

# **Ferguson v. Tejpar et al**

Jane Virtue  
on Thursday, May 13, 2021



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COURT FILE NUMBER            2101-00793

COURT                            COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE                CALGARY

APPLICANT                        THOMAS H. FERGUSON

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

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Transcript of Oral Questioning of  
JANE VIRTUE  
(Continued)  
(On Affidavit sworn April 24, 2021)  
Held via videoconferencing  
May 13, 2021

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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. REICHELTL: 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. REICHEL:**                         The email from Hugoline or Margo  
25          sending her the document.

1 Q. MS. REICHELTL: 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. REICHELTL: 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. REICHEL:                    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. REICHEL:            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. REICHEL:**                    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. REICHEL:**                    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. REICHEL: 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. REICHELTL:** 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. REICHELTL:** 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. REICHELTL: 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. REICHELTL: 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. REICHELTL: 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. REICHEL: 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. REICHEL: 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. REICHEL: 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?

24 **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. REICHEL: Well, that's why I asked her in  
10 her debriefing.

11 Q. MS. REICHEL: 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. REICHEL:            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. REICHEL:                   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. REICHELDT: 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. REICHEL:                    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. REICHELTL:           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. REICHELTL:                 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. REICHEL: 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. REICHEL: 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. REICHEL:** Well, at any time.

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

19 **Q.** **MS. REICHEL:** 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?

1     **A.**     I'd have to check my records as to exactly what date it  
2             was.

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. REICHEL:                 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. REICHEL:           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. REICHEL: 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. REICHEL: 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. REICHEL: 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. REICHEL: 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

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

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

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

14 Dear Realtors, Architects and Developers  
15 active in Elbow Park.

16 Do you see that?

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

19 A. Yes, I see that.

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

23 A. Correct.

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

25 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?

15 A. I signed the letter on behalf of Elbow Park Residents  
16 Association board of directors, yes.

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. REICHEL: 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. REICHELTL: 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. REICHELTL: 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. REICHELTL: 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. REICHELTL: Yes, it is, sir.

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

4 MS. REICHELTL: 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. REICHELTL: 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. REICHELTL: 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. REICHELTL: 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. REICHELTL: Okay. We can mark that all as  
21 Exhibit 1.

22 **Q.** MS. REICHELTL: 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. REICHEL:** February 1, 2020.

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

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

1 2021.

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

3 **Q.** MS. REICHELTL: 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. REICHELTL: 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

1 13th, 2021." Is that what you mean by finalized  
2 recently?

3 **A.** Correct.

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

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

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

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

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

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

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

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

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

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

1 MS. REICHEL: Well, let's go to that.

2 MR. MARBLE: Please, because otherwise this  
3 line of questioning is done.

4 MS. REICHEL: 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. REICHEL: 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. REICHEL: We've been through this line of  
14 questioning for about a few minutes.

15 **Q.** MS. REICHEL: 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. REICHEL: 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. REICHEL: 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.

18 \_\_\_\_\_  
19 (Proceedings ended at 4:19 p.m.)

20 \_\_\_\_\_

21  
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25

1 Certificate of Transcript

2

3 I, the undersigned, hereby certify that the foregoing pages  
4 85 to 133 are a complete and accurate transcript of the  
5 proceedings taken down by me in shorthand and transcribed  
6 from my shorthand notes to the best of my skill and  
7 ability.

8

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

12

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

15

16

17

18



19

Sandra Dreher, CSR(A)

20

Official Court Reporter

21

22

23

24

25

- I N D E X -

JANE VIRTUE

May 13, 2021

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

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

\*\*\*EXHIBITS\*\*\*

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

\*\*\*UNDERTAKINGS REQUESTED\*\*\*

UNDERTAKING NO. 8 - With reference to Exhibit A of 98  
Jane Virtue's Affidavit, for Jane Virtue to review  
her records, and if available, to provide a copy  
of the email that she sent to Meghan Dunnette at  
the City of Calgary as it related to the subject  
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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**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  
131:8 135:2, 7  
**confused** 98:7  
**confusing** 89:22  
**consistent**  
125:12  
**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  
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  
119:13, 14  
120:14, 15  
122:12, 13  
123:5 125:3, 18  
127:17 130:3, 4  
131:20, 21  
**counsel** 90:22  
94:20 96:11  
100:18, 23  
103:7 105:23  
106:17 110:21  
115:5 118:24  
125:23 128:1  
132:6  
**couple** 124:5  
128:5 130:24  
131:1  
**course** 108:20  
109:7 116:13  
**COURT** 85:2, 4  
86:19 96:20, 23  
133:20 134:5  
**courtesy** 134:7  
**covenant** 128:13  
**Covenants**  
122:10 127:3,  
12 128:3, 9  
**covered** 99:11,  
16 100:1, 6  
135:1, 6

