

Original filed January 02, 2019

Court File No: CAR-S-S-14585
Campbell River Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LUKE DANIEL DOUGLAS LAFLUER, WILLIAM JOHN CATHCART,
KENNY BRYAN CARPENTER HANUSE, MICHAEL EDWARD HANSEN,
JASON BARRY JEFFERY, BERTHA LOUISE JEFFERY,
WENDY MARIE LOTNICK, JUNE CAROL BARTON,
THOMAS JOHN DREW, RODERICK CHARLES GRAY LEE,
RICHARD PATRICK BOAS, MARY M. GEORGINA TALLON,
HELENE ANDREE OABES, EDWARD CHARLES MILAN

PETITIONERS

AND:

NOBA ANDREA ANDERSON

RESPONDENT

AMENDED PETITION TO THE COURT

Name and address of each petitioner

LUKE DANIEL DOUGLAS LA FLUER, WILLIAM JOHN CATHCART, KENNY
BRYAN CARPENTER HANUSE, MICHAEL EDWARD HANSEN, JASON BARRY
JEFFERY, BERTHA LOUISE JEFFERY, WENDY MARIE LOTNICK, JUNE
CAROL BARTON, THOMAS JOHN DREW, RODERICK CHARLES GRAY LEE,
RICHARD PATRICK BOAS, MARY M. GEORGINA TALLON, HELENE ANDREE
OABES, EDWARD CHARLES MILAN all of Suite 102 – 901 Island Hwy,
Campbell River, B.C., V9W 2C2

Name and address of each respondent

NOBA ANDREA ANDERSON of Box 210, 427 Whaletown Road, Cortes Island,
BC, V0P 1K0

**THESE PROCEEDINGS have been commenced by the petitioners for the relief set
out in Part 1 below.**

If you intend to respond to this petitioner, you or your lawyer must:

- File a response to petitioner in Form 67 in the above-named registry of this court within the time for response to petition described below, and
- Serve on the petitioner
- 2 copies of the filed response to petition and
- 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response

TIME FOR RESPONSE TO PETITION

A response to petition must be filed and served on the petitioner,

- If you reside anywhere in Canada, within 21 days after the date on which a copy of the filed petition was served on you,
- If you reside in the United States of America, within 35 days after the date on which a copy of the filed petition was served on you,
- If you reside elsewhere, within 49 days after the date on which a copy of the filed petition was served on you, or
- If the time for response to civil claim has been set by order of the court, within that time.

- The address of the registry is 500 – 13th Avenue, Campbell River, B.C., V9W 6P1

- The address for service of the petitioners is c/o the petitioner's lawyer at:

Lighthouse Law Offices, Barristers & Solicitors
Suite 102 – 901 Island Highway
Campbell River, British Columbia, V9W 2C2
Attn: Harry A. Wenngatz
Fax: 778.346.4234

PART 1: ORDERS SOUGHT

- That Anderson be disqualified from holding office until the next general local election-

- That the municipality promptly pay the elector's costs within the meaning of the Supreme Court Civil Rules-
- An accounting and tracing of the funds received by Anderson in contravention of the conflict provisions of Division 6 of Part 4 of the Community Charter
- An accounting by Anderson of all funds received and dispersed by her ~~him~~ acting in a capacity as elected counsel member.
- An accounting by Anderson of all voting privileges exercised by her acting in her capacity as an elected counsel member.
- Alternatively, costs as to this Honourable Court seems just.
- Such further and other relief as to this Honourable Court seems just.

PART 2: FACTUAL BASIS

The Parties

- The ~~petitioners~~ plaintiffs, Luke Daniel Douglas Lafluer, William John Cathcart, Kenny Bryan Carpenter Hanuse, Michael Edward Hansen, Jason Barry Jeffery, bertha Louise Jeffery, Wendy Marie Lotnick, June Carol Barton, Thomas John Drew, Roderick Charles Gray Lee, Richard Patrick Boas, Mary M. Georgina Tallon, Helene Andree Oabes, Edward Charles Milan are individuals and residents of British Columbia all of whom have an address for service c/o Lighthouse Law Offices, Suite 102 – 901 Island Highway, Campbell River, British Columbia, V9W 2C2.
- The defendant Noba Andrea Anderson ("**Anderson**") is an individual residing on Cortes Island, British Columbia.

