LIDSTONE & COMPANY
the Law Letter

In this issue

First Nation Consultation

At this point in history, local governments are aware of the duty of the federal and provincial governments to consult with and accommodate First Nations before making decisions in relation to land or resources where the government in question should have knowledge of potential aboriginal rights or title. So far, the courts have found that the duty is owed by the Crown, but not by private corporations, other persons or local governments affected by the Crown actions in relation to lands or resources. To date, the courts have not addressed directly whether local governments owe a duty to consult, although, as stated, the courts have limited the duty to the Crown and have not extended it to any third parties.

One recent decision of the British Columbia Supreme Court and two upcoming cases may cast light on the subject. In *Adams Lake Indian Band v. British Columbia (Lieutenant Governor in Council)* 2011 BCSC 266, although the Supreme Court of British Columbia found that the provincial Crown had a constitutional duty to consult with the First Nation in regard to letters patent incorporating the new Mountain Resort Municipality of Sun Peaks, the Court did not find that the Municipality had a duty to consult. In that case, the Court determined that the incorporation of the Municipality had negative implications for the ALIB rights and title, that the enactment of the letters patent to incorporate the Municipality was caught by the constitutional duty to consult because it was a strategic, high level decision in respect of which there was a causal relationship between the proposed incorporation and potential adverse impact on aboriginal rights and title. The case is under appeal.

Local government lawyers have expressed the view that the Sun Peaks case is authority for the proposition that municipalities do not owe a duty to consult or accommodate. First Nation lawyers are quick to point out that although the Court in that case did not find that Sun Peaks had a duty to consult, this issue was not argued by any of the lawyers in proceedings, noting that the ALIB had proceeded against the Crown provincial and not the Municipality. It should also be noted that the Municipality, of course, did not exist before the

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enactment of the letters patent. It would be difficult to imagine some sort of "prenatal" duty to consult.

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In *Gitxaala v. Prince Rupert (City) (Vancouver Registry* VLC-S-S-110049) the First Nation will be arguing in the British Columbia Supreme Court that the City of Prince Rupert owes a duty to First Nations to consult in relation to the disposition of an interest in land held by the Municipality. In this case, the City acquired land comprising a closed mill as a result of the tax sale process.

In another upcoming case, *K'omoks v. Comox Valley Regional District* (Victoria Reg. 10 3348) the First Nation will argue the Regional District owes a duty to consult with the First Nation in relation to land use and development decisions, in this case in regard to an application for a development permit for a service station that is located on land contiguous to an environmentally sensitive estuary which the First Nation seeks to protect.

First Nation lawyers say that in the case of a local government disposing of an interest in land such that aboriginal rights and title may be negatively impacted, local governments owe a duty to consult because:

1. The local governments are exercising powers delegated by the provincial Crown and therefore obligated to act "honourably" toward aboriginal peoples and act as a fiduciary in respect of specific rights and interests of aboriginal peoples;
2. The provincial Crown cannot consult on the land disposition or the land use decisions, since these are "strategic, higher level decisions" (as discussed in the 2010 decision of the Supreme Court of Canada in *Rio Tinto Alcan Inc v. Carrier Sekani Tribal Council* 2010 SCC 43);
3. The sale of the land and the land use approval, respectively, could infringe aboriginal rights and title.

We disagree with the notion that municipalities or regional districts have a duty to consult and accommodate First Nations. First, the honour of the Crown arose when the Crown asserted sovereignty over aboriginal peoples and their territories, at which point the Crown became obligated to act honourably toward aboriginal peoples and act as a fiduciary in relation to aboriginal rights and title. Municipalities and regional districts are not the Crown. Under our constitution, the Crown is federal or provincial, but municipalities and regional districts are local

First Nation Consultation (continued from pg.2)

governments. Local governments have been held not to be tantamount to the provincial Crown (*Stewart v. Kimberley (City of)* [1986] B.C.J. No. 81(BCCA)).

Second, local governments do not have statutory, contractual or other authority to negotiate "accommodation" for or on behalf of federal or provincial governments.

Third, we do not think that land disposition or land use decisions of local governments are "strategic higher level decisions" that have an impact on aboriginal claims and rights in the sense of the extension of the duty to consult found by the Supreme Court of Canada in the *Rio Tinto Alcan* case.

