



This is the 1<sup>st</sup> Affidavit  
of Lovena Harvey in this case  
and was made on 25 MAR 2021

No. CAR-S-S-15139  
Campbell River Registry

*In the Supreme Court of British Columbia*

Between

STRATHCONA REGIONAL DISTRICT

Petitioner

and

CONRAD JORDAN DOMBROWSKI, RYAN HARVEY, LOVENA HARVEY,  
LUKASZ EMAIL BIELA, ALLISON PETRA GREGORY,  
and NOBA ANDREA ANDERSON

Respondents

**AFFIDAVIT**

I, Lovena Harvey, of 423 Whaletown Road, Cortes Island, British Columbia, businessperson,  
SWEAR (OR AFFIRM) THAT:

1. I am a respondent in this matter, and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be on information and belief, in which case I verily believe them to be true.
2. Since 2007 I have lived at the property on Cortes Island (the "Property") which I co-own with Noba Anderson, Connie Quayle, Ryan Harvey, Lukasz Biela and Allison Gregory (together, the "Land Group").
3. In January 2019 I became aware that a complaint had been made to the SRD about the Property.
4. Attached hereto and marked as **Exhibit "A"** to this my affidavit is a true copy of an email exchange with Mr. Jordan Hargrave, dated February 5, 2019.
5. On or about March 1, 2019 SRD staff and representatives of the Vancouver Island Health Authority visited the Property to do a site visit.

6. In response to the inspection, the Land Group met on March 3, 2019 and we decided to apply to the SRD for a rezoning of the Property. We also decided to engage a consultant to help with that process.
7. Our Land Group makes decisions respecting the Property on a consensus basis. As a result some decision-making can take longer than if there was a single owner or if our decision-making process was simply by majority vote.
8. Attached hereto and marked as **Exhibit "B"** to this my affidavit is a true copy of an email exchange I had with Mr. Hargrave with respect to the site visit, dated March 5, 2019. In the email correspondence I specifically requested Mr. Hargrave provide me with any documentation relating to proposed zoning changes or amendments for the long-awaited update to the Cortes Island zoning bylaw.
9. Attached hereto and marked as **Exhibit "C"** to this my affidavit is a true copy of letter from Mr. Hargrave, dated March 15, 2019.
10. On or about April 8, 2019 I met in-person with Mr. John Neill and Ms. Aniko Nelson about the Property. Noba Anderson attended this meeting by telephone. Both Mr. Neill and Ms. Nelson advised that subdivision would be our best way forward and that rezoning could be problematic "given the political climate" at the SRD. I indicated that our Land Group heavily favoured rezoning, but Mr. Neill and Ms. Nelson repeatedly said that subdivision, though more costly, would more likely result in success and recommended we pursue that option.
11. On April 26, 2019 I received an email from SRD staff reminding me of their deadline of May 1, 2019 to choose between a rezoning application or subdivision.
12. Between April and July 2019 the Land Group met a number of times and were in regular communication about deciding whether to proceed with a rezoning application or submit a subdivision application.
13. During this time we had a Registered Onsite Wastewater Practitioner attend at the Property to do a preliminary walk around to assess the suitability for a septic system. He advised us that the window during which we would need to do perc testing was November-March.
14. Attached hereto and marked as **Exhibit "D"** to this my affidavit is a true copy of an email I sent to Jordan Hargrave, dated May 2, 2019.
15. The SRD agreed to extend the date by which we had to choose a compliance path to August 12, 2019. Ultimately, the Land Group decided to pursue a subdivision for the Property, as we did not have confidence that the SRD Board would exercise its discretion to grant a rezoning to Director Anderson, given the public record of their treatment of her and the SRD staff's recommendation on April 8, 2019.
16. Attached hereto and marked as **Exhibit "E"** to this my affidavit is a true copy of an email exchange I had with Ms. Kaila Schaefer, dated July 30, 2019.
17. Between July 30, 2019 and January 30, 2020, we continued to correspond with various

consultants relating to the subdivision application and met as a Land Group numerous times to discuss the ongoing proceedings.

