

**From:** [Faganello, Tara MAH:EX](#)  
**To:** [Mueller, Brent MAH:EX](#); [Porter, Dianna MAH:EX](#); [Lee, Catherine MAH:EX](#)  
**Subject:** Silver Star briefing  
**Start:** December 19, 2019 3:00:00 PM  
**End:** December 19, 2019 4:00:00 PM  
**Location:** MAH 800 J 622 Brd, (8) MAH:EX

---

**From:** [Silverstar Taskforce](#)  
**To:** s.22  
**Cc:** [Mueller, Brent MAH:EX](#)  
**Subject:** Response to email requests  
**Date:** December 21, 2019 11:05:41 AM

---

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

**From:** s.22  
**To:** [Silverstar Taskforce](#)  
**Cc:** [Mueller, Brent MAH:EX](#); [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Re: Response to email requests  
**Date:** December 27, 2019 4:52:58 PM  
**Attachments:** Oak Bay Petition Order F15-21.pdf

---

Silver Star Marketing Task Force,

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, The Corporation of the District of Oak Bay (see attached), where the Adjudicator *'found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated *"The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review."* And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.*

Consequently, you are required to submit all Petitions and supporting documents to MAH. As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.

Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM. Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practises and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,

---

**From:** Silverstar Taskforce

**Sent:** December 21, 2019 11:05 AM

**To:** s.22

**Cc:** brent.mueller@gov.bc.ca

**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.



Page 005 of 133 to/à Page 011 of 133

Withheld pursuant to/removed as

Copyright

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Silver Star Resort Association  
**Date:** December 27, 2019 5:12:22 PM  
**Attachments:** Oak Bay Petition Order F15-21.pdf

---

Dear Mr. Mueller,

Further to my email to the Silver Star Marketing Task Force below, please direct the Task Force to immediately provide me with a copy of all Petitions and supporting documents I have requested.

If you haven't done so, please request the Task Force to file all Petitions and supporting documents as required. In addition, if an order has not been issued, please request the Task Force to have the Petition certified by the corporate officer as required.

Respectfully submitted,

s.22

**From:** s.22  
**Sent:** December 27, 2019 4:52 PM  
**To:** Silverstar Taskforce  
**Cc:** Mueller, Brent MAH:EX ; [OfficeofthePremier, Office PREM:EX](#) ; [Mah.DeputyMinister@gov.bc.ca](#) ; [Tara.Faganello@gov.bc.ca](#) ; Minister, MAH MAH:EX  
**Subject:** Re: Response to email requests  
Silver Star Marketing Task Force,

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, The Corporation of the District of Oak Bay (see attached), where the Adjudicator '*found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated "*The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review.*" And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.* Consequently, you are required to submit all Petitions and supporting documents to MAH.

As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.

Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM. Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practises and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,

s.22

---

**From:** Silverstar Taskforce

**Sent:** December 21, 2019 11:05 AM

**To:** s.22

**Cc:** brent.mueller@gov.bc.ca

**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

Page 014 of 133 to/à Page 020 of 133

Withheld pursuant to/removed as

Copyright

Page 021 of 133

Withheld pursuant to/removed as

s.14; s.13

Page 022 of 133 to/à Page 030 of 133

Withheld pursuant to/removed as

s.13; s.14

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Silver Star Resort Association  
**Date:** January 7, 2020 3:08:04 PM

---

Dear Mr. Mueller,

Further to my emails below I want to add the following points.

First, RAA, s. 3(3) and CC, s. 214(4) require the corporate officer to be used to determine the sufficiency and validity of the Petition. A corporate officer was not used in this case which makes it imperative that all of the Petition documents be filed with MAH for review, as only a determination by the corporate officer is deemed final and conclusive, CC, s. 212(5).

Second, the Task Force used a third party consultant to "certify" the Petition. The third party consultant is being paid directly by the Task Force to "certify" a result that the Task Force wants. This is a classic conflict of interest and is a reason why the use of the corporate officer is required. The corporate officer is a public servant who does not receive any compensation for certifying the results and is in a position to give an independent, fair and transparent determination. That is why a determination by the corporate officer is deemed final and conclusive.

Again I ask that MAH require all Petition documents be filed for review by MAH, and that the Petition be certified by the corporate officer as required by applicable legislation.

Lastly, I request that the Non-Ram properties be taken off the Resort Association map.

Respectfully submitted

s.22

---

**From:** s.22  
**Sent:** December 27, 2019 5:12 PM  
**To:** Mueller, Brent MAH:EX  
**Cc:** [OfficeofthePremier, Office PREM:EX](#) ; [Mah.DeputyMinister@gov.bc.ca](#) ; [Tara.Faganello@gov.bc.ca](#) ; [Minister, MAH MAH:EX](#)  
**Subject:** Silver Star Resort Association  
Dear Mr. Mueller,

Further to my email to the Silver Star Marketing Task Force below, please direct the Task Force to immediately provide me with a copy of all Petitions and supporting documents I have requested.

If you haven't done so, please request the Task Force to file all Petitions and supporting documents as required. In addition, if an order has not been issued, please request the Task Force to have the Petition certified by the corporate officer as required.

Respectfully submitted,

s.22

**From:** s.22

**Sent:** December 27, 2019 4:52 PM

**To:** Silverstar Taskforce

**Cc:** Mueller, Brent MAH:EX ; OfficeofthePremier, Office PREM:EX ; Mah.DeputyMinister@gov.bc.ca ; Tara.Faganello@gov.bc.ca ; Minister, MAH MAH:EX

**Subject:** Re: Response to email requests  
Silver Star Marketing Task Force,

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, *The Corporation of the District of Oak Bay* (see attached), where the Adjudicator *'found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated *"The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review."* And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.* Consequently, you are required to submit all Petitions and supporting documents to MAH.

As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.

Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM. Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practises and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,

s.22

---

**From:** Silverstar Taskforce

**Sent:** December 21, 2019 11:05 AM

**To:** s.22

**Cc:** brent.mueller@gov.bc.ca

**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on



our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

**From:** [Lee, Catherine MAH:EX](#)  
**To:** [Mueller, Brent MAH:EX](#); [Tubman, Tammy MAH:EX](#)  
**Cc:** [Porter, Dianna MAH:EX](#)  
**Subject:** RE: Silver Star Resort Association  
**Date:** January 8, 2020 10:42:37 AM

---

Hi Brent,

He wrote the Minister, DM, ADM and you on Sept. 13/19 asking for MAH to review the petition documentation and also for him to be provided with a copy of all supporting petition documents. He also requested that if MAH is not able to provide him with a copy of the petition documents then the Minister direct the Task Force and/or the third party who certified the petition to provide him with the petition documents.

An email response from you went out on Nov. 22/19 noting that is not the Minister's role to direct providing petition documents and MAH does not have the petition documents to provide.

In the below email he is also asking that we require the petition to be certified by the corporate officer per CC s. 214. In the Nov. 22 reply we told him that *Resort Associations Act* provides that the Minister must be satisfied that a sufficient number of owners of land in the area have petitioned in favour of creating the resort association. We do not specifically discuss the corporate officer vs. third party certifying the petition.

In an earlier to reply to him on Feb. 23/19 we briefly touch on the petition process again, noting that the Task Force would need to provide information about the processes used and include evidence of a valid and sufficient petition outcome for the Minister to review and make a final decision. Again, no direct discussion of corporate officer vs. third party certifier.

The Feb.23 and Nov. 22 replies acknowledge that the Ministry has heard he wants non-RAM properties to be taken off the map.

Cheers,

Catherine

---

**From:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>  
**Sent:** January 8, 2020 9:56 AM  
**To:** Lee, Catherine MAH:EX <[Catherine.Lee@gov.bc.ca](mailto:Catherine.Lee@gov.bc.ca)>; Tubman, Tammy MAH:EX <[Tammy.Tubman@gov.bc.ca](mailto:Tammy.Tubman@gov.bc.ca)>  
**Cc:** Porter, Dianna MAH:EX <[Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca)>  
**Subject:** FW: Silver Star Resort Association

Hi Catherine – would you mind tracking to see if we have responded to this before – pretty sure this is a repeat.

If so, Tammy can we check to see if it would be OK to communicate back the messaging we use for repeat letters. (along the lines of ...We have previously replied. We are not going to respond in the future...).

Cheers ~ Brent

---

**From:** s.22  
**Sent:** January 7, 2020 3:08 PM  
**To:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>  
**Cc:** OfficeofthePremier, Office PREM:EX <[Premier@gov.bc.ca](mailto:Premier@gov.bc.ca)>; Deputy Minister, MAH:EX

<[MAH.deputyminister@gov.bc.ca](mailto:MAH.deputyminister@gov.bc.ca)>; Faganello, Tara MAH:EX <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Minister, MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>

**Subject:** Silver Star Resort Association

Dear Mr. Mueller,

Further to my emails below I want to add the following points.

First, RAA, s. 3(3) and CC, s. 214(4) require the corporate officer to be used to determine the sufficiency and validity of the Petition. A corporate officer was not used in this case which makes it imperative that all of the Petition documents be filed with MAH for review, as only a determination by the corporate officer is deemed final and conclusive, CC, s. 212(5).

Second, the Task Force used a third party consultant to "certify" the Petition. The third party consultant is being paid directly by the Task Force to "certify" a result that the Task Force wants. This is a classic conflict of interest and is a reason why the use of the corporate officer is required. The corporate officer is a public servant who does not receive any compensation for certifying the results and is in a position to give an independent, fair and transparent determination. That is why a determination by the corporate officer is deemed final and conclusive.

Again I ask that MAH require all Petition documents be filed for review by MAH, and that the Petition be certified by the corporate officer as required by applicable legislation.

Lastly, I request that the Non-Ram properties be taken off the Resort Association map.

Respectfully submitted

s.22

---

**From:** s.22

**Sent:** December 27, 2019 5:12 PM

**To:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>

**Cc:** OfficeofthePremier, Office PREM:EX <[premier@gov.bc.ca](mailto:premier@gov.bc.ca)>; [Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca) <[Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca)>; [Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca) <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Minister, MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>

**Subject:** Silver Star Resort Association

Dear Mr. Mueller,

Further to my email to the Silver Star Marketing Task Force below, please direct the Task Force to immediately provide me with a copy of all Petitions and supporting documents I have requested.

If you haven't done so, please request the Task Force to file all Petitions and supporting documents as required. In addition, if an order has not been issued, please request the Task Force to have the Petition certified by the corporate officer as required.

Respectfully submitted,

s.22

**From:** s.22

**Sent:** December 27, 2019 4:52 PM

**To:** Silverstar Taskforce <[silverstarmarketingtaskforce@gmail.com](mailto:silverstarmarketingtaskforce@gmail.com)>

**Cc:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>; OfficeofthePremier, Office PREM:EX <[premier@gov.bc.ca](mailto:premier@gov.bc.ca)>; Mah.DeputyMinister@gov.bc.ca <[Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca)>; Tara.Faganello@gov.bc.ca <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Minister, MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>

**Subject:** Re: Response to email requests

Silver Star Marketing Task Force,

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, The Corporation of the District of Oak Bay (see attached), where the Adjudicator *'found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated *"The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review."* And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.* Consequently, you are required to submit all Petitions and supporting documents to MAH.

As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.

Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM.

Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practices and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,

s.22

---

**From:** Silverstar Taskforce <[silverstarmarketingtaskforce@gmail.com](mailto:silverstarmarketingtaskforce@gmail.com)>  
**Sent:** December 21, 2019 11:05 AM  
**To:** s.22  
**Cc:** [brent.mueller@gov.bc.ca](mailto:brent.mueller@gov.bc.ca) <[brent.mueller@gov.bc.ca](mailto:brent.mueller@gov.bc.ca)>  
**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

**From:** [Tubman, Tammy MAH:EX](#)  
**To:** [Mueller, Brent MAH:EX](#); [Lee, Catherine MAH:EX](#)  
**Cc:** [Porter, Dianna MAH:EX](#)  
**Subject:** RE: Silver Star Resort Association  
**Date:** January 9, 2020 12:57:54 PM

---

Hi Brent,

Yes, you can certainly send a response saying that you're not going to respond anymore (unless he offers new information or questions). I believe I've forwarded some language along those lines in the past?

*Tammy Tubman*

Correspondence Coordinator  
Executive Correspondence Services  
Ministry of Municipal Affairs and Housing  
☎ 778-698-3573



Where ideas work



---

**From:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>  
**Sent:** January 8, 2020 9:56 AM  
**To:** Lee, Catherine MAH:EX <[Catherine.Lee@gov.bc.ca](mailto:Catherine.Lee@gov.bc.ca)>; Tubman, Tammy MAH:EX <[Tammy.Tubman@gov.bc.ca](mailto:Tammy.Tubman@gov.bc.ca)>  
**Cc:** Porter, Dianna MAH:EX <[Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca)>  
**Subject:** FW: Silver Star Resort Association

Hi Catherine – would you mind tracking to see if we have responded to this before – pretty sure this is a repeat.

If so, Tammy can we check to see if it would be OK to communicate back the messaging we use for repeat letters. (along the lines of ...We have previously replied. We are not going to respond in the future...).

Cheers ~ Brent

---

**From:** s.22  
**Sent:** January 7, 2020 3:08 PM  
**To:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>  
**Cc:** OfficeofthePremier, Office PREM:EX <[Premier@gov.bc.ca](mailto:Premier@gov.bc.ca)>; Deputy Minister, MAH:EX <[MAH.deputyminister@gov.bc.ca](mailto:MAH.deputyminister@gov.bc.ca)>; Faganello, Tara MAH:EX <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Minister, MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>  
**Subject:** Silver Star Resort Association

Dear Mr. Mueller,

Further to my emails below I want to add the following points.

