HIGHWAY DEATH

ICBC backpedals on lawsuit claims

Initial claims of impairment in cycling death dropped, but company continues with lack of care argument

GEORDON OMAND THE CANADIAN PRESS

VANCOUVER — British Columbia's public auto insurer says a cyclist's own carelessness led him to be run down and killed by an alleged impaired driver on a highway near Whistler.

The Insurance Corp. of B.C. responded to a lawsuit filed against it earlier this year by initially arguing that Ross Chafe may have been cycling under the influence of drugs or alcohol at the time of the May 31 collision.

A week later, the Crown corporation amended its original submission, removing the suggestion that Chafe could have been riding while "impaired by alcohol, drugs, fatigue, illness or any combination thereof."

The remaining 11 claims were not changed, including that Chafe's brakes were possibly faulty and that he might not have been riding legally or staying as close as possible to the road's shoulder.

"He was operating the said cycle without proper care and attention or without reasonable consideration for others using the highway," read the response to civil claim filed in B.C. Supreme Court on earlier this month.

"He failed to take reasonable or proper or any precaution to avoid the accident. ... He failed to give any or adequate warning to (the driver of the vehicle) when the accident was, or should have appeared, imminent."

ICBC issued a statement on Wednesday saying that it wasn't accusing Chafe of anything, but rather wanted to flag "possible issues" that should be explored.

"Our intentions are in no way to deny a fair settlement to any deserving party," wrote spokesman Adam Grossman in an email. "This is very much part of the standard legal process. Defence must lay out any potential scenario which may have occurred so it can be considered."

Chafe was out for a weekend ride with two others along Highway 99 about 50 kilometres north of Whistler when his group was hit by a vehicle alleged to have been driven by Samuel Alec.

On Sept. 17, Chafe's wife, Lizanne Bussieres, launched legal action against Alec and the vehicle's owner, Carmen Ned, for negligence. A month later, ICBC applied to be included as a third party in the case.

Bussieres alleged Ned was aware that Alec was impaired and still allowed him to use the vehicle, which she argued wasn't properly maintained.

Court documents indicate she filed the lawsuit on behalf of herself and her three children, aged 11, 15 and 17. Bussieres wants compensation for the loss of guidance, support, household assistance and inheritance, as well as special damages for funeral and memorial service costs.

None of the allegations have been proven in court and neither Ned nor Alec have filed statements of defence.

The collision also killed Chafe's fellow cyclist Kelly Blunden and Paul Pierre Jr., who was a passenger in the vehicle.

In August, RCMP charged Alec with several offences, including impaired driving causing death, criminal negligence causing death and failure to remain at the scene of an accident.

NEWS IN BRIEF
The Canadian Press

◆ VICTORIA

Dog-beater banned from owning animals

A Victoria-area man who beat a dog with a baseball bat until it could barely walk has been sentenced to six months in jail and banned from owning animals for 10 years.

Joseph White of Colwood was convicted of causing unnecessary pain and suffering to an animal and failing to provide the necessities of life.

The SPCA's senior manager of cruelty Shawn Eccles says White adopted the dog from the agency in April 2013 and a year later said it was too aggressive.

Eccles says that when White brought the dog back to a shelter, it was unable to move because of multiple injuries, leading to an investigation.

The SPCA's chief prevention officer Marcie Moriarty says the female pit bull mix named Bryn had injuries to her legs, torso, head and teeth and needed months of rehabilitation before it could walk.

Moriarty says the gentle and affectionate dog has been adopted by another family.

◆ VERNON

Ninety days in jail for child porn conviction

An Enderby, B.C., man caught in a Canada-wide child-pornography ring has been sentenced to 90 days in jail.

Forty-six-year-old Rylan Sandberg pleaded guilty to possession of child porn in May and must also serve 18 months probation.

He must submit a DNA sample and is barred from having contact with a person aged 16 or younger, other than his two children while he is on probation.

Sandberg is also prohibited from using the Internet except for work.

HERITAGE



Steven Purewal (left) presents 1874 Red Ensign flag to Premier Christy Clark, with members of the Surrey-based 3300 B.C. Regiment (Bhai Kanhaiya) Royal Canadian Army Cadet Corps at ceremony at the B.C. legislature Oct. 28. [B.C. GOVERNMENT]

Gift to premier salutes wartime contributions of Indian soldiers

TOM FLETCHER BLACK PRESS

An 1874 version of the Red Ensign flag has been presented to the B.C. government to commemorate the contribution of Indian Army soldiers to allied forces in World War I and their settlement in the province.

Steven Purewal, founder of Indus Media Foundation Canada, presented the flag to Premier Christy Clark Oct. 28 as a symbol of their contribution. Here are excerpts from Purewal's speech:

"In 1849 Vancouver Island and the Punjab both became realms of the Crown. For the Punjab, the Victorian era opened up many opportunities within the vast military administration of the empire. And by the turn of the 19th Century, Punjabis had won many accolades as outstanding soldiers of the Queen in the various campaigns throughout Asia and Africa.

"The heroic story of the Canadians in Flanders Fields is told in our classrooms. But what's not told is that the Punjabis were standing united with Canada."

Steven Purewal, Indus Media Foundation

"As we know, in the summer of 1914, the ship *Komagata Maru* arrived in Vancouver to a less than welcoming environment.

"It was a sad episode in our community's history.

"But there is another story, an epilogue if you will, to the *Komagata Maru* story. And that is that another ship was asked to sail at the very same time the *Komagata Maru* was leaving from India, that was asked to sail to France.

"That ship contained the kith and kin of the people aboard the *Komagata Maru*. Their story is the story of the men that stood with Canada during its baptism of fire in World War I.

"The heroic story of the Canadians in Flanders Fields is told in our classrooms. But what's not told is that the Punjabis were standing united with Canada. They were there as brothers in arms and friends in need. They stood true despite the events of Vancouver.

"On the centennial of World War I, our children should learn that the Indian Army won 9,000 gallantry awards, that the Indian Army fielded more men in World War I than all the other colonies put together, including Canada and Australia, that they were critical to the allied victory."

PRINCE RUPERT

Natural gas pipeline plan jumps hurdle

SHAUN THOMAS THE NORTHERN VIEW

TransCanada has cleared a major hurdle for its Prince Rupert Gas Transmission (PRGT) project, which would bring natural gas from northeastern B.C. to the Pacific NorthWest LNG terminal on Lelu Island.

On Oct. 27 the company announced it had received final permits from the BC Oil and Gas Commission, essentially providing regulatory approval for the construction and operation of the pipeline. The permit covers the entire 900 kilometres of the route — including both the marine and terrestrial pipeline — as well as the construction of three compressor stations and a meter station at the terminal itself.

"Receiving the full complement of 11 pipeline and facility permits is a major milestone for the project, and concludes an exhaustive regulatory process that we embarked on more than two years ago," said Tony Palmer, PRGT president.

"Along with the B.C. Environmental Assessment Certificate received last November, the BCOGC permitting process was the last major regulatory step for PRGT. At the same time, we continue to work towards securing more Project Agreements with First Nations, which provide significant financial benefits while addressing cultural and environmental interests."

While the commission issued the permits, those permits include approximately 70 conditions placed on the project related to everything from notification and reporting to First Nations and heritage conservation to terrain stability and stream crossings.