18. We finally succeeded in engaging the only septic professional on Cortes Island to attend at the Property on January 30, 2020 to dig the required test holes and perform the required perc tests.
19. I met again with Mr. Neill, Ms. Nelson, and Ms. Schaefer on February 11, 2020. At this meeting Mr. Neill suggested that the Land Group consider applying for a shared land strata as a subdivision option, rather than a bare land strata.
20. Ms. Nelson indicated that we should just submit any application for a version of a subdivision, even if it was not going to be our final preferred approach, and provide the SRD with the file number. Ms. Nelson also told me that once we filed with the Ministry for a subdivision, the pressure would be off of us and that we could take the time that was needed to complete the subdivision. She further stated that there was a lot of will on Cortes Island to amend the Zoning Bylaw to reflect higher density. Ms. Nelson expressly stated to me that "it would be a shame to do a costly subdivision application when your land may be in the correct density in the future."
21. We submitted our subdivision application to the Ministry of Transportation and Infrastructure on March 5, 2020 and subsequently paid all required fees to MoTI and VIHA.
22. On March 18, 2020 we were advised by VIHA that they had suspended all site visits due to the public health emergency. Attached hereto and marked as **Exhibit "F"** to this Affidavit is a true copy of an email from Ms. Sonnenburg from that date.
23. Between June 2020 and October 2020 we continued to work on our subdivision application and VIHA came to inspect the septic and perk test holes that we had completed on the Property.
24. During the intensive lockdown months from March 2020 – September 2020 there was also little we could do to further our application as VIHA and MoTI were delayed in making site visits. We needed feedback from MoTI regarding the roads and allowances and thought we would get a site visit once our application had been submitted.
25. On October 14, 2020 I received an email notification from Ms. Nelson of an inspection of the Property which would occur the next morning. Attached hereto and marked as **Exhibit "G"** to this my affidavit is a true copy of my email exchange with Ms. Nelson.
26. On November 23, 2020 I received an email notification about another inspection of the Property on November 24, 2020. Attached hereto and marked as **Exhibit "H"** to this my affidavit is a true copy of my email exchange with Mr. Neill.
27. On December 1, 2020 I was advised by Mr. Neill that the SRD would be conducting an inspection of the Property on December 3, 2020.
28. On January 12, 2021 we had a call with MoTI. On the call with me were Noba Anderson,





**Fwd: Bylaw Enforcement**

1 message

----- Forwarded message -----

From: **Lovena Harvey** <lovena@gatheringplacetrading.com>  
Date: Tue, Feb 5, 2019 at 3:14 PM  
Subject: Re: Bylaw Enforcement  
To: Jordan Hargrave <JHargrave@srd.ca>

This is Exhibit "A" to the Affidavit of Lovena Harvey, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.

A Commissioner/Notary Public for the Province of British Columbia

Hi Jordan,

Thanks for the update regarding site visit.

I will meet you at the end of the driveway at 10am.

Kind Regards,

Lovena

On Feb 5, 2019, at 3:08 PM, Jordan Hargrave <JHargrave@srd.ca> wrote:

Hello Ms Harvey

Thank you for the phone conversation this afternoon.

As requested, the visit to your property at 421 Whaletown Rd, Cortes Island, has been rescheduled to Friday, February 15. We should be arriving at approximately 10:00am.

Regards  
Jordan Hargrave

<image001.png>  
<image002.png><image003.jpg>

**Jordan Hargrave**  
**Building Official**  
**Bylaw Compliance Officer**  
301 - 990 Cedar Street, Campbell River, BC V9W 7Z8  
e. [jhargrave@srd.ca](mailto:jhargrave@srd.ca) | t. 250.830.6713 | f. 250.830.6710

**From:** Lovena Harvey <lovena@gatheringplacetrading.com>  
**Sent:** February-05-19 1:04 PM

**To:** Jordan Hargrave <[JHargrave@srd.ca](mailto:JHargrave@srd.ca)>  
**Cc:** Ralda Hansen <[RHansen@srd.ca](mailto:RHansen@srd.ca)>; [ANelson@srd.c](mailto:ANelson@srd.c)  
**Subject:** Fwd: Bylaw Enforcement

Hello Jordan,

I am the designated contact from our 'Cortes land partners' group.

I just received the email below from Noba today.

It doesn't give me much time to organize my work/life schedule to meet you on Thursday.

I work in Campbell River from Monday to Thursday and head back to Cortes after I get my daughter off to high school on a Friday morning.

I could meet you any Friday this month with the exception of Feb 22nd.

If you are going to proceed to the property without me on Thursday I need to know ASAP. One of our land partners has renters in their house. They would need to be informed, as would the other land partners.

It's a 22 acre property, so it would be helpful for you to have a guide.

My husband could possibly meet you, but isn't the right person to be the primary contact.

Please let me know as soon as you are able.

Best,  
Lovena Harvey

Campbell River 250 287 7571  
Cortes Island 250 935 0323

Begin forwarded message:

**From:** Noba Anderson <[director@cortesisland.com](mailto:director@cortesisland.com)>  
**Subject:** Fwd: Bylaw Enforcement  
**Date:** February 5, 2019 at 11:00:24 AM PST  
**To:** Lovena Harvey <[lovena@gatheringplacetrading.com](mailto:lovena@gatheringplacetrading.com)>

FYI - not the timeline we expected. Ask if VIHA will be with them.

----- Forwarded message -----

**From:** Aniko Nelson <[ANelson@srd.ca](mailto:ANelson@srd.ca)>  
**Date:** Tue, Feb 5, 2019 at 10:52 AM  
**Subject:** RE: Bylaw Enforcement  
**To:** Noba Anderson <[director@cortesisland.com](mailto:director@cortesisland.com)>  
**Cc:** Ralda Hansen <[RHansen@srd.ca](mailto:RHansen@srd.ca)>, Jordan Hargrave <[JHargrave@srd.ca](mailto:JHargrave@srd.ca)>

Director Anderson,

Please be advised that the SRD's Bylaw Officer has scheduled a site visit for your property for this Thursday, February 7, 2019 and should arrive on site at approximately 10:00am.

