

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Jauhar v. West Coast Cricket Association*,
2024 BCSC 315

Date: 20240226
Docket: S240301
Registry: Vancouver

Between:

Bhavjit Jauhar, Riaz Dawood and Alphonso Franco

Petitioners

And

West Coast Cricket Association also known as Cricket BC

Respondent

Before: The Honourable Justice Mayer

Reasons for Judgment

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Table of Contents

INTRODUCTION 3

THRESHOLD ISSUE – SERVICE ON INTERESTED PARTIES..... 4

GOVERNING PRINCIPLES – SOCIETIES ACT 4

DELEGATE VOTING..... 5

 Statute and Bylaw Provisions Concerning Delegate Voting 5

 November 2023 Delegate Voting - Background Facts 6

 Does the delegate voting at the November 2023 AGM constitute a substantive irregularity?..... 7

 Was the irregularity calculated to affect the result of the November 2023 Election? 9

PROXY VOTING..... 10

 Statute and Bylaw Provisions Concerning Proxy Voting 10

 Proxy Voting - Background Facts 11

 Does proxy voting constitute a substantive irregularity which was calculated to affect the results of the November 2023 Election? 11

SHOULD A NEW ELECTION BE ORDERED?..... 12

MR. HARDAT’S ELECTION AS PRESIDENT OF CRICKET BC IN NOVEMBER 2022..... 14

 Finding of Fact: Was Mr. Hardat a life member of a member of Cricket BC at the November 2022 AGM? 15

 Conclusion – Validity of Mr. Hardat’s Election as President of Cricket BC in 2022 17

THE PETITIONERS’ COSTS..... 17

Introduction

[1] The petitioners Bhavjit Jauhar, Riaz Dawood and Alphonso Franco are each directors of societies that are in turn members of West Coast Cricket Organization aka Cricket BC. Cricket BC is a society which promotes and regulates the sport of cricket in British Columbia. Pursuant to its bylaws only legal entities (including societies, corporations or partnerships) are entitled to be members of Cricket BC and to vote at its meetings.

[2] At its annual general meeting held November 4, 2023, Cricket BC's members elected candidates for five positions (the "November 2023 Election"). Vikramjit Bawa was elected as vice president, defeating Mr. Franco in a vote of 24 to 20. Mohan Kumar was elected as secretary, defeating Utkarsh Dhavan in a vote of 26 to 10. Two director members at large were elected - with Karan Chabbha and Kurram Dilshad receiving 26 and 24 votes respectively, and Mr. Dawood and Mr. Jauhar receiving 20 and 19 votes respectively. Finally, one director member at large (Junior Cricket) was elected with Anil Khanna defeating Bashir Bardai in a vote of 25 to 20.

[3] The November 2023 Election was overseen by Mr. Kumar and Vimal Hardat who were at the time, and remain, Cricket BC's secretary and president. Eight votes were allowed from persons identified as delegates and 22 votes were made by proxy holders.

[4] The petitioners contend that delegate voting was not authorized by Cricket BC's by-laws and that three of the proxy votes were defective. As a result, they seek an order setting aside the results of the November 2023 Election and an order that a new election be held.

[5] In addition, the petitioners seek an order that the position of president should be included on the ballot if a new election is ordered because, in their submission, Mr. Hardat was not qualified to be elected as president when he was elected in November 2022.

[6] Finally, the petitioners seek compensation for legal expenses incurred in seeking to remedy the alleged election irregularities.

Threshold Issue – Service on Interested Parties

[7] As a threshold issue, Cricket BC says that the petitioners have not provided notice of this application to the individual members of Cricket BC, whose votes the petitioners assert were improperly obtained. They contend that for this reason this petition should be dismissed.

[8] Rule 16-1(3) of the *Supreme Court Civil Rules* requires that a petition must be served on all persons whose interests may be affected by the order sought. The petitioners say that they do not seek to impugn the conduct of members who voted through delegates or by proxy, but rather the decision of Cricket BC to allowed votes from these members. For this reason, they contend that it was not necessary to serve the petition on these members. In addition, they submit that it would not be practical, nor is it necessary, to make all the members of Cricket BC respondents.

[9] I do not find that the petitioners were required to serve this petition on any of the members of Cricket BC. Cricket BC is the appropriate respondent to this petition.

