

No. **S 267236**



Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

ROMAN NICK LIPINSKI

PETITIONER

AND:

SURREY POLICE BOARD

RESPONDENT

**PETITION TO THE COURT**

ON NOTICE TO:

Surrey Police Board  
14355 57 Avenue  
Surrey, BC V3X 1A9

SEP26 16:16 RISH 200.0

Deputy Attorney General  
Ministry of Attorney General  
PO Box 9290 Stn Prov Govt  
Victoria, BC V8W 9J7

The address of the registry is:

800 Smithe Street  
Vancouver BC V6Z 2E1

The petitioner estimates that the hearing of the petition will take 4 days.

- ☒ This matter is an application for judicial review.  
☐ This matter is not an application for judicial review.

This proceeding is brought for the relief set out in Part 1 below, by

- ☒ the person named as petitioner in the style of proceedings above

If you intend to respond to this petition, you or your lawyer must

- (a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and  
(b) serve on the petitioner(s)  
(i) 2 copies of the filed response to petition, and

- (ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.**

**Time for response to petition**

A response to petition must be filed and served on the petitioner(s),

- (a) if you were served with the petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

|     |                                                                                                                                                                                                                                                                                                                                                                                            |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | <p>The ADDRESS FOR SERVICE of the petitioner is:</p> <p style="margin-left: 40px;">Sugden, McFee &amp; Roos LLP<br/>Barristers and Solicitors<br/>700 - 375 Water Street<br/>Vancouver, BC V6B 5C6</p> <p>Fax number address for service of the petitioner: 604-687-5596</p> <p>E-mail addresses for service of the petitioner: <a href="mailto:rmcfee@smrlaw.ca">rmcfee@smrlaw.ca</a></p> |
| (2) | <p>The name and office address of the petitioner's lawyers are:</p> <p style="margin-left: 40px;">Attention: Robin McFee, K.C.<br/>Sugden, McFee &amp; Roos LLP<br/>Barristers and Solicitors<br/>700 - 375 Water Street<br/>Vancouver, BC V6B 5C6</p>                                                                                                                                     |

## CLAIM OF THE PETITIONER

### Part 1: ORDERS SOUGHT

1. A declaration that the contractual provision purportedly permitting the Respondent, the Surrey Police Board, to terminate the Petitioner, Roman Nick Lipinski, in his capacity as the Chief Constable of the Surrey Police Service, without cause and without compliance with the *Police Act*, is void and of no effect;
2. In the alternative, an order setting aside the Respondent's purported termination of the Petitioner due to the Respondent's failure to comply with its duty of procedural fairness owed to the Petitioner;
3. In the further alternative, an order deeming the Respondent's purported termination of the Petitioner to be a nullity due to a failure by the Respondent to follow its statutory process and governance framework; and
4. Such other relief as this Honourable Court deems just and appropriate.

### Part 2: FACTUAL BASIS

#### Overview and parties

1. The Petitioner, Roman (Norm) Nick Lipinski ("**Lipinski**", or with reference to the period from November 20, 2020 to June 1, 2026, "**Chief Lipinski**"), is a law enforcement professional with an address for service at 700 – 375 Water Street, Vancouver, BC.
2. Lipinski has been in policing since 1978, including four years as Deputy Chief with the Edmonton Police Service and four years as Deputy Chief Constable of the Delta Police Department. He holds an LLB, an MBA, and multiple executive educational qualifications. He is a member of the Law Society of Alberta and the Law Society of British Columbia.
3. The Respondent, the Surrey Police Board (the "**Board**"), is the governing body of the Surrey Police Service (the "**SPS**"), established pursuant to the *Police Act*, R.S.B.C. 1996, c. 67 (the "**Police Act**"), with an address for service of 14355 57 Avenue, Surrey, BC.
4. Lipinski was appointed by the Board as the Chief Constable of the Surrey Police Service in November 2020 for a five-year term. Lipinski's appointment as Chief Constable was extended by the Board for a further three-year term in October 2025.
5. The Chief Constable of a municipal police force is a statutory office created under the *Police Act*. The *Police Act* establishes a comprehensive mechanism for the discipline and possible dismissal of a Chief Constable. The Chief Constable must be able to independently carry out their important duties without fear of arbitrary termination.

6. On June 1, 2026, the Board, or members of the Board, purported to summarily terminate Lipinski without cause from his position as Chief Constable, and provided him with no notice or opportunity to address the Board.
7. The purported termination was motivated by extraneous political considerations, disconnected from Chief Lipinski's conduct or competence, and was not conducted in accordance with the common law, the *Police Act*, or the Board's own governance requirements.
8. The Board meeting where the Board, or members of the Board, determined to terminate Chief Lipinski was convened through misrepresentations to the chair of the Board intended to mislead the chair as to the purpose of the meeting and induce him to not attend the meeting.
9. The circumstances and lawfulness of Lipinski's purported termination as Chief Constable of the SPS are at issue in this Petition.

#### **Statutory framework under the *Police Act***

10. The Board and the statutory position of Chief Constable are governed by the *Police Act* and the regulations made thereunder.
11. As will be set out in more detail at paragraphs 91-95, the *Police Act* has been amended between Lipinski's initial appointment as Chief Constable in 2020 and his purported termination in 2026. A summary of the material provisions of the *Police Act* as they were in effect on the date of Chief Lipinski's termination follows.

#### *Obligation to provide policing and law enforcement*

12. Pursuant to section 3(2), a municipality with a population of more than 5000 persons must provide policing and law enforcement in accordance with the *Police Act* and the regulations made thereunder.
13. The Minister of Public Safety and Solicitor General (the "**Minister**") has the right to approve or reject a municipality's proposed means of providing policing and law enforcement, and may require a municipality to provide policing and law enforcement by a means specified by the Minister (section 3.1).

#### *Board composition and governance*

14. Where policing and law enforcement is to be provided by a municipal police department under section 3(2), as is the case with the SPS in the City of Surrey, the municipal police department is governed by a municipal police board (section 23). In this case, that is the Board.

15. Pursuant to section 23(1), a municipal police board is composed of:
  - a. a member of the municipal council, appointed by the municipal council;
  - b. one person appointed by the municipal council (i.e. not a member of the municipal council); and
  - c. up to 7 persons appointed, after consultation with the director of policing and law enforcement services (the "**Director**"), by the Lieutenant Governor in Council; the Director is tasked with making recommendations for such appointments (section 40(1)(d)).
16. Members of a municipal police board must:
  - a. complete training approved by the Director respecting the role of the municipal police board and the responsibilities of police board members (section 68.2); and
  - b. comply with a code of conduct established by regulation (section 68.3), which is the *Municipal Police Board Member Code of Conduct Regulation*, B.C. Reg. 113/2025 (the "**Code of Conduct Regulation**").
17. A municipal police board must elect one of its members as the chair and another member as the vice chair. The chair presides over meetings, and does not vote unless there is a tie. The vice chair acts as chair if the chair is absent or unable to act (section 25).
18. A municipal police board must establish a municipal police department and appoint a Chief Constable, along with other constables and employees necessary to provide policing and law enforcement in the municipality (section 26).
19. Pursuant to section 26(2), a municipal police board provides direction to a municipal police department in carrying out its duties and functions to:
  - a. enforce municipal bylaws, the criminal law, and the laws of British Columbia;
  - b. generally maintain law and order; and
  - c. prevent crime.
20. A municipal police board must consult with the Chief Constable to determine the priorities, goals, and objectives of the municipal police department (section 26(4)). These must be reported to the Director within 30 days of being established or changed, or as requested by the Director (section 26(4.2)).

### *The Chief Constable*

21. The Chief Constable is appointed and employed by the municipal police board (section 26).
22. The Chief Constable has, under the direction of the municipal police board, general supervision and command over the municipal police department (section 34(1)). The municipal police department, under the direction of the Chief Constable, performs duties and functions assigned to it by the Chief Constable or by statute (section 34(2)).
23. Some of the Chief Constable's statutory functions under the *Police Act* include:
  - a. consulting with the municipal police board with respect to the priorities, goals, and objectives for the municipal police department (section 26(4));
  - b. reporting to the municipal police board annually on the implementation of programs and strategies to achieve the priorities, goals, and objectives of the municipal police department (section 26(5));
  - c. consulting with the municipal police board regarding the appointment of special municipal constables (section 35);
  - d. providing direction to bylaw enforcement officers (section 36);
  - e. receiving notice of complaints about members of the municipal police force from the public or the police complaint commissioner (sections 81 and 83);
  - f. providing notice to members of the municipal police force of complaints received about them (section 83);
  - g. receiving and implementing the directions of the police complaint commissioner with respect to reports of questions or concerns about the conduct of members of the municipal police force (section 85);
  - h. taking measures to ensure that evidence is preserved regarding a reportable event or a complaint about a member of the municipal police force (section 88);
  - i. providing reports to the police complaint commissioner in certain triggering circumstances (section 89);
  - j. initiating investigations with respect to complaints about members of the municipal police force (section 90);

- k. determining whether an external investigation of a complaint may be in the public interest (section 92);
- l. receiving mandatory reports during an investigation (section 108);
- m. exercising the many powers of a discipline authority, or assigning those powers to a qualified person (Part 11 generally);
- n. conducting an investigation into a department service and policy complaint at the request of a municipal police board (section 171);
- o. exercising the many powers of an internal discipline authority (sections 174-176); and
- p. ensuring that disciplinary or corrective measures ordered against members of the municipal police department are taken (section 181).

