



Court of Appeal File No.  
Supreme Court File No. 151867  
Supreme Court Registry Victoria

**COURT OF APPEAL**

BETWEEN:

Shawnigan Residents' Association

Respondent  
(Petitioner)

AND:

Cobble Hill Holdings Ltd.

Appellant  
(Respondent)

AND:

Director, *Environmental Management Act*  
and Environmental Appeal Board

Respondents  
(Respondents)

**NOTICE OF APPEAL**

Take notice that Cobble Hill Holdings Ltd. hereby appeals to the Court of Appeal for British Columbia from the order of Mr. Justice Sewell of the Supreme Court of British Columbia pronounced the 24<sup>th</sup> day of January, 2017, at Victoria, British Columbia.

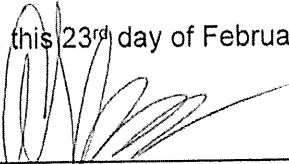
1. The appeal is from a Chambers Judgment.
2. If the appeal is from an appeal under Rule 18-3 or 23-6 (8) of the Supreme Court Civil Rules or Rule 18-3 or 22-7 (8) of the Supreme Court Family Rules, name the maker of the original decision, direction or order: N/A
3. Please identify which of the following is involved in the appeal:  
[X] Constitutional/Administrative [x] Civil Procedure

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that:

1. The orders of Mr. Justice Sewell be set aside;
2. Costs here and in the court below.

The trial/hearing of this proceeding occupied 21 days.

Dated at Victoria, British Columbia, this 23<sup>rd</sup> day of February, 2017.



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Aurora Faulkner-Killam,  
Solicitor for the Appellant,  
Cobble Hill Holdings Ltd.

To the respondents:

**Shawnigan Residents' Association**

And to its solicitors:

**Farris, Vaughan, Wills & Murphy LLP**

3rd Floor, 1005 Langley Street

Victoria, B.C. V8W 1V7

Attention: Sean Hern and Robert Anderson

**Director, *Environmental Management Act***

And to its solicitors:

**Ministry of Justice Legal Services**

1001 Douglas Street

Victoria, B.C. V8W 9J7

Attention: David Cowie and Alandra Harlington

**Environmental Appeal Board**

And to its solicitors:

**Underhill, Boies Parker, Gage & Latimer LLP**

816 - 1175 Douglas Street

Victoria, BC V8W 2E1

Attention: Mark Underhill and Robin Gage

This Notice of Appeal is given by

**Cobble Hill Holdings Ltd.,**

whose address for service is:

Cox, Taylor

3<sup>rd</sup> Floor, Burnes House

26 Bastion Square

Victoria, BC V8W 1H9

To the respondents:

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:

B.C. Court of Appeal  
Suite 400, 800 Hornby Street  
Vancouver BC V6Z 2C5

Other Registries:

B.C. Court of Appeal  
The Law Courts  
P.O. Box 9248 STN PROV GOVT  
850 Burdett Ave  
Victoria BC  
V8W 1B4

B.C. Court of Appeal  
223 – 455 Columbia Street  
Kamloops BC V2C 6K4

Inquiries should be addressed to  
(604) 660-2468  
Fax filings: (604) 660-1951