Please advise your agent of this visit should they wish to be present.

Thank you.

Aniko Nelson

**From:** Noba Anderson <[director@cortesisland.com](mailto:director@cortesisland.com)>  
**Sent:** January-29-19 9:02 PM  
**To:** Aniko Nelson <[ANelson@srd.ca](mailto:ANelson@srd.ca)>  
**Cc:** Ralda Hansen <[RHansen@srd.ca](mailto:RHansen@srd.ca)>; Jordan Hargrave <[JHargrave@srd.ca](mailto:JHargrave@srd.ca)>  
**Subject:** Re: Bylaw Enforcement

Writing to acknowledge receipt of this email and to say that I will pass this on to all of my land partners.

Please be advised though that this kind of appointment decision would be made at a land meeting which are not regularly scheduled and often hard to coordinate. When the decision is made, someone will be in touch with Jordan.

Noba

On Mon, Jan 28, 2019 at 11:12 AM Aniko Nelson <[ANelson@srd.ca](mailto:ANelson@srd.ca)> wrote:

Director Anderson,

Please be advised that the SRD is in receipt of a bylaw complaint regarding the current density associated with your property.

I would kindly ask that you designate a current owner of the property that is unrelated to you to act as the agent for this file. Once an agent has been designated please have that agent contact Jordan Hargrave at 250-830-6716 or [jhargrave@srd.ca](mailto:jhargrave@srd.ca) to arrange a site visit with SRD and Island Health staff.

Thank you in advance.

<[image004.png](#)><[image005.png](#)><  
[image006.jpg](#)>

**Aniko Nelson**  
**Parks, Planning, Building & Bylaw**  
**Enforcement Manager**  
301 – 990 Cedar Street, Campbell River,  
BC V9W 7Z8  
e. [anelson@srd.ca](mailto:anelson@srd.ca) | t. 250.830.6708 |  
toll free: 1.877.830.2990

--

Director, Noba Anderson  
Cortes Island, Area B  
Strathcona Regional District  
[director@cortesisland.com](mailto:director@cortesisland.com)  
Tel: 250-935-0320

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Director, Noba Anderson  
Cortes Island, Area B  
Strathcona Regional District  
[director@cortesisland.com](mailto:director@cortesisland.com)  
Tel: 250-935-0320






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**Fwd: Follow up Re: March 1 meeting**

1 message

----- Forwarded message -----

From: **Lovena Harvey** <lovena@gatheringplacetrading.com>  
 Date: Tue, Mar 5, 2019 at 9:14 AM  
 Subject: Follow up Re: March 1 meeting  
 To: Jordan Hargrave <JHargrave@srd.ca>

Hi Jordan,

Thanks for meeting with me on Friday.


I forgot to ask about the timeline and process of this complaint.

Will you be providing us with a written report and recommendations?

Thanks in advance,

Lovena

This is Exhibit " B " to the Affidavit of  
 Lovena Harvey, sworn (or affirmed) before  
 me at Campbell River, B.C., this 5 day of  
 March, 2021

  
 A Commissioner/Notary Public for the  
 Province of British Columbia

On Feb 28, 2019, at 7:26 PM, Jordan Hargrave <JHargrave@srd.ca> wrote:

Hi Lovena

Just confirming that we will be at your property about 10am, tomorrow March 1.

Jordan Hargrave  
 Building Official  
 Bylaw Compliance Officer  
 301 - 990 Cedar Street, Campbell River, BC V9W 7Z8  
 e. jhargrave@srd.ca | t. 250.830.6713 | f. 250.830.6710

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**From:** Lovena Harvey <lovena@gatheringplacetrading.com>  
**Sent:** Tuesday, February 12, 2019 10:54:14 AM  
**To:** Jordan Hargrave  
**Subject:** Re: Feb 15 Meeting

Hi Jordan,

I agree that it is probably best to postpone your visit. Cortes roads can be unpredictable. I barely made it off the island on Sunday for my week in town.

You are correct, that I am not available on Feb 22nd. I am in Vancouver.

2/14/2021

Gmail - Fwd: Follow up Re: March 1 meeting

On March 1st I am teaching a Folk University (Cortes) workshop on *How to start a business you love*. It's at 1pm, but I'd need to be leaving my place at 11:45am.

However, if we do the same time frame 10 to 11am, I could manage to still get organized for the event. Sound good?

Noted re: VIHA request and Zoning Bylaw you attached. Is there any documentation you could share on proposed zoning changes or amendments for the long awaited update to our OCP and zoning bylaw?

Kind Regards,  
Lovena

On Feb 12, 2019, at 10:22 AM, Jordan Hargrave <JHargrave@srd.ca> wrote:

Hi Lovena

Due to uncertainty regarding the weather, roads and ferry service, I'm proposing that we postpone the site meeting until March 1. Please confirm if that day will work for you – I recall that you had mentioned that February 22<sup>nd</sup> would not work.

I've forwarded your request to VIHA for them to contact you – I'm not 100% certain at this time who the file has been assigned to.

