

**MINISTRY OF ATTORNEY GENERAL  
MINISTRY RESPONSIBLE FOR HOUSING  
COURT SERVICES BRANCH  
DECISION BRIEFING NOTE**

**Legal Advice to Attorney General**

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**PURPOSE:** For DECISION of Shannon Salter,  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

**ISSUE:**  
Relocation expenses requested by a former Court Services employee.

**DECISION REQUIRED/ RECOMMENDATION:**

s.13

**SUMMARY:**

- s.22 is requesting financial support to fund the costs of a recent move to a new home.
- Relocation is normally only provided for moves made necessary by a change in headquarters. s.22

s.22

The Court Services Branch offered relocation assistance to support the employee in moving closer to the new workplace. s.22

s.22

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The Manager of Budgets and Financial Planning approved the request for move form to get a move estimate on s.22. She believed that he was moving to the s.22 area. The form stated that the new address was in s.22. This approved form authorized the Ministry of Citizens' services to get a move estimate.

The estimate was returned by Citizens' Services to the Ministry of Attorney General on s.22. The authorization form was missed by CSB staff and was not sent to an Expense Authority until s.22 at which point, the Director of Finance consulted with the Ministry CFO and Regional Executive Director. The determination was that the move did not comply with policy as:

- The move appeared to be for personal reasons not related to work.
- The employee did not move to a new geographical region.
- The new home was further from the office.

CSB has reviewed its approval procedures to reduce the likelihood of an incorrect approval, and to ensure that authorization forms are handled in a timely fashion.

The Ministry of Citizens' Services did not wait for Expense Authority approval to book movers for s.22 out of concern that movers might not be available if there was a delay. These movers showed up on s.22, at which point the cancellation cost was estimated at \$2,500, so the branch offered to permit the movers to proceed if the employee agreed to repay the difference of \$3,500. The employee was offered terms to pay over two years and refused stating that he could get a better price, so the move was cancelled, although the government movers completed a pack for the employee.

s.22 notes that he was not given significant time to decide whether to use the government movers that were already there. These movers were already on the clock and there was concern that a delay could result in increased costs to government. It is noted that due to the last-minute cancellation fee, the movers who were already at employee's residence used the day to perform a full pack.

s.22

s.22 He relied on government movers rather than booking his own solution. He also states that the short notice that his move did not comply with policy was not reasonable. While this may be a sufficient rationale to pay for the move of household effects, it would not justify legal costs, incidental expenses, or real estate fees.

In exchange for government covering the packing cost s.22 s.22 is dropping his requests for:

- Legal fees (maximum (\$1,110)
- Incidental costs (maximum \$800)
- Real estate costs (maximum \$9,440).

None of the conditions under which the Deputy Attorney General can pre-approve relocation expenses in excess of the provisions of the Terms and Conditions for Excluded Employees apply to this case. These conditions are:

1. The employee brings difficult to recruit skills to the job;
2. The location of the job makes it difficult to recruit; or
3. There is a need to be competitive in order to attract a candidate who will provide good value for cost

s.13; s.22

s.14; s.22

#### **INDIGENOUS PEOPLES CONSIDERATIONS:**

- N/A

#### **OPTIONS:**

1. Do not approve any costs.

##### **Pros**

- Consistent with the Terms and Conditions of Employment for Excluded Employees as it was not necessary to move further away from the office.

s.13

2. <sup>s.13</sup>

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- The PSA has been consulted and notes that only option 1 is consistent with the Terms and Conditions for Excluded Employees. The PSA also advises that legal advice is required in this case. This advice was obtained and included in this note.

**OPTION 1 APPROVED**

Shannon Salter  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

August 24, 2022

**DATE**

**Prepared by:**

Christopher Steinbach  
Director of Finance and Administration  
Court Services Branch  
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**Approved by:**

Dan Chiddell  
Executive Director  
Court Services Branch  
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**Appendix A**

s.22

sent the ADM a copy of the relocation policy in support of his request for funding for his move.

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s.22

was sent the following package that contains the relocation policy.

