

MIABC Legal Bulletin: *Wu v. Vancouver (City)*

The BC Supreme Court has found the City of Vancouver liable for its delay in processing a development permit.



The plaintiffs purchased a century-old house with the intention of demolishing it and building a new home. The legislation in place at the time required the city to provide compensation if it mandated that the house be preserved for its heritage value.

The city was found to have delayed processing the plaintiffs' development permit application until new legislation was passed that designated the neighbourhood a heritage zone, thereby avoiding the need to provide compensation.

The court found the city owed a duty of care to the plaintiffs to process their application within a reasonable period of time. The city acted in bad faith and was negligent in failing to do so. The plaintiffs are entitled to recover damages from the city for their resulting economic loss.

While the facts of this case are unique, the decision has potential significance for local governments. It is the first time a court has imposed a duty in tort to process a development permit within a reasonable time. Members should review their building bylaws and communications with the public to ensure their building departments are able to comply with any stated timelines for processing applications.

For a more detailed analysis of this case and its implications, stay tuned for the next issue of Risk Management Tidbits.