

O'Melinn, Sean AVED:EX

From: dborins@borins.ca
Sent: Thursday, February 5, 2015 9:40 AM
To: Avison, Claire AVED:EX
Subject: RE: Societies Act
Attachments: Attaran_v._University_of_British_Columbia_[.pdf]

Good Morning Claire,

The other day in the context of discussing the current cap and my point that student society fees do not count toward the cap, I mentioned the Amir Attaran case in which the court considered Attaran's argument that UBC had breached the Tax and Consumer Rate Freeze Act, S.B.C. 1996, c. 17 by increasing its Teaching and Learning Enhancement Fund and the Student Aid Bursary Fund related fees. The court agreed with Attaran that these two university imposed fees were ancillary fees that formed part of tuition and, therefore, that UBC had violated the statute. The court ordered UBC to refund the fees.

I couldn't remember the name of the case at the time, so I thought it may be helpful to send a copy (see attached).

David

From: Avison, Claire AVED:EX [mailto:Claire.Avison@gov.bc.ca]
Sent: February-04-15 5:10 PM
To: 'dborins@borins.ca'
Subject: RE: Societies Act

thanks

Claire Avison | Assistant Deputy Minister | Ministry of Advanced Education | Cell: 250-217-9059 |
claire.avison@gov.bc.ca

From: dborins@borins.ca [mailto:dborins@borins.ca]
Sent: Wednesday, February 4, 2015 12:24 PM
To: Avison, Claire AVED:EX
Cc: Poirier, Dorice AVED:EX
Subject: RE: Societies Act

Hi Claire,

It certainly sounded like you were in for a full day yesterday and hope that things are less hectic today.

I think that a meeting with you, Susan Brown and Mary Shaw would be very helpful. Please let me know if there are any materials I can provide in advance to assist with your team's preparation.

Again, thank you for the opportunity to discuss this matter with you. I look forward to meeting with you and your colleagues later this month.

Regards, David

David Borins

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From: Avison, Claire AVED:EX [<mailto:Claire.Avison@gov.bc.ca>]

Sent: February-04-15 12:01 PM

To: 'dborins@borins.ca'

Cc: Poirier, Dorice AVED:EX

Subject: RE: Societies Act

Hi David – my apologies for the delay in response to the email below. I had a very busy and full day yesterday. I appreciated the time you took on Monday night to walk me through the potential negative impacts of the proposed *Societies Act* on student societies in the province. I will ask my office to set up a follow up meeting for us with Susan Brown who is the ED responsible for strategic policy and Mary Shaw, ED of Governance and Legislation. We will need a couple of weeks to sufficiently prepare for this meeting so let's aim for some time in the latter part of February.

Thanks again for your time – I enjoyed meeting you.

Regards

Claire Avison | Assistant Deputy Minister | Ministry of Advanced Education | Cell: 250-217-9059 | claire.avison@gov.bc.ca

From: dborins@borins.ca [<mailto:dborins@borins.ca>]

Sent: Wednesday, February 4, 2015 10:54 AM

To: Avison, Claire AVED:EX

Subject: FW: Societies Act

Claire,

I re-read my annotated note this morning and found a typo. Can you please use this version instead. David

From: dborins@borins.ca [<mailto:dborins@borins.ca>]

Sent: February-03-15 11:35 AM

To: claire.avison@gov.bc.ca

Subject: Societies Act

Hi Claire,

Thank you very much for meeting with me yesterday to discuss the *Societies Act*. It was a pleasure meeting you.

I am attaching an annotated version of s.27.1 of the *University Act*, which illustrates the reason I believe that there is a good argument that the current language of the *University Act* would not compel the collection of student society fees from students who choose to resign their membership in a student society. As you know,

at the moment, this is not a problem because membership in a student society is, effectively, contractually required by universities and colleges in BC. However, if enacted, the new *Societies Act* will provide students with a statutory right to resign from their student societies. If student society fees are no longer collectable from non-members, existing debts that are financed by student society fees could be put at risk. For example, I suspect that a large number of UBC students would be happy not to pay the student society fee being collected to finance the \$85 million loan from the UBC Treasury for the construction of the new SUB (currently \$80.00 per student). Non-universal collection would also put programs that depend on universality like U-PASS and Health and Dental Insurance programs at risk. I have attached a link that shows the fees collected at UBC as an example of the range of programs that are funded by student society fees:
<http://www.calendar.ubc.ca/vancouver/index.cfm?tree=14,267,784,0> . As noted yesterday, student society fees are also a helpful source to fund for capital projects, activities, and programs at post-secondary institutions in light of the 2% cap on tuition and fees that is currently in place through the Ministry.

I would be happy to come to Victoria at your convenience and meet with you and/or members of your staff to continue our discussion. Again, thank you for the opportunity to discuss the concerns of my clients relating to student society fee collection and the proposed *Societies Act*.

David

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Indexed as:

Attaran v. University of British Columbia

Between

**Amir Attaran. Annete Muttray, James Pond and Michael Thoms,
petitioners, and
The University of British Columbia, respondent**

[1998] B.C.J. No. 115

4 Admin. L.R. (3d) 44

77 A.C.W.S. (3d) 99

Vancouver Registry No. A972037

British Columbia Supreme Court
Vancouver, British Columbia

**Holmes J.
(In Chambers)**

Heard: November 19-21, 1997.
Judgment: filed January 22, 1998.

(27 pp.)

Education -- Universities -- Governing bodies, board of governors -- Powers, to fix fees -- Ancillary fees -- Foreign students -- Duty of fairness.

Application for judicial review of the respondent University's fee increases. The applicants were Canadian and foreign students enrolled in undergraduate and graduate programs at the University. In addition to basic tuition fees, the University charged ancillary fees which were calculated as a percentage of the basic fees. Provincial law froze the level of tuition fees for the 1997-98 academic year. The University considered the ancillary fees not to be subject to the freeze, and raised the ancillary fees during the freeze period. There was also an increase in the tuition fees of international students. Although those increases were exempt from the statutory freeze, the applicants alleged that the University did not act fairly in imposing the increase. The applicants raised issues of

procedural fairness arising from legitimate expectations.

HELD: Application allowed in part. The ancillary fees were compulsory, so an increase in those fees increased the cost of a University education, which violated the intent of the legislation. However, with respect to the international students, the University was not subject to a duty of fairness which required it to consult with students regarding the setting of fees.

Statutes, Regulations and Rules Cited:

Judicial Review Procedure Act, R.S.B.C. 1996, c. 241, s. 1.

Tax and Consumer Rate Freeze Act, S.B.C. 1996, c. 17, ss. 1, 4, 8(2)(a).

University Act, R.S.B.C. 1996, c. 468, s. 27(2)(m)(i).

Counsel:

A. Cameron Ward, for the petitioners.

James P. Taylor, Q.C. and Meg E. Gaily, for the respondent.

1 HOLMES J.:-- The petitioners are students at the University of British Columbia who challenge under the provisions of the Judicial Review Procedure Act, R.S.B.C. 1996, c.241 the respondent University's increase of certain fees for the 1997-98 academic year which they are obligated to pay. There are two types of fee increases which are challenged on separate grounds.

2 The first increase challenged concerns certain "disputed ancillary fees" charged to every student enrolled at the University. The petitioners allege those increases were in violation of a freeze on tuition fees forbidden under the provisions of the Tax and Consumer Rate Freeze Act, S.B.C 1996, c.17.

3 The second impugned increases concern the tuition fees of international students. Those increases, although exempted from the statutory freeze, are said to be improper because the University did not act fairly in making the decision imposing the increase.

4 The petitioners are continuing students enrolled in undergraduate and graduate programs at the University. One is an American undergraduate student in law, two are Canadian graduate students; one pursuing a Physics Ph.D. the other a History Ph.D., and the fourth is a German graduate student in the Microbiology Ph.D. program.

5 The respondent is a statutory body continued under the University Act, R.S.B.C. 1996, c.468.

The Board of Governors are empowered by the University Act to govern. The Board is composed of persons from the faculty, student body, and a cross-section of the community. The President of the University is a member. Ms. Shirley Chan who had been a member of the Board for several years became its Chair on March 21, 1996. Dr. David Strangway was the President of the University from November 1, 1985 to July 31, 1997.

6 The President's office at the University publishes a number of policies in a Policy Handbook which is distributed to administrators, faculty and staff. The contents of the Policy Handbook are accessible to students on the University's web site. Policy Numbers 1, 71, and 72 are of relevance to these proceedings.

7 Policy #1, "Administrative Policies", was approved May 1993. It informs that the policies and procedures in the Policy Handbook "have University-wide application" and provide "a basis for consistent and appropriate decision making on many issues". Administrative heads of units have the responsibility "to ensure compliance, and to take appropriate action if problems arise". Administrative "heads of units" include all Deans, Vice-Presidents and the President. The President has the power of amendment of procedures in the Policy Handbook at any time, "provided the new procedures conform to the approved policy".

8 This Policy provides that "Policies and procedures in the Policy Handbook are for the internal guidance of members of faculty and staff at U.B.C., and have no impact on the relationship with third parties unless expressly part of a contract with them".

9 Policy #71, "Consultation with Students about Tuition Fees" ("Consultation Policy") was approved by the Board December 1, 1994. Its stated purpose is "for the University to have full information in making its decision about tuition fees for the coming year and to meet deadlines for decisions in an orderly fashion". The Policy provides procedures for consulting elected student representatives and time tables for consulting with student leadership. The Policy is applicable to both "New Tuition Fee Programs" and "Later Years of an Approved Multi-Year Tuition Fee Program".

10 Dr. Strangway had concern that the University "have in place a clear policy to guide its actions in the determination of tuition fees" in light of "uncertainty around the future of federal support to the provinces and provincial support for higher education. On December 30, 1994 Dr. Strangway presented the Board with a draft paper entitled "Towards a Tuition Policy".

11 Dr. Strangway observed "the University now has in place a Board approved policy governing consultation on tuition fees (Policy #71) ... the Administration will now proceed to consult with the campus community generally and with students specifically in further developing a tuition policy".

12 The University followed the Consultation Policy throughout the Spring of 1995. Dr. Klawe, Vice President, Student and Academic Services, informally consulted the student leadership, the Policy was published in the UBC Reports and formal feedback was obtained from the President of

the Alma Mater Society. The Tuition Policy was approved by the Board at its May 18, 1995 meeting and thereafter published in the Policy Handbook as Policy #72, "Tuition Fees".

13 Policy #72 states "the University will determine further tuition fee increases in a manner that offsets any reduction in the provincial grant. It introduced tuition fees for graduate students on a full cost basis, excepting students of "research-oriented graduate programs".

14 On March 18, 1996 the provincial government announced there would be a freeze on post-secondary tuition fees enacted under the Freeze Act, to be effective April 1, 1996 to March 31, 1998. Section 1 of the Act defined "tuition fee" as "a fee charged by a post secondary institution for graduate, undergraduate, career, technical, vocational or developmental program, but does not include a fee charged to an international student, or for a contract service or for a continuing education program".

15 In addition to basic or "pure" tuition fees the University charges all students certain additional "ancillary" fees. The two ancillary fees in dispute here, the Teaching and Learning Enhancement Fund ("TLE Fund") and the Student Aid Bursary Fund ("Aid Fund"), were created at the Board meeting of February 7, 1991.

16 The fees for each of these Funds was calculated as a percentage of the base tuition fee, phased incrementally through a multi-year program, with the percentage increasing over each of the five ensuing academic years commencing in 1992-93. At the end of the projected period in 1996-97, each fund fee would total 4.5% of the basic tuition fee.

17 Payment of these disputed ancillary fees was mandatory for every student. That was already the case in regard to some other ancillary fees already in existence. In the event of non-payment of a mandatory ancillary fee the University will not permit any subsequent registration activity, statements of grades or transcripts of academic records will not be issued, registration for future sessions will be denied, and graduation will not be permitted.

18 The disputed ancillary fees are treated as tuition fees by the University in many respects. The University has aggregated them for statistical reporting purposes and referred to them as tuition. The current University Calender states "tuition fees include allocations to the Teaching and Learning Fund (4.5%) and the Student Aid Fund (4.5%)". University invoicing to students combines ancillary fees and tuition fees which are consolidated under a "Student Financial Account".

19 The University, when reporting to Statistics Canada on tuition fees included TLE and Aid Fund fees within the tuition fees it charged full time students. They were not reported as "supplementary fees", an optional reporting choice.

20 The final projected incremental increase under the original multi-year program to phase in the TLE and Aid Fund which was to occur in the 1996-97 year was delayed owing to initial uncertainty

as to whether they were frozen by the Freeze Act. The Ministry of Education vacillated in its view as to whether they were frozen. The University appears to have persuaded the Ministry the disputed ancillary fees were not governed by the legislation, and the Board subsequently approved the final increase to the TLE and Aid Fund fees to have effect in the 1997-98 academic year at their February 6, 1997 meeting and ratified it at the March 20, 1997 meeting.

21 This increase was published in the 1997-98 Calendar and included in the data on tuition fees reported to Statistics Canada, which in turn led Statistics Canada to report an overall increase of 1.6% in tuition fees had occurred.

