

RIGHT TO QUIET SOCIETY (RQS)

APPLICATION FOR A LOAN OR GRANT FROM RQS, AND AGREEMENT

Please complete the following:

Date _____

(if more space is needed, please attach additional sheets)

Applicant's full name & address _____

Phone # _____ e-mail address _____

1. Name the party/parties you propose to take to court (individuals, businesses, civic government)

2. Address _____

3. Describe the exact nature of the noise (include when the problem began, the date(s) and time(s), efforts you have made to deal with it, and a copy of your log)

4. Name & phone # of any lawyer you have consulted regarding this matter _____

5. Summary of legal advice received, including recommended action, likelihood of success, and estimated cost:

If I receive a loan or grant from RQS, I agree that:

- a) This agreement, and the attached Legal Assistance Application Information, are binding;
- b) I will promptly disclose to RQS all matters, documents, correspondence and information relating to the proposed legal action, and authorize my lawyer to do so as well;
- c) I will pursue the action diligently and in a timely manner;
- d) I will comply with any other agreement with RQS regarding the proposed litigation;
- e) Should my lawsuit succeed, I will, after payment of documented legal expenses, repay RQS for any legal assistance grant or loan that it provides;
- f) RQS may, in its sole discretion, determine whether funding provided is a loan or a grant, the amount of any funding provided, and the times and conditions under which the funding is provided;
- g) I will not discontinue or settle the action without the written consent of RQS;
- h) I will provide a copy of this agreement, and the application information, to my lawyer;
- i) RQS is providing financial assistance to me in pursuit of its purposes, and has no obligation or responsibility to me apart from what it agrees in writing, and is not a party to any action; and
- j) If there is a judgment against me, or costs awarded against me, I will be solely responsible for their payment.

Applicant's signature _____

I am a member of RQS

I am not a member of RQS

(The section below for RQS use only)

Date Application Received:

Date Application Considered:

Summary of RQS action:

RIGHT TO QUIET SOCIETY

LEGAL ASSISTANCE APPLICATION INFORMATION

Victims of noise nuisance are often frustrated because the responsible party(s) is unwilling or unable to remedy it, and the municipal authorities and police may be unwilling to take effective action, even if bylaws are being contravened. However, it may still be possible to bring a civil action against the responsible party(s) or the municipal authorities, and to seek both damages and an injunction to prevent the noise from continuing. The difficulties with this approach are that success is not guaranteed, legal costs may be substantial, and collecting any amount awarded may be difficult. You can be out of pocket even if you win the case, and if you lose, you may have to pay some or all of the other party's legal costs. Because of this, those who are impacted by noise are often discouraged from launching a civil action, and may have little other recourse.

Under specific circumstances, the Right to Quiet Society (RQS) offers loans or grants of up to \$1,000 toward the cost of a legal action against a party(s) responsible for a noise nuisance, where all reasonable alternatives have failed. To apply, fill out the attached application form and send it to RQS. Make sure the form is complete and includes the following:

1. Your full name, telephone number, postal address and e-mail address.
2. The name and address of the party(s) that you want to take to court, including business name and title where applicable. This may be an individual(s), a business, government authorities who are failing to enforce noise by-laws, or a combination of these.
3. Description of the exact nature of the noise, including the date(s) and time(s) when it occurs, and its duration. A log (record) of incidents and actions is necessary; please enclose a copy.
4. Description of the efforts you have made to deal with the problem. In general, a loan or grant will not be considered unless there is clear evidence that the applicant has made every effort to ask the person(s) responsible to cease, and to ask the civic authorities and police to take action, and that all avenues other than legal action have been pursued but failed.

Before you submit an application, you should discuss your rights with a lawyer. You should also receive advice from him/her on how to proceed, obtain an assessment of the likely cost of an action and the probability of success. Please include in your application the name and address of the lawyer you consulted, and his/her experience in this area.

For prompt consideration and processing, applications should be received by RQS as early as possible. **For application deadlines, please contact RQS.** The Society will acknowledge the applications in writing, evaluate them, and advise the applicant of the decision.

In addition to considering the above points, RQS will evaluate the likelihood of success of the proposed legal action, and whether it may have a significant public benefit (e.g., through setting a legal precedent, or publicity). With all things being equal, preference may be given to RQS members, and to cases originating in B.C. However, this should not deter non-members and persons in the rest of Canada, from applying.

Any money provided by RQS is considered a loan or grant, and is unlikely to cover the full cost of a legal action, most of which must be paid by applicants. In the event that an applicant is successful, and is awarded both the cost of the action and damages, money provided by RQS will become a loan which must be repaid to the Society. Other terms are as set out in the application.

The Society's Legal Assistance Fund is made possible only because individual members made donations specifically toward it. Thus, unless the money provided by RQS to fund successful actions is promptly repaid, the Society may not be able to fund other actions.

Donations to the Society are welcome. Cheques or money orders can be sent to the Society. All donations, including membership fees, are tax-deductible in Canada, as the Society is a registered charity. An official tax receipt will be issued for donations of \$10 or more.

For more information and application forms, please contact:



Right to Quiet Society
#359 - 1985 Wallace St.
Vancouver, B.C.
Canada V6R 4H4

phone: (604) 222-0207

E-mail: info@quiet.org

Or visit our website at: <http://www.quiet.org/LegalAssistanceFund>

(please retain this copy for reference)