



VLC-S-S-236918  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

Cheryl Weeks, and others

Plaintiffs

and

City of Abbotsford, and others

Defendants

### **RESPONSE TO CIVIL CLAIM**

**Filed by:** City of Abbotsford

#### **Part 1: RESPONSE TO CIVIL CLAIM FACTS**

##### **Division 1 – Defendant’s Response to Facts**

1. The facts alleged in paragraphs 1-4, 11-13, 26, 32-34, 48-56 of Part 1 of the notice of civil claim are denied.
2. The facts alleged in paragraphs 5-10, 14-25, 27-31, 35-47 of Part 1 of the notice of civil claim are outside the knowledge of the defendant.

##### **Division 2 – Defendant’s Version of Facts**

3. City of Abbotsford (“Abbotsford”) is a municipality incorporated under the *Local Government Act*, R.S.B.C. 2015, c. 1.
4. Abbotsford provides policing services through the Abbotsford Police Department (“APD”), under the *Police Act*, R.S.B.C. 1996, c. 367.

5. The APD is governed by the Abbotsford Police Board (“APB”), which is a municipal police board under part 5 of the *Police Act*.
6. The APB is independent from Abbotsford, the APD, and other police departments and agencies in British Columbia and Canada.
7. In response to para. 50(j) of the notice of civil claim, APD did not conspire with VPD or OPCC to harass and intimidate Ms. Weeks.
8. In response to para. 50(j) of the notice of civil claim, APD did not breach Ms. Weeks’ privacy or engage in retaliation for reporting harassment.
9. Abbotsford, APD, or APB did not participate in, cause, or contribute to any of the alleged wrongdoing in the notice of civil claim.

## **Part 2: RESPONSE TO RELIEF SOUGHT**

10. Abbotsford opposes the granting of the relief sought in paragraphs 57-61 of Part 2 of the notice of civil claim.

## **Part 3: LEGAL BASIS**

11. The notice of civil claim does not plead necessary particulars of material facts that could establish any wrongdoing on the part of Abbotsford.
12. Other than Ms. Weeks, and only in respect of her claim in para. 50(j) of the notice of civil claim, none of the plaintiffs have standing to bring claims against Abbotsford.
13. Other than Ms. Weeks, and only in respect of her claim in para. 50(j) of the notice of civil claim, none of the plaintiffs allege relationships or dealings with Abbotsford that could support any of the causes of action pleaded in the notice of civil claim.
14. APD acted lawfully and in accordance with its statutory duties and powers under the *Police Act* at all material times.

15. The claim pleaded by Ms. Weeks in para. 50(j) of the notice of civil claim is statute barred by the *Limitation Act*, S.B.C. 2012, c. 13, and the *Police Act*.

Defendant's address for service: c/o Thea Hoogstraten  
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Date: February 14, 2024

Thea Hoogstraten  
Lawyer for City of Abbotsford

Rule 7-1(1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the Court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and
  - (b) serve the list on all parties of record.