

FORENSIC COST ESTIMATE

District of Saanich v. Nancy Kinney

BC Supreme Court, Action No. VIC-S-S-2XXXXX

Decision: June 18, 2025 (2025 BCSC 1132)

Before: The Honourable Justice Kevin Loo

EXECUTIVE SUMMARY

This forensic cost estimate analyzes the total public expenditure associated with the District of Saanich's civil enforcement action against Nancy Kinney, owner of a 17-acre property at 5895 Old East Road, Saanich, BC. The action sought injunctive relief under sections 274 and 279 of the *Local Government Act* for alleged zoning bylaw violations.

OUTCOME: PARTIAL SUCCESS — Saanich obtained three injunctions (RV accommodation, secondary suite, business operations) but **failed on all Building Code violation claims** due to insufficient evidence from Roy Thomassen, Manager of Building Inspection Services.

Related Prior Action: In 2018, Ms. Kinney was ordered to pay two \$200 tickets (\$400 total) for noise bylaw violations. This estimate addresses only the 2025 injunction proceeding.

Cost Summary by Responsibility

Cost Category	Low Estimate	High Estimate
Municipal Costs (Saanich Ratepayers)	\$98,500	\$156,200
Provincial Costs (BC Taxpayers)	\$12,800	\$18,600
TOTAL PUBLIC EXPENDITURE	\$111,300	\$174,800

SECTION 1: MUNICIPAL LEGAL COSTS

BC Supreme Court civil litigation requires specialized external counsel. Municipalities typically engage firms such as Stewart McDannold Stuart, Lidstone & Company, or Civic Legal LLP for bylaw enforcement injunctions. Municipal litigation partners typically bill \$350-\$500/hour; associates bill \$200-\$350/hour.

1.1 External Legal Fees

Activity	Low	High
Petition drafting & filing	\$8,000	\$15,000
Evidence gathering & affidavit preparation (3 affiants)	\$12,000	\$20,000
Legal research (zoning, ALR, agri-tourism)	\$6,000	\$10,000
Pre-hearing correspondence & case management	\$4,000	\$8,000
Hearing preparation (two-day hearing)	\$10,000	\$18,000
Court attendance — 2 days (partner rate)	\$6,000	\$10,000
Post-hearing submissions & costs assessment	\$3,000	\$6,000
Subtotal — External Legal	\$49,000	\$87,000

1.2 Municipal Staff Time

The proceeding required extensive involvement from multiple Saanich departments over approximately 18-24 months of investigation and litigation.

Staff Member / Activity	Low	High
Roy Thomassen — Manager, Building Inspection Services	\$8,500	\$12,000
Bylaw Enforcement Officer (investigations, affidavit)	\$6,000	\$9,000
Assistant Business License Inspector	\$4,500	\$7,500
In-house Municipal Solicitor liaison	\$4,000	\$6,000
Administrative/clerical support	\$2,500	\$4,500
Subtotal — Municipal Staff	\$25,500	\$39,000

1.3 Disbursements & Incidental Costs

Item	Low	High
BC Supreme Court filing fees	\$800	\$1,200
Land Title Office searches & registration	\$200	\$400
Service of documents	\$300	\$600
Photocopying, courier, binding	\$500	\$1,000
Online advertising evidence collection	\$200	\$500
Witness expenses (travel, meals)	\$400	\$800
Transcript preparation	\$1,600	\$2,500
Subtotal — Disbursements	\$4,000	\$7,000

1.4 Investigation & Evidence Gathering

Investigation Activity	Low	High
Site inspections (multiple visits)	\$3,000	\$5,000
Photography & documentation	\$800	\$1,500
Online investigation (ads, social media)	\$1,200	\$2,200
Neighbour interviews & complaint review	\$1,500	\$2,500
ALC/ALR compliance review	\$1,000	\$2,000
Vehicle & equipment identification	\$500	\$1,000
Subtotal — Investigation	\$8,000	\$14,200

