

COWICHAN VALLEY

COWICHAN VALLEY



THIS IS EXHIBIT "L" REFERRED TO IN THE AFFIDAVIT OF Mark Baker SWORN/AFFIRMED BEFORE ME AT Sayward IN THE PROVINCE OF BRITISH COLUMBIA, THIS 7th DAY OF October 2023

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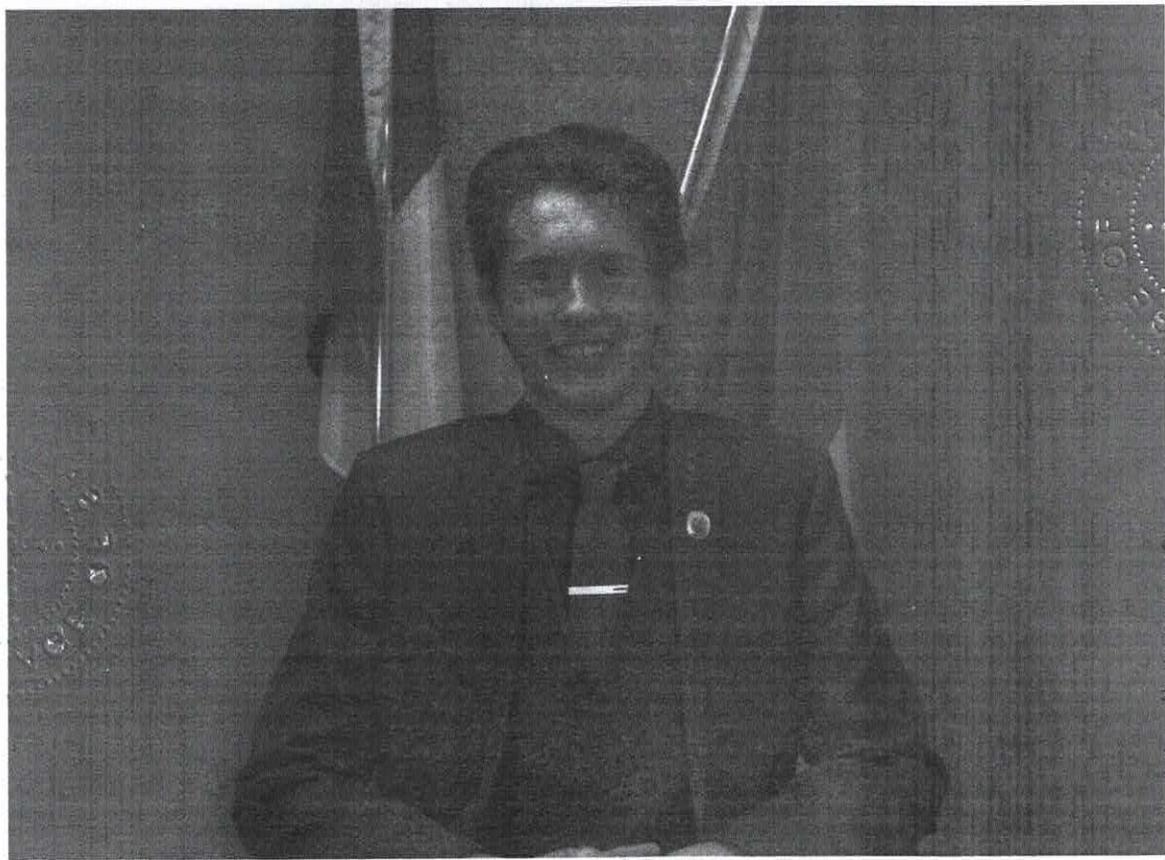
VOYAGE

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Island & Coast

One of Canada's youngest politicians resigns over 'childish' and 'dysfunctional' colleagues

By **Grant Warkentin** Monday, Mar. 18th, 2024



I hereby certify that this is a true copy of the original document
 Dated this 22 day of September 2023
 in Sayward, BC CANADA

[Signature]
 Andrew Young
 Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0



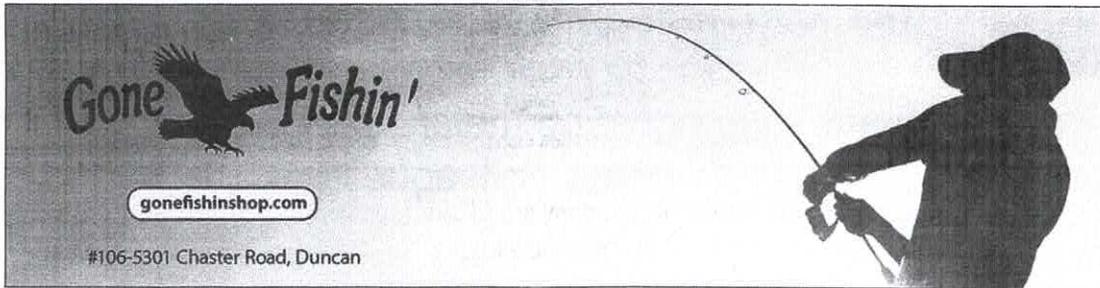
Kohen Gilkin, after winning a council seat in the 2022 election. Photo from Kohen Gilkin's public Facebook

A young man who made headlines as one of the youngest politicians ever in Canadian history has resigned because of what he calls 'absolute disfunction.'

Kohen Gilkin was elected to Sayward village council last year at age 18. His family has lived in Sayward for generations, and he was hoping to bring youthful energy to local politics.

However, this past week he announced his resignation via social media. He says the infighting, embarrassing and childish behaviour by other councillors, and toxic village government workplace environment are too much to deal with.

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He apologized to his supporters for letting them down.

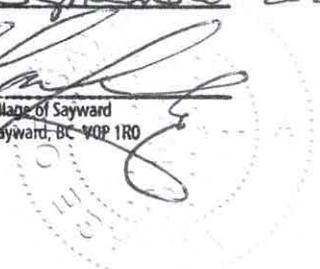
Sayward is a village north of Campbell River. In the past five years it has gone through five mayors and four chief administrative officers, the highest turnover in the whole province.

The village, which has shrunk to about 350 people since logging operations dwindled and left town, is now holding community discussions about shutting down the local government, and joining the Strathcona Regional District.



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Dated this 22nd day of September 2025
In Sayward, BC CANADA

Andrew Young, Mayor, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0





Log In

Kohen Gilkin's post

I hereby certify that this is a true copy of the original document
 Dated this 22nd day of September
 In Sayward, BC CANADA X 2024

Andrew Young, Village of Sayward
 452 H'Kusam Way, Box 24, Sayward, BC V0P 1R0

Kohen Gilkin
 March 11, 2024 · 🌐

-IMPORTANT-

Hello friends and family, I have some important news I want to share with everyone. Today I handed in my letter of resignation from my position on the Sayward municipal council. It has been a difficult year and a half for me and for everyone involved. But I can no longer see myself contributing to our municipality in the current state we find our selves in. We have been subject to turmoil almost straight out of the 2022 election, fighting, tearing our relationships apart amongst each other, and sending an embarrassing message to our constituents. I ran on a platform of change, change that would benefit our community, bring new ideas, opportunities, and a fresh perspective to the table. I ran on a platform that was based on showing that my generation is ready to get involved and move our institutions forward, for the betterment of democracy. But the division amongst council is far to deep to save in my opinion. My vision has been blurred with anger, frustration, disappointment, and sadness, with the current way council is conducting its self. I am no longer able to bring my voice to the table and be a constructive member of this council in the current state. So I must step aside, and give someone else the opportunity to bring their passion to serving the community as I did. I want to apologize to all those who I have let down, all those who saw my passion, and to all those who believed in me. I still have that passion but it is not useful in the current situation. I want to thank every single person who placed their trust in me to serve you and our community. I am doing this for the benefit of my health, democracy, the betterment of our community and the people who call Sayward home. To be elected at the age of 18 was the most incredible opportunity I've ever had. And I will Always be grateful for what I've been given a chance at doing. Sayward is my home, will always be my home but I cannot sit around and watch this council continue to fester into a more toxic environment than it already is. I must watch at a distance because I cannot stay here and go in circles of the arguments, the yelling, the childish behaviour, and the constant embarrassment displayed. It has become that of a toxic, and unhealthy workplace, one that has lost many good employees and elected officials over the years. I didn't want to become the next in line to fall, but I can no longer be apart of the absolute disfunction that this council has become. So thank you to everyone who placed their trust with me and gave me a chance to help contribute my passion of helping people to this amazing community. This is for the betterment of my health, well being, and for the betterment of democracy within the Sayward community. I will always be honoured to have served on this council and will always remember my time there. But it's time I turn the page and look after my health, my wellbeing, and my family.

- I wanted to post this to Facebook before rumours and stories started floating around before the official announcement from the village comes out.

Kohen Gilkin.

👍👎❤️ 103

24 comments 1 share

facebook

Log In



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Dated this 22nd day of September - 2025
in Sayward, BC CANADA

[Handwritten Signature]
Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0R 1R0

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From: John France on behalf of John France <idfrance53@gmail.com>
To: mark.baker@saywardvalley.ca
Subject: Hi
Date: March 15, 2024 3:31:39 PM

A lot of water under the bridge since june, but like I said then, maybe I have a few things for you to consider to at least stabilize the mess Sayward is in. Mark, it's getting worse and will worsen.

Taking advice is not so bad...at least it will stop my posts...put the Village ahead of your ruffled feelings.

Just so you know, in my 30 years of experience I have never seen such a mess. Let me know if you wish to chat.

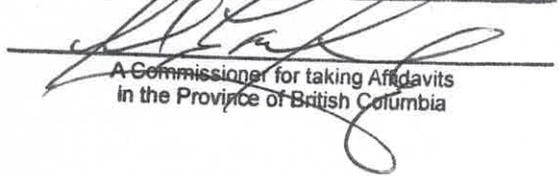
For Sayward.
Cheers john



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in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

THIS IS EXHIBIT N REFERRED TO IN THE
AFFIDAVIT OF Mark Baker
SWORN/AFFIRMED BEFORE ME AT Sayward
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 7th DAY OF October 2023


A Commissioner for taking Affidavits
in the Province of British Columbia

From: John France on behalf of John France <jdfrance53@gmail.com>
To: Mark Baker
Subject: Hi
Date: April 24, 2024 12:37:39 PM

Is the mess big enough for you yet, or are you playing the Titanic captain role to the end.

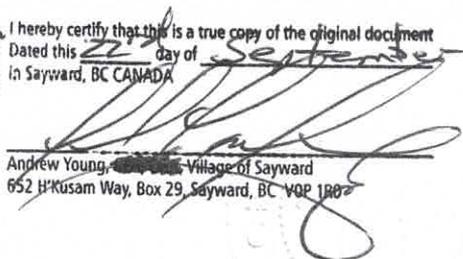
I remain optimistic that you will take me up on my offer to help. It's not a difficult plan but it will solve a few of the immediate problems.

Your staying power is frankly amazing...but then you do know where the Titanic captain ended up, right?

You have a great day.

Posts coming soon...

Cheers

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in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

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AFFIDAVIT OF Mark Baker
SWORN/AFFIRMED BEFORE ME AT Sayward
IN THE PROVINCE OF BRITISH COLUMBIA.
THIS 7 DAY OF October 2025

No. Court File No. DUN-S-S-22667



[Signature]
A Commissioner for taking Affidavits
in the Province of British Columbia

Duncan Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

Mark Baker

Plaintiff

and

John France

Defendant

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff(s) for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (c) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (d) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,

- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Plaintiff

Part 1: STATEMENT OF FACTS

1. The plaintiff, Mark Baker, is the Mayor of the Village of Sayward ("Sayward") and lives in Sayward, British Columbia. Sayward has a population of roughly 330 people and the Sayward Valley has a population, including the Village, of just over 1000 people.
2. The plaintiff was elected Mayor of Sayward in November, 2020 in a by-election and his term as mayor ends in October, 2026. The plaintiff was also elected chair of the Strathcona Regional District in November, 2022.
3. The plaintiff was born on August 22, 1963, has been married for 32 years and has two adult children. The plaintiff grew up in Edmonton and graduated from Alberta College in 1989 with a two year diploma in general studies. The plaintiff worked in retail management in Alberta and Saskatchewan for the Hudson Bay Company and later worked in land development. The plaintiff has made public service a feature in his life, serving in the military, working as an elected Councillor in Saskatchewan, volunteering for the Boy Scouts, coaching amateur athletics and working as a volunteer firefighter. Since 2020 the plaintiff has worked in municipal government as the Mayor for Sayward, and since 2022 has been the Chairperson for the Strathcona Regional District ("SRD").
4. The plaintiff is one of four councillors in the Village of Sayward, the others being Tom Tinsley, Scott Burchett and Susan Poulsen. Kohen Gilkin was also a councillor for the Village of Sayward, but resigned on or around March 11, 2024.
5. The defendant, John France, is retired and is the former Chief Administrative Officer of Sayward. The defendant frequently "holds court" in an online Facebook forum

for Sayward called "Rants and Raves" (the "Forum") and holds himself out as an authority on municipal governance. The Forum is widely viewed by residents of the Village of Sayward and surrounding areas, most of whom are the plaintiff's constituents.

Events leading up to the defamation

6. On December 16, 2022 the plaintiff organized and attended an outdoor Christmas decoration event where the plaintiff and other council members were working to put up Christmas decorations outside a public gazebo in the Village of Sayward. Mr. Burchett and his girlfriend Talia Clark attended this event with the plaintiff, Mike Clark (who works for the Village of Sayward) and Tony Lagatt (the public works foreman).
7. In or about February 16, 2023, the plaintiff travelled to Nanaimo in order to attend a municipal conference. Councillor Burchett and then Councillor Gilken also travelled to this conference and the three of them stayed in a Nanaimo hotel. Ms. Clark arrived at the hotel on the second night of the conference to spend time with Mr. Burchett. Shortly after the conference, Ms. Clark filed a complaint with the Village of Sayward. In that complaint, she alleged the plaintiff had:
 - a. put his hand on her arm and shoulder during the Christmas decoration event;
 - b. given councillor Gilken advice "in regards to women" and made a "number of sexual comments" while at the Nanaimo hotel restaurant or bar;
 - c. looked Ms. Clark up and down early in the morning in the lobby of the Nanaimo hotel after Mr. Burchett mentioned that he had been "up all night";
 - d. joked to then Councillor Gilken that the only thing of value the plaintiff had in his jacket pockets were condoms; and
 - e. put his hand on Ms. Clark's shoulder to indicate to a table of acquaintances at a restaurant in the Nanaimo hotel that Ms. Clark was with the Mayor's group.
8. Mr. Burchett also filed a written complaint, in which he complains on Ms. Clark's behalf. He also complains that the plaintiff joked with the waitress while sitting

with Mr. Gilkin and Mr. Burchett asking whether she was "into guys with lifted trucks" and made him and Mr. Gilkin feel uncomfortable. Mr. Burchett complained that the plaintiff made unspecified inappropriate remarks about Ms. Clark at a February 7, 2023 council meeting, although Ms. Clark was not in attendance.

