

News Release

FOR IMMEDIATE RELEASE

April 28, 2016



CVRD Seeks to Discharge or Vary the Order of BC Court of Appeal

Duncan, BC – The Cowichan Valley Regional District (CVRD) has filed an application to the BC Court of Appeal to discharge or vary the April 15, 2016 order of Madam Justice Kirkpatrick. This order granted a limited stay of certain orders of Mr. Justice Mackenzie regarding the contaminated soil treatment and landfill facility at 640 Stebbings Road (also known as 460 Stebbings Road) in Shawnigan Lake, allowing South Island Resource Management (SIRM) to complete contracts for the landfilling of contaminated soil on the site to which it was contractually committed as of March 21, 2016, the date the reasons for judgment of Justice Mackenzie were released.

The limited stay was granted on the condition that SIRM, Cobble Hill Holdings and South Island Aggregates file an undertaking as to damages for the removal, if ordered, of any waste material imported to the site as a result of the stay.

In the CVRD's application to discharge or vary the order, the CVRD seeks that:

- The stay ordered by Madam Justice Kirkpatrick be set aside as not capable of protecting the CVRD's success in the lower court and the statutory injunctions requiring compliance with the bylaw;
- Alternatively, as a condition of the stay remaining in force, the order be varied to require the appellants to post security in the amount of \$12 million for the cost to remove any waste material imported to the property as a result of the stay, and;
- In the further alternative, as a condition of the stay remaining in force, in addition to the three appellant companies, the order be varied to require Allterra Construction Ltd. and the directors of the three appellant companies to provide an undertaking to remove any waste materials imported to the property as a result of the stay and pay any damages or costs to the CVRD arising from their failure to do so, unless otherwise ordered by the court.

The application to discharge or vary the order will be heard on May 9 in Vancouver by the BC Court of Appeal.

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