



*Affidavit of Laura Anderson #1
Affirmed July 18, 2006*

NO. S064619
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MATHEW HUFF, STEVEN LEE, JOHNNY WOO and
LAURA ANDERSON

PETITIONERS

AND:

KWANTLEN UNIVERSITY COLLEGE STUDENT ASSOCIATION,
KWANTLEN UNIVERSITY COLLEGE, DANISH BUTT,
JATINDER (JOEY) ATWAL, JAIVIN KHATRI, HARVEY MANN,
BIKRAM GILL, DILSHAD CHEEMA, KULVIR GILL, ANDRE
LESUR, AJAY CHEEMA and AARON TAKHAR

RESPONDENTS

AFFIDAVIT

I, LAURA ANDERSON, student, of [REDACTED], in the City of Surrey, in the
Province of British Columbia, AFFIRM AND SAY THAT:

1. I am a student at Kwantlen University College ("Kwantlen") and have been a student, and a member of the Kwantlen Student Association ("KSA"), since 2000. I have been involved in the KSA in a number of capacities since 2001.
2. I am a Petitioner in these proceedings and have personal knowledge of the facts to which I depose in this affidavit except where I state that my information has come from some other source, in which case I believe the facts to be true.
3. I have read the Amended Petition to be filed in these proceedings (the "Member Petition"), and particularly the Facts in the Member Petition (hereinafter, the "Member Petition"). I will detail my knowledge and verification of the Member

Petition in this affidavit. Where I state that facts in the Member Petition are true, I have personal knowledge of such facts.

4. The matters in paragraphs 1, 2 and 3 of the Member Petition are true. I was one of the members of Council appointed by the Court Appointment.

Conduct of Council Meetings

5. Contrary to the practice in previous years and contrary to Article 13(3)(ii) of the Bylaws and Section II, Article 3(3)(ii) of the Regulations, there was sporadic notice of meetings of Council between May 13, 2005 and October 28, 2005 and notice of Council Meetings was rarely, if ever, been posted in advance of Council meetings. I have no direct knowledge of what notice, if any, was provided for Council Meetings held after October 28, 2005 due to my purported expulsion from the membership of the KSA.
6. Contrary to the practice in previous years and Section II, Article 8(1) of the Regulations, the agenda and other materials for Council Meetings were rarely, if ever, circulated in advance of Council Meetings held between May 13, 2005 and October 28, 2005. I have no direct knowledge of what agendas or other materials were circulated in advance of Council Meetings held after October 28, 2005 due to my purported expulsion from the membership of the KSA.
7. Contrary to the practice in previous years and Article 13(3)(iii) of the Bylaws and Section II, Articles 3(3)(iv) and 8(10) of the Regulations, limited minutes of Council meetings were taken between May 13, 2005 and October 28, 2005. Minutes were not circulated to members of Council for review within five (5) days following a meeting of Council and minutes were not posted within 15 days of Council approving such minutes. In fact, no minutes of meetings held during this period were ever presented to the Council for adoption. Contrary to the practice in previous years and Article 10(2)(ix) of the Bylaws, minutes of Executive Meetings were never brought to Council for review or approval. I have no direct knowledge of what minutes, if any, were taken of Council Meetings held

after October 28, 2005 due to my purported expulsion from the membership of the KSA, although I have subsequently tried to locate and obtain minutes of Council Meetings held after October 28, 2005, without success.

8. As a result of the foregoing, minutes of the Council Meetings mentioned in the Member Petition are not available and any minutes purported to have been prepared are neither official nor, in many cases, accurate.
9. I have read paragraphs 4(b), (c), (d), and (e) of the Member Petition and those facts are true. I was present at the May 13, 2005 Council Meeting but I do not recall whether the motion described in paragraph 4(a) was passed. With regards to paragraphs 4(b), (d), and (e) of the Member Petition, I was present at those meetings and observed the events detailed in those paragraphs, and those facts are true.
10. With regards to paragraph 4(c) of the Member Petition, I was not present at the June 6, 2005 Executive Meeting, but I was present at the July 22, 2005 Council Meeting at which Aaron Takhar was confronted with the rumours of the Executive salary increase. Mr. Takhar refused to directly answer Council's questions regarding the Executive salary increase, instead referring Council to the minutes of the Executive meetings held to date. Attached hereto and marked as Exhibit "A" to my affidavit is a copy of the minutes of the June 6, 2005 Executive Meeting at which the Executive pay increase was purportedly passed. The Executive pay increase resolution was never brought to Council for approval.
11. The Executive pay increase, which increased the salaries of the Executive from \$412.00 bi-weekly to \$750.00 bi-weekly (\$850.00 bi-weekly for the Chairperson), was passed contrary to Article 6(3) of the Bylaws, which requires that the remuneration of the Executive "shall be set by Council", and in violation of Article 5(1)(iv) of the Bylaws, which vests the power to adopt the budget in a 2/3 vote of Council. The Executive pay increase also purported to amend Section IX, Article 2(1) of the Regulations, which set the remuneration of the Executive at \$412.00 bi-weekly, which amendment can only be effected by a 2/3 vote of