9. Later, on or around March 14, 2023, Ms. Clark attended a council meeting which the plaintiff chaired. Prior to that meeting, the plaintiff had inadvertently brushed Tony Legatt's backside with his hand. After the meeting had concluded, the plaintiff joked that he might be "brought up on charges" because he had "touched Tony's bum". At Mr. Burchett's urging, Ms. Clark delivered another complaint to the Village of Sayward, in which she alleged:
 - a. The plaintiff had touched her shoulder; and
 - b. The plaintiff made the joke described above about "touching Tony's bum".
10. Notably, Ms. Clark does not allege that the mayor touched her in a sexual manner, made any sexual comments to or about her, asked her for sexual favours, asked her out or otherwise made any advances of a sexual or intimate nature. Between the three events where the plaintiff was in the same physical area as Ms. Clark, he spent no time alone with Ms. Clark. All of the limited time the plaintiff was in the same physical space as Ms. Clark, there were several other people present. Ms. Clark was not at the table in the restaurant at the time she alleged the plaintiff made jokes with the waitress serving the table. The plaintiff says that Ms. Clark's claim of offence is disingenuous. The plaintiff says that Ms. Clark does not live in the Village of Sayward and had no reason to attend council meetings, other than to cook up false allegations against the plaintiff at Mr. Burchett's urging.
11. The plaintiff says the following regarding the allegations:
 - a. He did not touch Ms. Clark or, if he did, it was incidental contact and not of a sexual nature.
 - b. The plaintiff has never contacted Ms. Clark for any reason. Ms. Clark attended council meetings on March 14, 2023 and October 17, 2023 after she

complained that the plaintiff had "harassed" her. Ms. Clark does not reside in or near the Village of Sayward.

- c. The plaintiff denies looking Ms Clark up and down at the Nanaimo hotel for any reason.
- d. The plaintiff admits asking the waitress at the Nanaimo hotel restaurant if she would date someone with a lifted truck. The joke was meant to tease Mr. Gilken who was driving a lifted truck at the time. The waitress laughed at the joke which was light hearted and took no offence. Mr. Gilken also laughed at the joke, as he shares a collegial relationship with the plaintiff and the two of them regularly engaged in friendly banter, teased each other and told jokes. The plaintiff denies that there was anything awkward or inappropriate about the joke. The plaintiff also says that Ms. Clark was not present at the table when he made the joke.
- e. The plaintiff, Mr. Burchett, Mr. Gilken and Ms. Clark were in the hotel lobby in Nanaimo and the plaintiff asked Mr. Gilken to watch his jacket as the plaintiff was going outside to smoke a cigarette. Mr. Gilken asked the plaintiff if he had anything valuable in his pockets and the plaintiff joked that he had brought condoms for Mr. Gilken. The plaintiff denies that this joke offended Mr. Gilken, Ms. Clark, Mr. Burchett, or anyone else.
- f. The plaintiff, prior to the council meeting which Ms. Clark attended and complained about, had accidentally brushed the backside of Sayward's maintenance supervisor named Tony Lagett and Tony and the plaintiff had a laugh over it. At the meeting, the plaintiff joked that he may be "brought up on charges for touching Tony's bum". The joke was light hearted and innocuous and most who were present laughed. Nobody, including Mr. Burchett and Ms. Clark, took offence.
- g. The plaintiff notes that none of the jokes he made were directed at Ms. Clark and the plaintiff assumed that Ms. Clark could withstand jokes as innocuous as the ones he told, which she and Mr. Burchett complained about. At no

point did the plaintiff direct anything towards Ms. Clark and denies that anything he did around her was sexual or harassing. The plaintiff also says that the complaints in this case were predicated on manufactured offence on the part of Ms. Clark and Mr. Burchett.

12. Upon receiving complaint letters from Ms. Clark and her boyfriend, Sayward's Chief Administrative Officer Keir Gervais retained JB Consultants to investigate the allegations and make recommendations. JB Consultants interviewed Mr. Burchett and Ms. Clark and concluded that their allegations did not raise issues serious enough to justify spending large sums of public money on a formal investigation. JB Consultants recommended instead that the plaintiff attend an informal mediation with Mr. Burchett (and Ms. Clark if she was interested) in an attempt to come to an informal resolution.
13. At all material times, Mr. Burchett behaved with significant hostility towards the plaintiff, both in and outside of council, for reasons unrelated to the manufactured complaints he and Ms. Clark brought.
14. The plaintiff agreed to attend a mediation at the recommendation of JB Consultants and did so on April 20th, 2023 in Campbell River. After the mediation the plaintiff agreed to prepare and write an apology letter. The plaintiff wrote the following letter to Ms. Clark:

2023/05/07

To Ms. Talia Clark

In consideration of the shocking recent events [the plaintiff was shocked by the harassment complaint], I would like to offer my sincerest apology. I'm sorry to hear that you feel disrespected by my sense of humor and/or actions. It was not, nor has it every been my intention to offend you or anyone else. I often use humour to lighten the atmosphere in any given situation.

I acknowledge the perspective that you have expressed concerning your understanding of some said perceived recent events. I understand that different people have different sensitivities and what may be entirely innocuous and unoffensive to one person may not be to another. I apologize if my responses or actions were taken as offensive or inappropriate by you or

anyone else. I certainly want to abide by municipal policies and serve council and the community in the best way possible.

I will do my best to avoid repeating any such actions in the future. I will always value constructive feedback as well as open honest communication and want to ensure that my responses are respectful and considerate of everyone's feelings.

Once again, I apologize for any conceived offense that I may have unwittingly caused you, council, or anyone else.

Sincerely,

Mark Baker (the "Apology Letter").

15. The plaintiff also prepared and delivered a letter to Mr. Burchett dated May 7, 2023 which was identical, except it was addressed to Mr. Burchett.
16. After the mediated resolution, Mr. Burchett was angry and made vitriolic and abusive comments towards the plaintiff. Mr. Burchett made a show of his indignation, demanding a "full investigation" and seeking unspecified punitive measures against the plaintiff.
17. Ms. Clark reported the innocuous conduct reported in her complaint to the RCMP. The RCMP spoke with the plaintiff and concluded that the complaint did not merit further investigation.
18. Mr. France knew at all material times that the plaintiff had not sexually harassed Ms. Clark, Mr. Burchett or anyone else or was reckless as to whether those allegations were true.

Campaign of Defamation against the Plaintiff

19. After the plaintiff delivered the Apology Letter, the defendant commenced making defamatory posts about the plaintiff on the Forum which included the following:
 - a. On August 28, 2023 the defendant published a lengthy post in which he stated: **"Sending the right Councillor to represent Sayward? So, they have decided to send the mayor to UBCM...the person who started this whole inquisition with his sexual harassment actions at a public meeting in Nanaimo. That is who is going to represent Sayward. Sorry if this is**

harsh, but it is the truth. The mayor has not taken responsibility for his actions and here we are today six months later with a huge costly mess...

- b. The Village of Sayward issued a summons to the defendant in or around September 2, 2023 to appear before council and answer questions about Mr. Burchett's breach of his obligations of confidentiality, given that Mr. France had received a copy of the Apology Letter, amongst other things. On September 7, 2023 the defendant posted: "Mayor and council...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 and hide the sexual harassment behaviour of the mayor.."
- c. On September 7, 2023 the defendant further posted, when another person challenged his allegations of sexual harassment against the plaintiff: "... personal attacks are like that nitwit that keeps posting garbage about me. I deal in facts if they are wrong challenge them, happy to apologize and recant. Criminal charges no, but it has been reported to the police...but there are ongoing investigations by the ombudsman for council improprieties and human rights are involved. If you are asking for proof of culpability...the mayor issued two poorly written apologies...you don't apologize for something you didn't do. I have seen one apology from the mayor but not the second. Are you really saying it didn't happen?"
- d. On September 8, 2023 the defendant posted the following: "I note you have responded under the deputy mayor's authority. Interesting that you are finally twigging to the idea that the mayor mark should not be involved in any of this affair including emails but more importantly all of the in-camera majority decisions that presumably set up this charade. Any in camera resolution voted on by the mayor puts him in a conflict-of-interest position - this is after all, about his sexual harassment misbehaviour."
- e. On September 20, 2023 the defendant posted: "I posted my comments to council last week and my reasons for not attending their inquisition. For greater clarity:
 - the mayor has issued two apologies to individuals for sexual harassment, nothing new here. I have seen one of them. I know one was rejected because it wasn't really an apology.
 - The mayor and majority then started a process AKA inquisition, because they thought in camera (IC) information had been shared with me by Councillors Poulsen and Burchett. They did not allege, rather,

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they accused. This puts a negative bias on the process, they appear to have already decided that information was shared without any factual basis.

- The inquisitions is designed to draw public attention away from the mayor's harassment case.

- The IC information dealt with the inquisition deliberations around the sexual harassment admitted by the mayor. I know this because of the letter I received from the inquisition leaders.

- The mayor, by participating in the process, a process he started by sexually harassing two individuals, puts him in a conflict-of-interest position and pursuant to the community charter, subjects him to sanctions including being disqualified from public office. [Emphasis in original]

- f. On September 12, 2023, the defendant posted: "I will not be attending the special meeting set for September 12 at 7PM. I have considered how council got to this point and offer the following: 1. This whole process, including this meeting, originates from the sexual harassment behaviour admitted to by the mayor...The mayor's conflict of interest stems from his actions in the sexual harassment cases and his willingness to retaliate against councillor Burchett for bringing the sexual harassment case forward to council.
20. On October 3, 2023 the plaintiff delivered a cease and desist letter to the defendant demanding that he retract his allegations of sexual harassment and publish a retraction and apology letter on the Forum and in a local newspaper.
21. After receiving this letter, the defendant, rather than expressing regret at telling lies about the plaintiff, doubled down on his libellous remarks and posted the following:

October 7, 2023

Good day Sawyard, so I got my SLAPP letter from mark baker...So let me start by saying, what a weak effort! Did you (whenever "you" is used, I refer to mayor baker) really think this would work? Well, bring it on, exposing you in a court of law and have you pay my legal expenses...it will be karma for you and justice for Scott and Sue. I hope the municipality is not paying for legal bills associated with this case... Yes I have used the

term sexual harassment several times in my posts, because what you did was sexual harassment. You did not own up to it in your fake apology letter and this of course is the reason why this issue has persisted and has cost the village so much money. Had you made a proper apology, we wouldn't be talking about this issue now. I appreciate using the term "sexual harassment" is serious. If you hadn't behaved in that matter, I would not have used that term, however, clearly you did sexual [SIC] harass individuals. On May 16, Council received an offer from an experienced mediator. This offer spoke about a code of conduct violation, your violation. It did not mention sexual harassment, but when one Councillor asked whether the sexual harassment case was now out of camera, you and the CAO responded no. You didn't correct the sexual harassment statement. This same mediator's offer was then pulled from the online agenda package, why? It was pulled to hide from the public that the mayor had been involved in the sexual harassment of two individuals. Contrary to what you state in the letter, the law says harassment exists for both the recipient and the person that heard or saw the misbehaviour. Therefore, your comment about there being no employee/employer relationship because Cllr Burchett's "girlfriend" is not an employee, hence no sexual harassment, does not absolve you. To think that sexual harassment only exists in an employee/employer relationship is plain silly. I also note that the occasion of the sexual harassment was while you were at a municipally sponsored event, yes you were on the municipal clock. You also mention Scott's "girlfriend" as if to imply being only a girlfriend, then your behaviour didn't matter. I asked Scott for permission to use this point, he advised she has been his partner for 8 years and is considered a common law partner. I won't say anything more about this part because more will come out soon and you have more to be accountable for. Karma/accountability can be harsh. One last point, if you want to argue in court whether sexual harassment was committed by you, I suggest you wait until Human Rights court case coming shortly has addressed the complaints. Might save you some money and but more importantly my time. You and your lawyer can dress it up anyway you want, you committed sexual harassment....it is an abuse of power especially when your abuse tries to cover up your behaviour. My assertions are not false but yours are. The puzzling part is, its all on tape...

22. On October 22, 2023 the defendant posted the following:

Apology to Mark Baker October 22, 2023

I have been asked to present an apology to mark for remarks I have made about him; this request came to me in his recent SLAPP letter. After giving this much thought I offer mark the following. Note it is not in the sayward News as requested because I couldn't trust that it would be added verbatim.

I offer my apologies to mark for the following:

- I apologize for not instilling in your cao and the majority, a rightful sense of duty the cao and the majority should have in the proper administration of the village and to not use their "power" to silence and humiliate;
- I apologize for not informing you better on the processes that you are required to follow by law and by bylaw, including proper use of points of order, proper conduct of meetings, proper process to spend taxpayer monies, proper use of in camera meetings and the downside of making such a huge mess of the village administration that nothing gets done except the unnecessary spending of taxpayer monies;
- I apologize for not explaining to you that dismissing a valued community member and long-term employee for no cause is a terrible injustice for someone that has served the community so faithfully is very costly;
- I apologize for not explaining that when a new employee has not performed to stated expectations and continues to make huge mistakes, you can always extend his/her probation until you are sure they can do the job and are a good fit for the village - sorry to say, the extension would not have helped;
- I apologize for not advising you that unwanted touching and/or lewd comments to anyone, and over several/any occasion (against several different women) is wrong and certainly not funny;

- I apologize for not explaining that the mess you make in camera meetings will eventually be made public, you simply can not hide forever;
- I apologize for not telling you that the cao or council has no authority under the act to stop an audit being done by the auditor when a citizen believes that there are financial irregularities pursuant to the Community Charter;
- I apologize for not advising you that keeping things in camera which should be in the public's domain causes freedom of information requests which are far more costly/labour intensive than hiding behind improperly applied in camera rules;
- Etc. etc. etc...you get the gist

There you go mark, I apologize, but less so to you and more to the village. I am taking responsibility and accountability for everything because as everyone should know by now, you are not good at either. There appears to be a tongue and cheek in here somewhere. I can make it up to you, when you are ready, I will come back to Sayward and help you sort out the mess you and majority have created...and actually get some work done. Self preservation makes you do strange things don't they mark!

23. On October 26, 2023, the defendant posted the following on the Forum:

A few comments about the meeting this week. Sorry its long...
 I think it was highly inappropriate for the mayor to ask CIr Scott to have his partner leave the meeting. His partner was the person who the mayor harassed (and she was wasn't the only recipient of unwanted advances). If he thought his actions were no big deal, why ask her to leave? Was she too much of a bad memory of his actions for him? And equally, why has he asked his wife to spread an inaccurate version of the harassment around the village? And yes, his wife having knowledge of the harassment is a violation of the in-camera rules, the same rules (and issues) that the inquisition is going after Sue and Scott for...hypocrisy!
 Then there was the text message he sent to his wife advising that

Scott's partner was sitting in front of her...I think there is a rule against using electronics in council meetings but I guess that rule doesn't apply to him. The sad part is that a very nasty resident then got up and took a picture of Scott's partner.....intimidation or just plain ignorance. You have to be a special kind of low life to victimize the victim.

.....

Human rights complaints on harassment, very soon.

...So many self-inflicted costly disasters which could have been handled with a more experienced cao and less of a self-centered [sic] mayor. Don't blame the messengers, blame the ones making the mistakes!

