

Case No. 18012

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**BRITISH COLUMBIA PROVINCIAL COURT**  
for *Vancouver B.C.*

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**BETWEEN:**

**KOALAMEDVEDEVA**

**PETITIONER**

**AND:**

**PEANUT7569**

**DEFENDANT**

Place of Hearing: Vancouver, B.C.

Date of Hearing: 1/23/2022

Date of Judgement: 1/29/2022

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**REASONS FOR JUDGEMENT**

**OF THE**

**HONOURABLE JUDGE MALLYVIBES**

Counsel for the Petitioner: *Pro se*

Counsel for the Defendant: *Pro se*

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## **BACKGROUND AND ANALYSIS ON PROCEEDINGS**

On January 23rd, koalaMedvedeva (hereinafter referred to as the “Petitioner”) filed a lawsuit against Peanut7569 (hereinafter referred to as the “Defendant”) for citing them for “Improper Parking” and the “Illegal Parking”. The petitioner's Notice of Claim was accepted on January 24, 2022, and within their Notice of Claim, the petitioner alleges that the "Improper Parking" citation is unlawful as it doesn't exist in the Criminal Code and the "Illegal Parking" citation was given falsely. The petition has asked the court to issue a Declaratory Judgement on a charge, which is stated in my opinion.

On January 24, 2022, the defendant appeared before the court and was ordered to submit a Reply by January 26th, which was approved by the court on the same day.

The court entered into pre-trial discovery on January 24th and both parties were satisfied with the evidence submitted. The exhibits produced during discovery were entered onto the record and admitted as evidence.

On January 25th, the court entered trial and both parties provided the court with their opening statements. On the same day, the court proceeded to main arguments and evidence analysis; then ended with the closing statements on January 26th.

The court was placed in an indefinite recess whilst the Honorable mallyvibes reached a decision.

## **FINAL JUDGEMENT**

Firstly, it is important to emphasize that the British Columbia Criminal Code only allows someone to be cited for Illegal Parking and not Improper Parking. The definition of Illegal Parking is "The act of parking a motorized land vehicle in a place not designated as a parking

zone, or in a marked zone without authorization." in accordance with the British Columbia Criminal Code, Title Code 7.16. It is with no question that Improper Parking is not an offense that exists within British Columbia and it shall not be considered a valid charge in this court. This court would also like to point out that the defendant made the court aware he used the wrong verbiage for said offense and has asked the court to drop the charge. The court will allow the claims for relief. This court quotes a statement made by the defense in their opening statement:

“On the first citation however, I do admit that I utilized the wrong verbiage on the citation and apologize for that and can understand it being dropped. But the same does not apply for the second citation”

Defendant, koalaMedvedeva moved for a Declaratory Judgement regarding the Failure to Use Turn Signals charge. As stated beforehand, it is important to realize that the Criminal Code of British Columbia only allows Failure to Utilize Indicators to be used as a charge to cite someone for failing to use their signals and/or indicators. The definition of Failure to Utilize Indicators, Title Code 7.13 is "The act of failing to utilize a vehicle's indicators during its operation upon making a turn." This court shall make it clear that the only valid charge regarding failing to use your turn signals/indicators is Failure to Utilize Indicators and no other verbiage should be used to cite someone.

The issue brought before the court is that the petitioner had been parked legally in a designated area and he hadn't moved from his place at all. Unfortunately, there is a lack of both inculpatory and exculpatory evidence in this case; moving that this court has no interest in acquitting nor declaring the defendant liable for Tort 2. The burden of proof has not been sufficiently met for a

verdict regarding this claim to be given relief. This court quotes a statement made by the defense in their closing statements:

“In conclusion of this case, I am sticking to my same statement, the evidence that petitioner submitted does not prove whether or not he was illegally parked prior to pulling into the parking space. I do however admit to utilizing the wrong verbiage on the 1st citation. All in all it is understandable for the first citation to be dropped but as for the second, the same does not apply. The petitioner should be held responsible for the second citation.”

The point being made there is clear and I have to agree with the defense regarding the evidence submitted. The court cannot prove that the petitioner was legally parked nor can we prove that the petitioner was illegally parked. Until new evidence is retrieved, the court cannot make a judgement on Tort 2 and will allow none of the claims for relief.

### **COURT ORDER**

For the reasons stated above, it is **ORDERED** that this case be issued in favor of the petitioner for Tort 1. The petitioner, koalaMedvedeva, shall be granted an expungement for their “Improper Parking” citation given on January 22nd as the charge is not valid pursuant to the British Columbia Criminal Code.

The court will allow none of the claims of relief for Tort 2 due to a lack of evidence to establish a worthwhile controversy in law. The petitioner is free to refile if they wish to do so; although, this court would recommend introducing new evidence.

**IT IS ORDERED, ON THIS SATURDAY THE TWENTY-NINTH OF JANUARY, IN THE  
YEAR TWENTY TWENTY TWO.**

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1/29/2022 at 4:34 PM EST

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DATE AND TIME ISSUED

*mallyvibes*

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JUDGES SIGNATURE