

David F. Barrett  
Corporate Secretary

Hugh A. Barrett  
Vice President

Keith H.W. Barrett  
Vice President

*A Family Owned and Operated  
Value Added Manufacturing Business  
Satisfying Customers for more than  
96 Years*



- BUILDING MATERIALS ● ROOF TRUSSES ●
  - ENGINEERED WOOD PRODUCTS ●
- “From tree planting to end user”  
A Value Added Company

224 BEAVER BANK ROAD  
BEAVER BANK, NOVA SCOTIA  
B4E 1J7  
Phone: (902) 865-2330  
Fax: (902) 865-6198  
[www.barrettlumber.com](http://www.barrettlumber.com)  
[barrett@barrettlumber.com](mailto:barrett@barrettlumber.com)

April 09, 2022

## Why BLC Doesn't Give Permission to 2-Wheel Vehicles

Chronicle Herald  
Newspaper Article Clipping  
March 27, 1985

### **Court awards \$6.3 million to accident victim**

Toronto (CP) – A man who is paralyzed and cannot speak as the result of a dirt bike accident has received what is believed to be the largest court award in Canadian legal history – about \$6.3 million.

The award to be paid by the City of Brampton, will allow Michael McErlean, who was 14 at the time of the August 1977 accident, to be cared for at home for the rest of his life.

It also includes compensation for a full working life based on average annual earnings of \$20,000.

McErlean, of Brampton just west of Toronto, was injured when the dirt bike he was riding collided with one driven by 13-year-old Neil Sarel on a gravel road in a vacant area the city had recently purchased to turn into a park.

Mr. Justice John Fitzpatrick of Ontario Supreme Court ruled the city should have taken precautions since the unrestricted vacant land was an obvious area of attraction for youngsters.

Although it was only scheduled to be a park, for legal purposes it was already one and city officials must have known dirt bikes were being used on it, he said.

Paul Iacono, one of the family's lawyers, said the case “will become a part of the legal history of this country” because of the size of the award.

Joseph Pileggi, a legal assistant who worked on the case, said the biggest previous awards to other Canadian plaintiffs in damage suits have been in the area of \$3 million. “For plaintiff litigation, nothing else is even close.”

*A Family Owned and Operated  
Value Added Manufacturing Business  
Satisfying Customers for more than  
96 Years*



224 BEAVER BANK ROAD  
BEAVER BANK, NOVA SCOTIA  
B4E 1J7  
Phone: (902) 865-2330  
Fax: (902) 865-6198  
[www.barrettlumber.com](http://www.barrettlumber.com)  
[barrett@barrettlumber.com](mailto:barrett@barrettlumber.com)

- BUILDING MATERIALS ● ROOF TRUSSES ●
  - ENGINEERED WOOD PRODUCTS ●
- "From tree planting to end user"  
A Value Added Company

## **Why 2-Wheel Motorized Vehicles Are Not Allowed on BLC Timber Limit**

The reason I do not permit 2-wheel motorized vehicles (motorcycles, dirt bikes) on our timber limit is as follows.

In a Chronicle Herald article on March 27, 1985 it was stated that Mr. Justice John Fitzgerald of the Ontario Supreme Court awarded Michael McErien \$6.3 million. This awarded was because two dirt bikes had collided on private property and Michael McErien was badly injured on the land. Mr. Justice John Fitzgerald ruled that the owners should have taken precautions since the unrestricted vacant land was an obvious area of attraction for youngsters. It is because of this reward and other reasons that I have never given permission for 2-wheel motor vehicles to travel on our timber limit and continuously work to eliminate them from going on our timber limit.

In the early 2000s I took 6 months out of my life to volunteer on a committee of Nova Scotia Voluntary Planning Committee to set rules for Off-Highway Vehicles (OHVs) because of the numerous deaths and the damage that these vehicles were doing to Nova Scotia forestry and wetlands. This committee made a number of responsible suggestions to the Nova Scotia government which passed them in to legislation such as:

"ALL TRESPASSERS on OHVs accept complete liability on themselves when they trespass on private land."

This protection was destroyed by a judge of the Nova Scotia Supreme Court in 2009 at a preliminary hearing for a case where a third person borrowed a bike, broke his back and sued LaFarge Canada. The judge stated, "Because a LaFarge employee gave permission for two young people to practice motocross on LaFarge land then LaFarge could be liable". Because LaFarge did not advertise the dangers of motocross, they could be held liable. If the case wasn't settled it would go to trial.

The judge destroyed the neighborly culture of Nova Scotia with his statement. This prevents forest owners from wanting to let neighbors use their property even when they treated the land with respect.

**Why The Barrett Family is selling the 350-acre parcel of timber limit located between the Rivendale, Monarch and Capilano subdivisions**

A number of years ago there were fires and drinking parties reported by local homeowners to the RCMP. There were also reports of dirt bikes roaring and racing behind their homes all hours of the day and night. At one point two bikers collided resulting with broken bones.

I asked for help so I could continue the BLC practice of allowing responsible neighbors to use our timber limit and keep this property as a continued source of timber. The answer to my request for help was, "Something needs to be done. You do it David." No help was offered.

I installed signs stating that no motor vehicles were permitted and changed the locks on the gates. The signs were torn down, fires were still set, trees were cut down, camps were still built and vehicles were going everywhere. Most of this has happened since I turned 70 years old and I am now 83.

In the past the RCMP members were hired because of their ability and now they are hired by a quota system. Halifax Regional Municipality took our Beaver Bank community police officer away and put in place a system where you place a call for help. The report goes to someone who in turn passes it to someone else who then passes it on to someone else. No person takes responsibility for the report and you get the run around.

My experience with the previous RCMP system before the HRM took over was when an officer took the report and in a reasonable time frame, reported back to me with an update. Now nobody gets back to the caller and there is no follow through for the work conducted.

Residents are still allowing their kids to drive dirt bikes and ATVs by themselves on our land. It takes 40 to 100 years to grow a merchantable crop of timber. The wanton destruction is making sure that there will never be another crop. The residents and their kids gave us no choice but to sell the land for development. At 83 years old I no longer have the ability to continuously police this land myself at all hours of the day and night.

It was mostly the Rivendale, Monarch and Capilano teenagers who were driving irresponsibly on our timber limit, building camps and driving everywhere, even in brooks. Yet I never had one of the residents in this area help me put a stop to these dangerous and destructive actions.

When someone offered not only take these problems off my hands but also provide Beaver Bank with 45 permanent jobs and 20 temporary jobs, I gave them an option to buy this land.

Respectfully yours,

A handwritten signature in cursive script that reads "David F. Barrett". The signature is written in black ink and is positioned above the printed name.

David F. Barrett