

CANADA / JUDGMENT

Joseph v. Meier

2020 BCSC 1002

COURT

Supreme Court of British Columbia

DECIDED

6 July 2020

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2020 BCSC 1002 Joseph v. Meier IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Joseph v. Meier, 2020 BCSC 1002 Date: 20200706 Docket: S17231 Registry: Smithers Between: Irene Joseph Plaintiff And Darrin Meier and the Attorney General of Canada Defendants Before: The Honourable Madam Justice B.J. Brown Reasons for Judgment Counsel for Plaintiff: I. Lawson Counsel for Defendants: C. MacEachern R. Hill Counsel for Minister of Public Safety and Solicitor General and Attorney General of British Columbia: P. Ameerli Place and Date of Hearing: Victoria, B.C. June 11 and 12, 2020 Place and Date of Judgment: Smithers, B.C. July 6, 2020

- [1] On May 22, 2020 I issued my decision in this matter, following a trial.
- [2] The parties have since brought matters to my attention that were not brought to my attention during the trial.
- [3] First, the parties agree that the Attorney General of British Columbia was not given notice pursuant to the Constitutional Question Act, R.S.B.C. 1996, c. 68 and that the portion of the judgment by which Charter damages of \$5000 were awarded to the plaintiff must be set aside. Instead, the parties agree that general damages should be increased by \$5000. I will make this order.
- [4] Second, the parties agree that on December 6, 2014 Cst. Darrin Meier was a provincial constable serving in Smithers in accordance with an agreement between the Government of Canada and the Government of British Columbia pursuant to s. 14 of the Police Act and s. 20(1) of the RCMP Act. They agree that as a result the Police Act applies and the Minister of Public Safety and Solicitor General would be statutorily liable for the tortious actions of Cst. Meier pursuant to s. 11 of the Police Act.
- [5] Accordingly, the defendants and the Minister of Public Safety and Solicitor General agree that the action of Cst. Meier in his dealings with Ms. Joseph on December 6, 2014 were undertaken in the performance of his duties as a police officer. The defendants and the Minister of Public Safety and Solicitor General take the position that on the facts of this case Ms. Joseph's remedy would lie with the Minister of Public Safety and Solicitor General and not with the officer personally or the Attorney General of Canada.

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- [6] The parties say that I could substitute the Minister of Public Safety and Solicitor General for the other defendants or I could add him. In either case the parties will ensure that the plaintiff will be fully compensated for damages. The parties agree to amending the style of cause and awarding tort damages against the Minister of Public Safety and Solicitor General.
- [7] On this basis, in my view it is appropriate to add the Minister of Public Safety and Solicitor General as a defendant in this matter and to award all damages granted to Ms. Joseph against the Minister and I so order.
- [8] There will be no additional costs to any party. "B.J. Brown J."
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Prepared on 25 October 2026 · Esheria