Fourth, municipalities and regional districts have numerous significant statutory constraints limiting the possibility of accommodating First Nations (e.g., elector approval for borrowing to pay for accommodation or for entering into long term accommodation agreements).

This is not to say that local governments to do not have a significant stake in relation to the Crown's duty to consult and accommodate. As the Mountain Resort Municipality of Sun Peaks has learned (noting that its very existence has been attacked by the ALIB) and as the University of British Columbia has learned when its acquisition of the University golf course was set aside because of the failure of the Crown to consult with the Musqueam Indian Band in *Musqueam Indian Band v. British Columbia* [2005] 2CNLR 212, it makes sense to hold the Crown's feet to the fire. In other words, municipalities and regional districts must be careful to ensure that the Crown satisfies its duty to consult and accommodate in situations where the local governments may be affected by the Crown decision that might have a negative impact on aboriginal rights and title. There are so many cases where the provincial Crown has failed to satisfy the duty to consult, and in some cases to accommodate, that every municipality or regional district interested in a decision to be made by the Crown in relation to land, resources, or "strategic, higher level decisions" should exercise due diligence to monitor the Crown consultation and accommodation. Accordingly, it makes sense for local governments to learn the rules of the game and take a strong interest in these processes.
Don Lidstone

Getting Ruff on Animal Abusers

On May 11, 2011, the Province introduced proposed changes to the *Prevention of Cruelty to Animals Act* ("PCAA") to better protect animals from suffering and abuse. The proposed amendments are in response to the recommendation of the government-initiated sled dog task force.

It should be no surprise that animal cruelty and abuse happens in all corners of BC to all types of animals, working and domestic. When such issues hit the media, local governments often receive inquiries about or gain interest in taking action against animal cruelty.

Local governments have the ability to regulate, prohibit and impose requirements in relation to animals, and some specific powers in relation to dangerous dogs and to seizure (sections 8(3)(k) and 47-49. Section references are to the *Community Charter* unless specified). This ability includes prohibiting persons from and requiring persons to do things with their property, where property includes animals (section 8(b) and (c)). So long as a bylaw does not purport to regulate certain wildlife as defined in the *Wildlife Act* and is not inconsistent with a Provincial enactment, the bylaw can supplement the provincial regulations (section 10).

Getting Ruff on Animal Abusers (continued from pg. 3)

The BC Society for the Prevention of Cruelty to Animals, through its Special Provincial Constables ('authorized agents'), is charged with administering the PCAA, investigating reports of animal cruelty and recommending charges to Crown counsel under either the PCAA or the Criminal Code. If there is an incident in a part of BC where the BC SPCA does not function through a branch or authorized agent, a peace officer who has jurisdiction may exercise any of the powers of an authorized agent under the PCAA (section 22 PCAA).

However, if a local government would like to be more proactive and involved in investigating and laying charges in relation to instances of animal cruelty, the most effective way may be to work with the BC SPCA to fund a new or additional SPC in your region, increase education, and raise awareness about how to report alleged behaviour that would violate the PCAA or Criminal Code. BC SPCA staff and volunteers are likely better positioned to address animal abuse cases due to their expertise in animal control, animal behaviour and welfare, wildlife management, and the legal system. Moreover, it is the BC SPCA that would make recommendations to Crown counsel to pursue charges against offenders.

Local governments would likely be most effective in the role of animal control, licencing and education, which all work toward reducing animal abuse, overpopulation, and other problems. For example, a local government could consider doing one or more of the following:

- enacting a licencing or identification system for dogs or cats under section 15(1);
- enacting a business licencing standard for dog kennels, catteries and pet stores that may include prohibitions on the sale of some types of animals (e.g. dogs from puppy mills, see case comment on *International Bio Research v. Richmond (City)*);
- adopting a code or standard under section 15(2), for example, in relation to animal care;
- prohibit, regulate, impose conditions on, or require a permit for the breeding, possession, display or exhibition for entertainment or educational purposes a list of exotic animals (this will usually require exceptions for certain properties or activities);
- setting requirements for pet stores, shelters and owners to spay and neuter dogs and cats to address aggression in male dogs reduce pet overpopulation; or
- funding a BC SPCA Special Provincial Constable in your region, or contributing to the funding of your local branch and its sheltering, adoption, and education activities generally.

