Am

City of Port Coquitlam Documents Relating to Piggy's Palace

<u>Tab</u>	<u>Document</u>
1	Correspondence between Regional Fire Commissioner Alan Troughton and Fire Chief Andy Shaw dated Aug. 25, 1998 and Aug. 27, 1998 (POCO-001-000001)
2	Correspondence to City Clerk Susan Ruah regarding Piggy's Palace dated May 19, 1998 and May 1, 1998 (POCO-001-000004)
3	Correspondence from Port Coquitlam City Departments, the B.C. Ministry of Health and the RCMP (POCO-001-0000009)
4	Correspondence and Order to Comply with the B.C. Fire Code dated May 2, 1998 (POCO-001-000064)
5	Letter from Graham J. Underwood to Court Liaison Cindy Tosoni (RCMP) dated Dec. 11, 2001 (POCO-001-000069)
6	Letter to David Pickton from Regional Fire Commissioner Alan Troughton dated July 20, 1998 (POCO-001-000071)
7	Letter to David Pickton from Building Inspector Dennis Ratcliffe dated Jan. 13, 1999 (POCO-001-0000073)
8	Letter to David Pickton from Deputy City Clerk George Beaumont dated July 31, 1999 (POCO-001-000077)
9	Letter to David Pickton from Deputy City Clerk George Beaumont dated July 31, 1999 including Notice and Order to Comply (POCO-001-000079)
10	Letter to David Pickton from Fire Chief Randy Shaw dated Sept. 25, 1998 (POCO-001-000085)
11	Letter to David Pickton from Fire Chief Randy Shaw dated October 14, 1998 and Correspondence (POCO-001-000088)
12	Letter to David Pickton from Acting City Engineer J. E. Yip dated Sept. 10, 1998 (POCO-001-000091)
13	Memo from Fire Chief Randy Shaw to Assistant Fire Chiefs John Kenyon and Stephen Gamble dated May 20, 1998 (POCO-001-000103)
14	Notice to Owner and Correspondence regarding appeal (POCO-001-000104)
15	RCMP fax to Lidstone Young Anderson Barristers and Solicitors dated July 26, 2000 (POCO-001-000109)

- Report to Crown Counsel for David Pickton noncompliance with the Fire Services Act dated Jan. 7, 1999 (POCO-001-000111)
- Letter to Jeffrey Scouten from Barry Williamson dated Jan. 5, 1999 (POCO-001-000117)
- Stop Work Order and Inspection Notice dated Nov. 19, 1998 (POCO-001-000118)
- 19 Affidavit of Randy Shaw dated Dec. 31, 1998 (POCO-001-000121)
- Appearance, Port Coquitlam v. Piggy's Palace Good Times Society (POCO-001-000147)
- Demand for Discovery of Documents, *Port Coquitlam v. Piggy's Palace Good Times Society* (POCO-001-000149)
- Documents of the Plaintiff, Port Coquitlam v. Piggy's Palace Good Times Society (POCO-001-000151)
- Notice of Hearing, Port Coquitlam v. Piggy's Palace Good Times Society (POCO-001-000223)
- Notice of Motion, Port Coquitlam v. Piggy's Palace Good Times Society (POCO-001-000224)
- Notice to Produce, Port Coquitlam v. Piggy's Palace Good Times Society (POCO-001-000235)
- Order, Port Coquitlam v. Piggy's Palace Good Times Society (POCO-001-000237)
- 27 Statement of Defence, *Port Coquitlam v. Piggy's Palace Good Times Society* (POCO-001-000240)
- Writ of Summons, Port Coquitlam v. Piggy's Palace Good Times Society (POCO-001-000244)



City of Port Coquitlam FIRE/RESCUE

ALL CORRESPONDENCE TO BE ADDRESSED TO THE FIRE CHIEF NO 1. FIRE HALL; 1725 BROADWAY STREET PORT COQUITIAM, B.C. V3C 2M9 TELEPHONE: (604) 944-5466 FAX: (604) 944-5406



August 27, 1998

REGISTERED MAIL

Alan Troughton
Regional Fire Commissioner
P.O. Box 9490 Stn.Prov.Gov't.
Victoria, B.C.
V8W 9N7



Dear Sir:

RE: SERVICE OF APPEAL DECISION FOR PREMISES LOCATED AT:

Lot 6 - Section 3 and 4 Plan, 7491

(Otherwise known as 2552 Burns Road, Port Coquitlam, B.C.

Further to your request of August 25, 1998, I enclose Acknowledgment of Service upon Mr. David Picton dated August 27, 1998, 0930 hours at 900 block Dominion Avenue. Port Coquitlam, B.C.

Yours truly,

Randy Shaw Fire Chief

Port Coquitlam Fire/Rescue

RS/cl Enc.



August 25, 1998

Randy Shaw Port Coquitlam Fire Department 1725 Broadway Street Port Coquitlam BC V3C 2M9

Dear Randy Shaw:

RE:

SERVICE OF APPEAL DECISION FOR PREMISES

LOCATED AT

Lot 6 Section 3 and 4 Plan, 7491

(Otherwise known as 2552 Burns Road)

PORT COOUTLAM BC

We have enclosed the Fire Commissioner Decision in the above Order.

Will you kindly have the Decision served upon <u>David Picton</u>, 953 <u>Dominion Avenue</u>, <u>Port Coquitiam BC</u> and request that they acknowledge receipt of the Order on the enclosed Acknowledgement and would you please fill in the appropriate date and time in hours and sign the bottom as witness and insert your Local Assistant Fire Commissioner badge number.

After completing the form would you please mail the Acknowledgement to us by registered post as soon as possible.

Yours truly,

Alan Troughton

Regional Fire Commissioner

/tin

Ministry of Municipal Affairs Office of the Fire Commissioner Coastal Region Mailing Address: PO Box 9490 Sin Prov Govt Victoria BC V8W 9N7 Tel: (250) 356-9010 Fax: (250) 356-9019 Location: 3rd Floor 800 Johnson Street Victoria BC

ACKNOWLEDGEMENT OF SERVICE

DECISION OF FIRE COMMISSIONER PURSUANT TO SECTION 22
BRITISH COLUMBIA FIRE SERVICES ACT, (R.S.B.C., 1979, CHAPTER 133)

In re the matter of the Order of the Local Assistant Fire Commissioner

tc

DAVID PICTON

dated May 12, 1998, premises located at Lot 6 Section 3 and 4 Plan 7491, (Known as 2552 Burns Road)
Port Coquitlam BC.

TIMBURY ACTNO	WLEDGE receipt of the above noted DECISION, this Day of
AUG 195	78, at 09.40 hours, at the BC.
SIGNED:	Owner and/or operupiter
WITNESSED:	LAF.C. / OR INSPECTOR

אאדוח עונותא החתו או כאיכד פב

664 944 5482 TO ANDERSON

P.05/09

PORT COQUITLAM FIRE/RESCUE MEMORANDUM

DATE:

May 19, 1998

TO:

Susan Rauh

City Clerk

FROM:

Randy Shaw

Fire Chief

SUBJECT:

"Piggy's Palace" - 2552 Burns Road

On May 12, 1998; Chief Shaw issued an Order under Section 22 of the Fire Services Act to Mr. Picton (property owner), to prevent any further assembly occupancies taking place at 2552 Burns Road, also known as Piggy's Palace. To fall into the definition of assembly occupancy there has to be food and drink consumed on the premise. The number of people involved should be at least 30 to receive support from the Fire Commissioner's Office in the event we are required to evacuate this building

If during the RCMP's routine duties they find that such a gathering has occurred, please have them contact Chief Shaw first. If Chief Shaw cannot be reached then contact the Duty Chief to accompany them to 2552 Burns. After contacting the Fire Commissioner and receiving his support we will have the RCMP evacuate the building for violation of the order and our concerns for life safety.

Contact Numbers.

Randy Shaw Steve Gamble

(24 hr.'s) (24 hr.'s) John Kenyon (24 hr.'s)

If the RCMP are unsuccessful at contacting us at the above numbers have them call 941-8611 and ask Dispatch to page the Duty Chief and leave a contact number. We will then return their call as quickly as possible and accompany them to 2552 Burns Road.

Yours truly

Randy Shaw Fire Chief

Port Coquitlam Fire/Rescue

RS/cl

cc:

Tony Chong, P.Eng., City Administrator

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7 0	Ms. 5	busan RAUH	, City Clerk			
IMFO. RENS	re:	Piggy's Palac	e Good Times	Society		
FROM DE	Cst.	Joe LEI	W, Coquitlam	Remp		
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incorporated since June 11, 1996) Any Q's -> 945-1550 COQ REMP.						
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Canada

MAI - A1 A0 LLW1 IN-A9 AND KNAM AN HINTER OF FRK

664 944 5482 TO ANDERSON

P.07/09

05/01/98 FRI 08:31 FAX 804 54. 4997

RCMP-VAN. CCS

@ 002

Date: 98/04/30 BC ONLINE: Company Smuch

SOCIETY

Name FIGGY PALACE GOOD TOKES SOCIETY

Incorporation No. S -0035452

incorporation Date: 11 JUN., 1996

Lest Annual Report Date: N/A

Number of Principals: 5

In Liq: NO Receiver: NO Reporting: NO

Registered Office: 250 - 550 SEKTH STREET

NEW WESTMINSTER, BC

V3L 3B7

Records Office:

Dimeter: Y

Officer: N

DIJOR Name: TAMMY HUMENY

Position:

Address: 2553 BURNS AVENUE

PORT COQUITLAM, BC

Director: Y

Officer: N

DistOff Name: WILLIAM MAXONE

Position

ÞΙĎ

Director: Y

Officer: N

DisfOff Name: DAVID FRANCIS PICKTON

Position:

Address: 953 DOMINION STREET

PORT COQUITLAM, BC

V3C 3V4

Director: Y Officer: N

DIPOS Name: ROBERT WILLIAM PICKTON

Address: 953 DOMINION STREET

PORT COQUITLAM, BC

V3C 3V4

Director: Y

Officer: N

DIPORNAME ALLAN WAYENBERG

Address: 2552 BURNS AVENUE

PORT COOUTILAM, BC

PRICE TO HAD AND THE PARTY AND

P.08/09

05/01/98 FRI 08:31 PAX 804 54. 4897

RCMP-VAN. CCS

0003

BC OnLine: BC Assessment Authority ASSESSMENT ROLL QUERY Rolly: 1998 92/04/20

This information is obtained from various sources and is determined as of specific duties set out in the Assessment Act. As a result, the BC Assessment Authority cannot warrant that it is correct or accurate, and provides it for your convenience only. Use of this information without verification from original sources is at your own risk.

Anea: 12 Jun: 224 Rail No: 723080-000

Neigh: 027 Sch Dist: 43

Owner: PACKTON DAVID P

No of Ountries: 3

No of Fids: 1 Owner Address: 933 DOMINION AVE

FID: 008-057-621 Document No: HM44928

PORT COQUITI-AM BC V3C 3V4

Property Address: 2552/2558 BURNS RD

Legal Description: LOT 6, FLAN 7491, SECTION 3&4, NEW WESTMINSTER LAND DISTRICT, BOWRLE.

1998 Value

Property Class

Land Interovement

RESIDENTIAL

129,600

132,500

Total

FARM

11,700

11,700

Actual Value

141,300

1997 Value

Property Class

Land Improvements

RESIDENTIAL FARM

Provious Actual Value

144,200

Manual Class: 1 STY SFD - AFTER 1930 - SEMICUSTOM

Actual Use: OTHER

Lend Use: ACREAGE (UNDER 5 ACRES)

Tenure: CROWN-GRANTED

ALR: ALL ALR - SUBJECT TO RESTRICTED

Dimensions - IMPERIAL

11.31

ACRES

Salee-

#1 A NON-SALE occurred on 12 FEB 1998. The prior was 388,211. The document # was BM44928.

#2 A SINULE, IMPROVED SALE occurred on 13 NUL 1995, This was a CASH calc and the price was 1,140,000. The document # was B1205666.

#3 A SONGE, BAPROVED SALE occurred on 22 APR 1992, This was a CASH role and the prior was 650,000. The document # was BF141899.

MAY 01 '98 11:20

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PAGE. 23

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רשיכש.ח

05/01/88 FRI 08:31 FAX 804 5/ 1997

RCMP-VAN. CCS

Ø 004

Additional Owners

Owner # 2: FICKTON ROBERT W

Owner Address: 953 DOMINION AVE

PORT COQUITLAM BC

V2C 3V4

Owner # 3: WEIGHT LINDA L

Owner Address: PID

End of Report

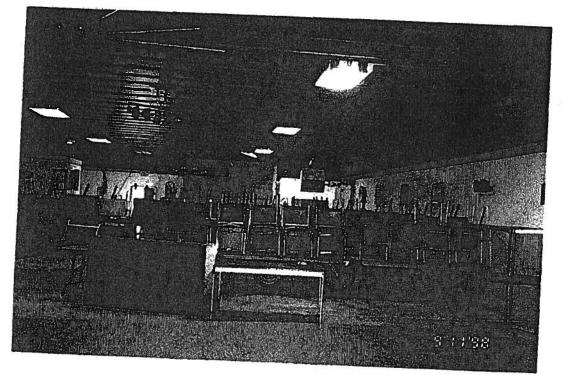
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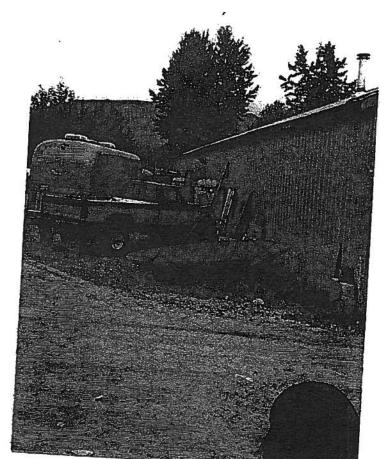
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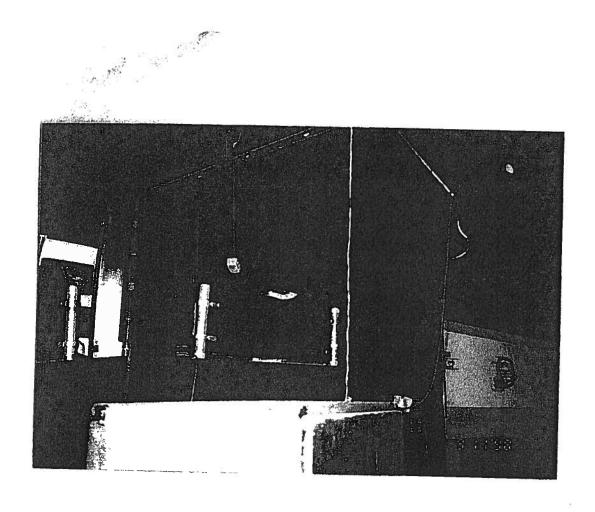
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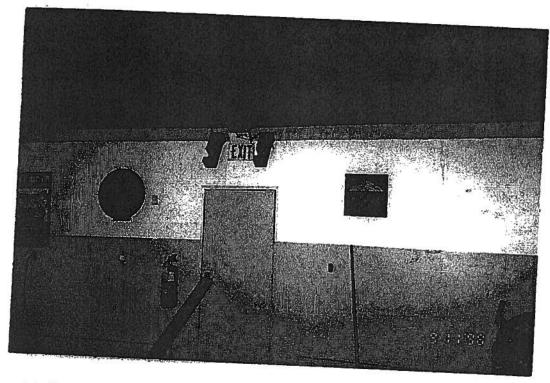


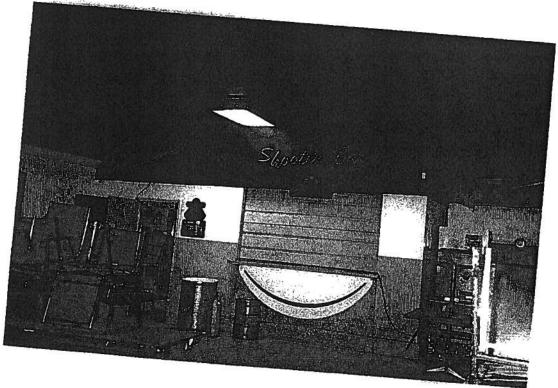


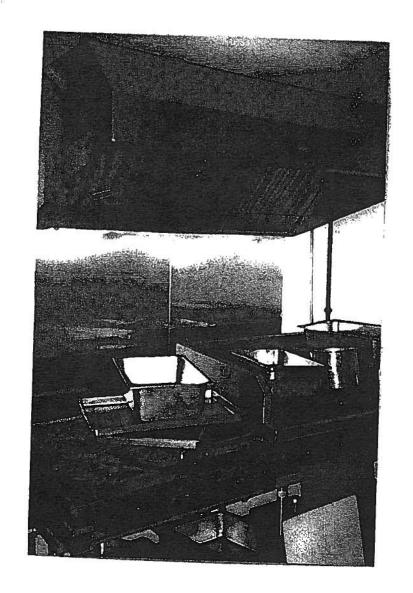


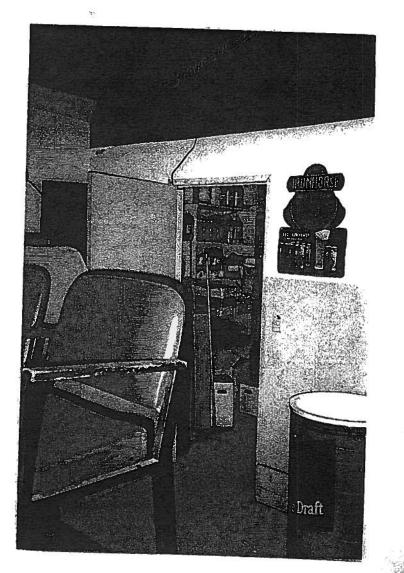




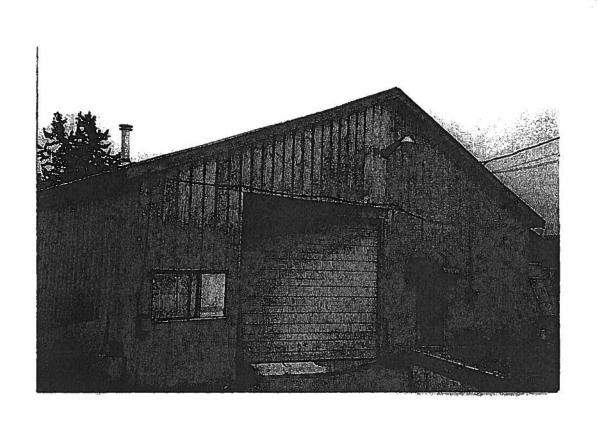


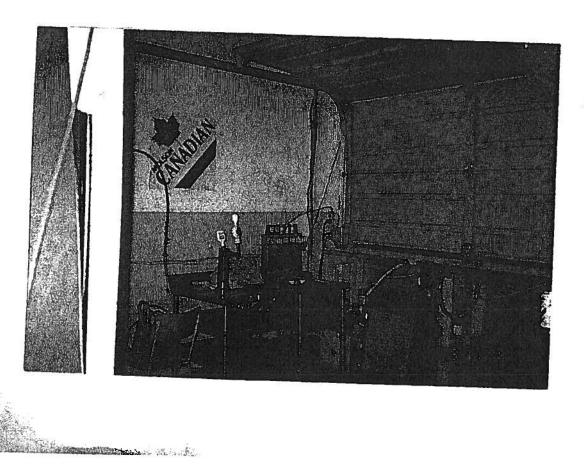






of Port Coquitlam\City Correspondence, BC Government Correspondence and RCMP Correspondence\Correspondence from Port Co







ENGINEERING DEPARTMENT

2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2A8 / PHONE: 944-5411 / FAX: 944-5407

January 4, 1996

Mr. David Picton 953 Dominion Avenue Port Coquitlam, B.C. V3C 3V1

Dear Mr. Picton:

ILLEGAL PLACEMENT OF FILL - AGRICULTURAL LAND RESERVE AREA - 2552 BURNS ROAD

It has come to my attention that you have been hauling fill illegally onto land in the Agricultural Land Reserve located at 2552 Burns Road.

The hauling of fill to this site is contrary to the Provincial Agricultural Land Reserve Act and contrary to the City Highway Use Regulation Bylaw #2011. In addition, there is a maximum three quarter gross vehicle weight restriction for trucks on Burns Road and portions of Dominion Avenue.

In order to place fill on the property at 2552 Burns Road, permits must be applied for and received from the Provincial Agricultural Land Commission for fill placement and from the City of Port Coquitiam for a Highway Use Bond. Also, the maximum three quarter GVW restriction would apply to trucks hanling fill on Burns Road and Dominion Avenue. Your cooperation in these matters would be greatly appreciated, if you have any further questions, please do not hesitate to contact me.

Yours truly.

R. Zahynacz, P. Eng

K. Miller, General Manager, Agricultural Land Commission cc: Superintendent L. Zapotichny, R.C.M.P.

T.M. Chong, P. Eng., City Administrator J.E. Yip, P. Eng., Deputy City Engineer

B. Herbert, Engineering Inspector

GOR.DOC

The City of Port Coquitlam Bylaw & Licencing Department

DATE: 100 24/86	
TO: Bylaw/Licencing Clerk	
FROM: Jelf	
RE: Complaint at: 2252 Buns C.	
Please send a letter by: Certified Mail / Regular Mail / Hand Deliver / Fax	
RE: Bylaw # 2240 Section 701.	•
Specifically: Paid social events on A-1 your	·
)
Additional Comments to be included in standard letter:	
Do wither - please also aldress	
same letter to other property owners:	
Robert W. Pickton (same as Dave)	•
Linka C. Wright	
hants you!	
·	
W: LETTERS PICKTONI-DOC	•
•	
uplaint in kew may 6/96	



2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2AR / PHONE: 941-5411 / FAX: 941-5402

Bylaw Services Division; Phone: 944-5440, Fax: 944-5401

Certified Mail LC# 012 811 040

April 29, 1996

Robert W. Pickton 953 Dominion Avenue Port Coquitiam, B.C. V3C 3V4

Dear Mr. Pickton.

Soliciting for Paid Social Events: Zoning Bylaw, 1995, No. 2240

2552 Burns Road, Port Coquitlam, B.C. AT:

It has come to our attention that a Mr. Bill Malone, apparently acting on your behalf, contacted a Terry Fox Grad Night Committee member in order to solicit their patronage of an on-site establishment at the property noted above for this year's after-grad festivities.

On a related matter, it came to our attention in January that a Valentine's Day party which included dinner and live music at the property noted above was advertised via pamphlets placed on car windshields in the City of Port Coquitlam.

Please note that this property is zoned as Agricultural use (A-1): paid social events of this nature are not permitted uses of the property. Zoning Bylaw, 1995, No. 2240 states:

701. AGRICULTURAL ZONE 1 (A-1)

- (1) USES PERMITTED:
 - (a) Agricultural
 - **(b)** One-family residential
 - (c) Boarding
 - shall be limited to a maximum of four boarders or one (i) family:



- (ii) shall be within a building for one-family residential use.
- (d) Accessory Residential
- (e) Accessory Produce Sales:
 - (i) shall not exceed a gross floor area of 11 m² (1184.07 sq. ft.)
 - (ii) shall be limited to one per lot.
- (f) Child Care

Please be advised that activities such as paid social events and other such uses not permitted in accordance with the bylaw noted above subject the property owners to fines and/or court action; however, you will undoubtedly be taking preventative measures to make this step unnecessary.

Thank you for your anticipated cooperation in regard to the foregoing. For more information, please contact Jeff Brovold at 944-5411, local 240.

Yours truly,

Greg Beaumont

Manager of Bylaw and Legislative Services

cc: T. Chong, City Administrator

S. Rauh, City Clerk

W.L. Zapotichny, Superintendent Coquitlam RCMP

/ljm w:\letters\dayfile\1996-04\apr30.doc

May 6/96 - Mr Malore came in Lo Licens letter - said functions are open to members only - Conclude Jakkendd



engineering department

2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2A8 / PHONE: 944-5411 / FAX: 944-5407

800.14D

May 15, 1996

HAND DELIVERED

D.F. Pickton R.W. Pickton L.L. Wright 953 Dominion Avenue Port Coquitlam, BC **V3C3V4**

Dear D & R Pickton and L. Wright:

VIOLATIONS UNDER THE SOIL CONSERVATION ACT AND CITY RE: HIGHWAY USE REGULATIONS BY-LAW #2011

It has come to my attention that you are allowing the placing of fill material on your property at 2552 Burns Road (legally described as Lot 6, Sec. 3 & 4, Blk 6 North, Range 1 East, NWD, Plan 7491). You are hereby notified that this hanling and filling is to "cease immediately".

The placing of fill material on a property which is included within the agricultural land reserve is contrary to Section 2 of the Soil Conservation Act (S.C.A.) which states "a person shall not remove soil from or place fill on land in an agricultural land reserve unless:

- the Commission approves in writing; a)
- the local authority where land is situated issues a permit; and **b**)
- the soil is removed or the fill is placed in accordance with the regulations and the c) terms and conditions in the permit.

Under the authority of Section 5 (S.C.A.) I hereby require that you remove any of the fill material which has been placed without a permit and which does not conform to the regulations

Cont'd__/2



In addition, the hauling to your site is contrary to the City's Highway Use Regulation Bylaw 2011 as trucking for the purpose of the removal or placement of soil material within the City of Port Coquitlam requires a Highway Use Permit. The City, as you are aware, has imposed a load restriction of three quarter gross vehicle weight on Dominion Avenue, east of Ottawa Street and Burns Road. You are hereby notified that any roadways damaged by trucks hauling to or from your property will be repaired at your cost.

If you have any questions regarding this please contact me at 944-5411.

Yours very truly

I.R. Zahynacz, P. Eng.,

Citý Engineer...

IRZ/jb

cc: Mayor and Councillors

T.M. Chong, P. Eng., City Administrator

K. Miller, General Manager Agricultural Land Commission

Sergeant Kuzak, R.C.M.P.

Colin Fry, A.L.C.

J.E. Yip, P. Eng., Deputy City Engineer

B. Herbert, Engineering Inspector

PORT COQUITLAM FIRE/RESCUE **MEMORANDUM**

DATE:

September 27, 1996

TO:

(

Susan Rauh

City Clerk

FROM:

Randy Shaw

Fire Chief

SUBJECT:

2552 BURNS ROAD PROPERTY

At 1036 hours on September 27, 1996, Inspector Stubbert and myself inspected the back building known as Piggy's Palace situated at 2552 Burns Road.

At that time the following information was explained to the owner Mr. Dave Pickton:

Supply proof of fire protection equipment functionality.

- Supply proof to verify commercial cooking units' fire protection meets N.F.P.A. 96 or UL
- Electrical contractor is qualified.
- Ceiling fire separation is missing.
- Exit widths and dimensions measured and recorded.
- All exit lights and emergency lighting to function as designed.
- Obstacles to be removed from exterior exit corridors.
- Maintain fire apparatus access.
- Maintain fire fighting access.
- Owners to supply a floor plan so the Fire Department can calculate safe occupant load.

At 1145 hours we completed our inspection and thanked Mr. Pickton for his co-operation and would expect the requested floor plan early next week.

If you require any further information please contact me at Local 494.

Randy Shaw Fire Chief

Port Coquitiam Fire/Rescue

RS/cl

PORT COQUITLAM FIRE/RESCUE MEMORANDUM

DATE:

September 27, 1996

TO:

Susan Rauh

City Clerk

FROM:

Randy Shaw

Fire Chief

SUBJECT:

2552 BURNS ROAD PROPERTY

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if you require any further information please contact me at Local 494.

NEPA 13 - Springs required

Departing upon Business Decemping destination - Pre- down mappe required.

Randy Shaw

Pire Chief

Port Coquidam Fire/Rescue

RS/cl





Hard Delivered Sept 27/96

September 27, 1996

MR. DAVID PICKTON 953 Dominion Avenue Port Coquitlam, B.C. V3C 3V4

Dear Mr. Pickton

SUBJECT: PIGGY'S PALACE

2552 BURNS ROAD

It has come to our attention, through an advertisement in the Wednesday, September 25, 1996 edition of the Tri-City News, that the "Piggy's Good Time Society" intends to hold a public dance with buffet and beverage service on your property at 2552 Burns Road this Saturday, September 28th.

Under the City of Port Coquitlam Zoning Bylaw No. 2240, the property at 2552 Burns Road is zoned Agricultural Zone 1 (A-1) and the use of the property is restricted to agricultural, single family residential and related uses. The use of the property for public entertainment events is prohibited.

You are therefore directed not to use the property for the proposed dance and related events, either this Saturday or on any other day.

In the event of any contravention of the Zoning Bylaw, the City may take court action against you for an injunction and costs, without further notice.

Sincerely,

Greg Beaumont

Manager, Bylaw and Legislative Services

HAGREHALLKZERKELETTERENDECKIERAS Princulo



8 1



2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2.18 / PHONE: 944-5411 / PAX: 944-5402

October 17, 1996

Bill Malone, Director Piggy's Good Time Society 2552 Burns Road Port Coquitlam BC

Re: Piggy's Palace

Dear Mr. Malone

To legalize the Piggy's Palace operation, the following requirements must be met:

- 1. The land must first be excluded from the Agricultural Land Reserve by the Agricultural Land
- 2. Rezoning and OCP designation would follow. A condition of rezoning would be to meet engineering requirements for fire flow. The approximate cost of doing so is \$250,000 - \$300,000. In addition, DCC's are applicable at an approximate cost of \$50,000.
- 3. Upon completion of rezoning, apply for a building permit to upgrade the building to appropriate
- 5. Septic approval and a health permit for handling food from the Simon Fraser Health Unit.

The property may not be used for assembly use until all of the above requirements are met.

Attached please find notes from each department outlining in more detail what is required. Please

You are cautioned that the taking of this action would merely indicate a readiness to submit your application to City Council as required under the provisions of the Municipal Act. The final decision concerning the passage or non-passage of the Zoning Amendment Bylaw remains with the Municipal Council, any other factors notwithstanding. Until the Bylaw has been reconsidered, finally passed, and adopted by the Council, your property will remain in its present zone and we would particularly caution you not to take any action at this time based upon the assumption that the property will be rezoned.

Greg Beaumont,

Manager of Bylaw and Legislative Services

Tony Chong, P. Eng., City Administrator CO: Susan Rauh, CMC, City Clerk

Greg Beaumont

From:

Carlos Felip.

Sent:

Wednesday, October 16, 1996 3:37 PM

To:

Greg Beaumont

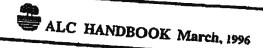
Subject

Piggy's Palace

Greg:

Steps to bring PP into conformity:

- 1.Obtain approval from ALC for exclusion of the land from the Land Reserve. Application forms and instructions available in the Planning Department.
- 2. Upon approval from the ALC, apply for Official Community Plan ammendment to Residential or Parks and Recreation and for Rezoning to Private Institutional P-2.
- 3. Upon completion of rezoning, apply for building permit to upgrade the building to appropriate Building Code standards and to provide parking as per the provisions of the Development Management bylaw. Carlos



15. Use of land reserve

- 15. (1) Subject to subsection (1.1), this section and sections 16 to 22 apply to agricultural land(1) designated as an agricultural land reserve(2).
- (1.1) For greater certainty, if the boundary of an agricultural land reserve divides a parcel of land, this section and sections 16 to 22 apply only to that portion of the parcel that is designated as an agricultural land reserve.
- (2) No person shall use agricultural land(3) for any purpose other than farm use(4), except as permitted by this Act, the regulations or an order of the commission(5), on terms the commission may impose.
- (3) In addition to the limitations set out in section 23 (1) of the Land Title Act, a certificate of title heretofore issued for agricultural land(6) is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reservo(7) and farm use(8) of the land.
- (4) The registrar of titles shall endorse on every indefeasible title to agricultural land(9) hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983; 1994-25-5.

