



Court File No. **ABB-S-S-08089**
No. _____
Abbotsford Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MICHELLE DANETTE HINTZ and JENNIFER ROSE BIDDLECOME

PLAINTIFFS

AND:

THE CITY OF MERRITT

DEFENDANT

Brought under the *Class Proceedings Act*, RSBC, 1996 c. 50

NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiffs for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a Response to Civil Claim in Form 2 in the above-named Registry of this Court within the time for Response to Civil Claim described below, and
- (b) serve a copy of the filed Response to Civil Claim on the Plaintiffs.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a Response to Civil Claim in Form 2 and a Counterclaim in Form 3 in the above-named Registry of this Court within the time for Response to Civil Claim described below, and
- (b) serve a copy of the filed Response to Civil Claim and Counterclaim on the Plaintiffs and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the Response to Civil Claim within the time for Response to Civil Claim described below.

Time for Response to Civil Claim

A Response to Civil Claim must be filed and served on the Plaintiffs,

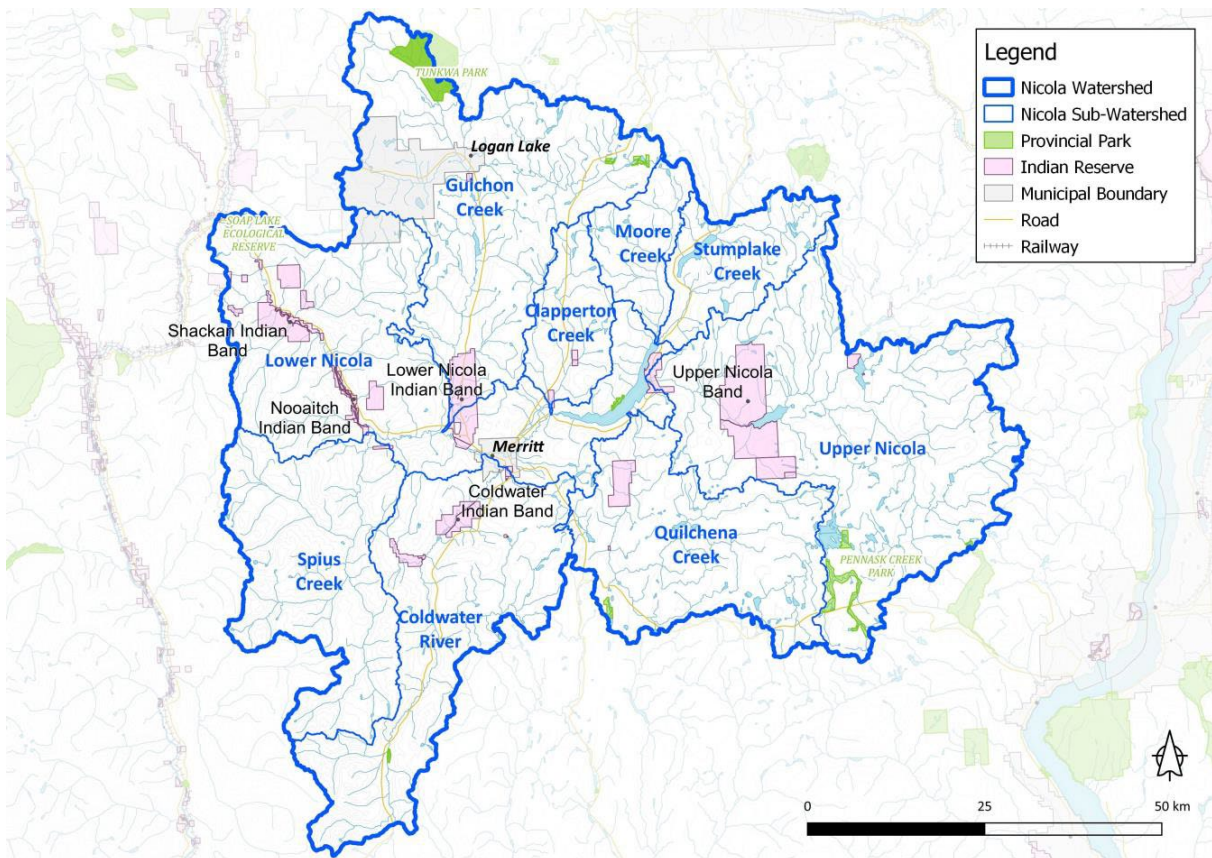
- (a) if you were served with the Notice of Civil Claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the Notice of Civil Claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the Notice of Civil Claim anywhere else, within 49 days after that service, or
- (d) if the time for Response to Civil Claim has been set by order of the Court, within that time.

CLAIM OF THE PLAINTIFFS

Part 1: STATEMENT OF FACTS

Overview

1. On or about November 14, 2021, an atmospheric river storm hit the province of British Columbia, including the City of Merritt (“**Merritt**”) in the Thompson Nicola region of the province. During this event, the Coldwater River, which runs through Merritt, flooded areas of Merritt, resulting in injuries, mass displacement, and catastrophic damage to the real and personal property of persons living or residing in the region and businesses operating in the region (the “**Merritt Flood**”).



A map of the Nicola Valley showing sub-basins (blue), First Nation communities, parks and municipalities.

2. Merritt is located in the Nicola Valley and is part of the Nicola Watershed. Merritt is situated at the confluence of two rivers, the Coldwater River and the Nicola River. Dikes were erected along the banks of the Coldwater River and the Nicola River to prevent flooding

when they swell with runoff from snow melts during the spring freshet season.

3. The Coldwater River has the Left Bank (Collettsville) Dike (the “**Left CRD**”) and the Right Bank (Collettsville) Dike (the “**Right CRD**”); the Nicola River has the Chapman/Voght Dike (the “**NRCVD**”) and the Moyes Dike (collectively, the “**Dikes**”). During the Merritt Flood, failures occurred at various sections of the Dikes allowing substantial bank erosion and river channel avulsion (the “**Dike Failures**”). The Dike Failures caused extensive damage to Merritt, including, *inter alia*, the following:
 - a. Inoperability of the wastewater treatment plant and overtopping of the infiltration ponds;
 - b. The collapse of the Voght Street Bridge;
 - c. Significant physical damages to private properties and homes throughout Merritt;
 - d. Damage and deposition of river materials on roads, boulevards, sidewalks, and in stormwater and sanitary sewer systems;
 - e. River channel avulsion through the left bank dike downstream of the Main Street bridge, which directed flow through Pine Street development area, and exposed the FortisBC gas main that supplies Merritt;
 - f. Various bank and dike failures that allowed flood water to flow overland into parts of Merritt;
 - g. Bank erosion and lateral migration of the river channel that caused loss of land; and
 - h. The issuance of an evacuation order for the entire Merritt population due to loss of services and health and safety risks from the Merritt Flood.
4. The Dike Failures occurred as a result of the Defendants’ failure to ensure that necessary repairs and maintenance of the Dikes were undertaken in a reasonable manner and in

accordance with the recommendations made in the “Dike Inspection Checklists”, as hereinafter defined, from 2017 to 2021.