24. On October 28, 2023, the defendant posted the following on the Forum:

A few of you will find this post unbelievable or difficult, you are entitled to your opinion. I learned of the mayor's misbehaviour last February, I was approached by staff on how to handle it. At that time, nothing about this encounter was in camera, because the complaint had not been given to the CAO. My actions at that time were to direct staff to the processes contained in village codes/bylaws...to try to support all those involved and the cao in the search for a mutual agreement. When I approached the CAO to offer help, I was rudely dismissed. He didn't want help from someone with 30 years of local government experience and 5 years in Sayward...I could have saved him a lot of grief, time and money. This is not grandiose statement on my part, the answer to this whole situation was simply honest reflection on all parties and a process using local expertise who already knew the workings within council.....no, the three inquisitors took a different far more costly and destructive path.

Unfortunately, it did not take long for things to go wrong, mostly because, in my opinion, an open attempt of revenge on the part of the mayor because he didn't like being held accountable for his actions. His subsequent actions also potentially put him in a conflict-of-interest position...how can he vote on resolutions advocating actions against councillors for the alleged sharing of in camera information on an issue directly related to him (and Cllr. Scott)? We will see, that issue will be adjudicated and not by the three inquisitors.

I now have more knowledge on what actually happened last February. This knowledge did not come from anyone on council. When I heard it, I was disgusted. The extent of the mayor's misbehaviour on the harassment and subsequent actions will eventually come out. In the meantime:

The inquisition three will continue to spend tax payer money on their false narrative.

Testy tom, who says he is fiscally conservative, but continues to support the expenditure of over \$100,000 not in the financial plan.

Sleepy continues to spend tax payer money while not paying any taxes in Sayward.

The mayor continues his defence of his harassment behaviour using your tax dollars.

The inquisition continues to hide the true cost of their misadventures.

The illegal silencing of two council continues.

The only staff person that was actually producing something for council and Sayward has now been fired because why? Ask Council or the CAO because it sure wasn't a performance issue. And the CAO bumbles on... clearly not equipped to be CAO.

So here is the hard part. In my 30 years of experience in local government I have always respected politicians because they get paid little for their long hours of work and they have to put with difficult, argumentative and sometimes impassioned people. And now I am one of those people and I hate it.

At the same time, I will not stand by and let nasty people use their power to hurt my friends and the community I genuinely care about and admire. Its about justice and I have found that finding it hurts and I wish people would simply give their heads a shake and come to the table to reach some sort of consensus. People, it isn't working with the current method, don't you think its time to try something different? You have the resources locally, do it!

Besides I would much prefer to be doing something different, yes, it is true, it takes a lot of effort to do this... but don't do it for any one person, do it for Sayward.

25. On or around January 15, 2024, the defendant made a post on the Forum which included the following:

...reporting on the continuing disaster that is the control of the majority on Sayward council and the negative impact it is having on the community... when the mayor apologizes for his behaviour in an acceptable manner THEN at that point I will say job done. In the meantime, a fresh new year, lots to expose, lots to look forward to - Ombudsman complaints, auditor explaining their lack of action on an official complaint on irregular spending of taxpayer funds, and the harassment complaints against the mayor. ...PS Please don't believe the majority when they say the over expenditures have occurred because of Sue and Scott. Over expenditures have occurred because of the poor advice given to Council and the incompetent way they have handled the whole harassment issue and council process issue...The really sad thing is, they spent a lot of money to protect the mayor, and their process is going nowhere.

26. On or about March 20, 2024 the defendant made a post on the Forum, which included the following:

March 20, 2024 Good day Sayward, a few comments about last night. But first, Kohen, I wish you well. Go out and have fun, live life. I was disappointed in how you lined up with testy and touchy and I sincerely hope you give reflection to it and learn something from it...

27. On or about March 26th, 2024 the defendant made a post to the Forum which included the following:

What is truly amazing is, the inquisition was started and funded by the mayor is going nowhere...and will end up nowhere.. It was simply an attempted cover up of his bad behaviour...behaviour which is still being hidden.

- 28. At the time of filing this proceeding, the defendant continues to refuse to resile from his false and defamatory accusations against the plaintiff and has not apologized publicly or privately for them.
- 29. The natural meaning of defendant's words contained in the cited posts would lead a right thinking member of the community to conclude that:
 - a. The plaintiff is a nasty person who is guilty of sexually harassing several different women and has a propensity to abuse women sexually;
 - b. The plaintiff admitted to sexually harassing two individuals in the Apology letter;
 - c. The sexual harassment misconduct was serious enough to merit a complaint to the police and the commencement of proceedings in the Human Rights Tribunal;
 - d. The plaintiff moved discussions of sexual harassment allegations *in camera* and manipulated council processes in order to cover up his misconduct;
 - e. The plaintiff engaged in these cover-up processes in disregard of the great expense to the public purse, all to cover up his reprehensible conduct;
 - f. There is an as of yet undisclosed body of evidence regarding the plaintiff's sexual harassment of women which will emerge;
 - g. The plaintiff's complaints in this matter are an attempt to stifle dissent and his demand letter was a "SLAPP" letter, implying that the plaintiff is a powerful person trying to hide his misconduct by silencing a legitimate critic; and
 - h. The plaintiff is hiding financial irregularities within council which he is attempting to conceal from the public at large.
- 30. The plaintiff says that the sexual harassment allegations are false, as are the other defamatory statements the defendant made directly, or by innuendo, which lead to the inferences cited above.
- 31. As a direct result of the defamatory posts set out above, the plaintiff has suffered grave harm to his reputation, both in the Sayward Valley and also more broadly in the SRD. Several constituents in Sayward and elsewhere have made online posts accusing the plaintiff of engaging in criminal misconduct and suggesting he should be arrested and removed from office. Several individuals have approached the

plaintiff, as well as his family, to tell them that the plaintiff should resign from office for having sexually harassed people. The plaintiff's wife and children have been exposed to the false allegations, which have and continue to cause the plaintiff significant humiliation, emotional distress and loss. In particular, the following posts have appeared after the defendant's defamatory statements:

- a. **If the mayor was a man of honor [sic] he would understand that his position has become untenable, he has lost the respect of the people of both the town and the valley and must step down.**
 - b. **Andy Marcle you truly have no clue. You need to be respectful, open and informed before you run your mouth if that this is lies. there is no more time for this Council. They are criminally liable for some activities. So they can. Resign. Be fired. Vote of no confidence. Be arrested for not doing mandated responsibilities...**
 - c. **Your tax dollars being spent on legal fees to represent the mayor against criminal behaviour that occurred elsewhere.**
 - d. **I don't think any of our tax dollars should be spent defending our mayor for bad behaviour.**
 - e. **They need to be replaced! Mayor and CAO now!**
 - f. **There's a few loose nuts running that place there for sure.**
 - g. **The lovely mayor continues to sweep his misconduct under the rug...I consider it to be bullying...**
32. At the time of filing of this proceeding, the defendant continues to make posts about the defendant and continues to assert that he is guilty of sexual harassment.
33. The plaintiff says that the defendant's posts were made maliciously, without belief in their truth, or reckless as to whether they were true or not. In particular, the plaintiff says that the posts were made as a result of the defendant's personal dislike of the plaintiff and in furtherance of personal animus he holds against the plaintiff for the specific purpose of causing the plaintiff harm.

Part 2: Relief Sought

The Plaintiffs seek the following relief:

1. An interlocutory and permanent injunction to prevent the defendant, his agents or otherwise, from publishing, directly or indirectly, defamatory words or expressions against the plaintiff;
2. General damages;
3. Aggravated damages;
4. Punitive Damages;
5. Interest pursuant to the *Court Order Interest Act* RSBC 1996 c. 79; and
6. Costs taxed as special costs, or costs as the court otherwise determines.

Part 3: Legal Basis

1. A defendant commits libel when he publishes a statement to at least one other person which would tend to lower the estimation of the plaintiff in the minds of right thinking members of the community, or expose the plaintiff to ridicule, fear or derision. *Best v. Weatherall*, 2008 BCSC 608 at para. 13. The test for liability is met if (a) there is a publication; (b) the content of the publication is defamatory; and (c) the defamatory publication refers to the plaintiff. *Weaver v. Corcoran*, 2017 BCCA 160 at para. 70.
2. Electronic communications are publications for the purposes of defamation in libel. *Rook v. Halcrow* 2019 BCSC 2253 para 1.
3. The plaintiff relies on Rule 3-7(21) of the *Rules of Court* and the *Libel and Slander Act* RSBC 1996, c. 263.
4. The factors which affect damages for defamation include:
 - a. the plaintiffs' position and standing;
 - b. the nature and seriousness of the defamatory statements;
 - c. the mode and extent of publication;
 - d. the absence or refusal of any retraction or apology;

- e. the whole conduct and motive of the defendant from publication through judgment; and
- f. any evidence of aggravating or mitigating factors.

Acumen Law Corporation v Nguyen, 2018 BCSC 961 at para. 21

3. Defamation which occurs in a small community is known at law to have a disproportionate effect on a plaintiff's reputation. *Kazakoff v. Taft* 2017 BCSC 737 at para 183.
4. The court is entitled to restrain defamatory publications by both interlocutory and permanent injunctions. *Rook v. Halcrow*, at para 45; Rule 10-4 of the *Supreme Court Civil Rules*.
5. The court can issue an interlocutory injunction when the words complained of are plainly defamatory and are impossible to justify, such that any defences are beyond possible. In the event that a defence of fair comment or privilege is advanced, it must be shown that such defences are bound to fail, or that the defamation was made with malice. *Gant v. Berube*, 2013 BCSC 1721.
6. The court may order a permanent injunction in the event that there is a substantial probability that the defendant will continue to publish defamatory words about the plaintiff, or there is a substantial risk that the plaintiff will be unable to recover a damages award. *Griffin v. Sullivan* 2008 BCSC 827 at paras. 119 to 121.
7. The defence of justification in defamation requires the defendant to show that the impugned defamatory statements are true. Evidence that the statements are partially true is not a defence. *Konstan v Berkovits*, 2023 ONSC 497 at para. 315.
8. The defence of qualified privilege only applies when the defendant published the communication pursuant to a legal, moral or social duty and the recipients have a specific interest in the information. Qualified privilege is rarely a successful defence when the publication is broad, such as in the case of a social media post. *Lascaris v. B'nai Brith Canada*, 2019 ONCA 163 at para. 36. Qualified privilege is

created by the occasion, rather than the parties. The privilege does not arise merely because the public has a general interest in the subject matter. *Pressler v. Lethbridge*, 1997 CanLII 2131 (BC SC) at para 35. Where a defendant made statements without owing a duty to his audience, or made the statements maliciously, there is no privilege. *Zhong v. Wu*, 2019 ONSC 7088 at para. 24. Statements are malicious when the defendant makes them not believing in their truth, or being reckless as to whether they are true, or makes them for an improper purpose, such as an attempt to injure the plaintiff. *Whitehead v. Sarachman*, 2012 ONSC 6641

9. The defence of fair comment is only available when the impugned expression is a statement of opinion on a topic. Statements of fact are not considered fair comment. Any comment which fails to indicate with reasonable clarity that it is comment, rather than a statement of fact, is not fair comment. *Gates v. The Standard*, 2004 CanLII 34365 (ON SC) at para 44. If the factual foundation for the statement turns out to be untrue, or is unstated in the publication, then the defence of fair comment is not available. Whether a statement is one of comment or fact is considered from the point of view of the audience. Comments include, "deduction, inference, conclusion, criticism, judgment, remark or observation" which are "generally incapable of proof". Statements that the plaintiff engaged in sexual harassment does not qualify as fair comment. *Deeb v. Zebian*, 2022 ONSC 6947 at paras. 128 - 136.

10. The plaintiff pleads and relies upon Rule 14-1 of the *Supreme Court Civil Rules*.

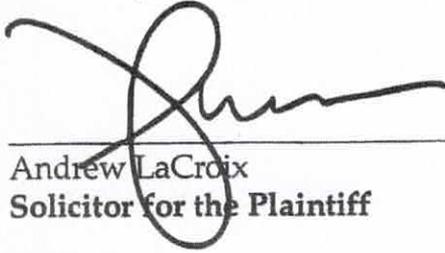
The Plaintiff's address for service:

LaCroix Law
#2 -177 Fourth St.
Duncan, B.C. V9L 5J8.

Place of trial: Duncan.

The address of the registry is: 238 Government St., Duncan, B.C.

Date: May 3, 2024



Andrew LaCroix
Solicitor for the Plaintiff

Signature of
 plaintiff lawyer for plaintiff

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

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

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This is a claim for the enforcement of a registered easement.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property

- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

Part 3: THIS CLAIM INVOLVES:

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



No. S22667
Duncan Registry

In the Supreme Court of British Columbia

BETWEEN:

MARK BAKER

PLAINTIFF

AND:

JOHN FRANCE

DEFENDANT

RESPONSE TO CIVIL CLAIM

Filed by: John France (the "Defendant")

Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS

Division 1 – Defendant's Response to Facts

1. The facts alleged in paragraphs 1, 2, 4, 8, 20, 22, and 24 - 27 of Part 1 of the notice of civil claim are admitted.
2. The facts alleged in paragraphs 5, 18, 19, 21, 23, and 28 - 33 of Part 1 of the notice of civil claim are denied.
3. The facts alleged in paragraphs 3 and 6 - 17 of Part 1 of the notice of civil claim are outside the knowledge of the defendants.

Division 2 – Defendant's Version of Facts

1. The Defendant is a retired public servant who worked for more than 30 years with local governments, including having served in an administrative capacity for the Village of Sayward between 2017 and 2023.
2. The Defendant adopts some of the defined terms used in the notice of civil claim. Such use of those defined terms does not, however, constitute admissions of fact or liability.

3. The Defendant denies each and every allegation in the notice of civil claim, except where expressly admitted herein and puts the plaintiff to the strict proof thereof.

THE WORDS COMPLAINED OF

4. The Forum is a social media site established for a lawful purpose and for the furtherance of discussion of matters of public interest, including the administration of the Village of Sayward and the conduct and activities of the Village of Sayward's elected representatives and administrators.
5. The Defendant admits that he published statements of and concerning the plaintiff to the Forum.
6. In answer to the whole of the notice of civil claim, the plaintiff has not set out the words complained of, or their alleged defamatory meanings, with sufficient certainty, clarity, or particularity.

