



No. S-160488  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

PLAINTIFF

AND:

KEN BOON, ARLENE BOON, VERENA HOFMANN, ESTHER PEDERSEN also known as Rachel Blatt, HELEN KNOTT, YVONNE TUPPER, JANE DOE, JOHN DOE and all other persons unknown to the Plaintiff occupying, obstructing, blocking, physically impeding or delaying access, at or in the vicinity of the area in and around the south bank of the Peace River upstream (west) of the Moberly River, including the area in and around the heritage site known as Rocky Mountain Fort

DEFENDANTS

**ORDER MADE AFTER APPLICATION**

BEFORE	)		)
	)	THE HONOURABLE	)
	)	MR. JUSTICE BUTLER	)
	)		)
	)		)

February 29, 2016

ON THE APPLICATION OF THE PLAINTIFF coming on for hearing at the Law Courts, 800 Smithe Street, Vancouver, British Columbia, on February 22, 23, 24, and 25, 2016 and on hearing Mark Andrews, Q.C., Charles Willms and Bridget Gilbride on behalf of the Plaintiff, and Jason Gratl and Lara Tessaro on behalf of the Defendants Ken Boon, Arlene Boon, Esther Pedersen also known as Rachel Blatt, Helen Knott and Yvonne Tupper, and Neil Chantler on behalf of Verena Hofmann.

AND ON JUDGMENT BEING RESERVED TO THIS DATE

THIS COURT ORDERS that:

1. Until the trial of this Action, the Defendants and anyone having notice of this Order are restrained, enjoined and prohibited from:
  - (i) being present in the area shaded in yellow and described as "South Bank Lower Reservoir Permitted Area" in Appendix A to this Order ("Injunction Area");
  - (ii) physically preventing, impeding, restricting or in any way physically interfering with any person or vehicle travelling to, or operating within, the Injunction Area;
  - (iii) physically preventing, impeding, restricting or in any way physically interfering with its employees, agents, contractors, or subcontractor carrying on its business in furtherance of the Project and in particular construction of the Project in the Injunction Area;

- (iv) threatening or intimidating the Plaintiff or its contractors and their respective employees, servants, agents or other persons in a contractual or economic relationship with the Plaintiff;
  - (v) physically interfering with the performance by the Plaintiff of its contractual relations with its employees, servants, agents or other persons in a contractual or economic relationship with the Plaintiff; and
  - (vi) physically interfering with the performance by the Plaintiff's contractors of their contractual relations with the Plaintiff.
2. Until the trial of this Action, the Plaintiff is authorized to remove any obstructions to accessing and conducting construction activities for the Project in the Injunction Area, and to deposit the obstructions in a designated area where the owners can recover them.
3. This Order may be varied on service of an application forty eight (48) hours prior to the returnable hour of the application.
4. A copy of this Order is to be posted at or near:
- (a) the camp that has been set up at or near the heritage site known as Rocky Mountain Fort;
  - (b) the west end of the temporary bridge that crosses the Moberly River, near the confluence of the Peace River and the Moberly River;
  - (c) the trail head of the trail that leads to the heritage site known as Rocky Mountain Fort, that is located approximately 300 metres from the west end of the temporary bridge across the Moberly River;

and such notice shall constitute good and sufficient service of this Order.

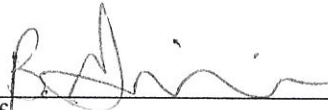
5. The Plaintiff will post the electronic information for the Injunction Area on a public website.


THIS COURT FURTHER ORDERS that the Royal Canadian Mounted Police be and is hereby authorized to enforce the injunction order set out in paragraphs 1 and 2 above as of midnight, February 29, 2016, and in furtherance of the same:

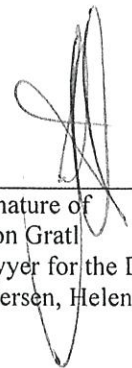
6. Any police officer with the Royal Canadian Mounted Police, and/or the appropriate police authority in the jurisdiction in question (the "Police") be and is hereby authorized to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order;
7. The Police retain discretion as to 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.
8. Any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order be authorized to:
- (a) release that person from arrest upon the person agreeing in writing to abide by this Order;
  - (b) release that person from arrest upon that person agreeing in writing to abide by 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 the Supreme Court Registry in Vancouver, British Columbia, or such other place as may be directed by this Court;

- (d) detain that person until such time as it is possible to bring that person before this Court; and/or
- (e) otherwise takes steps in accordance with Form 11.1 of the *Criminal Code*, R.S.C. 1985, c. C-46

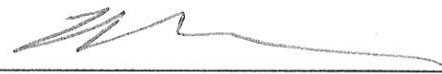
THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

