



Form 35 (Rules 12-2(9) and 13-1(3))

No. S117498  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**CITY OF VANCOUVER**

**PLAINTIFF**

**AND:**

**SEAN O'FLYNN-MAGEE, CELINA-MARIE WEBBER HAY, JANE DOE, JOHN DOE  
AND OTHER UNKNOWN PERSONS**

**DEFENDANTS**

**ORDER MADE AFTER APPLICATION**

*THE ASSOCIATE  
/ CHIEF*

BEFORE THE HONOURABLE ~~MADAM~~

JUSTICE MACKENZIE

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)  
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Wednesday, the 9<sup>th</sup> day

of November, 2011.

THE APPLICATION of the Plaintiff dated November 7, 2011, coming on for hearing at 800 Smithe Street, Vancouver, BC, on Tuesday, November 8 and Wednesday, November 9, 2011, and on hearing Ben Parkin, lawyer for the Plaintiff, and on hearing, Jason Gratl, lawyer for the Defendant, Sean O'Flynn-Magee, and upon hearing Michael J. McCubbin, lawyer, on behalf of the Defendant Celina-Marie Webber Hay;

**THIS COURT ORDERS THAT:**

The hearing of the application of the Plaintiff dated November 7, 2011 be adjourned to Wednesday, November 16, 2011 at 9:45 a.m.;

AND THIS COURT FURTHER ORDERS THAT:

The Defendants and all other persons having knowledge of this Order are to comply with any and all orders of the Fire Chief

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AND THIS COURT FURTHER ORDERS THAT:

By 7:00 p.m. on November 9, 2011 the Defendants and all other persons having knowledge of this Order are to comply with paragraphs 6 and 7 of the order of the Fire Chief, dated November 3, 2011 and issued to Sean O'Flynn-Magee as a representative of Occupy Vancouver (the "Fire Order"), regarding the lands legally described as Block 51, District Lot 541, Plan 14423, Group I, New Westminster District (the "Art Gallery Lands")

AND THIS COURT FURTHER ORDERS THAT:

By 2:00 p.m. on November 10, 2011 the Defendants and all other persons having knowledge of this Order are to comply with paragraphs 1 through 5 of the Fire Order.

AND THIS COURT FURTHER ORDERS THAT:

As of Wednesday, November 9 at 7:00 p.m. the Fire Chief and all employees or agents of the City of Vancouver are hereby authorized to:

- a. Remove all open flame and/or flammable heat sources; and
- b. Remove all propane or other fuel sources;

from the Art Gallery Lands to obtain compliance with this Order, and any and all orders of the Fire Chief;

AND THIS COURT FURTHER ORDERS THAT:

As of Thursday, November 10, 2011 at 2:00 p.m. the Fire Chief and all employees or agents of the City of Vancouver are hereby authorized to:

- a. Remove all tarpaulin enclosures and overhead tarpaulins from tents;
- b. Provide, alter or improve a continuous path of travel to all individual tents within all tarpaulin structures;
- c. Identify for fire inspectors all tents that are occupied;
- d. Remove all unoccupied tents; and
- e. Provide spacing of 3 feet between tents to reduce/eliminate fire spread and smoke exposure;

on the Art Gallery Lands to obtain compliance with this Order, and any and all orders of the Fire Chief;

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AND THIS COURT FURTHER ORDERS THAT:

Any police officer with the Vancouver Police Department, or another municipal police force, or the RCMP, is hereby authorized to arrest and remove from the Art Gallery Lands any person who the police officer has reasonable and probable grounds to believe is interfering with or obstructing, or is attempting to interfere with or obstruct, the Fire Chief or any employee or agent of the City of Vancouver who is seeking to remove any structures, tents, shelters, objects and things, or take any other steps to obtain compliance with this Order;

AND THIS COURT FURTHER ORDERS THAT:

Notice of this Order may be given to the Defendants by posting of this Order on the Art Gallery Lands.

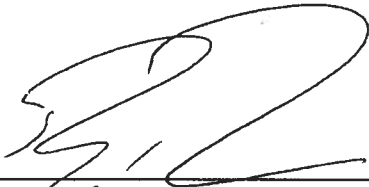
AND THIS COURT FURTHER ORDERS THAT:

Approval of the form of the Order by unrepresented Defendants is hereby dispensed with;

AND THIS COURT FURTHER ORDERS THAT:

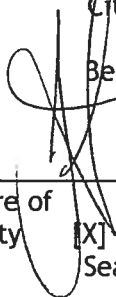
This Order shall remain in force until this matter is tried, or until further Order of this Honourable Court.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER:



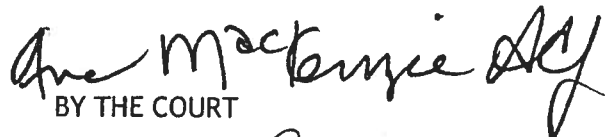
Signature of  
[ ] party [X] lawyer for the Plaintiff  
City of Vancouver

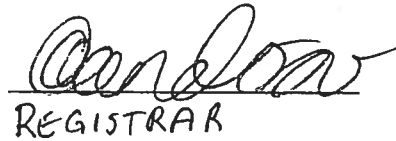
Ben Parkin

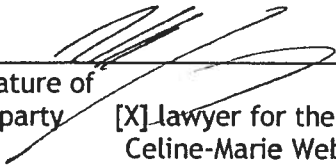


Signature of  
[ ] party [X] lawyer for the Defendant  
Sean O'Flynn-Magee

Jason Gratl

  
BY THE COURT

  
REGISTRAR



Signature of  
[ ] party [X] lawyer for the Defendant  
Celine-Marie Webber Hay

Michael McCubbin

No. S117498

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**DEFENDANTS**

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**ORDER**

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**Ben Parkin**  
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**FILE NO.: 11-1505**