16. Further use

- 16. (1) After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission(10),
 - (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the Local Area Act may not permit agricultural land(11) to be used for other than farm use(12), or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
 - (b) an approving officer may not approve a subdivision of agricultural land under the Land Title Act, the Condominium Act or the Municipal Act; and
 - (c) a board of variance may not permit agricultural land to be used for other than
- (2) Subsection (1) (b) applies to any person who exercised the authority of an 1973-46-10; 1978-25-332; 1994-25-6.

Page 1

THE CORPORATION OF THE CITY OF PORT COQUITLAM

MEMORANDUM

TO:

G. Beaumont,

DATE Oct. 17,1996

Manager, Bylaw and Legal Services.

FROM:

C.F. Morris,

Engineering Technician

SUBJECT: "PIGGY PALACE" 2552 BURNS ROAD

The existing water system is inadequate for the fire flow requirements for this development. Watermain upgrading will be required from the existing main at Dominion and Fremont to the development site. The approx. cost for this work would be \$250,000 to \$300,000.

Development Cost Charges would be applicable and based on a building of approx. 5000sq ft (464.5 sq m) the DCC's would amount to \$50,899 using the current rate for area 2 of \$109.58 per sq.m of gross floor area.

Upgrading of Burns will not be required at this time.

No sanitary sewer mains are available to serve the site therefore the septic system must be approved by the Simon Fraser Health Unit.

Engineering Technician

THE CORPORATION OF THE CITY OF PORT COQUITLAM

HECEIVED

OCT 1 8 1996

CLERKS
DEPARTMENT

MEMORANDUM

DATE:

October 18, 1996

TO:

S. Rauh

G. Beaumont

FROM:

John Shardlow

Director of Building Permits and Inspections

SUBJECT:

2252 Burns Road

To covert a farm building for assembly use the applicant should first obtain:

Zoning approval from the Director of Planning.

• Acceptance of sewer disposal from the Public Health Officer.

- Permission to serve food to the public (if that is the intent) from the Public Health Officer.
- An evaluation of the capacity of the city water supply versus system demand for domestic water and fire sprinklers.

For specific requirements these offices should be contacted directly.

Once applications for the above are accepted a Building Permit application could be made in the form prescribed in the Building and Plumbing Bylaw (attached). The applicant should consider the following.

- 1. The maximum distance a fire hydrant can be located from an sprinklered assembly building is 45 meters. The distance is exceeded for this property.
- 2. The use and occupancy design must comply with part 3 of the British Columbia Building Code.
- 3. The structural design must comply with part 4 of the British Columbia Building Code.
- 4. The number of male and female washrooms are based on the occupant load.
- 5. Requirements for the disabled apply.

...2

The Corporation of the City of Port Coquitlam

Page Two

6. The building would be classified as an assembly occupancy and requires the plans and documents to be prepared by a Professional Designer registered in the province of British Columbia. The Building Inspector will answer relevant questions to the provisions of the building codes but must refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

John Shardlow

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THE CORPORATION OF THE CITY OF PORT COQUITIAM

MEMORANDUM

DATE:

October 15, 1996

TO:

S. Rauh City Clerk

FROM:

John Shardlow

Director of Building Permits and Inspections

SUBJECT:

Regulations For Buildings On Agricultural Land

RECOMMENDATION:

That this report be used for information purposes.

BACKGROUND & COMMENTS:

As requested I am replying to your inquiry regarding the Building Department records and requirements for 2252 Burns Road.

There are permits for miscellaneous farm buildings since 1971 and a permit for a single family dwelling built in 1980. A Building Permit was issued in November 1995 for a \$6000 structural renovation to an existing storage shed. There have been no scheduled inspections for this work.

All building construction on farm land requires a building permit and the Building Bylaw states "No person shall occupy or use any building contrary to the terms of any permit issued".

The farm buildings such as the storage shed mentioned above are regulated by the National Farm Code. Farm buildings that do not qualify as having "low human occupancy" (an occupant load of not more than one person for each 40 square meter of floor area) are required to conform to the British Columbia Building Code in all respects. Dwelling units located on a farm are also required to conform to the British Columbia Building Code.

The Corporation of the City of Port Coquitlan

Page Two

My concerns are matters affecting fire safety, health, and structural sufficiency if a farm building on this land has an assembly use.

- 1. Are there adequate washroom facilities? The sewer is on a septic tank designed for one house.
- 2. Health Department approval is required if food is served to the public.
- 3. There is no fire hydrant within 90 meters of the property.
- 4. They would need;

 proper exits

 emergency lighting

 fire alarm

 fire sprinklers or fire separations

John Shardlow

- 5. Are the floors designed for a high occupant load?
- 6. Stairs and raised floor areas would need to be equipped with proper guardrails and handrails.

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PORT COQUITLAM FIRE/RESCUE **MEMORANDUM**

DATE:

September 27, 1996

TO:

Susan Rauh

City Clerk

FROM:

Randy Shaw

Fire Chief

SUBJECT:

2552 BURNS ROAD PROPERTY

At 1036 hours on September 27, 1996, Inspector Stubbert and myself inspected the back building known as Piggy's Palace situated at 2552 Burns Road.

At that time the following information was explained to the owner Mr. Dave Pickton:

- Supply proof of fire protection equipment functionality.
- Supply proof to verify commercial cooking units' fire protection meets N.F.P.A. 96 or UL
- Electrical contractor is qualified.
- Ceiling fire separation is missing.
- Exit widths and dimensions measured and recorded.
- All exit lights and emergency lighting to function as designed.
- Obstacles to be removed from exterior exit corridors.
- Maintain fire apparatus access.
- Maintain fire fighting access.
- Owners to supply a floor plan so the Fire Department can calculate safe occupant load.

At 1145 hours we completed our inspection and thanked Mr. Pickton for his co-operation and would expect the requested floor plan early next week.

If you require any further information please contact me at Local 494.

WHY The intring from Richard Together 18 - Springly Stephen

epending upon Buridary Occupancy designation - Pre-draw mappe required.

Randy Shaw Fire Chief

Port Coquitlam Fire/Rescue

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:SENT BY:S.F. HEALTH UNIT #10 :10-17-96 : 9:53AM :

SFHR-CCFL & EHP-

604 944 5401;# 1/ 1



Ministry of Health and Ministry Responsible for Seniors Simon France Health Region Endmornostal Health Protection Community Gure Pacifilles Licensin Suite 465, 2953 Glen Dave Condition RC VSB 2072

FAX SHEET

Date:	96/10/17						
To:	GREG BEAUMONT	☐ Confidential					
Fax:	944-5401	☐ Urgent					
Récipients Phone:	944-5440						
Subject:	PRESY'S PARE	•					
Sender:	DAVID QUERIE	•					
You should receive page(s) including this cover sheet. if you do not receive all the pages, please call (604) 927-2000. Comments: As lex Your Request By Herry Dept. Republicant Received The Bernitz Operation By The Bove Remise - We Require Compliants With - THE SANITATION & DEPARTION OF TOOD Promise - THE SENAGE DISPOSAL REZULATIONS. On THE SENAGE DISPOSAL REZULATIONS.							
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This measure is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any other distribution, copying or disclosure is strictly prohibited. If you received this message in error, please notify us by telephone and return the original transmission to us by mail without making a copy.

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THE CORPORATION OF THE CITY OF PORT COQUITIAM

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G. Beaumont

FROM:

John Shardlow

Director of Building Permits and Inspections

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- 3. The structural design must comply with part 4 of the B.C. Building Code.
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- 5. Requirements for the disabled apply.
- 6. The building would be classified as an assembly occupancy and requires the plans and documents to be prepared by a Professional Designer Registered in the province of British Columbia. The Building Inspector will answer relevant questions to the provisions of the building codes but must refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

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THE CORPORATION OF THE CITY OF PORT COQUITLAM

MEMORANDUM

TO:

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DATE Oct. 17,1996

Manager, Bylaw and Legal Services.

FROM:

C.F. Morris,

Engineering Technician

SUBJECT: "PIGGY PALACE" 2552 BURNS ROAD

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Upgrading of Burns will not be required at this time.

No sanitary sewer mains are available to serve the site therefore the septic system must be approved by the Simon Fraser Health Unit.

Engineering Technician

LOSTONE, YOUNG, ANDERSON

BARRISTERS & SOLICITORS

1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B. C. V6Z 2H2

Telephone: (604) 689-7400 Victoria Office: (604) 383-2063 Toll Free: 1-800-665-3540 Facsimile: (604) 689-3444

VIA COURIER

October 23, 1996

Mr. David Pickton 953 Dominion Avenue Port Coquitlam, B.C. V3C 3C4

Dear Mr. Pickton:

Re: Piggy's Palace 2552 Burns Road Our File No. 19-387

We are writing on behalf of the City of Port Coquitlam, with regard to the use of your property at 2552 Burns Road. As you know, the property is zoned Agricultural Zone 1 (A-1) under the City's Zoning Bylaw No. 2240 and the property may only be used for agricultural, single family residential and related uses. The property may not be used for entertainment purposes.

As you know from the City's letter of September 27, 1996 and your meeting with City staff on October 16, there are numerous reasons why the use of the building on your property for entertainment gatherings is not permitted. We understand that the City has provided Mr. Malone with a list of the items which would be required to legalize the "Piggy's Palace" operation (including a rezoning) but in the meantime the operation is unlawful.

Apparently the "Piggy's Good Time Society" has held several public dances with buffet and beverage service on your property and another dance is being advertised for this Saturday, October 26. We have been instructed by the City to bring an action in Supreme Court to enforce the Zoning Bylaw unless we obtain your cooperation in cancelling the dance and limiting the use of your property to the permitted uses under the Zoning Bylaw.

We request your confirmation, by executing and returning the enclosed copy of this letter to us by fax or courier by noon tomorrow. October 24 that you understand the restrictions

in the current zoning and that you will not a entertainment purposes. Otherwise, we will a claim for an injunction and costs.	allow the property to be used for dances or other proceed with a Supreme Court action, including
Yours truly,	
LIDSTONE, YOUNG, ANDERSON	
Grant poducon	
Grant Anderson	
Encl. GA\10-96.124ah	
	Received and agreed to this day of October, 1996
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9	David Pickton

	Royal Canadian Gendamerie royale Mounted Police du Canada FACSIMILE TRANSMITTAL ENVOI D'UN FAC-SIMILÉ	Clearitumionidesignation essentiare Uncleass Priority - Priorité Routine 1996.10,24
0	Susan RAUH ABRESS CITY CLERK	Reference No No de Héférence TELEPHONE NO
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ОМ	Insp. R.E. MOULTON ABRRESS Operations Officer	18 52 PAIS HONE 604-454-3461
	Coquitiam Detachment	100 NO AX-SIMILE 604-484-7305

COMMENTS COMMENTAIRES

Attached are three pages referring to the Special Occasion Licences issued in respect of 96-09-28. The first of these is the permit seized by S/Sgt. GIFFEN and the second page is the copy of the application for that permit. Contrary to protestations of charitable purposes, the event is described as a "Motorcycle Windup Race". The third page is a copy of the application/license issued to Bill MALONE for the same time and place and obtained while our members were making the seizure involved with the first permit. That licence describes the event as a "Birthday Party".

I am attaching a fourth page which purports to indicate an insured status for the Society. It might be useful to contact Coronation and determine exactly when, where and how often "Party Alcohol Liability Policies" have been invoked. I note that a "commercial" policy would seem to conflict with the claim of non-profit, charitable status.

In respect of the function advertised for 96-10-26, I was advised by MALONE that it will occur at the Port Coquitlam Rod & Gun Club. I am advised that an application for a Special Occasion Licence for that location is being sought by MALONE. Although we will review that

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604 464 7305

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application and make premises checks to ensure compliance with it, I anticipate that the S.O.L. will issue. Again, despite the attempt to cloak themselves in the charitable guise, Dave PICTON advised on 96-10-11 that the function on the 26th was to be a "birthday party for his brother".

Mr. MALONE also provided me with a number of copies of correspondence supposedly illustrating their good works, deeds and intentions. I would merely observe that such correspondence does show their donation of the use of the hall - but only in relation to events not involving liquor, ie: one church group and one minor hockey group. The only previous combination of liquor licence and charity involving Piggy's was the Motorcycle Ride for Child Pind. I am advised that the charitable proceeds apparently "disappeared" although Piggy's does not claim to be out-of-pocket.

On receipt, I will fax you the copies of the application and licence for the Rod & Gun Club.

344 JAKK IN HUDEKOUN

P. 84/81



Province of British Columbia

LIQUOR DISTRIBUTION BRANCH

STORE US/ ZOTE IN

SPECIAL UCCASION LICENCE 26 Closed SECTION 6

LIQUUX CONTROL AND LICENSING ACT

Organization:

MOTORUYCLE MIND UP RACE

163188 Function Date: ひタ/28/96

issued to: DAVE PLCKTUN

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THE BRITISH COLUMBIA LIQUOR CONTROL AND LICENSING ACT

APPLICATION	FOR SPECIAL OCCASION LICENSE(S)	
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Coronation Financial Services Lid. 1486 Prairie Avenue Port Coquitiam, B.C. V3B 5M8 Telephone: (604) 845-0043 Toll Free: 1-800-663-0676 Fax: (604) 945-0031 October 17, 1996

RE : P & B USED BUILDING MATERIALS PIGGY'S PALACE GOOD TIME SOCIETY DAVID PICTON, ROBERT PICTON & LYNN WRIGHT

ANN ARISE BUT THE FOREST TOPS

To whom it may concern;

This letter is to confirm that, to our knowledge, the above noted insureds have purchased Party Alcohol Liability Policies through our agency for all previous events held at Piggy's Palace Good Time Society. They also hold a Commercial General Liability Policy specifically for Piggy's Palace Good Time Society.

If you have any questions, please feel free to contact the undersigned.

Yours truly,

Nancy Eifler

Authorized Representative Coronation Financial Services Ltd.

_ providing insurance & financial services to clients throughout british columbia . A MEMBER OF THE BUPI GROUP

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PAGE.06

** TOTAL PAGE.07 **

1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B. C. V6Z 2H2 Telephone: (604) 689-7400 Victoria Office: (604) 383-2063 Toll Free: 1-800-665-3540 Facsimile: (604) 689-3444

BY FAX: 689-3292

November 5, 1996

Crossin & Scouten Barristers & Solicitors 900 - 777 Hornby Street Vancouver, B.C. V6Z 1S4

Attention: Jeffrey Scouten

Dear Mr. Scouten:

Re: City of Port Coquitlam v. Pickton and Piggy's Good Time Society Supreme Court of B.C.
Vancouver Registry No. A963544
Your File No. 3-1
Our File No. 19-389

We acknowledge receipt of your letter of November 1, 1996 and your Appearance in this matter. Please file and serve your Statement of Defence within the time limited by the Rules.

In the event that your clients schedule any further events at 2252 Burns Road, it is our intention to bring an application for an interlocutory injunction to prohibit those activities.

Yours truly,

LIDSTONE, YOUNG, ANDERSON

Grawt moduran

Grant Anderson

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CROSSIN & SCOUTEN

BARRISTERS AND SOLICITORS

900 - 777 HORNBY STREET VANCOUVER, BRITISH COLUMBIA V6Z 1S4

E. DAVID CROSSIN*
JEFFREY P. SCOUTEN*
SUSAN M. CORISTINE
PAUL W. JANZEN

TELEPHONE: (604) 689-3242 FAX: (604) 689-3292

File No. 253-1

November 15, 1996

VIA COURIER

Lidstone, Young, Anderson Barristers and Solicitors 1616 - 808 Nelson Street Vancouver, B.C. V6Z 2H2

Attention: Grant Anderson

Dear Sirs:

Re: The Corporation of the City of Port Coquitlam v.

Piggy Palace Good Times Society et al.

S.C.B.C. Action No. A963544, Vancouver Registry

I enclose:

- (1) Statement of Defence;
- (2) Demand for Discovery of Documents; and
- (3) Notice to Produce.

Kindly acknowledge delivery of these documents by signing and returning the enclosed copy of this letter.

Yours truly,

CROSSIN & SCOUTEN

Jeffrey P. Scouten

JPS/rvw Encl.

cc:

Mr. William Malone (w/encl)

Mr. David Pickton (w/encl)

*A Law Corporation

BARRISTERS & SOLICITORS

1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B. C. V6Z 2H2

Telephone: (604) 689-7400 Victoria Office: (604) 383-2063 Toll Free: 1-800-665-3540 Facsimile: (604) 689-3444

BY FAX: 464-7305

November 19, 1996

Inspector R.E. Moulton
Operations Officer
Coquitlam Detachment
R.C.M.P.
3000 Christmas Way
Port Coquitlam, B.C.
V3C 2M3

Dear Inspector Moulton:

Re:

City of Port Coquitlam v. Piggy Palace Good Times Society et al. S.C.B.C. Action No. A963544, Vancouver Registry Our File No. 19-387

Further to our conversation at Port Coquitlam City Hall yesterday afternoon, we are preparing the City's case for an injunction to prevent the continued use of Mr. Pickton's property for dances and other assemblies.

We would appreciate it if you would make available to us copies of documents in the Detachment's files which relate to activities at 2552 Burns Road over the past two years.

If there is not a large volume of available documents, I would appreciate it if the documents could be faxed to our office. Alternatively, I could review the documents in your office.

Yours truly.

LIDSTONE, YOUNG, ANDERSON

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Grant Anderson

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		Vancouver B.C.		NO DE PAX-SIMILÉ	689-3444
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Royal Canadian rovale Mounted Police

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Your file

Votra référence

S/SGT. P. Glffin R.C.M. POLICE COQUITLAM DETACHMENT

19-387

Our file

Motra référence

Mr. Grant Anderson Lidstone, Young, Anderson 1616-808 Nelson St Vancouver, B.C. **VBZ 2H2**

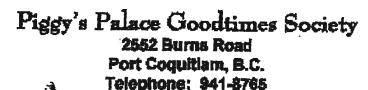
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December 9, 1996

City of Port Coquitiam v. Piggy Palace Good Times Society et al S.C.B.C. Action # A963544. Vancouver Registry

- This information is forwarded in response to your letter dated 96.11.19. May I also take this opportunity to apologize for the delay in response, however I have been out of town.
- I have previously forwarded all information available to Susan RAUH at Port Coquitlam City Hall. However, I would advise you that in February 1996 Cpl. DeMENECH of this Detachment attempted to halt a function in May 1996, but was over ruled by municipal staff. This event dealt with a Special Occasion Licence issued to a Michael SAVVIS.
- This detachment would not necessarily have all the information with respect to the actual number of special occasion licences issued to Picton et al. To obtain that information may I suggest that you contact Mr. Alf ERICKSON of the B.C. Liquor Distribution Branch @ 252-3449.
- It is also my understanding that Mr. PICTON has also filed a grievance with respect to the liquor that was seized from him in September 1996. If I can be of further assistance please contact me. I do not anticipate being away again in the immediate future.

lanadä



December 9, 1996

In 1904 the Pickton family settled in 10 acres of land on the old Pitt River Road by Mount Coquitiam. This area is now known as the Cape Horn interchange. In 1990 a book titled Coquitiam 100 years was published. The Picktons are listed in the book as being one of the earliest families to settle here, in fact they are number two in the book. The section devoted to them will give you some insight as to what it was like in the early days and what they endured. The book is vary interesting and should be read by anyone who thinks of this area as their home. Due to development the family relocated to Port Coquitiam in 1964 where they bought acreage at 963 Dominion Avenue. Since 1964 farming has always been one of the family businesses and by purchasing the property at 2552 Burns Road it will continue to be so for many years to come. We are gratiful for our success in business and like to show our appreciation by having functions to which we invite our many full time and part time employees also suppliers, consultants, friends and neighbours.

As children growing up my brother Robert, sister Linda, and myself were taught that there were others less fortunate than we were and if we could in any way help them then do so. We can never remember our parents turning envone down who was hungry or needed a place to stay util they got back on their feet again.

in 1994 we collected gifts at our company Christmas Party and donated them to the CKNVV Orphans Fund. At the 1995 Christmas Party over 300 presents were collected for the Province Empty Stocking Fund. The presents were given to the Share Society in Port Moody so local children would be the beneficiaries to our endeavor. We also donated a television set which was raffled off to raise money for the Variety Club Telethon.

The 1995 Christmas Party was held at 2552 Burns Road. The party was held in the building that was used in conjunction with the nursery business that was started in or about 1970 by Glen Bose and his family. The name of the nursery was Shilo Nursery.

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There were up to 40 people working in it seven days a week for almost 15 years. The building had washrooms, a shower and a kitchen installed when it was built. The same person built the new Shilo nursery which is now Art Knapps nursery on Dominion. Since both structuras were built by the same person without building permits which were not required by the City or the Provincial Government. Since this building has second level and thousands of square feet of glass covered area. How can it possibly meet the city's and administrations concerns and criteria in regards to safety of the people who shop there? They are open 7 days a week and may have 500 - 2,000 people a day on their premises. If the City has a hard line regards to procedures then everyone should have to comply to these rules.

in researching these problems we have found other businesses not in compilance with bylaws and building codes and will be bringing this up in the near future.

The Piggy's Palace Good Times Society is a registered non profit society. It was formed as a tribute to our parents Louis and Lenard Pickton and to help the less fortunate,

We are appearing here this evening trying to get permission to provide our free dinners for the people who are presently encountering difficulties.

The dimens were to start on November 6th and would be for 50-60 people every Sunday until Christmas and on Christmas we would have 2 or 3 sittings. We would also like to have our Christmas party and collect gifts which would be given to local children. The response we have received from everyone indicates that there is a place for us in the community. We also have many people who wish to help with this endeavor and feel it is time to come forward and make their contribution to the community.

Dave Pickton

CROSSIN & SCOUTEN

BARRISTERS AND SOLICITORS

900 - 777 HORNBY STREET VANCOUVER, BRITISH COLUMBIA V6Z 1S4

E. DAVID CROSSIN*
JEFFREY P. SCOUTEN*
SUSAN M. CORISTINE
PAUL W. JANZEN

TELEPHONE: (604) 689-3242 FAX: (604) 689-3292

File No. 253-1

January 8, 1997

VIA LEGAL ALTERNATIVE

Lidstone, Young, Anderson Barristers and Solicitors 1616 - 808 Nelson Street Vancouver, B.C. V6Z 2H2 JAN - 9 1997

Attention: Grant Anderson

Dear Sirs:

Re: The Corporation of the City of Port Coquitlam v. Piggy Palace Good Times Society et al. S.C.B.C. Action No. A963544, Vancouver Registry

Thank you for your letter of January 3, 1997.

Kindly send me copies of the documents listed in Part I of your List of Documents together with your account for photocopying expenses.

I enclose the Defendants' List of Documents. Kindly acknowledge delivery of it by signing and returning the enclosed copy of this letter.

It is hard for me to say whether this case lends itself to a summary trial before seeing your materials. If they raise controversial factual issues, then this route may, of course, not be viable.

Yours truly,

CROSSIN & SCOUTEN

Jeffrey P. Scouten

JPS/rvw Encl.

cc:

Mr. William Malone

Mr. David Pickton

*A Law Corporation

Form 93 (Rule 26(1))

NO. A963544 VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

LIST OF DOCUMENTS OF THE DEFENDANTS

PART I

DOCUMENTS TO WHICH THERE IS NO OBJECTION TO PRODUCTION

No.	Date	Description
1.	04 02 96	Letter from City of Port Coquitlam to Mr. Dave Pickton
2.	00 00 00	Handwritten note from Sandy McIntyre and Louise Hara of Port Coquitlam Area Womens Centre to "Dave"
3.	04 06 96	Handwritten letter from Linda Pruden to "Dave"
4.	04 20 96	Letter from PoCo Punishers PeeWee C Hockey Team to Piggy's Palace
5.	05 20 96	Letter from Sandra Cunningham of Tri-City Child Care Guide to Mr. Pickton, Mr. Malone and Staff of Piggy's Palace
6.	06 07 95	Letter from Mt. Herman Chapel Ballentine Memorial School Delainavesi to The President, Fiji Community re donation for a new multipurpose hall/resource centre
7.	06 11 96	Certificate of Incorporation of Piggy Palace Good Times Society with attached incorporation documents
8.	09 25 96	Advertisement in the Tri-City News for Piggy's Palace dance
9.	09 27 96	Memorandum from Randy Chief of Port Coquitlam Fire/Rescue to Susan Rauh, City Clerk

10.	09 28 96	Poster advertising Piggy's Palace Dance
11.	10 02 96	Article in Tri-City News re "The Night They Raided the Palace"
12.	10 08 96	Memorandum from Roger Skinner of B.C. Liquor Distribution Branch to GVRD Store Managers
13.	10 08 96	Westpac Banking Corporation overseas currency draft
14.	10 17 96	Letter from Coronation Financial Services "To Whom It May Concern"
15.	10 17 96	Letter from Ken Prasad, President, Fiji Community "To Whom It May Concern" re United Methodist Church Fund Raiser
16.	10 23 96	Advertisement in the Tri-City News for Piggy's Palace Halloween Dance and Birthday Party
17.	10 19 96 & 10 26 96	Receipts
18.	10 26 96	Poster advertising Piggy's Palace Halloween Dance
19.	10 17 96	Letter from City of Port Coquitlam to Bill Malone, Director Piggy's Good Time Society with attachments
20.	12 09 96	Typewritten proposal by the Piggy Palace Good Times Society to Port Coquitlam City Council
21.	12 11 96	Article in Tri-City News re "Christmas Food Plans Hit PoCo Roadblock"
22.	12 11 96	Article in Port Coquitlam NOW newspaper re "Piggy's Palace Wants Permission to Hold Dinners"

- 3 -

PART II

DOCUMENTS WHICH HAVE BEEN BUT ARE NOT NOW IN POSSESSION OR CONTROL

Nil

PART III

DOCUMENTS FOR WHICH PRIVILEGE FROM PRODUCTION IS CLAIMED

- 1. Correspondence, notes, memoranda, and communications which passed in confidence between the Defendants and their solicitors for the purpose of obtaining legal advice for the Defendants.
- 2. Correspondence, notes, memoranda, minutes of evidence and all documents consisting solely of confidential communications, which, since the commencement of this action or in view of this action or while this action was being contemplated, threatened or anticipated, passed between the Defendants or their agents and the Defendants' solicitors for the purpose of obtaining or furnishing information and material to be used as evidence on his behalf in this action, or to enable such evidence to be obtained, and to enable the Defendants' solicitors to conduct this action on the Defendants' behalf and advise the Defendants with reference thereto.
- 3. Correspondence, notes and communications between the Defendants or their agents and third parties made for the purpose of obtaining information to be submitted to the Defendants' legal advisors for the purpose of obtaining advice upon pending or contemplated litigation.
- 4. Notes and documents, correspondence, minutes of evidence and memoranda, being the work of the Defendants' legal advisors.
- 5. Correspondence and communications stated to be without prejudice or made for the purposes of settlement.

TAKE NOTICE that the documents listed in Part I may be inspected during normal business hours at 900 - 777 Hornby Street, Vancouver, British Columbia.

Dated January 8, 1997

Solicitor for the Defendants

TO: The Plaintiff

This LIST OF DOCUMENTS is delivered and Notice is given by Jeffrey P. Scouten, Solicitor for the Defendants, of the firm of Crossin & Scouten, Barristers and Solicitors, whose place of business and address for delivery is 900 - 777 Hornby Street, Vancouver, B.C., V6Z 1S4. Phone: (604) 689-3242

NO. A963544 VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

LIST OF DOCUMENTS OF THE DEFENDANTS

253-1\listdocs.doc JPS/rvw

Jeffrey P. Scouten
CROSSIN & SCOUTEN
Barristers and Solicitors
900 - 777 Hornby Street
Vancouver, B.C.
V6Z 1S4
Phone: (604) 689-3242



2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2A8 / PHONE: 944-5411 / PAX: 944-5402

February 6, 1997

Dave Pickton
953 Dominion Avenue
Port Coquitlam, BC V3C 3v4

SUBJECT: Outstanding Building Permit for 2552-2558 Burns Road

Our records indicate that you are the registered owner of 2552-2558 Burns Road. Building Permit No. 95-687 was issued on November 1, 1995 for a storage shed.

It is necessary that an inspection be scheduled in order to update our files. Please contact the Building Department with in 10 days to schedule an inspection.

Should you have any questions please contact the Building Department at 944-5444.

Dennis Rateliffe Building Inspector

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CITY OF PORT COQUITLAM INSPECTION NOTICE

PHONE: (604) 944-5444

FAX: (604) 944-5404

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BARRISTERS & SOLICITORS

1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B. C. V6Z 2H2 Telephone: (604) 689-7400 Victoria Office: (604) 383-2063 Toll Free: 1-800-665-3540 Facsimile: (604) 689-3444

VIA LEGAL ALTERNATIVE

April 1, 1997

Crossin & Scouten
Barristers & Solicitors
900 - 777 Hornby Street
Vancouver, B.C.
V6Z 1S4

Attention: Jeffrey P. Scouten

Dear Mr. Scouten:

Re: City of Port Coquitlam v. Piggy Palace Good Times Society et al.

Supreme Court of B.C.

Vancouver Registry No. A963544

Your File No. 253-1 Our File No. 19-387

We have been instructed by City Council that in view of your clients' recent compliance with the City's Zoning Bylaw, injunction proceedings in this action should be held in abeyance for so long as there are no other contraventions of the bylaw.

Accordingly, we do not intend to set any applications for hearing or to otherwise pursue this matter for the time being. If you would still like copies of the Plaintiff's documents, please advise.

Yours truly,

LIDSTONE, YOUNG, ANDERSON

Circuit mourem

Grant Anderson

Encl. GA\04-97.01ah





File: 2552 & 2558 Burns Road

December 15, 1997

Piggy's Palace Goodtime Society 2552 Burns Road Port Coquitlam, B.C., V3E 3G7

Attn: Mr. Dave Pickton

Dear Mr. Pickton:

RE: Piggy's Palace Goodtime Society and My Letter of November 4, 1997.

Further to my letter of November 4th, you will note that the letter requires you to conform with City Bylaws. It has come to my attention that by letter of October 17, 1996, the City advised you of the required upgrades to the building. The City is not aware that these improvements have been completed and remain outstanding.

Completion of these improvements is a specific condition to the City's approval for the four (4) gatherings outlined in my letter of November 4, 1997.

As you have been aware of this requirement to upgrade since October, 1996, this letter serves to remind you that these requirements remain outstanding and inhibit your ability to take advantage of the limited and conditional approval outlined in my earlier letter.

If you have any questions on this matter, please do not hesitate to call.

4

Yours truly.

E.R. Levesque

Director of Development Services

w/word/letter/dec97/piggy'spalace l a mail; cmiel @city.port-coquitiam.bc.ca



P. 001

Signed Sign

Royal Canadian **Mounted Police**

Gendarmerie royale du Canada

FACSIMILE / MESSAGE TRANSMITTAL ENVOI D'UN TÉLÉCOPIEUR OU D'UN MESSAGE

Security Classification/Designation Classification/désignation sécuritaire

Precedence - Priorité

Our File - Notre nº de dossier

Your File - Votre

Referença No. - Nº de référence

FROM

SENDER EXPÉDITEUR

RECIPIENT: DESTINATAIRE

YALL - REMP Coque

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COMMENTS COMMENTAIRES

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Fax #

This message is intended for the use of the addresses. Disclosure of message content may breach one or more laws. If you have received this communication in error, notify the sender immediately by telephone.

