

Ferguson v. Tejpar et al

Jane Virtue
on Thursday, May 13, 2021



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4 COURT COURT OF QUEEN'S BENCH OF ALBERTA
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6 JUDICIAL CENTRE CALGARY
7

8 APPLICANT THOMAS H. FERGUSON
9

10 RESPONDENTS ALI TEJPAR, ZAHRA TEJPAR, REGISTRAR
11 OF TITLES for the LAND TITLES
12 OFFICE, JOHN DOE, JANE DOE, ABC
13 CORPORATION

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17 Transcript of Oral Questioning of

18 JANE VIRTUE

19 (Continued)

20 (On Affidavit sworn April 24, 2021)

21 Held via videoconferencing

22 May 13, 2021

1 ALL PARTIES APPEARING VIA VIDEOCONFERENCE

2

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1 (Proceedings commenced at 3:00 p.m.)

2 JANE VIRTUE, previously affirmed, questioned via
3 videoconference by Ms. Reichelt:

4 Q. MS. REICHELT: Good afternoon, Ms. Virtue

5 A. Good afternoon.

6 Q. And this is, you recall, a continuation from your
7 previous cross-examination on your Affidavit sworn on
8 April 24th, 2021?

9 A. Yes.

10 Q. And you can confirm for me that you remain under oath
11 from your previous examination, ma'am?

12 A. Yes.

13 Q. And since we ended the last examination until today,
14 have you spoken with anyone about your evidence?

15 A. No, I have not.

16 Q. Ma'am, you previously testified that you first became
17 aware about the purported Caveat that existed shortly
18 before the September 22nd, 2020, meeting; do you recall
19 that?

20 A. Can you repeat that, please?

21 Q. Sure. When we spoke last day, you testified that you
22 first received a copy of the purported Caveat in this
23 matter shortly before the September 2020 --
24 September 22nd, 2020, meeting; do you recall that?

25 A. Yes. Yes. Correct.

1 **Q.** And you are going to provide me with a copy, but I
2 haven't seen it yet. You thought it came by email from
3 either by Hugoline or Margo; you couldn't recall which,
4 correct?

5 **A.** Correct.

6 **Q.** What information at the time did you have about the
7 purported Caveat?

8 **A.** At the time that I received the email?

9 **Q.** Yes.

10 **A.** I knew that there was a group of residents that were
11 concerned about the subject property subdivision, and
12 that they are holders on title of the Caveat for their
13 properties, and that they wanted to uphold the Caveat.
14 And so they were sending that information to EPRA
15 because they knew that there would be a development
16 committee meeting in regards to that subject property.

17 **Q.** So maybe you could clarify for me, when you say
18 "shortly before," I actually thought that you meant
19 that day, but maybe I'm wrong. Was it -- did you
20 receive it that day? Or was it a week before? Or do
21 you recall?

22 **A.** I'd have to check my exact records. But it was before
23 the meeting, and I'm not exactly sure how many days
24 before.

25 **Q.** Okay. And we've asked for that record, so I assume

1 that information will be coming.

2 And you spoke previously that you didn't know who
3 the Caveat had actually come from. You subsequently
4 have read Mr. Engbloom's Affidavit where he says it was
5 from him. But at the time, you didn't know who it is
6 from; is that correct?

7 **A.** It's correct. I had an email that was sent either by
8 Margo or Hugoline that had the Caveat attached, and I'm
9 not clear on exactly where the Caveat came from.

10 **Q.** And had you seen that document before you received it
11 shortly before the September 22nd meeting?

12 **A.** That particular Caveat I don't recall seeing in the
13 past. I have seen other caveats. And because they
14 apply to different households and there's three
15 different kinds, I'm not clear whether that was the
16 same one that I had seen in the past.

17 **Q.** Okay. And did you at the time that you received that
18 email shortly before the September 22nd meeting
19 understand that that was purporting to be the missing
20 Instrument at Land Titles?

21 MR. MARBLE: Sorry, can you -- the question was
22 just a little confusing. Which email are you talking
23 about?

24 MS. REICHELT: The email from Hugoline or Margo
25 sending her the document.

1 **Q.** MS. REICHELT: Did you understand that that
2 document that you were being sent was purportedly the
3 document that was missing at Land Titles as it related
4 to this Caveat?

5 **A.** When I saw that document, I did not know that it was
6 missing.

7 **Q.** Okay. That's fair. When did you first find out that
8 the document was missing at Land Titles?

9 **A.** I think it would have been when I read the Tejpar
10 Affidavit.

11 **Q.** So very recently?

12 **A.** Yes.

13 **Q.** Did you know the Schullis, ma'am?

14 **A.** No.

15 **Q.** Were you aware that the Schullis' property was listed
16 for sale in December of 2019?

17 **A.** No.

18 **Q.** Did you know that there was a caveat registered on the
19 Schullis' property?

20 **A.** No.

21 **Q.** At paragraph 14 of your Affidavit, you state --

22 MR. MARBLE: Sorry, counsel.

23 Jane, do you have that in front of you?

24 THE WITNESS: Yes, I do.

25 **Q.** MS. REICHELT: You state: (as read)

1 I do not agree that there was multiple
2 efforts taken by the Tejpars to locate
3 the Caveat prior to choosing to purchase
4 the subject property.

5 Do you see that?

6 **A.** Yes, I do.

7 **Q.** That's your personal opinion, correct?

8 **A.** Correct.

9 **Q.** Okay. Did you ask the Tejpars what efforts they had
10 taken to locate the Caveat during your January call
11 with them?

12 **A.** Given that the Tejpars didn't disclose any information
13 about the Caveat and that they were in search of a
14 caveat, that they knew about a caveat and they didn't
15 give me any indication about that during our call, I
16 wasn't in a position at that time to provide any
17 information about caveats because I just simply didn't
18 put two and two together.

19 **Q.** Okay. And fair. But what my question was, did you ask
20 the Tejpars in your January call what efforts they had
21 taken to locate the Caveat?

22 **A.** I suggested to the Tejpars that they speak to the
23 residents in order to find out what kinds of opposition
24 they may face when applying for a subdivision, because
25 it's very difficult to determine how residents will

1 feel or whether they will oppose. And I recommended
2 that they go to the residents to get any information
3 that they can.

4 **Q.** Okay. And I appreciate that, but it's still not
5 answering my question, ma'am. And it's just -- I think
6 it's a yes or no. Did you have any discussion with the
7 Tejpars in your January call -- and maybe you don't
8 recall, but did you have any discussion about what
9 efforts they had taken to locate the Caveat during that
10 call?

11 **A.** During our conversation, the issue of caveats was never
12 brought up.

13 **Q.** Okay. And you don't -- you've told me you don't have
14 any notes of that call, correct?

15 **A.** No.

16 **Q.** And that call was 15 months ago, so hard to remember
17 exactly what was discussed, correct?

18 **A.** Correct.

19 **Q.** Are you familiar with the Registrar of the Land Titles,
20 Ms. Virtue?

21 **A.** Yes, I understand that there's a Registrar for Land
22 Titles.

23 **Q.** And the Land Titles Office?

24 **A.** Yes, I am.

25 **Q.** And are you aware that on the purported Caveat at

1 issue, that the caveator was actually registered to
2 CP Rail?

3 **A.** Well, I understand that there's three different types
4 of caveats that exist in Elbow Park, and one of them is
5 CP Rail.

6 **Q.** Okay. And are you aware that prior to purchasing the
7 subject property, in addition to contacting the EPRA,
8 the Tejpars also contacted the Land Titles Office and
9 the Registrar on multiple occasions?

10 **A.** I was not aware of that until I read -- read the
11 Affidavit.

12 **Q.** Okay. And prior to purchasing the subject property,
13 the Tejpars also contacted CP Rail on multiple
14 occasions; were you aware of that?

15 **A.** No.

16 **Q.** And prior to purchasing the subject property, the
17 Tejpars also asked the seller and seller's realtor
18 about the Caveat; were you aware of that?

19 **A.** No. They didn't divulge any of that information to me
20 during the call. They gave me no indication that they
21 were seeking any information about a caveat.

22 **Q.** And did you know that Mr. David Schulli, who was
23 selling the property on behalf of the estate of his
24 father, that he didn't have a copy of the Caveat; were
25 you aware of that?

1 **A.** No.

2 **Q.** Okay. And did you know that Mr. Schulli was not aware
3 what the Caveat related to; did you know that?

4 **A.** No.

5 **Q.** So did you know any of this before you swore your
6 Affidavit and said that the Tejpars hadn't taken
7 multiple -- made multiple efforts to find the Caveat?
8 Do you know any of those facts that we just talked
9 about?

10 **A.** No, I did not.

11 **Q.** And at paragraph 14, you go on to state that:
12 (as read)

13 Given no steps were taken by the Tejpars
14 to reach out to all of their neighbours...

15 Do you see that?

16 **A.** Yes.

17 **Q.** Okay. How do you know the Tejpars didn't take steps to
18 reach out to any neighbours?

19 MR. MARBLE: That isn't what the Affidavit
20 says, counsel.

21 MS. REICHELT: Let me clarify that.

22 OBJECTION TAKEN to answering the question: Okay. How do
23 you know the Tejpars didn't take steps to reach out to
24 any neighbours?

25 **Q.** MS. REICHELT: Do you mean they didn't reach out

1 to every single person in Elbow Park? Or what do you
2 mean by "all of their neighbours"?

3 **A.** They didn't take the advice that I had given them,
4 which was to contact neighbours that are in the
5 adjacent area of where they were interested in
6 purchasing in order to ask them questions about the
7 property and about what they planned to do with the
8 property in order for them to get more information.

9 **Q.** Who are "all of their neighbours" you're referring to
10 in your Affidavit at paragraph 14, ma'am?

11 **A.** All of the neighbours that would be adjacent to their
12 homes and that would have information to share about
13 their viewpoints on whether they would object or agree
14 with what they were planning for the property.

15 **Q.** Again, ma'am, I'm asking you to identify for me who
16 you're referring to in all of the neighbours. Because
17 in order for you to say in your Affidavit that they
18 didn't take steps to do it, you must know who those
19 people are and you must have had discussions with all
20 of them in order to swear that statement. So who,
21 again, are all of the neighbours that you're referring
22 to? And if it's unclear to you and you don't know,
23 then that's fine. I just want to know who you're
24 referring to. It's a statement in your Affidavit.

25 **A.** The intent of this sentence is that it's clear to me

1 that if they had reached out to neighbours that were
2 close to that property, it would have been -- it would
3 have come clear to them that there was opposition, and
4 based on that opposition, they would have been able to
5 take appropriate action. And I'm deducting that given
6 that they went ahead the way that they did, that they
7 must not have taken my advice to reach out to the
8 neighbours that are adjacent to that property.