Please find attached a copy of the Cortes Island Zoning Bylaw. For reference, please see the definition for *dwelling*, section 303b)i) and section 601 for R-1 zoning.

Regards  
Jordan

<image001.png>

<image002.png><image003.

.jpg>

**Jordan Hargrave**

**Building Official**

**Bylaw Compliance Officer**

301 - 990 Cedar Street, Campbell River, BC V9W 7Z8

e. [jhargrave@srd.ca](mailto:jhargrave@srd.ca) | t. 250.830.6713 | f. 250.830.6710

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**From:** Lovena Harvey <[lovena@gatheringplacetrading.com](mailto:lovena@gatheringplacetrading.com)>

**Sent:** February-11-19 9:56 AM

**To:** Jordan Hargrave <[JHargrave@srd.ca](mailto:JHargrave@srd.ca)>

**Subject:** Re: Bylaw Enforcement

Hi Jordan,

Can you put me in touch with the VIHA inspector. I'd love to ask some questions before the inspection.

Also, could you kindly send me further details regarding the zoning regulations. I am interested to know what designates a cabin as compared to a house.

Thank you,

Lovena

On Feb 5, 2019, at 3:08 PM, Jordan Hargrave <[JHargrave@srd.ca](mailto:JHargrave@srd.ca)> wrote:

Hello Ms Harvey

Thank you for the phone conversation this afternoon.

As requested, the visit to your property at 421 Whaletown Rd, Cortes Island, has been rescheduled to Friday, February 15. We should be arriving at approximately 10:00am.

Regards  
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<[image001.png](#)>

<[image002.png](#)><[image003.jpg](#)>

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**Bylaw Compliance Officer**  
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Campbell River 250 287 7571

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**Subject:** Re: Bylaw Enforcement

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Director Anderson,

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Thank you in advance.

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[image006.jpg](#)>

**Aniko Nelson**  
**Parks, Planning,**  
**Building & Bylaw**  
**Enforcement Manager**  
301 – 990 Cedar  
Street, Campbell River,  
BC V9W 7Z8  
e. [anelson@srd.ca](mailto:anelson@srd.ca) | t.  
250.830.6708 | toll free:  
1.877.830.2990

--  
Director, Noba Anderson  
Cortes Island, Area B  
Strathcona Regional District  
[director@cortesisland.com](mailto:director@cortesisland.com)  
Tel: 250-935-0320

--  
Director, Noba Anderson  
Cortes Island, Area B  
Strathcona Regional District  
[director@cortesisland.com](mailto:director@cortesisland.com)  
Tel: 250-935-0320



File: 2018-B-024

March 15, 2019

Sent by mail and email


Conrad J Dombrowski  
Po Box 117, 427 Whaletown Rd  
Whaletown, BC V0P1Z0

Ryan Harvey  
Lovena Harvey  
Po Box 272, 423 Whaletown Rd  
Whaletown, BC V0P1Z0

Lukasz E Biela  
Allison P Gregory  
Po Box 229, 425 Whaletown Rd  
Whaletown, BC V0P1Z0

Noba A Anderson  
Po Box 394, 421 Whaletown Rd  
Whaletown, BC V0P1Z0

This is Exhibit " C " to the Affidavit of  
Lovena Harvey, sworn (or affirmed) before  
me at Campbell River, B.C., this 25 day of  
March, 2021.

  
A Commissioner/Notary Public for the  
Province of British Columbia

Dear Property Owners:

**Re: Bylaw Contravention Notice – 421, 423, 425, 427 Whaletown Rd, Whaletown, BC – Lot 1, Plan VIP4570, Section 21, Sayward Land District, Except Plan PCL A DD 184861, Cortes Island (772 16242.000)**

As a result of formal complaints received, Strathcona Regional District (SRD) staff visited the subject property legally described as Lot 1, Plan VIP4570, Section 21, Sayward Land District, Except Plan PCL A DD 184861, Cortes Island, located at 423 Whaletown Rd, Whaletown, BC on March 1, 2019. Present at that site inspection was the undersigned, Jordan Hargrave, SRD Bylaw Compliance Officer, John Neill, SRD Planner, John Hillis, Island Health Environmental Health Officer, and Lovena Harvey, representing the property owners.

The formal complaint alleged that the number of dwellings located on the property exceeds what is permitted by the *Cortes Island Zoning Bylaw No.2455, 2002*. The subject parcel is 8.9 hectares (22 acres) in size. It is zoned Residential 1 (R-1).

Part 601 Residential One of *Cortes Island Zoning Bylaw No.2455, 2002* permits residential use as follows:

“3) Conditions of Use:

- a) Residential use on a lot is limited to one single family dwelling and one secondary suite, or one single family dwelling and one cottage limited in size to 60 square metres (645.85 square feet) in total floor area.
- b) For each additional 1.0 hectare (2.47 acres) of land area on a lot (in excess of required minimum lot area), one additional dwelling shall be permitted to a maximum of three dwellings per lot (and one secondary suite or one cottage per lot).”