1.5 Related 2018 Noise Bylaw Proceeding

The 2018 noise ticket dispute was heard by Judicial Justice Hunter Gordon, resulting in two \$200 fines (\$400 total) against Ms. Kinney. This prior proceeding contributed to the enforcement history and involved:

2018 Proceeding Costs	Low	High
Bylaw officer investigation & ticket issuance	\$1,500	\$2,500
Prosecution preparation & court attendance	\$4,000	\$6,000
Witness preparation (neighbours)	\$500	\$1,000
Subtotal — 2018 Proceeding	\$6,000	\$9,500

TOTAL MUNICIPAL COSTS

MUNICIPAL TOTAL (Saanich Ratepayers) \$98,500 \$156,200

SECTION 2: PROVINCIAL COURT SYSTEM COSTS

BC Supreme Court operations are funded by the provincial government. These costs are borne by all BC taxpayers, not just Saanich ratepayers.

Court System Cost	Low	High
BC Supreme Court Justice (2-day hearing @ ~\$275/hr)	\$4,400	\$5,500
Judgment preparation & deliberation	\$2,200	\$4,400
Sheriff services (2 days)	\$1,400	\$2,100
Court clerk & registry	\$1,200	\$1,800
Courtroom facilities & technology	\$2,000	\$2,800
Court recording & transcription support	\$1,600	\$2,000
PROVINCIAL TOTAL (BC Taxpayers)	\$12,800	\$18,600

SECTION 3: COST-BENEFIT ANALYSIS

3.1 Recovery Analysis

Under the BC Supreme Court tariff system (Scale B at \$110/unit), Saanich may recover party-and-party costs of approximately **\$8,000 to \$11,000** — representing only **5-11%** of actual municipal expenditure. The defendant, Ms. Kinney, appears to have been self-represented, which may further limit practical recovery.

3.2 Outcome Assessment

- **Successful:** Three injunctions obtained (RV accommodation, secondary suite, business operations)
- **Unsuccessful:** All Building Code violation claims dismissed for insufficient evidence
- **Key Finding:** Roy Thomassen's building inspection evidence was found inadequate by Justice Loo
- **Enforcement:** Injunction enforcement delayed to July 31, 2025 to allow tenant relocation

3.3 Comparative Cost Per Outcome

Metric	Amount
Cost per injunction obtained (3 total)	\$37,100 - \$58,300
Cost per alleged violation addressed (5+ total)	\$22,260 - \$34,960
Estimated net cost (after cost recovery)	\$90,500 - \$148,200
2018 noise proceeding: Cost per \$1 of fines	\$15 - \$24 per \$1

GRAND TOTAL — ALL PROCEEDINGS

Responsibility	Low Estimate	High Estimate
Municipal (Saanich Ratepayers)	\$98,500	\$156,200
Provincial (BC Taxpayers)	\$12,800	\$18,600
TOTAL PUBLIC EXPENDITURE	\$111,300	\$174,800

CONCLUSIONS

This forensic cost estimate demonstrates that Saanich expended approximately **\$111,300 to \$174,800** in public funds to address zoning violations at a single rural property. Key observations:

- **Partial Success:** Injunctions were obtained for zoning violations, but Building Code claims failed entirely due to evidentiary deficiencies in Roy Thomassen's submissions.

- **Cost Recovery Minimal:** Tariff-based cost recovery represents only 5-11% of actual expenditure, leaving ratepayers responsible for 89-95% of prosecution costs.
- **Pattern Recognition:** The failure of Building Code claims in Kinney mirrors evidentiary concerns raised in *Rex v. Caddell*, suggesting systematic methodology deficiencies within Saanich's Building Inspection Services.
- **Proportionality Question:** Whether spending \$100,000+ to address zoning violations at a single rural property represents appropriate use of limited municipal enforcement resources warrants policy review.

Prepared for litigation support and policy analysis purposes

All amounts in Canadian dollars (CAD)

December 2025