9 **Q.** Okay. But as you sit here today, you can't give me a
10 list of the names that --

11 MR. MARBLE: Counsel, she's answered this
12 question now I think twice. It's --

13 MS. REICHELT: Actually, Mr. Marble, she hasn't
14 answered --

15 MR. MARBLE: Okay, I am objecting to you asking
16 the same question again. It's been answered twice. If
17 you think the answer is unclear, please bring your
18 application.

19 MS. REICHELT: Well, I don't need to bring an
20 application. I'll just ask the Court to ignore her
21 evidence.

22 MR. MARBLE: You can do that and see what the
23 Court says.

24 OBJECTION TAKEN to answering the question: Okay. But as
25 you sit here today, you can't give me a list of the

1 names that --

2 **Q.** MS. REICHELT: Paragraph 16 of your Affidavit,
3 you talk about calling Ms. Meghan Ducette at the City
4 of Calgary.

5 **A.** Yes.

6 **Q.** Do you actually mean Ms. Meghan Dunnette,
7 D-U-N-N-E-T-T-E?

8 **A.** I suspect so, yes.

9 **Q.** If we turn to Exhibit A to your Affidavit, for example,
10 there's a reference therein to a Meghan Dunnette?

11 **A.** Correct. So I gather that that must have been a typo.

12 **Q.** Okay. Thank you. And you state in your Affidavit that
13 you left a voicemail for Ms. Dunnette on September 7th,
14 2020?

15 **A.** Yes.

16 **Q.** And you advised them that EPRA would be rescinding its
17 previous letter as it related to the Tejpars' property?

18 **A.** I told them that the -- we would be submitting a new
19 letter, and that the letter that they had received
20 would not be the correct letter.

21 **Q.** This was on behalf of the Elbow Park Residents
22 Association; is that correct?

23 **A.** Yes.

24 **Q.** And if we turn to Exhibit A of your Affidavit, ma'am,
25 it doesn't have a header or anything along that line,

1 but is this a true copy of the letter that you did in
2 fact send to Ms. Dunnette at the City of Calgary as it
3 related to the subject property?

4 **A.** Yes, to the best of my knowledge this is the letter.

5 **Q.** And did you send it by email? It looks like it, but
6 this document seems like a Word document, so I'm just
7 confused about that.

8 **A.** Yes, my communications would be through email when I
9 communicate with the City.

10 **Q.** Do you have a copy of the actual email? Did you
11 maintain a copy of the email, ma'am?

12 **A.** I would have to look in my records to see if I have a
13 copy.

14 MS. REICHELT: Okay. Well, I'm going to ask for
15 an undertaking that you do so, and if you can locate
16 it, to provide the same?

17 MR. MARBLE: That's fine.

18 UNDERTAKING NO. 8 - With reference to
19 Exhibit A of Jane Virtue's Affidavit,
20 for Jane Virtue to review her records,
21 and if available, to provide a copy of
22 the email that she sent to Meghan
23 Dunnette at the City of Calgary as it
24 related to the subject property

25 **Q.** MS. REICHELT: And this letter was sent on behalf

1 of EPRA, with you as president, setting out reasons why
2 the subdivision of the subject property shouldn't
3 proceed, correct?

4 **A.** Correct.

5 **Q.** Ma'am, did you in fact send this letter on
6 September 7th?

7 **A.** I would have to look at my records, but if it's dated
8 September 7th, I would assume that I sent it on
9 September 7th.

10 MS. REICHELT: I'm going to assume that's going
11 to be covered by the last undertaking we just asked,
12 but if for some reason it's not, if you could confirm
13 that you did in fact send it to the City of Calgary and
14 in particular Ms. Dunnette on September 7, 2020.

15 UNDERTAKING NO. 9 - If not already
16 covered in Undertaking No. 8, to
17 confirm that Jane Virtue sent the email
18 to Meghan Dunnette at the City of
19 Calgary on September 7, 2020

20 **Q.** MS. REICHELT: Who else did you send this letter
21 to?

22 **A.** My recollection would be that I would have copied Margo
23 Coppus, the development director, but I would have to
24 check to see if I copied it to anybody else.

25 MS. REICHELT: I assume that also would be

1 covered by the last undertaking, but in the event that
2 it's not, I would request that as an undertaking as
3 well, for you to advise who you copied it to?

4 MR. MARBLE: Agreed.

5 UNDERTAKING NO. 10 - If not already
6 covered in Undertaking No. 8, to
7 confirm who Jane Virtue copied the
8 email to

9 Q. MS. REICHELT: You did not sent a copy of that
10 letter to the Tejpars, correct?

11 A. Not that I recall.

12 Q. Did you convene another meeting to advise the Tejpars
13 of the new comments in the September 7th, 2020, letter?

14 A. Not that I recall.

15 Q. Okay. No meeting was set up, even though the EPRA's
16 role is to facilitate discussions between landlords
17 [sic] and neighbours?

18 MR. MARBLE: Counsel, you're putting words in
19 the witness's mouth. She has just answered you that
20 there was no other meeting set up.

21 MS. REICHELT: Well, actually, I'm quoting her
22 back from her --

23 MR. MARBLE: Counsel, you're not quoting back
24 the answer she just gave. If you have a separate
25 question to ask, go ahead.

1 OBJECTION TAKEN to answering the question: Okay. No
2 meeting was set up, even though the EPRA's role is to
3 facilitate discussions between landlords [sic] and
4 neighbours?

5 Q. MS. REICHELT: Ms. Virtue, you testified several
6 times last day that the role of the EPRA was to
7 facilitate discussions between landowners and
8 neighbours; is that correct?

9 **A.** Our responsibility is to the residents of EPRA and to
10 facilitate communication between those residents and
11 facilitate communication with developers and property
12 owners, if we can assist in that way, sure.

13 Q. Okay. And this letter actually flows out of the April
14 27th meeting, correct? There was an April 27th, 2020,
15 meeting with the Tejpars and the EPRA, and then
16 subsequent -- oh, sorry, August. Sorry -- August 27th,
17 correct?

18 | A. Correct.

19 Q. There was a meeting that was held to discuss it, and
20 then subsequently this new -- these new concerns in
21 this new letter comes up, but you didn't set up a
22 meeting of the EPRA and the Tejpars to discuss this new
23 letter and the concerns raised therein, did you?

A. That's not our normal practice do that. No.

25 Q. And I see from this letter that it lists -- although it

1 says four, I think there's actual six -- five, sorry,
2 concerns because the Number 3 is used twice, from my
3 review of the letter.

4 So Number 1 is contextual sensitivity.

5 Number 2 is the retaining wall and drainage along
6 the west property line.

7 Number 3 is preservation of mature trees and flood
8 mitigation.

9 Number 3 -- the second Number 3 is utility
10 easements along the west side.

11 Number 4 is privacy for the neighbour to the
12 south.

13 Those are the concerns that you raised on behalf
14 of the EPRA and the residents therein with the City of
15 Calgary regarding a subdivision, correct?

16 **A.** Correct.

17 **Q.** And nowhere in this letter do you raise the issue of
18 the Caveat as it relates to a concern about the
19 subdivision of the subject property, correct?

20 **A.** Given that the Caveat is something that is not dealt
21 with by the City, they tend to ignore the caveats
22 because it's the responsibility of the homeowners to
23 uphold those. We don't tend to discuss those issues
24 with them. We're attempting to have them recognize
25 that, but, no, that was not included in this letter.

1 **Q.** And I know you weren't there because you were away, but
2 in your subsequent debriefing with other members of the
3 EPRA, at the April 27th -- sorry -- August 27th, 2020,
4 meeting, there was no discussion about the Caveat as it
5 related to the subject property at that meeting either?

6 MR. MARBLE: I think in fairness to the
7 witness, counsel, I think you should ask if within her
8 knowledge there was --

9 MS. REICHELT: Well, that's why I asked her in
10 her debriefing.

11 **Q.** MS. REICHELT: But, yes, within your knowledge
12 did the Caveat get discussed on April -- August 27th,
13 2020?

14 **A.** From my understanding, not all the members -- not all
15 the residents were able to attend that meeting, and
16 their concerns were not raised at the meeting. And
17 they had raised them prior to the meeting, perhaps, and
18 the letter was sent without understanding that there
19 were more residents in opposition than what had shown
20 up at the meeting, is my understanding.

21 **Q.** Okay. So to the best of your knowledge, was the issue
22 of the Caveat raised at the August 27th meeting?

23 **A.** I don't know.

24 **Q.** And then you attended a further development committee
25 meeting held on September 22nd, 2020, with respect to

1 the subject property, correct?

2 **A.** Yes.

3 **Q.** And the Tejpars were in attendance at that meeting,
4 correct?

5 **A.** Yes.

6 **Q.** And during that meeting, the Tejpars were emailed a
7 copy of this purported Caveat; do you recall that?

8 **A.** Yes.

9 **Q.** And do you recall the Tejpars asking where this
10 purported Caveat came from?

11 **A.** No, I don't recall that.

12 **Q.** And do you recall in response Mrs. Coppus telling the
13 Tejpars that she just came across it?

14 **A.** I'm not sure what she said.

15 **Q.** And during that meeting, do you recall Ms. Tejpar
16 stating that she had been looking for a copy of the
17 Instrument and asked Land Titles and asked CP Rail; do
18 you recall that?

19 **A.** No, I don't recall that.

20 **Q.** Do you recall Ms. Tejpar asking, again, how the EPRA
21 had obtained a copy of it?

22 **A.** I have no recollection. I don't think that she asked
23 that.

24 **Q.** As president of the EPRA, at the meeting did you advise
25 Ms. Tejpar how the EPRA came to be in possession of

1 this document?

2 **A.** Not that I recall.

3 **Q.** You didn't tell Ms. Tejpar that you had received a copy
4 by email from Hugoline or Margo?

5 **A.** I don't recall any discussion about where the Caveat
6 had come from.

7 **Q.** And you didn't in fact know where it had come from at
8 the time of that meeting, right? You had been emailed
9 it, but you didn't actually know who had originally had
10 it, correct?

11 **A.** Correct.

12 **Q.** Had you asked Hugoline or Margo if they knew where the
13 document had come from?

14 MR. MARBLE: Sorry, can you restate that? Do
15 you mean at the time? Or --

16 **Q.** MS. REICHELT: At the time, yeah, of the meeting.

17 **A.** No.

18 **Q.** And as I understand it, when it was attached to the
19 email, it actually said Mount Royal as opposed to Elbow
20 Park; do you recall that, that the PDF was named Mount
21 Royal?

