



A Win for Tenants in B.C.!

Landlord penalized heavily for exposing tenants to harmful pesticides

On December 28, 2009 the Residential Tenancy Branch ordered a New Westminster landlord to pay \$11,950 to the residents of two apartments for illegally spraying pesticides in their apartment building. Members of our client's family became ill and suffered stress as a result of the spraying.

While only minimal damages were awarded for the physical harm and stress suffered by the Lavignes, \$10,000 were awarded in aggravated damages. Such a large aggravated damages award is a rarity for the branch, and as far as W&Co knows it is the first time in British Columbia that a landlord has been penalized so heavily for exposing tenants to pesticides.

The award was the Branch's response to the landlord's "willfully negligent act," "egregious violations of the *Residential Tenancy Act*" and behavior such as hiding evidence of his use of

...continued on page 2

February Profile: Gary Campo

Gary's practice includes a variety of areas, including Aboriginal rights and title, consultation and accommodation, specific claims, leasing, economic development, taxation, employment, band governance, and *Indian Act* issues. As a member of the legal team in the landmark Aboriginal title and rights decision *Tsilhqot'in Nation v. A.G.B.C. et al*, and as a member of the Canadian Bar Association, National Aboriginal Law Section Executive, Gary has been involved in the process established to assist the Federal Court in determining how to treat oral history (the elders' voices) within a court setting.

Gary expects 2010 to be another busy year with on-going consultation and accommodation negotiations with the Province, specific claims negotiations with Canada, joint ventures with industry and on-reserve development projects. Gary is also currently working with Berry Hykin of our office to develop a process that enables First Nations to have more control and enforcement over waste disposal on, and contamination of, reserve lands. Throughout Canada First Nations all face the problem of inadequate regulation and enforcement of illegal dumping and contamination of reserve lands. Is the end in sight?

UPCOMING EVENTS:

February 25: Speaking Engagement - **Jack Woodward** will take the Beaver Lake Cree fundraising campaign to Washington, DC, hosted by George Washington University's School of Business, Environmental Sustainability Program.

March 4 : Speaking Engagement - **David Robbins** will present at the Pacific Business & Law Institute's **Aboriginal Law: Current Issues** conference in Vancouver at the Marriott Pinnacle Hotel. His talk falls under Aboriginal Rights and Title Update and is entitled "Two Years After *Tsilhqot'in First Nation v. British Columbia*."



In his spare time, Gary takes his twin girls to swimming lessons, dance class, and the beach, and when time permits he enjoys playing and coaching soft ball. ❖

...continued from page 1

Diazinon and cleaning the building only after having been directed to do so by health authorities.

The Lavignes were represented by W&Co's **Jenny Biem**, who enjoyed the experience both as an opportunity to use tort law to protect human health and the environment, and as her second landlord trouncing of 2009. ❖



The Tsi Del Del (Alexis Creek) First Nation community has a new chief and council. Percy Guichon won the election with 95 votes, in a tight contest with respected elder and outgoing chief Ervin Charleyboy, who had 70 votes, in the Thursday, Jan. 7 election. The newly-elected councillors are Rocky Guichon, John Clayton Charleyboy, Otis Guichon Sr., Agnes Case, and Terry Char.

Guichon, who has been living in Fort St. John, says he's excited to move home to Redstone to help his people and the other nations in the area. "I have lots of ideas and would like to help the people and move forward and help my community become stronger and healthier," Guichon told the Williams Lake Tribune.

Guichon was a councillor in Alexis Creek for 12 years from 1986 to 1998. ❖



"Rubber stamp" of approval from BC Environmental Assessment Office for Taseko's Prosperity Mine denounced by TNG

"We are disappointed, but not surprised," was the response of Chief Marilyn Baptiste, Xeni Gwet'in First Nation at the news that BC granted an environmental assessment certificate (EA) to Taseko Mines Ltd. for its proposed mine at Teztan Biny. The mine, which would destroy the lake and surrounding land, is in an area where the Tsilhqot'in Nation holds proven Aboriginal hunting and trapping rights.

The decision by the BC Environmental Assessment Office (BCEAO) is being reviewed by the Tsilhqot'in National Government. TNG is considering its options for a more direct response.

Meanwhile, the federal review panel dismissed Taseko's request that Ms. Morin be disqualified from the Panel on the grounds of bias. The Panel then set a January 29th deadline for responses to Taseko's latest submission (regarding extending the life of the mine by 13 years). Public hearings have not yet been set.

Salt Spring Island "Blockbuster" Raises Funds and Awareness of Beaver Lake Cree Legal Action



Chief Al Lameman received a standing ovation from a nearly sold out house at ArtSpring Theatre for the January 16th "Truth, Trials and Tar Sands." The evening, billed as providing possible post-Copenhagen "redemption" for Canada offered the audience a wide scope of views on the tar sands with presentations by four Canadians making a difference in the fight against climate change. James Hoggan, author of *Climate Cover-Up*, stunned the crowd with news that an entire industry was created to create climate change confusion. Hoggan urged people to see past the PR sham and "get angry". Island filmmaker Alan Bibby presented excerpts from his documentary –in-progress *Liquid Truth* which follows a hypothetical drop of water from Mt. Snowdome down the Athabasca River and past the tar sands.

Chief Lameman spoke after the film's stark images, saying that is what keeps him awake at night. The Chief explained that he and his people used to drink the water from Beaver Lake, "and it didn't hurt us, it helped us. But not any more." **Jack Woodward** wrapped up the night explaining how BLCN's legal action can stop the expansion of the tar sands developments. "Only the Indigenous treaty peoples of Alberta have the legal power to curb the reckless behaviour of the wealthiest, most powerful corporations on the planet." The event raised more than \$2500 for BLCN. ❖