*Discipline and dismissal of a Chief Constable*

- 24. The *Police Act* establishes a detailed process for the discipline, and possible dismissal, of police officers, including a specific process for the discipline, and possible dismissal, of a Chief Constable.
- 25. The *Police Act* prescribes the following steps for addressing possible misconduct by a Chief Constable:
  - a. where a complaint is received, notice must be provided to the board (section 81(c)(ii));
  - b. if the complaint is admissible, notice must be provided to the chair of the board (section 83(2)(c));
  - c. the chair of the board must provide notice to the Chief Constable, including the nature of the complaint and the name of the complainant (section 83(4));
  - d. if the complaint is not resolved informally, it must be investigated by an external individual (section 91(1));
  - e. the investigator must complete a final investigation report and provide it to the presiding discipline authority for review (sections 98(4), 112(1)(a));
  - f. the Chief Constable must receive a copy of the final investigation report, along with all records referred to in it (section 112(1)(b)(ii));

- g. the Chief Constable has a right to request further investigation (section 114), and is entitled to receive a supplementary report regarding any further investigation conducted (section 116(1)(b)(ii));
- h. if, following the investigation, the discipline authority considers that the Chief Constable may have committed misconduct, the matter may be resolved by a prehearing conference, otherwise a discipline proceeding must be convened (section 112(3));
- i. at a discipline proceeding:
  - i. the Chief Constable is entitled to attend with legal counsel (section 123(9)(d));
  - ii. the allegations of misconduct must be read to the Chief Constable (section 124(2));
  - iii. the testimony of witnesses is taken under oath (section 124(6));
  - iv. the Chief Constable has the right to examine or cross-examine witnesses, including the investigator (section 124(8));
  - v. the Chief Constable may, but is not required to, give evidence (section 124(9)(a)); and
  - vi. the Chief Constable's legal counsel may make submissions (section 124(9)(b));
- j. after a discipline proceeding, the discipline authority must make findings and support them with written reasons, which must be provided to the Chief Constable (section 125);
- k. if a discipline authority finds that a Chief Constable has committed misconduct, the Chief Constable may make submissions about the appropriate disciplinary or corrective measures (section 125(1)(d));
- l. the discipline authority must consider one of eleven possible disciplinary or corrective measures ranging from giving the Chief Constable advice regarding their conduct to dismissal of the Chief Constable (section 126(1));
- m. in determining the appropriate disciplinary or corrective measures, the discipline authority:

- i. must consider aggravating and mitigating circumstances (section 126(2)); and
  - ii. must give precedence to an approach that seeks to correct and educate the Chief Constable, unless doing so would be unworkable or bring the administration of police justice into disrepute (section 126(3));
- n. the Chief Constable is entitled to notice of the disciplinary or corrective measures proposed by the discipline authority, along with the reasons (section 133(1));
  - o. if the Chief Constable is aggrieved by the discipline authority's decision, the Chief Constable may apply for a public hearing or review on the record (section 133(5));
  - p. the Chief Constable is presumptively entitled to a public hearing, or at minimum a review on the record, if facing dismissal or a reduction in rank (section 137(1));
  - q. a review on the record or public hearing must be conducted before a retired judge (section 142); and
  - r. both a review on the record (section 141) and a public hearing (section 143) attract significant procedural safeguards.

*Board meetings and the Board Meeting Regulation*

- 26. Subject to some limited exceptions, every meeting of a municipal police board must be open to the public (section 69). If a meeting is held in private, the municipal police board must promptly submit a copy of the minutes, along with the reasons for holding the meeting in private, to the Minister (section 69(3)).
- 27. A meeting of a municipal police board must comply with the *Municipal Police Board Meeting Regulation*, B.C. Reg. 115/2025 (the "**Board Meeting Regulation**"), made pursuant to the Lieutenant Governor in Council's authority under section 74(2).
- 28. Pursuant to the *Board Meeting Regulation*:
  - a. the chair must ensure all meetings are conducted in accordance with the *Police Act*, the *Code of Conduct Regulation*, and the *Board Meeting Regulation* (section 3(1));
  - b. the chair's duties include (section 4):
    - i. ensuring the planning and coordination of all necessary arrangements for the efficient and effective conduct of business;
    - ii. presiding over the process at meetings; and

- iii. ensuring the maintenance and distribution of accurate and complete minutes;
- c. the board must meet at least four times each calendar year, and must not allow more than four months to elapse between regular meetings (section 6);
- d. the chair or a majority of board members may call a special meeting to address an emergency as defined in the *Emergency and Disaster Management Act*, S.B.C. 2023, c. 37, or an unexpected or unusual matter of a serious and urgent nature that requires the board to consider a motion before the date of the next regular meeting (section 7);
- e. the board must publicly announce all meetings in advance (sections 8 and 9);
- f. the board may only exercise its authority by resolution, and a decision of the board is not valid unless authorized or adopted by resolution at a meeting of the board (section 14);
- g. only a member who is present at a board meeting may participate in the discussion or vote on a motion (sections 16 and 17);
- h. the full text of a motion, and the outcome of the vote on a motion, must be recorded in the minutes of the meeting at which it is proposed (sections 18(1) and (2)); and
- i. where a meeting is held in private, the unredacted minutes must be provided to the Minister (section 18(3)).

#### *Code of Conduct Regulation*

- 29. Compliance with the *Code of Conduct Regulation* is mandatory for municipal police board members: *Police Act*, section 68.3.
- 30. Under section 3(a) of the *Code of Conduct Regulation*, board members must act in a manner that maintains the public's trust and confidence in the board and in the municipal police department governed by that board.
- 31. Section 3(b) of the *Code of Conduct Regulation* provides that board members must, in the performance of their duties, act in the best interest of the public and with integrity.
- 32. Section 9 of the *Code of Conduct Regulation* prohibits disrespectful behaviour, including acting in a deceitful manner; for instance, by making false or misleading statements (s. 9(c)).

*Board Governance Manual*

33. In addition to the *Police Act*, the *Code of Conduct Regulation*, and the *Board Meeting Regulation*, the Surrey Police Board is also guided by the Surrey Police Board Governance Manual (the "**Governance Manual**").
34. The Governance Manual was approved by the Board and is formally reviewed at least every two years.
35. Pursuant to the Governance Manual:
  - a. the primary responsibility of the Board is to ensure it provides independent civilian oversight, governance, and strategic leadership to SPS;
  - b. the Chief Constable has primary responsibility for the day-to-day management and operation of SPS; and
  - c. the Chief Constable, not the Board, is the sole authority for police operations.
36. The Governance Manual defines the independence and jurisdiction of the Board as follows:

The legislative intent behind the creation of the Board is to ensure SPS remains a separate and independent body from the City. A central tenet of policing in Canada and British Columbia is that the police are entitled to act independently from political interference.
37. It is a foundational principle of the Governance Manual that the Board be independent and that the decisions of the Board are free from political or partisan interference.
38. The role of the chair of the Board is to provide impartial leadership in guiding the Board, ensuring the Board operates without political interference, and orchestrating the Board's activities to allow it to effectively fulfill its oversight responsibilities.
39. The chair of the Board also has, among others, the following specific responsibilities:
  - a. coordinate the Board's annual schedule of Board meetings;
  - b. in conjunction with the Chief Constable and executive director, develop and set Board meeting agendas;
  - c. review and approve pre-meeting information packages for completeness;

- d. chair Board meetings and facilitate a candid and full discussion of all key matters that come before the Board;
  - e. preside over the *in camera* portion of meetings of the Board, and review the results of those meetings with the Chief Constable if the executive director was not present;
  - f. on behalf of the Board, act as the principal liaison with the Chief Constable, ensuring the Chief Constable is aware of the expectations and concerns of the Board;
  - g. act as a sounding board, counselor and mentor for the Chief Constable; and
  - h. act as the discipline authority for conduct complaints made against the Chief Constable.
40. The primary roles of the vice chair of the Board are to support the Board chair, as well as to chair Board meetings and take the lead on Board issues when the Board chair is unavailable or may have a conflict of interest.
41. Board members may direct questions or concerns on SPS's performance to the Chief Constable through Board meetings, or through the Board chair or executive director.
42. The following provisions apply to meetings of the Board:
- a. the Board meets as necessary to transact the Board's business and carry out its duties effectively;
  - b. the Board typically holds ten regular meetings annually, and the schedule is meant to be approved in the fall of the year prior;
  - c. the Board chair may call additional meetings to address special or emergent issues (known as "special meetings"):
    - i. notice of any special meeting is provided to Board members at least 24 hours in advance or as soon as is practicable;
    - ii. the notice of a special meeting specifies the item of business to be transacted at the meeting, and no business other than that described in the notice may be discussed at a special meeting;
    - iii. the executive director distributes the agenda and supporting materials as soon as they are available; and
    - iv. notice of a special meeting is also published on the Board's website;

- d. the Board chair, in consultation with the Chief Constable and executive director, develops the agenda for each Board meeting; and
  - e. a quorum for a meeting is a majority of Board members; the Board may exercise its authority at a meeting *where notice has been given* and at which a quorum is present.
43. Pursuant to the Governance Manual, the Board has the following standing committees:
- a. Finance and Audit;
  - b. Governance;
  - c. Human Resources and Compensation ("**HR Committee**"); and
  - d. Freedom of Information.
44. No committee is authorized to make decisions on behalf of the Board unless specifically authorized, including by committee terms of reference.
45. Terms of reference for all four standing committees are found in the Governance Manual.
46. The HR Committee's Terms of Reference state that the purpose of the committee is to assist the Board in fulfilling its oversight and employer responsibilities under the *Police Act*. The Terms of Reference also give the HR Committee the responsibility to oversee the Chief Constable's performance, including the development of performance metrics and a performance evaluation process.
47. Finally, the Governance Manual includes its own standards of conduct which supplement the *Code of Conduct Regulation*.
48. Under the Governance Manual standards of conduct, Board members must, among other things:
- a. act with the highest standards of conduct, including complying with all Board policies and the *Code of Conduct Regulation*;
  - b. conduct all business on behalf of SPS fairly and honestly;
  - c. refrain from conduct that would discredit or compromise the integrity of the Board or SPS; and
  - d. advise the Board chair and executive director in advance of introducing significant and previously unknown information at a Board meeting.

## *BC Police Board Handbook*

49. The Ministry of Justice has published a "BC Police Board Handbook: Resource Document on Roles and Responsibilities Under the Police Act" (the "**Board Handbook**"). Its purpose is to assist police board members to better understand their roles and responsibilities under the *Police Act*.
50. The Board Handbook specifies that police board committees will not act for the board except when formal permission or authority is granted for specific and time limited purposes, and that expectations and authority will be carefully stated (section 7.6).
51. The Board Handbook provides that board members have a duty of integrity: to act in good faith, with honesty and due diligence (section 7.3).
52. The Board Handbook describes the political separation necessary for a municipal police board as follows (section 8.2):

Municipal councils are elected for three-year terms as part of a political process that often involves campaigns amongst candidates who align themselves along partisan lines. In order to maintain a degree of independence and impartiality, municipal police boards are appointed by Orders in Council (OIC), with the majority of board members being appointed by the province. Boards act as "buffers" between police departments and political entities to prevent interference.

