

A power-line precedent? Been there, done that

BY PETE MCMARTIN, VANCOUVER SUN JANUARY 13, 2009

Tell me if you've heard this one before:

According to a spokesman for the Ministry of Energy, Mines and Petroleum Resources, which is the government body offering the proposed buyout of 138 homes along the power transmission right-of-way that runs through Tsawwassen, the proposal "is a one-time, voluntary offer with specific parameters showing it only applies to those homes directly on the Tsawwassen portion of the right-of-way."

In other words, a one-time deal. No precedent.

Um, maybe not.

There is a precedent, and it happened right here 20 years ago.

After I wrote a column last week on the generosity of the offer -- very likely more than \$70 million, if all the homeowners accept it -- I got an e-mail from Alex Beleski, of Surrey. Beleski, formerly with BC Hydro's property division and now retired, wrote to take exception with the government's insistence that the Tsawwassen offer could not be seen as a precedent.

He took exception with it, he wrote, because the precedent had been set long ago.

The precedent, he wrote, was set in 1989 on Vancouver Island.

"You may be interested in learning," Beleski wrote, "that BC Hydro set a precedent in 1989 for buying properties along the edge of a right-of-way in Courtenay. I am a retired Hydro real estate appraiser who was responsible in disposing the 58 properties purchased. Briefly, the circumstances were that Hydro was adding a second high-voltage line next to an existing one within a 600-foot right-of-way which paralleled these residential properties. Problem was that the full right-of-way was only cleared halfway so that the residents used the uncleared part as though it was an extension of their properties."

It was the first time a public utility anywhere in North America had offered a buyout over electromagnetic field concerns.

The similarities to the Tsawwassen experience were striking: aggrieved homeowners taking a proprietary interest in the right-of-way; the proposed increase of a modest transmission line to almost double the capacity; sudden complaints from previously silent homeowners of headaches and concerns of increased cancer risk. As the Tsawwassenites had, the neighbourhood committee in Courtenay produced a report by a New York researcher who suggested there was a possible link between EMFs and childhood cancers. As in the Tsawwassen case, government authorities produced reports and testimony contradicting that claim, and stating there was no

empirical evidence linking EMFs to cancers or sicknesses of any kind.

A spokesman at BC Hydro confirmed Beleski's story, though he had got the number of homes acquired slightly wrong. In total, 59 homes were acquired at full market value, with BC Hydro paying all legal and moving costs.

BC Hydro also resold every single one of them, with a total aggregate loss of \$1.1 million.

Hydro had bought the homes, Beleski wrote, to "appease" the concerns of the homeowners, although, as he wrote in his e-mail, of the 58 people who took Hydro's offer, it was his recollection that "only 2/3 actually believed there was a danger." When resold, the properties were "listed on the open market with full disclosure of facts known at the time."

And since then? As far as he knew, Beleski wrote, there had been no complaints.

(I asked the BC Hydro spokesman if the utility had recorded any complaints from the new homeowners near the Courtenay lines since they had bought there, and he said that as far as he could determine, there had been none.)

Why does any of this matter? Well, despite the government's protestations, there is an almost identical precedent to Tsawwassen, and it was set by a Crown corporation. And: In 20 years, nothing has changed. The motivations of both sides in the issue seem equally suspect. The science backing up each side's claims is as inconclusive as ever. The only thing we can be sure of is it's going to cost taxpayers money.

And this: As I wrote in my previous column, government buyouts like this -- made as gestures of goodwill or to "appease" those affected -- make the case for government compensation to businesses and homeowners affected by the building of the Canada Line all that much stronger -- if not legally, then ethically. How can you drop \$70 million or more on homeowners in an affluent suburb over something that may or may not be dangerous to their health, but not compensate people who have seen their businesses destroyed and the value of their homes plummet?

Finally, there's this: In that first column on the transmission lines, I interviewed Duncan Holmes, one of the Tsawwassen homeowners being offered a buyout. After the column ran, he sent me this e-mail: "Pete, I meant to tell you that right after the column came out, I had a call from a guy in Okanagan Falls wanting details of the offer. They have a similar problem up there and were looking for equal opportunity. I'm sure more will come out of the woodwork."

Uh-oh.

pmcmartin@vancouversun.com,

604-605-2905

twitter.com/petemcmartin

© Copyright (c) The Vancouver Sun