

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)
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)
(PARTY))

REASONS FOR JUDGMENT

OF THE HONOURABLE

MR. JUSTICE KIRKE SMITH

IN CHAMBERS



S.F.D. Kelleher

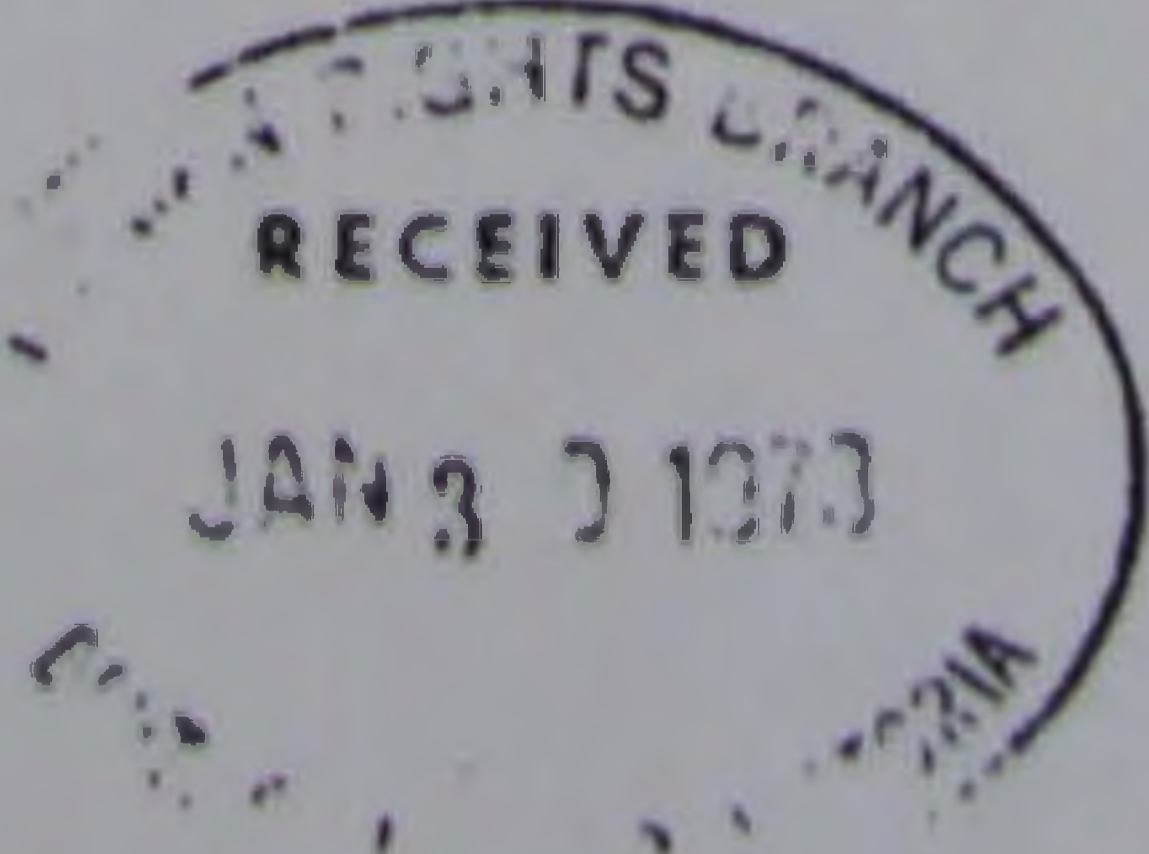
for the Appellant;

L.F. Lindholm

for the Respondents;

Date and Place of Hearing:

December 20, 1977,
Vancouver, B.C.



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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 view 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 Board 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.

Leah Smith

Vancouver, B.C.

December 20, 1977.

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