53. The Board Handbook also describes the roles of the board and the Chief Constable as follows (section 3.8):

The police board is not responsible for police operations, this is a matter for the Chief Constable alone... The Board shall not direct the Chief with respect to specific operational decisions or with respect to day-to-day operations of the Service.

### **The creation of the SPS**

54. On or about November 5, 2018, the municipal council of the City of Surrey ("**Surrey City Council**") passed a motion to develop a municipal police department that would replace the Royal Canadian Mounted Police (the "**RCMP**") as Surrey's police of jurisdiction ("**POJ**").
55. On or about February 27, 2020, the Minister approved Surrey's plan to provide policing and law enforcement services by means of a municipal police department.

### **The creation of the Board**

56. On or about June 29, 2020, the Lieutenant Governor in Council issued Order in Council 382/2020, which appointed members to the Board effective July 6, 2020.

57. The initial appointments to the Board were:
- a. Robert Douglas Rolls, appointed as a member of the Board by Surrey City Council;
  - b. Cheney Elizabeth Cloke;
  - c. Harley Chappell;
  - d. Manav Deep Kaur Gill;
  - e. Jaspreet Kaur Sunner;
  - f. Meena Manjit Kaur Brisard;
  - g. James Peter Carwana; and
  - h. Elizabeth Mary Model.
58. At the time, the *Police Act* provided that the mayor of the municipality was the chair of the municipal police board as of right. Accordingly, Mayor Doug McCallum was also on the Board and served as its chair.
59. On or around August 6, 2020, the Board established the SPS.
60. The transition from the RCMP to the SPS as Surrey's POJ was structured to happen in phases. The SPS was not intended to, and in fact did not, immediately assume command of policing in Surrey.
61. Shortly after the establishment of the SPS, a search began for its Chief Constable through an executive search firm.

**Lipinski is appointed as Chief Constable**

62. In or around November 20, 2020, Lipinski was appointed by the Board as the Chief Constable of the SPS. He was selected through a rigorous recruitment process led by a third-party professional search firm and vetted through an objective decision-making framework.
63. At the time he was appointed Chief Constable of the SPS, Lipinski had over 40 years of experience in policing, including:
- a. four years' service as Deputy Chief with the Edmonton Police Service;

- b. five years' service as Assistant Commissioner with the RCMP, including service as the Commander of the Lower Mainland District of the RCMP; and
  - c. four years' service as Deputy Chief Constable of the Delta Police Department.
- 64. Lipinski resigned from the Delta Police Service upon being appointed Chief Constable of the SPS.
- 65. Lipinski was appointed as Chief Constable in accordance with an employment agreement dated November 20, 2020 for reference (the "**2020 Agreement**").
- 66. The 2020 Agreement provided, among other things, that:
  - a. Lipinski would be employed as Chief Constable for a term beginning December 14, 2020 and ending December 14, 2025;
  - b. Lipinski and the Board could agree to extend the term for up to an additional two years;
  - c. termination could occur by:
    - i. mutual agreement of Lipinski and the Board;
    - ii. Lipinski, with three months' written notice;
    - iii. the Board, for just cause or for disciplinary default; or
    - iv. the Board, without cause, with a stipulated period of working notice, payment in lieu of notice, or some combination of working notice and payment in lieu of notice;
  - d. the 2020 Agreement was subordinate and subject to the *Police Act*; and
  - e. any invalid or unenforceable provision of the 2020 Agreement would be severable.

### **The 2022 Election**

- 67. In the period from 2019 to 2022, Brenda Locke, then a member of Surrey City Council, began making efforts to have the City of Surrey reverse the decision to transition from the RCMP to the SPS.
- 68. In January 2020, Ms. Locke and another member of Surrey City Council initiated the registration of a new political party called "Surrey Connect".
- 69. Ms. Locke stated that Surrey Connect's "raison d'être" was "the policing issue": her desire to stop the transition from the RCMP to the SPS.

70. Ms. Locke made extensive efforts to require a referendum on which police force would be Surrey's POJ. These efforts were unsuccessful.
71. On July 21, 2021, Ms. Locke announced that she would run for mayor in the 2022 Surrey municipal election (the "**2022 Election**"), promising to halt the transition from the RCMP to the SPS. Ms. Locke stated that in her campaign, she "withheld making many promises beyond stopping the transition".
72. On July 26, 2021 the Board issued a public statement commenting on the role of Surrey City Council in the SPS transition. It stated that "[w]hile it is clear that the continuing development of SPS will unfortunately be politicized in the upcoming municipal election, it is necessary for the Board to protect the Service from political interference".
73. Robin Stutt joined Surrey Connect and ran for Surrey City Council in the 2022 Election. He is a former member of the RCMP and has nearly 27 years' experience with the RCMP.
74. Mr. Stutt stated that he considered policing to be the "defining issue" in the 2022 Election, and opposed the transition from the RCMP to the SPS. He also stated that he would not have run for Surrey City Council with Surrey Connect if they had not been running on a platform to keep the RCMP, and that he ran for Surrey City Council "solely to address the policing issue".
75. Ms. Locke won the 2022 Election with 28.01% of the votes compared to runner-up incumbent Doug McCallum with 27.2% of the vote (a difference of less than 1000 votes). Voter turnout was 31.8%.
76. Shortly after the 2022 Election results were reported, Ms. Locke stated that reversing the policing transition would be her "first order of business". As set out below, Ms. Locke also stated that her intention to reverse the transition would also include the termination of Chief Lipinski.
77. Mr. Stutt was elected to Surrey City Council. He stated that he interpreted the results of the 2022 Election as a "clear mandate from the public to keep the RCMP".
78. Upon taking office as mayor, Mayor Locke also became the chair of the Board in accordance with the *Police Act* (as it then was).
79. On November 14, 2022, and again on June 15, 2023, Surrey City Council, including Mayor Locke and Mr. Stutt, passed motions intending to stop the transition from the RCMP to the SPS.
80. The City of Surrey's Ethics Commissioner found that in supporting the November 14, 2022 motion with respect to the retention of the RCMP, Mr. Stutt had a personal interest in the

matter that a reasonably well-informed person would have concluded might influence his position. One of Mr. Stutt's children was a member of the Surrey RCMP, and another was an employee of the City of Surrey's RCMP Support Services (Civilian) Department at the material time.

#### **Minister decides to proceed with transition**

81. The decisions and motions of Surrey City Council did not persuade the Minister to permit the City of Surrey to retain the RCMP as POJ and cease the transition to the SPS.
82. On July 19, 2023, the Minister directed the City of Surrey to continue the transition from the RCMP to the SPS.

#### **The City Petition / the Administrator assumes conduct of the Board**

83. On October 13, 2023, the City of Surrey filed a petition for judicial review, challenging the Minister's direction (the "**City Petition**").
84. Later in October 2023, the Legislature enacted the *Police Amendment Act, 2023*, S.B.C. 2023, c. 30, which specifically required the City of Surrey to complete the transition to the SPS.
85. On November 16, 2023, the Lieutenant Governor In-Council passed Order in Council 618/2023, appointing Michael Serr as administrator of the Board to assume the functions of the Board and to assist with the transition from the RCMP to the SPS (the "**Administrator**"). The Minister identified that the Board's work to date had been limited due to the lack of progress from the City of Surrey in advancing the transition to the SPS.
86. Upon appointment of the Administrator, the sitting members of the Board were suspended.
87. On November 20, 2023, the City Petition was amended to challenge the constitutionality of the material provisions of the *Police Amendment Act, 2023* and to quash the appointment of the Administrator.
88. Mayor Locke and Mr. Stutt, among others, provided affidavit evidence in support of the City Petition.
89. The City Petition was heard from April 29 to May 3, 2024.
90. On May 23, 2024, the City Petition was dismissed.

#### **Amendments to the *Police Act***

91. Before and while the City Petition was ongoing, the Legislature was considering amendments to the *Police Act* to remove the mayor's position as a member of a municipal police board.

92. On April 28, 2022, the “Report of the Special Committee on Reforming the Police Act” (the “**Reform Report**”) was presented to the Legislative Assembly.
93. Among other things, the Reform Report acknowledged the need for an arms-length relationship between a municipal police board and the municipal government to ensure public trust.
94. In partial response to the Reform Report, the *Police Act* was amended. In particular, the composition of a municipal police board was revised to remove the mayor from presumptive board membership: *Police Amendment Act, 2024*, S.B.C. 2024, c. 16., s. 36.
95. In the discussions about the amendment, MLA Adam Olsen, a member of the committee that authored the Reform Report, noted that the amendment was in part a response to the prospect that Mayor Locke might be reinstated as the chair of the Board.

#### **The Board is re-populated**

96. From September to December 2024, the Provincial Government, lead by the Crown Agencies and Board Resourcing Office (“**CABRO**”), conducted an extensive merit-based search process for Board members to take office following the conclusion of the Administrator's term.
97. On December 30, 2024, the Lieutenant Governor passed Order in Council 692/2024 and 693/2024, which rescinded the appointment of the Administrator and appointed new members to the Board, effective January 31, 2025.
98. As of January 31, 2025, the members of the Board were:
  - a. Nerissa Lugene Allen;
  - b. Sarbjit Singh Bains;
  - c. Bilal Mohammed Cheema;
  - d. Christine Annette Mohr;
  - e. Shirley Sandhya Dayal;
  - f. James Peter Carwana; and
  - g. Harley Justin Chappell.
99. Board members Carwana and Chappell were the only two members of the Board that predated the Administrator who were re-appointed. They were appointed for a 23-month term, ending December 31, 2026.

100. The other Board members were appointed for a 12-month term, ending January 31, 2026.
101. By this point, the *Police Act* had been amended, and instead of the mayor sitting on a municipal police board as of right, the city council had the ability to appoint any member of city council to the municipal police board, as well as a member of the community: *Police Amendment Act, 2024*, s. 36.
102. Accordingly, on or around February 3, 2025, Surrey City Council appointed Mr. Stutt, a member of Surrey City Council, and Archie Johnston, a member of the community, to the Board.
103. Following the re-population of the Board, Harley Chappell was elected as chair of the Board in accordance with the *Police Act*.