Council, and violated Section IX, Article 2(8) of the Regulations, which provides that the Executive shall not receive any variances in remuneration that are not specifically approved by a 2/3 vote of Council and Section VI, Article 1(2), which establishes the procedure for any review of Executive remuneration and that any change shall not take effect until April 1 of the following year.

12. With regards to paragraph 4(f), I was present for the Council Meeting held on August 19, 2005, but was not present when the motions discussed in paragraphs 4(f) and 5 were passed, and as such I have no direct knowledge of the facts discussed in those paragraphs.

September 29, 2005 Special General Meeting

13. As for paragraphs 6(a) and (c) of the Member Petition, I was only present on the Langley and Surrey campuses during the relevant time, and so I can only verify those facts to the extent that they pertain to the Langley and Surrey campuses. Attached hereto and marked as Exhibits "B", "C", "D" and "E" to my affidavit are copies of the advertising materials regarding the Special General Meeting on September 29, 2005 (the "September SGM"). To the best of my knowledge, these are the only advertising materials regarding the September SGM.
 - a. Exhibit B is a copy of a poster that was posted in very limited quantities, far fewer than the twenty-five (25) required by Article 3(8)(a) of the Bylaws, on the Surrey Campus. To the best of my knowledge, the date on the poster indicates the day that it was received at the Surrey Campus office for distribution, which was September 6, 2005. It is not known when it was posted. Contrary to Article 3(9) of the Bylaws, this poster makes no mention of the proposed expulsion of four members of the KSA, and only mentions the proposed amendments to the Bylaws in very small print.
 - b. I never saw Exhibit B or any other poster on the Langley Campus.

- c. Exhibit C is a copy of a “ticket”, measuring 9 cm x 5 cm, to the September SGM distributed exclusively through the Surrey Campus office of the KSA. Contrary to Article 3(9) of the Bylaws, no mention is made of the special business to be conducted at the September SGM, namely the amendment of the Bylaws and the expulsion of the four students from the KSA, on the Exhibit C tickets.
- d. Exhibit D is a copy of a flyer, measuring 17.5 cm x 8 cm, stuffed (with a number of other advertising flyers) into the free dayplanners distributed to students through the KSA offices on all campuses. The distribution of the dayplanners began on September 21, 2005. The Exhibit D flyers were not received in the Langley office for insertion until September 22 or 23, 2005. It is not known how many dayplanners were distributed without the insertion and how many were distributed with the insertion prior to September 29, 2005. Contrary to Article 3(9) of the Bylaws, no mention is made on Exhibit D of the special business to be conducted at the September SGM, namely the amendment of the Bylaws and the expulsion of the four students from the KSA.
- e. Exhibit E is a photograph of a poster posted on the Surrey Campus. Similar posters were posted in limited quantities on the Surrey Campus regarding the September SGM. The actual poster measures 72 cm x 55 cm. Contrary to Article 3(9) of the Bylaws, the Exhibit E poster makes no mention of the special business to be conducted at the September SGM, namely the amendment of the Bylaws and the expulsion of the four students from the KSA.
- f. I have read paragraph 6(b) of the Member Petition and those facts are true. I frequently checked the KSA website during the days leading up to the September SGM and never saw any notice regarding the September SGM, or anything regarding the proposed amendments to the Bylaws, or any resolutions to be tabled at the September SGM. There was no

advertisement in the *Kwantlen Chronicle*. At the time of the September SGM, the *Kwantlen Chronicle* and the KSA website were the only campus media recognized for the purpose of Article 3(8)(b) of the Bylaws.

14. I have read paragraphs 7(a), (a)(i) and (c) to (k) of the Member Petition and those facts are true. I have no direct knowledge of the facts in paragraphs 7(a)(ii) and (iii) of the Member Petition. With regards to paragraph 7(a)(i) of the Member Petition, I have no direct knowledge of the facts in that paragraph other than the fact that Council approval was never sought for the disbursement of these funds. With regards to paragraph 7(b), I do not know how many people were present at the September SGM.
15. When I entered the room in which the September SGM was held, I was asked to sign in. At no time was I asked for identification, or proof that I was a student, or my Exhibit C ticket. The first that I was aware of the proposed resolution to expel me from membership of the KSA was shortly after I entered the room in which the September SGM was held on September 29, 2005.
16. Article 2(9) of the Bylaws reads as follows:

“A Member may be expelled by a Special Resolution of the Members passed at a General Meeting. The notice of a Special Resolution for expulsion must be accompanied by a brief statement of the reasons for the proposed expulsion. The member who is the subject of the proposed resolution for expulsion must be given an opportunity to be heard at the General Meeting before the Special Resolution is put to a vote.”

