



News Release

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SCHLENKER GROUP TO APPEAL COURT DECISION IN CASE AGAINST FORMER TRUSTEES

VICTORIA — A group of Salt Spring Islanders is appealing a January 2012 decision by the Supreme Court of British Columbia that cleared two former members of the Salt Spring Island Local Trust Committee of claims made against them last year.

The group originally petitioned the court last October, seeking to have then-trustees Christine Torgrimson and George Ehring, and then-Electoral Area Director Garth Hendren of the Capital Regional District (CRD) disqualified from holding elected office. Their petition arose because the three elected officials volunteered as directors of community groups working on water conservation and climate change issues, but had not declared conflicts of interest before voting to allocate funds to the two groups. While Hendren was running in the local CRD election at the time, both trustees had previously declared they did not intend to run for public office.

The petition was brought by Norbert Fred Schlenker, Ted Bartrim, Allan Leslie Crane, Alison Mary Cunningham, William Patrick Curtin, Wayne Moise Joseph Fraser, Harold Derek Hill, Malcolm George Legg, Dietrich Luth, Victoria Linda Mihalyi, Gilbert William Mouat, Richard Gerald Ringrose, Mark Lyster Toole, Alan Rosson Wiggan and Elizabeth Susan Wood, all electors on Salt Spring Island.

In his decision about the case last January, the Honourable Mr. Justice Brian D. MacKenzie of the BC Supreme Court declared that “there is no basis for disqualification” of Ehring and Torgrimson from elected office. They were declared qualified to run in the future, should they choose to do so. An earlier court decision had cleared former Director Hendren of all claims. Following the court’s ruling, the Islands Trust released the funds in question (approximately \$8000 in total) to the two community groups. The Salt Spring Island Water Council Society used the funds to conduct a community workshop about water conservation, while the Salt Spring Island Climate Action Council Society developed a report about community progress in reducing greenhouse gas emissions.

Eight of the fifteen original petitioners have indicated they will appeal the court’s decision regarding the former trustees. The appellants are Norbert Fred Schlenker, Ted Bartrim, Alison Mary Cunningham, Harold Derek Hill, Malcolm George Legg, Dietrich Luth, Victoria Linda Mihalyi and Mark Lyster Toole. In papers delivered to Islands Trust lawyers last week, the group claims that the Supreme Court judge made several errors in law. The petitioners will ask the Court of Appeal to disqualify the former trustees from holding elected office for a three-year period beginning last October, or until the next election. They also want the court to declare contracts between the Islands Trust and the two community groups as unlawful and to have the former trustees personally repay funds spent on community work. The Schlenker group also seeks to have its court costs paid by the former trustees.

Linda Adams, Chief Administrative Officer of the Islands Trust says the matter is being handled by the Islands Trust’s lawyers. She noted that, like other local governments, the Islands Trust Council indemnifies current and former elected officials for legal costs incurred in the course of their work. “The Supreme Court judge undertook a very thorough review of all the evidence in this case and concluded that the trustees did not have

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Bowen, Denman, Hornby, Gabriola, Galiano, Gambier, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

a conflict of interest and had received no personal benefits from their decisions.” she said. “The Supreme Court dismissed all the claims against the trustees. Given the anticipated expense to taxpayers if we must go back to court, we were hoping this was over.” At this point, the next step will be for Islands Trust lawyers to respond on behalf of the two former trustees by early August. Assuming the petitioners still want to proceed to court, the matter is not expected to be heard until at least November.

The Islands Trust Council is a federation of local government bodies representing 25,000 people living within the Islands Trust Area. The Islands Trust is responsible for preserving and protecting the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5200 square kilometres.

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