More on this subject can be found in "Lions and Tigers and Snakes: regulating animals" in our Autumn 2010 Law Letter, available on our website. ***Rachel Forbes***

A fee by any other name

Because we are often asked, and because it can be difficult to determine whether a particular fee or charge has been validly imposed, we provide a basic overview of a local government's powers in relation to fees and charges.

Section 194(1) of the *Community Charter* allows a municipal council to impose fees (defined to include 'charges') in respect of municipal services, the use of municipal property, or in the exercise of its authority to regulate, prohibit or impose requirements. A similar authority for regional districts is set out in s. 363 of the Local

If a fee by any other name is tax, it will smell invalid (continued from pg. 4)

Government Act. This power must be exercised by bylaw. Local governments may impose fees for land use development applications and inspections under s. 931(1) of the LGA.

Although the authority in these statutory provisions is broad, there are restrictions on the ability to impose fees, some of which are summarized below.

a) Cost of the service vs. amount charged

If a fee has been imposed in respect of a municipal service, there must be a reasonable connection between the cost of the service and the fee charged. This principle was endorsed by the Supreme Court in *Re Eurig Estate*, [1998] 2 S.C.R. 565. As an example, if a municipality extends a water line and wants to charge a connection fee to owners who voluntarily hook up to it, there must be a reasonable relationship between the fee on the one hand and the capital cost of the service of designing, constructing and installing it on the other.

One way in which municipalities can be held accountable for the amounts charged is through the requirement in s. 193(4) to make available to the public, on request, a report respecting how a particular fee has been determined. This applies to regional districts under section 363(4) LGA.

b) Beware of fees authorized by other Acts

Section 194(3)(b) provides that Council may not impose a fee in relation to any other matter for which the Charter or another Act specifically authorizes the imposition of a fee. For example, the Schedule of maximum fees under the Freedom of Information and Protection of Privacy Act specifically sets out fees that may be charged by a public body for the production of information. Given s. 194(3)(b), a municipality cannot charge an additional fee for production of information pursuant to FOIPPA.

c) Beware of 'fees' that are not authorized at all

Some municipalities have written requirements for developers to pay 'amenity fees' before the council adopts or issues the land use approval.. Or, in the absence of a written policy, there may be an expectation that a developer will provide cash in lieu of amenities. This expectation may be an invalid consideration in the absence of a valid amenity zoning bylaw or a phased development agreement that sets out conditions that may apply to a rezoning application. On its own, ad hoc zoning does not constitute the provision of a service. As a result, it does not fall within s. 194(1) of the *Charter*. Nor is there another act that authorizes the 'fees' that some municipalities impose in these circumstances. In fact, s. 931(6) LGA prohibits imposition of a fee, charge or tax unless expressly authorized by statute.

d) Make sure the 'fee' is not actually a 'tax'

The fees a municipality is authorized to impose under s. 194 must truly be fees and must not constitute the imposition of a tax. Taxes cannot be collected without the direct authority to do so.

Four indicia of a 'tax' are as follows (as set out in the Eurig Estate case):

(1) it is enforceable by law; (2) it is imposed under the authority of the legislature; (3) it has been levied by a public body; and (4) it is intended for a public purpose.

In practical terms, a fee is generally considered a voluntary payment to receive goods or services voluntarily sought, whereas a tax is an unrequited compulsory payment – often used to generate revenue rather than specifically to offset costs of providing a service.

If a fee by any other name is tax, it will smell invalid (continued from pg. 5)

e) If fees have been improperly collected by a municipality, they may be recoverable

If a fee has been collected without proper authority to do so or is held to actually constitute a tax, the municipality may have to repay the moneys collected. In *Kingstreet Investments Ltd. v. New Brunswick (Finance)*, 2007 SCC 1, the Court held that to permit the government to retain taxes that were improperly collected would condone a breach of the rule of law. As a result, it ruled that citizens who have made payments pursuant to invalid bylaws have a right to repayment.
Marisa Cruickshank

Fire Interface Responsibilities

Municipalities in BC are expecting a dry hot summer in 2011, and so will be required to be vigilant in the face of wildfire threats. The pine beetle devastation of 163,000 square kilometres of timber in BC (more than five times the area of Vancouver Island) has created unprecedented stockpiles of fuel.

