

Orchard House residents ignored by courts, province

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A commentary by a pensioner and long-term resident of the Orchard House leasehold building in James Bay.

The June 7 article on the legal imbroglio at Orchard House is a good overview of the history of the problems between the lessor Westsea Construction and the condo leaseholders. Westsea is a Vancouver-based company, but the private company is owned by Alberta-based interests.

Although one might support or question the legal incident between Westsea and the leaseholder, I believe it is a higher level, broader issue that needs to be addressed, as raised by Gerald Roter in the article.

The courts have ruled that Westsea has not done anything illegal.

Charging legal fees responding

to court actions to the leaseholders is, perhaps, unethical or immoral, but not illegal, as the two parties are bound by the leaseholder/lessee operating agreement, which the courts have ruled is a commercial contract.

The original operating agreement contract was between Westsea, and a Westsea corporate subsidiary, set up for the sale of the condo leases, in favour of Westsea's interests.

None of the leaseholders were involved in the negotiation of the "contract," but subsequent purchasers of condos from the subsidiary had to live up to the terms of the "contract."

Again, nothing illegal, but questionable corporate ethics, which allow Westsea to collect their legal costs from the leaseholders, when being sued by the same leaseholders.

This is a huge disincentive for the leaseholders with condo-related

issues needing to be addressed. The only option is to hire a lawyer, at great cost, to represent your interest, go to the courts, and then later pay the legal costs of Westsea defending the case, through increases to the monthly operating bill or one-time special assessments, whether you win or lose.

That's a great deal for Westsea! I am more concerned and disappointed by the response and lack of action from our provincial government.

I have written my M.L.A., Finance Minister Carole James, and Municipal Affairs and Housing Minister Selena Robinson numerous times over the past several years regarding the issue, and received only the computerized response form ("Thank you for your letter..."), with no indication of whether the issue is being considered or reviewed.

My monthly operating costs have increased as follows over the

past three years: 2018, 38.1 per cent; 2019, 22.4 per cent; and 2020, 8.9 per cent. The increases are due primarily to the addition of Westsea legal costs we are forced to pay.

In comparison, my B.C. Public Service Pension Plan has increased as follows: 2017, 1.4 per cent; 2018, 1.5 per cent; and 2019, 2.3 per cent.

Clearly, the increases of condo operating costs are rising significantly compared to my pension, and this is having an adverse effect on my retirement plans.

Others may be evicted from the condos for failure to pay the legal costs of Westsea. And the response from our provincial government has been: "We are aware of the issues," with no indication of any attempt to resolve the problem.

Other provincial jurisdictions have legislation in place which could be used as a template for

B.C., but the government fails to take action.

Why? Are the interests of Alberta-based owners of more concern to the province than B.C. pensioners and leaseholder residents?

Is the province more concerned about giving free housing, meals, cellphones and illicit-drug-use support to addicts who have not contributed one iota to the province, while ignoring the simple requests of the taxpayer pensioners and leaseholders to resolve the leaseholder issue, giving facile remarks, obviously hoping that the issue will go away?

Perhaps if I set up an illicit tent in Beacon Hill Park, smoke crack and curse at passersby enjoying the park, I might get a more favourable response from the provincial government!

I am "aware of the issue" and will be considering my awareness, when I go to the ballot box in the next election.