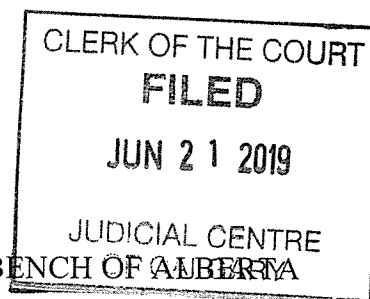


Clerk's stamp:



COURT FILE NUMBER 1901-06503
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANTS GERRIT TOP, JANTJE TOP and SPOT ADS INC.
RESPONDENT MUNICIPAL DISTRICT OF FOOTHILLS NO. 31
DOCUMENT **AFFIDAVIT**

ADDRESS FOR
SERVICE AND
CONTACT INFORMATION
OF PARTY FILING
THIS DOCUMENT

James Kitchen and Jay Cameron
Justice Centre for Constitutional Freedoms
#253, 7620 Elbow Drive SW
Calgary, Alberta T2V 1K2
Phone: 403-667-8575
Fax: 587-352-3233

and

CONTACT INFORMATION
OF ALL OTHER PARTIES

Sean E.D. Fairhurst
MLT Aikins LLP
2100-222 3rd Avenue SW
Calgary, Alberta T2P 0B4
Phone: 403-693-4307
Fax: 403-508-4349
Email: sfairhurst@mltaikins.com
Counsel for the Respondents

AFFIDAVIT OF JOSH LAFORET

Sworn on June 19, 2019

I, Josh Laforet, of the City of Calgary, Alberta MAKE OATH AND SAY THAT:

1. I am and have been since February 2015 an officer and director of the Applicant Spot Ads Inc. ("**Spot Ads**"). I have personal knowledge of the matters and facts hereinafter deposed to by me, except where same are stated to be based upon information and belief, in which cases I believe them to be true.
2. Spot Ads is an Alberta corporation with a registered office in Calgary. Spot Ads is an innovative company in operation since 2009 in the business of advertising. It operates throughout most of Alberta and currently has approximately 35 advertising signs in eight counties, 10 of which are in the Municipal District of Foothills No. 31 ("**Foothills**").
3. Most of Spot Ads billboard signs are affixed to the sides of transport truck trailers (the "**Trailer Signs**"). Trailer Signs are similar to conventional roadside billboard signs in every respect except that they are affixed to the sides of trailers. Entities that advertise with Spot Ads tend to be local small and medium sized businesses that could not otherwise afford the expense of advertising on the conventional billboard signs.
4. Spot Ads enters into lease agreements with private landowners to place its Trailer Signs in designated locations on the landowners' land. Spot Ads then leases the signage space on the Trailer Signs to advertisers. Spot Ads Trailer Signs are invariably placed near the edge of the landowners' land that is adjacent to a highway or freeway such that the Trailer Signs are easily visible to passing motorists.

5. Despite the demonstrable benefit to local landowners and local small businesses afforded by Spot Ads Trailer Signs, Spot Ads has repeatedly faced opposition from various counties, including Foothills. Spot Ads has also encountered difficulties with Alberta Transportation.
6. As mentioned above, Spot Ads has 10 Trailer Signs along roadways in Foothills. Attached to this affidavit as **Exhibit "A"** are pictures of two of Spots Ads Trailer Signs within Foothills.
7. Trailer Signs placed near provincial highways and freeways are not uncommon throughout Alberta and, specifically, in Foothills. I am informed and do believe that at least one other advertising company utilizes Trailer Signs in Foothills and that private landowners in Foothills also place their own Trailer Signs on their land.
8. I am informed and do believe that owners of other Trailer Signs in Foothills, such as Gerrit and Jantje Top, have been directed by Foothills to remove their signs because Trailer Signs are prohibited by the Foothills Land Use Bylaw.
9. Through section 9.24.10.b of its Land Use Bylaw, Foothills currently prohibits all Trailer Signs. Such a prohibition prevents Spot Ads from carrying on its advertising business in Foothills, prevents local small businesses from engaging in affordable advertising and prevents local landowners from generating much-needed income by leasing small unused portions of their land for the placement of Spots Ads Trailer Signs.
10. On February 20, 2019, I received an email from a Foothills Planning and Development Officer (attached to this affidavit as **Exhibit "B"**) demanding that all Spot Ads Trailer Signs within Foothills be removed. I have also received several phone calls from Foothills Bylaw Officers demanding the removal of all Spots Ads Trailer Signs in Foothills and threatening the imposition of fines if they are not.

11. Spot Ads Trailer Signs do not contain any of the prohibited features specified in section 15 of the *Highways Development and Protection Regulation*, such as moving parts or flashing, rotating or moving lights.
12. Spot Ads Trailer Signs are not in disrepair and are not otherwise anymore aesthetically unpleasing or distracting than conventional roadside billboard signs. Spot Ads has received no complaints regarding its Trailer Signs.
13. I swear this affidavit *bone fide*, for no improper purpose and in support of the Application challenging section 9.24.10.b of the Foothills Land Use Bylaw.

