



No. **SΞ261027**
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between

AMIR ALI ARHAMI

PLAINTIFF

and

SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY

DEFENDANT

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiffs for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiffs and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff,

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

THE PLAINTIFF'S CLAIM

Part 1: STATEMENT OF FACTS

overview

1. The Defendant is responsible for planning, managing, and delivering public transportation services throughout the Metro Vancouver region. In the course of carrying out its operations, it has organized, authorized, directed, or permitted its employees, agents, and contractors, including transit security personnel and/or fare enforcement officers, to engage in conduct that includes, but is not limited to, the unlawful detention of members of the public, false imprisonment, assault and battery, discriminatory and rights-infringing treatment, and the issuance of fare infraction tickets without lawful authority. As alleged herein, this conduct constitutes systemic and ongoing violations of the rights of transit users and forms the basis of this proposed class proceeding.

The Parties

2. The Plaintiff, Amir Ali Arhami, is a resident of British Columbia and has been paying for and using public transit services operated by TransLink within the Metro Vancouver region since 2019. At no time, he was asked to provide proof of payment when entering a transit vehicle or while travelling on a transit vehicle. On multiple occasions, Amir was stopped by TransLink Employees, detained, questioned, assaulted, insulted, and was issued fare

infraction tickets in circumstances where TransLink Employees had no lawful authority to inspect proof of payment and/or issue fare infraction tickets.

3. The Plaintiff brings this action on his own behalf and on behalf of

All persons who were stopped, detained, physically blocked, subjected to physical force, or otherwise suffered loss, injury, or interference with their liberty by TransLink Employees while exiting TransLink transit services in British Columbia, including but not limited to SkyTrain stations, bus stops, buses, SeaBus terminals, or other transit facilities, including beyond fare gates or exit gates until the date this action is certified as a class proceeding.

(“Class” or “Class Members”).

And an included subclass of persons who were issued tickets, had fares confiscated or suspended.

(“Ticketed Subclass”).

4. 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”). TransLink is responsible for the governance, planning, administration, and delivery of public transportation services within the Metro Vancouver Regional District. At all material times, TransLink acted through its employees, agents, servants, and contractors, including transit security personnel and fare enforcement officers (“Translink Employees”), whose conduct was authorized, directed, supervised, and/or ratified by TransLink and for which TransLink is vicariously liable.
5. TransLink is the sole provider of transit services, including the SkyTrain underground and grade-separated rail system, within the Metro Vancouver Regional District. This system is physically integrated into and extends beneath and across the City of Vancouver and surrounding municipalities in a manner that cannot be duplicated or meaningfully substituted by any other transportation service provider. As a result, members of the public who require access to rapid transit have no practical alternative but to use TransLink’s

infrastructure and submit to its fare systems, fare-paid zones, exit controls, and enforcement practices.

6. TransLink operates a fare-based public transit system pursuant to which users are required to pay a fare as a condition of travel. Fares are offered for sale in various forms, including stored-value cards, time-limited passes, and single-use tickets, and are made available to transit users through automated vending machines, retail outlets, online platforms, and other authorized points of sale. Payment of fares is effected through electronic fare collection devices installed on buses, SkyTrain stations, SeaBus terminals, and other transit facilities, including card readers and fare gates that record taps, entries, and exits. TransLink relies on these devices and systems to collect fares and to determine whether a transit user has paid a valid fare at a given time.

Fare-paid Zones

7. TransLink designates certain areas as fare-paid zones where payment cannot be made until after entering the area where fares are sold, or otherwise accessible to the public for the purpose of purchasing, thereby subjecting the public to a contravention of section 244(1)(b) of the Act, which obliges passengers to retain proof of payment while within a designated fare-paid zone.

Controlled Exits

8. Exiting paths from all SkyTrain stations are physically barricaded and controlled by TransLink through the installation of gates and related barriers. Passengers are unable to leave the transit facility unless the gates located at the exiting paths open to permit passage. As a result, passengers' ability to exit SkyTrain stations is entirely dependent on the operation of TransLink's gate system.

Surveillance and Monitoring of Passengers

9. TransLink transit facilities are equipped with extensive surveillance systems, including multiple closed-circuit television ("CCTV") cameras positioned throughout stations, platforms, fare-paid zones, and exit paths. Passengers' entry into and exit from transit facilities are continuously monitored by these cameras. In addition, TransLink

electronically records and tracks passengers' fare activity, including tap-in and tap-out data associated with fare cards, contactless payment cards, and mobile payment methods. Together, these systems enable TransLink to monitor passenger movement, fare compliance, and travel patterns throughout its transit network.

Revenue-Focused Use of Transit Security Personnel

- 10. TransLink has publicly acknowledged that its fare enforcement activities are designed and deployed as a revenue-generation measure, rather than solely for the purpose of identifying or preventing unpaid ridership as authorized by the statute. 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.
- 11. TransLink's reported number of "customers checked" is summarized in the following table:

Time period	Number of "customers checked"
January-June 2023	432,000
July-December 2023	457,000
January-June 2024	776,000
July-December 2024	1,400,000

The table demonstrates that the number of "customers checked" has more than tripled within a two year period. However, the number of transit users did not triple within the same period of time.

