

CANADA / JUDGMENT

Kucera v. Lishman

2011 BCSC 378

COURT

Supreme Court of British Columbia

DECIDED

29 March 2011

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2011 BCSC 378 Kucera v. Lishman IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Kucera v. Lishman, 2011 BCSC 378 Date: 20110329 Docket: 4197 Registry: Golden Between: Charles Edward Kucera Petitioner And Peter Lishman, Gary Beaudry, and Her Majesty the Queen in Right of the Province of British Columbia Respondents Before: The Honourable Mr. Justice Melnick Supplementary Reasons for Judgment Counsel for the Plaintiff: B. Fairley Counsel for the Respondents: E.W. Hughes; F. Zaltz Place and Date of Hearing: Golden, B.C. February 1, 2011 Place and Date of Judgment: Cranbrook, B.C. March 29, 2011

- [1] On March 4, 2011, I gave reasons for judgment (2011 BCSC 267) in this matter subject to determining when the petitioner, Charles Edward Kucera ("Mr. Kucera") should remove from Crown land a certain skyline cable system and related equipment used for logging.
- [2] It is submitted on behalf of Mr. Kucera that he be given two years to do so, so that he can apply for and obtain a cutting permit to enable him to harvest timber from the woodlot in question. In the circumstances of this case, given the extensive amount of time that this equipment has sat idle on the woodlot on Crown land, that request is unreasonable. This is particularly so given the hurdles Mr. Kucera would have to overcome (in terms of appeals respecting sums apparently owing for arrears of rentals; fines, etc.).
- [3] In the alternative, Mr. Kucera would like to have until December 1, 2011 because of alleged difficulties in moving the equipment during break-up (April to June) and fire season (July to September) as well as what he describes as the time needed to move it (a week to train a crew and three weeks to do the task).
- [4] The defendants ("the Ministry") counter these positions by saying that it should be removed by June 30, 2011, as "break-up" does not mean that the site cannot be accessed for the whole of that period, probably only a portion of it. The Ministry needs time to arrange for its removal if Mr. Kucera does not do so (he would be assessed the costs) and a June 30 deadline would allow for that during the 2011 season. To leave it to December would effectively mean putting it off to 2012 if the Ministry was then charged with the responsibility. This is against a background of Mr. Kucera first being asked to remove the equipment in July 2008.

- [5] In all of the circumstances, I direct that Mr. Kucera remove the equipment, including the skyline cable system, by July 31, 2011. In my view, that gives Mr. Kucera sufficient time and opportunity to do so and still leaves enough time for the Ministry to arrange for removal in 2011 if Mr. Kucera fails to do so. "Melnick J."
-

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/SC/11/03/2011BCSC0378.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/kucera-v-lishman-2011-bcsc-378>

Prepared on 29 October 2026 · Esheria