

CORRECTIONS PROJECT EXECUTIVE BOARD MEETING

Okanagan Correctional Centre

MINUTES – December 8, 2016

3:00– 3:45 PM

PRESENT:

Mark Sieben, Deputy Solicitor General, PSSG (Chair)
Brent Merchant, Assistant Deputy Minister, Corrections Branch
Amanda Farrell, President and CEO, Partnerships BC
David Marr, Executive Director, MOTI (for Patrick Livolsi)

Regrets:

Sarf Ahmed, Associate Deputy Minister, MTICS
Patrick Livolsi, ADM, MoTI

Recorder: Del de Medeiros, Senior Development Manager, Workplace Development Services

TOPIC	ACTION	STATUS
<ul style="list-style-type: none">Agenda: Members adopted the agenda as circulated. The topic of the OIPC Inquiry was added to the agenda.	All	
<ul style="list-style-type: none">Approve Minutes:<ul style="list-style-type: none">Minutes of the November 29, 2016 Project Executive Board Minutes were approved.		Complete
<ul style="list-style-type: none">Board Resolution:<ul style="list-style-type: none">The Board acknowledged the Decision Note submitted to the PEB regarding the capital funding pressures from OCIO technology that has resulted as a result from OCC and passed the following resolution on a motion from Amanda Farrell, seconded by Brent Merchant. <p>s.12</p>	Del	Complete
<ul style="list-style-type: none">Update on TB Submission for OCC Project Reserve:<ul style="list-style-type: none">s.12	Del	Ongoing

<ul style="list-style-type: none"> • Update on OCC Litigation: <ul style="list-style-type: none"> • An update was given on the recent civil suit by Honeywell against Pitt Meadows Plumbing on an outstanding payment and a lien was placed against the holdback. Legal discussions between the two parties have been positive and the matter should be resolved by the week of December 12th. 		
<ul style="list-style-type: none"> • Result of OPIC Inquiry Update: <ul style="list-style-type: none"> • An order was received by MTICS from the OPIC adjudicator to release financial model data to the journalist by January 18th 2017. • It was concluded that MTICS and Plenary have not met the burden of proof that the release of the information would result in in harms to third party interests under Section 21(1) of FIPPA. <p>s.13</p>	Del	Ongoing
<ul style="list-style-type: none"> • Continuance of PEB Meetings: <ul style="list-style-type: none"> • Board members agreed to convene the next PEB meeting on January 8, 2017 and will consider future meetings as issues are resolved in 2017. 	All	Ongoing
<ul style="list-style-type: none"> • Key Activities and meeting dates: <ul style="list-style-type: none"> • Jan 12, 2016 PEB Meets – 3:00 – 3:45 • Feb 9, 2016 PEB Meets – 3:00 – 3:45 	All	Ongoing

Distribution:

- PEB Members
- Michael Houle, PBC

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Withheld pursuant to/removed as

s.14

McKECHNIE & COMPANY

BARRISTERS

J. Cam McKechnie*
Philip Di Tomaso
Lisa I. Hack

300 - 1122 Mainland Street
Vancouver, B.C. V6B 5L1
TELEPHONE (604) 669-7705
FACSIMILE (604) 669-7715

**Personal law corporation*

Richard J. Olson, Associate Counsel

File No. 7358

Reply To: J. Cam McKechnie
caml@mckechnie.bc.ca

VIA REGISTERED MAIL

Deputy Attorney General
Ministry of Justice
PO Box 9280 Stn Prov Govt
Victoria, BC V8W 9J7

Attention: Duty Counsel

Dear Sirs:

Re: **Honeywell Limited v. Pitt Meadows Plumbing and Mechanical Systems (2001) Ltd. and HMQBC; SCBC Penticton Registry No.: S41395**

We are counsel for the plaintiff, Honeywell Limited.

Pursuant to rule 4-3(6) of the Supreme Court Civil Rules, we enclose for service upon Her Majesty the Queen in Right of the Province of British Columbia a filed Notice of Civil Claim.

We anticipate receipt of your filed response to civil claim within the time limits set out in the *Supreme Court Civil Rules*.

Kindly acknowledge service by signing and returning the enclosed copy of this letter at your earliest convenience.