- 12. TransLink's own characterization of its enforcement program demonstrates that it deploys security personnel and fare enforcement officers primarily to extract operating "revenue" rather than to lawfully regulate unpaid riders, and that this revenue-motivated enforcement has resulted in arbitrary detentions, false imprisonment, assault and battery, unauthorized

inspections, and the issuance of fare infraction tickets beyond the authority granted under the SCBCTAA.

13. In addition to the dramatic increase in the number of “customers checked”, TransLink has reported hundreds of millions of dollars in government grants and transfers as part of its operating revenue. For example, in 2022 TransLink received approximately \$427.1 million in total government transfers, including \$176 million in senior government relief funding, and in 2023 TransLink received approximately \$715.7 million in government transfers, including \$478.9 million in senior government relief funding, representing a year-over-year increase of roughly 67.6 per cent in such transfers. This reporting demonstrates that TransLink’s operations are substantially supported by government funding.
14. In fiscal year 2023–2024, the provincial government of British Columbia recorded an approximately \$5 billion budget deficit. In 2024–2025, the deficit was approximately \$7.3 billion, and for 2025–2026 the government is forecasting a budget deficit of more than \$10 billion.
15. In practice, TransLink’s security personnel do not consistently monitor or address other disruptive or unlawful conduct within transit facilities. On a daily basis, many individuals ram into fare gates, often with bicycles, and engage in conduct such as sleeping or nesting on transit vehicles, urinating, littering, consuming drugs, or playing loud jazz music, without intervention by TransLink Employees. These behaviours not only pose safety and health risks to others and the transit system, but also impose unnecessary repair, maintenance, and cleanup costs for TransLink, including the repair of damaged fare gates. In contrast, fare enforcement personnel disproportionately target paying passengers, particularly those who appear to be newcomers, and those who appear to have limited English proficiency, further demonstrating that TransLink’s enforcement program is selective and driven by revenue generation rather than public safety or lawful fare regulation.
16. TransLink’s maintenance costs in 2024 reached to approximately \$240 million. In addition, it expended approximately \$48 million on Transit Police in 2022, approximately \$52.7 million in 2023, and approximately \$59.5 million in 2024.

17. TransLink's budget shortfall is not attributable to the hypothesis that a large number of transit users are free riders.

Unauthorized Conduct

18. Since a time presently unknown to the Plaintiff, 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.

Plaintiff's Experience

19. Incident #1—On May 28, 2025, at approximately 6:00 p.m., the Plaintiff was at Coquitlam Central SkyTrain Station. After tapping out his stored-value fare and passing through the exit gate, he was suddenly stopped by four TransLink Employees. The Plaintiff was unlawfully detained for approximately 30 minutes without providing any reason, causing him to miss his connecting bus and a meeting.
20. The Plaintiff's stored-value fare was tracked by the Defendant, and despite having paid for transit, his fare was electronically "confiscated" and suspended. As a result, the Plaintiff was required to purchase a new stored-value fare.
21. Incidents #2 and #3—On two separate occasions in December 2025, at Waterfront SkyTrain Station the Plaintiff's path was again blocked by TransLink Employees beyond the exit gate. On both occasions, TransLink Employees deliberately assaulted the Plaintiff by shoving and elbowing him.
22. On both occasions, the Plaintiff missed his connecting train due to these unnecessary interactions with TransLink Employees.
23. Incident #4—On February 2, 2026, at approximately 5:40 p.m., the Plaintiff was entering Metrotown SkyTrain Station when he observed two TransLink Employees issuing tickets to a senior woman and a minor past the exit gate. The Plaintiff approached to speak with

the woman, but he was interrupted by a TransLink Employee and pushed away. It was later determined that the woman was unable to communicate in English.

Part 2: RELIEF SOUGHT

24. An order certifying this action as a class action proceeding under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50, and appointing the Plaintiff as the representative plaintiff;
25. An injunction, to be of immediate effect, permanently prohibiting TransLink and TransLink Employees from inspecting proof of payment at any place other than on board a moving transit vehicle, or prior to boarding such a vehicle;
26. An injunction, to be of immediate effect, permanently prohibiting TransLink and TransLink Employees from 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;
27. Remedies pursuant to section 24(1) of the Charter.
28. Pecuniary and non-pecuniary damages;
29. Disgorgement of profit;
30. Punitive damages;
31. Costs;
32. Interest under the *Court Order Interest Act*, R.S.B.C. 1996, c. 79.

Part 3: LEGAL BASIS

Arbitrary Detention

33. Sections 3 and 244 of the SCBCAA provide:

3 The purpose of the authority [TransLink] is to provide a regional transportation system that

- (a) moves people and goods, and
- (b) supports

- (i) the regional growth strategy,
- (ii) provincial and regional environmental objectives, including air quality and greenhouse gas emission reduction objectives, and
- (iii) the economic development of the transportation service region.

