

# Yukon Utilities Board

May 19, 2023

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On behalf of the complaining owners and Whitehorse Condominium Corporation #275  
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and

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ATCO Electric Yukon  
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Dear. Mr. Westropp and Mr. Cullingham:

**Re Preliminary matters regarding WCC 275 ATCO Electric Yukon  
Complaint Settlement Agreement**

I write to confirm that the Yukon Utilities Board (the Board) has received from the Whitehorse Condominium Corporation #275 owners' group (WCC 275) a Complaint Settlement Agreement for approval. However, before the Board proceeds to consider the matter, the following preliminary issues need to be addressed.

First, as ATCO Electric Yukon (AEY) is a party to both the complaint from WCC 275 and to the agreement to settle the complaint, it clearly has an interest in the WCC 275 application to approve the agreement. While AEY is not named as a party to the approval application, the Board nonetheless will deem AEY to be a party to the application unless AEY expressly stipulates otherwise.

Second, to ensure transparency, the Board considers it appropriate to inform the parties of the following:

- On January 15, 2020, Narrow Gage Construction (NGC), the builder of WCC 275 condominium building, retained Andre Fortin, who is currently a Board member, to provide an opinion concerning the electrical installation at this building.

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After his review of the electrical installation, Mr. Fortin informed NGC that the digital metering installed was not approved by Industry Canada as well as other matters related to the metering, including the lack of residential meters at this building. Mr. Fortin's last communication with NGC under the retainer was on February 17, 2020 and Mr. Fortin was paid \$1,000.00 for his services.

- Lesley McCullough is currently a Board member who has worked for and with some of the owners of the WCC 275 condominium building. She also has both current and past relationships with several of the condominium owners as either friends or acquaintances, and she also serves on boards and committees with some of the owners.
- Richard Buchan, the Board Chair, has both current and past relationships with several of the condominium owners as either friends or acquaintances and he also has long-past lawyer-client relationships with some of them.

Although these Board members believe themselves to be impartial in this matter, to avoid any concerns about apprehension of bias, the Board is asking the parties whether they take issue with any of these members sitting on the application to approve the settlement agreement. If you have any concerns or objections to these members sitting on this application, please inform the Board by June 2, 2023. If the Board receives no such concerns or objections by this date, the Board will deem that the parties have waived any concerns of bias or apprehension of bias about these Board members participating in a decision on the application.

Third, the Board requests the applicant to provide a PDF copy of the settlement agreement, as the link to the document in Mr. Westropp's e-mail to the Board is not functioning properly.

If you have any questions, please contact me at (403) 519-4350.

Yours truly,



Giuseppa Bentivegna  
Legal counsel