



# e-Alert

February 1, 2008, Vancouver

## Trustee Disqualified for Moving out of BC

The BC Supreme Court today granted the Maple Ridge-Pitt Meadows Board of Education a declaration that trustee Nel Joostema was disqualified from holding office as a trustee because she had moved from British Columbia to Nova Scotia.

Key points of the decision include:

- The School Act requires trustees to continue to be resident in British Columbia throughout their terms of office. Residence requirements do not only apply at the time of nomination and election.
- Since there is no definition in the School Act of “residence” for trustee qualification purposes, the term should be interpreted to be consistent with the duties and role of trustees. These duties imply a clear local presence and connection to the community. A trustee must have their primary residence in British Columbia under the Act.
- Upon reviewing the evidence, the court concluded that the trustee’s primary residence is in Nova Scotia.
- The court declared that the trustee is disqualified.
- The court also noted that the trustee acted in good faith, motivated by her commitment to public service, in defending the action.

The Board of Education was represented by Naz Mitha of Harris and Company. The written reasons for judgment are not yet available but will in due course be posted on the BC courts website: [www.courts.gov.bc.ca/sc/sc-jdbwk.asp](http://www.courts.gov.bc.ca/sc/sc-jdbwk.asp) and be available from BCSTA.

*This message has been sent to Trustees, Superintendents, Secretary Treasurers, Executive Assistants and our courtesy list.*

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