ISSUE AS TO ANCILLARY FEE INCREASES:

22 The petitioners identify two issues. The first is whether increases contravened the Freeze Act; and, secondly, whether the increases were consistent with the provisions of the Consultation Policy [Policy #71], which raises a question of procedural fairness or legitimate expectations.

23 The effect of Section 4 of the Freeze Act was to freeze fees through the 1997-98 academic year of the University:

4. The tuition fees charged by a post secondary institution for programs that are provided during the freeze period must not exceed the tuition fees charged by the institution immediately before the freeze period.

provided the fees come within the definition of "tuition fee" in Section 1 of the Act:

"tuition fee" means a fee charged by a post secondary institution for a graduate, undergraduate, career, technical, vocational or developmental program, but does not include a fee charged to an international student or for a contract service or a continuing education program.

24 The University is clearly a "post secondary institution". The difference between the parties is whether the disputed ancillary TLE and Aid Fund fees are "charged ... for a graduate [or] undergraduate ... program, and do not come under the exemption of fees "charged to an international student, or for a contract service or a continuing education program".

25 The disputed ancillary fees are charged to all students enrolled at the University without consideration as to whether they are Canadian or international students. The respondent for purpose of argument did not suggest determining if a partial exemption concerning these fees charged international students existed.

26 The Board did not consider any differences amongst students in the implementation of the fee increases, and none is contained in the Calendar description. There is no evidence, nor was reason advanced, that the ancillary fees could be considered as being for "a contract service or a continuing

education program".

27 The intent apparent by a reading of the Act appears consonant with the view that the legislative purpose of the freeze was to keep the cost of higher education to students affordable within the freeze period. A government press release announcing the freeze spoke of the government's commitment "to protecting affordable, accessible education ... despite recent federal budget cuts".

28 I accept Dr. Strangway's explanation that tuition is that portion of the amount a student pays to attend a University which is dedicated to the cost of the general program of academic education in a course of study at a University. This view of tuition is helpful to the analysis of the disputed issues here.

29 Every student seeking registration at the University must pay basic or "pure tuition", the disputed ancillary TLE and Aid Fund fees, as well as a number of other ancillary fees. There are further optional charges they may chose to pay. The disputed ancillary TLE and Aid Fund fees are determined as a percentage of the tuition fee, other ancillary fees are not. Default of any portion of the disputed and non-disputed ancillary mandatory fees payable at registration results in the cessation of academic benefits.

30 The fee schedule published by the University in the 1997-98 Calendar records, "Tuition fees include allocations to the Teaching and Learning Fund (4.5%) and the Student Aid Fund (4.5%)".

31 The invoicing and collection process employed by the University combined the "pure tuition" and disputed ancillary fees into one amount they must pay to obtain the tuition they sought.

32 I accept the TLE and Aid Funds are segregated and not used as part of the general revenue allocation used to fund the provision of basic tuition to students. Expenditure from the TLE fund is a matter of separate consideration and includes input from the student body. It is used for tuition related matters. It also appears Dr. Strangway was prepared to utilize the TLE Fund, if necessary, to ameliorate the effect of cut backs in the University's funding.

33 The disputed ancillary fees from their inception have been considered by the Board as integral to tuition fees and therefore bound to them by a fixed percentage index.

34 In April 1997 the University responded to a request by Statistics Canada for the 1997-98 tuition fees by providing tuition fee figures that were inclusive of the TLE and Aid Fund allocations. The University in an accompanying letter advised that neither it nor the B.C. government considered the TLE and Aid Fund allocations to be a tuition fee increase. Statistics Canada however used the inclusive tuition figure to report there had been a 1.6% increase over the past year.

35 I accept on the evidence that a reason the TLE and Aid Funds are aggregated for accounting

purposes, and that Statistics Canada fee structure data is similarly reported, is to assist students in obtaining appropriate income tax deductions.

36 Counsel for the University argues by way of a global defence that fees are a matter of contract between the student and University and therefore none of the issues raised by the petitioners is properly the subject of judicial review.

37 It is the respondent's position the relationship between a student and the University is contractual with the contract formed at registration. The terms of contract accepted by the student are set forth in the University Calendar.

38 The Calendar provides "a student upon registering has initiated a contract with the University for payment of assessed fees; and the University reserves the right to change fees without notice".

39 There clearly exists a contractual relationship between a student and the University. The student at registration is accepting the tuition fee contained in the Calendar and does accept the fees may change without specific notice.

40 The amount of the fee is however not a matter of contractual bargaining. The fees to be charged, and thereby form part of any contact between the student and University, arise from exercise of a statutory power vested in the Board under the University Act. Section 27(2)(m)(i) empowers the Board "to set, determine and collect the fees to be paid for instruction, research and all other activities of the University".

41 The Board when it "determines" the fee which will later be contractually binding upon a student is exercising a "statutory power". Section 1 of the Judicial Review Procedure Act defines "statutory power" to include "a power or right conferred by an enactment; (b) to exercise a statutory power of decision".

42 The Judicial Review Procedure Act in turn defines a "statutory power of decision" in Section 1 as "... a power or right conferred by an enactment to make a decision deciding or prescribing; (a) the legal rights, power, procedures, immunities, duties or liabilities of a person".

43 When the Board decides upon the fees to be charged a student, or an increase to those fees, it is imposing upon a student a "liability" for payment of that fee, and the payment is enforced as a contractual duty in the contract formed upon registration.

44 In *Re Webb and Simon Fraser University* (1978), 83 D.L.R. (3d) 244 (B.C.S.C.), Macdonald J. decided that in setting such fees the Board of a University was exercising a public duty which could be controlled and enforced by the courts. I do not accept the argument advanced by counsel for the respondent attempting to distinguish this decision, nor that it was wrongly decided.

45 I accept the Board in setting fees was exercising a "statutory power of decision".

46 The cost to a student of tuition is a significant criteria in the availability of higher education to the public. The persons comprising the Board are performing an extremely important public duty when they decide upon tuition fees. I would be surprised if Board members considered their duty otherwise.

47 I am of the opinion that the decision of the Board setting fees is subject to judicial review upon proper grounds.

48 I accept the University's motive in structuring the assessment and accounting treatment of monies from students allocated to the TLE and Aid Fund to ease and ensure income tax deductibility was commendable. That process did not of itself change the nature of the Funds or the character of the fees. It cannot however be overlooked that the change was also a recognition of the practical reality those fees were compulsory components of the amount required of a student to obtain tuition at the University.

49 I would interpret the intent of the government to "freeze" for a period the tuition cost of higher education to be based upon concern over the ability of potential students to attend University, or existing students continue, because of an inability to pay beyond existing tuition fee levels.

50 The University initially postponed implementation of the programmed TLE and Aid Fund increases because of concern they might violate the Freeze Act provisions. There was some dialogue between University officials and those of the Ministry of Education concerning the nature of the disputed ancillary funds. In December 1996 the Minister of Education concluded the increases in fees for the TLE and Aid Fund were not precluded by the Freeze Act because they did not "... fall within the Guidelines as they appear to provide enhanced services to students".

51 The Guidelines were not Regulations to the Act as provided for in Section 8(2)(a). They have no statutory force. The University officials appear to have treated the Minister's view as being a grant of an "exemption", which of course it was not.

52 As the increases in issue were mandatory for every student seeking tuition at the University their effect was to increase the cost of tuition for every student seeking enrolment.

53 I find the increases were in violation of the provisions of the Freeze Act.

ISSUES TO PROCEDURAL FAIRNESS:

54 The fees charged an international student are exempt from the Freeze Act and the petitioners' attack in respect of the disputed international student fees is founded upon the alleged failure of the Board to act fairly. A GENERAL DUTY:

55 The petitioners argue that the Board in the exercise of its statutorily delegated power allowing it to set fees is governed by a general duty of fairness. In Board of Education of Indian Head School

Division 19 of Saskatchewan v. Knight (1990), 69 D.L.R. (4th) 489, the Supreme Court of Canada confirmed:

The existence of a general duty to act fairly will depend on the consideration of three factors: (i) the nature of the decision to be made by the administrative body; (ii) the relationship existing between that body and the individual; and (iii) the effect of that decision on the individual's rights.

[Page 500]

...

(i) The nature of the decision

There is no longer a need, except perhaps where the statute mandates it, to distinguish between judicial, quasi-judicial and administrative decisions ...

[Page 500]

(ii) The relationship between the employer and the employee

... There may be a clear contractual element to the respondent's employment, which may give the impression that his function is not "purely" statutory; I find, however, that this is not a case of a "pure master and servant" relationship but that it has on the contrary a strong "statutory flavour", so as to be categorized as an office ...

[Page 502]

(iii) The impact of the decision on the employee

This point can be dealt with summarily. There is a right to procedural fairness only if the decision is a significant one and has an important impact on the individual. ...

[Page 505]

56 It is of importance to note that the general duty of fairness does not apply to all statutory decision makers:

On the other hand, not all administrative bodies are under a duty to act fairly. Over the years, legislatures have transferred to administrative bodies some of the duties that they have traditionally performed. Decisions of a legislative and general nature can be distinguished in this respect from acts of a more administrative and specific nature, which do not entail such a duty ...

[Page 500]

57 In my view the Board in setting fees is making a decision of a policy nature, complimentary to the primary relationship with the students which is contractual, but it does not impact an individual "right" in the usual understanding of that term.

58 The circumstances of the Board setting annual tuition fees does not give rise to the concern for natural justice that the authorities relied upon by the petitioners involving termination of employment (*Board of Education of Indian Head School Division No. 19 of Saskatchewan v. Knight, supra*); disciplinary measures imposed on prisoners by a warden (*Cardinal v. Director of Kent Institution* (1985), 24 D.L.R. (4th) 44 (S.C.C.)); and breach of legislative direction (*Bezaire v. Windsor RCSS Bd.* 9 (1992), 9 O.R. (3d) 737 (Div.Ct.)), give rise too.

59 I do not find that the Board in setting fees pursuant to its statutory power under Section 27(2)(m)(i) of the University Act is subject to a general duty of fairness which would require it to first consult with students.

PROCEDURAL FAIRNESS ARISING FROM LEGITIMATE EXPECTATION:

60 The doctrine of legitimate expectations may confer a procedural right arising from the decision makers own representation of policy or past practice and the content of the duty of fairness is furnished by the content which appertains to the policy or practice itself:

The principle developed in these cases [concerning legitimate expectations] is simply an extension of the rules of natural justice and procedural fairness. It affords a party affected by the decision of a public official an opportunity to make representations in circumstances in which there would otherwise be no such opportunity. The court supplies the omission where, based on the conduct of the public official, a party has been led to believe that his or her rights would not be affected without consultation.

[Old St. Boniface Residents Assn. Inc. v. Winnipeg (City) (1990), 46 Admin. L.R. 161 (S.C.C.) at 193].

61 Where the doctrine of legitimate expectation grounds a right to make representations or be consulted the decision following the representations or consultation is not fettered. [Reference re Canada Assistance Plan (1991), 83 D.L.R. (4th) 297 at 319 (S.C.C.)].

62 Legitimate expectations may arise either from express promise or from existence of past practice:

But even where a person claiming some benefit or privilege has no legal right to it, as a matter of private law, he may have a legitimate expectation of receiving the benefit or privilege, and, if so, the courts will protect his expectation by judicial review as a matter of public law ... Legitimate, or reasonable, expectation may arise from an express promise given on behalf of a public authority or from the existence of a regular practice which the claimant can reasonably expect to continue.

[C.C.S.U. v. Minister for Civil Service, [1984] 1 A.C. 374 at 401 (H.L.), per Lord Fraser of Tullybelton; cited in Sunshine Coast Parents For French et al v. Board of School Trustees District No. 46 (Sunshine Coast) (1990), 49 B.C.L.R. (2d) 252 at 255 (B.C.S.C.)].

63 The evidence is that since the Board approved the Consultation Policy in December 1994 the University has only strictly adhered to its guidelines on one prior occasion. I do not see the petitioners can be said on that brief history to have formed a legitimate expectation the Board would only exercise its statutory power to set fees after the requirements of the Consultation Policy were met. This leaves the question of whether the petitioners have a legitimate expectation based upon an express promise contained in, or represented by, the Consultation Policy.

LEGITIMATE EXPECTATIONS BASED ON AN EXPRESS PROMISE:

64 A legitimate expectation arising from an express promise binds the decision maker to act in accordance with the promised procedure but does not bind the resulting decision upon following the promised procedure. Where the character of the promise at issue may be said to constitute an "undertaking" the decision maker "... ought not to depart from it except after the most serious consideration and hearing what the other party has to say; and then only if they are satisfied that the overriding public interest requires it". [Re Liverpool Taxi Owners' Association, [1972] 2 All E.R. 589 at 594 (C.A.)].

65 The nature of the "promise" in question is one for careful consideration. The petitioners allege the Board's promise is that it will not exercise its statutory power to set fees without prior

consultation as provided and detailed in the Consultation Policy.

66 The Consultation Policy is a direction from the Board of the University to the administrative staff of the University setting out what is expected of them. The Board wishes the University administrators to be broadly informed so that their recommendations and advice to the Board provides a sound basis for Board members to make informed decisions.

