

## Minutes

Orchard House tower leaseholders  
Tuesday, 16 April 2018  
New Horizons Hall, 7 p.m.

The meeting was called by Hugh Trenchard, litigant against Westsea Construction, and Gerald Rotering, active on the political side of our issues. Minutes prepared by Gerald.

1/ Each of 35 assembled leaseholders introduced themselves and mentioned their suite number(s).

### **The political side:**

2/ Gerald reviewed recent political initiatives including:

- [www.OrchardHouseLeaseholder.ca](http://www.OrchardHouseLeaseholder.ca) has been added to, including his article about who owns Westsea Construction and detailing what properties the company owns. He asked long-term residents who have more information to please provide it.
- Publication by the Times-Colonist on 4 March 2018 of Gerald's editorial-style article calling on the B.C. government to legislate protections for us. Discussion followed about the possible impact on our suite resale values balanced against the need to obtain political attention and action.
- Mailings to 276 suites in Victoria's four other leasehold buildings was completed in March, each including a cover letter, a copy of the T-C article and a prepared petition letter for lessees to fill in and send to our MLA. Gerald pointed out that other buildings are professionally and courteously managed with lower monthly fees and much more modest capital-spending charges. As well, the other four buildings have more suites held in leasehold by the building owners, so these are rental suites whose tenants do not share our problems. Still, he has had replies from all four buildings and visited leaseholders in three of them, and 20 or perhaps 25 petition letters have been submitted by them to MLA Carole James.
- The issue of Westsea daring to bill us *in advance* for its legal expenses in fighting our neighbour Hugh was brought to the Minister of Housing's attention in March through an angry letter Gerald wrote. Copies were distributed to the meeting.
- Hugh has prepared a detailed academic paper on all leaseholder-landlord issues and submitted it to B.C. Deputy Minister of Housing and to the B.C. Law Institute. The latter showed immediate interest. This policy-analyst approach should be helpful to the Institute if it endorses our cause and to provincial staff who may be assigned to draft legislation.
- Gerald closed by distributing a draft letter to the newly-named B.C. Rental Housing Task Force of three MLAs, asking for a show of hands to endorse it, which was passed. That letter on behalf of 35 of us was sent the following day.

### **The legal side:**

3/ Hugh summarized developments with his lawsuits, both regarding Westsea charging us its legal expenses as a building operating expense, and challenging Westsea's right to charge us for major capital spending to improve the building, such as the higher-standard glazing. A case-planning conference is scheduled for May 29 regarding the windows case towards the civil trial scheduled to begin 3 June 2019.

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The well-known law firm of Arvay Finlay was retained by Gerald last month to review our lease and to advise him and Hugh regarding our legal efforts. Hugh and I considered me becoming the litigant to relieve Hugh of his multi-year burden regarding the windows expense, but Arvay Finlay's representation through the 2019 trial would cost "well into six figures". This allows us to appreciate all the more Hugh's efforts on this issue, which as a test case and possible precedent could help every B.C. suite leaseholder.

We turned to each filing small-claims court actions to recover windows expenses from Westsea in proportion to what Hugh might obtain in 2019 at the provincial-court level. Copies of Gerald's filing and some blank forms were distributed. The two-year anniversary of notice from Westsea that the project was about to proceed is on July 5<sup>th</sup>, which is the limitation for initiating action.

There was discussion about Westsea's legal expenses charged to us through our monthly operating fees and frustration that more cannot be done about this. Hugh reviewed his challenge, which *might* be heard by the Supreme Court of Canada, in part because Westsea's law firm agrees that the B.C. Court of Appeal should have decided the matter. Because a B.C. judge already sided with us on this once, Hugh expressed some confidence of eventually winning on this issue.

Sue Hiscocks alerted her neighbours to the \$50 cost of renting the hall and asked for donations to reimburse Gerald, which were generously given. The meeting adjourned at 7:20 p.m.

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