

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Saanich (District) v. Brett*,
2018 BCSC 2068

Date: 20181030
Docket: S183248
Registry: Victoria

Between:

District of Saanich

Plaintiff

v.

**Christine Brett a.k.a. Crissy Brett and Chrissy Brett
Jane Doe, John Doe, and Other Unknown Persons
Occupying Regina Park**

Defendants

And

Docket: S183331
Registry: Victoria

**Her Majesty the Queen in Right of British Columbia, The Attorney General of
British Columbia, Minister of Transportation and Infrastructure, British
Columbia Transportation Financing Authority**

Plaintiffs

v.

**Christine Brett, Jane Doe, John Doe
and Other Unknown Persons**

Defendants

Before: The Honourable Mr. Justice Branch
(via videoconference)

Oral Reasons for Judgment

In Chambers

Counsel for the Plaintiff in Action S183248:

J. Locke
K. Crawford

Counsel for the Plaintiffs in Action S183331

M. Rankin
A. Caron

Counsel for the Defendants in both Actions:

J. Heaney

Place and Date of Hearing:

Victoria, B.C.
October 30, 2018

Place and Date of Judgment:

Victoria, B.C.
October 30, 2018

[1] **THE COURT:** These are applications for permanent injunctions against parties camping on lands owned by the District of Saanich and the provincial government beyond the terms allowed by a Saanich bylaw permitting overnight shelter. The facts underlying this application were dealt with extensively in my reasons granting an interim injunction on terms recorded at 2018 BCSC 1648. The defendants do not oppose the present orders, and consent to the term that all parties bear their own costs in the two proceedings.

[2] The District of Saanich narrowed the scope of injunctive relief initially sought in its notice of application because its remedial work on the parkland is nearly complete and thus, the parkland at issue may be used in the same way as other parks covered by its bylaw. The Province was also able to focus its application based on a determination of the status of its various land holdings.

[3] I am prepared to grant the two orders in the latest form presented to me based on the evidence adduced on the interim injunction application. The evidence established the required *Trespass Act*, R.S.B.C. 1996, c. 462, *Transportation Act*, S.B.C. 2004, c. 44, and bylaw violations.

[4] These orders may be submitted to the Court in due course.

[5] I am hopeful that the applicants will continue to work to solve the housing crisis facing this area, and that:

- a) the changes made to improve access to parks for overnight shelter through Saanich's bylaw amendments,
- b) the continued efforts to provide housing for homeless people set out in the applicants' affidavit material, and
- c) the applicants' work to resolve the issues in this particular litigation

will be helpful steps towards addressing these real concerns over the long term.

“Branch J.”

The Honourable Mr. Justice Branch