

# GRATL & COMPANY

BARRISTERS AND SOLICITORS

February 12, 2019

**By Facsimile 250-334-1178 (three pages)  
and by Electronic Mail**

Ted Haraldson ([cfbxv@shaw.ca](mailto:cfbxv@shaw.ca))  
Chair, Union Bay Improvement District  
Board of Trustees

Rick Bitten ([rbitten@telus.net](mailto:rbitten@telus.net))  
Peter Jacques ([islandcashservices@shaw.ca](mailto:islandcashservices@shaw.ca))  
Glenn Loxam ([galoxam@hotmail.com](mailto:galoxam@hotmail.com))  
Trustees, Union Bay Improvement District  
Board of Trustees

Dear Sirs/Mesdames:

**Re: Trustee Susanna Kaljur  
Unlawful Purported Removal from Elected Office  
Defamation**

I am legal counsel for Trustee Susanna Kaljur, who has retained me to advocate on her behalf in respect of what is purported to be her "indefinite suspension" from her role as elected trustee for the Union Bay Improvement District and in respect of defamatory statements.

On January 10, 2019, without lawful authority, and, as I understand it, contrary to legal advice you received in advance, you, Trustees Haraldson, Bitten, Jacques and Loxam, purported to remove Ms. Kaljur from her role as elected trustee. This purported removal was taken by vote at a purported meeting of the Board of Trustees that was closed to the public, and of which Trustee Kaljur had no notice. Since January 10, 2019, you have purported to ban Trustee Kaljur from all meetings of the Board of Trustees and have withheld notices of all Board meetings, agendas and minutes.

There is no provision of the *Local Government Act* or regulations thereunder, or even a District Bylaw that allows for the removal of an elected trustee. Section 6 of Union Bay Improvement District Bylaw No.263 requires 14 days advance public notice of all meetings

of the Board. I understand that each of you had access to legal advice confirming the absence of lawful authority to remove an elected trustee.

The purported removal of Ms. Kaljur from her role as elected Trustee was improperly motivated and not undertaken in good faith. There is abundant evidence to support the conclusion that Ms. Kaljur's purported removal was in retaliation for lawful political activities consistent with her role as elected trustee, including challenging the omission of entire motions from draft minutes of a meeting of the trustees, criticizing administrative decisions dealing with water quality issues within Union Bay and publishing a website/blog setting out her personal opinions regarding the administration of Union Bay Improvement District. Your purported removal of Trustee Kaljur from elected office is nothing less than malicious retribution against a political adversary seeking political accountability on water quality issues.

It is integral to democracy that a majority of representatives on an elected body cannot remove from office another elected representative. Removing minority political opponents from office is the stuff of lesser systems of government for which no support can be found in our legal tradition.

On behalf of Trustee Kaljur, I demand that, on or before February 15, 2019 at 4:00 p.m., each of you, Trustees Haraldson, Bitten, Jacques and Loxam publicly acknowledge that your purported removal is of no force and effect. This acknowledgement is to be distributed by mail to each elector of the Union Bay Improvement District and posted to the Union Bay Improvement District website. If you do not issue this acknowledgment, I am instructed to commence a lawsuit seeking declaratory relief and injunctive relief compelling you to end your attempts to unlawfully remove Ms. Kaljur from office and restrict her access to Board meetings, minutes and agendas.

In addition, my client demands that an extraordinary meeting of the UBID Board of Trustees be scheduled on 7 days notice to Union Bay ratepayers to address the validity of your attempt to reschedule the UBID Annual General Meeting and election dates. Trustee Kaljur takes the position that the attempt to reschedule those dates is null and void because your attempt to change those dates was done at a secret closed-door meeting without notice to the ratepayers and without notice to Trustee Kaljur.

Absent lawful authority, and particularly as you knew that you lacked lawful authority, your purported removal of Trustee Kaljur from elected office is a personal action and not the action of the Board of the Union Bay Improvement District. Accordingly, the action will be against you personally and the remedies sought will be sought against you personally. The Minister of Municipal Affairs and Housing and the Attorney General of British Columbia will be involved.

Mr. Haraldson, in addition to the foregoing, on January 15, 2019, you caused to be published in the Comox Valley Now online newspaper the following words defamatory of Ms. Kaljur: "As a trustee making these statements in a public blog about our employee is certainly cyber bullying" and that the "allegations can create ... public safety concerns to UBID" and asserting that "she's endangering the public" by telling the public that a water turbidity threshold has been exceeded.

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These statements are false and defamatory. Nothing Ms. Kaljur has said about any UBID employee amounts to cyber bullying. Trustee Kaljur has not created public safety issues. Trustee Kaljur has not endangered the public. Should you not issue a public apology acceptable to Ms. Kaljur for your defamatory words on or before February 15, 2019 at 4:00 p.m., I have instructions to seek the appropriate remedy from the Courts.

Mr. Haraldson, of behalf of Ms. Kaljur, I demand that you issue a written apology to Ms. Kaljur for falsely claiming that she has cyber bullied UBID employees and is a threat to public safety on or before February 15, 2019 at 4:00 p.m. Should you fail to make this apology, I am instructed to commence a lawsuit against you personally.

Thank you for your attention.

Sincerely,

Jason Gratl\*

Copies To:

Honourable Selena Robinson  
Minister of Municipal Affairs and Housing  
By Facsimile: 250-387-4312

Honourable David Eby  
Attorney General of British Columbia  
By Facsimile: 250-387-6411

JG/