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s.22

s.22

sent the following response to the letter sent to him on <sup>s.22</sup>

s.22

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s.3

**MINISTRY OF ATTORNEY GENERAL AND  
MINISTRY RESPONSIBLE FOR HOUSING  
COURT SERVICES BRANCH  
DECISION BRIEFING NOTE**

**PURPOSE:** For DECISION of Shannon Salter,  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

**ISSUE:**

To consider a meritorious general leave with pay request for <sup>s.22</sup>  
<sup>s.22</sup> under section 57.1 of the Terms and Conditions of Employment for  
excluded employees:

**57. General Leave of Absence With Pay**

57.1 Leave of Absence With Pay: All Employees / Appointees Except  
Auxiliary Under 1,827 Hours, Statutory Term and OIC Category D  
A deputy minister shall approve leave of absence with pay for an  
employee/appointee in an amount equal to or greater than that provided  
for a bargaining unit employee in all circumstances where bargaining unit  
employees are granted leave with pay. Leave of absence with pay may  
also be granted by a deputy minister in other meritorious circumstances  
not covered under subsection (1) above. Examples of meritorious  
circumstances include: family illness (critically ill or injured spouse); family  
caregiver for adults; compassionate care for a gravely ill spouse.

**General Leave With Pay**

General leave with pay may be granted to **excluded** and PEA employees  
in extenuating circumstances. This leave isn't available to BCGEU  
employees or Nurses.

**Submit a written request to your supervisor that outlines your reason  
for taking leave. Leaves will be granted for legitimate reasons.**

Exceptions include requests for leave to work for another employer or  
when it's not operationally possible for you to be absent.

**DECISION REQUIRED/ RECOMMENDATION:**

**RECOMMENDED OPTION:**

OPTION 1, approve paid leave of four weeks. Recommend approval of general leave  
with pay for four weeks on the grounds of meritorious circumstances, <sup>s.22</sup>  
<sup>s.22</sup>



## SUMMARY:

- The employee requires up to 7 weeks off<sup>s.22</sup>  
s.22
- The branch supports her request for leave with pay during this eight-week period and is requesting four weeks of paid leave.
- The meritorious circumstances of this request align with Section 57.1 of the Terms and Conditions of Employment for excluded employees.

## BACKGROUND:

s.22

- In early<sup>s.22</sup> a directly comparable situation arose whereby a long-term excluded management employee sought a meritorious leave with pay<sup>s.22</sup>  
s.22 The recommendation approved by DAG Fyfe was paid leave of four weeks per Section 57 of the Terms and Conditions for excluded employees. (See attached approval).
- The employee is in her<sup>s.22</sup> year of service with the Ministry. <sup>s.22</sup>  
s.22

s.22

She is a highly valued leader with her experience and expertise and often the go-to person provincially.

- The employee has an exemplary attendance record with very little STIIP time used during her employment in the ministry.

## DISCUSSION:

s.22

s.22

- The ministry's Strategic Human Resources office and the Public Service Agency were consulted regarding leave with pay for the previous excluded employee's situation which is essentially the same: both indicated that consideration of leave with pay should align with the BCGEU Main Agreement whereby 70 hours (two weeks) of leave with pay be granted unless, per Section 57.1 of the Terms and Conditions of Employment (above), the Deputy Minister grant leave equal to or greater than bargaining unit leave based on meritorious circumstances<sup>s.22</sup>

s.22

This applies to the current request.

s.22

#### **INDIGENOUS PEOPLES CONSIDERATIONS:**

- N/A

#### **OPTIONS:**

1. Approve paid leave of four weeks per Section 57 of the Terms and Conditions for excluded employees

s.13

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Justice Sector Strategic Human Resources (in previous case)
- Public Service Agency (in previous case)

**OPTION 1 APPROVED**



Shannon Salter  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

**DATE:**

August 10, 2022

**Prepared by:**

Angela Villella  
Regional Executive Director  
Vancouver-Coastal and Fraser Regions  
Court Services Branch  
Ministry of Attorney General  
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Acting Assistant Deputy Minister  
Court Services Branch  
250 475-7420

**Attachment(s)**

s.22

Final DAG signed-off DBN

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**MINISTRY OF ATTORNEY GENERAL  
COURT SERVICES BRANCH  
DECISION BRIEFING NOTE**

**PURPOSE:** For DECISION for Richard J.M. Fyfe, QC  
Deputy Attorney General

**ISSUE:**

To consider a meritorious general leave with pay request for excluded employee  
s.22

**57. General Leave of Absence With Pay**

57.1 Leave of Absence With Pay: All Employees / Appointees Except Auxiliary  
Under 1,827 Hours, Statutory Term and OIC Category D

A deputy minister shall approve leave of absence with pay for an employee/appointee in an amount equal to or greater than that provided for a bargaining unit employee in all circumstances where bargaining unit employees are granted leave with pay. Leave of absence with pay may also be granted by a deputy minister in other meritorious circumstances not covered under subsection (1) above. Examples of meritorious circumstances include: family illness (critically ill or injured spouse); family caregiver for adults; compassionate care for a gravely ill spouse.

**General Leave With Pay**

General leave with pay may be granted to **excluded** and PEA employees in extenuating circumstances. This leave isn't available to BCGEU employees or Nurses.