What is a municipality's level of responsibility over crown lands within municipal boundaries in relation to fuel removal, fire protection, and access control?

Response

The general rule is that, subject to a policy decision of Council enacted reasonably and in good faith on the basis of its financial, staffing and other resources to provide no fire service or to provide service only in limited areas, the Municipality has a duty to respond to fire control actions on crown land within the Municipality's boundary. This is the formal legal position taken by the Province to limit its liability. For practical purposes, however the Forest Service under the jurisdiction of the Ministry of Forests, Lands and Natural Resource Operations takes responsibility for wildfires on crown land. Under section 9(2) of the *Wildfire Act*, the Forest Service at the request of the Municipality will enter on the land to assist or carry out fire control within the Municipality's boundaries.

The provincial policy is reiterated in the British Columbia publication of the Ministry of Forests and Range entitled "British Columbia Wild Land Urban Interface Fire Consequence Management Plan (2008)". In that document, the Province states that municipal fire departments are responsible to extinguish all unwanted fires within their established protection areas. It states further that a local municipal council is to determine the type of services that will be provided.

The municipality's Council, by way of a policy resolution passed reasonably and in good faith, may determine on the basis of its finances and resources the extent to which it is prepared to provide fire protection, fire control, fire extinguishment and fire prevention services on crown land or elsewhere within the Municipality. This service level policy resolution goes hand in hand with the municipality's emergency plan. In regard to emergency planning, under section 6 (2) of the *Emergency Program Act* a municipality has the responsibility of establishing an emergency plan that sets out how it will deal with potential emergencies. In relation to such plans, municipalities typically enter into mutual aid agreements with other municipalities, regional districts, and provincial and other entities such as the Forest Service.

Prevention

The Union of British Columbia Municipalities has established the British Columbia Strategic Wildfire

Fire Interface Responsibilities (continued from pg. 6)

Protection Program, which helps municipalities to indentify crown land within their boundaries that may be subject to wild fire concerns. This program provides funding for wild fire protection planning, operational fuel treatment, implementation of "fire smart" activities, and verification of environmental compliance. In order to be eligible, wild fire threats within municipal boundaries must satisfy the following conditions:

(a) be located in areas with mountain pine beetle attacks, or risks of future attacks;

(b) be on land prioritized as highest risk by the Province's fire hazard rating;

(c) be areas that have demonstrated active fuel management.

Recommendations

Generally, it is recommended that:

1. the Council enact a resolution reasonably and in good faith, taking into account the finances and resources of the municipality, to establish the level of service on crown lands and elsewhere in the municipality;
2. the municipality prepare and maintain an emergency plan to deal with known hazards, including how to engage mutual aid for external support based on established British Columbian emergency programs and systems;
3. the municipality ought to ensure that the fire department is established, operated, funded, trained and equipped to fulfill the policy established by Council;
4. the municipality establish a protocol with the Forest Service in regard to initiation of action, fire response, unified commands and related matters;
5. the municipality apply to the Strategic Wildfire Protection Program for funding and under a Council policy resolution determine the use of the funding; and
6. the Council pass a policy resolution reasonably and in good faith to establish a program for fuel management and interface protection and implement strictly in accordance with the policy.

Sara Dubinsky

Saini v. Grand Forks (City), 2011 BCSC 320.

The petitioners bought a property at a tax sale conducted by the City of Grand Forks. At the time of the sale the City believed that the company that apparently owned the property was an existing corporation in good standing. After the sale the City discovered that the company had been dissolved for failure to file annual reports and the property had actually escheated to the Provincial Crown before the sale took place. The company was eventually restored. The City responded by refusing to complete the transfer of the property to the petitioners. The petitioners applied for an order compelling the City to complete the sale. The BC Supreme Court considered whether or not the temporary escheat of property nullified the tax sale and concluded that it did not. It concluded that the state of a company while dissolved (but capable of revival) was one of qualified, rather than absolute, dissolution and once the company was revived the property was restored as if the escheat had never happened. As a result, the Supreme Court ordered the City of Grand Forks to take all necessary steps to register the petitioners as the rightful owners of the property. ***Scott Black***

