



## VAPOR Defeats VAFFC Application for Court Costs

Friday Jan 22, BC Supreme Court

Madam Justice Dillon refused to grant VAFFC (Vancouver Airport Fuel Facility Corporation) an order that Otto Langer and VAPOR pay VAFFC's court costs.

It may seem a small victory given we lost the main case, June 2015, on the adequacy of public consultation, but it isn't. It's a big victory for people pursuing issues of public interest in court. It means concerned citizens, should not fear taking legal action against environmental wrongs knowing they would automatically have to pay court costs of those they challenge should they lose.

Furthermore, Madame Justice Dillon, unequivocally stated that while the provincial environmental assessment process for the jet fuel facility in the Fraser River had met the bare minimum legal parameters set, the proponent-VAFFC - "could always have done more". "What you did met the regulations..but the scope of the regulations could have been better given academic complaints and public concerns about them."

She noted that it took intervention by the City of Richmond to have the public consultation period extended, that requests by the public were ignored. VAFFC on the other hand was permitted the bulk of its requests for time extensions to complete additional reports with no additional opportunity for public consultation or comment.

Counsel for VAFFC trivialized VAPOR members' detailed technical presentations and portrayed VAPOR and Otto Langer's interest as a narrow, "not in my back yard interest". He said we had not acted in the public interest, nor were we interested in the broader environment issues in general.

Justice Dillon however made it clear she considered this case a matter of great public interest. She referred to her original June 2015 judgement where she had stated in her concluding paragraph that the public had been "constrained by the law and disengaged from the environmental assessment process". A message, she said, to the Legislature about the existing legislative scheme by which she was bound. She said the public had every right to challenge the adequacy of the process. It's about instilling respect for the public processes and trust in decisions made... not just about getting the job done, she said. If citizens can't trust the process, then where are we she asked.

Sincerely  
Sandra Bourque,  
VAPOR Secretary/Treasurer  
604 351 9340

On behalf of Otto Langer, Chair, and VAPOR Board Members:  
Scott Carswell, Jim Ronback, Barbara Huisman, Judy Williams, Anne Lerner

