

Dear Board,

Although these emails and photos are not in order due to our time constraints, it shows our communication with various elected officials and our concerns for 575 Horne Lake Road being used as commercial garbage dump site. Where did all this waste disappear to?

Please find copies of emails and photos below.

Thank you for listening and hearing our concerns.

Respectfully,

Louis Simard, Catherine Smiley, Elsa Heeps and Ric Golson, George and Stephanie Flannery, Cameron Gillespie , Wendy Williams







From: ELSA HEEPS <[REDACTED]>

To: Louis Sims <[REDACTED]>; Stephanie Flannery <[REDACTED]>

Sent: Wed, Nov 30, 2022 8:24 am

Subject: RDN

To all concerned

My Family and I have lived on our rural property, [REDACTED] for 23 years. We have done extensive work since we acquired this beautiful 6 acre parcel. Built a house, drilled a well, constructed a huge garden, planted an orchard, built a farm shop, greenhouses, chicken and duck coops. We LOVE it!

I met Fernando Costa about 9 years ago, he informed us that he wanted to have a small farm just like ours. And I thought, well that's cool.

Well nothing remotely close to that has transpired. The complete opposite. It has been an ongoing very stressful scenario for my family. All the rubbish, trailers, fishing gear, campers, derelict vehicles and equipment, the list is quite extensive. The dumping of hazardous materials, hydraulic fluid, caustic soda, machine oil. People are paying Fernando to dispose of their garbage, RV's, derelict equipment. He then brings everything to 575 Horne Lake Rd. I know Costa was booted out of Nanaimo for unsightly business practices, so what was a problem in Nanaimo, has now turned into our problem.

There has been illegal burning over the years, all over the property, but mostly directly in a large cleared area directly behind our house, thousands and thousands of pallets, at all hours of the day. It is alarming to wake in the middle of the night to a blazing inferno very close to our property line where we have huge fir and cedar trees. Fire hazard has been a huge concern.

There have been squatters living on the property over the years, one man died in one of the old campers unfortunately. A very sad situation.

There was a 400 plant cannabis grow-op directly behind our home in 2021, people have been defecating in this area, 2 of my dogs have had THC poisoning from eating human feces. One dog had to be hospitalized to the tune of \$700.

Costa has also done machine work on the property to divert water, large culverts installed that just dead ended on the back of our property line. With no infrastructure to support huge amounts of water coming down the hill has resulted in our driveway being washed out twice, our old trees have had there natural flow of water diverted so we now worry about their life span.

I could go on and on about this disturbing scenario.

I truly hope the people in charge of this situation will finally give us peace of mind and return this property into something that is in line with our values as rural land owners in our Beautiful Lighthouse Community.

Kind regards,

Elsa Heeps and Ric Golson.

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From: Stephanie Flannery <[REDACTED]>  
To: [REDACTED] <[REDACTED]>  
Cc: stuart.mclean@rdn.bc.ca <stuart.mclean@rdn.bc.ca>  
Sent: Wed, Oct 26, 2022 10:58 am  
Subject: Violation of permit Vancouver Island District Permit/ File #2022-04600 Fernando Costa

Dear Minister Osborne,

I am writing this email on the behalf of the property owners on Olympic Road, Qualicum Beach. The last number of weeks we have been reaching out to many government officials to assist us with this urgent matter. We believe that a permit to cut a road from Fernando Costa's property bordering three other properties and through a government easement was erroneously issued by Ministry of Transportation without even visiting the proposed site. The property at 575 Horne Lake Road is on record as being owned by Island Pallet Solutions, Ltd. Previously Fernando Costa tried to subdivide the property and was denied. In finding a loophole, Costa applied as an individual to cut the road for a second residence for a family member. Costa does not live on the property and there is no primary residence.

There are certain terms and conditions that the "Permittee" must follow. Fernando Costa has not followed the guidelines. None of the adjoining property owners were notified that this permit had been issued or that Costa was beginning work on the road with no government oversight. We are VERY concerned about drainage issues onto our properties. Costa has downed trees onto Louis Simard's property as well as destroying his fence. Costa is [REDACTED]. We have had to phone the RCMP twice now. The first time we phoned on October 8th, the long weekend when no government officials were available to report to. The second time was yesterday, October 25th when Costa was on the government easement marking survey lines and cutting and trimming trees. Two RCMP officers came. One was Cst./Gend. T. Jensen, phone number 250-248-6111. The file number for this report is Oceanside RCMP 2022-10605.

