

**THE KING'S BENCH
Winnipeg Centre**

BETWEEN:

THE CITY OF WINNIPEG,

applicant,

- and -

**CAMBRIA HARRIS, KASYN RAPKE, MELISSA (NORMAND) ROBINSON,
GEORGE ROBINSON, TRE LENNOX DELARONDE, JOSEPH ALEXANDER
MUNRO, JOHN DOE, JANE DOE, and OTHER UNKNOWN INDIVIDUALS,**

respondents.

APPLICATION UNDER: Section 188 of *The City of Winnipeg Charter*, SM 2002,
c 39

FILED JUL 11 2023

NOTICE OF APPLICATION

Civil Uncontested List

Hearing Date: July 12, 2023 at 10:00 a.m.

DOUGLAS BROWN

Director of Legal Services and City Solicitor
The City of Winnipeg
Legal Services Department
3rd Floor, 185 King Street
Winnipeg, Manitoba R3B 1J1

Telephone: 204-986-5834
Facsimile: 204-947-9155
E-mail: dougbrown@winnipeg.ca

[File No. CL.1/2022 (249)]

**THE KING'S BENCH
Winnipeg Centre**

BETWEEN:

THE CITY OF WINNIPEG,

applicant,

- and -

**CAMBRIA HARRIS, KASYN RAPKE, MELISSA (NORMAND) ROBINSON,
GEORGE ROBINSON, TRE LENNOX DELARONDE, JOSEPH ALEXANDER
MUNRO, JOHN DOE, JANE DOE, and OTHER UNKNOWN INDIVIDUALS,**

respondents.

Notice of Application

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant.
The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing before a judge, on
Wednesday, July 11, 2023 at 10:00 AM or as soon after that time as the Application
can be heard, at the Law Courts, 408 York Avenue, Winnipeg, Manitoba.

IF YOU WISH TO OPPOSE THIS APPLICATION, you or a Manitoba
lawyer acting for you must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER
DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR
CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer
must serve a copy of the evidence on the applicant's lawyer or, where the applicant
does not have a lawyer, serve it on the applicant, and file it, with proof of service,
in the court office where the application is to be heard as soon as possible, but not
later than 2:00 p.m. on the day before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE
GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

JUL 11 2023
Date

Issued

**A. AITKENHEAD
DEPUTY REGISTRAR
COURT OF KING'S BENCH
FOR MANITOBA**
Deputy Registrar

TO: **CAMBRIA HARRIS**
Winnipeg, Manitoba

AND TO: **KASYN RAPKE**
C/O Interlake School Division
192 2nd Ave N., Stonewall
Manitoba R0C 2Z0

AND TO: **MELISSA (NORMAND) ROBINSON**
278 Helmsdale Avenue
Winnipeg, MB R2K 0V9

AND TO: **GEORGE ROBINSON**
C/O First Nation Health and Social Secretariat of MB
Unit B103, 1075 Portage Avenue
Winnipeg MB, R3G 0R8

AND TO: **TRE LENNOX DELARONDE**
1-190 McKenzie Street
Winnipeg, MB R2W 5A4

AND TO: **JOSEPH ALEXANDER MUNRO**
2-190 McKenzie Street
Winnipeg, MB R2W 5A4

AND TO: **JOHN DOE, JANE DOE and PERSONS UNKNOWN**
Winnipeg, Manitoba

APPLICATION

1) The Applicant makes application for:

