NO. C65173

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE HUMAN RIGHTS CODE OF BRITISH COLUMBIA, S.B.C. 1973, (SECOND SESSION), CHAPTER 119, AND AMENDMENTS THERETO

AND IN THE MATTER OF A COMPLAINT BY DAVID RICHARD JEFFERSON AGAINST GEORGE BALDWIN AND BRITISH COLUMBIA FERRIES SERVICE MADE PURSUANT TO SECTION 8 OF THE HUMAN RIGHTS CODE OF BRITISH COLUMBIA

AND IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 18 OF THE HUMAN REASONS FOR JUDGMENT

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OF THE HONOURABLE

RIGHTS CODE OF BRITISH COLUMBIA

BETWEEN:

DAVID RICHARD JEFFERSON

APPELLANT (COMPLAINANT)

AND:

GEORGE BALDWIN and BRITISH COLUMBIA FERRIES SERVICE

RESPONDENTS (RESPONDENTS)

AND:

KATHLEEN RUFF, DIRECTOR APPOINTED UNDER SECTION 12(1) OF THE HUMAN RIGHTS CODE OF BRITISH COLUMBIA MR. JUSTICE KIRKE SMITH

IN CHAMBERS

JANCOUVER

DEC 2 1 1977

REGISTRY

(PARTY)

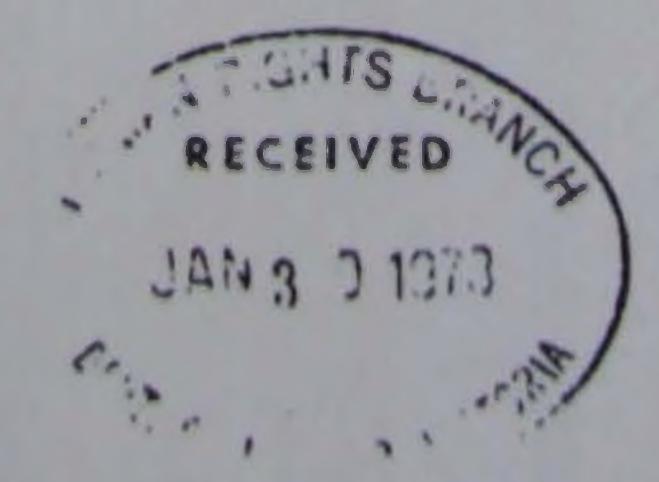
S.F.D. Kelleher

L.F. Lindholm

Date and Place of Hearing:

for the Appellant;
for the Respondents;

December 20, 1977, Vancouver, B.C.





This is an appeal by way of stated case from the decision of a Board of Inquiry appointed under the above Code by the Minister of Labour. The stated case as presented required answers to three questions propounded by the Board. At the hearing counsel for the appellant abandoned questions number two and three so that I am dealing here solely with question one. My answer to this question is in the negative. In my

- 2 -

wiew the Board was correct in law in holding that the respondents

did not contravene the provisions of section 8 of the Code. I agree in general with Mr. Lindholm's submission on this question, and particularly with his submission that this Court does not and will not sit in review of every management decision. I agree further that the issue of "reasonable cause" is a question of fact which is exclusively within the jurisdiction of the Bohrd of Inquiry unless the appellant can show that that question was decided perversely. There is, and can be, no such allegation here. The Board's decision is, in my respectful view, fully supported by the evidence before it and I am unable to discern any question of law

emerging therefrom. It follows that, in my opinion, the appeal must be and is dismissed.

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