

**IN THE MUNICIPAL COURT OF VANCOUVER
FOR THE PROVINCE OF BRITISH COLUMBIA**

BETWEEN

iiCryptic_LawMD

Applicant

AND

AustlnMontague

Respondent

**PART 1:
STATEMENT OF FACTS**

- [1] On March 26th, 2023, I was terminated from the Vancouver Fire and Rescue Services for dereliction of duties (Inactivity, etc). Same day, a minute later, a disciplinary action document was given.

- [2] During the window of time, there was no formal investigation conducted, a blatant violation of the law which the trial judge wholly overlooked in their DV ruling. Henceforth, I am seeking appeal for this disparaging ruling.

- [3] The court convened by the Honorable Judge Mpglasses, who ruled in favor of the defendant for all torts alleged, which are: Right to challenge disciplinary action, Negligence and violation of Public law.

- [4] The court's decision of the Directed Verdict motion came out on April 14th, 2023, which, as stated in [3] of the statement of facts, acquitted the defendant of all 3 civil charges.

~ Continued information on next page ~

PART 2: ERRORS IN JUDGMENT

- [5] The preliminary issue in this appeal would be the method of interpretation that the trial judge took when evaluating whether to accept or reject the motion for directed verdict, which, according to the transcript in the Municipal Court trello card, was wholly granted by the trial court.
- [6] The steps the court made when deciding the motion was not proper. For instance, in the last paragraph of the ruling where the judge states:

“...for the case at hand, there’s nothing in the RERB that requires formal investigation to occur.”

Adding on that the Disciplinary action document provided proof that an investigation was conducted. Which is a major issue considering that these types of “informal” investigations leave so much margin of error.

PART 3: ARGUMENT

- [7] The secondary, tertiary and miscellaneous issues that will be covered in this part will mostly revolve around the cited case law the trial judge cited in their ruling. (Introductory paragraph)
- [8] Let’s dissect the first case law used by the trial judge: *Ontario Inc. v. Maple Leaf Foods (SCC, 2020)*, being a four (4) pronged test which includes the following prongs:
- (1) that the defendant owed the plaintiff a duty of care;
 - (2) that the defendant’s conduct breached the standard of care;
 - (3) that the plaintiff sustained damage; and
 - (4) that the damage was caused,

The defendant did owe the plaintiff a duty of care since the defendant is the employer and direct supervisor of the plaintiff.

- [9] For prong two (2), the defendant did breach that standard of care due to the fact that there was no formal investigation opened up against the plaintiff, which violates the standard of care allotted to general employees, the right to be investigated with a fair trial.
- [10] For prong three (3), there was damage sustained because negligence is not the best of reasons to get terminated out of all, and future employers can look down on negligent employees.
- [11] And for the final prong, prong four (4), it’s pretty simple. The damage of a termination was caused, and future employment may be questionable given the termination at-hand for negligence and dereliction per se.

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PART 4:
NATURE OF ORDER SOUGHT

[12] As a result of the incident at-hand, and given the probable totality of the circumstances for individuals in my situation, the appellant seeks that the verdict of the trial court be quashed at once, granting reinstatement to my prior position as sought in the Notice of Claim originally.

APPENDIX

- 1. Revised Employee Rights Bylaw - s. II(b) - *“An employer shall ensure that all disciplinary action follows a standard procedure accessible to every employee and that such procedure includes regulation and processes for appeals of disciplinary action, as well as a procedure for employee investigations as defined later in this act.”*

- 2. Revised Employee Rights Bylaw - s. II(d) - *“Employees shall have the right to be notified of any accusation prior to the disciplinary action associated with the action being issued and shall be afforded the opportunity for a reasonable defence (including a minimum time span of twenty-four hours) against any accusations.”*

- 3. Revised Employee Rights Bylaw - s. II(e) - *“Employers shall be able to provide employees with the designation of being under investigation for no more than ten days, preventing their ability to represent their employer, provided that the investigation abides by the standard procedure for disciplinary action.”*

LIST OF AUTHORITIES

No.	Content	Page No.
I.	ONTARIO INC. V. MAPLE LEAF FOODS (SCC. 2020)	2

Respectfully submitted

x iiCryptic_LawMD

iiCryptic_LawMD
Appellant