



Affidavit #1 of John Thomas
October 3, 2025

No. **2512336**
Victoria Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

**RE: THE VILLAGE OF SAYWARD IN THE MATTER OF SECTION 129 OF THE
COMMUNITY CHARTER, SBC 2003, C. 26**

1. I, John Thomas, Advisor and former Acting Chief Administrative Officer and Corporate Officer, of the Village of Sayward ("Village"), 652 H'Kusam Way, PO Box 29, Sayward, British Columbia V0P 1R0, have personal knowledge of the facts and matters referred to by me except where indicated to be on information and belief and where so stated I verily believe them to be true.
2. I make this Affidavit in support of the Village's application under sections 129(4) and 129(5) of the *Community Charter*, SBC 2003, c. 26 that the quorum for Village Council be reduced from three Councillors to two Councillors, being Councillors Debbie Coates and Jason Johnson, who may vote and discuss on whether to pass a resolution to:
 - (a) resume consideration of a motion of censure and related sanctions ("Motion of Censure and Related Sanctions") against Village Councillors Susan Poulsen and Scott Burchett (together, the "Two Councillors") for their respective possible contraventions of *Community Charter* section 117 and sections 2(b), 3, 4, 17, 19, 25 and 26 and possibly section 10 of the Village's *Code of Conduct Bylaw No. 442, 2018* ("*Code of Conduct*") and section 21(7) of the Village's *Council Procedure Bylaw No. 416, 2015* ("*Council Procedure Bylaw*"), and possibly also under the new *Code of Conduct Bylaw* adopted on January 21, 2025, and in relation to:
 - (i) the Two Councillors' possible unauthorized disclosure to third parties of information and documents received in confidence and information and documents discussed during closed Village Council meetings; and
 - (ii) the Two Councillors' likely disrespectful behaviour towards Keir Gervais, (now former) Chief Administrative Officer of the Village;
 - (b) possibly commence court proceedings against at least one of the Two Councillors and Village staff for possible wilful misconduct and possibly against

John France for possible wilful conduct in assisting in such possible wilful misconduct; and

(c) for costs if the Village's application is opposed.

3. Between September 2024 and August 14, 2025 I was the Acting Village Chief Administrative Officer of the Village.
4. As of August 15, 2025 I am an Advisor to the Village.
5. As of August 15, 2025 Andrew Young is the Chief Administrative Officer.
6. As of the date of swearing this my Affidavit, I am now the Chief Administrative Officer with another local government
7. While I was the Acting Village Chief Administrative Officer I was assigned all of the duties listed under Schedule "A" of the Village's *Appointment of Officers Bylaw No. 488, 2022* ("*Bylaw No. 448*"), including the duties of managing the application of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("*FIPPA*"). Attached and marked as **Exhibit "A"** to this my Affidavit is a certified copy of *Bylaw No. 448*.

Village and Village Council

8. Sayward is a small isolated community on Vancouver Island with a population of approximately 350 people that can only be accessed by way of a single lane small bridge.
9. Village Council is comprised of a Mayor, being Mark Baker, and four Councillors being Councillors Debbie Coates, Jason Johnson, Susan Poulsen and Scott Burchett.
10. Councillors Debbie Coates and Jason Johnson became elected officials of the Village on August 1, 2024 in a by-election after the resignation of Kohen Gilken on March 11, 2024 and Tom Tinsley on May 10, 2024 as Village Council members.

John France

11. Between February 2017 and April 2018, September 2020 to November 2020 and August 2022 and January 2023 John France was the Acting Chief Administrative Officer of the Village.
12. I have read copies of John France's June 29, July 20, July 28, August 13, August 18, August 21, August 25, August 26, August 28, September 2, September 3, September 5, September 7, September 20, October 7, October 8, October 19,

October 22 and October 28, 2023, January 15, 2024 and January 14, 2025 social media postings on Sayward Raves, also called Sayward Rant and Rave (formerly Rant and Rave) (collectively, the "John France Social Media Posts"), all of which are attached as Exhibit "C" to Affidavit #1 of Mark Baker, which was produced and shown to me.

Councillor Poulsen's and Councillor Burchett's Possible Wilful Actions

13. On July 24, 2023, and within less than a month of learning the cost of investigation of the allegations of a Council member and a member of the public's allegations against Mayor Mark Baker (the "Allegations"), Councillor Poulsen and Councillor Burchett wrote to the Village's auditors, Chan Nowosad Boates, with an allegation pursuant to section 172 of the *Community Charter* that:
 - (a) the Village Council has made substantial unauthorized expenditures to consultants, legal and others; and
 - (b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities and financial obligations of the Village.

Attached and marked as **Exhibit "B"** to this my Affidavit is a certified copy of Councillor Poulsen's and Councillor Burchett's July 24, 2023 letter to the Village's auditors.