Governing Principles – Societies Act

[10] Section 105(2) of the *Societies Act*, S.B.C. 2015. c 18, provides this Court with the jurisdiction, under prescribed circumstances, to make orders to remedy an irregularity in the conduct of the affairs of a society. The applicable circumstances relied upon the by the petitioners in this application include subsection 105(1)(a), where a defect, error or irregularity results in a contravention of the *Societies Act* and subsection 105(1)(c), where there has been a default in compliance with a society's bylaws.

[11] Section 105(2)(a) of the *Societies Act* provides this Court with the jurisdiction to make an order to correct, negate or modify a defect, error or irregularity in the conduct of the affairs of a society, or to validate or invalidate the result of such

defect, error or irregularity. This includes taking steps to address irregularities in the conduct of a society's elections.

[12] The two-part test for determining whether remedial steps should be taken under s. 105, in the context of election irregularities, is as follows:

- a. Were there substantive irregularities in the election?
- b. Were the irregularities calculated to affect the result?

Gill v. Kalgidhar Darbar Sahib Society, 2017 BCSC 1423, at para. 34 [*Gill*] and *John v. Korean Senior Citizens' Society*, 2021 BCSC 1637, at para. 37 [*Korean Senior Citizens' Society*]

[13] The onus is on the petitioner to establish that substantive irregularity has occurred in an election. If the petitioner satisfies this onus, the onus shifts to the respondent to prove that the irregularity was not calculated to affect the result: *Gill*, at para. 33(f)

[14] In determining whether an irregularity was calculated to affect the result, courts should consider (i) the nature of the irregularity and the manner in which it was addressed when raised, and (ii) the results of the process: *Gill*, at para. 52

Delegate Voting

Statute and Bylaw Provisions Concerning Delegate Voting

[15] Section 11(1) of the *Societies Act* makes it mandatory for a society to enact bylaws respecting the internal affairs of a society. This includes, under subsection 11(1)(c), a requirement that the society enact bylaws regarding general meetings and in particular, where indirect or delegate voting is authorized by bylaw, a requirement that the society have rules regarding how indirect or delegate voting is to occur.

[16] Section 84(1) of the *Societies Act* provides that a member of a society has the right to vote, unless precluded from doing so by the society's bylaws. In addition,

consistent with s. 11(1), subsection 84(5) and (6) requires that if the bylaws of a society authorize indirect or delegate voting, that the bylaws must set out rules respecting how such voting is to occur.

[17] Section 23(1) of Cricket BC's bylaws provides only that a member in good standing referred to in bylaw 2(a) is able to vote at a meeting of Cricket BC's members. The definition of a full member at bylaw 2(a) includes a cricket club or cricket league in British Columbia that has paid its membership fee and is a legal entity. The bylaws do not authorize or contain any rules with respect to delegate voting.

November 2023 Delegate Voting - Background Facts

[18] The appropriateness of delegate voting was put in issue prior to the November 2023 Election. On September 28, 2023, Pawan Joshi, Second Vice-President of Cricket BC, wrote to the directors and expressed concern that Cricket BC was not following its bylaws. Mr. Joshi was concerned about communication issued by Mr. Kumar on September 27, directing members who wished to send delegates to vote at the November AGM to provide delegate names by September 29. In his email Mr. Joshi noted that there was no definition of delegate in Cricket BC's bylaws. He expressed concerns about determining whether the delegate was an active member of the club for which they were being put forward.

[19] On October 12, 2023, Mr. Kumar emailed to the membership of Cricket BC providing notice of the November 4, 2023 AGM and advising that positions coming for election included those of first vice-president, secretary and three members-at-large. In this email he stated that the proxy form authorized under Cricket BC's bylaws, to allow voting by proxy holder, must be submitted by October 21, 2023.

[20] In a subsequent email sent on October 27, 2023, Mr. Kumar advised that the deadline for receipt of proxies was now over and proxies were being validated. On November 2, 2023, Mr. Kumar wrote again advising under the heading "Who can attend or vote..." that if a member already provided a proxy before the deadline, the proxyholder could vote, a president or secretary of a member could vote, or if a

president or secretary were not available, they could send a delegate name by November 3, 2023.

[21] A number of delegates names were put forward by member organizations of Cricket BC, by emails sent on November 3 and one day late, on the morning of November 4.

