

Canada Line lawsuit trial begins for Cambie Street merchants

Businesses blame decision to use cheaper cut-and-cover construction for lost business

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Lawyers for 200 people who own businesses and commercial property on Vancouver's Cambie Street are in court this week arguing for compensation from Translink, SNC-Lavalin and others.

They argue that SNC-Lavalin chose a cheaper construction method — known as cut-and-cover — over a tunnel boring method, and as a result business and property owners suffered losses.

Leonard Schein operated the Park Theatre on Cambie Street, and says attendance dropped 20 per cent during construction of the Canada Line, costing him tens of thousands of dollars.

"We're looking for compensation. It's really unfair a private company like SNC-Lavalin can profit by harming over 200 businesses," he said.

Schein and his 200 co-plaintiffs argue the cut-and-cover method saved the project about \$35 million dollars, in a \$2 billion project.

The defendants have not yet made their arguments, and the case is scheduled to continue into the new year.

This is not the first time the issue of Canada Line construction has been before the courts. In October, 2011 the Supreme Court **refused to hear the appeal of Susan Heyes**, who claimed she lost nearly \$1 million because of cut-and-cover.

Heyes **won a \$600,000 award at B.C. Supreme Court in 2009**, after her business suffered huge losses during construction of the Canada Line rapid transit system in front of her Cambie Street store.

But **that decision was overturned at the B.C. Court of Appeal**, which ruled that the Canada Line project obtained the necessary approvals at each phase of construction and was well within its rights to decide upon the less expensive cut and cover option.