5. Further, the Defendants were negligent and grossly negligent in failing to ensure that the Dikes were in proper condition and good working order.
6. Merritt’s local government failed to warn the Plaintiffs and Class Members of the impending and foreseeable Merritt Flood in a timely manner. Merritt also failed to implement emergency measures and warnings when they knew or ought to have known that a flood impacting Merritt was foreseeable.
7. Adequate and timely warning of the severe weather events would have been lifechanging for those whose livelihoods were rooted in Merritt. But for Merritt’s negligent and grossly negligent failure to warn, residents whose property was shielded by the Dikes could have moved their equipment, inventory, chattels and other movables out of Merritt or to higher ground.
8. Merritt’s failure to warn of the severe weather preceding the Merritt Flood, failure to implement emergency measures and warnings and other negligent and grossly negligent conduct described herein, including Merritt’s negligent and grossly negligent failure to repair and maintain the Dikes, devastated the residents of Merritt who did not have the benefit of reasonable and timely warning to reduce or eliminate the consequences of this predictable, foreseeable and preventable disaster.
9. Through this lawsuit, the Plaintiffs and Proposed Class Members seek to hold the Defendants accountable for their negligence and gross negligence and to recover their losses.

The Parties

10. The Plaintiff, Jennifer Biddlecome (“**Biddlecome**”), is a resident of Merritt. She owns property in the City of Merritt in an area historically protected by the Left CRD, identified by the Parcel ID of 011-693-819.

11. The Plaintiff, Michelle Hintz ("**Hintz**"), is a resident of Merritt. At the time of the Merritt Flood, Ms. Hintz lived in rented accommodations at 1490 Coldwater Ave, Merritt BC V1K 1K6.

12. The Plaintiffs bring this action on their own behalf and on behalf of the following overlapping sub-classes:
 - a. All persons (and their estates) who were resident in Merritt between November 14, 2021 and November 16, 2021 and who claim to have suffered person injury and/or damage to personal and/or real property located in Merritt between November 14, 2021 and November 16, 2021 (the "**Negligence Subclass**" and "**Negligence Subclass Members**");

 - b. All persons (and their estates) who claim to have suffered personal injury and/or damage to personal and/or real property located in Merritt as a result of flooding in Merritt between November 14, 2021 and November 16, 2021 (the "**Public Nuisance Subclass**" and "**Public Nuisance Subclass Members**");

 - c. All persons who claim to have suffered interference with real property located in Merritt which they owned, had an interest in and/or occupied as a result of flooding in Merritt between November 14, 2021 and November 16, 2021 (the "**Private Nuisance Subclass**" and "**Private Nuisance Subclass Members**").

But excluding the following "**Excluded Persons**":

- (i) The City of Merritt; and

- (ii) Counsel for the parties and the case management and trial judge in this proceeding and their immediate families.

(the "**Proposed Class**" and "**Proposed Class Members**")

13. The Defendant, the City of Merritt (the "**City**" or "**Merritt**"), is a is a municipal body incorporated under the laws of the Province of British Columbia with an address for service

at Box 189, 2185 Voght Street, Merritt, BC V1K 1B8.

14. At all material times, the Defendant owned and was responsible for maintaining and repairing the Dikes.
15. The Defendant was in charge of monitoring the potential for a flood and/or initiating an emergency response when the risk of a flood was detected for Merritt.

Background

The Flood Risk in the Merritt

16. Prior to the Merritt Flood, it was routine for Merritt to deal with flooding from the Coldwater River and the Nicola River on an annual basis during freshet season. This is due to Merritt's natural characteristics, its location, and its status as a floodplain. The Defendant is well-aware of the risk of flooding in Merritt and are aware of their legislated duties to protect the region from the effects of flooding.
17. Merritt sits in the Nicola Valley between Mount McInnes to the west, Iron Mountain to the south, Sugarloaf Mountain to the east, and Skwakum Mountain to the north. The natural geography of Merritt combined with the confluence of the Coldwater River and Nicola Rivers allows it to collect rainwater and rising river waters from the surrounding mountains and rivers.
18. Because of the above characteristics, Merritt exists on a floodplain. This means that all those living in the area are exposed to the risk of harms and losses from flooding. Merritt frequently experienced flooding and elevated water levels in both the Coldwater River and Nicola Rivers when seasonal snow melts called freshets occur. Furthermore, heavy rainfall in the past has caused an increase of outflows from Nicola Lake which has caused water levels to rise throughout Merritt.
19. History shows that these risks have manifested many times in floods resulting in damage to Merritt. Merritt experienced flooding related to the Nicola River and the Coldwater River on the numerous occasions.

20. On June 1, 1894 to June 3, 1894, the Nicola River flooded causing the bridges over the Nicola River and Ruby Creek to wash away.
21. On May 20, 1954, floodwaters were creeping at the outskirts of Merritt during spring runoffs. One family had to be evacuated while others were threatened.
22. On January 16, 1974, rain added to a three (3) day accumulation of melting snow and flooding was also reported from Merritt and Spences Bridge. The Merritt sawmill was closed after it flooded with 0.6 m of water in the mill yard.
23. On December 27, 1980, near Merritt, the Coldwater River overflowed its bank. The Spring Island Trailer Court was flooded. When the floodwaters receded on December 28, 1980, two (2) trailers were left uninhabitable and the possessions stored in some sheds were lost. The flooding washed out a portion of railway track, 1.6 km from Merritt in the direction of Brookmere. The Coldwater River washed out Coldwater Road in half a dozen places.
24. On February 4, 1991, ice flows jammed between Merritt and Collettsville, impeding Nicola River's flow and causing flooding at Merritt, Canford, Kingvale, and the 14-Mile Reserve area. Some 100 residents were flooded out and ten (10) dwellings were damaged or dislodged, causing up to \$1 million damage. The huge ice floes caused heavy damage in Merritt. Several meters of riprapping were wiped out, leaving Merritt and Sunshine Valley vulnerable to future flooding. Roads were washed out, minor bridges damaged and gas lines shifted.
25. On May 5, 1991, flooding occurred near Merritt. Mill Creek Road washed out, impacting six families. The culvert that replaced the bridge a year earlier was unable to handle the volume of water and became plugged. Guichon Creek, Stumble Creek and Nicola River rose and overflowed its banks and flooded nearby residences.
26. On June 4, 2002, melting snowpacks and recent rain caused Nicola Lake to rise. This forced the Ministry of Water, Land and Air Protection officials to release water from the lake through Nicola Dam into the Nicola River. This caused the portion of the Nicola River that

runs through Merritt to flood. Nearly 40 homeowners sustained flood damage.

27. On May 12, 2017, overnight rainfall caused an already high Nicola River to breach its banks. Flooding affected Garcia Street extending from the Nicola Meadows senior home to just north of the Nicola Valley Memorial Arena. Houses around Lions Memorial Park and Voght Street were also affected.
28. On May 6, 2018, Merritt declared a local state of emergency on Garcia Street near the entrance to Nicola Meadows assisted-living facility. The Nicola River breached its banks on both Garcia and Voght streets on May 12, 2018 prompting the evacuation of Nicola Meadows. Other evacuation orders were issued on May 11, 2018 for residents on 2nd Avenue and a home on Voght Street. The Nicola River breached its bank after rain and rapid snow melt. Residents of the Eldorado Mobile Home Park in Merritt's northwestern edge spent days trying to hold the water back as the snow melt continued to fill, and then overflow, the banks of the Nicola River. The geography that led to the above noted flooding events prior to the Merritt Flood has remained unchanged. Despite the repeated historical examples of flooding taking place as recently as three (3) years prior to the Merritt Flood, the Defendant did not take the steps necessary to ensure that the Plaintiffs and the Class Members were protected from the known dangers of flooding from the Nicola River and the Coldwater River.