#### **Chief Lipinski's performance**

104. Chief Lipinski was subject to annual, or nearly annual, performance reviews during his tenure as Chief Constable.
105. Approximately 6 months after Chief Lipinski's appointment, the Board conducted a performance review.
106. The Board's assessment of Chief Lipinski's performance was communicated in a written review dated July 15, 2021 (the "**July 2021 Review**").
107. The July 2021 Review described Chief Lipinski's performance as follows:

[O]verall, you are performing consistently above expectations or at an outstanding level in a highly complex, fast-moving and at times, unpredictable environment.

...

The Board recognizes the variety of strengths that you bring to your position. You are clearly effective in problem solving and analytical thinking. You successfully navigate relationships with multiple stakeholders, and it is apparent that you are highly regarded in the policing community. From a personality perspective, Board members described you as respectful, humble and inspirational, and they commend you for building and sustaining good relationships with the Board, Board Committees and Directors on an individual basis.

...

Chief Lipinski, you are an effective and inspiring leader. Your commitment to this project and ability to lead people is a cornerstone of the success of the SPS.

108. Approximately 12 months after Chief Lipinski's appointment, the Board conducted a performance review.

109. The Board's assessment of Chief Lipinski's performance was communicated in a written review dated December 6, 2021 (the "**December 2021 Review**").

110. The December 2021 Review described Chief Lipinski's performance as follows:

[T]he Board feels you continue to perform exceptionally well during this critical time. You ensure the Board is regularly updated on emerging and ongoing issues, and you have done well in building your relationships with the media and with the diverse communities in Surrey. You are described as an articulate and engaging speaker with excellent communication skills. It is clear that your conduct is aligned with the values of the Surrey Police Service (SPS) and you are a role model for all employees.

...

Chief Lipinski, you have proven consistently your ability to lead the SPS. It is clear the organization values, respects and is inspired by your leadership style.

111. In the summer of 2022, the Board conducted a performance review.

112. The Board's assessment of Chief Lipinski's performance was communicated in a written review dated July 22, 2022 (the "**2022 Review**")

113. The 2022 Review included the following statements:

It is clear from your presentation and our collective feedback that you continue to perform at an exceptional level.

...

Externally, Board members have received positive feedback about you in the community and even when disagreeing with someone, you are respectful and graceful in your approach. When dealing with the RCMP, you continue to find creative yet firm approaches to issues.

...

You are a highly effective individual who maintains composure and positivity in stressful situations. It is clear you are goal-oriented and dedicated as you continue to navigate a complex environment.

...

Both the Strategic Plan and Risk Matrix were designed and communicated to the Board in an effective manner. The Board appreciates your strategic and forward thinking and we recognize that you have met all targets and are positioning the organization well for the next stage.

...

Working with you as Chief has been an exceptional experience to date. You have continued to communicate with the Board effectively on a wide variety of issues...

...

Chief Lipinski, the Board appreciates the dedication you put into your work and the progress you have made in bringing the SPS to fruition. In particular, your leadership has been outstanding, and we continue to have the utmost trust and faith in you as the leader of the Surrey Police Service.

114. In late 2022 and early 2023, the Board conducted a performance review.

115. The Board's assessment of Chief Lipinski's performance was communicated in a written review dated January 30, 2023 (the "**January 2023 Review**").

116. The January 2023 Review included the following statements:

[I]n 2022, you effectively navigated many unique issues and your problem-solving skills have shone. You have exception [sic] analytical abilities, and your judgment is sound. You are a critical thinker, who effectively analyses and responds to complex issues.

...

Your strong and calm demeanor is an asset and is exemplified in your communications with the Board, SPS, and the media.

...

It is clear that you are motivational to, and well respected by, our staff. You effectively manage difficult conversations. You are also well-respected externally with stakeholders, which is essential in building and fostering ongoing relationships between SPS and the community.

...

You are an exemplary leader and have been a pillar of strength for SPS through the recent period of instability. Your cool, calm, and collected demeanour has a positive effect on all stakeholders. You are willing to accept input and

suggestions, even in difficult times. You are confident, determined, and resilient to the tremendous pressure of current times.

...

In times when it is difficult to focus on traditional strategic planning, you have remained steadfast in continuing to implement and develop SPS' goals. You are pivotal in the growth and development of SPS' vision. You are forward thinking and strategic. You understand the internal and external environment and identify the risks.

...

You demonstrate excellent leadership to SPS staff. You remain strong, humble, and confident during times of adversity. You have successfully retained staff in these difficult times.

...

You have managed finances within the budget provided. You are an active contributor to financial management conversations and work with staff and partners in keeping in alignment with the approved budget.

...

Chief Lipinski, the Board appreciates the dedication you put into your work and the progress you have made in bringing SPS to fruition. It has not been the easiest 2 years, but you have come into work everyday with motivation, dedication, and passion. Your ability to continue in such challenging times is a tribute to your character and resiliency. Your leadership has been outstanding. We continue to have the utmost trust and faith in you as the leader of Surrey Police Service.

117. The January 2023 Review was not signed by Mayor Locke as chair of the Board. Instead, it was signed by two vice-chairs.
118. In December 2023, the Administrator conducted a performance review, building on the work of the previous members of the Board.
119. The Administrator's assessment of Chief Lipinski's performance was communicated in a written review dated December 4, 2023 (the "**December 2023 Review**").
120. The December 2023 Review included the following statements:

It is clear to me...that Chief Lipinski has navigated SPS through a very challenging time in 2023. Throughout he has demonstrated excellent leadership.

...

In the ongoing complex political climate, you continue to exercise sound judgment to build SPS and sustain the policing transition... You continue to resolve difficult and stressful situations with a lens on the bigger picture and long term plan...

... You have navigated a multitude of interruptions and many "firsts" along the SPS journey. You stay focused, cutting out distractions, and lead SPS to what is important in the long run. Whenever you face a roadblock, you think quickly but methodically and develop a plan to deal with issues while staying within the Board's strategic plan.

...

You are an excellent communicator. You consistently act in a professional, calm, and smart manner... Your ability to communicate challenging news in an open, honest, and transparent way, while maintaining optimism is the mark of a true leader and necessary as the policing transition continues.

...

You are well liked, respected and will connect with anyone who approaches you... We commend your ability to facilitate conversations at all levels, with many different organizations.

...

You are highly motivated, set goals and objectives, and then effectively adjust in response to the municipal and provincial challenges you face. You have made excellent progress on multiple fronts. Throughout it all, you have kept your composure, professional attitude, and demeanor at all times.

...

The multiple risks to the future of the SPS have been a major consideration this past year and been managed in an effective manner. You have continued to push forward the realignment of strategies for SPS and the vision of a world class police service... We see SPS officers who stand out from the rest by their approach and conversations with the public. This strategy all starts from you wanting a better police service for Surrey.

...

You are excellent at leading by example. You shine in this area. You are a true leader and this is acknowledged by the Board, your staff, and others.

...

Under very difficult circumstances, and with no City approved budget, you have kept costs in alignment/control. This has been very challenging for you and your team, given the situation with the City and media attention... You have been transparent about finances in your reports to the Board and the community.

...

You continue to grow and strengthen your relationship with the Board by effectively listening to and addressing the Board's concerns. In your dealings with the Board, you demonstrate openness, transparency, curiosity, respectfulness, and patience... You help the Board conduct its work and make this relationship work effectively and efficiently.

...

Chief Lipinski, it is clear you are the right person for the position of SPS Chief Constable. We thank you for your commitment, service to Surrey, long term vision and leadership. It has been an absolute pleasure to work with you and there is no other person that could have led SPS and worked with the Board in such a successful manner over the past three years.

121. Following the December 2023 Review, the Administrator approved an increase to Chief Lipinski's compensation.

122. In November 2024, the Administrator conducted a performance review.

123. The Administrator's assessment of Chief Lipinski's performance was communicated in a written review dated November 29, 2024 (the "**2024 Review**").

124. The 2024 Review included the following statements:

In 2024 you have done an exceptional job progressing the development of Surrey Police Service (SPS), maintaining relationships with a wide variety of community and government partners and ensuring general wellness within the organization.

...

Within each dimension you excelled in your leadership style and ability to overcome significant challenges and obstacles. What is clear is that you are a compassionate and professional leader. At all times you treat people with dignity and respect, and regardless of the immense pressure you have faced, you always maintain your professionalism.

You have the ability to think strategically, even during times of crisis. Building SPS has been a combination of managing complex obstacles and dynamics and strategic planning and development. It is apparent that you are unique in your

ability to shift your thinking from operational policing matters to strategic political issues to being the architect of the second largest police service in British Columbia.

...

[F]rom my observations you have built a deeply loyal team who trust and admire you as their leader. The protracted conflict related to SPS's existence has no doubt led to some feelings of exhaustion for your staff. And from this perspective, I ask you to lead by example and take some time to recover in 2025.

...

I recognize that working with a Police Board Administrator is unique in Canada and I appreciate the efforts you have made to ensure I am equipped with all the materials and information required to make informed decisions.

As a result of your performance in 2024, your compensation will be increased...

Thank you for your service to Surrey and for your tireless leadership for the people of Surrey Police Service.

125. Based on Chief Lipinski's performance in 2024, the Administrator approved an increase to Chief Lipinski's compensation.
126. In May 2025, the Board engaged an external governance consultant to conduct a "360-degree" feedback review of Chief Lipinski's performance (the "**360 Review**"). The 360 Review marshalled feedback from seventeen internal and external participants.
127. The 360 Review included the following statements:

The Chief has attained outstanding achievements for SPS, helping establish it as an organization in the face of adversity and uncertainty.

...

[Participants] describe the Chief as a leader with a strong vision for the future and a relentless drive to achieve it. Many participants expressed their appreciation for the Chief's resilience throughout the uncertainty SPS was facing before becoming POJ... Participants felt this leadership grounded others in the organization, helped the work maintain momentum, and thus led to the establishment of SPS, which, some believe, may otherwise have not occurred.

...

