

aw
04/10/21

Amended Reply pursuant to Rule 8(1)(a)
original filed Nov 4/20

REGISTRY FILE NUMBER
86594
REGISTRY LOCATION
Surrey

REPLY

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

- To a Claim
 To a Counterclaim

REPLY

TO:
Copy the name, address and telephone number of the claimant from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME	Jessica Simpson			CLAIMANT(S)
ADDRESS	505-8840 210 St. #265			
CITY, TOWN, MUNICIPALITY	Langley	British Columbia	V1M-2Y2	TEL. # (778) 771-5353
PROV.		POSTAL CODE		

FROM:
Fill in the name, address and telephone number of the defendant filing this reply.

NAME	Township of Langley			DEFENDANT
ADDRESS	c/o Guild Yule LLP (Attn: Alexandra Wickett) Suite 2100- 1075 W. Georgia Street			
CITY, TOWN, MUNICIPALITY	Vancouver	British Columbia	V6E 3C9	TEL. # (604) 688-1221
PROV.		POSTAL CODE		

DISPUTE:

Using the "HOW MUCH" section of the Notice of Claim or the Notice of Civil Resolution Tribunal Claim as a guide, tell why you disagree with each part (a - e). If you agree with parts of the claim say so.

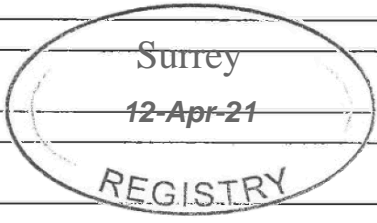
a See attached Schedule "A"

b

c

d

e



AGREEMENT WITH THE CLAIM:

If you agree to pay all or part of what is claimed, make a proposal.

I (NAME) agree to pay \$ 0.00

I could make the following payments:
(GIVE DATES AND AMOUNTS)

COUNTERCLAIM (YOU SHOULD ONLY FILL OUT THIS PART OF THE FORM IF YOU WISH TO MAKE A CLAIM AGAINST THE CLAIMANT) (THIS PART IS NOT TO BE USED WHEN REPLYING TO A COUNTERCLAIM OR TO A NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM)

WHAT HAPPENED?

Briefly tell what has led to your counterclaim.

HOW MUCH?

Tell what you are claiming. If your counterclaim has more than one part, separate each part and fill in each individual amount, then add the individual amounts to make the total.

a	\$	
b	\$	
c	\$	
TOTAL	\$	0.00
+ FILING FEES	\$	
= TOTAL CLAIMED	\$	

court copy

court copy

SCHEDULE A

No. C86594
Surrey Registry

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

BETWEEN:

JESSICA SIMPSON

CLAIMANT

AND:

TOWNSHIP OF LANGLEY

DEFENDANT

aw 04/10/21

AMENDED REPLY TO AMENDED NOTICE OF CLAIM

Filed by: Township of Langley (the "Defendant")

BACKGROUND

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1. The Defendant denies each and every allegation contained in the Amended Notice of Claim filed in this proceeding on April 6, 2021 (the "**Claim**"), unless expressly admitted herein, and puts the Claimant to strict proof thereof.

2. The Defendant is a municipality incorporated under the laws of British Columbia and has an address for service in this matter c/o Guild Yule LLP Suite 2100, 1075 West Georgia Street, Vancouver, British Columbia.

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3. Township of Langley employees operate under the direction of the Langley RCMP. AT all times, all protocols and policies were followed by the Defendant and its employees, servants, or agents with respect to all interactions with the Claimant.

3.4. The Claimant was incarcerated in one of the Defendant's cell blocks on August 5, 2019 between 20:03 hours and 22:40 hours.

can respond adequately. Accordingly, the Claim fails to satisfy the basic purpose of pleadings inasmuch as there is no ability for the Defendant to identify the allegations made against it and know the case expected to be met at Trial.

4.5. Further and in the alternative, the Claim discloses no reasonable cause of action and no genuine issue for Trial and the Claim should be dismissed.

Mistreatment by the Defendant

5.6. The Defendant denies that it is liable to the Claimant, as alleged or at all.

6.7. Pursuant to the *Local Government Act*, RSBC 2015, c 1 at, s. 735, any claim arising more than 6 months prior to August 26, 2020 is statute-barred from proceeding. All actions against municipalities for the unlawful doing of anything that is purported to have been done by the municipality or regional district under the powers conferred by an Act and might have been lawfully done by the municipality if acting in the manner established by law must be commenced within 6 months after the cause of action arose, or within a further period designated by the counsel or board in a particular case, but not afterwards.

7.8. In the alternative, if the claim is not statute-barred from proceeding, the Defendant was not negligent and at all material times, the Defendant and its servants, agents or employees performed all acts in accordance with the reasonable standard of care of a municipality.

Text to 911

8.9. The Defendant denies that it is liable to the Claimant, as alleged or at all, for any interactions, as alleged or at all, relating from or relating to the Text to 911 services, or any and all other calls to the Defendant's emergency or non emergency reporting lines.

Harassment by the Defendant

15.16. In the further alternative, if the Claimant has suffered loss or damages, either as alleged or at all, which is denied, then such loss or damages are too remote, the Claimant has failed to mitigate her loss or damages and the Defendant is not liable to the Claimant for the loss or damages claimed.

16.17. The Defendant further pleads and relies on the *Negligence Act*, RSBC 1996 c 333, and amendments thereto.

17.18. The Claimant's action has no reasonable basis for success and the Defendant claims a penalty under Rule 20(5) of the *Small Claims Rules*, BC Reg 261/93.

ALL OF WHICH IS RESPECTFULLY SUBMITTED,

WHEREFORE, the Defendant submits that the Claim should be dismissed with costs pursuant to Rule 20(2), (5) and (6) of the *Small Claims Rules*.

Defendant's address for service: Guild Yule LLP
2100 – 1075 West Georgia Street
Vancouver, BC V6E 3C9
(Attention: Alexandra R. Wickett)

Fax number address for service: 604-688-1315

E-mail address for service: N/A awickett@guildyule.com AW 04/10/21

Place of Trial: Vancouver Surrey, British Columbia AW 04/10/21

The address of the registry is: 14340 57 Avenue
Surrey, British Columbia
V3X 1B2

Dated: ~~November 3, 2020~~ April 10, 2021

AW 04/10/21

Alexandra Wickett

ALEXANDRA R. WICKETT,
~~Student-at-Law~~ Articled Student
Counsel for the Defendant,
Township of Langley

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