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



<p><b>filed</b> 112:17 132:10 <b>files</b> 106:18 <b>filing</b> 112:21 <b>Final</b> 119:18 120:25 130:20 <b>finalized</b> 125:1 <b>find</b> 90:7 91:23 94:7 116:5 <b>fine</b> 95:23 98:17 119:4 <b>five-minute</b> 131:3 <b>flood</b> 102:7 <b>flows</b> 101:13 <b>following</b> 134:4 <b>foregoing</b> 133:3 <b>formed</b> 111:9, 12 <b>forward</b> 132:16 <b>found</b> 110:25 113:4 <b>front</b> 90:23 124:23 <b>fully</b> 123:14 <b>future</b> 124:20</p> <p><b>&lt; G &gt;</b> <b>Garvie</b> 86:5 <b>gather</b> 97:11 <b>generally</b> 122:19 <b>give</b> 91:15 96:9, 25 109:16 110:5 136:2 <b>Given</b> 91:12 94:13 95:3 96:5 102:20 107:1 116:15 117:3 128:24 <b>giving</b> 114:16 <b>goals</b> 118:6 124:15 129:8 <b>Good</b> 87:4, 5 118:5, 8 119:9 121:1, 3, 8 122:11 124:6 128:18 129:11, 14, 23 134:15 <b>Graydon</b> 86:14 <b>Group</b> 86:21 88:10 114:15, 20 117:12 <b>Guidelines</b> 118:5 119:9, 18 120:25 121:3</p>	<p>122:11 123:19 124:2, 11, 14, 17 125:22 126:5, 16 127:6, 10, 16 129:8 134:15</p> <p><b>&lt; H &gt;</b> <b>happen</b> 112:22 127:18 <b>happening</b> 129:11 <b>happy</b> 121:15 <b>hard</b> 92:16 106:4 <b>header</b> 97:25 <b>heading</b> 127:6 <b>hear</b> 114:7 <b>heard</b> 114:6, 11 <b>Held</b> 85:21 101:19 103:25 <b>holders</b> 88:12 <b>home</b> 112:18 130:1 <b>homeowner</b> 128:13 <b>homeowners</b> 102:22 114:22, 24 <b>homes</b> 95:12 <b>hopes</b> 129:24 <b>households</b> 89:14 <b>Hudson</b> 109:5 <b>Hugoline</b> 88:3 89:8, 24 105:4, 12 112:14 113:22 114:7, 11, 12</p> <p><b>&lt; I &gt;</b> <b>identified</b> 122:9 <b>identify</b> 95:15 110:11 119:16 121:6 <b>ignore</b> 96:20 102:21 <b>Important</b> 118:19 122:4 <b>include</b> 111:18 112:7 128:3, 8 <b>included</b> 102:25 <b>including</b> 123:25 <b>increase</b> 129:18 <b>index</b> 134:6</p>	<p><b>indication</b> 91:15 93:20 <b>influence</b> 128:12 <b>influx</b> 129:17 <b>info</b> 120:17 <b>inform</b> 128:14 <b>information</b> 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 <b>informing</b> 128:16 <b>initially</b> 114:10 <b>input</b> 126:19 <b>Instrument</b> 89:20 104:17 113:1 115:25 117:1 135:18 <b>intent</b> 95:25 <b>intention</b> 128:10 <b>interested</b> 95:5 <b>interpretation</b> 110:6 <b>interpreted</b> 134:5 <b>investigating</b> 107:6 <b>involved</b> 114:24 125:21 126:5, 15 129:3 <b>issue</b> 92:11 93:1 102:17 103:21 116:21 <b>issues</b> 102:23 116:14, 20 <b>items</b> 114:18</p> <p><b>&lt; J &gt;</b> <b>JANE</b> 85:12, 18 87:2 90:23 98:19, 20 99:17 100:7 119:6 134:2, 12, 19 135:2, 7 <b>janevirtue@iclou d.com</b> 117:21 <b>January</b> 91:10, 20 92:7 <b>Joan</b> 109:4 <b>JOHN</b> 85:12</p>	<p><b>JUDICIAL</b> 85:6</p> <p><b>&lt; K &gt;</b> <b>kinds</b> 89:15 91:23 <b>knew</b> 88:10, 15 91:14 105:12 106:19, 25 111:2 113:24 115:2, 10 <b>knowledge</b> 98:4 103:8, 11, 21 107:17 116:3</p> <p><b>&lt; L &gt;</b> <b>LAND</b> 85:11 89:20 90:3, 8 92:19, 21, 23 93:8 104:17 <b>landlords</b> 100:16 101:3 136:7 <b>landowners</b> 101:7 <b>larger</b> 117:12 <b>late</b> 111:17 <b>launch</b> 131:1 <b>Lauren</b> 86:5 <b>lawyer</b> 110:9 <b>learn</b> 108:6 <b>learned</b> 113:21 <b>leave</b> 116:21 <b>left</b> 97:13 <b>letter</b> 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, 16 111:2 118:10, 13, 15 120:23 123:7 <b>letters</b> 123:10 <b>likes</b> 128:1 <b>link</b> 126:6, 12 <b>listed</b> 90:15 114:18, 23 <b>listing</b> 134:4 <b>lists</b> 101:25 <b>lives</b> 107:25 <b>LLP</b> 86:6, 14 <b>locate</b> 91:2, 10, 21 92:9 98:15</p>	<p><b>looking</b> 104:16 124:10 <b>looks</b> 98:5 <b>lot</b> 107:13</p> <p><b>&lt; M &gt;</b> <b>ma'am</b> 87:11, 16 90:13 92:5 95:10, 15 97:24 98:11 99:5 106:11 109:20 121:8 122:7 126:16, 24 127:24 <b>made</b> 94:7 124:9 128:10 130:13 <b>maintain</b> 98:11 127:10 <b>maintaining</b> 132:8 <b>Major</b> 107:22, 23 108:13 <b>Majors</b> 108:17 <b>mandates</b> 118:3 <b>Mansfield</b> 86:13 <b>Marble</b> 86:4 89:21 90:22 94:19 96:11, 13, 15, 22 98:17 100:4, 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 <b>Margo</b> 88:3 89:8, 24 99:22 105:4, 12 106:20, 22 108:7, 10, 13, 16 117:11 119:6 120:21 134:13 <b>mark</b> 121:15, 20 <b>marked</b> 118:23 119:23 120:11</p>
--	--	--	---	--