We feel our pleas have not been heard by the government so we must seek legal counsel to protect our properties and our rights. Thank you for listening.

Respectfully,

Stephanie and George Flannery

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From: Stephanie Flannery <[REDACTED]>  
To: michael.pearson@gov.bc.ca <michael.pearson@gov.bc.ca>  
Cc: Stuart McLean <stuart.mclean@rdn.bc.ca>; Tim <[REDACTED]>; Louie & Kat <[REDACTED]>; Elsa Heeps <[REDACTED]>  
Sent: Thu, Oct 27, 2022 3:04 pm  
Subject: Photos from today

Hello Michael,

Thank you for your call and letting us know that Fernando Costa is no longer pursuing building the road through the government easement to Olympic Road. He had told Elsa Heeps that he had an extension to build it through November and that Brandon Kealy had issued him the permit in Courtenay. George will follow up with an email to you. We greatly appreciate your time.

Respectfully,

Stephanie Flannery

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From: Stephanie Flannery <[REDACTED]>  
To: GSmith@rdn.bc.ca <GSmith@rdn.bc.ca>  
Sent: Wed, Nov 30, 2022 9:54 am  
Subject: Fwd: Ministry of Transport Permit George's Email after second RCMP Call

----- Forwarded Message -----

From: George Flannery <[REDACTED]>  
To: Cam <[REDACTED]>; Colin <[REDACTED]>; Elsa Heeps <[REDACTED]>; Louie & Kat <[REDACTED]>; Steph <[REDACTED]>; Wendy <[REDACTED]>  
Sent: Tuesday, October 25, 2022, 05:58:36 PM PDT  
Subject: Ministry of Transport Permit

Hi all,

I didn't receive a call from Tami Thompson at the Ministry of Transportation and Infrastructure as I was hoping. I do think that Costa is planning on proceeding with the roadway construction tomorrow. As Constable Jensen mentioned, I think it would be wise to go the Ministry's office in Nanaimo first thing tomorrow morning and confront Tami with all our information and insist that she cancel this permit until it can be further investigated. I will head to Nanaimo tomorrow morning. Their office opens at 8:30, so I expect to leave about 7:30. I will go by myself, but I think it would look better from our perspective if it was more than just me. Let me know if anyone else is free and able to join me.

George  
[REDACTED]

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From: ELSA HEEPS <[REDACTED]>  
To: [GSmith@rdn.bc.ca](mailto:GSmith@rdn.bc.ca); Stephanie Flannery <[REDACTED]>  
Sent: Wed, Nov 30, 2022 5:09 pm  
Subject: Fwd: FERNANDO COSTA

Hello Gail, here are some pictures of the mess on Fernandos property. Hope this helps.

Regards,

Elsa Heeps

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From: ELSA HEEPS <[REDACTED]>  
To: Stephanie Flannery <[REDACTED]>; Louis Sims <[REDACTED]>

Sent: Tuesday, November 29, 2022 at 06:40:57 PM PST  
Subject: Fwd: FERNANDO COSTA

My correspondence with Chris Basara

Regards, Elsa

Begin forwarded message:

From: ELSA HEEPS <[REDACTED]>  
Subject: Re: FERNANDO COSTA  
Date: October 14, 2022 at 12:30:06 PDT  
To: Chris Basara <CBasara@rdn.bc.ca>  
Cc: Tom Armet <TArmet@rdn.bc.ca>, Kari Miller <KMiller@rdn.bc.ca>, Stephanie Flannery  
<[REDACTED]>

Thanks for updating me Chris.

I know the couple you are referring too. Jess and Taylor who have now acquired their own property. Due to a confrontation with Costa, Fernando he has blocked them from retrieving their RV and other belonging with big cement blocks.

My other neighbour Richard who lives on Horne lake road and who was part of the grow op last summer told me that one of Fernandos buddies rolled up one day and proceeded to dump 55gallon drums of caustic soda or lye directly on the ground in the area behind our house. It is unconscionable what is transpiring on this property.

I don't think he has the property listed, he just slapped a few for sale signs on the rezoning sign, which is ridiculous. Seeing as that was denied.

