

Minutes

Orchard House tower leaseholders meeting Tuesday, 23 August 2018 New Horizons Hall room 3 at 7 p.m.

This meeting was called by Hugh Trenchard, litigant against Westsea Construction, and Gerald Rotering, who booked the room. 'Minutes prepared by Gerald.

1/ Order was called order at 7 p.m. with 35 people in attendance. Gerald introduced himself and litigant Hugh Trenchard, then invited cash contributions to cover the \$50 hall rental cost and minor expenses such as the \$150 annual web site hosting fee.

2/ Hugh reviewed his original lawsuit for disclosure from Westsea Construction regarding the then-pending windows and balcony doors project, which was resolved by agreement that the company would provide lessees with an engineering report. It then became a question of Westsea charging all Orchard House lessees its legal expenses, which the court denied, but which ruling was set aside by the appeal court as "premature".

The company has since billed all lessees its 2017 legal expenses and added current-year legal expenses to our monthly suite fees, which Hugh said he recognizes is a serious burden for many people. A small number of lessees (eight?) have refused to pay the 2017 billing and a few of them also refuse to pay the current-year billing, which has led Westsea to threaten legal action to collect.

Hugh noted that the company has returned to lessees cheques we sent for the 2017 shortfall of NON-legal expenses, apparently to put those lessees into default on all operating expenses. He recommends replying to Westsea, and for himself has provided a replacement cheque for the lesser amount.

While the June, 2019, civil trial on Hugh's challenge to Westsea's billing of the capital-project windows project WILL also deal with the question of the company's legal-expenses charge back to us, he's applied for an injunction to prevent Westsea billing us in the meantime. That is to be heard on October 10, but Hugh said he needs evidence of "irreparable harm" due to Westsea's actions. He asked for affidavits from lessees who are being harmed due to loss of their home, financial strain or emotional turmoil caused by these expenses and threats of lease termination.

Hugh had applied to the Supreme Court of Canada to be heard on this and other issues that Westsea's law firm largely agreed should be heard, but leave was not granted. (Only one of about 22 applications with national ramifications was granted leave this cycle, national new outlets reported.)

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A lessee asked Hugh whether legislation is coming to protect us. Hugh replied that after the Supreme Court of Canada denied leave to appeal he called the B.C. Ministry of Housing staffer assigned to these issues and told her that the courts obviously are not addressing our problems. The provincial staffer assured Hugh that our situation is still under policy review. Gerald noted that he wrote the Housing Minister, MLA and Deputy Premier Carol James and others in March detailing our "double jeopardy" situation in being billed our landlord's legal expenses in our disputes with Westsea Construction.

Lessee Meelie Dong, a retired lawyer, rose to say that we need a class-action lawsuit to prevent Hugh being overwhelmed. Discussion followed regarding whether any law firm will take up our issues on a contingency basis. A show of hands indicated that many lessees would gladly let a law firm keep 33% of winnings, should a firm take over Hugh's civil suits and succeed. Gerald said that Arvay Finlay LLP had not shown interest when he retained the firm this spring to advise him and Hugh. On the issue of Westsea billing us its legal expenses, Ms. Dong firmly stated, "They can't do that".

Hugh reviewed his second lawsuit, which challenges Westsea billing him for new and higher-quality windows and balcony slider door. This suit's trial date is in June next year and will then also deal with the question of each party's legal expenses, although that ruling could be months or a year after the main decision.

In summary:

- * Some lessees are pursuing a law firm that might offer to represent a class-action suit to take over Hugh's actions.
- * Hugh will provide a template for affidavits regarding the harm caused by Westsea's billings for its legal costs and its threats of action to take our homes. Meelie and Gerald offered to help neighbours with their affidavits.
- * Hugh will assemble affidavits and submit them to bolster his application for an injunction. He also seeks affidavits from FORMER lessees who have been forced to sell, perhaps at a loss.

The meeting adjourned at 8:35 p.m.