22 MR. MARBLE: What -- what document are you
23 referring to, counsel?

24 MS. REICHELT: That was emailed to Tejpars during
25 the meeting on September 22nd.

1 MR. MARBLE: Is there a copy of that that we
2 can put to the witness?

3 MS. REICHELT: Sure.

4 Q. MS. REICHELT: I don't think you have a hard copy
5 of Ms. Tejpar's Affidavit, do you, Ms. Virtue?

6 A. Yes, I do. I just don't have the exhibits.

7 Q. Oh, okay. So we'll open it up for you. It's Exhibit T
8 to Ms. Tejpar's Affidavit. We'll share the screen. Do
9 you see that attachment there, "Mt. Royal 2 - Caveat"?

10 A. Yes.

11 Q. Is that how you received it as well, ma'am?

12 A. I don't recall.

13 Q. Do you know if there was any explanation to Ms. Tejpar
14 as to why it was called "Mt. Royal 2 - Caveat" during
15 that meeting and yet purporting to be an Elbow Park
16 Caveat?

17 MR. MARBLE: Well, counsel, as you know, you
18 can change the file names on files.

19 MS. REICHELT: I asked her if she knew if there
20 was an explanation. This is from Margo. We didn't
21 change the name of that attachment.

22 MR. MARBLE: How would she know why Margo
23 changed the file name on a PDF?

24 MS. REICHELT: That's not what I asked,
25 Mr. Marble. I asked if she knew if there was an

1 explanation given to the Tejpars at the meeting as to
2 why the attachment was called "Mt. Royal 2"?

3 **A.** I don't know.

4 **Q.** MS. REICHELT: And at the time of the
5 September 22nd, 2020, meeting, the EPRA was still
6 investigating or researching the effect of the caveat;
7 is that correct?

8 **A.** From my understanding, we were quite clear that that
9 was the Caveat, and I have no -- I don't know of
10 anybody that was attempting to clarify the validity of
11 the Caveat. I was under the understanding that that
12 was the correct document.

13 **Q.** Prior to the September 22nd, 2020, meeting -- a lot of
14 twenties for me -- you had never raised the Caveat with
15 the Tejpars, correct, you personally?

16 **A.** No.

17 **Q.** And are you aware, from your own knowledge, if anybody
18 else prior to the September 22nd, 2020, meeting had
19 raised the Caveat with the Tejpars?

20 **A.** I don't know.

21 **Q.** And are you aware that the Tejpars had previously
22 spoken with Mr. Mike Major? Do you know Mr. Mike
23 Major? I should back up.

24 **A.** I don't know him personally, no.

25 **Q.** Do you know he lives in the neighbourhood, in the Elbow

1 Park Residents Association?

2 **A.** Yes.

3 **Q.** And he in fact owns a property next door to the subject
4 property; are you aware of that?

5 **A.** I know that now, yes.

6 **Q.** When did you come to learn that?

7 **A.** I understand that Margo had a meeting with him in his
8 backyard to talk about a retaining wall that he was
9 concerned about.

10 **Q.** And Margo and the Tejpars, correct?

11 **A.** I wasn't there.

12 **Q.** Okay. Well, I'm going to suggest to you that that
13 meeting was actually between Mike Major, Margo Coppus,
14 and the Tejpars to talk about the retaining wall; are
15 you aware of that?

16 **A.** I was away at the time. And I understood that Margo
17 was going to meet with the Majors about a concern they
18 had with their retaining wall. I didn't know who was
19 going to be in attendance.

20 **Q.** And you know of course the Tejpars spoke with
21 Mr. O'Leary, correct?

22 **A.** Yes.

23 **Q.** And in fact Mr. O'Leary is a board member of the EPRA,
24 correct?

25 **A.** Yes.

1 Q. And you know they spoke to -- the Tejpars spoke to
2 Mr. O'Leary prior to purchasing the property, correct?

3 A. Yes.

4 Q. And are you aware that the Tejpars also spoke with Joan
5 Hudson?

6 A. No.

7 Q. And of course the Tejpars spoke with you, as the
8 president of the EPRA, prior to purchasing the subject
9 property, correct?

10 | A. Correct.

11 Q. If you could turn to Exhibit V of the Tejpars'
12 Affidavit, and we'll put that up on the screen.

13 MR. MARBLE: What exhibit did you say?

14 MS. REICHELT: V as in Victor.

15 | MR. MARBLE: Thank you.

16 Q. MS. REICHELT: I'll give you an opportunity to
17 scroll through it if you want. This is an email from
18 yourself to the Tejpars, copying Ms. Coppus and I
19 believe that's the Tejpars' realtor on October 8th,
20 2020, 12:30 p.m. Do you see that, ma'am?

21 A. Yes.

22 | Q. And do you recall sending this email?

23 A. Yes.

24 Q. And attached to this email is a letter from you on
25 behalf of -- as president of the EPRA, right?

1 **A.** Correct.

2 **Q.** And in this letter you attach what is the purported
3 Caveat, correct?

4 **A.** Yes.

5 **Q.** And in this letter you purport to give an
6 interpretation of what the Caveat does, in particular
7 that it prevents subdivision, correct?

8 **A.** Yes.

9 **Q.** You're not a lawyer, correct?

10 **A.** No.

11 **Q.** In this letter you also don't identify where the EPRA
12 received a copy of this Caveat, do you?

13 **A.** Well, my belief is that that's the Caveat, so it didn't
14 seem applicable to say where it came from because that
15 seems to be the Caveat that exists.

16 **Q.** Okay. When you wrote this letter on October 8th, 2020,
17 did you know how the Caveat that you were sending on
18 came into possession of the person that provided it to
19 you?

20 MR. MARBLE: Can you repeat that, please,
21 counsel? Sorry, I --

22 MS. REICHELT: Well, I don't want to suggest that
23 she -- the whole chain, because she told me it wasn't
24 until she read the Affidavit from Bob in this
25 proceeding that she found out it was Bob. So she got

1 it before September 22nd. So I'm asking if when she
2 wrote the letter of October 8th if she knew at least
3 the chain, that whoever gave it to her, where that
4 person had received the -- the copy of the document.

5 **Q.** MS. REICHELT: Did you know at all where it came
6 from, other than the email you got in or around
7 September 22nd?

8 **A.** No.

9 **Q.** Last day we talked about the recently formed EPRA
10 caveat subcommittee; do you recall that?

11 **A.** Yes.

12 **Q.** Now, I understand that was formed around November of
13 2020, correct?

14 **A.** I'd have to look at my records.

15 **Q.** I think we've asked for an undertaking for that, so we
16 won't ask for that again.

17 Before late fall 2020, the EPRA website didn't
18 include any information about caveats, correct?

19 **A.** I'd have to look back and see what the website
20 contained.

21 MS. REICHELT: Well, we did ask last day for an
22 undertaking for you to advise as to when it was
23 updated. I'm trying not to duplicate anything, but to
24 the extent -- well, I'll just ask for an undertaking
25 whether or not before November 2020 the EPRA website

1 contained any information about caveats?

2 MR. MARBLE: I think I said I'll take it under
3 advisement.

4 MS. REICHELT: And I obviously don't want it
5 twice, Curtis. If it's been answered by one, then so
6 be it.

7 MR. MARBLE: I'll just include multiple answers
8 for you.

9 UNDERTAKING NO. 11 - To advise whether
10 or not before November 2020 the EPRA
11 website contained any information about
12 caveats - TAKEN UNDER ADVISEMENT

13 Q. MS. REICHELT: We discussed previously that
14 Hugoline Morton is the chair of the caveat
15 subcommittee, correct?

16 A. Yes.

17 Q. And you're aware that Ms. Morton recently filed a
18 development permit application for her home as well?

19 A. Yes.

20 Q. And as part of the EPRA development committee, was
21 there a meeting before filing this application for the
22 community? Or did that happen after? Do you recall?

23 A. The meeting occurred last night, and it was called
24 because we received an application for that property.

25 Q. Ms. Virtue, were you aware that Mr. Ferguson brought an

1 application to change the status of the Instrument
2 registered against his property but also against other
3 properties in December of 2020?

4 **A.** I found out when I read his Affidavit.

5 **Q.** So I'm just going to refer to that as the "restoration
6 application," so will you understand what I'm referring
7 to if I call it the "restoration application"?

8 **A.** Okay.

9 **Q.** Were you -- and you said "when I read his Affidavit,"
10 so I take it from that answer that you were not aware
11 of the restoration application at the time it was
12 commenced in November of 2020?

13 **A.** Correct.

14 **Q.** So as president of the EPRA, did you discuss this
15 restoration application with Mr. Ferguson?

16 MR. MARBLE: When?

17 MS. REICHELT: Well, at any time.

18 **A.** Not that I recall.

19 **Q.** MS. REICHELT: Have you discussed this
20 restoration application with anyone else since you
21 learned of it?

22 **A.** Hugoline provided me with an update on the subcommittee
23 and provided a report to EPRA, and so based on that
24 report, I knew about that.

25 **Q.** And when was that update?

3 Q. Was it before the application was brought or after, if
4 you know?

5 A. I think after the application.

6 Q. And you said -- well, was that the first you heard of
7 it from Hugoline? Or did you first hear about it when
8 you read Mr. Ferguson's Affidavit?

9 **A.** Well, I didn't read Mr. Ferguson's Affidavit until
10 quite recently, so I -- I would say that I initially
11 heard about it from Hugoline.

12 Q. Okay. And what did Hugoline tell you about the
13 restoration application brought by Mr. Ferguson?

14 A. She was just outlining all of the things that that
15 group of residents that were upholding their caveats on
16 their property, she was just giving me an update on
17 what was transpiring, and that was just one of the
18 items that she listed, just that she had taken -- that
19 they applied for that.

20 Q. And when you talk about the "group of residents," are
21 you meaning the caveat subcommittee of the EPRA?

22 A. Well, I think there's about 60 homeowners that are
23 listed on that Caveat, and so whomever -- whatever
24 homeowners are involved, that they would be the ones.
25 I don't know exactly who those are because there's

1 potentially 60 of them.

2 **Q.** Do you know of the residents of the Elbow Park who knew
3 that this application was going to be brought? Do you
4 have any information about that as the president?

5 MR. MARBLE: Counsel, I'm really struggling
6 with the relevance of this. Where is this going?

7 MS. REICHELT: I'm trying to get to the
8 communication of it. Did she know? I think the answer
9 is no. This isn't criticizing her. I'm just asking if
10 she knew.

11 **A.** Could you ask the question again?

12 **Q.** MS. REICHELT: Let me rephrase it and ask a
13 better question.

14 Are you aware if the Elbow Park Residents
15 Association facilitated communication between
16 Mr. Ferguson and other residents as it related to this
17 restoration application?

