



Court File No. **KEL-S-S-136195**

This is the 1st Affidavit
of KEN HUNTER in this case and
was made on ~~9/Dec/2022~~
No. Jan/2023
KELOWNA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CITY OF KELOWNA

PETITIONER

AND:

**UNKNOWN PERSONS OPERATING AS "COMMON LAW
EDUCATION AND RIGHTS", DAVID LINDSAY, JOHN DOE, JANE
DOE, AND PERSONS UNKNOWN**

RESPONDENTS

AFFIDAVIT

I, KEN HUNTER, of 1435 Water Street, Kelowna, BC, civil servant, AFFIRM THAT:

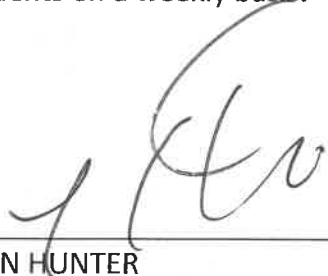
1. I am the Operations Officer for the City of Kelowna's Bylaw Enforcement Department in this matter. I have personal knowledge of the matters hereinafter deposed to save and except where those matters are stated to be based on information and belief, and to such latter matters I verily believe the same to be true.
2. On February 25, 2022, I was copied on an email from Mark Burley, Executive Director of the Kelowna Downtown Association, a local business improvement association. Mr. Burley expressed concerns on behalf of the business community about the impacts of the weekly Freedom Rally events and marches, led by the Respondents C.L.E.A.R. and David Lindsay. Attached as Exhibit "A" to this Affidavit is a true copy of that email.
3. The concerns expressed by Mr. Burley in this email have been repeated to the City by many other business owners and community members who are negatively impacted by

the unpermitted events carried on by the Respondents on a weekly basis.

AFFIRMED BEFORE ME at Kelowna,
British Columbia, on ~~9/Dec/2022.~~
Jan/2023.



A Commissioner for taking Affidavits for British Columbia


KEN HUNTER

Laura Bentley, DEPUTY CITY CLERK

LAURA BENTLEY
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
1435 Water Street, Kelowna, B.C.

From: Mark Burley <mark@downtownkelowna.com>
Sent: February 25, 2022 11:33 AM
To: MacIntosh, Adam; Pikola, Robert; Kevin Mead; Ken Hunter
Cc: Darren Caul; Alan Budde; Yarden Gershony; Andrew.HUNTER@rcmp-grc.gc.ca
Subject: Saturday Protest

CAUTION: External email - Check before you click!

Good morning.

It is my understanding that, once again, a march of protestors is planned for Downtown Kelowna tomorrow, Saturday February 26. It is also my understanding that a route is planned of which Police and Bylaw are aware. The route starts at Stuart Park, down Doyle to Richter to Bernard and down Bernard Avenue ending on the highway at Abbott. Apparently, this is being allowed with numbers expected to approach 1,000.

Once again, the businesses of Downtown Kelowna will experience a large disruption and compromised access to their businesses by the public at large. For 18 months, protests have continued in Downtown. The only saving grace is that the occurrence of protesters moving outside of Stuart Park has not occurred every weekend. Recently that seems to have changed. It also seems that the organizers are dictating to the city what will happen and where it will happen with no input from any source but the organizers. In the meantime, our businesses must accept that the traffic interruption will happen, that the horns will no doubt be blaring, and parked cars will not be able to move until the "parade" passes by.

The continued allowance of these events continues to tarnish the reputation of not only our Downtown, but our city. The citizenry at large avoids Downtown Kelowna on weekends because of the continued disruption being allowed. I understand the protests are a right of the individual. I don't understand why the organizers seem to have carte blanche on where they go, when they go there and are allowed to continually interrupt business without any repercussions whatsoever.

I would like to know why this "parade" can operate without a permit of some sort. If they have such a permit, why is the route being accepted and not altered to move up Richter to Harvey directly avoiding the business district? We enjoy a great relationship with Andrew Hunter and his Community Safety Unit dealing with the ongoing day-to-day issues in Downtown Kelowna. We also have a great relationship with Bylaw services that benefits both organizations. At the very least, in this instance, the DKA should be consulted or advised about the Operation Plan and long before the day prior to yet another large protest in Downtown Kelowna.

In my opinion, there must be a better way to manage these situations than what we have experienced to date.

Regards,


**DOWNTOWN
KELOWNA**

Mark Burley EXECUTIVE DIRECTOR

200 – 287 Bernard Avenue
Kelowna, British Columbia, V1Y 6N2
T. 250.862.3515

[Website](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

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This is Exhibit "A" referred to in the
Affidavit of Ken Hunter
sworn (or affirmed) before me at
Kelowna, BC
this 9 day of January, 2023

A Commissioner for Taking Affidavits for British Columbia