

## **Civil Graffiti Damages and Injunctive Relief First for a Local Government in British Columbia**

The City of Langford commenced a civil action in the Supreme Court of British Columbia against two graffiti vandals for injunctive relief and damages. The first action against a graffiti vandal utilizing the tag "REZ" was settled by way of Court Order while the second will proceed to trial. The key components of this Order are as follows:

1. A declaration that REZ breached the City of Langford Unsightly Premises Bylaw by placing graffiti on public places. This is a critical admission of fact where REZ conceded that he committed graffiti vandalism between February 1, 2007 through to January 23, 2008;
2. Injunctive relief restraining REZ from breaching the Bylaw and not possessing any paint or markers for a period of one year;
3. Damages in the amount of \$6,471.35 payable to the City of Langford as well as a payment schedule and 30 hours of community service to be preformed by conducting general maintenance, repainting graffiti and undertaking parks beautification projects in the City; and
4. An incentive payment program where the City will accept a smaller sum of damages subject to strict compliance with the Order. It is important to be fair and reasonable with a young man who has admitted his mistakes, wants to make amends and also needs to move on in his life.

This civil Supreme Court Order for graffiti damages and injunctive relief by a local government is a first in British Columbia. It will be used as a template for future civil actions.

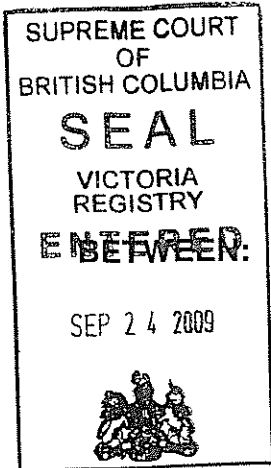
**Troy DeSouza**  
October 23, 2009

2nd Floor  
837 Burdett Ave.  
Victoria, BC  
V8W 1B3

tel 250.380.7744  
fax 250.380.3008

[www.sms.bc.ca](http://www.sms.bc.ca)  
[logolaw@sms.bc.ca](mailto:logolaw@sms.bc.ca)

No.: 09 4153  
Victoria Registry



**IN THE SUPREME COURT OF BRITISH COLUMBIA**

CITY OF LANGFORD

**PLAINTIFF**

**AND:**

, and  
, an infant,

by his litigation guardian,

**DEFENDANTS**

**ORDER**

BEFORE THE HONOURABLE )  
MR JUSTICE BURNYEAT )

THURSDAY, THE 24TH DAY OF  
SEPTEMBER, 2009

**THE APPLICATION** of the Plaintiff, coming on for hearing at Victoria, B.C., on Thursday, the 24th day of September, 2009, and upon hearing Troy DeSouza, counsel for the Plaintiff, and ; and on their own behalf;

AND BY CONSENT;

**THIS COURT DECLARES** that:

1. The Defendant, \_\_\_\_\_, or \_\_\_\_\_, an infant, by his litigation guardian, \_\_\_\_\_, contravened Section 2(4) of the City of Langford Unsightly Premises Bylaw No. 1, 1991 (the "Bylaw"), by placing graffiti on walls and/or public places between February 1, 2007 through to January 23, 2008.

**THIS COURT ORDERS** that:

2. The Defendant, \_\_\_\_\_, be restrained from contravening Section 2(4) of the Bylaw and may not possess any paint, spray paint or markers for a period of one year unless such items are required in connection to bona fide employment.

3. The Plaintiff, City of Langford, is awarded general and special damages in the amount of \$6,471.35 payable by the Defendant, \_\_\_\_\_, and that such judgment be paid as follows:

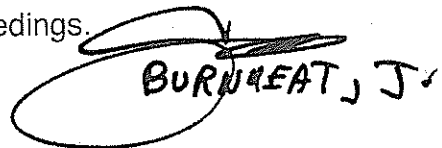
(a) Thirty hours of community service to be performed in general maintenance, repainting graffiti, clean up and parks beautification projects in the City of Langford;

(b) Liquidated debt to be paid to the City of Langford by

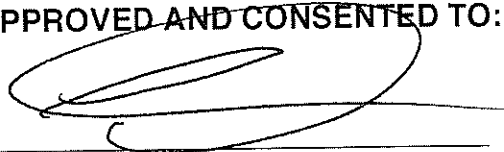
in the amount of \$125.00 per month commencing on the 1st day of October, 2009 and to be completed over the course of 24 months.

4. The Defendant, \_\_\_\_\_ may pay the liquidated debt sooner without penalty. If the liquidated debt is paid in accordance with the schedule outlined in paragraph 3(b) or to the City of Langford's satisfaction, then the general and special damages at paragraph 3 shall be considered to be paid in full. If, however, there is a breach of the monthly payment schedule, the full amount of the damage award of \$6,471.35 is due and owing to the Plaintiff.

5. Each party shall bear their own costs of these proceedings.

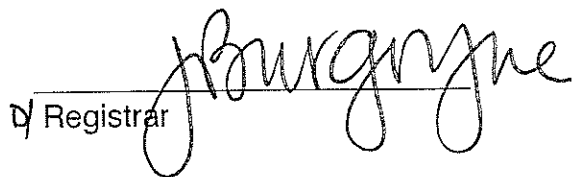
 BURNHEAT, J.

APPROVED AND CONSENTED TO:



Troy DeSouza,  
Counsel for the Plaintiff

BY THE COURT

  
Registrar

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
an infant, by his  
litigation guardian, \_\_\_\_\_, Defendant

No.: 09 4153  
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**BETWEEN:**

CITY OF LANGFORD

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**ORDER**

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Staples McDannold Stewart  
Barristers and Solicitors  
2nd Floor - 837 Burdett Avenue  
Victoria, B.C. V8W 1B3  
(Victoria Court Box #91)  
Telephone: (250) 380-7744  
Facsimile: (250) 380-3008

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