[22] At the AGM on November 4, 2023, before voting took place, each of the petitioners advised Mr. Hardat, Mr. Kumar and Mr. Joshi that in their view it would be improper to accept votes anyone other than registered directors of Cricket BC members and Mr. Franco complained about the validity of a proxy vote made on behalf of the Nanaimo Cricket Club. A motion was brought by Leonard Layton, Vice President of the Meraloma Club to ratify a list of voters, including delegate and proxy voters, which passed. The vote then proceeded.

[23] As set out earlier, a total of eight votes at the November 2023 Election were made by individuals who are described in relevant correspondence and records as delegates. These include votes from individuals put forward as delegates by the Abbotsford Cricket Club, Bengal Tigers, Kelowna Cricket Club, Lions Cricket Club, Richmond Cricket Club, Surrey Hawks Cricket Club and West Coast Tamil Sports Club.

[24] With the exception of the delegate for the Abbotsford Cricket Club, none of the delegates appear to have been directors or were otherwise authorized to vote on behalf of their organizations.

Does the delegate voting at the November 2023 AGM constitute a substantive irregularity?

[25] There is no dispute that allowing votes at a society's annual general meeting which are not authorized by the *Societies Act* and the society's bylaws constitutes an irregularity. The parties disagree whether allowing votes at the November 2023 AGM constitutes a substantive irregularity justifying this Court's intervention. For the

reasons set out below I find that the delegate voting constitutes a substantive irregularity.

[26] Cricket BC submits that it had been its practice for several years to allow delegate voting and they followed the same procedure in respect of delegate voting at the 2023 AGM as they had in previous years. The petitioners contend that the fact this practice was carried out for several years does not validate a practice which contravenes the provisions of the *Societies Act*.

[27] During submissions Cricket BC also suggested, somewhat contradictorily, that what occurred was not in fact delegate voting. They submitted that a member of each of the eight member organizations simply voted and there is no requirement in the Cricket BC bylaws that voting members be registered directors.

[28] The correspondence put into evidence, consisting of the emails exchanged between Cricket BC and its member organizations, indicates that delegates were being put forward. In addition, the eight votes in question were recorded by Mr. Kumar on the attendance sheet for the November 2023 Election as delegate votes. Other votes were recorded for proxy holders and it appears that a number of votes were recorded for either a president or secretary.

[29] The instructions provided by Mr. Kumar to member organizations on November 2, 2023, was that either proxy holders, a president or secretary of a member, or a delegate could vote. If, as Cricket BC submits, the eight votes recorded on the list of voters for the AGM as delegate votes were not in fact delegate votes (as that term is used in the *Societies Act*), in order to be valid they would have to have been made by (in accordance with Mr. Kumar's email) the president or secretary of the member organization or another individual authorized to vote on behalf of the organization. In my view another individual would include a registered director. The evidence establishes that most of the eight delegate voters were neither. I conclude that the eight votes in question were made by "delegates" as that term is used in the *Societies Act*.

[30] Cricket BC's bylaws do not set out rules providing how delegate voting was to occur, as is required by ss. 11(1)(c) and 84(5) and (6) of the *Societies Act*. Accordingly, I conclude that the acceptance of votes from delegates at the November 2023 Election was not authorized by the bylaws and constitutes an irregularity. Further, given that eight delegate votes were received and the evidence that the margin of votes for executive and director positions was quite small (for example, 4 votes for the position of vice president), I find the irregularity to be substantive.

Was the irregularity calculated to affect the result of the November 2023 Election?

[31] The onus is on Cricket BC to prove that acceptance of the delegate votes was not calculated to affect the result of the November 2023 Election. For the reasons set out below, I do not find that they have done so.

[32] Clearly Cricket BC intended to obtain the votes from delegates. This is established from the emails to members issued by Mr. Kumar in October and November 2023 seeking delegate votes and the process followed at the November 2023 AGM. In addition, the evidence establishes that Cricket BC, including both Mr. Hardat and Mr. Kumar, were aware of that the appropriateness of delegate voting was disputed. This evidence includes the email sent by Mr. Joshi on September 28, 2023 and the objection raised by the petitioners at the start of the AGM.

