

**IN THE COURT OF APPEAL OF MANITOBA**

*Coram:* Madam Justice Barbara M. Hamilton  
Mr. Justice Marc M. Monnin  
Madam Justice Diana M. Cameron

***BETWEEN:***

<b><i>4282800 MANITOBA LTD.</i></b>	)	<b><i>F. J. Trippier and</i></b>
	)	<b><i>I. Vakurova</i></b>
<i>(Applicant) Appellant</i>	)	<i>for the Appellant</i>
	)	
<i>- and -</i>	)	<b><i>V. F. Y. Li</i></b>
	)	<i>for the Respondent</i>
<b><i>THE CITY OF WINNIPEG</i></b>	)	
	)	<i>Appeal heard and</i>
<i>(Respondent) Respondent</i>	)	<i>Decision pronounced:</i>
	)	<b><i>September 24, 2018</i></b>

On appeal from 2017 MBQB 187

**CAMERON JA** (for the Court):

[1] The applicant appeals the decision of the reviewing judge dismissing his application for judicial review of a decision of the City of Winnipeg Standing Policy Committee on Property and Development (the committee). The committee’s decision arose from an appeal from a decision of the Zoning and Permits Administrator for the City of Winnipeg Planning, Property & Development Department (the administrator) disallowing the storage of vehicles on the applicant’s property. At issue was the interpretation of the definition of “auto/light truck/motorcycle, sales and rental” in the City of Winnipeg, by-law No 200/2006, *Winnipeg Zoning By-Law* (1 March 2008), at section 48, which, at the relevant time, read as follows:

**General Terms**

48. The following definitions apply to the text of this By-law:

...

**“auto / light truck / motorcycle, sales and rental”** means the storage, display, sale, lease, or rental of new or used vehicles, including automobiles, light trucks, motorcycles, and similar vehicles and may include repair and service. This use does not include junk or salvage operations. Light trucks include those with a gross vehicle weight of 15,000 pounds or less.

[2] Contrary to the applicant’s position—that the simple storage of vehicles on its property was captured by the above provision and was therefore a permitted use—the administrator determined that such storage constituted “outside storage” as defined in section 48. Pursuant to the zoning by-law, outside storage is not a permitted use applicable to the applicant’s property.

[3] After hearing submissions on behalf of both the applicant and the administrator, the committee denied the applicant’s appeal and confirmed the decision of the administrator. By agreement, the matter proceeded before the Court of Queen’s Bench on judicial review. The parties agreed that the standard of review to be applied by the reviewing judge was one of reasonableness.

[4] At issue on this appeal is whether the reviewing judge was wrong to conclude that the decision of the committee was reasonable. We are not persuaded that he erred in doing so.

[5] The reviewing judge acknowledged the deficiencies asserted by the applicant regarding the committee’s process. However, these deficiencies did not, in the end, lead to the conclusion that the decision was unreasonable. In reaching his conclusion, the reviewing judge properly instructed himself as to

the test to be applied following the *Dunsmuir* criteria (see *Dunsmuir v New Brunswick*, 2008 SCC 9) and, as well, the decision in *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, which required him to supplement the committee's reasons before seeking to subvert them. In a detailed and thoughtful decision, he considered the principles of statutory interpretation in reaching his conclusion that the decision was reasonable.

[6] For these reasons, the appeal is dismissed with the costs of this appeal in favour of the respondent.

\_\_\_\_\_  
Cameron JA

\_\_\_\_\_  
Hamilton JA

\_\_\_\_\_  
Monnin JA