  
\_\_\_\_\_  
for: Signature of  
Mark Andrews, QC  
Lawyer for the Plaintiff, British Columbia Hydro and Power  
Authority

  
\_\_\_\_\_  
Signature of  
Neil Chantler  
Lawyer for the Defendant, Verena Hofmann

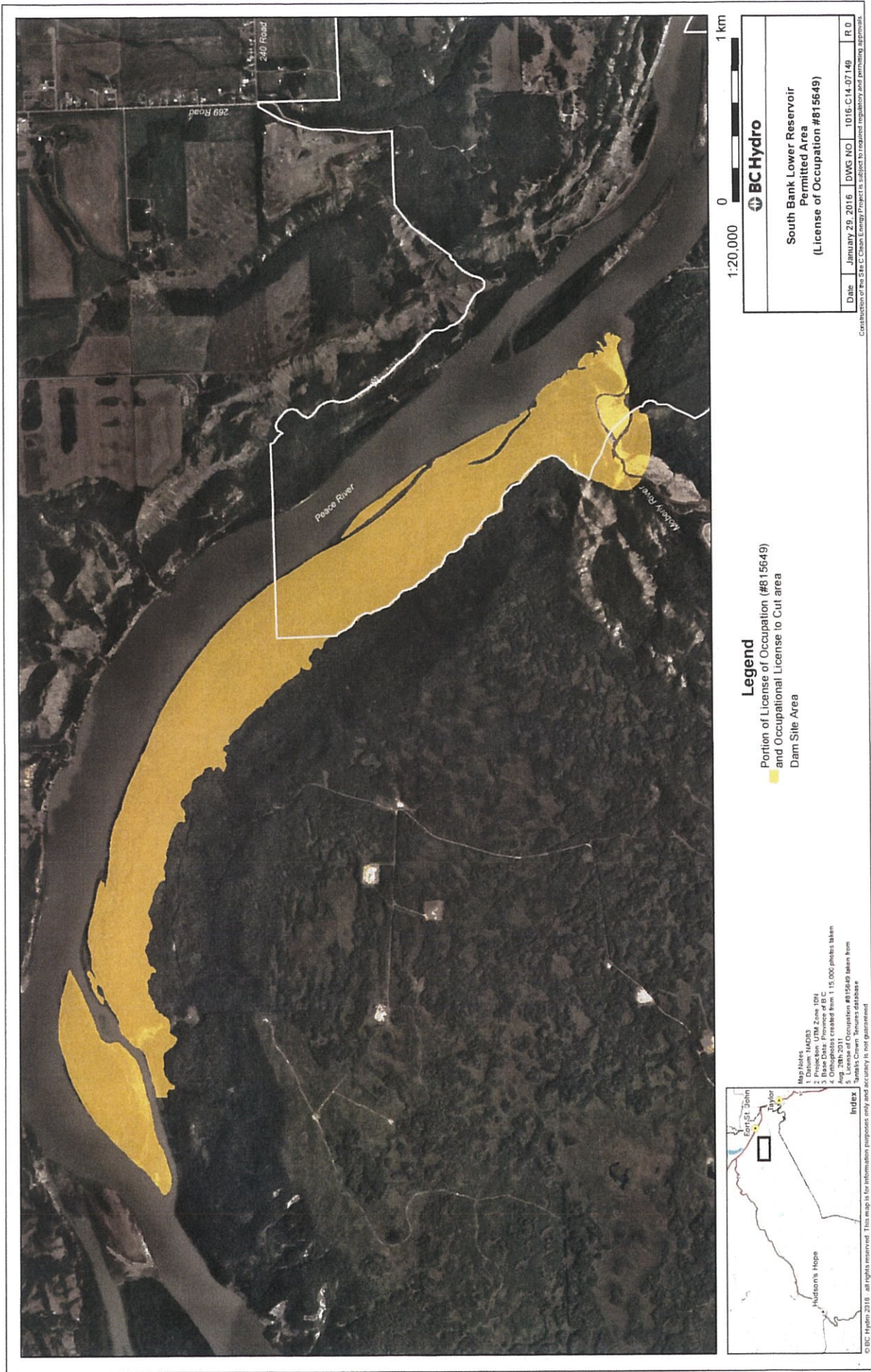
  
\_\_\_\_\_  
Signature of  
Jason Gratl  
Lawyer for the Defendants, Ken Boon, Arlene Boon, Esther  
Pedersen, Helen Knott and Yvonne Tupper

BY THE COURT

  
\_\_\_\_\_  
REGISTRAR







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DEFENDANTS

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**ORDER MADE AFTER APPLICATION**

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**FASKEN MARTINEAU DuMOULIN LLP**

Barristers & Solicitors  
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Vancouver, B.C., V6C 0A3  
604 631 3131

Counsel: Mark Andrews QC  
Matter No: 240150.00163