14. October 11, 2023 emails among Councillor Poulsen, Village staff and John France (attached as Exhibit "H" to Mark Baker's Affidavit (the "October 11, 2023 emails") indicate that Councillor Poulsen and Councillor Burchett were meeting with John France on October 11, 2023 and they were to bring documents to that meeting and they were planning to discuss "what [they] accomplished so far and where they were going from [there]".
15. On October 11, 2023 Councillor Burchett submitted a FOI Request seeking the Village provide detailed information of expenditures for consultants, legal and others since February 1, 2023. Attached and marked as **Exhibit "C"** is a certified copy of Councillor Burchett's October 11, 2023 FOI Request.
16. On October 10, 2023 Councillor Poulsen submitted FOI Request also seeking the Village provide detailed information of expenditures for consultants, legal and others since February 1, 2023. Keir Gervais, then Village Chief Administrative Officer, responded:
 - (a) on October 27, 2023 to Councillor Poulsen's October 10, 2023 FOI Request and declined to provide the sought records on the basis of several sections of *FIPPA*;

(b) on November 3, 2023 and declined to provide to Councillor Poulsen an aggregate amount listing by vendors for all legal and professional Consulting (excluding engineer consulting) sought within Councillor Poulsen's revised October 30, 2023 FOI Request; and

(c) on December 13, 2023 to a case review officer of the Office of the Information and Privacy Commissioner ("OIPC")'s December 8, 2023 Notice of Request for Review in response to Councilor Poulsen's request for review of the Village's decision to deny provision of the sought records.

Attached and marked to this my Affidavit as **Exhibit "D"** are certified copies of Keir Gervais' December 13, 2023 letter in reply to the OIPC case review officer's December 8, 2023 Notice of Request for Review with attached copy of Keir Gervais' October 27, 2023 and November 3, 2023 letters and Councillor Poulsen's October 10 and 30, 2023 FOI Requests.

17. John France referenced in his October 19, 2023 posting on Sayward Raves, (which is within Exhibit "C" to Mark Baker's Affidavit #1), a short list of actions in the works:

FOI request for financial information

Request for an audit to investigate improper approval of financial resources not contained in the financial plan.

(...)

Ombudsman complaint in process on incorrect council meeting processes and bias/incorrect processes under s.134 of the Community Charter
Human rights complaints on harassment.

18. John France also asserted multiple times in Sayward Raves postings that there had to be an audit of all Village expenditures since February 1, 2023 and notes Freedom of Information requests have been submitted. Within the following postings on Rant and Rave, now Sayward Raves or Sayward Rant and Rave, (which are within Exhibit "C" to the Affidavit #1 of Mayor Baker), John France stated:

(a) On August 19, 2023 that:

A resolution was introduced by one councillor to ask staff to provide council with a budget variance report (outlining all budgetary issues) (...).

There has to (sic) more transparency on the funds being spent on the inquisition (...)"

(b) August 25, 2023 that:

(...) keep in mind this whole affair started with the mayor's misbehaviour and the investigation part should be in camera. However, this is the cover up phase.. and in my opinion should be open to the public to see the bad actions taken by the majority including all the monies spent to try to cover up the mayor's bad behaviour.

(c) August 28, 2023 that:

(...) There has to be more transparency on the funds being spent on the inquisition itself. While I appreciate the initial harassment investigation needed to be in camera, once resolved, the community needs to know the facts. No one should be shielded by in camera privilege, the community needs to know about the behaviour of its council members and tax payer's dollars being spent on resolving the complaints.

(d) On September 7, 2023:

Mayor and Council

Lisa Clark Corporate Secretary

I have received your summons to the Inquisition meeting which is in support of the gas lighting process being taken by the majority to try to hide the [Allegations]. Extremely disappointed that so many scarce resources are being used in this charade ... (...). The majority's hiding of these expenditures from public scrutiny is not supported in law and I am sure will be subject to a future legal challenge, including the question of your fitness to be on council.

(e) On September 9, 2023 that:

You will have to wait until December to find out how much money was spent by the majority (including the mayor) on gas lighting residents for the mayor's sexual harassment endeavors. I understand that disclosure of all amounts spent on consultants and lawyers year to date were requested for all council after the meeting and was again rejected.

19. On May 3, 2024 Mark Baker commenced defamation proceedings against John France: *Mark Baker v. John France*, British Columbia Supreme Court, Duncan Registry No. DUN-S-S-22667 (the "Defamation Proceedings"). John France is the only defendant in those proceedings.

20. The Village is not funding the Defamation Proceedings.

21. Andrew LaCroix represents Mark Baker in the Defamation Proceedings. Andrew LaCroix is not legal counsel for the Village.