First, RAA, s. 3(3) and CC, s. 214(4) require the corporate officer to be used to determine the sufficiency and validity of the Petition. A corporate officer was not used in this case which makes it imperative that all of the Petition documents be filed with MAH for review, as only a determination by the corporate officer is deemed final and conclusive, CC, s. 212(5).

Second, the Task Force used a third party consultant to "certify" the Petition. The third party consultant is being paid directly by the Task Force to "certify" a result that the Task Force wants. This is a classic conflict of interest and is a reason why the use of the corporate officer is required.

The corporate officer is a public servant who does not receive any compensation for certifying the results and is in a position to give an independent, fair and transparent determination. That is why a determination by the corporate officer is deemed final and conclusive.

Again I ask that MAH require all Petition documents be filed for review by MAH, and that the Petition be certified by the corporate officer as required by applicable legislation.

Lastly, I request that the Non-Ram properties be taken off the Resort Association map.

Respectfully submitted

s.22

---

**From:** s.22

**Sent:** December 27, 2019 5:12 PM

**To:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>

**Cc:** OfficeofthePremier, Office PREM:EX <[premier@gov.bc.ca](mailto:premier@gov.bc.ca)>; [Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca) <[Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca)>; [Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca) <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Minister, MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>

**Subject:** Silver Star Resort Association

Dear Mr. Mueller,

Further to my email to the Silver Star Marketing Task Force below, please direct the Task Force to immediately provide me with a copy of all Petitions and supporting documents I have requested.

If you haven't done so, please request the Task Force to file all Petitions and supporting documents as required. In addition, if an order has not been issued, please request the Task Force to have the Petition certified by the corporate officer as required.

Respectfully submitted,

s.22

**From:** s.22

**Sent:** December 27, 2019 4:52 PM

**To:** Silverstar Taskforce <[silverstarmarketingtaskforce@gmail.com](mailto:silverstarmarketingtaskforce@gmail.com)>

**Cc:** Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>; OfficeofthePremier, Office PREM:EX <[premier@gov.bc.ca](mailto:premier@gov.bc.ca)>; [Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca) <[Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca)>; [Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca) <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Minister, MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>

**Subject:** Re: Response to email requests

Silver Star Marketing Task Force,

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, The Corporation of the District of Oak Bay (see attached), where the Adjudicator *'found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated *"The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review."* And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.* Consequently, you are required to submit all Petitions and supporting documents to MAH.

As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.

Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM. Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practises and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,



---

**From:** Silverstar Taskforce <[silverstarmarketingtaskforce@gmail.com](mailto:silverstarmarketingtaskforce@gmail.com)>  
**Sent:** December 21, 2019 11:05 AM  
**To:** s.22  
**Cc:** [brent.mueller@gov.bc.ca](mailto:brent.mueller@gov.bc.ca) <[brent.mueller@gov.bc.ca](mailto:brent.mueller@gov.bc.ca)>  
**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

**From:** Elliott, Rebecca MAH:EX  
**To:** Mueller, Brent MAH:EX; Porter, Dianna MAH:EX  
**Subject:** FW: FYI/File CLIFF ID 251584  
**Date:** January 10, 2020 2:39:24 PM  
**Attachments:** 251584 s.22 incoming 4.msg  
251584 incoming 3.msg  
251584 incoming 2.msg  
251584 incoming.msg

---

Hello,

Just wanted to Inform you that this has been FYI's by the Minister and DM's office. The incoming has been saved with ECS and this is just a heads up this was FYI'd.

Please let me know if you have any questions.

Thanks,

**Rebecca Elliott**

Administrative Assistant | Governance and Structure

Ministry of Municipal Affairs & Housing

Phone: 778-974-3605 | Fax: 250-387-7972 | Email: [Rebecca.Elliott@gov.bc.ca](mailto:Rebecca.Elliott@gov.bc.ca)



Please consider the environment before printing this email

**From:** ECS - Executive Correspondence Services

**Sent:** January 10, 2020 2:35 PM

**To:** Elliott, Rebecca MAH:EX

**Cc:** Andrade, Ana MAH:EX ; McCabe, Kate MAH:EX ; McKenzie, Millie MAH:EX

**Subject:** FYI/File CLIFF ID 251584

This FYI/File is being sent for your office's review; please see the email's recipient list to see who it has been shared with.

Please note that the CLIFF log has been closed by the ECS team, and we have filed the correspondence in EDRMS. Please contact us at [MAH.ExecutiveCorrespondence@gov.bc.ca](mailto:MAH.ExecutiveCorrespondence@gov.bc.ca) if you recommend it be shared with another office.

Thank you,

Executive Correspondence Services

MO - Minister's Office **Referral Slip for ID:251584**

01/10/2020

<b>Log Type:</b> Email	<b>Action:</b> FYI/File
<b>Batch:</b>	<b>Subaction:</b>

**Type:** Private Citizen  
**s.22**  
**Email:**  
**Written:** 11/22/2019  
**Received:** 11/22/2019 **Entered By:** awalle  
**Interim:**  
**Closed:** **File No.:**

---

<b>Address To:</b>	Minister Robinson	<b>Copy To:</b>
<b>Branch Rsp:</b>	LG - Governance & Structure	<b>Issue:</b>
<b>X-Ref:</b>		<b>Drafter:</b>
<b>With Letter:</b>		

**Subject**

2019 NOVEMBER INCOMINGS: Proposed Silver Star Resort Association.

**Referral** MO - Minister's Office -> MO - Minister's Office

*From:* MO - Minister's Office *Sent:* 01/10/2020 *Status:* Completed *Ref Action:* FYI/File  
*To:* MO - Minister's Office *Received:* 01/10/2020 *Reason:* *Subaction:*  
*Assign To:* *Completed:* 01/10/2020 *Due:* *File No.:*

**Referral** MO - Minister's Office -> MO - Minister's Office -> ECS - Executive Correspondence Services

*From:* MO - Minister's Office *Sent:* 01/10/2020 *Status:* Completed *Ref Action:* FYI/File  
*To:* ECS - Executive Correspondence Services *Received:* *Reason:* *Subaction:*  
*Assign To:* *Completed:* 01/10/2020 *Due:* *File No.:*

**Referral** MO - Minister's Office -> MO - Minister's Office -> ECS - Executive Correspondence Services -> LG - Governance & Structure

*From:* ECS - Executive Correspondence Services *Sent:* 01/10/2020 *Status:* Pending *Ref Action:* FYI/File  
*To:* LG - Governance & Structure *Received:* *Reason:* *Subaction:*  
*Assign To:* *Completed:* *Due:* *File No.:*

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Re: Proposed Silver Star Resort Association - Petition Documents  
**Date:** November 22, 2019 1:18:38 PM

---

Dear Mr. Mueller,

Thank you for your response.

As you know the Task Force chose not to use the Corporate Officer at the RDNO, and instead used a third party to certify the Petition documents. As you are also aware, if the Corporate Officer had been used to determine the sufficiency and validity of the Petition and the Corporate Officer had certified the determination, then the determination would have been final and conclusive (Community Charter Section 212 (5)). As a third party determined the sufficiency and validity of the Petition, that third party certification determination is not deemed final and conclusive.

The issue of the sufficiency and validity of the Petition and certification is particularly important with the Petition results only getting 53.2% of the property owners and only 56.4% of the assessed values and given the issues around the Petition process which have been expressed by others. It is imperative that the Petition review process be open and transparent and that the sufficiency and validity of the Petition be confirmed either by the Ministry or by the Corporate Officer.

In addition, why does the Ministry not have the Petition documents and why weren't they submitted by the Task Force?

Respectfully, s.22

---

**From:** Mueller, Brent MAH:EX  
**Sent:** November 22, 2019 10:18 AM  
**To:** s.22  
**Cc:** [OfficeofthePremier, Office PREM:EX](#) ; [Deputy Minister, MAH:EX](#) ; [Faganello, Tara MAH:EX](#) ; [Minister, MAH MAH:EX](#)  
**Subject:** Proposed Silver Star Resort Association - Petition Documents  
Ref: 249837 and 250378

s.22

Thank you for your two e-mails of September 13, one email on September 16, 2019, and your message from today, sent to Premier John Horgan, Honourable Selina Robinson, Minister of Municipal Affairs and Housing, Deputy Minister Kaye Krishna, Assistant Deputy Minister Tara Faganello, other Ministry staff and myself about your concerns with the proposal to establish a resort association at the Silver Star resort community. I have been asked to reply and I apologize for

the delay.

As you are aware, the Ministry of Municipal Affairs and Housing (the Ministry) has received a package sent on behalf of the Silver Star Marketing Task Force (Task Force) requesting Minister's approval for the Silver Star Resort Association. You have asked for a copy of all the Petition documents or for the Minister to direct the Task Force and/or the third party who certified the petition to provide the documents. It is not the role of the Minister to direct providing the petition documents and the Ministry does not have petition documents to provide. The submission by the Silver Star Marketing Task Force can be found online here <https://www.ilovesilverstar.com/petition-process>.

The *Resort Associations Act* provides that the Minister must be satisfied that a sufficient number of owners of land in the area have petitioned in favour of creating the resort association. As part of the process Ministry staff aims to provide information to the Minister in a fair and transparent manner including the information about the petition process and certification.

You have also indicated concern that the Ministry understand the distinct categories of properties, the various distinctions between these properties, and impacts on the minority non-RAM properties. The Resort Area Management Agreement (RAM) or 'Rent Charge' registered on land title of some properties in Silver Star is the existing scheme. The resort association process establishes resort lands. The properties that are in these resort lands could be subject to a levy that would be set out in the RA bylaws.

What is proposed going forward is new and separate from the current RAM and non-RAM framework. Our understanding is that this RAM charge would be removed if a resort association was created. In its place, the proposed Silver Star Resort Association would levy and recover charges from all properties being used for commercial benefit (e.g. providing rentals, lodging or running a business).

I acknowledge that you have said that the RAM is not voluntary and not a separate matter because two categories of owners (RAM and non-RAM) should not exist and other resort associations excluded some properties at the time of creation. I also acknowledge that the Regional District of North Okanagan approved the resort promotion area map and the proposed resort association bylaws.

Currently, ministry staff are reviewing the Task Force's submitted proposal before it is provided to the Minister for a decision. As you are aware, there are only a few examples of resort associations in the province; each resort area is unique. Correspondence and other relevant information is being reviewed by ministry staff, including views expressed from those in favour of and opposed to the proposal – this includes your views. As the package is of significant volume and much public correspondence, such as yours, which has been received, the review and consideration of this matter is taking time. The Minister will receive this information once ministry staff complete their review.

I can assure you that your written concerns are being noted, including your recommendation that non-RAM properties should be excluded from the resort land and not have to pay a resort association fee.

Thank you for your patience as ministry staff continue to review the opinions received and other materials submitted.

Sincerely,

Brent Mueller

Director, Governance Relations

**From:** s.22

**Sent:** November 22, 2019 9:32 AM

**To:** Minister, MAH MAH:EX

**Cc:** OfficeofthePremier, Office PREM:EX ; Deputy Minister, MAH:EX ; Faganello, Tara MAH:EX ; Mueller, Brent MAH:EX ; Porter, Dianna MAH:EX

**Subject:** Fw: Silver Star Resort Association - Petition Documents

Honorable Selina Robinson,

Further to my emails below, this is my **third** request to receive the Petition Documents. I again request that you immediately provide the Petition Documents to me.

Respectfully, David Bissett

---

**From:** s.22

**Sent:** October 10, 2019 5:03 AM

**To:** MAH:EX <MAH.Minister@gov.bc.ca>

**Cc:** OfficeofthePremier, Office PREM:EX <premier@gov.bc.ca>; Mah.DeputyMinister@gov.bc.ca <Mah.DeputyMinister@gov.bc.ca>; Tara.Faganello@gov.bc.ca <Tara.Faganello@gov.bc.ca>; Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>; Dianna.Porter@gov.bc.ca <Dianna.Porter@gov.bc.ca>

**Subject:** Silver Star Resort Association - Petition Documents

Honorable Selina Robinson,

Further to my emails below, please advise me when I will receive the Petition Documents as requested.

Regards, s.22

---

**From:** s.22

**Sent:** September 13, 2019 11:04 AM

**To:** MAH MAH:EX <MAH.Minister@gov.bc.ca>

**Cc:** Cc: OfficeofthePremier, Office PREM:EX <premier@gov.bc.ca>; Mah.DeputyMinister@gov.bc.ca <Mah.DeputyMinister@gov.bc.ca>; Tara.Faganello@gov.bc.ca <Tara.Faganello@gov.bc.ca>; Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>; Dianna.Porter@gov.bc.ca <Dianna.Porter@gov.bc.ca>

**Subject:** Silver Star Resort Association - Petition Documents-Follow Up

September 13, 2019

Honorable Selina Robinson

Minister of Municipal Affairs and Housing of British Columbia

Further to my email below, if you are not able to provide me with a copy of all of the Petition documents (Petition Documents) regarding the Silver Star Resort Association, please direct the Task Force and/or the third party who certified the Petition to immediately provide me with the Petition Documents.

Respectfully,

s.22

**From:** s.22

**Sent:** September 13, 2019 9:09 AM

**To:** Minister, MAH MAH:EX <MAH.Minister@gov.bc.ca>

**Cc:** OfficeofthePremier, Office PREM:EX <premier@gov.bc.ca>; Mah.DeputyMinister@gov.bc.ca

<Mah.DeputyMinister@gov.bc.ca>; Tara.Faganello@gov.bc.ca <Tara.Faganello@gov.bc.ca>;  
Mueller, Brent MAH:EX <Brent.Mueller@gov.bc.ca>; Dianna.Porter@gov.bc.ca  
<Dianna.Porter@gov.bc.ca>

**Subject:** Silver Star Resort Association - Petition Documents

September 13, 2019

Honorable Selina Robinson

Minister of Municipal Affairs and Housing of British Columbia

This is a formal request to be immediately provided with a copy all of the supporting Petition documents regarding the Silver Star Resort Association.