67 The Administration of Policies (Policy #1) is clear as to whom the policies are to apply:

Unless otherwise indicated within a specific policy or its procedures, policies and procedures apply to all members of faculty and staff and, where indicated, students at the University.
[underlining added]

68 The purpose:

Policies and procedures in the Policy Handbook are for the internal guidance of members of faculty and staff at U.B.C.

and specifically states there is:

... no impact on the relationship with third parties unless expressly part of a contract with them.

[underlining added]

69 The distribution of the Policy Handbook is to administrators, faculty and staff only.

70 The Consultation Policy does not appear by its tenure to impose a procedural pre-condition to the exercise of the Board's statutory power. The policy does indicate a desire by the Board to exercise its statutory power on an informed basis which it envisages will occur by the University administration consulting with elected representatives of the University student population before reporting recommendations to it.

71 The Board itself is not involved with the consultation process.

72 The history of the Consultation Policy is consistent with a principled approach but not a statutory imperative. I do not consider the Consultation Policy amounts to an "undertaking" as envisioned in *Re Liverpool Taxi Owners' Association*.

73 Assuming however the Consultation Policy does raise a legitimate expectation consultation with elected student representatives or others will occur, I do not find the failure of the University to follow the detail or the chronology set out in the Consultation Policy fatal to a decision on fees

being made. It would suffice if an opportunity for expression of views as generally contemplated by the Consultation Policy occurred.

74 The disputed ancillary fees were adopted in 1991, implemented, and were being incrementally increased annually in accordance with a specific scheduled multi-year phased program. A great deal of consultation and general input regarding these fees had preceded the February 1997 Board meeting approving final increase. It was also subject of public forums, publicity, comment and debate before a final ratification vote by the Board at its March 20, 1997 meeting.

75 The disputed International Undergraduate Professional Tuition Fees were expressly contemplated by the Tuition Policy adopted by the University in 1995 following compliance with the Consultation Policy. It was the object of extensive consultation. The increase for 1997-98 was a scheduled result of that process. It was also reconfirmed at the March 1997 meeting after exposure to comment by persons interested following a measure of publicity, forums and meetings.

76 The administration was required to respond quickly in the face of fiscal crisis precipitated by the reduction by the Ministry of Education of the University's operating grant of approximately \$1.5 million with accompanying advice that this could be off-set by the University against fees for graduate students in research programs which the Ministry had determined were 75% below the national average.

77 I accept the argument of counsel for the Alma Mater Society that technically the University could have followed the time lines set forth in the Consultation Policy and placed the matter before the Board for final decision in March. This however would not accord the urgency indicated which required placing the matter before the Board as early as possible.

78 The evidence is that proposed tuition fee increases would usually come before the Board in December of each year for discussion but not be voted upon until the following March meeting. In respect of the disputed fees the increases were placed on the agenda for the December 12, 1996 meeting and also adopted and approved at that meeting.

79 I am uncertain if that occurred intentionally or by accident. It certainly caused the present problem. In recognition however that adequate notice and consultation had not occurred the Board agreed the tuition fee matters be further considered at the February and March 1997 Board meetings. A final affirmation vote occurred at the March 1997 Board meeting.

80 To some degree the Board was forced into the "consultation" process directly which was not what was desired, but it was necessary and expedient.

81 The petitioners argue that after December 12, 1996 approval of the fee increases what occurred cannot be considered as "consultation". The decision had been taken and the University was merely engaged in announcing and justifying the increases. That is an unfair characterization of events.

82 The matter would have been much clearer had the Board agreed its approval of December 12, 1996 was precipitous, agreed to rescind the approval, announced it would consider the matter further, and finally decided it by a new vote at the February or March meeting. That would be the wisdom of hindsight.

83 The original approval vote remained in place and the subsequent "consideration" of fee matters at the February or March meetings of the Board was by affirmation of the original decision. There was however a great deal of publicity and interchange regarding the fee increases, the reasons for them, and several public forums and private meetings with interest groups were held and input received prior to final ratification votes.

84 The fact affirmation of the prior decisions regarding the fees was considered by the Board indicates it was not considered final until the affirmation vote at the March 1997 meeting.

85 I find that any legitimate expectation of consultation regarding the fee increases was adequately met by the process followed, however imperfect, confused and cumbersome it was.

86 The administration's failure to better communicate and comply with the directed policy unfortunately created an atmosphere of hostility and mistrust for which it must shoulder the responsibility.

87 I am also of the opinion the petitioners have not established knowledge of the Consultation Policy sufficient to support reliance upon the doctrine of legitimate expectation. This is not a class action. The evidence indicates some of the executive of the Alma Mater Society were aware of the Consultation Policy. It has never been enough however that a member, or some members, of a group were aware. [Furey et al v. Conception Bay Centre Roman Catholic School Board et al (1993), 104 D.L.R. (4th) 455 (Nfld.C.A.); Sunshine Coast Parents For French et al v. Board of School Trustees District No. 46 (Sunshine Coast) (1990), 49 B.C.L.R. (2d) 252 at 255 (B.C.S.C.)].

88 I accept it is highly unlikely, and certainly not proven, the vast number of students at the University even knew about the Consultation Policy at relevant times. There is no evidence to support reliance by students in general of an expectation of consultation.

89 It is likely only the very few students actively involved with campus politics were aware of the Consultation Policy. The remedies sought by the petition here transcend the individual and seek all encompassing relief.

90 The petition seeks broad relief including:

- an order in the nature of certiorari quashing the decision of the Board to raise fees;
- an order the University refund any fees collected; and,
- an interlocutory injunction preventing the University from charging the

students fees at higher levels than for the 1996-97 academic year.

91 In the present circumstances the legitimate expectation alleged is not common to even a significant portion, much less all, of those affected by the impugned decisions.

SUMMARY:

92 The disputed TLE and Aid Fund ancillary fees set by the Board violated the provisions of the Freeze Act. There will be an order those fees be returned to continuing students as a credit against future fees, and refunded to non-continuing students.

93 The balance of the petition is dismissed.

94 In light of divided success it would appear appropriate each party bear their separate costs. As the cost issue was however not the subject of submissions leave to speak further to that issue if required is granted.

HOLMES J.

University Act - Section 27.1

1 Definitions

...

"**student**" means a person who is presently enrolled at a university in a credit course or who is designated by resolution of the senate as a student;

...

"**student society**" means an organization incorporated as a society under the *Society Act* whose purpose is to represent the interests of the general undergraduate or graduate student body, or both, but does not include a provincial or national student organization;

Student society fees

27.1 (1) Subject to subsection (2), on annual notice from a student society, the board must collect student society fees and remit them to the student society if

(a) the board collected fees on behalf of the student society between June 1, 1998 and June 1, 1999, or

(b) the student society has been designated by regulation and the amount of the student society fees has been approved by a majority of the members of the student society who voted in a referendum of that student society.

(2) If a student society referred to in subsection (1) (a) or (b) changes student society fees, the new amount or the rate of change must be approved, before a notice is issued under subsection (1), by a majority of the members of the student society who vote in a referendum of that student society.

(3) On annual notice from a student society, the board must collect fees on behalf of a provincial or national student organization, and remit them to the student society or directly to the provincial or

s.13

s.13

national student organization, as may be agreed by the board and the student society, if

(a) the board collected fees on behalf of the provincial or national student organization between June 1, 1998 and June 1, 1999, or

(b) the student society has held a referendum and the majority of the members of the student society voting in that referendum voted in favour of joining the provincial or national student organization.

(4) The board may cease to collect or remit student society fees to a student society if one of the following applies:

(a) the student society fails to do one of the following in a timely manner:

s.13

(i) make available to its members annual audited financial statements and a report on those financial statements by an auditor who meets the requirements of section 42 of the *Society Act*;

(ii) inform the board in writing that the requirements set out in subparagraph (i) have been met;

(b) the student society is struck off the register in accordance with section 71 of the *Society Act*.

O'Melinn, Sean AVED:EX

From: dborins@borins.ca
Sent: Tuesday, February 17, 2015 12:13 PM
To: Avison, Claire AVED:EX
Subject: Memorandum Regarding Legislative History of Section 27.1 of the University Act
Attachments: Memo Regarding Legislative History of section 27.1 of the University Act (February 17, 2015).pdf

Claire,

Please see attached a memorandum reviewing the legislative history of section 27.1 of the *University Act*. I am looking forward to our meeting next week.

David

David Borins

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In association with TAYLOR VEINOTTE SULLIVAN, BARRISTERS

Borins & Company

Memorandum

To: Claire Avison, Assistant Deputy Minister
From: David Borins
Subject: **Legislative History of section 27.1 of the *University Act***
Date: February 17, 2015

This note addresses the legislative history of section 27.1 of the *University Act*, RSBC 1996, c. 468.

Section 27.1 of the *University Act* requires universities in British Columbia to collect student society fees and remit these fees to student societies, subject to certain conditions.¹ It also contains similar sections that require the collection of provincial and national student organization fees, also subject to certain conditions.²

The inclusion of section 27.1 was enacted via the *Miscellaneous Statutes Amendment Act (No. 3)*, 1999³ alongside parallel changes to the *College and Institute Act* and took effect on June 1, 2000. It has not been amended since its enactment.

Prior to the enactment of section 27.1, the *University Act* authorized university boards of governors “to pay over the fees that may be collected for a student or alumni organization that the organization may request.”⁴ The language of that provision is permissive, not obligatory and has been retained under the *Act*, so, conceivably, the board of governors of a post-secondary institution may still authorize a student organization fee without a vote of the members of a student society; however, the collection of the fee could be counted against the current 2% cap on tuition and fees.⁵

Before section 27.1 regarding student society fees was added to the *University Act*, only one other statute in BC contained comprehensive legislation concerning student society fees: section 21 of the *College and Institute Act* [RSBC 1996] c. 52. The addition of requirements under the *College and Institute Act* for collection of student association fees were made in 1994 under Mike Harcourt’s government.⁶

¹ Sections 27.1(1) & 27.1(2).

²

³ https://www.leg.bc.ca/36th3rd/3rd_read/gov97-3.htm

⁴ *University Act*, s. 27(2)(n), as it read as of October 1, 1998,

https://web.archive.org/web/20000817210416/http://www.qp.gov.bc.ca/bcstats/96468_01.htm

⁵ See *Attaran v. University of British Columbia*, [1998] B.C.J. No. 115, 4 Admin. L.R. (3d) 44

⁶ British Columbia, Legislative Assembly, Bill 22 — College and Institute Amendment Act, 1994, Third Reading, https://www.leg.bc.ca/35th3rd/3rd_read/gov22-3.htm.

Student association fees

- 21 (1) On request from a student association, the board may direct the institution to collect from the students and remit to the student association the student association fees duly established under the bylaws of the student association if
- (a) the institution collected student association fees on behalf of the student association on or before June 1, 1994, or
 - (b) the student association is designated by order of the minister.
- (2) The board may direct that the institution ceases to collect or remit the student association fees if the student association
- (a) does not comply with the Society Act,
 - (b) does not prepare and submit annual audited financial statements to the board, or
 - (c) does not maintain sound fiscal management in the opinion of the board.
- (3) The board may direct that the institution cease to collect or remit the student association fees if circumstances for the cessation of collection and remission specified in an order of the minister apply.⁷

We could not find records indicating the government's purpose in introducing section 21 to the *College and Institute Act* other than the following statement made in the legislature by Minister Dan Miller in defence of the amendment:⁸

Hon. D. Miller: I want to put some words on the record. I appreciate the support of the member for Powell River-Sunshine Coast, because, as I indicated, there have been some disagreements in some areas on various clauses of the bill. Although it was my view and I will hold to the view that, broadly stated, we had the support of the Canadian Federation of Students with respect to this change, bearing in mind that the current act is silent.... In other words, there are no legislative clauses dealing with this issue; none, in fact, compel the boards to collect and remit those fees at all. We see this change as being a good one, but there have been concerns raised by people from the Canadian Federation of Students, and they're generally around the issue of whether or not their legitimate interests could be frustrated by a board for some other motive.

I want to say for the record that that is not the intention of this clause. It was simply to allow the board to be satisfied that the funds were being properly administered but not to interfere with the rights of student societies to make their own fundamental decisions in matters that clearly are in their interest. I hope that reassurance will satisfy those members of the CFS who have concerns and have written to me and, perhaps, to other members expressing their concerns. I thank the member for his support.

In 1997 to 1999, student associations lobbied the Government of British Columbia to entrench a non-permissive obligation on all post-secondary institutions to collect and remit student society

⁷ *College and Institute Act*, s. 21, as it read as of October 1, 1998,
https://web.archive.org/web/20000823130009/http://www.qp.gov.bc.ca/bcstats/96052_01.htm

⁸ British Columbia, Legislative Assembly, Hansard, vol. 16, no. 6 (June 8, 1994),
<https://www.leg.bc.ca/hansard/35th3rd/H0608pm.htm#bill22-C>.

fees. The BC Federation of Labour and the College Institute Educators' Association (the trade union representing college and institute instructors, now known as the Federation of Post-Secondary Educators of BC) endorsed recommendations being put forward by the Canadian Federation of Students- British Columbia.