244 (1) A person entering a fare paid zone or boarding a transit vehicle that is not a fare paid zone must

- (a) pay the fare required by the tariff or satisfy the requirement for that payment in any other manner authorized by the fare collection bylaw, and
- (b) obtain the proof of payment required by the fare collection bylaw, if any, that
 - (i) the fare was paid, or
 - (ii) the requirement for its payment was satisfied in a manner authorized by the fare collection bylaw.

(2) A person must, while in a fare paid zone or a transit vehicle that is not a fare paid zone, retain the proof of payment, if any, required under subsection (1) (b) and produce it for inspection at the request of a transit employee.

34. Section 9 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c. 11* (the “Charter”) provides:

9 Everyone has the right not to be arbitrarily detained or imprisoned.

35. The detention of passengers beyond transit exit gates is arbitrary within the meaning of section 9 of the Charter because it is not authorized by s. 244 of the SCBCAA.

36. The detention of passengers at transit exit gates is arbitrary within the meaning of section 9 of the Charter because it is motivated primarily by revenue generation rather than the enforcement of s. 244 of the SCBCAA in furtherance of TransLink’s statutory purposes.

37. The Defendant’s detention of the Plaintiff and the Class Members at and beyond the exit gates of transit facilities was arbitrary and unlawful, constituting a breach of section 9 of the Charter.

Deprivation of Liberty

38. Section 7 of the Charter provides:

7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

39. The arbitrary detention further infringed the Plaintiff's and the Class Members' right to liberty under section 7 of the Charter, as it was neither authorized by law in a proper manner nor consistent with the principles of fundamental justice.

Right to Counsel

40. Section 10 of the Charter provides:

10 Everyone has the right on arrest or detention:

b. to retain and instruct counsel without delay and to be informed of that right;

41. The Plaintiff and Class Members were also denied their rights to counsel without delay and to be informed of that right.

42. Section 24 of the Charter provides:

24(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

43. The Plaintiff and Class Members are entitled to remedies under the Charter, including monetary compensation and a declaratory order declaring that all fare infraction tickets issued at or beyond the exit gates of transit facilities are of no legal effect.

Unjust Enrichment

44. The Defendant has been unjustly enriched at the expense of the Plaintiff and the Class Members by collecting fines over fare infraction tickets in circumstances where such enforcement was not authorized by the law, or was motivated primarily by revenue generation rather than lawful regulatory purposes. The Plaintiff and Class Members

suffered a corresponding deprivation, including the payment of additional fares, missed transit connections, and interference with their liberty. There is no juristic reason to justify the Defendant's enrichment under these circumstances, and the Defendant should be required to disgorge the profits obtained through this improper and revenue-driven enforcement.

Injunction

45. The Plaintiff and Class Members are entitled to injunctions under the *Law and Equity Act*, R.S.B.C. 1996, c. 253, to prevent the Defendant from continuing the arbitrary detention, discriminatory enforcement, and other unlawful practices alleged in this proceeding.

Assault and Battery

46. TransLink Employees, intentionally and unlawfully committed acts of assault and battery against the Plaintiff and Class Members. On multiple occasions, TransLink employees physically pushed, shoved, and elbowed the Plaintiff while detaining him at or beyond transit exit gates. These deliberate acts of violence were unprovoked but provoking.

Vicarious Liability

47. The Defendant is vicariously liable for the actions of its employees and agents, including the unlawful detention, physical assaults, and other misconduct described herein. All acts or omissions of TransLink employees in the course of their employment, including detaining, ticketing, and using physical force against the Plaintiff and Class Members, were carried out for the benefit of, or on behalf of, the Defendant. As such, the Defendant bears responsibility for the tortious and unlawful conduct of its employees, including any resulting damages, losses, or Charter breaches.

Punitive Damages

48. TransLink's conduct in detaining passengers and enforcing fares in breach of SCBCAA, and in a revenue-driven manner departs markedly from the standards of civil and lawful behaviour expected of a publicly funded agency. Such conduct even exceeds revenue collection and, in effect, amounts to collective punishment of members of society.

Plaintiff's address for service:

1024 Hoy St., Coquitlam, BC, V3C 4R2

Fax number for service: n/a

Email address for service: info@translinkclassaction.com

Place of trial: Vancouver, BC

The address of registry is:

800 Smithe St., Vancouver, BC, V6Z 2E1

Date: February 10, 2026

Signature of plaintiff

Amir Ali Arhami

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

Appendix

[The following information is provided for data collection purposes only and is of no legal effect.]

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This is a claim for damages arising out of TransLink's unlawful ticketing practices.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or service or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

Part 3: THIS CLAIM INVOLVES:

- a class action
- maritime law
- aboriginal law

- constitutional law
- conflict of laws
- none of the above
- do not know

Part 4:

South Coast British Columbia Transportation Authority Act, S.B.C. 1998, c. 30

Class Proceedings Act, R.S.B.C. 1996, c. 50

Court Order Interest Act, R.S.B.C. 1996, c. 79

Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c. 11*

Law and Equity Act, R.S.B.C. 1996, c. 253