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**OAK BAY MARINA LTD.**

**v.**

**ASSESSOR OF AREA 2 - CAPITAL**

Supreme Court of British Columbia (No. 344/1983), Victoria Registry

Before: MR. JUSTICE W.J. TRAINOR

Victoria, March 15, 1983

Paul J. Pearlman for the Appellant  
Julian K. Greenwood for the Respondent

**Reasons for Judgment**

March 18, 1983

In this case the Assessment Appeal Board adjourned the hearing prior to argument by either party, indicating that it was not entirely happy with the evidence presented so far, and that it would consider whether to call for further evidence from the parties.

The Board then issued a decision, without returning for argument, by which it dismissed the Appeal on the grounds that only some of the properties in the Appellant's integrated marina operation had been appealed, and that it was without the power to consider the value of the whole property.

In deciding the case without argument, particularly when it had held out the possibility of further evidence, the Board erred in law. It was obliged to hear argument, and was obliged to consider whether it needed to hear further evidence.

The case will be remitted to the Board with directions both to consider if there is a need for further evidence, and to hear argument before rendering its final decision.