

News Release

FOR IMMEDIATE RELEASE

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CVRD to Appeal BC Court of Appeal Decision

Duncan, BC - The CVRD Board of Directors has directed staff to make application to the Supreme Court of Canada to hear an appeal of the recent BC Court of Appeal decision in *Paldi Khalsa Diwan Society vs Cowichan Valley (Regional District)*.

The Paldi Khalsa Diwan Society and their tenant, Cowichan Valley Crematorium Ltd. filed a BC Supreme Court action against the CVRD in 2013, following refusal by the CVRD to issue a document to Cowichan Valley Crematorium Ltd. confirming that the crematorium in question was permitted by CVRD bylaws. The BC Supreme Court judge ruled in favour of the CVRD, determining that the claimants failed to establish that the commercial crematorium in question was a permitted use within the P-1 (Parks Institutional) Zone.

The Paldi Khalsa Diwan Society and Cowichan Valley Crematorium Ltd. subsequently filed an appeal with the BC Court of Appeal and on August 26, 2014 the Court of Appeal ruled in favour of the appellants, finding that the crematorium was an "institution" that served public needs, which was permitted in the P-1 zone.

"The decision of the BC Court of Appeal is concerning as it has the potential to impact the interpretation of allowable uses in other CVRD zoning bylaws, as well as in zoning bylaws across BC," states CVRD Board Chair Rob Hutchins. "Due to the contrasting approach taken by the BC Court of Appeal in deciding the matter and questions with respect to how the court applied certain principals of law, the CVRD Board believes that it is appropriate to appeal the ruling through the Supreme Court of Canada."

The CVRD will be seeking financial assistance from the Union of BC Municipalities in appealing the decision due to the potential implications of the ruling on other BC municipalities.

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For Further Information Contact:

Brian Carruthers, CAO
Tel: 250.746.2502
Email: bcarruthers@cprd.bc.ca