

Request for Documentation
Toward Transparent and Balanced Island Governance

More than 80 tons of landfill and garbage were finally removed from Hornby Island last summer by Islands Trust (IT), only after pressure brought on by a lawsuit against IT pertaining to their incomplete 2000 cleanup of an illegal 30 year old private dump site in the Sandpiper subdivision. This lawsuit against IT is still ongoing, and is about our local government's transparency and accountability; about procedure, secrecy, and selective bylaw enforcement. Islands Trust is being defended by the law firm Guild Yule, which defends clients against institutional malpractice and has extensive experience in defending polluters against contaminated site litigation. Islands Trust claims in court that the entire 1.2 acres was fully cleared in 2000. Although requested through the FOI act, no documents relating to the terminated 2000 cleanup have been released. Islands Trust contends that not one piece of follow up documentation exists, although there is ample documentation spanning many years and generations of neighbours preceding the cleanup, including IT officers' detailed notes.

We are looking for people who were witness to this partial cleanup in 2000, anyone who was told by the Trust that either the entire cleanup had been finished, or that it had been terminated and why, or anyone who knows if it was stopped for humanitarian reasons or any undue influence. Was anyone told that environmental tests had been done? The Trustees at the time of this first cleanup were George Buvyer, Tony Law and Ron Emerson.

Here are some statements about the illegal dump, from the same Trustee to various members of the public: ***"The clean up was fully done in 2000." "We left only lumber." "We never cleaned up at all as it was a CVRD issue." "We stopped the clean up due to humanitarian reasons (Owner was ill)." "I believe now that the owner was faking his illness and the Trust was manipulated into stopping the clean up. "***

Some statements from 2000. From the Trustees to the Ombudsman: ***"The clean up was complete except for lumber." "The complaints come from a fussy neighbour." "We refuse neighbour's water tests because the derelict cars have now all been removed."*** To the By-Law officer and Trust Council: ***"If you do not stop this clean up immediately, the Islands Trust will be thrown off Hornby as a governmental body."*** To the Judge who ordered the clean up: ***"The clean up was carried out fully according to the order."*** To the Ministry of the Environment: ***"There is no hazardous material therefore you do not need to come inspect. The neighbours' issues are groundless."*** To residents downhill who inquired about full environmental tests on soil and water: ***"There were tests of all neighbouring wells and no contamination was found. We work with other agencies and can assure there are no problems."***

An official from VIHA told us by phone that the hydrological engineer has maps of where possible contamination would have spread, that it is not in our direction, and that there will be no more well tests elsewhere until those residents formally file their own complaints. He stated that in his opinion the land was definitely contaminated and to remove the voluminous material by machinery would be even more damaging to the environment. To the best of our knowledge no soil or water tests were ever done in 30 years outside these 2 properties and never near or downhill where the hazardous material was found.

At one meeting a Trustee asked the irate public to fill out a CVRD complaint form (by-law 2052) to deal with the issue of the dump. We now know that this was done at the instigation of Trust lawyers to split the liability in litigation. When should lawyers advise Trustees to mislead the taxpayers? At this same public meeting the Trustees made 3 promises they stated were reasonable under the circumstances. Again the public was calmed, but 3 days later a Trustee took us aside, away from witnesses, and stated that "obviously the Trust could not carry out any of the three promises." At great financial risk, we started the lawsuit.

In this ongoing case, we are looking for accountability from our government and to ensure future protection for the environment. Can the community and the environment afford the entitlement of our representatives to make critical decisions in secret meetings and disseminate conflicting stories tailored for specific audiences?

Please help us by offering a statement of your information or knowledge at the time. No one need appear in court. We need to obtain evidence on what transpired; our side is trying to prove that the vast majority of the material removed in 2010 had been left in 2000.

Stepan Vanicek
Jane Talbot
stepjane@telus.net
Hornby Island phone: 604 255 3713