

Burns, Susan G ALMD:EX

From: Burns, Susan G ALMD:EX
Sent: Tuesday, August 11, 2009 10:06 AM
To: Burns, Susan G ALMD:EX
Subject: s. 13 s. 14

From: ALMD Universities & Institutes ALMD:EX
Sent: Wednesday, July 8, 2009 9:51 AM
To: Hull, Deborah ALMD:EX
Subject: s. 13 s. 14

From the branch generic

Michele

From: Audain, Kyra [mailto:kaudain@exchange.ubc.ca]
Sent: Wednesday, July 8, 2009 9:41 AM
To: ALMD Universities & Institutes ALMD:EX
Cc: don.avison@rucbc.ca; iosborne@sfu.ca; qencouns@uvic.ca; Lai, Hubert
s. 13 s. 14

Ms. Hull,

I am sending the following e-mail on behalf of Hubert Lai, University Counsel.

Best Regards,
Kyra Audain

~~~~~  
Kyra Audain  
Assistant to the University Counsel  
University of British Columbia  
T: 604.822.3968 F: 604.822.8731  
E: [kyra.audain@ubc.ca](mailto:kyra.audain@ubc.ca)  
W: [www.universitycounsel.ubc.ca](http://www.universitycounsel.ubc.ca)

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**To:** Deborah Hull, Director, Universities and Institutes Branch, Ministry of Advanced Education and Labour Market Development  
**Cc:** Don Avison, President, Research Universities Council of British Columbia  
Judith Osborne, Vice-President, Legal Affairs, Simon Fraser University  
Don Barnhardt, General Counsel, University of Victoria

s. 13 s. 14

Regards,

<= Hubert

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Hubert Lai, University Counsel  
The University of British Columbia  
6328 Memorial Road  
Vancouver, British Columbia, V6T 1Z2  
Tel: (604) 822-0687  
Fax: (604) 822-8731  
E-mail: [hubert.lai@ubc.ca](mailto:hubert.lai@ubc.ca)

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## Burns, Susan G ALMD:EX

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**From:** Burns, Susan G ALMD:EX  
**Sent:** Monday, July 20, 2009 4:21 PM  
**To:** Thiessen-Wale, Katherine ALMD:EX  
**Subject:** RE: UBC Parking Regulations

**Importance:** High

Hi Katherine,

s. 13 s. 14

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**From:** Burns, Susan G ALMD:EX  
**Sent:** Monday, July 20, 2009 10:12 AM  
**To:** Thiessen-Wale, Katherine ALMD:EX  
**Subject:** RE: UBC Parking Regulations

To the best of my knowledge, we haven't received any such information. I'll ask Blair.

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**From:** Thiessen-Wale, Katherine ALMD:EX  
**Sent:** Monday, July 20, 2009 10:10 AM  
**To:** Burns, Susan G ALMD:EX  
**Subject:** FW: UBC Parking Regulations

s. 13 s. 14

Katherine

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**From:** Thiessen-Wale, Katherine ALMD:EX  
**Sent:** Monday, July 20, 2009 9:59 AM  
**To:** Petkovic, Anita M AG:EX  
**Subject:** UBC Parking Regulations

s. 13 s. 14

Thanks,

*Katherine Thiessen-Wale*  
Manager, Legislation and Board Appointments  
Governance Branch



75472

|                                       |                                                         |                                                                                             |                                                         |
|---------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------|
| MINISTRY OF ADVANCED EDUCATION        |                                                         |                                                                                             |                                                         |
| CLIFF NUMBER                          | 02022                                                   |                                                                                             |                                                         |
| REFER TO                              | RECEIVED                                                |                                                                                             |                                                         |
| JUL 21 2009                           |                                                         |                                                                                             |                                                         |
| <input type="checkbox"/> DRAFT<br>MIN | <input type="checkbox"/> DRAFT<br>REPLY<br>MIN'S BEHALF | <input type="checkbox"/> UM<br><input type="checkbox"/> ADM<br><input type="checkbox"/> DIR | <input checked="" type="checkbox"/> INFO<br>FILE        |
| <input type="checkbox"/> RLU          | <input type="checkbox"/> MINISTER                       | <input type="checkbox"/> MA                                                                 | <input type="checkbox"/> EA <input type="checkbox"/> AC |
| NOTES                                 |                                                         |                                                                                             |                                                         |

JUL 17 2009

Mr. Hubert Lai  
University Counsel  
The University of British Columbia  
6328 Memorial Road  
Vancouver, British Columbia  
V6T 1Z2

Dear Mr. Lai:

I am responding to your correspondence dated June 25, 2009, and the enclosed material.