Sworn before me at Calgary, in the Province of Alberta, on June 19, 2019.



James Kitchen
Barrister and Solicitor

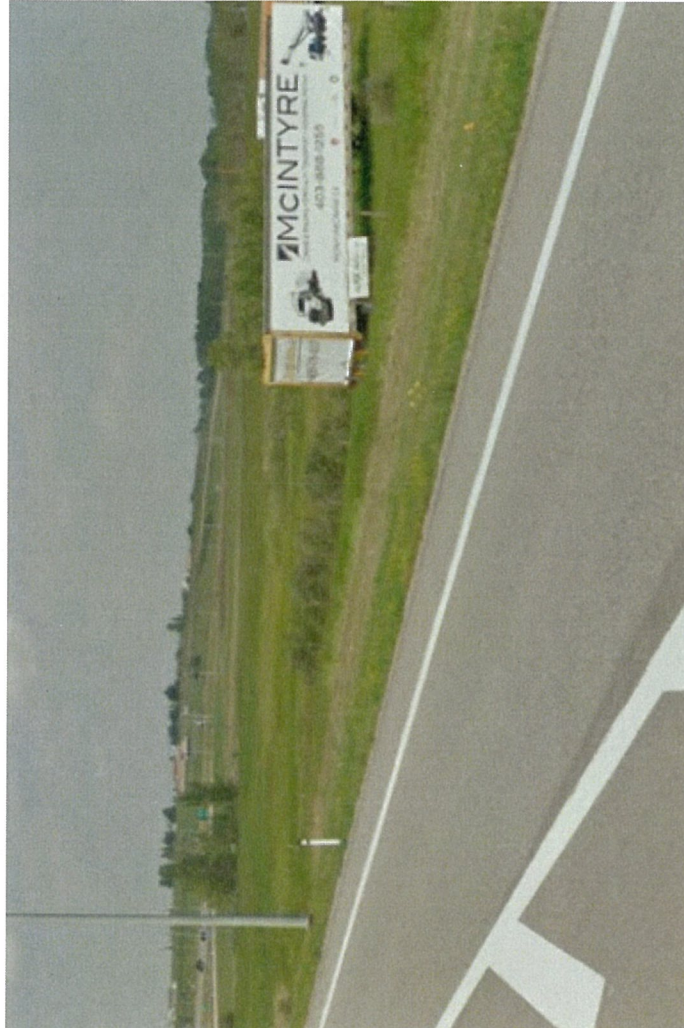


JOSH LAFORET

THIS IS EXHIBIT " A " referred to in the Affidavit of Josh Laforet Sworn before me this 19 day of June A.D. 20 19

A Commissioner in and for the Province of Alberta

James Kitchen
Barrister & Solicitor





EXPLORE SINGLE
FAMILY HOMES



PRICED FROM THE
\$230's

MONTRCROSSING@STEPPERHOMES.COM

THIS IS EXHIBIT " B "
 referred to in the Affidavit of
Josh Laford
 Sworn before me this June 19
 day of June A.D. 20 19

 A Commissioner in and for the Province of Alberta

From: Logan Cox <Logan.Cox@mdfoothills.com>
Sent: February 20, 2019 12:06 PM
To: josh@spotads.ca
Cc: Brady Durbano <Brady.Durbano@mdfoothills.com>; TRANS DevelopmentCalgary <transdevelopmentcalgary@gov.ab.ca>
Subject: Spot Ads Trailers within Foothills County

Good Morning Josh,

In speaking with Officer Brady Durbano, Peace Officer for Foothills County, it has been identified that Spot Ads is unclear on the requirements for permitting of signage along Highways within Foothills County. Within Foothills County, signage within 300 meters of a Provincial Highway first requires a Roadside Development Permit from Alberta Transportation, then a Development Permit from the County. Section 9.24 of the County's Land Use Bylaw 60/2014 identifies the regulation on signage within the County (the Land Use Bylaw 60/2014 can be found using this link - <https://www.mdfoothills.com/media/files/upload/LUB%2060-2014%20Consolidated%20LUB%20Updated%20Jan%2010%202019.pdf>); regulations with regards to Roadside Development Permits (Alberta Transportation) being required within certain setback distances as it relates to signage can be found within Section 13 of the Highways Development and Protection Act (Highways Development and Protection Act can be found using this link - <http://www.gp.alberta.ca/documents/Acts/h08p5.pdf>).

[REDACTED]

[REDACTED]

Please advise the County, in writing, of when you can remove the trailers from various sites throughout the County.

We look forward to working with you to resolve outstanding compliance issues within our jurisdiction.

Sincerely,

Logan Cox, BA
 Planning & Development Officer
 Foothills County
 309 Macleod Trail, Box 5605 High River, Alberta T1V 1M7
 Direct: (403) 603 - 6207
 Fax: (403) 652 - 7880
 Email: logan.cox@mdfoothills.com
 Website: www.mdfoothills.com



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