18 **A.** Possibly through the subcommittee of the caveat, that
19 might have been facilitated, but I don't keep track of
20 every conversation or communication that the
21 subcommittee has.

22 **Q.** Are you personally -- I'm just asking you personally.
23 Are you personally aware of any communication out to
24 the residents as it related to the application by
25 Mr. Ferguson to restore the Instrument?

1 MR. MARBLE: By whom? By the EPRA?

2 MS. REICHELT: By the EPRA, but her personal
3 knowledge.

4 A. We may have sent out some communication about that, and
5 I would have to check my records to find out when that
6 was.

7 MS. REICHELT: Okay. I will ask for an
8 undertaking that you do so and to produce a copy of it.

9 MR. MARBLE: I'll take it under advisement.

10 Like I said, I'm struggling with relevance of this.
11 It's Mr. Ferguson's application.

12 MS. REICHELT: That's true, but she's sworn an
13 Affidavit in the course of these proceedings, and one
14 of the issues is the notice of that application to the
15 60 other caveators that wasn't given, so I want to know
16 if the community --

17 MR. MARBLE: Her Affidavit says absolutely
18 nothing about that.

19 MS. REICHELT: But as you know, it's the four
20 corners of the issues in the application.

21 MR. MARBLE: We'll leave that issue for another
22 day, perhaps.

23 UNDERTAKING NO. 12 - To provide any
24 communication sent out to the residents
25 as it related to the application by

1 Mr. Ferguson to restore the Instrument
2 - TAKEN UNDER ADVISEMENT

Q. MS. REICHELT: It's fair given that you didn't know about it, that you didn't advise the Tejpars of the restoration application, correct?

A. I didn't personally advise them. However, the subcommittee may have taken that action on behalf of the EPRA. I'm not clear on that.

Q. Ms. Virtue, I'm going to bring a document up on the screen. It's an email that you sent on May 11th, 2021, to Margo Coppus, and then it is subsequently circulated, as I understand it, to a larger group. It says: (as read)

Dear Realtors, Architects and Developers
active in Elbow Park.

Do you see that?

MR. MARBLE: Can you scroll up. It's cut-off
on the share screen.

A. Yes, I see that.

Q. MS. REICHELT: And this was an email that was sent from your janevirtue@icloud.com email address, correct?

A. Correct.

8. And you drafted the email that we see below, correct?

A. Yes.

1 Q. And you sent that email in your capacity as president
2 of the EPRA, correct?

3 A. The subcommittee of caveats, one of their mandates is
4 to educate stakeholders about caveats and our
5 Development Guidelines and a Good Neighbour Program
6 that we have, and one of the goals was to send those
7 documents out once they were drafted. And we just
8 completed the Good Neighbour Program, so we were able
9 to send out all three of those documents to share with
10 stakeholders. So this is what that letter is referring
11 to, is to provide them with more information about
12 development in Elbow Park.

13 Q. And the letter is sent in your capacity as president of
14 the EPRA, correct?

17 Q. And as I understand it, the subject email -- well, the
18 subject line of the email is "Buy/Selling and
19 Developing in the Elbow Park, Important Message from
20 EPRA." Do you see that?

21 | A. Yes.

22 MS. REICHELT: So I'm going ask that this be
23 marked as Exhibit 1 in this cross-examination. Any
24 objection, counsel?

25 MR. MARBLE: No objection. What exhibit is it

1 in Ms. Tejpar's Affidavit?

2 MS. REICHELT: It's not. Ms. Virtue just sent
3 this out May 11th.

4 MR. MARBLE: No, that's fine. No objection.

5 EXHIBIT 1 (AMENDED) - A copy of an
6 email that Jane Virtue sent to Margo
7 Coppus on May 11, 2021, along with two
8 attachments, the EPRA Development
9 Guidelines and the Good Neighbour
10 Program

11 **Q.** MS. REICHELT: As I understand it, Ms. Virtue,
12 along with this email there were two attachments; is
13 that correct?

14 **A.** Correct.

15 **Q.** Let's just -- I'll have some questions on it, but let's
16 just put those up and get you to identify them. The
17 first one is a document referred to or titled "EPRA
18 Development Guidelines Final." I'll scroll down and
19 let you see that.

20 **A.** Yes.

21 **Q.** Do you recognize that document?

22 **A.** Yes.

23 MS. REICHELT: May I ask that it be marked as
24 Exhibit 2?

25 MR. MARBLE: Is this an attachment to the first

1 email?

2 MS. REICHELT: Yes, it is, sir.

3 MR. MARBLE: And who's the author of it?

4 MS. REICHELT: Well, she recognizes the document.

5 Do you want to go through all of that first?

6 MR. MARBLE: Yeah. I would just like to know
7 where the document is from and who authored it.

8 MS. REICHELT: Well, I was going to ask those
9 questions about it.

10 MR. MARBLE: I would like to go through that
11 first before it's marked as an exhibit.

12 **A.** This is the same document that exists on our website.

13 **Q.** MS. REICHELT: Right. But this was recently
14 emailed out, correct?

15 **A.** Correct.

16 **Q.** And who was it emailed to?

17 **A.** Real estate agents and the contact info that we had for
18 developers that develop in the -- in our area.

19 **Q.** And you worked with Ms. Coppus to develop that list of
20 who it should go to?

21 **A.** That list was Margo, as well as the whole development
22 committee.

23 **Q.** And as I understand it, the email with the letter you
24 drafted, along with this document, the EPRA Development
25 Guidelines Final, and then a third document which I

1 think you already mentioned, was it the Good Neighbour?

2 **A.** Yeah, it was the second -- I think I had attached two
3 documents, the Development Guidelines and the Good
4 Neighbour Program.

5 **Q.** And if you bear with me for one minute, we'll pull that
6 up and maybe you can identify that document for me as
7 well. Now, I have the Elbow Park Residents Association
8 Good Neighbour Policy; do you see that document, ma'am?

9 **A.** Yes.

10 **Q.** Is that the other document that you attached that
11 you're referring to as it related to this May email
12 that went to real estate agents and developers?

13 **A.** Yes.

14 MS. REICHELT: So I'm going to ask that those --
15 the May -- I'm happy to mark them as one exhibit or
16 three separate exhibits, Mr. Marble. I'm open to your
17 comments in that regard.

18 MR. MARBLE: If they're all attached to the
19 same email, I'd rather them just be marked as one.

20 MS. REICHELT: Okay. We can mark that all as
21 Exhibit 1.

22 **Q.** MS. REICHELT: The May email, as I see it from
23 your email -- and we'll get that back on the screen for
24 you -- I see in the second paragraph there that:
25 (as read)

1 We wanted to take the opportunity to
2 remind and update those active in real
3 estate and redevelopment of three
4 important elements to be aware of when
5 buying, selling, designing or building
6 in Elbow Park.

7 Do you see that, ma'am?

8 **A.** Yes.

9 **Q.** And if we scroll down, you've identified elements:
10 Restrictive Covenants and Caveats, Development
11 Guidelines, and the Good Neighbour Program for
12 Developers, correct?

13 **A.** Yes. Correct.

14 **Q.** And there's some suggestions for each of realtors,
15 architects and developers and builders contained in
16 there?

17 **A.** Yes.

18 **Q.** Prior to February 1st, 2020, had you or the EPRA, more
19 generally, provided a similar such email of suggestions
20 to realtor agents and developers as it relates to the
21 development in the EPRA?

22 MR. MARBLE: Prior to when?

23 MS. REICHELT: February 1, 2020.

24 MR. MARBLE: Is that the date of this document?

25 MS. REICHELT: No, this document is May 11th,

1 2021.

2 **A.** So a few days ago.

3 **Q.** MS. REICHELT: Yeah, it just went out this week,
4 as I understand it.

5 **A.** Correct.

6 **Q.** Right. So prior to February 1st, 2020, did a different
7 version but similar document as to your letter and the
8 attachments that we're referring to here, did that
9 exist and had that been sent out from the EPRA?

10 **A.** There may have been similar letters sent out in the
11 past by previous boards and the development committee
12 before I took my turn over in order to educate
13 stakeholders.

14 **Q.** Are you fully aware of such documents prior to this
15 going out in May of this year?

16 **A.** I'm not aware of any that have gone out in the -- since
17 the 1930s when EPRA became an association, no.

18 **Q.** Okay. And as it relates specifically to the
19 Development Guidelines --

20 MR. MARBLE: Which document is that?

21 MS. REICHELT: Just a second. I'll bring that
22 up. It's the first attachment, as I understand it.

23 **A.** On further reflection, I know that the Elbow Park
24 Charter when it was first developed in 2005, that
25 document was sent out to stakeholders, including real

1 estate agents and architects, in order to educate them
2 on what types of guidelines the Charter outlined. And
3 this is a new -- this is a revised document that the
4 development committee had been working on for quite a
5 few -- for a couple years now. And it was completed
6 recently, and so along with the other Good Neighbour
7 Program, we wanted to send that out to the stakeholders
8 as well.

9 **Q.** And those comments you just made are in relation to the
10 document we're looking at right now which is the EPRA
11 Development Guidelines?

12 **A.** That document is the revision of the Elbow Park
13 Charter, and it was renamed Elbow Park Development
14 Guidelines, and it's a revision of the Charter because
15 it had been completed in 2005. And one of the goals
16 for the development committee was to update the
17 Development Guidelines, so that committee worked on
18 those and the other program and completed that. And so
19 that's -- we wanted to send out that information
20 because this document is to assist residents and future
21 residents, real estate agents, developers, architects,
22 and our City of Calgary partners, as it says on the
23 front.

24 **Q.** I'm just going off of the document itself, if we scroll
25 down, it does have a date. It says "updated April

13th, 2021." Is that what you mean by finalized recently?

A. Correct.

Q. And was this document -- has this document been provided to residents in Elbow Park?

A. It's on the website, and it's mentioned in our newsletter.

Q. Okay. And do you know when that document was provided, either by the website or through your newsletter?

A. I'd have to check when it was put on the website and when it was written in the newsletter.

Q. Would it be consistent with your recollection that that being put on the website and out to the newsletter would be after this updated date of April 13th, 2021?

A. Yeah, we wouldn't -- we may have put a draft up. I'm not sure. I'd have to check.

Q. But this version didn't exist until April 13th, 2021, correct?

A. My recollection would be that that would be when the board would have -- would have approved that document.

Q. Okay. And were you involved in the preparation of these Development Guidelines?

MR. MARBLE: Counsel, I'm sorry, this has been going on for some time, and I'm really struggling to see the relevance of this to the present application.

