

No. 20 0710
Victoria Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

THE HONOURABLE DARRYL PLECAS, M.L.A., in his capacity as SPEAKER OF THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

Plaintiff

and

JOHN DOE, JANE DOE AND OTHER UNKNOWN PERSONS

Defendants

ORDER MADE AFTER APPLICATION

BEFORE) THE HONOURABLE JUSTICE G.C. WEATHERILL) February 13, 2020
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))

ON THE APPLICATION of the Plaintiff, the Honourable Darryl Plecas, M.L.A., in his capacity as Speaker of the Legislative Assembly, without notice coming on for hearing at Victoria, British Columbia on February 13, 2020 and on hearing Christopher M. Considine QC and Patrick H. Floyd, counsel for the Plaintiff;

THIS COURT ORDERS that:

1. The Defendants, and all other persons having knowledge of this Order, are hereby restrained from trespassing upon the Legislative Precinct, as defined in the *Legislative Assembly Management Committee Act*, RSBC 1996, c. 258, as amended:

“Legislative Precinct” means

(a) the Parliament Buildings,

(a.1) the legislative grounds and Confederation Garden Park,

(b) other buildings in Victoria or parts of them that are from time to time occupied and used by members of the Legislative Assembly for the purpose of their parliamentary duties including any premises from time to time occupied by officers and staff of the Legislative Assembly, and

(c) other land or buildings or both, other than constituency offices, designated by minute of the committee;

2. The Defendants, and all other persons having knowledge of this Order, are hereby restrained from intimidating, molesting or interfering with Members of the Legislative Assembly, legislative staff of Members, and officers and staff of the Legislative Assembly, in the discharge of their respective duties and functions, by blocking or physically obstructing them from entering the Legislative Precinct;
3. The Defendants, and all other persons having knowledge of this Order, are hereby restrained from interfering, disturbing or disrupting, or attempting to interfere, disturb or disrupt, the business of and proper functioning of the Legislative Assembly in all its respects by
 - a. obstructing the access of Members, legislative staff of Members, and officers and staff of the Legislative Assembly,
 - b. interfering with, or covering the Closed Circuit Television (“CCTV”) cameras on the Legislative Precinct;
 - c. besetting, or attempting to beset, restricting, and interfering with, blocking, or physically obstructing the access to the Legislative Precinct, including public roadways; and
 - d. besetting, or attempting to beset at or adjacent to, restricting, and interfering with, blocking, or physically obstructing the following:
 - i. main, east and west door entrances of the Parliament Buildings,
 - ii. rear Legislative Library school group door entrance of the Parliament Buildings facing the Clerk’s Courtyard,
 - iii. east and west door entrances of the building, known as the “Bunker”, with the civic address of 612/614 Government Street, on the Legislative Precinct, and

iv. the entrances to the building, known as the "Armouries", with the civic address 431 Menzies Street, on the Legislative Precinct;

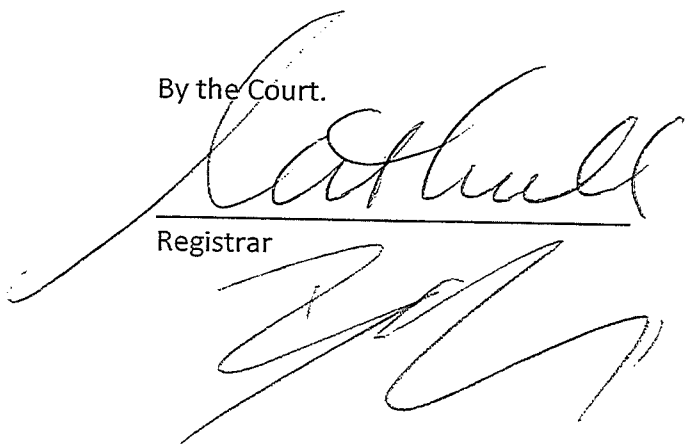
4. This Order is not be interpreted or construed as prohibiting any persons who wish to engage in assembly or expressive activity provided that such activity does not violate the terms of this Order;
5. Special provincial constables of the Legislative Assembly Protective Services ("LAPS") and/or police officers with the Victoria Police Department or other police authority that have been invited onto the Legislative Precinct under the authority of the Speaker to assist the LAPS (collectively referred to as the "Police"), are hereby authorized to forthwith arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order;
6. The Police retain discretion as to the timing and manner of enforcement of this Order, and specifically retain discretion as to the timing and manner of arrest and removal of any person pursuant to this Order;
7. The Police retain discretion to detain and release any person without arrest who the Police have reasonable and probable grounds to believe is contravening or has contravened any provisions of this Order, upon that person agreeing in writing to abide by this order;
8. Any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order to:
 - a. release that person from arrest upon that person agreeing in writing to obey this Order;
 - b. release that person from arrest upon that person agreeing in writing to obey this Order and require that person to appear before this Court at such place as may be directed by this Court, on a date to be fixed by this Court;
 - c. bring that person forthwith before this Court at Victoria, British Columbia, or such other place as may be directed by this Court;
 - d. detain that person in custody until such time as it is possible to bring that person before this Court; and/or,
 - e. otherwise take steps in accordance with Part XVI of the Criminal Code, R.S.C. 1985, c. C-46.

9. Provided the terms of this Order are complied with, the Defendants and other persons are free to participate in a peaceful, lawful and safe protest in the designated public areas.
10. The Defendants, or any interested party, may apply to this Court to set aside or vary this Order upon giving written notice to counsel for the Plaintiff of their intention to do so 48 hours in advance of the application.
11. Service of this Order may be effected by the Plaintiff as follows:
 - a. by posting a copy of the injunction on the Legislature's public website;
 - b. by positing a copy of the Order in prominent locations at the Legislative Precinct; and
 - c. in accordance with the Rules.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO THE ORDERS, IF ANY, THAT INDICATED ABOVE AS BEING BY CONSENT:

Signature of Lawyer for the Plaintiff
Christopher Considine QC

By the Court.



Registrar