



No. S120840  
Vancouver Registry

In the Supreme Court of British Columbia

Between

IAN ROBB FORGIE

Petitioner

and

Her Majesty the Queen in Right of the Province of British Columbia

Respondent

### **RESPONSE TO PETITION**

**Filed by:** The Attorney General of British Columbia (the “petition respondent”)

THIS IS A RESPONSE TO the petition filed February 29, 2012

#### **Part 1: ORDERS CONSENTED TO**

The petition respondent consents to the granting of the orders set out in Part 1 of the petition:  
NONE.

#### **Part 2: ORDERS OPPOSED**

The petition respondent opposes the granting of all of the orders set out in paragraphs 1-7 of Part 1 of the petition.

**Part 3: ORDERS ON WHICH NO POSITION IS TAKEN**

The petition respondent takes no position on the granting of the orders set out in Part 1 of the petition: N/A.

**Part 4: FACTUAL BASIS**

1. There is no affidavit evidence filed in support of the Petition and so there are no facts to which the petition respondent can respond.
2. The Petition is largely indecipherable and incomprehensible.
3. The Petition does not seek judicial review in relation to any decision made in the exercise of a statutory power of decision.
4. The Petition seeks relief beyond that which this Court may grant in the context of judicial review.

**Part 5: LEGAL BASIS**

1. The respondents rely on the following authorities:
  - a. *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241. [“*JRPA*”]
  - b. The inherent jurisdiction of the Superior Court of British Columbia.
  - c. *Rustad Bros. & Co. v. British Columbia* (1988), 23 B.C.L.R. (2d) 188. [“*Rustad*”]
2. The grounds on which this petition should be denied are as follows:
  - a. This Petition does not meet the requirements under the *JRPA* and Her Majesty the Queen in right of the Province of British Columbia is an improperly named party.

*Rustad and JRPA*, s. 16.
  - b. Further, this Petition must fail as it does not relate to judicial review in relation to a decision made in the exercise of a statutory power of decision.

*JRPA*, s. 2.
  - c. This Petition must also fail as it advances no known claim in law or proper ground of review. The *JRPA* requires that an application is sufficient if it sets out the ground on which relief is sought and the nature of the relief sought. Neither the grounds on which this Petition are based, nor the nature and scope of the relief sought, can be discerned from the Petition.

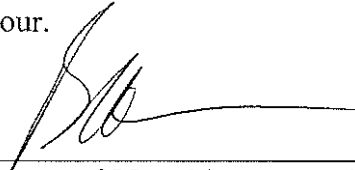
*JRPA*, ss. 8 & 14.

**Part 6: MATERIAL TO BE RELIED ON**

1. This response to petition;
2. Such further materials as counsel may advise and this court may allow.

The petition respondent estimates that the application will take 1 hour.

Date: March 21, 2012



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Signature of  petition respondent  
 lawyer for petition respondent(s)

Bryant Mackey

Petition respondent's address for service:

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Legal Services Branch  
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Name of the petition respondent's lawyer, if any: Bryant Mackey