Please keep in touch and let my neighbours and I know of any headway you might make.

Regards,

Elsa

On Oct 14, 2022, at 11:46, Chris Basara <CBasara@rdn.bc.ca> wrote:

Good morning Elsa,

Thanks for the email. I appreciate your frustrations so let me update you on the most recent events concerning this property. I have CC'd both my partner and manager in this response for everyone's awareness.

Notwithstanding the garbage dumping and development occurring, we had received several complaints concerning 'tenants' living on the property, retails sales of seafoods, unsightly nature of the property and a host of other issues. This was one area of focus we concentrated on. Simultaneously, we commenced enforcement action against the property owner following our enforcement strategy based on our policy. This is a graduated and measured approach and in doing so there were notable improvements made on site.

I worked closely with one of the renters who was in an RV. He was largely responsible for cleaning up the property and was making significant progress, including the dumping sites where Mr. Costa was bringing the garbage. He categorized and removed a significant portion of the rubbish and maintained communications with the owner during this time. Warning letters and referrals to the Ministry of the

Environment and VIHA were made. Additionally the owner was fined due to the unsightly nature of the property.

We were able to get another renter in an RV off the property which stopped the illegal retail sales and removed a portion of the junk. The other renter, I allowed to remain on site temporarily so long as clean-up efforts continued and he remained cooperative. Since that time, this last renter left the property due to a fallout with the owner.

Admittedly, I have not had opportunity to re-attend the property but have noted access to the rear of the property is now blocked. I had received word the owner was selling the property but I have not confirmed this as yet. Given this latest information I will reengage enforcement efforts on this file. In the past, the owner has been less than cooperative and avoids our communications which does slow the process down considerably. I will conduct another site visit to gather updated evidence and proceed from there.

Thank you,

Chris Basara  
Bylaw Enforcement Officer, Building & Bylaw Services  
Regional District of Nanaimo  
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2  
T: 250-390-6767 | Email: cbasara@rdn.bc.ca  
Get Involved RDN | Facebook | Twitter | Instagram

-----Original Message-----

From: ELSA HEEPS <[REDACTED]>  
Sent: Friday, October 14, 2022 8:14 AM  
To: Chris Basara <CBasara@rdn.bc.ca>  
Cc: Stephanie Flannery <[REDACTED]>  
Subject: FERNANDO COSTA

Hi Chris,

It has been more than a year since we have spoken about Fernando Costa's property. As far as I can tell absolutely nothing has been done to rectify the disgusting garbage dump behind our property. Time just keeps ticking and he just keeps hauling and dumping waste on site. The property is rural residential not industrial waste!!!

What the heck, why is this continuing to happen? My neighbours and I are absolutely perplexed.

Over the long weekend he took it upon himself to start bulldozing down trees right up to the property line. He has potentially messed up the natural flow of water for this winter. The last time he did this our driveway was washed out twice!!! We have just spent a few thousand dollars in redoing our driveway, it will be devastating if it all gets washed away again this winter.

He has the intention of putting in a road on the easement even though he is not following any of the stipulations put in place. He will definitely be doing damage to our valued mature trees. Never mind the fact that we will have a clearer view of his disgusting mess. PLUS there are power lines literally 2 feet away from the edge of road site.

Can somebody PLEASE DO SOMETHING!!!

Regards,

Elsa Heeps

























-----Original Message-----

From: Stephanie Flannery <[REDACTED]>

To: GSmith@rdn.bc.ca <GSmith@rdn.bc.ca>

Sent: Wed, Nov 30, 2022 9:29 am

Subject: Fw: FERNANDO COSTA Elsa Heeps emails to Tom Arnet ( last part is important and relevant to Louis's photos

From: Tom Armet <TArmet@rdn.bc.ca>

Subject: RE: FERNANDO COSTA

Date: November 22, 2022 at 16:41:53 PST

To: ELSA HEEPS <[REDACTED]>

Hi Elsa,

Yes, you certainly have a bad neighbor. We're doing whatever what we can at this point to get this property cleaned up and make life a bit easier for you folks. I wanted to get this in front of the Board before year end so it was a fairly tight time line for notifying the neighbors, but feel free to pass this along to anyone that might be interested in speaking at the meeting.

