



BRITISH
COLUMBIA

The Best Place on Earth

ORDER TO VACATE

GUIDANCE ON ISSUING AN ORDER TO VACATE

In the overall scheme of enforcement options, Orders to Vacate should be seen as a more formal action than issuing a Warning Ticket. They have standing in law. If a person ignores an Order to Vacate, they may be issued a Violation Ticket or be prosecuted.

Scope

Orders to Vacate may be issued to persons who have contravened the Forest and Range Practices Act (RPA), the Wildfire Act (WFA), or the Wildfire Regulation (WFR) at a recreation site, recreation trail, interpretive forest site or wilderness area (site, trail or area).

Who can issue an Order to Vacate?

A designated official, or a peace officer may issue an Order to Vacate.

When is an Order to Vacate appropriate?

It may be appropriate to issue an Order to Vacate where:

- there has been a contravention of the Act or Regulation at a site, trail or area;
- the person has been adequately informed and warned that their activities are in contravention of the Act or Regulation; and
- the enforcement official determines that the most appropriate action for the contravention is to prohibit the person from continuing their stay at the site, trail or area.

How long should a person be given to pack up and leave a site, trail or area once issued an Order to Vacate?

In some instances it may be appropriate for the time-frame to be as short as one hour. In other instances, particularly where alcohol is involved, a longer time-frame (such as 12 hours) may be more appropriate.

How long should a person be prohibited from returning to the site, trail or area once issued an Order to Vacate?

Normally, a period of 72 hours will be a sufficient deterrent. This prohibits a person who has been issued an Order to Vacate from returning to a site, trail or area later that same weekend. A shorter time-frame may be appropriate if the Order is issued partway through the weekend. A longer time-frame may be appropriate under other circumstances. It would probably not be reasonable to prohibit re-entry for longer than one week.

The issuance of an Order to Vacate does not limit the ability of government to issue a Violation Ticket for the same offence. While the issuance of a Violation Ticket may limit the ability of government to prosecute for the same offence, the issuance of an Order to Vacate does not create the same problem.

ORDER TO VACATE

ISSUED TO	SURNAME OR CORPORATE NAME						
	GIVEN NAMES (OR CORPORATE NAME CONTINUED)						<input type="checkbox"/> YOUNG PERSON
	PROV./STATE	DRIVER'S LICENCE NO.	PRODUCED	EXPIRY	GENDER <input type="checkbox"/> M <input type="checkbox"/> F	YYYY MM DD BIRTHDATE	
	ADDRESS						
	CITY			PROV./STATE		POSTAL/ZIP CODE	

THE OFFICIAL SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED,

ON THE DATE

VIOLATION DATE		
YYYY	MM	DD
20		

 AT THE TIME OF

(24-HR. CLOCK)	
	:

 IN THE PROVINCE OF BRITISH COLUMBIA

ON / AT _____
RECREATION SITE / TRAIL / INTERPRETIVE FOREST SITE / WILDERNESS AREA

NEAR _____
PLACE / CITY / TOWN

DID COMMIT THE CONTRAVENTION(S) INDICATED, UNDER THE FOLLOWING ACT OR REGULATION:

- | | |
|---|--|
| <input type="checkbox"/> (RPA) FOREST AND RANGE PRACTICES ACT | <input type="checkbox"/> (WFA) WILDFIRE ACT |
| <input type="checkbox"/> (FRR) FOREST RECREATION REG. | <input type="checkbox"/> (WFR) WILDFIRE REGULATION |
| <input type="checkbox"/> OTHER (SPECIFY) _____ | |

	DESCRIPTION OF Contravention(S)	ACT / REG.	SECTION
COUNTS	1)		
	2)		
	3)		

ORDER You are ordered to vacate the above-noted Forest Service facility within _____ hour(s) of being served this Order and you must not enter or attempt to enter this site for a period of _____ hours.