s. 13 (1) s. 14

Yours faithfully,

Original Signed By

M. Jerry McHale, QC  
Acting Deputy Attorney General

pc: The Honourable Moira Stilwell  
Richard Fyfe

THE UNIVERSITY OF BRITISH COLUMBIA

COPY



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6328 Memorial Road  
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Tel: 604-822-3968  
Fax: 604-822-8731

Direct Line: (604) 822-0687  
E-mail: laibert.luf@ubc.ca

June 25, 2009

BY COURIER

Allan Seckel, Q.C.  
Deputy Attorney General  
Ministry of the Attorney General  
1001 Douglas Street, 11<sup>th</sup> Floor  
Victoria, BC V8W 9J7

RECEIVED  
366 648  
JUN 29 2009  
230-01  
DEPUTY ATTORNEY GENERAL

Dear Allan:

s. 13(1) s. 14

In the intervening period, Mr. Justice Goepel handed down his decision on the common issues.

s. 13(1) s. 14

s. 13(1) s. 14

s. 13(1) s. 14

Although you may have already received a copy directly, I am taking the liberty of enclosing the package of materials that was delivered by the Research Universities Council of British Columbia to the Ministry regarding this matter.

The package contains considerable information about Mr. Justice Goepel's decision.

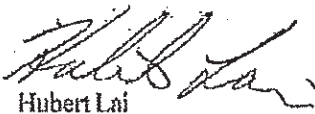
s. 13(1) s. 14

s. 13(1) s. 14

However,

if you would like additional information, please do not hesitate to contact me.

Yours truly,

  
Hubert Lai  
University Counsel

HL:ka

Enc

Copy to: Stephen Owen, Vice President, External, Legal and Community Relations, The University of British Columbia  
Don Avison, President, The Research University Council of British Columbia

MEMORANDUM

TO: Ministry of Attorney General, and  
Ministry of Advanced Education and Labour Market Development