Best regards

Tom

Tom Armet  
Manager, Building & Bylaw Services  
Regional District of Nanaimo  
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2  
T: (250) 390-6535 | C: (250) 713-7290 | Email: tarmet@rdn.bc.ca  
RDN | Get Involved RDN | Facebook | Twitter | Instagram

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From: ELSA HEEPS <[REDACTED]>  
Sent: Tuesday, November 22, 2022 4:36 PM  
To: Tom Armet <TArmet@rdn.bc.ca>  
Subject: Re: FERNANDO COSTA

Hi Tom,

Well that explains all the crashing around, I would have liked to attend the meeting but it's pretty short notice. I will be working unfortunately.

I think you know how we all feel and will do your best to speak on our behalf.

Will someone be coming in after the 16th of December to see what kind of job he has done with the cleanup?

It's unfortunate that we got Costa for a neighbour, he has done so much un-repairable damage to what could have been a beautiful property.

All my other neighbours are so awesome!

Please keep in touch and let me know how the meeting goes.

Thanks,

Elsa

On Nov 22, 2022, at 09:07, Tom Armet <TArmet@rdn.bc.ca> wrote:

Good morning Elsa,

The Electoral Area Services Committee (EASC) of the RDN Board will be considering a staff recommendation in relation to the condition of the property this Thursday November 24th at 1:00 pm. You, or other affected residents may wish to attend and speak to the issue. Here is a link to the EASC agenda. Please see pages 11 and 92.

<https://rdn-pub.escribemeetings.com/Meeting.aspx?Id=03d6a313-df73-4a98-98a4-4d57ba93c510&Agenda=Agenda&lang=English>

If you have any questions, please feel free to call or email me.

Regards

Tom Armet  
Manager, Building & Bylaw Services  
Regional District of Nanaimo  
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2  
T: (250) 390-6535 | C: (250) 713-7290 | Email: tarmet@rdn.bc.ca  
RDN | Get Involved RDN | Facebook | Twitter | Instagram

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From: ELSA HEEPS <[REDACTED]>

Sent: Monday, November 21, 2022 8:41 PM  
To: Chris Basara <CBasara@rdn.bc.ca>; Tom Armet <TArmet@rdn.bc.ca>; Kari Miller <KMiller@rdn.bc.ca>  
Subject: FERNANDO COSTA

Hi Chris,

Just wanted to let you know there has been lots of action on Costa's property for about the last 10 days. He has been burning, (I thought he had a ban on burning?)

Lots of machine work, lots of crashing and banging directly behind our place late into the evening 9:00-10:00 o'clock.

There is also someone squatting on the property with a tarp scenario and trip line with a bell up by the hydro gate, very bizarre.

Are there any updates on your end? What are the chances his property will ever get cleaned up?

He came to see my husband and I during his attempt to put the road in. He [REDACTED] said he had a permit extension for an additional month.

This was the second time I have ever talked to him face to face, I have to admit I was pretty rude and let rip everything I had stored up over the last 10 years.

Anyways, be good to get some news so I can pass on any info to my neighbours.

Thanks,

Elsa

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----- Forwarded Message -----

From: ELSA HEEPS <[REDACTED]>  
To: Stephanie Flannery <[REDACTED]>  
Sent: Friday, October 14, 2022, 12:17:39 PM PDT  
Subject: Fwd: FERNANDO COSTA

AN update, sounds like they haven't been out here for quite awhile, but hopefully they will revisit the site soon.

Elsa

Begin forwarded message:

From: Chris Basara <CBasara@rdn.bc.ca>  
Subject: RE: FERNANDO COSTA  
Date: October 14, 2022 at 11:46:24 PDT  
To: ELSA HEEPS <[REDACTED]>  
Cc: Tom Armet <TArmet@rdn.bc.ca>, Kari Miller <KMiller@rdn.bc.ca>

Good morning Elsa,

Thanks for the email. I appreciate your frustrations so let me update you on the most recent events concerning this property. I have CC'd both my partner and manager in this response for everyone's awareness.

Notwithstanding the garbage dumping and development occurring, we had received several complaints concerning 'tenants' living on the property, retails sales of seafoods, unsightly nature of the property and a host of other issues. This was one area of focus we concentrated on. Simultaneously, we commenced enforcement action against the property owner following our enforcement strategy based on our policy. This is a graduated and measured approach and in doing so there were notable improvements made on site.