The SSRA Petition is a public and transparent process. The Silver Star Task Force (Task Force) chose to use a third party to validate the Petition and not the Corporate Officer as set out in the Resort Association Act, Section 3 (3), and the Community Charter, Section 212 (4). This was an error by the Task Force based on the Acts and precedent.

If the Task Force had used the Corporate Officer to determine the sufficiency and validity of the Petition and the Corporate Officer had certified the determination, then the determination would have been final and conclusive (Community Charter Section 212 (5)). Given that the Task Force did not use the Corporate Officer, the determination of the sufficiency and validity of the Petition by the third **party** (correction added) is NOT final and conclusive. Consequently, the determination by the third party is open to review.

As the Corporate Officer wasn't used, it is imperative that the Ministry of Municipal Affairs and Housing review the supporting Petition documentation and not just take the third party's "word" for it.

As stated above, I formally request to be immediately provided with a copy of all supporting Petition documents for review. Please send the supporting documents electronically by email. If this is not possible, I have provided my mailing address below.

Respectfully,

s.22

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Fw: Proposed Silver Star Resort Association - Petition Documents  
**Date:** November 24, 2019 5:19:05 PM

---

Dear Mr. Mueller,

I provide the following as a follow up to my email below dated November 22, 2019.

First, a further review of the Petition Documents would also provide information on the break down of the percentage of RAM and Non-RAM owners who signed the Petition and the percentage of the assessed values that came from the RAM and Non-RAM owners. As there are two distinct categories of properties, it is important to know the support for the SSRA that came from both groups.

Second, you have said that "each resort area is unique". I acknowledge that each resort area may have its individual characteristics, but Best Practises applies to **all** existing resort areas in recognising two distinct categories of properties and that it is not a separate matter. Further, **all** existing resort areas have excluded properties from their resort areas. It is critical that MAH follow what **all** other resort areas have done.

Respectfully, s.22

---

**From:**s.22

**Sent:** November 22, 2019 1:18 PM

**To:** Mueller, Brent MAH:EX

**Cc:** OfficeofthePremier, Office PREM:EX ; Deputy Minister, MAH:EX ; Faganello, Tara MAH:EX ; Minister, MAH MAH:EX

**Subject:** Re: Proposed Silver Star Resort Association - Petition Documents

Dear Mr. Mueller,

Thank you for your response.

As you know the Task Force chose not to use the Corporate Officer at the RDNO, and instead used a third party to certify the Petition documents. As you are also aware, if the Corporate Officer had been used to determine the sufficiency and validity of the Petition and the Corporate Officer had certified the determination, then the determination would have been final and conclusive (Community Charter Section 212 (5)). As a third party determined the sufficiency and validity of the Petition, that



third party certification determination is not deemed final and conclusive.

The issue of the sufficiency and validity of the Petition and certification is particularly important with the Petition results only getting 53.2% of the property owners and only 56.4% of the assessed values and given the issues around the Petition process which have been expressed by others. It is imperative that the Petition review process be open and transparent and that the sufficiency and validity of the Petition be confirmed either by the Ministry or by the Corporate Officer.

In addition, why does the Ministry not have the Petition documents and why weren't they submitted by the Task Force?

Respectfully, s.22

---

**From:** Mueller, Brent MAH:EX

**Sent:** November 22, 2019 10:18 AM

**To:** s.22

**Cc:** OfficeofthePremier, Office PREM:EX ; Deputy Minister, MAH:EX ; Faganello, Tara MAH:EX ; Minister, MAH MAH:EX

**Subject:** Proposed Silver Star Resort Association - Petition Documents

Ref: 249837 and 250378

s.22

Thank you for your two e-mails of September 13, one email on September 16, 2019, and your message from today, sent to Premier John Horgan, Honourable Selina Robinson, Minister of Municipal Affairs and Housing, Deputy Minister Kaye Krishna, Assistant Deputy Minister Tara Faganello, other Ministry staff and myself about your concerns with the proposal to establish a resort association at the Silver Star resort community. I have been asked to reply and I apologize for the delay.

As you are aware, the Ministry of Municipal Affairs and Housing (the Ministry) has received a package sent on behalf of the Silver Star Marketing Task Force (Task Force) requesting Minister's approval for the Silver Star Resort Association. You have asked for a copy of all the Petition documents or for the Minister to direct the Task Force and/or the third party who certified the petition to provide the documents. It is not the role of the Minister to direct providing the petition documents and the Ministry does not have petition documents to provide. The submission by the Silver Star Marketing Task Force can be found online here <https://www.ilovesilverstar.com/petition-process>.

The *Resort Associations Act* provides that the Minister must be satisfied that a sufficient number of owners of land in the area have petitioned in favour of creating the resort association. As part of the process Ministry staff aims to provide information to the Minister in a fair and transparent manner including the information about the petition process and certification.

You have also indicated concern that the Ministry understand the distinct categories of properties,

the various distinctions between these properties, and impacts on the minority non-RAM properties. The Resort Area Management Agreement (RAM) or 'Rent Charge' registered on land title of some properties in Silver Star is the existing scheme. The resort association process establishes resort lands. The properties that are in these resort lands could be subject to a levy that would be set out in the RA bylaws.

What is proposed going forward is new and separate from the current RAM and non-RAM framework. Our understanding is that this RAM charge would be removed if a resort association was created. In its place, the proposed Silver Star Resort Association would levy and recover charges from all properties being used for commercial benefit (e.g. providing rentals, lodging or running a business).

I acknowledge that you have said that the RAM is not voluntary and not a separate matter because two categories of owners (RAM and non-RAM) should not exist and other resort associations excluded some properties at the time of creation. I also acknowledge that the Regional District of North Okanagan approved the resort promotion area map and the proposed resort association bylaws.

Currently, ministry staff are reviewing the Task Force's submitted proposal before it is provided to the Minister for a decision. As you are aware, there are only a few examples of resort associations in the province; each resort area is unique. Correspondence and other relevant information is being reviewed by ministry staff, including views expressed from those in favour of and opposed to the proposal – this includes your views. As the package is of significant volume and much public correspondence, such as yours, which has been received, the review and consideration of this matter is taking time. The Minister will receive this information once ministry staff complete their review.

I can assure you that your written concerns are being noted, including your recommendation that non-RAM properties should be excluded from the resort land and not have to pay a resort association fee.

Thank you for your patience as ministry staff continue to review the opinions received and other materials submitted.

Sincerely,

Brent Mueller

Director, Governance Relations

---

**From:**s.22

**Sent:** November 22, 2019 9:32 AM

**To:** Minister, MAH MAH:EX

**Cc:** OfficeofthePremier, Office PREM:EX ; Deputy Minister, MAH:EX ; Faganello, Tara MAH:EX ; Mueller, Brent MAH:EX ; Porter, Dianna MAH:EX

**Subject:** Fw: Silver Star Resort Association - Petition Documents

Honorable Selina Robinson,

Further to my emails below, this is my **third** request to receive the Petition Documents. I again request that you immediately provide the Petition Documents to me.

Respectfully,s.22

---

**From:**s.22

**Sent:** October 10, 2019 5:03 AM

**To:** MAH:EX <MAH.Minister@gov.bc.ca>

**Cc:** OfficeofthePremier, Office PREM:EX <[premier@gov.bc.ca](mailto:premier@gov.bc.ca)>; [Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca) <[Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca)>; [Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca) <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>; [Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca) <[Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca)>

**Subject:** Silver Star Resort Association - Petition Documents

Honorable Selina Robinson,

Further to my emails below, please advise me when I will receive the Petition Documents as requested.

Regards,s.22

---

**From:**s.22

**Sent:** September 13, 2019 11:04 AM

**To:** MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>

**Cc:** Cc: OfficeofthePremier, Office PREM:EX <[premier@gov.bc.ca](mailto:premier@gov.bc.ca)>; [Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca) <[Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca)>; [Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca) <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>; [Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca) <[Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca)>

**Subject:** Silver Star Resort Association - Petition Documents-Follow Up

September 13, 2019

Honorable Selina Robinson

Minister of Municipal Affairs and Housing of British Columbia

Further to my email below, if you are not able to provide me with a copy of all of the Petition documents (Petition Documents) regarding the Silver Star Resort Association, please direct the Task Force and/or the third party who certified the Petition to immediately provide me with the Petition Documents.

Respectfully,

s.22

**From:**s.22

**Sent:** September 13, 2019 9:09 AM

**To:** Minister, MAH MAH:EX <[MAH.Minister@gov.bc.ca](mailto:MAH.Minister@gov.bc.ca)>

**Cc:** OfficeofthePremier, Office PREM:EX <[premier@gov.bc.ca](mailto:premier@gov.bc.ca)>; [Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca) <[Mah.DeputyMinister@gov.bc.ca](mailto:Mah.DeputyMinister@gov.bc.ca)>; [Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca) <[Tara.Faganello@gov.bc.ca](mailto:Tara.Faganello@gov.bc.ca)>; Mueller, Brent MAH:EX <[Brent.Mueller@gov.bc.ca](mailto:Brent.Mueller@gov.bc.ca)>; [Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca) <[Dianna.Porter@gov.bc.ca](mailto:Dianna.Porter@gov.bc.ca)>

**Subject:** Silver Star Resort Association - Petition Documents

September 13, 2019

Honorable Selina Robinson

Minister of Municipal Affairs and Housing of British Columbia

This is a formal request to be immediately provided with a copy all of the supporting Petition documents regarding the Silver Star Resort Association.

The SSRA Petition is a public and transparent process. The Silver Star Task Force (Task Force) chose to use a third party to validate the Petition and not the Corporate Officer as set out in the Resort Association Act, Section 3 (3), and the Community Charter, Section 212 (4). This was an error by the Task Force based on the Acts and precedent.

If the Task Force had used the Corporate Officer to determine the sufficiency and validity of the Petition and the Corporate Officer had certified the determination, then the determination would have been final and conclusive (Community Charter Section 212 (5)). Given that the Task Force did not use the Corporate Officer, the determination of the sufficiency and validity of the Petition by the third **party** (correction added) is NOT final and conclusive. Consequently, the determination by the third party is open to review.

As the Corporate Officer wasn't used, it is imperative that the Ministry of Municipal Affairs and Housing review the supporting Petition documentation and not just take the third party's "word" for it.

As stated above, I formally request to be immediately provided with a copy of all supporting Petition documents for review. Please send the supporting documents electronically by email. If this is not possible, I have provided my mailing address below.

Respectfully,

s.22

**From:** s.22  
**To:** [Silverstar Taskforce](#)  
**Cc:** [Mueller, Brent MAH:EX](#); [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Petition Documents  
**Date:** November 24, 2019 5:37:40 PM

---

Task Force,

The Silver Star Resort Association Petition is an open and transparent process. Consequently, I hereby request that you immediately provide me with a copy of all documents used by the third party to certify the Petition as sufficient and valid with signed Petitions from 53.2 percent of properties representing 56.4 percent of the assessed property values.

Please provide the documents electronically, or by delivery to:

s.22

Mueller, Inc.

eller.

response I

s.22

r Taskforc

your email.

process for th

this email

to our web

Marketing Task

1910

any accom

**From:** s.22  
**To:** Deputy Minister. MAH:EX  
**Cc:** Minister. MAH MAH:EX; Robinson.MLA. Selina LASS:EX; OfficeofthePremier. Office PREM:EX; Deputy Minister. MAH:EX; Faganello. Tara MAH:EX; Mueller. Brent MAH:EX; Porter. Dianna MAH:EX; Schmidt. Birgit MAH:EX; Blore. Lori A MAH:EX; Marotz. Nicola MAH:EX; Dann. Michelle MAH:EX; Edmondson. Marijke MAH:EX; Marson. Michael MAH:EX; Hold - 191202 - Guetta. Arielle MAH:EX; Laidlaw. Kailey MAH:EX; Van Ommen. David MAH:EX; Lee. Catherine MAH:EX; Dams. Madeline MAH:EX; Leitch. Scott MAH:EX; Woodward. Kara M MAH:EX; Starkl-Moser. Miriam MAH:EX; Bindra. Rena MAH:EX; Brennan. Derek MAH:EX; Glanc. Patrick MAH:EX; Russo. Stephen MAH:EX; Scowcroft. Lesley MAH:EX; Warren. Brynn MAH:EX; Zucconi. Lydia MAH:EX; Jardim. Alexandra MAH:EX; Hold - 191105 - Paton. Susan MAH:EX; Gedney. Vanessa R MAH:EX; Nicholls. Barrie MAH:EX; Curtis. David MAH:EX; Dong. Jodi MAH:EX; Day. Vanessa MAH:EX; Harrison. Stephen J MAH:EX; Jensen. Chris A MAH:EX  
**Subject:** Do not approve Silver Star Resort Association  
**Date:** January 10, 2020 7:41:43 AM

---

Honorable Minister Robinson,

I have previously written emails to you complaining about the proposed Silver Star Resort Association

In this email I will point out one of the fatal flaws of the Petition to Government to establish this Association: that there was a “slight of hand” by the proponent, in the **Property Owner Petition (POP)**.

If the Proponent had followed the Law and used the Corporate Officer, as the Certifier, this issue would likely not have manifested itself.

The Proponent represented a specific Property Owners Petition to the general population and to the Ministry. When they did not successfully garner enough signatures by October 31 as stated on the POP, they changed the POP, and eliminated the deadline date. They compounded this fatal flaw by representing to the Ministry and the Public, that the POPs were one and the same.