121:19  
**matter** 87:23  
**mature** 102:7  
**meaning** 114:21  
**meant** 88:18  
**meet** 108:17  
**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  
**Meghan** 97:3, 6,  
10 98:22 99:18  
134:21 135:3  
**member** 108:23  
**members** 103:2,  
14 126:23  
**mention** 127:2  
**mentioned**  
121:1 125:6  
126:25  
**Message** 118:19  
**Mike** 107:22  
108:13  
**mine** 131:21, 24  
**minute** 121:5  
**minutes** 126:14  
**missing** 89:19  
90:3, 6, 8  
**mitigation** 102:8  
**months** 92:16  
**Morton** 112:14,  
17  
**motive** 132:11  
**Mount** 105:19,  
20  
**mouth** 100:19  
**move** 126:12  
**Mt** 106:9, 14  
107:2  
**multiple** 91:1  
93:9, 13 94:7  
112:7  
  
< N >  
**named** 105:20

**names** 96:10  
97:1 106:18  
136:3  
**neighbour**  
102:11 118:5, 8  
119:9 121:1, 4,  
8 122:11 124:6  
128:18 129:11,  
15, 23 134:15  
**neighbourhood**  
107:25  
**neighbours**  
94:14, 18, 24  
95:2, 4, 9, 11, 16,  
21 96:1, 8  
100:17 101:4, 8  
130:17 135:23  
136:8  
**new** 97:18  
100:13 101:20,  
21, 22 124:3  
127:16 130:2, 23  
**newsletter**  
125:7, 9, 11, 13  
**newsletters**  
130:24  
**night** 112:23  
**noise** 129:21  
**normal** 101:24  
**notes** 92:14  
127:8 133:6  
**notice** 116:14  
**November**  
111:12, 25  
112:10 113:12  
135:11  
**NUMBER** 85:2  
102:2, 4, 5, 7, 9,  
11  
  
< O >  
**object** 95:13  
**objecting** 96:15  
**OBJECTION**  
94:22 96:24  
101:1 118:24,  
25 119:4 132:2,  
8, 12 135:21  
136:1, 5, 10  
**objections**  
134:5 135:20  
**obtained** 104:21  
**occasions** 93:9,  
14  
**occurred** 112:23

