

CANADA / JUDGMENT

Vancouver Fraser Port Authority v. Doe

2020 BCSC 244

COURT

Supreme Court of British Columbia

DECIDED

9 February 2020

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2020 BCSC 244 Vancouver Fraser Port Authority v. Doe IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Vancouver Fraser Port Authority v. Doe, 2020 BCSC 244 Date: 20200209 Docket: S201433 Registry: Vancouver Between: Vancouver Fraser Port Authority Plaintiff And John Doe, Jane Doe, and other unknown persons Defendants - and - Docket: S201434 Registry: Vancouver Between: British Columbia Maritime Employers' Association, GCT Canada LP, DP World (Canada) Inc., and Viterra Inc. Plaintiffs And Jane Doe, John Doe, and other unknown persons Defendants Before: The Honourable Mr. Justice Tammen Oral Reasons for Judgment In Chambers Counsel for the Plaintiff in Action No. S201433 : G. Tucker, Q.C. D.H. Coles L. Buitendyk, Articled Student Counsel for the Plaintiffs in Action No. S201434: R.D. Copeland A. Nicholl No other appearances Place and Date of Trial/Hearing: Vancouver, B.C. February 9, 2020 Place and Date of Judgment: Vancouver, B.C. February 9, 2020

- [1] THE COURT: In the interests of time, I am going to give extremely brief reasons immediately.
- [2] This is an ex parte application by the various plaintiffs for an interim injunction pending the trial of these two actions. The underlying claims centre on allegedly tortious interference with the plaintiffs' economic interests by the defendants.
- [3] I am satisfied that the appropriate test for injunctive relief to be applied in this case is that set out in *RJR - MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311 [RJR-MacDonald]. I am also satisfied that the applicants have met that test and are entitled to injunctive relief.
- [4] I intend to grant the orders sought, substantially on the terms set out in the draft proposed order. The only potentially contentious issues, in my view, are these:
- 1) whether there should be a police enforcement clause included in the order; and
 - 2) whether there should be some strict or, put another way, brief temporal limits placed on the order.
- [5] Some very basic background information is required.

- [6] On December 31, 2019, Madam Justice Church of this Court issued an injunction enjoining blockade activities related to opposition to a pipeline project in northern British Columbia. That was the third such order made by Madam Justice Church in relation to that protest activity. That order included a police enforcement clause.
- [7] Members of the Royal Canadian Mounted Police commenced enforcing that order and making arrests comparatively recently. The activity at issue in the hearing before me is organized protest activity in the form of a blockade attempting to prevent access to the Port of Vancouver. It has been ongoing intermittently for four days now and appears to be escalating.
- [8] Appended to the affidavit of Brian Gimblett, the vice president of terminal operations at one of the port facilities, is a leaflet which was handed out to him by one of the protestors on February 7, 2020. The leaflet is two pages. It is attributed to an organization called the Red Braid Alliance for Decolonial Socialism. The heading on page 1 is as follows: Stop the RCMP invasion of Unist'ot'en Camp! No Pipeline without Wet'suwet'en consent!
- [9] The flyer commences with a reference to the order to which I have just referred made by Madam Justice Church.
- [10] Page 2 commences with a heading as follows: Why block the Port of Vancouver?
- [11] In the paragraphs set out beneath that heading are the following quotes: We are using a "choke point" strategy to cut off Canada's business as usual capitalist economy. And then further down: Blocking the Port of Vancouver for a few hours of a few days communicates a powerful message that the Wet'suwet'en nation is not alone and that our movement, while still small, is growing and must become more powerful to break the hold that corporations, police, and colonial courts have over our lives . . .
- [12] Further down the page is this: We are shutting down the Port to strike at the pro-business, profit-driven policies of BC and Canada's governments . . .
- [13] Articles ran in both local Vancouver newspapers on Saturday and Sunday concerning the protest activity. An individual named Natalie Knight, apparently one of the organizers of the blockade, is quoted as stating that protestors have no intention of leaving, and that the port was targeted in order to put financial pressure on resource extraction companies and put political pressure on government. Those comments are paraphrased in the newspaper article. In what is meant to be a direct quote by Ms. Knight is the following: "We're here to express solidarity with the Wet'suwet'en nation whose territory is under attack by the RCMP, and provincial and federal government by extension . . ." And then further down: "We will step down if the hereditary chiefs' demands are met, if the RCMP pulls back entirely, if the injunction is no longer enforced."
- [14] The combined effect of those comments satisfies me that the defendant group appears to be deliberately interfering with the plaintiffs' economic interests.

- [15] Moreover, the current blockade is designed to be a direct attack on the rule of law. It amounts to organized, unlawful activity as a means of voicing disapproval of a court order. Obviously such conduct cannot be countenanced by the court. A police enforcement clause is clearly appropriate.
- [16] Moreover, I am satisfied there should not be a strict temporal limit placed on my order. It will remain in effect until trial or further order of the court. All of that, of course, subject to any interested party applying to set this order aside on 48 hours' notice to the plaintiffs.
- [17] That concludes my ruling. "Tammen J."
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Prepared on 27 October 2026 · Esheria