

CANADA / JUDGMENT

BC Transportation Financing Authority v. Doe

2020 BCSC 320

COURT

Supreme Court of British Columbia

DECIDED

26 February 2020

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2020 BCSC 320 BC Transportation Financing Authority v. Doe IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: BC Transportation Financing Authority v. Doe, 2020 BCSC 320 Date: 20200226 Docket: S-200865 Registry: Victoria Between: BC Transportation Financing Authority, Her Majesty the Queen In the Right of The Province of British Columbia, The Attorney General of British Columbia Plaintiffs And: Jane Doe, John Doe, Other Unknown Persons Defendants Before: The Honourable Madam Justice Murray Oral Ruling on Application (In Chambers) Counsel for Plaintiffs: M. Weintraub M. Kleisinger No other appearances Place and Date of Hearing: Victoria, B.C. February 26, 2020 Place and Date of Judgment: Victoria, B.C. February 26, 2020

- [1] THE COURT: This is an urgent ex parte application by the Attorney General of British Columbia, the Province of British Columbia, and the BC Transportation Financing Authority, for an interim injunction enjoining the unlawful impediment of Highway 17 in Victoria.
- [2] It has come to the attention of the applicants that a protest is planned for this afternoon, between 2:00 p.m. and 5:00 p.m., on Highway 17, which is also known as the Patricia Bay or Pat Bay Highway. I have been taken to copies of social media posts advertising the planned protest. The posts include the following: ATTENTION!!! PROTEST WED.THE 26TH 2 TILL 5 SHUTTING PATBAY HIGHWAY DOWN!!! BRING UR DANCERS DRUMS GRAMMAS GRAMPAS SIGNS WE ARE HELPING WET'SUWE'TEN BAND ... EVERY ONE COME WELCOME!!!
- [3] The posts have been shared. The news has been reported by media outlets. The story is on the front page of the region's main newspaper, the Times Colonist, this morning.
- [4] The protests are part of a movement that began late last year in response to a pipeline project. It is organized protest activity that appears to be escalating. It has been directed at impeding access to, among other places, the ports, railways, ferries, SkyTrain stations, and major intersections. There have been numerous injunctions issued by this court, both as a result of protest activity and in anticipation of same.

- [5] Highway 17 is a major four-lane highway in Victoria. It extends from Tolmie Street, which is the boundary of the City of Victoria and District of Saanich, to the Swartz Bay ferry terminal. It provides access to the ferry terminal, the Victoria International Airport, a hospital and four municipalities. On average, approximately 57,000 vehicles per day travel the highway. The protest is clearly intended to disrupt and impede persons from lawfully using the highway. That they planned it for rush hour is a clear indication that the protesters are out for maximum impact.
- [6] The precise location of the planned protest along the highway is unclear. Aside from the obvious safety concerns of having protestors blocking a highway, there is no doubt that a shutdown of this major highway will cause disruption. Flights and ferries will be missed. People may not be able to access the Saanich Peninsula Hospital. Residents will not be able to get home.
- [7] The test to be applied is set out in RJR-MacDonald. I am satisfied that it has been met.
- [8] I am further satisfied that the order in the form sought should be granted. That will include a police enforcement clause. There will be no temporal limit placed on the order.
- [9] In this order, the Province acknowledges the right to protest and to engage in expressive conduct by lawful means. What this order is seeking to curtail is trespass and the protestors engaging in activities that cause unlawful blockades. To that end, the Province has identified some areas along Highway 17, where protestors can gather and protest safely without impeding public access to this major highway. "The Honourable Madam Justice Murray"

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Prepared on 28 October 2026 · Esheria