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# LOCAL GOVERNMENT 2019: CURRENT ISSUES

Chaired by

**Don Lidstone, Q.C.**  
Lidstone & Company

May 17<sup>th</sup>, 2019 • UBC Robson Square • Vancouver, BC  
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## CHAIR



**Donald Lidstone, Q.C.**, Managing Partner, Lidstone & Company, Vancouver, BC. Mr. Lidstone's municipal law focus is in the areas of constitutional, administrative, and environmental law, particularly in respect of governance, land use/sustainable development, bylaws and Aboriginal law. Invited to speak regularly at conferences, symposia and universities, he has chaired the Sustainable Region Initiative (Governance and Finance), Liquid Waste Expert Review Panel, Fire Services Review Panel, Whistler Waste Blue Ribbon Panel, and the Municipal Law Section of the BC Branch of the Canadian Bar Association. Mr. Lidstone has published numerous papers and manuals and consulted on the development of the British Columbia *Community Charter* and municipal statutes in other provinces and territories. He was designated Queen's Counsel in 2008.

## FACULTY



**Rob Botterell**, Lidstone & Company, Vancouver, BC. Rob focuses on major project negotiations, law drafting, Aboriginal law, resource law and advocating on behalf of clients. Rob led a team that put together the *Freedom of Information and Protection of Privacy* legislation and advised on the *Personal Property Security Act* and others. He negotiated the key provisions of the Maa-nulth Treaty for Huu-ay-aht, has drafted over 500 pages of laws, and has negotiated with all levels of government and industry on major projects. He was a Trustee of the Islands Trust and in 2012 chaired a panel at the UBCM annual convention on "Voting on the Internet". Rob has an LL.B. from UVic and MBA from UBC, and is a Fellow of Institute of Canadian Bankers after having been the TD Bank Regional Comptroller in the 1980's. Rob has practised law in British Columbia for 20 years.



**Pam Jefcoat**, Managing Partner, Civic Legal LLP, Vancouver, BC. Pam Jefcoat has over 17 years of experience in local government and commercial real estate law. Pam also has a Master's Degree in Public Administration and provides advice on a wide variety of local government matters, with a focus on land use planning and development. Pam also regularly advises her local government clients on issues related to constitutional jurisdiction, regulatory authority, municipal liability and access to information. Pam is also on the CLEBC's Editorial Board for the British Columbia Real Estate Development Practice Manual.



**Peter Johnson**, Partner, Stewart McDannold Stuart Barristers & Solicitors, Victoria, BC. Peter graduated with his Bachelor of Laws degree from the University of British Columbia in 1988. He was a Law Clerk with the County Court of Vancouver, and then completed his articles in Vancouver. He was called to the Bar in 1990. Peter practised civil litigation for a number of years with a major Vancouver firm, appearing before all levels of court in British Columbia. In 1997 he became the Assistant City Solicitor with a large and growing municipality in the Lower Mainland of Vancouver. In 2001 Peter joined his current firm and continues to practise as a partner with its solicitors group. Peter provides legal advice and assistance to local governments throughout the province on a wide variety of matters, including interpretation of local government legislation, planning and development law, real estate and other commercial transactions, contract tendering issues, bylaw drafting, expropriation, environmental law issues, freedom of information and privacy issues, and conflicts of interest.



**Daniel Reid**, Associate, Harper Grey LLP, Vancouver, BC. Daniel maintains a broad defamation, privacy, health law and insurance practice, with particular experience in online defamation, breach of privacy, and professional negligence cases. In his defamation and privacy practice, Daniel has successfully obtained orders compelling websites to turn over the identity of anonymous commentators, injunctions restraining publication and an order to produce computers for forensic analysis. He is cited by the Supreme Court of Canada (in conjunction with Mr. Baynham, QC) in the leading case concerning liability attached to "hyperlinks". Daniel is a sought after speaker on legal/technological issues, including Facebook and Twitter, and has appeared on the Bill Good Show and on local and national news programs, including CTV National News, CBC National News, and CKNW radio.



**James G. Yardley**, Senior Counsel, Lidstone & Company, Vancouver, BC. James has spent his career practising law involving local governments. James has a law degree from the University of Toronto, and a Masters degree in Community and Regional Planning from UBC. While James provides general advice on a broad variety of local government matters, James' practice is largely devoted to litigation and conflict resolution. He has appeared in numerous trials, appeals, petitions, mediations and arbitrations on matters that include construction disputes, administrative law matters, expropriation and injurious affection claims, bylaw challenges, bylaw enforcement proceedings, claims alleging misfeasance in public office and bad faith, environmental law disputes and prosecutions, contract claims, election challenges, property taxation disputes, and claims involving police forces. James has appeared before tribunals that include the B.C. Utilities Commission, the National Energy Board, the Expropriation Compensation Board, the Environmental Appeal Board of British Columbia, and the Comptroller of Water Rights.