Prince George (City) v. Columbus Hotel Company (1991) Ltd., 2011 BCCA 218

Prince George v. Columbus Hotel Company (Continued from pg. 7)

The Columbus Hotel Company operated a hotel in Prince George. The property had been sold at a tax sale to the City, but Columbus had retained

possession and was still shown on title as owner during the redemption period. The hotel was destroyed by fire during the redemption period and the City ordered Columbus to demolish the building, remove debris and do other necessary work. Columbus did not comply. The City took remedial action under section 17 of the *Community Charter* and incurred significant costs which it tried to recover from Columbus. The City's original application for summary judgment against Columbus was dismissed. The trial judge held that the City could not recover its expenses as Columbus was merely an occupier of the property. The City appealed that decision, and the Court of Appeal reconsidered the issue of who actually owned the property at the time of the fire. It concluded that Columbus had remained the owner of the property during the redemption period, the company was responsible for the costs of cleaning up the site, and the City was entitled to recover its remediation costs. ***Scott Black***

Residents & Ratepayers of Central Saanich Society v. Central Saanich (District) 2011 BCSC 491

This case came about because the District of Central Saanich passed a bylaw that permitted Ian Vantreight to subdivide a 13 hectare portion of his farm in Central Saanich into 57 residential lots (which could include secondary suites). The Residents and Ratepayers of Central Saanich petitioned the court to quash this bylaw, arguing that permitting such a development in an area of Central Saanich designated as rural in the Official Community Plan (OCP) is inconsistent with the OCP, and, therefore, illegal. (Note that the portion of land proposed to be subdivided is not within the Agricultural Land Reserve, nor was there any evidence that the land had ever been used for farming.)

This case addresses how much leeway a municipal council is given by the courts with regard to adherence to the area's OCP.

Section 884 (2) of the *Local Government Act* provides that all bylaws enacted after the adoption of an OCP must be consistent with the relevant plan. The District of Central Saanich adopted an extensive OCP in 2008, which through a number of stated goals, objectives and policies, committed Central Saanich to preserving agricultural land and directing any further residential growth toward the established Urban Settlement Area.

After extensive debate over whether the development was consistent with the OCP and having a restrictive covenant drafted as a pre-condition of adopting the bylaw, Council of the

District of Central Saanich amended a land use bylaw to allow the project to proceed.

In determining whether the land use bylaw was inconsistent with the OCP, the Court considered the restrictive covenant in conjunction with the bylaw, as they were passed together. The Court found that though the bylaw and its accompanying covenant permitted more density on the land than could be categorized as rural, they also achieved a number of objectives of the OCP (by creating public trails and park land, consolidating farm land and further restricting it from development, etc.). Thus, the Court found that Council was acting reasonably in passing the bylaw, and that the bylaw was not inconsistent with the OCP. The elected Council members clearly exercised their judgement in balancing various objectives and policies, and the court ought not to interfere with their reasonable interpretation, provided it is consistent with the OCP. ***Lisa van den Dolder***

International Bio Research v. Richmond (City) 2011 BCSC 471

In this case, three pet stores were seeking to quash a new Richmond bylaw that will ban the sale of puppies and dogs from pet stores. Breeders and kennels will still be permitted to sell them.

There were three issues for the Court to consider:

1. What is the standard of review of Council's decision to enact the bylaw?
2. Does Richmond have the legislative authority to prohibit the sale of dogs in retail stores?
3. If Richmond does have the legislative authority, is the bylaw void anyway because it was enacted for an unauthorized purpose, was not enacted in good faith, unlawfully discriminates or is so unreasonable as to be invalid?

With regard to issue 1, the Court determined that the standard of review with respect to the question of whether Richmond had the authority to pass the bylaw was correctness. The standard of review on the substance of the bylaw was found to be reasonableness – to be applied with deference to elected decision makers.

Addressing issue 2, the Court observed that section 8(3)(k) of the *Community Charter* allows for a council to regulate animals through bylaws, while section 8(6) allows for a council to regulate in relation to business through bylaws. As such, it was determined that the Council had the authority to pass a bylaw regulating dogs, and the authority to pass a bylaw regulating the sale of dogs by businesses.

