

Summerland Successfully Defends Itself Against Yet Another Legal Challenge

SUMMERLAND – The District of Summerland has again won a judicial review brought by Bradley Besler. While the District will pursue court costs, this may only recoup a small portion of the public money used to defend against the claim. The reasons for judgement are publicly available and can be found here: https://www.bccourts.ca/supreme_court/recent_Judgments.aspx

In his decision released on October 9, 2025 Justice Giaschi confirmed that there was no evidence of bad faith on the part of Summerland Council, and rejected assertions made by Mr. Besler that the process to obtain public assent for borrowing on key critical infrastructure projects was flawed.

“There is simply no evidence of bad faith on the part of District Council,” said Justice Giaschi in his Reasons for Judgement. Other arguments put forward by Mr. Besler were also analyzed and dismissed in their entirety.

The petition called into question the validity of the public assent process followed by the District, and had made allegations of bad faith on the part of staff which had no relation to the borrowing bylaws undertaken.

Unfortunately, due to the wording of the *Community Charter*, the litigation had the effect of grinding the publicly approved borrowing process to a halt. Faced with few options, Mayor and Council proceeded with short-term internal borrowing for the project from other reserves to effectively provide bridge funding while the matter waited for the final decision of the Court.

Justice Giaschi further notes “...courts should be very reluctant to interfere with decisions of a municipality concerning loan authorization bylaws that otherwise comply with the requirements of the *Community Charter*. These are decisions that directly engage the public interest and a wide array of political, economic and social factors. They are decisions that should properly be made by the elected body. Courts should not interfere in such decisions where the elected body has complied with the governing legislation.”

The District of Summerland spent approximately \$70,000 in public money to defend itself against the unfounded allegations in this case, alone. A 1% tax increase for the District is approximately \$100,000.

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. 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. 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.