



CLOSED REPORT TO COUNCIL

To: **Mayor Schaffer and Councillors**

Subject **Serena Oh v. City of Langley & C. Mushata**

Report #: 17-014

File #: 0110.00

From: Paula Kusack, Deputy Corporate Officer

Doc #: 152503

Date: December 6, 2017

RECOMMENDATION:

1. THAT Council receive this report for information; and
2. THAT this report be released to the public at an upcoming Regular Council Meeting.

PURPOSE:

To provide Council a status report on the court case.

POLICY:

N/A

COMMENTS/ANALYSIS:

Following the City's 2016 by-election, candidate Serena Oh filed a petition to challenge the election claiming that 1500 – 2000 votes were destroyed. The case was heard by the BC Supreme Court in April 2016 and the BC Court of Appeal in January 2017. Both cases were dismissed saying there was insufficient evidence to establish her allegations.

In July 2017 Ms. Oh sought leave to appeal the Supreme Court of Canada. On November 30, 2017, Ms. Oh's application for leave to appeal to the Supreme Court of

Canada was denied by all of the judges of the Supreme Court of Canada. This file is now concluded for good.

The City was again awarded costs; however legal counsel advised that the costs of assessing them will exceed the value.

BUDGET IMPLICATIONS:

The total legal costs for this case are estimated at \$27,000. Costs awarded to the City, not including the Supreme Court of Canada costs, are approximately \$6,000 however these costs have not been paid and there is no real prospect for collection.

ALTERNATIVES:

Council could pursue collection of costs from Ms. Oh.

Respectfully submitted,



Paula Kusack,
Deputy Corporate Officer

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer