

Denman Conservancy Legal Action

(submitted by John Millen)

On March 24th, 2003 Conservancy (DCA) members authorized the Board to sue 4064 Investments, Mr. Jenks and two other companies. The suit seeks to have covenants placed on the Railway Grade Marsh and Komasa Bluffs as well as damages to compensate for the logging in the Railway Grade Marsh area that the covenants would have prevented.

The contracts, by which 4064 bought these properties from Hancock on June 30, 1997, required that covenants be placed protecting a twenty-meter setback around the Railway Grade Marsh and along the bench at the top of Komasa Bluff.

When logging started in the Railway Grade Marsh area in the summer of 2000 without the covenants in place DCA asked Hancock to enforce the contract, which Hancock declined to do. However they assigned their enforcement rights to DCA.

Legal research of the rights has been carried out funded by West Coast Environmental Law through its Environmental Dispute Resolution Fund (EDRF). Doug Olstead, DCA's lawyer and Kathryn Chapman of Arvey Finlay did the research.

To date 4064 Investments, Northland Development, Coast Mountain Enterprises and Mr. Jenks have been served with a Writ of Summons and a Statement of Claim. We have received responses acknowledging receipt of the Summons and await their statements of defense.