INVOLVING THE VEHICLE BEARING LICENCE PLATE	PROV./STATE	PLATE NO.	VEHICLE MAKE
VEHICLE TYPE	VEHICLE COLOUR	VEHICLE YEAR	ERA CASE NO.
OFFICIAL'S NAME			DATE SERVED YYYY MM DD
OFFICIAL'S OFFICE AND LOCATION			
OFFICIAL'S SIGNATURE			EMPLOYEE NO.

NOTE: Failure to comply with this Order to Vacate is an offence, and may result in you being ticketed or prosecuted.

MY SIGNATURE INDICATES I HAVE RECEIVED : _____ ALLEGED OFFENDER'S SIGNATURE
THIS ORDER, AND IS NOT AN ADMISSION OF :
GUILT. I HEREBY ACKNOWLEDGE RECEIPT OF :
THIS ORDER TO VACATE. : _____

ORDER TO VACATE

ISSUED TO	SURNAME OR CORPORATE NAME HALL						
	GIVEN NAMES (OR CORPORATE NAME CONTINUED) DAVID STEPHEN						<input type="checkbox"/> YOUNG PERSON
	PROV./STATE B.C.	DRIVER'S LICENCE NO. 1560317	PRODUCED PY	EXPIRY 06	GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F		YYYY, MM, DD 05 04 21 BIRTHDATE
	ADDRESS 2714 LANCELOT PLACE						
CITY VICTORIA			PROV./STATE B.C.		POSTAL/ZIP CODE V8X 1Y6		

THE OFFICIAL SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED,

ON THE DATE

VIOLATION DATE
YYYY MM DD
20 05 04 23

 AT THE TIME OF

(24-HR. CLOCK)
23:40

 IN THE PROVINCE OF BRITISH COLUMBIA

ON / AT ISOBEL LAKE RECREATION SITE
RECREATION SITE / TRAIL / INTERPRETIVE FOREST SITE / WILDERNESS AREA

NEAR KAMLOOPS, B.C.
PLACE / CITY / TOWN

DID COMMIT THE CONTRAVENTION(S) INDICATED, UNDER THE FOLLOWING ACT OR REGULATION:

- | | |
|--|--|
| <input type="checkbox"/> (RPA) FOREST AND RANGE PRACTICES ACT | <input type="checkbox"/> (WFA) WILDFIRE ACT |
| <input checked="" type="checkbox"/> (FRR) FOREST RECREATION REG. | <input type="checkbox"/> (WFR) WILDFIRE REGULATION |
| <input type="checkbox"/> OTHER (SPECIFY) _____ | |

	DESCRIPTION OF Contravention(S)	ACT / REG.	SECTION
COUNTS	1) Disturbance between 11 p.m. and 7 a.m.	FRR	18(2)
	2) Illegal Disposal of Refuse	FRR	9
	3)		

ORDER	You are ordered to vacate the above-noted Forest Service facility within <u>1</u> hour(s) of being served this Order and you must not enter or attempt to enter this site for a period of <u>72</u> hours.
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INVOLVING THE VEHICLE BEARING LICENCE PLATE	PROV./STATE B.C.	PLATE NO. LKS 742	VEHICLE MAKE JEEP
VEHICLE TYPE YJ	VEHICLE COLOUR YELLOW	VEHICLE YEAR 88	ERA CASE NO.
OFFICIAL'S NAME J.S. HUNTER			DATE SERVED YYYY MM DD 05 04 23
OFFICIAL'S OFFICE AND LOCATION KAMLOOPS FOREST DISTRICT			
OFFICIAL'S SIGNATURE <i>J.S. Hunter</i>			EMPLOYEE NO. 0478

NOTE: Failure to comply with this Order to Vacate is an offence, and may result in you being ticketed or prosecuted.

MY SIGNATURE INDICATES I HAVE RECEIVED : THIS ORDER, AND IS NOT AN ADMISSION OF : GUILT. I HEREBY ACKNOWLEDGE RECEIPT OF : THIS ORDER TO VACATE. :	ALLEGED OFFENDER'S SIGNATURE <i>David Hall</i>
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