

CANADA / JUDGMENT

Barrie v. British Columbia

2020 BCSC 2271

COURT

Supreme Court of British Columbia

DECIDED

15 January 2020

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2020 BCSC 2271 Barrie v. British Columbia (Ministry of Forests, Lands and Natural Resource Operations) IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Barrie v. British Columbia (Ministry of Forests, Lands and Natural Resource Operations) , 2020 BCSC 2271 Date: 20200115 Docket: S145732 Registry: Vancouver Between: Carol Barrie in her own right, as personal representative of Andrew Barrie, deceased, and as Executrix of the Estate of the said Andrew Barrie; Andrew Barrie Jr. by his Litigation Guardian, Carol Barrie; Mary Barrie; Craig Vallance; and Stuart Vallance Plaintiffs And Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Forests, Lands and Natural Resource Operations, and as represented by the Minister of Jobs, Tourism and Skills Training; Destination BC Corporation; Regional District of Kootenay Boundary; City of Grand Forks; City of Christina Lake; , Scott MacNeill; Kathy MacNeill; Jacqueline MacNeill; Jamie MacNeill; the Estate of Ron Legare, by his Personal Representative the Estate of Jacqueline Legare, by her Personal Representative; Government Entity #1; Government Entity #2; Government Entity #3; Government Entity #4; and Government Entity #5 Defendants Before: The Honourable Mr. Justice Groves Oral Ruling Re Application to Enter or Grant a Judgment on Liability Counsel for the Plaintiffs: D.K. Miura R.W. Richardson Counsel for the Destination BC Corporation and Her Majesty the Queen In Right of the Province of British Columbia: P. Ameer Ali Counsel for the Estates of Ron Legare and Jacqueline Legare: G. Yeung Counsel for Jacqueline MacNeill, Jamie MacNeill, Kathy MacNeill and Scott MacNeill: V.J. Pahl Counsel for the City of Grand Forks and Regional District of Kootenay Boundary: S. Twining Place and Date of Hearing: Vancouver, B.C. January 15, 2020 Place and Date of Ruling: Vancouver, B.C. January 15, 2020

- [1] THE COURT: Let me say this about the state of the pleadings. It was never argued in front of me, by Ms. Johnson or anyone, that there was a problem with the state of the pleadings, which prohibited the application to dismiss to be brought. It is somewhat disingenuous of the Province to now, having lost that application, to suggest, if they are in fact suggesting this, that somehow the judgment is improper or that judgment cannot be entered because there is this issue with the pleadings.

- [2] Everyone knew when the plaintiff's application to dismiss was made, because there had been an order in 2017, that the various provincial government defendants named in the action as defendants, the separate government entities, had been "converted", so to speak, to simple "Her Majesty the Queen". That was in fact done on the request of the Province. As I said, I think it is somewhat disingenuous to raise that issue now to prohibit the entering of an order.
- [3] As I noted in para. 19 of my reasons, the legal effect of an order to strike is to allow the applicant to take default judgment under Rule 3-8 or summary judgment under Rule 9-6. A Rule 3-8 summary judgment is a desk order type of application, where a judgment on liability is granted, when no defence is apparent and it is clear to a registrar that no defence is apparent.
- [4] Having struck the defence of Her Majesty the Queen, I am satisfied that on the issue of liability there is no defence apparent. There is nothing before me to suggest, nor has it been suggested, that there is some unique or creative argument to be made as to why judgment would not be entered in light of my reason, on a simple desk order type of application. That extra step is not required, nor is it necessary. It is reasonable, in my view, to grant judgment on liability, and I will do so. "J.R. Groves J." GROVES J.

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Prepared on 28 October 2026 · Esheria