Cette communication est exclusivement destinée à la personne à qui elle est edressée. Le dividation de son contenu paut constituer une infraorion à une ou plusieurs lois. Si vous avez meu cette communication per erreur,

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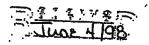
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_JAN: -04' 99 (MON) 10:54 COQ. ADMEN ROMP TEL: 604 552 7303 P. 003 OCCURRENCE No. - No D'INCIDENT CONTINUATION RAPPORT DE RCMP GRC Y . A CONTINUATION REPORT 98CQ/52323 RE - OBJET: BIN - BD PIGGY'S PALACE - NEW YEARS EVE PARTY TIME ACTION TAXEN - MESURES PRISES DATE Radio Room and writer fielded several calls from people that were upset that we had ruined the party. 2129 Bomb threat called in from Surrey stating that a bomb was near the Executive Inn at North & Lougheed, file 98CQ/52460 refers. It is possible that this may have been a tactic to divert our resources from Piggy's. Members break off from Piggy's, Municipal worker has collected barricades and signs. 0030 99/01/0 Members report that traffic to Piggy's has been very light, with no cars at all in the last 1/2 hour, they have heard no noise and seen little activity from the area. Copy of this file and ORDER will be issued to all Watch Commanders. Day shift 99/01/04 can check with PoCo City Solicitor but it would appear that unless PICKTON goes to court and gets this Order changed it is valid for an extended period of time. C.C. Watch Commanders Supt. HALL Insp. MOULTON Dans Other - Auto - 18H2





May 2, 1998

File# 11000-20

Dave Pickton
953 Dominion Avenue
Port Coquitlam BC V3C 3V4

Dear Sir:

RE:

LOCAL ASSISTANT FIRE COMMISSIONER ORDER TO COMPLY PURSUANT TO BRITISH COLUMBIA FIRE CODE 1992 FOR PREMISES LOCATED AT Lot 6 Section 3 and 4 Plan 7491

OTHERWISE KNOWN AS 2552 Burns Road, Port Coquitlam, BC

This will acknowledge receipt of your letter dated the 13th of May 1998, appealing the above noted Order issued May 12, 1998 by the Local Assistant Fire Commissioner, Port Coquitlam BC.

This matter will be held in abeyance until your Appeal can be investigated and a Decision

This office will contact you in advance of the date of the investigation in order that you or your representative can be present during the inspection.

Yours truly

Alan J. Troughton

Regional Fire Commissioner

AJT/tln

pc. R. Dumala, Fire Commissioner

'Fire Chief, Randy Shaw, Port Coquitlam Fire Department

PID

Fex: (250) 356-9019

BRITISH Ministry of Municipal Affairs and Robeing

Local Assistant to the Fire Commissioner

ORDER YAT

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, Spier	and the Section 22 of the Fire Services Act
TO David Picton	
953 Dominion Ave.,	201-116.05 696
Port Coquitlam, B.C.	. , , , , , , , , , , , , , , , , , , ,
V3C 3V4	
d'all Having in	spected the premises <u>owned</u> by you to
wit:- assembly occupancy locate	dat (Lot 6 Section 3 and 4 Plan 7491)
Otherwise known as 2552 Burns Road,	Port Coquitlam B.C., British Columbia.
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The following is an extract from the Fire Services Act which is reproduced for convenience.

Inspection of fire hazards

- 21. On complaint of a person interested or, if believed advisable, without complaint, the fire commissioner and his inspectors may at all reasonable hour enter any premises anywhere in the Province to inspect them and ascertain whether or not
 - (a) the premises are in a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - (b) the premises are so used or occupied that fire would endanger life or property;
 - (c) combustible or explosive material is kept or other flammable conditions exist on the premises so as to endanger life or property;
 - (d) a fire hazard exists on the premises.

RS 1960-148-17(I); 1974-34-12; 1978-22-2.

Order to remedy conditions

- 22. (1) After an inspection the fire commissioner, or an inspector with his authority, may in writing order that within a reasonable time, to be fixed by the order.
 - (a) where section 21(a) applies, the owner remove or destroy the premises, or the owner or occupier repair the premises;
 - (b) where section 21(b) applies, the owner or occupier alter the use or occupancy of the premises;
 - (c) where section 21(c) applies, the occupier remove or keep securely the combustible or explosive material or remody the flammable conditions
 - (d) where section 21(d) applies, the owner or occupier remove or take proper precautions against the fire hazard. (2) The owner, occupier or person in charge shall after the receipt of an order comply with it.
 - (3) The cost of complying with an order shall, in the absence of an agreement to the contrary, be borne by the owner. Where, on the owner's default, the occupier pays the cost, the occupier has the right of action or set off against the owner for the cost actually and necessarily paid in complying with the order.

Power of local assistants

24. A local assistant may, in the municipality or part of the Province for which he is local assistant, exercise the powers conferred by sections 21 and 22 and, with the written approval of the fire commissioner, the powers conferred by section 23.

Appeal to fire commissioner

- 27. (1) Where a local essistant makes an order under sections 21 to 24 to remove or to keep secure combustible or explosive material or to remedy a flammable condition, the occupier may, by registered letter mailed within 48 hours after receipt of the order, appeal to the fire commissioner.
 - (2) Where a local assistant makes an order under sections 21 to 24 to repair, remove or destroy premises, or to after the use or occupancy of premises, or to remove or to take proper precautions against a fire hazard, the owner or occupier may, by registered letter mailed within 10 days after receipt of the order, appeal to the fire commissioner.
 - (3) The fire commissioner shall promptly investigate each appeal, affirm, modily or revoke the order appealed from, and in writing communicate his decision and his reasons to the owner or occupier and to the maker of the order.

RS 1960-148-21; 1974-34-14; 1978-22-2.

Other appeals

- 28. (1) Where an order under section 21, 22, 23,24, 27 or 30 involves the loss or expenditure of more than \$500, the owner or occupier, if dissatisfied with the order or decision, may, within 5 days of its receipt apply for review of it by petition to the Supreme Court.
 - (2) The owner or occupier shall file the petition with the registrar of the court and give notice of it in writing to the fire commissioner.
 - (3) The court shall hear and determine the appeal and make the order it believes proper. The decision is final, except that on a point of law an appeal lies to the Court of Appeal.

For full details, please consult the Fire Services Act and Regulations.

Appeals to the Fire Commissioner are to be addressed to: OFFICE OF THE FIRE COMMISSIONER P.O. Box 9490 Stn. Prov. Govt Victoria, B.C. VBW 9N7

1979

FIRE SERVICES

.RS CHAP. 133

Actions against officers

55. No action or proceeding shall, without the leave of the Attorney General, be brought or taken against the fire commissioner, or a local assistant to him or an officer on his staff for anything done or omitted in the performance or intended performance of duties under this Act.

RS1960-148-48; 1978-22-2.

Offences

56. A person commits an offence who

- (a) obstructs the fire commissioner or a local assistant or other person in the execution of his duties under this Act;
- (b) refuses or neglects to admit to any building or premises for any purpose of this Act the fire commissioner or a local assistant or other person who under this Act is entitled to enter; or
- (c) violates a provision of this Act or regulations where no separate offence is provided.

RS1960-148-42; 1974-34-28; 1978-22-2.

Offence by owner or occupier

57. An owner or occupier of a building or premises who fails to comply with an order made under this Act commits an offence and is liable on conviction to the penalties provided in the Offence Act, and in the case of a continuing offence to a further penalty not exceeding \$50 for each day during which the offence continues.

RS1960-148-43; 1974-34-29.

Offence by local assistant

58. A local assistant who refuses or neglects to comply with a requirement of this Act or the regulations commits an offence and is liable, on conviction, to a fine of not more than \$100.

RS1960-148-44; 1974-34-30.

Regulations

- 59. (1) The Lieutenant Governor in Council may make regulations.
- (2) Without limiting subsection (1), the regulations may
 - (a) regulate manufacturing or trades dangerous in causing or promoting fire;
 - (b) regulate the manufacture, storage, carriage, sale and disposal of a combustible, explosive or flammable matter;
 - (c) regulate or prohibit dealing in, keeping for sale or disposing of a fireball, firecracker, squib, cannon cracker, basket bomb, giant cracker, sky rocket, Roman candle, mine, torpedo or other firework;
 - (d) [Repealed 1985-1-5, effective January 1, 1986 (B.C. Reg. 420/85).]
 - (e) govern, with regulations similar or different for different classes of buildings or different conditions, the location, construction, occupancy, ventilation and safety of community halls, hospitals, nurses' residences, nursing homes, children's homes, apartment houses, public garages, churches, theatres, office buildings, public halls and other public build-

13

Nov. 15, 1990

Section 1.2 Definitions

1.2.1. Terms

Non-Defined Words and Phrases

1.2.1.1. Words and phrases that are not included in the list of definitions in Article 1.2.1.2. shall have the meanings which are commonly assigned to them in the context in which they are used in this Code, taking into account the specialized use of terms by the various trades and professions to which the terminology applies.

Defined Words and Phrases

1.2.1.2. The words and terms used in this Code that are in italics have the following meanings:

Acceptable means acceptable to the authority having jurisdiction.

Access to exit means that part of a means of egress within a floor area that provides access to an exit serving the floor area.

Act means the Fire Services Act.

Air-supported structure means a structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure.

Appliance means a device to convert fuel into energy, and includes all components, controls, wiring and piping required to be part of the device by the applicable standard referred to in this Code.

Assembly occupancy means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.

Atmospheric storage tank means a storage tank designed to operate at pressures from atmospheric to 3.5 kPa (gauge).

Authority having jurisdiction means the Fire Commissioner, Inspectors and Local Assistants to the Fire Commissioner.

Basement means a storey or storeys of a building located below the first storey. Boller means an appliance intended to supply hot water or steam for space heating, processing or power purposes.

Breeching means a flue pipe or chamber for receiving flue gases from one or more flue connections and for discharging these gases through a single flue connection.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building area means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

Business and personal services occupancy means the occupancy or use of a building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

Chimney means a primarily vertical shaft enclosing at least one flue for conducting flue gases to the outdoors.

Chimney liner means a conduit containing a chimney flue used as a lining of a masonry or concrete chimney.

Class A fire means a fire involving combustible materials such as wood, cloth and paper.

10

sent by: L_DSTONE, YOUNG, ANDERSON

16046893444;

12/12/01 8:44AM; Jeffax #6/6; Page 2/5

12/11/01 15:36 FAX 250 953 4348

AG-LEGAL SERVICES BR.

2002/003



Ministry of Attorney General

Legal Services Branch

Mailing Address: P.O. Box 9280 Stn. Provincial Government Victoria, B.C. Vistoria, I.T. Location: 1001 Douglas Street Victoria, B.C.

Telephone: (250) 358-8400 D(rept Line: (250) 358-8868 Faceimile: (250) 358-8863

December 11, 2001

Royal Canadian Mounted Police Coquitlam Detachment 2986 Guildford Way Coquitlam, British Columbia V3B 7Y5

Attention: Cindy Tosoni, Court Listson

Dear Ms. Tosoni:

Re: Your file 01-42370 - Pickton, D.F. and Piery Palace Good Times Society

I am a lawyer in the Civil Litigation group of the Legal Services Branch, Ministry of Attorney General. Your communication of October 31, 2001 to Crown Counsel in Vancouver and the accompanying Report to Crown Counsel concerning David Francis Picton and others, was referred to me. I have had an opportunity to canvass this matter with both the Regional Crown Counsel in Vancouver and in New Westminster. Crown counsel and I are of the unanimous view that this is a civil matter, and that it is not one which ought to be pursued through criminal charges.

The underlying order which was apparently breached was pronounced by Mr. Justice Scarth in the context of a civil claim brought by the City of Port Coquitlam against Mr. Pickton and others (B.C. Supreme Court action no. A963544, Vancouver Registry). In the circumstances, it normally falls to the plaintiff (in this instance, the City of Port Coquitlam) to take whatever steps are necessary to enforce the order. Accordingly, I am forwarding a copy of this letter to Barry Williamson (counsel for the City of Port Coquitlam with respect to the civil matter). I am not providing the Report to Crown Counsel to Mr. Williamson: however, if he requires it, you may be in a position to provide it to him directly. In the final analysis, it will be up to the City of Port Coquitlam to decide whether or not to take measures to enfire the order.

Graham J. Underwood Barrister and Solicitor

Yours to

Sent by: Linstone, Young, ANDERSON . 16046893444;

12/12/01 B:44AM; Jetfax #6/6; Page 3/5

12/11/01 15:37 FAX 250 983 4348

AG-LEGAL SERVICES BR.

Q 003/003

-2-

Barry Williamson (Lidstone, Young, Anderson)
Peder Gulbranson (Regional Crown Counsel, New Westminster)

F. 86/83



July 20, 1998

File#: 11000-01

David Picton
953 Dominion Avenue
Port Coquitlam, BC
V3C 3V4

Dear Sir:

RE: APPEAL DECISION 2552 BURNS RD. PORT COQUITLAM

I have outlined some of the details of the site inspection we conducted on June 23, 1998. The actual work required to allow use of the building in question is probably not all that difficult to achieve in order to attain a satisfactory level of life safety, although this work is subject to local approvals, as I said to you during our site visit.

I cannot comment on the structural elements of the building. This would have to be determined by the local building department. Also the electrical inspector and the gas inspector will have to inspect and approve the electrical and gas installations.

Our concern is in regard to egress and escape from fire. The requirements are as follows:

- Exit doors will have to comply with the requirements of the BC Building Code. The new
 exit doors will have to swing in the direction of egress (out) and meet Building Code
 requirements for size (door width), distance between exits, calculation of exit widths, and
 panic hardware.
- Install emergency lighting.
- Install illuminated exit signs complete with built in emergency light feature.
- Re-install duct and fan to the gas appliances in accordance with NFPA 96.

.../2

THE MUNICIPHE HETHIRS

P.03/03

David Picton Page 2

When you have completed this work the building will meet the requirements of the BC Fire Code but it is still deficient with regards to the required approvals. This includes the provincial electrical inspector, gas inspector and local authorities including building authority and zoning authority.

Sincerely,

рс

Alan Troughton

Regional Fire Commissioner Office of the Fire Commissioner

> LAFC Randy Shaw, Fire Chief Planning Department



PORT COQUITLAM 2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2AB / PHONE: 944-5411 / FAX: 944-5402

January 13, 1999

Mr. Dave Pickton 953 Dominion Avenue Port Coquitlam, B.C. V3C 3V4

SUBJECT:

Building Permit Applications BLD98-00353 for 2552 Burns Road.

Port Coquitlam

Please be advised that we are unable to proceed with the review of your Building Permit application until the following items have been resolved.

- The plans submitted for a permit for the exterior alterations are required to be sealed by a registered professional structural engineer. Schedules B-1 and B-2 from the 1992 B.C. Building Code must accompany the sealed plans submitted by the engineer. A copy of these schedules has been attached.
- Proof of liability insurance is required to be submitted as per the City of Port
 Coquitlam Building and Plumbing Bylaw. Schedule P from the bylaw must be
 submitted by the registered professional. A copy of Schedule P has been enclosed.
- 3. At the time of the posting of the Stop Work Order it was noted that interior alterations to the lower floor of the dwelling were also in progress. It is necessary that plans regarding these alterations be submitted to the Building Division for review.

Should you have any questions please contact the Building Division of the Development Services Department at 944-5444.

Dennis Ratcliffe Building Inspector

Attachments

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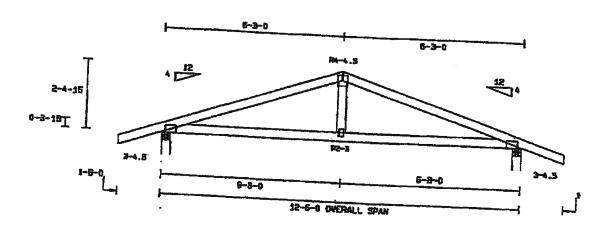
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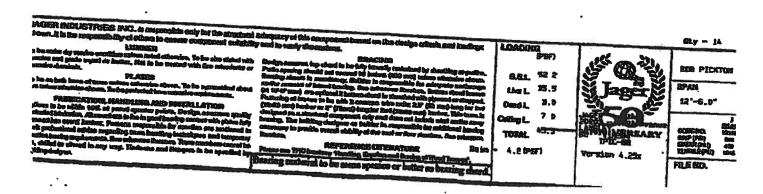
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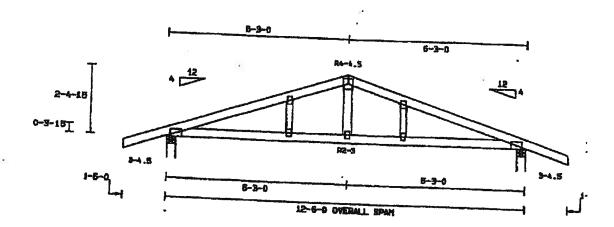
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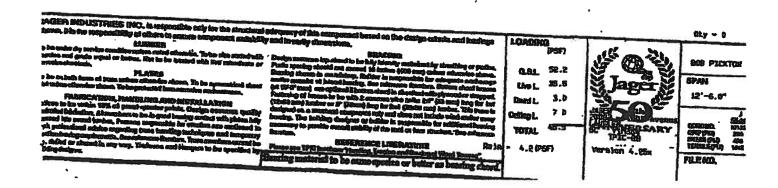
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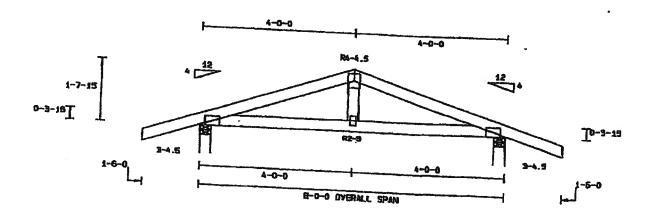
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HAND DELIVERED

July 31, 1998

Mr. David Pickton 2552 Burns Road Port Coquitlam, BC V3C 3V4

Dear Mr. Pickton:

Re: "Piggy's Palace" Building

2552 Burns Road, Port Coquitlam

As you may know, the Regional Fire Commissioner has rejected your appeal from the Local Assistant Fire Commissioner's Order dated May 12, 1998. A copy of the Regional Fire Commissioner's decision dated July 20, 1998 is enclosed.

Although the Regional Fire Commissioner's decision identifies the deficiencies which make the Piggy's Palace building unsafe and unsuitable for assembly occupancy, you should be aware that the correction of those deficiencies would not allow lawful occupancy of the building for assembly purposes.

To the extent that any remedial work to correct the deficiencies related to fire safety would involve new construction or the alteration of the existing structure, a building permit would be required. However, the City will not issue a building permit for work which is related to an unlawful use. Because the use of the land and the buildings on it for assembly purposes is not permitted, no permit would be issued for work which relates to the purpose.

While it may seem unusual to you that the City would refuse a building permit for work which would address deficiencies that have been identified by the Local Assistant to the Fire Commissioner, the fact is assembly use of the building is in contravention of the Zoning Bylaw as well as being contrary to the Order under the Fire Services Act and the City will not issue a building permit for construction which is contrary to the Zoning Bylaw.

If you undertake construction work without a building permit, you may anticipate that a stop work order will be issued and that enforcement proceedings will follow.

As you know, the property is zoned Agricultural 1 under the City of Port Coquitlam's Zoning Bylaw No.2240 and the property may be used only for agricultural, single family residential and related uses. Whether or not you take steps to address the fire safety deficiencies (as you have apparently advised Chief Shaw) the City does not and will not condone assembly occupancy at 2552 Burns Road

Any further assembly occupancy of the premises will result in a recommendation to Council that the Supreme Court injunction action against yourself, Robert William Pickton, Linda Louise Wright and Piggy Palace Good Times Society be resumed.

Yours truly,

Greg Beaumont, CMC Deputy City Clerk

cc:

Tony M. Chong, P. Eng., City Administrator

Randy Shaw, Fire Chief

Ernie Levesque, Director of Development Services

GB/ca attachment





HAND DELIVERED

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V: letters/mise/piggy's

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Yours truly,

Greg Beaumont, CMC Deputy City Clerk

cc:

Tony M. Chong, P. Eng., City Administrator Randy Shaw, Fire Chief Ernie Levesque, Director of Development Services

OB/ca attachment

W: letters/misc/piggy's

3

JUL-20-1998 15:18

MIN MUNICIPAL AFFAIRS

P.02/03

NOTICE TO OWNER

TO:

David Picton
953 Dominion Avenue.
Port Coquitlam BC V3C 3V4

has not yet through

and character the

crown councel to

OWNERS OF LAND DESCRIBED AS a rural acreage on which a large out building is used for assembly purposes, located on Lot 6 Section 3 and 4 Plan 7491 otherwise known as 2552 Burns Road, Port Coquitiam, BC

IN THE MATTER OF THE LOCAL ASSISTANT FIRE COMMISSIONER'S ORDER ISSUED PURSUANT SECTION 22 OF THE FIRE SERVICES ACT

AND

DECISION OF THE FIRE COMMISSIONER PURSUANT TO THE APPEAL PROVISIONS AS CONTAINED IN THE FIRE SERVICES. ACT

HAVING HAD THE AUTHORITY DELEGATED TO ME BY THE FIRE COMMISSIONER TO INVESTIGATE AND HEAR APPEALS IN ACCORDANCE WITH SECTION 29(1) OF THE FIRE SERVICES ACT, TAKE NOTICE THAT HAVING INVESTIGATED YOUR APPEAL FROM THE ORDER OF THE LOCAL ASSISTANT RECEIVED ON THE 12 DAY OF MAY, I FIND JUSTIFICATION TO UPHOLD THE ORDER FOR THE FOLLOWING REASONS:

- The outbuilding on which the order was issued is finished and equipped as an assembly occupancy facility complete with commercial type kitchen, pub type bar, raised entertainment stage, dance floor, sound and lighting system, and tables and chairs capable of accommodating a group of people in excess of 150 persons.
- 2. The outbuilding on which the order was issued is not approved for assembly occupancy. The building is deficient with regard to egress (exiting), emergency lighting and required approvals, e.g. provincial electrical inspector, gas inspector, local authorities including building authority (commercial hood and duct system, exit doors, etc.), and zoning authority.
- There are assembly events on record that have taken place on occasion in the past indicating the building in question was used as an assembly occupancy.

TEM PAGE

.../2

JUL-20-1998 15:18

MIN MUNICIPAL AFFAIRS

P.83/83

-2-

TO MEET THE NEEDS OF PUBLIC SAFETY, I hereby uphold the Local Assistant Fire Commissioner's Order of the 12th day of May, 1998.

The foregoing Order is to be carried out on or before the 27th day of July, 1998.

Provisions for appeal of this Order are set out in Section 28 of the Fire Services Act.

FIRE COMMISSIONER

Per:

A.J. Troughton

Regional Fire Commissioner

. DATED THIS 20th DAY OF JULY, 1998.

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. ON THE	DAY OF	19-98	- I SANDY	C. SHAW
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		(Poshlon)		
The following is an extract	from the Fire Services Act which is	sample of for commisses	• ו	•
inspection of fire hazards			•	pa* , • , ≥
21. On complaint o	A Berson interested or 11 hollowed	advisable, without complaint, the fir	* commissioner and black-	
(a) the prem enter any prem	ises anywhere in the Province to in mises are in a state of discernic the	acceptance, without compaint, the fir ispect them and escertain whether o it a fire starting in the might spread	r not	pactors may at all reasonable h
(b) the pres	mises are so used or occupied that	t a me seeing in them might spread fire would endanger life or property;	repidly to endanger life or (liner property;
(c) countries	supe or explosive material is kept o szard exists on the premises.	r other flammable conditions exist or	n the premises so as to end	anger life or property;
	RS 1960-148-17(I); 1974-34-1	2; 1978-22-2.	•	
Order to remady condition	ng .			
22. (1) Alter an ins	paction the fire commissioner, or a	n inspector with his authority, may in	writing order that within a	easonable time, to be fixed by
(a) Where a	action 21/a) anniles the owner-	none and advance the second		ntomices.
(c) where a	action 21(c) applies; the commiss of	accribiat mist the rise of occubancy	of the premises;	•
(d) where s	sction 21(d) applies, the owner or o	emove or keep securery the combus occupier remove or take proper prec	angous adminst the tile hesisme or exbiosive metalisi o	r remady the flammable condition.
(3) The cost of	commission with an order shall in the	mine are increibt at su ougst combile	will it	
complying with t	ipler pays the cost, the occupier he he order,	re the right of action or set off agains	it the owner for the cost act	isplicated the session baid in the contract of
Power of local assistants		, a •		
24. A local assistant	may, in the municipality or part of	the Province for which he is local as	sistent average the necessary	and the second second
		are riovation for which his local as har, the powers conferred by saction	23.	Cumerred by sections 21 and 2
Appeal to fire commission 27 (1) Where a local	W-	12 2000		
figuranebie condi	Mon. the accusion most by maintain	sactions 21 to 24 to remove or to ke ad latter mailed within 48 hours after sactions 21 to 24 to make	op secure combustible or en	plosive material or to remedy a
(2) Where a local particular to a	ti assistant makes an order under s	so aller melled within 48 hours after sections 21 to 24 to repair, remove o	or destroy premises, or to el	to the tire commissioner. Br the use or commency of
ino arti lo fateren	for annual to the fire assessments		r occupier may, by registere	d letter melled within 10 days a
decision and his	masioner shall promptly investigate reasons to the owner or occupier a	r. 8 each appeal, affirm, modify or revo and to the maker of the coder	oke the order appealed from	and in writing communicate h
	RS 1960-148-21; 1974-34-14; 1	1978-22-2.		
Other appeals			•	•
28. (1) Where an on with the order or	der under section 21, 22, 23,24, 27 decision, may, within 5 days of the	or 30 involves the loss or expenditures in apply for review of it by petition	ire of more than \$500, the o	wner or occupier, if dissatistied
(2) The owner or	Cocumer wholl file the next	The state of the bould	on to the auprente Court.	
appeal lies to the	ul near and determine the appeal of Court of Appeal.	nus make the order it believes prope the registrar of the court and give n	r. The decision is final, exc	ept that on a point of law en
	R the Fire Services Act and Regula	•		
	une services vot and Hebrie	sons.	* *	
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•	m S	Fire Commissioner are to be ad		F. 18 John Marie



City of Port Coquitlam FIRE/RESCUE

ALL CORRESPONDENCE TO BE ADDRESSED TO THE FIRE CHEE NO 1. FIRE HALL, 1725 BROADWAY STREET PORT COQUITLAM, B.C. V3C-2M9 TELEPHONE: (604) 944-5466 FAX: (604) 944-5406



September 25, 1998

DOUBLE REGISTERED MAIL

Mr. Dave Picton
953 Dominion Avenue
Port Coquitlam, B.C.
V3C 3V4

COPY

Dear Mr. Picton,

RE: Large out building used for assembly purposes, located on Lot 6 Section 3 and 4 Plan 7491 otherwise known as 2552 Burns Road, Port Coquitlam, B.C.

On September 11, 1998 at approximately 10:00 a.m. Chief Shaw conducted a walk through with you of the out building at 2552 Burns Road also known as Piggy's Palace. At that time no work had taken place under the Local Assistant Fire Commissioner's Order issued on May 12, 1998 (copy enclosed) pursuant to Section 22 of the Fire Services Act.

The cut building on which the order was issued is finished and equipped as an assembly occupancy facility complete with commercial type kitchen, pub type bar, raised entertainment stage, dance floor, sound and lighting system, table and chairs capable of accommodating a group of people in excess of 150 persons.

The out building on which the order was issued is not approved for assembly occupancy. The building is deficient with regard to egress (exiting), emergency lighting and required approvals, e.g., provincial electrical inspector, gas inspector, City zoning bylaws, building codes and Fire Codes.

The work required to attain a satisfactory level of life safety will have to meet all Local and Provincial approvals. The requirements are as follows:

- Documentation that the outbuilding conforms to all B.C. Building Code requirements for assembly occupancies for the out building on which the Order was issued.
- Documentation that the outbuilding conforms to all B.C. Electrical Code requirements for assembly occupancies for the out building on which the Order was issued.

_/2

- Documentation that all gas fittings and appliances conform to all B.C.
 Provincial Gas Regulations for the out building on which the Order was issued.
- Acquire appropriate zoning to allow for assembly occupancy at 1552 Burns Road for the out building on which the Order was issued.
- A fire hydrant must be installed and operational within 90 meters of the out building on which the Order was issued.
- Provide clear and unobstructed access of at least 15 feet on all four sides of the building to allow for unrestricted fire fighter tactics for the out building on which the order was issued.
- All designs for roads and access routes must conform to B.C. Building Code sections 3.2.5.6 and 3:2.5.7 as well as good engineering practice that lead to the out building on which the order was issued.
- Building must conform to all 1992 British Columbia Fire Code requirements and pursuant regulations to the out building on which the Order was issued.

The building remains under the Order that there be no usage for assembly occupancies. If there is any assembly occupancy of the building, or if the measures outlined above are not completed by December 31 of this year, enforcement action may be taken without further notice.

Sincerely,

Randy-C. Snaw

Local Assistant to the Fire Commissioner

Fire Chief

Port Coquitlam Fire/Rescue

RCS/cl

Enc.

cc: Al Troughton

Regional Fire Commissioner

Greg Beaumont

Manager, Bylaw and Legislative Services

City of Port Coquitlam

BRITISH Ministry Local Assistant to the Fire Consissioner COUIMBIA and Rousing
ORDER
Pursuantie Section 22 of the Fire Services Act
TO David Picton 953 Dominion Ave., 963 Dominion Ave.,
Port Coquitlam, B.C. V3C 3V4
by you formed or occupied)
wit- assembly occupancy located at (Lot 6 Section 3 and 4 Plan 7491) (hype of occupancy)
Otherwise known as 2552 Burns Road, Port Coquitlam, B.C., British Columb
on the day of
I FIND THAT Under Section 218 of the British Columbia
Fire Services Act, that the above mentioned premises are so used or
occupied that fire would endanger life or property.
·
& X
Therefore, pursuant to the authority vested in me and under Section 22 of the Fire Services Act (see back hereof) you are HEREBY ORDERED TO.
Cease the usage as an assembly occupancy of the above mentioned premises
(Piggy's Palace) until the above mentioned premises complies with the
1992 British Columbia Fire Code, and all required work is completed to
the satisfaction of local authorities.
•
The world in this Order must be completed within 90 hours/days after receipt of this or
The work involved in this Order must be completed within rious/days are leasily of this or
The work arvoived at this cross trials of completed within
Witness my hand at 943 Morrow, British Columbia, this 12
The work arvoived at this cross trials of completed within
day of
day of
Witness my hand at 743 MOTHER , British Columbia, this
Witness my hand at 7/3 ///// , British Columbia, this



City of Port Coquitlam FIRE/RESCUE

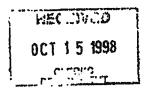
ALL CORRESPONDENCE TO BE ADDRESSED TO THE FIRE CHIEF
NO 1. FIRE HALL, 1725 BEROADWAY STREET
PORT COQUITIAM, B.C. V3C 2M9
TELEPHONE: (604) 944-5466 FAX: (604) 944-5406



October 14, 1998

DELIVERED BY HAND

Mr. Dave Picton
953 Dominion Avenue
Port Coquitlam, B.C.
V3C 3V4



Dear Mr. Picton,

RE: Large out building used for assembly purposes, located on Lot 6 Section 3 and 4 Plan 7491 otherwise known as 2552 Burns Road, Port Coguitlam, B.C.

On September 25th, 1998, a letter was sent to you regarding the status of the out building at 2552 Burns Road, Port Coquitlam, B.C. This letter was sent by Double Registered Mail and delivery was unsuccessful, therefore this letter is now delivered to you by hand and we are advising that on September 11, 1998 at approximately 10:00 a.m. Chief Shaw conducted a walk through with you of the out building at 2552 Burns Road also known as Piggy's Palace. At that time no work had taken place under the Local Assistant Fire Commissioner's Order issued on May 12, 1998 (copy enclosed) pursuant to Section 22 of the Fire Services Act.

The out building on which the order was issued is finished and equipped as an assembly occupancy facility complete with commercial type kitchen, pub type bar, raised entertainment stage, dance floor, sound and lighting system, table and chairs capable of accommodating a group of people in excess of 150 persons.