Contrary to Article 2(9) of the Bylaws, I have never been made aware of any reasons for my purported expulsion from membership and I was never given an opportunity to speak on the subject of the purported resolution, which, to the best of my knowledge, was never tabled at the September SGM. To the best of my knowledge, no vote whatsoever was taken on any motion at the September SGM.
17. Paragraph 7(d) of the Member Petition is true. There were no microphones set up for members to address the assembly at the September SGM. When the Chair, Aaron Takkar, attempted to call the September SGM to order, I audibly advised

the Chair that the meeting had not properly been called. He ignored my comments and proceeded with the September SGM.

18. Paragraph 7(g) of the Member Petition is true. My recollection of the material part of the proceedings is as follows:

Chair (Aaron Takhar): "We have a new set of bylaws that we are presenting and, if we approve these, we can get straight on to the prizes, so can I have a forwarder and a seconder to the motion?"

[Motion moved and seconded by RAF members]

Chair: "Unless there is any discussion we'll go straight to the vote."

I answered: "Yeah, I think there's discussion over here Aaron, are you going to ignore me?"

A second member, who I understand to be a member from the Newton Campus, then asked: "I'd like to know, before we take a vote, what this is about?"

Chair: "OK, before we get to what this is about, we have a lot of people here who have come for one reason, which is to win prizes, so why don't we take a show of hands first as to who is interested in reading – this has been posted for 3 weeks now so if you haven't had a chance to read this 200 page document, unless you want to read it right now, so if we can just ... have a show of hands, who wants to get to prizes? Can we have [Chair raises his arm] in favour of the motion so we can get straight to the prizes, iPods, DVDs, a trip to Mexico?"

19. At the conclusion of Mr. Takhar's remarks, there were, in my estimation, approximately 7 to 10 persons who raised their hands. Mr. Takhar then immediately began the draw for prizes.
20. At the conclusion of the September SGM, I was under the impression that no vote had been held on either of the resolutions contained in Bill RAF2K5: specifically, I understood that no amended Bylaws had been passed and no students expelled from membership in the KSA.
21. With regards to the September SGM, I have also been advised by Mohammad Kallas, the Speaker of Council, and verily believe that he was approached by members of Council to chair the September SGM on or after August 19, 2005 but before the September SGM on September 29, 2005. He advised me that he agreed to do so, but was subsequently taken aside by Aaron Takhar and told that

he [Mr. Kallas] could only chair the September SGM on the condition that the meeting was over in 60 seconds and that no debate be permitted on the motions tabled at the September SGM. Mr. Kallas advised me that he [Mr. Kallas] refused to chair the September SGM under those conditions.

22. I have read paragraph 8 of the Member Petition and those facts are true.

Events Subsequent to the September SGM

23. I was present at meeting of Council held on October 14, 2005. At that meeting, Aaron Takhar was confronted with information that he had sent an email to RAF Party members offering a television as a prize for bringing the most people to the September SGM. Mr. Takhar flatly denied this allegation until confronted by a RAF member, Harjit Basra, a Surrey Campus Officer and RAF member, advised Council that she had received a copy of the email. Ms. Basra then printed off the email and circulated it at the October 14, 2005 Council Meeting.
24. In the course of the meeting, Surrey Campus Officer and RAF member Amar Sandhu also indicated that the person who had won the grand prize at the September SGM was an old friend of Aaron Takhar's and that it was planned in advance that he would win the prize. Mr. Sandhu then tried to move to have the General Manager's powers transferred from the Executive to Council [non-voting members of Council may move and second motions, although they may not vote on them]. The meeting then recessed and upon Council's return to order, a motion was passed appointing another RAF member, Pavan Bassi, as the interim General Manager. Despite my purported expulsion from membership from the KSA, I was permitted to vote at the October 14, 2005 meeting of Council.
25. I have read paragraphs 9 and 10 of the Member Petition and those facts are true.
26. I was present at the meeting of Council held on October 28, 2005 at which the report of the KSA Ombudsperson dated October 28, 2005 finding that the September SGM was not properly convened and that the Illegal Bylaws are invalid was read out. Also read out at that meeting was a letter from legal counsel

to the KSA, Donald Crane, that gave a legal opinion that a resolution to remove a director becomes effective immediately.

