

Mack Laing Heritage Society of the Comox Valley

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*Winner of 2016 Heritage BC Award*

*Education and Awareness*

March 1, 2019

Mayor and Councillors of the Town of Comox,

Dear Mayor and Councillors;

Regarding council's decision to hold a public meeting with Mack Laing Heritage Society (MLHS) and the Friends of Mack Laing Park as the main presenters, MLHS has to say, "thank you, but no thank you."

As a party to ongoing litigation there are many things MLHS would not be able to say or speak openly about. So it would not be a fair meeting at all, for we would be hamstrung. MLHS will not spar with the Friends of Mack Laing Park in a recorded public meeting because it creates the impression that the two groups are equal parties, representing equal segments of Comox civic population, which is not the case. The friends are individuals, are not a registered society, and are not part of the ongoing litigation. They therefore have much less at stake and little accountability, and can say whatever they want.

MLHS, is a party to the litigation, is a registered society, has spent a lot of money and time on this issue, and, most importantly - could face legal jeopardy for things they say publicly, or find themselves in a lose-lose position of having to choose between honouring their duty to not speak of certain matters before the court, or not address points raised by the Friends. A choice by MLHS, in that situation, to honour their duty to the court and remain silent, could leave the viewing public with the impression that they agree, even though they do not. This is what we call a "set up."

If the intention is to get the Friends of Mack Laing Park's views on the record so it can be brought into court, although not in an affidavit of their own that they can be cross-examined on, then by all means have the public meeting the way it is. We will not be present.

The way to address this issue is for MLHS to meet only with Comox. The Attorney General of BC could also be involved, if desired. MLHS would accept meeting with a subset of council, to be agreed upon. With parties to the litigation all can talk openly, and with anyone else there we cannot. So if the intention is to reach a solution that's the only way.

Sincerely,

Jim Boulter

Correspondence Secretary, MLHS