



No. S-261027
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between

AMIR ALI ARHAMI

PLAINTIFF

and

SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY

DEFENDANT

NOTICE OF APPLICATION

Name of applicant: The Plaintiff, Amir Ali Arhami

To: The Defendant

TAKE NOTICE that an application will be made by the applicant to the presiding judge at the courthouse at 800 Smithe Street, Vancouver, BC, on March 26, 2026, at 9:45 a.m., for the orders set out in Part 1 below.

The applicant estimates that the application will take: 30 minutes.

This matter is not within the jurisdiction of an associate judge.

Part 1: ORDERS SOUGHT

1. An interlocutory injunction pursuant to section 39 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253 (the "LEA"), Rule 10-4 of the *Supreme Court Civil Rules*, B.C. Reg. 168/2009 (the "SCCR"), and the Court's inherent jurisdiction, prohibiting the Defendant,

and every transit employees in British Columbia from proceeding with the following actions:

- a. inspecting proof of payment at any place other than on board a moving transit vehicle, or prior to boarding such a vehicle; and
 - b. designating any area in which fares are sold, or which is otherwise accessible to the public for the purpose of purchasing fares, as a fare-paid zone;
2. The injunctions sought in paragraph 1 shall take effect immediately;
 3. If the injunctions sought in paragraph 1 are granted, the Defendant shall immediately publish a copy of this Order on the home page of its website at <https://www.translink.ca>, and shall maintain the publication until conclusion of this matter, or until further order of the Court”; and
 4. The Defendant shall pay to the Plaintiff, Amir Ali Arhami, the costs of this application on a lump sum basis, payable forthwith, pursuant to Rule 14-1(1) of the SCCR.

Part 2: FACTUAL BASIS

5. The Defendant, South Coast British Columbia Transportation Authority, doing business as TransLink (“TransLink”), is a statutory authority incorporated under the *South Coast British Columbia Transportation Authority Act*, S.B.C. 1998, c. 30 (the “SCBCTAA”).

Notice of Civil Claim

6. The Plaintiff alleges that TransLink, through its employees, agents, and contractors, including transit security personnel and/or fare enforcement officers, has engaged in a practice of arbitrarily stopping and detaining members of the public without lawful justification, and issuing fare infraction tickets to them in the amount of approximately \$173 CAD, or such other amounts as may be prescribed from time to time, in contravention of the SCBCTAA or any other statutory authority.

Notice of Civil Claim

7. In a June 2025 media release, TransLink stated that increased fare enforcement checks—implemented as part of its \$90 million cost-efficiency plan to address an operating funding shortfall—resulted in significant increases in fare revenue, including approximately \$3.2 million in additional revenue over a six-month period.

Affidavit #1 of AA Arhami

8. The underlying proposed class action seeks, among other remedies, injunctions prohibiting the Defendant from arbitrarily detaining transit users for the purpose of generating revenue, which is neither the purpose of the SCBCTAA nor of the Defendant itself.

Notice of Civil Claim

Part 3: LEGAL BASIS

9. The Plaintiff pleads and relies on, among others, section 39(1) of the LEA, Rule 10-4 of the SCCR, related enactments, and the common law generally.

10. Section 39(1) of the LEA provides:

An injunction or an order in the nature of mandamus may be granted or a receiver or receiver manager appointed by an interlocutory order of the court in all cases in which it appears to the court to be just or convenient that the order should be made.

The Test for an Interlocutory Injunction

11. The law that applies with respect to whether an interlocutory injunction will be granted is well-settled. The *Law and Equity Act*, R.S.B.C. 1996, c. 253, provides, in s. 39(1), that an interlocutory injunction may be granted where it is just or convenient to do so. In British Columbia, the courts have applied a two-prong test to determine whether an interlocutory injunction ought to be granted. In *B.C. (A.G.) v. Wale* (1986), 1986 CanLII 171 (BC CA), 9 B.C.L.R. (2d) 333 (C.A.), McLachlin J.A., as she then was, stated the test as follows (at 345):

The traditional test for the granting of an interim injunction in British Columbia is two-pronged. First, the applicant must satisfy the Court that there is a fair question to be tried as to the existence of the right which he alleges and a breach thereof, actual or reasonably apprehended. Second, he must establish that the balance of convenience favours the granting of an injunction.