The *Dike Maintenance Act*, RSBC 1996, c. 95

29. The Dikes are a "dike" under the *Dike Maintenance Act*, RSBC 1996, c. 95 (the "**DMA**").
30. The DMA creates an office of the "Inspector of Dikes" for the Province. Pursuant to s. 2(2) of the DMA, the provincial Inspector of Dikes has authority to require a diking authority, which by definition includes municipalities such as Merritt, to repair, replace, renew, alter, add to, improve, or remove a dike, or part of a dike, or anything used in connection with a dike.
31. Pursuant to s. 2(4) of the DMA, a person or authority may not lower the elevation of a dike, or proceed with other construction activity through, on, or over a dike as set out in

subsections (a) through (e) without the prior written approval of the Inspector of Dikes. In granting approvals under s. 2(4), by the terms of s. 2(5), the Inspector of Dikes must consider the appropriateness of a standard established by regulation in light of (a) the condition and location of the dike; (b) the surrounding lands and bodies of water and stream channels that are in close proximity to the dike; and (c) the nature and condition of works related to the dike.

32. Accordingly, and pursuant to the DMA, Merritt obtains “Dike Inspector Reports” from either Merritt municipal employees or third party engineers, which detail the condition of the Dike, make note of any obstruction, deterioration, or damage to the Dike, and make recommendations for reparation based on a low, medium, or high priority rating. Merritt then forwards the Dike Inspector Report to the Province for review, who in turn approves and directs maintenance, restoration, or other work to be completed to the Dike where necessary.

The Flood Protection Infrastructure of Merritt

33. Pursuant to s. 1 of the DMA, the purpose of the Dikes is to prevent the flooding of land. In the City, the Dikes prevent flooding into Merritt from the Nicola River and Coldwater River.
34. The Coldwater River is a fifth order stream that flows a distance of approximately 95 km from its headwaters located within the Coquihalla Pass at elevations over 1200m, meandering along British Columbia Highway 5 until its eventual confluence with the Nicola River at the west end of Merritt.
35. The Nicola River is one of the major tributaries of the Thompson River. The Nicola River drains most of the northern Thompson Plateau, beginning near the very eastern edge of the plateau only 30km northwest of Kelowna, and flows from there more or less westward to feed Douglas Lake and Nicola Lake, with about 15km of the river's length between those two (2) lakes. The Nicola River enters Nicola Lake at three quarters way of its length up from its outlet, 10km downstream from which is Nicola Valley centre and Merritt.

36. The Left CRD runs along the left bank of the Coldwater River and is the section that is closest to the Collettsville neighbourhood of Merritt. The Left CRD is 1.276km in length and listed as protecting against spring freshet flooding. The Left CRD protects between 50 to 100 buildings, the land use is rural residential/industrial and is regulated under the DMA.
37. The Right CRD runs along the right bank of the Coldwater River and borders the downtown section of Merritt. The Right CRD is 1.191km in length and listed as protecting against spring freshet flooding. The Right CRD protects between 50 to 100 buildings, the land use is rural residential and is regulated under the DMA.
38. The NRCVD runs along the Nicola River and borders the downtown section of Merritt. The structure type is a berm and is 0.206km in length. The NRCVD is regulated under the DMA.
39. The Defendant knew or ought to have known that overflow from the Nicola River and Coldwater River would likely cause flooding in Merritt if the Dikes were not maintained and repaired in a reasonable manner.

Merritt's Roles and Responsibilities in Flood Risk Governance

40. As a local authority, the Defendant has roles and responsibilities related to flood risk mitigation, preparedness, response, and recovery.
41. The duties governing the actions by the Defendant are vested in and flow from various provincial statutes, including but not limited to the *Emergency Program Act*, RSBC 1996, c 111 (the "EPA"), and associated regulations including the *Emergency Program Management Regulation*, BC Reg 477/94 (the "EMPR"); the DMA; the *Local Government Act*, RSBC 2015, c 1 (the "LGA"); and the *Environmental Management Act*, SBC 2003, c 53 (the "EMA").
42. Under s. 1 of the EPA, the municipal council of Merritt is a "local authority" for the purpose of the duties and powers set out therein. As such, the Defendant is at all times responsible for the direction and control of its local authority's emergency response. The powers and duties of these local authorities flow from and are guided by legislation that includes, but is not limited to, the EPA, the EMPR, the *Community Charter*, SBC 2003, c. 26, the LGA,

and all related municipal by-laws, such as the *City of Merritt Emergency Measures Bylaw* No. 1725, 2002 (the “**CMEMB**”). The CMEMB provides the legal authority for the Merritt Emergency Plan.

43. The EPA provides that local authorities are responsible for flood response and the protection of properties within their jurisdictions. If a local authority requires access to the emergency powers in the EPA, including the ability to order an evacuation of its citizens, a state of local emergency must be declared. Local Emergency Operation Centres may be activated to conduct post-disaster needs assessments and response. Through communication and integration with EMBC regional operations, local authorities may request resources and capabilities, conduct planning and share information to assist with recovery operations. Local authorities also have a responsibility to maintain an individual or organization to lead and coordinate recovery efforts.
44. As set out in s. 5 of the CMEMB, when the Council, Mayor or Emergency Program Coordinator are of the opinion that an emergency exists or appears imminent, or a disaster has occurred or threatens the city, they have the power to implement the Merritt Emergency Plan. The definitions of "emergency" and "disaster" in the Bylaw are noted under s. 2, and are defined as follows:
 - (c) "**Disaster**" means a calamity that:
 - (i) is caused by accident, fire, explosion or technical failure or by the forces of nature;
and,
 - (ii) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property.
 - (d) "**Emergency**" means a present or imminent event that:
 - (i) is caused by accident, fire, explosion or technical failure or by the forces of nature;
and,
 - (ii) requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property.
45. Prior to the Merritt Flood, the Defendant adopted the Voyent Alert communication application in August of 2021 (“**Voyent Alert**”). Voyent Alert is a communication platform that immediately notifies residents of critical and potentially life-threatening incidents

that require evacuation of their current location.

