

CANADA / JUDGMENT

Teal Cedar Products Ltd. v. Rainforest Flying Squad

2021 BCSC 2288

COURT

Supreme Court of British Columbia

DECIDED

23 November 2021

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

2021 BCSC 2288 Teal Cedar Products Ltd. v. Rainforest Flying Squad IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Teal Cedar Products Ltd. v. Rainforest Flying Squad, 2021 BCSC 2288 Date: 20211123 Docket: S211602 Registry: Vancouver Between: Teal Cedar Products Ltd. Plaintiff And Unknown Persons Operating as the "Rainforest Flying Squad", Robert Arbess (also known as Reuben Garbanzo), John Doe, Jane Doe, and Persons Unknown Defendants And British Columbia (Ministry of Forests, Lands, Natural Resource Operations and Rural Development) Third Party Before: The Honourable Mr. Justice Thompson Oral Reasons for Sentence -- Nicole Jaques Counsel for the Crown: M. Crisp R. Robinson Counsel for the Contemnor: B. Zargarian Place and Date of Hearing: Nanaimo, B.C. November 18, 2021 Place and Date of Judgment: Nanaimo, B.C. November 23, 2021

- [1] Nicole Jaques has admitted criminal contempt of the April 2021 injunction order that prohibits certain obstructive activity. On 21 May 2021, which was shortly after the RCMP began its Fairy Creek enforcement operation, Ms. Jaques was blocking one of the logging roads in the injunction area. Her right arm was inside a "sleeping dragon": she had an arm in one end of a PVC tube; another person had an arm in the other end. Their arms were roped together inside. It took the RCMP considerable time and effort to extract Ms. Jaques from the device.
- [2] Ms. Jaques is a 26-year-old first offender and, apart from this act of contempt, is an upstanding member of the community. When asked if she had anything to say, she spoke with emotion about the privilege of growing up surrounded by forest, her despair at the continuing loss of important natural habitat, and the duty she feels to future generations to do what she can to save what remains.
- [3] The Crown seeks a \$1500 fine, which it submits is a fit but moderate penalty having regard to the circumstances of the contempt. The Crown's submission emphasizes the use by Ms. Jaques of the sleeping dragon device which necessitated some planning and deliberation on her part, and the fact that the use of this device caused expenditure of extra time and resources to achieve her arrest and removal.

- [4] Ms. Jaques does not disagree that a fine is appropriate punishment, but she asks that the Court take into account that she struggles to make ends meet. She teaches dance, and she works at a café. All told, she earns about \$2000 per month, and she is left with little to spare after helping with the costs of shelter and food for her partner's children. Her counsel suggests a \$300 fine would be a fit penalty.
- [5] The principles of sentencing for criminal contempt are referred to at length in the Crown's helpful written submission. This submission, which was read by counsel at the sentencing hearing, referred to the leading cases and well-established principles. These principles are not the subject of controversy on this sentencing. The Court's inherent jurisdiction in contempt matters allows for the imposition of a wide range of penalties. Denunciation and deterrence must be in the first rank of sentencing considerations so as to carry out the Court's responsibility to maintain the rule of law. Of course, the overarching principle of proportionality must be observed; in arriving at a penalty, I must consider the circumstances of the contempt and the circumstances of the contemnor.
- [6] I take into account that Ms. Jaques has admitted her contempt at an early opportunity. In another context during this injunction case, I spoke of an impression that I have developed since I began managing this case in May 2021: as a group the alleged contemnors are respectful, intelligent, and peaceable by nature. While militant in the sense that they believe strongly and are willing to go so far as illegal action in support of the cause of protecting what remains of old-growth temperate rainforest, they have generally been disciplined adherents to the standards of non-violent disobedience. Ms. Jaques fits this mould. And, following a recognizable tradition of those in the past who have been driven by their conscience and motivated by the common good to disobey laws, she now steps forward without complaint or hesitation to accept the consequences of her civil disobedience.
- [7] However, making every allowance for this early and admirable admission of contempt, I conclude that a \$1500 fine is a restrained measure of what is required to maintain the rule of law. It is a fit penalty considering the circumstances of the contempt and the contemnor. But, bearing in mind Ms. Jaques' financial circumstances, I will suspend the requirement to pay \$500 of the \$1500 fine on two conditions. First, she must not breach any Court order in relation to the injunction area or commit any offence in the injunction area for a period of one year from today. Second, she must pay the remaining \$1000 within the time to be allotted. [After discussion with counsel, time to pay fixed at one year.] "Thompson 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/21/22/2021BCSC2288.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/teal-cedar-products-ltd-v-rainforest-flying-squad-2021-bcsc-2288>

Prepared on 29 October 2026 · Esheria