- I refer to the “[lovesilverstar.com](http://lovesilverstar.com)” website, which has been touted as the source of information regarding the SSRA. This website contains much of the propaganda generated by the Task Force (TF).
- I further refer to the “*Petition Process*” Tab on that website. On this page there is a hyperlink to “*For sample Petition, please click below (to) download copy.*” When viewed, this copy it is different than the POP that was delivered to me, and to my neighbours: missing in this version is a “due date.” This is a **second POP**, a different and what could be referred to as a “secret ballot.”
- When one pages further down this same tab, under *Provincial Approval*, it indicates that the Petition package that was submitted to government is viewable by “*click here.*” Displayed at this hyperlink is in part, “*Schedule 15 – Property Owner Petition.*”

The Petition displayed here indicates “**return it NO LATER THAN OCTOBER 31, 2018.....If you do not fill in the form and do not send it....you WILL BE DEEMED TO BE AGAINST THE PROPOSAL.**” This is the POP version that we received. This is Schedule 15

- Schedule 16 follows the POP. This is the “**Certification Of Sufficiency.**” Even though

the Petition in Schedule 15 indicates the drop-dead date of **October 31**, the Certificate of Sufficiency indicates that the “*Number of Petitions Received as of **December 14, 2018***” was 529 of the 994 properties. The Schedule 15 Version indicated an October 31 deadline.

It is not commensurable that the Certification extended to December 14. It is imperative that these two dates are one and the same.

- We were told by Task Force members that they did not have enough POP’s to meet one or both of the thresholds, at the October 31 self-imposed and **emphatically** stated deadline. Subsequently they substituted a different POP, **a second POP**, and aggressively lobbied for additional signatures. This is not an appropriate action in this Legislated process.

The Task Force found that they timed out and did not collect the necessary POPs. They abated this problem by constructing and using a second (and undisclosed in the Petition) document. The Certifier used this **second POP** even though he knew or should have known, that they **breached the stated October 31** deadline date. Obviously this would not have happened if the Corporate Officer had, correctly, been used.

This lead us to ask the following questions of the Ministry:

- 1) How can the Proponent present their Petition to government by displaying one POP, but having some owners sign a distinctly different document?
- 2) How could the Certifier accept a second POP?
- 3) How could the Certifier accept Petitions signed past the “deemed to be against” date?
- 4) How could the Certifier allow the Task Force to change the dynamic of the Petition?

None of this would have been an issue if the proponent had followed the law and used the Corporate Officer.

I would ask, yet again, that the Minster NOT APPROVE the Silver Star Resort Association.

Failing that I would ask that all Non-Ram properties, including ours, be taken off the Maps, and not included in the Resort Association.

I look forward to your reply.



**From:** Elliott, Rebecca MAH:EX  
**To:** Mueller, Brent MAH:EX; Porter, Dianna MAH:EX  
**Subject:** FW: FYI/File CLIFF ID 251588  
**Date:** January 10, 2020 2:46:16 PM  
**Attachments:** 251588 s.22 incoming 4.msg  
251588 incoming 3.msg  
251588 incoming 2.msg  
251588 incoming.msg

---

Hello,

Just wanted to Inform you that this has been FYI's by the Minister and DM's office. The incoming has been saved with ECS and this is just a heads up this was FYI'd.

Please let me know if you have any questions.

Thanks,

**Rebecca Elliott**

Administrative Assistant | Governance and Structure

Ministry of Municipal Affairs & Housing

Phone: 778-974-3605 | Fax: 250-387-7972 | Email: [Rebecca.Elliott@gov.bc.ca](mailto:Rebecca.Elliott@gov.bc.ca)



Please consider the environment before printing this email

**From:** ECS - Executive Correspondence Services

**Sent:** January 10, 2020 2:43 PM

**To:** Elliott, Rebecca MAH:EX

**Cc:** Andrade, Ana MAH:EX ; McCabe, Kate MAH:EX ; McKenzie, Millie MAH:EX

**Subject:** FYI/File CLIFF ID 251588

This FYI/File is being sent for your office's review; please see the email's recipient list to see who it has been shared with.

Please note that the CLIFF log has been closed by the ECS team, and we have filed the correspondence in EDRMS. Please contact us at [MAH.ExecutiveCorrespondence@gov.bc.ca](mailto:MAH.ExecutiveCorrespondence@gov.bc.ca) if you recommend it be shared with another office.

Thank you,

Executive Correspondence Services

MO - Minister's Office **Referral Slip for ID:251588**

01/10/2020

<b>Log Type:</b> Email	<b>Action:</b> FYI/File
<b>Batch:</b>	<b>Subaction:</b>

**Type:** Private Citizen  
**s.22**

**Written:** 12/08/2019  
**Received:** 12/08/2019 **Entered By:** awalle

**Interim:**  
**Closed:** **File No.:**

**Email:**

---

<b>Address To:</b>	Minister Robinson	<b>Copy To:</b>
<b>Branch Rsp:</b>	LG - Governance & Structure	<b>Issue:</b>

X-Ref:

Drafter:

With Letter:

**Subject**

2019 DECEMBER INCOMINGS: Silver Star Resort Association Petition.

<b>Referral</b> MO - Minister's Office -> MO - Minister's Office				
From:	MO - Minister's Office	Sent:	01/10/2020	Status: Completed Ref Action: FYI/File
To:	MO - Minister's Office	Received:	01/10/2020	Reason: Subaction:
Assign To:		Completed:	01/10/2020	Due: File No.:

<b>Referral</b> MO - Minister's Office -> MO - Minister's Office -> ECS - Executive Correspondence Services				
From:	MO - Minister's Office	Sent:	01/10/2020	Status: Completed Ref Action: FYI/File
To:	ECS - Executive Correspondence Services	Received:		Reason: Subaction:
Assign To:		Completed:	01/10/2020	Due: File No.:

<b>Referral</b> MO - Minister's Office -> MO - Minister's Office -> ECS - Executive Correspondence Services -> LG - Governance & Structure				
From:	ECS - Executive Correspondence Services	Sent:	01/10/2020	Status: Pending Ref Action: FYI/File
To:	LG - Governance & Structure	Received:		Reason: Subaction:
Assign To:		Completed:		Due: File No.:

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Silver Star Resort Association Petition  
**Date:** December 8, 2019 6:08:53 PM

---

Dear Mr. Mueller,

I am writing about the Silver Star Resort Association Petition. As there are two distinct categories of properties at Silver Star (RAM and Non-RAM) it is critical that MAH know the breakdown of Petition support for the Resort Association from each category. This information is important as part of the MAH's determination of whether the Resort Association is approved as submitted or whether the Non-RAM properties are excluded. Although there are a number of factors that support the Non-RAM properties being excluded which have been outlined in other submissions, knowing the level of support for the Resort Association from each category is extremely important. Consequently, I request that MAH obtain information from the Task Force on the percentage of RAM owners who signed the Petition and the percentage of assessed values those Petitions represent, and the percentage of Non-RAM owners who signed the Petition and percentage of assessed values those Petitions represent. If the level of support is low from the Non-RAM property owners, then that would further support the Non-RAM properties being excluded. Having this information is required for MAH to make a fully informed decision regarding the Resort Association.

Respectfully submitted,

s.22

**From:** s.22  
**To:** [Silverstar Taskforce](#)  
**Cc:** [Mueller, Brent MAH:EX](#); [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Petition Information  
**Date:** December 8, 2019 6:18:53 PM

---

Dear Task Force,

Further to my email of November 24, 2019, to which I have had no response, I request that you immediately provide me with the percentage of RAM owners who signed the Petition and the percentage of assessed values those Petitions represent, and the percentage of Non-RAM owners who signed the Petition and the percentage of assessed values those Petitions represent.

Please provide the documents electronically, or by delivery to:

s.22

s.22

**From:** s.22  
**To:** [Silverstar Taskforce](#)  
**Cc:** [Mueller, Brent MAH:EX](#); [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Re: Response to email requests  
**Date:** December 27, 2019 4:52:58 PM  
**Attachments:** Oak Bay Petition Order F15-21.pdf

---

Silver Star Marketing Task Force,

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, The Corporation of the District of Oak Bay (see attached), where the Adjudicator *'found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated *"The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review."* And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.*

Consequently, you are required to submit all Petitions and supporting documents to MAH. As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.

Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM. Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practises and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,

---

**From:** Silverstar Taskforce

**Sent:** December 21, 2019 11:05 AM

**To:** s.22

**Cc:** brent.mueller@gov.bc.ca

**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

Page 063 of 133 to/à Page 069 of 133

Withheld pursuant to/removed as

Copyright

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Silver Star Resort Association  
**Date:** December 27, 2019 5:12:22 PM  
**Attachments:** Oak Bay Petition Order F15-21.pdf

---

Dear Mr. Mueller,

Further to my email to the Silver Star Marketing Task Force below, please direct the Task Force to immediately provide me with a copy of all Petitions and supporting documents I have requested.

If you haven't done so, please request the Task Force to file all Petitions and supporting documents as required. In addition, if an order has not been issued, please request the Task Force to have the Petition certified by the corporate officer as required.

Respectfully submitted,

s.22

**From:** s.22  
**Sent:** December 27, 2019 4:52 PM  
**To:** Silverstar Taskforce  
**Cc:** Mueller, Brent MAH:EX ; [OfficeofthePremier, Office PREM:EX](#) ; [Mah.DeputyMinister@gov.bc.ca](#) ; [Tara.Faganello@gov.bc.ca](#) ; Minister, MAH MAH:EX  
**Subject:** Re: Response to email requests  
Silver Star Marketing Task Force,

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, The Corporation of the District of Oak Bay (see attached), where the Adjudicator '*found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated "*The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review.*" And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.* Consequently, you are required to submit all Petitions and supporting documents to MAH.

As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.



Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM. Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practises and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,

s.22

---

**From:** Silverstar Taskforce

**Sent:** December 21, 2019 11:05 AM

**To:** s.22

**Cc:** brent.mueller@gov.bc.ca

**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

Page 072 of 133 to/à Page 078 of 133

Withheld pursuant to/removed as

Copyright

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Silver Star Resort Association - Corporate Officer Required to Certify Petition  
**Date:** January 14, 2020 4:08:46 PM  
**Attachments:** Screen Shot 2020-01-12 at 8.30.17 PM.png  
Screen Shot 2020-01-12 at 8.30.43 PM.png

---

Mr. Mueller,

Further to my previous emails. I was able to get a copy of the emails below between Arielle Guetta, Dannie Carsen, and yourself through FOI.

The emails set out that historically (precedent) the Inspector of Municipalities through a Minister's Order, or the Corporate Officer was used to certify resort association petitions in Sun Peaks, Kicking Horse, and Red Mountain.

The emails also set out that depending on what legislation specifies for Resort Associations, the Corporate Officer is responsible for certifying that a petition is sufficient and valid, CC s.212(4).

The Resort Association Act sets out that the Community Charter applies to the SSRA Petition unless the minister makes an order, RAA s, 3(3). Further, if an order has not been issued, the Corporate Officer **must** be used to determine the sufficiency and validity of the Petition, CC s.212 (4). Only a determination by the Corporate Officer is deemed final and conclusive, CC s.212 (5).

Please immediately provide me with the MAH's legislative authority for not requiring the Corporate Officer to certify the SSRA Petition in accordance with historical precedent, and in accordance with the RAA, and the CC. In addition, it is my understanding that the Corporate Officer of the Regional District of the North Okanagan was ready, willing, and able to certify the Petition.

Respectfully,

s.22

Regards,  
Dannie

**From:** Guetta, Arielle MAH:EX  
**Sent:** Tuesday, January 9, 2018 3:33 PM  
**To:** Carsen, Dannie MAH:EX  
**Cc:** Mueller, Brent MAH:EX; Dann, Michelle MAH:EX  
**Subject:** RE: RDNO and Reluctance to Certify

Hey Dannie,

I think we discussed this back when Silverstar was first considering petition to become a resort association.

In most cases, the Corporate Officer is responsible for certifying that a petition is sufficient and valid and this is specified in the legislation (see section 212(4) of CC and 337(4) & 408(4) of the LGA). I'm not sure what the legislation specifies for Resort Associations – if nothing is specified then you and Brent will likely need to make a decision about who is responsible for this determination. What have we done in the past with resort associations?

Best,  
Arielle

**From:** Carsen, Dannie MAH:EX  
**Sent:** Tuesday, January 9, 2018 11:14 AM  
**To:** Guetta, Arielle MAH:EX  
**Subject:** RDNO and Reluctance to Certify

Arielle, You're up to speed on petitions, do you know the best answer? See below↓

Cheers,  
Dannie

Good afternoon Dannie

**From:** [Carson, Dannie MAH:EX](#)  
**To:** [Guetta, Arielle MAH:EX](#)  
**Cc:** [Mueler, Brent MAH:EX](#)  
**Subject:** RE: RDNO and Reluctance to Certify  
**Date:** Tuesday, January 9, 2018 3:53:30 PM

Arielle, historically the Inspector of Municipalities and the Corporate Officer have certified:

1. Sun Peaks Mountain Resort Association petition was certified by the Inspector of Municipalities in early 1996. The process involved a Minister's Order established under s. 3(3) of the *Mountain Resort Associations Act*; in this case a MO was struck that deemed the person certifying the petition to be the Inspector of Municipalities.
2. Kicking Horse Mountain Resort petition was also certified by the Inspector of Municipalities in early 2000 using the same MO mechanism as Sun Peaks.
3. Red Resort petition was certified by the Corporate Officer of the City of Rossland in 2007.

s.13

Regards,  
Dannie

**From:** s.22  
**To:** [Mueller, Brent MAH:EX](#)  
**Cc:** [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Silver Star Resort Association  
**Date:** January 19, 2020 5:52:27 PM

---

Dear Mr. Mueller,

Further to my previous unanswered emails, I bring to your attention the following issues in regards to the Corporate Officer not being used to certify the Silver Star Resort Association Petition.

