



FORM 35 (RULES 8-4(1), 13-1(3) AND 17-1(2))

No. S-201433
Vancouver Registry

In the Supreme Court of British Columbia

Between

VANCOUVER FRASER PORT AUTHORITY

Plaintiff(s)

and

JOHN DOE, JANE DOE, AND OTHER UNKNOWN PERSONS

Defendant(s)

ORDER MADE AFTER APPLICATION

BEFORE) THE HONOURABLE JUSTICE TAMMEN) February 9, 2020
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ON THE APPLICATION of the Vancouver Fraser Port Authority (the “VPFA”) without notice coming on for hearing at Vancouver, British Columbia on February 9, 2020 and on hearing Gregory Tucker, Q.C. and Daniel H. Coles for the Vancouver Fraser Port Authority;

AND ON THE APPLICATION of the Plaintiffs, British Columbia Maritime Employers’ Association in its own right and on behalf of its members, GCT Canada LP, DP World (Canada) Inc., and Viterra Inc. (the “BCMEA Plaintiffs”) without notice coming on for hearing at Vancouver on February 9, 2020 and on hearing Ryan Copeland and Andrew Nicholl, counsel for the Plaintiffs;

THIS COURT ORDERS that:

1. The defendants, and all other persons having knowledge of the order, and each of them, by themselves, their servants or agents or otherwise, are hereby restrained from trespassing upon the VFPA Lands or physically preventing, impeding, restraining or in

any way interfering or counselling others to physically interfere with any other individual or motor vehicle attempting to access or exit the VFPA Lands by way of the VFPA Road Access Points, or otherwise, including by blockading in any manner, constructing, placing or maintaining structures, tents, shelters, objects and things upon the VFPA Lands or at, or in the vicinity of, the VFPA Road Access Points until the trial or disposition of this action, or further order of this court. The VFPA Road Access Points include:

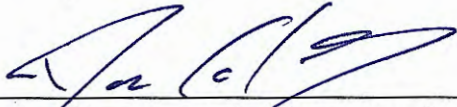
- a) Commissioner Street at New Brighton Road port entrance in Vancouver, British Columbia, being the intersection of McGill Street and Commissioner Street (“**Commissioner Street**”);
 - b) Clark Drive overpass port entrance in Vancouver, British Columbia, being the intersection of East Hastings Street and Clark Drive and the Clark Drive overpass (“**Clark Drive**”);
 - c) Heatley Avenue port entrance in Vancouver, British Columbia, being the intersection of Heatley Avenue and Powell Street as well as the Heatley overpass (“**Heatley Avenue**”)
 - d) Deltaport Way port entrance in Delta, British Columbia (“**Deltaport Way**”)
2. The defendants, and all other persons having knowledge of the order, and each of them, by themselves, their servants or agents or otherwise, are hereby restrained from intentionally interfering with the business, contractual and/or economic relationships of the BCMEA Plaintiffs, until the trial or disposition of this action, or further order of this court.
 3. This order is not to 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.
 4. The Vancouver Police Department, the Delta Police Department, or the appropriate police authority in the jurisdiction in question (collectively the “**Police**”), are hereby ordered to arrest and remove from the VFPA Lands and the VFPA Road Access Points any person

who the Police have reasonable and probable grounds to believe is interfering with or obstructing, or is attempting to interfere or obstruct, any employee or agent of the City or the VFPA who is seeking to remove any structures, tents, shelters, objects and things owned and constructed, maintained, placed or occupied by the defendants which are located on VFPA Lands or VFPA Road Access Points.

5. The Police are ordered 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.
6. It is further ordered that:
 - a) 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;
 - b) 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 and/or requiring that person to appear before this Court at Vancouver, British Columbia or such other place as may be directed by this Court, on a date to be fixed by this Court;
 - c) the Police retain discretion to arrest or detain any person who the Police have reasonable and probable grounds to believe is contravening or has contravened any provisions of this Order and detain that person in custody until such time as it is possible to bring that person before this Court; and/or, otherwise take steps in accordance with Part XVI of the *Criminal Code*, R.S.C. 1985, c. C-46.


7. 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 Vancouver Fraser Port Authority's and the BCMEA Plaintiffs' counsel of its intention to do so 48 hours in advance of the application.
8. Service of this order may be effected by the Plaintiffs as follows:
 - a) upon individual defendants by positing a copy of the order at the location of the protests that are subject of the order; and
 - b) in accordance with the Rules.s

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:



Signature of lawyer for the Vancouver Fraser
Port Authority
Daniel H. Coles

By the Court.



Registrar