COMMUNICATION #1

7. In answer to sub-paragraph 19(a) of Part 1 of the notice of civil claim ("**Communication #1**"), the Defendant admits that on 28 August 2023, he published a post to the Forum.
8. The words set out in sub-paragraph 19(a) of Part 1 of the notice of civil claim are only a part of Communication #1, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #1 in support of his defences herein.
9. Further, Communication #1 meant and was understood to mean that the *plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.*

Communication Not Defamatory

10. The Defendant denies that Communication #1, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

11. In the alternative, Communication #1 is true in substance and fact. Particulars are as follows:
- (a) on or about 19 February 2023, Talia Clark filed a complaint with the Village of Sayward (the "**Clark Complaint**") about the plaintiff's conduct and statements;
 - (b) on or about 20 February 2023, Councilor Scott Burchett filed a complaint with the Village of Sayward ("**Code of Conduct Complaint #1**") about the plaintiff's conduct and statements;
 - (c) on or about 20 March 2023, Councilor Burchett filed a further complaint with the Village of Sayward ("**Code of Conduct Complaint #2**") about the plaintiff's conduct and statements;
 - (d) the Village of Sayward retained a mediator to investigate the Clark Complaint and Code of Conduct Complaints #1 and #2 (the "**Investigation**");
 - (e) on or about 20 April 2023, the plaintiff attended mediation (the "**Mediation**") to address the Clark Complaint and Code of Conduct Complaints #1 and #2;

- (f) the plaintiff issued letters dated 07 May 2023 (the "**Plaintiff's Letters**") to Ms. Clark and Councilor Burchett wherein he purported to address the complaints against him;
 - (g) on or about 07 May 2023, Ms. Clark provided a statement to the Sayward Detachment of the Royal Canadian Mounted Police (the "**RCMP Statement**") about the plaintiff's conduct and statements;
 - (h) on or about 23 May 2023, Councilor Burchett filed a complaint with the Village of Sayward ("**Code of Conduct Complaint #3**") about the plaintiff's conduct and statements and the conduct and statements of Keir Gervais, the Village of Sayward's Chief Administrative Officer; and
 - (i) on or about 07 June 2023, Ms. Clark informed Tom Yates of the Strathcona Regional District (the "**SRD Report**") of her concerns about the plaintiff's conduct and statements.
12. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

13. In the further alternative, the words complained of in Communication #1 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the plaintiff's conduct and statements as an elected public official, based on facts that are expressed by the Defendant in Communication #1, all of which are true and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

14. In the further alternative, Communication #1 was published on a privileged occasion. In particular, the Defendant was under a moral or social duty to publish the words to the members of the Forum who had a corresponding duty or

interest to receive them. As such, Communication #1 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #2

15. In answer to sub-paragraph 19(b) of Part 1 of the notice of civil claim ("**Communication #2**"), the Defendant admits that on 07 September 2023, he published a post to the Forum in response to a summons (the "**Summons**") he received on or about 02 September 2023 to appear before Council of the Village of Sayward in relation to Councilor Burchett's complaints about the plaintiff's conduct and statements.
16. The words set out in sub-paragraph 19(b) of Part 1 of the notice of civil claim are only a part of Communication #2, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #2 in support of his defences herein.
17. Further, Communication #2 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

18. The Defendant denies that Communication #2, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

19. In the alternative, Communication #2 is true in substance and fact. Particulars are as follows:

- (a) the Clark Complaint;
- (b) Code of Conduct Complaint #1;
- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report; and
- (j) the Summons.

20. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

21. In the further alternative, the words complained of in Communication #2 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the plaintiff's conduct and statements as an elected public official, based on facts that are expressed by the Defendant in Communication #2, all of which are true and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

22. In the further alternative, Communication #2 was published on a privileged occasion. In particular, the Defendant was under a moral or social duty to

publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such, Communication #2 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #3

23. In answer to sub-paragraph 19 (c) of Part 1 of the notice of civil claim ("**Communication #3**"), the Defendant admits that on 07 September 2023, he published a post to the Forum.
24. The words set out in sub-paragraph 19(c) of Part 1 of the notice of civil claim are only a part of Communication #3, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #3 in support of his defences herein.
25. Further, Communication #3 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

26. The Defendant denies that Communication #3, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

27. In the alternative, Communication #3 is true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;

- (b) Code of Conduct Complaint #1;
- (c) Code of Conduct Complaint #2;
- (d) the Investigation.
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report; and
- (j) the Summons.

28. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

29. In the further alternative, the words complained of in Communication #3 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the plaintiff's conduct and statements as an elected public official, based on facts that are expressed by the Defendant in Communication #3, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

30. In the further alternative, the Defendant had an interest in publishing Communication #3 to those who had an interest in receiving it. In particular, the Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such,

Communication #3 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #4

31. In answer to sub-paragraph 19 (d) of Part 1 of the notice of civil claim ("**Communication #4**"), the Defendant admits that on 08 September 2023, he published a post to the Forum.
32. The words set out in sub-paragraph 19 (d) of Part 1 of the notice of civil claim are only a part of Communication #4, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #4 in support of his defences herein.
33. Further, Communication #4 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim, and are true in substance and fact.

Communication not Defamatory

34. The Defendant denies that Communication #4, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

35. In the alternative, Communication #4 is true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;

- (b) Code of Conduct Complaint #1;
- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SDR Report; and
- (j) the Summons.

36. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

37. In the further alternative, the words complained of in Communication #4 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct and statements of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

38. In the further alternative, the Defendant had an interest in publishing Communication #4 to those who had an interest in receiving it. In particular, the Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such,

Communication #4 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #5

39. In answer to sub-paragraph 19 (e) of Part 1 of the notice of civil claim ("**Communication #5**"), the Defendant admits that on 20 September 2023, he published a post to the Forum.
40. The words set out in sub-paragraph 19(e) of Part 1 of the notice of civil claim are only a part of Communication #5, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #5 in support of his defences herein.
41. Further, Communication #5 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

42. The Defendant denies that Communication #5, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

43. In the alternative, Communication #5 is true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;
 - (b) Code of Conduct Complaint #1;

- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report; and
- (j) the Summons.

44. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

45. In the further alternative, the words complained of in Communication #5 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

46. In the further alternative, the Defendant had an interest in publishing Communication #5 to those who had an interest in receiving it. In particular, the Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such,

Communication #5 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #6

47. In answer to sub-paragraph 19(f) of Part 1 of the notice of civil claim ("**Communication #6**"), the Defendant admits that on 12 September 2023, he published a post to the Forum.
48. The words set out in sub-paragraph 19(f) of Part 1 of the notice of civil claim are only a part of Communication #6, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #6 in support of his defences herein.
49. Further, Communication #6 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

50. The Defendant denies that Communication #6, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

51. In the alternative, Communication #6 is true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;
 - (b) Code of Conduct Complaint #1;

- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report; and
- (j) the Summons.

52. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

53. In the further alternative, the words complained of in Communication #6 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

54. In the further alternative, the Defendant had an interest in publishing Communication #6 to those who had an interest in receiving it. In particular, the Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such,

Communication #6 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #7

55. In answer to paragraph 21 of Part 1 of the notice of civil claim ("**Communication #7**"), the Defendant admits that on 07 October 2023, he published a post to the Forum.
56. The words set out in paragraph 21 of Part 1 of the notice of civil claim are only a part of Communication #7, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #7 in support of his defences herein.
57. Further, Communication #7 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

58. The Defendant denies that Communication #7, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

59. In the alternative, the words complained of in Communication #7 are true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;
 - (b) Code of Conduct Complaint #1;

- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report;
- (j) the Summons; and
- (k) on or about 27 September 2023, Councilor Scott Burchett filed a complaint with the British Columbia Human Rights Tribunal (the "**HRT Complaint**") against the plaintiff and Mr. Gervais.

60. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

61. In the further alternative, the words complained of in Communication #7 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

62. In the further alternative, the Defendant had an interest in publishing Communication #7 to those who had an interest in receiving it. In particular, the

Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such, Communication #7 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #8

63. In answer to paragraph 22 of Part 1 of the notice of civil claim ("**Communication #8**"), the Defendant admits that on 22 October 2023, he published a post to the Forum.
64. The words set out in paragraph 22 of Part 1 of the notice of civil claim are only a part of Communication #8, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #8 in support of his defences herein.
65. Further, Communication #8 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

66. The Defendant denies that Communication #8, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

67. In the alternative, the words complained of in Communication #8 are true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;

- (b) Code of Conduct Complaint #1;
- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report;
- (j) the Summons; and
- (k) the HRT Complaint.

68. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

69. In the further alternative, the words complained of in Communication #8 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

70. In the further alternative, the Defendant had an interest in publishing Communication #8 to those who had an interest in receiving it. In particular, the

Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such, Communication #8 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #9

71. In answer to paragraph 23 of Part 1 of the notice of civil claim ("**Complaint #9**"), the Defendant admits that on 26 October 2023, he published a post to the Forum.
72. The words set out in paragraph 23 of Part 1 of the notice of civil claim are only a part of Communication #9, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #9 in support of his defences herein.
73. Further, Communication #9 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

74. The Defendant denies that Communication #9, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

75. In the alternative, Communication #9 is true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;

- (b) Code of Conduct Complaint #1;
- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report;
- (j) the Summons; and
- (k) the HRT Complaint.

76. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

77. In the further alternative, the words complained of in Communication #9 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

78. In the further alternative, the Defendant had an interest in publishing Communication #9 to those who had an interest in receiving it. In particular, the

Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such, Communication #9 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #10

79. In answer to paragraph 24 of Part 1 of the notice of civil claim ("**Communication #10**"), the Defendant admits that on 28 October 2023, he published a post to the Forum.
80. The words set out in paragraph 24 of Part 1 of the notice of civil claim are only a part of Communication #10, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #10 in support of his defences herein.
81. Further, Communication #10 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

82. The Defendant denies that Communication #10, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

83. In the alternative, Communication #10 is true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;

- (b) Code of Conduct Complaint #1;
- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report;
- (j) the Summons; and
- (k) the HRT Complaint.

84. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

85. In the further alternative, the words complained of in Communication #10 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

86. In the further alternative, the Defendant had an interest in publishing Communication #10 to those who had an interest in receiving it. In particular, the

Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such, Communication #10 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #11

87. In answer to paragraph 25 of Part 1 of the notice of civil claim ("**Communication #11**"), the Defendant admits that on 15 January 2024, he published a post to the Forum.
88. The words set out in paragraph 25 of Part 1 of the notice of civil claim are only a part of Communication #11, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #11 in support of his defences herein.
89. Further, Communication #11 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

90. The Defendant denies that Communication #11, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

91. In the alternative, Communication #11 is true in substance and fact. Particulars are as follows:
 - (a) the Clark Complaint;

- (b) Code of Conduct Complaint #1;
- (c) Code of Conduct Complaint #2;
- (d) the Investigation;
- (e) the Mediation;
- (f) the Plaintiff's Letters;
- (g) the RCMP Statement;
- (h) Code of Conduct Complaint #3;
- (i) the SRD Report;
- (j) the Summons; and
- (k) the HRT Complaint.

92. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

93. In the further alternative, the words complained of in Communication #11 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

94. In the further alternative, the Defendant had an interest in publishing Communication #11 to those who had an interest in receiving it. In particular, the

Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such, Communication #11 was published on an occasion or in circumstances of qualified privilege.

COMMUNICATION #12

95. In answer to paragraph 26 of Part 1 of the notice of civil claim ("**Communication #12**"), the Defendant admits that on 20 March 2024, he published a post to the Forum.

Communication does not Refer to the Plaintiff

96. The defendant denies that Communication #12 referred to or was understood to refer to or was capable of referring to or being understood to refer to the plaintiff.

COMMUNICATION #13

97. In answer to paragraph 27 of Part 1 of the notice of civil claim ("**Communication #13**"), the Defendant admits that on 26 March 2024, he published a post to the Forum.
98. The words set out in paragraph 27 of Part 1 of the notice of civil claim are only a part of Communication #13, the balance of which is neither referred to nor complained of in the notice of civil claim. The Defendant intends to rely on the entirety of Communication #13 in support of his defences herein.
99. Further, Communication #13 meant and was understood to mean that the plaintiff's conduct and statements in his capacity as Mayor of the Village of Sayward were deserving of scrutiny and review, as distinct from the meanings ascribed to them in paragraph 29 of Part 1 of the notice of civil claim.

Communication not Defamatory

100. The Defendant denies that Communication #13, considered in its entirety and in its plain and ordinary meaning, or by innuendo, bears or was capable of bearing the defamatory meanings alleged by the plaintiff in paragraph 29 of Part 1 of the notice of civil claim, or any defamatory meaning whatsoever, of and concerning the plaintiff.

Communication was Justified

101. In the alternative, Communication #13 is true in substance and fact. Particulars are as follows:
- (a) the Clark Complaint;
 - (b) Code of Conduct Complaint #1;
 - (c) Code of Conduct Complaint #2;
 - (d) the Investigation;
 - (e) the Mediation;
 - (f) the Plaintiff's Letters;
 - (g) the RCMP Statement;
 - (h) Code of Conduct Complaint #3;
 - (i) the SRD Report;
 - (j) the Summons; and
 - (k) the HRT Complaint.

102. Further, the Defendant relies on the plaintiff's admissions about his conduct and statements, as particularized in sub-paragraphs 11(d), (e), (f), and (g) of Part 1 of the notice of civil claim.

Communication was Fair Comment

103. In the further alternative, the words complained of in Communication #13 were fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, namely the conduct of the plaintiff as an elected public official, based on facts that are expressed by the Defendant in the words complained of, all of which are true, and stating an opinion that any person could honestly express on the basis of those facts.

Communication was Privileged

104. In the further alternative, the Defendant had an interest in publishing Communication #13 to those who had an interest in receiving it. In particular, the Defendant was under a moral or social duty to publish the words to members of the Forum who had a corresponding duty or interest to receive them. As such, Communication #13 was published on an occasion or in circumstances of qualified privilege.

NO MALICE

105. Further, or in the alternative, the Defendant denies all allegations of malice and puts the plaintiff to the strict proof thereof.
106. The Defendant specifically pleads that at no time did he publish any words:
- (a) knowing them to be false;
 - (b) with reckless indifference whether they were true or false;
 - (c) for the dominant purpose of injuring the plaintiff because of spite or animosity; or

(d) for some other dominant purpose which is improper or indirect.

PROTECTION OF PUBLIC PARTICIPATION

107. The Defendant pleads and relies on the *Protection of Public Participation Act*, S.B.C. 2019, c. 3 (the "PPPA").

108. Specifically, the Defendant pleads that, pursuant to section 4 of the PPPA, this proceeding arises from expressions made by the Defendant and those expressions relate to a matter of public interest, namely the plaintiff's conduct and statements, as an elected public official.

NO DAMAGE OR LOSS SUFFERED BY PLAINTIFF

109. To the extent that any of the words complained of in the notice of civil claim are defamatory, which is not admitted but denied, the plaintiff suffered no actual injury or damage to his reputation as a result thereof and the Defendant puts the plaintiff to the strict proof thereof. In any event, the damage and loss claimed by the plaintiff is excessive or remote and the plaintiff has failed to mitigate same.

110. If the plaintiff suffered any damage or loss, which is not admitted but denied, then any such damage or loss is the result of the plaintiff's own conduct and statements.

NO ENTITLEMENT TO PUNITIVE DAMAGES

111. The Defendant denies that he engaged in any conduct that would give rise to a claim to punitive damages and puts the plaintiff to the strict proof thereof. The Defendant at all times acted in good faith, responsibly, and without malice, and in accordance with any duties to the plaintiff, which are not admitted but denied.

Division 3 – Additional Facts

1. On 06 November 2018, the Village of Sayward adopted Code of Conduct Bylaw No. 442 which established a code of conduct for Council (the "Code"). The Defendant pleads and relies on the provisions of the Code which set out the

principles and guidelines for the conduct of the Village of Sayward's elected officials.

