

From: Ewen Stewart

Sent: Friday, December 15, 2017 2:53 PM

To: Cecchini, Ivano <[ICecchini@sd43.bc.ca](mailto:ICecchini@sd43.bc.ca)>

Cc: Robert Boies <[robboies@royallepage.ca](mailto:robboies@royallepage.ca)>; [sjudd@portmoody.ca](mailto:sjudd@portmoody.ca)

Subject: NOVEMBER 23 2017 MOE POLLUTION ABATEMENT ORDER - UNRESOLVED SAFETY FENCE PRESCRIBED BY ORDER

Hi Ivano

The Ministry of Environment issued a pollution Abatement Order November 23,2017. It was sent to all affected parties including SD 43 since it is SD 43 school grounds that have fecal coliform leaching from the cut banks on both the south and west side of the LMS 3080 septic field.

Three weeks have passed. We simply need to gain access to School property to place the safety fencing required by the Abatement Order. You needed CUPE'S permission to allow an outside contractor on site and that the fencing company needed the appropriate liability insurance. I immediately located a fencing contractor with the appropriate liability insurance. You advised me ten days ago that you had obtained CUPE'S approval. Next you needed a license agreement to cover access to the school yard. We arranged to meet to execute a license agreement at 3:30 yesterday. I did not receive a copy of the document until 1:11 pm yesterday. It is stunning that the SD43 is basically charging \$11,000 in occupation rent for permission to put a fence on school property for a period of 6 months. We are not occupying the school yard. In case it is not clear, the fence is to protect the children attending both the Heritage Mountain and Eagle Mountain schools from coming in contact with septic leachate which is emanating from the cut bank. To date Strata LMS 3080 has been paying the costs of resolving this problem, which is clearly not of their making. I suggest you read the purchase/sale contract between the SD43 and City of Port Moody, specifically clause 3.2 (e) Environmental. The proposed license agreement you sent over is a one size fits all occupation agreement that clearly does not fit these circumstances. We need an immediate fix to comply with the MOE order.

I suggest the following:

1. Please see the revised agreement attached.
2. We will place \$11,000 in your hands for you to engage the fence contractor, quotation below. Your insurance issues are resolved. We undertake to pay any additional costs the fencing contractor may have including ongoing rent when the \$11,000 is exhausted. We prefer Yellow Fence Rentals; A - 5740 Production Way, Langley, BC V3A 4N4; Phone: (604) 575-YELL (9355) Fax: (604) 534-6215

The strata remains committed to fixing the leachate problem. The problem is incapable of resolution without cooperation from the school district.

The problem is not going to go away on its own and as the Abatement Order clearly states, it is a public health hazard. Please help us get a proper safety fence up so we are in compliance with the Order of the MOE.

**Ewen Stewart**

Azura Management Corp.

3033 232<sup>nd</sup> St.

Langley, BC

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Tel: 604.536.7333 ext 1

Cell: 604.309.4154

From: Cecchini, Ivano [<mailto:ICecchini@sd43.bc.ca>]

Sent: Monday, December 18, 2017 9:04 AM

To: Ewen Stewart <[estewart@azuramanagement.com](mailto:estewart@azuramanagement.com)>

Cc: Robert Boies <[robboies@royalpage.ca](mailto:robboies@royalpage.ca)>; [sjudd@portmoody.ca](mailto:sjudd@portmoody.ca)

Subject: RE: NOVEMBER 23 2017 MOE POLLUTION ABATEMENT ORDER - UNRESOLVED SAFETY FENCE PRESCRIBED BY ORDER

Ewen,

If I was not clear in my last email the fee is for cost recovery only. The Abatement Order was issued on November 23, 2017 and I did not hear directly from you until December 1, 2017. In the meantime the SD and consultant team put together a plan and installed approximately 900 feet of fencing on the property. The amount on the agreement is only to recover for labour and consultant costs already expensed for work pertaining to the Anmore Green septic field. To be clear, there is no fee for occupation.

As a reminder, I am out of the office after this Wednesday until after the new year. I am available at 4:00 pm today, 9:30 tomorrow, or 4:00 pm Wednesday.

Ivano

From: Ewen Stewart [<mailto:estewart@azuramanagement.com>]

Sent: December 18, 2017 10:13 AM

To: Cecchini, Ivano <[ICecchini@sd43.bc.ca](mailto:ICecchini@sd43.bc.ca)>

Cc: Robert Boies <[robboies@royalpage.ca](mailto:robboies@royalpage.ca)>; [sjudd@portmoody.ca](mailto:sjudd@portmoody.ca)

Subject: RE: NOVEMBER 23 2017 MOE POLLUTION ABATEMENT ORDER - UNRESOLVED SAFETY FENCE PRESCRIBED BY ORDER

Hi Ivano

Maybe I have misunderstood the fencing put up by SD 43.

In the photos sent to me all I saw was the orange plastic laying on the ground along the walkway with a keep out sign attached. Is there other actual fencing installed?

Our understanding of the MOE order is we need an actual construction type fence along the areas where you have a plastic fence and the appropriate signage. That is why I had our environmental consultant map out the fence requirement on a map.

Did SD 43 put up other fencing for the 11,000 or is the plastic in the photos it?

Does the amended agreement I sent you work?

I can send a signed copy and the 11,000 over today if so.

Thanks

**Ewen Stewart**

Azura Management Corp.

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From: Cecchini, Ivano

Sent: December 18, 2017 12:30 PM

To: Ewen Stewart <[estewart@azuramanagement.com](mailto:estewart@azuramanagement.com)>

Subject: RE: NOVEMBER 23 2017 MOE POLLUTION ABATEMENT ORDER - UNRESOLVED SAFETY FENCE PRESCRIBED BY ORDER

Ewen,

If you prefer, you can sign and courier the agreement I forwarded to you (drafted by our lawyer), including the documents mentioned in the agreement with the cost recovery fee. I did notice that he put HST down so please cross out HST and put GST with an initial and I will do the same. I will forward a fully signed agreement to you shortly after I receive it as long as I have it in my hands by noon on Wednesday.

Ivano

From: Ewen Stewart

Sent: Monday, December 18, 2017 3:43 PM

To: Cecchini, Ivano <[ICecchini@sd43.bc.ca](mailto:ICecchini@sd43.bc.ca)>

Cc: Robert Boies <[robboies@royallepage.ca](mailto:robboies@royallepage.ca)>; [sjudd@portmoody.ca](mailto:sjudd@portmoody.ca)

Subject: RE: NOVEMBER 23 2017 MOE POLLUTION ABATEMENT ORDER - UNRESOLVED SAFETY FENCE PRESCRIBED BY ORDER

Hi Ivano

Can you tell me what the 11,000 covers? Just need rough breakdown. Thanks

**Ewen Stewart**

Azura Management Corp.

3033 232<sup>nd</sup> St.

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