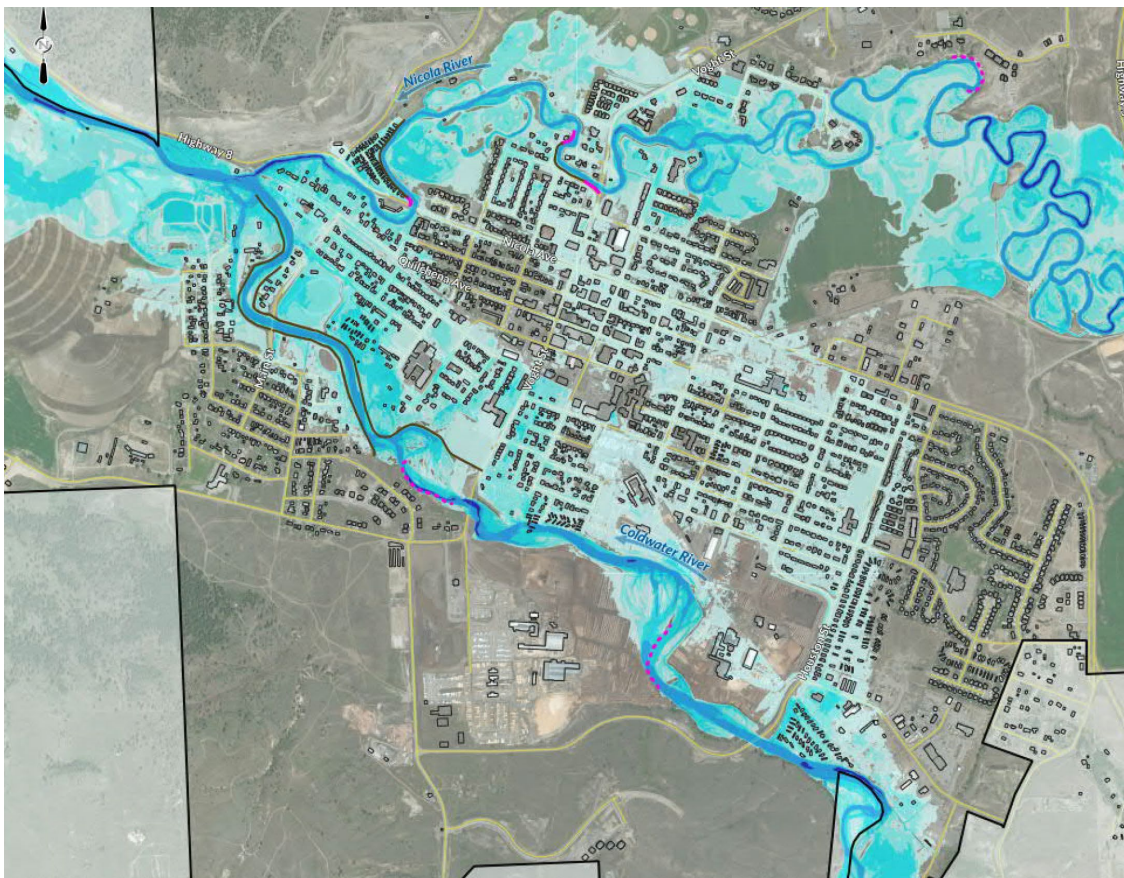
46. The Defendant's conduct in the days and hours leading up to the Merritt Flood diverged from what was needed to "protect the health, safety, or welfare of people or to limit damage to property." By failing to adequately monitor the developing flood risk and warn the residents and businesses in Merritt of that risk, the Defendant's conduct caused serious harm to the health, safety, and welfare of the Plaintiffs and the Proposed Class Members and widespread damage to property.

The Merritt Flood

47. The Defendant knew or ought to have known of the impending danger that the weather events preceding the Merritt Flood posed. The Defendant had a duty to maintain and repair the Dikes. Despite the well documented history of flooding in the area, the Defendant failed in these duties when they knew or ought to have known that the Merritt Flood was inevitable consequence of the failure to maintain and repair the Dikes.
48. On or about Friday, November 5, 2021, Environment Canada forecasters advised the River Forecast Centre (the "RFC") of the potential for "atmospheric river" activity in southern British Columbia from November 11, 2021 to November 15, 2021.
49. On or about Thursday November 11, 2021, the RFC received data that predicted that from early Sunday November 14, 2021 through to 4:00am on Monday November 2021 there would "consistently" be between five (5) and twelve (12) millimetres of rainfall every hour. That meant that somewhere around 180 millimetres of rain would fall on Sunday November 14, 2021.
50. On or about Friday November 12, 2021, Environment Canada forecasted tremendous amounts of rain between November 13, 2021 and November 16, 2021.
51. In the morning of Saturday, November 13, 2021, torrential rain began to fall across most of British Columbia, including on parts of Merritt.
52. The rainfall was a result of two (2) "atmospheric rivers" which pummeled the area. An atmospheric river is a large, narrow stream of water vapor travelling through the sky that

brings heat and precipitation from the tropics to the poles.

53. At 5:30pm on Sunday, November 14, 2021, the RFC issued flood advisories for the Coldwater River. At or around midnight on Monday, November 15, 2021, a flood warning came for the Nicola River.
54. At some point in the early hours of Monday November 15, 2021, the Coldwater River breached its banks and the Left CRD and the Right CRD and caused water to flow into Merritt.
55. At some point on Monday November 15, 2021, the Merritt wastewater treatment plant experienced a complete failure due to debris infiltration caused by the Merritt Flood.



An enhanced satellite image showing floodwater in Merritt arising from the Merritt Flood.

Source: <https://merritt.ca/flood/>

56. At all material times, the Defendant knew or ought to have known that:

- a. the weather preceding the Merritt Flood would cause the Nicola River and Coldwater River to rise;
 - b. the floodwater from the Nicola River and Coldwater Rivers would flow into and flood Merritt if the Dikes were breached;
 - c. when the floodwater from the Nicola River and Coldwater Rivers flowed into Merritt, the Plaintiffs and the Proposed Class Members would be harmed;
 - d. the Left CRD was inadequate to prevent floodwater from flowing into Merritt from the Coldwater River;
 - e. the Right CRD was inadequate to prevent floodwater from flowing into Merritt from the Coldwater River;
 - f. the NRCVD was inadequate to prevent floodwater from flowing into Merritt from the Nicola River; and
 - g. if the Dikes failed that the wastewater treatment plant would be overwhelmed by the floodwaters and fail.
57. If the Defendant had maintained and repaired the Left CRD and the Right CRD in a reasonable and prudent manner at the time they knew of the need for maintenance and repair, the flooding in Merritt from the Coldwater River would have been prevented or lessened.
58. If the Defendant had maintained and repaired the NRCVD in a reasonable and prudent manner at the time they knew of the need for maintenance and repair, the flooding in Merritt from the Nicola River would have been prevented or lessened.

The Defendant's Negligence and Gross Negligence

Dike Maintenance

59. Pursuant to the requirements listed under the DMA, local diking authorities must file annual inspection reports with the provincial Inspector of Dikes. The Inspector of Dikes is then supposed to review those reports and can order local authorities to take corrective

action. The Dikes were inspected on an annual basis by either a representative of the Defendant, or a third party retained by the Defendant for the purposes of performing inspections of the Dikes.