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Admittedly, I have not had opportunity to re-attend the property but have noted access to the rear of the property is now blocked. I had received word the owner was selling the property but I have not confirmed this as yet. Given this latest information I will reengage enforcement efforts on this file. In the past, the owner has been less than cooperative and avoids our communications which does slow the process down considerably. I will conduct another site visit to gather updated evidence and proceed from there.

Thank you,

Chris Basara  
Bylaw Enforcement Officer, Building & Bylaw Services  
Regional District of Nanaimo  
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2  
T: 250-390-6767 | Email: cbasara@rdn.bc.ca  
Get Involved RDN | Facebook | Twitter | Instagram

-----Original Message-----

From: ELSA HEEPS <[REDACTED]>  
Sent: Friday, October 14, 2022 8:14 AM  
To: Chris Basara <CBasara@rdn.bc.ca>  
Cc: Stephanie Flannery <[REDACTED]>  
Subject: FERNANDO COSTA

Hi Chris,

It has been more than a year since we have spoken about Fernando Costa's property. As far as I can tell absolutely nothing has been done to rectify the disgusting garbage dump behind our property. Time just keeps ticking and he just keeps hauling and dumping waste on site. The property is rural residential not industrial waste!!!

What the heck, why is this continuing to happen? My neighbours and I are absolutely perplexed.

Over the long weekend he took it upon himself to start bulldozing down trees right up to the property line. He has potentially messed up the natural flow of water for this winter. The last time he did this our driveway was washed out twice!!! We have just spent a few thousand dollars in redoing our driveway, it will be devastating if it all gets washed away again this winter.

He has the intention of putting in a road on the easement even though he is not following any of the stipulations put in place. He will definitely be doing damage to our valued mature trees. Never mind the fact that we will have a clearer view of his disgusting mess. PLUS there are power lines literally 2 feet away from the edge of road site.

Can somebody PLEASE DO SOMETHING!!!

Regards,

Elsa Heeps

-----Original Message-----

From: Stephanie Flannery <[REDACTED]>  
To: GSmith@rdn.bc.ca <GSmith@rdn.bc.ca>  
Cc: gsf49@me.com <[REDACTED]>  
Sent: Wed, Nov 30, 2022 10:13 am  
Subject: Emails, Photos

Hi Gail,

I know there is a lot that I have forwarded to you. I think it is important to show the board all of this as it proves our efforts to have this issue resolved regarding 575 Horne Lake Road. As per our first email beginning the Dear Elected Officials, I hope the board will look at who this email was copied to. It is frustrating that we received little response or consideration to our pleas for help.

Along with concerns for our health with toxic smoke, ground water being contaminated and possibly seeping into our wells and the fish hatchery being down stream from us, the burying of rubbish that Island Pallets Solutions, LTD got paid money for to dispose of in a "Green" matter as his ad states, the individual

who owns 575 Horne Lake is [REDACTED]. His actions have caused us all emotional distress with his verbal abuse and fearing for our properties every time we hear machinery or see smoke. We are hoping for some kind of final decision and recommendations to never have to deal with this property owners illegal actions, abuse, and pollution going forward.

We all so appreciate the Board's time and efforts to listen, hear us and get some relief.

Thank you for your time.

Respectfully,

Stephanie and George Flannery And All the united property owners of [REDACTED]

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-----Original Message-----

From: Stephanie Flannery <[REDACTED]>  
To: rob.fleming.mla@leg.bc.ca; George <[REDACTED]>  
Cc: Cam <[REDACTED]>; Colin <[REDACTED]>; Elsa Heeps <[REDACTED]>; Louie & Kat <[REDACTED]>; Wendy <[REDACTED]>  
Sent: Mon, Oct 24, 2022 6:30 pm  
Subject: Re: 575 Horne Lake Road Subdivision URGENT

It looks as though Fernando Costa has moved road building equipment onto his property. If he proceeds with his proposed road between his property, through the government easement to Olympic Road, he will be doing so illegally. He is in violation of the permit that was issued erroneously and once the damage is done, there is no fixing the damage.

Please see this attached email for reference.

We wonder why we have still not gotten a response for this threat to our properties?

We anxiously await your response.