The Resort Association Act Section 3 (3) states.

*(3)Section 212 [petition for local area service] of the Community Charter applies to a petition under this section as far as reasonably possible and, for these purposes, the minister may make orders in relation to any matters dealt with in that section.*

The Community Charter Section 212 Sections 4 and 5 state the following.

*(4)The corporate officer **must** determine the sufficiency and validity of a petition to a council and **must** certify this determination. (emphasis added)*

*(5)A certified determination under subsection (4) is final and conclusive.*

A search of ministerial orders did not show any orders issued under RAA Section 3 for the SSRA Petition. A recent FOI request has confirmed that there is no MAH Policy that does not require the Corporate Officer to be used to determine the sufficiency and validity of the Petition and to certify the Petition. All previous resort association petitions have been certified by the Corporate Officer or Inspector of Municipalities. The current Provincial website for Resort Associations sets out that the resort association proponent must create the petition and carry out the process in accordance with the Community Charter Section 212.

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/economic-development/resort-associations>

### Resort Associations - Province of British Columbia

The role and function of resort associations is set out in the Resort Associations Act. The Act also sets out provisions for their governance and empowers resort associations to charge a levy to members that supports the cost of their operations.

[www2.gov.bc.ca](http://www2.gov.bc.ca)

The Silver Star Task Force did not use the Corporate Officer to determine the sufficiency and validity of the SSRA Petition, and to certify the Petition as required by the Resort Association Act and Section 212 of the Community Charter. Consequently, and notwithstanding there are a number of other valid reasons the Petition should not

be approved by MAH, the Petition must fail on this legal deficiency alone.

Based on the foregoing, I request that MAH not approve the Petition.

Respectfully submitted,

s.22

**From:** [Krishna, Kaye MAH:EX](#)  
**To:** [Faganello, Tara MAH:EX](#); [Mueller, Brent MAH:EX](#); [Edmondson, Marijke MAH:EX](#); [Porter, Dianna MAH:EX](#); [Lee, Catherine MAH:EX](#)  
**Subject:** DM BRIEFING | Silver Star Marketing Task Force w/Kaye Krishna, Tara Faganello, Brent Mueller, Marijke Edmondson, Dianna Porter, Catherine Lee  
**Start:** January 20, 2020 10:00:00 AM  
**End:** January 20, 2020 10:30:00 AM  
**Location:** TELECONFERENCE | **s.15; s.17** | Conference ID: **s.15;**

---

Join Skype Meeting **s.15; s.17**

Trouble Joining? Try Skype Web App **s.15; s.17**

Join by phone

Local - Victoria: **s.15; s.17** (BC, Canada) English (United States)

Local - Vancouver: **s.15; s.17** (BC, Canada) English (United States)

Toll-Free: **s.15; s.17** (BC, Canada) English (United States)

Find a local number <<https://unite.gov.bc.ca/dialin?id=368794>>

Conference ID: **s.15;**

Forgot your dial-in PIN? <<https://unite.gov.bc.ca/dialin>> | Help <<https://o15.officeredir.microsoft.com/r/rldLync15?clid=1033&p1=5&p2=2009>>

[!OC([1033])!]

---



**From:** s.22  
**To:** Deputy Minister. MAH:EX; Minister. MAH MAH:EX; Robinson.MLA. Selina LASS:EX; OfficeofthePremier. Office PREM:EX; Faganello. Tara MAH:EX; Mueller. Brent MAH:EX; Porter. Dianna MAH:EX; Schmidt. Birgit MAH:EX; Blore. Lori A MAH:EX; Marotz. Nicola MAH:EX; Dann. Michelle MAH:EX; Edmondson. Marijke MAH:EX; Marson. Michael MAH:EX; Hold - 191202 - Guetta. Arielle MAH:EX; Laidlaw. Kailey MAH:EX; Van Ommen. David MAH:EX; Lee. Catherine MAH:EX; Dams. Madeline MAH:EX; Leitch. Scott MAH:EX; Woodward. Kara M MAH:EX; Starkl-Moser. Miriam MAH:EX; Bindra. Rena MAH:EX; Brennan. Derek MAH:EX; Glanc. Patrick MAH:EX; Russo. Stephen MAH:EX; Scowcroft. Lesley MAH:EX; Warren. Brynn MAH:EX; Zucconi. Lydia MAH:EX; Jardim. Alexandra MAH:EX; Hold - 191105 - Paton. Susan MAH:EX; Gedney. Vanessa R MAH:EX; Nicholls. Barrie MAH:EX; Curtis. David MAH:EX; Dong. Jodi MAH:EX; Day. Vanessa MAH:EX; Harrison. Stephen J MAH:EX; Jensen. Chris A MAH:EX  
**Subject:** 251772: Reject the Proposed Silver Star Resort Association  
**Date:** January 20, 2020 10:43:38 AM

---

Honorable Minister Selina Robinson,

I am writing to you again, to express deep concerns regarding the proposed Silver Star Resort Association. I feel that the processes of the petition and advice from your office make the proposal to form a Resort Association critically flawed.

### **Community Charter (section 212)**

The Corporate Officer (CO) was bypassed in the certification of the petition despite the clear direction in the Community Charter s 212 that they be used as certifier. Throughout the public engagement process, the use of the CO to certify the petition was confirmed on your website and on public record by your staff.

The Regional District of the North Okanagan (RDNO) asked your office who would certify the petition and were told that the CO would be responsible. The RDNO Deputy CO, Paddy Juniper, expressed the obvious need for the CO to certify in an email to your office. *"Who would guide the process. It is rather unusual to imagine that an organization (task force) that is desirous of one result would be the one to guide the process (eg the mayor of a city guiding the election process from start to finish including counting the votes)."*

### **Ministry staff have given conflicting advice during the process.**

Your office has stated *"The conduct of the petition process is the responsibility of the proponents. They will need to adhere to all applicable legislation especially Section 212 of the Community Charter as well as any other rules that may be relevant"* and (regarding the proponents obligations re certification)- *"They will need to adhere to all applicable legislation especially Section 212 of the Community Charter.... Again, it will be up to the proponents to undertake these activities in compliance with all applicable laws."*

Then despite the precedent set by all the other Resort Associations, who followed the Community Charter and used the CO, and acknowledging the need for compliance with all applicable laws, your office began repeatedly advising that *"policy"* allowed the proponents to use an alternate certifier- *"As you have noted under Community Charter s 212 when we consider the requirement for the Corporate Officer to certify the petition, for the purpose of Resort Associations we also consider the phrase "applies to a petition under this section as far as reasonably possible." So our view is, and our policy has been, that it is not mandatory that a local government certify the validity of a petition.....In the case of the Silver Star Task Force, staff advised the proponents that it may be prudent to have an independent third party (such as an accountant, notary, lawyer, or former election officer) validate the results."*

### **The Home Owner Petitions**

Using an alternate certifier allowed the proponent to create, distribute, collect and enumerate Home Owner Petitions (HOP). Realizing support of the petition was lacking, the proponent

then extended the deadline stated on the petition and directly contacted home owners pressuring signatures. The petition was finally delivered to your office 6 months after commencement of the process, when a 3 month timeline was deemed reasonable. Most importantly the HOP's were not included in the petition despite this being a requirement listed on your website during the public engagement process. Without the HOP's the petition is incomplete and as such can not be passed to the final approval stage.

### **Policy**

A request for your office to provide a copy of the policy allowing that the use of an alternate CO was first requested in January 2019. Over the course of 12 months and by using the resources of FOIPPA and OIPC the simple and reasonable request for *"The policy that it is not mandatory that local government certify the Petition in a Resort Association application; The policy that the proponent take responsibility for undertaking the petition process in a Resort Association application."* was continually denied. On January 16 2020, the OIPC has confirmed that after a thorough search there is no policy on file. Clearly the policy was a fabrication that allowed the proponents the freedom to manipulate the petition process in their favour.

### **Summary**

Your office is expected to assess the process to form a Resort Association and ensure that the process has been undertaken in a fair, legal and transparent manner. The stakeholders all quite reasonably trusted, in regards to the petition *"these activities in compliance with all applicable laws."* would be followed. By not following the Community Charter s 212 and using the CO, and excluding the HOP in the petition package the proponents have submitted a request for approval that can now only be denied.

Minister Robinson, the proposed SSRA has been riddled with so many problems from its onset. Each of these are valid reasons for rejecting the proposal, but it is the process of the collection of signatures and the transparency of the home owner petitions that make the proposal critically flawed.

- Rejecting this proposal will allow the proponents to move ahead in the future by converting the current and future RAM properties to a RA model (as notated on their titles). The initial motivating logic behind the proposal was that Silver Star could not keep up with other resorts in terms of marketing. This situation is no longer valid as the resort has been bought by a multi-national operator who brings skills and resources that almost no other ski area in the province will have access to. The former owner is still heavily invested in the area, and has the power to develop 30 acres of village/commercial property that will be part of an alternate Resort Association.
- Rejecting the petition will mean that the people who have purchased property will not be encumbered with a notation on title that they quite likely are not aware of. 85 properties, which make up 9% of titles have been sold. The delay in the progress of the petition raises serious concerns about the slim majority met as now being valid.
- Rejecting the proposal is the only option available, as the CO was not used to certify the petition and the HOP's were not included in the petition submission. The legal process was not followed making the petition invalid.



**From:** s.22  
**To:** [Silverstar Taskforce](#)  
**Cc:** [Mueller, Brent MAH:EX](#); [OfficeofthePremier, Office PREM:EX](#); [Deputy Minister, MAH:EX](#); [Faganello, Tara MAH:EX](#); [Minister, MAH MAH:EX](#)  
**Subject:** Re: Response to email requests  
**Date:** January 24, 2020 4:08:44 PM

---

Dear Task Force,

You are wrong to deny me my rights. You will be held to account in a Judicial Review if the Petition is approved.

Respectfully,

s.22

---

**From:** Silverstar Taskforce  
**Sent:** January 24, 2020 7:04 AM  
**To:** s.22  
**Cc:** Mueller, Brent MAH:EX ; OfficeofthePremier, Office PREM:EX ; Mah.DeputyMinister@gov.bc.ca ; Tara.Faganello@gov.bc.ca ; Minister, MAH MAH:EX  
**Subject:** Re: Response to email requests  
Thank you for your email.

We continue to refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns and we maintain that position.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

The property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which also does not distinguish between different property types nor is required to. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

On Fri, Dec 27, 2019 at 4:52 PM s.22  
| Silver Star Marketing Task Force,

wrote:

I respond to your email below as follows.

My request of November 24th.

Your privacy concerns are not valid with respect to the Petition. The issue of privacy for a petition was reviewed in Adjudication Order F15-21, The Corporation of the District of Oak Bay (see attached), where the Adjudicator *'found that it was not plain and obvious that disclosure of the petitioners' personal information would be an invasion of their personal privacy under s.22' of the Freedom of Information and Protection of Privacy Act.* Again, I request that you immediately provide me with a copy of all the Petitions and supporting documents as previously requested.

In addition, the Resort Association website in effect during the consultation process stated *"The RA proponent must submit the completed property owners' petitions, maps and bylaws and councils and or the Boards resolution to the Ministry for review."* And the current RA website states *referencing the petitions to the legal descriptions on maps assists property owners in confirming their properties are within the resort promotion area. It can also assist the provincial government in confirming that a sufficient number of property owners, with sufficient amount of the total property assessment value, support the resort association.* Consequently, you are required to submit all Petitions and supporting documents to MAH.

As far as the Petition certification by a third party goes, the Resort Association Act sets out that the Community Charter applies to the Petition unless the minister makes an order, RAA s. 3(3). Has an order been issued to exempt the application of the Community Charter? If an order has been issued, please provide me with a copy. If an order has not been issued, then the corporate officer must be used to determine the sufficiency and validity of the Petition, CC s. 212(4). And only a determination by the corporate officer is deemed final and conclusive, CC s. 212(5).

My request of December 8<sup>th</sup>.

Best Practises clearly sets out that there are two categories of properties, RAM and Non-RAM. Moreover, the determination by the third party is not valid (unless an order was issued), and in any event, the determination by the third party is not deemed final and conclusive. Best Practises and precedent are required to be followed. The Non-RAM properties need be recognised as a separate category of property.

Again, I request that you immediately provide me with the information previously requested.

Respectfully,

s.22

---

**From:** Silverstar Taskforce <[silverstarmarketingtaskforce@gmail.com](mailto:silverstarmarketingtaskforce@gmail.com)>

**Sent:** December 21, 2019 11:05 AM

**To:** s.22

**Cc:** [brent.mueller@gov.bc.ca](mailto:brent.mueller@gov.bc.ca) <[brent.mueller@gov.bc.ca](mailto:brent.mueller@gov.bc.ca)>

**Subject:** Response to email requests

Thank you for your emails. As noted, this email is not regularly monitored and therefore responses will take time.

With respect to your request of November 24th, we refer you to the full submission sent to the Province on our web site, which includes information about the petition results and its independent certification. Our submission does not include actual petitions due to privacy concerns.

We also note that information regarding the petition (how it was developed, dates, certification process, etc) is included in our FAQs on our web site.

With respect to your request of December 8th, the property owner petition was determined to be sufficient and valid by an independent third party in accordance with the provisions of the applicable legislation, which does not distinguish between different property types. As a result, the information you are requesting was not required for the submission to the Province.

Silver Star Marketing Task Force

This email and any accompanying attachments contain confidential information intended only for the individual or entity named above. Any dissemination or action taken in reliance on this email or attachments by anyone other than the intended recipient is strictly prohibited. If you believe you have received this message in error, please delete it and contact the sender by return email.

## BRIEFING NOTE FOR DECISION

**Date:** January 20, 2019  
**Prepared For:** Honourable Selina Robinson, Minister of Municipal Affairs and Housing  
**Title:** Silver Star Resort Association  
**Issue:** The Silver Star Marketing Task Force has requested Minister's approval for the creation of a Silver Star Resort Association.