The out building on which the order was issued is not approved for assembly occupancy. The building is deficient with regard to egress (exiting), emergency lighting and required approvals, e.g., provincial electrical inspector, gas inspector, City zoning bylaws, building codes and Fire Codes.

The work required to attain a satisfactory level of life safety will have to meet all Local and Provincial approvals. The requirements are as follows:

 Documentation that the outbuilding conforms to all B.C. Building Code requirements for assembly occupancies for the out building on which the Order was issued.

.../2

- Documentation that the outbuilding conforms to all B.C. Electrical Code requirements for assembly occupancies for the out building on which the Order was issued.
- Documentation that all gas fittings and appliances conform to all B.C.
 Provincial Gas Regulations for the out building on which the Order was issued.
- Acquire appropriate zoning to allow for assembly occupancy at 1552 Burns Road for the out building on which the Order was issued.
- A fire hydrant must be installed and operational within 90 meters of the out building on which the Order was issued.
- Provide clear and unobstructed access of at least 15 feet on all four sides of the building to allow for unrestricted fire fighter tactics for the out building on which the order was issued.
- All designs for roads and access routes must conform to B.C. Building Code sections 3.2.5.6 and 3.2.5.7 as well as good engineering practice that lead to the out building on which the order was issued.
- Building must conform to all 1992 British Columbia Fire Code requirements and pursuant regulations to the out building on which the Order was issued.

The building remains under the Order that there be no usage for assembly occupancies. If there is any assembly occupancy of the building, or if the measures outlined above are not completed by December 31 of this year, enforcement action may be taken without further notice.

Sincerely

Randy C. Shaw

Local Assistant to the Fire Commissioner

Fire Chief

Port Coquitlam Fire/Rescue

RCS/cl Enc.

CC:

Al Troughton

Regional Fire Commissioner

Greg Beaumont
Manager, Bylaw and Legislative Services
City of Port Coquitlam

Programme and the second secon	1266
BRITISH Ministry D	Local Assistant to the Fire Conissioner
QUIMBIA and Registre	12. 700 08
since in seattle	ORDER
. Saleme	pt to Section 22 of the Fins Services Act
TO David Picton	
953 Dominion Ave., Port Coquitlam, B.C.	453 1011110V
V3C 3V4	
Egi gnivat? ///rich	pected the premises owned (owned or accupied) by you
wit:- assembly occupancy located	at (Lot 6 Section 3 and 4 Plan 7491)
Otherwise known as 2552 Burns Road.	Port Coquitlam. B.C. , British Columbi
on the day of May	. , 19 <u>98</u>
I FIND THAT Und	er Section VIB of the British Columbia
	above mentioned premises are so used or
occupied that fire would en	• 20
	MANUSEL ALLE SI. DI UNET LY
₽	•
Therefore, pursuant to the authority ves Act (see back hereof) you are HEREBY	ted in me and under Section 22 of the Fire Services ORDERED TO:
Cease the usage as an assem	ply occupency of the above mentioned premises
	above mentioned premises complies with the
	Code, and all required work is completed to
the satisfaction of local at	thorities
The work involved in this Order must be completed	within hours/days after receipt of this orde
Witness my hand	at 743 MININION, British Columbia, this 12
day of 7 A Y	18.
, /	to an experience of the second
4-1	· X
SIGNAMENE OF RECEIPEDAY	LOCAL ASSISTANT OF THE FIRE COMMISSIONER (SIGNATURE) BADGE IN
PRINT RAME & TELEPHONE NO. OF RECIPIENT	Randy C. Shaw 944-5460
MAY , 2 100	PRINT HAME OF LOCAL ASSISTANT 1725 Broadway Street
DATE RECEIVED	ADDRESS OF LOCAL ASSISTANT
TENDE G. STAIN	Port Coquitlam, B.C. V3C 2M9



PORT COQUITLAM

ENGINEERING DEPARTMENT

2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2A8 / PHONE: 944-5411 / FAX: 944-5407

استناكانيك

SEP 1 1 1998

CLERKS DCC2011MEYT

File: 800.14D

HAND DELIVERED

September 10, 1998

.;

Mr. D.F. Pickton 953 Dominion Avenue Port Coquitlam, BC V3C 3V4

Dear Mr. Pickton:

RE: VIOLATIONS UNDER THE SOIL CONSERVATION ACT

It has come to my attention that you are allowing the placing of fill material on your property at 2552 Burns Road (legally described as Lot 6, Sec. 3 & 4, Blk 6 North, Range 1 Bast, NWD, Plan 7491). You are hereby notified that this hauling and filling is to "cease immediately".

The placing of fill material on a property which is included within the agricultural land reserve is contrary to Section 2 of the Soil Conservation Act (S.C.A.) which states "a person shall not remove soil from or place fill on land in an agricultural land reserve unless:

- a) the Commission approves in writing;
- b) the local authority where land is situated issues a permit; and
- the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

Under the authority of Section 5 (S.C.A.) I hereby require that you remove any of the fill material which has been placed without a permit and which does not conform to the regulations under the Soil Conservation Act.

Cont'd.../2



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In addition, the hauling to your site is contrary to the City's Highway Use Regulation Bylaw 2011 as trucking for the purpose of the removal or placement of soil material within the City of Port Coquitlam requires a Highway Use Permit. The City, as you are aware, has imposed a load restriction of three quarter gross vehicle weight on Dominion Avenue, east of Ottawa Street and Burns Road. You are hereby notified that any roadways damaged by trucks hauling to or from your property will be repaired at your cost.

If you have any questions regarding this please contact me at 944-5411.

Yours truly,

J. J. Yip, P. Eng., Acting City Engineer

JEY/6

ec:

Mayor and Councillors
T.M. Chong, P. Eng., City Administrator
F. Choung, P. Eng., Assistant City Engineer
B. Herbert, Engineering Inspector
G. Beaumont, CMC, Manager of Bytaw & Legislative Serv
K. Miller, Agricultural Land Commission
G. Sobering, Agricultural Land Commission



City of PORT COQUITLAM

2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2/1

RECEIVLD

SEP 1 1 1998

CLERKS

FAX TRANSMITTAL

ENGINEERING DEPARTMENT

Phone: 944-5411

944-5411 944-5407

Fax: 94

E-mail: fcheung@city.port-coquitiam.bc.ca

NO. OF PAGES:

3

3

SEND TO FAX NO.:

660-7033

ALC

(including cover page)

800.14D

EDMPANY:

DATE:

September 10, 1998

OUR FILE:
ATTENTION:

Graig Sobering

SUBJECT:

Violation to Soil Conservation Act: 2552 - 2558 Burns Road, Port Coquitian

MESSAGE:

Further to our telephone conversation this afternoon regarding the above noted subject, please find attached the legal description for the property at 2552-2558 Burns Road, Port Coquitiam.

The property owner is hauling material into their property without City approval and the Agricultural Land Commission. It would be appreciated if you would investigate this matter and take appropriate measure accordingly. Thank you.

cc:

Original to Follow:

no: X

SENDER: Francis Cheung, P. Eng.,

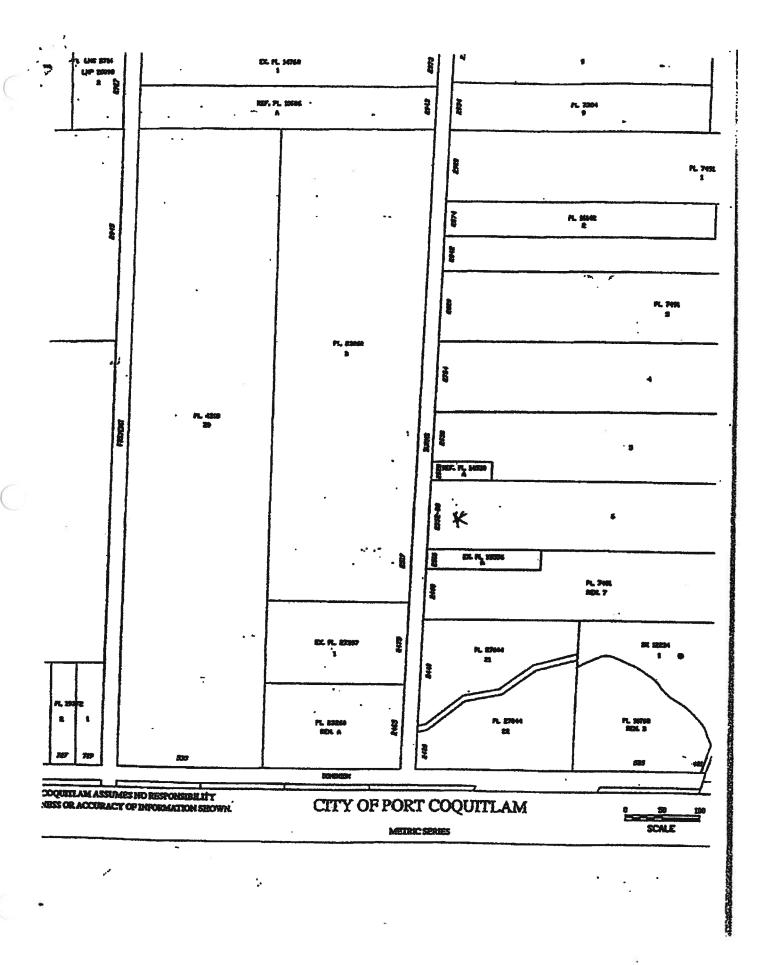
Assistant City Engineer

by mail: courier:

This facsimile transmission is intended only for the person or entity named above, and may contain information that is privileged, confidential and exempt from disclosure. If the reader of this message is not the person named above, an employee or agent responsible for delivering this transmission to the intended recipient, or if you have received this facsimile transmission in error, please notify us immediately by telephone and return the original facsimile transmission, uncopied, to us at the above address by regular mail. Dissemination of the attached information by anyone other than the recipient is strictly forbidden.

If you have difficulty receiving this fax message please call 944-5420.

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Provincial Agriculti)

Commission nada 🚧 ay. Huggaby, B.C. . V5G 4K6 1998 Teléphone: (604) 660-7000 Fax: (604) 660-7033

September 16, 1998

D. F. Pickton R. W. Pickton 953 Dominion Avenue Port Coquitlam, B.C. V3C 3V4

Re: Violations Under the Soil Conservation Act Lot 6, Sections 3 and 4, Block 6 North, Range 1 East, NWD, Plan 7491 (the "Property")

The Agricultural Land Commission (the "Commission") has been advised by way of a copy of the letter to you dated September 10, 1998 sent from the City of Port Coquitlam (the "City"), that unauthorized fill material has been placed on the Property. The local authority as defined by the Soil Conservation Act (the "Act").

Section 1 of the Act defines "fill" as any material brought on land in an agricultural land reserve.

Section 2(1) of the Act states:

- 2(1) A person must not remove soil from or place fill on land in an agricultural land reserve unless
- the commission approves in writing, (a)
- the local authority where the land is situated issues a permit, and **(b)**
- (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

Section 6 (formerly 5) of the Act states:

- 6, If a local authority or the commission determines that a person
- (a) has contravened a permit, or
- **(b)** is removing soil from, or placing fill on, an agricultural land reserve without a permit,

the local authority or the commission may

- (c) suspend the permit until satisfied the contravention has ceased,
- cancel the permit, if satisfied that the person has because of the contravention put it beyond his or **(d)** her power to comply with the terms and conditions of the permit,
- place notices on land at or near the place of contravention stating that removing soil or placing (e) fill is contrary to this Act,
- order the person to stop the contravention, **(1)**
- **(g)** order the person who caused fill to be placed on the land without a permit or in contravention of he terms and conditions of the permit, to remove the fill, or
- order a person who removed soil from the land without a permit, or in contravention of the terms (b) and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

...2

Page 2 D. F. Pickton

The Commission supports the City's enforcement action and recommends your compliance in this matter. Failure to comply with the City's order will compel the City and the Commission to investigate legal options.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

K. B. Miller, Goneral Manager

cc:

City of Port Coquitiam

Attention: J.B. Yip, P.Eng., Acting City Engineer

AU/eg



PORT COQUITLAM FIRE/RESCUE

MEMORANDUM



DATE:

May 20, 1998

TO:

John Kenyon

Assistant Fire Chief

Stephen Gamble Assistant Fire Chief

FILE NO:

FROM:

Randy Shaw

Fire Chief

RE:

2552 Burns Road - Piggy's Palace

If you are called out to 2552 Burns Road by the RCMP to enforce the Order pursuant to Section 22 of the Fire Service Act which was served on May 12, 1998, please do the following:

- Call Rick Dumala (Fire Commissioner) and request permission to have the mentioned building evacuated. 1(800) 663-3456
- Accompany the RCMP to 2552 Burns Road and ensure that at least 25 to 30
 people are occupying the building and that food and drink is being consumed.
- 3. Request the RCMP to evacuate the building because of concerns for life safety.

Signed,

Randy Shaw

Fire Chief

JUL-20-1998 15:18

MIN MUNICIPAL AFFAIRS

P. 02/03

NOTICE TO OWNER

TO:

David Picton
953 Dominion Avenue.
Port Coquitlam BC V3C 3V4

OWNERS OF LAND DESCRIBED AS a rural acreage on which a large out building is used for assembly purposes, located on Lot 6 Section 3 and 4 Plan 7491 otherwise known as 2552 Burns Road, Port Cognitian, BC

IN THE MATTER OF THE LOCAL ASSISTANT FIRE COMMISSIONER'S ORDER ISSUED PURSUANT SECTION 22 OF THE FIRE SERVICES ACT

AND

DECISION OF THE FIRE COMMISSIONER PURSUANT TO THE APPEAL PROVISIONS AS CONTAINED IN THE FIRE SERVICES ACT

HAVING HAD THE AUTHORITY DELEGATED TO ME BY THE FIRE COMMISSIONER TO INVESTIGATE AND HEAR APPEALS IN ACCORDANCE WITH SECTION 29(1) OF THE FIRE SERVICES ACT, TAKE NOTICE THAT HAVING INVESTIGATED YOUR APPEAL FROM THE ORDER OF THE LOCAL ASSISTANT DECEIVED ON THE 12 DAY OF MAY, I FIND JUSTIFICATION TO UPHOLD THE ORDER FOR THE FOLLOWING REASONS:

- The outbuilding on which the order was issued is finished and equipped as an assembly occupancy facility complete with commercial type kitchen, pub type bar, raised entertainment stage, dance floor, sound and lighting system, and tables and chairs capable of accommodating a group of people in excess of 150 persons.
- 2. The outbuilding on which the order was issued is not approved for assembly occupancy. The building is deficient with regard to egress (exiting), emergency lighting and required approvals, e.g. provincial electrical inspector, gas inspector, local authorities including building authority (commercial hood and duct system, exit doors, etc.), and zoning authority.
- There are assembly events on record that have taken place on occasion in the past indicating the building in question was used as an assembly occupancy.

...12

JUL-20-1998 15:18

MIN MUNICIPAL AFFAIRS

P.83/83

-2-

TO MEET THE NEEDS OF PUBLIC SAFETY, I hereby uphold the Local Assistant Fire Commissioner's Order of the 12th day of May, 1998.

The foregoing Order is to be carried out on or before the 27th day of July, 1998.

Provisions for appeal of this Order are set out in Section 28 of the Fire Services Act.

FIRE COMMISSIONER

Per:

A.J. Troughton,

Regional Fire Commissioner

DATED THIS 20th DAY OF JULY, 1998.



City of Port Coquitlam FIRE/RESCUE

ALL CORRESPONDENCE TO BE ADDRESSED TO THE FIRE CHIEF
NO 1. FIRE HALL, 1725 BROADWAY STREET
PORT COQUITIAM, B.C. V3C 2M9
TELEPHONE: (604) 944-5466 FAX: (604) 944-5406



August 27, 1998

REGISTERED MAIL

Alan Troughton
Regional Fire Commissioner
P.O. Box 9490 Stn.Prov.Gov't.
Victoria, B.C.
V8W 9N7



Dear Sir:

RE: SERVICE OF APPEAL DECISION FOR PREMISES LOCATED AT:

Lot 6 - Section 3 and 4 Plan, 7491

(Otherwise known as 2552 Burns Road, Port Coquitlam, B.C.

Further to your request of August 25, 1998, I enclose Acknowledgment of Service upon Mr. David Picton dated August 27, 1998, 0930 hours at 900 block Dominion Avenue. Port Coquitlam, B.C.

Yours truly,

Randy Shaw

Fire Chief

Port Coquitlam Fire/Rescue

RS/cl

Enc.



1 -----

August 25, 1998

Randy Shaw Port Coquitiam Fire Department 1725 Broadway Street Port Coquitiam BC V3C 2M9

Dear Randy Shaw:

RE:

SERVICE OF APPEAL DECISION FOR PREMISES

LOCATED AT

Lot 6 Section 3 and 4 Plan, 7491

(Otherwise known as 2552 Burns Road)

PORT COOUITLAM BC

We have enclosed the Fire Commissioner Decision in the above Order.

Will you kindly have the Decision served upon <u>David Picton</u>, 953 <u>Dominion Avenue</u>, <u>Port Coquitlam BC</u> and request that they acknowledge receipt of the Order on the enclosed Acknowledgement and would you please fill in the appropriate date and time in hours and sign the bottom as witness and insert your Local Assistant Fire Commissioner badge number.

After completing the form would you please mail the Acknowledgement to us by registered post as soon as possible.

Yours truly,

Alan Troughton

Regional Fire Commissioner

/tln

Ministry of Municipal Affairs Office of the Fire Commissioner Coastal Region Mailing Address:
PO Box 9490 Stn Prov Govt
Victoria BC V8W 9N7

Tel: (250) 356-9010 Fax: (250) 356-9019 Location: 3rd Floor 800 Johnson Street Victoria 8C

ACKNOWLEDGEMENT OF SERVICE

DECISION OF FIRE COMMISSIONER PURSUANT TO SECTION ______22 BRITISH COLUMBIA FIRE SERVICES ACT, (R.S.B.C., 1979, CHAPTER 133)

> In re the matter of the Order of the Local Assistant Fire Commissioner

> > to

DAVID PICTON

dated May 12, 1998, premises located at Lot 6 Section 3 and 4 Plan 7491, (Known as 2552 Burns Road)
Port Coquitiam BC.

I HEREBY ACKNOWLEDGE receipt of the above noted DECISION, this 27 Day of

AUG., 19 78, at 0 970 hours, at 100 Bec.

SIGNED:

Owner and/or occupies

WITNESSED:

LAFT.C. / OR INSPECTOR

BADGE # 1287

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BETWEEN

THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

ORDER

Barry Williamson

LIDSTONE YOUNG ANDERSON Barristers and Solicitors 1616 - 808 Nelson Street Box 12147, Nelson Square Yancouver, B.C. V6Z 2H2 Telephone: (604) 689-7400

File No.19

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#### LIDSTONE, YOUNG, ANDERSON **BARRISTERS & SOLICITORS**

1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B.C. V6Z 2H2

Telephone: (604) 689-7400 Victoria Office: (604) 383-2063 Toll Free: 1-800-665-3540 Facsimile: (604) 689-3444

#### VIA COURIER

January 5, 1999

Mr. Jeffrey Scouten Barrister & Solicitor 930 - 777 Hornby Street Vancouver, B.C. V6Z 1S4

Service of a true thisday of .	сору	heraci	admilted 19
Solicitor for			

Dear Mr. Scouten:

Re:

City of Port Coquitlam v. David Pickton et al. Supreme Court of B.C. Vancouver Registry No. A963544 Our File No. 19-387

On December 31, 1998 we appeared in B.C. Supreme Court and obtained an ex parte interlocutory injunction to restrain the Defendants from holding any dances or parties on the premises. We enclose:

- 1. the Order of Mr. Justice Scarth made December 31, 1998; and
- 2. the Affidavit of Randy Shaw in the above-noted matter.

Messrs. David Pickton and Bill Malone were served with the above-noted documents on December 31, 1998. We ask that you accept service on behalf of Robert Pickton, Linda Wright and Piggy's Palace Good Times Society on the attached copy of this letter and return same at your earliest convenience.

Yours truly,

ONE, YOUNG, ANDERSON

Encl. BW\1-10.99ah

# THE CRPORATION OF THE CITY OF PORT CONTINUE BYLAW NO. 3168

#### **SCHEDULE 0**

STOP WORK ORDER

ADDRESS OF PROPERTY:	1452	BURNS	ROBO .	

#### TO WHOM IT MAY CONCERN:

All work on the building on the real property on which this Order is posted is directed to be stopped immediately, by Order of the undersigned Building Inspector of The Corporation of the City of Port Coquitlam, from whom the reasons for this Order may be obtained at the Building Department office in the City Hall, Port Coquitlam.

Failure to immediately comply with this Order is a violation of the "Building and Plumbing Bylaw, 1997, No. 3108" and may result in the imposition of the penalty provided by the Bylaw, to a maximum of \$10,000.00 and six months imprisonment.

DATE OF POSTING OF ORDER

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F POSTING

BUILDING INSPECTOR

City of Port Coquitiam
Building Department
2580 Shaughnessy Street
Port Coquitiam, BC V3C 2A8



# INSPECTION NOTICE

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# CITY OF PORT COQUITLAM INSPECTION NOTICE

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NO. A963544 VANCOUVER REGISTRY

# IN THE SUPREME COURT OF BRITISH COLUMBIA

#### BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

This is Bristian Dary Smith

1-DEFENDANTS

nade before the on this

AFFIDAVIT

A Commissioner For Taking Affidents

Rev British Cohombia

I, RANDY SHAW, Fire Chief, of 1725 Broadway Street, Port Coquitlam, British Columbia, MAKE OATH AND SAY THAT:

- I have personal knowledge of the matters hereinafter deposed to save and except where those matters are stated to be based on information and belief, and to such latter matters I verily believe the same to be true.
- 2. I am the Fire Chief of the City of Port Coquitlam Fire and Rescue Department and as such I am also a local assistant to the provincial fire commissioner pursuant to Section 6 of the Fire Services Act. R.S.B.C. 1996, c.144.
- 3. The property which is the subject of the action herein is an approximately 10 acre parcel situated adjacent to the Pitt River in the eastern part of the City of Port Coquitlam. The property is within the Agricultural Land Reserve. The civic address of the property is 2552 Burns Road, Port Coquitlam and the legal description is:

BW/12-116.98ab

1

File No. 19-389

Lot 6
Sections 3 and 4
Block 6
North Range 1 East
New Westminster District
Plan 7491

(the "Land")

- 4. A Copy of a title search for the Land is attached to this my Affidavit and marked Exhibit "A".
- 5. Under the City of Port Coquitlam Zoning Bylaw 1987, No. 2240 the Land is zoned Agricultural Zone 1 (A-1). An assembly use is not permitted in the A-1 zone. Excerpts from the Zoning Bylaw showing the definition of assembly use and the regulations applicable to the A-1 zone are attached to this my Affidavit and marked Exhibit "B".
- 6. There is a large farm building on the Land which has been altered to permit the building to be used as a dance hall or club. I personally inspected the building on September 27, 1998 in the company of one of the Defendants David Pickton. Within the building I observed a commercial type kitchen, pub type bar, raised entertainment stage, dance floor, sound and lighting system and tables and chairs capable of accommodating a group in excess of 150 persons. Mr. Pickton advised me that he did not intend to use the building for large gatherings as it had been. He stated that he would be using the building only for family gatherings or for the purpose of meeting with his construction crew. He advised that these gatherings would not exceed 20 to 25 people.
- 7. Prior to my attendance at the Land on September 27, 1996 I was advised by the City's bylaw enforcement staff that the building had been used for dances. Such an event was planned for September 28, 1996. A copy of an advertisement in the

September 25, 1996 edition of the Tri-City News, a newspaper circulating in the Port Coquitlam area, is attached to this my Affidavit and marked Exhibit "C".

- 8. It is my understanding that the building on the Land is known as "Piggy's Palace" and that the events and dances that have been conducted, at least in part, by the Piggy's Good Time Society (the "Society"). On October 17, 1996 Mr. Bill Malone, a director of the Society, was advised by the City of the various requirements that must be met to legalize the operation of Piggy's Palace. A copy of Greg Beaumont's October 17, 1996 letter to Mr. Malone is attached to this my Affidavit and marked Exhibit "D".
- 9. For several months I did not receive any information that any events or dances had occurred or were planned for Piggy's Palace. In May 1998 I received information by way of a report from the RCMP that they had attended the property and found approximately 60 to 80 people present for a graduation party at which liquor was being served.
- 10. On May 12, 1998 I attended the Land as a result of a telephone call from David Pickton. Mr. Pickton said that he wanted to make the building safe and meet the Fire Services requirements. I conducted an inspection of the building and observed that its condition was essentially the same as when I had attended on September 27, 1996.
- In my capacity as a local assistant to the fire commissioner I issued an order to Mr. Pickton under the Fire Services Act that the premises on the Land not be used as an assembly occupancy until they were brought into compliance with the 1992 B.C. Fire Code. A true copy of my order is attached to this my Affidavit and marked Exhibit "E". My reason for issuing the order was that it was, and is, my view that any assembly or gathering of people in the building on the Land in excess of approximately 40 to 50 people represents a significant risk to the safety of the occupants in the event of a fire. The building fails to comply with the Fire Code in

BW/12-116.98ah

PAGE.

a number of respects which are outlined in my later letter to Mr. Pickton (attached as Exhibit "I" to my Affidavit).

- 12. I advised Mr. Pickton when I issued the order that he had a right to appeal my order to the fire commissioner and I understand that Mr. Pickton did commence an appeal.
- 13. On June 23, 1998 I was present on the Land during a site inspection of the premises by Alan Troughton, Regional Commissioner, charged with deciding the appeal of my order.
- 14. On July 20, 1998 Mr. Troughton rejected Mr. Pickton's appeal and confirmed my May 12, 1998 order. Copies of the Notice to Owner and Mr. Troughton's July 20, 1998 letter to Mr. Pickton are attached to this my Affidavit as Exhibits "F" and "G" respectively.
- 15. On July 31, 1998 Mr. Greg Beaumont, the City's Deputy Clerk, wrote Mr. Pickton to advise that correction of the Fire Code deficiencies would not allow the building to be lawfully occupied as an assembly occupancy would be contrary to the City's Zoning Bylaw. A copy of Mr. Beaumont's July 31, 1998 letter is attached to this my Affidavit as Exhibit "H"
- I re-attended the Land on September 11, 1998 and conducted an inspection of the building in the company of Mr. Pickton to determine whether any work had been undertaken to bring the building into compliance as required by Mr. Troughton's July 28, 1998 notice. No work had been conducted and I wrote Mr. Pickton a further letter outlining the several matters that had to be addressed. A copy of my October 14, 1998 letter to Mr. Pickton is attached to this my Affidavit and marked Exhibit "T". I have been advised by City bylaw enforcement staff that this letter was personally delivered to Mr. Pickton.

- 17. On December 30, 1998 I was advised by Greg Beaumont, Chief Bylaw Enforcement
  Officer that a complaint had been received from someone in the vicinity of the Land
  that a New Years Eve party or dance was planned for Piggy's Palace. I subsequently
  phoned this person, who provided me with information but advised that they wished
  to remain anonymous.
- 18. On December 31, 1998 I spoke with Rod MacDonnell, a firefighter employed with the City of Port Coquitiam, who advised me that he was aware of a planned New Years Eve party at Piggy's Palace, where Doug and The Sings would be playing. Mr. MacDonnell stated that he was planning on attending until he became aware that the building did not meet the Fire and Building Codes.
- 19. On December 31, 1998 at approximately 10:30 a.m. I attended to the Land and observed a refrigerated truck parked in front of the premises and individuals unloading a palette of beer.
- 20. I continue to have the concerns expressed in paragraph 11 of this my Affidavit which prompted my decision to issue my May 12, 1998 order. My concerns are heightened by the prospect that alcohol may be served to a large gathering. My estimate of the occupant capacity of the building on the Land is that it could accommodate in excess of 300 people and up to 400 people for a function such as a dance or party.
- I am aware of the power of the fire commissioner to issue an order pursuant to Section 25 of the <u>Fire Services Act</u> and I have considered advising the fire commissioner of the course of events at Piggy's Palace should a dance or party occur as appears to be planned for this evening. In my view it is preferable that the occupancy of the building be restrained by order of the Court rather than to allow the building to become occupied and then to have the fire commissioner order evacuation of the building, with such order to be enforced by the RCMP. I anticipate that it would be difficult for the RCMP to evacuate the building once it

has become occupied by more than 40 or 50 people and where the occupants have consumed alcohol. I continue to be of the view that there is a significant hazard to life safety once the building is occupied by more than 40 or 50 people.

SWORN BRFORE ME in the City of Vancouver, in the Province of British, Columbia, on this 31st day of December, 1998.

A commissioner for taking Affidavits in British Columbia

OCT-24-1996 12:27 FROM MEST COAST TITLE - NU

6893444 P.002/003

> Time: 12:21:21 Page: 001

Date: 96/10/24 Requestor: (PL45881)

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TITLE - BJ205666

NEW WESTMINSTER LAND TITLE OFFICE

TITLE NO: BJ205666 FROM TITLE NO: BF141899

the affidavit of

sworn before me at 314

Application for registration received on: 13 JULY, 1995 ENTERED: 26 JULY, 1995

REGISTERED OWNER IN FRE SIMPLE: DAVID FRANCIS PICKTON, BUSINESSMAN 953 DOMINION AVENUE PORT COQUITLAM, BC V3C 3V4 AS TO AN UNDIVIDED 1/3 INTEREST

ROBERT WILLIAM PICKTON, BUSINESSMAN 953 DOMINION AVENUE PORT COQUITLAM, BC V3C 3V4 AS TO AN UNDIVIDED 1/3 INTEREST

HMM A Commissioner for taking Affidavite within British Columbia

This is Exhibit * A "referred to in

<u>Linda Louise Wrigh</u>t, Businesswoman

AS TO AN UNDIVIDED 1/3 INTEREST

TAXATION AUTHORITY: CITY OF PORT COCUITLAM

DESCRIPTION OF LAND: PARCEL IDENTIFIER: 008-057-621 lot 6 sections 3 and 4 block 6 north range 1 east NEW WESTMINSTER DISTRICT PLAN 7491

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS: NATURE OF CHARGE CHARGE NUMBER DATER TIME

COVENANT **E069ELAA** 

1929-11-16 10:00

REGISTERED OWNER OF CHARGE: CITY OF PORT COQUITIAN

EGEGELAA

REMARKS: L.T.A. SEC. 215 SEE 86862E

"CAUPION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEPRASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NOME

OCT-24-1996 12:27 FROM

6893444

Date: 96/10/24 Requestor: (PL45881)

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Time: 12:21:22 Page: 002

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***



# THE CORPORATION OF THE CITY OF PORT COQUITLAM

### **BYLAW NO. 2240**

A Zoning Bylaw for the City of Port Coquitian

The Municipal Council of The Corporation of the City of Port Coquitlant, in open meeting assembled, enacts as follows:

#### PART 1 - INTERPRETATION

#### 101. IN THIS BYLAW

#### ACCESSORY HOME BUSINESS USE

Means a business, occupation or profession carried on in a dwelling unit by a resident of that dwelling unit, which is accessory to the residential use of the dwelling unit and does not change the residential appearance or character of the building or lot in which it is located.

## ACCESSORY ONE FAMILY RESIDENTIAL USE

Means a residential use ancillary to an agricultural, commercial or industrial use, where a dwelling unit is used for the accommodation of an employee working on the same lot, and shall not exceed one dwelling unit per lot.

### ACCESSORY PRODUCE SALES USE

Accessory Produce Sales Use means a use accessory to AGRICULTURAL USE on a lot, involving the sale of Farm Products and Processed Farm Products which have been produced on the farm.

#### **ACCESSORY**

Accessory means customarily associated with and subordinate to a permitted use, building or structure on the same lot.