FROM: The Research Universities Council of British Columbia

DATE: May 28, 2009

RE: Barbour Decision and Proposed Bill to Amend the University Act

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EXECUTIVE SUMMARY

s. 13(1) s. 14

s. 13(1) s. 14



PART 1

PROBLEMS ARISING FROM THE BARBOUR DECISION

On March 30, 2009 Mr. Justice Goepel of the British Columbia Supreme Court handed down his decision in *Barbour v. The University of British Columbia* (2009 BCSC 425) (the "Barbour Decision")<sup>1</sup>. The case arose as the result of a class action started by the plaintiff Daniel Barbour seeking restitution of approximately \$4 million in parking fines, towing fees, storage charges and administrative fees collected by The University of British Columbia ("UBC").

s. 13(1) s. 14

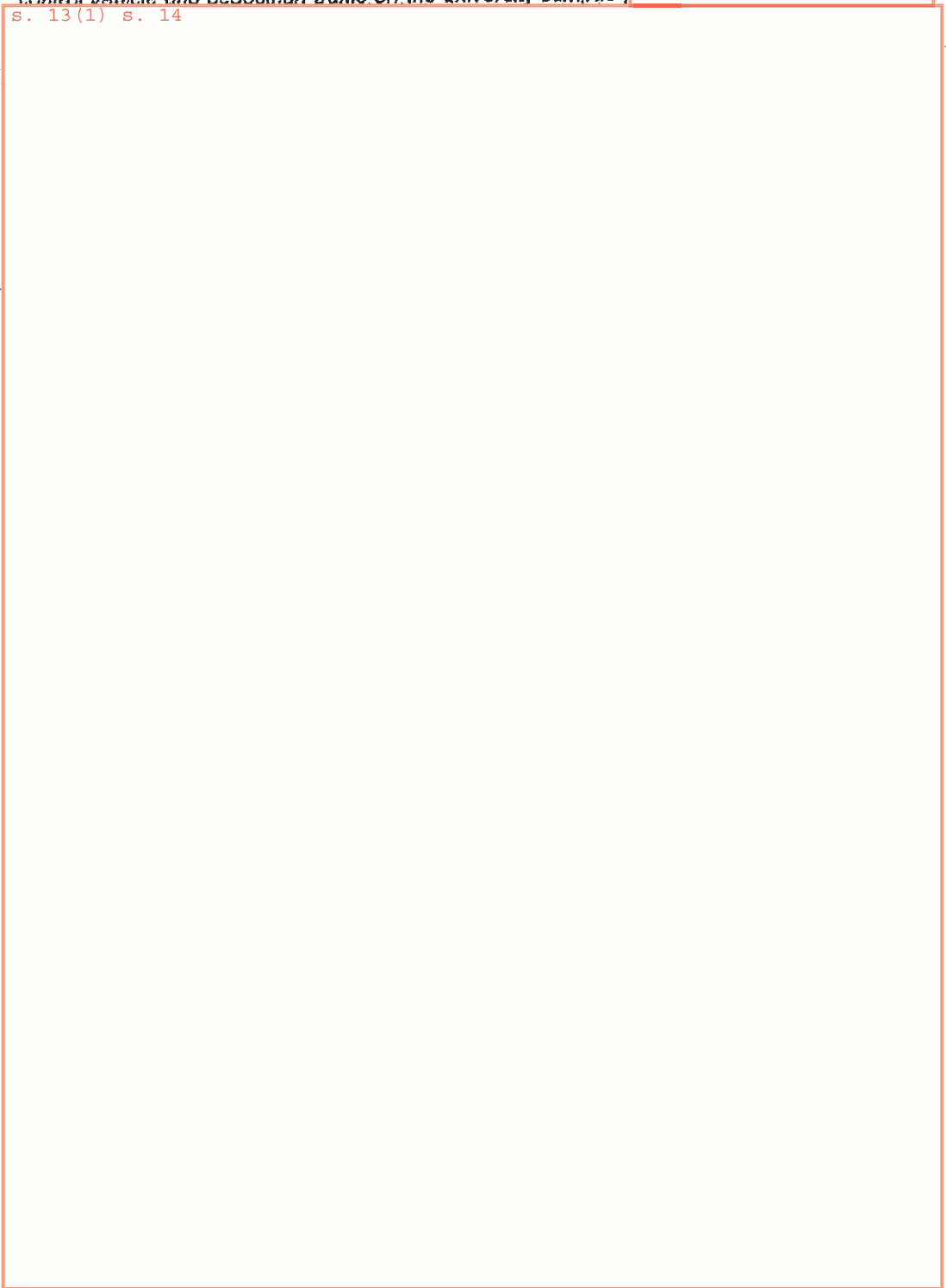
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969156.1

(i) Regulation and Enforcement of Campus Parking

While section 27(2)(t) of the *University Act* specifically grants the Board the public law power to "control vehicle and pedestrian traffic on the university campus", s. 13(1) s. 14  
s. 13(1) s. 14