The *Miscellaneous Statutes Amendment Act (No. 3), 1999* was introduced on July 8, 1999. The responsible minister, the Hon. Ujjal Dosanjh, described the student society fees amendments as follows:

The amendments to the College and Institute Act, Institute of Technology Act, Open Learning Agency Act and University Act update and clarify guidelines for the collection and remittance of student society fees, require a referendum for any change in student society fees, allow institutions to cease collecting or remitting fees to a student society if the student society fails to make audited financial statements available to its members or if the student society is struck off the register, and allow student societies to require institutions to collect fees on behalf of the provincial or a national student organization.⁹

There was no debate on the provisions relating to student societies¹⁰ and the bill was adopted on July 15, 1999.

The courts have interpreted section 27.1 of the *University Act* only once in the context of a property tax dispute involving the question of whether property used by the University of Victoria Students' Society and the Simon Fraser Student Society was "used for university purposes" within the meaning of section 54(1) of the *University Act*, and thus exempt from taxation.¹¹ The parallel provision in the *College and Institute Act* has not been interpreted by the courts.

There has been no judicial interpretation of s.27.1 of the *University Act* or the comparable section of the *College and Institute Act* that applies to the issue of whether student society fees are collectable from students who are not members of a student society.

⁹ British Columbia, Legislative Assembly, *Hansard*, vol. 16, no. 24 (July 13, 1999), <http://www.leg.bc.ca/hansard/36th3rd/h0713p9.htm#bill97-2r>.

¹⁰ British Columbia, Legislative Assembly, *Hansard*, vol. 16, no. 25 (July 14, 1999), <http://www.leg.bc.ca/hansard/36th3rd/h0714p9.htm#bill97-c>; British Columbia, Legislative Assembly, *Hansard*, vol. 17, no. 1 (July 15, 1999), <http://www.leg.bc.ca/hansard/36th3rd/h0715a9.htm#bill97-c>.

¹¹ *Assessors of Areas #1 and #10 v. University of Victoria*, 2010 BCSC 133 (CanLII), <http://www.canlii.org/en/bc/bcsc/doc/2010/2010bcsc133/2010bcsc133.html>.

O'Melinn, Sean AVED:EX

From: Avison, Claire AVED:EX
Sent: Monday, October 17, 2016 12:21 PM
To: Poirier, Dorice AVED:EX
Subject: FOI responsive record
Attachments: ABCS - Societies Act Changes press release .pdf

Claire Avison | Assistant Deputy Minister, Governance, Legislation and Strategic Policy | Ministry of Advanced Education | Cell: 250-217-9059 | claire.avison@gov.bc.ca

From: dborins@borins.ca [<mailto:dborins@borins.ca>]
Sent: Thursday, March 26, 2015 3:55 PM
To: Avison, Claire AVED:EX
Subject: Societies Act -- ABCS Press Release

Hi Claire,

I have attached a press-release that my clients sent out yesterday. As you can see, they are happy that the issues they have raised are being addressed. Thanks again for the open dialogue on this matter. David

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Alliance of B.C. Students Applauds Government's Consultation Process on New Societies Act

VANCOUVER, BC – March 26, 2015 – The Alliance of British Columbia Students (ABCS), the largest non-partisan post-secondary advocacy group in the province, commends the Government of B.C.'s open and transparent consultation process that led to the new Societies Act.

The ABCS approves of the removal of Section 99, which may have resulted in increased regulatory burden for non-profit organizations. The ABCS is also pleased to see that there is consideration being given to the potential for those 16 and 17 years of age to serve on a board of directors – an important change for more equitable representation of students and youth.

The ABCS has maintained a productive, ongoing dialogue with Finance Minister Mike de Jong and Advanced Education Minister Andrew Wilkinson over several months regarding legislative changes and issues facing B.C. students.

"While we are still reviewing Bill 24, we're confident that any concerns we have will be addressed constructively due to the Ministers' ongoing outreach and engagement," said ABCS Chairperson Jessica Lar-Son. "We're continuing to build a strong relationship with the B.C. Government, and we believe that working together is the most effective way to ensure student interests are taken seriously."

About The Alliance of British Columbia Students (ABCS)

The Alliance of British Columbia Students (ABCS) is an organization of nine student associations from Institutions across B.C. ABCS is the largest non-partisan post-secondary advocacy group in the province, representing over 140,000 graduate, undergraduate, and trades students. <http://www.bcstudents.ca/>

Media contact:

Jessica Lar-Son, Chairperson, Alliance of British Columbia Students
t: 778-223-6737 e: chairperson@bcstudents.ca

Dear Minister Wilkinson,

I write to thank you for meeting with representatives of the Alliance of British Columbia Students, the Kwantlen Student Association, the Capilano Student Union, and the UBC Student Union Okanagan on 27 July 2015. My colleagues and I are grateful for your continued commitment to open dialogue and frequent meetings with our student organizations.

We were very happy to receive your update that the Government of British Columbia is committed to resolving the issue that we first identified in the fall of 2014 in our written submission regarding the *Societies Act* White Paper with respect to student society fees. In that submission, we advised the Government of British Columbia that we are concerned that the statutory right of resignation set out under section 69 of the new *Societies Act* could impact the universal collection of student society fees. As you know, we have raised that issue with you and your officials on numerous occasions since October of 2014.

The universal collection of student society fees is essential in supporting student associations and their representation of student interests across the province; the administration and provision of student services; and funding of capital projects.

By way of example, student society fees deliver an impressive range of services to students including:

- the Universal Transit Pass (UPASS), a very popular program that has received strong support since forming part of Premier Campbell's election platform in 2009;
- Universal health and dental plans, which provide private insurance benefits to students for medical services, dentistry, and pharmaceuticals not covered by MSP;
- tutoring and counselling programs;
- safe walk programs on campus;
- child care;
- student society clubs;
- legal advice and representation;
- student employment and employment assistance;
- student food banks;
- inter-campus shuttles;
- student accommodation services;
- women's centres;
- LGBTQ resource centres;
- First Nations students' centres; and
- student media such as student newspapers and radio stations.

With respect to capital projects, student society fees permit for construction and maintenance of essential infrastructure such as student union buildings that provide recreational, study, and lounge space. These capital projects are necessary to support growing student populations, enhance services on campus, and help build the reputations of post-secondary institutions nationally and internationally. I would encourage you to tour the new \$107 million student

union building located at the centre of UBC's Vancouver campus. It is the most recent example of a large-scale capital project at a university that has been funded by student society fees.

Under the current statutory regime, student bodies are empowered to approve new student society fees and to raise, lower, or terminate existing fees by referenda of the student body. The long tradition of democratically established student society fees has proved to be a successful model in building strong student associations across British Columbia.

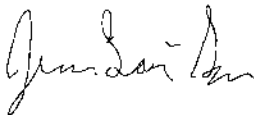
Student society fees also support the economic and job creation mandates of the Government of British Columbia by offering significant employment to British Columbians. For example, The Alma Mater Society of UBC has approximately 470 employees and the Kwantlen Student Association employs approximately 50 employees.

You have indicated to us that you understand the essential importance of universal payment of student society fees by all students, whether or not the student is a member of a student society. The representation, services, and funding of capital projects student societies offer would not be possible without the universal collection of student society fees. We appreciate your continued support and hope to soon learn how and when the necessary changes will be made to preserve the current universal collection of student society fees.

We look forward to continuing to meet with you and your officials regularly. I will personally be reaching out to your chief of staff, as you directed at our last meeting, and look forward to seeing you at our meeting in the early fall.

In closing, we again thank you again for your attention to this issue. We hope to continue the open and mutually beneficial communication that we have established.

Yours Truly,

A handwritten signature in cursive script, appearing to read 'Jessica Lar-Son'.

Jessica Lar-Son
Chairperson
Alliance of British Columbia Students

O'Melinn, Sean AVED:EX

From: Shaw, Mary A AVED:EX
Sent: Friday, May 15, 2015 10:36 AM
To: 'dborins@borins.ca'
Subject: RE: Student Society Fees Payable by Distance Ed Students

Thank you David. This is very helpful. I'll let you know if there are other questions, but I think this will do it.

Regards,

Mary Shaw | Executive Director, Governance & Quality Assurance | Ministry of Advanced Education | Cell:
250-217-8199 | mary.shaw@gov.bc.ca

From: dborins@borins.ca [<mailto:dborins@borins.ca>]
Sent: Thursday, May 14, 2015 4:36 PM
To: Shaw, Mary A AVED:EX
Subject: Student Society Fees Payable by Distance Ed Students

Mary,

Here is a short memorandum regarding student society fees payable by distance education students and how fees, such as, U-PASS are treated. It is by no means exhaustive, but does provide a sense of how student societies in BC deal with this issue.

Please let me know if this is what you were looking for or if there is other information we can provide.

Regards, David

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Memorandum

To: Mary Shaw, Executive Director,
Governance and Quality Assurance Branch, Ministry of Advanced Education
From: David Borins
Subject: **Student Society Fees Payable by Distance Education Students**
Date: May 14, 2015

You have asked me whether students enrolled in distance or Internet education programs at post-secondary educational institutions are required to pay student society fees in British Columbia.

It appears that the rules at each institution vary, based on:

- the constitution and bylaws of the student society;
- the wording of the referendum question(s); and
- the policies of the student society.

Some student societies charge fees to online and distance education students, some do not, and some charge a reduced fee.

Here is a summary:

- At Capilano University, students attending classes in Sechelt, Squamish, off-campus, or online are charged a reduced Student Union Membership fee of \$16.00. (The standard fee is \$40.00 plus \$2.50 per credit, to a total maximum of \$65.00). In addition, all students pay the Student Union Building Levy, the student newspaper fee, and the Health and Dental Plan fee as these fees benefit all students. The U-Pass fee is mandatory for all Capilano students enrolled in 3 or more credits and attending classes in Metro Vancouver.¹
- At the University of British Columbia – Vancouver, students enrolled in distance education courses are not assessed student society fees.²
- At Simon Fraser University, students enrolled in ‘off-campus’ courses or enrolled in fewer than three units are assessed a reduced Student Activity fee of \$38.34 per semester. (The standard fee is \$76.64.)³ In addition, distance education students are not assessed the U-Pass fee.⁴

¹ <http://www.capilanou.ca/fees/Incidental-Fees/>;

² Alma Mater Society of UBC Vancouver, “Code of Procedure,” April 10, 2015, 176 (Section XIII, Article 3, Clause 2(c)), http://www.ams.ubc.ca/wp-content/uploads/2013/06/New_Code_2015-April-10-2.pdf.

³ Simon Fraser University, “Undergraduate Tuition Fees,” *Fall 2014 Calendar*, <http://www.sfu.ca/students/calendar/2014/fall/fees-and-regulations/tuition-fees/undergraduate.html>.

⁴ Simon Fraser University, “U-Pass BC eligibility and exemption,” <http://www.sfu.ca/students/upass/eligibility.html>.

- At the University of Victoria, off-campus students are assessed student society fees, except for the U-Pass.⁵
- At Langara College, online and distance education students are not assessed the U-Pass fee.⁶
- At Douglas College, students taking online courses only are not assessed the U-Pass fee.⁷
- At Vancouver Community College, students taking online courses only are not assessed the U-Pass fee.⁸
- At the University of Northern British Columbia, students not enrolled at the Prince George campus are assessed a reduced core student society fee of \$22.40 per semester (the standard core student society fee is \$35.63 per semester), and are not assessed fees for the health and dental plan, the U-Pass, the student newspaper, the radio station, or the student society Building Fee.⁹
- At Vancouver Island University, students enrolled at the Parksville, Powell River, and Duncan campuses are assessed a reduced student society fee of \$10.96 per month (the fee for students at the main Nanaimo campus is \$18.22 per month), and are not assessed the Health and Dental Plan fee.¹⁰
- At Thompson Rivers University, “Open Learning” students are not assessed student society fees.¹¹

It should be noted that student societies have adopted other exemptions or fee reductions for other categories of students. For example, the Kwantlen Student Association charges a nominal \$1.00 fee for Adult Basic Education students¹²; the Alma Mater Society of UBC Vancouver offers a “Financial Hardship Subsidy” to students in financial need¹³; and fees collectible for Public Interest Research Groups (PIRGs) are all refundable upon request.¹⁴ This is a non-exhaustive list.

⁵ University of Victoria, “Other Undergraduate Fees,” Calendar 2014-2015, <http://web.uvic.ca/calendar2014/FACS/UnIn/UTanOF/OUFe.html>. Off-campus students are also not assessed the “Athletics and Recreation Fee,” but this is a fee assessed by the University, not the student society.

⁶ Langara College, “Eligibility, Exemptions,” <http://www.langara.bc.ca/student-services/upass/exemption.html>.

⁷ Douglas College, “U-Pass Frequently Asked Questions,” <http://www.douglascollege.ca/student-services/essential-resources/u-pass/u-pass-faq>.

⁸ Vancouver Community College, “U-Pass,” <http://www.vcc.ca/services/current-students/u-pass/>.

