

THE QUEEN'S BENCH

WINNIPEG CENTRE

APPLICATION UNDER Queens' Bench Rule 14.05(2)(c)(iv)

BETWEEN:

**WESTERN CANADA WILDERNESS COMMITTEE,**

Applicant,

- and -

**THE GOVERNMENT OF MANITOBA,**

Respondent.

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**NOTICE OF APPLICATION**

**HEARING DATE:**

JUN 16 2011

*Thursday, July 7<sup>th</sup>, 2011 at 10:00 a.m.*

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R3C 4H6

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(File No. 45961/1)

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NOTICE OF APPLICATION

TO THE RESPONDENT THE GOVERNMENT OF MANITOBA

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing before a judge, on ~~Thursday~~ <sup>July 7</sup> day, 2011 at 10:00 o'clock in the ~~am~~ <sup>noon</sup>, at the Law Courts, 408 York Avenue, Winnipeg, Manitoba.

IF YOU WISH TO OPPOSE THIS APPLICATION, you or a Manitoba lawyer acting for you must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must serve a copy of the evidence on the applicant lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but not later than 2:00 p.m. on the day before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR  
ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

C. LANIUK  
DEPUTY REGISTRAR  
COURT OF QUEEN'S BENCH  
FOR MANITOBA

Issued by \_\_\_\_\_  
Deputy Registrar

TO: **THE GOVERNMENT OF MANITOBA**  
Manitoba Justice  
Civil Legal Services 730 - 405 Broadway  
Winnipeg, MB R3C 3L6

APPLICATION

1. The Applicant makes application for:

- (a) an Order interpreting and declaring that the meaning of the term "logging" as found in section 15.1(1) of *The Forest Act* C.C.S.M. c. F150 includes the construction of a logging road;
- (b) an Order interpreting and declaring that the Respondent is not entitled to issue permits for the construction of logging roads in Provincial Parks to which section 15.1 of *The Forest Act* applies;
- (c) an Order for costs; and
- (d) Such further and other relief as counsel may advise and to this Honourable Court may seem just.

2. The grounds for the application are:

- (a) The Applicant is a registered charitable organization with approximately 7,500 members in Manitoba and 60,000 members across Canada which has as its mission the protection of Canada's biodiversity and the defense of Canada's remaining wilderness and wildlife;
- (b) The Respondent Government of Manitoba is sued pursuant to *The Proceedings Against the Crown Act*, C.C.S.M. c. P140;
- (c) The Minister of Conservation on behalf of the Respondent has indicated its interpretation of the term "logging" as found in section 15.1(1) of *The Forest Act* C.C.S.M. c. F150 does not include the construction of a logging road;

- (d) Based on the Respondent's interpretation of the term "logging", it has issued a permit to build a logging road through a Provincial Park;
  - (e) *Queen's Bench Rule* R14.05(2)(c)(iv);
  - (f) *The Forest Act*, C.C.S.M. c. F150, s. 15.1;
  - (g) *The Provincial Parks Act*, C.C.S.M. c. T20;
  - (h) *The Proceedings Against the Crown Act*, C.C.S.M. c. P140; and
  - (i) such further grounds as counsel may advise and this Honourable Court may permit.
3. The following documentary evidence will be used at the hearing of the application:
- (a) the Affidavit of Eric Reder sworn June 14, 2011;
  - (b) the Affidavit of Gaile Lillian Whelan-Enns sworn June 14, 2011;
  - (c) the Affidavit of Charles Hughes Arklie sworn June 14, 2011; and
  - (d) such further evidence as counsel may advise and this Honourable Court may permit.

June \_\_, 2011

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Solicitors for the applicant

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