60. In 2017 the Left CRD and Right CRD were inspected by one of the Defendant's own employees (the "**2017 Inspection**"). The 2017 Inspection noted that the full length of the Left CRD was experiencing settlement of the dike crest and sloping, and recommended maintenance in the form of adding additional material to the dike crest. The 2017 Inspection also noted that the Left CRD had cottonwood tree overgrowth along the full length of the dike. The 2017 Inspection noted that the Right CRD was experiencing overbank erosion in multiple areas causing clay banks to cave in and uproot trees.
61. From 2018 to 2021, the Defendant retained Aaron Hahn, a registered professional engineer with Interior Dams, an Okanagan-based company that offers specialized services in dams, dikes, and risk mitigation within the British Columbia regulatory framework, to perform the inspections of the Dikes. In the inspection reports commissioned by Mr. Hahn, the following priority maintenance recommendation ratings were provided: LOW – within five (5) years; MEDIUM – within three (3) years; HIGH – within two (2) years; and EMERGENCY – immediately.
62. Mr. Hahn inspected the Dikes on October 26, 2018 and compiled the 2018 Dike Inspection Checklists for the Left CRD, the Right CRD, and the NRCVD (the "**2018 Inspections**"). The 2018 Inspections noted that the Dikes were experiencing loss of landslide and waterside slope material, that surface material had been eroded, and that there was rampant unchecked growth of large cottonwood trees and other vegetation along sections of the Dikes, which had severely compromised the integrity of the dike structure. Mr. Hahn also noted that the Dikes had been severely modified by unauthorized excavation and soil stockpiling. Numerous maintenance recommendations made by Mr. Hahn in the 2018 Inspections were to be completed within two (2) or three (3) years due to their HIGH and MEDIUM priority designations.
63. Mr. Hahn inspected the Dikes on October 21, 2019 and compiled the 2019 Dike Inspection

Checklists for the Left CRD, the Right CRD, and the NRCVD (the “**2019 Inspections**”). The 2019 Inspections noted that the Dikes were in a similar condition to previous years, with the exception of minor changes to erosion patterns and vegetation growth. Mr. Hahn noted that none of the maintenance recommendations made in the 2018 Inspections had been undertaken to mitigate the erosion patterns noted therein. Key findings by Mr. Hahn included the discovery of unauthorized excavations and modifications to the Dikes structures, excessive vegetation growth on the Dikes, displacement of riprap and erosion protection for the Dikes, and loss of waterside embankment material and slumping. Numerous maintenance recommendations made by Mr. Hahn in the 2019 Inspections were to be completed within two (2) or three (3) years due to their HIGH and MEDIUM priority designations.

64. Mr. Hahn inspected the Dikes on September 10, 2020 and compiled the 2020 Dike Inspection Checklists for the Left CRD, the Right CRD, and the NRCVD (the “**2020 Inspections**”). The 2020 Inspections noted that the Dikes were in a similar condition to previous years with the exception of minor changes to erosion patterns and vegetation growth. Key findings by Mr. Hahn included the discovery of new unauthorized excavations and modifications to the Dikes structures, property line issues, excessive vegetation growth on the Dikes, displacement of riprap and erosion protection for the Dikes, and additional loss of waterside embankment material and slumping. Numerous maintenance recommendations made by Mr. Hahn in the 2020 Inspections were to be completed within two (2) or three (3) years due to their HIGH and MEDIUM priority designations.
65. Mr. Hahn inspected the Dikes on May 14, 2021 and compiled the 2021 Dike Inspection Checklists for the Left CRD, the Right CRD, and the NRCVD (the “**2021 Inspections**”). The 2021 Inspections noted that the Dikes were in a similar condition to previous years with the exception of minor changes to erosion patterns and vegetation growth. Key findings include unauthorized excavations and modifications to the dike structures, property line issues, excessive vegetation growth on the Dikes, displacement of riprap and erosion protection on the Dikes, and additional loss of waterside embankment material and slumping on the Dikes. Mr. Hahn recommended immediate implementation of

maintenance and other activities.

66. As the diking authority under the provisions of the DMA, the Defendant had a statutory obligation to maintain and repair the Dikes. By not completing the repairs identified in the 2018 Inspections, and in each of subsequent inspections until the 2021 Inspections, the Defendant was negligent in the performance of its statutory obligations under the DMA. The Defendant's negligent maintenance of the Dikes, and in particular the Left CRD and Right CRD, was a direct cause of the Merritt Flood.

Evacuation of Merritt

67. On November 15, 2021, at 12:15am, the Defendant posted on the City of Merritt – Municipal Government Facebook page (the “**Facebook Page**”) to advise that the Defendant would be making evacuation orders beginning with low-lying areas.
68. On November 15, 2021, the Defendant issued an evacuation order at 1:00am pursuant to s.13(1) of the *EPA* as a result of the Merritt Flood (the “**Evacuation Order**”). The Evacuation Order stated that all residents of the 200 year flood plain of the Coldwater River south of Nicola Avenue were to leave the area immediately.
69. On November 15, 2021, the Defendant made a post on the Facebook Page to advise residents of Merritt that barricades were being erected on Voght Street at Merritt's northern junction with Highway 5, on Coldwater Road at the entrance from the southern junction of Highway 5, and on Highway 8 at the western entrance of Merritt to prohibited access to Merritt. The November 15, 2021 post advised that these barricades would be manned by members of the RCMP, and that the RCMP were directed to turn people away from entering Merritt.
70. On November 15, 2021, the Defendant made a post on the Facebook Page to advise the residents of Merritt that the Defendant would be shutting off the water because it has become contaminated due to the flooding. The Defendant advised that the water was undrinkable, even if boiled, and strongly urged residents of Merritt to not consume any water.

71. On November 15, 2021, the Defendant made a post on the Facebook Page at 6:59am to advise the residents of Merritt that the entirety of Collettsville was being evacuated due to the rising flood waters. The Defendant advised that the evacuation order would be enforced by the RCMP and requested that residents of Merritt please proceed north to Kamloops on Highway 5 and register with Kamloops Emergency Support Services.
72. On November 19, 2021, the Defendant made a post to the Facebook Page at 10:16am to advise residents of Merritt of the following, *inter alia*:
 - a. That the Defendant would be doing a Rapid Damage Assessment of the properties that were directly affected by the Merritt Flood. The Defendant advised that following this process, homes would be tagged as green, yellow, or red, with homes that have a green tag being a signal to allow those individuals to return home to collect possessions and begin remediation efforts.
 - b. That sanitary lines were being flushed to remove debris in the lines and allow flow back to the wastewater treatment plant.
 - c. The Defendant was conducting planning for the partial rescinding of the First Evacuation Order for areas of Merritt that were not directly affected by the Merritt Flood once critical infrastructure comes back online.
73. On November 22, 2021, the Defendant announced that they would be allowing certain residents of Merritt to return home in three (3) phases. The Defendant advised that Phase 1 includes all residences north of the RCMP detachment at 2999 Voght Street, and that residents will remain on both evacuation alert and a boil-water notice. The Defendant advised that Residents who live between the detachment and Nicola Avenue will be part of Phase 2. The Defendant advised that Phase 3 encompassed properties south of Nicola Avenue will have evacuation orders lifted on a block-by-block basis.
74. On December 2, 2021, at 11:00am the Defendant issued a media release on the Facebook Page (the “**First Media Release**”). The First Media Release stated that if water samples came back clear of hydrocarbons and contamination, residents in Phase 3 – Return Home

Plan could expect to return home on Sunday, December 5, 2021. The First Media Release also advised that residents in Phase 4 – Day Access would be able to access Merritt from 7:00am to 7:00pm, and that water may not be used for any reason, and that Phase 4 is under a “DO NOT CONSUME” water advisory. The First Media Release also stated that Phase 4 remained on evacuation order and that Merritt residents under Phase 4 had to be ready to leave at a moment’s notice.