⁹ University of Northern British Columbia, “Fees at UNBC,” <http://www.unbc.ca/finance/accounts-receivable/fees-unbc>.

¹⁰ Vancouver Island University, “Tuition Fee Schedule,” <https://www2.viu.ca/calendar/generalinformation/tuition.asp>.

¹¹ Thompson Rivers University, “Tuition and Fees,” <http://www.tru.ca/distance/services/tuition.html>.

¹² Kwantlen Student Association, “Regulations,” 44 (Section IX, Article 10, Clause 2), http://kusa.ca/documents/KSA_Regulations.pdf.

¹³ Alma Mater Society of UBC Vancouver, “Financial Hardship Subsidy,” <http://www.ams.ubc.ca/leadership/finances/subsidies/>.

¹⁴ Simon Fraser Public Interest Research Group, “About,” <http://www.sfpirg.ca/about/> (“We offer a fee refund period every semester, usually during the 4th week”); Vancouver Island Public Interest Research Group, “Membership,” <http://www.vipirg.ca/membership/> (“This fee is refundable by cheque to students during a refund period each semester”); Prince George Public Interest Research Group, “What is PGPIRG?” <http://pgpirg.tumblr.com/whatispgpirg> (“Students do have the option of requesting a fee refund and withdrawing their membership”); Kwantlen Public Interest Research Group, “KPIRG Opt Out,” <http://kpirg.ca/resources/kpirg-opt-out/>.

O'Melinn, Sean AVED:EX

From: dborins@borins.ca
Sent: Thursday, May 28, 2015 6:30 PM
To: Avison, Claire AVED:EX
Subject: Societies Act - Debate in the Legislative Assembly
Attachments: Excerpt of Debate of the Legislative Assembly - April 22, 2015.docx

Good Evening Claire,

I have attached the relevant part of the debate in the Legislature on April 22, 2015 regarding the *Societies Act* (at <http://www.leg.bc.ca/hansard/40th4th/20150422pm-House-Blues.htm>). I have highlighted key statements of Minister de Jong responding to questions put to him by MLA Kathy Corrigan.

Minister de Jong appeared to be well briefed on the student society fee issue. Reading Minister de Jong's comments, he appears to be very clear in his view is that while the new *Societies Act* will permit for resignation of membership from student societies, the *University Act* already provides for mandatory collection of fees from all students. In fact, he directly states, "What I am saying is that there are statutory provisions which ensure that a student society is in a position to collect fees from students whether they are a member of that society or not. And those provisions continue." I suspect that the Ministry of Finance sought legal advice on this point as it was brought to the Minister's attention early on and the Minister appears very clear in the view he is expressing.

In any event, it is quite clear from MLA Corrigan's questions that the opposition is very much in support of universal collection of student society fees.

Look forward to discussing this issue further.

Best Regards, David

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DEBATES OF THE LEGISLATIVE ASSEMBLY (HANSARD)

HOUSE BLUES WEDNESDAY, APRIL 22, 2015

Afternoon Sitting

Excerpt of Debate Regarding s.69 of Bill 24 (the *Societies Act*)

K. Corrigan: I do have some concerns about section 69. The reason I am raising these concerns is that there are concerns that have been raised by several graduate societies of individual universities as well as by the Alliance of B.C. Students with regard to section 69.

Section 69 talks about the termination of membership and provides that a member's "membership in a society terminates when (a) the member's term of membership, if any, expires, (b) the membership terminates in accordance with the bylaws, (c) the member resigns...." I think subsection (c) is the one that is of particular concern to many students.

[1640]

I mentioned the Alliance of B.C. Students. That includes the Northern Undergraduate Student Society, the Capilano Students Union. They represent many organizations. Certainly, I know the Graduate Student Society at Simon Fraser University has expressed concerns, as well as the student society that represents undergraduates at Simon Fraser University. What they are concerned about is whether or not.... I guess my first question to the minister is: does this section allow students to terminate their membership in a student society?

Hon. M. de Jong: I hope the member and the committee will forgive me if I attempt to anticipate where I think the line of questioning is going. It did come up in the course of the consultation. It came up at the large consultation meeting we had.

I am advised as follows. The act we are dealing with here is a statute of general application with respect to statutes. I am further advised that specific post-secondary acts, specific acts dealing with post-secondary institutions — the University Act, for example — provide specifically for the mandatory collection of fees from students and the remission of those fees to designated student societies.

The reason I've answered the question in that way is because the member's question related to the ability to resign from the student union or student society. I wouldn't presume to speak for societies, but I think, from what I've heard, the essence of the concern is less about membership in the society than having the ability to collect the fees that relate to that membership. The information that I have been provided with indicates that the ability to collect those fees is not compromised by the section or the act that we're dealing with.

K. Corrigan: The minister has correctly anticipated the area of concern. But I would be concerned, and I know these student societies are concerned, not only about the collection of fees — that is important, and I'll ask some more questions about that — but mandatory membership as well.

Maybe I'll just quote from the Graduate Student Society at Simon Fraser University. A letter dated October 14, 2014, a submission signed by Devon Cass, the external relations officer for the Graduate Student Society at Simon Fraser, said: "Mandatory membership, including fees, is fundamental to the successful operation of our Graduate Student Society. We would be unable to resource our staff and

activities, meet overhead costs and function in our current capacity if not for mandatory membership and related levies."

That largely relates to fees. But I think there is also — I certainly understand from the information I've received — a real concern that if the membership itself is not mandatory, the ability to win, I guess — I'm paraphrasing — the hearts and minds of the students and to feel that they are representing those students could be lost.

The Graduate Student Society at Simon Fraser says section 66 — it was then section 66 in the paper; now it's 69 in the bill — "draws alarming parallels to the higher education bill of 2005 in Australia, which failed to deliver its promise of self-sustaining student organizations able to survive off voluntary membership, investments and trading operations."

I do want to stick with the first question then. Does section 69 mean that students in student societies in post-secondary institutions in British Columbia...? Will students therefore be able to withdraw from those student societies?

[1645]

Hon. M. de Jong: If I have a moment, and I probably won't, I'll grab the University Act from behind me to ascertain more authoritatively whether or not that act.... The advice I have authorizes the mandatory collection of fees. I'm not certain that it requires mandatory membership, but we would look to that legislation for guidance on this matter.

The general societal provisions contained within this act are going to allow for resignation from a society. I'm happy to pull the University Act off the shelf and determine the specific wording of the section relating to mandatory payment of fees versus mandatory membership. That is where we will need to look to answer the question that the member has asked.

The Chair: The member for Powell River–Sunshine Coast seeks leave to make an introduction, if leave be granted.

Leave granted.

The Chair: Proceed.

K. Corrigan: I just want to be clear. The way it would work with graduate student societies — and I'm not sure how their boards are.... I haven't seen all the bylaws, of course. But student membership is now mandatory. If the membership was mandatory in the bylaws of a student society or graduate student society, then I would presume that that membership would continue to be mandatory until such time as they chose to resign. Is that correct?

Hon. M. de Jong: Sorry, I'm not trying to be argumentative here. I'm not sure that I'm in a position to offer an authoritative position. When I say speculative, the hon. member is referring to institutions, and I'm not certain to what extent they may have specific provisions that a student agrees upon when they enter that institution. I'm trying to find it on the fly here in the University Act. I haven't been able to so far.

The member will know, as counsel, that in terms of statutory interpretation, where there are specific provisions versus more general provisions of the sort that we're dealing with here, the specific will

apply. I'm just — (a) I don't want to provide incorrect information, and (b) I'm just not in a position to offer an authoritative view on that.

[1650]

K. Corrigan: The Graduate Student Society at Simon Fraser University, as well as the student society of the university, as well as the Alliance of B.C. Students and its member organizations made submissions.

Whether or not membership is mandatory — and then the separate but related question of whether or not student fees would continue to be mandatory — is of crucial concern to those organizations. Those organizations talk, for example, about some of the fundraising that has gone on which would be decimated and would be impossible if there was not mandatory, certainly, financing or fees.

I'm sorry, but I find it quite incredible that the minister has not thoroughly considered what the implications are for student societies and is not ready to answer that right now, particularly considering that this has been brought to the minister's attention.

I'll give you some examples. This presentation, this submission that was made, says:

"In 2008, through a democratically approved student society fee, the Alma Mater Society of UBC made the largest single donation to UBC in the history of the institution: \$85 million towards the building of a new student union building....

"In 2009 Kwantlen Polytechnic University voted to establish a student society fee to fund the construction of a new \$15-million student union building. Millions of dollars have already been raised for this project."

It goes on to talk about how Simon Fraser University has voted to raise \$65 million through a student society and the University of Victoria students voted to raise over \$2 million through a student union fee.

We are talking millions of dollars, and we are talking something that the universities and the students rely on. I find it very disconcerting to hear the minister say that he doesn't know what the bylaws are or what the implications are.

I think students across this province should be very concerned. It will fundamentally change the ability of student unions to do the good things — we're talking about U-Passes; we're talking about lots of different things — if, in fact, the result of this change in the legislation is to mean (1) that memberships can be terminated, which has all sorts of implications all by itself, but (2) that possibly student societies are not going to have the ability to have mandatory funds raised through votes. All of these things are done through votes. That could imperil hundreds of millions of dollars.

I guess I want to go back to section 69 specifically. I just want to clarify, then. The minister is confirming through the earlier answer that membership in a student society, whether or not it is mandatory at the beginning, would end up being something that would not be mandatory. The student could resign from the membership under the operations of section 69(1)(c).

Hon. M. de Jong: I'm wondering if in raising the issue the member is also asking me to render an opinion with respect to section 27.1 of the University Act.

K. Corrigan: I don't have section 27.1 of the University Act in front of me. If the minister could let me know what that section says, if it's what the minister was referring to earlier. If the minister is talking about the mandatory fees, not at this point.

What I'm asking about right now is whether or not membership will be voluntary or mandatory — period. Apart from the fundraising, will membership be voluntarily or mandatory under the operation of this new section?

Hon. M. de Jong: The member just spent some time alerting the committee to her concern around the funding implications that may exist for a student society.

[1655]

I hope, by virtue of some of the other changes that we have just discussed in this House, she will accept that the government and I took very seriously the interests of students and their societies, to the extent that we changed provisions of the white paper. The suggestion that somehow we have been, and I have been, blind or indifferent to this issue I reject. There are provisions within the University Act. The member has just admonished me for, as she characterized it, somehow being unprepared or indifferent to the issue.

The issue, as I understand it, is this. The issue that was brought to us during an extensive consultation period was to ensure that new provisions of the Societies Act do not interrupt or adversely impact the right of student societies to collect fees. They do rely on the levying of fees to students attending all post-secondary institutions. I think that generally is the case. The information I have been provided with, the information I have conveyed to the member, the information I have conveyed to the committee is that that is so — that the provisions of the Societies Act do not interfere with the right to collect those fees.

Now, the provisions contained within the act with respect to membership in a society and the ability to resign from a society are clear. How they would apply with respect to the provisions, and combined with the provisions of the University Act, is not something I am in a position to offer an extensive legal opinion on, except to say that the information we have and are relying upon is that the financial position of a student society, insofar as the University Act provides the specific authority to render and collect fees, is not adversely impacted by the provisions we are dealing with.

K. Corrigan: I know that a part of the concern of the student societies was certainly the finances. Certainly, that would be the major concern that was considered in the submission that was made by the Alliance of B.C. Students on October 15, 2014, in its commentary on the *Societies Act White Paper*.

I'm clear from the submissions that I have — for example, from the Simon Fraser Student Society — that while that is one of the implications they're particularly concerned about, they are also concerned, and I am concerned, about the implications for the future of student societies if students can, in fact, resign from the societies, whether or not the fundraising can happen. That's certainly clear from the quotations that I received from the Simon Fraser Student Society.

Finally, on this section I want it to be clear. What the minister is saying, then, is that under section 69, students will have the right to resign, in spite of a bylaw at a student society. This would supersede a bylaw at a university society that says you have to be a member of the society. Is that correct?

Hon. M. de Jong: No.

K. Corrigan: Okay, so then I misinterpreted what the minister has said. Just for final clarity, then, if the authority for having a society at the university says that student membership is mandatory, that membership will continue to be mandatory, despite subsection (c) of the act. Is that correct?

[1700]

Hon. M. de Jong: What I am saying is that there are statutory provisions which ensure that a student society is in a position to collect fees from students whether they are a member of that society or not. And those provisions continue.

K. Corrigan: That is not the answer that I just got. What I want to know is at this point.... I understand what the minister has just said. Finally, what I would like to understand is if membership — not collection of fees — in a student society is mandatory, then once the provisions of this act come into being, will the membership in that student society continue to be mandatory? I'm not talking about the fees. I'm talking about the membership.

Hon. M. de Jong: I'm not aware of any statute that makes membership mandatory.

K. Corrigan: Well, the students — and I'm sorry that I haven't looked at the act — at Simon Fraser University say that membership is mandatory. Is the minister now saying that membership in student societies is not mandatory at this point?

Hon. M. de Jong: I will repeat what I said. I'm not aware of any statute that makes membership in a society of the sort the member has described mandatory.

