

# FONVCA MINUTES

Thursday, April 16th, 2009

**Place:** DNV Hall, 355 West Queens

**Time:** 7:00 pm

**Chair:** Lyle Craver, Mt. Fromme Residents Association

## Members Present:

Corrie Kost Edgemont C.A.  
Dan Ellis Lynn Valley C.A.  
Cathy Adams Lions Gate N.A. (notes)  
Val Moller Lions Gate N.A.  
Lyle Craver Mt. Fromme R.A. (chair)  
Fred Gooch Blueridge C.A.

**Regrets:** Diana Belhous, Paul Tubb, Knut Hille, Eric Anderson (Sub. Fred Gooch)

The meeting was called to order at 7:05 p.m.

## 1. ORDER/CONTENT OF AGENDA

3 items were added under Any Other Business.

- 6.2(a) Tax Distribution
- 6.2(b) Save Our Shores
- 6.2(c) Municipal Indicators

## 2. ADOPTION OF MINUTES-Mar 19<sup>th</sup>

Last month's minutes were adopted as circulated.

## 3. OLD BUSINESS

### 3.1 The Right to Criticize Local Government

This issue was introduced as agenda item 5.3 on the May 15<sup>th</sup>/2008 FONVCA meeting. See [http://www.fonvca.org/letters/2008/14apr-to/Corrie\\_Kost\\_3may2008.pdf](http://www.fonvca.org/letters/2008/14apr-to/Corrie_Kost_3may2008.pdf)  
BC Supreme Court Justice Nicole Garson ruled that Charter of Rights' guarantee of free speech overrides any claims by government that it can be defamed. <http://www.courts.gov.bc.ca/jdb-txt/SC/09/04/2009BCSC0406.htm>

See also

<http://www.vancouversun.com/news/Court+send+s+message+governments+your+citizens/144645/5/story.html> or  
<http://www.fonvca.org/agendas/apr2009/slapp-sun-31mar2009.pdf>

In Powell River, several citizens who were critical of certain decisions made by the City of Powell River made statements to that effect via letters in the local paper, etc. The City tried to sue the citizens who had refused to retract their public statements. Three citizens, supported by the B.C. Civil Liberties Association, filed a suit in B.C. Supreme Court asking for a declaration stating that the city doesn't have legal authority to sue for defamation. The City of Powell River decided not to defend themselves, and the judge ordered the city to pay the court costs.

Various articles covered the case, and the Supreme Court decision is also worth reviewing.

## 4. CORRESPONDENCE ISSUES

### 4.1 3 regular emails this period

**4.2 1 non-posted letter this period** – because it was a verbatim of a published article

## 5. NEW BUSINESS

### 5.1 Mountain Bike Races on the North Shore

A letter from Diana Belhous was distributed concerning the B.C. Bike Race to be held on June 28<sup>th</sup>, 2009 in the District. There is concern about the amount of damage that will result from the hundreds of bikes on the trails that day. Diana's questioning of District Parks staff shows that very little money will be given by this organization for repairs and other costs to the District, to mitigate the damages as a result of this event coming to our community.

### 5.2 Tsleil-Waututh Notice of Fees

The Tsleil-Waututh Stewardship Policy was not released by the City of North Vancouver,

however Surrey has it on their website. The bands position is that on anything that affects their claimed lands, they should have the right to be informed and consulted. They want the costs of consultants to review projects, etc. to be paid for. They see the Stewardship Policy as a confidential document, so to them, the public should not have access to it. There are concerns about the process on these issues, and about the magnitude of their claimed territory. And municipalities are concerned about the Notice of Fees included in the document.

#### References:

<http://www2.canada.com/northshorenews/news/story.html?id=dff6e14c-0c6e-495a-9257-362a424cbdad>  
[http://www.bclocalnews.com/greater\\_vancouver/northshore\\_outlook/news/41946987.html](http://www.bclocalnews.com/greater_vancouver/northshore_outlook/news/41946987.html)  
<http://www.theprovince.com/news/native+policy+civic+quandary/1429509/story.html>  
<http://surrey.ihostez.com/contentengine/Link.asp?ID=31119>  
The above report is also available at  
<http://www.fonvca.org/agendas/apr2009/Surrey-report-Stewardship-policy-Tsleil-Waututh.pdf>

### 5.3 DNV/School Board 2008 election

The financial disclosures for candidates in last November's municipal and school board elections are available on the District's website. There was appreciation expressed that the District decided to go with the more open option – to post these statements covering campaign contributions, how much was spent, and who contributed on the District website. There was a consensus by those at the meeting to send a note to the District thanking them for making this information available on the web. (ACTION)