[33] Cricket BC was also aware of an earlier ruling of Justice Murray made November 2, 2023, concerning who was entitled to vote on behalf of the Salim Akbar Cricket Club at the November 2023 AGM. In that application (indexed as *Salim Akbar Cricket Club v. West Coast Cricket Organization*, 2023 BCSC 2202), Justice Murray found that only registered directors of Salim Akbar Cricket Club were entitled to vote on behalf of that society, and not a dissident group of its members. Although the petitioners in this application do not argue that Justice Murray's order is binding

on other members of Cricket BC, they submit that the issue of who was entitled to vote at the November 2023 AGM was front and center.

[34] The fact that Cricket BC had been effectively warned by Mr. Joshi and by the order of Justice Murray that delegate voting was an issue, but proceeded to receive delegate votes in any event, demonstrates that the decision to do so was purposeful.

[35] In this case, the nature of the irregularity involves allowing individuals who were not entitled to vote in the November 2023 Election do so. There is no question, given the small margins separating the winners from the losers in the election, that this decision had an impact on election results.

[36] I find that the decision of Cricket BC to accept delegate votes at the November 2023 Election was calculated to affect the result of the election.

Proxy Voting

Statute and Bylaw Provisions Concerning Proxy Voting

[37] Section 85(1) of the *Societies Act* provides that a member of a society may not appoint a proxy holder unless permitted to do so by the bylaws of the society.

[38] Section 23(3) of Cricket BC's bylaws provides that voting at a meeting of the members is allowed by proxy, provided that the proxy submitted is in the form approved by Cricket BC's board and is received 14 days prior to the relevant meeting.

[39] Section 85(3) of the *Societies Act* provides that unless a society's bylaws provide otherwise, a proxy holder must be a member of the society. As already stated, section 2(a) of Cricket BC's bylaws stipulate that a member must be a cricket club or cricket league that is a legal entity.

Proxy Voting - Background Facts

[40] A total of 22 votes were made by proxy holders at the November 2023 AGM. The proxy form used by Cricket BC states that “[t]o be valid, this Proxy must be signed by the Proxy and the President of the Cricket Club ...”.

[41] The petitioners contend that three of the proxy forms submitted were not properly completed.

[42] The proxy form submitted by the Allcomers Cricket Club, does not appear to have been physically signed by the purported proxy granter Wagar Ahmad, but includes an electronic signature. In addition, this electronic signature is made by Mr. Ahmad as secretary - and not the president of this club as the proxy form requires. Finally, the proxy is not granted to another member of Cricket BC but is granted to an individual, Amjad Bajwa.

[43] The proxy form submitted by Langley Cricket Club is not signed by the purported proxy holder, Harjit Sandhu. The club’s president Barjinder Kular signed on the lines on the form designated for both the proxy holder and the proxy grantor. Again, the proxy is not granted to another member of Cricket BC but is granted to Mr. Sandhu.

[44] The proxy form submitted by the Nanaimo Cricket Club is signed by Sukhbir Singh as president of the club. The petitioners submit that Mr. Singh is not a director of the Nanaimo Cricket Club and that because the bylaws of the club require its president to be a director, he cannot be president. Again, the proxy is not granted to another member of Cricket BC, but is granted to Mr. Singh.

Does proxy voting constitute a substantive irregularity which was calculated to affect the results of the November 2023 Election?

[45] For the reasons set out above, I find that Cricket BC’s acceptance of proxy votes from the Allcomers, Langley and Nanaimo cricket clubs constitutes a voting irregularity because the proxy forms were not properly completed, or were completed by ineligible parties, in contravention of Cricket BC’s bylaws.

[46] The question of who a proxy could be granted to arose during submissions, as a result of an inquiry by this Court. Both parties agreed that a proxy must be granted by one club to another in order to be valid.

[47] I find that by combination of s. 85(3) of the *Societies Act* and section 2(a) of Cricket BC's bylaws, the only person who is eligible to vote by proxy at Cricket BC's meetings for a member is an authorized representative (generally, either an officer or registered director) of another member organization, who has submitted the requisite and properly completed proxy form. It is apparent that a number of proxies were not granted by a member organization to another member organization, but rather to one of the grantor's members. It appears that at least ten proxies were defective for this reason. I find that this constitutes a substantive irregularity.