Yours truly,

McKECHNIE & COMPANY

Per:

J. Cam McKechnie

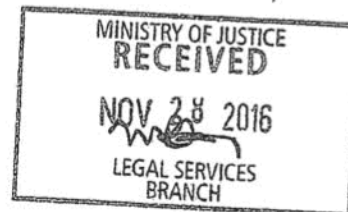
/mf
Enclosures

cc: Client (via email)



RW 498 947 035 CA

November 24, 2016



McKECHNIE & COMPANY

BARRISTERS

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Philip Di Tomaso
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**Personal law corporation*

File No. 7358

Reply To: J. Cam McKechnie
caml@mckechnie.bc.ca

VIA REGISTERED MAIL

November 24, 2016

Deputy Attorney General
Ministry of Justice
PO Box 9280 Stn Prov Govt
Victoria, BC V8W 9J7

Attention: Duty Counsel

Dear Sirs:

Re: Honeywell Limited v. Pitt Meadows Plumbing and Mechanical Systems (2001) Ltd. and HMQBC; SCBC Penticton Registry No.: S41395

We are counsel for the plaintiff, Honeywell Limited.

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We anticipate receipt of your filed response to civil claim within the time limits set out in the *Supreme Court Civil Rules*.

Kindly acknowledge service by signing and returning the enclosed copy of this letter at your earliest convenience.

Yours truly,

MCKECHNIE & COMPANY

Per:



J. Cam McKechnie

/mf

Enclosures

cc: Client (via email)

Service of a true copy hereof admitted
this ____ day of _____ 20__

Solicitor for _____



File No. *PEN-S-S-41395*
Penticton Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

HONEYWELL LIMITED

PLAINTIFF

AND:

**PITT MEADOWS PLUMBING AND MECHANICAL SYSTEMS (2001) LTD.
and HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA**

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

TIME FOR RESPONSE TO CIVIL CLAIM

A response to civil claim must be filed and served on the plaintiff,

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,

- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

PART 1: STATEMENT OF FACTS

1. The plaintiff is a company extra-provincially registered under the laws of B.C. and has an address for service with respect to this proceeding c/o McKechnie & Company, 300 – 1122 Mainland Street, Vancouver, B.C.
2. The defendant Pitt Meadows Plumbing and Mechanical Systems (2001) Ltd. (the "Subcontractor") is a B.C. company with its registered office at 22334 McIntosh Ave, Maple Ridge, B.C.
3. The defendant Province of British Columbia (the "Owner") was at all material times the lessee of certain lands at 200 Enterprise Way, Senkulmen Business Park, in Oliver, B.C. on which it was constructing the Okanagan Corrections Centre (the "Improvement").
4. The Subcontractor was retained to supply and install the heating, ventilating and air conditioning systems in the Improvement.
5. In or about the latter half of 2016, in accordance with purchase order PO-003 dated June 20, 2016, the plaintiff supplied and delivered controls for the Improvement's heating, ventilating and air conditioning system (the "Materials") to the Subcontractor.
6. In respect of the Materials, \$378,537.99, which the Subcontractor agreed to pay the plaintiff, has been and remains owing, due and payable since October 12, 2016, not including interest at the contract rate, despite demand.
7. At all material times, it was the plaintiff's intention and the intention of the Subcontractor that the Materials were to become part of and to be used in the making of the Improvement.
8. The plaintiff is one of a class described in section 4 of the Act, and it claims a lien against:

- (a) the holdback required to be retained by the Owner thereunder; and
- (b) any amounts in excess of the said holdback in respect of which the Owner remains indebted in respect of the Improvement.

PART 2: STATEMENT OF RELIEF SOUGHT

The plaintiff seeks the following relief:

1. a declaration that the plaintiff is entitled to a lien against:
 - (a) the holdback required to be retained by the Owner pursuant to section 4 of the Act; and
 - (b) any amounts in excess of the said holdback in respect of which the Owner remains indebted in respect of the Improvement;
2. an order that all necessary and proper directions be given, inquiries made and accounts taken;
3. judgment against the Subcontractor in debt for \$378,537.99;
4. interest at the contract rate or, alternatively, interest pursuant to the Court Order Interest Act;
5. costs; and
6. such further and other relief as this Honourable Court may deem meet and just.