## ACCESSORY UNENCLOSED STORAGE USE

Accessory Unenclosed Storage Use means a use providing for the storage of goods customarily associated with a COMMERCIAL USE, a SERVICE STATION USE, or an INDUSTRIAL USE, when such storage is not contained within a building.

#### ADULT ENTERTAINMENT

Means live entertainment or entertainment recorded on film or videotape which includes any exposure of the genitals, pubic region, buttocks, anus, or female breasts immediately below the top of the arcola, of any person.

This is Exhibit " B in referred to in

sworn before me at Von commerce this 21 st

*2240* 

#### **ADULT ENTERTAINMENT BUSINESS**

Means a business where Adult Entertainment is provided.

#### AGRICULTURAL USE

Agricultural Use means a use providing for the growing, rearing, producing, and harvesting of agricultural crops, fur-bearing animals, poultry, or other livestock; includes the processing on a farm of the agricultural products harvested, reared or produced on that farm, storage of farm machinery, implements, and agricultural supplies, and repairs to farm machinery and implements on that farm.

#### AMUSEMENT MACHINE

Amusement machine means a device operated electrically, mechanically or manually for the purpose of providing amusement, entertainment or recreation, and includes without limitation video and pinball machines, pool, snooker, billiard tables and similar games, but excludes bowling alleys and gaming devices.

#### APARTMENT RESIDENTIAL USE

Apartment Residential Use means RESIDENTIAL USE of a Building for three or more dwelling units; specifically includes a TOURIST ACCOMMODATION USE.

#### **ARCADE**

Arcade means any premises accessible to the public where more than three (3) amusement machines are available for use, upon payment for the game or use of the amusement machines, but excludes neighbourhood pubs, hotel lounges and private licensed premises where amusement machines are offered as an accessory or subordinate use.

#### <u>ASSEMBLY USE</u>

Assembly Use means a use which is not government owned or operated and which provides for the assembly of persons for religious, charitable, cultural, private recreational, or private educational purposes; and includes without limitation churches, auditoriums, youth centres, social halls, bingo halls, charitable casinos, group camps, private schools, kindergartens, play schools, day nurseries, and day care schools, but excludes gaming and gambling establishments.

#### BACHELOR DWELLING UNIT

Bachelor Dwelling Unit means a dwelling unit which has one habitable room with kitchen facilities.

#### BINGO HALL

Bingo Hall means an Assembly Use where bingo, either electronic or not, is operated by a non-profit, charitable, or religious organization for the purpose of fund raising.

#### **BOARDING USE**

Boarding Use means a use where the building or buildings on a lot contain one or more sleeping units connected to a dwelling unit and which are occupied by persons other than members of the family sharing the dwelling unit.

# PART VII - AGRICULTURAL ZONES

#### 701. AGRICULTURAL ZONE 1 (A-1)

- (I) <u>USES PERMITTED</u>
  - (a) Agricultural
  - (b) One-family residential
  - (c) Boarding
    - (i) shall be limited to a maximum of four boarders or one family.
    - (ii) shall be within a building for one-family residential use.
  - (d) Accessory residential
  - (e) Accessory produce sales:
    - (i) shall not exceed a gross floor area of 100 sq. metres (1084.07 sq. ft.)
    - (ii) shall be limited to one per lot
    - (iii) sale of processed farm products shall not occupy more than one third of the total area used for all retail sales or 100 sq. metres, whichever is less.

#### Providing that:

- the retail sales are clearly ancillary to the farm use on the agricultural land of which the retail sales are conducted;
- the retail sales are conducted entirely within a farm building, farm accessory building or structure, or a defined outdoor display area;
- the retail sales do not interfere with, hinder, or otherwise prevent the farm use on agricultural land adjacent to the agricultural land on which the retail sales are conducted; and
- where processed farm products are offered for sale, Farm Products are also concurrently offered for sale,

### (2) HEIGHT OF BUILDINGS

The height of a building for one-family residential use shall not exceed 11 m (36.09 feet) nor two and a half storeys.

#### (3) LOT COVERAGE

(a) Buildings and structures for a residential use shall not exceed a maximum coverage of 10% of the lot area.

(b) Buildings and structures for agricultural use shall not exceed a maximum coverage of 20% of the lot area.

#### (4) FRONT YARD

- (a) Buildings are structures for a residential use or an accessory produce sale use shall be sited not less than 7.5 m (24.60 feet) from the front lot line.
- (b) Buildings and structures for agricultural use shall be sited not less than:
  - (i) 30 m (98.43 feet) from the front lot line.
  - (ii) 60 m (196.85 feet) from the front lot line if involving the keeping of swine or furbearing animals.

#### (6) SIDE YARD

- (a) Buildings and structures for residential use or accessory produce sales use shall be sited not less than 1.8 m (5.91 feet) from an interior side lot line and 3.5 m (11.48 feet) from an exterior side lot line.
- (b) Buildings and structures for an agricultural use shall be sited not less than:
  - (i) 15 m (49.21 feet) from an interior side lot line and 30 m (98.43 feet) from an exterior side lot line.
  - (ii) 45 m (147.64 feet) from an interior side lot line and 60 m (196.85 feet) from an exterior side lot line if involving the keeping of swine or furbearing animals.

#### (7) REAR YARD

- (a) Buildings and structures for a residential use or accessory produce sales use shall be sited not less than 7.5 m (24:60 feet) from a rear lot line.
- (b) Buildings and structures for an agricultural use shall be sited not less than:
  - (i) 15 m (49.32 feet) from a rear lot line.
  - (ii) 45 m (147.64 feet) from a rear lot line, if involving the keeping of swine or furbearing animals.

### (8) SPECIAL CONDITIONS OF USE

Buildings and structures for an agricultural use shall be sited not less than:

- (a) 30 m (98.43 feet) from all sand points, wells, or streams.
- (b) 15 m (49.21 feet) from all buildings for residential use.
- (c) 45 m (147.64 feet) from all buildings for residential use, if involving the keeping of swine or furbearing animals.

בווב מו שווץ דמופ – וווץטויפט 40 cover band every ough Saturday night and a ding act for a Saturday

To hear a recording of a month of Boo entertainment to come, one can dial 517-2900 and punch in code 5449 for all the details.

Maz 'N Me's - (2620 Shaughnessy St., Port Coquillam) Golden Ears - (2633 Shaughnessy St., PoCo)

Wednesday. Sept 25, 1996 Tri-City News

PIGGY'S PAI





Hosted by members and friends of Piggy's Good Time Society Buffet & Beverage

Society #5-35452





2552 Burns Road, Port Coquitlam



This is Exhibit " the affidavit of swom before me a

A Commissioner for taking Affidavits within British Columbia

96 16:44 FR POCO ADMIN CLERK

604 544 5482 TO ANDERSON

P.07/13



# 350 SHAUGIENESSY STROUT, PORT COQUITLAM, B.C. YET 2/3 / PHONE WILSHI / PAIS

October 17, 1996

Bill Malone, Director Piggy's Good Time Society 2552 Burns Road Port Coquitian BC

This is Exhibit ", referred to in the affidavit of, sworn before me at

A Commissioner for taking Affidavits

within British Columbia

Re: Piggy's Palace

Dear Mr. Maione

To legalize the Piggy's Palace operation, the following requirements must be met:

- 1. The land must first be excluded from the Agricultural Land Reserve by the Agricultural Land
- 2. Rezoning and OCP designation would follow. A condition of rezoning would be to meet engineering requirements for fire flow. The approximate cost of doing so is \$250,000 - \$300,000. In addition, DCC's are applicable at an approximate cost of \$50,000.

3. Upon completion of rezoning, apply for a building permit to upgrade the building to appropriate

4. Fire Code upgrades are required.

5. Septic approval and a health permit for handling food from the Simon Fraser Health Unit.

The property may not be used for assembly use until all of the above requirements are met.

Attached please find notes from each department outlining in more detail what is required. Please

You are cautioned that the taking of this action would merely indicate a readiness to minmit your application to City Council as required under the provisions of the Municipal Act. The final decision concarning the passage of non-passage of the Zoning Amendment Bylaw remains with the Municipal . Council, any other factors notwithstanding. Until the Bylaw has been reconsidered, finally passed, and adopted by the Council, your property will remain in its present zone and we would particularly caution you not to take any action at this time based upon the assumption that the property will be rezoned.

Yours truly.

Grei Beaumont, ·

Manager of Bylaw and Legislative Services

Tony Chong, P. Eng., City Administrator GO. Susan Rauh, CMC, City Clerk



07/30/88 13:29 28 45408	POCO FIRE/RESO	→ CITY CLERK/ADMIN	Door our
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TO David Picton	ction 22 of the France Process Act ;	he attidavit of Radio	Sharri
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For	full details, pt	ease consult th	a Fire Senices Act and Regul	lations.	1	· · · · · · · · · · · · · · · · · · ·
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MIN MUNICIPAL AFFAIRS

P.02/03

#### NOTICE TO OWNER

TO:

David Picton 953 Dominion Avenue. Port Coquitiam BC V3C 3V4 has not yet through
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OWNERS OF LAND DESCRIBED AS a rural acreage on which a large out building is used for assembly purposes, located on Lot 6 Section 3 and 4 Plan 7491 otherwise known as 2552 Burns Road, Port Coquitlam, BC

IN THE MATTER OF THE LOCAL ASSISTANT FIRE COMMISSIONER'S ORDER ISSUED PURSUANT SECTION 22 OF THE FIRE SERVICES ACT

#### AND

DECISION OF THE FIRE COMMISSIONER PURSUANT TO THE APPEAL PROVISIONS AS CONTAINED IN THE FIRE SERVICES

HAVING HAD THE AUTHORITY DELEGATED TO ME BY THE FIRE COMMISSIONER TO INVESTIGATE AND HEAR APPEALS IN ACCORDANCE WITH SECTION 29(1) OF THE FIRE SERVICES ACT, TAKE NOTICE THAT HAVING INVESTIGATED YOUR APPRAL FROM THE ORDER OF THE LOCAL ASSISTANT RECEIVED ON THE 12 DAY OF MAY, I FIND JUSTIFICATION TO UPHOLD THE ORDER FOR THE FOLLOWING REASONS:

This is Exhibit " " referred to in the affidavit of swom before me a this 314 A Commissioner for taking Affidavits within British Columbia

1. The outbuilding on which the order was issued is finished and equipped as an assembly occupancy facility complete with commercial type kitchen, pub type bar, raised entertainment stage, dance floor, sound and lighting system, and tables and chairs capable of accommodating a group of people in excess of 150 persons.

The outbuilding on which the order was issued is not approved for assembly occupancy. The building is deficient with regard to egress (exiting), emergency lighting and required approvals, e.g. provincial electrical inspector, gas inspector, local authorities including building authority (commercial hood and duct system, exit doors, etc.), and zoning authority.

3. There are assembly events on record that have taken place on occasion in the past indicating the building in question was used as an assembly occupancy.

ITEM | PAGE

JUL-20-1998 15:18

MIN MUNICIPAL AFFAIRS

P.03/03

-2-

TO MEET THE NEEDS OF PUBLIC SAFETY, I hereby uphold the Local Assistant Fire Commissioner's Order of the 12th day of May, 1998.

The foregoing Order is to be carried out on or before the 27th day of July, 1998.

Provisions for appeal of this Order are set out in Section 28 of the Fire Services Act.

FIRE COMMISSIONER

Per:

A.J. Troughton,

Regional Fire Commissioner

. DATED THIS 20th DAY OF JULY, 1998.



P.02/03



July 20, 1998

File#: 11000-01

David Picton 953 Dominion Avenue Port Coquitlem, BC V3C3V4

Dear Sir:

This is Exhibit 3 **n** referred to in the affidavit of sworn before me a

within British Columbia

oner for taking Affidevite

APPEAL DECISION 2552 BURNS RD. PORT COOULTLAM

I have outlined some of the details of the site inspection we conducted on June 23, 1998. The actual work required to allow use of the building in question is probably not all that difficult to achieve in order to attain a satisfactory level of life safety, although this work is subject to local approvals, as I said to you during our site visit.

I cannot comment on the structural elements of the building. This would have to be determined by the local building department. Also the electrical inspector and the gas inspector will have to inspect and approve the electrical and gas installations.

Our concern is in regard to egress and escape from fire. The requirements are as follows:

- Exit doors will have to comply with the requirements of the BC Building Code. The new exit doors will have to swing in the direction of egress (out) and meet Building Code requirements for size (door width), distance between exits, calculation of exit widths, and panic hardware.
- · Install emergency lighting.
- Install illuminated exit signs complete with built in emergency light feature.
- Re-install duct and fan to the gas appliances in accordance with NFPA 96.

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JUL-30-1998 08:40



MIN MUNICIPAL AFFAIRS

P.03/03

David Picton Page 2

When you have completed this work the building will meet the requirements of the BC Fire Code but it is still deficient with regards to the required approvals. This includes the provincial electrical inspector, gas inspector and local authorities including building authority and zoning authority.

Sincerely,

Alan Troughton

Regional Fire Commissioner

Office of the Fire Commissioner

LAFC Randy Shaw, Fire Chief

Planning Department



# 2580 SHAUGHNESSY STREET, PORT COOUTILAM, B.C. V3C 2AB / PHONE 444-5411 / FAX: 944-5417

### HAND DELIVERED

July 31, 1998

Mr. David Pickton 2552 Burns Road Port Coquitlam, BC V3C 3V4

Dear Mr. Pickton:

Re: "Piggy's Palace" Building
2552 Burns Road, Port Coquitiam

This is Exhibit of Parker Share to in the affidavit of Parker Share sworn before me at Vancarre this 31st day of learning Affidavits within British Columbia

As you may know, the Regional Fire Commissioner has rejected your appeal from the Local Assistant Fire Commissioner's Order dated May 12, 1998. A copy of the Regional Fire Commissioner's decision dated July 20, 1998 is enclosed.

Although the Regional Fire Commissioner's decision identifies the deficiencies which make the Piggy's Palace building unsafe and unsuitable for assembly occupancy, you should be aware that the correction of those deficiencies would not allow lawful occupancy of the building for assembly purposes.

To the extent that any remedial work to correct the deficiencies related to fire safety would involve new construction or the alteration of the existing structure, a building permit would be required. However, the City will not issue a building permit for work which is related to an unlawful use. Because the use of the land and the buildings on it for assembly purposes is not permitted, no permit would be issued for work which relates to the purpose.

While it may seem unusual to you that the City would refuse a building permit for work which would address deficiencies that have been identified by the Local Assistant to the Fire Commissioner, the fact is assembly use of the building is in contravention of the Zoning Bylaw as well as being contrary to the Order under the Fire Services Act and the City will not issue a building permit for construction which is contrary to the Zoning Bylaw.

If you undeltake construction work without a building permit, you may anticipate that a stop work order will be issued and that enforcement proceedings will follow.

As you know, the property is zoned Agricultural 1 under the City of Port Coquitlam's Zoning Bylaw No.2240 and the property may be used only for agricultural, single family residential and related uses. Whether or not you take steps to address the fire safety deficiencies (as you have apparently advised Chief Shaw) the City does not and will not condone assembly occupancy at 2552 Burns Road

Any further assembly occupancy of the premises will result in a recommendation to Council that the Supreme Court injunction action against yourself, Robert William Pickton, Linda Louise Wright and Piggy Palace Good Times Society be resumed.

Yours truly,

Greg Beaumont, CMC Deputy City Clerk

CC:

Tony M. Chong, P. Eng., City Administrator

Randy Shaw, Fire Chief

Ernie Levesque, Director of Development Services

QB/ca attachmen



# City of Port Coquitiam FIRE/RESCUE

TELEPHONE (604) 944-3466 FAX: (604) 944-5406



October 14, 1998

Mr. Dave Picton 953 Dominion Avenue Port Coquitlam, B.C. V3C,3V4 -

Dear Mr. Picton.

DELIVERED BY HAN

ilhia la Exhibit referred to in the affidavit of 1 sworn before me sploner for taking Affidavits

within British Columbia

Large out building used for assembly purposes, located on Lot 6 Section 3 and 4 Plan 7491 otherwise known as 2552 Burns Road, Port Coquitlam, B.C.

On September 25th, 1998, a letter was sent to you regarding the status of the out building at 2552 Burns Road, Port Coquitlam, B.C. This letter was sent by Double Registered Mail and delivery was unsuccessful, therefore this letter is now delivered to you by hand and we are advising that on September 11, 1998 at approximately 10:00 a.m. Chief Shaw conducted a walk through with you of the out building at 2552 Burns Road also known as Piggy's Palace. At that time no work had taken place under the Local Assistant Fire Commissioner's Order issued on May 12, 1998 (copy enclosed) pursuant to Section 22 of the Fire Services Act.

The out building on which the order was issued is finished and equipped as an assembly occupancy facility complete with commercial type kitchen, pub type bar, raised entertainment stage, dance floor, sound and lighting system, table and chairs capable of accommodating a group of people in excess of 150 persons.

The out building on which the order was issued is not approved for assembly occupancy. The building is deficient with regard to egress (exiting), emergency lighting and required approvals, e.g., provincial electrical inspector, gas inspector, City zoning bylaws, building codes and Fire Codes.

The work required to attain a satisfactory level of life safety will have to meet all Local and Provincial approvals. The requirements are as follows:

Documentation that the outbuilding conforms to all B.C. Building Code requirements for assembly occupancies for the out building on which the Order was issued.

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- Documentation that the outbuilding conforms to all B.C. Riectrical Code requirements for assembly occupancies for the out building on which the Order was issued.
- Documentation that all gas fittings and appliances conform to all B.C. Provincial Gas Regulations for the out building on which the Order was issued.
- Acquire appropriate zoning to allow for assembly occupancy at 1552 Burns
   Road for the out building on which the Order was issued.
- A fire hydrant must be installed and operational within 90 meters of the out building on which the Order was issued.
- Provide clear and unobstructed access of at least 15 feet on all four sides of the building to allow for unrestricted fire fighter tactics for the out building on which the order was issued.
- All designs for roads and access routes must conform to B.C. Building Code sections 3.2.5.6 and 3.2.5.7 as well as good engineering practice that lead to the out building on which the order was issued.
- Building must conform to all 1992 British Columbia Fire Code requirements and pursuant regulations to the out building on which the Order was issued.

The building remains under the Order that there be no usage for assembly occupancies. If there is any assembly occupancy of the building, or if the measures outlined above are not completed by December 31 of this year, enforcement action may be taken without further notice.

Sincerely.

Kandy C. Shaw

Local Assistant to the Fire Commissioner

Fire Chief

Port Coquitlam Fire/Rescue

RCS/cl

Enc.

cc: Al Troughton

Regional Fire Commissioner

Greg Beaumont

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IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

1

THE CORPORATION OF THE CITY OF PORT COQUITLAM

ÄND

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

AFFIDAVIT

Barry Williamson

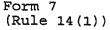
LIDSTONE YOUNG ANDERSON
Barristers and Solicitors
1616 - 808 Nelson Street
Box 12147, Nelson Square
Vancouver, B.C. V6Z 2H2
Telephone: (604) 689-7400

File No. 19-389

BW/12-116.98ah

7

File No. 19-389





NO. A963544 VANCOUVER REGISTRY

HE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

#### APPEARANCE

Enter an appearance on behalf of:

David Francis Pickton, Robert William Pickton, Linda Louise Wright and Piggy Palace Good Times Society

Address:

c/o 900-777 Hornby Street

Vancouver, BC V6Z 1S4

Address for Delivery:

900 - 777 Hornby Street

Vancouver, BC V6Z 1S4

Fax number for delivery: (604) 689-3292

Dated November 1, 1996

Solicitor for the Defendants

NOTICE TO DEFENDANT ENTERING THE APPEARANCE

Rule 21(5) provides that where a defendant has entered an appearance he or she shall file and deliver his or her statement of defence within 14 days from the time limited for appearance or from the delivery of the statement of claim, whichever is the later.

The statement of claim may be endorsed on the writ of summons or it may be a document separate from the writ of summons.

IF YOU FAIL to file and deliver the statement of defence within the time allowed, JUDGMENT MAY BE TAKEN AGAINST YOU without further notice.

NO. A963544 VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

The Corporation of the City of Port Coquitlam

PLAINTIFF

AND:

David Francis Pickton Robert William Pickton Linda Louise Wright Piggy Palace Good Times Society

DEFENDANTS

M U APPEARAN

3-1 JPS/eh

Barristers and Solicitors 900 - 777 Hornby Street Vancouver, BC V6Z 1S4 Phone: (604) 689-3242 Fax: (604) 689-3292 Jeffrey P. Scouten CROSSIN & SCOUTEN

Form 92 (Rule 26(1))

NO. A963544 VANCOUVER REGISTRY

#### IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

#### DEMAND FOR DISCOVERY OF DOCUMENTS

TAKE NOTICE that the Defendants demand that you make discovery of all documents which are or have been in your possession or control relating to any matter in question in this action within (21) days from the delivery of this demand.

DATED at Vancouver, British Columbia, this 15th day of November, 1996.

Solicitor for the Defendants

TO:

The Plaintiff

AND TO: Its Solicitor

THIS DEMAND FOR DISCOVERY OF DOCUMENTS is made by Jeffrey P. Scouten, solicitor for the Defendants of the firm of Crossin & Scouten, Barristers and Solicitors, whose place of business and address for delivery is 900 - 777 Hornby Street, Vancouver, B.C., V6Z 1S4. Phone: 689-3242

1.,.

253-1 JPS/rvw

Barristers and Solicitors 900 - 777 Hornby Street Vancouver, B.C.

JEFFREY P. SCOUTEN CROSSIN & SCOUTEN

Phone:

(604) 689-3242

V6Z 1S4

DEMAND FOR DISCOVERY OF DOCUMENTS

DEFENDANTS

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

PLAINTIFF

THE CORPORATION OF THE CITY OF PORT COQUITLAM

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

NO. A963544 VANCOUVER REGISTRY

NO. A963544 VANCOUVER REGISTRY

# IN THE SUPREME COURT OF BRITISH COLUMBIA

# BETWEEN:

# THE CORPORATION OF THE CITY OF PORT COQUITLAM

**PLAINTIFF** 

AND:

# DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

# LIST OF DOCUMENTS OF THE PLAINTIFF

<u>PART 1</u> -	DOCUMENTS TO WHICH THERE IS NO OBJECTION TO PRODUCTION		
DOC.#	DATE	DESCRIPTION	
1.	Aug. 18, 1980	Copy of plan showing portion of forms on Lot 6 of Sections 384 of Block 6N, Range 1 E., New Westminster District, Plan 7491.	
2.	Sept. 20, 1995	Copy of stop work order for 2552 Burns Road.	
3.	Sept. 20, 1995	Copy of inspection notice for 2552 Burns Road.	
4.	Sept. 21, 1995	Copy of building permit approval checklist for 2552 Burns Road.	
5. `	Sept. 26, 1995	Copy of permit No. 95-687 for an accessory building.	
6.	Sept. 26, 1995	Copy of application for a building permit for 2552 Burns Road.	

GA/12-96.16ah

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File No. 19-387

7.	Sept. 28, 1995	Copy of Engineering charges for Building Permit No. 95-687.
8.	Feb. 8, 1996	Copy of letter from Alan F. Brown of Riviera Real Estate Consulting and Appraisals to Carlos Felip, Director of Planning.
9.	Feb. 13, 1996	Copy of letter from Carlos Felip, Director of Planning to Alan F. Brown of Riviera Real Estate Consulting and Appraisals.
10.	March, 1996	Copy of page 1 from ALC Handbook re use of land reserve.
11,	Apr. 2, 1996	Copy of letter from L.M. Traboulay, Mayor to Dave Picton (sic).
12.	Apr. 23, 1996	Copy of memos from Tony Chong and Susan Rauh to Greg Beaumont.
13.	Apr. 24, 1996	Copy of Bylaw and Licencing Dept. complaint at 2552 Burns Road.
14.	Apr. 26, 1996	Copy of property inquiry for 2552 Burns Road.
15.	Apr. 29, 1996	Copy of letter from Greg Beaumont, Manager of Bylaw and Legislative Services to Robert W. Pickton re soliciting for paid social events, with handwritten note dated May 6, 1996.
16.	Apr. 29, 1996	Copy of letter from Greg Beaumont, Manager of Bylaw and Legislative Services to David F. Pickton re soliciting for paid social events.
17.	Apr. 29, 1996	Copy of letter from Greg Beaumont, Manager of Bylaw and Legislative Services to Linda Wright re soliciting for paid social events.
18.	May 1, 1996	Copies of registered mail cards acknowledging delivery.
19.	May. 6, 1996	Copy of acknowledgement card for registered mail item.

20.	Sept. 25, 1996	Copy of excerpt from Protective Services Committee meeting minutes re Piggy's Palace.
21.	Sept. 25, 1996	Copy of newspaper ad in Tri-City News.
22.	Sept. 26, 1996	Copy of property tax account inquiry.
23.	Sept. 27, 1996	Copy of letter from Greg Beaumont, Manager, Bylaw and Legislative Services to David Pickton re Piggy's Palace, with handwritten note.
24.	Sept. 27, 1996	Copy of memo from S. Rauh, City Clerk to Mayor and Councillors re Piggy's Palace.
25.	Sept. 27, 1996	Copy of memo from Randy Shaw, Fire Chief to Susan Rauh, City Clerk re 2552 Burns Road property with handwritten notes.
26.	Oct. 11, 1996	Copy of memo from Susan Rauh, City Clerk to T. Chong, Administrator re Piggy's Palace with attachments.
27.	Oct. 15, 1996	Copy of memo from John Shardlow, Director of Building Permits and Inspections to S. Rauh, City Clerk re regulations for buildings on agricultural land.
28.	Oct. 15, 1996	Copy of company search for Piggy Palace Good Times Society.
29.	Oct. 16, 1996	Copy of memo from Carlos Felip to Greg Beaumont re Piggy's Palace.
30.	Oct. 17, 1996	Copy of letter from Greg Beaumont, Manager of Bylaw and Legislative Services to Bill Malone, Director of Piggy's Good Time Society.
31.	Oct. 17, 1996	Copy of memo from John Shardlow, Director of Building Permits and Inspections to S. Rauh and G. Beaumont.
32.	Oct. 17, 1996	Copy of memo from C.F. Morris, Engineering Technician to G. Beaumont, Manager, Bylaw and Legal Services re "Piggy Palace" 2552 Burns Road.

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File No. 19-387

33.	Oct. 17, 1996	Copy of fax cover sheet from David Currie of the Ministry of Health and Ministry Responsible for Seniors to Greg Beaumont re Piggy's Palace.
34.	Oct. 18, 1996	Copy of memo from John Shardlow, Director of Building Permits and Inspections to S. Rauh and G. Beaumont re 2252 Burns Road.
35.	Oct. 23, 1996	Ad in Tri-City News for Piggy's Palace Halloween dance.
36.	Oct. 24, 1996	Copy of R.C.M.P. fax from Insp. R.E. Moulton to Susan Rauh re Piggy's Palace.
37.	Oct. 24, 1996	Copy of title search.
38.	Oct. 26, 1996	Copy of poster announcing Halloween dance at 2552 Burns Road.
39.	Nov. 5, 1996	Copy of memo from Tony Chong to Susan Rauh re Piggy's Palace.
40.	Nov. 7, 1996	Copy of memo from Cheryl Lalonde to Susan Rauh re Burns Road property - memo of Sept. 27, 1996.
41.	Nov. 7, 1996	Copy of memo from Susan Rauh to Greg Beaumont and from Cheryl Lalonde to Susan Rauh re Burns Road property.
42.	Undated	Copies of four hand drawn sketches of 2552 Burns Road.
PART 2 -	DOCUMENTS V	VHICH HAVE BEEN BUT ARE NOT NOW IN

PART 2 - DOCUMENTS WHICH HAVE BEEN BUT ARE NOT NOW IN POSSESSION OR CONTROL

NIL.

# PART 3 - DOCUMENTS FOR WHICH PRIVILEGE FROM PRODUCTION IS CLAIMED

1. All notes and correspondence which have come into existence or have been made confidentially for the purpose of obtaining for or furnishing to the solicitors for the plaintiff evidence to be used in litigation pending, threatened or anticipated and for the purpose of instructing the solicitor for the plaintiff.

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2. Any other documents, notes or memoranda prepared by The Corporation of the City of Port Coquitlam or its solicitor with a view to this litigation on the grounds that such documents are privileged as being communication between solicitor and client.

TAKE NOTICE that the documents listed in Part 1 may be inspected during normal business hours at the offices of Lidstone, Young, Anderson, Barristers & Solicitors at #1616 - 808 Nelson Street, Vancouver, B.C., V6Z 2H2.

TO: The Defendants AND TO: Their Solicitor

DATED at the City of Vancouver, in the Province of British Columbia this 3rd day of January, 1997.

Solicitor for the Plaintiff

THIS LIST OF DOCUMENTS is given by Grant Anderson, Esq. of the law firm Lidstone, Young, Anderson, solicitors for the Plaintiff whose place of business and address for delivery is at #1616 - 808 Nelson Street, Box 12147, Nelson Square, Vancouver, B.C., V6Z 2H2; Telephone: (604) 689-7400; Facsimile: (604) 689-3444.

# NO. A963544 VANCOUVER REGISTRY

# IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

**PLAINTIFF** 

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

*************************

LIST OF DOCUMENTS OF THE PLAINTIFF

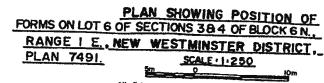
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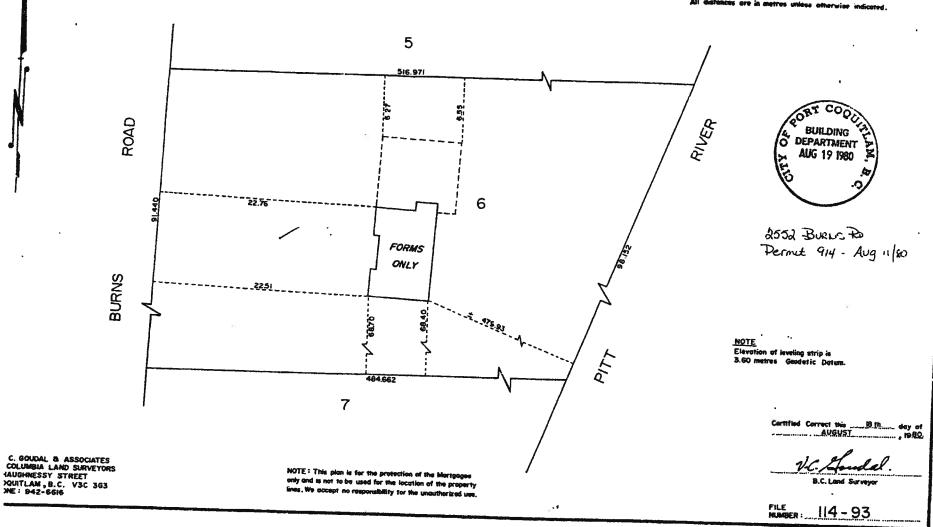
## Grant Anderson

LIDSTONE YOUNG ANDERSON
Barristers and Solicitors
1616 - 808 Nelson Street
Box 12147, Nelson Square
Vancouver, B.C. V6Z 2H2
Telephone: (604) 689-7400

GA/12-96.16ah

File No. 19-387





# THE CORPORATION OF THE CITY OF PORT COOUITLAM BYLAW NO. 3000

# SCHEDULE O

# STOP WORK ORDER

ADDRESS OF PROPERTY: 2552 BURNS. POAD.

# TO WHOM IT MAY CONCERN:

All work on the building on the real property on which this Order is posted is directed to be stopped immediately, by Order of the undersigned Building Inspector of The Corporation of the City of Port Coquitlam, from whom the reasons for this Order may be obtained at the Building Department office in the City Hall, Port Coquitlam.