Participants observed the Chief being deeply committed to SPS and its success. They describe the Chief as dedicated, even in the most difficult circumstances,

working extremely hard to move SPS forward. Multiple participants noted that the Chief works seven days per week and long days.

Another way participants saw the Chief's commitment to SPS manifest is in his care for the people within the organization. There was a theme that participants felt he deeply cares about those at SPS.

...

Participants described the Chief as highly professional. They saw him focus on the matter at hand, even when emotions were running high... Participants appreciated the Chief being even-keeled and calm. Numerous participants said he was taking "*the high road*" when facing contention and lack of objectivity from others.

...

Participants value the Chief's openness for innovation, embracing new ways of policing... Participants also highlighted that the Chief supports equity, diversity, and inclusion (EDI).

...

Participants noted the Chief's ability to consider the many parts and facets of SPS and how they interconnect when building the organization... Participants saw the Chief apply business acumen, a legal lens, and his deep experience in policing with different police organizations and at different levels.

...

Participants observed the Chief establish budgets and navigate finance, which was challenging due to the uncertainty of the future of SPS for several years... Overall, participants feel the Chief is leading the stewardship of finances well.

...

...participants observed the Chief leading a successful recruiting effort, being able to attract experienced police officers and setting up training for new recruits with the JIBC [Justice Institute of B.C.]. Some participants highlighted that most SPS staff stayed over the years, despite the extreme uncertainty. Many of these participants credited the Chief's leadership for this. Overall, participants saw the Chief effectively leading the recruiting for SPS.

128. Overall, Chief Lipinski's performance reviews, from his initial retainer until his purported termination, were exceptional.

### **Chief Lipinski's appointment is extended**

129. Following the positive completion of the 360 Review, the Board extended its appointment of Chief Lipinski as Chief Constable.
130. Chief Lipinski's term as Chief Constable was extended in accordance with an employment agreement dated October 3, 2025 for reference (the "**2025 Agreement**").
131. The 2025 Agreement provided, among other things, that:
  - a. Lipinski would be employed as Chief Constable for a term beginning December 15, 2025 and ending December 14, 2028;
  - b. Lipinski and the Board could agree to extend the term for up to an additional two years;
  - c. termination could occur by:
    - i. mutual agreement of Lipinski and the Board;
    - ii. Lipinski, with three months' written notice;
    - iii. the Board, for just cause or for disciplinary default; or
    - iv. the Board, without cause, with a stipulated period of working notice, payment in lieu of notice, or some combination of working notice and payment in lieu of notice;
  - d. the 2025 Agreement was subordinate and subject to the *Police Act*; and
  - e. any invalid or unenforceable provision of the 2025 Agreement would be severable.
132. The Board announced the reappointment of Lipinski as Chief Constable on October 24, 2025.
133. At the time of the announcement, the Board issued a public communication which included the following statement from Board chair Harley Chappell:

Chief Norm Lipinski provides stability, thoughtful leadership, dedication to the people of Surrey, and a commitment to deliver modern, inclusive and accountable community-based policing... This extension of Chief Lipinski's mandate is a clear expression of the Board's confidence in him and his commitment to providing a top-tier police service for Surrey.

### **Ms. Locke seeks to undermine or remove Lipinski as Chief Constable**

134. While the Board, the Administrator, and the external consultant retained by the Board consistently concluded that Lipinski was doing an exceptional job as Chief Constable, Ms. Locke, first as a member of Surrey City Council and then as Mayor, continually undermined him and sought to have him removed from office.
135. On or around November 24, 2020, Ms. Locke publicly stated that “the fix was in” and that “from the get-go there has been political interference” with respect to Chief Lipinski’s appointment as Chief Constable.
136. On or around May 1, 2021, Ms. Locke authored an open letter in which she criticized the transition from the RCMP to the SPS and specifically criticized Chief Lipinski, stating as follows:

Residents have also expressed dismay regarding Chief Lipinski and Deputy Chief Hyland’s ability to lead as they have done little to give them assurance or confidence in their ‘plan’ for a new Surrey Police Service.

Public safety is second only to health care; the public needs reassurance and deserves answers, but Lepinski [sic] and Hyland have provided little other than questionable hires and a great deal of controversy over the budget and other matters. As police officers, Lepinski [sic] and Hyland should know that they cannot do their job without the support of the public.

137. Surrey Connect published Ms. Locke’s letter on its website.
138. On or around October 12, 2021, Ms. Locke publicly stated that Chief Lipinski’s collection of overtime payments he was contractually entitled to was “shameful” and “ridiculous”.
139. In July 2022, Ms. Locke submitted a complaint to the Office of the Police Complaint Commissioner (the “OPCC”) about Chief Lipinski, alleging that his support for the SPS constituted “political comments” and stating as follows:

...[T]he reality is, is that if a new council stops transition, Chief Lipinski will not have to work with them – he will be out of a job.

140. Ms. Locke’s complaint was later dismissed.
141. Shortly after being elected as Mayor, on or around October 15, 2022, Ms. Locke publicly stated that:

...the senior officers will be losing their jobs, but that’s only a very small number that are inspectors and the Chief.

142. At a Board meeting on June 27, 2023, Board member Cheney Cloke praised Chief Lipinski for maintaining his professionalism through the uncertainty around the transition to the SPS. Mayor Locke reprimanded Board member Cloke and expressed that she was not speaking on behalf of the Board.
143. On or around September 12, 2023, Mayor Locke publicly stated that she did not have confidence in Chief Lipinski, as well as the Board itself (of which she was chair at the time).
144. The Board issued a public response on September 13, 2023 stating that it has "the utmost confidence in Chief Lipinski", praising Chief Lipinski's "significant gains in developing the infrastructure for SPS", and affirming its continued full support of Chief Lipinski. The public response also quoted then-executive director of SPS, Melissa Granum, as stating that Mayor Locke's comments "were unwarranted and not reflective of the work being done by Board members or Chief Lipinski's exceptional leadership".
145. On or around December 8, 2023, Mayor Locke met with the Administrator and expressed that she did not like that Chief Lipinski was the Chief Constable of the SPS, and was unhappy with Chief Lipinski's spouse.
146. Mr. Stutt was also at the December 8, 2023 meeting, and he expressed forceful opposition to the SPS transition.
147. On or around April 28, 2024, Mayor Locke submitted a complaint to the OPCC with respect to the conduct of the SPS and Chief Lipinski.
148. On April 30, 2024 the Board issued a public response to the complaint in which the Administrator of the Board stated that it was "highly unfortunate that Mayor Locke continues to misrepresent situations to try to discredit Surrey Police Service". Mayor Locke's complaint was later dismissed by the Administrator in accordance with the provisions of the *Police Act*.
149. On or around August 17, 2024, Mayor Locke stated to an SPS member that "we need to get rid of Chief Lipinski" as he is the "real problem".
150. On or around October 17, 2024, Chief Lipinski received an anonymous note indicating that Mayor Locke and Mr. Stutt (among others) would be working towards his removal as Chief Constable.
151. Apart from her targeting of Chief Lipinski, Ms. Locke, as both a member of Surrey City Council and later as mayor, has generally, in her words, "fought tirelessly" to oppose the transition from the RCMP to the SPS in alignment with her unfulfilled election promise and Surrey Connect's "raison d'être".

152. Some of the efforts taken by the City of Surrey, under Mayor Locke's direction, to oppose the transition to SPS include:
- a. refusing to provide formal approval for the Board's proposed 2023 budget for the SPS and instead only budgeting for the winding-down of the SPS (a 70% cut), contrary to the Minister's decision that the transition must continue;
  - b. Mayor Locke making inaccurate and misleading statements to the media in 2023 and 2024 that SPS is running a deficit budget based on the City's 70% reduced budget rather than the Board's budget;
  - c. filing the City Petition in October 2023 attempting to reverse the decision to transition from the RCMP to the SPS, which was ultimately dismissed by the Supreme Court of British Columbia in May 2024;
  - d. preventing SPS from issuing pay and benefits to some employees and jeopardizing the onboarding of new recruits in or around December 2023 by refusing to add new SPS employees to the City of Surrey payroll system and by revoking access to the payroll system for SPS human resources staff; and
  - e. informing the Board via a statement from Mayor Locke in or around late 2025 that the SPS's budget for 2026 would not be approved.

#### **The Board changes and the City's influence**

153. In January 2026, Harley Chappell, the chair of the Board, expected that the terms of the sitting members of the Board would be renewed.
154. On or about January 30, 2026, the Assistant Deputy Minister of CABRO sought approval from the Ministry of Public Safety and Solicitor General to send emails to Board members whose appointments were expiring the next day.
155. The draft emails, which appear to have been sent later that day, state that the Board members' appointments will be lapsing and "apologize that this is different than the information you were given this morning". No reason for the decision or the changed information was provided.
156. On January 31, 2026, the term of the members of the Board who were appointed for a one-year term expired, and their appointments were not renewed.
157. On February 3, 2026, Premier David Eby made public statements about the composition of the Board. Specifically, Premier Eby stated that:

- a. he had held a meeting with Mayor Locke to discuss the future of the SPS and how he and Mayor Locke would work together more closely with respect to the SPS;
  - b. Mayor Locke and the provincial government had reached an agreement that the appointments of the members of the Board who were appointed for a one-year term would lapse (and had in fact lapsed);
  - c. Mayor Locke and the provincial government also agreed that the vacancies on the Board will only be filled by "candidates of mutual agreement between the mayor's office and the provincial government"; and
  - d. changes were necessary to ensure that the Board "reflects local interests" and "has the full confidence of...the local government".
158. An internal email from CABRO's Assistant Deputy Minister later the same day confirmed that the new members of the Board "will be mutually agreed on by the province and City". The email also states that "the City has provided the resumes for 5 candidates", and that the Board had identified two candidates which "[t]he MO will reach out to the Mayors office to discuss". All five City candidates would have 30-minute interviews, while interviews with the other candidates were "dependent on feedback from City".
159. The Board vacancies do not appear to have been posted publicly by CABRO.
160. Interviews for all five City-recommended candidates and two of the three Board recommended candidates were completed between February 9 and February 19, 2026.
161. On February 12, 2026, the Board, through its chair Harley Chappell, issued the following statement:

Last week, Premier David Eby announced the province was allowing appointments of four Surrey Police Board directors to lapse as part of his government's response to the extortion crisis south of the Fraser. In doing so, he stated that "The goal here is to deliver what local policing is meant to be for the people of Surrey—a police board that is reflective of the community, that directs police along the lines of community priorities." Respectfully, the directors who were let go do reflect the community, and the Board has been providing direction to Surrey Police Service (SPS) that is firmly grounded in community priorities.

