In the Court of Appeal of Alberta

Citation: Business Care Corp v Edmonton (City), 2026 ABCA 295

Date: 20260914
Docket: 2603-0070AC
Registry: Edmonton

Between:

Business Care Corp

Applicant

- and -

City of Edmonton

Respondent

Reasons for Decision of
The Honourable Justice Kevin Feth

Application for a Stay of Proceedings

Application for a Limited Audience for a Corporate Agent

Reasons for Decision of
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Overview

[1] The appellant, Business Care Corp (Business Care) has appealed a decision of the Land and Property Rights Tribunal (LPRT) denying its request for interim costs in an ongoing expropriation proceeding.

[2] As part of that proceeding, the LPRT issued scheduling directions separate from the interim costs decision. Those scheduling directions have not been appealed to this Court.

[3] Business Care applies under rule 14.48 of the *Alberta Rules of Court*, Alta Reg 124/2010 (*Rules*) to stay "all scheduling mandates, disclosure deadlines, and penalty applications pending before the LPRT (specifically including the substantive scheduling hearing currently slated for July 17, 2026, under File Nos. NM2026.0009 and NM2026.0005, and related consolidated matters)" pending the final determination of the appeal from the interim costs decision.

[4] Business Care also requests permission under rule 2.23(4) to be represented in this stay application by Matthew Joseph Lawrence (Mr Lawrence), who is not a lawyer. Mr Lawrence is the son of Business Care's sole shareholder and director, Dennis Lawrence.

[5] For the reasons that follow, Business Care's application for a limited right of audience by Mr Lawrence on this stay application is granted. The application for a stay is dismissed.

Background

[6] In 2013, the City of Edmonton expropriated lands known as the City Centre Airport. This expropriation included a building leased and occupied by Business Care.

[7] In 2014, Business Care and other affected parties applied to the LPRT to determine appropriate compensation for the loss of the use of the lands. Lengthy proceedings followed.

[8] Business Care applied to the LPRT under s 39 of the *Expropriation Act*, RSA 2000, c E-13 for interim costs incurred because of the ongoing proceedings. In particular, Business Care claimed the cost of consulting services provided by Mr Lawrence.

[9] On March 25, 2026, the LPRT dismissed Business Care's application for interim costs: ***Business Care Corp v Edmonton (City)***, 2026 ABLPRT 216 (Costs Decision).

[10] A notice of appeal from the Costs Decision was filed in this Court on April 1, 2026.

Right of audience granted to a corporate agent

[11] Generally, an agent who is not a lawyer cannot represent a corporation in any action or proceeding before a court or judge: s 106 of the *Legal Profession Act*, RSA 2000, c L-8; rule 2.23(3)(a); ***Vuong Van Tai Holding v Alberta (Minister of Justice and Solicitor General)***, 2020 ABCA 169 at para 15 [***Vuong***]. The prohibition on non-lawyer representation safeguards the public interest and consumers who use legal services by ensuring the fair, competent and ethical delivery of those services by lawyers who are properly trained and subject to a professional code of conduct and regulatory procedures for the review of their fees and other charges: see Law Society of Alberta, *Code of Conduct* and Part 10 of the *Rules*. The orderly and efficient administration of justice is also maintained: Alberta Rules of Court Committee, *Requests for Comments 2018-1, Corporate Self-representation* at para 7.

[12] Rule 2.23(4) gives to the Court the discretion to grant a right of audience to any agent, who is not a lawyer, to speak on behalf of a corporation. However, the presumption is that corporations must be represented by lawyers: ***Vuong*** at para 15. A limited audience may be granted to address a specific application: ***ATB Financial v 1719091 Alberta Ltd***, 2025 ABCA 291 at para 23.

[13] In determining whether to exercise the discretion, "a judge should consider whether the agent has a family relationship with the litigant, whether the agent is offering its services for a fee, the economic hardship that might be suffered by the litigant, and whether the denial of the application would effectively deny the litigant the benefit of any representation": ***Pacer Enterprises Ltd v Cummings***, 2004 ABCA 28 at para 13. The judge may also consider whether the delay and expense involved of requiring the corporation to retain a lawyer is "necessary or warranted": ***PurpleRung Foundation v Peace River (Town of) Subdivision and Development Appeal Board***, 2020 ABCA 341 at para 12. Additional factors might include the complexity of the application for which an audience is sought, the relevant skills and experience of the agent, the interests of the parties at stake, the agent's ability to assist the Court, the positions of other affected parties, whether the right of audience would undermine the public interest and consumer protection objectives of s 106 of the *Legal Profession Act*, and whether under rule 2.23(3) "the assistance would or might be disruptive" or "would not meet the purpose and intention of these rules".

