

Dear Mayor and Council.

March 15, 2019

We the undersigned citizens of Gibsons, still have serious concerns regarding the way in which the previous mayor and council conducted the permitting process related to the George Hotel and Residences project (the George), which KFE Inc. proposes to build on Gibsons' waterfront. During the previous council's tenure, concerned citizens<sup>1</sup> questioned why the mayor and council refused to require that the George developer post a bond to specifically protect the Gibsons aquifer during the construction phase, a bond that could be used to remediate any accidental damage to Gibsons' drinking water supply. Council refused the requests for a bond despite admissions of risk to the aquifer as noted in the peer reviews by engineering firms<sup>2/2</sup> hired by the Town and by Town staff<sup>3</sup>.

Given the recent example of two egregious engineering errors, our concerns have been re-awakened.

The first example concerns the errors made vis-à-vis the Seawatch development in Sechelt. In defence of its refusal to require any bonding to protect the Gibsons aquifer, the Town stated that the developer's and consultants' liability insurances will suffice<sup>4</sup>. But we note that despite all the liability policies held by those involved in the Seawatch development, many homeowners are now faced with a major catastrophe. As a result, multiple lawsuits have been launched against the District of Sechelt, the developer, fourteen engineering firms, five real estate agents and an insurance company.

The second example occurred in Vancouver.

At a Gibsons Special Council Meeting,<sup>5</sup> Gibsons citizen Ms. Judith Bonkoff referred Council's attention to the costly breach of an aquifer in Vancouver and she requested an insurance policy to help mitigate the costs of a similar breach of Gibsons aquifer. In his reply, the Town's Director of engineering, Mr. Newman, stated, "... to compare this process to Vancouver is somewhat misleading". And yet the ten-million-dollar (and still counting) bill to the City of Vancouver was ultimately caused simply by human error, an ever-present condition whenever any human undertakes any endeavour. There is no doubt that should an error result in a breach of the Gibsons aquifer it would cause havoc. The town would suffer the loss of its critical water supply and the harbour would be subjected to an environmental disaster. We citizens do not want to have anything like the Seawatch sinkhole imbroglio or the Vancouver aquifer breach happen in Gibsons.

It is of further concern to us that the Town has not released a peer review of the revised project done by an expert hydrogeologist since the May 2015 Waterline review. The Town claims to have based its decision to approve this project on expert peer reviews but has not to date released any beyond the aforementioned Waterline Review. We find only the peer review conducted by Geosystems, which reviewed the deep soil-mixing technique proposed by Isherwood Ltd. It appears that no further hydrogeological review exists and that the Town is basing critical hydrogeological decisions on engineers and geotechs and not on hydrogeologists.

Moreover, the proposed Remedial Plan for this site has never been peer-reviewed by a hydrogeologist and the developer has admitted that there are still unresolved risks of aquifer perforation within the Remedial Plan. These risks were acknowledged by the developer's Consultant in his request<sup>6</sup> for a one-year postponement of the appeal to the Environmental Appeal Board by the Gibsons Alliance of Business and Community. This appeal, previously scheduled for late 2018 is now rescheduled for October 2019 in order for the developer to do further investigating and testing relating to the presence of highly toxic tributyl-tin on the site. Given all the foregoing we hereby propose that our mayor and council consider and act on the following.

.....According to the Gibsons Building and Plumbing Bylaw # 822<sup>7</sup> the George Building Permit is now expired. Our reasons for stating this are:

The Town's website<sup>8</sup> states that the Building Permit is, "ready to be issued once the developer decides to proceed". The use of the word "ready" in the phrase, "ready to be issued" certainly means that an actual permit exists. Also, The Coast Clarion, a local online publication, quoted Mr. David Bell, building inspector, in its August 28<sup>th</sup> 2017 issue<sup>9</sup>, as saying that the building permit for the George "has been issued", thus confirming the existence of an actual permit. [We note that the dictionary definitions of the words "issue" and "issuance" do not require that something has to be actually received by an applicant, but only that it be made available, which is the case here]. All the foregoing would mean that the original permit, at the time of this writing, is now about seventeen months old.

Further: Section **14.4** of Gibsons Building Bylaws states, "Every permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate if:

**14.4.1** the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit;"

We do note that there are provisions for extending the availability of the permit in section **14.5** of the bylaw, but the wording stipulates that the extension must occur, "prior to the expiry date" (i.e., before circa February 28, 2018). If the applicant did not renew before that date, the permit is further invalidated.

As an aside to the foregoing, we note that section **9.4** of the same Building Bylaw clearly calls that two permits would be required for this project and not just one: "Each building or structure to be constructed on a site requires a separate building permit....." Since the project consists of a condominium building on one side and a hotel on the other, we ask the question: Did the Town issue two permits as is required by our bylaws?

Many mistakes were made in the whole process that led up to the final approvals surrounding the George project. The former council itself admitted that the Town could have done a better job of making the process less combative between those who championed the form and character of the George and those who opposed it. We cannot change that fact now. Nevertheless, we are still intent on protecting our aquifer from harm from this proposed development. Our aquifer is of growing importance not only to residents of Gibsons but also to

the many residents outside of Gibsons who may eventually have to rely on it as a water source. Before the Town re-issues any new building permits, we insist that our new mayor and council be prudent and take the opportunity to re-visit the need of requiring the developer to post a bond to shield the Town from costs if a catastrophic event should occur to our aquifer. In order to protect the citizens and taxpayers of Gibsons we strongly recommend that a bond in the order of twenty million dollars be posted by the developer before the commencement of construction and be in place until the George project declares Substantial Completion.

Sincerely:

Anne Miles  
Rob Melamed  
Dorothy Tenute  
Michael Bonkoff  
Judy Bonkoff  
Nick Caputo  
Valerie Ward  
Chris Gaskins  
Bruce Gaskins  
Judith Hammil  
Natania Wingrave  
Jack Stein

Karen Stein  
James Graham  
David Harrison  
Inge Harrison  
Gail Jeffrey  
I Sarama  
Alan Sirulnikoff  
Al Beaver  
Roger Swickis  
Julia Currie  
Kylie Hutchinson  
Kathy Larwa

Georgina Brandon  
Jan Van't Hof  
Lyonoor Lardein  
Rose Puleston-Clarke  
Keith Bosworth  
Gillian Brady  
Katheryn Hunt-Spicer  
Lorraine Harrison  
Dorothy Riddle  
Harriet Hunter  
Michael Storr

1. [\(SCMT\)](#) Special Council Meeting Transcript) pg10 Sobolewski & pg12 Bonkoff

2. [Waterline](#) Peer Review. (all pgs esp. Comments 5.4.2 & 21.2)

2. [Staff Report](#) Pgs. 13-14 Levelton – **Discussion** .2

3. [\(SCMT\)](#) pg 15 paragraph one, Machado, (risk)

4. [\(SCMT\)](#) pg 15 paragraph one, Machado, (liability)

5. [\(SCMT\)](#) pg.13 paragraph one, Newman, (compare)

6. [Request delay](#) Coast Reporter

7. [Bylaw 822](#) Plumbing

8. [T.O.G. site](#) Permit ready to be issued.

9. [Clarion](#)- Permit issued & Building docs.

This letter is sent by citizen Michael Storr who is also one of the above signatories. He is acting on behalf of all the above and will forward all replies. He can be contacted by post at P.O. Box 771, 400 Stewart Road, Gibsons, BC V0N 1V0, or by telephone at 604 886 8999, or by email at [kitstocoast@telus.net](mailto:kitstocoast@telus.net)