K. Corrigan: I don't know why I get the sense that the minister is trying to not answer the question that I want answered. But I will try one more time.

If there is a bylaw or some governing piece of policy or document or practice or legislation that covers universities that provides that membership in a student society is mandatory, would this piece of legislation, section 69(1)(c), overrule, supersede that provision, if it exists? There may not be an act, but there is something, and whatever that is — bylaw or whatever — if that exists, would section 69(1)(c) supersede that provision?

Hon. M. de Jong: The member has just asked me to render a legal opinion on something that she describes as "if there was this" and in very general terms "if there was that." I'm sorry that the member didn't read the University Act before coming in to participate in this debate. But I have rendered the honest responses that I am in a position to provide and will repeat the answer if necessary.

K. Corrigan: I know that we have to continue on with this act, so I am not going to continue on any longer. But I would have thought that the minister, knowing this was an important question and an important issue.... The minister may think it just has to do with money. Money is certainly a part of it. But the issue of mandatory membership is also important, and that was clear from the correspondence that I received.

I would have thought that if the minister is so prepared and has read the acts and has three staff sitting there with him, the minister would have been able to answer that question. But apparently that is not possible, and I will leave it at that.

O'Melinn, Sean AVED:EX

From: Avison, Claire AVED:EX
Sent: Monday, June 8, 2015 5:47 PM
To: Shaw, Mary A AVED:EX
Subject: Fwd: Briefing Note
Attachments: Student Society Fees and the new Societies Act.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: <dborins@borins.ca>
Date: June 8, 2015 at 5:44:34 PM PDT
To: "Avison, Claire AVED:EX" <Claire.Avison@gov.bc.ca>
Subject: Briefing Note

Claire,

Here is a copy of a briefing note that we prepared last week that outlines the key issues involving the new *Societies Act* and s.27.1 of the *University Act*. David

David Borins

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Student Society Fees and the New *Societies Act*

- The ABCS is an alliance of nine student associations, representing over 165,000 students, focused on issues that affect post-secondary students in British Columbia.
- A March 26, 2015 Alliance of BC Students' news release stated that ABCS "applauds government's consultation process on new Societies Act". Minister de Jong referenced this public statement of the ABCS when he introduced Bill 24 (the new Societies Act) in the house.
- Under the current Society Act, there is no parallel provision providing a statutory right of resignation. The result of a statutory right of resignation under the *Societies Act* appears to be that a member of a society may be guaranteed, by statute, the right to resign membership.
- The ABCS is concerned about potential inadvertent impacts that the new *Societies Act* may have resulting from the newly included statutory right of resignation.
- Currently, as a result of the bylaws of student societies in BC and requirements by post-secondary institutions, student society membership is universal. A statutory right of resignation may trump any contractual obligation to be a member of a student society (i.e. - a university's requirement or a student society's requirement). The ABCS has concerns regarding the impact a statutory right of resignation may have on collection of student society fees.
- Apart from the representational advantage of all students on campus being represented by one democratically run student organization, the universal collection of fees for democratically approved programs and initiatives has been a highly effective and fair manner to provide services and programs and to fund capital projects of interest to students.
- Universal student society fee collection in BC has resulted in the ability of student societies to fund a significant number of programs, services, and capital projects for the benefit of students that students have democratically voted to support.
- With respect to infrastructure, there are a number of current and past campus infrastructure projects where BC student societies are financial partners in funding capital costs. In 2008, through a democratically approved student society fee, the Alma Mater Society of UBC made the largest single donation to UBC in the history of the institution: \$85 million towards the building of a new student union building. The donation is being financed through an \$85 million loan from UBC to be repaid by student society fees collected from all students.
- A few other recent examples of capital projects funded by student societies are:

- In 2009, the students at Kwantlen Polytechnic University voted to establish a student society fee to fund the construction of a new \$15 million student union building. Millions of dollars have already been raised for the project.
 - In November 2012, University of Victoria students voted to raise over \$2 million through a student society fee to fund a renovation to the student union building. These renovations are now complete.
 - At Simon Fraser University, students voted in 2012 to raise \$65 million through a student society fee for the construction of a new student union building on the Burnaby campus. The University and student society are finalizing plans for this project.
 - At Capilano University, the CSU funded the maintenance and expansion of student spaces across campus and pre-paid over \$1 million in rent to Capilano University for a new student lounge space through a student society fee that students supported by referendum. The CSU is currently in the planning stages to commence construction of a student union building within the next 5 years.
 - In November 2014, UBC-Okanagan students approved a new student society fee to finance a \$25 million student study space on campus. The amount of money to come from students will be about \$10 million dollars in the form of a donation to UBC.
- On the services side, student health and dental plans and universal transit passes (U-PASS) are examples of programs that rely on the universal payment of student society fees. As indicated above, student societies also provide services such as tutoring and counselling, child care, legal advice, employment assistance, student food banks, women's support services, transit shuttles, and student media (most often newspapers and radio stations). Almost all student societies also have student clubs programs that support a wide range of interests, activities and engagement on campus.
 - The financing of these programs, services, and capital improvement via democratically approved student society fees has taken the burden off the government and institutions to fund these services and projects. At the same time, only those programs and projects receiving a democratic mandate may proceed. That mandate may be reversed, by referendum, if students are no longer supportive of the mandate.
 - The mechanism for collection of student society fees is contained in section 27.1 of the University Act and section 21 of the College & Institute Act, which are virtually identical. Under these sections, post-secondary institution administrations are required to collect and remit student society fees if "... the amount of the student society fees has been approved by a majority of the members of the student society who voted in a referendum of that student society." Therefore,

no student society fee can be collected unless it has first been democratically approved by students. The ability to universally raise democratically approved fees from students has provided student societies with the ability to offer a wide range of services and to finance large capital projects.

- The issue that arises with respect to the statutory right of resignation under the new Societies Act is whether post-secondary educational institutions can legally continue to collect student society fees from individual students who resign their membership in a student society. Ambiguity arises from the language of section 27.1 of the *University Act* and section 21 of the *College and Institute Act* because these sections do not indicate whether “student society fees” are to be collected from:
 - a. only those students who are student society members; or
 - b. all students in the general student population, regardless of their membership status in the student society.
- Since student society membership has always been universal in BC, this issue has not arisen in the past and no legal challenges have been brought to date in BC.
- Without a clear right to collect student society fees from all students, a threat arises to the services and capital contributions that are funded by and depend on universal collection of student society fees.
- For example, if students resign from student societies in significant numbers and are not required to pay student society fees, what will happen to the AMS’s repayment of UBC’s \$85 million loan? How will the SFSS guarantee and repay the loans it will require to finance its new \$65 million student union building? Will the plan for a new \$15 million student union building at Kwantlen Polytechnic University need to be cancelled? Will UBC-Okanagan be able to build a new study space? Could U-PASS and student health and dental plans continue to be funded?
- If enough members resign and student society fees cannot be collected from them, there is a real risk that the current outstanding construction loans, such as the UBC’s \$85 million loan to the AMS, may not be repaid, which would leave the public institution in question with a bad debt.
- This issue could be resolved by an amendment to section 27.1(1) of the *University Act* and section 21(1) of the *College and Institute Act* to clarify that student society fees are collectable from all students regardless of their membership in the student society. Students would still be entitled to resign membership, but payment of fees that have been democratically approved by the student body would be universal. This will ensure that the services and capital projects funded by universal payment of student society fees are not disrupted and that the general benefit to students provided by projects and services funded by student society fees is recognized.

O'Melinn, Sean AVED:EX

From: David Borins <dborins@borins.ca>
Sent: Tuesday, October 27, 2015 7:25 PM
To: Avison, Claire AVED:EX
Attachments: UVSS Letter and Group Statements.pdf; Bill 41 Proposed Amendments.pdf

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October 27, 2015

To Minister Wilkinson,

Re: Bill 41 - University Act Amendments

The University of Victoria Students' Society strongly opposes sections of the proposed amendments to the *University Act* and the *College and Institute Act* contained in Bill 41. While the primary intent of the proposed amendments address a particular concern - allowing students to disassociate from membership while being required to pay fees that ensure the financial integrity of the student society (re: Rand Formula) - the vagueness of language used and the division of fees could enable the government to dictate what services receive funding.

We appreciate the efforts of the government to protect student society fees by clarifying language in the *University Act* and the *College and Institute Act*. Student societies however, are democratically governed organizations that must have the right to operate free from government or administrative interference. All members of the society vote upon all student society fees and their legitimacy rests within this process. Furthermore, we are concerned that differentiating between various fees will further marginalize minority groups that receive essential services from these fees.

All student society fees are democratically approved by students and serve the benefit of the entire student body. Many of the services we provide are integral to the physical and mental health of our communities - especially in providing the resources needed to eliminate barriers already faced by marginalized student populations.

These services include but are not limited to:

- food banks
- technological support for students with disabilities
- sexual assault centres
- student refugee programs
- child-care assistance
- bursary programs for low-income students

The student-led programming of the Society fills the gap between what the university administration can provide and the complex needs of students. This programming has a better grounding of the realities of student life and provides an equally valuable learning experience as learning that takes place in the classroom. Fees support student travel opportunities for academic learning, networking and philanthropic initiatives led by students, and provide jobs for hundreds of students at our institution. The multitude of impacts this would have on all students cannot be fully expressed in this letter. However, some student groups who are funded by democratically levied student fees have taken the time to express their concerns (see below).

All post-secondary students benefit from the work of their student society in ways that aren't immediately obvious from a glance at a balance sheet. All student society members receive the benefits of an enriched student experience through access to employment opportunities, expanded health services and advocacy, all within spaces that strive to be safe and inclusive. Students that choose to opt out of service fees may come to require the essential services offered by student societies and will be subsidized by students that fund these services. This principle has long been understood as fundamental to the Canadian compromise between individual liberties and collective benefits.

Each of the over thirty student societies in BC has a different fee structure. Most, if not all, student societies levy fees that cannot be readily classified into one category or another. Using the current proposed language in Bill 41, the government, post-secondary institutions, and student societies would be required to expend significant resources to sort through the various fees and may even be required to subdivide existing fees. Subdividing existing fees would likely require putting a series of costly and confusing referendum questions out to students, which could put the current funding structures at risk. Furthermore, universities, colleges, and institutes, along with their respective student societies, would have to expend resources handling the opt-out process and differentiating between member and non-member students. This would involve permanently hiring extra staff at each level.

We recommend that the government make the attached changes to Bill 41 to drastically simplify this process while still preserving the right of students to disassociate from their student society. These changes are intended to reflect the current status quo, as we believe that to have been the intent of Bill 41. Considering that throughout history, all our fees have been democratically elected by the student body, we kindly ask that you preserve the legitimacy of these fees by utilizing a model similar to a "Rand Formula" for student societies.

Signed,

Kenya Rogers
UVSS Director of External Relations

Bronte Renwick-Shields
UVSS Chairperson

Statements from Organizations That Receive Fees Through University of Victoria Student's Society

"With tuition rates on the rise, the UVSS food bank has experienced a huge increase in monthly visits, such that we now have as many as 1500 visits a month. This crucial service would not function without the dedicated fee that enables us to provide regular and reliable access to food, employ a coordinator to oversee the smooth functioning of the service, and lends a sense of community sharing that helps reduce stigma around food bank usage. The Free Store is equally supported by the food bank fee and helps divert vast amounts of useful stuff from the landfill, in addition to providing students with the things they need. In short, without this fee, our service would be decimated and hundreds of students would feel the squeeze."

-UVSS Food Bank and Free Store

"The Anti.Violence.Project is Uvic's on-campus sexual assault centre and is solely funded through student fees. The work that we do is critical in preventing sexualized violence and providing support services for those affected by it, both on campus and in the community. Our work in addressing gender-based violence is invaluable and requires stable consistent funding. We are accountable to students, the campus community and the broader movement to end gender based violence and we keep that at the forefront of our work. Once again, we cannot stress the importance of consistent funding that has been brought about through student referendums. Our autonomy in doing our work effectively is of great importance and we oppose Bill 41 which threatens to take that away. We oppose any legislative action that jeopardizes our democratically levied funding. It is our hope that the advocacy done on campus remains accountable to students, and their respective society, and does not get thwarted through legislative actions like Bill 41"

-The Anti.Violence.Project.

"The Society for Students with a Disability (SSD) is the University of Victoria's disability advocacy group specifically run by students for students. We are recognized under the auspices of the University of Victoria Student's Society and represent the over 1000 students with various disabilities on the UVic campus including emotional, mental, learning, physical, and environmental disabilities. We have a respite room for students in the SUB and also an office space with well equipped assistive technologies to promote optimal learning. Services we provide include but are not limited to: disability rights and advocacy, education and awareness training, community lunches, peer support groups, educational and recreational events, and volunteer and work-study opportunities etc. The SSD also provides financial assistance through a bursary program through the RCSD.

The SSD also networks with other societies and the larger community to share ideas and promote collaborative conversations. The SSD provides opportunities for students who

self-identify as having a disability with safe spaces to socialize and gain supports and resources from the university and the wider community.”

