



**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

THE SOUTHERN INTERIOR LAND TRUST SOCIETY

PLAINTIFF

AND:

SHAWN LOCKHART, JOHN DOE & JANE DOE

DEFENDANT

**RESPONSE TO CIVIL CLAIM**

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

Filed by: Jesse Gelber, lawyer for Shawn Lockhart

**Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS**

**Division 1—Defendant’s Response to Facts**

1. The facts alleged in the following paragraphs of Part 1 of the Notice of Civil Claim are admitted: 1, 2, 8, 23.
2. The facts alleged in the following paragraphs of Part 1 of the Notice of Civil Claim are denied: 7, 9, 16, 17, 19, 26, 27, 28, 32.
3. The facts alleged in the following paragraphs of Part 1 of the Notice of Civil Claim are outside the knowledge of the Defendants: 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 18, 20, 21, 22, 24, 25, 29, 30, 31, 33.

**Division 2—Defendant’s Version of Facts**

1. The real property owned by the Plaintiff, being LOT 30, PLAN KAP726, DISTRICT LOT 499 616, SIMILKAMEEN DIV OF YALE LAND DISTRICT, EXCEPT PLAN H18290 (PID: 001-780-573) is located in the Regional District of Kootenay Boundary, approximately seven kilometres east of the City of Grand Forks (the “Edwards Pond Property”).
2. The Edwards Pond Property is an unfenced, unimproved wetlands area measuring approximately 50 acres in area.
3. Shawn Lockhart denies cutting down any tree on the Edwards Pond Property as alleged and holds the Plaintiff to strict proof thereof.

4. Shawn Lockhart denies having trespassed on the Edwards Pond Property as alleged and holds the Plaintiff to strict proof thereof.
5. The Defendant Shawn Lockhart seeks dismissal of this claim with costs awarded to the Defendant.

**Part 2: RESPONSE TO RELIEF SOUGHT**

1. The Defendant consents to the granting of the relief sought in the following paragraphs of Part 2 of the Notice of Civil Claim: none.
2. The Defendant opposes the granting of the relief sought in the following paragraphs of Part 2 of the Notice of Civil Claim: all.
3. The Defendant takes no position on the granting of the relief sought in the following paragraphs of Part 2 of the Notice of Civil Claim: none.

**Part 3: LEGAL BASIS**

1. Common law relating to trespass.

Defendant's address for service: McEwan & Co. Law Corporation  
1432 Bay Avenue  
Trail, BC V1R 4B1

Fax number address for service: (250) 368-9401

E-mail address for service: thamm@mcewanlawco.com

Dated: November 30, 2023



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Signature of Jesse Gelber  
Lawyer for Shawn Lockhart

*Rule 7-1(1) of the Supreme Court Civil Rules states:*

- (1) *Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,*
  - (a) *prepare a list of documents in Form 22 that lists*
    - (i) *all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and*
    - (ii) *all other documents to which the party intends to refer at trial, and*
  - (b) *serve the list on all parties of record.*