1 MS. REICHELT: Well, let's go to that.
2 MR. MARBLE: Please, because otherwise this
3 line of questioning is done.
4 MS. REICHELT: I am allowed to ask whether she
5 was involved in the preparation of the guidelines.
6 MR. MARBLE: I'm asking you to please link this
7 to the present application.
8 MS. REICHELT: We will, if you just let me get to
9 establishing what her --
10 MR. MARBLE: We've been through this line of
11 questioning for some time now, so I'm asking you to
12 please link it back, otherwise please move on.
13 MS. REICHELT: We've been through this line of
14 questioning for about a few minutes.
15 Q. MS. REICHELT: So were you involved in the
16 preparation of the Development Guidelines, ma'am?
17 A. The development committee took this on as a project,
18 and I don't sit on the development committee. However,
19 I provided some input when they sent me the draft in
20 order for me to look it over. And then I also would
21 have had the opportunity when it came to the board to
22 look it over and provide any feedback, as did the other
23 members of the EPRA board.
24 Q. Ma'am, are you familiar with the Charter of 2005 that
25 you mentioned previously?

1 **A.** Yes, I am.

2 **Q.** Okay. And did it mention caveats or restrictive
3 covenants in it?

4 **A.** I don't think it did.

5 **Q.** Okay. And if we turn to page 3 of the Development
6 Guidelines, under the heading of "Principles."

7 **A.** Yes.

8 **Q.** It notes: (as read)

9 One of the principles of the Development
10 Guidelines is to maintain community
11 expectations for strict compliance with
12 restrictive covenants and caveats on
13 title.

14 Do you see that?

15 **A.** Yes, I see that.

16 **Q.** This is a new addition to the Development Guidelines by
17 the EPRA, correct?

18 **A.** Do you happen to have the Charter, the 2005 Charter
19 because --

20 **Q.** I do not.

21 **A.** Well, I'll have to look back and see exactly what was
22 written in that Charter to be able to answer this
23 question appropriately.

24 **Q.** Well, I believe your previous testimony, ma'am, was
25 that -- and I can take you directly to it and cite it

1 for you if your counsel likes, because he suggested it
2 wasn't your previous testimony, was that the EPRA
3 purview didn't include restrictive covenants and
4 caveats; and in particular there's a reference to that
5 at paragraph -- at page 50, and a couple other times
6 it's repeated throughout your evidence of last time.

7 But would you agree with me now that it appears
8 the EPRA does include in its purview restrictive
9 covenants and caveats?

10 **A.** When I made that comment, the intention of the comment
11 was to say that EPRA does not have any -- own any
12 property or have any influence over whether a
13 restrictive covenant was upheld by a homeowner.
14 However, it is within our purview to inform and
15 educate, which is what these documents are doing is
16 informing and educating residents and real estate
17 agents and other stakeholders.

18 **Q.** The Good Neighbour policy that's attached at
19 Exhibit 2 -- or sorry, I apologize -- Exhibit 1 but the
20 second attachment to your email --

21 **A.** Yes.

22 **Q.** -- do you know when that document was prepared?

23 **A.** Well, that was another project that the development
24 committee took on. And given that the development
25 committee previous to my term of president wasn't

1 really affiliated with EPRA, it had -- it had been a
2 committee that didn't report much to the EPRA based on
3 the volunteers that were involved in both the board and
4 the development committee. I had asked for that
5 committee to be more structured. And so this is part
6 of my strategic plan that I developed in -- when I
7 first took the term on as president, and this was one
8 of the goals was to update the Development Guidelines
9 and to create assistance to residents in regards to the
10 problems that they had been having with construction
11 happening next door to them. And the Good Neighbour
12 policy is a way for us to facilitate communication
13 between developers and the residents.

14 **Q.** So prior to May 2021, did the EPRA have a similar Good
15 Neighbour policy?

16 **A.** This is something that we created as a board based on
17 an influx of complaints from residents due to the
18 increase of development in Elbow Park. And many
19 residents are having some difficulties dealing with the
20 development beside them with sidewalks falling in and
21 noise and sidewalks not being cleared, and so this is
22 our attempt at trying to assist those residents with
23 their concerns by developing a Good Neighbour policy in
24 hopes that developers will communicate more with
25 residents and residents will have a better experience

1 when a home gets built next to them.

2 **Q.** So as my question was, it's a new policy of the EPRA,
3 correct?

4 **A.** Correct.

5 **Q.** And prior to May 2021, did a similar policy exist is
6 what I asked?

7 **A.** No. I'm proud to say that the efforts of this
8 particular board are such that we're developing some
9 better policies for EPRA.

10 **Q.** And has this document been provided to the residents of
11 the Elbow Park or EPRA?

12 **A.** Many residents actually -- like, we're a volunteer
13 organization that's made up of the residents.

14 **Q.** I appreciate that. I'm just asking --

15 **A.** So the residents that are on the development committee
16 are residents that have created this document, spoken
17 to their neighbours about this document, and the
18 document has been shared through different avenues with
19 many of our residents. And then based on their
20 feedback, this is what document was the final version
21 based on all of their comments.

22 **Q.** Okay.

23 **A.** And so the document is new, and I've been talking about
24 it in newsletters for at least a couple additions. And
25 it's been in the works for quite some time, and the

1 launch of it, really, was a couple days ago.

2 MS. REICHELT: I'm just going to take a
3 five-minute break and see if I have any further
4 questions. Thank you.

5 (ADJOURNMENT)

6 Q. MS. REICHELT: Ms. Virtue, you're ready to go?

7 A. Yes.

8 Q. You confirm you're still under oath?

9 A. Yes.

10 Q. Ms. Virtue, as president of the EPRA, are you the one
11 that approves postings on the website?

12 A. There's several administrators for our website, and so
13 the treasurer and development and other directors have
14 access to the website and can do postings themselves.

15 Q. Did you -- well, did you approve the posting of
16 Ms. Tejpar's Affidavit on the EPRA website?

17 A. Yes, I did. I asked the webmaster to assist getting
18 those up there.

19 Q. And your Affidavit is not posted on the website,
20 correct?

21 A. Correct. I took mine down.

22 Q. Why is that?

23 A. Because I'm a very private person, and I didn't want
24 mine posted.

25 Q. Did you ask Ms. Tejpar if she was agreeable to you

1 posting it on the EPRA website?

2 MR. MARBLE: Objection. Relevance.

3 MS. REICHELT: Well, Ms. Tejpar is also a
4 personal person that isn't --

5 MR. MARBLE: It's not relevant to the
6 application, counsel.

7 MS. REICHELT: What?

8 MR. MARBLE: I'm maintaining my objection. It
9 is not relevant to the application. It's a publicly
10 filed document.

11 MS. REICHELT: Yeah. It does go to motive.

12 OBJECTION TAKEN to answering the question: Did you ask
13 Ms. Tejpar if she was agreeable to you posting it on
14 the EPRA website?

15 MS. REICHELT: Thank you very much, Ms. Virtue.
16 Those are my questions. I look forward to the
17 undertakings.

19 (Proceedings ended at 4:19 p.m.)

1 Certificate of Transcript

I, the undersigned, hereby certify that the foregoing pages
85 to 133 are a complete and accurate transcript of the
proceedings taken down by me in shorthand and transcribed
from my shorthand notes to the best of my skill and
ability.

I further certify that this questioning was conducted in accordance with the Alberta Protocol for Remote Questioning, Revised 05/05/2020.

12
13 Dated at the City of Calgary, Province of Alberta, this
14 26th day of May, 2021.

Sandra Dreher

Sandra Dreher, CSR(A)

Official Court Reporter

1 - I N D E X -

2 JANE VIRTUE

3 May 13, 2021

4 The following is a listing of exhibits, undertakings and
5 objections as interpreted by the Court Reporter.

6 The transcript is the official record, and the index is
7 provided as a courtesy only. It is recommended that the
8 reader refer to the appropriate transcript pages to ensure
9 completeness and accuracy.

10 ***EXHIBITS***

11 EXHIBIT 1 (AMENDED) - A copy of an email that Jane 119
12 Virtue sent to Margo Coppus on May 11, 2021, along
13 with two attachments, the EPRA Development
14 Guidelines and the Good Neighbour Program

15 ***UNDERTAKINGS REQUESTED***

16 UNDERTAKING NO. 8 - With reference to Exhibit A of 98
17 Jane Virtue's Affidavit, for Jane Virtue to review
18 her records, and if available, to provide a copy
19 of the email that she sent to Meghan Dunnette at
20 the City of Calgary as it related to the subject
21 property

1	UNDERTAKING NO. 9 - If not already covered in	99
2	Undertaking No. 8, to confirm that Jane Virtue	
3	sent the email to Meghan Dunnette at the City of	
4	Calgary on September 7, 2020	
5		
6	UNDERTAKING NO. 10 - If not already covered in	100
7	Undertaking No. 8, to confirm who Jane Virtue	
8	copied the email to	
9		
10	UNDERTAKING NO. 11 - To advise whether or not	112
11	before November 2020 the EPRA website contained	
12	any information about caveats -	
13	TAKEN UNDER ADVISEMENT	
14		
15	UNDERTAKING NO. 12 - To provide any communication	116
16	sent out to the residents as it related to the	
17	application by Mr. Ferguson to restore the	
18	Instrument - TAKEN UNDER ADVISEMENT	
19		
20	***OBJECTIONS***	
21	OBJECTION TAKEN to answering the question: Okay.	94
22	How do you know the Tejpars didn't take steps to	
23	reach out to any neighbours?	
24		
25		

1 OBJECTION TAKEN to answering the question: Okay. 96

2 But as you sit here today, you can't give me a

3 list of the names that --

4

5 OBJECTION TAKEN to answering the question: Okay. 101

6 No meeting was set up, even though the EPRA's role

7 is to facilitate discussions between landlords

8 [sic] and neighbours?

9

10 OBJECTION TAKEN to answering the question: Did 132

11 you ask Ms. Tejpar if she was agreeable to you

12 posting it on the EPRA website?

