

Suit targets old summer school fees

If Vancouver suit successful, local school boards may face \$3M bill

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THE North Shore's school districts could be on the hook for more than \$3 million if a North Vancouver lawyer succeeds in his plan to sue them for the reimbursement of summer school fees charged to thousands of families over several years.

Jim Poyner of the law firm Poyner Baxter has launched a suit in B.C. Supreme Court against the Vancouver board of education seeking the return of the fees paid by a single family before the province deemed the charges illegal in 2007.

The amount in question is just \$274, but Poyner plans to expand the suit into a class action on behalf of the hundreds or thousands of families who paid summer school fees in Vancouver between 2004 and 2006.

He plans to start similar suits against the other dozen or so school districts in the province that have charged fees. Both North and West Vancouver are on the list.

According to Poyner's numbers, North Vancouver School District 44 levied some \$2.6 million from families for summer school courses offered between 2003 and 2006, while West Vancouver took in close to \$700,000 over the same period.

"What the school districts have been doing is against the law," said Poyner. "I can't see a defence to it, quite frankly, and I've been at this business for over 40 years."

Poyner is basing his contention in large part on remarks made in 2007 by then-Minister of Education Shirley Bond. That July, Bond said school districts that had been charging for summer courses needed for graduation had been breaking the law.

Bond ordered school districts to refund parents for fees collected in 2007 -- a sum estimated at about \$10 million -- and promised the province would compensate the districts for the expense.

None of the fees charged in the years prior to that have been refunded, however. It is those that Poyner is going after.

"If there's any reliability in the statements made by the provincial government in 2007 through Shirley Bond, we feel the chances of success are pretty darn good," he said.

And Poyner has no intention of stopping there. If his action succeeds, he plans to launch a second wave of lawsuits seeking the reimbursement of all school fees charged prior to Bond's declaration.

Poyner is not sure how much that would amount to, but he believes it would be significantly higher than the sum sought for summer fees alone.

"I would hate to try to (guess)," he said. "There would be tens of millions of dollars."

Poyner originally attempted to sue the province for the fees, but in a decision handed down in fall 2008, the court ruled that the province was the wrong body to pursue; rather, it was the school districts themselves who were the responsible parties.

Asked whether he felt it was in the public interest to sue cash-strapped school districts for what could amount to many millions of dollars, Poyner said he had no qualms.

"The bottom line is that it's the provincial government's responsibility to ensure these courses are being provided free of charge," he said. "They've got to pay to ensure people receive the education that they're entitled to."

A representative for the North Vancouver school district could not offer comment. A call to West Vancouver school district was not returned by deadline.

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