(c) Financial Liability

(i)

s. 13(1) s. 14

The plaintiffs in the Barbour class action claim restitution of more than \$4,000,000 in fines and related towing fees, storage charges, administrative fees and other expenses collected by UBC for breaches of the UBC Parking Regulations. They are also seeking interest, s. 13(1) s. 14

s. 13(1) s. 14

s. 13(1) s. 14

PART 2  
SOLUTIONS

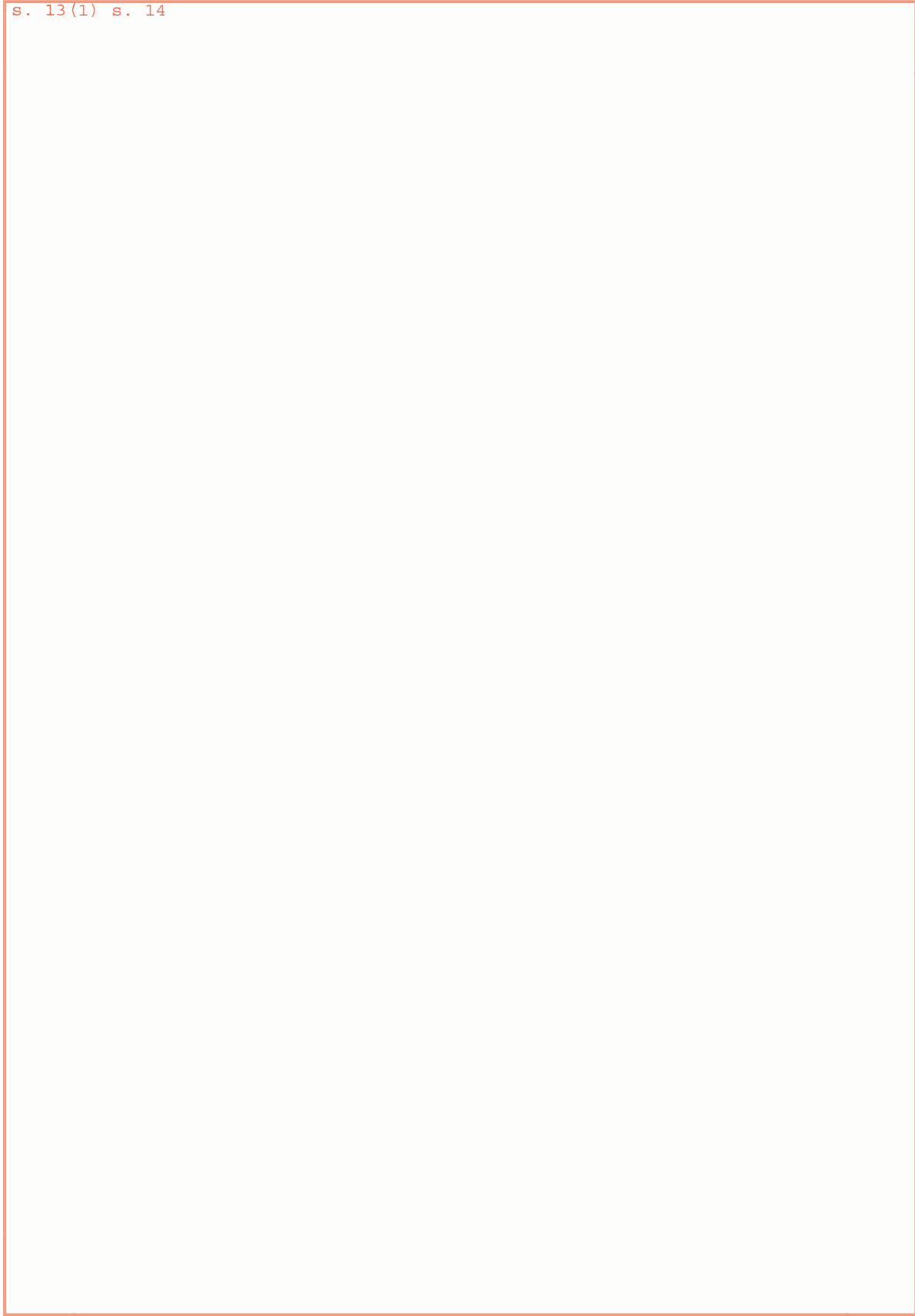
IRC has annulled the Barbour decision

s. 13(1) s. 14

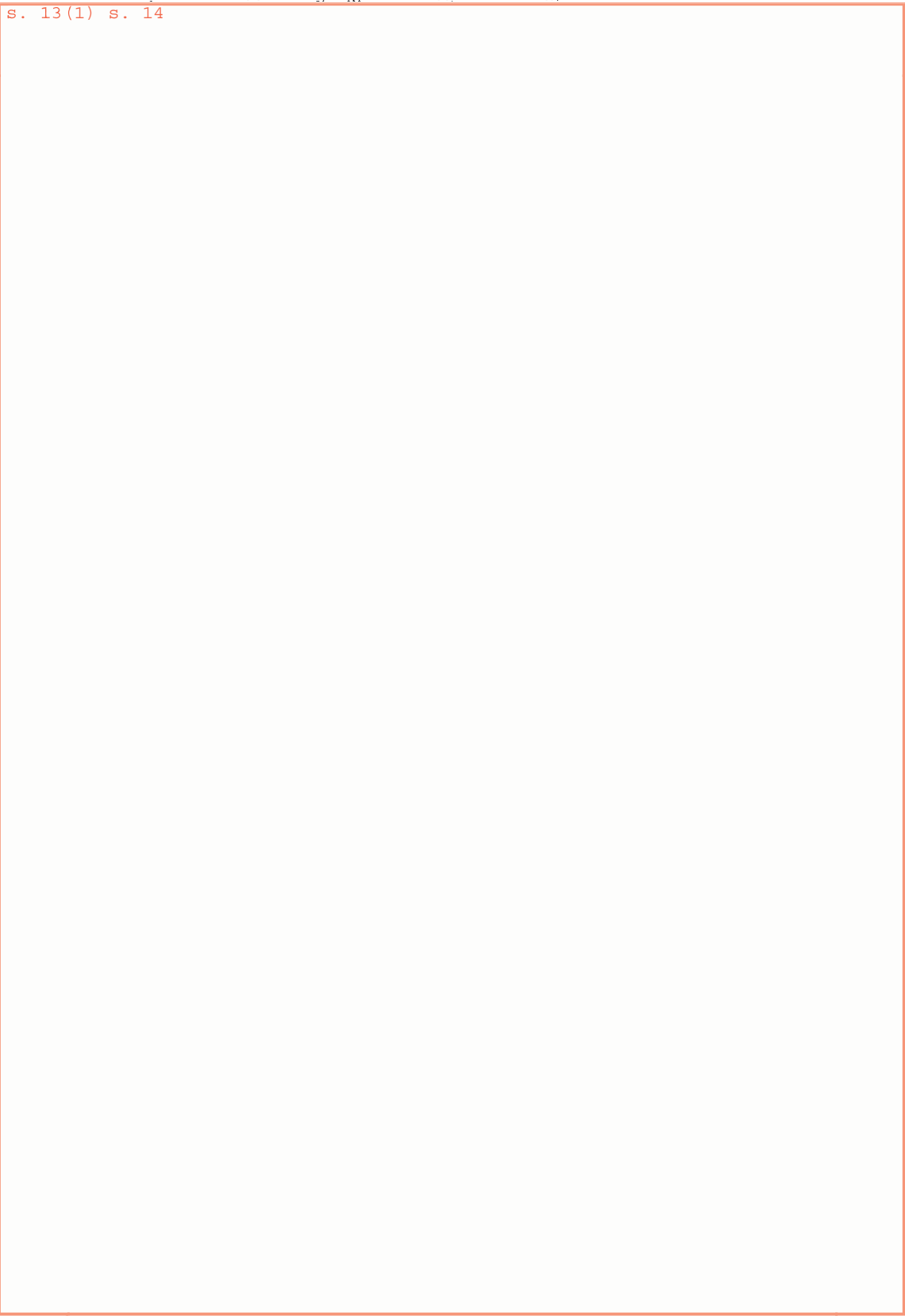