The decision in *American Cyanamid Company v. Ethicon Limited*, 1975 CanLII 2598 (FC), [1975] A.C. 396 (H.L.), may be read as suggesting a three-stage test for the granting of interlocutory injunctions rather than the two-stage test to which I have referred, the requirements being (1) a fair question to be tried; (2) irreparable harm and (3) balance of convenience favouring the injunction. While I prefer to view the requirement of irreparable harm as integral to the assessment of the balance of convenience between the parties, the practical effect of the two approaches is the same.

(XY, Inc. v. IND Lifetech, Inc., 2008 BCSC 1215 at para. 65)

Fair Question

12. The Plaintiff contends that there is a serious issue to be tried in this proceeding. The claim raises substantial and non-frivolous questions of law and fact, including whether the Defendant's revenue-motivated ticketing practices are unlawful, and/or contrary to the Plaintiff's and Class Members' constitutional and statutory right to be free from arbitrary detention. The Plaintiff's case is supported by documentary evidence and sworn affidavit material demonstrating that the issues in dispute are genuine and require determination at trial. The threshold at this stage is a low one; the Plaintiff need only establish that the claim is neither frivolous nor vexatious, and that there is a real issue meriting judicial consideration.

Balance of Convenience

13. The balance of convenience strongly favours the granting of the injunction. If the relief sought is denied, the Plaintiff and the proposed class will continue to suffer ongoing harm

that cannot be adequately remedied at trial (Irreparable Harm), whereas the Defendant will suffer no prejudice from maintaining the status quo pending determination of this action. The injunction sought is limited, proportionate, and temporary in nature, and is designed only to prevent further harm until the issues can be fully adjudicated. In contrast, refusing the injunction would permit the continuation of the impugned conduct, thereby compounding the alleged harm and undermining the integrity of the proceedings. In these circumstances, the balance of justice favours preserving the status quo.

14. The Plaintiff further acknowledges that the injunction sought is limited in scope and does not interfere with or impede the Defendant's lawful authority to conduct fare payment controls and enforcement as expressly authorized under section 244 of the SCBCTAA. The injunction is directed only at stopping practices that are alleged to be unlawful or unconstitutional, and does not prevent the Defendant from exercising its statutory powers to ensure compliance with fare payment requirements in a lawful and proportionate manner.
15. The Plaintiff also contends that the ongoing detention of passengers for fare inspection constitutes arbitrary detention contrary to s. 9 of the Canadian Charter of Rights and Freedoms and infringes liberty interests protected under s. 7. These detentions occur in the absence of reasonable and lawful grounds and result in immediate and ongoing constitutional harm. It is well established that the infringement of Charter rights, even for brief periods, constitutes irreparable harm because such violations cannot be fully compensated by damages after trial. Absent injunctive relief, members of the proposed Class will continue to be subjected to unlawful restraints on liberty pending the determination of this proceeding.

Publication

16. The Defendant must publish a copy of the injunction on its website. This publication is necessary to give effect to the Court's order and to ensure that Class Members and the travelling public are aware that the impugned fare enforcement practices must cease. Such publication will promote compliance with the injunction, help prevent further constitutional harm, and reinforce the effectiveness of the Court's order. Requiring the

Defendant to publish the order on its website ensures notice is provided to the relevant public in a manner that is proportionate and appropriate.

Part 4: MATERIAL TO BE RELIED ON

17. Pleadings filed herein;
18. Affidavit #1 of Amir Ali Arhami, sworn February 13, 2026; and
19. Such further and other material as may be advised.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) File an application response in Form 33,
- (b) File the original of every affidavit, and every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) Serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, and any notice that you are required to give under Rule 9-7 (9).

Date: February 13, 2026

Signature of applicant
Amir Ali Arhami

To be completed by the court only:

Order made

in the terms required in the paragraphs of Part 1 of this notice of application

with following variations and additional terms:

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Date:

Signature of Judge Associate Judge

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts
- none of the above