27. Discussion ensued about the validity of the resolutions purportedly passed at the September SGM. Aaron Takhar advised that, as Chair of the September SGM, he ruled that the proceedings had been in order and the motions to amend the Bylaws and expel the four members had passed. Mr. Takhar went on to state that if anyone wanted to challenge the results of the September SGM, he or she would have to go to Court because Council could not overrule a vote of the membership at a September SGM. Mr. Takhar advised that he would use the sign-in sheets that all members were required to complete upon entry into the room where the September SGM took place as proof that the people listed on those sheets had voted in favour of the motions. Mature Students Liaison Robert Kovacic then confronted Mr. Takhar and advised that Mr. Takhar had lied to him and had told him [Mr. Kovacic] at the September SGM that signing the sheet would not be an indication that the person listed had voted in favour of the motions. Mr. Takhar acknowledged that he had lied to Mr. Kovacic: "Yeah I lied to you."
28. By virtue of our purported expulsion from the KSA, neither myself or fellow Council member Steven Lee were permitted to vote on the motion to accept the October 28, 2005 Ombudsperson Report, which was defeated by the RAF-dominated Council. From that day on, we were deemed to have been removed as members of Council.
29. As a result of my purported removal from office, I did not attend any Council Meetings after October 28, 2005 and I have no direct knowledge of the facts in paragraphs 11 and 12 of the Member Petition.

January 2006 Elections

30. I have read paragraph 13 of the Member Petition. I was present at the Council Meeting on October 14, 2005 when Council was advised of Mr. Randhawa's appointment as CRO. My recollection is that Aaron Takhar advised Council that

the CRO had been appointed by the Executive. Council was further advised by Aaron Takhar that Mr. Randhawa was an employee of Intercultural Ethnic Communications Inc., a consulting agency that deals with non-profit society elections. Attached hereto and marked as Exhibit "F" is an email from Aaron Takhar to Christine McLellan dated December 16, 2005 confirming Mr. Randhawa's contact information, which email was subsequently forwarded to me by Ms. McLellan. Attached hereto and marked as Exhibit "G" to my affidavit are copies of the results of British Columbia corporate searches, which results indicate that Intercultural Ethnic Communications Inc. does not exist. Attached hereto and marked as Exhibit "H" to my affidavit are copies of the results of Canadian federal corporate searches, which results also indicate that Intercultural Ethnic Communications Inc. does not exist. The handwriting on Exhibit "H" is mine, and I was present when these searches were run.

31. I have no direct knowledge of the matters contained in paragraph 14 of the Member Petition as I was not present at the Council Meetings referred to in those paragraphs.
32. I have no direct knowledge of the facts in paragraph 15, 16 or 17 of the Member Petition.
33. I have read paragraphs 18(a), (c), (e), (h), (i), (j), (k) and (m) of the Member Petition and those facts are true. I have no direct knowledge of paragraph 18(b) of the Member Petition.
34. The first day back at school for the Spring semester was Monday, January 9, 2006.
35. With regards to paragraphs 18(d), (f) and (g) of the Member Petition, I was only present on the Langley Campus between January 9 and January 19, 2006, and so I can only verify those facts to the extent that they pertain to the Langley Campus. The only notices that I saw at any time between January 9 and January 19, 2006 regarding the nomination period or General Election (except for candidates'

posters) were those posted by Stafford Richter, a non-RAF member of Council, and such posters were not posted until January 11, 2006. Attached hereto and marked as Exhibit "I" to my affidavit is a copy of the poster created and posted by Mr. Richter. These posters contain only information regarding nominations, and unfortunately, contain incorrect information, as the nominations closed on Friday, January 13th (not 14th). I never saw any posters on the Langley Campus regarding polling dates or times for either the General Election or the referendum.

36. Despite my purported expulsion from membership in the KSA, I was permitted to vote in the 2006 General Election.
37. I have no direct knowledge of the facts contained in paragraph 18(l) of the Member Petition, nor paragraphs 19 and 21 the Member Petition, save and except that I have subsequently seen the Report of the KSA Ombudsperson dated February 2, 2006 declaring the General Election to be null and void referred to in paragraph 21.
38. I have read paragraph 20 of the Member Petition and those facts are true. The effect of the referendum as purportedly passed is to increase the KSA fees payable by full-time students (9 credits/3 courses per semester) by approximately 22%.
39. I have no direct knowledge of the facts in paragraph 22 of the Member Petition, although I am aware that Mr. Takhar did not run for elected office in the 2006 KSA General Election and that he is currently employed by the KSA as Executive Advisor.