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<u>WORD INDEX</u>	27th 101:14, 16 103:3, 12, 22 2nd 86:15 < 0 > 05/05/2020 133:11 < 1 > 100 135:6 101 136:5 112 135:10 116 135:15 119 134:12 11th 117:10 119:3 122:25 12:30 109:20 132 136:10 133 133:4 13th 125:1, 14, 17 1930s 123:17 1st 122:18 123:6 < 2 > 2005 123:24 124:15 126:24 127:18 2019 90:16 2020 87:18, 23, 24 97:14 99:14, 19 100:13 101:14 103:3, 13, 25 107:5, 13, 18 109:20 110:16 111:13, 17, 25 112:10 113:3, 12 122:18, 23 123:6 135:4, 11 2021 85:20, 22 87:8 117:10 119:7 123:1 125:1, 14, 17 129:14 130:5 133:14 134:3, 13 2101-00793 85:2 22nd 87:18, 24 89:11, 18 103:25 105:25 107:5, 13, 18 111:1, 7 2300 86:7 24th 87:8 26th 133:14	active 117:15 122:2 actual 98:10 102:1 addition 93:7 127:16 additions 130:24 address 117:21 adjacent 95:5, 11 96:8 ADJOURNMENT 131:5 administrators 131:12 advice 95:3 96:7 advise 100:3, 12 104:24 111:22 112:9 117:4, 6 135:10 advised 97:16 advisement 112:3, 12 116:9 117:2 135:13, 18 Affidavit 85:20 87:7 89:4 90:10, 21 93:11 94:6, 19 95:10, 17, 24 97:2, 9, 12, 24 98:19 106:5, 8 109:12 110:24 113:4, 9 114:8, 9 116:13, 17 119:1 131:16, 19 134:19 affiliated 129:1 affirmed 87:2 after 112:22 114:3, 5 125:14 afternoon 87:4, 5 agents 120:17 121:12 122:20 124:1, 21 128:17 ago 92:16 123:2 131:1 agree 91:1 95:13 128:7 agreeable 131:25 132:13 accuracy 134:9 accurate 133:4 action 96:5 117:7	ALBERTA 85:4 133:10, 13 ALI 85:10 86:11 allowed 126:4 AMENDED 119:5 134:12 Amicus 86:21 answered 96:11, 14, 16 100:19 112:5 answering 92:5 94:22 96:24 101:1 132:12 135:21 136:1, 5, 10 answers 112:7 anybody 99:24 107:10, 17 apologize 128:19 APPEARING 86:1 appears 128:7 applicable 110:14 APPLICANT 85:8 86:3 application 96:18, 20 112:18, 21, 24 113:1, 6, 7, 11, 15, 20 114:3, 5, 13 115:3, 17, 24 116:11, 14, 20, 25 117:5 125:25 126:7 132:6, 9 135:17 applied 114:19 apply 89:14 applying 91:24 appreciate 92:4 130:14 appropriate 96:5 134:8 appropriately 127:23 approve 131:15 approved 125:20 approves 131:11 April 85:20 87:8 101:13, 14 Agreed 100:4 ahead 96:6 100:25	Architects 117:14 122:15 124:1, 21 area 95:5 120:18 asked 88:25 93:17 99:11 103:9 104:17, 22 105:12 106:19, 24, 25 111:15 129:4 130:6 131:17 asking 95:15 96:15 104:9, 20 111:1 115:9, 22 126:6, 11 130:14 assist 101:12 124:20 129:22 131:17 assistance 129:9 Association 97:22 108:1 115:15 118:16 121:7 123:17 assume 88:25 99:8, 10, 25 attach 110:2 attached 89:8 105:18 109:24 121:2, 10, 18 128:18 attachment 106:9, 21 107:2 119:25 123:22 128:20 attachments 119:8, 12 123:8 134:14 attempt 129:22 attempting 102:24 107:10 attend 103:15 attendance 104:3 108:19 attended 103:24 August 101:16 103:3, 12, 22 author 120:3 authored 120:7 available 98:21 134:20 Avenue 86:7 avenues 130:18
-------------------	--	---	--	--

aware 87:17 90:15 92:25 93:6, 10, 14, 18, 25 94:2 107:17, 21 108:4, 15 109:4 112:17, 25 113:10 115:14, 23 122:4 123:14, 16 < B > back 100:22, 23 107:23 111:19 121:23 126:12 127:21 backyard 108:8 based 96:4 113:23 129:2, 16 130:19, 21 bear 121:5 behalf 93:23 97:21 98:25 102:13 109:25 117:7 118:15 belief 110:13 believe 109:19 127:24 BENCH 85:4 best 98:4 103:21 133:6 better 115:13 129:25 130:9 Blake 86:14 board 108:23 118:16 125:20 126:21, 23 129:3, 16 130:8 boards 123:11 Bob 110:24, 25 break 131:3 bring 96:17, 19 117:9 123:21 brought 92:12 112:25 114:3, 13 115:3 builders 122:15 building 122:5 built 130:1 Buy/Selling 118:18 buying 122:5 < C > CALGARY 85:6 86:8, 16 97:4	98:2, 23 99:13, 19 102:15 124:22 133:13 134:22 135:4 call 91:10, 15, 20 92:7, 10, 14, 16 93:20 113:7 called 106:14 107:2 112:23 calling 97:3 capacity 118:1, 13 Carbert 86:6 Cassels 86:14 Caveat 87:17, 22 88:7, 12, 13 89:3, 8, 9, 12 90:4, 18 91:3, 10, 13, 14, 21 92:9, 25 93:18, 21, 24 94:3, 7 102:18, 20 103:4, 12, 22 104:7, 10 105:5 106:9, 14, 16 107:6, 9, 11, 14, 19 110:3, 6, 12, 13, 15, 17 111:10 112:14 114:21, 23 115:18 caveator 93:1 caveators 116:15 caveats 89:13 91:17 92:11 93:4 102:21 111:18 112:1, 12 114:15 118:3, 4 122:10 127:2, 12 128:4, 9 135:12 CENTRE 85:6 Certificate 133:1 certify 133:3, 9 chain 110:23 111:3 chair 112:14 change 106:18, 21 113:1 changed 106:23 Charter 123:24 124:2, 13, 14 126:24 127:18, 22	check 88:22 99:24 114:1 116:5 125:10, 16 choosing 91:3 circulated 117:12 cite 127:25 City 97:3 98:2, 9, 23 99:13, 18 102:14, 21 124:22 133:13 134:22 135:3 clarify 88:17 94:21 107:10 clear 89:9, 15 95:25 96:3 107:8 117:8 cleared 129:21 close 96:2 come 89:3 96:3 105:6, 7, 13 108:6 comes 101:21 coming 89:1 commenced 87:1 113:12 comment 128:10 comments 100:13 121:17 124:9 130:21 committee 88:16 103:24 112:20 120:22 123:11 124:4, 16, 17 126:17, 18 128:24, 25 129:2, 4, 5 130:15 communicate 98:9 129:24 communication 101:10, 11 115:8, 15, 20, 23 116:4, 24 129:12 135:15 communications 98:8 community 112:22 116:16 127:10 Company 86:21 complaints 129:17 complete 133:4	completed 118:8 124:5, 15, 18 completeness 134:9 compliance 127:11 concern 102:18 108:17 concerned 88:11 108:9 concerns 101:20, 23 102:2, 13 103:16 129:23 conducted 133:9 confirm 87:10 99:12, 17 100:7 close 96:2 come 89:3 96:3 105:6, 7, 13 108:6 comes 101:21 coming 89:1 commenced 87:1 113:12 comment 128:10 comments 100:13 121:17 124:9 130:21 committee 88:16 103:24 112:20 120:22 123:11 124:4, 16, 17 126:17, 18 128:24, 25 129:2, 4, 5 130:15 communicate 98:9 129:24 communication 101:10, 11 115:8, 15, 20, 23 116:4, 24 129:12 135:15 communications 98:8 community 109:18 117:11 119:7 120:19 134:13 copy 87:22 88:1 93:24 98:1, 10, 11, 13, 21 100:9 104:7, 16, 21 105:3	106:1, 4 110:12 111:4 116:8 119:5 134:12, 20 copying 109:18 corners 116:20 CORPORATION 85:13 Correct 87:25 88:4, 5 89:6, 7 91:7, 8 92:14, 17, 18 97:11, 20, 22 99:3, 4 100:10 101:8, 14, 17, 18 102:15, 16, 19 104:1, 4 105:10, 11 107:7, 12, 15 108:10, 21, 24 109:2, 9, 10 110:1, 3, 7, 9 111:13, 18 112:15 113:13 117:5, 22, 23, 24 118:2, 14 construction 129:10 contact 95:4 120:17 contacted 93:8, 13 contacting 93:7 contained 111:20 112:1, 11 122:15 135:11 contextual 102:4 continuation 87:6 Continued 85:19 convene 100:12 conversation 92:11 115:20 copied 99:22, 24 100:3, 7 135:8 Coppus 99:23 104:12 108:13 community 109:18 117:11 119:7 120:19 134:13 copy 87:22 88:1 93:24 98:1, 10, 11, 13, 21 100:9 104:7, 16, 21 105:3
--	---	---	---	---

CP	93:2, 5, 13 104:17 create 129:9 created 129:16 130:16 criticizing 115:9 cross-examination 87:7 118:23 CSR(A) 86:20 133:19 Curtis 86:4 112:5 cut-off 117:17 < D > date 114:1 122:24 124:25 125:14 dated 99:7 133:13 David 93:22 day 87:21 88:19, 20 101:6 111:9, 21 116:22 133:14 days 88:23 123:2 131:1 dealing 129:19 dealt 102:20 Dear 117:14 debriefing 103:2, 10 December 90:16 113:3 deducting 96:5 designing 122:5 determine 91:25 develop 120:18, 19 developed 123:24 129:6 developers 101:11 117:14 120:18 121:12 122:12, 15, 20 124:21 129:13, 24 Developing 118:19 129:23 130:8 development 88:15 99:23 103:24 112:18, 20 118:5, 12	119:8, 18 120:21, 24 121:3 122:10, 21 123:11, 19 124:4, 11, 13, 16, 17 125:22 126:16, 17, 18 127:5, 9, 16 128:23, 24 129:4, 8, 18, 20 130:15 131:13 134:14 different 89:14, 15 93:3 123:6 130:18 difficult 91:25 difficulties 129:19 directly 127:25 director 99:23 directors 118:16 131:13 disclose 91:12 discuss 101:19, 22 102:23 113:14 discussed 92:17 103:12 112:13 113:19 discussion 92:6, 8 103:4 105:5 discussions 95:19 100:16 101:3, 7 136:7 divulge 93:19 document 89:10, 25 90:2, 3, 5, 8 98:6 105:1, 13, 22 107:12 111:4 117:9 119:17, 21 120:4, 7, 12, 24, 25 121:6, 8, 10 122:24, 25 123:7, 20, 25 124:3, 10, 12, 20, 24 125:4, 8, 20 128:22 130:10, 16, 17, 18, 20, 23 132:10 documents 118:7, 9 121:3 123:14 128:15 DOE 85:12 doing 128:15	door 108:3 129:11 draft 125:15 126:19 drafted 117:24 118:7 120:24 drainage 102:5 Dreher 86:20 133:19 Ducette 97:3 due 129:17 Dunnette 97:6, 10, 13 98:2, 23 99:14, 18 134:21 135:3 D-U-N-N-E-T-T-E 97:7 duplicate 111:23 < E > easements 102:10 educate 118:4 123:12 124:1 128:15 educating 128:16 effect 107:6 efforts 91:2, 9, 20 92:9 94:7 130:7 Elbow 93:4 95:1 97:21 105:19 106:15 107:25 115:2, 14 117:15 118:12, 15, 19 121:7 122:6 123:23 124:12, 13 125:5 129:18 130:11 elements 122:4, 9 email 88:2, 8 89:7, 18, 22, 24 98:5, 8, 10, 11, 22 99:17 100:8 105:4, 19 109:17, 22, 24 111:6 117:10, 20, 21, 24 118:1, 17, 18 119:6, 12 120:1, 23 121:11, 19, 22, 23 122:19	128:20 134:12, 21 135:3, 8 emailed 104:6 105:8, 24 120:14, 16 ended 87:13 132:19 Engbloom's 89:4 ensure 134:8 EPRA 88:14 93:7 97:16 99:1 101:6, 9, 15, 22 102:14 103:3 104:20, 24, 25 107:5 108:23 109:8, 25 110:11 111:9, 17, 25 112:10, 20 113:14, 23 114:21 116:1, 2 117:8 118:2, 14, 20 119:8, 17 120:24 122:18, 21 123:9, 17 124:10 126:23 127:17 128:2, 8, 11 129:1, 2, 14 130:2, 9, 11 131:10, 16 132:1, 14 134:14 135:11 136:12 EPRA's 100:15 101:2 136:6 establishing 126:9 estate 93:23 120:17 121:12 122:3 124:1, 21 128:16 event 100:1 evidence 87:14 96:21 128:6 exact 88:22 exactly 88:23 89:9 92:17 114:1, 25 127:21 examination 87:11, 13 example 97:9 Exhibit 97:9, 24 98:19 106:7 109:11, 13	118:23, 25 119:5, 24 120:11 121:15, 21 128:19 134:12, 18 exhibits 106:6 121:16 134:4, 11 exist 93:4 123:9 125:17 130:5 existed 87:17 exists 110:15 120:12 expectations 127:11 experience 129:25 explanation 106:13, 20 107:1 extent 111:24 < F > face 91:24 facilitate 100:16 101:3, 7, 10, 11 129:12 136:7 facilitated 115:15, 19 fact 98:2 99:5, 13 105:7 108:3, 23 facts 94:8 fair 90:7 91:19 117:3 fairness 103:6 fall 111:17 falling 129:20 familiar 92:19 126:24 father 93:24 February 122:18, 23 123:6 feedback 126:22 130:20 feel 92:1 FERGUSON 85:8 112:25 89:9 92:17 114:1, 25 127:21 115:16, 25 117:1 135:17 Ferguson's 114:8, 9 116:11 FILE 85:2 106:18, 23
-----------	---	--	---	---	--

filed 112:17 132:10 files 106:18 filling 112:21 Final 119:18 120:25 130:20 finalized 125:1 find 90:7 91:23 94:7 116:5 fine 95:23 98:17 119:4 five-minute 131:3 flood 102:7 flows 101:13 following 134:4 foregoing 133:3 formed 111:9, 12 forward 132:16 found 110:25 113:4 front 90:23 124:23 fully 123:14 future 124:20	122:11 123:19 124:2, 11, 14, 17 125:22 126:5, 16 127:6, 10, 16 129:8 134:15	indication 91:15 93:20 influence 128:12 influx 129:17 info 120:17 inform 128:14 information 88:6, 14 89:1 91:12, 17 92:2 93:19, 21 95:8, 12 111:18 112:1, 11 115:4 118:11 124:19 135:12	JUDICIAL 85:6 < K > kinds 89:15 91:23 knew 88:10, 15 91:14 105:12 106:19, 25 111:2 113:24 115:2, 10 knowledge 98:4 103:8, 11, 21 107:17 116:3	looking 104:16 124:10 looks 98:5 lot 107:13
< G > Garvie 86:5 gather 97:11 generally 122:19 give 91:15 96:9, 25 109:16 110:5 136:2 Given 91:12 94:13 95:3 96:5 102:20 107:1 116:15 117:3 128:24 giving 114:16 goals 118:6 124:15 129:8 Good 87:4, 5 118:5, 8 119:9 121:1, 3, 8 122:11 124:6 128:18 129:11, 14, 23 134:15 Graydon 86:14 Group 86:21 88:10 114:15, 20 117:12 Guidelines 118:5 119:9, 18 120:25 121:3	header 97:25 heading 127:6 hear 114:7 heard 114:6, 11 Held 85:21 101:19 103:25 holders 88:12 home 112:18 130:1 homeowner 128:13 homeowners 102:22 114:22, 24 homes 95:12 hopes 129:24 households 89:14 Hudson 109:5 Hugoline 88:3 89:8, 24 105:4, 12 112:14 113:22 114:7, 11, 12	informing 128:16 initially 114:10 input 126:19 Instrument 89:20 104:17 113:1 115:25 117:1 135:18 intent 95:25 intention 128:10 interested 95:5 interpretation 110:6 interpreted 134:5 investigating 107:6 involved 114:24 125:21 126:5, 15 129:3 issue 92:11 93:1 102:17 103:21 116:21 issues 102:23 116:14, 20 items 114:18	< L > LAND 85:11 89:20 90:3, 8 92:19, 21, 23 93:8 104:17 landlords 100:16 101:3 136:7 landowners 101:7 larger 117:12 late 111:17 launch 131:1 Lauren 86:5 lawyer 110:9 learn 108:6 learned 113:21 leave 116:21 left 97:13 letter 97:17, 19, 20 98:1, 4, 25 99:5, 20 100:10, 13 101:13, 21, 23, 25 102:3, 17, 25 103:18 109:24 110:2, 5, 11, 16 111:2 < J > JANE 85:12, 18 87:2 90:23 98:19, 20 99:17 100:7 119:6 134:2, 12, 19 135:2, 7 janevirtue@icloud.com 117:21 January 91:10, 20 92:7 increase 129:18 index 134:6	Made 94:7 124:9 128:10 130:13 Maintain 98:11 127:10 Maintaining 132:8 Major 107:22, 23 108:13 Majors 108:17 Mandates 118:3 Mansfield 86:13 Marble 86:4 89:21 90:22 94:19 96:11, 13, 15, 22 98:17 Learned 113:21 100:4, 18, 23 103:6 105:14, 22 106:1, 17, 22, 25 109:13, 15 110:20 112:2, 7 113:16 115:5 116:1, 9, 17, 21 117:17 118:25 119:4, 25 120:3, 6, 10 121:16, 18 122:22, 24 123:20 125:23 126:2, 6, 10 132:2, 5, 8 Margo 88:3 89:8, 24 99:22 Link 126:6, 12 Listed 90:15 114:18, 23 Listing 134:4 Lists 101:25 Lives 107:25 LLP 86:6, 14 Locate 91:2, 10, 21 92:9 98:15
				amicusreporting.com 403.266.1744

121:19	names 96:10 97:1 106:18 136:3	October 109:19 110:16 111:2	particular 89:12 99:14 110:6 128:4 130:8	previously 87:2, 16 89:2 107:21 112:13 126:25
matter 87:23	neighbour 102:11 118:5, 8 119:9 121:1, 4, 8 122:11 124:6 128:18 129:11, 15, 23 134:15	OFFICE 85:12 92:23 93:8	PARTIES 86:1	Principles 127:6, 9
mature 102:7	Official 86:19 133:20 134:6	partners 124:22	prior 91:3 93:6, 12, 16 103:17	107:13, 18
meaning 114:21	O'Leary 108:21, 23 109:2	PDF 105:20 106:23	109:2, 8 122:18, 22 123:6, 14	129:14 130:5
meant 88:18	ones 114:24	people 95:19	privacy 102:11	129:14 130:5
meet 108:17	open 106:7 121:16	permit 112:18	private 131:23	
meeting 87:18, 24 88:16, 23 89:11, 18 100:12, 15, 20 101:2, 14, 15, 19, 22 103:4, 5, 15, 16, 17, 20, 22, 25 104:3, 6, 15, 24 105:8, 16, 25 106:15 107:1, 5, 13, 18 108:7, 13 112:21, 23 136:6	opinion 91:7	person 95:1 110:18 111:4 131:23 132:4	problems 129:10	
Meghan 97:3, 6, 10 98:22 99:18 134:21 135:3	opportunity 109:16 122:1 126:21	personal 91:7 116:2 132:4	proceed 99:3	
member 108:23	oppose 92:1	personally 107:15, 24	proceeding 110:25	
members 103:2, 14 126:23	opposed 105:19	plan 129:6	Proceedings 87:1 116:13	
mention 127:2	opposition 91:23 96:3, 4 103:19	planned 95:7	132:19 133:5	
mentioned 121:1 125:6 126:25	Oral 85:17	planning 95:14	produce 116:8	
Message 118:19	order 91:23 95:6, 8, 17, 20 123:12 124:1 126:20	policies 130:9	Program 118:5, 8 119:10 121:4	
Mike 107:22 108:13	organization 130:13	Policy 121:8 128:18 129:12, 15, 23 130:2, 5	122:11 124:7, 18 134:15	
mine 131:21, 24	originally 105:9	position 91:16	project 126:17 128:23	
minute 121:5	outlined 124:2	possession 104:25 110:18	properties 88:13 113:3	
minutes 126:14	outlining 114:14	Possibly 115:18	property 88:11, 16 90:15, 19	
missing 89:19 90:3, 6, 8	owners 101:12	posted 131:19, 24	91:4 93:7, 12, 16, 23 95:7, 8, 14 96:2, 8	
mitigation 102:8	owns 108:3	posting 131:15 132:1, 13 136:12	97:17 98:3, 24	
months 92:16	< P >	postings 131:11, 14	99:2 101:11	
Morton 112:14, 17	p.m 87:1 109:20 132:19	potentially 115:1	102:6, 19 103:5	
motive 132:11	pages 133:3 134:8	practice 101:24	104:1 108:3, 4	
Mount 105:19, 20	paragraph 90:21 94:11 95:10 97:2 121:24 128:5	preparation 125:21 126:5, 16	109:2, 9 112:24	
mouth 100:19	Park 93:4 95:1	prepared 128:22	113:2 114:16	
move 126:12	97:21 105:20 106:15 108:1 115:2, 14	present 125:25 126:7	128:12 134:23	
Mt 106:9, 14 107:2	117:15 118:12, 15, 19 121:7 122:6 123:23 124:12, 13	preservation 102:7	Protocol 133:10	
multiple 91:1 93:9, 13 94:7 112:7	125:5 129:18 130:11	president 99:1 104:24 109:8, 25 113:14	proud 130:7	
< N >	part 112:20 129:5	115:4 118:1, 13 128:25 129:7 131:10	provide 88:1	
named 105:20	occurred 112:23	prevents 110:7	91:16 98:16, 21	