- a) An order for short leave and an immediate hearing of the application herein;
- b) An order for the application to be heard without notice of the Application to the Respondents, or alternatively an order for substitutional service of the Respondents;
- c) An order enforcing the City of Winnipeg *Streets By-law* 1481/77, the *Solid Waste By-law* 110/2012, the *Winnipeg Parking By-law* 86/2016, the *Neighbourhood Liveability By-law* 1/2008, and *The Highway Traffic Act* CCSM c H60 as against the Respondents;
- d) An order granting injunctive relief strictly enjoining, restraining and prohibiting the Respondents and all other persons having knowledge of the Court's Order from, directly or indirectly:
 - i) erecting or maintaining a blockade, or otherwise occupying any parts of the roadway at Brady Road, Ethan Boyer Way, rue des Trappistes or Waverley Street, which has the effect of preventing ingress to or egress from The Brady Road Resource Management Facility located at 1777 Brady Road in Winnipeg, Manitoba;
 - ii) interfering with the City's operations at the Brady Road Resource Management Facility in such a manner that puts the City in jeopardy of violating Licence No. 3081 R issued by the Government of Manitoba pursuant to the *Environment Act*, CCSM c E125.

- iii) accessing the roadways and lands owned or controlled by the City of Winnipeg at and surrounding Brady Road Resource Management Facility, unless such access is for the limited purpose of bona fide use of the services provided at the Brady Road Resource Management Facility in such places and during such times that are open to the public, or unless express written consent is provided by the City of Winnipeg to the Respondents to access some or all of its lands for a specific purpose; and
 - iv) obstructing, impeding, delaying or in any way physically interfering with, or counselling others to obstruct, impede, delay or in any way interfere with the ingress and egress of the City, its representatives, contractors, sub-contractors, customers or any of their respective vehicles and equipment travelling into or out of the Brady Road Resource Management Facility.
-
- e) an Order authorizing any police service or peace officer to arrest, or arrest and remove, the Respondents and any other person with knowledge of the order and who the police service or peace officer has reasonable grounds to believe is contravening or has contravened an order issued by the court herein.
 - f) costs; and
 - i) such further and other relief as the nature of this case may require and this Honourable Court may deem to be appropriate.

2) The grounds for the application are:

- a) As outlined in the Affidavit of Michael Gordichuk, affirmed July 11, 2023, the Respondents in erecting a blockade on roadway prohibiting access to the Brady Road Resource Management Facility were and/or are in violation of the following legislation and City of Winnipeg Bylaws:
 - i) sections 186 and 188 of the *City of Winnipeg Charter*, the Respondents;
 - ii) sections 90, 122, 140, 221, 222, 239, 242, and 243 of the *Highway Traffic Act*;
 - iii) sections 53, 60, and 73 of the *Neighbourhood Liveability Bylaw*;
 - iv) sections 5(1), 5(7) and 7 of the *Solid Waste Bylaw*;
 - v) sections 2.02, 7.02, 7.04, 7.05, 8.01 and 8.02 of the *Streets Bylaw*; and
 - vi) sections 16(1), 17 and 64 of the *Winnipeg Parking Bylaw*.
- b) Despite an order issued by the Chief Administrative Officer on July 7, 2023 directing the Respondents to clear the blockade by July 10, 2023 at 12:00 PM, the Respondents have failed to remove the blockade.
- c) An ongoing blockade at Brady Road Resource Management Facility poses serious risks of irreparable harm to the City, residents of and business in Winnipeg, and the environment.
- d) The Respondents are disrupting the operations Brady Road Resource Management Facility as a means to influence other levels of government, and not related to any decision making within the City's authority.
- e) The City requires the teeth of injunction to hold the Respondents accountable for their willful and ongoing unlawful conduct.

f) The City relies on:

- i) Sections 55 and 57 of *The Court of Kings Bench Act*, CCSM c C280;
and
- ii) Rules 14.02, 14.05, 16.04, 38.07(2), 39.01, 40.01 and 40.02 of the *Court of King's Bench Rules*, MR 553/8.

3) The documentary evidence to be used at the hearing of the application is:

- a) the Affidavit of Michael Gordichuk affirmed July 11, 2023;
- b) Such further and other material as counsel may advise and this Honourable Court may permit.

July 11, 2023

DOUGLAS BROWN

Director of Legal Services and City Solicitor
City of Winnipeg
Legal Services Department
3rd Floor, 185 King Street
Winnipeg, Manitoba R3B 1J1

Lawyers for the Applicant