### RECOMMENDED OPTION:

s.13

### BACKGROUND:

For the past three years, the Silver Star Marketing Task Force (Task Force) has been leading a proposal to establish a resort association for the Silver Star Resort community at Silver Star Mountain in the Regional District of North Okanagan (RDNO). The *Resort Association Act* (RAA) enables the creation and funding of resort associations to promote development of resorts, with specified approvals of the Minister of Municipal Affairs and Housing (Minister). The Task Force has provided its Submission Package seeking these approvals. This briefing note provides that Submission Package to the Minister, along with the assessment of Municipal Affairs and Housing (MAH) staff regarding if it meets the statutory requirements for creation of a resort association.

#### *Resort Associations*

Mountain resorts on Crown land are created under agreements (e.g. Master Development Agreement) and plans (e.g. Master Plan) between the Province (Ministry of Forest, Lands, Natural Resource Operations and Rural Development, FLNRO) and the tenure holder (proponent). Once created, the resort business can be promoted in a number of different ways, depending on the resort's location, nature of the community and the proponent's interests. In areas outside of municipal boundaries, the RAA is the tool to formally enable resort promotion -- and its funding -- through creation of resort associations. Once a proponent decides to pursue establishment of a resort association, it must follow the legislative requirements in the RAA.

Resort associations are incorporated societies (i.e. not-for-profit corporations) established to promote, facilitate and encourage the development, maintenance and operation of a resort (referred to as the resort promotion scheme). Resort associations collect levies from members from within the designated resort area, (e.g. commercial and residential property owners) to carry out their purposes and the promotion scheme (e.g. marketing, signage, accommodation booking and events planning).

In 1995, the legislature adopted the Mountain Resorts Associations Act (title changed to Resort Associations Act in 2007). The last resort association established in the province was Red Resort in 2007. Other resort associations exist in Whistler (1979) and Sun Peaks (1996). *See Appendix 1 and 2 for further general information on resort associations and the establishment of resorts.*

#### *About Silver Star Mountain Resort*

Silver Star Mountain Resort is located within Electoral Area C of the RDNO, 22km northeast of the City of Vernon (see Map in Appendix 2). Silver Star Mountain Resort is an important part of the north Okanagan

regional economy, with over 1,500 employees and 500,000 visitors annually. In 1946 the first tow rope was built and by the late 1960's Silver Star was one of the largest ski areas in Canada – with a day lodge and several ski lifts. The first private land sales occurred in the mid-1980s. The older residential areas of Silver Star (e.g. the Knoll, Creekside) were first developed in the 1990s and early 2000s. Skier facilities, community amenities and services, residential and commercial infrastructure are centred around a small base area. The population at the Silver Star Mountain Resort is fewer than 300 full-time residents.

Currently, about half the properties at Silver Star are subject to a Silver Star Resort promotion scheme, that does not operate under the RAA. As properties were sold by the Silver Star owner and mountain operator, a Resort Area Management Agreement rent charge (more commonly known as a “RAM fee”) was registered on the title of properties at the resort. This requires owners to pay a fee towards marketing, recreational programs, common recreation facilities and other publicly accessible activities to promote and encourage the development of the resort area. Properties that do not have the RAM fee registered on title do not currently pay a marketing fee even though they may benefit from resort development activities. Properties that have this on title, all contain a provision that provides for a transition to a resort association if one is created.

### ***Submission Package***

In February 2019, MAH received a Submission Package from the Task Force, a group of interested stakeholders, including individual property owners, businesses, hotels and the resort operator. The Submission Package seeks Minister's approvals to establish the Silver Star Resort Association (SSRA), approve the first bylaws of SSRA and the maps that establish the resort promotion area and resort lands subject to the levies. The Submission Package provides background, describes how the proposed SSRA model has been developed, and describes:

- the proposed resort association's structure and role;
- the Task Force's view of the key benefits of a resort association (Submission Package pages 9-10);
- the proposed first bylaws of the SSRA, and accompanying resort promotion area and resort land maps;
- the certified results of the petition of property owners seeking establishment of SSRA;
- the Task Force's consideration of best practices in other resort associations; in particular Sun Peaks and Whistler's resort associations;
- Local government (RDNO) engagement and approval;
- Community and stakeholder engagement; and
- First Nations engagement

(For direct reference refer to attached Submission Package)

### ***Resort Association Approval***

The creation of a resort association requires that the Minister take three actions:

- 1) order establishment of a “resort promotion area” [RAA s. 2(1)];
- 2) specify “resort lands” within the resort promotion area, lands which will be subject to the levies of the resort association and incorporate an association [RAA s. 3(1)]; and



3) approve the bylaws of the association [RAA s. 3(5)(a)].

These three actions are part of a broader process leading to resort association creation:

The steps to Resort Association creation and applicable <i>Resort Associations Act</i> (RAA) Section		
1	<i>Local government approval</i>	Approval by the local government of resort promotion area [RAA s. 2(2)(b)] and first bylaws of the association [RAA s. (3)(5)(a)]
2	<i>Petition of property owners</i>	Property owners in the resort promotion area petition [RAA s. (3)(3)]
3	<i>Submission Package and Request for Minister approval</i>	Proponent requests Minister's approval and provides package including, but not limited to: the certified results of the petition, maps, proposed bylaws and local government resolution. Ministry staff analyze application package content.
4	<i>Resort condition met</i>	Minister satisfied that one of three resort conditions is met [RAA s. (2)(a)] (in short – ski operations, year-round recreation facilities and overnight accommodation offered; an agreement is in place to provide skiing, year round recreation and accommodation; or the area is in a “resort region.”)
5	<i>Minister's Order signed to establish resort promotion area</i>	Minister's Order signed to establish resort promotion area [RAA s. 2(1)]
6	<i>Minister's Order signed to incorporate Resort Association and specify Resort Land</i>	Minister's Order signed to incorporate Resort Association and specify Resort Land [RAA s. 3(1)]
7	<i>Minister approves first bylaws of the Resort Association</i>	Minister's statutory approval of first bylaws of the Resort Association [RAA s. 3(5)(a)]
8	<i>Proponent completes final steps for the association to come into existence</i>	Proponent files with the Registrar of Companies [RAA s. 5(b) & 6]. An association comes into existence once the orders, bylaws, list of first directions, and notice of the address of the association is filed with the Registrar of Companies.

Along with ensuring First Nations are consulted; other steps may be required to satisfy legal requirements.

## DISCUSSION:

The following (along with the attached Submission Package and the other appendices) sets out information about each of the above-noted steps in the resort association creation process, along with MAH staff's analysis. This information is comprehensive, as the Minister is performing the role of a statutory decision maker s.13

The Minister's role is to approve or reject as is, each of the three actions as outlined above (resort promotion area; resort lands and incorporate an association; and approve bylaws); s.13

s.13

The Task Force first reached out to MAH staff in February 2016 about a potential resort association at Silver Star. MAH staff advised the Task Force to research best practices, engage legal and policy experts for bylaw drafting, and undertake an open and collaborative process with potential members of the resort association, First Nations, stakeholders and other community members. Throughout the process leading to the Task Force Submission Package, MAH staff were consistent with this advice.

The proposal for a resort association at Silver Star has been controversial for some members of the community. The fundamental question has been who pays for the resort promotion activities of the SSRA, as some property owners who do not currently pay would be subject to a levy. This underlying question also prompted various procedural, timing and engagement concerns over the course of the process.

### ***Local Government Engagement and Approval***

The Task Force began local government engagement early in the process by meeting with the RDNO's Chief Administrative Office (CAO) in 2015. From there, the Task Force responded to RDNO staff questions, prepared background information and material, and presented at the RDNO Board of Directors' Committee of the Whole meetings in February 2017 and November 2017 on the proposed resort association (see the Task Force Submission Package pages 15 – 18). This brought the proposal to the attention of the general public and as a result simultaneously began the public engagement process (see below).

In accordance with the RAA, the RDNO has approved the resort promotion area (RPA) and bylaws presented by the Task Force, by a February 21, 2018 board resolution (see Tab 14 of Task Force Submission Package).

The RDNO approval was with two conditions: 1) RDNO owned land or land owned for the provision of utilities and utility infrastructure services be exempt from fees and 2) borrowing of the SSRA be limited to \$250,000. The initial bylaws were amended to accommodate the conditions (see page 21 of the Task Force Submission Package).

### ***Incorporation and First Bylaws of the SSRA***

As societies established under the *Societies Act*, resort associations are guided by their bylaws. The bylaws need to reflect the goals, scope and complexity of the resort association.

The SSRA bylaws outline: programs and services of the resort association; membership; borrowing powers; general meetings and proceedings for meetings; voting of members; Director provisions (i.e. selection, powers and duties, conflicts of interest, proceedings); committee establishment; officer establishment; indemnification; procedural provisions (i.e. documents, records and reports, notices, record dates, seals); amending of bylaws; assessment payable by members; and provisions for winding up of the association.

The bylaws were prepared and finalized by two well-established and experienced legal firms, one of which includes lawyers who have acted for Red Mountain Resort Association and Sun Peaks Mountain Resort Association. The Task Force Submission Package describes how the proposed SSRA bylaws have been developed based on best practices in BC (i.e. Sun Peaks and Whistler resort associations) and adapted based on community input. Key to the SSRA scheme is the focus of the resort levy on commercial properties, not residential properties (see below).

Incorporating the SSRA, that operates under bylaws consistent with the RAA and *Societies Act*, provides a process for those subject to the resort levy to have input. The proposed SSRA Board structure ensures representation for all types of commercial properties subject to the levy. The bylaws also provide for non-levied residential members' participation on the Board via a Residential Director, which will be an improvement to the existing "RAM" fee. The Board structure is tailored to the Silver Star community (see Appendix 3, Question # 14), and is also generally consistent with Whistler and Sun Peaks' resort associations' board structures (see Appendix 4). By contrast, the existing "RAM" fee that applies to about half the properties does not provide any property owners with a formal say in how their fees are spent or influence on the decision-making process. See Appendix 3, Question 6 for a further explanation.

The bylaws also lay out the levies (or Assessments) payable by resort association members (see Appendix 3, Question 13, or Submission Package, Tab 4, for summary of the levies). While comparisons are difficult given limited examples of other resort associations in BC, each with their own unique characteristics,<sup>s.13</sup> Yearly levies range from \$500 to \$1678.57 for comparable rental units in the existing resort associations (see Appendix 4 - Resort Association Comparisons Chart). The Board may, by resolution, increase the amount of the levies in accordance with the British Columbia Consumer Price Index (annual average change for all items) plus 2 points. Any other change in the levies must be approved by a Special Resolution. These levies are anticipated to generate approximately 76% of the revenue for the SSRA, with 29% of that contribution coming from the mountain operator (Task Force Submission Package, Tab 3). This overall projected budget is modest in comparison to Whistler and Sun Peaks.

The RDNO has approved the bylaws and if approved by the Minister, the bylaws can only be amended or repealed in accordance with the resort association bylaws, applicable *Societies Act* section, approval of the local government, and Minister's approval.

***Public Engagement: property owners and other stakeholder engagement on bylaws/ proposed resort association***

During the engagement process, both supportive and concerned residents and stakeholders contributed their input to the Task Force, RDNO and MAH. As mentioned above, the early engagement with the RDNO precipitated community feedback and the RDNO heard from and received written correspondence from the community. In addition to the RDNO's process for responding to their community members, the Task Force also began several community engagement initiatives.

The Task Force: held one-on-one meetings with interested parties; made presentations to community groups and strata councils; held workshops and presentations to the Silver Star Property Owner Association; held three open houses in January, February and April 2017; undertook a community survey, and results shared; released 10 Newsletters from Spring 2016 to Spring 2018; and launched a website that included many of the engagement materials.

The Task Force reports their engagement processes resulted in over 20 changes to the initial proposal (Task Force Submission package, page 20). The 10 newsletters outlined the input received and the Task Force's changes in response. (see Appendix 3, Question 11 for a list of all the changes). For example, the

Task Force has affirmed that an owner of a resort property not offered for rent or not otherwise used for commercial purposes will not have to pay the resort association levy (see section 20, Assessments Payable by Members, in the bylaws). By comparison, other resort associations do charge residential-only members an annual levy, albeit one that is less than the commercial operators' levy.

Ministry staff also received phone calls and correspondence from the public and processed over 15 Freedom of Information Requests – the majority from property owners not currently subject to the RAM fee who would be subject to the SSRA levy. s.13; s.14

s.13; s.14

s.13; s.14 s.13

s.13

### ***Petition of property owners in the resort promotion area***

While the Province has created legislation to enable the creation of resort associations, it is up to the community at large to decide if such an association benefits the area, is in line with the community's vision for itself, and is structured in a way that meets the community's needs. This is reflected in the legislation itself, including requirements for local government approval and a petition.

Following the RDNO's approval, and property owners and other stakeholders' engagement, the Task Force started the petition process September 5, 2018 and stated December 14, 2018 as the petition completion date.

Under RAA section 3(3), the *Community Charter* (CC) section 212 petition process applies, "as far as reasonably possible". Section 212 of the CC outlines what must be in a petition (e.g. description of the service, definition of the boundaries), the required percentage of owners that must sign the petition for it to be certified as sufficient and valid (50% of property owners representing 50% of the property assessment value), and that the corporate officer must determine the sufficiency and validity of the petition and must certify this determination. The Task Force is not a local government and therefore, does not have a "corporate officer".