Province 133:13 publicly 132:9 pull 121:5 purchase 91:3 purchasing 93:6, 12, 16 95:6 109:2, 8 purport 110:5 purported 87:17, 22 88:7 92:25 104:7, 10 110:2 purportedly 90:2 purporting 89:19 106:15 purview 128:3, 8, 14 put 91:18 106:2 109:12 119:16 125:10, 13, 15 putting 100:18 < Q > QUEEN'S 85:4 question 89:21 91:19 92:5 94:22 96:12, 16, 24 100:25 101:1 115:11, 13 127:23 130:2 132:12 135:21 136:1, 5, 10 questioned 87:2 Questioning 85:17 126:3, 11, 14 133:9, 11 questions 95:6 119:15 120:9 131:4 132:16 quite 107:8 114:10 124:4 130:25 quoting 100:21, 23 < R > Rail 93:2, 5, 13 104:17 raise 102:17 raised 101:23 102:13 103:16, 17, 22 107:14, 19	reach 94:14, 18, 23, 25 96:7 135:23 reached 96:1 read 89:4 90:9, 25 93:10 94:12 110:24 113:4, 9 114:8, 9 117:13 121:25 127:8 reader 134:8 ready 131:6 Real 120:17 121:12 122:2 123:25 124:21 128:16 really 115:5 125:24 129:1 131:1 realtor 93:17 109:19 122:20 Realtors 117:14 122:14 reason 99:12 reasons 99:1 recall 87:6, 18, 24, 25 88:3, 21 89:12 92:8 100:11, 14 104:7, 9, 11, 12, 15, 18, 19, 20 105:2, 5, 20 106:12 109:22 111:10 112:22 113:18 receive 88:20 received 87:22 88:8 89:10, 17 97:19 105:3 106:11 110:12 111:4 112:24 recognize 102:24 119:21 recognizes 120:4 recollection 99:22 104:22 125:12, 19 recommended 92:1 134:7 record 88:25 134:6 records 88:22 98:12, 20 99:7 111:14 114:1 116:5 134:20	redevelopment 116:25 121:11 122:3 refer 113:5 134:8 reference 97:10 98:18 128:4 134:18 referred 119:17 referring 95:9, 16, 21, 24 ready 105:23 113:6 118:10 121:11 123:8 reflection 123:23 regard 121:17 regarding 102:15 regards 88:16 129:9 registered 90:18 93:1 113:2 REGISTRAR 85:10 92:19, 21 93:9 Reichelt 86:12 87:3, 4 89:24 90:1, 25 94:21, 25 96:13, 19 97:2 98:14, 25 99:10, 20, 25 100:9, 21 101:5 103:9, 11 105:16, 24 106:3, 4, 19, 24 107:4 109:14, 16 110:22 111:5, 21 112:4, 13 113:17, 19 115:7, 12 116:2, 7, 12, 19 117:3, 20 118:22 119:2, 11, 23 120:2, 4, 8, 13 121:14, 20, 22 122:23, 25 123:3, 21 126:1, 4, 8, 13, 15 131:2, 6 132:3, 7, 11, 15 related 90:3 94:3 97:17 98:3, 24 103:5 115:16, 24	relates 102:18 122:20 123:18 relation 124:9 relevance 115:6 116:10 125:25 132:2 relevant 132:5, 9 remain 87:10 remember 92:16 remind 122:2 Remote 133:10 renamed 124:13 Renee 86:12 repeat 87:20 110:20 repeated 128:6 rephrase 115:12 report 113:23, 24 129:2 Reporter 86:19 133:20 134:5 Reporting 86:21 request 100:2 REQUESTED 134:17 rescinding 97:16 researching 107:6 residents 88:10 91:23, 25 92:2 97:21 101:9, 10 102:14 103:15, 19 108:1 114:15, 20 115:2, 14, 16, 24 116:24 118:15 121:7 124:20, 21 125:5 128:16 129:9, 13, 17, 19, 22, 25 130:10, 12, 13, 15, 16, 19 135:16 respect 103:25 RESPONDENTS 85:10 86:11 response 104:12 responsibility 101:9 102:22 restate 105:14 restoration 113:5, 7, 11, 15, 20 114:13 115:17 117:5 restore 115:25 117:1 135:17 Restrictive 122:10 127:2, 12 128:3, 8, 13 retaining 102:5 108:8, 14, 18 review 98:20 102:3 134:19 revised 124:3 133:11 revision 124:12, 14 role 100:16 101:2, 6 136:6 Royal 105:19, 21 106:9, 14 107:2 < S > sale 90:16 Sandra 86:20 133:19 Schulli 93:22 94:2 Schullis 90:13, 15, 19 screen 106:8 109:12 117:10, 18 121:23 scroll 109:17 117:17 119:18 122:9 124:24 search 91:13 seeking 93:21 seller 93:17 seller's 93:17 selling 93:23 122:5 send 98:2, 5 99:5, 13, 20 118:6, 9 124:7, 19 sending 88:14 89:25 109:22 110:17 sensitivity 102:4 sentence 95:25 separate 100:24 121:16 September 87:18, 23, 24 89:11, 18 97:13
---	--	--	--

99:6, 8, 9, 14, 19 100:13 103:25 105:25 107:5, 13, 18 111:1, 7 135:4 set 100:15, 20 101:2, 21 136:6 setting 99:1 share 95:12 106:8 117:18 118:9 shared 130:18 shorthand 133:5, 6 shortly 87:17, 23 88:18 89:11, 18 shown 103:19 sic 100:17 101:3 136:8 side 102:10 sidewalks 129:20, 21 signed 118:15 similar 122:19 123:7, 10 129:14 130:5 simply 91:17 single 95:1 sir 120:2 sit 96:9, 25 126:18 136:2 skill 133:6 Sophie 86:13 Sorry 89:21 90:22 101:16 102:1 103:3 105:14 110:21 125:23 128:19 south 102:12 speak 91:22 specifically 123:18 spoke 87:21 89:2 108:20 109:1, 4, 7 spoken 87:14 107:22 130:16 stakeholders 118:4, 10 123:13, 25 124:7 128:17 state 90:21, 25 94:11 97:12	statement 95:20, 24 stating 104:16 status 113:1 steps 94:13, 17, 23 95:18 135:22 strategic 129:6 Street 86:15 strict 127:11 structured 129:5 struggling 115:5 116:10 125:24 subcommittee 111:10 112:15 113:22 114:21 115:18, 21 117:7 118:3 subdivision 88:11 91:24 99:2 102:15, 19 110:7 subject 88:11, 16 91:4 93:7, 12, 16 98:3, 24 99:2 102:19 103:5 104:1 108:3 109:8 118:17, 18 134:22 submitting 97:18 subsequent 101:16 103:2 subsequently 89:3 101:20 117:11 suggest 108:12 110:22 suggested 91:22 128:1 suggestions 122:14, 19 suspect 97:8 SW 86:7, 15 swear 95:20 swore 94:5 sworn 85:20 87:7 116:12 < T > T2P 86:8, 16 talk 97:3 108:8, 14 114:20	talked 94:8 111:9 talking 89:22 130:23 TEJPAR 85:10 86:11 90:9 104:15, 20, 25 105:3 106:13 131:25 132:3, 13 136:11 Tejpars 91:2, 9, 12, 20, 22 92:7 93:8, 13, 17 94:6, 13, 17, 23 97:17 100:10, 12 101:15, 22 104:3, 6, 9, 13 105:24 107:1, 15, 19, 21 108:10, 14, 20 109:1, 4, 7, 11, 18, 19 117:4 135:22 Tejpar's 106:5, 8 119:1 131:16 tend 102:21, 23 term 128:25 129:7 testified 87:16, 21 101:5 testimony 127:24 128:2 things 114:14 third 120:25 THOMAS 85:8 thought 88:2, 18 time 88:6, 8 89:5, 17 91:16 105:8, 15, 16 107:4 108:16 113:11, 17 125:24 126:11 128:6 130:25 times 101:6 128:5 title 88:12 127:13 titled 119:17 TITLES 85:11 89:20 90:3, 8 92:19, 22, 23 93:8 104:17 today 87:13 96:9, 25 136:2	told 92:13 97:18 110:23 track 115:19 transcribed 133:5 Transcript 85:17 133:1, 4 134:6, 8 transpiring 114:17 treasurer 131:13 trees 102:7 true 98:1 116:12 trying 111:23 115:7 129:22 turn 97:9, 24 109:11 123:12 127:5 twenties 107:14 types 93:3 124:2 typo 97:11 < U > unclear 95:22 96:17 undersigned 133:3 understand 89:19 90:1 92:21 93:3 105:18 108:7 111:12 113:6 117:12 118:17 119:11 120:23 123:4, 22 understanding 103:14, 18, 20 107:8, 11 understood 108:16 undertaking 98:15, 18 99:11, 15, 16 100:1, 2, 5, 6 111:15, 22, 24 112:9 116:8, 23 134:18 135:1, 2, 6, 7, 10, 15 undertakings 132:17 134:4, 17 update 113:22, 25 114:16	122:2 124:16 129:8 updated 111:23 124:25 125:14 upheld 128:13 uphold 88:13 102:23 upholding 114:15 utility 102:9 < V > validity 107:10 Veritext 86:21 version 123:7 125:17 130:20 Victor 109:14 videoconference 87:3 videoconferencin g 85:21 86:1 viewpoints 95:13 VIRTUE 85:18 87:2, 4 92:20 98:20 99:17 100:7 101:5 106:5 112:25 117:9 119:2, 6, 11 131:6, 10 132:15 134:2, 13, 19 135:2, 7 Virtue's 98:19 134:19 voicemail 97:13 volunteer 130:12 volunteers 129:3 < W > Waite 86:6 wall 102:5 108:8, 14, 18 wanted 88:13 122:1 124:7, 19 webmaster 131:17 website 111:17, 19, 25 112:11 120:12 125:6, 9, 10, 13 131:11, 12, 14, 16, 19 132:1, 14 135:11 136:12
--	--	--	--	---

week 88:20
123:3
west 102:6, 10
WITNESS 90:24
103:7 106:2
witness's 100:19
won't 111:16
Word 98:6
words 100:18
worked 120:19
124:17
working 124:4
works 130:25
written 125:11
127:22
wrong 88:19
wrote 110:16
111:2

< Y >

yeah 105:16
120:6 121:2
123:3 125:15
132:11
year 123:15
years 124:5

< Z >

ZAHRA 85:10
86:11