THE LAW COURTS
400 - 800 HORNBY STREET
VANCOUVER, B.C.
V6Z 2C5

COURT OF APPEAL

MEMORANDUM

To: Torri Enderton, Deputy Registrar

From: The Division

Date: October 28, 2026

RE: **ALTER, NOAH (A) vs. THE UNIVERSITY OF BRITISH COLUMBIA**
Court of Appeal File No: CA49986

Please provide a copy of this memorandum to the attention of counsel.

We have received and reviewed UBC's letter of October 9, 2026 and the responses from the Province and the appellant.

First, we are of the view that a correction to the summary of the reasons for judgment is not required.

Second, UBC's application to reopen the appeal on the question of costs is denied. Applying the legal framework set out in *Gichuru v Vancouver Swing Society*, 2021 BCCA 246 at paras 5-7 and *Howdle v Mission Medium Institution (Warden)*, 2021 BCCA 44 at paras 2-3, this is not one of those rare cases where a reopening is required to avoid a likely miscarriage of justice. Rather, we consider the application to be, in effect, a substantive challenge to the Court's analysis as set out in the reasons for judgment.

Thank you.