

Legal Update: Peace Valley Landowner Association (PVLA) Site C Litigation

Federal Court Application for Judicial Review:

PVLA was before the Federal Court last week along with B.C. and Alberta Treaty 8 First Nations opposing a motion by BC Hydro to cut short the time available to PVLA and the First Nations to cross-examine and prepare legal arguments for the Federal Court hearings. BC Hydro put evidence before the Court of the costs to BC Hydro of any delay in its Site C construction schedule once construction starts. The Court refused BC Hydro's motion, and refused to set the hearings for May 2015 as BC Hydro had requested. The hearings will now likely be set for summer 2015, depending on Court availability.

The Court has ordered that all of the four applications for judicial review (two brought by Mikisew Cree and Athabasca Chipewyan First Nations, one by Prophet River, Doig River, West Moberly and McLeod Lake First Nations , one by PVLA) will be heard consecutively by one judge.

BC Supreme Court Petition for Judicial Review

The BC Supreme Court has ordered that both the PVLA and the BC Treaty 8 First Nation (Prophet River, West Moberly and McLeod Lake First Nations) petitions for judicial review will be heard by a single judge. The parties will be before the Court February 25 for the first case management hearing. PVLA's judicial review petition is set to be heard starting April 20, 2015, whereas the BC Treaty 8 petition has not been set for hearing yet.

February 4, 2015