Residential use on the subject property is limited to 3 *single family dwellings* and one *single family dwelling* not more than 60 square meters (646 sq. ft.) in *total floor area*.

Following this investigation, the Strathcona Regional District has determined that at the time of inspection, 5 single family dwellings were located on the subject property. These dwellings have all been constructed since 2004. The current group of owners purchased the property c.2006. A 3-storey *single family dwelling* was under construction at time of purchase. An additional 4 *single family dwellings* have been constructed since 2006. All of the *dwellings* are all larger than 60 square meters (646 sq. ft.).

Based on this initial review, a few of options have been identified to resolve this non-compliance:

1. Remove or alter dwellings to bring the property into compliance with the current zoning.
2. Submit an application for subdivision or strata subdivision for two or more parcels. Pursuing this option is subject to conditions and approval from the Ministry of Transportation and Infrastructure and Island Health. Approval from the Regional District Board may not be required depending on the details of the application.
3. Submit an application to amend the Zoning Bylaw and Official Community Plan to permit 5 or more dwellings. Pursuing this option will be subject to approval from the Regional District Board and is not guaranteed. Conditions from Island Health must also be met.

Please give consideration to the options above and decide on a course of action. For further information, to discuss the above options or submit application, please contact John Neill, Strathcona Regional District planner at 250-830-6706 or [jneill@srd.ca](mailto:jneill@srd.ca). It may be advisable to arrange a meeting at the Regional District office to further explore these options.

Please note that bringing the property into compliance with the Regional District's zoning bylaw does not preclude compliance with other enactments. Further Orders may be issued pursuant to the *Public Health Act Sewerage System Regulation* and the *Drinking Water Protection Act* that must also be addressed for the Regional District to close this file.

Important Deadlines:

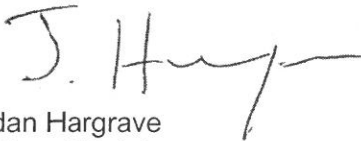
By May 1<sup>st</sup>, 2019 please indicate to me by email which option you intend to pursue.

By July 1<sup>st</sup>, 2019 please submit an application to amend the zoning bylaw and OCP, submit an application for subdivision or reduce the number of dwellings as permitted by the zoning bylaw. An Order to Comply with further deadlines will be issued once a timeline to compliance has been decided upon.

It has been noted that the property owners have been cooperative with Regional District staff and that they have indicated that they intend to bring the property into compliance.

Thank you for your prompt attention to this matter. If you have any questions or I can be of assistance, please do not hesitate to contact me.

Sincerely,



Jordan Hargrave  
Building Official  
Bylaw Compliance Officer  
250-830-6713  
jhargrave@srd.ca

cc: John Hillis, Environmental Health Officer; Nancy Clements, Environmental Health Officer; Aniko Nelson, SRD Bylaw Compliance Manager; Dave Leitch, SRD Chief Administrative Officer



**Fwd: Bylaw Contravention Notice, 423 Whaletown Rd, Whaletown, Cortes Island (772 16242.000)**

Lovena Harvey &lt;lovena@gatheringplacetrading.com&gt;

Thu, May 2, 2019 at 2:01 PM

To: Jordan Hargrave &lt;JHargrave@srd.ca&gt;

Cc: Noba Anderson &lt;nobaanderson@gmail.com&gt;, Connie Quayle &lt;acornroots@gmail.com&gt;

Hi Jordan,

Thanks for your note and reminder of May 1st deadline.

Unfortunately we still have not decided about which road to compliance we will be taking.

We have been working diligently, but there are so many factors, especially given the political climate.

If Noba wasn't the regional director and we weren't in the middle of a court case, we would likely chose re-zoning and were strongly leaning in that direction.

Then we had a meeting with Aniko and John and they were steering us towards sub-division.

We've been researching sub-division and have calls/emails into MoT to find out if the public right of way road into our property would be acceptable for subdivision.

We have been waiting for word back from them, and have requested that if they, in theory, approve our road that they come in person and check it out.

As we understand it, subdivision is centred around MoT approval primarily, so we are now on their timeline.

Could we please have an extension on our decision date?

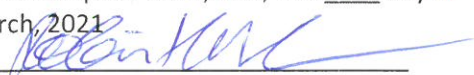
Kind regards,  
Lovena**Lovena Harvey**

Co-founder/Owner

Gathering Place Trading

www.gatheringplacetrading.com

250 287 7571

This is Exhibit " D " to the Affidavit of  
Lovena Harvey, sworn (or affirmed) before  
me at Campbell River, B.C., this 25 day of  
March, 2021.  
A Commissioner/Notary Public for the  
Province of British Columbia

On Fri, Apr 26, 2019 at 2:11 PM Jordan Hargrave &lt;JHargrave@srd.ca&gt; wrote:

Hello Lovena

Just a reminder that the deadline for choosing a path to compliance for is next Wednesday, May 1, 2019.

