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Reprint from Volume 24 Number 2

January 26, 2012

Ehring and Torgrimson cleared by Supreme Court

Mid-January, the Supreme Court of British Columbia cleared two retired Salt Spring Island trustees of significant claims made against them last October by fifteen island residents.

The claims were made against then-trustees Christine Torgrimson and George Ehring, members of the Salt Spring Island Local Trust Committee. Similar claims, against former CRD Electoral Area-G Director Garth Hendren, were speedily dismissed in a judgment released on November 18. (Hendren was running for office again in November's local government elections.)

In a petition filed on October 7, the group of Islanders sought to have the court declare the three elected officials disqualified from holding office and to declare their positions vacant for the remainder of the 2008-2011 term.

It claimed that one or more of the three had failed to declare financial and other conflicts of interest before voting, had received gifts, had improperly spent government funds or had failed to declare a financial interest in contracts. The petitioners also sought to have the elected officials personally repay funds that had been allocated to Salt Spring Island community groups working to protect drinking water and reduce greenhouse gas emissions.

'While we knew none of us had received a financial benefit of any kind from our decisions and believed we had acted properly, this petition raised a spectre in our community that we were engaged in serious wrong-doing, including some kind of financial misdeed,' said former trustee George Ehring. 'It is a huge relief to have had our names cleared so definitively by the court. And I'm very pleased that the court feels it is valid for local community groups to coordinate some of the planning work identified in our Official Community Plan.'

The petition to the court arose because the three elected officials were members of community groups, but had not declared conflicts of interest before voting to provide funds to those groups. The groups held workshops and coordinated community efforts regarding topics identified in the Salt Spring Island Official Community Plan, such as the protection of drinking water and the reduction of greenhouse gases.

The claims were brought by Norbert Fred Schlenker, Ted Bartrim, Allan Leslie Crane, Alison Mary Cunningham, William Patrick Curtin, Wayne Moise Joseph Fraser, Harold Derek Hill, Malcolm George Legg, Dietrich Luth, Victoria Linda Mihalyi,

Gilbert William Mouat, Richard Gerald Ringrose, Mark Lyster Toole, Alan Rosson Wiggan and Elizabeth Susan Wood, all electors on Salt Spring Island. Their petition was dismissed on all grounds and none of the funds paid by the Islands Trust to community groups must be repaid.

In reasons for judgment, released on January 13, the Honourable Mr Justice Brian D MacKenzie of the BC Supreme Court declared that 'there is no basis for disqualification' of Ehring and Torgrimson from elected office.

Torgrimson and Ehring are fully qualified to stand for office in the future, should they choose to do so.

'The months since the petition was filed have been a difficult time,' said former trustee Christine Torgrimson. 'I am very relieved that this is over, and that our names have been cleared. I sincerely hope our community can move on from this episode and deal with issues of drinking water, climate change and affordable housing in a constructive manner in the future.'

In his written reasons for judgment, Mr Justice MacKenzie found that 'there is no evidence that either Ms Torgrimson or Mr Ehring had a direct personal pecuniary interest, whether actual or potential in the funds granted...nor is there any evidence that the respondents received any 'gifts' as alleged in the petition.'

In regards to the claim of non-pecuniary conflict of interest, he further stated that, 'local government officials are elected because of their engagements with certain local issues and matters, engagements which frequently entail association with community groups. In local communities, their views on these issues are often widely known. It is frequently the reason they were elected to public office in the first place'. Mr Justice MacKenzie concluded, 'a non-pecuniary interest must go beyond that which elected officials may have in common with other members of the community; it must be a substantial interest peculiar to their personal interest that will serve his or her own needs...there is insufficient evidence to establish a personal interest 'peculiar to the councillor' that is distinct from community interests.'

Yet to be decided is the matter of court costs. If parties cannot agree, counsel for all parties will make their arguments at a later date before Mr Justice MacKenzie to determine how costs should be allocated. ✉

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'This article was published (January 26, 2012) in 'Island Tides', an independent, regional newspaper distributing across the Southern Strait of Georgia from Tsawwassen to Victoria to Nanaimo.'

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