

CANADA / JUDGMENT

Arkininstall v. City of Surrey

2009 BCSC 240

COURT

Supreme Court of British Columbia

DECIDED

26 February 2009

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2009 BCSC 240 Arkininstall v. City of Surrey IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: Arkininstall v. City of Surrey, 2009 BCSC 240 Date: 20090226 Docket: S073785 Registry:

Vancouver IN THE MATTER OF THE JUDICIAL REVIEW PROCEDURE ACT, R.S.B.C. 1996, c. 241

Between: Jason Cyrus Arkininstall and Jennifer Aline Green Petitioners And City of Surrey, British Columbia Hydro and Power Authority and Attorney General of British Columbia Respondents

And The British Columbia Civil Liberties Association Intervener Before: The Honourable Mr.

Justice Smart Supplemental Reasons for Judgment Counsel for the Petitioners: J. Arvay, QC

Counsel for the City of Surrey: J.J. McIntyre N. Weigelt Counsel for British Columbia Hydro and

Power Authority: R. Skolrood C. Wilson Counsel for British Columbia (Attorney General): C.E.

Jones Counsel for the Intervener, British Columbia Civil Liberties Association: B. Olthuis M.

Rankin Date and Place of Trial: April 21 - 24, 2008 Vancouver, B.C.

[1] At the conclusion of my Reasons for Judgment, I indicated that it was open to the parties to apply for any additional orders that arose from those Reasons. The petitioners have recently filed correspondence advising that I omitted to address one of the declarations that they had sought, specifically, a declaration that there were no reasonable and lawful grounds for the safety officer to seek to enter the petitioners' residence. The other parties were aware of the petitioners' correspondence and consented to it being sent.

[2] Accordingly, I wish to supplement the Reasons for Judgment by adding that on the basis of my interpretation of s. 18(1)(c) and s. 19.3(1) of the Safety Standards Act, S.B.C. 2003, c. 39, as discussed at paras. 79-84, and the evidence referred to in the Reasons, in particular, at para. 43, I am satisfied that the safety officer did have reasonable and lawful grounds to seek to enter the petitioners' residence. "SMART J."

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Prepared on 29 October 2026 · Esheria