75. On December 3, 2021, at 2:00pm the Defendant issued a media release on the Facebook Page (the “**Second Media Release**”). The Second Media Release state that evacuation orders for Phase 3 and Phase 4 had been lifted with the exception of certain properties. Merritt remained under a “BOIL WATER NOTICE” for the whole city.
76. On December 13, 2021, the Defendant made a post to the Facebook Page to update the Evacuation Order. The Defendant advised that the properties identified as subject to the Evacuation Order were identified as such due to potential damages caused by the Merritt Flood. The Defendant advised that residents of Merritt who were concerned that their dwelling is uninhabitable due to health and safety reasons were encouraged to reach out to the Red Cross. The Defendant advised residents of Merritt that they could submit an Evacuation Order Removal Request after their property had been inspected by a registered professional to get their Rapid Damage Assessment tag removed.
77. On December 21, 2021, the Defendant made a post to the Facebook Page to update the Evacuation Order. The Defendant advised that 226 properties remained under the Evacuation Order.
78. On April 19, 2021, the Defendant lifted the evacuation order on 204 flood affected properties, leaving 66 households still on order.
79. On May 19, 2022, the Defendant lifted the evacuation order on 66 flood affected properties.
80. To date, numerous properties in Merritt have remained uninhabitable or are at risk of further damage as a result of the Merritt Flood and has left the Plaintiffs and Class

Members displaced from their homes.

Harm to the Plaintiffs and the Proposed Class Members

81. The Plaintiff Hintz is a Merritt resident. She lived in Merritt on November 13, 2021 on property that she had rented for seven (7) years with her husband and her three (3) children.
82. As a result of the Merritt Flood, Hintz's real property was flooded and severely damaged, the full extent of which remains unknown at this time. In addition to the destruction of real property, Hintz has suffered extensive personal property damage. Hintz has been unable to return to her rented home as a result of the Merritt Flood.
83. The Plaintiff Biddlecome is a Merritt resident. She lived in Merritt on November 13, 2021 in the home that she purchased with her husband and family in 2020, which she owns jointly with her husband, Evert Lang Biddlecome.
84. As a result of the Merritt Flood, Biddlecome's real property was flooded and severely damaged, the full extent of which remains unknown at this time. In addition to the destruction of real property, Biddlecome has suffered extensive personal property damage.
85. The Plaintiffs and the Proposed Class Members have suffered loss and damage because of Merritt's conduct constituting a public and private nuisance, negligence and gross negligence, including but not limited to:
 - a. personal injury;
 - b. loss of income earning capacity, past and future;
 - c. loss of business income;
 - d. cost of future care;
 - e. out of pocket expenses;

- f. damages “in trust” for service provided by family members, past and future;
 - g. loss of real property including residential homes and commercial property;
 - h. property damages causing replacement and/or repairs;
 - i. diminished value of real property;
 - j. loss of personal property including livestock, pets, personal effects, family heirlooms, furniture, and items of sentimental value;
 - k. loss of business property including inventory, fixtures, and goodwill;
 - l. other pecuniary expenses including travel, accommodation, and storage expenses;
 - m. expenses reasonably incurred for the benefit of a person who was injured or suffered a loss as a result of the Merritt Flood;
 - n. substantial and unreasonable interference with access to public rights in Merritt, including but not limited to: public property; developed infrastructure such as roads, highways, and bridges; safe access to utilities such as drinking water due to, *inter alia*, a the failure of the Merritt wastewater treatment plant; access to educational services; access to timely healthcare; access to public sanitation; and access to commerce;
 - o. individuals resident in Merritt, the Plaintiffs and the Public Nuisance Subclass Members suffered harm as a result of the interference with these public rights;
 - p. substantial and unreasonable interference with use and enjoyment of real property that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied; and
 - q. damage and/or destruction, including physical injury, to land that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied.
86. The Plaintiffs and Negligence Subclass Members have sustained damages for the cost of

medical treatment, including past and future cost of health care services provided by the government of British Columbia. The Plaintiffs and Negligence Subclass Members continue to undergo medical care and treatment and continue to sustain damages.

87. As a result of the Merritt Flood, the Plaintiffs and Negligence Subclass Members have received and in the future will continue to receive care and services from family members.

Part 2: RELIEF SOUGHT

1. The Plaintiffs claim, on their own behalf and on behalf of the Proposed Class Members:
 - a. an order certifying this action as a class proceeding under the *Class Proceedings Act*, RSBC 1996, c 50;
 - b. a declaration that the Merritt Flood constitutes a private and public nuisance;
 - c. general damages for negligence, gross negligence, public nuisance and private nuisance;
 - d. past and future damages “in trust” for services provided by family members;
 - e. special damages;
 - f. punitive, exemplary, and/or aggravated damages;
 - g. pre-judgment and post-judgment interest, where applicable pursuant to the *Court Order Interest Act*, RSBC 1996, c 79; and
 - h. costs of this action; and
 - i. such further and other relief as this Honourable Court may deem just.

Part 3: LEGAL BASIS

1. The Plaintiffs plead and rely on the *Class Proceedings Act*, RSBC 1996, c 50, the *Limitation Act*, SBC 2012, c 13, the *Court Order Interest Act*, RSBC 1996, c 79, and the *Supreme Court Civil Rules* and related enactments.
2. At all material times, the Defendant was responsible for monitoring the weather that preceded the Merritt Flood, assessing the level of risk to the Plaintiffs and the Proposed Class Members and ensuring that the Dikes were adequately maintained and repaired.

3. At all material times, the Defendant knew or ought to have known about the risk posed to the Plaintiffs and the Proposed Class Members by the weather preceding the Merritt Flood.
4. The Defendant was further negligent and grossly negligent in their failure to implement their emergency measures and warning systems when it knew or ought to have known that a flood impacting Merritt was the foreseeable consequence of the weather preceding the Merritt Flood.
5. The exemption from civil liability contemplated by the *EPA* does not apply to the Defendant as the misconduct alleged herein does not involve actions and/or omissions that the Defendant or its agents were appointed, authorized, or required to do under the *EPA*. Further, this exemption does not exempt the Defendant from liability in public nuisance or private nuisance.
6. In the further alternative, the exemption from civil liability contemplated by the *EPA* does not apply to the Defendant as they were grossly negligent in doing or omitting to do acts described herein that they or their agents were appointed, authorized, or required to do under the *EPA*, opening them up to civil liability as per s. 18(a).
7. With respect to those acts and omissions pleaded herein that do not constitute the "doing or omitting to do any act that the person is appointed, authorized or required to do" under the *EPA*, the Plaintiffs plead ordinary negligence.
8. The Defendant's conduct caused and/or contributed to the Merritt Flood, which constituted a public nuisance and a private nuisance with respect to the properties of the Plaintiffs and Public Nuisance Subclass Members and to the properties of the Plaintiffs and Private Nuisance Subclass Members, respectively.

Negligence and Gross Negligence

9. Under the *EPA*, and amendments thereto, the Defendant is at all times responsible for the direction and control of their emergency response. Further, the Defendant, or a person

designated in the Defendant's local emergency plan, has the power to implement local emergency plans. The Defendant, or the head of the Defendant's the local authority, also has the power to declare a state of local emergency.

