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Islands Trust Welcomes Court Ruling

Lekwungen, METULIYE/Victoria, BC— On June 22, the Supreme Court of British Columbia dismissed a civil lawsuit initiated by Francis Dean Ellis against the Denman Island Local Trust Committee, Tony Law (Chair of the Denman Island Local Trust Committee at the time), Louise Bell (Denman Island Local Trustee at the time), David Marlor (Staff) and Islands Trust Council.

The Honourable Mr. Justice Riley heard the defendants' application to dismiss the action. Mr. Justice Riley ruled in favour of the defendants and awarded costs.

In his ruling, Mr. Justice Riley agreed with the defendants that the lawsuit was generally an effort to re-litigate issues conclusively determined against Mr. Ellis in prior proceedings to which he was a party.

Mr. Justice Riley also dismissed Mr. Ellis's claims that the defendants were liable for negligence, nuisance, and misfeasance in public office (a legal concept often referred to as abuse of power or abuse of authority).

"We welcomed the Judge's ruling, and are pleased to be awarded costs," shared Peter Luckham, Chair of the Islands Trust Council. "To date, the repetitive challenges to the Court decision has cost taxpayers over \$1 million. All of the challenges were successfully defended or dismissed. In May 2016, the Supreme Court of British Columbia declared Mr. Ellis a vexatious litigant, which recognized that his repetitive lawsuits were an attempt to re-argue matters that had already been decided against him by the Courts."

Court actions between the Islands Trust and Mr. Ellis have a history that started in 2003. At that time, the Denman Island Local Trust Committee initiated an enforcement action against Mr. Ellis with respect to unauthorized tree clearing and land alterations in a development permit area designated to protect development from hazardous conditions along a bluff. The unauthorized activities caused a landslide. The Supreme Court of British Columbia, and the British Columbia Court of Appeal, both found in favour of the Denman Island Local Trust Committee; the Courts also ordered that Mr. Ellis undertake remediation work in the development permit area.

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The Islands Trust works to preserve and protect over 450 islands in the Salish Sea through land use planning, the Islands Trust Conservancy, and Trust Council programs and services. The Trust Area, located within Coast Salish territory, is the homeland of over 28,000 Coast Salish Peoples who have called this area home since time immemorial. Covering 5,200 square kilometres between the British Columbia mainland and southern Vancouver Island, the Trust Area has 26,000 residents and 10,000 non-resident property owners. The region features many archaeological and culturally significant sites, and some of the world's most endangered ecosystems.

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