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THE LAW OF DISMISSAL IN CANADA, THIRD EDITION Howard A. Levitt Release No. 11, December 2024

What's New in this Update:

This release includes updates to case law and commentary in Chapter 15 (Legal Issues Arising During the Litigation Process).

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Highlights

- **Legal Issues Arising During the Litigation Process — Security for Costs — Appeal** — *Ashraf v. Jazz Aviation LP*, 2023 BCCA 434 (B.C. C.A.) — appeal dismissed as abandoned — the self-represented appellant failed to pay security for costs, despite order to pay, and appeal was without merit — the chambers judge’s decision held that the action fell within the collective agreement — the Court of Appeal noted, among other factors, the appellant “has not applied to stay the order of Justice Frankel [re: security for costs] and, accordingly, it remains in effect ... [Further,] A justice can dismiss an appeal as abandoned where the appellant has failed to comply with the provisions of the *Court of Appeal Act*, S.B.C., c. 6, the *Court of Appeal Rules*, B.C. Reg. 120/2022, or an order or direction of the court, a justice, or the registrar: s. 36(c) of the *Court of Appeal Act* ...” *Quinn v. Coutts*, 2018 BCCA 433 (B.C. C.A.) at paras. 13 and 14 cited re: discretion to dismiss an appeal and the interests of justice re: continuation of the appeal — “In my view, it is in the interests of justice to dismiss the appeal as abandoned given that [the appellant] has not complied, or taken any steps to comply, with the order to pay security for costs and his appeal is without merit ... [The appellant] did not rely on any particular material change in circumstance before me ... In this case, the lack of merit in [the appellant’s] appeal grounded the security for costs order originally made by Justice Frankel ... There is, in my view, no reason the respondents should continue to be troubled by or incur further costs in what is a meritless appeal.”

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