### 5.4 Onerous Yard Waste Regulations

The District is now limiting each household to a maximum of 6 items only each week, of yard trimmings. There are strict regulations on the size of each bundle. It was noted that the City of North Vancouver and West Vancouver have no limits on the amount of yard waste they can put

out each week. Nor do most other municipalities in the area. DIY drop-off charges of \$5.30/100KG are onerous as it wastes resident's time and is energy inefficient. The inability to not "share" with one's neighbours any excess garden waste was felt to be onerous and contrary to building neighbourliness. Hopefully council will review this situation.

### 5.5 Report on April 8<sup>th</sup> Council Workshop

Corrie Kost and Lyle Craver attended this meeting on the Community Planning (OCP) Working Group. The FONVCA website has information and slides, etc. on this discussion of the Community Planning Working Group. The Group's report is on the District website.

#### References:

<http://www.fonvca.org/dnv-council-material/2009-03-08/CPWG-Web/>  
[http://www.dnv.org/upload/documents/Council\\_Reports/1175746.pdf](http://www.dnv.org/upload/documents/Council_Reports/1175746.pdf)

## 6.0 ANY OTHER BUSINESS

### 6.1 Legal Issues

**a) UBC Parking Tickets** – The court has ruled that parking tickets handed out by UBC since 1990 are invalid. The arguments made are interesting, as are the reasons for judgement made in this case. So what does this mean for municipalities who raise revenue with parking tickets?

<http://www.courts.gov.bc.ca/jdb-txt/SC/09/04/2009BCSC0425.htm>

**b) BC Supreme Court Guts Provincial Gag Law** – The issue is that private citizens and organizations can't spend money during an election on promoting a candidate. This judgment has some interesting things to say about this subject.

<http://www.courts.gov.bc.ca/jdb-txt/SC/09/04/2009BCSC0436.htm>  
<http://www.courts.gov.bc.ca/jdb-txt/SC/09/04/2009BCSC0440.htm>  
120days→60days→now back to standard 28days  
<http://www.vancouversun.com/opinion/Liberals+should+examine+entire+issue/1455085/story.html>  
<http://www.vancouversun.com/news/Oppal+overruled/1455153/story.html>

**c) Defrauded Property Owner held blameless** - A court case dealt with defrauded properties, and a loophole was closed. The owner was held blameless, and the bank is liable, in a case where someone obtained a mortgage on someone else's property. Forged documents transferring the property were presented to the bank. The court ruled that lenders must ensure a borrower has the title, through sufficient security checks, etc.

<http://www.canlii.org/en/bc/bcca/doc/2009/2009bcca138/2009bcca138.html>

<http://www.vancouversun.com/news/Lenders+beware+Phony+mortgages+bank+problem+court+rules/1476575/story.html>

**d) Privacy of Garbage** – A Supreme Court ruling has been made to the effect that government officers, the police, etc. have the right to look through someone's garbage for evidence. In the case dealt with, garbage bags were taken from someone's private property (near street curb) and evidence for drug charges was obtained from the contents of those garbage bags.

From item 6.1 of November 20/2008 FONVCA Agenda...  
<http://scc.lexum.umontreal.ca/en/2009/2009scc17/2009scc17.htm>

## 6 Any Other Issues

**a) Tax distribution** – a few members of the public attended the council meeting on this subject. Over 5 years, Light Industry will see their rate rolled back to the metro average rates. Each year the increase to the average residence in the District will rise by an addition (compounded) \$5.

In the GVRD water tunneling (Seymour to Capilano) issue, they have just given a consortium of companies a contract. They will use the equipment of the previous contractor. The new contract will add about \$300 million to the project costs. Drilling is to start soon.

**b) Save Our Shores** - Flyers for the annual Beach Walk were distributed. The event is on Sunday May 24<sup>th</sup>.

**c) Municipal Indicators** - These are not being done in the District. Corrie Kost will meet with Dave Stuart. Corrie will share his research on indicators that might be desirable to have included in the Annual Report. Corrie asked for input in preparation for his meeting, and several items were brought up. Corrie will report back on this issue.

## 7. DATE & CHAIR OF NEXT MEETING

**7:00pm Thursday, May 21<sup>st</sup>, 2009**

**Save Our Shores** –  
Diana Belhouse – Tel: 604-987-1656

The meeting was adjourned at 9:02 p.m.