

COPY

IN THE SUPREME COURT OF BRITISH COLUMBIA



R.K. Heli-Ski Panorama v Glassman et al,
2005 BCSC 1622

Date: 20051123
Docket: 15732
Registry: Cranbrook

R.K. Heli-Ski Panorama Inc.

Petitioner

And

**Martyn Glassman, In his capacity as the Project Assessment Director for
The Jumbo Glacier Resort Project, Joan Hesketh, In her capacity as the
Executive Director, Environmental Assessment Office,
The Minister of Sustainable Resource Management,
The Minister of Small Business and Economic Development,
The Minister of Water, Land and Air Protection and Glacier Resorts Ltd.**

Respondents

Before: The Honourable Mr. Justice Melnick

Reasons for Judgment

Counsel for petitioner

R.V. Wickett and
P.J. Poston

Counsel for respondent, Glacier Resorts Ltd.

L.G. Schafer

Counsel for respondents, Glassman,
Hesketh, The Minister of Sustainable
Resource Management, The Minister of
Small Business and Economic Development
and The Minister of Water, Land and Air
Protection

N. Poole

Date and Place of Hearing:

October 24 – 28, 2005
Cranbrook, B.C.

[76] I find no evidence which leads me to the conclusion that the EAO was biased in any way in the manner in which it chose to accept the conclusions from the Sierra report with respect to R.K. nor in the manner in which it commissioned that report.

[77] In summary, I find that no reasonable person would have an apprehension of bias on the part of the EAO in the manner in which it conducted its assessment with respect to R.K.

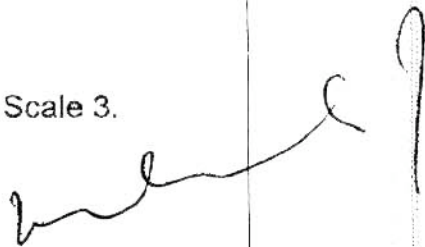
VI. CONCLUSION

[78] R.K. has failed to demonstrate to me that it was denied natural justice either because of failure to provide it with an opportunity to be fully and properly heard in a meaningful way or because a reasonable person would apprehend bias on the part of the EAO, Sierra, or the Ministers. As noted above, while there may have been technical faults in the process leading to the issuance of the EA Certificate by the Ministers, those irregularities were not substantial and do not merit the remedy sought by R.K. In the result, I dismiss the petition of R.K.

VII. COSTS

[79] Mr. Schafer, on behalf of Glacier, asked that special costs be awarded to all respondents. Glacier has no standing to ask for special costs to be awarded to the other respondents and they do not seek special costs. In any event, there are no grounds to award special costs to any of the respondents, including Glacier, in my view.

[80] The respondents are entitled to their costs on Scale 3.

A handwritten signature in black ink, appearing to be 'W. Schafer', is written in the bottom right corner of the page.