[48] The evidence establishes that at the November 2023 AGM Mr. Franco alerted Mr. Hardat and Mr. Kumar about the potential that the proxy submitted on behalf of the Nanaimo Cricket Club was invalid. It does not appear that during the November 2023 AGM any party was aware of the deficiencies in the forms submitted by the Allcomers or Langley cricket clubs. As well, it does not appear that any of the parties were aware that a proxy could only be granted by one member organization to another member organization. Nonetheless, I find that by accepting proxy votes, which were improperly put forward, Cricket BC took steps, that is it calculated, to affect the results of the November 2023 Election. They must have known given the number of proxies at issue, 22, that acceptance of votes by proxy would impact the election results. Cricket BC has not presented evidence to the contrary.

Should a new election be ordered?

[49] This Court must still consider whether the election irregularities justify ordering a new election.

[50] Cricket BC submits that even if this Court concludes that voting irregularities which were calculated to impact election results occurred that the appropriate remedy would be to modify the by-laws of Cricket BC. That is, they submit that rather than ordering a new election the 2023 election results should stand and

Cricket BC's bylaws should be amended by order of this Court to allow delegate voting and to allow for proxy votes by individual members of its member organizations. In my view, doing as Cricket BC suggests would involve a completely inappropriate intrusion by the court in the affairs of Cricket BC by establishing new categories of voters.

[51] This court has overturned elections when substantive irregularities have been found. In *Gill* Justice Riley specifically considered the fact that the petitioner had informed the society, the Kalgidhar Darbar Sahib Society, that their conduct could constitute an election irregularity, and no action was taken to address this concern. Justice Riley found that that fact, coupled with a consideration of the results of the process in its proper context, should result in a new election: *Gill*, at para. 52-55.

[52] In other cases, *Bector v. Vedic Hindu Cultural Society*, 2014 BCSC 230, and *Korean Senior Citizens' Society*, the court ordered that as a result of irregularities new elections should be held in compliance with the *Societies Act* and the organizations' bylaws and court orders.

[53] The nature of the voting irregularities at the November 2023 Election go to the heart of the integrity of Cricket BC's election process and had a significant impact on election results. I find that these regularities constitute an error or irregularity in the affairs of Cricket BC under section 105(1)(a) and (c) of the *Societies Act*. As a result, pursuant to s. 105(2)(a)(i), I conclude, given the number of impugned votes at the November 2023 Election, that this Court has no choice but to order a new election – and I so order.

[54] The petitioners submit that that an election should be held within three weeks of an order, by mid-March, as a number of important decisions are required prior to April 2024. I accept this submission and order that a new election be held no later than March 15, 2024.

[55] The petitioners also submit that this Court should order that an election monitor be appointed. I am not satisfied that this is required or, given the nature of

Cricket BC as a player funded amateur sports association, would be appropriate. I decline to order that an election monitor be put in place. To ensure that any proxies comply with the requirements of Cricket BC's bylaws and in the interests in transparency, I order that before proxy votes are received at the next election, that a copy of any proxy forms submitted be made available to the membership of Cricket BC. As well, unless Cricket BC amends its bylaws, voting by delegate is prohibited.

Mr. Hardat's Election as President of Cricket BC in November 2022

[56] The petitioners submit that Mr. Hardat was not eligible to run for election as president of Cricket BC at the November 2022 AGM. The petitioners refer to s. 5 of Cricket BC's bylaws which only permit persons who are members of member organizations of Cricket BC to be put forward for election. They say that Mr. Hardat, was not as he claims to have been, a life member of the Newton Surrey Cricket Association, Alcos Cricket Club and Victoria and District Cricket Association or a member or director of any of those organizations or other member of Cricket BC.

[57] The relevant portion of s. 5 of the bylaws read as follows:

5. All persons who are members of either a the [sic] Member League or Member Club in good standing shall be eligible for election to office.

[58] The petitioners say that Mr. Hardat cannot be a life member of the Alcos cricket club or Newton association, because neither of those organizations' bylaws provide for "life membership". They submit that pursuant to s. 11(1) of the *Societies Act* that a society must have bylaws that contain provisions concerning classes of membership, if there is more than one class of members, and the rights and obligations that apply to each class. They say that a life membership is a separate class of membership. In addition, they say that the Alcos Cricket Club was not a member organization of Cricket BC at the time that Mr. Hardat was elected president in November 2022.