[14] At the hearing of these applications, the parties were informed that I was exercising my discretion to grant a limited audience for Business Care to be represented by Mr Lawrence for the stay application only. I informed the parties that my reasons would follow. These are the reasons.

[15] Mr Lawrence deposes that Business Care is insolvent, has zero cash reserves, and has no active bank account. The corporation attempted to retain a law firm but according to Mr Lawrence, the corporation "cannot satisfy a standard commercial retainer". While the evidence about Business Care's financial circumstances is meagre, I am satisfied for the purposes of the stay application that Business Care does not have the financial means to retain a lawyer at this time.

[16] Mr Lawrence has represented Business Care in the ongoing proceedings before the LPRT for years and is knowledgeable about those proceedings. The filed materials for these applications demonstrate some legal knowledge. The stay application is not complicated and the interests at stake are modest. I find that he can provide some assistance to Business Care in arguing the stay application. His representation also assists the Court in crystalizing the relief sought by Business Care.

[17] Mr Lawrence charged Business Care for consultant services related to the expropriation proceedings, including activities the LPRT characterized as “representative quasi-legal work”, but he apparently has not been paid. Nothing before me indicates that he is collecting a fee from Business Care for appearing on these applications. His involvement supports his father’s interest in Business Care. His representation of Business Care for the stay application does not seem to compromise the public interest and consumer protection objectives of the *Legal Profession Act*.

[18] The City took no position on whether this Court should exercise its discretion to grant Business Care a limited right of audience by Mr Lawrence.

[19] In short, I was satisfied that Mr Lawrence’s representation was necessary and warranted to ensure Business Care’s stay application could be heard. No significant countervailing factors were presented.

[20] Business Care should not assume that the Panel hearing the merits of the appeal will grant an audience for Mr Lawrence to represent it at the oral hearing. The merits of the appeal are more complicated and the limited evidence about Business Care’s inability to pay for a lawyer might warrant greater scrutiny. The appellant should bring an application in advance of the appeal hearing to resolve that issue.

Application for a stay of proceedings is dismissed

[21] “A stay pending appeal can only stay that which has been appealed”: ***LDS v SCA***, 2019 ABCA 312 at para 13. More specifically, a stay can only be applied against consequences stemming from the decision under appeal: ***Inter Pipeline Ltd v Teine Energy Ltd***, 2025 ABCA 368 at para 8.

[22] Business Care brought this stay application to prevent the LPRT from proceeding with steps and deadlines contemplated by a litigation plan imposed by it and the enforcement of any penalties resulting from non-compliance. However, those procedural directions are not the subject of the Costs Decision nor consequences stemming from that decision. Those directions have not been appealed and therefore cannot be stayed under rule 14.48.

[23] Business Care also raises concerns about case management directions imposed by the LPRT after this stay application was filed. However, those directions are not the subject of the

Costs Decision and the LPRT's order imposing those directions has not been appealed. Consequently, those directions also cannot be stayed under rule 14.48.

[24] Rule 14.48 is not a mechanism to impose a blanket stay of proceedings before the LPRT merely because a request for interim costs was denied.

[25] Business Care's application for a stay pending appeal is dismissed.

Conclusion

[26] A limited audience was granted under rule 2.23(4) for the purpose of hearing the stay application alone. The application for a stay pending appeal is dismissed.

Costs

[27] The City proposed that if the stay application is dismissed, each party should bear its own cost of these applications. Business Care took no position on costs. I direct that each party bear its own costs of these applications.

[28] Rule 9.4(2)(c) is invoked, and the Court will prepare the resulting order or judgment.

Applications heard on September 10, 2026

Reasons filed at Edmonton, Alberta
this 14th day of September, 2026

Feth J.A.

Appearances:

Applicant Business Care Corp (limited audience)

K. Schauerte
for the Respondent