**Submit a written request to your supervisor that outlines your reason for taking leave. Leaves will be granted for legitimate reasons.** Exceptions include requests for leave to work for another employer or when it's not operationally possible for you to be absent.

## **BACKGROUND:**

s.22

- The employee is in her<sup>s.22</sup> year of service with the Ministry. She has led or represented the branch on many high-profile projects including<sup>s.22</sup>  
s.22
- The employee has an exemplary attendance record with very little STIIP time used during her employment in the ministry.

## **DISCUSSION:**

s.22

- The justice sector's Strategic Human Resources office and the Public Service Agency have been consulted regarding leave with pay for this excluded employee: both indicated that consideration of leave with pay should align with the BCGEU Main Agreement whereby 70 hours (two weeks) of leave with pay be granted unless, per Section 57.1 of the Terms and Conditions of Employment (above), the Deputy Minister grant leave equal to or greater than bargaining unit leave based on meritorious circumstances<sup>s.22</sup>

s.22

## **SUMMARY:**

s.22

- The branch supports her request for leave with pay during this eight-week period and is requesting four weeks of paid leave.
- The meritorious circumstances of this request align with Section 57.1 of the Terms and Conditions of Employment for excluded employees.

## **INDIGENOUS PEOPLES CONSIDERATIONS:**

- N/A

## **DECISION REQUIRED/ RECOMMENDATION:**

s.13

## **OPTIONS:**

1. Approve paid leave of four weeks per Section 57 of the Terms and Conditions for excluded employees

s.13

## **OTHER MINISTRIES IMPACTED/CONSULTED:**

- Justice Sector Strategic Human Resources
- Public Service Agency

**RECOMMENDED OPTION:**

**OPTION 1:** approve paid leave of four weeks.

**RECOMMENDED OPTION APPROVED**



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Richard J. M. Fyfe, QC  
Deputy Attorney General

**DATE:**

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February 23, 2021

**Prepared by:**

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**Approved by:**

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**Attachment(s)**

s.22



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**MINISTRY OF ATTORNEY GENERAL AND  
MINISTRY RESPONSIBLE FOR HOUSING  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For **INFORMATION** for Shannon Salter,  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

**ISSUE:**

With the conclusion of the Commission of Inquiry into Money Laundering in British Columbia (Cullen Commission), a review of the Freedom of Information (FOI) process has been completed in anticipation of the Ministry receiving an influx of FOI Requests.

**SUMMARY:**

- The Cullen Commission released their final report on June 15, 2022, and the Tribunals, Transformation, and Independent Offices Division (TTIOD) is working to support the close out of the Commission.
- In accordance with section 30 of the *Public Inquiry Act*, the Commission implemented a process to determine what records are required to be assembled and provided to Government for the purpose of archiving and management, and what records are considered transitory and can be destroyed.
- Historically, Independent Commission records are surrendered to Government Records Services (GRS) to be legally transferred to the BC Archives in hard copy. However, the entirety of the Cullen Commission's records are in digital format.
- The Cullen Commission's digital records are now in the custody of Ministry of Attorney General and Minister Responsible for Housing until such time as the BC Archives and the GRS establish and implement an electronic archives framework to house large volumes of digital materials.
- It is expected that within 5 years this framework will be complete, and the records could be electronically transferred to BC Archives for retention at that time.
- TTIOD worked with Justice Services Branch (JSB) Records Analysts, and the Information Systems Branch (ISB) to develop a customized best practice for assessing and triaging FOI requests, and is now confident it is well positioned to respond to any FOI requests it receives.
- As per section 75 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), additional processing fees may be applied to requests depending on their size and complexity (i.e.: the labour-intensive task of obscuring faces in video files)

**BACKGROUND:**

- Information requests directed to former Cullen Commission members will be redirected to Information Access Operations to assign the requests appropriately.

- A significant portion of the information generated by the Cullen Commission is publicly available via the website and could potentially be released through the FOIPPA
- Requests for information readily available on the Commission's website will receive a response directing them to <https://cullencommission.ca/> where the archive are housed
- Complex requests for footage or sensitive documents will be reviewed on a case-by-case basis and an estimation of processing time will be provided.
- FOI requests, once complete, are typically posted online to Open Information; however TTIOD will review each request individually, and consult with Information Access Operations when deemed necessary to determine if an exception is required.

**INDIGENOUS PEOPLES CONSIDERATIONS:**

- N/A

**OTHER MINISTRIES IMPACTED/CONSULTED**

- Ministry of Citizen Services
- Gaming Policy and Enforcement Branch

**Prepared by:**

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