Thank you

Jordan

**Jordan Hargrave****Building Official**

301 - 990 Cedar Street, Campbell River, BC V9W 7Z8

e. jhargrave@srd.ca | t. 250.830.6713 | f. 250.830.6710



**From:** Lovena Harvey <lovena@gatheringplacetrading.com>

**Sent:** March-18-19 11:03 PM

**To:** Jordan Hargrave <JHargrave@srd.ca>

**Subject:** Re: Bylaw Contravention Notice, 423 Whaletown Rd, Whaletown, Cortes Island (772 16242.000)

Thanks Jordan,

[Quoted text hidden]



Noba Anderson <nobaanderson@gmail.com>

**Re: Bylaw Contravention Notice- 423 Whaletown Rd, Whaletown, Cortes Island**

1 message

**Lovena Harvey** <lovena@gatheringplacetrading.com>

Tue, Jul 30, 2019 at 11:30 PM

To: Kaila Schaefer <kschaefer@srd.ca>

Cc: Aniko Nelson <ANelson@srd.ca>, John Neill <JNeill@srd.ca>, Noba Anderson <nobaanderson@gmail.com>

Hello Kaila,

We would like to pursue subdivision and have been in conversation with Ministry of Highways in order to assess suitability of our property and road/access requirements. They are unable to give us a definitive answer until we formally apply.

In order to formally apply we need to provide perk testing results. We had a professional septic installer do a preliminary site evaluation in the spring, but that was the wrong time of year for perk testing.

We have arranged to get the perk testing done as soon as possible in November 2019, when it's the right time for this assessment.

Thank you for contacting us.

All the best,

Lovena

*Lovena Harvey*

Co-founder/Owner

Gathering Place Trading

www.gatheringplacetrading.com

250 287 7571

This is Exhibit " E " to the Affidavit of Lovena Harvey, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.

A Commissioner/Notary Public for the Province of British Columbia

On Mon, Jul 29, 2019 at 10:39 AM Kaila Schaefer <kschaefer@srd.ca> wrote:

Good Morning Lovena,

As requested, your deadline to choose a compliance path was extended from its original date of May 1, 2019.

Please review the options and email me back **no later than August 12, 2019** with a definite answer as to which compliance option you wish to proceed with.

Thank you,

Kaila Schaefer



**Kaila Schaefer**

**Bylaw Compliance Officer**

301 - 990 Cedar Street, Campbell River, BC V9W 7Z8

e. kschaefer@srd.ca | t. 250.830.6721 | f. 250.830.6710





Noba Anderson &lt;nobaanderson@gmail.com&gt;

## Subdivision Application

1 message

**Sonnenburg, Mia** <Mia.Sonnenburg@viha.ca>

Wed, Mar 18, 2020 at 2:19 PM

To: Lovena Harvey &lt;lovena@gatheringplacetrading.com&gt;, Ryan Harvey &lt;ryguyharvey@gmail.com&gt;

Cc: Ryan Harvey &lt;ryan@gatheringplacetrading.com&gt;, Noba Anderson &lt;nobaanderson@gmail.com&gt;

Hi Ryan and Lovena,

Just touching base to let you know that at this time, our program has moved to the next phase of our COVID-19 response strategy and thus have suspended all field (site) visits, with exception of emergency/high-priority visits.

I will be in touch at a later date when we are given direction to conduct all field visits again.

If you'd like, you can send me photos of all of the test holes (both observation and perc test holes - with the hole number/location identified for ease of reference). A site visit will still be conducted in future, but I realize the goal was to see the conditions during what is typically the wetter part of the year. That said, with all of this sunny weather we've been having, the soils are likely no longer at their wettest, but photos may still be helpful.

Regards,

Mia


**Mia Sonnenburg, B. Tech, CPHI(C)****Environmental Health Officer**

Health Protection and Environmental Services

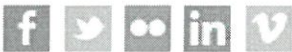
#200-1100 Island Highway, Campbell River, BC V9W 8C6

E: Mia.Sonnenburg@viha.ca | T: 250.850.2108 | F: 250.850.2455

This is Exhibit " F " to the Affidavit of Lovena Harvey, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

  
A Commissioner/Notary Public for the Province of British Columbia

island health



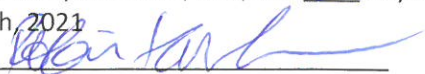
Please consider the environment before printing this email

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1/20/2021



This is Exhibit " G " to the Affidavit of Lovena Harvey, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

  
 A Commissioner/Notary Public for the Province of British Columbia

----- Forwarded message -----

From: **Aniko Nelson** <ANelson@srd.ca>  
 Date: Wed, Oct 14, 2020 at 6:07 PM  
 Subject: RE: Site Visit Notification  
 To: Lovena Harvey <lovena@gatheringplacetrading.com>

Hi Lovena,

I appreciate your position, however, do know, the SRD has full authority to enter property and appreciates your cooperation. As stated previously, the SRD does not require access to any buildings and will do its best to minimize any interruptions to those residents/visitors while on site.

With respect to your comment that during our meeting at the SRD office you were advised that *'the bylaw compliance file would no longer be open once we applied for the subdivision'*, I respectfully disagree. What the SRD did communicate during this meeting was that either an application for rezoning or subdivision would show your potential willingness to work towards compliance.