Failure to immediately comply with this Order is a violation of the "Building and Plumbing Bylaw, 1995, No. 3000" and may result in the imposition of the penalty provided by the Bylaw, to a maximum of \$10,000.00 and six months

DATE OF POSTING OF ORDER

TIME OF POSTING

-7-1-01 1001110

BUILDING INSPECTOR

City of Port Coquitlam Building Department 2580 Shaughnessy Street Port Coquitlam, B.C. V3C 2A8

# **CITY OF PORT COQUITLAM**

# INSPECTION NOTICE

DATE: Sept. 20, 1995

ADDRESS:

2552 Burns Road (lot 6, plan 7491)

PERMIT #:

N/A

TYPE OF INSPECTION:

Supplementary - Work Without Permit

- 1. No person shall commence or continue any construction, alteration or repair of any building or structure unless a valid and subsisting building permit has been issued for the work by a building inspector. Refer to the City of Port Zoquitlam Building & Plumbing Bylaw.
- 2. Do not proceed with construction until a building permit has been obtained.
- 3. Please submit an application for a building permit within 14 days.
- 4. Stop Work Order Posted.

INSPECTOR-

SIGNATURE:

. . .

FORM NO. 002/93 SEPT- 21, 1995 4

# BUILDING PERMIT APPROVAL CRECKLIST

#### FOR SINGLE FAMILY DWELLING, TWO FAMILY DWELLING, ACCESSORY RESIDENTIAL BUILDINGS

Address 1552 BURNS Re	Lot No. 6
Permit No. 95-687 Zoning A-1	
Single Family Dwelling Two Fa	mily DwellingOther Jonato Blob.
Description of work RENOURTION	TO EXISTING BUILDING
1. ZONING REQUIREMENTS	FOR STORAGE
A. Accessory Building Lot Coverage	
Lot Area = 435.600 sq. Ft.	Lot Size /O ALRES
Max. Allowable Lot Coverage Sq. Ft.	Does Building Fit on Lot Existing  30 X 36 = 1080  Cantilevers
Proposed Lot Coverage Sq. Ft.	- w
	Second Floor Encroachments
B. Dwelling Lot Coverage	Dwelling Sq. Ft.
Lot Area = Sq. Ft.  Max. Allowable	Accessory + Sq. Ft. Proposed Lot Coverage Sq. Ft.
Max. Allowable Lot Coverage Sq. Ft.	Proposed Lot CoverageSq. Ft.
C. Minimum Setback Requirements	
Required Proposed	Required Proposed
Front Yard N/A	Interior Side Yard N/N .
Rear Yard Ar/A	Exterior Side Yard
	ZONING REVIEWED BY:
2. ARE THERE ANY RASEMENTS OR RIGHT	OF UAVES A)/d
Location Plan #	
	TAL LAND RESERVE? YF3
	IN ARRA? YES!
	ITS?AN
Type(s)	
	APPROVAL REQUIRED?
Date Date Approved: Not Approved:	····-
7. BUILDING CODE REVIEW COMPLETED BY	
	Checklist Items Continued on Page Two
	onecarrat reams contrinted on rage 1wo
8. ITEMS TO RECTIFY BEFORE PERMIT IS	SSUANCE
See Attached Comments Yes N/A	
TYPE ROOF SHEATHING	
•	Checked By:
•	Checked By:Date:
FEG \$84.00	~45~· `

D:\Citv of Port Coguitlam\Citv of Port Coguitlam v. D. Pickton. L. Wright. R. Pickton & Piggv Palace Good Times Society. S.C.E

# PAGE TWO

Wall Area	Percent Permitted	Limiting Distance	Openings Perm'd	Actual	Amount Exceede
nt					
•					
				· · ·	
it					
LOT GRADING	AND ELEVATION	N REVIEW N/A			
F.E	M.B.E	M.O.E.	Co	rner Eleva	tions
FILE SEARCE	ı <u> </u>	_			
ew Microfil	n	Demolition Pe	ermit?		
MARSHALL A	ND SWIFT RESI	DENTIAL ESTIMA	ATOR		
Т	ype 1.	Single Pamily	3. Town House	, End Unit	5. Duplex
8073 Z	2.	Low-rise Multiple	4. Town House	, Inside Unit	
		Low	3. Average	/	5. Very Good
		Pair	4. Good		6. Excelient
		164		100	•
<u>0</u> E	•		. /		
C	2.	Worn Out Badiy Worn	<ol> <li>Average</li> <li>Good</li> </ol>		<ol><li>Very Good</li><li>Excellent</li></ol>
One-Story Two-Story Three-Story	6. 1. 7. 2.	5 Story Fininshed 5 Story Unfinished 5 Story Finished	9. 10. 11.	3.5 Story Fini 3.5 Story Uni Bi-Levei	shed Inished
4. Splt-Level		5 Story Unfinished			
Heating:	eating and Cool	•/		ating & Coolin	
. Forced Air . Gravity Purr		eiling, Radiant, Elec aseboard, Electric	tric 11.	. Warmed and . Heat Pump S	
<ol> <li>Ploor Furnac</li> <li>Wall Furnac</li> </ol>		aseboard, Hot Water adiators, Hot Water		oling only: . Evaporative :	with Ducts
5. Ploor, Radia	,	adiators, Steam		. Refrigerated	with Ducts
Wood Prame:	Exterior Wali		Masonary:		•
I. Plywood	4. Siding		7. Common B		Concrete Block
3. Stucco		nry Veneer	9. Stone		
	Roofing		7. Odward		Neada 19ta
1. Compositio Shingle		I Shake	7. Galvanized	i Miciai 10. 1	Plastic Tile
<ol> <li>Built-up Ro</li> <li>Wood Shin</li> </ol>		rete Tile Tile .	8. Slate 9. Compositi	on Roll	
al Multiplier	_	1.42	# Plumbing Pixt	nics	
Architect's Fee pliance Allowand		0	# Pull Baths # Half Baths # Rough-ins		
Attached Garage Detached Garage			SF Wood Deck SF Wood Balco	nv	
Built-in Garage Flat Roof Carpo			Fits Wood Stair	way	
Total Basement Baset UnFinishe			Fits Cement Sta # Single Firepla		
Bamt Finished	` -		# Double Firepl		
Bamt Garage or % Slab on Gr	ound	<del></del>			<del></del>
J. A DIEV VII GI					
			Save		GIL GI2





# 2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2A8 / PHONE: 944-5411

APPLIC. DATE 09/26/95 PERMIT NO. 95-687

This permit is issued to the Owner/Agent named below, for the purposes of the construction, demolition, building moving, plumbing or related work described herein. The validity of this permit is subject to compliance with the plans and other documents submitted with the permit application, and to the compliance with the "Building and Plumbing Bylaw".

**ADDRESS** 

2552-2558 BURNS RD

LOT 6

PLAN 7491

ZONING A-1

OWNER

PICKTON, DAVE

953 DOMINION AVENUE PORT COGNITLAM, BC

V30 3V4

941 6494

BUILDER PICKTON, DAVE 953 DOMINION AVENUE

PORT COGLITLAM, BC

V3C 3V4

941 6494

PURPOSE

Accessory Building

OCCUPANCY Storage Shed

Renovation

CONSTRUCTION VALUE \$6,000.00

CONSTRUCTION AS PER PLANS SLIBMITTED

SIGNATURE OF RILL PROPERTY OF TELEPHONE 941-2690

PERMIT FEES AND DEPOSITS:

Permit Fee

72.00

Per Const Value

72,00

Microfilm Fee

12.00

Standard Fee

12.00

TOTAL FEES AND DEPOSITS

84,00

THE ISSUANCE OF THIS PERMIT SHALL. IN NO CASE BE TAKEN AS ASSUMPTION OF RESPONSIBILITY BY THE CITY FOR ERRORS OR VIOLATIONS OF CODES, STATUTES OR BYLAWS.

BUILDING

Ed. Hoffrey DATE RELEASED

11/01/95

(·

# THE CORPORATION OF THE CITY OF PORT COQUITLAM SCHEDULE A APPLICATION FORM FOR A BUILDING PERMIT

APPLICATION DATE: SEPT 20)	195
construct, repair or alter the following building or structur Bylaws and to indemnify and keep harmless the City aga of whatever kind, which may in any way accrue agains granting of this Permit, if issued.	the provisions of the pertinent Bylaws for permission to re and agree to comply with all the requirements of the said ainst all claims, liabilities, judgements, costs and expenses at the said City in consequence of, and incidental to, the
BUILDING SITE ADDRESS 2552-58	7,10,1
PARTIAL LEGAL DESCRIPTION: Lot #	Plan #
OWNER	CONTRACTOR
DAUE PICKTON	SECF Name
953 Dominion AUR	<i>y</i>
Address	Address
PORT COQ	
City	City
D3C-3U4 Postal Code Telephone/Fax	Postal Code Telephone/Fax
PROPOSED WORK	Use of Proposed Building:
New Add Renovate	Residential
Estimated Construction Value:	Industrial
s 6000.	
Existing Buildings on Lot? (specify)	Occupancy Use: (specify)  FARM USA
	We do not plan review at the counter. Incomplete
OFFICE USE ONLY 95-687  Bldg. Permit No.:	drawings may delay your permit application. Your signature acknowledges your acceptance of this policy.
Plbg. Permit No.:	APPLICANT (Note: when applicant is not the
Zoning: A-/	owner Schedule A-1 must be completed)
A Fee Paid: 650, CH(V CA()	Name
Receipt:B# 8933 O(7B()A()	Signature
Comments:	Telephone/Fax
	CEC PID

3000

# City of Port Coquitiam Engineering Charges for a Building Permit

Project Address: 25	52-2558 Burns Road	Puilding De			
	#: 7491				
	ave				
	on Avenue			Z3, 1945	<del></del>
	tlam ar		udit #: 249/	75	
		Tax Roll #:	(		
Phone #941_6494		<del> </del>			
Item	Account #	Details	GST Taxable Amount	GST Exempt Amount	]
Water Meter	PJ25-749				
Storm Connection	PJ50-749				
Culvert	PJ62-749				
Curb/Sidewalk Letdov	vn PJ74-749	Ú	/		
Curb/Sidewalk Fill-in	PJ77-749	,		(49) / S	
Inspection Fee	3 7212511711	1845 /			
Other:		V'			
Other:		9.00			[
Other:					1
	Sub Total	<del></del>			
	Goods & Service	s Tax		3341009003031	
	Sub Total Fwd to	exempt column		HOLE A CONTRACT OF THE PARTY OF	
Water Connection	PJ10-749	· · · · · · · · · · · · · · · · · · ·			1
Sanitary Connection	PJ30-749		A.E. B.		1
Water User Fees	5 3301101702		Breisel attack		1
Sewer User Fees	8 3301101702				1
Garbage Collection	3 7261453702		Si Si		1
Late Comer Fees	3 1025699461		74		Letter of Credit
HUP Permit Fee	3 7212511714				
Highway Use Security	9 8921975991		<del></del>		<del> </del>
Parks DCCs	9 697 _ 975991		0		
Roads DCCs	9 699 _ 975991	,			<u> </u>
	0 000 _ 0,0001				
Drainage DCCs	9 69≸_ 975991	<u> </u>			<del> </del>
Water Area # DCCs	9 696 975991	· · · · · · · · · · · · · · · · · · ·			<del> </del>
Sanitary Area # DCC	<del></del>				<del> </del>
	0 000 _ 070001		TOTAL		
NOTES:		L	TOTAL	1	
	only for six months from di		Engineering Appr	mat () [[]	
-	credit to Engineering Office upgrade see attached T/A	•	Date Approved: _		195
0. 1 01 0113116 3014003	opgrade see attached I/A	Checkist a Okelon			
REMARKS:			Date Paid:		
		Loc. Doc. No.:			
		100 00 00 00 00 00 00 00 00 00 00 00 00	Bank:		
			Client:		
			Explry Date:		
					i i
DISTRIBUTION:	White: Treasury	Blue: Building	Pink: Eng	Ineering	

Yellow: Applicant

Green: Collections

Riviera Real Estate Consulting and Appraisals 8738 Stave Lake Street, Mission, B.C. V2V 6B2 Phone: (604) 826-9122 Fax: (604) 854-6115

February 8, 1996

City of Port Coquitlam 2580 Shaughnessy Street Port Coquitlam, B.C. V3C 2A8

Attention: Mr. Carlos Felip

Director of Planning

Dear Sir:

Re: 2552 and 2558 Burns Road, Port Coquitlam, B.C.
Legal: Lot 6 Sections 3 and 4 Block 6 North Range 1 East NWD District Plan 7491
PID: 008-057-621

The subject property comprises of 11.31 acres. I would like you to confirm the following information. The subject property is zoned A-1 and lies within the Agricultural Land Reserve. The Official Community Plan has the area designated as Agricultural. The Planning Department would not support an application to remove the subject property from the Agricultural Land Reserve nor an application to subdivide the subject properties.

I require this information on behalf of the owners regarding a Property Assessment Appeal. I would appreciate receiving your written response as soon as possible.

Alan F. Brown

Yours trub



Yelly of PORT COQUITLAM.

2580 SHAUGHNESSY STREET, PORT COQUITLAM, B.C. V3C 2A8 / PHONE: 944-5411 / FAX: 944-5402

File: 2552 & 2558 Burns Road

February 13, 1996

Riviera Real Estate Consulting and Appraisals 8738 Stave Lake Street Mission, BC V2V 6B2

Attention:

Mr. Alan F. Brown

Dear Sir:

Re: 2552 and 2558 Burns Road, Port Coquitlam, BC

Further to your letter of February 8, 1996 regarding the status of the above mentioned property, the Planning Department can provide the following comments:

- 1. The above property is located within the Agricultural Land Reserve and is zoned Agricultural (A-1);
- 2. The Official Community Plan of Port Coquitlam designates the property as Agricultural;
- 3. Although the subdivision of land is handled through the Engineering Department, the Planning Department does comment on these applications. The Planning Department has consistently not supported subdivisions within the Agricultural Land Reserve (ALR) in the past. The Agricultural Land Commission has also been quite reluctant to allow change within the ALR. The fate of all applications within the ALR is determined by City Council and the Agricultural Land Commission.

If you have any questions or comments regarding the above information, please contact Mr. Charles Goddard or myself between the hours of 8:30 am and 4:30 pm, weekdays.

Carlos Felip, M. Arch., M.C.I.P.

Rogistered Planner, Director of Planning

CG/cjh

w\word\letters\feb96\burn2552





# 15. Use of land reserve

- 15. (1) Subject to subsection (1.1), this section and sections 16 to 22 apply to agricultural land(1) designated as an agricultural land reserve(2).
- (1.1) For greater certainty, if the boundary of an agricultural land reserve divides a parcel of land, this section and sections 16 to 22 apply only to that portion of the parcel that is designated as an agricultural land reserve.
  - (2) No person shall use agricultural land(3) for any purpose other than farm use(4), except as permitted by this Act, the regulations or an order of the commission(5), on terms the commission may impose.
  - (3) In addition to the limitations set out in section 23 (1) of the Land Title Act, a certificate of title heretofore issued for agricultural land(6) is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve(7) and farm use(8) of the land.
  - (4) The registrar of titles shall endorse on every indefeasible title to agricultural land(9) hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983; 1994-25-5.

## 16. Further use

- 16. (1) After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission (10),
  - (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the *Local Area Act* may not permit agricultural land(11) to be used for other than farm use(12), or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
  - (b) an approving officer may not approve a subdivision of agricultural land under the Land Title Act, the Condominium Act or the Municipal Act; and
  - (c) a board of variance may not permit agricultural land to be used for other than farm use under the Municipal Act.
  - (2) Subsection (1) (b) applies to any person who exercised the authority of an approving officer under any other Act.

1973-46-10; 1978-25-332;1994-25-6.

Page 1



Charo



April 02, 1996

Mr. Dave Picton 953 Dominion Avenue Port Coquitlam, B.C. V3P 1A8

Dear Dave, Bill and Tammy:

Joanne and I would like to thank you for inviting us to your fabulous party last Saturday.

The party was a great success and we had a wonderful time. The food was delicious (and there was lots); the bar prices were very reasonable and the music was lively. Most of all though, the hosts and the guests were friendly and courteous.

Best wishes and continued success.

L. M. Traboulay

Mayor

LMT/ml

**Greg Beaumont** 

From: To: Susan Rauh Greg Beaumont

Subject:

FW: Bylaw Issues

Date:

Tuesday, April 23, 1996 4:38PM

Greg, see attached from Tony, please update me on this ASAP if Mike has been approached phone him and see what information you can obtain regarding a phone number or address. Susan

From: Tony Chong To: Greg Beaumont Cc: Susan Rauh

Subject: FW: Bylaw Issues

Date: Tuesday, April 23, 1996 4:21PM

Greg,

Do you have any more updates/information on the Piggy Palace?

I understand that they have solicited Mike Forrest (organizer for grad night) to hold the 1996 after grad there.

Looking forward to receiving more info. Thanks.

From: Tony Chong To: Greg Beaumont

Cc: Susan Rauh; Kathleen Vincent

Subject: Bylaw Issues

Date: Friday, March 22, 1996 5:27PM

Greg,

The Mayor raised the following issues recently:

1. The Pictons have apparently acquired a piece of property in the Northeast area of the City (either Shiloh's property or in the vicinity). Operating out of this property is apparently an unlicensed establishment called the "Piggy Palace". The Mayor has been informed that the Pictons charge people in return for a sumptuous meal consisting of on-site roast pig, etc....Could you please check into this to determine whether or not this alleged operation does exist and if so, does it violate any bylaws or other regulations?

Bail, molone

2. In view of the recent debate on legislating more non-smoking areas/facilities, the Mayor is enquiring as to what provisions the City presently have to provide (for a fee) non-smoking signs for various establishments to make it easier for compliance and enforcement if necessary? At one time, the City sells signs over the counter. Is this practice still on going?

May I please have a response in a week's time on these two issues if possible? Thanks.

Page 1

15

7356 T

# The City of Port Coquitlam Bylaw & Licencing Department

DATE: April 24/86
DATE: 17716
TO: Bylaw/Licencing Clerk
FROM: Jedt. 123080-000
RE: Complaint at: 2257 Bunns G
Please send a letter by: Certified Mail / Regular Mail / Hand Deliver / Fax
RE: Bylaw # 2240 Section 701
Specifically: Paid social events on A-1 yours
Somera
Additional Comments to be included in standard letter:
Do. withen - please also address
same like to other property owners
Robert W. Picketon (same as Dane)
Conda C. Wright
PID
marie you!
W. LETTERS PICKTONI. DOL
and and in the later





Bylaw Services Division; Phone: 944-5440, Fax: 944-5401

Certified Mail LC# 012 811 040

April 29, 1996

Robert W. Pickton 953 Dominion Avenue Port Coquitlam, B.C. V3C 3V4

Dear Mr. Pickton,

RE: Soliciting for Paid Social Events: Zoning Bylaw, 1995, No. 2240

AT: 2552 Burns Road, Port Coquitlam, B.C.

It has come to our attention that a Mr. Bill Malone, apparently acting on your behalf, contacted a Terry Fox Grad Night Committee member in order to solicit their patronage of an on-site establishment at the property noted above for this year's after-grad festivities.

On a related matter, it came to our attention in January that a Valentine's Day party which included dinner and live music at the property noted above was advertised via pamphlets placed on car windshields in the City of Port Coquitlam.

Please note that this property is zoned as Agricultural use (A-1): paid social events of this nature are not permitted uses of the property. Zoning Bylaw, 1995, No. 2240 states:

# 701. AGRICULTURAL ZONE 1 (A-1)

- (1) <u>USES PERMITTED</u>:
  - (a) Agricultural
  - (b) One-family residential
  - (c) Boarding
    - (i) shall be limited to a maximum of four boarders or one family.



- (ii) shall be within a building for one-family residential use.
- (d) Accessory Residential
- (e) Accessory Produce Sales:
  - (i) shall not exceed a gross floor area of 11 m² (1184.07 sq. ft.)
  - (ii) shall be limited to one per lot.
- (f) Child Care

Please be advised that activities such as paid social events and other such uses not permitted in accordance with the bylaw noted above subject the property owners to fines and/or court action; however, you will undoubtedly be taking preventative measures to make this step unnecessary.

Thank you for your anticipated cooperation in regard to the foregoing. For more information, please contact Jeff Brovold at 944-5411, local 240.

Yours truly,

Greg Beaumont
Manager of Bylaw and Legislative Services

cc:

T. Chong, City Administrator

S. Rauh, City Clerk

W.L.Zapotichny, Superintendent Coquitlam RCMP

/ljm

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STATION 153
            USER BLC - Bylaw Clerk Temp
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      APRIL 26, 1996
                          2:28 PM
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BC210#Z1
                      Property Inquiry - Owners
 R/N
     723080 - 000
                              PID 00008057621 LTD BF141899
 Addr BURNS
                      RD
                                  2552-2558
                                                     Date 042696
 Plan 00007491 Lot 00006
                                * PICKTON. DAVID F.
                  SC
                    3&4 TW
                                  953 DOMINION AVENUE
                7491 DL
                         LD 36
                                  PORT COQUITLAM, B.C.
                                                          V3C3V4
 PICKTON, DAVID F.
                                   PICKTON, ROBERT W.
 953 DOMINION AVENUE
                                   953 DOMINION AVENUE
 PORT COQUITLAM, B.C.
                                  PORT COQUITLAM, B.C.
                          V3C3V4
                                                           V3C3V4
 WRIGHT, LINDA L.
 2696 MCBAIN AVENUE
 VANCOUVER, B.C.
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                       (4) ytd tran
                                   (6) balances
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 (11) loc imp (12) sales
                       (13) comments (14) attrib's (16) exit
                                                      (29) pf keys
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BC210#Z1
                     Property Inquiry - Owners
R/N 723080 - 000
                            PID <u>00008057621</u> LTD <u>BF141899</u>
Addr BURNS
                     RD
                                2552-2558
                                                  Date 042696
Plan 00007491 Lot 00006
                              * PICKTON. DAVID F.
                               753 DOMINION AVENUE
         <u>6</u> BL
                SC 3&4 TW
         PL
              7491 DL
                       LD 36
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PICKTON, DAVID F.
                                PICKTON, ROBERT W.
953 DOMINION AVENUE
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WRIGHT, LINDA L.
2696 MCBAIN AVENUE
VANCOUVER, B.C.
                        V6L2C9
                                                         1992
                                                   (10) owners
 (1) tax acct (3) assesmt (4) ytd tran
                                (6) balances
                                           (7) Legal
                     (13) comments (14) attrib's (16) exit
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(11) loc imp (12) sales
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Bylaw Services Division; Phone: 944-5440 Fax: 955-5401

Certified Mail #LC 012 811 041

April 29, 1996

David F. Pickton 953 Dominion Avenue Port Coquitlam, B.C. V3C 3V4

Dear Mr. Pickton,

RE: Soliciting for Paid Social Events: Zoning Bylaw, 1995, No. 2240

AT: 2552 Burns Road, Port Coquitlam, BC

It has come to our attention that a Mr. Bill Malone, apparently acting on your behalf, contacted a Terry Fox Grad Night Committee member in order to solicit their patronage of an on-site establishment at the property noted above for this year's after-grad festivities.

On a related matter, it came to our attention in January that a Valentine's Day party which included dinner and live music at the property noted above was advertised via pamphlets placed on car windshields in the City of Port Coquitlam.

Please note that this property is zoned as Agricultural use (A-1): paid social events of this nature are not permitted uses of the property. Zoning Bylaw, 1995, No. 2240 states:

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    - (ii) shall be within a building for one-family residential use.



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  - (ii) shall be limited to one per lot.
- (f) Child Care

Please be advised that activities such as paid social events and other such uses not permitted in accordance with the bylaw noted above subject the property owners to fines and/or court action; however, you will undoubtedly be taking preventative measures to make this step unnecessary.

Thank you for your anticipated cooperation in regard to the foregoing. For more information, please contact Jeff Brovold at 944-5411, local 240.

Yours truly,

Greg Beaumont Manager of Bylaw and Legislative Services

- cc T. Chong, City Administrator
  - S. Rauh, City Clerk
  - W.L. Zapotichny, Superintendent Coquitlam RCMP

/ljm

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17





Bylaw Services Division; Phone: 944-5440, Fax: 944-5401

Certified Mail# LC 012 081 042

April 29, 1996

Linda L. Wright



Dear Ms. Wright,

RE: Soliciting for Paid Social Events: Zoning Bylaw, 1995, No. 2240

AT: 2552 Burns Road, Port Coquitlam, BC

It has come to our attention that a Mr. Bill Malone, apparently acting on your behalf, contacted a Terry Fox Grad Night Committee member in order to solicit their patronage of an on-site establishment at the property noted above for this year's after-grad festivities.

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Thank you for your anticipated cooperation in regard to the foregoing. For more information, please contact Jeff Brovold at 944-5411, local 240.

Yours truly,

Greg Beaumont

Manager of Bylaw and Legislative Services

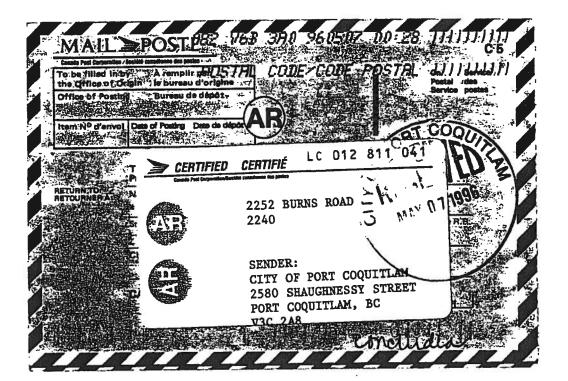
cc T. Chong, City Administrator

S. Rauh, City Clerk

W.L. Zapotichny, Superintendent Coquitlam RCMP

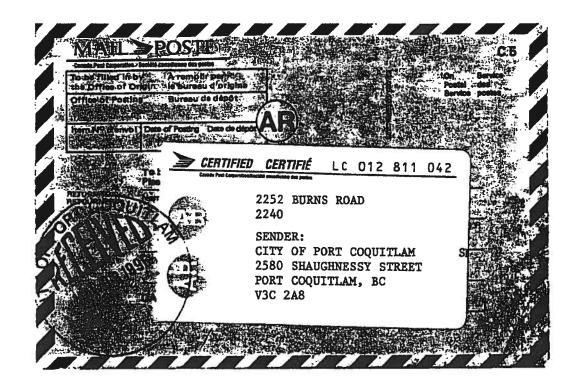
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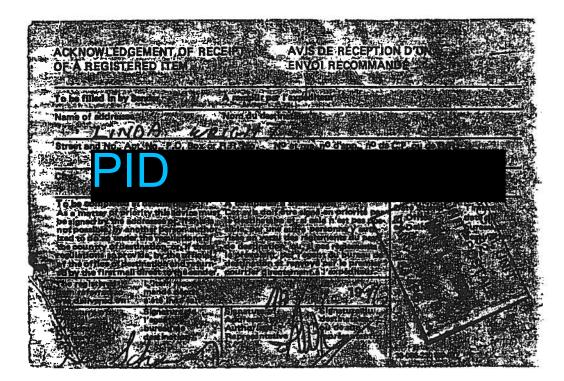


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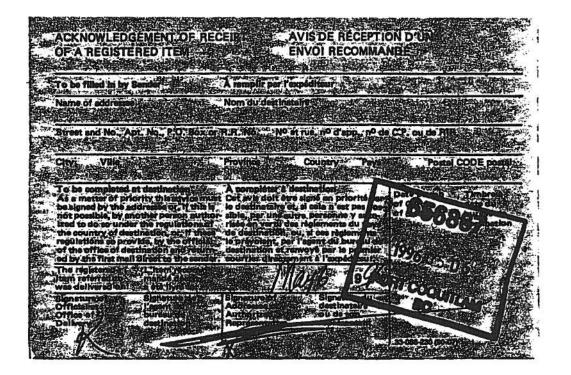
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D:\City of Port Coquitlam\City of Port Coquitlam v. D. Pickton, L. Wright, R. Pickton & Piggv Palace Good Times Society, S.C.B.

THE CORPORATION OF THE CITY OF PORT COQUITLAM

COMMITTEE MEETING SEPTEMBER 25/96.

## Page Four

• The best alarm car alarms are those that come with starter kill. This prevents the thief from being able to drive the car away, however the United States are starting to report an increase in car jacking as a result.

# 6.4 PIGGY'S PALACE:

D. Pickton has formed a registered society and built a community hall in a barn type building. They are currently advertising in the local paper as "Piggy's Palace" and hosting a dance on September 28, 1996. This use is in contradiction with the Zoning Bylaw and the Building Bylaw.

Moved by Councillor Talbot

#### Recommendation:

- The City Clerk will contact the City Solicitor with regards to what action the City can take to cover themselves for liability.
- The Inspector R.E. Moulton, R.C.M.P. will review the special occasion licence for this event.

**Carried** 

# 7. ADJOURNMENT:

# 7.1 ADJOURNMENT:

At 6:30 p.m. the meeting was adjourned.

John Shardlow Staff Resource Person	
· · · =	
Councillor Ron Talbot	<del></del>
Chairperson	
bac	

D'\City of Port Cognitlam\City of Port Cognitlam v. D. Diolston, L. Weight, D. Diolston, B. Diama, Dallar, Constitution of Cognitlam v. D. Diolston, L. Weight, D. Diolston, B. Diama, Dallar, Constitution of Cognitlam v. D. Diolston, L. Weight, D. Diolston, B. Diama, Dallar, Constitution v. D. Diolston, L. Weight, D. Diolston, D.



.AM /INE



house in Richmond.

Her replacement is former front-clerkturned-promotions-guy Hardy Dosanjh who has leapt into action, planning the fall promotions.

"We're ready to create some excitement, they to spice things up a bit," he says

Last year, Bosanjh says the unusual entertainment line-up — unusual for the local club scene at any rate — involved hiring a 16p 40 cover band every Thursday through Saturday night and a special recording act for a Saturday night appearance.

the Boo throughout the month of November.

Dosanjh was bursting to tell me about a couple more forthcoming concert nights, but the dates haven't been officially set yet so we'll have to wait to hear who those bands will be.

"I should know in a couple of days," he said.

"People can call our events line to find out."

To hear a recording of a month of Boo entertainment to come, one can dial 517-2900 and punch in code 5449 for all the details.

Cat & Fiddle ~ (1979 Brown St., Port Coquitlam)

Meridian Arms – (3261 Coast Meridian Rd., Port Coquitlam)

Golden Spike - (3224 St. Johns St., Port Moody)

Jake's Crossing - (2414 St. Johns St., Port Moody)

## THE OTHERS

PIGGY'S PALACE

DANCE Sat. Sept. 28 at 8:00 PM

Legends at 319 – (Coquitlam Best Western, 319 North Rd., Coquitlam) – Maz 'N Me's – (2620 Shaughnessy St., Port Coquitlam)

Golden Ears - (2633 Shaughnessy St., PoCo)

Wednesday Sept 25, 1996 Tri-City News page 40

# 'S UP Cat?

У

Wednesday

WING NIGHT



Saturday

**STEAK NIGHT** 

/s

IS BRUNCH



BEST PATIC ACTION IN TOWN!

1979 Brown St. Part Coquittain



Hosted by members and friends of Piggy's Good Time Society

Buffet & Beverage Call 945-6099

Society #5-35452



2552 Burns Road, Port Coquitlam

er the Show...

Dine & Dash Off To The Show Program

• Make dinner reconstitutions

NOW OPEN LATE





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Property Tax Account
                                                      Inquiry
PT2200 V1.11 (C) VADIM
                                                              Thursday 26-Sep-96
  Folio Number 224 723080.000
                                                   CT1BJ205666 01-JUL-95 YEAR:96
**CURRENT**
               Name & Address
                                                   CT2BF141899 01-APR-92+----+
               PICKTON DAVID
Int Date
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26-Sep-96
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Xref Act#
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40





Hand Delivered Sept 27/96

September 27, 1996

### MR. DAVID PICKTON

953 Dominion Avenue Port Coquitlam, B.C. V3C 3V4

Dear Mr. Pickton

SUBJECT: PIGGY'S PALACE

2552 BURNS ROAD

It has come to our attention, through an advertisement in the Wednesday, September 25, 1996 edition of the Tri-City News, that the "Piggy's Good Time Society" intends to hold a public dance with buffet and beverage service on your property at 2552 Burns Road this Saturday, September 28th.