Respectfully,

Stephanie Flannery

On Saturday, October 22, 2022, 04:52:26 PM PDT, George <[gfs49@shaw.ca](mailto:gfs49@shaw.ca)> wrote:

575 Horne Lake Road  
This property is owned by Island Pallet Solutions Ltd.

Further to our previous email:

In 2017 Island Pallet Solutions Ltd. applied to subdivide the property into 2 lots. A Public Information Meeting (PIM) was held in December of that year in which numerous complaints were made. On April 10, 2018 subdivision recommendations were presented to the Regional District of Nanaimo Board:

1. The property is subject to the Environmentally Sensitive Area for Aquifer Protection Development Permit. Therefore, a permit application is required prior to the subdivision of the property.
  2. It was noted that there were RDN enforcement actions and investigations underway regarding the accumulation of wooden pallets, other wood waste, several derelict vehicles and other discarded material.
  3. It was recommended that the applicant complete and implement a stormwater management and drainage plan prior to subdivision approval.
  4. Due to the potential impact on the Horne Lake Qualicum Bay Waterworks District supply wells, the applicant should perform a Groundwater Potential and Aquifer Impact Review.
  5. Even though there were site contamination issues, the Land Remediation Section of the Ministry of Environment and Climate Change seemed strangely unconcerned.
- On April 24, 2018 the zoning application was rejected.

From that time to the present, Elsa Heeps and Rick Golson have made numerous complaints to the RDN about the land being used as a dump site in contravention of the RDN's land use bylaws. And yet it continues!

Although it's subdivision application was turned down by the RDN, Fernando Costa has now received a Permit from the Ministry of Transportation and Infrastructure to do what he couldn't do through the RDN. This is outrageous! Apparently he applied for the subdivision through Section 514 of the Local Government Act to Provide Residence for a Relative. In keeping with his past record, he hasn't even followed the Permit's Terms and Conditions. As of today, he has yet to contact his neighbours regarding his planned construction and use of the unopen road allowance to Olympic Road. He has cut down trees that have damaged his neighbour's fence (Louie Simard). There are also Hydro lines and a drainage ditch along the unopen road allowance as well as a telephone pole blocking access to Olympic Road. We have to ask why the Ministry of Transportation and Infrastructure is allowing a limited company with a long proven history of site abuse to subdivide its property in contravention of the desires of both the neighborhood and the Regional District of Nanaimo Electoral Area H. It seems evident that this Permit was issued without proper investigation. We ask that the Ministry of Transportation and Infrastructure cancel this permit immediately before more damage is done.

George Flannery  
Stephanie Flannery  
2882 Olympic Road  
604-618-9210

----- Forwarded Message -----

From: Stuart McLean <stuart.mclean@rdn.bc.ca>  
To: Stephanie Flannery <[REDACTED]>  
Sent: Tuesday, October 25, 2022 at 07:11:23 AM PDT  
Subject: RE: 575 Horne Lake Road Subdivision URGENT

Hi Stephanie,

As the issue of road access and subdivision is governed by the Province I have reached out to the Ministry of Transportation and our local MLA to respond. I'll let you know as soon as I hear something.

All the best,

Stuart

Stuart McLean  
Director - Electoral Area H  
Regional District of Nanaimo

250-240-2263

From: Stephanie Flannery <[REDACTED]>  
Date: 2022-10-24 6:40 PM (GMT-08:00)  
To: Stuart McLean <stuart.mclean@rdn.bc.ca>  
Subject: Fw: 575 Horne Lake Road Subdivision URGENT

----- Forwarded Message -----

From: Stephanie Flannery <[REDACTED]>  
To: Chris Basara <cbasara@rdn.bc.ca>  
Sent: Monday, October 24, 2022, 06:34:26 PM PDT  
Subject: Fw: 575 Horne Lake Road Subdivision URGENT

----- Forwarded Message -----

From: Stephanie Flannery <[REDACTED]>  
To: "rob.fleming.mla@leg.bc.ca" <rob.fleming.mla@leg.bc.ca>; George <[REDACTED]>  
Cc: Cam <[REDACTED]>; Colin <[REDACTED]>; Elsa Heeps <[REDACTED]>; Louie & Kat <[REDACTED]>; Wendy <[REDACTED]>  
Sent: Monday, October 24, 2022, 06:30:47 PM PDT  
Subject: Re: 575 Horne Lake Road Subdivision URGENT

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George Flannery  
Stephanie Flannery

[REDACTED]

---

-----Original Message-----

From: ELSA HEEPS <[REDACTED]>  
To: Stephanie Flannery <[REDACTED]>; ELSA HEEPS <[REDACTED]>  
Sent: Thu, Oct 13, 2022 4:08 pm  
Subject: Fwd: 575 Horne Lake Rd.

