

# north shore news

## Judge tosses conflict of interest case against North Vancouver councillor

### Allegation of conflict of interest thrown out of court

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file photo Mike Wakefield, North Shore News

A B.C. Supreme Court judge recently tossed out a petition alleging conflict of interest against a District of North Vancouver councillor.

Hazen Colbert, a council hopeful in 2014, accused Coun. Mathew Bond of a conflict because Bond participated in a council discussion about funding for the North Shore Mountain Bike Association.

Bond previously served as president of the NSMBA.

However, any petition alleging conflict of interest needs to be supported by a minimum of 10 electors from the community in question. While not commenting on the merits of Colbert's petition, Judge Bruce Greyell nonetheless dismissed it due to Colbert's failure to follow protocol.

The rule is in place to ensure allegations have community support as well as to prevent "spurious allegation" being made, the judge noted.

Colbert also failed to provide copies of the petition to the District of North Vancouver's municipal clerk. Colbert alleged district staff "misled him" when he tried to serve the clerk, "advising him the clerk was absent when he was not."

The judge noted that Colbert had the option of taking other steps to deliver the documents but did not do so.

Colbert argued that he was only seeking a common law declaration that Bond was in a conflict of interest, as opposed to a declaration under the statute; therefore, he is “not required to comply with the statute.”

The judge disagreed.

Under the community charter, a councillor can be disqualified from holding office for participating in a discussion on a topic in which they have a financial interest.

Bond also requested Colbert pay costs based on what the judge called “vitriolic correspondence,” including an email containing “innuendo and threats.”

Greyell allowed that he would have likely accepted the argument if the correspondence pertained specifically to the allegations at hand.

“Special costs are meant to express the court’s rebuke to a litigant,” he wrote.

However, being unconvinced the correspondence related to the issue at hand, Greyell concluded each party should bear their own costs.

Colbert and Bond both ran for council in 2014. Bond was ushered into office while Colbert finished with 3.8 per cent of the vote.