...

These four individuals were all merit-based choices of the province who consulted the City of Surrey on their appointments just one year ago. While Surrey is fortunate to have many capable individuals willing to volunteer service, these four directors brought exceptional experience, insight and commitment. Their contributions will not be easily replaced.

The decision not to renew these directors has come as a surprise. At no point did the Province advise that their performance fell short of expectations. On the contrary, they and the Board were led to believe that their appointments would be renewed. In some cases, they were personally told that they were being extended. As well, the Board received feedback from the Province and was regularly commended for the progress being made on determining community priorities and putting governance structures and procedures in place.

162. On or about February 19, 2026, three of the City-recommended candidates (George Duncan, Hanne Madsen, and Jaswinder Sidhu) and one other candidate (Parminder Jawanda) were recommended for appointment to the Board, leaving one remaining vacancy.
163. The Policing and Security Branch recommended CABRO recruit candidates to fill the remaining vacancy, specifically seeking qualified female candidates with preference for those from the Chinese and Filipino communities, to ensure the Board accurately reflects the community served.
164. The Director, who is tasked with making recommendations about Board appointments under s. 40(1)(d) of the *Police Act*, recommended one candidate for an interview. However, the vacancy was ultimately filled by a different candidate and another recommendation from the City of Surrey, Larry Thomas.
165. Mr. Thomas had previously worked for the City of Surrey for more than 30 years, including working closely with Mayor Locke.
166. On or about March 23, 2026, the Lieutenant Governor in Council issued Order in Council 104/2026, which appointed five new members to the Board for a term ending March 31, 2027:
  - a. George Duncan;
  - b. Parminder Jawanda;
  - c. Hanne Madsen;
  - d. Jaswinder Sidhu; and
  - e. Larry Thomas.
167. Each of the Board members appointed in March 2026 was appointed following the extra-statutory “agreement” reached between Premier Eby and Mayor Locke, and four of them

- were candidates specifically recommended by the City of Surrey through a process that did not involve any public posting or competition by CABRO.
168. Premier Eby's statements regarding the appointment of the new members of the Board prompted Ken Sim, the mayor of Vancouver, to write a letter to the Minister. Mayor Sim identified that the agreement between the provincial government and Mayor Locke would create an appointment process for the Board that "differs from the established process in Vancouver".
169. Following the March 2026 appointments, the Board consisted of:
- a. Harley Chappell, Board chair;
  - b. James Carwana;
  - c. Archie Johnston (appointed by Surrey City Council, which was controlled by Mayor Locke and Surrey Connect);
  - d. Rob Stutt (a member of Surrey Connect who publicly opposed the SPS and ran for Surrey City Council solely on that basis); and
  - e. the five additional Board members appointed by "mutual agreement" with Mayor Locke.
170. After the March 2026 appointments, Chief Lipinski made efforts to schedule an orientation session with the new members of the Board, but the new members indicated they were too busy or otherwise unavailable.
171. After the March 2026 appointments, some Board members began back-channelling with City of Surrey staff, as well as meeting to discuss Board business outside of properly-convened Board meetings.

#### **The May 29, 2026 meeting**

172. On May 29, 2026, the Board held what was purportedly a special meeting (the "**May 2026 Meeting**").
173. No notice of the May 2026 Meeting was provided to the public or Chief Lipinski.
174. The May 2026 Meeting did not meet the criteria for a special meeting: there was no emergency, nor was there an unexpected or unusual matter of a serious or urgent nature that required the Board to consider a motion before the next regular meeting, which was scheduled for only 12 business days later on June 17, 2026.
175. The May 2026 Meeting was not called by the chair or at the request of a majority of Board members.

176. Chair Harley Chappell was unable to attend the May 2026 Meeting. He did not reschedule the meeting because Larry Thomas, the Board member who had requested the meeting, told him that there would be no decisions made or substantive business conducted at the May 2026 Meeting.
177. Prior to the May 2026 Meeting, Larry Thomas also informed Board member James Carwana that the meeting would involve a discussion about collective bargaining, and did not mention that there would be any discussion of Chief Lipinski's employment.
178. Mr. Carwana, who was present at the May 29, 2026 meeting, did not receive any notice that the potential termination of Chief Lipinski would be discussed at the meeting, and was unaware of anything unusual, unexpected or of an urgent nature regarding Chief Lipinski's continued employment that needed to be addressed before the next scheduled Board meeting on June 17, 2026.
179. The matter of Chief Lipinski's potential termination had also not been brought before the HR Committee.
180. The May 2026 Meeting was chaired by Mr. Stutt.
181. At the May 2026 Meeting, the Board, without its chair present, went *in camera* and resolved to terminate Chief Lipinski.
182. While a portion of the minutes for the May 2026 Meeting have since been posted publicly, the minutes regarding the discussion of Chief Lipinski's termination are sealed and have not been published.
183. There was a substantial package of materials prepared for review at the May 2026 Meeting, but chair Harley Chappell did not receive them. He only found out the Board resolved to terminate Chief Lipinski in his absence three days after the May 2026 Meeting.

#### **Chief Lipinski is terminated**

184. On June 1, 2026, Chief Lipinski met with Mr. Stutt and Board member Hanne Madsen. Ms. Madsen delivered a letter informing Lipinski of his termination, effective immediately (the "**Termination Letter**").
185. Ms. Madsen signed the Termination Letter in the capacity of "Special Subcommittee chair".
186. No "special subcommittee" of the Board is recognized in the Governance Manual. No "special subcommittee" was ever established at a properly-convened Board meeting. The Board had an established HR Committee to deal with human resources issues.

187. The Termination Letter set out certain rationales for the decision to terminate Chief Lipinski. Chief Lipinski had never been notified of any such concerns nor given an opportunity to respond to them.
188. The Termination Letter also proposed that, in exchange for a release of liability, Chief Lipinski would receive a payment and could “negotiate” with the Board with respect to the public communication about the reason for his departure.
189. The Termination Letter proposed that Chief Lipinski’s purported without-cause termination by the Board be characterized as a “retirement, a resignation, or a decision to move on to other opportunities”, and indicated that agreeing to characterize it as such would give Chief Lipinski an “opportunity to leave the SPS with [his] dignity and [his] reputation”.
190. This release, along with a draft Board resolution also in the Termination Letter, appeared to have been prepared in advance with the assistance of legal counsel.
191. Between the appointment of the new Board members on March 23, 2026 and the resolution to terminate Chief Lipinski at the May 29, 2026 meeting, no Board member raised any specific concerns regarding Lipinski’s performance as chief, nor raised the prospect of terminating Lipinski or retaining legal counsel regarding such a termination at a properly-convened Board meeting.
192. As of the date of the Termination Letter:
- a. the newly-appointed Board members had been in office for less than 10 weeks;
  - b. outside of a brief introductory call, the newly-appointed Board members had never interacted with Chief Lipinski outside of scheduled Board or committee meetings, and had made no genuine attempt to understand policing in Surrey, the SPS, or Chief Lipinski’s work or effectiveness as Chief Constable;
  - c. Chief Lipinski was given no notice of the Board’s stated concerns;
  - d. Chief Lipinski was given no opportunity to respond to the Board’s stated concerns;
  - e. no performance review or other objective process provided any basis for the Board’s stated concerns; and
  - f. each and every performance review of Chief Lipinski’s service as Chief Constable was positive, including with respect to the issues cited in the Termination Letter, including:
    - i. his management of the SPS;

- ii. the leadership provided to the staff of SPS;
- iii. his attainment of the strategic objectives of SPS; and
- iv. the transparent and effective handling of the SPS budget.

193. Chair Harley Chappell only learned of Chief Lipinski's termination on June 1, 2026.

**The aftermath of Chief Lipinski's termination**

194. On June 2, 2026, the Board issued a communication stating that "Chief Constable Norm Lipinski has left Surrey Police Service".
195. On June 2, 2026, Board chair Harley Chappell resigned from the Board because of the Board's decision to terminate Chief Lipinski without his knowledge or agreement, and the misleading conduct of some Board members in concealing this objective and process from him.
196. In his resignation letter, Harley Chappell stated that "political tentacles and pressures have reached far too deeply into our newly formed SPS board".
197. On or about June 3, 2026, James Carwana resigned from the Board.
198. Harley Chappell and James Carwana were the only members of the Board whose appointment was not determined or influenced by Mayor Locke or the City of Surrey.
199. The unexplained and unlawful purported termination of Chief Lipinski has caused significant concern to the public and the members of the SPS.
200. On or around June 2, 2026, Ms. Madsen stated that the decision to "terminate" Chief Lipinski was made by the Board because the Board "would like to renew the leadership and take the leadership in the new direction".
201. In early June 2026, multiple members of the public wrote letters to news outlets calling for a public explanation for Chief Lipinski's termination.
202. Around the same time, former Surrey mayor Doug McCallum publicly called for an independent investigation into Chief Lipinski's termination to determine if Board members, "acting in concert with the Mayor's office, improperly engineered the removal of the Chief".
203. Shortly after, Mr. McCallum also filed a formal complaint with the Premier and the Minister over the same concerns, stating that "[t]he people who fought hardest against this police service cannot be permitted to capture its governance through the back door and dismantle from within what they could not stop in the open".