10. At all material times, the Defendant owed the Plaintiffs and Negligence Subclass Members a duty to exercise reasonable care, skill and diligence to:
 - a. direct and control its emergency responses in a timely manner;
 - b. implement local emergency plans in a timely manner;
 - c. declare a state of local emergency in a timely manner;
 - d. adequately warn the Plaintiffs and Class Members of the Merritt Flood in a timely manner;
 - e. monitor the weather preceding the Merritt Flood;
 - f. monitor the water levels of the Nicola River and the Coldwater River;
 - g. warn the Plaintiffs and Class Members about the impending Merritt Flood; and
 - h. ensure that the Dikes were sufficiently maintained and repaired.
11. The duty of care owed by the Defendant to the Plaintiffs and Negligence Subclass Members is informed by the inherent danger and foreseeably high risk of serious injury, death and loss of personal and real property if the Defendant fails to adequately maintain and/or repair the Dikes.
12. The Defendant also had a common law duty of care to warn the Plaintiffs and Negligence Subclass Members. The Defendant knew or ought to have known that the flooding was imminent and the Defendant had the necessary resources, information, and ability to provide adequate warning in a timely manner. The Defendant was negligent and grossly negligent in not providing adequate warning in a timely manner, causing the Plaintiffs and

Negligence Subclass Members to suffer damages. Furthermore, the Defendant was negligent and grossly negligent in not providing adequate and timely warning to the Plaintiffs and the Negligence Subclass Members of the status of the Dikes prior to the Merritt Flood, that increased waterflows could cause the Dikes to fail, and that this would result in damage to property. This has caused the Plaintiffs and the Negligence Subclass Members to suffer damages.

13. The particulars of negligence and gross negligence against the Defendant include *inter alia*:
 - a. Failing to warn the Plaintiffs and Negligence Subclass Members of the risk of the impending Merritt Flood in a timely manner, or at all, through the Voyent Alert App or through other available means;
 - b. Failing to adequately monitor weather conditions despite knowing that the Plaintiffs and Negligence Subclass Members were at an increased risk of harm from flooding due to their proximity to the Coldwater River and Nicola River, the history of flooding in Merritt and the inadequacy of the Dikes;
 - c. Failing to adequately utilize existing emergency measures and warning systems to alert the Plaintiffs and Negligence Subclass Members of the impending Merritt Flood despite knowing that the Plaintiffs and Negligence Subclass Members were at an increased risk of harm from flooding due to their proximity to the Coldwater River and Nicola River;
 - d. Failing to use the most accurate and up-to-date weather information available in order to determine the risks facing the Plaintiffs and Negligence Subclass Members in a timely manner;
 - e. Failing to have in place adequate flood forecast models, tools or procedures to obtain, calculate, analyze or interpret data properly, or in a timely manner to forecast the risk of flooding in Merritt;
 - f. Failing to take into account the above average precipitation and groundwater levels in, along or near the properties and businesses at in or around Merritt;

- g. Failing to take reasonable steps, in anticipation of above average precipitation and groundwater levels in, along or near the properties and businesses at or around the Coldwater River and the Nicola River;
- h. Failing to oversee, implement and monitor a flood risk mitigation plan;
- i. Failing to implement and observe safeguards in order to determine the risks facing the Plaintiffs and Negligence Subclass Members in a timely manner;
- j. Failing to inspect and maintain its water control systems prior to the Merritt Flood, adequately or at all;
- k. Failing to inspect the Dikes prior to or during the Merritt Flood, adequately or at all;
- l. Failing to promote an internal culture of safety and alertness within subsidiaries, authorities, departments, and any other of their relevant subsets;
- m. Failing to implement and enforce their own policies;
- n. Failing to properly train employees, volunteers or staff to identify what weather conditions increase the probability of flooding in the Nicola Watershed;
- o. Failing to hire sufficient and properly trained employees, volunteers or staff who could identify what weather conditions increase the probability of flooding in Merritt;
- p. Failing to warn each other and the Plaintiffs and Negligence Subclass Members of the risk caused by personnel insufficient in number and/or lacking training;
- q. Failing to take adequate measures to protect the Plaintiffs and Negligence Subclass Members and their properties and businesses from the flooding;
- r. Failing to assist the Plaintiffs and Negligence Subclass Members in a timely manner as to mitigate damage caused by the flooding and restore and to allow a prompt return to their properties and businesses; and

- s. Such further particulars to be provided.
14. The duty of care owed by the Defendant to the Plaintiffs and Negligence Subclass Members is informed by the inherent danger and foreseeably high risk of serious injury, death and loss of personal and real property if the Defendants fail to adequately warn or act in a timely manner.

Public Nuisance

15. The conduct of the Defendant caused the Merritt Flood, which constitutes a public nuisance. In particular, the Defendant:
- a. failed to maintain and repair the Dikes from 2017 until November 14, 2021;
 - and
 - b. failed to adequately reinforce the Dikes.
16. Individuals' resident in Merritt who were unable to access public property, developed infrastructure such as roads, bridges, and highways, utilities such as drinking water and electricity, educational services, timely healthcare, and/or commerce who did not suffer personal injury or damage to personal or real property as a result of the Merritt Flood between November 14, 2021 to May 19, 2022 constitute the "**Public**".
17. The Defendant's conduct amounted to an attack upon the Public's rights, including the Plaintiffs' and Public Nuisance Subclass Members' rights, to live their lives unaffected by inconvenience and discomfort caused by the Merritt Flood. The Defendant's conduct unreasonably interfered with the Public's, the Plaintiffs' and the Public Nuisance Subclass Members rights in a matter that negatively impacted their interests in health, safety, comfort and convenience. The Defendant's conduct unreasonably interfered with the Public's, the Plaintiffs', and the Public Nuisance Subclass Members' public rights, including, *inter alia*:
- a. access to public property;

- b. access to developed infrastructure such as roads and highways;
 - c. safe access to utilities such as drinking water and electricity;
 - d. access to educational services;
 - e. access to timely healthcare; and
 - f. access to commerce.
18. The interference with these rights negatively impacted the interests that the Public, including the Plaintiffs and the Public Nuisance Subclass Members have in health, safety, comfort and convenience and the unreasonable interference of such therefore constitutes a public nuisance.
19. The Plaintiffs and Public Nuisance Subclass Members suffered special damages above and beyond those suffered by the non-Class Members, in particular personal injury and/or damage to private property. As such, the Plaintiffs and Class Members have the right to bring a private action in public nuisance.

Private Nuisance

20. The Defendant's use of its property caused or contributed to the Merritt Flood, thereby causing substantial interference with the use or enjoyment of the land that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied. The conduct of the Defendant was unreasonable. The flooding caused by the Defendant constitutes a private nuisance with respect to the land that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied properties of the Private Nuisance Subclass Members. Particulars of the Defendant's unreasonable conduct include *inter alia*:
- a. failing to maintain the Dikes despite the knowledge that they required high priority repairs since 2018; and
 - b. failing to take adequate steps to reinforce the Dikes during inclement weather.