- 2. On 03 May 2023, during a conversation that was not in-camera, Mr. Gervais informed Councilor Burchett that he could be removed from Council if he or Ms. Clark were to pursue their complaints against the plaintiff.
- 3. As a result of the Clark Complaint dated 19 February 2023, Councilor Burchett has faced retaliatory actions from both the plaintiff and Mr. Gervais which include but are not limited to threats that he will be removed from Council, being barred from attending conventions he was previously set to attend, being removed from meetings without grounds which prevented him from voting on essential Council business, and other threats of sanction and censure.
- 4. The Supreme Court of British Columbia established the primary elements of sexual harassment in *Janzen v. Platy Enterprises*, 1989 CanLII 97, [1989] 1 SCR 1252, which consists of the following:
 - (1) conduct of a "sexual nature";
 - (2) conduct that was "unwelcome"; and
 - (3) conduct that produced adverse consequences for the complainant.
- 5. Sexual harassment is a form of discrimination, which is a protected characteristic under the *Human Rights Code*, R.S.B.C. 1996, c. 210 (the "HRC").
- 6. Under section 2 of the HRC, whether a person *intends* to commit sexual harassment, in contravention of the HRC, is irrelevant.

Part 2: RESPONSE TO RELIEF SOUGHT

- 1. The Defendant consents to the granting of the relief sought in NIL paragraphs of Part 2 of the notice of civil claim.

2. The Defendant opposes the granting of the relief sought in paragraphs 1 through 6 of Part 2 of the notice of civil claim.
3. The Defendant takes no position on the granting of the relief sought in NIL paragraphs of Part 2 of the notice of civil claim.
4. The Defendant submits that this action should be dismissed on a substantial indemnity basis.

Part 3: LEGAL BASIS

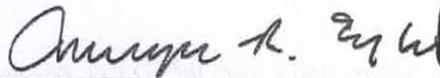
1. The Defendant pleads and relies on the defence of justification.
2. The Defendant pleads and relies on the defence of fair comment.
3. The Defendant pleads and relies on the defence of qualified privilege.
4. The Defendant pleads and relies on the PPPA.

Defendant's address for service: Douglas R. Eyford, K.C.
 EYFORD PARTNERS LLP
 1744 – 1055 Dunsmuir Street
 Vancouver, BC V7X 1K2

Fax number address for service (if any): None

E-mail address for service (if any): None

Date: 11 June 2024



Signature of

Defendant

Lawyer for Defendant

Douglas R. Eyford, K.C.
 EYFORD PARTNERS LLP

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

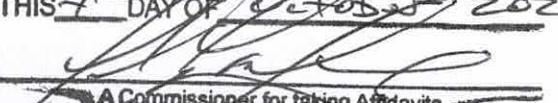
- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control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

CAMPBELL RIVER MIRROR

Second Sayward councillor resigns in as many months



Marc Kitteringham
May 15, 2024 10:30 AM
Updated May 15, 2024 10:31 AM

THIS IS EXHIBIT "O" REFERRED TO IN THE
AFFIDAVIT OF Mark Baker
SWORN/AFFIRMED BEFORE ME AT Sayward
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 7th DAY OF October 2025

A Commissioner for taking Affidavits
in the Province of British Columbia

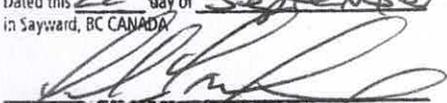


Sayward Village Council was made up of (from left) Sue Poulsen, Kohen Gilkin, Mayor Mark Baker, Scott Burchett and Tom Tinsley. Gilkin and Tinsley have both resigned from council. Photo courtesy Village of Sayward

Listen to this article
00:01:56



I hereby certify that this is a true copy of the original document
Dated this 22nd day of September 2025
in Sayward, BC CANADA


Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

A second Sayward village councillor has resigned, leaving the village to fill two seats via by-election in the next few months.

Coun. Tom Tinsley tendered his resignation this week, saying that there have been an “excessive number of council meetings with limited productivity over the last 18 months.” Tinsley is the second councillor to give up his seat this year, with former Coun. Kohen Gilkin resigning in March. Tinsley was first elected in 2020 after a by-election, and was re-elected in 2022.

“I would like to thank those who voted me in at the previous by-election and the current term,” Tinsley stated in his resignation letter to Mayor and Council, adding that he “looks forward to the success of other individuals elected to serve the community.”

Tinsley also said that the stress of the job “no longer allows him to maintain his health while meeting other obligations personally and professionally.”

Tinsley’s resignation leaves the village council with only two councillors and the mayor.

As of May 15, Sayward Council has not uploaded new meeting minutes to its website, apart from a special council meeting about a rezoning application, and a public hearing about the same project. The village has also not uploaded any council meeting recordings to its website since January.

According to the *Times Colonist*, the province has appointed a municipal advisor to help “resolve ongoing friction” at council meetings. The village has not passed its annual budget, though the provincial deadline to adopt the budget is today (May 15).

The *Mirror* has reached out to Tinsley and Mayor Mark Baker for comment.

RELATED: Sayward councillor resigns, cites ‘turmoil’ and ‘toxic environment’ in council

By-election scheduled in Tahsis to replace two resigned councillors

I hereby certify that this is a true copy of the original document
Dated this 22nd day of September
in Sayward, BC CANADA 2025

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Here’s What a 6-Hours Gutter Upgrade Should Cost You

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Freedom of Information and Protection of Privacy Act

Request for Review / Privacy Complaint Form

Instructions: This form is designed to assist you in requesting a review of a public body's response to your access request or to submit a privacy complaint about how a public body is collecting, using or disclosing your personal information under the *Freedom of Information and Protection of Privacy Act* ("FIPPA").

Fill out this form and send it to the Office of the Information & Privacy Commissioner ("OIPC"). Address information is at the end of this form.

(Do not use this form if your complaint or request for review is with a private sector organization, such as a business or non-profit organization. A special form is available for such complaints or reviews, which are regulated under the Personal Information Protection Act ("PIPA").)

FIPPA and materials that may assist you in completing this form are available at <http://www.oipc.bc.ca/> or by calling (250) 387-5629 in Victoria. For toll-free access call Enquiry BC in Vancouver at (604) 660-2421 or elsewhere in BC at 1-800-663-7867 and ask to be transferred to (250) 387-5629.

Privacy Notice: A copy of this form will be provided to the public body that is the subject of your request for review; a copy may be provided concerning complaint issues. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute.

THIS IS EXHIBIT D REFERRED TO IN THE AFFIDAVIT OF Mark Baker Preferred pronoun:
SWORN/AFFIRMED BEFORE ME AT Sayward
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 7th DAY OF October 2025

[Signature]
A Commissioner for taking Affidavits
in the Province of British Columbia

Name: Scott Burchett

Mailing address:
PO Box 78
Sayward, BC
V0P 1R0

City: Village of Sayward

Contact Phone No.: 604-818-5558

Alternate Phone No.:

Fax No:

Province: BC

Home Work Cell
 Home Work Cell

Postal code: V0P 1R0

Email Address: Scott.burchett@saywardvalley.ca

(Provide only if you prefer to receive communication by email)

I hereby certify that this is a true copy of the original document
Dated this 22nd day of September
in Sayward, BC CANADA 2025
Andrew Young, Village of Sayward
652 Huscamp Way, Box 29, Sayward, BC V0P 1R0

Please indicate the best time to contact you, as well as any other contact restrictions. (The OIPC office hours are Monday to Friday, from 8:30 a.m. to 4:30 p.m. PST).

1. Are you making this request for review or complaint:

(Please check only one box)



(If you checked "on behalf of another individual", attach supporting documentation proving that you have the authority, or consent of that individual, to act on his/her behalf.)

2. Which public body does your request for review or complaint concern?

Village of Sayward Municipality

3. Who have you dealt with at the public body to try to resolve your complaint or access request? (List the names, titles, phone numbers or addresses of people with whom you have had contact.)

Village of Sayward, CAO Keir Gervais p:250-282-5512 e:cao@saywardvalley.ca
Village of Sayward, Mayor Mark Baker p:250-203-5428 e:mark.baker@saywardvalley.ca

4. Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions.)

- Have you attempted to resolve the matter with the public body? Yes No
- If yes, did you write to the public body outlining your concerns or to object to the public body's initial decision? Yes No
- 5. Have you received a written decision from the public body? Yes No

If yes, what was the date of the letter and when did you receive it? (Please attach the letter to this application.)

6. Choose one or more of the following to describe what your appeal to the OIPC relates to:

Requests for review:

- Third Party requesting review prior to disclosure
- Denial of existence of records
- Record not under control or in custody
- How access is to be given
- Withholding records
- Severing information from records
- Deemed refusal (no response within 30 days of your access request) if no extension
- Correction of personal information request
- Records outside the scope of the Act
- Other

Complaints:

- Adequacy of search for records
- Collection, use or disclosure of your personal information
- Fee assessment
- Fee waiver refused
- Extension of time/transfer
- Security
- Retention
- Other

I hereby certify that this is a true copy of the original document
 Dated this 22 day of September 2025
 in Sayward, BC CANADA

Andrew Young
 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 20, Sayward, BC V0P 1R0

7. Summarize your request for review or complaint (please indicate any file or reference numbers and relevant dates).

Investigate the release of confidential, in-camera information that was in custody of the Village of Sayward by Mayor Mark Baker and CAO Keir Gervais, and the Strathcona Regional District. This relates to Supreme Court of BC document DUN-S-S-22667 Baker vs France. [redacted] and a member of the public have had our privacy breached.

8. How do you think the OIPC can assist you? Describe the result or outcome that you seek.

The release of in-camera information was used for this court case without any "rise and report" by Village of Sayward council, without any council resolution, without permission from either [redacted] or the other member of public that is named in these documents. Sensitive information regarding an alleged sexual harassment claim have been leaked and do not redact the alleged victims name.

Signature: *Scott Burchett*

Date: JULY 24, 2024

Attach copies of the following documents if you have them:

- Your letter to the public body requesting access to records.
- Your letter of complaint to the public body.
- The public body's response to your complaint or access request.
- Any other correspondence between you and the public body regarding this matter.
- Documentation authorizing you to act on behalf of another person (if applicable).

Send this form and accompanying documents to:

Office of the Information and Privacy
Commissioner for British Columbia P.O. Box
9038, Stn. Prov. Govt.
Victoria, B.C. V8W 9A4

Fax: (250) 387-1696
Email: info@oipc.bc.ca

Please call the OIPC if you need help completing this form:

Phone: (250) 387-5629 (Victoria)
Toll-free: (604) 660-2421 (Lower Mainland) or 1-800-663-7867 (elsewhere in B.C.); ask for transfer to (250) 387-5629.

For OIPC use only:

Date stamp:	Received by:
	Initials:
	(Print name)

I hereby certify that this is a true copy of the original document
Dated this 22 day of September 2025
in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0



NOTICE OF COMPLAINT
Freedom of Information and Protection of Privacy Act

September 23, 2024

To: The Complainant

Scott Burchett
E: scott.burchett@saywardvalley.ca

To: The Public Body

Keir Gervais
Village of Sayward
E: cao@saywardvalley.ca

The Office of the Information and Privacy Commissioner (OIPC) is an independent office of the legislature responsible for investigating complaints under the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

We have received a complaint that the public body failed to comply with one or more of the following provisions of FIPPA:

- ✓ Disclosed personal information in its custody or under its control contrary to section 33 of FIPPA.

A copy of the complainant's letter to the Office of the Information and Privacy Commissioner (OIPC) is enclosed for the public body.

OIPC Procedure:

We opened this case as of September 23, 2024. Due to case volumes, it may be several months before this file is assigned to an investigator. Your file may be identified as a candidate for our early resolution process. If so, a case review officer will be assigned to resolve your file.

The investigator or case review officer will notify the parties when the file is assigned and will conduct an investigation of the complaint. The investigator or case review officer, as delegated

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 In Sayward, BC CANADA

 Andrew Young, Village of Sayward
 652 H'Kuam Way, Box 29, Sayward, BC V0P 1R0

by the Information and Privacy Commissioner, has the authority to make findings and recommendations in respect of this complaint.

Contact Information:

You may address future correspondence to the attention of OIPC file INV-F-24-98386 until the file is assigned to an investigator or case review officer.

If you have questions regarding this office's complaint and other processes, please see our FIPPA Guide to OIPC Processes, available on our website at <http://www.oipc.bc.ca/guidance-documents/1599>. Additional information for applicants can be found by following the "for the public" link on the OIPC homepage.

Please also note that to help ensure the delivery of timely and fair service, and for the safety and well being of staff, the OIPC has an unreasonable behaviour policy. The Policy is available on our website at: <https://www.oipc.bc.ca/about/oipc-policies/>.

If you have questions regarding the status of this file, I can be reached at (250) 387-1679, or by using the toll-free Enquiry BC phone line, which is (604) 660-2421 if you are calling from the Greater Vancouver area, or 1-800-663-7867 if you are calling from elsewhere in the province. An operator will transfer your call free of charge.

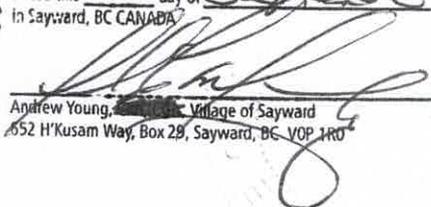
Sincerely,



Joyti Birk
Case Review Officer

Encl.

I hereby certify that this is a true copy of the original document
Dated this 22 day of September 2025
in Sayward, BC CANADA



Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

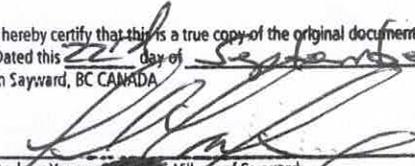
From: [redacted] on behalf of [redacted]
To: mark.baker@saywardvalley.ca
Cc: cao@saywardvalley.ca
Subject: Privacy Breach
Date: September 24, 2024 8:34:03 AM

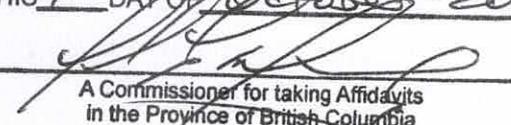
Sept 24, 2024

To Mayor Mark Baker,

On May 16, 2024, it was brought to my attention that a document was spreading via email throughout residents in Sayward. The document was the notice of civil claim for a court file DUN-S-S-22667 Mark Baker vs John France. This document contains my name and personal information regarding my confidential complaint of [redacted] My private information that was given in trust to the Village of Sayward Council, Village of Sayward CAO, the Strathcona Regional District (SRD) and the SRD CAO. The document also contains untruthful information about me. This information has been used in several news articles now allowing it to spread. I attended the Sayward Council meeting on May 21, 2024 and asked the Village of Sayward CAO Keir Gervais and Mayor and Council how my personal information was released, and you responded "it wasn't me." Nobody else responded and CAO Gervais was gesturing you Mayor Baker to not say anything else. Please explain to me how my personal and private information was released in these documents without my consent or the rise and report of the Village of Sayward Council.

[redacted]

I hereby certify that this is a true copy of the original document
Dated this 22nd day of September 2024
in Sayward, BC CANADA

Andrew Young, [redacted] Village of Sayward
852 H'Kusam Way, Box 29 Sayward, BC V0P 1R0

THIS IS EXHIBIT "Q" REFERRED TO IN THE
AFFIDAVIT OF Mark Baker
SWORN/AFFIRMED BEFORE ME AT Sayward
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 7th DAY OF October 2025

A Commissioner for taking Affidavits
in the Province of British Columbia

From: John France on behalf of John France <jdfrance53@gmail.com>
To: Sue Poulsen; Scott Burchett
Subject: Re: CNB Response to Correspondence Dated 9/17/2023
Date: October 10, 2023 3:33:06 PM

They did a bit of a dance at the end, suggesting they could come in October for a review...this is a cya effort.

I take great exception in how this has been handled by the auditor. Suggest the following

Derek Lamb CPA, CA

Thank you for your response. We have to again register our dismay on your approach to the official request for an audit. No where in the Community Charter does it give Council or the Village auditor the authority to delay the audit, either until it is convenient or until after year end. Furthermore, there is no logic in your response other than convenience. It simply does not make sense that when the auditor is notified of a potential wrongdoing, that you would defer to the persons who potentially participated in the wrongdoing to authorise the audit. I am sure the Community Charter intended this section to be treated with the utmost urgency and seriousness. We expect your firm to carry out its responsibilities under the act, efficiently and immediately.

I am copying this letter to the Ministry and to your professional organization to underline to you the importance of this issue.

Edit as you see fit...probably to the Ministry advisor you have been talking to and Chartered Professional Accountants of BC
 800-555 West Hastings Street,
 Vancouver, BC V6B 4N6
 Telephone: 604-872-7222
 Toll Free in BC: 800-663-2677

I know this is tough but they are playing hardball.

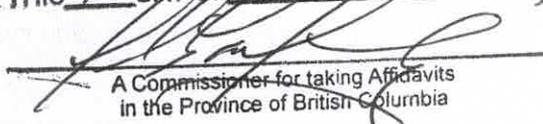
On Tue, 10 Oct 2023 at 10:56, Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:

Sent from my iPhone

Begin forwarded message:

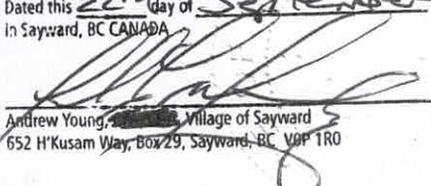
From: Derek Lamb <Derek@cncbca.ca>
Date: October 9, 2023 at 3:54:35 PM PDT
To: Mark Baker <mark.baker@saywardvalley.ca>, Scott Burchett <scott.burchett@saywardvalley.ca>, Kohen Gilkin <kohen.gilkin@saywardvalley.ca>, Sue Poulsen <sue.poulsen@saywardvalley.ca>, Tom Tinsley <tom.tinsley@saywardvalley.ca>

THIS IS EXHIBIT "R" REFERRED TO IN THE AFFIDAVIT OF Mark Baker SWORN/AFFIRMED BEFORE ME AT Sayward IN THE PROVINCE OF BRITISH COLUMBIA, THIS 7th DAY OF October 2023.


 A Commissioner for taking Affidavits in the Province of British Columbia



I hereby certify that this is a true copy of the original document
 Dated this 22nd day of September 2023
 in Sayward, BC CANADA


 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

168
Cc: Keir Gervais <cao@saywardvalley.ca>, Lisa Clark
<cfo@saywardvalley.ca>

Subject: CNB Response to Correspondence Dated 9/17/2023

Please find attached a formal letter of correspondence from our firm, CNB, to yourselves, Mayor and Council of the Village of Sayward, that has been made in response to a letter that our firm received dated September 17, 2023 from Councillor Poulsen and Councillor Burchett.

Please do not hesitate to let me know should you have any questions with respect to the contents of this letter or with any matter relating to it. I would be very happy to discuss the matters noted within the letter at anytime.

Thank you,

Derek M. Lamb, CPA, CA

derek@cnbcpa.ca
Phone: (250) 286-0744 ext. 111
Fax: (250) 286-1067
www.cnbcpa.ca



I hereby certify that this is a true copy of the original document
Dated this 22 day of September 2023
in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusan Way, Box 29, Sayward, BC V0P 1R0

This communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal, and or privileged information. Please contact us immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

From: John France on behalf of John France <idfrance53@gmail.com>
To: Sue Poulsen
Subject: Re: PRIVATE AND CONFIDENTIAL Meetings November 28 and 29, 2023
Date: November 24, 2023 6:46:07 AM

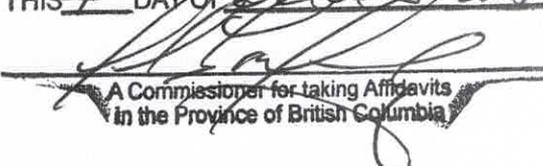
Woof!
 I will reread later today and get back to you...

On Thu, Nov 23, 2023, 10:52 p.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:
 I've been so occupied sending emails lately.
 Thought I'd run this by you after I sent it!

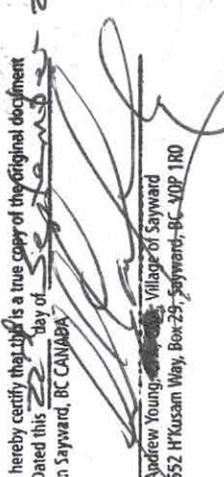
Sent from my iPhone

Begin forwarded message:

From: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Date: November 23, 2023 at 2:41:15 PM PST
To: Mayor and Council <MayorandCouncil@saywardvalley.ca>
Subject: PRIVATE AND CONFIDENTIAL Meetings November 28 and 29, 2023

THIS IS EXHIBIT "S" REFERRED TO IN THE
 AFFIDAVIT OF Marie Baker
 SWORN/AFFIRMED BEFORE ME AT Sayward
 IN THE PROVINCE OF BRITISH COLUMBIA,
 THIS 7th DAY OF October 2023

 A Commissioner for taking Affidavits
 in the Province of British Columbia

Mr Mayor and Councillors:
 I am seeking clarity around the Mayor's email yesterday, stating the CAO is off on bereavement leave for 5 days.
 Am I correct in calculating his absence as Wednesday, Thursday, Friday, Monday, and Tuesday, with an expected RTW next Wednesday?
 If that is the case, we are once again losing valuable time to get the village back on track. If you took the time to thoroughly review the Nov 21 agenda and the minutes of Oct 3, October 24, and November 7, you will have noticed many errors and omissions. It might be a good idea to suggest that ALL councillors thoroughly review the minutes and agendas back 6 months to see exactly what has not been getting done or just simply ignored. Let me be clear: this is not being disrespectful toward the CAO, it is fairly identifying the areas where he has failed to meet the administrative goals and objectives of his position and has proven his incompetence. However, the concerned citizens who have been denied information or ignored, hoping they would go away are getting restless and justifiably so.
 The restricted in camera meeting that Scott and I requested for November 7 was a set up for failure by the majority from the get-go, and a blatant contradiction to the Mayor's email sent on Nov 3, stating that a restricted in camera meeting would be held after the in-camera meeting.
 I still have my four page presentation of everything that has been neglected and am willing to present it to council members who are receptive and open to receiving information for discussion. I'm also open to discussing all the itemized good things the CAO has done according to Councillor Tinsley. Without identifying all the "good work the CAO continues to do for the village", it is difficult to make a full assessment of the CAO'S performance.

I hereby certify that this is a true copy of the original document
 Dated this 23 day of November 2023
 in Sayward, BC CANADA

 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

It took me 3 days to go through the agenda and minutes, only to have yet another week delay. I am trying to work as a councillor in the best interests of ALL the residents of Sayward.

When do you want to get started working together toward the same goals? Or do you?

Cllr Sue Poulsen

Sent from my iPhone



I hereby certify that this is a true copy of the original document
Dated this 27 day of September 2025
in Sayward, BC CANADA

[Handwritten Signature]

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

From: John France on behalf of John France <jdfrance53@gmail.com>
To: Sue Poulsen
Subject: Re: Keir
Date: November 27, 2023 2:56:13 PM

Kk

On Mon, Nov 27, 2023, 12:14 p.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:
Please do not Facebook it yet. I'm going to call the ombudsman first
Sent from my iPhone

On Nov 27, 2023, at 12:03 PM, John France <jdfrance53@gmail.com> wrote:

Gobsmacked yet again

On Mon, Nov 27, 2023, 12:00 p.m. John France <jdfrance53@gmail.com> wrote:

Have there been a lot of emails or calls to Keir? Just curious

I don't see where the mayor has the right to single you out

A smarter move would have been to have all council emails sent to mayor, then to cao...then some sort of recording method. But then he isn't smart...more fodder for the omsbudman...they have no right to limit a councillor's access

So...if you sent an email you would probably be blockedbut suggest you reject the direction by return email to all of council, based on discrimination,....and then send some emails to Keir to force the issue. That way you have proof.

They are not very good at this

Can I Facebook this one?

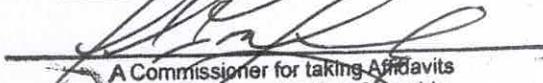
On Mon, Nov 27, 2023, 11:48 a.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:

So what do you make of this?
Sent from my iPhone

Begin forwarded message:

From: Scott Burchett <scott.burchett@saywardvalley.ca>
Date: November 27, 2023 at 10:53:17 AM PST
To: Mark Baker <mark.baker@saywardvalley.ca>

THIS IS EXHIBIT "T" REFERRED TO IN THE AFFIDAVIT OF Mark Baker SWORN/AFFIRMED BEFORE ME AT Sayward IN THE PROVINCE OF BRITISH COLUMBIA, THIS 7th DAY OF October 2023


A Commissioner for taking Affidavits in the Province of British Columbia

 I hereby certify that this is a true copy of the original document Dated this 22 day of September 2023 in Sayward, BC CANADA


Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Cc: Mayor and Council
<MayorandCouncil@saywardvalley.ca>
Subject: Re: Keir

Under what authority are you directing this action?
Have some respect and spell my name correctly.
These fulsome actions have consequences that you apparently do not understand.
Your bullying and harassment will eventually end.

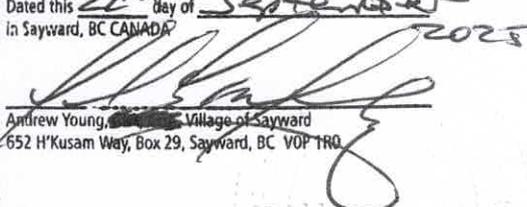
Respectfully,

Scott Burchett
Councillor
Village of Sayward
652 H'Kusam Way, PO Box 29
Sayward, BC V0P 1R0
250-282-5512 (office)
604-818-5558 (cell)

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

On Nov 27, 2023, at 10:35 AM, Mark Baker
<mark.baker@saywardvalley.ca> wrote:

Good morning, All

I hereby certify that this is a true copy of the original document
Dated this 27th day of September
in Sayward, BC CANADA 2023

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

From here on in, Councillor Burchett and Councillor Poulsen will not email or CC the CAO directly.

All communications will go through the Mayor or Deputy Mayor and then requests will be communicated to the CAO.

Burchette and Poulsen will not meet with the CAO without an appointment and not without the Mayor

or the Deputy Mayor present for that meeting!



I hereby certify that this is a true copy of the original document
Dated this 27th day of September 2025
in Sayward, BC CANADA

Andrew Young, Mayor, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Mayor Mark Baker

mark.baker@saywardvalley.ca

Village of Sayward

PO Box 29, 652-A H'Kusam Way

Sayward BC V0P 1R0

Phone: 250-282-5512 (Office)

Fax: 250-282-5511

Sent: Tuesday, November 21, 2023 4:40:04 PM
To: Mark Baker <mark.baker@saywardvalley.ca>
Cc: Mayor and Council <MayorandCouncil@saywardvalley.ca>; Keir Gervais <cao@saywardvalley.ca>; Village of Sayward <village@saywardvalley.ca>
Subject: Re: November 23 Council meeting

Wow! Only 2 weeks after the IC meeting!!!
 This is just what I predicted would happen with the skeleton staff and no admin. But discussion of my concerns were voted down once again. Not to mention the irregular meeting process from the get go.
 The village cannot be sustained when regular meetings are cancelled due to no staff, the backlog of issues building up and out of control not being addressed, and staff time being used for political concerns and personal issues, rather than focusing on the myriad of administrative work. Minutes are full of errors and omissions, reports are not completed, or ignored, and there's little communication directed to all councillors.

It is long past time for all of council to get back to governance in the best interests of our constituents, drop personal grievances, and do the work the village residents entrusted us with.

Cllr Poulsen

Sent from my iPhone

On Nov 21, 2023, at 3:19 PM, Mark Baker <mark.baker@saywardvalley.ca> wrote:

I hereby certify that this is a true copy of the original document
 Dated this 21st day of September 2023
 in Sayward, BC CANADA

[Handwritten Signature]
 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V6P 1R0

Sorry to inform you that tonight's Council meeting has been cancelled due to Staff illness. Please let know if next Tuesday November 28th! works for all! Please advise before end of day tomorrow. Thank you

Get [Outlook for iOS](#)

THIS IS EXHIBIT U REFERRED TO IN THE
 AFFIDAVIT OF Mark Baker
 SWORN/AFFIRMED BEFORE ME AT Sayward
 IN THE PROVINCE OF BRITISH COLUMBIA
 THIS 7th DAY OF October 2025
[Handwritten Signature]
 A Commissioner for taking Affidavits
 in the Province of British Columbia

From: Sue Poulsen on behalf of Sue Poulsen <sue.poulsen@saywardvalley.ca>
To: John France
Subject: Re:
Date: December 8, 2023 2:20:47 AM

None
Sent from my iPhone

On Dec 7, 2023, at 11:23 PM, John France <jdfrance53@gmail.com> wrote:

Good letters

Was there any talk about getting back to them after the meeting?

On Thu, Dec 7, 2023, 8:18 p.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:

Begin forwarded message:

From: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Date: December 4, 2023 at 7:58:41 PM PST
To: [REDACTED]
Cc: Keir Gervais <cao@saywardvalley.ca>, Kohen Gilkin <kohen.gilkin@saywardvalley.ca>, Mark Baker <mark.baker@saywardvalley.ca>, Tom Tinsley <tom.tinsley@saywardvalley.ca>, Scott Burchett <scott.burchett@saywardvalley.ca>
Subject: Re:

Hi [REDACTED]
It takes a lot of courage to persevere with the computer when you're just learning, so congratulations on getting help and sending your complete letter.
You are definitely not invisible. Stay visible and continue to fight for your rights.
Every member of our community has the right to be treated with fairness, respect, honesty, courtesy, and openness.
Thank you for keeping the lines of communication open.
Sincerely,
Sue Poulsen

Sent from my iPhone

THIS IS EXHIBIT ✓ REFERRED TO IN THE
AFFIDAVIT OF Mark Baker
SWORN/AFFIRMED BEFORE ME AT Sayward
IN THE PROVINCE OF BRITISH COLUMBIA
THIS 7th DAY OF October 2023

[Signature]
A Commissioner for taking Affidavits
in the Province of British Columbia

I hereby certify that this is a true copy of the original document
dated this 22nd day of September 2023
in Sayward, BC CANADA
[Signature]
Andrew Young
Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

From: John France on behalf of John France <idfrance53@gmail.com>
To: Sue Poulsen
Subject: Re: Responds [REDACTED]
Date: December 7, 2023 11:15:18 PM

Thanks

There is absolutely nothing wrong with your response and it clearly does not give out any confidential or legal information....as you state, the mayor is engaging in bullying and harassment.

This part, your response, is not in camera right? It wasn't received in camera?

Your response is good... ombudsman needs this info and string ...more weight to your claim
John

On Thu, Dec 7, 2023, 8:30 p.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:
apparently I didn't send this as I found it in my Drafts folder!

Mark:

Show me where it is written that as a councillor, I cannot respond to constituents. Are you telling me that I cannot respond to telephone calls, in person communication, when a constituent has a concern?

Then explain how you get to respond to a constituent who asks a question PUBLIC INPUT regarding who is paying your PERSONAL LEGAL COSTS, and you did not call the question out of order. You answered it from the Mayors chair on your own behalf, and then you indulge a member of the public while she makes inappropriate comment about your legal adversary. The Community Charter and the Local Government Act are Statutes for ALL elected officials and municipal staff to abide by. Perhaps it is time you take your own advice and stop your many ongoing actions that put yourself, other councillors, and staff in legal jeopardy.

What you call my blatant disregard for the village of Sayward is actually my extreme concern for the village residents who believe they are being treated disrespectfully by the village and staff.

While you are chastising me for overstepping my boundaries as a Councillor and showing blatant disregard to the Village of Sayward, consider this as you spend more unauthorized funds on unnecessary legal funds:

Ask the [REDACTED] who is treating them with blatant disregard. (it is clear in their letter who they believe it is)

[REDACTED]

Please stop harassing me with unfounded threats, gag orders, demands, and using

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Dated this 22nd day of December 2023
in Sayward, BC CANADA
Andrew Young, Village of Sayward
652 HKusam Way, Box 29, Sayward, BC V0R-1R0

intimidation to threaten me with seeking [redacted] how to "proceed with my blatant disregard" to your demands and condescending remarks.

Respectfully,
Sue Poulsen

From: Mark Baker <mark.baker@saywardvalley.ca>
Sent: December 4, 2023 8:13 PM
To: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Cc: Keir Gervais <cao@saywardvalley.ca>; Kohen Gilkin <kohen.gilkin@saywardvalley.ca>; Tom Tinsley <tom.tinsley@saywardvalley.ca>; Scott Burchett <scott.burchett@saywardvalley.ca>
Subject: Re: Responds to [redacted]

Councillor Poulsen, [redacted] You do not respond to [redacted]
[redacted] This is the second time you have been asked not to respond and yet you continue. You need to not over step your role as Councillor of the Village. [redacted]

Get Outlook for iOS

From: Mark Baker <mark.baker@saywardvalley.ca>
Sent: Monday, December 4, 2023 8:04:36 PM
To: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Cc: Keir Gervais <cao@saywardvalley.ca>; Kohen Gilkin <kohen.gilkin@saywardvalley.ca>; Tom Tinsley <tom.tinsley@saywardvalley.ca>; Scott Burchett <scott.burchett@saywardvalley.ca>
Subject: Re: Responds to [redacted]

Councillor Poulson

Get Outlook for iOS

I hereby certify that this is a true copy of the original document
Dated this 22nd day of September 2023
in Sayward, BC CANADA


Andrew Young, Councillor Village of Sayward
652 W Kusam Way, Box 29, Sayward, BC V0R 1R0

From: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Sent: Monday, December 4, 2023 7:58:40 PM
To: [redacted]
Cc: Keir Gervais <cao@saywardvalley.ca>; Kohen Gilkin <kohen.gilkin@saywardvalley.ca>; Mark Baker <mark.baker@saywardvalley.ca>; Tom Tinsley <tom.tinsley@saywardvalley.ca>; Scott Burchett <scott.burchett@saywardvalley.ca>
Subject: Re:

Hi [redacted]
It takes a lot of courage to persevere with the computer when you're just learning, so congratulations on getting help and sending your complete letter.
You are definitely not invisible. Stay visible and continue to fight for your rights.
Every member of our community has the right to be treated with fairness, respect, honesty, courtesy, and openness.
Thank you for keeping the lines of communication open.
Sincerely,

Sue Poulsen

Sent from my iPhone

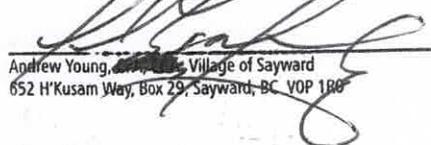
> On Dec 4, 2023, at 6:49 PM, [REDACTED] wrote:

>
>

> sorry everyone I have had only two lessons on how this works thank you ann and her son michael. So here goes again. I hope that you receive the full message this time. Again my apologies. We have tried to communicate with you, both verbally and electronically with unsatisfactory response. Two councillors have responded; silence from both tom and kohen; silence from the mayor as well. We rarely get a response from keir. We have tried extremely hard to illicit a response to those elected and hired to the position of responding to individuals such as Lorna and Myself, with our legitimate grievances. This silence is a form of manipulative punishment and can also be considered as tactical ignoring as well as a form of social rejection. The Attorney General of B,C, considers this abusive and bullying behaviour. We also consider this bullying and have been left with no alternative but to contact the Ombudsperson and others in regards to your lack of action. Thank you. to scott and sue, thank you so much for telling us of the incomplete message. We want our message to be perfectly clear to those concerned. [REDACTED]

[REDACTED] the invisible couple at [REDACTED]

I hereby certify that this is a true copy of the original document
Dated this 22nd day of September 2023
in Sayward, BC CANADA


Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

From: Sue Poulsen on behalf of Sue Poulsen <sue.poulsen@saywardvalley.ca>
To: John France
Subject: Fwd: Minutes Corrections
Date: December 18, 2023 12:30:09 PM
Attachments: Errors and omissions in minutes and agendas 2023.docx

Sent from my iPhone

Begin forwarded message:

From: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Date: December 18, 2023 at 2:12:22 AM PST
To: Mark Baker <mark.baker@saywardvalley.ca>, Kohen Gilkin <kohen.gilkin@saywardvalley.ca>, Scott Burchett <scott.burchett@saywardvalley.ca>, Sue Poulsen <sue.poulsen@saywardvalley.ca>, Tom Tinsley <tom.tinsley@saywardvalley.ca>, Keir Gervais <cao@saywardvalley.ca>
Subject: Minutes Corrections

here is the second list of errors and omissions
Sue Poulsen



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 in Sayward, BC CANADA

[Signature]
 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

THIS IS EXHIBIT "W" REFERRED TO IN THE
 AFFIDAVIT OF Mark Baker
 SWORN/AFFIRMED BEFORE ME AT Sayward
 IN THE PROVINCE OF BRITISH COLUMBIA
 THIS 7th DAY OF October 2023

[Signature]
 A Commissioner for taking Affidavits
 in the Province of British Columbia

From: John France on behalf of John France <jdfrance53@gmail.com>
To: Sue Poulsen; Scott Burchett
Subject: Re: Notice of Special In-Camera Meeting
Date: February 28, 2024 6:17:32 PM
Attachments: image001.jpg

Written notice yes, two councillors yes... he had to get legal for this???

Stonewalling...put the written notice in as required

Did he respond to the payroll issue?

On Wed, Feb 28, 2024, 6:04 p.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:

Sent from my iPhone

Begin forwarded message:

From: Scott Burchett <scott.burchett@saywardvalley.ca>
Date: February 28, 2024 at 5:57:26 PM PST
To: Keir Gervais <cao@saywardvalley.ca>
Cc: Mayor and Council <MayorandCouncil@saywardvalley.ca>
Subject: Re: Notice of Special In-Camera Meeting

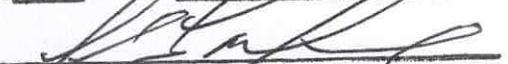
Keir

Thank you for confirming that you are spending tax payer money on legal without council resolutions.
 Why do you not respond to my request to be paid for mileage that was from 2023?
 The cheque from WFP has been in the office since January 19, 2023.

Respectfully,

Scott Burchett
 Councillor
 Village of Sayward
 652 H'Kusam Way, PO Box 29
 Sayward, BC V0P 1R0
 250-282-5512 (office)
 604-818-5558 (cell)

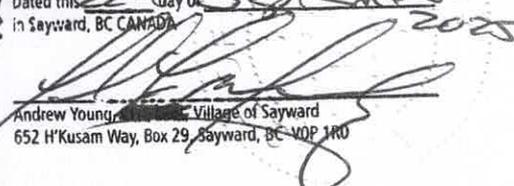
THIS IS EXHIBIT "X" REFERRED TO IN THE
 AFFIDAVIT OF Mark Baker
 SWORN/AFFIRMED BEFORE ME AT Sayward
 IN THE PROVINCE OF BRITISH COLUMBIA,
 THIS 7th DAY OF October 2025


 A Commissioner for taking Affidavits
 in the Province of British Columbia

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.



I hereby certify that this is a true copy of the original document
 Dated this 22nd day of September
 in Sayward, BC CANADA


 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

On Feb 28, 2024, at 5:49 PM, Keir Gervais
<cao@saywardvalley.ca> wrote:

Mayor & Council,

This morning Councillor Poulsen attended the Village Office,
requested that a Public Notice RE: a Special Restricted In-Camera
Meeting be posted on the bulletin board, and left.

I read the Notice and immediately saw that the meeting was
scheduled for February 28, 2024 – today.

Knowing nothing about this meeting, and knowing that a Public
Notice must be posted a minimum of 24 hours prior to the
meeting, I had questions about the meeting and the administrative
oversight over the related processes. I called Mayor Baker and he
informed me that Councillor Poulsen emailed a notice about the
meeting to Mayor and Council. Because details are important, I
asked Mayor Baker to forward me that email.

As I suspected, there are flaws in the administrative oversight over
the processes relating to the goal of organizing a Special [In-
Camera] Meeting. I called the Mayor, informed him of the errors
but said I was reluctant to be viewed as wanting to stop the
meeting so I was going to seek a legal opinion. I did just that,

[REDACTED]

[REDACTED]

I hereby certify that this is a true copy of the original document
Dated this 22nd day of September 2025
in Sayward, BC CANADA
Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0R-1R0

- [REDACTED]

- [REDACTED] s
[REDACTED] i

- [REDACTED] e

I reported this legal advice to Mayor Baker approx. 30 minutes ago, and Mayor Baker asked me to distribute it to Mayor & Council.

As a result of this [REDACTED] I did not post the Public Notice, as it was non-compliant with the Community Charter. Furthermore, I will not be attending tonight at 7:30pm to set-up the audio/video services, as requested by Councillor Poulsen through the Mayor.

Regards,

Keir Gervais
 Chief Administrative Officer
 Village of Sayward
 652 H'Kusam Way, PO Box 29
 Sayward, BC V0P 1R0

I hereby certify that this is a true copy of the original document
 Dated this 22nd day of [REDACTED]
 in Sayward, BC CANADA

[Signature]
 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

250-282-5512 Ext. 2 (office)

cao@saywardvalley.ca



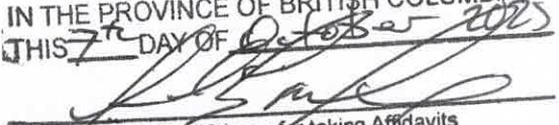
I hereby certify that this is a true copy of the original document
Dated this 28 day of September
in Sayward, BC CANADA

[Handwritten Signature]
Andrew Young, Village of Sayward
852 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

I sometimes work hours outside of a typical workday; please keep in mind that you are not obligated to respond if you receive an email outside of your regular workday.

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

From: Sue Poulsen on behalf of Sue Poulsen <sue.poulsen@saywardvalley.ca>
To: John France; Lisa Ramsey
Subject: Fwd: Regular council meeting March 19, 2024
Date: March 19, 2024 9:33:53 AM

THIS IS EXHIBIT "Y" REFERRED TO IN THE
AFFIDAVIT OF Mark Baker
SWORN/AFFIRMED BEFORE ME AT Sayward
IN THE PROVINCE OF BRITISH COLUMBIA
THIS 7th DAY OF October 2023

A Commissioner for taking Affidavits
in the Province of British Columbia

From: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Date: March 19, 2024 at 9:31:54 AM PDT
To: Sue Poulsen <espoulsen@shaw.ca>
Subject: Fwd: Regular council meeting March 19, 2024

Sent from my iPhone

Begin forwarded message:

From: Sue Poulsen <sue.poulsen@saywardvalley.ca>
Date: March 19, 2024 at 9:25:00 AM PDT
To: Mark Baker <mark.baker@saywardvalley.ca>, Scott Burchett
<scott.burchett@saywardvalley.ca>, Sue Poulsen
<espoulsen@shaw.ca>, Tom Tinsley
<tom.tinsley@saywardvalley.ca>
Subject: Regular council meeting March 19, 2024

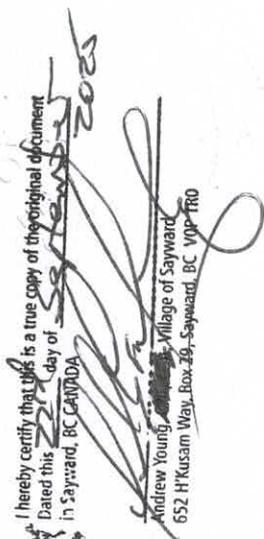
Good morning Mark and council
I have considerable concerns about the agenda for tonight's meeting
with the indication in the heading that there is a public hearing before
the regular council meeting.

At the October 3, 2023, regular meeting council passed first and
second readings of bylaw application to rezone 18 Sayward Rd.
No other reports were submitted until the February 20/24 report from
Kevin Brooks, where council directed staff to schedule a public
hearing for rezoning by law 504.

The CAO DID NOT FOLLOW THROUGH

[REDACTED]

THE CAO DID NOT PRESENT TO COUNCIL A REPORT
OUTLINING THE PUBLIC HEARING MEETING PROCESS, A
REMINDER OF PROTOCOLS, SELECTION OF THE CHAIR
FOR THE MEETING, CONSENSUS OF THE PUBLIC HEARING
PROCESS, TIMING AND PLACE FOR COUNCIL TO APPROVE.
THE LACK OF PROCESS AND FOLLOW THROUGH IS

1202
I hereby certify that this is a true copy of the original document
dated this 19th day of March
in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 20, Sayward, BC V0P 1R0

DISRESPECTFUL BEYOND MEASURE TO [REDACTED] WHO

This public hearing meeting needs to be cancelled and rescheduled as soon as possible once the statutory requirements are followed. An apology needs to go to [REDACTED]

As for the regular meeting tonight, the agenda is missing several items that were deferred from previous meetings.

The minutes from regular council meetings on February 20, and March 5, 2024, and the minutes from the COW March 13/24 have not been made available for review as promised by the CAO.

Furthermore, the recordings of meetings from the above dates are not posted, therefore, it is not possible to confirm the accuracy of the present agenda, and what should be carried forward. (Although I have confirmed inaccuracies from my own previous notes).