Background Facts

- The defendant Anderson is a co-owner of realty property located on Cortes Island, British Columbia, which property is described as follows:
 Lot 1 Section 21 Cortes Island Sayward District Plan 4570,
 Except Parcel A (DD 1841861)
 PID: 006-098-835
 ("**the Property**")
- Title to the Property reflects the following ownership interests:
- Conrad Jordan Dombrowski as to an undivided ¼ interest; and
- Ryan Harvey and Lovena Harvey as to an undivided ¼ interest as Joint Tenants;
 and

- Lukasz Emil Biela and Allison Petra Gregory as to an undivided ¼ interest as Joint Tenants; and
- Noba Andrea Anderson as to an undivided ¼ interest
 [**“the Titleholders”**]
- There are several residences located on the Property of which 2 in particular relevant to these proceedings are a cabin in which Anderson’s father Bernie lived (**“the Cabin”**) as well as a primary residence in which Anderson lives in (**“the Anderson Residence”**).
- Anderson was re-elected as the Area B Regional Director for the Strathcona Regional District (**“the SRD”**) on October 20, 2018 .

Additional Facts

- In particular, Anderson took money from her constituents for personal gain and a number of those same constituents received gifts and grants in return.
- On January 31, 2018, Anderson’s dad set fire to a cabin located on Anderson’s property.
- On March 13, 2018 Anderson’s land partner Lovena Harvey started a go fund me campaign (<https://ca.gofundme.com/bernies-cabin-fire-rebuild>) (**“the Go-Fund-Me Acct”**) on behalf of Anderson which fund account remains open to date.
- There were 27 persons who donated to Anderson’s fund of which 27 persons, the following benefitted either personally or through their own organizations from the SRD grant in aid of which Anderson applied for;
- Mary Lavelle as Hall Manager of the SCCA, was Anderson’s alternate director and received a salary from the SRD when Anderson was on maternity leave. The SCCA received a grant for \$6,500 on April 27, 2017, the sum of \$4,500.00 on May 26, 2016 and a further sum of \$2,000.00 on August 13, 2014. Mary Lavelle contributed to the Go-Fund-Me Acct the sum of \$100.00; and
- Ryan Harvey is on the board of the Friends of Cortes Island Society (**“FOCIS”**) (<http://www.friendsofcortes.org/about/>). The most recent grant is a \$1,500 donation of funds to assist with the new Parks and Trails Committee work. The grant was approved at the October 10, 2018 SRD board meeting of which Anderson was a participant. Mr. Harvey is paid to do the trail repairs on Cortes Island parks. This position has never been placed for tender. Additional grants for FOCIS were \$2,000 on April 27, 2017 and \$1,700 on May 26, 2016. Mr. Harvey is a land partner and co-owner of the Property with Anderson and both Ryan and Lorena Harvey donated personally to the Go-Fund-Me Acct; and
- Kirsten Schofield Sweet is on the APC, Cortes Island Seafood Association

("CISA") and a member of FOCIS. Ms. Sweet was Anderson's alternate director in her previous term running from 2011 through to 2014. Ms Sweet also signed Anderson's nomination papers. CISA received an \$800 grant on April 27, 2018 and a further \$800 grant on May 26, 2016 from the SRD. Ms Sweet contributed personally to the Go-Fund-Me Acct; and