## LOCAL GOVERNMENT 2019: CURRENT ISSUES

The issues facing local governments continue to shift and change. Those working for or with municipalities need the latest information on emerging trends and best practices for facing new challenges and taking advantage of opportunities. This forum assembles leading experts with extensive experience advising local governments, in order to provide insights on many of the most important issues in local government today.

Attendees will come away with new strategies for solving difficult problems and maximizing important opportunities available in exciting new areas. With an emphasis on practical advice and real-world examples, this program should not be missed.

### ISSUES TO BE ADDRESSED:

- Recent case law and legislative developments
- Municipalities appearing before administrative tribunals
- Procurement processes
- Consultation with First Nations
- Computer and privacy breaches
- Land use and development

### WHO SHOULD ATTEND?

- Mayors and city councillors
- Municipal directors and legal counsel
- Lawyers practising municipal, insurance or civil law
- Risk managers
- Consultants to local government
- Municipal insurance professionals



# LOCAL GOVERNMENT 2019: CURRENT ISSUES

MAY 17<sup>TH</sup>, 2019

**9:00 Welcome and Introduction by PBLI**

**9:05 Chair's Welcome and Introduction**

**Don Lidstone, Q.C.**  
Lidstone & Company

**9:10 Legislation and Case Law Update**

**Pam Jefcoat**  
Civic Legal LLP

- Case law update: *Wu v Vancouver (City)*, *Boegarts v Attorney General of Ontario*, *Chase Discount Auto Sales Ltd v Waugh*, *1139652 BC Ltd v Whistler (Resort Municipality)*, *Eccles v Chilliwack (City)*, *Compagna v Nanaimo (City)*, *Jones v Mumford and Chief Election Officer, Penticton (City) v Latusus*, *Bowolin v British Columbia Transportation Financing Authority*, *Raif Holdings Ltd v Lake Country (District)*, *Douglas Lake Cattle Company v Nicola Valley Fish and Game Club*
- Legislative update: Monster Houses in ALR, Home Speculation, Housing Needs Reports, Residential Rental Tenure

**10:10 Questions and Discussion**

**10:20 Refreshment Adjournment**

**10:35 Local Governments and Administrative Tribunals**

**James G. Yardley**  
Lidstone & Company

- Increased municipal participation in NEB, BCUC, Environmental Assessment, Agricultural Land Commission, Canadian Transportation Agency and other processes
- Acting as a party, applying for intervenor status, appealing tribunal decisions

**11:25 Questions and Discussion**

**11:35 Procurement Integrity**

**Peter Johnson**  
Stewart McDannold Stuart Barristers & Solicitors

- Update on tendering and RFP cases
- Federal and provincial integrity processes
- Interprovincial and international trade agreements

**12:20 Questions and Discussion**

**12:30 Networking Lunch**

**1:30 Reconciling Reconciliation with First Nations**

**Rob Botterell**  
Lidstone & Company

- Local governments and the United Nations Declaration on Rights of Indigenous Peoples
- New take on government to government meetings and protocols
- Local governments taking on consultation and accommodation
- Service agreements – trends and best practices
- Additions to Reserve issues

**2:20 Questions and Discussion**

**2:30 Refreshment Adjournment**

**2:45 Liability for Computer System Issues**

**Daniel Reid**  
Harper Grey LLP

- Ransomware
- Bitcoin mining
- Privacy breaches/freedom of information
- Social media and defamation

**3:35 Questions and Discussion**

**3:45 Land Use and Development – Current Issues**

**Don Lidstone, Q.C.**  
Lidstone & Company

- Community amenity contributions
- DCC credits and rebates
- Development on Additions to Reserves
- Climate adaptation
- Bylaws to protect the natural environment

**4:30 Questions and Discussion**

**4:40 Chair's Closing Remarks**

**4:45 Program Concludes**

# INFORMATION

## Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at [www.pbli.com/1508](http://www.pbli.com/1508)

**Registration:** The registration fee is \$770.00 plus GST of \$38.50 totalling **\$808.50** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments throughout the day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional \$50 charge will apply with applicable taxes. Webinar attendees will always receive their materials electronically.

**Early Bird Discount:** Register by April 17<sup>th</sup>, 2019 and receive a \$100 discount on the registration fee (\$670.00 plus GST).

**Group Discounts:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

**Payment:** You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

**When and Where:** Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://robsonsquare.ubc.ca/find-us/> for directions.

**Materials:** The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at [registrations@pbli.com](mailto:registrations@pbli.com) if you are unable to attend the program and wish to purchase a set of materials.

**Your Privacy:** We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

**Cancellations:** Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**May 10<sup>th</sup>, 2019**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

**Course Accreditation:** Attendance at this course can be listed for up to **6.25 hours** of continuing professional development credits with the Law Society of BC.

## Registration Form Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street  
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### Please indicate your areas of interest for future notifications (select all that apply):

- Administrative Law    Construction Law    Real Estate    Aboriginal Law    Other \_\_\_\_\_

### How did you hear about this program?

- Brochure    Email    Colleague    PBLI Website    Other \_\_\_\_\_

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