



Nathalie
Baker*
Partner

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BIOGRAPHY

Nathalie Baker is a litigator practising primarily in the area of municipal law. She has a particular interest in land use matters and issues of procedural fairness and represents landowners, developers, citizens groups and business owners on a wide range of local government matters arising under the Local Government Act, the Community Charter and the Vancouver Charter. Nathalie also acts for members of municipal councils and regional boards on motions to censure and allegations of conflict of interest and misconduct.

Nathalie has represented clients in the Provincial Court of British Columbia on bylaw prosecution matters, in the Supreme Court of British Columbia on applications for judicial review and in the Court of Appeal. She also has experience before administrative tribunals, including the Board of Variance. The daughter of former City of Vancouver councillor and well respected municipal lawyer, Jonathan Baker, she has had an interest in this area of law since well before she started practising with her father in 2002.

NOTABLE CASES

Vanderhaeghe v. Sunshine Coast (Regional District), 2022 BCSC 2100

Counsel for the successful petitioner on an application for judicial review of a series of decisions made by staff and the Board of the Sunshine Coast Regional District relating to the issuance of permits to build a new home on Sakinaw Lake.

Michetti v. Pouce Coupe (Village), 2022 BCSC 472

Counsel for the successful petitioner in an application brought by the Mayor of Pouce Coupe against the Village of Pouce Coupe to review a

PRACTICE AREAS

Property
Municipal & Expropriation
Appeals & Judicial Review

EDUCATION

LL.B, University of Western
Ontario (2001)
Bachelor of Arts (French
Literature),
University of Victoria (1997)

BAR ADMISSION

British Columbia, 2002

series of interrelated decisions made by the Village preventing the petitioner from being assigned any Council portfolios.

Langley (Township) v. 0802881 BC Ltd., 2021 BCSC 2446

Counsel for the successful petitioner in an application to determine whether poultry processing is a permitted use on farmland in the Agricultural Land Reserve and an order directing the Township's Chief Building Official to reviewing the Petitioner's building permit applications.

Lantzville Community Association v. District of Lantzville, 2021 BCSC 2260

Counsel for the successful respondent on an application brought the District of Lantzville to strike the Association's petition and for an order requiring the Association to post security for costs.

Underhill v. Bowen Island (Municipality), 2021 BCSC 2191

Counsel for the petitioner on an application to set aside a Temporary Use Permit allowing the operation of a cidery in a residential neighbourhood. Although the Court found that a portion of the public notice was inaccurate, and on its face misleading, the notice provided the general terms of the purpose of the proposed permit, as required.

M. Weiss Masonry Inc. v. Kelowna (City) 2021 BCSC 1946

Counsel for the successful petitioner in an application to set aside a decision of the City's business licensing manager denying the petitioner's business licence and for an order compelling the City to issue his licence for the 2021 business year.

Board of Variance: Appeal No. Z35773 – 322 East 43rd Avenue.

Successful in an appeal overturning the decision of the Director of Planning and approving the use of a secondary suite into a child daycare facility at the site.

Board of Variance: Appeal No. Z35772 – 320 East 43rd Avenue.

Successful in appeal to add a fixed canopy to existing one-family dwelling house with a family daycare operation.

English v. Richmond (City), 2020 BCSC 1642, Counsel for the successful petitioner in an application to set aside the City's decision to deny a building permit for a greenhouse to grow cannabis and for an order compelling the City to issue the permit.

Board of Variance: Appeal No. Z35386 – 1278 Granville Street. Appeal

overturning refusal of a development application and approving the addition of a second floor and an increase in the number of dwelling units within a mixed-use building.

Board of Variance: Appeal No. Z35657 – 1278 Granville Street. Appeal deleting condition imposed by a previous appeal (No. Z35386) and approving an extension to complete the permit process for interior alterations and to allow an addition to the second floor, thereby increasing the number of dwelling units.

Board of Variance: Appeal No. Z35701 – 678 East Hastings Street. Appeal overturning decision of the Director of Planning refusing a development application and approving interior alterations and change of use from an existing Health Care Office to a Pharmacy.

Mullany v. Squamish-Lillooet, 2019 BCSC 1581. Counsel for the successful Petitioners in an application to review the District's decision to cancel their building permit. The property was in the ALR and the permit authorized alterations to the existing farm building to allow the production of cannabis. The court ordered the District to reissue the permit.

Canadian Plastic Bag Association v. Victoria (City), 2019 BCCA 254, 435 D.L.R. (4th) 488, application for leave to appeal ref'd (23 Jan 2020), File No. 38828 (S.C.C.). Counsel for appellant in successful challenge setting aside a municipal bylaw banning single-use plastic bags. The case addressed the power of a municipality under the Community Charter to adopt such a bylaw, the dominant purpose of which was to protect the natural environment, without first obtaining the approval of the Province's Minister of the Environment.

308 West 62nd Avenue Ltd. v. City of Vancouver et al., 2018 SCBC S-1710537, Counsel for the successful Petitioner in an application to require the Director of Planning for the City of Vancouver to make a decision regarding the Petitioner's Development Permit.

