

News Release

FOR IMMEDIATE RELEASE

August 29, 2014



Paldi Khalsa Diwan Society v. Cowichan Valley Regional District – BC Court of Appeal Decision

Duncan, BC – The Cowichan Valley Regional District (CVRD) has received a Judgment from the BC Court of Appeal in the matter involving *Paldi Khalsa Diwan Society v. Cowichan Valley Regional District*. The appeal concerned a September 2013 Judgment of the Supreme Court of British Columbia that found in favour of the CVRD regarding a challenge to a Regional District Zoning Bylaw. The BC Supreme Court found that a commercial crematorium was not a permitted use and held up provisions of the zoning bylaw. The August 2014 Judgment of the Appeal Court set aside the BC Supreme Court decision declaring that a commercial crematorium is a permitted use within the P-1 (Parks & Institutional) Zone of Electoral Area “E”.

“This outcome is very unexpected and quite concerning. It may have significant implications for wider local government land use regulation (zoning) in the province” said Ross Blackwell, General Manager of the CVRD Planning & Development Department. “I am concerned about how this Judgment might affect our approach to zoning which has been guided by case law,” he added.

The Judgment by the BC Court of Appeal orders the CVRD to submit requisite documentation to Consumer Protection BC which will then be in a position to issue a license for operation of the commercial crematorium located at 4695 Cowichan Lake Road.

Electoral Area “E” Director Loren Duncan noted that “the Judgment of the Court of Appeal appears to be a significant divergence in interpretation from that of the BC Supreme Court. The CVRD will reflect on this decision, assess the implications and consider next steps.”

Should the CVRD Board decide to pursue this matter further, it must seek leave to appeal to the Supreme Court of Canada. This final level of appeal is not automatic and such a request would require consideration and consent of the Court to proceed.

- 30 -

For more information, please contact:

Ross Blackwell
General Manager, Planning & Development Department
Tel: 250.746.2601
rblackwell@cprd.bc.ca