make further submissions and present additional evidence, including evidence from Inspector Erin Findlay, explaining why the West Vancouver Police do not consider my orders sufficient to require them to act to enforce compliance with my orders.

Conclusion on Petition and Applications to Set Aside Interlocutory Order and Refer Petition to Trial List

[96] The petition is granted on the following terms:

THIS COURT DECLARES THAT:

1) The respondent, Rosa Donna Este, is contravening the District of West Vancouver Building Bylaw No. 4400, 2004 by:

    a) Carrying out construction and demolition work upon the lands and premises with a civic address of 2668 Bellevue Avenue, legally described as PID 013-216-422, Lot 5, Block 33, District Lot 555, Plan 3058 (the "Property") without a valid and subsisting permit, contrary to section 5.1;

    b) Removing, defacing, obscuring or otherwise tampering with Stop Work Orders posted on or near the Property, contrary to section 5.3;

    c) Obstructing the entry of the District's Building Inspectors, including Bylaw Officers, on and into the Property, contrary to section 5.4;

    d) Obstructing the entry of District building contractors on and into the Property, contrary to the District of West Vancouver Remedial Action Requirement dated December 14, 2020 (the "Remedial Action Requirement"); and

    e) Occupying the Property for residential purposes contrary to a No Occupancy Order issued under section 6.1.9, contrary to section 14.1.

AND THIS COURT ORDERS THAT:

2) The respondents, their agents, servants, employees, directors, officers, or any corporation or society of which they are a director, shareholder, or member, or any other person having notice of this order are hereby enjoined and restrained from doing any of the following on or at the Property:

a) Carrying out any construction or demolition work upon the Property without a valid and subsisting permit issued to that person for the subject work;

b) Removing, defacing, obscuring or otherwise tampering with any Stop Work Order posted on or near the Property;

c) Obstructing the entry of the District's Building Inspectors, including Bylaw Officers, on and into the Property;

d) Obstructing the entry of District building contractors on and into the Property, contrary to the Remedial Action Requirement; and

e) Occupying the Property for residential purposes without a valid and subsisting final occupancy approval from the District's Building Inspector, issued after the date of this Order; and

3) Costs are payable to the District by the respondent, Rosa Donna Este.

[97] Dr. Este's September 3, 2025, application to refer the petition to the trial list, or to the convert the petition to an action, is dismissed.

[98] Respecting Dr. Este's application seeking to set aside the Interlocutory Order, I have already granted a permanent statutory injunction. Therefore, the issue of whether the Interlocutory Order should be set aside is moot and I dismiss Dr. Este's October 20, 2025, application seeking to set aside the Interlocutory Order.

Dr. Este's Application to Enjoin the District From Demolishing the House

[99] Dr. Este filed an application on November 14, 2024 seeking to preserve the *status quo* and restrain and enjoin the District from taking any steps towards demolishing the house located on the Property and require the District to grant building permits to authorize the restoration work done. Alternatively, Dr. Este seeks an order requiring the District to conduct an inspection of the work done on the Property.

[100] For the same reasons that I have granted the petition relief sought, inlcuidng the permanent statutory injunction, I find that there is no basis to enjoin the District or to require it to inspect the Property. The fate of the house has already been fully litigated and finally determined.

[101] The November 14, 2024 application provides no legal or factual ground upon which I could grant the relief sought. Therefore, the November 14, 2024 application filed by Dr. Este is dismissed.

The Adjourned Applications

[102] As previously mentioned, I adjourned Dr. Este's other applications generally. More specifically, the applications that I adjourned were as follows:

1) Dr. Este's application filed November 8, 2024 seeking to cross-examine Mr. O'Connor on his affidavit;

2) Dr. Este's application filed October 17, 2025 seeking to cross-examine Mark Chan, Kevin Spooner and Stephanie Jarvis on their affidavits and compelling Mr. Yee to inspect the house on the Property;

3) Dr. Este's application filed September 10, 2025 alleging waiver of solicitor-client privilege and seeking disclosure of the District's legal file respecting the Property; and

4) Dr. Este's application filed December 8, 2025 seeking production of the District's building inspection records respecting the Property

(collectively, the "Adjourned Este Applications).

[103] Should Dr. Este seek to reset any of the Adjourned Este Applications for hearing, or should Mr. Taherkhani reset his January 14, 2026 application, the parties are directed to bring these reasons for judgment and my orders to the attention of any presider.

"E. McDonald J."