The Task Force made the decision to have Mr. Rick Beauchamp independently certify the petition result – although the RDNO had offered to fulfill this role and does have a "corporate officer". Mr. Beauchamp was chosen by the Task Force from a Local Government Management Association of British Columbia list of consultants with past corporate officer experience that Ministry staff shared with the Task Force. s.13

**Of 994 eligible properties, the SSRA Property Owner Petition has been signed by 53.2% of the properties that would be included in the RPA. These properties represent 56.4% of the assessed value that would be included in the RPA (see Appendix 5).**

The petition process has been a focal point of criticism due to concerns about the timeline and the Task Force choosing an independent contractor to certify the petition results. The CC does not set a timeline for when petitions must be received, but MAH staff provided the Task Force a reasoned suggestion of 3 months for the petition timeline (very close to the actual 100 days). The property owners were originally asked by the Task Force to return the petitions by October 31, 2018, but this was changed to December 14, 2018; around the same time Elections BC extended the time for mail ballots to be sent regarding the referendum on BC's Provincial voting system.

s.13; s.14

Ministry staff is of the opinion that a sufficient petition was presented in the Submission Package and that section (3) of the RAA has been met, as the requirements of section 212 of the CC have been applied as far as reasonably possible.

***First Nations engagement on bylaws and proposed resort association, and Provincial Consultation***

The Submission Package provides information on the First Nations engagement process for the SSRA proposal. It indicates eight First Nations were contacted in relation to the Silver Star Mountain Master Plan Review and that only representatives from Okanagan Indian Band (OKIB) and Splatshin responded. The Splatshin's letter of support for the creation of a SSRA is in the Submission Package (see Submission Package, tab 13). The Submission Package further indicates that OKIB and Splatshin were involved in "extensive consultation in relation to the Silver Star Master Plan Update, at which time the proposed SSRA was discussed." The proposed SSRA engagement coincided with the separate review of the Silver Star Master Plan and Master Development Agreement between the Province (via FLNRO) and the resort; hence the Submissions Package description of the engagement relative to these processes. *See Appendix 2 for further information on Resort Development in British Columbia and Silver Star Resort.*

In addition to the Task Force engagement, MAH staff followed legal advice to send consultation notice correspondence to all First Nations with known interests in the resort area. Given the dual processes, this was conducted by MAH with support from FLNRO. s.13; s.16  
s.13; s.16

***Minister must be satisfied that one of the three resort conditions is met***

MAH staff are satisfied that alpine ski lift operations, year-round recreational facilities and commercial overnight accommodation are offered within the area. This condition is outlined under RAA section 2(2)(a)(i). Silver Star Mountain Resort website (<https://www.skisilverstar.com/>) describes their ski lifts, summer gondola rides, biking and hiking activities and advertises summer and winter accommodations.

***Resort Promotion Area (RPA) and Resort Land***

The RPA is the area over which promotion and marketing activities can apply. The map attached to Minister's Order 1 is the same as the bylaws' Schedule B area; it is the area formally requested (under Submission Package, Tab 1) to be designated by the Minister as RPA. The proposed RPA is based on the resort's, controlled recreation area (CRA). The CRA is the land managed in partnership with resort developer and FLNRO. It is MAH staff's opinion this is a reasonable area over which promotion and marketing activities can apply as it is where the ski lifts, trails and development are located.

The resort land - the area for which fees will be levied for the operation of the resort association – aligns with the community's official community plan boundaries (RDNO bylaw) and includes developed and undeveloped lands (about 150 hectares).

A key concern expressed by community members is that the Task Force should have excluded certain properties from the resort land area. Excluded properties would not have to pay the levy. For those not currently paying the RAM fee, there is concern that the premise under which they bought their property is changing without their direct control.

The Task Force offers the following for why it chose the proposed resort land boundary and why, unlike other existing resort associations, it found it problematic to exclude some residential areas (see Submission Package pgs. 29-33 & Schedule 17; Appendix 3, Question 11; Appendix 4):

1. Geographic proximity: Silver Star properties are within close proximity to the village core and resort amenities. It would be challenging to determine which properties would not benefit from the SSRA and therefore should be excluded from the map. Whistler geographically is more spread out than Silver Star and has a mandatory membership model for all owners of designated resort land in close proximity to the commercial core of the village. Sun Peaks has excluded the original Burfield properties that are 2.5 kms away from the village core.
2. Access to Business opportunity: Silver Star has no restrictions on nightly rentals. Whistler actively enforces no rentals in its residential zones as they typically do not pay the marketing levy. Sun Peaks' Burfield properties are primarily permanent residents and/or long-term renters.
3. No distinctions between properties being offered for rent: A Silver Star Property Owner Association review concluded that a virtually equal number of non-RAM and RAM properties are being offered for rent, both therefore arguably benefiting from increased visitation to the resort from marketing.
4. Present inequity: Approximately 50% of residential properties being offered for rent are not contributing financially to resort promotion.
5. Exception for residential use only: SSRA will only collect the levy from properties being used for a commercial purpose (e.g. offered for rent or home-based business).
6. One voice: resort association allows the whole community to be represented.

The proponent of a resort association is in the best position to research, engage, and make an informed decision on the resort land area based on public engagement. Mr. Beauchamp certified that the petition threshold has been met. s.13

s.13

The last resort association established under the petition requirement was Red Resort in 2007. In that case, the Minister approved the resort land as presented by the proponent.

MAH staff is not in a position to recommend a different area other than the one presented that has met the petition threshold.

*Proponent completes final steps for the association to come into existence*

If the Minister approves the resort promotion area, resort lands, and bylaws of the SSRA, several additional steps must occur before the SSRA comes into existence. Under the RAA, an association comes into existence once the orders, bylaws, list of first directors, and notice of the address of the association are filed with the Registrar of Companies. The Ministry of Citizens' Services, as the Ministry responsible for the operation of the Corporate Registry under the *Societies Act*, may also have additional procedural requirements.

***In Summary***

The creation of a resort association requires that the Minister do three actions:

s.13

s.13

3) approve the bylaws of the association [RAA s. 3(5)(a)].

s.13

The RPA and bylaws have received local government approval and there is sufficient evidence to establish that the petition process met the legislative requirements.

While some residents are still concerned, MAH staff are satisfied that the Task Force undertook significant public outreach, researched the operation of other resorts, considered local circumstances, and engaged legal support in order to meet the requirements of the legislation.

s.13



**OPTIONS:**

s.13





**RECOMMENDATION:**

s.13

\_\_\_\_\_  
Honourable Selina Robinson

\_\_\_\_\_  
Date

**Appendices:**

1. Resort Association Backgrounder
2. Resort Development and Silver Star Resort Backgrounder
3. s.13
4. Resort Association Comparisons Chart
5. Petition Certificate of Sufficiency
6. s.13
- 7.
- 8.

Refer to Hardcopy Binder (sent separately): Request for Minister Approvals for the Silver Star Resort Association, February 2019.

**PREPARED BY:**

Dianna Porter, Senior Program Analyst  
Governance and Structure Branch  
(778) 698-3213

**APPROVED BY:**

Tara Faganello, Assistant Deputy Minister  
Local Government Division

Kaye Krishna, Deputy Minister

**DATE APPROVED:**

\_\_\_\_\_  
January 17, 2020

\_\_\_\_\_  
January 17, 2020

## APPENDIX 1 – Resort Association Backgrounder

### Introduction:

A resort association (RA) is an incorporated society established under provincial legislation to promote a resort. It has the ability to levy and recover charges from commercial and residential property owners for promotional activities which can include central booking, marketing, signage, and special events. These activities can increase visitation, new investment, and development to support resort industry and tourism growth.

### History:

In the 1990s, government recognized the success of Whistler and the potential benefits of an expanded ski sector for the provincial economy and wanted to extend these benefits to other existing and potential new resorts across the province. In 1995, the *Mountain Resort Associations Act* (MRAA) came into effect which amongst other matters provided for the establishment of resort associations (incorporated societies established to promote a resort) in any area offering ski and recreation facilities.

In 2003, the BC Resort Task Force was formed with the objective of maximizing the potential of BC's existing and emerging resorts and resort communities within a sustainable tourism environment. Subsequently, further amendments were made and in 2007 the MRAA was renamed the *Resort Associations Act* (RAA).

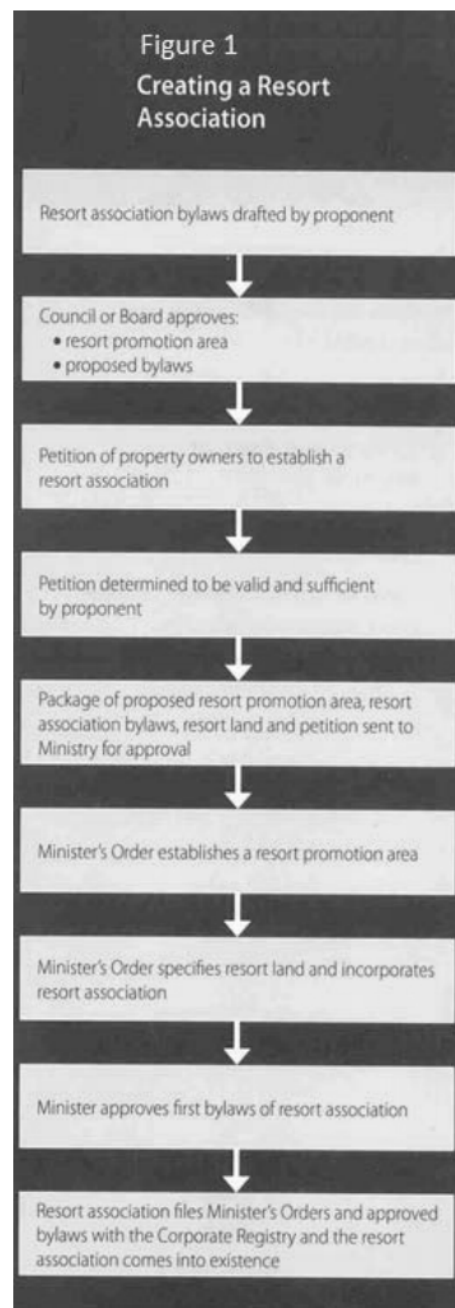
The Ministry of Municipal Affairs and Housing is responsible for the legislative framework for RAs. The two key statutes are the *Resort Municipality of Whistler Act* and the *Resort Associations Act*.

### Creating a Resort Association:

As show in Figure 1, the process for creating a new RA starts with identifying the resort promotion area and resort area, drafting society bylaws and undertaking community engagement with property owners and stakeholders. From there, local government endorsement, a positive petition result and ministerial approval are required to formally establish an RA.

### Determining the RA Area:

Proponents of an RA first have to consider the scope of the “resort promotion area” which is the wider area of resort recreation and potential development. Within the resort promotion area is a smaller designated area called “resort land” which is the area within which a resort association can levy a charge to recover the costs of resort promotion. Over time this area can be expanded to take in new commercial or recreational development.



### Drafting Bylaws:

Proponents next develop draft bylaws for the proposed RA and undertake engagement with resort property owners. The bylaws can include provisions for: membership, voting rights of members, levying assessments on members, and the promotional activities of the RA. The draft RA proposal – including the proposed resort promotion area, resort land, and bylaws – is forwarded to the local government which then considers supporting it or not by resolution.

### Petition:

With local government approval, the proponents develop a petition under s. 212 of the *Community Charter*. This petition must describe the promotional scheme, define the boundaries of the resort promotion area (with a map), identify the method of cost recovery and estimate costs to business and residential property owners. Half of the property owners, together representing half of the assessed value of the properties, need to sign the petition to enable the petition to be valid and sufficient. Typically, proponents may contact smaller numbers of property owners directly, especially the larger commercial entities and hotels, but would mail out the petition where there are large numbers of owners involved. Petitions may take months to complete where there are larger numbers of owners.

### Minister's Role:

The package of the resort promotion area and resort land maps, bylaws, local government approval and the petition results are then submitted to the Minister of Municipal Affairs and Housing for consideration. The Minister must be satisfied that the area for the RA has alpine ski operations with year-round recreational facilities and overnight hotel accommodations (or is in a resort region), and further that the RA promotion area has local government support. The Minister must also be satisfied with the petition process. By policy, Ministry staff also provide an assessment to the Minister on whether or not the RA scheme seems fair and equitable.

### Final Steps:

As a final step in the process, an RA comes into existence when its bylaws, list of first directors and address are filed with the Registrar of Companies.

## **APPENDIX 2: Resort Development and Silver Star Resort Backgrounder**

### **Introduction**

There is a general provincial interest in building a strong, sustainable, economy. This includes tourism, an important part of which is BC's world-class all-season destination resorts. BC has some of North America's most recognizable and successful mountain resorts that provide significant economic and social benefits and contribute approximately 9% to annual tourism revenue.

Currently, BC is experiencing increased development and visitation at mountain resorts and community ski areas with significant new investments in recreational infrastructure being made on Crown land.

British Columbia has a long history of supporting the development of resort communities through specialized governance models, including enabling the establishment of resort associations for promotion and marketing.

### **Role of the Ministry of Municipal Affairs and Housing (MAH)**

The legislative framework for the establishment of a resort association falls under the responsibility of the Governance and Structure Branch of the MAH. As such, it is the role of the Branch to provide guidance on the application of the *Resort Association Act* and other relevant statutes. As well, there are statutory decisions required by the Minister for the establishment of new resort associations. The Ministry coordinates its work with the Mountain Resorts Branch, of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

As an unincorporated community, not a resort municipality, Silver Star indirectly shares in the benefits of the annual regional district grant from MAH to the RDNO but receives no other provincial funding (In Budget 2019, the Government committed to 14 resort municipalities sharing \$39 million over three years under the Province's Resort Municipality Initiative through Ministry of Tourism, Arts and Culture).