Again, your understanding is appreciated.

Many thanks,

Aniko

---

**From:** Lovena Harvey <lovena@gatheringplacetrading.com>  
**Sent:** October 14, 2020 5:33 PM  
**To:** Aniko Nelson <ANelson@srd.ca>  
**Subject:** Re: Site Visit Notification

Hi Aniko,

Unfortunately, due to the fact that you are only contacting me at 4:30pm the day before a 10am site visit, I will be unable to contact each of the land partners and have them contact their renters in enough time to give enough notice to provide access to buildings.

I'm curious why we were not given more notice, as you are aware we are four land owners, with two of the land owners currently renting out their dwellings. I have provided you with all of this information previously. Could you explain why more notice is not being given?

During this COVID time we need to be extra sensitive regarding requests to enter into peoples homes.

On that note, we currently have an elderly guest staying in our common house. She is a guest of myself and Ryan. I would request that the upstairs of our common house not be accessed. She is staying until Oct 31st.

Aniko, you told me in our last meeting at the Regional District office, with myself, John and the young bylaw officer present that the bylaw compliance file would *no longer be open once we applied for the subdivision*. Why has this now changed?

May I remind you that the only reason we had the bylaw complaint filed against us is because of the lawsuit that was filed against Noba by local residents unhappy with the fact that she won the last election. There are many, many people on Cortes Island currently living out of zoning compliance and many of us have been waiting to make the decision about subdividing until the SRD got clear on potential changes to our Bylaws. It has been 8 years we have waited for that clarity. If the Bylaws changed to allow slightly more density in our zone (as amply discussed by the community with the majority supporting this decision), we wouldn't have to enter into this costly subdivision process. Also, subdivision will impact the land negatively from an environmental and sustainability perspective.

I am surprised that valuable SRD resources are being spent on further 'surprise' site visits, when there are so many real issues, problems and concerns that need SRD attention. We have done our part of the process. Why are we not being treated fairly?

Are we being particularly persecuted because of having Director Anderson as one of our land partners?

With concern,

Lovena Harvey

Lovena Harvey

CEO / Co-founder

Gathering Place Trading

1/20/2021

Gmail - Aniko's response. Fwd: Site Visit Notification

20

www.gatheringplacetrading.com

250 287 7571

On Wed, Oct 14, 2020 at 4:38 PM Aniko Nelson <ANelson@srd.ca> wrote:

Hi Lovena,

I can advise that the bylaw enforcement file is not closed as compliance has yet to be achieved.

The SRD is sending one staff person, John Neill, to conduct a site visit over the balance of the property to document all development related to permitted land use/density. If access to buildings is permitted it would be helpful, but not necessary.

The SRD appreciates the sensitivity of the matter and will be as respectful as possible during our visit.

Thank you for your cooperation.

Aniko

---

**From:** Lovena Harvey <lovena@gatheringplacetrading.com>  
**Sent:** October 14, 2020 3:14 PM  
**To:** Aniko Nelson <ANelson@srd.ca>  
**Subject:** Re: Site Visit Notification

Hi Aniko,

Just gave you a call to ask for more details pertaining to the site visit tomorrow.

I thought our "file" was now closed and no longer on the Bylaw Enforcement desk, since we jumped through the ample and costly steps of pursuing a subdivision application. To date we have spent more than \$5000 and at least 50 hours of time on this project with thousands of dollars and hours more to be spent. Our subdivision application is currently in the hands of MoT. VIHA visited us in the summer for inspection of our perk and septic holes.

Can you please provide me with more details as to why the SRD would be paying a site visit. Will you be going on to each property? Will you be going inside of buildings? Who specifically will be there?



Thank you for your time in answering these questions regarding our "surprise" visit tomorrow.

Kind Regards,

Lovena

Lovena Harvey

CEO / Co-founder

Gathering Place Trading

[www.gatheringplacetrading.com](http://www.gatheringplacetrading.com)

250 287 7571

On Wed, Oct 14, 2020 at 2:01 PM Aniko Nelson <ANelson@srd.ca> wrote:

Hello Lovena,

Please accept this as formal notice of an SRD site visit scheduled as follows:

Date: Thursday, October 15, 2020

Time: 10:00 a.m.

Place: 421 et al Whaletown Road

The purpose of this site visit is to document relevant property development as it pertains to Bylaw Enforcement File No. 18-B-024.

The SRD does not require an agent to be on site during this time.

Thank you.