204. In early June 2026, two City of Surrey councillors also criticized the ousting of Chief Lipinski as politically motivated.
205. On June 17, 2026, the Board held its first meeting following the purported termination of Chief Lipinski (the “June 2026 Meeting”).
206. At a news conference prior to the June 2026 Meeting, the new chair of the Board stated that Chief Lipinski did a “great job” but the Board “wanted to move in a different direction”.
207. The June 2026 Meeting was a very well attended, as many SPS members and members of the public attended to show their concern for the Board’s conduct. The June 2026 Meeting was interrupted by chants of “shame, shame!” directed towards the Board.
208. At the June 2026 Meeting, a member of the public asked the Board if it would release a clear written explanation of Chief Lipinski’s dismissal, including any concerns about performance, conduct, or operations. The Board called the question “out of order” and did not respond.
209. Another member of the public asked Larry Thomas if he filed a motion to fire the police chief, and whether the Board was going to give the public any rationale for firing the police chief. Again, there was no substantive response from the Board.
210. At the June 2026 Meeting, the Board passed a motion preventing the Chief Constable from commenting publicly on intergovernmental affairs, and from criticizing the Board, municipal or provincial organizations, or officials.
211. Shortly after the June 2026 Meeting, the president of the SPS union stated that the instability and political interference with the Board were harming the SPS’s recruiting efforts and day-to-day policing.

#### **Additional facts**

212. Requests have been made under the *Freedom of Information and Protection of Privacy Act* with respect to the events underlying this Petition. Some responses to those requests have been delayed and remain outstanding, and this Petition will be amended once they have been fulfilled.

#### **Part 3: LEGAL BASIS**

1. The purported termination of Chief Lipinski was unlawful and invalid.
2. First, the *Police Act* and the common law do not allow for the Chief Constable, as an independent statutory office holder, to be terminated without cause and without any procedural protections. The termination provisions of the 2020 Agreement and 2025

Agreement are subordinate to the *Police Act* and common law, and are void as against public policy.

3. Second, even if the Board had the authority to terminate the Chief Constable in these circumstances, which it did not, as a matter of basic procedural fairness, Chief Lipinski was entitled to notice and a right to address the Board.
4. Third, even if the Board had the authority to summarily terminate the Chief Constable, which it did not, and even if the Board had provided Chief Lipinski with procedural fairness, which it did not, the Board was required to follow its own governance procedures and hold a special meeting convened by the chair.
5. Instead, certain Board members misled the chair about the nature and purpose of the meeting and held the meeting in his absence, in violation of the *Police Act*, the *Board Meeting Regulations*, the *Code of Conduct Regulations*, and the Governance Manual.
6. The purported actions of the Board, or members of the Board, are unlawful and fundamentally undermine the independence of the Chief Constable and the nature of the important public office held by the Chief Constable.

#### **The Chief Constable is an independent statutory office holder**

7. Police officers, and especially the Chief Constable, are statutory office holders, whose authority stems from statute and whose duties are owed to the public and not their appointing body:

Police officers can in no respect be regarded as agents or officers of the city. Their duties are of a public nature. Their appointment is devolved on cities and towns by the legislature as a convenient mode of exercising a function of government, but this does not render them liable for their unlawful or negligent acts. The detection and arrest of offenders, the preservation of the public peace, the enforcement of the laws, and other similar powers and duties with which police officers and constables are entrusted are derived from the law, and not from the city or town under which they hold their appointment.

*McCleave v. City of Moncton* (1902), 1902 CanLII 73 (SCC), 32 S.C.R. 106 at 108-109.

... the office of chief of police and all the duties thereof remain of a very public nature and the manner in which the duties are performed remains a matter of public concern. The rights and obligations of a chief of police to exercise authority according to his or her discretion and judgment are original and derived from statute. They are not delegated in any way by the local police services board or municipal government. They arise and exist independent of any contract.

*Pembroke (City) Police Services Board v. Kidder*, 1995 CanLII 7172 (ON CTGD), [1995] O.J. No. 682 (QL) at para. 19 [*Pembroke*]

8. By virtue of their statutory office, police officers, especially the Chief Constable, necessarily have a degree of independence from the executive:

While for certain purposes the Commissioner of the RCMP reports to the Solicitor General, the Commissioner is not to be considered a servant or agent of the government while engaged in a criminal investigation. The Commissioner is not subject to political direction. Like every other police officer similarly engaged, he is answerable to the law and, no doubt, to his conscience. As Lord Denning put it in relation to the Commissioner of Police in *R. v. Metropolitan Police Comr., Ex parte Blackburn*, [1968] 1 All E.R. 763 (C.A.), at p. 769:

I have no hesitation, however, in holding that, like every constable in the land, he [the Commissioner of Police] should be, and is, independent of the executive. He is not subject to the orders of the Secretary of State, save that under the Police Act 1964 the Secretary of State can call on him to give a report, or to retire in the interests of efficiency. I hold it to be the duty of the Commissioner of Police, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest citizens may go about their affairs in peace. He must decide whether or not suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought; but in all these things he is not the servant of anyone, save of the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone.

*R. v. Campbell*, 1999 CanLII 676 (SCC) at para. 33, [1999] 1 SCR 565, emphasis in original

Police officers are appointed to a public office, sworn to perform public duties and exercise a degree of independence and discretion in the manner of performing their duties, subject to a chain of command ending with the chief of police or other commanding officer. The chief of police enjoys a high degree of operational independence, necessary to the performance of his or her common law and statutory duties.

*Consumers' Co-operative Refineries Ltd. v Unifor Canada*, Local 594, 2020 SKQB 38 at para. 92, aff'd on other grounds 2021 SKCA 34, leave to appeal to SCC ref'd 2021 CanLII 91654

9. This includes independence from municipalities and police boards:

Again, while members of a police force must obey “the lawful direction” of the board, neither the board nor a municipality not having a board can lawfully give directions to any member of a police force prescribing the duties of his office.

...

Those duties are of a public nature and are not owing to the municipality or a board by which a police officer has been appointed. The manner in which the duties imposed by statute on a member of a police force are performed is a matter of public concern.

...

I conclude that the relation of master and servant does not exist in law as between a municipality or a board and a member of a police force appointed under Part II of *The Police Act*. The true position of such a police officer is stated by Viscount Simonds in *Attorney-General for New South Wales v. Perpetual Trustee Co. (LD.)*, [1955] A.C. 457 at 489, as follows:

“... there is a fundamental difference between the domestic relation of servant and master and that of the holder of a public office and the State which he is said to serve. The constable falls within the latter category. His authority is original, not delegated, and is exercised at his own discretion by virtue of his office: he is a ministerial officer exercising statutory rights independently of contract.”

*Re a Reference under the Constitutional Questions Act*, 1957 CanLII 110 (ON CA), 7 D.L.R. (2d) 222 [CQA Reference], emphasis added

10. Police independence is linked to the rule of law, and the need to protect against the danger of political interference, including “the danger that the police would forgo pursuing politically sensitive investigations out of a desire to maintain a good working relationship with the provincial Attorney General”.

*Smith v. Ontario (Attorney General)*, 2019 ONCA 651 at para. 62

### **The Chief Constable’s independence cannot be diminished through contract**

11. Contractual employment arrangements between police and police boards are permitted, so long as they “do not conflict with their statutory or historic common law duties”—duties which require a measure of independence, as set out above.

*Brown v. Waterloo Regional Board of Commissioners of Police*, 1983 CanLII 1697 (ON CA)

12. Where police officers enter into employment agreements with governmental bodies, they remain "ministerial officer[s] exercising statutory rights independently of contract".

*R. v. Cook*, 1998 CanLII 802 (SCC), [1998] 2 SCR 597 at para. 119, quoting *CQA Reference*.

13. In this case, the terms in the 2020 Agreement and 2025 Agreement that, on their face, permit unilateral termination without cause, directly conflict with the necessary independence of the Chief Constable and with the statutory scheme of the *Police Act*.
14. The Ontario Court (General Division) in *Pembroke* concluded that a substantially equivalent contractual term was void as contrary to public policy, as it was incompatible and inconsistent with the *Police Services Act*, R.S.O. 1990, c. P.15 and the necessary independence of the police chief:

2 The provisions of the agreement that are central to the issue are:

ARTICLE 17 -- TERMINATION

17.01 The parties hereto agree that either party to this agreement may terminate it by giving to the other party Thirty (30) days notice in writing of its intention to terminate the agreement. Should the Board give such notice it is agreed that the Board shall pay to the Chief a severance package equal to One (1) years salary at his then current rate.

...

18 ...while no evidence has been put before the court either as to any reason Pembroke's Police Services Board may have for wishing to terminate Chief Kidder's employment or why Chief Kidder agreed in writing to the termination clause he now seeks to repudiate, I have concluded that in the absence of more specific authority in the legislation, a municipality, through a police services board, lacks authority to terminate the employment of its chief of police through a simple notice provision such as in art. 17 of the agreement in this case.

19 Fundamentally, I feel bound by the authority of the decision of the Court of Appeal in the 1957 reference case [*CQA Reference*] from which I quoted earlier. Granted, almost forty years have passed since that decision and the governing legislation has added new responsibilities to the role of the chief of police. Nevertheless, the office of chief of police and all the duties thereof remain of a very public nature and the manner in which the duties are performed remains a matter of public concern. The rights and obligations of a chief of police to exercise authority according to his or her discretion and judgment are original and derived from statute. They are not delegated in any way by the local police services board or municipal government. They arise and exist independent of any contract.

...

23 The legislature has made specific provision for the dismissal and manner of dismissal of a municipal police chief. The important public nature of the office and its duties and responsibilities together with the fact that neither the municipality nor its appointed police services board are in a master-servant relationship with the chief of police have led to the interpretation in the past, that the legislature intended no broader grant of power to a municipal authority to dismiss its police chief. I can see no compelling basis for reaching a different conclusion in light of the present statute or circumstances. The necessary independence of the office of chief of police militates against a finding of authority in an appointed police services board to terminate a police chief's services with nothing more than the giving of 30 days' notice. Such authority would invite an environment in which a chief's conduct must maintain the pleasure or satisfaction of, in the case of Pembroke, one elected municipal councillor and two individuals appointed by the provincial cabinet. Notwithstanding good faith conduct on the part of the board, such a situation is not at all ideal for an office which must be executed without fear or favour and without regard to the consequences that necessary and proper law enforcement may have on the popularity of the office-holder.

24 In my view, the legislature has been careful in protecting the independence of the office of chief of police and I see no reason to hold that the revisions to the Police Services Act since 1957 lead to a broader interpretation of the authority granted therein to dismiss a chief of police than the interpretation given to it in the 1957 reference case. The legislatures are presumed to know the law they are revising and it was open to the Ontario legislature to make specific provision for a more summary dismissal of the services of a police chief had that been intended. As mentioned earlier, there are several very specific dismissal and discharge provisions in the present Act and the only conclusion I can draw is that no broader dismissal authority was intended.