- Grazyna Trzesicka works at the museum which received a grant of \$1,800 on April 27, 2017, with further grants of \$800 in 2014, 2015 and 2016. Ms. Trzesicka is also a member of Cortes Island Business and Tourism ("CIBTA") which also received a grant as outlined below. Ms. Trzesicka publishes the Cortes Island Information booklet annually. Ms Trzesicka contributed personally to the Go-Fund-Me Acct; and
- Martha Ableson, a realtor on Cortes, is a member of the Board of Directors of the CIBTA which received the following grants. \$3,500 during the October 10, 2018 SRD board meeting, \$1,800 on April 27, 2017 and \$2,200 on March 26, 2016. Ms Ableson contributed personally to the Go-Fund-Me Acct; and
- Josee Gagnon is the janitor at the SCCA and her salary is paid by the SCCA. Ms Gagnon does a radio show for the Cortes Radio. Victor Van Buskirk also does a radio show for the Cortes Radio called Muse Garden. Additionally, Barry Glickman is a member at large at Cortes Radio. The Cortes Radio received SRD grants of \$1,400 in 2017 and \$2,000 in 2016. Ms. Gagnon, Mr. Buskirk and Mr. Glickman all contributed personally to the Go-Fund-Me Acct; and
- Garbage collection on Cortes Island is administered through an SRD contract which has never been publicly placed for bid. Morgan Tams does the garbage collection on Cortes Island and has personally contributed to the Go-Fund-Me Acct; and
- Cory Dow was appointed to the APC by Anderson and has personally contributed to the Go-Fund-Me Acct; and
- Amanda Glickman is on the ESS and runs a Ham radio course which is funded by the SRD. Ms. Glickman has personally contributed to the Go-Fund-Me Acct; and
- Anonymous or undisclosed donation for the sum of \$900.
- Appearing on the Go-Fund-Me Page was the following thank you note from Lovena Harvey;

Hello Friends, Bouquets of roses to everyone who donated to Bernie's Cabin Fire Rebuild fund! The rebuilding project of a room for Bernie, onto Noba and Pete's home, is well underway. With cash donations we exceeded our fundraising goal and hope that this will be enough to get the

space to 'lock up'. We have also had three successful work bees, with motivated inspiring local folks! What a huge success and tribute to our amazing Cortes community. We are so grateful for all the support – thank you, thank you, thank you.

- A similar note of gratitude was posted by Anderson in the Tideline bulletin of September 16, 2018 stating;

Thank-you Cortes! Noba Anderson. After my father's wee sleeping cabin on my property was lost in January to fire, we decided to add a room onto our home so that he could be closer and all the more integrated into our daily lives, as he does now need our regular care. Great gratitude to all of you who helped with effort, money and goodwill. The donations of time helped the project along and the funds allowed us to hire Mike Malek to do much of the work. (I recommend him highly!) For that we are grateful. As our lives are so full these days, especially with Zyla, I just didn't have the time to complete the room addition on my own. It wouldn't have happened without this awesome community! We are now picking paint colours for the walls and expect that Bernie will move into his new room in the next few weeks. Much gratitude! Bernie, Noba, Peter & Zyla.

PART 3: LEGAL BASIS

- Anderson has violated the requirements and terms of her elected position and the very standards of conduct, honesty and integrity required of an elected Regional government official
- Anderson swore an oath of office where she would disclose direct or indirect pecuniary interest and would not participate or vote in respect of those matters.
- Anderson has not declared the monies that she received from the Go Fund Me campaign and has voted to provide grants in aid to organizations in which a number of persons who donated to her Go Fund Me campaign are active.
- The Community Charter Part 4 Division 6 Conflict of Interest permits of the disqualification from holding office on a council in the event that the elected member participates in a conflict of interest and exercises their powers contrary to the provisions of the charter.
- The Community Charter permits application to the Supreme Court in the event that the disqualified person continues to act in office.
- Anderson has contravened the conflict provisions of the Local Government Act of BC and the Community Charter and continues to act in office

PART 4: MATERIAL TO BE RELIED ON

- Such affidavits as delivered up by the parties to this petition;
- Such other evidence as these parties may submit and this Honourable Court permit.

The petitioner estimates that the hearing of the petition will take 2 hours if opposed.

DATED: January 02, 2019 ~~December 31, 2018~~

Signature of Harry A. Wenngatz
[X] Lawyer for Petitioner

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - Prepare a list of documents in Form 22 that lists
 - All documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - All other documents to which the party intends to refer at trial, and
 - Serve the list on all parties of record.

APPENDIX

(The following information is provided for data collection purposes only and is of no legal effect).

Part 1: Concise Summary of Nature of Claim:

- Breach of Contract and negligent misstatement.

Part 2: This Claim arises from the following:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

Part 3: This claim involves:

- a class action
- maritime law
- aboriginal law
- constitutional law
- conflicts of law
- none of the above
- do not know

Part 4: