

Victoria

08-Dec-25

REGISTRY

This is the 1st affidavit of  
Scott Burchett in this case and  
Was made on December 5, 2025

No S2512336  
Victoria Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

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

**AFFIDAVIT**

I, Scott Burchett, Council member at the Village of Sayward, of 652-A H'Kusam Way PO Box 29, Sayward, BC, V0P 1R0, SWEAR THAT:

1. I am an elected council member of the Village of Sayward (the "Village"), and as such, have personal knowledge of the facts and matters deposed to by me in this affidavit save and except where they are stated to be based upon information and belief, and where so stated I believe those facts and matters to be true.
2. I was elected to Village Council in 2022.
3. Since Mayor Baker was acclaimed Mayor in 2020, our working relationship has been very strained. We often do not see eye to eye on the matters that come before Council.
4. On several occasions, Mayor Baker acted in inappropriately towards my girlfriend (now wife), Talia Clark.
5. Talia Clark is not a member of Village Council.
6. In early 2023 I submitted a respectful workplace complaint to the Village about Mayor Baker's conduct towards my wife. I am advised by wife, and verily believe to be true, that she also submitted her own complaint to the Village about the Mayor's conduct towards her.

7. As a result of the complaints, Mayor Baker issued an apology to me. I am advised by my wife and verily believe to be true that she also received an apology from Mayor Baker.
8. In May 2023, before Mayor Baker issued his apology to me, Mayor Baker began a campaign to try to censure me and prevent me from participating at council meetings and in public life, including for possibly contravening section 117 of the *Community Charter* although the number of allegations grew significantly by the time the proposed censure motion against me came before council in January 2024.
9. In or about May 2024 I reviewed a copy of Mayor Baker's defamation claim against the previous Village CAO, John France. I was very concerned that Mayor Baker had disclosed my and Talia's confidential information and had breached the *in camera* rules in section 117 of the *Community Charter*.
10. In July 2024, I submitted a complaint to the Office of the Information and Privacy Commissioner regarding the release of confidential and in camera information by Mayor Baker in his claim against John France. On 25 April 2025 the OIPC upheld my complaint and determined that:
  - (a) the public body disclosed my personal information to legal counsel for the Mayor;
  - (b) the public body did not demonstrate that any section of the Freedom of Information and Protection of Privacy Act authorized the disclosure of his personal information.
11. Attached hereto and marked as Exhibit "A" to this my affidavit is a true copy of the 25 April 2025 decision of the OIPC.
12. I am advised by my wife, and verily believe to be true, that she also submitted a complaint to the OIPC and that her complaint was also upheld.
13. I am a person with disabilities and on a medical pension. On or about 22 May 2025 I went on medical leave from the Village. I was on leave until approximately 15 July 2025. During that time, the Village sent me agenda for regular council

meetings, but I was not provided with copies of agenda for any *in camera* meetings.

14. While I was on leave, I became increasingly concerned about other breaches of *in camera* confidentiality at the Village when I saw a Facebook post from a member of the public referencing private and confidential Village business. I sent an email to Mayor and Council and the CAO attaching a copy of the Facebook post. Attached hereto and marked as Exhibit "B" is a true copy of my 06 June 2025 email to Mayor and Council copying the post.
15. In or about September 2025 the Chief Administrative Officer, Andrew Young (the "CAO"), started refusing to provide me with copies of agendas for the *in camera* meetings so I had no idea what matters were on the agendas for these meetings. The CAO refused to even allow me to see a redacted copy of the agendas for these meetings.
16. Specifically, at the 30 September 2025 *in camera* meeting, the CAO did not give me a copy of the agenda and only agreed to read out parts of a redacted agenda for that meeting such that I had no idea what topics were being discussed. Mayor Baker and Councillors Coates and Johnson all had hard copies of the agenda before them at the meeting.
17. The Mayor and CAO refused to provide me with a copy of the agenda for the meeting and demanded that I declare a conflict even though I didn't know what the issue or topic was before Council. I refused to declare a conflict without knowing the subject matter of the discussion. The Mayor and CAO continued to refuse to provide me with a copy of the agenda, so I left the meeting in protest.
18. On 06 October 2025 at 4:26pm on CAO Andrew Young advised me and Councillor Poulsen that a redacted copy of the agenda for the October 7<sup>th</sup> Sayward Council *In Camera* meeting to be held at 7:20pm would be available for review but only in person at the Village Office between 2:00 pm and 4:30 pm on the 7<sup>th</sup>, which is significantly less than 24 hours.

19. At the 07 October 2025 *in camera* meeting, the CAO and Mayor again refused to provide me with a copy of the agenda that showed the topics that were to be discussed. The Mayor and CAO again stated that I had to recuse myself. I again refused to declare a conflict under section 100 unless I knew the subject matter. Mayor Baker, and Councillors Johnson and Coates, and the CAO then left and held a private meeting outside of council chambers and then returned and adjourned the meeting.
20. Since I now know that the Village filed this petition to reduce quorum on 14 October 2025 and that the CAO commissioned Mayor Baker's affidavit in support on 07 October 2025, I believe that the matter that was on the agenda for the 07 October 2025 meeting that Mayor Baker and the CAO did not want me to know about was this petition and the plan to go ahead with the censure motion and to consider starting additional proceedings against me and others.
21. On 14 October 2025 I received an email from the CAO advising me that the Village had applied to reduce quorum under section 129 of the *Community Charter* to proceed with the censure proceedings against me and Councillor Poulsen and to consider possible additional proceedings against us. The email attached the petition and 2 affidavits, and a letter dated 14 October 2015 which advised that if I wanted to receive a copy of the Notice of Hearing or intend to file a Response to the Petition, I should contact the Village's counsel, Dana Goodfellow. Attached hereto and marked as Exhibit "C" is a true copy of the 14 October 2025 email I received from the CAO and the attached letter of the same date.
22. Before receiving the 14 October 2025 email from the CAO advising me of this Petition, I was unaware that Council was considering proceeding with the censure motions against me and Councillor Poulsen, and considering possible additional proceedings against us.

23. I have not received any meeting agendas or attended any council meetings, *in camera* or otherwise, where Council was to discuss and vote on the following matters:
- (a) Whether to continue with the censure proceedings started against me and Councillor Poulsen in 2023;
  - (b) Whether to bring proceedings against me and others for willful misconduct;
  - (c) Whether to release the censure proceedings from *in camera*; and
  - (d) Whether to bring an application for an order under section 129 of the *Community Charter*.
24. I am also not aware of any Council meeting at which Mayor Baker has declared that he is in a conflict of interest regarding the censure proceedings against me or Councillor Poulsen, or the new proceedings for willful misconduct.
25. It is possible that the Village made decisions related to matters set out in paragraph 20 of my affidavit without my knowledge while I was away on medical leave or in September/October 2025 when the Mayor and CAO were refusing to provide me with copies of the meeting agendas.
26. I have not been provided with copies of the minutes of any meetings that address the matters in paragraph 20.
27. A few days later the Village put out a public notice about the Village application to reduce quorum and posted it on the Village's website. Attached hereto and marked as Exhibit "D" is a true copy of the notice that was posted on the Village's website on or about 17 October 2025.

28. I am advised by my counsel, Nathalie Baker, and verily believe to be true, that she informed Ms. Goodfellow that she intended to file a response to petition on my behalf and attend the hearing.

*Campbell River*  
AFFIRMED BEFORE ME at Sayward, )  
British Columbia, on 5 December 2025. )  
)  
)  
  
\_\_\_\_\_)  
)  
A commissioner for taking affidavits )  
for British Columbia )

  
\_\_\_\_\_  
Scott Burchett

Kevin Simonett  
Barrister & Solicitor  
310-1210 Cedar Street  
Campbell River, B.C. V9W 2W6

This is Exhibit "A" referred to in the  
Affidavit of Scott Burchett  
sworn (or affirmed) before me at  
Cambridge, B.C.  
this 5 day of December 2025.

[Signature]  
A Commissioner for Taking Affidavits  
within British Columbia

Kevin Simonett  
Barrister & Solicitor  
310-1210 Cedar Street  
Campbell River, B.C. V9W 2W5

April 25, 2025

Scott Burchett

[scott.burchett@saywardvalley.ca](mailto:scott.burchett@saywardvalley.ca)

Dear Scott Burchett:

**Re: Complaint - Disclosure  
Village of Sayward  
OIPC File: INV-F-24-98386**

This letter responds to your complaint to the Office of the Information and Privacy Commissioner (OIPC) that the Village of Sayward (public body) disclosed your personal information in contravention of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

As the Investigator assigned to this matter, I have the delegated authority to make findings and recommendations in respect of this complaint.

