

CA 44393

Court of Appeal File No. _____
Supreme Court File No. S162351
Registry Vancouver

VANCOUVER
APR 18 2017
COURT OF APPEAL
REGISTRY

COURT OF APPEAL OF BRITISH COLUMBIA

BETWEEN:

CHIEF CONSTABLE FRANK J. ELSNER

Respondent
(Petitioner)

AND:

THE POLICE COMPLAINT COMMISSIONER

Appellant
(Respondents)

AND:

**AND MAYORS BARBARA DESJARDINS AND LISA HELPS IN THEIR
CAPACITY AS INTERNAL DISCIPLINE AUTHORITY**

Respondents
(Respondents)

NOTICE OF APPEAL

Take notice that the Police Complaint Commissioner hereby appeals to the Court of Appeal for British Columbia from the order of the Honourable Chief Justice Hinkson of the Supreme Court of British Columbia pronounced the 12th day of April, 2017, at Vancouver, British Columbia.

1. The appeal is from a:
 - Trial Judgment Summary Trial Judgment
 - Order of a Statutory Body Chambers Judgment

2. If the appeal is from an appeal under Rule 18-3 or 23-6 (8) of the Supreme Court Civil Rules or Rule 18-3 or 22-7 (8) of the Supreme Court Family Rules, name the maker of the original decision, direction or order: N/A

3. Please identify which of the following is involved in the appeal:
 - Constitutional/Administrative Civil Procedure Commercial
 - Family – Divorce Family Law Act Corollary Relief in a Divorce Proceeding Other Family
 - Motor Vehicle Accidents Municipal Law Real Property
 - Torts Equity Wills and Estates


(The Divorce Registry will, as applicable, be notified by the Court of Appeal Registry on filing if the appeal involves divorce, corollary relief in divorce proceeding or matters under the *Family Law Act*)

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that:

- a) the Appeal be allowed
- b) the Order of the Honourable Chief Justice Hinkson pronounced on April 12th, 2017 be set aside;
- c) the Appellant be granted its costs in this Court and the Court below; and
- d) such further orders and relief as this Honourable Court deems just.

The hearing of this proceeding occupied three days.

Dated at Victoria, British Columbia, this 18th day of April, 2017.


Deborah K. Lovett, QC
Solicitor for the Appellant

To the respondent(s): Chief Constable Frank J. Elsner
And to its solicitor: J. Winteringham, Q.C. and T. Boyar.

To the respondent(s): Barbara Desjardins and Lisa Helps
And to its solicitor: J. M. Doyle

This Notice of Appeal is given by Deborah K. Lovett, QC, of the firm, Lovett Westmacott, whose address for service is Suite 12 - 2544 Dunlevy Street, Victoria, British Columbia, V8R 5Z2.
Telephone: (250)480-7404. Facsimile: (250) 480-7455

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:

B.C. Court of Appeal
Suite 400, 800 Hornby Street
Vancouver BC V6Z 2C5

Other Registries:

B.C. Court of Appeal
The Law Courts
P.O. Box 9248 STN PROV GOVT
850 Burdett Ave
Victoria BC V8W 1B4

B.C. Court of Appeal
223 - 455 Columbia Street
Kamloops BC V2C 6K4

Inquiries should be addressed to (604)
660-2468 Fax filings: (604) 660-1951

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Deborah K. Lovett, QC
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The Police Complaint Commissioner

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