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May 4, 2005

By Fax

Blake, Cassels & Graydon LLP
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2600 - 595 Burrard Street
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VANCOUVER, B.C. V7X 1L3

Attention: Michael R. Howcroft

Dear Sirs/Mesdames:

Re: Kwantlen University College Student Association v. Kwantlen University College,
Matt Huff, Aaron Takhar, Jalvin Khatri, Joe Atwal and Mariana Nakhla
S.C.B.C. Vancouver Registry No: S052445

Thank you for your letter of May 3, 2005.

I enclose, as per your request, a copy of the Ombudsperson's ruling on the election appeals. I am instructed that my client has a signed copy, and I will provide this to you as soon as possible.

I wish to put you on notice that for the reasons we have discussed, we take the position that inasmuch as there has been no decision of the Elections Committee disqualifying any candidate, and inasmuch as there are no recommendations to Council contained in the Ombudsperson's appeal decision, the previous Council has no further role to play in determining the outcome of the election. We take the position that the candidates who received the most number of votes are those who are now the duly elected members of the Student Association.

In view of the foregoing, we do not consider that the individuals who are instructing you in this matter constitute the Kwantlen Student Association.

Yours truly,
RUSH CRANE GUENTHER
PER 

DONALD G. CRANE
dgc/dl

Enclosure

Ruling of the Ombudsperson on Election Appeals

Appeals: This ruling concerns Appeals to the Ombudsperson 1 to 6, as posted on the KSA website as well as the following appeals received since April 27th, 2005.

- Appeal from Patrick Meehan – Submitted April 29th, 2005
- Appeal from the Reduce All Fees Party – Submitted April 29th, 2005
- Appeal from Steven Lee – Submitted May 1st, 2005

Judgement: Pursuant to section X, Article 3 of the KSA regulations, the power to interpret election regulations and rule on irregularities is vested in the Elections Committee. Therefore, it is not within the Chief Returning Officer's jurisdiction to have made the rulings. This includes both the rulings in his Final Report, issued April 28th 2005, as well as previous decisions issued by him.

Albeit, Section X, Article 2 (3) of the KSA regulations does refer to the CRO exercising the duties and responsibilities of the Elections Committee in the event said committee is or becomes defunct, a de-facto committee was in existence during the election period.

While not appointed by Council, the committee composed of the CRO, Ron Correll, Pavan Bassi, and Erin Minor was acting as the Elections Committee, recognized as such by the CRO, and portrayed as such to the candidates. Therefore, for the CRO to dismiss this committee mid-way through the election was highly improper and indicates that there was a serious violation of due process. Therefore, any subsequent rulings made unilaterally by the CRO are invalid. As such, the appeals submitted to me regarding the CRO's rulings are immaterial given the invalidity of the rulings themselves.

Therefore, given the absence of an electoral committee to make such rulings, the individuals who received the highest number of votes for their respective positions are declared elected and as of April 1st, 2005. These individuals constitute the duly elected Board of Directors of the society. Likewise, the individuals receiving the highest numbers of votes for Campus Council Officer, and liaison positions are declared elected and as of April 1st, 2005 constitute the duly Campus Council Officers and Liaisons of the society. Finally, all fines and financial penalties that the CRO attempted to assess are declared null and void.

Sincerely,

Paul Browning
Ombudsperson
Kwantlen University College Student Association