Regarding issue 3, it was noted that in order for a bylaw to have a valid municipal purpose, it need only have one proper purpose. In this case, given the cost to Richmond of caring for unwanted dogs, at the very least, reducing the number of unwanted and abandoned dogs in Richmond is a valid municipal purpose. Furthermore, the Court found that the bylaw was reasonable, and, therefore, valid, as there was a rational connection between the objective of reducing the number of unwanted dogs and placing impediments to purchasing a dog.

No bad faith on the part of the Council was found, nor was the bylaw found to unlawfully discriminate against pet stores; section 12(1) of the *Community Charter* gives municipalities the authority to make distinctions between classes of business and to make distinct provisions for different circumstances to achieve that valid objective. Lastly, the bylaw was found to be reasonable: the Council weighed a variety of competing considerations and made a decision to prohibit the sale of dogs in pet stores, which was a rational, defensible decision. Thus, the bylaw was upheld as valid. ***Lisa van den Dolder***

Dollard-des-Ormeaux (City) v. Sasson, 2011 CarswellQue 2568

In this case, the defendant, Sasson, was charged under the City's Safety and Parking Bylaw for supervising a group of children who were playing street hockey on a residential street. The defendant admitted to supervising the children, and acknowledged that the street had not been declared a "play street". However, the defendant argued that the bylaw was invalid as it was prohibitory in nature. The Court noted two long standing principles of delegated legislation, namely that a bylaw may not be prohibitory and may not discriminate unless the enabling legislation so authorizes. The Court noted that the City's Council had never officially designated any street as a "play street", with the result that children could not legally play street hockey on any streets within the municipality. The Court

Dollard-des-Ormeaux (continued from pg. 9)

concluded that, since there were no streets where children could legally play street hockey, the bylaw was, in effect, prohibitory and therefore invalid. The result being that the charge against Sasson was dismissed. The Court went on to suggest that the City could enact a bylaw similar to that of Kingston, Ontario. Kingston's bylaw allows street-hockey during daylight hours under good visibility on local streets in residential neighbourhoods with low traffic volumes and speed limits of less than 50 km/hr, as long as parents assume the risks and the participants follow the code set out in the bylaw.

NOTE: In British Columbia, section 36(1) of the *Community Charter* states that a Council may regulate and prohibit in relation to all uses of a highway or part of a highway. While the legislation in British Columbia may technically be broad enough to allow a municipality to prohibit road hockey, it is difficult to imagine a judge entering a conviction against a parent supervising children who are pretending to be Daniel and Henrik Sedin winning the Stanley Cup for the Vancouver Canucks. ***Stuart Ross***

Metercor Inc. v. Kamloops (City), 2011 BCSC 382

In this case, the City issued a request for proposals relating to the installation of residential water meters, and established a water meter committee to review the proposals. The committee decided to conduct the review in stages whereby only those proponents whose proposals passed the initial stages would have their prices considered. Metercor challenged the decision under the *Judicial Review Procedure Act* alleging that the City's decision to consider proposals without taking cost into consideration was unreasonable. The Court first confirmed that a municipality's business decisions, including procurement, are subject to judicial review. The Court then stated that the standard of review in such a case is reasonableness (in other words, the City's decision to not to consider price at an early stage must have been reasonable).

The Court acknowledged that the City was trying to create a process in which price would not influence the technical evaluation of a proposal. The Court concluded that the multi stage process used in this case was unreasonable. The Court determined the City should have simply assigned a certain weight to the price contained in the proposals and not blinded itself completely from the issue. Essentially, the process could have eliminated the proponents with the best price if the technical criteria were only marginally below the other proponents. The Court stated that "it is hard to understand how that is reasonable when the decisions are being made about how to spend somebody else's money; that is, tax payer's money".

The Court ordered that the water meter committee reconsider the proposals taking into account both price and technical qualifications. It was added, however, that the City is not bound enter into negotiations with the proponent who submitted the lowest price. The Court accepted that the City is entitled to consider both technical criteria as well as price, and to consider the technical criteria as paramount. The only part of the process that was unreasonable in this case was not considering price at all at the initial stages of the review process. ***Stuart Ross***

Announcements from the Firm

Lisa van den Dolder

Lidstone & Company is pleased to welcome our new student Lisa van den Dolder. Lisa completed her law degree at the University of Victoria, where she served a co-op term as a Contract and Policy Analyst at the Capital Regional District.

New Web Site

The new Lidstone & Company web site may be found at:

www.lidstone.info

We look forward to your feedback in regard to the site.

Mailing Address

Please note that the City of Vancouver has changed our mailing address due to fire and safety regulations.

Our new address is:

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Lidstone & Company

Paul Hildebrand is Associate Counsel at Lidstone & Company. Paul is the head of the law firm's Litigation Department. He won the Gold Medal in law at the University of British Columbia in 1980. Paul has a Doctorate in Economics in addition to his Law Degree and Master of Science degree in mathematics. For nearly 29 years, Paul Hildebrand has practiced law in the area of complex litigation, including a 12 year stint with McAlpine & Company, one of the leading complex litigation firms in Canada. Paul is responsible for the conduct of our local government clients' litigation matters, including defense of claims, insurance matters, suing other parties, injunctions, appeals, and other litigation related matters. He also has expertise in regard to arbitration, mediation and conciliation. He has done securities work, including financings for public and private companies, and real estate transactions.

Don Lidstone Q.C. has practiced generally in the area of local government law since 1980. His municipal law focus is in the areas of constitutional, administrative, and environmental law, particularly in respect of governance, land use/sustainable development, regulatory approvals, and legislative drafting. Invited to speak regularly at conferences, symposia and universities, he has chaired the Sustainable Region Initiative (Governance and Finance), Liquid Waste Expert Review Panel, Fire Services Review Panel, Whistler Waste Blue Ribbon Panel, and the Municipal Law Section of the British Columbia Branch of the Canadian Bar Association. Don has published numerous papers and manuals and consulted on the development of the *Community Charter* and other municipal statutes in a number of provinces. He was designated Queen's Counsel in 2008.

Marisa Cruickshank has experience preparing legal opinions on a wide range of matters, including in relation to constitutional, administrative, and environmental law issues relevant to municipal law. Marisa completed her law degree at the University of Victoria. She was awarded five major scholarships and academic awards. She also served as a judicial law clerk in the British Columbia Court of Appeal.

Sara Dubinsky is a graduate of the University of Victoria Faculty of Law. Sara summered with a boutique litigation firm in Vancouver and appeared at the Braidwood Commissions of Inquiry on behalf of the British Columbia Civil Liberties Association, where she articled. Sara is a litigation lawyer and handles bylaw enforcement matters. She also provides legal opinions on a wide variety of issues, and is the go-to person in our firm for conflict of interest opinions. Sara received three awards in law school for her performance in the Wilson Moot Competition.

Rachel Forbes graduated from the University of Victoria Faculty of Law, articled with the Environmental Law Centre and Ratcliff & Company, and then practiced law as an associate at Ratcliff & Company. Rachel has won several awards for academics and community service. She has an undergraduate degree in urban studies and worked as a planning assistant for the UniverCity development on Burnaby Mountain. Rachel provides legal opinions on a wide variety of municipal law matters, drafts agreements in relation to real property and other matters, drafts bylaws, and is the go-to person in our firm for environmental law issues.

Stuart Ross is an Articled Student. Stuart drafted bylaws and conducted legal research for the City of Coquitlam Legal Department for the past two summers. Stuart won three scholarships this year at University of Victoria, including for the highest marks.

Scott Black completed his law degree at the University of Victoria and worked as a policy analyst before beginning work with Lidstone & Company as an articling student. Scott has worked for provincial and other governments on access to information and privacy, legislative drafting and bylaw drafting.

Lisa van den Dolder completed her law degree at the University of Victoria. During that time, she had co-op terms as an advisor at the University of Bristol's Law Clinic in England, and as a Contract and Policy Analyst at the Capital Regional District in Victoria. Lisa has a Master's Degree in English from the State University of New York at Buffalo. Lisa completed her undergrad at Thompson Rivers University with did BA in Psychology and English, and before studying law she managed website content for Halifax Bank of Scotland and Hilton International in the UK.