

(In Accordance with Rule 7-1(18) & (19), and Rule 8-1(7) for service on the A.G. where records relate to an active prosecution.)

No. _____
_____ Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

CONSENT ORDER

BEFORE)))))	A JUDGE OF THE COURT or A MASTER OF THE COURT or A REGISTRAR)))))	_____ (dd/mmm/yyyy)
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ON THE APPLICATION of the [party], without a hearing and by consent;

AND with regard to the provisions of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, concerning personal information and law enforcement information;

THIS COURT ORDERS that:

1. the Chief Officer of the South Coast British Columbia Transportation Authority Police Service (SCBCTAPS) or his or her delegate be authorized and directed to, within thirty-five (35) days of receipt of a copy of this Order, find all documents as defined in the *Supreme Court Rules*, including all notes of all investigating officers in his or her possession or control relating to an incident that occurred on _____ day of _____, 20____ referenced as SCBCTAPS File Number_____.

2. the Chief Officer of the SCBCTAPS or his or her delegate examine the Documents and determine which Documents or portions of the Documents may not be produced because they are:

- (a) correspondence or communications between the SCBCTAPS and Crown Counsel, or between the SCBCTAPS and lawyers advising them, for the purpose of giving or receiving legal advice;

- (b) documents which it would be contrary to the public interest to produce and, in particular, documents which if disclosed could:
 - (i) reveal correspondence or communications between the SCBCTAPS and Crown Counsel other than those referred to in subparagraph 2(a);
 - (ii) prejudice the conduct of a criminal prosecution which is anticipated or has been commenced but not finally concluded, where the dominant purpose for the creation of the documents is that prosecution;
 - (iii) harm an ongoing statutory investigation or ongoing internal SCBCTAPS investigation;
 - (iv) reveal the identity of a confidential human source or compromise the safety or security of the source;
 - (v) reveal sensitive police investigation techniques; or
 - (vi) harm international relations, national defense or security or federal provincial relations; or

- (c) protected from production by the *Youth Criminal Justice Act*, S.C. 2002, c. 1, or by any other applicable statute;

3. the Chief Officer of the SCBCTAPS or his or her delegate examine the said records when found, to ascertain whether any information contained in the records should be withheld pursuant to sections 14 (Legal Advice), 15 (Harm to Law Enforcement), 16 (Harm to Intergovernmental Relations) and 19 (Harm to Individual Safety) or any other applicable sections of the *Freedom of Information and Protection of Privacy Act*;

4. the Chief Officer of the SCBCTAPS or his or her delegate copy the Documents or portions of the Documents that satisfy the criteria for production referred to in paragraph 2 and 3;

5. the Chief Officer of the SCBCTAPS or his or her delegate make copies of the Documents available to the lawyer for the Applicant for inspection or collection at 300 – 287 Nelsons Court, New Westminster, BC V3L 0E7;

6. the lawyer for the Applicant forthwith enter this Order and deliver a copy to the Chief Officer of the SCBCTAPS or his or her delegate and the lawyers for the parties to this action;

7. any reasonable costs incurred by the SCBCTAPS for the retrieval, production, inspection, copying and delivery of the Documents, shall be paid by the lawyer for Applicant forthwith and in accordance with any schedule of fees adopted by the SCBCTAPS.

8. within thirty (30) days after receipt by the lawyer for the Applicant of the Documents from the Chief Officer of the SCBCTAPS or his or her delegate pursuant to this Order, the lawyer for the Applicant provide the lawyers for each of the parties to this action with a copy of the Documents and the lawyers for the parties to this action be at liberty to examine the copies of the Documents received by the lawyer for the Applicant from the Police Officer; and,

9. parties to this action, the Chief Officer of the SCBCTAPS or his or her delegate and the Attorney General of British Columbia have liberty to apply to the Court to determine which, if any, Documents are required to be produced pursuant to this Order.

BY THE COURT

DISTRICT REGISTRAR

I am the person in control of the within referenced records and I have no objection to the making of an Order on these terms.

Signed: _____
Johanne Howsham or Legal Alternative

Position: Information Access
Legal Services Section
SCBCTAPS

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:

 Signature of Party Signature of Lawyer for the Plaintiff
[name of above-signed]

 Signature of Party Signature of Lawyer for the Defendant
[name of above-signed]