



Evan
Cooke*
Partner

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BIOGRAPHY

Evan Cooke is a litigation lawyer whose primary areas of practice are municipal, expropriation, and regulatory litigation. His focus is providing sophisticated and pragmatic litigation and dispute resolution services to private, corporate and government clients.

Evan is an experienced trial lawyer, having represented clients before all levels of court in British Columbia. He has also achieved success for clients in the Federal Court of Canada, the Federal Court of Appeal, the Ontario Superior Court, and the Ontario Municipal Board.

Complex litigation matters involving land and resources are Evan's particular areas of interest. From litigating the legal status of historical roads for ranchers, to advancing expropriation claims for multinational corporations, to successfully appealing an onerous tax decision for an international developer, Evan is detail oriented and practical.

From 2013 to 2021, he served as President of the British Columbia Expropriation Association. Further, Evan presents frequently on expropriation, land law and municipal law topics.

Before joining Eyford Partners, Evan was a litigation partner of a large national law firm where he was the regional head of the Expropriation Law, Municipal Law, and Railway Law focus groups.

NOTABLE CASES

0733603 B.C. Ltd. v. City of Vancouver, 2022 BCSC 1301, aff'd 2024 BCCA 37 application for leave to appeal ref'd (26 September 2024), File No. 41198 (S.C.C.). Evan Cooke challenged three rent control bylaws

PRACTICE AREAS

Municipal & Expropriation
Property
Appeals & Judicial Review
Business Disputes

EDUCATION

LLB, University of Windsor
(2005)
B.A. Queen's University
(1999)

BAR ADMISSION

Ontario, 2006
British Columbia, 2007

adopted by the City of Vancouver that would have made his client's residential apartment business unprofitable and the buildings unsaleable. The bylaws were struck down by the B.C. Supreme Court as being ultra vires (beyond the legal authority of) the City of Vancouver. Further, the City of Vancouver was ordered to destroy any confidential business records that it had collected from landlords pursuant to the unlawful bylaws, and was ordered to pay legal costs to Mr. Cooke's client.

Springman v. Surrey (City), 2021 BCSC 1804, rev'd in part, 2023 BCCA 130. Evan Cooke and Andrew Schleichkorn successfully defended a multi-million dollar expropriation compensation claim filed against the expropriating municipality. Most significantly, the courts dismissed claims of ongoing business losses and damages predicated on lost real estate market opportunity.

Douglas Lake Cattle Company v. Nicola Valley Fish and Game Club, 2021 BCCA 99 application for leave to appeal ref'd (29 September 2021), File No. 39628 (S.C.C.). Counsel for the successful appellant in a significant case regarding a landowner's right to exclude those seeking to traverse private land to recreate and to access crown resources beyond. In the victory, Evan Cooke and Ryan Parsons secured orders regarding the legal status of historical roads and trails, the accurate interpretation of historical legislation and ancient survey documents, and the appropriate limits on awards of special costs for public interest litigants. Following the B.C. Court of Appeal's decision, Cooke and Parsons successfully opposed their opponent's Application for Leave to Appeal to the Supreme Court of Canada.

Balmoral Hotel Ltd. v. City of Vancouver, 2020 SCBC S1913813. Evan Cooke and Nathalie Baker challenged an expropriating authority's legal authority and flawed municipal process in order to secure an injunction and ultimately a significant settlement for their clients.

P&S Holdings v. Canada, 2015 FC 1331, aff'd 2017 FCA 41. Evan established that nosy neighbours who opposed an industrial medical cannabis facility had no standing to oppose the issuance of a Health Canada license.

Grosvenor v. South Coast British Columbia Transportation Authority, 2016 BCCA 106. Evan successfully appealed a tax ruling made against a developer by TransLink, confirming that the tax authority was

misinterpreting its own statutory taxation powers.

Douglas Lake Cattle Company v. Nicola Valley Fish and Game Club, 2015 BCSC 120. Evan successfully opposed a precedent-setting application by an activist group to have their legal costs pre-paid by their litigation opponent.

Freshslice Properties Ltd. v. R.T.M. Holdings Ltd., 2013 BCSC 135. Evan had a commercial tenant's claim for damages dismissed with costs payable to the landlord, and successfully counterclaimed against the Tenant for various breaches of a commercial lease and damages to the leased premises.

ASSOCIATIONS

President, British Columbia Expropriation Association (2013 – 2021)

Member of Urban Development Institute, Okanagan Chapter

Member of Canadian Bar Association, Municipal Law Section, B.C.

Member of Law Society of British Columbia

Member of BC Cattlemen's Association