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North Van busker has noise tickets tossed out

[Brent Richter](#) / North Shore News

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A street performer who spent a summer serenading citizens in the City of North Vancouver's civic plaza has won a partial and "disappointing" victory after going to court to fight the city's noise bylaws.

After being issued six \$100 bylaw tickets in 2012 for using her 10-watt amplifier in the plaza at 14th and Lonsdale, jazz crooner Megan Regehr - better known by her stage name Babe Coal - appealed the fines in B.C. Supreme Court.

Using the city's noise bylaw to prevent her from playing was a violation of her right to freedom of expression, as guaranteed by the Charter of Rights and Freedoms, Regehr argued. With her soft style of singing, Regehr said she could never be heard over the ambient noise of a city street, so the microphone and portable amp were critical to her artistic expression.

The city's bylaw officers and RCMP issued the tickets after several complaints were filed with the city.

<http://www.courts.gov.bc.ca/jdb-txt/SC/14/05/2014BCSC0513.htm>

But rather than striking down the noise bylaw as unconstitutional, **B.C. Supreme Court Justice Heather Holmes** opted to set aside the constitutional argument "though carefully argued and certainly not frivolous," on the grounds Regehr never really broke the bylaw to begin with.

Much of Holmes' 13-page ruling dissects the language of the bylaw, eventually concluding that while the city prohibits voice amplification equipment to create noise, music isn't specifically considered noise.

"The failure to include. .. any other reference to music, whether amplified or not, suggests that the drafters did not deem music to be inherently or necessarily objectionable or disturbing," Holmes wrote.

Where that leaves Regehr and other musicians who want to use an amplifier on the city's streets is not clear.

While **Regehr is** off the hook for her tickets, she and her manager Mitch Barnes are determined to continue fighting the bylaw until it is thrown out entirely. "We're going to appeal it up to the next level, believe it or not, to the Court of Appeal and if necessary, the (Supreme Court of Canada,) even though we won," Barnes said. "It's kind of like the courts chickened out. .. " Because of the ambiguity of the ruling, Regehr isn't sure if she'll be back to the plaza to perform again.

"I'm in a place where I don't really know where I stand. I don't know if I'm protected for anything at this point," she said.

Regehr said she's focused on continuing the court challenge on principle. "It's important to me. This is a bigger issue than just street performing or busking as some people would like to call it. It feel it's about individual liberties. It's about our law and it's about making sure Canada is upholding a higher law. At the moment, in every level that I've experienced, it hasn't even been considered."

The City of North Vancouver did not respond to a voicemail requesting comment on the ruling.

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