**October** 109:19  
110:16 111:2  
**OFFICE** 85:12  
92:23 93:8  
**Official** 86:19  
133:20 134:6  
**O'Leary** 108:21,  
23 109:2  
**ones** 114:24  
**open** 106:7  
121:16  
**opinion** 91:7  
**opportunity**  
109:16 122:1  
126:21  
**oppose** 92:1  
**opposed** 105:19  
**opposition**  
91:23 96:3, 4  
103:19  
**Oral** 85:17  
**order** 91:23  
95:6, 8, 17, 20  
123:12 124:1  
126:20  
**organization**  
130:13  
**originally** 105:9  
**outlined** 124:2  
**outlining** 114:14  
**owners** 101:12  
**owns** 108:3  
  
< P >  
**p.m** 87:1  
109:20 132:19  
**pages** 133:3  
134:8  
**paragraph**  
90:21 94:11  
95:10 97:2  
121:24 128:5  
**Park** 93:4 95:1  
97:21 105:20  
106:15 108:1  
115:2, 14  
117:15 118:12,  
15, 19 121:7  
122:6 123:23  
124:12, 13  
125:5 129:18  
130:11  
**part** 112:20  
129:5

**particular** 89:12  
99:14 110:6  
128:4 130:8  
**PARTIES** 86:1  
**partners** 124:22  
**PDF** 105:20  
106:23  
**people** 95:19  
**permit** 112:18  
**person** 95:1  
110:18 111:4  
131:23 132:4  
**personal** 91:7  
116:2 132:4  
**personally**  
107:15, 24  
115:22, 23 117:6  
**plan** 129:6  
**planned** 95:7  
**planning** 95:14  
**policies** 130:9  
**Policy** 121:8  
128:18 129:12,  
15, 23 130:2, 5  
**position** 91:16  
**possession**  
104:25 110:18  
**Possibly** 115:18  
**posted** 131:19,  
24  
**posting** 131:15  
132:1, 13 136:12  
**postings** 131:11,  
14  
**potentially** 115:1  
**practice** 101:24  
**preparation**  
125:21 126:5, 16  
**prepared** 128:22  
**present** 125:25  
126:7  
**preservation**  
102:7  
**president** 99:1  
104:24 109:8,  
25 113:14  
115:4 118:1, 13  
128:25 129:7  
131:10  
**prevents** 110:7  
**previous** 87:7,  
11 97:17  
123:11 127:24  
128:2, 25

**previously** 87:2,  
16 89:2 107:21  
112:13 126:25  
**Principles**  
127:6, 9  
**prior** 91:3 93:6,  
12, 16 103:17  
107:13, 18  
109:2, 8 122:18,  
22 123:6, 14  
129:14 130:5  
**privacy** 102:11  
**private** 131:23  
**problems**  
129:10  
**proceed** 99:3  
**proceeding**  
110:25  
**Proceedings**  
87:1 116:13  
132:19 133:5  
**produce** 116:8  
**Program** 118:5,  
8 119:10 121:4  
122:11 124:7,  
18 134:15  
**project** 126:17  
128:23  
**properties**  
88:13 113:3  
**property** 88:11,  
16 90:15, 19  
91:4 93:7, 12,  
16, 23 95:7, 8,  
14 96:2, 8  
97:17 98:3, 24  
99:2 101:11  
102:6, 19 103:5  
104:1 108:3, 4  
109:2, 9 112:24  
113:2 114:16  
128:12 134:23  
**Protocol** 133:10  
**proud** 130:7  
**provide** 88:1  
91:16 98:16, 21  
116:23 118:11  
126:22 134:20  
135:15  
**provided**  
110:18 113:22,  
23 122:19  
125:5, 8 126:19  
130:10 134:7

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

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  
**Tejpar's** 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

<p><b>week</b> 88:20 123:3 <b>west</b> 102:6, 10 <b>WITNESS</b> 90:24 103:7 106:2 <b>witness's</b> 100:19 <b>won't</b> 111:16 <b>Word</b> 98:6 <b>words</b> 100:18 <b>worked</b> 120:19 124:17 <b>working</b> 124:4 <b>works</b> 130:25 <b>written</b> 125:11 127:22 <b>wrong</b> 88:19 <b>wrote</b> 110:16 111:2</p> <p>&lt; Y &gt; <b>yeah</b> 105:16 120:6 121:2 123:3 125:15 132:11 <b>year</b> 123:15 <b>years</b> 124:5</p> <p>&lt; Z &gt; <b>ZAHRA</b> 85:10 86:11</p>				
---	--	--	--	--