

*S. Smith s.m. 1/11
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Date: 19970206
Docket: C951948
Registry: Vancouver

IN THE SUPREME COURT OF BRITISH COLUMBIA

Oral Reasons for Judgment
Mr. Justice Skipp
Pronounced in Chambers
February 6, 1997

BETWEEN:

KATHIE ROSE OAKES

PLAINTIFF

AND:

CITY OF PRINCE RUPERT and ROSALBA DE LEO

DEFENDANT

Counsel for the Plaintiff:

R. Campbell

Counsel for the Defendant
R. De Leo:

C. Dennis

Counsel for the Defendant
City of Prince Rupert:

D.T. McKnight

[1] I am acceding to the application of the City of Prince Rupert to dismiss the action against them on the basis of Rule 18A. I think if I were to do otherwise and put this order over for trial, she would simply become enmeshed in a hopeless cause. I find that the City of Prince Rupert in its wisdom established a policy insofar as the properties in the district in which this plaintiff has a lot is concerned that there would

be no snow and ice removal by the city until such time as a complaint has been lodged at which time the city's policy is that they would go out and inspect the complained of sidewalk and they would remove the snow and ice and I find that there was no such complaint and I find that therefore the action against the city is not maintainable and I dismiss it. I accede to the 18A application and as you are successful, you are entitled to your costs.

Skipp J

Mr. Justice Skipp