

William J. Andrews

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September 9, 2011

Staples McDannold Stewart
Barristers & Solicitors
Attn: Robert Macquisten
By email: logolaw@sms.bc.ca

Dear Mr. Macquisten:

Re: Dirk Becker and Nicole Shaw, 7560 Fernmar Road, Lantzville

Thank you for your September 6, 2011 letter on behalf of your client the District of Lantzville, following my August 29, 2011 letter to the District and our subsequent telephone conversation. I have now had an opportunity to discuss your letter with Mr. Becker and Ms. Shaw and I have the following responses.

I welcome your characterization of Lantzville Council's July 18, 2011 resolution as being aimed at "avoiding a court battle and finding practical solutions." That was indeed the theme of my August 29 letter to the Mayor and Council. In that context, I respectfully disagree with your assertion that Mr. Becker has "chosen not to take advantage of this opportunity."

During the past week I had the opportunity to watch a recorded interview¹ of Mayor Haines discussing the situation at 7560 Fernmar Road. The mayor emphasized that the District's concern is the possibility of contamination of drinking water wells due to run-off from horse manure on the Property. Safe drinking water is a priority for my clients. They believe none of their activities on the Property poses any threat to water quality. However, I have discussed this with them and they are willing to discuss the situation further with the relevant authorities in order to ensure that there is no water quality problem. This might be an example of working out a practical solution to a specific problem.

Regarding our differences of opinion in particular about whether Bylaw 60 is impermissibly over-broad and vague in this context, in our phone conversation I understood you to say that the Bylaw expressly authorizes ancillary uses of residentially zoned property. I don't see such a provision in Bylaw 60, and I would appreciate it if you would refer me to it.

In closing, I look forward to receiving a reply from the Mayor and Council to my August 29 letter, either directly or via counsel. Thank you for your attention to this matter.

¹ <http://www.youtube.com/watch?v=wbUKv2RBynA>. The interview of Mayor Haines begins at 10:11. The site states that the recording was uploaded on August 31, 2011.

Yours truly,

William J. Andrews

A handwritten signature in black ink, appearing to read 'WJ Andrews', with a horizontal line extending to the right from the end of the signature.

Barrister & Solicitor

cc. Twyla Graff, Chief Administrative Officer, District of Lantzville (by email)
District of Lantzville Mayor and Council (by email)