-Society for Students With a Disability

“We acknowledge that we are on the unceded and unsurrendered lands of the Lekwungen and WSANEC speaking peoples territory. The Native Students Union (NSU) supports Indigenous students while here at UVIC in many capacities; academically and culturally. Bill 41 has the potential to greatly impact our Union’s ability to provide Indigenous students with some of the supports we currently offer. The Native Students Union was here before and will continue to be hereafter, however with consideration of our allies and friends we urge the government to consider the recommendations put forward by the University of Victoria Student’s Society.”

-Native Students Union (NSU)

“The UVSS Students of Colour Collective is a student-run organization that provides much needed social and administrative advocacy for self-identified students of colour, indigenous, and mixed race students. We provide a well stocked space full of educational materials, resources, and support staff, all of which is supported by student fees. These fees are also used to generate new educational materials, to fund events, and to maintain our space. Our efforts create a more inclusive and anti-racist campus environment, and also enrich the greater community. Further services include a food bank, a library of educational texts, computer and printing resources for students, and workshops on anti-racism. All of these services would disappear if we were to lose even a portion of our funding. Our services provide a space for marginalized students who frequently feel excluded from the larger campus and classroom community, and a loss of these services could be damaging to their mental health and subsequently their academic performance and ability to stay in school. We are also often a first point of contact for international students who may not know how to access certain medical and social services in Canada, and we direct them to the services they need. The advocacy we provide is also highly necessary to ensuring the development of a campus environment that is more inclusive of racialized students, and we do a great deal of work around educating professors and administrators to recognize the specific issues that racialized students face, and how to teach in a way that is more sensitive to their needs. For a large number of our constituents, the Collective is the reason that they are able to function emotionally and academically on campus, and without our current funding these students would be significantly hampered in their academic and psychological well being.”

-UVSS Students of Colour Collective

"UVic Pride is a queer and trans advocacy organization (one of the only ones on the Island), supporting sexual and gender diversity both on-campus and in the community. Our organization addresses a service and resources gap in the community not only for trans and queer students, but for the whole student body AND community at-large. UVic Pride currently offers a wide range of free and accessible resources, including a variety of safer sex supplies (condoms, lubes, dental dams, gloves, finger cots, etc.), harm reduction and safer use supplies (needles, pipes, sharps disposal, sterilized water, vitamins etc.), gender resources (chest binders, packers, breast forms, shoes, etc.), pregnancy tests, menstrual products, peer support, and a drop-in centre, to name a few. We also host various social and political events, workshops, trainings, education, and advocacy. We act as a conduit for students and community members to gain and develop their skills in activism, anti-oppression, solidarity work, and community organizing – a unique community space for future leaders in human rights and social justice politics. We are open to ALL students and community members! These wide ranges of services and resources could not be possible without sustainable funding from students. Without this core funding, a service and resource gap for marginalized students and community members would widen."

-UVic Pride Collective

**BILL 41 – 2015
MISCELLANEOUS STATUTES
AMENDMENT ACT (No. 3), 2015**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – ADVANCED EDUCATION AMENDMENTS

College and Institute Act

1 [STRUCK]

2 Section 1 is amended in the definition of "university" by repealing paragraph (e) and substituting the following:

(e) the University of Northern British Columbia continued under the *University Act*, .

3 Section 19 is amended by adding the following subsection:

(3.2) Without limiting subsection (1) (b), the board may, in accordance with section 21 (1.1),

(a) impose fees on and collect fees from students who are not members of a student society, and

(b) remit those fees to the student society.

4 Section 21 is amended

(a) in subsection (1) by adding "from members of the student society" after "collect student society fees",

(b) by adding the following subsection:

(1.1) Where student society fees are to be collected under subsection (1), the board must

- (a) impose on students who are not members of the student society a fee in an amount equal to the fee that those students would have had to pay if they had been members of the student society, and
- (b) direct the institution to collect the fee and remit that fee to the student society

(c) in subsection (2) by striking out s.13

and substituting "by a majority of those who vote in a referendum in which the following may vote:

- (a) the members of the student society;
- (b) the students who are not members of the student society if those students would have been entitled to vote in the referendum if they had been members of the student society."

(d) by adding the following subsections:

(2.1) For the purposes of a referendum under subsection (2)

(a) a student society must include in the referendum students who are not members of the student society if those students would have been entitled to vote in the referendum if they had been members of the student society, and

(b) the bylaws and policies of the student society in relation to a referendum apply to students described in paragraph (a)

(2.2) For the purposes of a referendum under subsection (2.1),

(a) the registrar must provide the student society with information, including personal information, about the students who are not members of the student society to enable the student society to include those students in the referendum as required under this section, and

(b) the student society may collect the information, including the personal information, from the registrar and only use that information to include those students in the referendum as required under this section. , **and**

(e) in subsection (4) by adding ", or fees collected under subsection (1.1), **after "remit student society fees".**

5 [STRUCK]

University Act

6 [STRUCK]

7 Section 27 (2) is amended by adding the following paragraph:

- (n.1) in accordance with section 27.1 (1.1),
 - (i) to impose fees on and collect fees from students who are not members of a student society, and
 - (ii) remit those fees to the student society; .

8 Section 27.1 is amended

(a) in subsection (1) by adding "from members of the student society" after "collect student society fees",

(b) by adding the following subsection:

(1.1) Where student society fees are to be collected under subsection (1), the board must

- (a) impose on and collect from students who are not members of the student society a fee in an amount equal to the fee that those students would have had to pay if they had been members of the student society, and
- (b) remit the fees to the student society. ,

(c) in subsection (2) by striking out 's.13

s.13

s.13

and substituting "by a majority of those who vote in a referendum in which the following may vote:

- (a) the members of the student society;

(b) the students who are not members of the student society if those students would have been entitled to vote in the referendum if they had been members of the student society."

(d) by adding the following subsections:

(2.1) For the purposes of a referendum under subsection (2)

(a) a student society must include in the referendum students who are not members of the student society if those students would have been entitled to vote in the referendum if they had been members of the student society, and

(b) the bylaws and policies of the student society in relation to a referendum apply to students described in paragraph (a)

(2.2) For the purposes of a referendum under subsection (2.1),

(a) the registrar must provide the student society with information, including personal information, about the students who are not members of the student society to enable the student society to include those students in the referendum as required under this section, and

(b) the student society may collect the information, including the personal information, from the registrar and only use that information to include those students in the referendum as required under this section. , **and**

(e) in subsection (4) by adding ", or fees collected under subsection (1.1), **" after "remit student society fees".**

9 [STRUCK]

Transitional Provisions

College and Institute Act transition – equivalent fees

10 In respect of an amount of or rate of change in a fee that was approved by referendum under section 21 of the *College and Institute Act* before the coming into force of sections 3 to 5 of this Act, the board may, despite section 21 (2) and (2.1) of the *College and Institute Act* as enacted by this Act,

(a) impose on students who are not members of a student society a fee in an amount equal to an amount of a capital fee or a program or service fee included in the approved student society fee that those students would have had to pay if they had been members of the student society, and

(b) direct the institution to collect the fee and remit that fee to the student society.

Royal Roads University Act transition – equivalent fees

11 The board of governors under the *Royal Roads University Act* has the duties and may exercise the powers of the board of governors of a university set out in section 13 of this Act.

Thompson Rivers University Act transition – equivalent fees

12 Section 13 of this Act applies for the purposes of the *Thompson Rivers University Act*.

Explanatory Note

University Act transition – equivalent fees

13 In respect of an amount of or rate of change in a fee that was approved by referendum under section 27.1 of the *University Act* before the coming into force of sections 7 and 8 of this Act, a board may, despite sections 27.1 (2) and (2.1) of the *University Act* as enacted by this Act,

(a) impose on and collect from students who are not members of a student society a fee in an amount equal to

an amount of a capital fee or a program or service fee included in the approved student society fee that those students would have had to pay if they had been members of the student society, and

(b) remit the fee to the student society.

O'Melinn, Sean AVED:EX

From: Poirier, Dorice AVED:EX
Sent: Monday, June 20, 2016 8:47 AM
To: 'Jared Nash'
Cc: David Borins; Shaw, Mary A AVED:EX
Subject: Meeting Claire and Mr. Borins re ^{s.14}

Hi, thanks you for your reply.
Could we do June 27 1:30-2:30 in Vancouver? Thanks

Dorice Poirier | Executive Administrative Assistant to Assistant Deputy Minister, Claire Avison –
Governance, Legislation and Strategic Policy Division | Ministry of Advanced Education | (250 356-0826)
dorice.poirier@gov.bc.ca

From: Jared Nash [<mailto:jnash@borins.ca>]
Sent: Friday, June 17, 2016 4:02 PM
To: Poirier, Dorice AVED:EX
Cc: David Borins
Subject: FW: Meeting Claire and Mr. Borins ^{s.14}

Dear Ms. Poirier,

Mr. Borins has asked me to respond to your email of this morning.

The materials that you attached to your email are the three memos that would be the focus of the meeting. In terms of timing, we do not know how urgent the subject is. ^{s.14}
^{s.14}

Regards,

Jared Nash
Assistant | BORINS & COMPANY*
T [604 620 8974](tel:6046208974)
F [604 484 2317](tel:6044842317)
*David Borins Law Corporation
In association with TAYLOR VEINOTTE SULLIVAN, BARRISTERS

From: David Borins [<mailto:dborins@borins.ca>]
Sent: June 17, 2016 3:50 PM
To: Jared Nash <jnash@borins.ca>
Subject: Fwd: Meeting Claire and Mr. Borins re ^{s.14}

----- Forwarded message -----

From: **Poirier, Dorice AVED:EX** <Dorice.Poirier@gov.bc.ca>
Date: 17 June 2016 at 08:50
Subject: Meeting Claire and Mr. Borins re ^{s.14}
To: "dborins@borins.ca" <dborins@borins.ca>

Hi Mr. Borins,

Thank you very much for your understand. We will reschedule for a near future.

I am attaching the latest communication and document. Can you let me know what is it that you would like to discuss and when should this meeting be?

Many thanks

Dorice Poirier | Executive Administrative Assistant to Assistant Deputy Minister, Claire Avison –
Governance, Legislation and Strategic Policy Division | Ministry of Advanced Education | (250 356-0826)
dorice.poirier@gov.bc.ca

From: David Borins [mailto:dborins@borins.ca]
Sent: Wednesday, May 18, 2016 1:15 PM
To: Avison, Claire AVFD-FX
Subject: s.14

Privileged

Hi Claire,

s.14

s.14

Please let me know if you would like to discuss. Trust you are well.

Regards, David

David Borins

Barrister & Solicitor | **BORINS & COMPANY***
T 604 620 8975

C 604 880 9061

F 604 484 2317

*David Borins Law Corporation

In association with TAYLOR VEINOTTE SULLIVAN, BARRISTERS

----- Forwarded message -----

From: David Borins <dborins@borins.ca>
To: "Avison, Claire AVED:EX" <Claire.Avison@gov.bc.ca>
Cc:
Date: Mon, 25 Apr 2016 04:21:07 +0000
Subject: **s.14**

Claire,

s.14

Happy to discuss at your convenience. Regards, David

David Borins

Barrister & Solicitor| **BORINS & COMPANY***
T 604 620 8975

C 604 880 9061

F 604 484 2317

*David Borins Law Corporation

In association with TAYLOR VEINOTTE SULLIVAN, BARRISTERS

O'Melinn, Sean AVED:EX

From: David Borins <dborins@borins.ca>
Sent: Wednesday, June 29, 2016 1:28 PM
To: Avison, Claire AVED:EX
Subject: s.14
Attachments:

Hi Claire,

Thanks for the meeting the other day. It was good seeing you.

In light of the request to s.14 as discussed, I need to speak to the four student association clients I advised with respect to amendments to the *University Act* to ensure that they understand my obligations to AvEd and do not have any concerns. I have already talked to one and hope to have talked to all four by the end of the day tomorrow. I will then be able to sign the document that Sean O'Melinn sent earlier today in order to gain access Zzeem and move forward.

Regards, David

David Borins
Barrister & Solicitor | **BORINS & COMPANY***
T 604 620 8975
C 604 880 9061
F 604 484 2317
*David Borins Law Corporation

From: O'Melinn, Sean AVED:EX [mailto:Sean.OMelinn@gov.bc.ca]
Sent: Wednesday, June 29, 2016 9:38 AM
To: 'dborins@borins.ca'
Subject: s.14

Good morning David,

For various reasons, providing you copies of the s.14 through Zzeem is not easily accomplished. We'll have to do it the old fashioned way via fax. I have attached a Confidentiality Undertaking for your signature. Please sign and scan it back to me and then I will fax both s.14 to you. The fax number I have for you is: 604 484 2317.

Feel free to give me a call if you have any questions.

Sean O'Melinn
Director, Legislation
Ministry of Advanced Education
250-812-4376

Reeve, Jaclyn AVED:EX

From: David Borins <dborins@borins.ca>
Sent: Thursday, June 30, 2016 4:56 PM
To: O'Melinn, Sean AVED:EX
Subject: s.14

Hi Sean,

Sorry for delay in replying to this. I have been swamped for the past few days. I will send you the executed form on Monday and look forward s.14

Have a great Canada Day weekend.