Under the City of Port Coquitlam Zoning Bylaw No. 2240, the property at 2552 Burns Road is zoned Agricultural Zone 1 (A-1) and the use of the property is restricted to agricultural, single family residential and related uses. The use of the property for public entertainment events is prohibited.

You are therefore directed not to use the property for the proposed dance and related events, either this Saturday or on any other day.

In the event of any contravention of the Zoning Bylaw, the City may take court action against you for an injunction and costs, without further notice.

Sincerely,

Greg Beaumont

Manager, Bylaw and Legislative Services

GB/em ||MUNIHALLYCLERKYLETTERS||MISCP|ggy's Palace.dox





2580 SHAUGHNESSY STREET. PORT COQUITLAM, B.C. V3C 2AB / PHONE: 944-5411 / FAX: 944-5402

September 27, 1996

MR. DAVID PICKTON 953 Dominion Avenue Port Coquitlam, B.C. V3C 3V4

Dear Mr. Pickton

SUBJECT: PIGGY'S PALACE 2552 BURNS ROAD

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Sincerely,

Greg Beaumont

Manager, Bylaw and Legislative Services

CENTANT INCLUDENCE ETTERS MESCAPISED PRINCE DE L'ANDRE L'ALL'ACLERICA ETTERS MESCAPISED À PRINCE DE L'ANDRE L'



### THE CORPORATION OF THE CITY OF PORT COQUITLAM

### **MEMORANDUM**

DATE:

September 27, 1996

TO:

Mayor and Councilors

CC:

T. Chong, P. Eng.

City Administrator

FROM:

S. Rauh, CMC

City Clerk

SUBJECT: Piggy's Palace, 2552 Burns Road.

It has come to our attention, through an advertisement in the Wednesday, September 25, 1996 edition of a local newspaper, that "Piggy's Good Time Society" intends to hold a public dance with buffet and beverage service.

Council may recall this issue being investigated in April, 1996. At that time discussion took place between His Worship Mayor Traboulay, Manager of Bylaw and Legislative Services and the owner of the property. The determination was that the owner of the property was holding a private function, with friends, to raise money for charity.

At that time the owner was served Notice by certified mail that the property is zoned as Agricultural (A-1), that paid social events and other such uses are not permitted in accordance with the City Bylaws, and that continuing with such activity could result in fines and or court actions.

The advertisement was brought forward and discussed by the Protective Services Committee on Wednesday, September 25, 1996 at which times safety concerns were raised by the Fire Chief, the RCMP and other members in attendance.

The discussion of these safety issues in conjunction with Bylaw infractions, placed the City in dangerous liability situation should an incident occur, (i.e. fire).

page two ...

page two Piggy's Palace September 27, 1996

To this end Mr. Pickton was once again hand served notice that the use of the property for public entertainment events is prohibited and that in the event of any contravention of the Zoning Bylaw the City may take court action against him. Additionally, the Fire Chief and an Fire Inspector conducted an inspection of the premises noting a number of outstanding Fire Act requirements. Information supplied by the RCMP indicates that they have not yet filed a Special Occasion Liquor Licence, they will be monitoring the situation.

Based on information that has been investigated, the City cannot, at this time, take court action against the owner for an injunction. We will be proceeding with legal consultation and reporting to Council as this matter proceeds.

It is our understanding that Vera Harvey has arranged a meeting, with Council members (others) for Sunday, September 29, 1996 to discuss issues relating to Coyotes on the dyke. It would be ill advised of Council to meet at this particular venue at this time. His Worship has been requested by the Administrator to contact Vera Harvey requesting a new location. It is my understanding that Vera Harvey will be in contact with you individually.

Please do not hesitate to contact me if you have any questions, I can be reached at my home number being PID

Susan Rauh, CMC

City Clerk

### PORT COQUITLAM FIRE/RESCUE MEMORANDUM

DATE:

September 27, 1996

TO:

Susan Rauh

City Clerk

FROM:

Randy Shaw

Fire Chief

SUBJECT:

2552 BURNS ROAD PROPERTY

At 1036 hours on September 27, 1996, Inspector Stubbert and myself inspected the back building known as Piggy's Palace situated at 2552 Burns Road.

At that time the following information was explained to the owner Mr. Dave Pickton:

- Supply proof of fire protection equipment functionality.
- Supply proof to verify commercial cooking units' fire protection meets N.F.P.A. 96 or UL
- Electrical contractor is qualified.
- Ceiling fire separation is missing.
- Exit widths and dimensions measured and recorded.
- All exit lights and emergency lighting to function as designed.
- Obstacles to be removed from exterior exit corridors.
- Maintain fire apparatus access.
- Maintain fire fighting access.
- · Owners to supply a floor plan so the Fire Department can calculate safe occupant load.

At 1145 hours we completed our inspection and thanked Mr. Pickton for his co-operation and would expect the requested floor plan early next week.

If you require any further information please contact me at Local 494.

· Who the intrior Pine File 12th is • NFPA 13 - Springer required

Depending upon Burning Desuprings des vation - Pre alorn maple requiel

Randy Shaw

Fire Chief

Port Coquitlam Fire/Rescue

RS/cl

THE CORPORATION OF THE CITY OF PORT COQUITLAM

IN-CAMERA

MEMORANDUM

IN CAMERA

OCT 15 1996

DATE:

October 11, 1996

TO:

T.M. Chong, P. Eng. City Administrator

FROM:

Susan Rauh, CMC

City Clerk

SUBJECT:

**PIGGY'S PALACE** 

### RECOMMENDATION:

1. That Mr. Picton and the Society be requested, to confirm in writing, that they will voluntarily cease the dance hall operation, immediately;

2. That should Mr. Picton and the Society not give written confirmation that they will voluntarily cease the dance hall operation, that the City seek a Supreme Court Injunction to prevent future violations of the Zoning Bylaw.

### **ACTION:**

That the above-noted recommendation be instituted by sending Mr. Picton and the Society a letter, under our Solicitor's signature, requesting that they confirm in writing that they will voluntarily cease the dance hall operation.

The letter from the Solicitor will also provide information on what action Mr. Picton and the Society are required to take should they wish to investigate the feasibility of rezoning the property, and advise that should the City not receive a letter indicating their voluntary cease of operation, within fourteen days of notification, the City will proceed with Supreme Court injunction proceedings.

### **BACKGROUND AND COMMENTS:**

As Council is aware, Mr. Picton and Piggy's Good Time Society have been running "Piggy's Palace" operation at 2552 Burns Road. Although we would all agree that functions promoting the raising of money for a non-profit organization are useful; the operators argue that only society members and their guests attend, on a non-profit basis. We know that the Society advertises through the local papers and any member of the public may attend.

ITEM	PAGE
2	1

.../2-

page two October 10, 1996 Piggy's Palace

Currently the use of the building contravenes the Zoning Bylaw. The permitted uses of land and buildings in a A-1 zone are limited to Agricultural, one family residential, boarding, accessory residential, accessory produce sales and child care use. As such a large scale entertainment activity as noted is neither "agricultural" nor "residential" in nature. Assembly uses are permitted in the "Private Institutional - P-2" zone only although dances might be carried on in the "Community Commercial - C-3" zone.

Council has discretion whether, and in what manner to enforce bylaws, however, there are a number of other aspects that Council should take into consideration such as:

- 1. The effect of randomly enforcing zoning use issues;
- 2. Infractions under the Fire Code (see attached);
- 3. Building Code concerns (to be provided);
- Health Department inspection concerns;
- 5. Concerns expressed by the RCMP (see attached); and
- 6. Agricultural Land Commission indication that "no person shall use agricultural land for any purpose than farm use, except as permitted by this act, the regulations or an order of the Commission on terms the Commission may impose".

Susan Rauh, CMC City Clerk

SRAdr \Munikalhelert\MEMOS\COUNCIL\In-camera report on Pregy's Palace.dox

ITEM PAGE

### PORT COQUITLAM FIRE/RESCUE MEMORANDUM

DATE:

September 27, 1996

TO:

Susan Rauh

City Clerk

FROM:

Randy Shaw

Fire Chief

SUBJECT:

2552 BURNS ROAD PROPERTY

At 1036 hours on September 27, 1996, Inspector Stubbert and myself inspected the back building known as Piggy's Palace situated at 2552 Burns Road.

At that time the following information was explained to the owner Mr. Dave Pickton:

Supply proof of fire protection equipment functionality.

- Supply proof to verify commercial cooking units' fire protection meets N.F.P.A. 96 or UL
   300.
- Electrical contractor is qualified.
- Ceiling fire separation is missing.
- Exit widths and dimensions measured and recorded.
- All exit lights and emergency lighting to function as designed.
- Obstacles to be removed from exterior exit corridors.
- Maintain fire apparatus access.
- Maintain fire fighting access.
- Owners to supply a floor plan so the Fire Department can calculate safe occupant load.

At 1145 hours we completed our inspection and thanked Mr. Pickton for his co-operation and would expect the requested floor plan early next week.

If you require any further information please contact me at Local 494.

Randy Shaw

Fire Chief

Port Coquitlam Fire/Rescue

RS/cl

TEM PAGE

Government Gouvernement of Canada du Canada	COQUITIAN RCMP MEMORANDUM	NOTE DE SERVICE
Susan RAUH City Clerk City of Port Coquitiam	7	SECURITY - CLASSIFICATION - DE SÉCURITÉ  Unclass  OUR FILE - NYRÉPÉRÈNCE
S/Sgt. P.J. GIFFIN FROM R.C.M. POLICE COQUITLAM DETACHMENT		YOUR FILE - V/REFÉRENCE DAYE 1996.10.11
SUBJECT 2552 BURNS RD		

- 1. The following is submitted further to our telephone conversation of 96.10.11
- 2. On 96.09.28 RCMP attended this property as a result of a Special Occasion Licence issued under the Liquor Control and Licencing Act. The inspection of this premise found an excessive amount of liquor present. This liquor was subsequently seized and an investigation is currently underway. It should also be noted that while this liquor was being seized a Mr. MALONE( who was present at one point during the seizure, and who is listed as a director of PIGGY's PALACE GOOD TIMES SOCIETY) attended the Westwood Liquor Store and obtained another special occasion permit for the same function at the same place and time.
- 3. The position of the RCMP at this time is that there will be no further special occasion permits issued for this address. This ban will remain in effect until the current investigation is completed. The reason for the ban is violation of the liquor control act. It is also noted that it would appear there are violations under the Fire Marshall Act, the Health Act, and the Municipal Act.
- 4. Once the noted items are addressed and the current investigation is complete we will once again entertain applications for Special Occasion Permits for this property. I am further advised that the Liquor Distribution Branch has directed all liquor stores that they are not to issue permits for this property without prior police approval. If it is determined there are functions underway at this property enforcement action will be taken.

5. I trust this addresses your concerns and should you have any questions please feel free to contact me.

1TEM PAGE

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USE OF PROPERTY.



### ALC HANDBOOK March, 1996

### 15. Use of land reserve

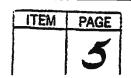
- 15. (1) Subject to subsection (1.1), this section and sections 16 to 22 apply to agricultural land(1) designated as an agricultural land reserve(2).
  - (1.1) For greater certainty, if the boundary of an agricultural land reserve divides a parcel of land, this section and sections 16 to 22 apply only to that portion of the parcel that is designated as an agricultural land reserve.
    - (2) No person shall use agricultural land(3) for any purpose other than farm use(4), except as permitted by this Act, the regulations or an order of the commission(5), on terms the commission may impose.
    - (3) In addition to the limitations set out in section 23 (1) of the Land Title Act, a certificate of title heretofore issued for agricultural land(6) is subject, by implication and without endorsement on the certificate of title, to this Act and the regulations governing the reserve(7) and farm use(8) of the land.
    - (4) The registrar of titles shall endorse on every indefeasible title to agricultural land(9) hereafter issued, that the title may be affected by this Act.

1973-46-10(1,2); 1978-25-335; 1982-60-88, proclaimed effective August 1, 1983; 1994-25-5.

### 16. Further use

- 16. (1) After December 21, 1972, except as permitted by this Act, the regulations or any terms imposed in an order of the commission(10),
  - (a) a municipality or regional district, or any authority, board or other agency established by it or person designated under the Local Area Act may not permit agricultural land(11) to be used for other than farm use(12), or permit a building to be erected on the land except for farm use or for residences necessary to farm use or as permitted by regulation;
  - (b) an approving officer may not approve a subdivision of agricultural land under the Land Title Act, the Condominium Act or the Municipal Act; and
  - (c) a board of variance may not permit agricultural land to be used for other than farm use under the *Municipal Act*.
  - (2) Subsection (1) (b) applies to any person who exercised the authority of an approving officer under any other Act.

1973-46-10; 1978-25-332; 1994-25-6.



### THE CORPORATION OF THE CITY OF PORT COQUITLAM

### **MEMORANDUM**

DATE:

October 15, 1996

TO:

S. Rauh

City Clerk

FROM:

John Shardlow

Director of Building Permits and Inspections

SUBJECT:

Regulations For Buildings On Agricultural Land

### **RECOMMENDATION:**

That this report be used for information purposes.

### **BACKGROUND & COMMENTS:**

As requested I am replying to your inquiry regarding the Building Department records and requirements for 2252 Burns Road.

There are permits for miscellaneous farm buildings since 1971 and a permit for a single family dwelling built in 1980. A Building Permit was issued in November 1995 for a \$6000 structural renovation to an existing storage shed. There have been no scheduled inspections for this work.

All building construction on farm land requires a building permit and the Building Bylaw states "No person shall occupy or use any building contrary to the terms of any permit issued".

The farm buildings such as the storage shed mentioned above are regulated by the National Farm Code. Farm buildings that do not qualify as having "low human occupancy" (an occupant load of not more than one person for each 40 square meter of floor area) are required to conform to the British Columbia Building Code in all respects. Dwelling units located on a farm are also required to conform to the British Columbia Building Code.

The Corporation of the City of Port Coquitlam

### Page Two

My concerns are matters affecting fire safety, health, and structural sufficiency if a farm building on this land has an assembly use.

- 1. Are there adequate washroom facilities? The sewer is on a septic tank designed for one house.
- 2. Health Department approval is required if food is served to the public.
- 3. There is no fire hydrant within 90 meters of the property.
- 4. They would need;
  proper exits
  emergency lighting
  fire alarm
  fire sprinklers or fire separations
- 5. Are the floors designed for a high occupant load?
- 6. Stairs and raised floor areas would need to be equipped with proper guardrails and handrails.

John Shardlow

w:\word\memos\clerks\farmcode.doc

As of: OCT 15, 1996 BC Online: COMPANIES - CORPORATE SEARCH Lterm: VITS0105 For: PQ45881 WEST COAST TITLE SEARCH LTD.

96/10/23 15:56:56

Type/Number S 0035452

SOCIETY

Name: PIGGY PALACE GOOD TIMES SOCIETY

Incorporation No: S -0035452

Incorporation Date: 11 JUN., 1996

Last Annual Report Date: N/A

Nbr of Principals: 5

In Liq: NO

Receiver: NO

Reporting: NO

Registered Office: 250 - 550 SIXTH STREET

NEW WESTMINSTER, BC

V3L 3B7

Records Office:

Director Name: TAMMY HUMENY

Address: 2553 BURNS AVENUE

PORT COQUITLAM, BC

Director Name: WILLIAM MALONE

Address:

PID

Director Name: DAVID FRANCIS PICKTON

Address: 953 DOMINION STREET

PORT COQUITLAM, BC

V3C 3V4

Director Name: ROBERT WILLIAM PICKTON

Address: 953 DOMINION STREET

PORT COQUITLAM, BC

V3C 3V4

Director Name: ALLAN WAYENBERG

Address: 2552 BURNS AVENUE

PORT COQUITLAM, BC

Difficult of Dad Casultian/Olivia Dad Casultian . D. Distance E. Marche D. Dratte et a Distance de Distance De Casultian .

### **Greg Beaumont**

From:

Carlos Felip

Sent:

Wednesday, October 16, 1996 3:37 PM

To:

Greg Beaumont

Subject:

Piggy's Palace

### Greg:

Steps to bring PP into conformity:

- 1. Obtain approval from ALC for exclusion of the land from the Land Reserve. Application forms and instructions available in the Planning Department.
- 2. Upon approval from the ALC, apply for Official Community Plan ammendment to Residential or Parks and Recreation and for Rezoning to Private Institutional P-2.
- Upon completion of rezoning, apply for building permit to upgrade the building to appropriate Building Code standards and to provide parking as per the provisions of the Development Management bylaw.

Carlos

District of Bort Cognitions City of Bort Cognitions v. D. District B. Millian D. District D. District





October 17, 1996

Bill Malone, Director Piggy's Good Time Society 2552 Burns Road Port Coquitlam BC

### Re: Piggy's Palace

Dear Mr. Malone

To legalize the Piggy's Palace operation, the following requirements must be met:

- 1. The land must first be excluded from the Agricultural Land Reserve by the Agricultural Land Commission.
- Rezoning and OCP designation would follow. A condition of rezoning would be to meet engineering requirements for fire flow. The approximate cost of doing so is \$250,000 \$300,000.
   In addition, DCC's are applicable at an approximate cost of \$50,000.
- Upon completion of rezoning, apply for a building permit to upgrade the building to appropriate Building code standards.
- 4. Fire Code upgrades are required.
- 5. Septic approval and a health permit for handling food from the Simon Fraser Health Unit.

The property may not be used for assembly use until all of the above requirements are met.

Attached please find notes from each department outlining in more detail what is required. Please contact them directly for more information.

You are cautioned that the taking of this action would merely indicate a readiness to submit your application to City Council as required under the provisions of the Municipal Act. The final decision concerning the passage or non-passage of the Zoning Amendment Bylaw remains with the Municipal Council, any other factors notwithstanding. Until the Bylaw has been reconsidered, finally passed, and adopted by the Council, your property will remain in its present zone and we would particularly caution you not to take any action at this time based upon the assumption that the property will be rezoned.

Yours truly,

Greg Beaumont,

Manager of Bylaw and Legislative Services

cc: Tony Chong, P. Eng., City Administrator Susan Rauh, CMC, City Clerk



### THE CORPORATION OF THE CITY OF PORT COQUITLAM

### **MEMORANDUM**

DATE:

October 17, 1996

TO:

S. Rauh

G. Beaumont

FROM:

John Shardlow

Director of Building Permits and Inspections

SUBJECT:

2252 Burns Road

To covert a farm building for assembly use the applicant should first obtain:

- -Zoning approval from the City Planner
- -Acceptance of sewer disposal from the Public Health Officer.
- -Permission to serve food to the public (if that is the intent) from the Public Health Officer.
- -An evaluation the capacity of the city water supply versus system demand for domestic water and fire sprinklers.

For specific requirements these offices should be contacted directly.

Once applications for the above are accepted a Building Permit Application could be made in a form prescribed in the Building and Plumbing Bylaw (attached). The applicant should consider the following.

- 1. The maximum distance a fire hydrant can be located from an sprinklered assembly building is 45 meters. The distance is exceeded for this property.
- 2. The use and occupancy design must comply with part 3 of the B.C. Building Code.
- 3. The structural design must comply with part 4 of the B.C. Building Code.
- 4. The number of male and female washrooms are based on the occupant load.
- 5. Requirements for the disabled apply.
- 6. The building would be classified as an assembly occupancy and requires the plans and documents to be prepared by a Professional Designer Registered in the province of British Columbia. The Building Inspector will answer relevant questions to the provisions of the building codes but must refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

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3:

# THE CORPORATION OF THE CITY OF PORT COQUITLAM

### **MEMORANDUM**

TO:

G. Beaumont,

**DATE** Oct. 17,1996

Manager, Bylaw and Legal Services.

FROM:

C.F. Morris,

Engineering Technician

SUBJECT: "PIGGY PALACE" 2552 BURNS ROAD

The existing water system is inadequate for the fire flow requirements for this development. Watermain upgrading will be required from the existing main at Dominion and Fremont to the development site. The approx. cost for this work would be \$250,000 to \$300,000.

Development Cost Charges would be applicable and based on a building of approx. 5000sq ft (464.5 sq m) the DCC's would amount to \$50,899 using the current rate for area 2 of \$109.58 per sq.m of gross floor area.

Upgrading of Burns will not be required at this time.

No sanitary sewer mains are available to serve the site therefore the septic system must be approved by the Simon Fraser Health Unit.

Engineering Technician

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SENT BY:S.F. HEALTH UNIT #10 :10-17-96 : 9:53AM :

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604 944 5401;# 1/ 1



Ministry of Health and Ministry Responsible for Seniors Simon France Hunth Region Environmental Hunth Protection Constantly Care Psolition Licensing Suits 405, 2953 Glen Drive Consisten RC VSB 297

**FAX SHEET** 

Date:	46/10/17					
To:	SREG BERNMONT	☐ Confidential				
Fax:	944-5401	☐ Urgent				
Recipients Phone:	944-5440					
Subject:	PIGGY'S PRACE					
Sender:	DAVID CURRIE					
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- THE SANITATION & EXERPTION OF FOOD PROMISE						
- THE SENAGE DISPOSAL REZULATIONS.						
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TO DETERMINE COMPLIANCE						

This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any other distribution, copying or disclosure is strictly prohibited. If you received this message in error, please notify us by telephone and return the original transmission to us by mail without making a copy.

THE CORPORATION OF THE CITY OF PORT COQUITLAM

HECEIVED

OCT 1 8 1996

CLERKS
DEPARTMENT

### **MEMORANDUM**

DATE:

October 18, 1996

TO:

S. Rauh

G. Beaumont

FROM:

John Shardlow

Director of Building Permits and Inspections

SUBJECT: 2

2252 Burns Road

To covert a farm building for assembly use the applicant should first obtain:

Zoning approval from the Director of Planning.

- Acceptance of sewer disposal from the Public Health Officer.
- Permission to serve food to the public (if that is the intent) from the Public Health Officer.
- An evaluation of the capacity of the city water supply versus system demand for domestic water and fire sprinklers.

For specific requirements these offices should be contacted directly.

Once applications for the above are accepted a Building Permit application could be made in the form prescribed in the Building and Plumbing Bylaw (attached). The applicant should consider the following.

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- 2. The use and occupancy design must comply with part 3 of the British Columbia Building Code.
- 3. The structural design must comply with part 4 of the British Columbia Building Code.
- 4. The number of male and female washrooms are based on the occupant load.
- 5. Requirements for the disabled apply.

...2

The Corporation of the City of Port Coquitlam

John Shardlow

### Page Two

6. The building would be classified as an assembly occupancy and requires the plans and documents to be prepared by a Professional Designer registered in the province of British Columbia. The Building Inspector will answer relevant questions to the provisions of the building codes but must refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

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TO ADDRES	ADDRESS ADRESSE	CITY CLERK				
		CITY OF PORT COQUITLAM				
				FAX NO. NO DE FAX-SIMILÉ	944-5402	
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	NAME	Insp. R.E. MOULTON		NO DE TELEPHIONE	604-464-3461	
FROM DE	ADDRESS	Operations Officer				
		Coquitiam Detachment				
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#### COMMENTS COMMENTAIRES

Attached are three pages referring to the Special Occasion Licences issued in respect of 96-09-28. The first of these is the permit seized by S/Sgt. GIFFEN and the second page is the copy of the application for that permit. Contrary to protestations of charitable purposes, the event is described as a "Motorcycle Windup Race". The third page is a copy of the application/license issued to Bill MALONE for the same time and place and obtained while our members were making the seizure involved with the first permit. That licence describes the event as a "Birthday Party".

I am attaching a fourth page which purports to indicate an insured status for the Society. It might be useful to contact Coronation and determine exactly when, where and how often "Party Alcohol Liability Policies" have been invoked. I note that a "commercial" policy would seem to conflict with the claim of non-profit, charitable status.

In respect of the function advertised for 96-10-26, I was advised by MALONE that it will occur at the Port Coquitlam Rod & Gun Club. I am advised that an application for a Special Occasion Licence for that location is being sought by MALONE. Although we will review that

8	Operator - Operateur	Telephone No No de tâléphone
107.95		
**	2875 189-04) 7530-21-906-1082	

Canada

OCT 24 '96 15:05

604 464 7305

PAGE.01

-2-

Unclass

application and make premises checks to ensure compliance with it, I anticipate that the S.O.L. will issue. Again, despite the attempt to cloak themselves in the charitable guise, Dave PICTON advised on 96-10-11 that the function on the 26th was to be a "birthday party for his brother".

Mr. MALONE also provided me with a number of copies of correspondence supposedly illustrating their good works, deeds and intentions. I would merely observe that such correspondence does show their donation of the use of the hall - but only in relation to events not involving liquor, ie: one church group and one minor hockey group. The only previous combination of liquor licence and charity involving Piggy's was the Motorcycle Ride for Child Find. I am advised that the charitable proceeds apparently "disappeared" although Piggy's does not claim to be out-of-pocket.

On receipt, I will fax you the copies of the application and licence for the Rod & Gun Club.

O E MOUNTON Inco

OCT 24 '96 15:05 604 464 7305 PAGE.02



Province of **British Columbia** 

### LIQUOR DISTRIBUTION BRANCH

114/28/PIN STORE

1%: TIME

SPECIAL OCCASION LICENCE 26 Closed SECTION 6

LIQUUR CONTROL AND LICENSING ACT

Organization:

MOTORCYCLE WIND UP RACE

Function Date:

163188

U9/28/96

Location of Events:

Function Times: 20:00 10 02:00

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issued to:

DAVE PICKIUN

2537 BURNS RUAD

PURE COQUETEAM

ISSUE

Serving it Right#: 950115L0606

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Signed: pplicant

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604 464 7305 PAGE.05



Curunation Financial Services Ltd. 1486 Prairie Avenue Port Coquitlam, B.C. V3B 5M8 Telephone: (604) 945-0043 Toll Free: 1-800-663-0676 Fax: (604) 945-0031

October 17, 1996

RE: P & B USED BUILDING MATERIALS
PIGGY'S PALACE GOOD TIME SOCIETY
DAVID PICTON, ROBERT PICTON & LYNN WRIGHT

To whom it may concern;

This letter is to confirm that, to our knowledge, the above noted insureds have purchased Party Alcohol Liability Policies through our agency for all previous events held at Piggy's Palace Good Time Society. They also hold a Commercial General Liability Policy specifically for Piggy's Palace Good Time Society.

If you have any questions, please feel free to contact the undersigned.

Yours truly;

Nancy Eifler

Authorized Representative

Coronation Financial Services Ltd.

_ PROVIDING INSURANCE & FINANCIAL SERVICES TO CLIFNTS THROUGHOUT BRITISH COLUMBIA _
A MEMBER OF THE BCPI GROUP

DCT 24 '96 15:07

604 464 7305

PAGE. 86

Deca: 96/10/24

TITTER SEARCH PRINT - NEW WESTMINSTER Requestor: (PL45881) WES COAST TITLE SEARCH LTD.

Time: 12:21:21 Page: 001

TITLE - BJ205666

NEW WESTMINSTER LAND TITLE OFFICE

TITLE NO: BJ205666

FROM TITLE NO: BF141899

APPLICATION FOR REGISTRATION RECEIVED ON: 13 JULY, 1995

ENTERED: 26 JULY, 1995

REGISTERED OWNER IN FEE SIMPLE:

DAVID FRANCIS PICKTON, BUSINESSMAN

953 DOMINION AVENUE

PORT COQUITLAM, BC

V3C 3V4

AS TO AN UNDIVIDED 1/3 INTEREST

ROBERT WILLIAM PICKTON, BUSINESSMAN

953 DOMINION AVENUE

PORT COQUITLAM, BC

V3C 3V4

AS TO AN UNDIVIDED 1/3 INTEREST

LINDA LOUISE WRIGHT, BUSINESSWOMAN



AS TO AN UNDIVIDED 1/3 INTEREST

TAXATION AUTHORITY:

CITY OF PORT COQUITLAM

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 008-057-621

LOT 6 SECTIONS 3 AND 4 BLOCK 6 NORTH RANGE 1 EAST

NEW WESTMINSTER DISTRICT PLAN 7491

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER DATE TIME

COVENANT

AA136903 1929-11-16 10:00

REGISTERED OWNER OF CHARGE:

CITY OF PORT COQUITLAM

AA136903

REMARKS: L.T.A. SEC. 215 SEE 86862E

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

CONTINUES ON PAGE 002

Data: 96/10/24 Requestor: (PL45881) WEL COAST TITLE SEARCH LTD. TITLE - BJ205666

TIT'S SEARCH PRINT - NEW WESTMINSTER

Time: 12:21:22 Page: 002

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

ma-n./



# HALLOWEEN DANCE

Featuring

## THE WAILIN' WALKER BAND



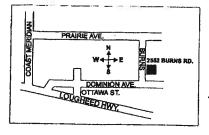
**SATURDAY OCT. 26, 1996** 

**Refreshments & Great Fun!!** 

**Buffet Included with Admission** 

Doors Open at 8:00 P.M. Tickets at the door.

We welcome all members and so of the Piggy's Palace Good Times Society, a non-profit society License # S-35452.



Helping local organizations and groups.

2552 BURNS RD., PORT COQUITLAM, B.C. For More Information Call **945-6099** 

### Susan Rauh

From:

Tony Chong

Sent:

Tuesday, November 05, 1996 4:10 PM

To:

Susan Rauh

Cc:

John Shardlow; Randy Shaw

Subject:

RE: Piggy's Palacel

Well, here we go again! Looks like Mr. Malone is misrepresenting what was said and interpreting it to his advantage.

For the record everyone...i DID NOT indicate to Mr. Malone that he can hold the Sunday dinners without FULLY satisfying all of the City's requirements (Zoning, Licensing, Building Safety, Fire, etc.....). What I said to him in reply to his suggestion that he will be taking some immediate steps to legitimize the operation of Peggy's Palace is that he should not proceed if he has not checked with the relevant City staff regarding the actual requirements first.

As I understand from his suggestions, Bill Malone was going to hire a structural engineer to asset the building. I told him that he may be wasting a lot of money if he does not know what needs to be addressed. Similarity, he was going to do some improvements to satisfy the fire safety side of things. It was in this context that I told him to go and see Randy and John.

There certainly was no suggestion that once he met Randy's and John's requirements that its ok to hold the proposed dinners for the public without satisfying the other requirements.

I am glad that we are all communicating on this issue and not allow Mr. Malone to manipulate us....

If you have any questions please see me. Thanks.

From: Susan Rauh To: Tony Chong

Subject: Piggy's Palacei

Date: Tuesday, November 05, 1996 9:47AM

Bill Malone was in to see me on Friday. He asked me to pass on a message to you. He indicated that in a conversation with you, you had told him that if he wished to hold the Sunday dinners that he would require approval from the Fire Chief and the Director of Building Permits and Inspections.

The Fire Chief and the Director of Bidg. and insp. have indicated to Mr. Malone that they will not proceed with inspections or requirement info until that have the approval of the City Administrator.

With this in mind, Mr. Malone asked me to pass on his request for such a letter.

Susan.

40

### Susan Rauh

From:

Cheryi Lalonde

Sent:

Thursday, November 07, 1996 2:43 PM

To:

Susan Rauh

Subject:

BURNS ROAD PROPERTY - MEMO OF SEPTEMBER 27, 1996

#### Susan,

Recently, Mr. Bill Malone came to my office to inquire about a memorandum signed by myself on September 27, 1996. The contents of this memorandum was with respect to the Fire Regulations which our Fire Service had concerns with regarding Piggy's Palace.