This is my correspondence with Chris Basara from the RDN. If you scroll to the bottom you should be able to see some pictures. I'll still get some new ones tomorrow.

Elsa

Begin forwarded message:

From: "Basara, Chris" <CBasara@rdn.bc.ca>  
Subject: Re: 575 Horne Lake Rd.  
Date: July 2, 2021 at 16:11:22 PDT  
To: ELSA HEEPS <[REDACTED]>  
Cc: "Miller, Kari" <KMiller@rdn.bc.ca>

Hello Elsa,

Thanks for the update. We have been visiting the property quite regularly and have been in communication with the worker on site fairly frequently.

We are aware of the cannabis grow operation and they do have a licence for it. In terms of numbers of plants, we have no jurisdiction over that should they be over their licensed allotment. That would have to fall under Health Canada and by extension the RCMP. We can only regulate land use.

As for the equipment - yes they have been working a significant amount mainly on the cleanup effort. The use of the equipment is allowed and the clean up is what we've been mainly monitoring.

Our planning department is communicating with the owner concerning land use and his proposed plans for the property. This is of course on-going and he will have to be generally compliant with regulations before any development will be approved.

Any fires, please contact the wildfire forestry service right away. We certainly share your concerns over fire hazards.

Have a great weekend.

Thank you. Chris.

Sent from my iPhone

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On Jul 2, 2021, at 15:09, ELSA HEEPS <[REDACTED]> wrote:

Hi Chris,

Just checking to give you an update. Not sure when you last visited Fernando Costa's property. There is a lot of action going on directly behind our home. The excavator has been running a lot. We are concerned about fire hazard running a machine this time of year when everything is so tinder dry.

He has brought in a lot of top soil, solar panels for running a water pump I assume, as there are big water tanks and about 500-600 Marijuana plants. Spread out in different plots. Just up from the lot that is behind our house.

There has been burning on two occasions in the last month that I know of, which is freaking us out as we have so many big trees and the wind almost ALWAYS comes from the south west.

So it would be great if you could investigate this further and give us an update.

Regards,

Elsa

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On May 18, 2021, at 9:33 AM, Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>> wrote:

Hi Elsa, We really can't discuss enforcement too much as we still have to be cognizant of privacy issues.. I can say however, it is part of the process.. Notwithstanding the fine amount, if he chooses to ignore fines, this will help build a significant part of the case if the matter gets referred to our legal services. Even if he does pay them, this will still support our case, as continued contraventions despite having been fined will hold significant weight before the courts.

Thanks, Chris

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From: ELSA HEEPS <[REDACTED]>>  
Sent: Monday, May 17, 2021 4:50 PM  
To: Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>>  
Subject: Re: 575 Horne Lake Rd.

Am I allowed to ask how much he was fined? It's like water off a ducks back with him. There's been a lot of top soil being brought in over the weekend to a spot just up hill from our house. I can't imagine what he's up to now.

Thanks for reminding us of the process, We will remain hopeful and patient.

Elsa

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On May 17, 2021, at 4:37 PM, Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>> wrote:

Hi Elsa,  
We conducted a site visit there last week and spoke with a property representative.. There is a lot going on there for sure and we took stock of the activities and any contraventions occurring.

I touched base with our planning department and drafted a demand letter to the Property Owner and he has been fined for the Unsightly nature of the property. Please keep in mind, we do have a process to follow on these sorts of files and it can often appear that nothing is happening on our end. There is often a lot of communication and assessment taking place which unfortunately does take time. Rest assured we are on it and will continue to monitor the property and work with the owner.

Additionally, FLNRO (conservation service) has been out to the property as well when the burning was occurring and it is my understanding fined him as well.

Thanks for the updates and reaching out.

Chris

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From: ELSA HEEPS <[REDACTED]>>  
Sent: Monday, May 17, 2021 4:26 PM  
To: Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>>  
Subject: Re: 575 Horne Lake Rd.