Best,

1/20/2021

Gmail - Aniko's response. Fwd: Site Visit Notification

**Strathcona**  
REGIONAL DISTRICT

Aniko Nelson

Senior Manager, Community Services

301 – 990 Cedar Street, Campbell River, BC V9W 7Z8

e. [anelson@srd.ca](mailto:anelson@srd.ca) | t. 250.830.6708 | toll free: 1.877.830.2990

--  
Lovena Harvey  
CEO / Co-founder  
Gathering Place Trading  
[www.gatheringplacetrading.com](http://www.gatheringplacetrading.com)  
250 287 7571

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Noba Anderson <nobaanderson@gmail.com>

**Fwd: Visit to 423 Whaletown Road**

4 messages

**Lovena Harvey** <lovena@gatheringplacetrading.com>  
To: Noba Anderson <nobaanderson@gmail.com>

Mon, Nov 23, 2020 at 4:33 PM

----- Forwarded message -----

From: **John Neill** <JNeill@srd.ca>  
Date: Mon, Nov 23, 2020 at 3:07 PM  
Subject: Visit to 423 Whaletown Road  
To: Lovena Harvey <lovena@gatheringplacetrading.com>  
CC: Jacob Blanchard <jblanchard@srd.ca>

This is Exhibit " H " to the Affidavit of Lovena Harvey, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

A Commissioner/Notary Public for the Province of British Columbia

Hi Lovena,

Our Parks Technician, Jacob Blanchard will be visiting 423 Whaletown Road tomorrow to photograph and measure the approximate footprint of Shae and Lucas's dwelling, shown circled in the attached image. The co-ordinates of the house are 50.10065N 125.04220 W

Regards,

John



**John W. Neill MCIP MRTPI**

Planner

301-990 Cedar Street, Campbell River, BC V9W 7Z8

t. 250.830.6706 | 1877.830.2990

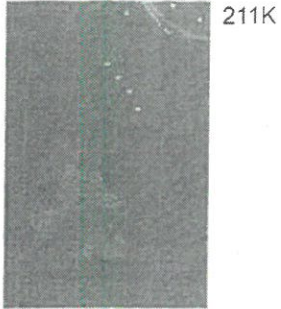


--  
Lovena Harvey  
CEO / Co-founder  
Gathering Place Trading  
www.gatheringplacetrading.com  
250 287 7571

**423 Whaletown.JPG**

1/20/2021

Gmail - Fwd: Visit to 423 Whaletown Road



211K

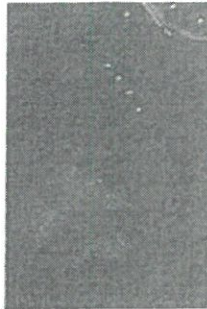
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**Noba Anderson** <nobaanderson@gmail.com>  
To: Matthew Voell <mrvoell@voell.ca>

Mon, Nov 23, 2020 at 4:58 PM

FYI  
Again another visit from the SRD with a mere few hours notice.  
Noba  
[Quoted text hidden]

--  
Noba Anderson  
250-935-0320



**423 Whaletown.JPG**  
211K

---

**Lovena Harvey** <lovena@gatheringplacetrading.com>  
To: John Neill <JNeill@srd.ca>  
Bcc: nobaanderson@gmail.com

Tue, Dec 1, 2020 at 12:47 PM

Sounds good John!  
Thanks for letting us know. I'll let the tenants know.  
Best,  
Lovena

Lovena Harvey  
CEO / Co-founder  
Gathering Place Trading  
www.gatheringplacetrading.com  
250 287 7571

On Tue, Dec 1, 2020 at 11:05 AM John Neill <JNeill@srd.ca> wrote:

Hi Lovena,

I hope to travel over to Cortes on Thursday morning to confirm my measurements of the dwellings on the Whaletown Road property, including Ashe and Luka Biela's.

Thanks and regards,

John

---

**From:** Lovena Harvey <lovena@gatheringplacetrading.com>  
**Sent:** Monday, November 23, 2020 19:35  
**To:** John Neill <JNeill@srd.ca>  
**Subject:** Re: Visit to 423 Whaletown Road

Hello John,

I received email contact from the tenants on Ashe and Luka Biela's property.

They have gotten rid of the German Shepherd and there is now no dog on the property.

I have let her know that the Parks technician will be coming by, but assured her he would be outside the property and not needing to interact with her.

Thanks,

Lovena

Lovena Harvey

CEO / Co-founder

Gathering Place Trading

[www.gatheringplacetrading.com](http://www.gatheringplacetrading.com)

250 287 7571

On Mon, Nov 23, 2020 at 4:37 PM Lovena Harvey <lovena@gatheringplacetrading.com> wrote:

Hello John.

The tenants at that property have a German Shepard they are trying to get rid of as it is menacing.

I would need to know the time the parks technician was coming to make a request for the dog to be restrained, as the dog has biten the property owners child.

I'm sending an email request to the tenants now, to let them know.

1/20/2021

Gmail - Fwd: Visit to 423 Whaletown Road

26

Thanks,

Lovena

On Mon, Nov 23, 2020 at 3:07 PM John Neill <JNeill@srd.ca> wrote:

Hi Lovena,

Our Parks Technician, Jacob Blanchard will be visiting 423 Whaletown Road tomorrow to photograph and measure the approximate footprint of Shae and Lucas's dwelling, shown circled in the attached image. The coordinates of the house are 50.10065N 125.04220 W

Regards,

John



John W. Neill MCIP MRTPI

Planner

301-990 Cedar Street, Campbell River, BC V9W 7Z8

t. 250.830.6706 | 1877.830.2990

[Quoted text hidden]