At the bottom of this memorandum above my signature there are three lines of hand written information. The Information was supplied to Mr. Beaumont by Fire Prevention Officer Stubbert. This action was taken due to the unavailability of myself.

Mr. Beaumont was in my opinion correct to add these additional facts so your office had all the required information for an informed decision.

If further clarification is required, please contact me at Local 494.

### Randy

### **Greg Beaumont**

From:

Susan Rauh

Sent:

Thursday, November 07, 1996 3:09 PM

To:

**Greg Beaumont** 

Cc:

Tony Chong

Subject:

FW: BURNS ROAD PROPERTY - MEMO OF SEPTEMBER 27, 1996

Greg, how do you feel about this email from Randy. Susan.

Sent:

To: Subject:

Cheryl Lalonde Thursday, November 07, 1996 2:43 PM Susan Rauh BURNS ROAD PROPERTY - MEMO OF SEPTEMBER 27, 1996

### Susan,

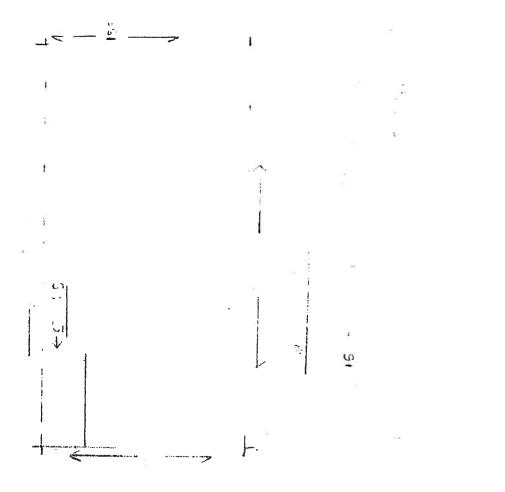
Recently, Mr. Bill Malone came to my office to inquire about a memorandum signed by myself on September 27, 1996. The contents of this memorandum was with respect to the Fire Regulations which our Fire Service had concerns with regarding Piggy's Palace.

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Mr. Beaumont was in my opinion correct to add these additional facts so your office had all the required information for an informed decision.

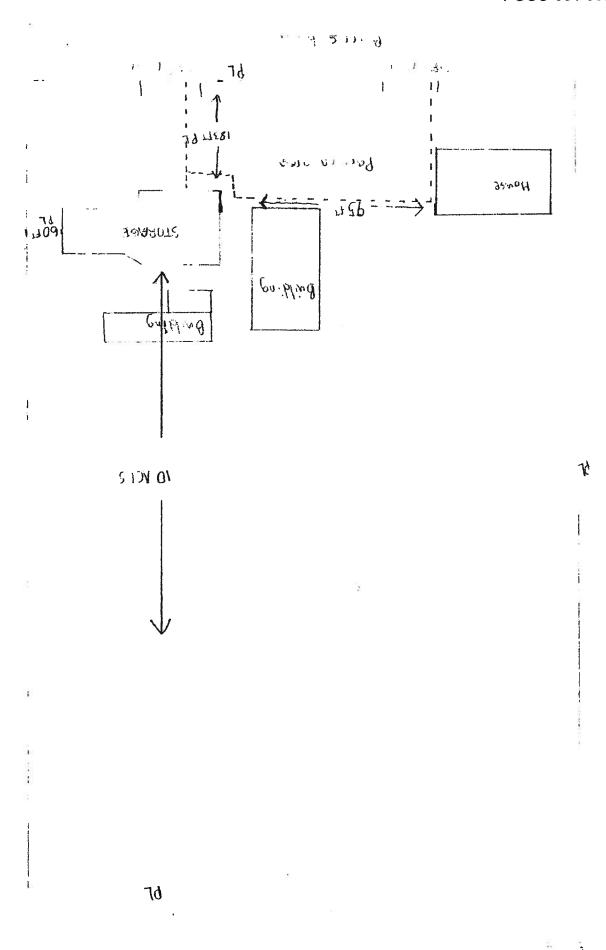
If further clarification is required, please contact me at Local 494.

Randy

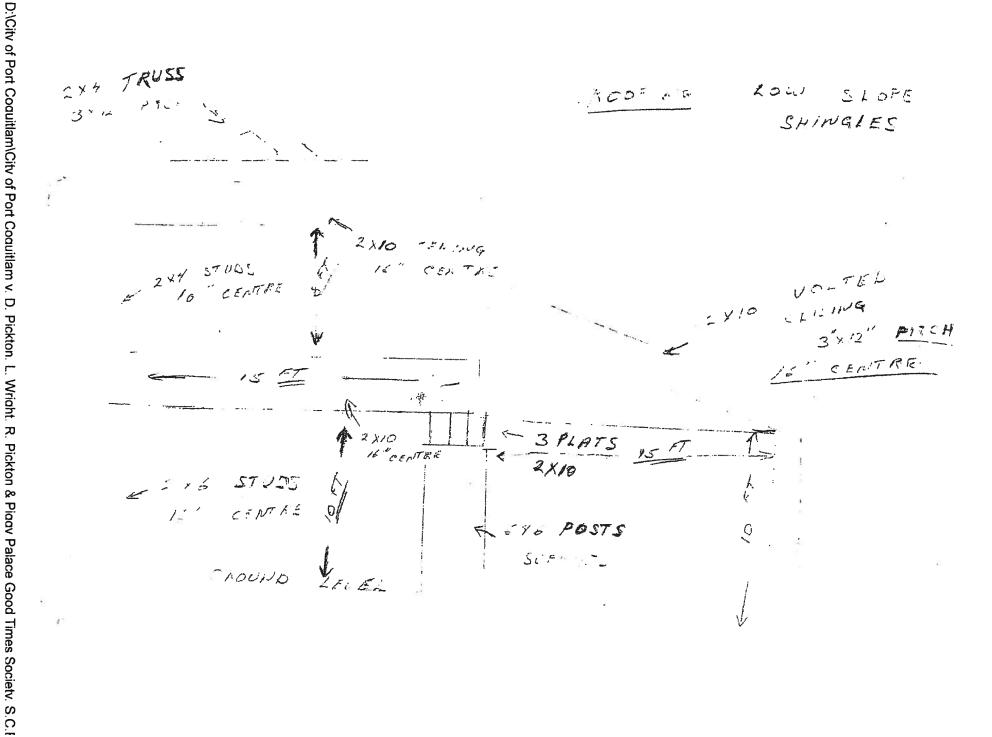


2552 Burns Rd

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- 7,47







NO. A963544 VANCOUVER REGISTRY

JRT OF BRITISH COLUMBIA

BETWEEN:

# THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON. LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

#### **NOTICE OF HEARING**

#### EX PARTE APPLICATION:

TAKE NOTICE that the application of the Plaintiff The Corporation of the City of Port Coquitlam dated December 31, 1998 will be heard in chambers at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, on Thursday, December 31, 1998 at the hour of 12:00 o'clock in the afternoon.

This matter will be ex parte.

This matter is estimated to take 30 minutes.

This matter is not within the jurisdiction of a master because an interlocutory injunction is being sought.

Dated: December 31, 1998

Counsel for the Plaintiff

This Notice of Hearing was prepared by Barry Williamson of the law firm of Lidstone, Young, Anderson whose place of business is 1616 - 808 Nelson Street, Box 12147, Nelson Square, Vancouver, B.C. V6Z 2H2; Telephone: (604) 689-7400; Facsimile: (604) 689-3444.

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NO. A963544 VANCOUVER REGISTRY

N THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

**PLAINTIFF** 

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

#### NOTICE OF MOTION

#### EX PARTE APPLICATION

TAKE NOTICE that an application will be made by The Corporation of the City of Port Coquitlam to the presiding judge at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, at a date and time to be set, for orders under Rules 15(5)(a)(iii), 24(1), 45 and 65 of the Rules of Court that:

- (i) Randy Shaw be added as a plaintiff to the proceeding and the Writ of Summons and Statement of Claim be amended accordingly;
- (ii) the Plaintiff(s) have leave to amend the Statement of Claim as set out in Appendix A to this Notice of Motion and the Statement of Claim be amended accordingly; and
- the Defendants, their servants, agents and employees, and all other persons having notice of such order, be restrained from using or occupying or permitting the use or occupancy of the Lands legally described as Lot 6, Sections 3 and 4, Block 6, North Range 1 East, New Westminster District, Plan 7491 and having a civic address of 2552 Burns Road, Port Coquitlam for the purposes of holding a dance or party or for the assembly of persons for entertainment, recreational, charitable or cultural purposes, until the trial of this action or further order of this Court.

If you wish to receive notice of the time and date of hearing or to respond to the application, you must respond by delivering to the applicant, within the time required by Rule 65(13),

(a) an outline in Form 125,

(b) 2 copies of each affidavit, not already in the court file, on which you intend to rely at the hearing, and

(c) one copy of any material in the court file on which you intend to rely at the hearing and that is not referred to in the applicant's outline.

NOTE: THIS NOTICE OF MOTION IS SUBJECT TO RULE 65, THE VANCOUVER CHAMBERS PILOT PROJECT RULE.

IF YOU DO NOT RESPOND AS REQUIRED BY THAT RULE, YOU WILL NOT BE GIVEN NOTICE OF THE HEARING AND THE HEARING MAY PROCEED WITHOUT YOU.

This Notice of Motion was prepared by Barry Williamson of the law firm of Lidstone, Young, Anderson whose place of business is 1616 - 808 Nelson Street, Box 12147, Nelson Square, Vancouver, B.C. V6Z 2H2; Telephone: (604) 689-7400; Facsimile: (604) 689-3444.

Dated: December 31, 1998

Barry Williamson

Counsel for the Plaintiff

Rule 65(13) states in part:

Time for respondent to reply

- (13) A person referred to in subrule (12) must deliver the materials required by that subrule,
  - (a) in the case of a notice of motion for final judgment under Rule 18A, not more than 14 clear days after the date on which the notice of motion was delivered to the person,
  - (b) in the case of any other notice of motion, not more than 6 clear days after the date on which the notice of motion was delivered to the person,

# Appendix "A"

# AMENDED pursuant to Rule 24 (1)(a) this 31st day of December, 1998

NO. A963544 VANCOUVER REGISTRY

# IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM and RANDY SHAW

PLAINTIFFS.

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

# AMENDED WRIT OF SUMMONS

# Name and Address of Plaintiffs:

The Corporation of the City of Port Coquitlam 2580 Shaughnessy Street Port Coquitlam, B.C. V3C 2A8

Randy Shaw 2580 Shaughnessy Street Port Cognitlam, B.C. V3C 2A8

# Name and Address of Defendants:

David Francis Pickton 953 Dominion Street Port Coquitlam, B.C. V3C 3V4

Robert William Pickton 953 Dominion Street Port Coquitlam, B.C. V3C 3V4

Linda Louise Wright 2696 McBain Avenue Vancouver, B.C. V6L 2C9

Piggy Palace Good Times Society 250 - 550 Sixth Street New Westminster, B.C. V3L 3B7

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO the Defendant(s): DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

TAKE NOTICE that this action has been commenced against you by the Plaintiffs for the claim(s) set out in this Writ.

IF YOU INTEND TO DEFEND this action, or if you have a set-off or counterclaim which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this Court within the Time for Appearance endorsed hereon and YOU MUST ALSO DELIVER, a copy of the "Appearance" to the Plaintiffs' address for delivery, which is set out in this Writ.

YOU OR YOUR SOLICITOR may file the "Appearance". You may obtain a form of "Appearance" at the Registry.

IF YOU FAIL to file the "Appearance" within the proper Time for Appearance, JUDGMENT MAY BE TAKEN AGAINST YOU without further notice.

# THE ADDRESS OF THE REGISTRY IS:

800 Smithe Street Vancouver, British Columbia V6Z 2E1

(2) The name and office address of the Plaintiffs' Solicitor is:

Grant Anderson Lidstone, Young, Anderson Barristers & Solicitors

#1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B.C. V6Z 2H2

(3) The Plaintiffs' ADDRESS FOR DELIVERY is:

c/o Lidstone, Young, Anderson Barristers & Solicitors #1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B.C. V6Z 2H2 Tel: (604) 689-7400

Attention: Grant Anderson

#### **ENDORSEMENT**

The Plaintiffs' claim is for a declaration that the Defendants have contravened the Plaintiffs' Zoning Bylaw and an injunction prohibiting any further contravention of the Bylaw - see attached Amended Statement of Claim.

October 25, 1996 DATE "Grant Anderson"
Solicitor for the Plaintiffs

#### TIME FOR APPEARANCE

Where this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

Where the Writ is served on a person outside of British Columbia, the time for appearance by that person, after service, shall be 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere. The Court may shorten the time for appearance on ex parte application.

# AMENDED pursuant to Rule 24 (1)(a) this 31st day of December, 1998

NO. a963544 VANCOUVER REGISTRY

#### IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM and RANDY SHAW

PLAINTIFFS

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

#### AMENDED STATEMENT OF CLAIM

- 1. The Plaintiff (the "City") is a municipal corporation pursuant to the Municipal Act.
- 2. The Plaintiff Randy Shaw is the Fire Chief of the Plaintiff City's Fire Department and is a Local Assistant to the Fire Commissioner and as such has power to administer and enforce certain provisions of the Fire Services Act. R.S.B.C. 1996. c.144.
- The Defendants David Francis Pickton, Robert William Pickton and Linda Louise Wright are business persons and are the registered owners of a parcel of land located at 2552 Burns Road within the territorial area of the City and legally described as Lot 6, Sections 3 and 4, Block 6, North Range 1 East, New Westminster District, Plan 7491 (the "Land").
- The Defendant Piggy Palace Good Times Society (the "Society") is a society incorporated pursuant to the <u>Society Act</u> under No. S-0035452.
- Pursuant to the "Port Coquitlam Zoning Bylaw, 1987, No. 2240" (the "Zoning Bylaw"), the Land is designated Agricultural Zone 1 (A-1). The permitted uses of the Land are limited to:
  - (a) Agricultural
  - (b) One-family residential

File No. 19-387

4

- (c) Boarding
  - (i) shall be limited to a maximum of four boarders or one family.
  - (ii) shall be within a building for onefamily residential use.
- (d) Accessory residential
- (e) Accessory produce sales:
  - (i) shall not exceed a gross floor area of 11 m² (1184.07 sq. ft.)
  - (i) shall be limited to one per lot.
- (f) Child Care.
- 6. The use of the Land for the assembly of persons for recreational, charitable or cultural purposes and for entertainment purposes is prohibited by the Zoning Bylaw.
- 7. The Defendants have altered a large farm building on the Land for the purpose of holding dances, concerts and other recreational and entertainment events.
- The Defendants have placed advertisements in newspapers and distributed posters inviting attendance at dances with live entertainment and "buffet and beverage" service on the Land.
- From time to time since June, 1996 the Defendants have held dances and other recreational and entertainment events on the Land. Attendance at those events has numbered in the hundreds of people and the Defendants have collected admission charges from those in attendance.
- The Defendants have continued to use the Land for assembly and entertainment purposes notwithstanding several requests and warnings from the City regarding compliance with the Zoning Bylaw.
- 11. On May 12, 1998 the Plaintiff Randy Shaw, acting as a Local Assistant to the Fire Commissioner, issued an order (the "Order") pursuant to the <u>Fire Services Act</u>, R.S.B.C. 1996, c.144, to the Defendant David Pickton directing that he cease using the Lands as an assembly occupancy until the premises on the Lands complied with the 1992 British Columbia Fire Code.

- 12. The Defendant David Pickton appealed the Order pursuant to the provisions of Section 27 of the Fire Services Act.
- 13. On July 20, 1998 the Regional Fire Commissioner dismissed the appeal of the Order and affirmed that the Order was to be carried out on or before July 27, 1998.
- 14. The Defendants have failed to do any of the work required to comply with the Order and make the premises on the Lands safe for assembly occupancy. Further, the Defendants have been advised that a building permit for the remedial work would not be issuable as an assembly use of the Lands would be contrary to the Zoning Bylaw.
- 15. The Defendants are planning to conduct a New Years Eve party on the Lands commencing in the evening of December 31, 1998. Tickets have been distributed for the party and a band has been engaged to provide entertainment.
- 16. The proposed use of the premises on the Lands for a party, involving the assembly of approximately 400 people, poses an imminent and serious danger to the lives of those in attendance.

WHEREFORE THE PLAINTIFFS CLAIMS pursuant to the Zoning Bylaw, Sections 751 and 963 of the Municipal Act and the Rules of Court, the following orders:

- (a) a declaration that the Defendants have contravened "City of Port Coquitlam Zoning Bylaw, 1987, No. 2240" by using the Land and a building on the Land for the purpose of holding assemblies of persons for recreational, charitable, cultural or entertainment purposes;
- (b) an interlocutory and permanent injunction prohibiting the Defendants and any other person having notice of the order from using the Land and any building on the Land for the purpose of holding assemblies of persons for recreational, charitable, cultural or entertainment purposes;
- (c) an interlocutory and permanent injunction prohibiting the Defendants and any other person having notice of the order from using the Land and any building on the Land contrary to the Order dated May 12, 1998.
- (d) costs; and
- (e) such further and other relief as may to this Honourable Court seem just.

The cause of action herein arose wholly or in part within the jurisdiction of this Honourable Court.

PLACE OF TRIAL:

Vancouver, B.C.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of October, 1996.

"Grant Anderson"
Solicitor for the Plaintiffs.

This Amended Statement of Claim is filed by Grant Anderson, Esq., of the firm Lidstone, Young, Anderson, solicitors for the Plaintiffs, whose place of business and address for service is #1616 - 808 Nelson Street, Box 12147, Nelson Square, Vancouver, B.C., V6Z 2H2; Telephone: (604) 689-7400; Facsimile: (604) 689-3444.

BW/12-114.98ah

AND:

BETWEEN:

IN THE SUPREME COURT OF BRITISH COLUMBIA

THE CORPORATION OF THE CITY OF PORT COQUITLAM

**PLAINTIFF** 

DAYID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

Barry Williamson

LIDSTONE YOUNG ANDERSON

*********************************

NOTICE OF MOTION

******************

Barristers and Solicitors 1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B.C. V6Z 2H2 Telephone: (604) 689-7400

File No. 19-389

NO. A963544 VANCOUVER REGISTRY

Form 39 (Rule 40(12))

NO. A963544 VANCOUVER REGISTRY

#### IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

PLAINTIFF

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

#### NOTICE TO PRODUCE

TO: The Plaintiff

TAKE NOTICE that the Defendants require you to produce at the trial of this action all documents in your possession or power relating to the matters in question.

Dated November 15, 1996

Solicitor for the Defendants

THIS NOTICE TO PRODUCE is filed by Jeffrey P. Scouten, solicitor for the Defendants, of the firm of CROSSIN & SCOUTEN, Barristers and Solicitors, whose place of business and address for service is 900 - 777 Hornby Street, Vancouver, B.C., V6Z 1S4. Phone: (604) 689-3242

253-1 JPS/rvw

Barristers and Solicitors 900 - 777 Hornby Street Vancouver, B.C. V6Z 1S4

CROSSIN & SCOUTEN

Phone:

(604) 689-3242

.

NOTICE TO PRODUCE

DEFENDANTS

D:

DAVID FRANCIS PICKTON, ROBERT WILLIAM
PICKTON, LINDA LOUISE WRIGHT and
PIGGY PALACE GOOD TIMES SOCIETY

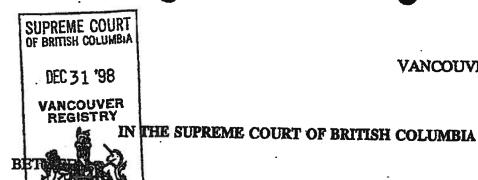
PLAINTIFF

THE CORPORATION OF THE CITY OF PORT COQUITLAM

Between:

IN THE SUPREME COURT OF BRITISH COLUMBIA

NO. A963544 VANCOUVER REGISTRY



NO. A963544 VANCOUVER REGISTRY

SUPREME COURT OF BRITISH COLUMBIA

DEC 31 '98

VANCOUVER REGISTRY

RPORATION OF THE CITY OF PORT COQUITLAN

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

#### ORDER

BEFORE THE HONOURABLE

) THURSDAY, THE 31ST DAY

MR./MIDAMIJUSTICE SCARTIA

) OF DECEMBER, 1998

THIS APPLICATION coming on for hearing at 800 Smithe Street, Vancouver, British Columbia, on the 31st day of December, 1998, and on hearing Barry S. Williamson, counsel for the Plaintiff, and no one appearing on behalf of the Defendants, the application being made ex-parte;

AND UPON the Plaintiff by its counsel undertaking to abide by any Order of this Court may make as to damages;

THIS COURT ORDERS THAT the Defendants, their servants, agents and employees, and all other persons having notice of such order, be restrained from using or BW/12-117-98sh

1 File No. 19-389

occupying or permitting the use or occupancy of the Lands legally described as Lot 6, Sections 3 and 4, Block 6, North Range 1 East, New Westminster District, Plan 7491 and having a civic address of 2552 Burns Road, Port Coquitlam for the purposes of holding a dance or party or for the assembly of persons for entertainment, recreational, charitable or cultural purposes, until the trial of this action or further order of this Court.

THIS COURT FURTHER ORDERS THAT this order be served on the defendants forthwith;

THIS COURT FURTHER ORDERS THAT any peace officer be authorized to arrest and remove any person who the peace officer has reasonable and probably grounds to believe is contravening or has contravened the provisions of this order;

AND THIS COURT FURTHER ORDERS THAT any peace officer who arrests and removes any person pursuant to this Order be authorized to:

- (a) release that person from arrest upon that person undertaking in writing to appear before this Court at such time and place as may be fixed in the Notice for the purpose of being proceeded against for contempt of court or of fixing a date for such a proceeding and such other undertakings as the peace officer may deem appropriate; or
- (b) where such person has refused to give such written undertaking or where in the circumstances the peace officer considers it necessary to bring forthwith such person before this Court at Vancouver, British Columbia or such other place as the Court may direct for the purpose of being proceeded against for contempt of court or of fixing a time for such proceedings, and a peace officer may, where circumstances dictate, detain such person until it is possible to bring such person before the Court.

AND THIS COURT FURTHER ORDERS THAT the Defendants be at liberty and are hereby granted leave to apply on 48 hours notice to vary or set aside this Order.

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Approved as to form:

Barry Williamson

Counsel for the Plaintiff

THE COURT

KEGISTRAR

ENTERED

DEC 3 1 1998

VANCOUVER REGISTRY.
VOL. 4841-201 FOL. 87

Contified a true copy according to
the records of the Supreme Court
at Vancouver, B.C.
This all day of
Withorked Signing Ording

Porm 14 {Rule 21[1]}

NO. A963544 VANCOUVER REGISTRY

NOV | THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

AND:

PLAINTIPE

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

# STATEMENT OF DEFENCE

- 1. The Defendants deny each and every allegation of fact contained in the Statement of Claim except as is herein expressly admitted.
- 2. The Dafendants admit paragraphs 1, 2, 3 and 4 of the Statement of Claim.
- The Defendant Piggy Falace Good Times Society (the "Society") was incorporated in British Columbia in June of 1996 for the purpose of organizing special events on behalf of service or sports organizations or other worthy groups, with the net profits, if any, of such events to be gifted to worthy non-profit groups and associations operating in the British Columbia lower mainland.

- The Defendants admit that, on approximately two occasions since June of 1996, the Society has held charitable social functions at the property described in paragraph 2 of the Statement of Claim (the "Land"), which functions have involved gatherings of people where there has been live entertainment and where food and beverages have been offered.
- 5. The social functions described in the praceding paragraph were all organized by the Society for the purpose of raising money for various worthy community groups in need of financial support. and not for the purpose of financial gain on the part of the Defendants, or any of them.
- f. The Land is and at all material times has been used by its owners for agricultural purposes in compliance with "Port Coquitlam Zoming By-Law, 1987, No. 2240" (the "Zoning By-Law").
- 7. In answer to the whole of the Statement of Claim, the Defendants deny that the holding of occasional social functions for charitable purposes on the Lands, as the Society has done from time to time since June of 1996, constitutes a use of the Lands inconsistent with that permitted under the Zoning By-Law, or otherwise contravenes the Zoning By-Law as alleged, or at all.

- 3 -

WHEREFORE the Defendants submit that the within action against them be dismissed with costs.

Dated: November 15, 1986

Solicitor for the Defendants

THIS STATEMENT OF DEFENCE is filed by Jeffrey P. Scouten, solicitor for the Defendants, of the firm of CROSSIN & SCOUTEN, Barristers and Solicitors, whose place of business and address for service is 900 - 777 Kornby Street, Vancouver, B.C., V6Z 184, Phone: 689-3242

MO, A962544 Vancouver registry

IN THE RUPRIME COURT OF BREEZEN COLUMBIA

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THE CORPORATION OF THE CITY OF GOQUITMAN

PLAINTLYP

AMD:

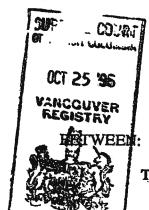
DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTOR, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

DEFENDANTS

STATEMENT OF DEFENCE

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> JEFFREY P. SCOUTER CHOSSIE & SCOUTER Berristers and Solicitors 800 - 777 Hornby Street Vencouver, E.C. VEZ 184 Phone: (504) 585-3242



# A963544

NO. VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

THE CORPORATION OF THE CITY OF PORT COQUITLAM

**PLAINTIFF** 

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

### WRIT OF SUMMONS

#### Name and Address of Plaintiff:

The Corporation of the City of Port Coquitlam 2580 Shaughnessy Street Port Coquitlam, B.C. V3C 2A8

#### Name and Address of Defendants:

David Francis Pickton 953 Dominion Street Port Coquitlam, B.C. V3C 3V4

Robert William Pickton 953 Dominion Street Port Coquitlam, B.C. V3C 3V4

Linda Louise Wright 2696 McBain Avenue Vancouver, B.C. V6L 2C9

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Piggy Palace Good Times Society 250 - 550 Sixth Street New Westminster, B.C. V3L 3B7

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO the Defendant(s): DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

TAKE NOTICE that this action has been commenced against you by the Plaintiff for the claim(s) set out in this Writ.

IF YOU INTEND TO DEFEND this action, or if you have a set-off or counterclaim which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this Court within the Time for Appearance endorsed hereon and YOU MUST ALSO DELIVER, a copy of the "Appearance" to the Plaintiff's address for delivery, which is set out in this Writ.

YOU OR YOUR SOLICITOR may file the "Appearance". You may obtain a form of "Appearance" at the Registry.

IF YOU FAIL to file the "Appearance" within the proper Time for Appearance, JUDGMENT MAY BE TAKEN AGAINST YOU without further notice.

#### THE ADDRESS OF THE REGISTRY IS:

800 Smithe Street Vancouver, British Columbia V6Z 2E1

(2) The name and office address of the Plaintiff's Solicitor is:

Grant Anderson Lidstone, Young, Anderson Barristers & Solicitors #1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B.C. V6Z 2H2

# (3) The Plaintiff's ADDRESS FOR DELIVERY is:

c/o Lidstone, Young, Anderson Barristers & Solicitors #1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, B.C. V6Z 2H2 Tel: (604) 689-7400

Attention: Gra

Grant Anderson

#### **ENDORSEMENT**

The Plaintiff's claim is for a declaration that the Defendants have contravened the Plaintiff's Zoning Bylaw and an injunction prohibiting any further contravention of the Bylaw - see attached Statement of Claim.

Octobor 25, 1996	(14 aut An dutan
DATE	Solicitor for the Plaintiff

#### TIME FOR APPEARANCE

Where this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

Where the Writ is served on a person outside of British Columbia, the time for appearance by that person, after service, shall be 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere. The Court may shorten the time for appearance on ex parte application.

NO	
VANCOUVER	REGISTRY

### IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COQUITLAM

**PLAINTIFF** 

AND:

DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY

**DEFENDANTS** 

### STATEMENT OF CLAIM

- 1. The Plaintiff (the "City") is a municipal corporation pursuant to the Municipal Act.
- 2. The Defendants David Francis Pickton, Robert William Pickton and Linda Louise Wright are business persons and are the registered owners of a parcel of land located at 2552 Burns Road within the territorial area of the City and legally described as Lot 6, Sections 3 and 4, Block 6, North Range 1 East, New Westminster District, Plan 7491 (the "Land").
- 3. The Defendant Piggy Palace Good Times Society (the "Society") is a society incorporated pursuant to the <u>Society Act</u> under No. S-0035452.
- 4. Pursuant to the "Port Coquitlam Zoning Bylaw, 1987, No. 2240" (the "Zoning Bylaw"), the Land is designated Agricultural Zone 1 (A-1). The permitted uses of the Land are limited to:
  - (a) Agricultural
  - (b) One-family residential
  - (c) Boarding
    - (i) shall be limited to a maximum of four boarders or one family.

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- (ii) shall be within a building for one-family residential use.
- (d) Accessory residential
- (e) Accessory produce sales:
  - (i) shall not exceed a gross floor area of 11 m² (1184.07 sq. ft.)
  - (i) shall be limited to one per lot.
- (f) Child Care.
- 5. The use of the Land for the assembly of persons for recreational, charitable or cultural purposes and for entertainment purposes is prohibited by the Zoning Bylaw.
- 6. The Defendants have altered a large farm building on the Land for the purpose of holding dances, concerts and other recreational and entertainment events.
- 7. The Defendants have placed advertisements in newspapers and distributed posters inviting attendance at dances with live entertainment and "buffet and beverage" service on the Land.
- 8. From time to time since June, 1996 the Defendants have held dances and other recreational and entertainment events on the Land. Attendance at those events has numbered in the hundreds of people and the Defendants have collected admission charges from those in attendance.
- 9. The Defendants have continued to use the Land for assembly and entertainment purposes notwithstanding several requests and warnings from the City regarding compliance with the Zoning Bylaw.

WHEREFORE THE PLAINTIFF CLAIMS pursuant to the Zoning Bylaw, Sections 751 and 963 of the <u>Municipal Act</u> and the Rules of Court, the following orders:

- (a) a declaration that the Defendants have contravened "City of Port Coquitlam Zoning Bylaw, 1987, No. 2240" by using the Land and a building on the Land for the purpose of holding assemblies of persons for recreational, charitable, cultural or entertainment purposes;
- (b) an interlocutory and permanent injunction prohibiting the Defendants and any other person having notice of the order from using the Land and any building on the Land for the purpose of holding assemblies of persons for recreational,

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charitable, cultural or entertainment purposes;

- (c) costs; and
- (d) such further and other relief as may to this Honourable Court seem just.

The cause of action herein arose wholly or in part within the jurisdiction of this Honourable Court.

PLACE OF TRIAL:

Vancouver, B.C.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of October, 1996.

Grant Andurson

Solicitor for the Plaintiff

This Statement of Claim is filed by Grant Anderson, Esq., of the firm Lidstone, Young, Anderson, solicitors for the Plaintiff, whose place of business and address for service is #1616 - 808 Nelson Street, Box 12147, Nelson Square, Vancouver, B.C., V6Z 2H2; Telephone: (604) 689-7400; Facsimile: (604) 689-3444.

GA/10-96.135ah AND: BETWEEN: DAVID FRANCIS PICKTON, ROBERT WILLIAM PICKTON, LINDA LOUISE WRIGHT and PIGGY PALACE GOOD TIMES SOCIETY THE CORPORATION OF THE CITY OF PORT COQUITLAM IN THE SUPREME COURT OF BRITISH COLUMBIA WRIT OF SUMMONS and STATEMENT OF CLAIM Ħ LIDSTONE YOUNG ANDERSON Barristers and Solicitors
1616 - 808 Nelson Street
Box 12147, Nelson Square
Vancouver, B.C. V6Z 2H2 Telephone: (604) 689-7400 Grant Anderson File No. 19-387 VANCOUVER REGISTRY DEFENDANTS **PLAINTIFF**