Hi Chris,

Just checking in to get an update on the clean-up of Costa's property. I know you had a meeting about 3 weeks ago now. There is activity behind us everyday. There continues to be tons of junk being brought onto his property, 2 semi's have been brought down the hill loaded with old appliances and god only knows what else. There is a non-stop supply of junk! This is exactly what happened before the last clean-up, he has not altered his activities whatsoever.

We are anxious to know how this is going to play out. We are the other end of the spectrum, trying to nurture our property and run an organic farm. Very frustrating.

It would be great if you could fill us in on how things are progressing.

Regards,

Elsa & Ric

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On Apr 14, 2021, at 9:15 AM, Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>> wrote:

Hi again Elsa,

I was going to mention the photos so since you have brought it up I will suggest not going on his property to obtain photos. We, as designated bylaw officers, have authority under the Community Charter to enter onto properties to ensure compliance with local regulations. If you see some activity that raises concern, let us know and we will conduct an updated site visit and obtain photos from our end. I will be accelerating enforcement efforts this week.

Regards,  
Chris

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From: ELSA HEEPS <[REDACTED]>>  
Sent: Wednesday, April 14, 2021 9:10 AM  
To: Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>>

Subject: Re: 575 Horne Lake Rd.

Hi Chris,

Thanks for getting in touch. I'll continue to update you to the best of my ability. I know all our neighbours are concerned with the ongoing dilemma, But I feel they are just sitting back and letting me do all the work, and taking pictures while I trespass on his land. I'm so grateful for your efforts. Please stay in touch.

Regards,

Elsa

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On Apr 14, 2021, at 9:03 AM, Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>> wrote:

Hello Elsa.

Thank you for your email update. This does assist with enforcement efforts. Currently we are following the enforcement process regarding the unsightly nature of the property, use of RVs and accumulation of garbage, etc... While we have contacted provincial agencies regarding the burning concerns of the pallets and garbage, we continue to encourage the public to do so as well. It is my understanding the province has fined the owner however this does not seem to have deterred him. We continue to work with our planning department on this and further enforcement action is forthcoming.

Thank you again for the photos and updated information.

Chris Basara  
Enforcement Officer, Strategic and Community Development  
Regional District of Nanaimo

From: ELSA HEEPS <[REDACTED]>>  
Sent: Tuesday, April 13, 2021 1:32 PM  
To: Louis Sims <[REDACTED]>>; McLean, Stuart <stuart.mclean@rdn.bc.ca<mailto:stuart.mclean@rdn.bc.ca>>; Basara, Chris <CBasara@rdn.bc.ca<mailto:CBasara@rdn.bc.ca>>; info@ferrisfencing.com<mailto:info@ferrisfencing.com>; newsonline@ctv.ca<mailto:newsonline@ctv.ca>; news@ctv.ca<mailto:news@ctv.ca>  
Subject: 575 Horne Lake Rd.

To all concerned parties:

This letter is in regards to a property situated directly behind our 6 acre parcel at 2910 Olympic Rd. We operate a small organic farm. We have the greatest respect for our small piece of paradise. But in stark contrast we have a neighbour Fernando Costa at 575 Horne lake rd. Who does nothing but abuse his property! There is garbage, derelict machinery, junker RV's, crushed RV's, pallets of old rusty paint cans. Big burn piles that are laced with garbage, plastic containers, old furniture. There is old machinery that is leaking diesel, hydraulic fluid, oil, all of which gets into the run off when it rains or into the seasonal creeks and streams all of which run down hill through our property where we operate our business,

have free range ducks, a pond, our well. And then it continues on to fish bearing streams further downhill.

Piles of pallets are being torched in the middle of the night, then left to smoulder for days with no further attendance. There is a shanty town in clear visibility as you come down Horne Lake rd. It is a serious eye sore.

A few years ago DBL was contracted to do a clean-up of the property, we thought that would put an end to the chaos. But the whole scenario of total disregard for neighbours and the environment has started again and continues to spiral out of control.

My neighbours and I are hoping that The RDN, Fisheries, BC Hydro, Fortis BC and The Ministry of environment will work together to rectify the situation once and for all.

Please see attached photos, they are only a small portion of the damage that is being done to what was once a beautiful property.

Regards,

Elsa Heeps



