



NO. 15819
QUESNEL REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

John Higgins, Valerie King, and Susan Maile

PETITIONERS

AND:

The City of Quesnel

RESPONDENT

RESPONSE TO PETITION

Filed by: The City of Quesnel (the "petition respondent")

Part 1: ORDERS CONSENTED TO

The petition respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the petition: nil

Part 2: ORDERS OPPOSED

The petition respondent opposes the granting of the orders set out in paragraphs 1 to 3 of Part 1 of the petition.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The petition respondent takes no position on the granting of the orders set out in paragraphs NIL of Part 1 of the petition.

Part 4: FACTUAL BASIS

1. This Petition relates to the City of Quesnel Zoning Bylaw Amendment Bylaw No. 1716 of 2013 (the "Bylaw") and the City of Quesnel Official Community Plan (the "OCP").
2. The Bylaw was adopted by the municipal council of the Respondent after a public hearing in which residents had an opportunity to express their opinion regarding the Bylaw.
3. The Bylaw permits a secondary suite at the property located at 136 Leonard Street, Quesnel, B.C. (the "Property").

4. The OCP contemplates the possibility of the Property being zoned to allow for a secondary suite.

Part 5: LEGAL BASIS

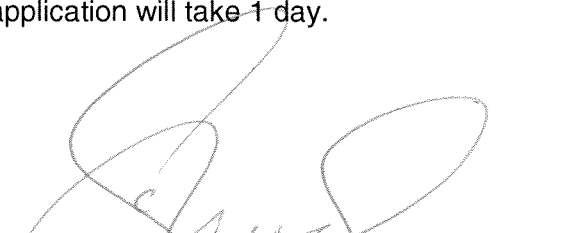
1. In an application under s. 884 of the **Local Government Act, R.S.B.C. 1996, c. 323**, a bylaw is subject to review on a reasonableness standard as to whether or not it is incompatible with the applicable Official Community Plan (see **Residents and Ratepayers of Central Saanich Society v. Saanich (District), 2011 BCCA 484**).
2. In this matter, the Bylaw is not incompatible with the OCP.
3. Alternatively, it is not unreasonable to determine that the Bylaw is not incompatible with the OCP.

Part 6: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Tanya Turner sworn the 6th day of June, 2013

The petition respondent estimates that the application will take 1 day.

Dated: June 7th, 2013.



Signature of Christopher S. Murdy
 defendant lawyer for petition respondent

Petition respondent's(s') address for service: c/o Christopher S. Murdy, Murdy & McAllister, Barristers & Solicitors, 1155 – 555 Burrard St., PO Box 49059, Vancouver, B.C. V7X 1C4

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