

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE BRITISH COLUMBIA ASSETS AND LAND CORPORATION and the ATTORNEY GENERAL OF BRITISH COLUMBIA**

**PLAINTIFFS**

**AND**

**SUN PEAKS RESORT CORPORATION, JANICE BILLY, SARAH DENAULT, AMANDA SOPER, NICOLE MANUEL, JOHN DOE, JANE DOE and PERSONS UNKNOWN acting in concert with them**

**DEFENDANTS**

**STATEMENT OF CLAIM**

1. The Plaintiff, Her Majesty the Queen in right of the Province of British Columbia as represented by the British Columbia Assets and Land Corporation ("BCAL"), has responsibility for the disposition of Crown land and property in British Columbia and has a Regional office located at 145 -3<sup>rd</sup> Avenue, Kamloops, British Columbia.
2. The Plaintiff, Attorney General of British Columbia, is responsible, pursuant to the *Attorney General Act*, R.S.B.C., 1996, c. 22 for ensuring compliance with the laws of British Columbia.
3. The Defendants, other than Sun Peaks Resort Corporation, including Janice Billy, Sarah Denault, Amanda Soper, Nicole Manuel and other persons unknown (hereinafter the "Individual Defendants") have, without legal authority, occupied a parcel of unsurveyed Crown land ("McGillivray Lake") registered pursuant to s. 7, *Land Act*, R.S.B.C. 1996, c. 245, under License of Occupation No. 337506, issued by BCAL, in the name of Sun Peaks Resort Corporation for commercial purposes.
4. The Defendant Sun Peaks Resort Corporation ("Sun Peaks") operates a year round recreational facility in Sun Peaks, British Columbia, and is the licensee of Licence

of Occupation No. 337506 under which it enjoys a non-exclusive right to use McGillivray Lake for commercial purposes.

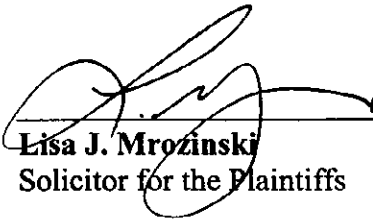
5. On or about June 4, 2001, the Individual Defendants or some of them commenced an unauthorized occupation of Sun Peaks Day Lodge ("Day Lodge") located at McGillivray Lake. Since on or about June 4, 2001, the Individual Defendants have occupied the lands at McGillivray Lake surrounding the Day Lodge and have, by threats of intimidation, the construction of a building, and the erection of road blockades from time to time, intentionally or unintentionally prevented persons from using the McGillivray Lake site for skiing or other recreational purposes.
6. Since on or about July, 2001, representatives from BCAL and the Attorney General have unsuccessfully attempted to convince the Individual Defendants to vacate McGillivray Lake through negotiation. On or about November, 2001, BCAL issued a trespass notice to persons occupying McGillivray Lake which notice was ignored by the Individual Defendants.
7. The use and occupation of McGillivray Lake by the Individual Defendants constitutes a trespass on Crown land and a public nuisance.
8. At no time have the Individual Defendants established a lawful basis for occupying McGillivray Lake and conducting themselves in the manner in which they are conducting themselves, all of which is being done without lawful authorization and in a manner inconsistent with public order and public safety.

**WHEREFORE THE PLAINTIFFS CLAIM AS FOLLOWS:**

- (a) A declaration that the activities of the Individual Defendants in occupying McGillivray Lake constitutes a trespass and a public nuisance;
- (b) A permanent injunction enjoining the Individual Defendants and others from occupying McGillivray Lake, or otherwise impeding access the McGillivray Lake or in any other way interfering with the use of McGillivray Lake by members of the public or the Defendant Sun Peaks in accordance with its License of Occupation;
- (c) An interlocutory injunction enjoining the Individual Defendants and others from occupying McGillivray Lake, or otherwise impeding access the McGillivray Lake or in any other way interfering with the use of McGillivray Lake by members of the public or the Defendant Sun Peaks in accordance with its License of Occupation
- (d) Damages for trespass and public nuisance
- (e) Costs of this action and such further and other relief as to this Honourable Court may seem just.

Place of trial: Kamloops, British Columbia

**DATED:** November 22, 2001



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**Lisa J. Mrozinski**  
Solicitor for the Plaintiffs

**THIS STATEMENT OF CLAIM** is filed by Lisa J. Mrozinski, of the Legal Services Branch, Ministry of Attorney General, P.O. Box 9280, Stn Prov Govt, 5<sup>th</sup> Floor, 1175 Douglas Street, Victoria, British Columbia V8W 9J7. Telephone: (250) 356-8848; Fax: (250) 387-0343.

No. \_\_\_\_\_  
Kamloops Registry

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