City of Vancouver v. 308 West 62nd Avenue Ltd. et al., 2018 SCBC S-1711114, Counsel for the successful Respondent on an application to review a decision of the Vancouver City Board of Variance.

MPW Properties Partnership v. City of Vancouver, 2018 SCBC S-184551, Counsel for the successful Petitioner in an application to set aside bylaws adopted by Vancouver City Council.

Board of Variance: Appeal No. Z35522 – 1286 Robson Street.
Successful appeal of a refused development application and approving the change of use from a retail store to a new cannabis retail store.

0826239 B.C. Ltd. v. Richmond (City), 2018 BCSC 1438, 81 M.P.L.R. (5th) 111: Counsel for the successful Petitioner in an application to review the City Zoning Bylaw and for an order compelling the City to issue a building permit for a greenhouse.

667895 B.C. Ltd. and Abbotsford Concrete Products Ltd. v. the Corporation of Delta, 2016 BCSC 2356, appeal allowed in part, 2018 BCCA 38, 71 M.P.L.R. (5th) 4, 31 Admin. L.R. (6th) 207. Counsel for the successful Petitioners/Appellants in an application to review a decision by Delta to close a road.

Brinkworthy Properties Ltd. v. North Salt Spring Waterworks District, 2017 BCSC 951, 66 M.P.L.R. (5th) 268, supplementary reasons on costs, 2017 BCSC 1930): Counsel for the successful Petitioner in an application to review a taxation bylaw.

Benz v. Vilis, 2016 BCSC 2710: Counsel for the successful respondent in a case brought by her neighbour to enforce the City of Vancouver's Zoning and Business Licence bylaws.

Turney v. Langley (Township), 2016 BCSC 1099, 52 M.P.L.R. (5th) 298: Counsel for the successful Petitioner on an application to compel the Township of Langley to issue a building permit for a farm building.

Community Association of New Yaletown v. Vancouver (City), 2015 BCSC 117, 35 M.P.L.R. (5th) 29, rev'd 2015 BCCA 227, 384 D.L.R. (4th) 294: Counsel for a community group that challenged a decision by the City of Vancouver to rezone the City's property to permit a luxury condo tower and then swap it with a neighboring property owned by a developer.

Greater Vancouver (Regional District) v. Langley (Township), 2014 BCSC 413, 21 M.P.L.R. (5th) 65, aff'd 2014 BCCA 511, 32 M.P.L.R. (5th) 186: Counsel for the successful landowner on an application brought by Metro Vancouver to quash a bylaw of the Township of Langley that authorized the landowner's development.

Eng v. Vancouver (City), 2014 BCSC 1001, 23 M.P.L.R. (5th) 119: Counsel for the successful property owner on an application brought by her neighbor to set aside a decision of the Board of Variance authorizing the construction of her garage.

WEN Residents Society v. Vancouver (City), 2014 BCSC 965, 24 M.P.L.R. (5th) 297, 76 Admin. L.R. (5th) 266: Counsel for a Society that challenged a City bylaw that defined the meaning of “for profit affordable rental housing”.

Pucci v. North Vancouver (City), 2010 BCSC 743, 72 M.P.L.R. (4th) 229: Counsel for the successful Petitioner on an application to review a decision by the City to deny its rezoning application.

618061 B.C. Ltd. v. The Village of Anmore, 2008 BCCA 205, 45 M.P.L.R. (4th) 92, 68 R.P.R. (4th) 197: Counsel for the property owner in a case involving latecomer agreements.

Norgard v. Anmore (Village), 2007 BCSC 1571, 38 M.P.L.R. (4th) 217: Counsel for the successful Petitioner on a challenge to the Approving Officer’s decision to impose conditions on the property owner’s subdivision application.

Loucks v. Abbotsford (City) and 90617 B.C. Ltd., 2006 BCSC 1859, 30 M.P.L.R. (4th) 77, reconsideration 2007 BCSC 855, 36 M.P.L.R. (4th) 72: Counsel for the successful Petitioners on a challenge to the City’s decision to amend the Official Community Plan and Zoning Bylaw.

Niebuhr et al. v. Vancouver (City) Board of Variance, 2006 BCSC 1425, 277 D.L.R. (4th) 371, aff’d 2007 BCCA 528, 287 D.L.R. (4th) 563 leave to appeal ref’d, 2008 S.C.C.A. No. 3: Counsel for the successful Petitioner on an application to quash a decision of the Board of Variance which set aside their development permit.

London Lane Industrial Park Ltd. v. Richmond (City), 2005 BCCA 452, 258 D.L.R. (4th) 698: Counsel for the Petitioner on an application to review a decision of the City of Richmond regarding road dedication requirements.

Perez v. Vancouver (City of), 2002 BCSC 1773: Counsel for the successful Plaintiff in a trip and fall case.

ASSOCIATIONS

Member of the Vancouver Bar Association

Member of the Board of Legal Services Society

Member of the Law Society of British Columbia

Member of L'Association Des Juristes D'expression
Francaise de la Colombie Britannique

Member of the Canadian Bar Association