*Pembroke*, emphasis added

15. The Court in *Pembroke* found that the police chief's independence was so important that even contracts of a limited duration might also offend public policy, as "[t]he appointment of a chief for a relatively short term could simply constitute an indirect mechanism to give a municipal board the power to dismiss a chief without reasons or a hearing by not renewing the contract".

*Pembroke* at para. 29

16. The Supreme Court of British Columbia has endorsed the concepts from *Pembroke*, stating that the Chief Constable, unlike some other positions in a police force, holds a unique status and “requires the security of tenure necessary to guarantee his or her independence”.

*Rossmo v. Vancouver Police Board*, 2001 BCSC 1775 at para. 89 (emphasis added),  
aff’d on other grounds 2003 BCCA 677

17. In this case, the public policy concerns from *Pembroke* are clearly engaged.
18. Chief Lipinski’s termination provides a vivid example of the concern for political interference that underlies the decision in *Pembroke*: the risk that a board, constituted largely by members newly-appointed pursuant to an “agreement” with a politician who has a clear *animus* against the Chief Constable, could terminate his appointment without cause, within months of renewing his contract, and in the face of exceptional performance reviews.
19. If Chief Lipinski’s termination were allowed to stand, it would “invite an environment in which a chief’s conduct must maintain the pleasure or satisfaction of” the Board (and by extension, the political ties to the Board), rather than preserving an environment where the Chief Constable can act “without fear or favour and without regard to the consequences that necessary and proper law enforcement may have on the popularity of the office-holder”, as set out in *Pembroke*.

**The statutory scheme does not give the Board authority to terminate the Chief Constable without cause**

20. B.C.’s *Police Act* is substantially similar to Ontario’s *Police Services Act* as it was in *Pembroke*. Under both, a police board is responsible for appointing and directing a chief of police or Chief Constable. The board does not prescribe the duties of the chief (as statutory office holder), although the governing statutes both provide that the chief must follow the board’s lawful directions.
21. Despite the Board’s supervisory authority over the Chief Constable, here, as in *Pembroke*, there is no statutory provision that gives the Board the authority to terminate the Chief Constable without cause. Instead, and again as in *Pembroke*, the *Police Act* contains a detailed scheme for the discipline and possible dismissal of the Chief Constable, with significant procedural protections.
22. The Legislature could have given the Board statutory authority to dismiss the Chief Constable without cause. They did not. Instead, they assigned a statutory position to the Chief Constable and crafted a very specific and detailed process for dismissing the Chief Constable.

23. Absent clear authority, and in the face of the long-standing public policy concerns set out above, the only reasonable interpretation is that the Legislature did not intend for the Chief Constable to be dismissed outside the process prescribed in the *Police Act*.
24. In accordance with the provisions of the 2020 Agreement and 2025 Agreement that subordinate the contracts to the *Police Act*, the termination provisions that permit dismissal outside of the disciplinary process under the *Police Act* are void.
25. In accordance with the severability provisions in the 2020 Agreement and 2025 Agreement, those termination provisions should be severed.
26. It is the *Police Act*, not an employment contract or other statutory regime, that properly addresses the dismissal of a police officer. A police officer, and in particular the Chief Constable, is not an “employee” in the ordinary sense of the word because of the necessary independence that flows from the nature of the office.

*Carpenter v. Vancouver Police Board*, 1985 CanLII 477 (BC CA) at para. 44

#### **The Board breached its duty of fairness to Chief Lipinski**

27. In the alternative, even if the law permitted the Chief Constable to be dismissed without cause and without adhering to the *Police Act* process, the Board was not entitled to do so in a procedurally unfair way.
28. A public law duty of fairness flows by necessary implication from the *Police Act* in these circumstances. The *Police Act* affords significant procedural protections, including notice and an opportunity to be heard, to the Chief Constable before dismissal for disciplinary default.

*Dunsmuir v. New Brunswick*, 2008 SCC 9 at para. 116
29. The minimum procedural fairness owed to a Chief Constable terminated without cause is notice and the opportunity to be heard. Chief Lipinski received neither.
30. The Board’s own Governance Manual states that it is the Board chair’s role to ensure the Chief Constable is “aware of the expectations and concerns of the Board”. No such process occurred here, as Board chair Harley Chappell was effectively sidelined by some members of the Board who usurped his role and deprived Chief Lipinski of the notice he was entitled to.
31. No deference is given by a reviewing court on the issue of procedural fairness: either the decision was procedurally fair, or it was not. In this case, it was not.

*Murray Purcha & Son Ltd. v. Barriere (District)*, 2019 BCCA 4 at para. 23

**The Board's decision is a nullity because it did not follow its own process**

32. In the further alternative, the purported termination of Chief Lipinski was unlawful and invalid due to the improper and misleading way in which the May 2026 Meeting was convened and conducted.
33. Pursuant to s. 8 of the *Board Meeting Regulation* the Board was required to publicly announce the May 2026 Meeting and share the agenda at least 24 hours in advance. No public announcement was made prior to the May 2026 Meeting.
34. Pursuant to the Governance Manual, members of the Board were entitled to receive notice specifying Chief Lipinski's potential termination as an item of business to be transacted at the meeting. Neither Harley Chappell nor James Carwana received this notice.
35. Board chair Harley Chappell was also entitled to attend the May 29, 2026 meeting. He did not attend the meeting because he was told that there would be no motions requiring Board approval. That statement was false.
36. Members of the Board, including Larry Thomas, breached s. 9 of the *Code of Conduct Regulation* by misleading Board chair Harley Chappell about the basis for the May 2026 Meeting. This was also contrary to the standards of conduct in the Governance Manual, which require Board members to conduct all business on behalf of SPS fairly and honestly.
37. Failing to advise the Board chair of the motion to terminate Chief Lipinski in advance also violated the requirement in the Governance Manual for Board members to advise the Board chair in advance of introducing significant and previously unknown information at a Board meeting.
38. The May 2026 Meeting was called in a manner that breached s. 7 of the *Board Meeting Regulations*, which require special meetings to be called by the chair or the majority of Board members and only to address an emergency or unexpected or unusual matter of a serious and urgent nature that requires the Board to consider a motion before the date of the next regular meeting.
39. Neither of these circumstances applied to the May 2026 Meeting.
40. Chief Lipinski's termination did not constitute an emergency or unexpected, urgent or unusual matter requiring a special meeting. Even if the reasons in the Termination Letter were valid, none of those reasons were unexpected or urgent.
41. Any notion of urgency is also belied by Board member Ms. Madsen's statement on June 2, 2026 that the decision to "terminate" Chief Lipinski was because the Board "would like to renew the leadership and take the leadership in the new direction", as well as the statement

by the new Board chair on June 17, 2026 that Chief Lipinski did a “great job” but the Board “wanted to move in a new direction”. The Board had a regularly meeting scheduled for June 17, 2026, and the desire of some members of the Board to terminate Chief Lipinski is plainly a matter that could have waited until the next properly-convened meeting 12 business days later.

42. Mr. Stutt breached s. 3(1) of the *Board Meeting Regulation* when he, as acting chair, failed to ensure the May 2026 Meeting was conducted in accordance with the *Police Act*, the *Code of Conduct Regulation*, and the *Board Meeting Regulation*.
43. The proponents of the May 2026 Meeting, including Mr. Stutt and Mr. Thomas, also breached s. 3 of the *Code of Conduct* by failing to act in a manner that maintains the public's trust and confidence in the Board.
44. The reaction to the May 2026 Meeting, including public comments made at and after the June 2026 Meeting, demonstrate that the public has lost trust and confidence in the Board to act impartially and in their best interests when it fired Chief Lipinski without any apparently justifiable reason and in a manner that appeared politically motivated. This was also contrary to the Governance Manual, which requires members of the Board to refrain from conduct that would compromise the integrity of the Board.
45. Finally, the Termination Letter was issued in breach of the Governance Manual, which requires a committee to be specifically authorized to make decisions on behalf of the Board.
46. The Termination Letter is signed by Hanne Madsen in the purported capacity as “Special Subcommittee chair”, but no “special subcommittee” of the Board is recognized in the Governance Manual and no terms of reference exist for it.
47. The Board is a creature of statute and must follow its own statutory process. Instead, it convened a meeting intended to circumvent the participation of the chair of the Board, in contravention of multiple mandatory legislative provisions and policies.
48. The result was a decision devoid of even the appearance of fairness and contrary to the purpose of the *Police Act*, *Board Meeting Regulations*, and *Code of Conduct*. The purported termination decision is therefore a nullity.

*Montreal Street Railway Co. v. Normandin*, 1917 CanLII 464 (UK JCPC)  
*Doucet v. Adult Forensic Psychiatric Services*, 2000 BCCA 195  
*Gates v Standard (Village)*, 2021 ABCA 299

49. The Petitioner further relies on:

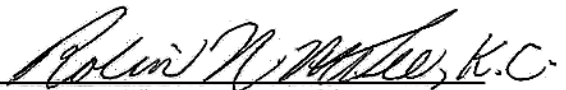
- a. the *Police Act*, R.S.B.C. 1996, c. 367;

- b. the *Municipal Police Board Member Code of Conduct Regulation*, B.C. Reg. 113/2025;
- c. the *Municipal Police Board Meeting Regulation*, B.C. Reg. 115/2025; and
- d. the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241.

**Part 4: MATERIAL TO BE RELIED ON**

- 1. Affidavit #1 of M. Serr, made 17/September/2026;
- 2. Affidavit #1 of H. Chappell, made 19/September/2026;
- 3. Affidavit #1 of R. Lipinski, made 25/September/2026;
- 4. Affidavit #1 of J. Carwana, made 28/September/2026;
- 5. Affidavit #1 of P. Maessen, made 28/September/2026; and
- 6. Such further and other materials as counsel may advise and this Honourable Court may permit.

Date: September 28, 2026

  
Signature of lawyer for petitioner

Robin N. McFee, K.C.

***To be completed by the court only:***

Order made

- ☐ in the terms requested in paragraphs \_\_\_\_\_ of Part 1 of this petition
- ☐ with the following variations and additional terms:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature of ☐ Judge ☐ Associate Judge