Council needs access to complete information and follow through with our rules and responsibilities to the community.

Since information and communication is severely lacking or nonexistent, I can not attend tonight's meeting.

Councillor Sue Poulsen

I hereby certify that this is a true copy of the original document
Dated this 22 day of September 2025
in Sayward, BC CANADA

Andrew Young Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1T0

From: John France on behalf of John France <idfrance53@gmail.com>
To: Sue Poulsen
Subject: Re: Upcoming Meetings
Date: April 3, 2024 12:02:41 PM
Attachments: image001.jpg

Keirs response is to limit the importance of your suggestions but then put forward his own. This is not an administrative process, it's not his, it belongs to council and he should be told to back off. Good response from both of you.

Can we find someone to take admin on a new site? I will do the bull work.

On Wed, Apr 3, 2024, 10:14 a.m. Sue Poulsen <sue.poulsen@saywardvalley.ca> wrote:
 Good morning! I hope you're feeling refreshed after a good nights, sleep, and ready to start a new chapter
 Sent from my iPhone

Begin forwarded message:

From: Scott Burchett <scott.burchett@saywardvalley.ca>
Date: April 3, 2024 at 9:39:49 AM PDT
To: Keir Gervais <cao@saywardvalley.ca>, Mayor and Council
 <MayorandCouncil@saywardvalley.ca>
Subject: Re: Upcoming Meetings

I stand with every single item in Councillor Poulsen's email yesterday stating the things that need to be done before a Public Hearing can happen. This was to be discussed in the Regular Council meeting last night that was again cancelled under suspicious circumstances and again at the last minute. Very disappointing and not good for the Village of Sayward. The Public Hearing date was not done by council resolution or decided by council as a whole. Fail. If the terms of the Agenda Adoption are not met or discussed in a public forum as they should have been at last nights cancelled meeting then I expect that there will be no quorum moving forward. Time to show up and actually do the work properly or there will be further consequences for this disruptive and weak effort that seems to be the norm. There was a clear plan to get things done and do it the right way and this keeps getting ignored at the expense of [REDACTED] Failure to properly communicate with council as a whole and to continue a rogue approach to administration will continue to damage the Village of Sayward's credibility and function. Excuses, mistakes and false blame are not the way to success.

I hereby certify that this is a true copy of the original document
 Dated this 22nd day of September 2025
 in Sayward, BC CANADA
 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Scott Burchett
 Councillor
 Village of Sayward
 652 H'Kusam Way, PO Box 29
 Sayward, BC V0P 1R0
 250-282-5512 (office)

THIS IS EXHIBIT "Z" REFERRED TO IN THE
 AFFIDAVIT OF Mark Baker
 SWORN/AFFIRMED BEFORE ME AT Sayward
 IN THE PROVINCE OF BRITISH COLUMBIA,
 THIS 7th DAY OF October, 2025

 A Commissioner for taking Affidavits
 in the Province of British Columbia

604-818-5558 (cell)

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

On Apr 3, 2024, at 9:11 AM, Keir Gervais <cao@saywardvalley.ca> wrote:

Good morning,

I am at work today, not 100% by any means but I have tested negative for covid (being positive was my greatest concern). I appreciate the inconvenience caused by me not being able to remain at work late yesterday due to illness; however, the new normal is to not be around others/in the public when sick.

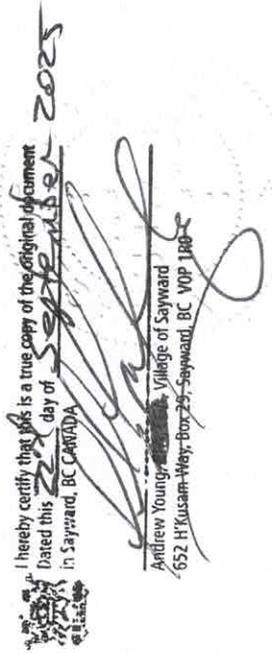
There are two upcoming meetings I'd like clarification about further to the email Councillor Poulsen sent yesterday afternoon which I've read this morning.

COW - Strategic/budget planning on April 4th at 7:00pm

There are suggestions in Councillor Poulsen's email/attachment titled *Recommendation for Agenda Deferrals to April 16, 2024* that she has ideas for a different strategic/budget planning process than what is scheduled. I respect Councillor Poulsen's input; however, this is the input of one elected official and is not in keeping with our governance procedures. The process that staff has been planning around is very similar to the process used in the past. The biggest difference at this stage is the VERY tight timeline to complete the budgeting process. As well, we have only received

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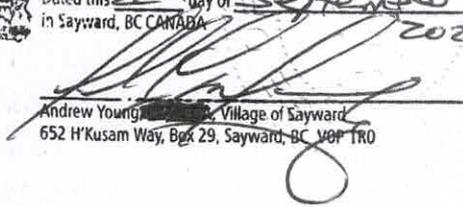
Andrew Young
 Village of Sayward
 652 H'Kusam-Wey-Box-29 - Sayward, BC V0P 1R0

Councillor Tinsley's initial feedback around the list of priorities - it would be beneficial to receive this feedback from Council ASAP (I've attached the last email shared with Council about this process). All of this said, my primary question is, is all of Council planning on attending the scheduled COW meeting to discuss strategic/budget planning on April 4th at 7:00pm? Please confirm ASAP if you plan to attend or not.

Public Hearing for [redacted] on [redacted]

Again, there are intimations in Councillor Poulsen's email/attachment titled *Recommendation for Agenda Deferrals to April 16, 2024* that she has ideas for a different Public Hearing process than what is scheduled. Again, I respect Councillor Poulsen's input; however, this is the input of one elected official and is not in keeping with our governance procedures. At the February 20, 2024 Council meeting, Council directed staff to schedule a Public Hearing. Staff have done that. The first meeting did not occur because of lack of quorum. The second meeting has been scheduled for the date most suitable to Council's regular meeting schedule and to liking of the developer. Staff has and continues to follow every requirement for a Public Hearing. The developer is paying for advertising, twice. Again, similar to above, my primary question to Council is, are you planning on attending the scheduled Public Hearing on April 16th at 6:00pm? Please confirm ASAP if you plan to attend or not.

I hereby certify that this is a true copy of the original document
Dated this 22 day of September 2025
in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Regards,

Keir Gervais
Chief Administrative Officer
Village of Sayward
652 H'Kusam Way, PO Box 29
Sayward, BC V0P 1R0
250-282-5512 Ext. 2 (office)

cao@saywardvalley.ca

I sometimes work hours outside of a typical workday; please keep in mind that you are not obligated to respond if you receive an email outside of your regular workday.

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

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

From: Keir Gervais <cao@saywardvalley.ca>
To: Mayor and Council <MayorandCouncil@saywardvalley.ca>
Cc: Keir Gervais <cao@saywardvalley.ca>
Bcc:
Date: Thu, 14 Mar 2024 19:40:15 +0000
Subject: Review & Scoring 2023 Priorities

Good morning,

I had some further thoughts following our COW meeting last night regarding the scoring of the Strategic Priorities. I've provided below a format for you to follow.

The updated format includes **current operational priorities and future anticipated initiatives**. When you read *staff time*, this refers to CAO time.

Instructions

1. Using the attached alphabetized listing of the 2023 Priorities, as well as the list of 'other' possible priorities I've listed below **a) – o)**, prioritize numerically using the

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Dated this 22 day of September
in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

entire list below; 1st, 2nd, 3rd, 4th, 5th, 6th, etc. up to 38th, or more if you add *Other Priorities* (OP).

2. Use the section at the bottom to add *Other Priorities* (OP) you would like to add and include in your ranking. EX. *Staff to investigate Council's options for better understanding the status of the old mall and possible next steps available to Council.*

- a. _____ Strategic and budget planning with Council
- b. _____ Prepare for audit, including REQUIRED Asset Retirement Obligation (ARO) reporting (significant staff time March-April)
- c. _____ Catch up on record keeping (significant staff time March – April)
- d. _____ Staff recruitment: advertising, screening, selection, orientation/training (significant staff time March-April)
- e. _____ Village of Sayward governance: legal, Ministry of Municipal Affairs, OIPC, Ombudspersons Office, investigations/WorkSafeBC, etc. (significant and mandatory staff time March-June...)
- f. _____ Council Meeting preparation/follow-up: agendas, minutes, staff reports (significant and mandatory staff time year-round)
- g. _____ Planning by-election in 2024 (*moderate staff time March – May, then moderate until election – date TBD*)
- h. _____ Asset Management (*significant staff time March-July*)
- i. _____ Economic Dev. Coord. (*significant staff time March – September*)
- j. _____ Land Use Infrastructure Analysis for Zoning Bylaw Modernization (*significant staff time March – July, then moderate until year-end*)
- k. _____ Sayward Drainage Project (*significant staff time March – July, then moderate until project completion in 2025??*)
- l. _____ Seacan with mass care supplies (*minimal staff time*)
- m. _____ Kelsey Centre - Emergency Cooling Enhancement Project (moderate staff time March-May)
- n. _____ Growing Communities Fund (*significant staff time researching fund options best suited for Sayward, reporting to Council, implementing initiatives, reporting as required*)
- o. _____ Housing Capacity Funding (*significant staff time researching fund options best suited for Sayward, reporting to Council, implementing initiatives, reporting as required*)

I hereby certify that this is a true copy of the original document
 Dated this 22nd day of September 2025
 in Sayward, BC CANADA

[Signature]
 Andrew Young, Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Community Relations

p.

q.

r.

Economic Development

s.

t.

u.

v.

w.

x.

Asset Management

y.

z.

a1.

Living Green

a2.

a3.

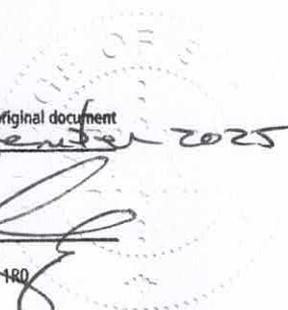
a4.

Professional Development

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Dated this 22 day of September 2025
in Sayward, BC CANADA



Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0



a5.

a6.

Tourism Development

a7.

a8.

a9.

Village Operations

a10.

a11.

A12.

Other Priorities (OP) you would like to add and include in your ranking.

OP1.

OP2.

OP3.

OP4.

OP5.



I hereby certify that this is a true copy of the original document
Dated this 22 day of September 2025
in Sayward, BC CANADA

Andrew Young, Mayor, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

Email me any questions you have. Otherwise, email me your responses back by Sunday so I can compile the results for Monday night's COW meeting.

Thank you,

Keir Gervais

Chief Administrative Officer

Village of Sayward

652 H'Kusam Way, PO Box 29

Sayward, BC V0P 1R0

250-282-5512 Ext. 2 (office)

cao@saywardvalley.ca



I hereby certify that this is a true copy of the original document
 Dated this 22 day of September 2025
 in Sayward, BC CANADA

[Signature]

Andrew Young, CAO Village of Sayward
 652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

I sometimes work hours outside of a typical workday; please keep in mind that you are not obligated to respond if you receive an email outside of your regular workday.

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

From: Sue Poulsen on behalf of Sue Poulsen <sue.poulsen@sawwardvalley.ca>
To: John France
Subject: Fwd: CAO medical leave
Date: July 11, 2024 4:41:30 PM

Here is the email I sent
Sent from my iPhone

Begin forwarded message:

From: Sue Poulsen <sue.poulsen@sawwardvalley.ca>
Date: July 11, 2024 at 2:22:23 PM PDT
To: Mark Baker <mark.baker@sawwardvalley.ca>, Scott Burchett <scott.burchett@sawwardvalley.ca>, Brian <brian@bdcarruthers.ca>, Pei-Shing Wang <PWang@bcombudsperson.ca>
Subject: CAO [REDACTED] leave

Hi everyone.

Receiving your phone call, Mark, telling me that the CAO is off on [REDACTED] leave was not a total surprise, but for the moment left me with several unresolved issues.

Please notify management staff of the CAO's absence and let them know what the initial plan is going forward.

I hope you will have a post on the village website ASAP announcing that the CAO will not be available until further notice, that the scheduled regular meeting Tuesday, July 16 is cancelled, and an interim CAO will be in place as quickly as possible. We also urgently need a CFO to clean up the financial disaster we are in and be able to do the regular routine work of a CFO

You have asked Trish to get the ROEs out to the rec centre employees ASAP. Please Have Trish contact each employee to pick up the ROE rather than mailing and delaying the process longer.

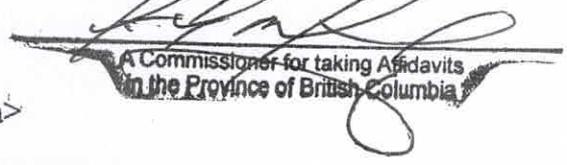
Who knows what other financial items have been neglected. I do know that neither Scott nor I have been reimbursed for travel expenses submitted in April and early June. Some financial oversight needs to happen quickly. You said Janice, the temporary CFO was no longer available and there has been no report from the CAO on this or an effort to hire a CFO.

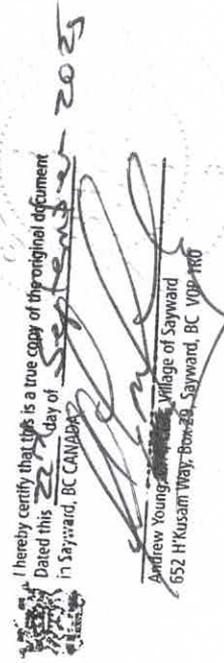
Although the regular council meeting for next week is cancelled (once again because of the CAO's absence), I believe it is imperative that we have a debriefing meeting with Brian as was planned for next Tuesday. Please arrange the meeting and notify council.

Finally, I believe it is essential to include council in the telephone call with Peter Johnson. The CAOs repeated absences causing 10 council meetings being cancelled since November has had a huge impact on council's ability to govern effectively.

If the CAO is to be off until further notice, it is our due diligence to have his access to all files on the Village computer revoked, as well as return all master keys and fobs, the laptop, and any village files and property he has at his personal

THIS IS EXHIBIT "AA" REFERRED TO IN THE
AFFIDAVIT OF Mark Baker
SWORN/AFFIRMED BEFORE ME AT Sawward
IN THE PROVINCE OF BRITISH COLUMBIA,
THIS 7th DAY OF October 2025


A Commissioner for taking Affidavits
in the Province of British Columbia

I hereby certify that this is a true copy of the original document
Dated this 21st day of September 2025
in Sawward, BC CANADA

Andrew Young
532 H Kusam Way, Box 20, Sawward, BC V0P 1R0

residence.

As well, his trailer (temporary residence) at the municipal campground should be removed before the end of the current month for which rent has been paid. If It isn't removed, council should vote on a recommendation to have the daily camping rate applied for the maximum stated in the campsite regulations and remove the trailer at the owners expense after the maximum campsite stay is reached.

I look forward to receiving your reply to my requests.

Councillor Sue Poulsen



I hereby certify that this is a true copy of the original document
Dated this 22nd day of September 2025
in Sayward, BC CANADA

Andrew Young, Village of Sayward
652 H'Kusam Way, Box 29, Sayward, BC V0P 1R0