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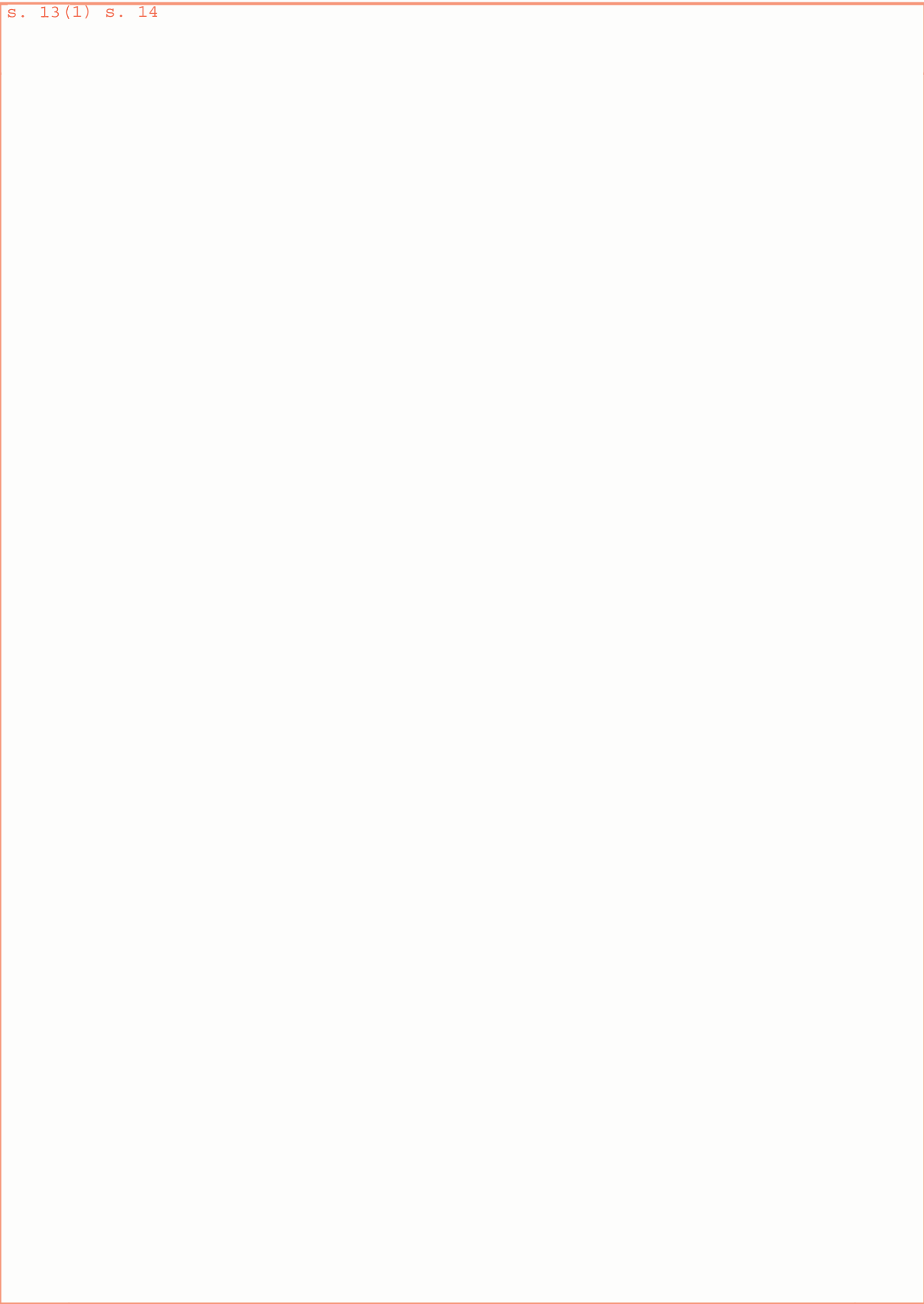
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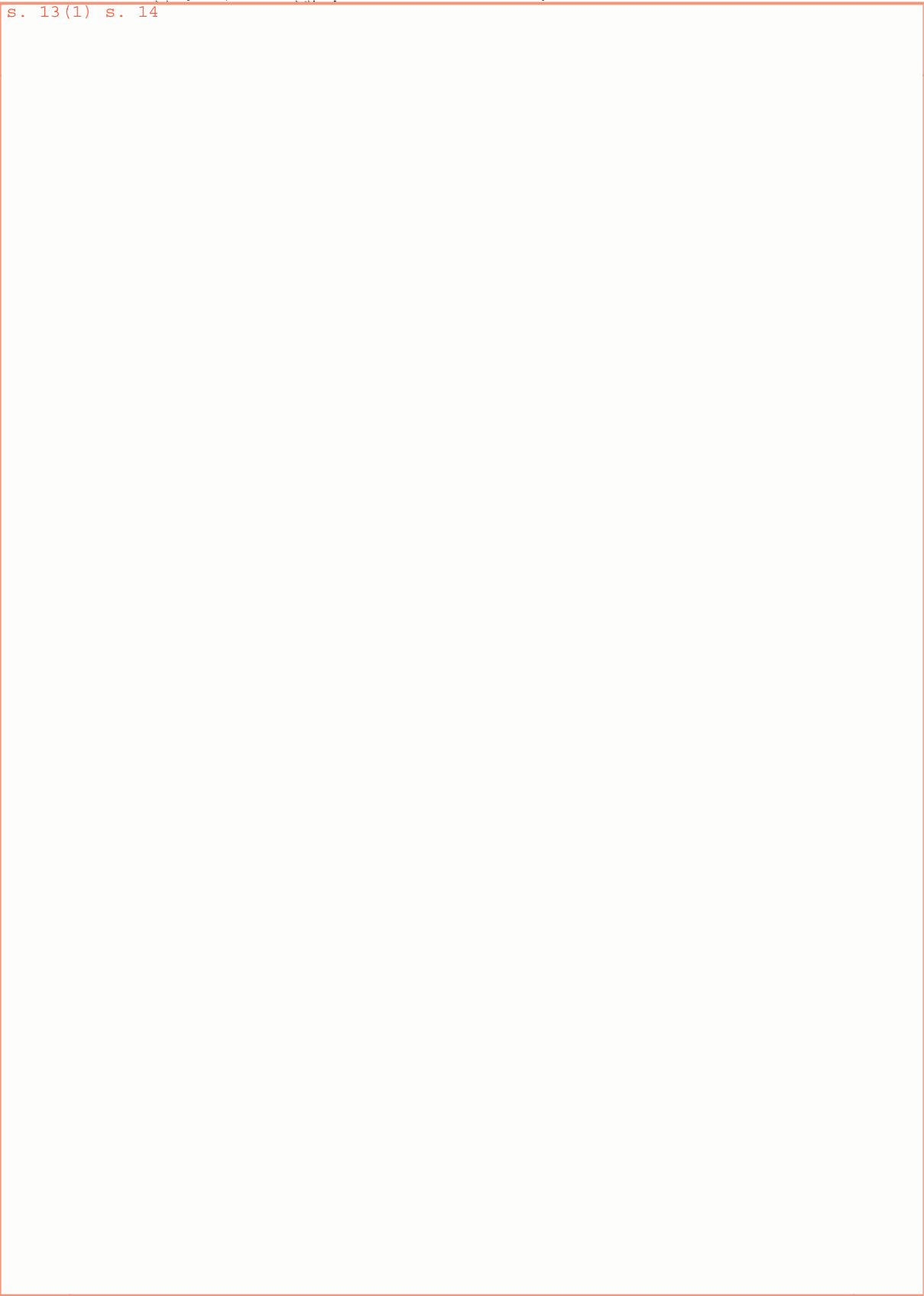


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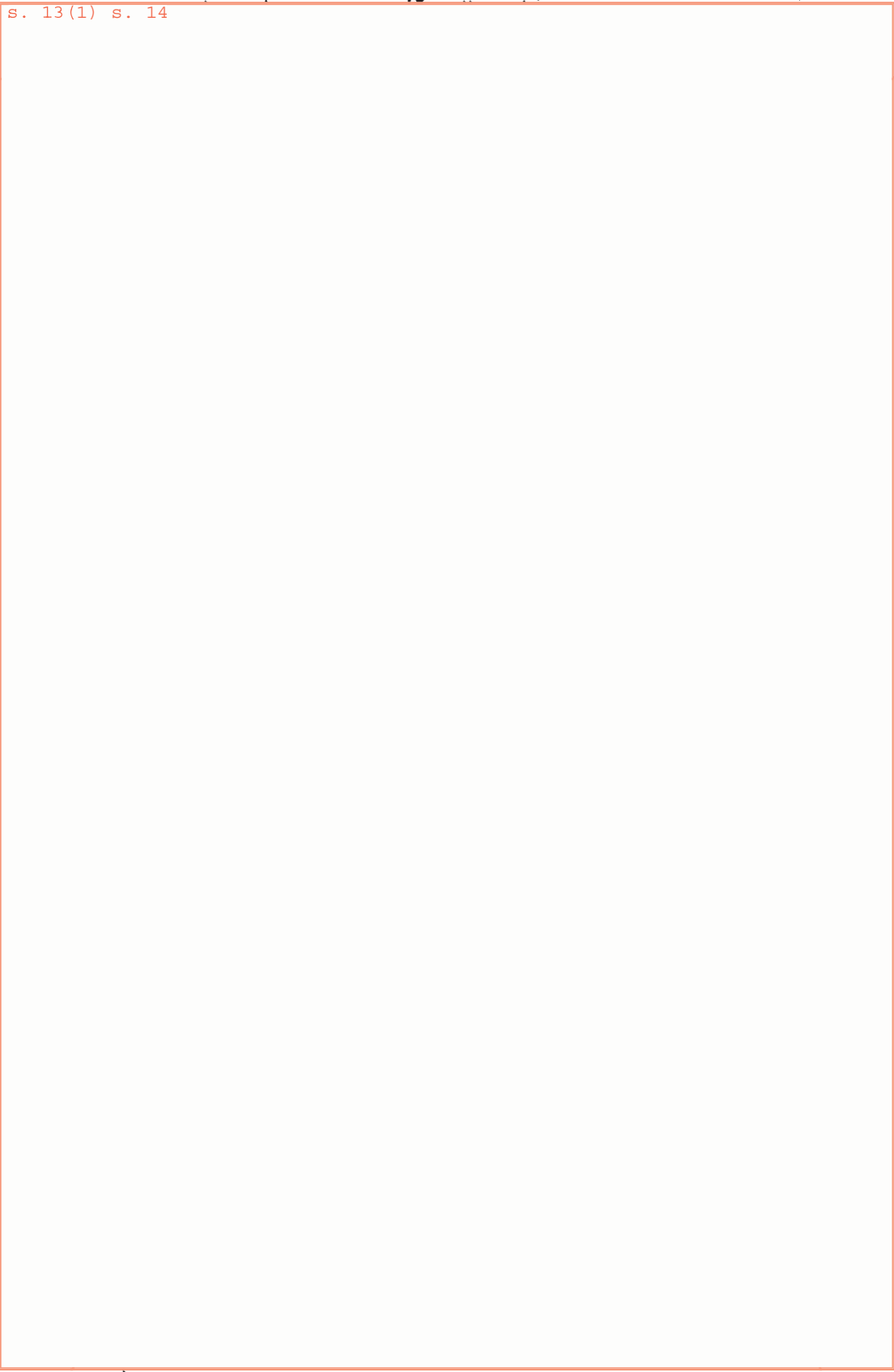
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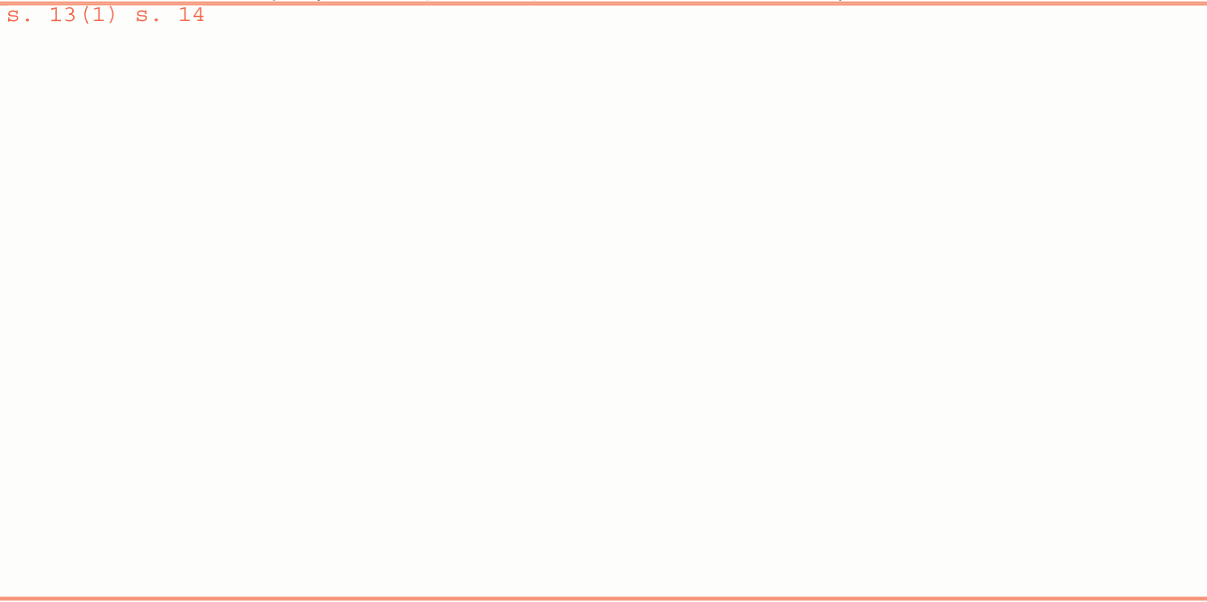


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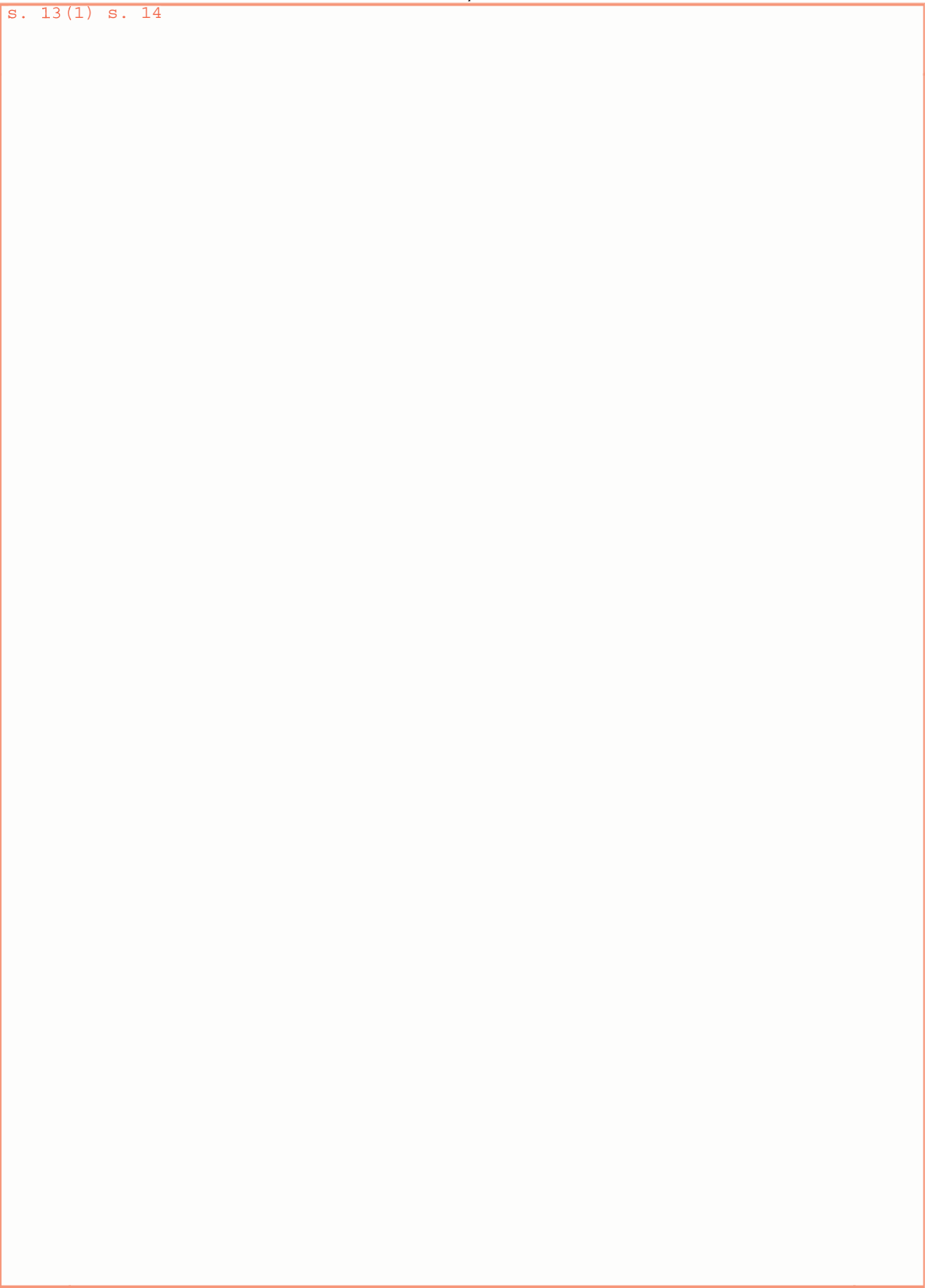
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s. 13(1) s. 14



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s. 13(1) s. 14