### **Role of the Regional District of North Okanagan (RDNO)**

At Silver Star, the RDNO taxes and has authority over matters such as: building inspection; bylaw enforcement (e.g. unsightly premises, noise and dog control); water utility; fire protection and some land administration (e.g. official community plan, development permits). Under the legislative framework as the local government they must approve the resort promotion area, first bylaws of the resort association, and in future any amendments to the resort association bylaws.

### **Role of the Mountain Resorts Branch (MRB)**

The MRB, of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development manages 34 existing ski areas and all-season resorts on provincial Crown land, including 13 world-class destination mountain resorts. The MRB operates under the *Land Act*; *Ministry of Lands, Parks and Housing Act*; *Forest Act*; and the *Resort Timber Administration Act*. The All-Seasons Resort Policy (under the *Land Act*), sets the framework for management of Crown land and timber resources for sustainable resort development. Each resort operates under key agreements:

- Operating Agreement (OA), or Master Development Agreement, (MDA): the contract issued for a term of 30-60 years between the Province and the resort developer that sets out each party's obligations and responsibilities with respect to a proposed resort;
- Master Plan: the detailed plan of phased development for each resort reviewed and approved by Mountain Resorts Branch.

The Master Plan review and approval of the OA or MDA, is led by the Branch and involves coordination and collaboration with key stakeholders, the public, First Nations and all provincial and local government agencies. In addition, the Branch consults directly with First Nations on rights, title and accommodation regarding mountain resort developments in BC.

Under the Province's All-Seasons Resort Policy, recreation infrastructure, including lifts, daylodges, and parking, remain on Crown land that is tenured providing revenues and security to the province. Those resorts that have a MDA are able to purchase and develop land at the base for residential and commercial purposes, depending upon the amount of recreational capacity created, a fundamental part of the policy's perform and reward system overseen by the Mountain Resorts Branch.

#### *Coordination Between MAH and MRB*

The MRB is aware that MAH has received a submission package from the Silver Star Task Force requesting establishment of a Resort Association to improve marketing and promotion. MRB acknowledges that legislation enabling the creation of resort associations exists to support resort and tourism development, consistent with the provincial interest to have a strong economy.

#### **Silver Star Mountain Resort**

Silver Star Mountain Resort one of BC's world-class destination resorts located east of Vernon, British Columbia. In addition to local property and sales taxes, the Province collects an annual 2% royalty based on the gross revenue generated from the use of Crown land. Over the last 5 years Silver Star has seen an average increase of 8% in revenue. Given the significant investment on Crown land, the Province has an interest in the success and viability of Silver Star Mountain Resort.

#### **Silver Star Master Plan Master Development Agreement**

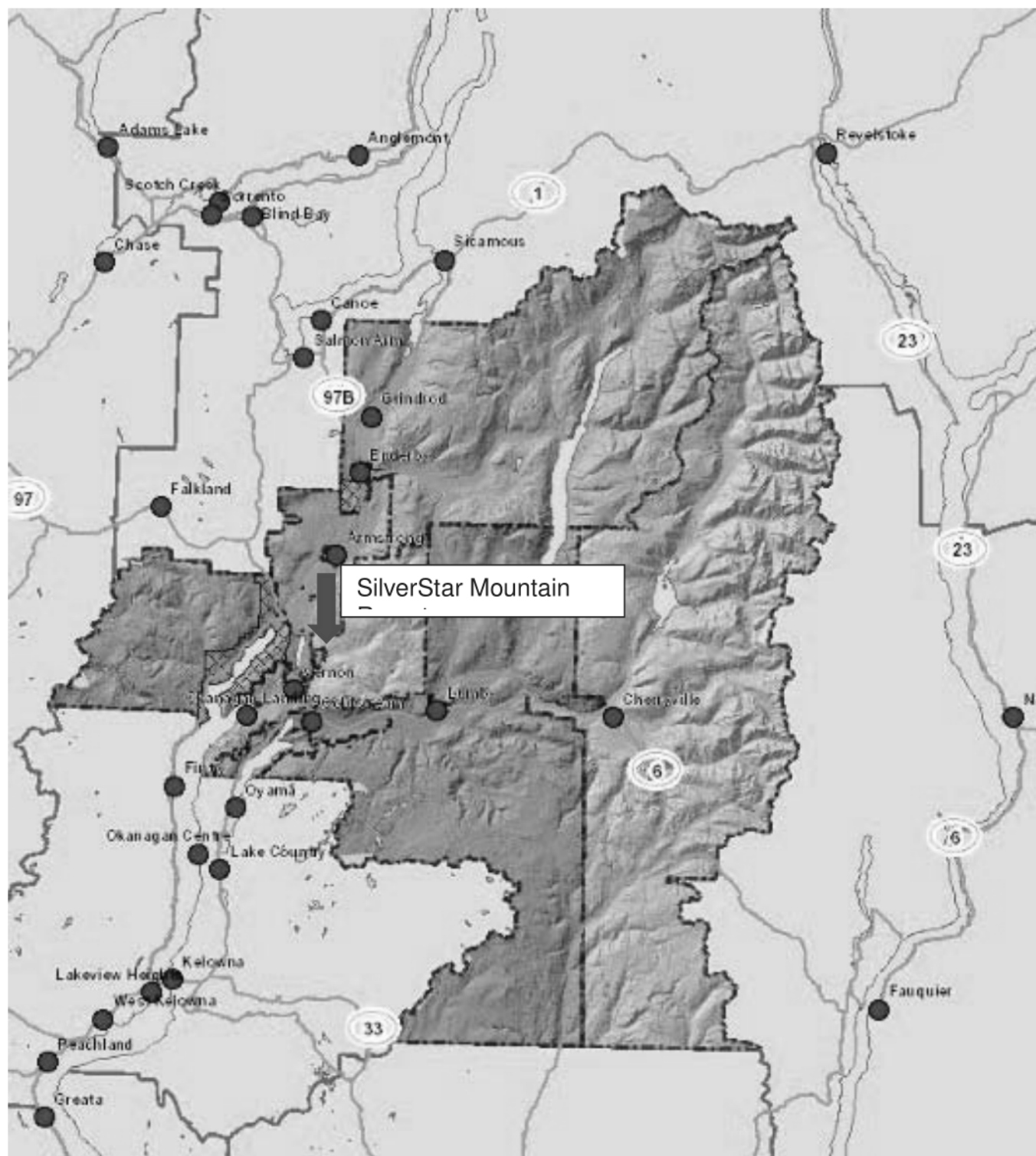
Silver Star Mountain Resort was in year 36 of their 50-year term of an existing MDA with the Province scheduled to expire February 28, 2033. Silver Star applied to replace their existing MDA with a new form of MDA, with a new 60-year term. This was completed November 15, 2019. This will facilitate the increase of all-seasons recreational activities to include cross country mountain biking, mountain coaster, golf, and zip lining to attract new markets and increase visitation.

*\*On December 3, 2019 "POWDR" an adventure lifestyle company announced it had acquired SilverStar Mountain Resort. POWDR immediately takes over operation of the resort including responsibility for honouring all agreements with the Province. POWDR owns 10 resorts across the United States in California, Colorado, Nevada, Vermont, Oregon and Utah.*

#### First Nations

Mountain Resorts Branch (MRB) has provided notification to both the Splatshin and Okanagan Indian Band (OKIB), on their decision to approve the SilverStar Resort Master Plan and 60-year Master Development Agreement (MDA). Splatshin and OKIB were engaged in comprehensive consultation on the decisions over the course of 4 years and have been invited to resume discussion on accommodation and/or revenue sharing agreements, as none were yet completed at the time of the decision to approve. A number of conditions which respond to First Nations' interest were placed within the MDA, including a number of conditions which are focused on protection of archaeological, cultural and heritage values, First Nations community access, and, environmental protection. These align with MRB's consultation and are encompassed within the proposed accommodation of First Nations interests for both Splatshin and OKIB.

**Map 1: Regional District of North Okanagan**





## APPENDIX 3:<sup>s.13</sup>

s.13



Page 109 of 133 to/à Page 123 of 133

Withheld pursuant to/removed as

s.13

#### APPENDIX 4: Resort Association Comparisons Chart

Resort Association	Year	Resort Promotion Area	Resort Land & Estimate Number of Members	Annual Budget	Structure of the Board (# Directors and Sectors)	Fee Structure Comparison
<b>Whistler Resort Association</b>  Established by Resort Municipality of Whistler Act  <a href="https://content.whistler.com/general/documents-public/about-tourism-whistler.pdf">https://content.whistler.com/general/documents-public/about-tourism-whistler.pdf</a>	1979	Not defined	More than 8,000 Members  Whistler Village and some surrounding Crown land near amenities  Membership is registered on title to the properties	<b>\$10 Million</b> (75% member fees; 25%) operations, partnerships, MRDT)  <ul style="list-style-type: none"> <li>Together common and commercial member assessment fees account for approximately 55% of budget (in 2019)</li> </ul>	<b>Elected: 2 Year Terms</b> Multi-managed lodging 3 Commercial 1 Large Single Managed Lodging 1 Small Single Managed Lodging 1 Director at large 1 <b>Appointed</b> Whistler-Blackcomb 2 RM of Whistler 2 Tourism Whistler 1 Ex-Officio 1  <b>Total Directors 13</b>	residential two-bedroom condominium with a sofa bed (6 billing units) available for nightly / short-term rental  <b>\$1678.57 in 2019 (includes GST)</b>
<b>Sun Peaks Mountain Resort Association</b>  <a href="https://www.sunpeaksresort.com/members">https://www.sunpeaksresort.com/members</a>  <a href="https://www.sunpeaksresort.com/sites/default/files/inline-files/TSP_Annual_Report_%202016_Web.pdf">https://www.sunpeaksresort.com/sites/default/files/inline-files/TSP_Annual_Report_%202016_Web.pdf</a>	1996	5013.8 ha	More than 1500 Members  Only excludes Burfield condominiums and Burfield drive subdivision, original Tod Mtn. Burfield is not adjacent to the Village (2.5 kms away) 859.71 ha	<b>\$2.8Million</b>  \$1 Million membership \$0.8 Million 5% Ticket Sales \$0.46 Million MRDT \$0.54 Million Other  <ul style="list-style-type: none"> <li>Residential Members pay assessments for common costs (i.e. general administration, costs that benefit all members); they do not pay business costs.</li> <li>Together business and common member assessment are 36% of the revenue sources (in 2015/16)</li> </ul>	<b>Elected</b> Single Owner Large Hotel 1 Hotel Lodging 2 Commercial Tenant/Independent 1 Non-Hotel (e.g. rentals) 2 Residential 1 <b>Appointed</b> Resort Operator 3  <b>Total Directors 10</b>	a rented multifamily (3 bedroom) accommodation  <b>\$1264.32 in 2018 (plus taxes)</b>
<b>Red Resort Association</b>  <a href="https://www.larchservices.com/red-resort-association">https://www.larchservices.com/red-resort-association</a>	2007	140.96 ha	120 Strata lots, 2 Commercial units  Red Resort chose to exclude some original residential developments. Resort area includes Slalom Creek, TMP Caldera & Morningstar, 140.96 ha	<b>\$52,000</b> (2018 Draft Budget)  <ul style="list-style-type: none"> <li>Approximately 1/4 revenue coming from the Red Mountain Resort and remaining 3/ 4 from members (in 2018).</li> </ul>	<b>Elected</b> Members at large 2 <b>Appointed</b> Red Mountain Resort 1  <b>Total Directors 3</b>	owner who rents their unit for periods of time which are less than 30 days in length  <b>\$500 in effect 2013 bylaws</b>
<b>Silver Star Resort Association Task Force Proposal</b>	2016 proposal	3,279 ha (Mirrors Controlled Recreation Area)	994 properties were petitioned	<b>\$910,000</b> (proposed budget)  <ul style="list-style-type: none"> <li>Approx. 76% revenue coming from member assessments</li> <li>Of the member assessments 29% of the contribution is from the mountain operator and the remainder from the other fee contributing members</li> </ul>	<b>Elected</b> Residential 1 Residential Lodging 2 At large 2 Hotel Lodging 2 Commercial 1 Single Owner Hotel 1 <b>Appointed</b> Silver Star Resort 2 <b>Total Directors 11</b>	owner of 3+ bedroom accommodation offered for rent  <b>\$800</b>



APPENDIX 5: Petition Certificate of Sufficiency

SCHEDULE 16

CERTIFICATE OF SUFFICIENCY

FOR ESTABLISHMENT OF THE SIVER STAR RESORT ASSOCIATION

I HEREBY CERTIFY that sufficient Petitions (as summarized below) **HAVE** been received for properties located within the Silver Star Resort Promotion Area (as outlined in the map attached to the Petition as Schedule 1) to proceed with the establishment of the Silver Star Resort Association in accordance with section 3 of the *Resort Associations Act* and section 212 of the *Community Charter*.

Project Name	Number of Properties	50% Majority Required for Project to Proceed	Number of Petitions Received as of December 14, 2018	Total Assessment - Land and Improvements	50% of Assessments Required for Project to Proceed	Total of Petitioners Assessments Received as of December 14, 2018
Establishment of the Silver Star Resort Association	994	497	529	\$356,049,947	\$178,024,974	\$200,698,950

EXECUTION(S):


EXECUTION DATE:

OFFICER CERTIFICATION:

January 31<sup>st</sup>, 2019

Officer Signature(s)

Certified by:

  
\_\_\_\_\_  
**RICHARD D. PAYNE**  
barrister & solicitor  
#105 - 1465 SALISBURY AVENUE  
VICTORIA COQUITLAM, B.C. V7B 6A8  
(604) 944-4115  
FACSIMILE (604) 944-4120

  
\_\_\_\_\_  
**Rick Beauchamp, President**  
**R.A. Beauchamp & Associates**  
Local Government Consultants

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, 1996 R.S.B.C., c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Page 126 of 133 to/à Page 133 of 133

Withheld pursuant to/removed as

s.13