



NEWS RELEASE

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FOR IMMEDIATE RELEASE

BCCLA HEADS TO BC SUPREME COURT TO CHALLENGE CONSTITUTIONALITY OF PROVINCIAL “GROW-OP” LEGISLATION

The BCCLA will appear as an intervenor today at the BC Supreme Court in *Arkininstall et al v. Surrey et al*, a case that involves a challenge to the constitutionality of British Columbia’s *Safety Standards Act*. The case will be argued for three days.

Under the Act, municipal electrical and fire inspectors can demand entry into anyone’s home to do an electrical safety inspection. The City of Surrey says those inspectors must be accompanied by uniformed and armed RCMP officers.

Grace Pastine, Litigation Director for the BCCLA: “This legislation is being used as a tool to conduct warrantless searches of citizens’ homes, which is a clear violation of the Charter. The inspections are done without any judicial warrant to enter the home and the only justification given or required for the inspections is that one has ‘high power consumption’ based on electricity consumption records that the City can compel from the utility provider.”

Joseph Arvay, counsel for the petitioners, Jason Arkininstall and Jennifer Green: “This case has great significance for British Columbians, and Canadians in general, who value their privacy and the protection of their homes from State intrusion.”

The Act requires the electrical companies to share British Columbians’ private electricity records with municipalities. The Act also specifically empowers the municipalities to share those records with the police.

Municipalities and the police say that these inspections are being done on homes that they believe are marijuana grow operations. However, anyone who has high hydro consumption will be a potential victim of such warrantless entries into their homes.

Mr. Arvay’s clients were residents of Surrey. When the team of Surrey safety inspectors and police demanded entry into their home, they said they would allow the electrical inspectors and fire fighters to enter the home, but not the police unless they had a legal warrant. In response, the City of Surrey simply cut the power supply to the home, forcing the couple and their young child to abandon the house.

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