

COURT FILE NUMBER

2201-03347

COURT

COURT OF QUEEN'S BENCH
OF ALBERTA

JUDICIAL CENTRE

CALGARY

APPLICANT

THE CITY OF CALGARY

RESPONDENTS

JANE DOE 1-50, JOHN DOE 1-50 and PERSONS
UNKNOWN

DOCUMENT

ORDER

I hereby certify this to be a true copy of
the original Order

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

Brownlee LLP
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Dated this 18 day of March, 2022

Tarin Arndt

for Clerk of the Court

**Attention: Derek J King and Alifeyah Gulamhusein
Counsel for the Applicant, City of Calgary**

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File: 72090-0014/DJK

DATE ON WHICH ORDER WAS PRONOUNCED: March 18, 2022

LOCATION AT WHICH ORDER WAS PRONOUNCED: **Calgary, Alberta**

NAME OF JUSTICE WHO MADE THIS ORDER: **Justice R.P. Belzil**

UPON THE EX PARTE APPLICATION of the Applicant, The City of Calgary ("The City"); AND UPON HAVING READ the Affidavits of Brad Teets, Jason Bobrowich, Barb Doyscher, and Brad Labrenz; AND UPON hearing from legal counsel for the Applicant; IT IS HEREBY ORDERED AS FOLLOWS:

Prohibitions

1. The City is granted an interlocutory injunction pursuant to section 554 of the *Municipal Government Act*, RSA 2000, c M-26 prohibiting the Respondents from engaging in:



- (a) the blocking of traffic on roads and on sidewalks, walking in the middle of the roadways, and preventing vehicles and pedestrians from lawfully passing by or accessing amenities in the area without authorization or a permit;
- (b) conduct or activity in a park which unreasonably disturbs the use or enjoyment of the park for other users of the park, or hosting an event or using an amplification system in a park without a permit;
- (c) commercial activity in a park, including but not limited to the operation of vendor stands within Central Memorial Park or other areas without a permit;
- (d) the unnecessary sounding of horns or other audible warning devices of motor vehicles or of other noise making devices, including but not limited to air horns and megaphones, within the boundaries of the City contrary to the Community Standards Bylaw 5M2004 (the "Community Standards Bylaw"). In the context of motor vehicle horns or other audible warning devices, the sounding shall be deemed unnecessary if done in a manner contrary to section 83 of the *Use of Highway and Rules of the Roadway Regulation*, AR 304/2002. For clarity, section 83 states:

83(1) A person shall not use the horn or other audible warning device of a motor vehicle, motor cycle, moped, power bicycle or bicycle

(a) except for the purposes of giving notice to other persons that are on or approaching a highway or within the vicinity of the vehicle, or

(b) so that it makes more noise than is reasonably necessary to give notice to other persons that are on or approaching a highway or within the vicinity of the vehicle.

- 2. Alternatively, The City is granted a *quia timet* interlocutory injunction imposing the same prohibitions as set out at paragraph 1 of this Order.

Notice / Service

- 3. Pursuant to Rule 11.27 of the *Rules of Court*, service of this Order may be given by reading this Order to any person, including but not limited to reading this Order over an amplification system; publishing this Order online, including on social media accounts associated with the Respondents or The City; or distributing copies of this Order to the media.
- 4. Service in the manner described in paragraph 3 is deemed good and sufficient.

Enforcement

5. Any member of the Calgary Police Service, or any Peace Officer, as defined in the *Criminal Code*, RSC 1985, c C-46, as amended or replaced (collectively “Law Enforcement”), and anyone necessary to assist Law Enforcement, may ensure compliance with this Order including arresting or detaining persons Law Enforcement has reasonable grounds to believe is contravening or has contravened any provision of this Order. A member of Law Enforcement may use reasonable force in order to ensure compliance with this Order.
6. Any member of Law Enforcement who arrests or detains a person pursuant to this Order (hereinafter the “Offending Party”), is authorized to:
 - (a) Bring the Offending Party as soon as possible, before a Justice of the Court of Queen’s Bench of Alberta, and the Offending Party will be required to show any reason why there should be no finding of civil contempt at a hearing before a Justice of the Court Queen’s Bench; or
 - (b) Bring the Offending Party as soon as possible to the Calgary Remand Centre to be held by the Calgary Remand Centre until the Offending Party may be brought before a Justice of the Court of Queen’s Bench of Alberta, and the Offending Party will be required to show any reason why there should be no finding of civil contempt at a hearing before a Justice of the Court Queen’s Bench.
7. This Order is sufficient authority for the keeper of a correctional institution to hold an Offending Party in custody pending appearance before a Justice of the Court of Queen’s Bench of Alberta.
8. The provisions of this Order are in addition to, and do not derogate from, any powers of Law Enforcement under the *Criminal Code* or under any applicable provincial legislation. For greater certainty, a member of Law Enforcement may arrest and charge any Offending Party who is believed on reasonable grounds to have contravened section 127 of the *Criminal Code*.
9. A member of Law Enforcement will ensure that an Offending Party has knowledge of this Order. A person shall be deemed to have notice of this Order if the City has undertaken any one or more of the methods of service set out at paragraph 3 of this Order prior to the arrest or detention of an Offending Party, or if that Offending Party is shown a copy of the Order, or if it is read to them.
10. Law Enforcement shall retain the discretion:

- (a) as to the timing and manner of enforcement of this Order, including the discretion as to the timing and manner of arrest and removal of a person pursuant to this Order; and
 - (b) to detain and release an Offending Party without arrest who Law Enforcement has reasonable grounds to believe is contravening or has contravened any provision of this Order, where that Offending Party agrees in writing to abide by this Order and does abide by this Order thereafter.
11. The Respondents and any other persons shall remain at liberty to engage in peaceful, lawful and safe protest subject to the provisions of this Order.
 12. This Order shall not apply to persons acting in the normal course of or in the exercise of a statutory duty, power or authority.
 13. This Interlocutory Order shall remain in force until the hearing of the application for a permanent injunction ~~as set out in the Applicant's Originating Application~~ on a date to be arranged.^{RPB}
 14. Costs shall be in the cause.
 15. Pursuant to Rule 9.4(2), the court clerk may sign this Order and the Respondents' approval of this Order is not required.



J.C.Q.B.A.