

Lillooet dispute escalates with new attempt to quash dissent

Top official is suing several citizens with district financial help

BY DAPHNE BRAMHAM, VANCOUVER SUN MAY 2, 2013

Lillooet must surely rank not only as one of the most dysfunctional municipalities in British Columbia, but in Canada.

The civil war between residents and their council only seems to escalate. There are no signs of détente; no outside offers of peacekeeping forces to try to normalize relations.

For the second time in three years, the B.C. Civil Liberties Association has stepped into the fray to defend citizens' rights to free expression.

The municipal district appeared on the BCCLA's radar in 2010 when Mayor Dennis Bontron and council tabled a bylaw to ban all unauthorized public meetings, from protests to picnics. Also to be banned was the posting of all public notices, which effectively made it illegal to even pin up a lost kitten sign without a permit.

The penalties included a fine of up to \$10,000 and six months in jail.

I wrote about the bylaw at the time and the story attracted national attention after the BCCLA demanded to be heard at the next council meeting. (The district scrapped the proposal.)

At the time, I foolishly described it as "the apex of an escalating war over water, water quality and the installation of water meters that began a few years ago."

I noted that in the years preceding 2010, the former mayor sued several citizens for defamation, recording devices were banned at council meetings and access to public documents had been limited.

I see now, that was just the start.

Last week, chief administrative officer Grant Loyer filed a defamation suit against three citizens.

Conveniently for Loyer, the contract he signed in November with the district has a provision to "assist" him with any legal costs should he commence any defamation suits against any citizens in B.C. Supreme Court.

That alone seems like an unusual perk of the job. But there's more.

If Loyer wins a defamation claim, awarded legal costs would go to the District of Lillooet. Any court-awarded damages would be split equally between Loyer and the Lillooet Foundation - a trust fund controlled by council that gives grants to local organizations.

The contract says Loyer can use the money either "for a vacation or for reduction of employee personal debt."

It amounts- in the words of BCCLA president Lindsay Lyster - to "an agreement for the division of the

spoils" and "a clear measure of substantive and moral participation by the district of Lillooet government with their agent in such lawsuits."

Lyster goes on to say, "It is a matter of settled law in B.C. and Ontario that government may not bring defamation actions against citizens in connection with criticism of governments' policies, laws or conduct."

The "settling" came here in 2009 after John Dixon of the BCCLA took Powell River council to court over its attempt to muzzle several citizens with what's become known as a SLAPP suit - a strategic lawsuit against public participation.

In her 2009 judgment, Justice Nicole Garson wrote: "It is antithetical to the notion of freedom of speech and a citizen's rights to criticize his or her government concerning its governing functions ... should be chilled by the threat of a suit in defamation."

Lyster argues that letting Loyer sue citizens is also antithetical to the constitutional guarantees of freedom of speech and expression.

"Defamation suits brought by government or funded by government infringe on free-speech rights," he wrote in a letter addressed to the premier, attorney general, community services minister, opposition leader, Lillooet's mayor and Loyer. "Protecting freedom of expression requires that robust criticism of government and its agents be allowed."

Among the three citizens being sued is Ted Anchor, who was elected mayor by a wide margin in 2011, promising openness, change and an end to the open warfare that had existed between the town's administration and its citizens.

He and Coun. Kevin Taylor quit two months later after receiving legal advice related to management of a flood-control situation. Subsequent emails from Anchor to several citizens about his decision to quit are the subject of Loyer's defamation suit.

The BCCLA wants the provincial government to amend the Local Government Act to ban municipal government from paying for any defamation suits initiated by its officials and agents.

In addition, the civil liberties association is suggesting that the B.C. government ban funding for any SLAPP suits initiated against citizens by its employees regardless of whether they work for the government itself, its agencies or Crown corporations.

Campaigning provincial politicians would do well to back these recommendations and affirm that politicians have no right to muzzle citizens.

Because while there is no doubt that politics can be messy and even mean, it's one of the prices we pay for democracy.

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