



## Media Release

For Immediate Release

DATE: July 24, 2025

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### Supreme Court dismisses legal challenge, awards costs to District of Summerland

**SUMMERLAND** – The District of Summerland has been awarded costs after the BC Supreme Court dismissed a petition for judicial review filed against the municipality by local residents Bradley and Vicki Besler. Court costs awards recoup only a small portion of the public money used to defend against the claims. The oral reasons for judgement are publicly available and can be found here: <https://www.bccourts.ca/jdb-txt/sc/25/13/2025BCSC1300.htm>

At a hearing on June 19, 2025, Justice Hardwick agreed with the District's application to dismiss the petition on account of the fact that it was moot.

"There were only two outcomes to the mootness application and the District succeeded. The District is presumptively entitled to its costs," said Justice Hardwick in her Oral Reasons for Judgement, which were transcribed and released by the Court on July 2.

On Jan. 6, the Beslers filed a challenge to a Council decision made on Dec 17, 2024 to approve a development variance permit on a neighbouring property. Council had agreed to allow Thorsten Clausen to site an agri-tourism accommodation on a 1.6-hectare parcel as opposed to a 2-hectare parcel.

Upon receiving the Besler petition, Council considered its legal options. Rather than use taxpayer's money to fight costly and unnecessary litigation, Council decided on March 4 to rescind the development variance permit and exercise its legislative powers to adopt a site-specific rezoning bylaw for the property.

The District then offered the Beslers the opportunity to amend or discontinue their petition on a without costs basis, however the offer was declined and the case proceeded to a hearing.

Justice Hardwick said that despite acknowledging the development variance permit had been rescinded, the Beslers refused to discontinue their challenge and were effectively trying to use the hearing to challenge the rezoning.

"I agree with the District counsel's submission that the petitioners' argument appears to misunderstand the application of the doctrine of mootness," she said.

Justice Hardwick added, "Having declined the District's offer to discontinue the petition on a without costs basis, I am not inclined to exercise my discretion to depart from the usual rule that the successful party should be entitled to their costs. The District is therefore entitled to its costs."

Following the decision, the Beslers filed a new petition on July 2, 2025 challenging Council's decision to pass the site-specific rezoning bylaw for the Clausen property.

The District is actively defending itself in several other legal challenges filed by Bradley Besler, who acts as a self-represented litigant, including:

- Besler v. What the Fungus and District of Summerland, Penticton Registry No. S45001: alleging misfeasance, harassment, conspiracy, and negligence against District staff in relation to various actions the District has taken relating to the Clausen property.

- Besler v. Statt, Penticton Registry No. 49758: alleging misfeasance and conspiracy in relation to the District's Freedom of Information head obtaining an order under section 43 of FIPPA.
- Besler v. Summerland (District), Penticton Registry No. 5660: accusing District staff of intentionally withholding information from Council before the passage of two loan authorization bylaws.
- Besler v. Holmes, Penticton Registry No. 50803: suing the District's Mayor in defamation.
- Besler v. Summerland (District), Penticton Registry No. 51183: accusing staff and Council of acting in bad faith in the passage of a zoning bylaw.

The District is actively defending these claims and can provide the filed materials on request.

The costs as of June 30, 2025, to the District to respond to legal actions and freedom of information inquiries initiated by Mr. Besler and his family have totalled more than \$361,443.45 since 2019 (note – the totalled amount does not include costs related to staff time or legal expenses incurred by the District's liability insurer). A 1% tax increase for the District is approximately \$100,000.00

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**For further information:**

District of Summerland  
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