21. The interference with land that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied includes, *inter alia*:
 - a. the damage and/or destruction of land that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied; and
 - b. the restriction of access to the land that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied.
22. This interference caused physical injury to land that the Plaintiffs and Private Nuisance Subclass Members owned, had an interest in and/or occupied and substantially interfered with the Plaintiffs' and Private Nuisance Subclass Members' ability to use and enjoy this land. Further, this substantial interference has prevented the Plaintiffs and Private Nuisance Subclass Members from inhabiting and/or using the land in the same manner that they did prior to the Merritt Flood.
23. The Defendant's conduct which caused and/or contributed to the Merritt Flood had no utility, served no public good, was careless, and consequently was unreasonable.

Causation and Damages

24. Had the Defendant properly warned the Plaintiffs and the Proposed Class Members of the risk posed by the weather and related circumstances that eventually caused the Merritt Flood, then the Plaintiffs and the Proposed Class Members could have taken steps to prevent or mitigate their losses. For example, they could have moved their equipment, inventory, chattels and other movables out of Merritt or to higher ground. Further or in the alternative, they could have participated in efforts to reinforce the Dikes to prevent any damage from occurring.
25. Further, and in the alternative, but for the Defendant's conduct described herein, the Merritt Flood would have been reduced in severity or eliminated altogether. Had the Defendant adequately maintained the Dikes, the flooding in Merritt would have been reduced in scope or eliminated altogether.

26. As a result of the Defendant's conduct, which constitutes a private nuisance and a public nuisance and was negligent and grossly negligent conduct, including in-failing to adequately warn the Plaintiffs and the Proposed Class Members of the Merritt Flood and the weather events preceding it, the Plaintiffs and the Proposed Class Members have suffered and continue to suffer losses and damages, including but not limited to:
- a. personal injury;
 - b. loss of income earning capacity, past and future;
 - c. loss of business income;
 - d. cost of future care;
 - e. out of pocket expenses;
 - f. damages "in trust" for service provided by family members, past and future;
 - g. loss of real property including residential homes and commercial property
 - h. property damages causing replacement and/or repairs;
 - i. diminished value of real property;
 - j. loss of personal property including livestock, pets, personal effects, family heirlooms, furniture, and items of sentimental value;
 - k. loss of business property including inventory, fixtures, and goodwill;
 - l. other pecuniary expenses including travel, accommodation, and storage expenses;
 - m. expenses reasonably incurred for the benefit of a person who was injured or suffered a loss as a result of the Merritt Flood;
 - n. substantial and unreasonable interference with access to: public property; developed infrastructure such as roads, bridges, and highways; safe access to utilities such as drinking water and electricity; access to educational services; access to timely

healthcare; and access to commerce;

- o. substantial and unreasonable interference with use and enjoyment of real private property that the Plaintiffs and the Proposed Class Members owned, had an interest in and/or occupied; and
 - p. damage and/or destruction, including physical injury, to land that the Plaintiffs and the Proposed Class Members owned, had an interest in and/or occupied.
27. At all material times, the Defendant was in a close and proximate relationship to the Plaintiff and the Proposed Class Members. The damages suffered by the Plaintiffs and the Proposed Class Members are the reasonably foreseeable consequences of the Defendant's aforementioned conduct constituting a public nuisance, a private nuisance, negligence and gross negligence.
28. In addition, the Defendant is liable and/or vicariously liable for the actions of its employees, servants, and agents.
29. The Plaintiffs plead the provisions of the *Negligence Act*, RSBC 1996, c. 333 and any amendments thereto.

Punitive Damages

30. The Defendant's misconduct, as described above, is oppressive and high-handed, and departs to a marked degree from ordinary standards of decent behavior. The Defendant's actions were part of a pattern of willful disregard for the rights and safety of the Plaintiffs and the Proposed Class Members. The Defendants knew or ought to have known about the impending existence and degree of the Merritt Flood and failed to adequately warn the Plaintiffs and the Proposed Class Members despite knowing the severe risk of grave harm if inadequate warning was provided. The Defendants actions offend the moral standards of the community and warrant the condemnation of the Court such that an award of punitive damages should be made against them.

Plaintiff's address for service:	Zacharias Vickers McCann LLP 301-45890 Hocking Avenue Chilliwack, BC V2P 1B4
Fax number address for service (if any):	604-392-3272
E-mail address for service (if any):	service@zvmllp.com
Place of trial:	Abbotsford, BC
The address of the registry is:	Abbotsford Courthouse 32375 Veterans Way Abbotsford, BC V2T 0K1

Dated: 09/Sep/2025



J. Luke Zacharias, Lawyer for the Plaintiff
Zacharias Vickers McCann LLP

Rule 7-1 (1) of the Supreme Court Civil Rules states:

1. Unless all parties of record consent or the Court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a List of Documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

APPENDIX

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The Defendant is liable to the representative Plaintiffs and the Proposed Class Members for negligence, gross negligence, personal injury, public nuisance, and private nuisance regarding their conduct during the 2021 flood that took place in Merritt, British Columbia.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

- | | |
|---|---|
| <input type="checkbox"/> a motor vehicle accident
<input type="checkbox"/> medical malpractice
<input type="checkbox"/> another cause
<input type="checkbox"/> contaminated sites
<input type="checkbox"/> construction defects | <input type="checkbox"/> investment losses
<input type="checkbox"/> the lending of money
<input type="checkbox"/> an employment relationship
<input type="checkbox"/> a will or other issues concerning the probate of an estate |
|---|---|

- | | | | |
|--------------------------|-----------------------------|-------------------------------------|--|
| <input type="checkbox"/> | real property (real estate) | <input checked="" type="checkbox"/> | a matter not listed here |
| <input type="checkbox"/> | personal property | <input type="checkbox"/> | the provision of goods or services or other general commercial matters |

Part 3: THIS CLAIM INVOLVES:

- | | | | |
|-------------------------------------|--------------------|--------------------------|-------------------|
| <input checked="" type="checkbox"/> | a class action | <input type="checkbox"/> | conflicts of law |
| <input type="checkbox"/> | maritime law | <input type="checkbox"/> | none of the above |
| <input type="checkbox"/> | aboriginal law | <input type="checkbox"/> | do not know |
| <input type="checkbox"/> | constitutional law | | |

Part 4:

- | | | | |
|-------------------------------------|-------------------------------|--------------------------|-------------------------|
| <input type="checkbox"/> | Builders Lien Act | <input type="checkbox"/> | Motor Vehicle Act |
| <input checked="" type="checkbox"/> | Court Order Interest Act | <input type="checkbox"/> | Occupiers Liability Act |
| <input type="checkbox"/> | Insurance (Motor Vehicle) Act | <input type="checkbox"/> | Supreme Court Act |
| <input type="checkbox"/> | Insurance (Vehicle) Act | <input type="checkbox"/> | Wills Variation Act |
| | | <input type="checkbox"/> | Other: _____ |

Part 4: ENACTMENTS RELIED ON:

Dike Maintenance Act, RSBC 1996, c 95
Negligence Act, RSBC 1996, c 333
Class Proceedings Act, RSBC 1996, c 50
Court Order Interest Act, RSBC 1996, c 79
Community Charter, SBC 2003, c. 26
Emergency Program Act, RSBC 1996, c 111
Emergency Program Management Regulation, BC Reg 477/94
Environmental Management Act, SBC 2003, c 53.
Limitation Act, SBC 2012, c 13
Local Government Act, RSBC 2015, c 1