PART 3: LEGAL BASIS

The plaintiff relies upon the following in respect of the relief set forth in Part 2 above:

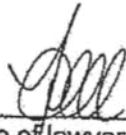
1. the Act, for the relief sought in paragraphs 1 and 2;
2. the law of contract and the Court Order Interest Act, R.S.B.C. 1996, c. 79, for the relief sought in paragraphs 3 and 4;
3. Rule 14-1 of the Rules of Court, for the relief sought in paragraph 5; and
4. the inherent jurisdiction of the Court, for the relief sought in paragraph 6.

Plaintiff's address for service:

McKechnie & Company
Barristers and Solicitors
#300 – 1122 Mainland Street
Vancouver, BC V6B 5L1
Fax number address for service: 604-669-7715
E-mail address for service: cam@mckechnie.bc.ca

Place of trial: Penticton, BC
The address of the registry is:
100 Main Street
Penticton, B.C. V2A 5A5

Date: November 23, 2016



Signature of lawyer for plaintiff
J. Cam McKechnie

Rule 7-1(1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

- (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
- (b) serve the list on all parties of record.

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The plaintiff seeks to recover indebtedness incurred pursuant to an agreement, and to enforce a lien claim arising from such indebtedness.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

[Check one box below for the case type that best describes this case.]

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☐ another cause

A dispute concerning:

- ☐ contaminated sites
- ☐ construction defects
- ☐ real property (real estate)
- ☐ personal property
- ☐ the provision of goods and services or other general commercial matters
- ☐ investment losses
- ☒ the lending of money
- ☐ an employment relationship
- ☐ a will or other issues concerning the probate of an estate
- ☐ a matter not listed here

Part 3: THIS CLAIM INVOLVES

[Check all boxes below that apply to this case]

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflicts of law
- ☒ none of the above
- ☐ do not know

Part 4:

[If an enactment is relied on, specify. Do not list more than 3 enactments]

1. *Builders Lien Act*, S.B.C. 1997 Chapter 45; and
2. The Supreme Court Civil Rules.

From: [de Medeiros, Del MTIC:EX](#)
To: [Verjinschi, Scarlett MTIC:EX](#)
Cc: [Bellows, David R MTIC:EX](#); [Phillips, Bronwyn G MTIC:EX](#)
Subject: Fwd: OCC - Media Article, Honeywell
Date: Tuesday, November 29, 2016 9:39:17 AM
Attachments: [image002.jpg](#)
[image004.jpg](#)

FYI.

Regards,

Del

Begin forwarded message:

From: "Gullekson, Valerie MTIC:EX" <Valerie.Gullekson@gov.bc.ca>
Date: November 29, 2016 at 9:30:33 AM PST
To: "de Medeiros, Del MTIC:EX" <Del.deMedeiros@gov.bc.ca>, "Pastorek, John PSSG:EX" <John.Pastorek@gov.bc.ca>, "Bell, Rod MTIC:EX" <Rod.Bell@gov.bc.ca>, "DiCastri, Steve PSSG:EX" <Steve.DiCastri@gov.bc.ca>
Cc: "Howard, Tedd PSSG:EX" <Tedd.Howard@gov.bc.ca>, "Ken Frick (Ken.Frick@plenarygroup.com)" <Ken.Frick@plenarygroup.com>
Subject: FW: OcC - Media Article, Honeywell

Good morning,

I received a call this morning from Albert Iwasaki, Plenary Head Office in Toronto. Plenary is in the process of verifying the details of the media report that circulated yesterday with Honeywell Inc.

The information to date is, Honeywell Inc. also acting in the role of a sub-contractor/supplier to Pitt Meadows Plumbing and Heating, a contractor for the OCC project, has filed a civil suit against Pitt Meadows for nonpayment of an invoice. In doing this, Honeywell Inc has put a lien on the holdback for the project deficiencies. This action was taken by the BC Honeywell operations division and was not communicated to Plenary or the Project prior to filing.

Plenary will be writing a communication for the Province once all the details are verified.

It is my understanding that there is no action required of the Province until we are notified through the standard process that the suit has been filed in Court.

Regards,

Val Gullekson, AOP | Contract Performance Manager, Governance

Facilities Management Services | Shared Services BC

Ph: 778 698-2653 | **e:** Valerie.Gullekson@gov.bc.ca | **m:** PO Box 9412, Victoria BC, V8W 9V1

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s.14