22. Eyford Partners LLP represents John France in the Defamation Proceedings.

23. On July 24, 2024 Councillor Burchett submitted to the OIPC a privacy complaint that the Village breached *FIPPA* section 33. Attached and marked as **Exhibit "E"** to this my Affidavit is a copy of Councillor Burchett's July 24, 2024 privacy complaint and the OIPC's September 23, 2024 Notice of Complaint from Councillor Burchett with redactions made in accordance with *FIPPA*.

24. On December 4, 2024 Melissa Holmes, former Village staff, forwarded to me John France's October 11 and 12, 2023 texts to Melissa Holmes asking Melissa Holmes

to “look for the Lacroix invoices” and to “[b]e very careful” and to “not use village email .. Keir is watching”. On October 13, 2023 John France sent a text to the Village staff member “[d]on’t look for the invoice” and “[t]here is a foi request in so it will be released soon”. Attached and marked as **Exhibit “F”** is a copy of Melissa Holmes’ December 4, 2024 email to me with attached October 11, 12 and 13, 2023 texts to Melissa Holmes together with Melissa Holmes’ June 13, 2025 email to me indicating that Melissa Holmes had no objection to the information that Melissa Holmes provided to me being used in relation to ongoing matters, including investigation that may become public in nature in the future.

25. On March 24, 2025 Councillor Burchett forwarded to me a former Village staff’s post on social media indicating a current Village staff member shared closed Village Council meeting information. Attached and marked as **Exhibit “G”** to this my Affidavit is a copy of Councillor Burchett’s email to me with Melissa Holmes, former Village staff’s post on social media, Sayward Raves.
26. After receipt of Councillor Burchett’s March 24, 2025 email with forwarded post of Melissa Holmes, receipt of John France’s October 11, 12 and 13, 2023 texts with Melissa Holmes and John France’s January 14, 2025 post on Sayward Rant and Rave, I sought and Village Council authorized me to initiate an investigation of unauthorized release of confidential information.
27. On or about April 3, 2025 IZCO Technology Solutions, the Village’s IT contractors, assisted me in restoring deleted emails of Councilor Burchett, Councillor Poulsen and Village staff. Some of the restored and deleted emails are corrupted or encrypted and I am unable to open them. Attached and marked as **Exhibit “H”** to this my Affidavit are deleted emails of Councillor Burchett and Councillor Poulsen, which I was able to open, and suggest that Councillor Poulsen and Councillor Burchett were acting with John France and possibly with Village staff in actions that caused the Village time and money to deal with:
 - (a) On April 22 and 23, 2023 John France contacted Councillor Poulsen and stated “[i]f the accusations are true...he should not be rep for the RD”.
 - (b) On July 24, 2023 Councillor Poulsen sent an email to Councillor Burchett with attached July 24, 2023 letter to the Village’s auditors and asking Councillor Burchett to sign it.
 - (c) On September 18, 2023 Councillor Burchett’s sent an email to John France and Councillor Poulsen indicating that he would sign a letter to respond to the Village’s auditor and with John France’s suggested language for that letter.
 - (d) Within September 18 and 19, 2023 emails with John France Councillor Poulsen indicated that she adjusted the letter to the Village’s auditors and also

stated "Here's to Round 2. TKO". John France replied "Excellent ... will make another post shortly".

- (e) On October 10, 2023 Councillor Poulsen forwarded to John France the Village auditor's October 9, 2023 email to all of Village's Council members. John France responded that he took "great exception with how this has been handled by the auditor" and suggested some language for a response to the Village auditors.
- (f) On November 24, 2023 Councillor Poulsen forwarded to John France her November 23, 2023 email to Mayor and Council and with complaints about the then Village Chief Administrative Officer and seeking clarity about the duration of his bereavement leave. John France replied "Woof! I will reread later today.
- (g) On November 27, 2023 Councillor Poulsen forwarded to John France emails on the same date among Mayor Baker and Councillor Burchett and asked John for his thoughts on Mayor Baker's request that Councillor Burchett and Councillor Poulsen not contact the Village's then Chief Administrative Officer. John France replied:

a smarter move would have been to have all council emails sent to mayor, then to cao... then some sort of recording method ... more fodder for the ombudsman...

(...)

Can I Facebook this one.

Within that November 27, 2023 email chain Councillor Poulsen responded to John France:

Please do not Facebook it yet. I'm going to call the ombudsman first.

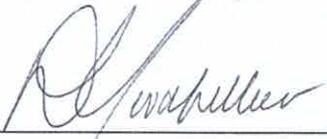
- (h) On November 30, 2023 Councillor Poulsen wrote to Village staff indicating that confidential information was being shared.
- (i) On December 7, 2023 Councillor Poulsen forwarded to John France her December 4, 2023 email to Sayward residents which was copied to Mayor Baker, Councillors Tinsley, Burchett and Poulsen and the then Chief Administrative Officer.