Best Regards, David

David Borins
Barrister & Solicitor | **BORINS & COMPANY***
T 604 620 8975
C 604 880 9061
F 604 484 2317
*David Borins Law Corporation

From: O'Melinn, Sean AVED:EX [<mailto:Sean.OMelinn@gov.bc.ca>]
Sent: Wednesday, June 29, 2016 9:38 AM
To: 'dborins@borins.ca'
Subject: s.14

Good morning David,

For various reasons, providing you copies of the s.14 through Zzeem is not easily accomplished. We'll have to do it the old fashioned way via fax. I have attached a Confidentiality Undertaking for your signature. Please sign and scan it back to me and then I will fax both s.14 to you. The fax number I have for you is: 604 484 2317.

Feel free to give me a call if you have any questions.

Sean O'Melinn
Director, Legislation
Ministry of Advanced Education
250-812-4376

O'Melinn, Sean AVED:EX

From: Jared Nash <jnash@borins.ca>
Sent: Wednesday, July 6, 2016 10:06 AM
To: O'Melinn, Sean AVED:EX
Cc: David Borins
Subject: s.14
Attachments: Confidentiality Undertaking (Signed).pdf

Dear Mr. O'Melinn,

Please see attached signed confidentiality undertaking from David Borins.

Jared Nash

Assistant | BORINS & COMPANY*

T 604 620 8974

F 604 484 2317

*David Borins Law Corporation

CONFIDENTIALITY UNDERTAKING

s.14

The Ministry of Advanced Education provides the person signing this undertaking with consultation documents relating to the proposed initiative, which may include draft legislation and/or regulations, to review on the basis that the person undertakes as follows:

- to use the consultation documents only for consultation purposes and for no other purpose,
- not to disclose that consultation about the consultation documents has taken place except as provided below,
- not to discuss the consultation documents or disclose the contents of the consultation documents except as provided below,
- not to disclose the content of discussions held in relation to the proposal, including discussions about matters that are or are not included in any legislation that is ultimately introduced in the Legislative Assembly or included in any regulations that are ultimately approved by the Lieutenant Governor in Council,
- to store the consultation documents so that no other person has access to it,
- not to make copies of the consultation documents, and
- to destroy the consultation documents and confirm the destruction in writing to Sean O'Melinn, within 5 days of his request that the consultation documents be destroyed.

This undertaking does not preclude discussions concerning content of the consultation documents and any other matters noted above among the person signing this undertaking and staff of the Ministry of Advanced Education, Legal Counsel retained by the government or employed by the Legal Services Branch in the Ministry of Justice, Legislative Counsel from the Office Legislative Counsel in the Ministry of Justice, or another person whom the Ministry of Justice identifies in writing as having given a confidentiality undertaking in relation to the consultation documents. This undertaking does not preclude disclosing to persons who have not signed a confidentiality undertaking that the person who has signed the undertaking is being consulted on the proposal, provided that the content of the consultation documents is not disclosed.

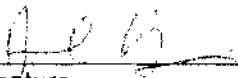
In providing the consultation documents for review under the terms of this undertaking, it is not the intention of the Ministry of Advanced Education, the Minister of Justice and Attorney General or the Province of British Columbia to waive solicitor-client privilege or to waive, defeat or negate any privilege or confidence, including parliamentary convention of the confidentiality of proposed bills and Cabinet confidentiality, or any other protection provided by law, that applies to the draft legislation and to the discussions relating to it.

The undersigned acknowledges that

- (a) the government claims solicitor-client privilege in relation to all consultation documents,
- (b) the consultation documents are protected by the parliamentary convention on confidentiality of proposed bills and Cabinet confidentiality, and

(c) in providing the consultation documents for review under the terms of this undertaking, it is not the intention of the Ministry of Advanced Education, the Minister of Justice and Attorney General or the Province of British Columbia to waive solicitor-client privilege or to waive, defeat or negate any privilege or confidence, or any other protection provided by law, that applies to the draft legislation or regulations and to the discussions relating to it,


and undertakes to treat the consultation documents in such a way as to uphold and maintain those privileges and conventions.



Signature

July 5, 2016

Date



David Borins



Ministry of
Advanced Education


FACSIMILE

TO:		FROM:	
Name:	Mr. David Borins	Name:	Sean O'Melinn
Organization:	BORINS & COMPANY	Branch:	Governance and Quality Assurance
Phone:	604 620 8975	Phone:	250-812-4376
Fax:	604 484 2317	Fax:	250-387-3750
Date:	July 6, 2016		
Total pages, including this page: 3			

This facsimile is **CONFIDENTIAL**. It is intended only for the use of the person to whom it is addressed. Any distribution, copying or other use by anyone else is strictly prohibited. If you have received this facsimile in error, please telephone us immediately and destroy it.

Mailing Address:
PO Box ##### Stn Prov Govt
Victoria BC ### ###

Location:
St

 BORINS & COMPANY	BORINS & COMPANY* 2600 - 1055 West Georgia Street PO Box 11170, Royal Centre Vancouver BC V6E 3R5 T: 604.620.8975 F: 604.484.2317	Fax
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To: Sean O'Melinn, Governance and Qual.
Assurance

From: Jared Nash

Fax: 1-250-387-3750

Date: Jul 18/16 05:00 PM

Organization: Ministry of Advanced Educaion

Subject: s.14

PRIVILEGED/CONFIDENTIAL

Please see attached memorandum.

*David Borins Law Corporation

Reeve, Jaclyn AVED:EX

From: David Borins <dborins@borins.ca>
Sent: Thursday, July 21, 2016 6:31 PM
To: O'Melinn, Sean AVED:EX
Subject: **s.14**

Hi Sean,

Yes, that would work. Does around 3:00 work for you? David

David Borins
Barrister & Solicitor | **BORINS & COMPANY***
T [604 620 8975](tel:6046208975)
C [604 880 9061](tel:6048809061)
F [604 484 2317](tel:6044842317)
*David Borins Law Corporation

On Jul 21, 2016, at 4:59 PM, O'Melinn, Sean AVED:EX <Sean.OMelinn@gov.bc.ca> wrote:

Hi David,

I haven't heard back from Claire but would like the opportunity to talk about **s.14**

Do you have any time

tomorrow afternoon?

Sean

From: David Borins [<mailto:dborins@borins.ca>]
Sent: Tuesday, July 19, 2016 5:22 PM
To: O'Melinn, Sean AVED:EX
Subject: Re: **s.14**

Thanks Sean,
Sounds good. David

David Borins
Barrister & Solicitor | **BORINS & COMPANY***
T [604 620 8975](tel:6046208975)
C [604 880 9061](tel:6048809061)
F [604 484 2317](tel:6044842317)
*David Borins Law Corporation

On Jul 19, 2016, at 4:01 PM, O'Melinn, Sean AVED:EX <Sean.OMelinn@gov.bc.ca> wrote:

Hi David,

I can confirm we received them. Claire is discussing the issue with our Deputy tomorrow so let's hold off on discussing until I hear back on the outcome of the meeting. I'll contact you once I know more.

Sean

From: David Borins [<mailto:dborins@borins.ca>]
Sent: Tuesday, July 19, 2016 3:38 PM

To: O'Melinn, Sean AVED:EX

Subject: RE: s.14

Hi Sean,

I sent you a memorandum by fax yesterday. I wanted to confirm that you received it and, assuming you have, to see whether we could a discussion tomorrow. Thanks, David

From: O'Melinn, Sean AVED:EX [<mailto:Sean.OMelinn@gov.bc.ca>]

Sent: Friday, July 15, 2016 10:09 AM

To: 'dborins@borins.ca' <dborins@borins.ca>

Cc: 'Jared Nash' <inash@borins.ca>

Subject: s.14

Good morning David,

May I get a status update on the s.14 please?

Sean O'Melinn

Director, Legislation

Ministry of Advanced Education

250-812-4376

Reeve, Jaclyn AVED:EX

From: David Borins <dborins@borins.ca>
Sent: Friday, July 22, 2016 9:11 AM
To: O'Melinn, Sean AVED:EX
Subject: RE: Call today

Yes, perfect. Talk to you later. David

From: O'Melinn, Sean AVED:EX [<mailto:Sean.OMelinn@gov.bc.ca>]
Sent: Friday, July 22, 2016 9:09 AM
To: 'David Borins'
Subject: RE: Call today

Hi David,

I can do 2. I'll call you at 604-620-8975?

Sean

From: David Borins [<mailto:dborins@borins.ca>]
Sent: Friday, July 22, 2016 8:53 AM
To: O'Melinn, Sean AVED:EX
Subject: Call today

Sean,

I had suggested 3:00 pm for a call today, but I would actually prefer 2:00 pm if that works for you. Thanks, David

David Borins

Barrister & Solicitor | **BORINS & COMPANY***

T 604 620 8975

C 604 880 9061

F 604 484 2317

*David Borins Law Corporation

Reeve, Jaclyn AVED:EX

From: David Borins <dborins@borins.ca>
Sent: Friday, July 22, 2016 1:53 PM
To: O'Melinn, Sean AVED:EX
Subject: Call

Sean, I'm running a few minutes behind. Can you call at 2:10 please? David

David Borins

Barrister & Solicitor| **BORINS & COMPANY***

T 604 620 8975

C 604 880 9061

F 604 484 2317

*David Borins Law Corporation

Reeve, Jaclyn AVED:EX

From: AVED R 320 St. Ann's AVED:EX
Sent: Friday, July 22, 2016 9:22 AM
To: O'Melinn, Sean AVED:EX
Subject: Accepted: Call with David Borins

Your request was accepted.

This resource is reserved for the exclusive use of the ASDT team Monday through Wednesday.

Sent by Microsoft Exchange Server 2013

Poirier, Dorice AVED:EX

Subject: meeting with David Borins Re: proposed new societies act

Start: Mon 2015-02-02 6:00 PM
End: Mon 2015-02-02 6:30 PM

Recurrence: (none)

Organizer: Avison, Claire AVED:EX

Poirier, Dorice AVED:EX

Subject: pre-brief Societies Act mtg with David Borins, Claire, Mary, Susan
Location: Claire's office
Start: Thu 2015-02-12 3:30 PM
End: Thu 2015-02-12 4:15 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Avison, Claire AVED:EX
Required Attendees: Shaw, Mary A AVED:EX; Brown, Susan B AVED:EX
Resources: AVED R 310 St. Ann's AVED:EX

Poirier, Dorice AVED:EX

Subject: Societies Act mtg with David Borins, Claire, Mary, Susan at 3rd Floor - 835 Humboldt Street room 310
Location: AVED R 326 St. Ann's AVED:EX
Start: Tue 2015-02-24 10:00 AM
End: Tue 2015-02-24 11:30 AM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Avison, Claire AVED:EX
Required Attendees: Shaw, Mary A AVED:EX; Brown, Susan B AVED:EX; 'dborins@borins.ca'
Resources: AVED R 326 St. Ann's AVED:EX

Poirier, Dorice AVED:EX

Subject: Call with David Borins and Claire - Societies Act
Location: Claire to call David at 604 620 8975

Start: Thu 2015-03-05 9:30 AM
End: Thu 2015-03-05 10:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Avison, Claire AVED:EX
Required Attendees: dborins@borins.ca

Categories: Phone Call

Poirier, Dorice AVED:EX

Subject: Societies Act
Location: David to call Claire's cell at 250 217 9059

Start: Wed 2015-03-18 11:30 AM
End: Wed 2015-03-18 12:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Avison, Claire AVED:EX
Required Attendees: 'dborins@borins.ca'

Categories: Phone Call

Poirier, Dorice AVED:EX

Subject: 11:30 Meeting with David Borins & Matthew Stickney re: Societies Act

Start: Thu 2015-05-07 11:30 AM

End: Thu 2015-05-07 1:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Avison, Claire AVED:EX

Required Attendees: 'dborins@borins.ca'; 'Matthew Stickney (mestickney@gmail.com)'

Poirier, Dorice AVED:EX

Subject: David Borins and Matt Stickeny - SOCIETIES ACT
Location: 555 West Hastings Office

Start: Wed 2015-06-10 6:00 PM
End: Wed 2015-06-10 7:00 PM

Recurrence: (none)

Organizer: Avison, Claire AVED:EX

Poirier, Dorice AVED:EX

s.14

Subject:

Location:

David to call Claire

Start:

Fri 2015-11-13 11:00 AM

End:

Fri 2015-11-13 11:30 AM

Recurrence:

(none)

Organizer:

Avison, Claire AVED:EX

Poirier, Dorice AVED:EX

Subject: Metting David Borins & Claire Avison

Start: Fri 2016-04-15 12:00 PM
End: Fri 2016-04-15 1:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Avison, Claire AVED:EX
Required Attendees: "David Borins (dborins@borins.ca)"

Poirier, Dorice AVED:EX

Subject: Meeting Mr. Borins re ^{s.14}
Location: s.14

Start: Mon 2016-06-27 2:00 PM
End: Mon 2016-06-27 3:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Avison, Claire AVED:EX
Required Attendees: 'dborins@borins.ca'
Optional Attendees: Shaw, Mary A AVED:EX