

Conflict-of-interest case against North Van councillor dismissed



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Mathew Bond, District of North Vancouver councillor. PNG

A conflict-of-interest allegation against a North Vancouver district councillor has been thrown out of court.

In May, Hazen Colbert, a financial consultant, filed a petition in B.C. Supreme Court seeking an order that Coun. Mathew Bond had contravened the conflict-of-interest provisions contained in the Community Charter.

The allegation related to Bond's links to an association that maintains trails for mountain bikers in North Vancouver and receives funding from the district to do so.

In the petition, Colbert claimed that Bond, a former president of the North Shore Mountain Bike Association, remained a "decision maker" for the association and is its "public face."

The petition said that in April, Bond participated in all material ways in a discussion to maintain the district's funding to the association of \$100,000 per year for 2016 and 2017, instead of returning it to the \$50,000 it got in 2014.

Bond responded to the petition by seeking to have it dismissed because it did not comply with requirements of the Charter, including that a petition of that nature be brought by a minimum of 10 electors of the municipality and that it be served within seven days of being filed.

In his ruling on the case, B.C. Supreme Court Justice Bruce Greyell agreed with Bond that the petition lacked the necessary 10 electors.

"In my view, this provision in the Charter is to ensure that an application alleging conflict of interest has some support amongst electors in a community, even though limited support, to prevent spurious allegations being made by individual community members or electors," said the judge.

"I am not commenting on the merits of Mr. Colbert's petition, but rather on the legislative purpose underlying the provisions requiring at least 10 electors commence proceedings. This finding of itself results in the requirement the petition be dismissed."

The judge also found Colbert had not filed a petition with a required affidavit and had not served the petition within the required seven days of filing.

He quoted a prior case in which he himself had found that the intent of the law involving conflict matters was to have them dealt with promptly so local government officials can carry out their political and legislative duties in an expeditious manner.

Bond sought special legal costs against Colbert, in connection with what the

judge described as “vitriolic” correspondence and emails sent by Colbert to Mayor Richard Walton and Bond.

But the judge said that the emails, which he found contained innuendo and threats, were not made in the context of the issues raised in the proceedings but in response to other issues. He declined to award special costs.

In an email, Bond said that the judge dismissed the petition for legal and procedural reasons.

“However, as stated in the documents filed on my behalf in court, the petition has no merit and in my view would have been dismissed had it proceeded.”

Bond was initially elected as a director of the association in 2007, was elected president of the association in November 2008 and served as president until November 2013.

Elected to council in 2014, Bond said in court documents that since November 2013, he remains only a member of the association, enabling him to participate in mountain bike races and entitling him to vote at the association’s annual general meeting.

“Other than my participation at the AGM, I have no decision making role or capacity vis-à-vis the NSMBA. I have not been the “public face” of the NSMBA since my time as the president of the association ended. I have no knowledge of or agreement with the NSMBA with respect to my image or likeness being used by the NSMBA.”

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