- (j) On December 7, 2023 Councillor Poulsen sent to John France:
 - (i) Councillor Poulsen's December 4, 2023 reply email to Sayward residents with complaints;
 - (ii) a draft of her email to Mayor Baker and in reply to Mayor Baker's December 4, 2023 email about Councillor Poulsen's December 4, 2023 email to Sayward residents.
- (k) On December 18, 2023 Councillor Poulsen forwarded to John France a December 18, 2023 email to Mayor and Council and copied to the then Chief Administrative Officer with alleged list of errors and omissions in the minutes.
- (l) On December 18, 2023 Councillor Poulsen forwarded to John France her December 18, 2023 email to the Office of the Ombudsperson with complaints, among others, about errors and omissions in the Village open meeting agenda and minutes and with allegations of impropriety about Councillors Tinsley, Gilken and Mayor Baker.
- (m) On February 28, 2024 Councillor Poulsen forwarded to John France her complaints to Mayor and Council about the Village Chief Administrative Officer and with a forwarded email from the Village Chief Administrative Officer with privileged legal advice which has been redacted.
- (n) On March 19, 2024 Councillor Poulsen forwarded to John France her March 19, 2024 email to Mayor Baker and Councillors Burchett, Tinsley and Poulsen with complaints about the Village's then Chief Administrative Officer.
- (o) On April 3, 2024 Councillor Poulsen forwarded to John France Councillor Burchett's complaints sent to Mayor Baker and Village Council about the Village Chief Administrative Officer.
- (p) On July 5, 2024 Councillor Burchett forwarded to John France: Councillor Burchett's July 4, 2024 complaints to a Chief Election Officer and Regional District staff and with allegations about the then Village Chief Administrative Officer; and, the Regional District staff's reply dismissing Councillor Burchett's allegations.
- (q) On July 11, 2024 Councillor Poulsen forwarded to John France her email to Mayor Baker, Councillor Burchett, Brian Carruthers and Pei-Shing Wang of the Office of the Ombudsperson with multiple complaints about the then Village Chief Administrative Officer.

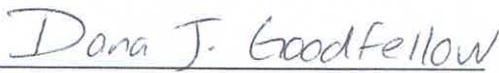
28. I could not find the October 11, 2023 emails within the restored or deleted emails of Councillor Poulsen or Village staff.
29. On May 1, 2025 the Village received a FOI request from Jared Cummings, legal counsel of Eyford Partners LLP. When I asked Jared Cummings on whose behalf the FOI Request was made, Mr. Cummings replied the FOI request was not submitted on behalf of John France. Attached and marked as **Exhibit "1"** is a copy of my emails with Jared Cummings on May 1 and May 6, 2025 with attached May 1, 2025 FOI Request from Jared Cummings (and with redactions in accordance with *FIPPA*).
30. Jared Cummings' May 1, 2025 FOI request seeks, among other things:
- (a) "all documents, including but not limited to letters, emails, reports, records, notes and minutes- and including those produced in camera or containing in camera information – related to [the Allegations]";
 - (b) the "total amount of payments made by the Village of Sayward to legal counsel for services rendered in relation to [the Allegations] and discussed during closed Council meetings about [the Allegations] and Mayor Baker's defamation action against John France"; and
 - (c) "Audit reports, audit management reports, and management's responses to these reports for 2023 and 2024".
31. On May 6, 2025 Village Council received and discussed during a closed Village Council meeting the Village auditor's report for the Village's 2023 and 2024 year end and in response to the Two Councillor's July 24, 2023 letter to the Village auditors.
32. On May 20, 2025 Councillor Poulsen told me that John France assisted her in writing Councillor Poulsen's and Councillor Burchett's July 24, 2023 and September 18, 2023 letters to the Village's auditors.

33. On June 4, 2025 I saw that a members of the public commented within social media postings about Councillor Burchett's behaviour toward the former Chief Administrative Officer and also about Councillor Burchett's comments at the May 20, 2025 open Village Council meeting indicating that Councillor Burchett would not be participating in any further closed meetings. Attached and marked as **Exhibit "J"** is a copy of the June 4, 2025 social media postings of members of the public.

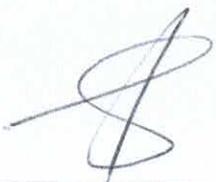
SWORN BEFORE ME at Victoria, British)
Columbia, in the Province of British)
Columbia, this 3rd day of October, 2025)


_____)

A Commissioner for Taking Affidavits)
in the Province of British Columbia)


_____)

Print Name, Address and Contact Number)



JOHN THOMAS

Dana J. Goodfellow
Barrister & Solicitor
PHOENIX LAW CORPORATION
203 - 1005 Broad Street
Victoria, BC V8W 2A1
tel: 250-580-8807
email: clara@phoenixlaw.ca