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BARRISTER &
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January 28, 2009

Mayor & Council
District of Central Saanich
1903 Mount Newton Cross Road
Saanichton, BC V8M 2A0

Via Fax: 250-652-0135

Dear Mayor & Council:

Re: Senanus Waterline

I represent the Mount Newton Neighbourhood Association ("MNNA") with respect to the proposed Senanus waterline. As you know my clients have numerous concerns about the proposed waterline, not the least of which is the petition certified by Central Saanich in 2008.

In our view, the petition purporting to support the waterline is seriously flawed and will not withstand the scrutiny of the courts. While the petition was certified by a narrow margin of land owners (59.38%), several of these landowners have since written to indicate they no longer support the project and properties that have changed hands are also now owned by land owners who do not support the project. There were a number of problems with this petition including: 1) the fact that attachments referred to in the Petition were not provided with it; 2) a Q&A sheet distributed by the proponents of the petition was misleading in that it indicated that the proposed watermain would provide fire protection and a decrease in insurance premiums and 3) that it was within the mandate of the Chief Medical Health Officer to force residents to pay the cost of the line. In addition, some property owners within the catchment area were not included in the schedule of properties and some owners within the catchment received no notice of the petition. Indeed, the District has received advice from its solicitor that the 2008 petition would likely fail if challenged under the *Judicial Review Procedure Act*.

I also understand that the Council recently rejected a proposal by my clients to enter into a mediation process with a view to identifying viable sustainable alternatives to the proposed waterline. Council's rejection of this proposal leaves the MNNA with no alternative but to pursue the legal remedies available to them.

I trust you will take this letter under serious consideration and I would appreciate a reply to this letter within the next 2 weeks.

Yours sincerely,



Irene C. Faulkner