### **Background**

On May 3, 2024, the mayor of the public body began legal proceedings against the former chief administrative officer (CAO).

On August 6, 2024, you contacted the public body regarding the disclosure of your personal information in the court filing.

On September 23, 2024, you submitted a complaint to the OIPC.

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### **Preliminary Matter**

Considering the circumstances of this complaint, it is important to outline how FIPPA interacts with the courts. Section 3 of FIPPA states that FIPPA does not apply to court records, a record of a judge, or a judicial administration record. In short, FIPPA does not apply to the courts. The courts in BC have their own rules to collect, use and disclose personal information. This means the disclosure of your personal information in a court record by the courts is not a matter the OIPC can address given FIPPA does not apply to court records.

However, FIPPA does apply to the collection, use and disclosure of personal information by the public body. The scope of this investigation is limited to the handling of your personal information by the public body before the information was later published as part of a court proceeding.

### **Issues**

After reviewing the information in the complaint<sup>1</sup>, I have determined the following to be the relevant issues that I will address below:

- 1) Was there a disclosure of your personal information?
- 2) If so, was the disclosure of your personal information authorized by section 33 of FIPPA?

### **Legislation**

The relevant section of FIPPA is section 33 which I have included below, omitting the subsections, for reference:

#### **Disclosure of personal information**

**33 (1) A public body may disclose personal information in its custody or under its control only as permitted by subsections (2) to (9) or by section 33.3.**

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<sup>1</sup> I acknowledge part of your complaint is in reference to other individual's personal information. It is the policy of the OIPC to proceed only with the complaint regarding how the public body has handled your own personal information.

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**Complainant Submission**

During this investigation, you provided the OIPC with documents and information which you assert support your complaint.

On August 6, 2024, you wrote the following to the public body:

I am inquiring about my personal and private information and personal and private information of my partner Talia Clark that was released without consent or a rise and report by council, The Village of Sayward, and/or the Strathcona Regional District. This private and confidential information was included in the court case filings "Baker vs France" Duncan Supreme Court S22667. Please provide the requested information and reasons as soon as possible.

On August 6, 2024, you wrote as part of your complaint:

The information was a breach of privacy and in-camera information was leaked from the Village of Sayward Municipality

In your OIPC complaint form you summarized the complaint as follows:

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. Myself and a member of the public have had our privacy breached.

As for how you believe the OIPC can assist, you wrote:

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 myself, or the other member of the 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.

**Public Body Submission**

The public body provided a lengthy submission as part of this complaint process, including outlining the relevant history and background.

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The public body passed an in-camera resolution which they believe provided the authorization to disclose a number of documents, which included your personal information.

It is my understanding that the public body believes they were authorized to disclose your personal information pursuant to sections 33(2)(e), 33(2)(i), 33(2)(q), 33(2)(r), 33(2)(w), 33(3)(a), and 33(3)(d) of FIPPA. Further, the public body is relying on the 2024 reasons for judgment in the BC Court of Appeal in *Anderson v. Strathcona (Anderson)*<sup>2</sup>.

With respect to the mayor obtaining legal advice, the public body wrote:

...if the Mayor disclosed the Complaints to his own lawyer for legal advice the Village suggests that doing so was not unlawful. In the 2024 Court of Appeal decision in [Anderson] the Court of Appeal found that an elected official may disclose to their own lawyer information received and discussed *in camera* that affects the elected official personally for the purpose of receiving legal advice.

The public body submits that if there was a disclosure of your personal information within the defamation proceedings...“the public body has not unlawfully disclosed such personal information.”

### **Analysis**

In conducting this review, it is necessary for me to first address the public body’s reliance on the 2024 Anderson Court of Appeal decision. As quoted above, the public body correctly interpreted the decision as allowing the mayor (in this case) to speak with his own lawyer to obtain legal advice.

If the mayor obtained legal advice which led to the mayor initiating legal proceedings, the mayor could apply through the courts to obtain any necessary records directly from the public body. Those records could include in-camera records and sensitive personal information – if directly relevant to the proceedings as allowed by the courts. The opportunity to obtain records through the courts is provided to any litigant, regardless of their occupation or status as an elected official.

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<sup>2</sup> *Anderson v. Strathcona (Regional District)*, 2024 BCCA 23 - <https://canlii.ca/t/k2dcz>.

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Parties to a proceeding may obtain records, including personal information, from a public body through the courts. A public body is required to comply with a court order and FIPPA allows for disclosure if a court order has been obtained.

The Honourable Justice Dickson wrote at paragraphs 89-92 of the *Anderson* decision:

In my view, disclosing confidential information to a lawyer to obtain personal legal advice is not captured by this language [section 117 – *Community Charter*]. Confiding in a lawyer does not involve public disclosure of any kind. A lawyer is duty-bound by solicitor-client privilege to maintain confidentiality in all information provided by a client, and not to disclose it publicly. For example, when, in *Smith*, Dr. Smith sought legal advice concerning his confidential interview with Mr. Jones he did not fail to keep that information “in confidence” or disclose it publicly. Rather, he necessarily brought his lawyer into the permissible zone of confidentiality to obtain needed legal advice. [underlining in original]

As I have also explained, all citizens have an interest in full and ready access to meaningful legal advice in matters of personal importance. In my view, it is highly unlikely the legislature would intentionally limit that fundamental right in s. 117 by requiring officials such as Ms. Anderson to obtain prior authorization before they are entitled to exercise that right. Nor is it likely the legislature intended to limit the access of an official’s lawyer to information needed to provide legal advice when ss. 100(4) and 104(2) are engaged, particularly in the absence of any express words to that effect.

A purposive approach to interpreting s. 117 also supports this interpretation. The manifest purpose of that provision is to establish a well-protected sphere of confidentiality to enable municipal governments to function effectively. The prospect that their officials might disclose confidential Board information to the public without authorization would obviously interfere with their ability to function openly, optimally and productively. However, I am unable to see how or why the prospect that officials might obtain personal legal advice in confidence in connection with confidential Board matters could impair their ability to function. In particular, there should be no chilling effect from a functional perspective for municipal government officials to be fully legally informed.<sup>3</sup>

The mayor, and indeed all citizens, have a right to meaningful legal advice. In cases involving elected officials, the *Anderson* decision clearly articulates that an elected official can disclose confidential in-camera information to their lawyer if the information relates to a personal matter involving the official.

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<sup>3</sup> *ibid*

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However, there is a key distinction between *Anderson* and the current facts of this matter. In *Anderson*, the issue was an elected official who disclosed information that was discussed at an in-camera meeting with her legal counsel. There is no mention that Ms. Anderson provided copies of the in-camera materials. The public body in *Anderson*, the Strathcona Regional District (SRD), did not appear to pass a resolution allowing for the disclosure of material to Ms. Anderson's legal counsel. Rather, the SRD passed a motion to censure Ms. Anderson.

As noted in the submission of the public body, there are seven subsections that the public body submitted which authorize the disclosure of personal information under FIPPA. A public body must rely on one or more reasons listed in section 33 (or 33.3) of FIPPA to have the authority to disclose personal information.

**Issue 1: Was there a disclosure of your personal information?**

The evidence clearly establishes that the public body disclosed your personal information to the legal counsel for the mayor. Specifically, the personal information included your workplace complaint and correspondence you received from the mayor.

Next, I will consider whether that disclosure was authorized.

**Issue 2: Was the disclosure of your personal information authorized by section 33 of FIPPA?**

I will address each subsection relied upon by the public body in turn:

**Section 33(2)(e)**

33(2) A public body may disclose personal information in any of the following circumstances:

...

(e) in accordance with an enactment of British Columbia or of Canada that authorizes or requires the disclosure;

...

The public body appears to rely on the *Community Charter* as the enactment of British Columbia which authorizes or requires the disclosure. I find there is no provision/section within this enactment that clearly authorizes or requires the disclosure that occurred in this case.

**33(2)(i)**

**33(2) A public body may disclose personal information in any of the following circumstances:**

...

**(i) to an officer or employee of a public body, or to a minister, if the information is necessary to protect the health or safety of the officer, employee or minister;**

...

**I find that this subsection does not apply given the circumstances of the disclosure because the legal counsel for the mayor is not an officer or employee of the public body.**

**33(2)(q)**

**33(2) A public body may disclose personal information in any of the following circumstances:**

...

**(q) for the purposes of licensing, registering, insuring, investigating or disciplining persons regulated by governing bodies of professions or occupations;**

...

**This subsection authorizes professional regulators in BC to disclose personal information regarding investigations with other jurisdictions in Canada. There is no information before me to demonstrate that this subsection applies.**

**33(2)(r)**

**33(2) A public body may disclose personal information in any of the following circumstances:**

...

**(r) if the information was collected by observation at a presentation, ceremony, performance, sports meet or similar event**

**(i) that was open to the public, and**

**(ii) at which the individual the information is about appeared voluntarily;**

...

**Aside from merely asserting this provision applies, the public body did not elaborate on their reliance on this subsection or provide supporting/demonstrative evidence or information. Accordingly, I find that this subsection does not apply.**

**33(2)(w)**

**33(2) A public body may disclose personal information in any of the following circumstances:**

...

**(w) if the information**

- (i) was disclosed on social media by the individual the information is about,**
- (ii) was obtained or compiled by the public body for the purpose of enabling the public body to engage individuals in public discussion or promotion respecting proposed or existing initiatives, policies, programs or activities of the public body or respecting legislation relating to the public body, and**
- (iii) is disclosed for a use that is consistent with the purpose described in subparagraph (ii);**

...

This matter relates to a court proceeding which involves the use of posting on social media. However, there is no connection with how this subsection applies to the disclosure that occurred in this matter.

**33(3)(a)**

**33(3) A public body may disclose personal information in any of the following circumstances:**

...

**(3) A public body may disclose personal information in any of the following circumstances:**

**(a) if**

- (i) the head of the public body determines that compelling circumstances that affect anyone's health or safety exist, and**
- (ii) notice of disclosure is mailed to the last known address of the individual the information is about, unless the head of the public body considers that the notice could harm anyone's health or safety;**

...

In their submission, the public body explained they believe there existed compelling circumstances which would impact the mayor's health and as there was a potential risk of having the mayor's health benefits ended if the SRD Board removed the mayor as chair of the SRD.

However, the public body has not substantively demonstrated the compelling circumstances that affected the mayor's health or safety. In my view, this is not an appropriate use of this subsection.

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**33(3)(d)**

**33(3) A public body may disclose personal information in any of the following circumstances:**

...

**(d) to a public body, or a law enforcement agency in Canada, to assist in a specific investigation**

**(i) undertaken with a view to a law enforcement proceeding, or**

**(ii) from which a law enforcement proceeding is likely to result;**

...

The public body provided information which showed the involvement of the RCMP at various points. It is not clear what information was provided to the RCMP. There is clear authority to disclose information under FIPPA if it is related to a law enforcement proceeding. However, the personal information at issue in this privacy complaint was not disclosed to the RCMP. For that reason, I find this subsection irrelevant.

**Summary of Subsection Analysis**

In summary, the totality of the information I received from the public body does not demonstrate that any of the subsections it relies on under FIPPA authorized the disclosure of your personal information.

I have carefully reviewed section 33 (and section 33.3) of FIPPA to determine whether there is an authority that would otherwise serve to authorize disclosure in this case, that has not been cited by the public body.

I note that section 33(2)(m) of FIPPA authorizes the disclosure of personal information to the legal counsel for the public body to obtain legal advice or for use in civil proceedings. In this context, however, the civil proceedings did not directly involve the public body and section 33(2)(m) of FIPPA does not apply.

I have not found authority under section 33 of FIPPA which would be appropriate in the circumstances that make up this matter. A public body must only disclose personal information as authorized by sections 33 and 33.3 of FIPPA.

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**Conclusion**

After reviewing the evidence before me, I find that the public body did not have authority under FIPPA to disclose your personal information. Therefore, I am substantiating your complaint.

Although I have found there was an unauthorized disclosure of your personal information, there is no remedy the OIPC can affect in this case.

This concludes my investigation, and I have now closed your file. If you have any questions or concerns, please contact me at 250-953-4105 or at [jgartshore@oipc.bc.ca](mailto:jgartshore@oipc.bc.ca). By copy of this letter, I am advising the public body of the status of this file.

Sincerely,



James Gartshore  
Investigator

cc:

John Thomas  
Acting Chief Administrative Officer  
Acting Corporate Officer  
Village of Sayward  
[cao@saywardvalley.ca](mailto:cao@saywardvalley.ca)

This is Exhibit " B " referred to in the  
Affidavit of Scott Burchett  
sworn (or affirmed) before me at  
Campbell River, B.C.  
this 5 day of December 2025.

[Signature]  
A Commissioner for Taking Affidavits  
within British Columbia

Kevin Simonett  
Barrister & Solicitor  
310-1210 Cedar Street  
Campbell River, B.C. V9W 2W5

**Nathalie Baker**

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**From:** Scott Burchett <scott.burchett@saywardvalley.ca>  
**Sent:** Friday, June 6, 2025 2:39 PM  
**To:** CAO Sayward; Mayor and Council  
**Subject:** In Camera Leaks and Harassment

CAO Thomas,

Please see the attached Facebook post that clearly indicates a serious breach of in-camera information and the continued systemic harassment that you have stated does not exist. It also damages the integrity of existing investigations that puts the Village of Sayward at risk. This is unacceptable and will be addressed to the OIPC yet again, as a failure of the Village of Sayward to conduct business in a professional manner. This is exactly why I will not participate in in-camera business and be apart of this dumpster fire. The Village of Sayward does not allow for a safe and inclusive space to conduct business, free from bullying, harassment, corruption and collusion.

This issue is extremely aggravating to my already serious medical conditions.

## Comments

### All comments ▾



**Lee Ettinger** ♀ 7,067 points

So interesting that Mr. Burchett refuses to participate in civic duties that he swore to uphold. Especially since he has no whatsoever about asking the Village to pick up the tab for his LEGAL FEES to former CAO for..... you guessed BULLYING! LOL! ANYONE who regularly attended Council meetings will remember seeing Mr. Gervais conduct himself with civility in the face of MR. BURCHETT BULLYING. Fortunately, all the video meetings are available to Mr. Gervais and it is a relatively safe bet that "Po" is gonna lose this one..... and Village is gonna lose a lot of TAX DOLLARS. Yes, the estimate of Village legal expenses are \$170K..... and you can bet your last dollar that those fees aren't for land

This is Exhibit C referred to in the  
Affidavit of Scott Burchett  
sworn (or affirmed) before me at  
Campbell River, B.C.  
this 5 day of December 2025.

**A Commissioner for Taking Affidavits  
within British Columbia**

Kevin Simonett  
Barrister & Solicitor  
310-1210 Cedar Street  
Campbell River, B.C. V9W 2W5

**From:** CAO Sayward <cao@saywardvalley.ca>  
**Date:** October 14, 2025 at 6:56:33 PM PDT  
**To:** Scott Burchett <scott.burchett@saywardvalley.ca>, Scott Burchett <scott@offthegrid.ca>  
**Cc:** CAO Sayward <cao@saywardvalley.ca>  
**Subject:** Application to Reduce Village of Sayward Council Quorum Pursuant to Community Charter Section 129

Hello Councillor Burchett,

The Village of Sayward (the Village) has applied to reduce the Council Quorum pursuant to Community Charter Section 129.

Attached is a copy of the Village's petition and supporting affidavits for your information and reference.

A sharefolder has also been set up to provide you with alternate access to these documents. A link to the sharefolder follows:



[https://saywardvalley-my.sharepoint.com/:f:/g/person/cao\\_saywardvalley\\_ca/EubFKYISI21lggQZngzDj\\_cBzTLe5bWo1DOCzTjgdBwRUw](https://saywardvalley-my.sharepoint.com/:f:/g/person/cao_saywardvalley_ca/EubFKYISI21lggQZngzDj_cBzTLe5bWo1DOCzTjgdBwRUw)

Respectfully yours,

Andrew Young, MCIP, RPP  
Chief Administrative Officer & Corporate Officer  
Village of Sayward  
652 H'Kusam Way, PO Box 29  
Sayward, BC V0P 1R0  
250-282-5512 Ext. 2 (office)  
[cao@saywardvalley.ca](mailto: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.*



## Village of Sayward

Via email ([scott.burchett@saywardvalley.ca](mailto:scott.burchett@saywardvalley.ca) and  
[scott@offthegrid.ca](mailto:scott@offthegrid.ca))

October 14, 2025

Councillor Scott Burchett  
Box 78  
Sayward, BC, V0P 1R0

### **Re: Application to Reduce Village of Sayward ("Village") Council Quorum Pursuant to *Community Charter* Section 129**

With this letter the Village is providing you with a courtesy copy of:

- the Village's filed Petition dated October 14, 2025;
- the filed Affidavit of Mayor Mark Baker, sworn October 7, 2025; and
- the filed Affidavit of John Thomas, sworn October 3, 2025.

Section 129(6) of the *Community Charter* allows the Village to proceed with the hearing of the Village's application to reduce quorum without notice to any other person.

Nevertheless, if you want to receive a copy of the Notice of Hearing or intend to file a Response to the Petition, please contact or have your legal counsel contact Dana Goodfellow, legal counsel for the Village, by October 31, 2025.

If the Village or the Village's legal counsel does not hear from you or your legal counsel by October 31, 2025, the Village will set down the hearing of the Village's Petition to the next available date and without any notice to you of the date of the hearing.

Sincerely,

**Andrew Young,**  
Chief Administrative Officer

c: Dana Goodfellow (*via email to [dana@phoenixlaw.ca](mailto:dana@phoenixlaw.ca)*)

This is Exhibit D referred to in the  
Affidavit of Scott Burchett  
sworn (or affirmed) before me at  
Campbell River, B.C.  
this 5 day of December 2025.

**A Commissioner for Taking Affidavits  
within British Columbia**

Kevin Simonett  
Barrister & Solicitor  
310-1210 Cedar Street  
Campbell River, B.C. V9W 2W5



## Village of Sayward

### Memo for Information / Fact Sheet

**For:** Village of Sayward Residents and General Public

**From:** Andrew Young, CAO

**Subject:** Petition to Reduce Council Quorum – What does it mean?

**Date:** October 17, 2025

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On Tuesday, October 14<sup>th</sup> the Village of Sayward (“Village”) filed a petition in the Supreme Court of British Columbia and in the Victoria Registry to reduce Village Council quorum from three Councillors to two Councillors. Over the last couple of days people in Sayward have asked two key questions. Those questions and answers to them follow.

#### What is a quorum?

*A quorum is the minimum number of people who must be present at a meeting for it to be officially held and for decisions to be made.* Cambridge Dictionary

Sections 129(1) and 118 of the *Community Charter*, SBC 2003, c.26 explain that quorum is a majority of the five members of Village Council, which is three Village Council members.

#### What Happens if the Court Approves the request to reduce the Village Council Quorum?

If the court issues an order that the quorum for Village Council is reduced from three Council members to two Councillors – with those Councillors being Debbie Coates and Jason Johnson:

- Councillors Coates and Johnson could then consider and vote on:
  - whether to proceed with considering a motion of censure and related sanctions against Councillors Susan Poulsen and Scott Burchett (the “Two Councillors”) for possible contraventions of the *Community Charter* section 117, and the Village’s *Code of Conduct Bylaw No. 442, 2018*, and *Council Procedure Bylaw No. 416, 2015*, and possibly Sayward’s new *Code of Conduct Bylaw* (Bylaw 512 adopted January 21, 2025) in relation to Councillors Poulsen’s and Burchett’s:
    - possible unauthorized disclosure to third parties of information and documents received in confidence and information and documents discussed during closed Village Council meetings; and

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- their likely disrespectful behaviour towards Keir Gervais (now former) Chief Administrative Officer of the Village; and
- possibly commencing court proceedings against at least one of the “Two Councillors” and possibly Village staff for possible wilful misconduct and possibly against John France for possibly assisting in possible wilful misconduct.

Please also note that:

- if the court grants the sought order for reduction of quorum; and
- if Councillors Coates and Johnson decide to possibly proceed with consideration of a motion of censure and related sanctions,

each of Councillors Poulsen and Burchett will be informed and provided with an opportunity to be heard and respond and before any decision is made whether to pass a motion of censure and related sanctions.

Mayor Mark Baker may be called as a witness.

For all other matters considered by Village Council, the Council quorum remains three members of Council.

As this matter is now before the courts, the Village has no further comment at this time.

The Village is committed to providing accountable local government that ensures fairness, transparency, equality, equal representation, inclusiveness, and collaboration among partners.

Andrew Young, MCIP, RPP  
Chief Administrative Officer  
Village of Sayward

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