[59] In addition, the petitioners say that although the Victoria and District Cricket Association bylaws do provide for "life memberships" that Mr. Hardat was not a life member of this association in 2022, because he never paid his membership fees or

submitted a life membership form, which under the association's bylaws is a necessary condition of becoming a life member.

[60] For all of these reasons the petitioners say that Mr. Hardat's election as President of Cricket BC is in violation of Cricket BC's bylaws and his election should be declared a nullity.

[61] Cricket BC did not challenge the submissions of the petitioners that the Alcos cricket club and Newton association bylaws do not provide for lifetime memberships.

[62] Cricket BC contends that Mr. Hardat was a life member of the Victoria and District Cricket Association and therefore qualified to run for election as president.

Finding of Fact: Was Mr. Hardat a life member of a member of Cricket BC at the November 2022 AGM?

[63] I find that Section 11(1) of the *Societies Act* makes it mandatory for a society to have bylaws authorizing membership classes. These bylaws must provide a description of the class and the rights and obligations which apply to each class. If such a bylaw does not exist any purported class membership is a nullity.

[64] By way of example, Cricket BC's bylaws create the classes of "Sustaining" and Honorary" members and provides that neither of these classes of members are eligible for election to office.

[65] I find, because the bylaws of the Alcos cricket club and Newton association did not provide for separate classes of membership, that Mr. Hardat could not have been a life member of either of those organizations and therefore was not qualified to run for president of Cricket BC as a result of membership in them.

[66] In addition, the petitioners have provided evidence that at the time of Cricket BC's November 2022 AGM the Alcos Cricket Club was not a member of Cricket BC, but had been replaced by another club, the Allcomers Cricket Club. This evidence has not been challenged by Cricket BC. As a result, I find that even if Mr. Hardat was a lifetime member of the Alcos club, which I do not find to be the case, this

status would not have qualified him to run for president of Cricket BC because the Alcos club was not a member of Cricket BC in 2022.

[67] The remaining question is whether Mr. Hardat was a member of the Victoria and District Cricket Association at the time of the November 2022 election and therefore entitled to run for the position of president of Cricket BC.

[68] Mr. Franco, who is president of the Victoria and District Cricket Association has sworn that the club has no record of Mr. Hardat ever providing an application for life membership or paying a membership fee. Jim Wenman, previously president and trustee for the life membership fund for the association has sworn that to the best of his knowledge Mr. Hardat was not a life member in 2012 or 2013. Finally, Manish Prajapati, club secretary, has sworn that he has never met Mr. Hardat and is not aware of any official communication regarding his purported life membership.

[69] Mr. Hardat has sworn that he became a life member of the Victoria and District Cricket Association in 2013. In his evidence he referred to an email sent by Mr. Franco in May 2013, asking him to send a mailing address where the receipts for his life membership fee could be sent and advising that his name was now on the list of life members for the association. In addition, he says that he played in cricket matches as a member of the association and that his name appeared on the sign-in sheet for the association's 2013 AGM. Finally, he says that until 2024 his name was listed on the association's website as a lifetime member.

[70] In response to Mr. Hardat's evidence the petitions contend that the fact that Mr. Hardat was on the sign-in sheet for Victoria and District Cricket Association's 2013 AGM does not mean that he was a member of the association. In addition, they contend that the fact that he played a cricket match with a club which was a member of the association, does not prove that he was a member of the association itself. With respect to Mr. Hardat's listing on the association's website as a life member, they say that this was an error which has been corrected. Finally, they contend that most importantly, Mr. Hardat has not provided a response to their

evidence that there is no record of his ever having paid the required lifetime membership fee.

Conclusion – Validity of Mr. Hardat’s Election as President of Cricket BC in 2022

[71] Considering all of the evidence I am satisfied that Mr. Hardat was not a member of the Victoria and District Cricket Association in 2022. This is primarily because of the petitioners’ evidence, without evidence to the contrary, that Mr. Hardat never submitted the necessary application or paid the required fee - which the association’s bylaws require in order for an individual to become a lifetime member. As a result, he cannot rely on such membership as a basis for his qualification to run for president of Cricket BC in 2022.

[72] The petitioners have proven that Mr. Hardat was not qualified under Cricket BC’s bylaws to stand for election as president at its 2022 election. As a result, I find that his election constitutes a defect or error under s. 105(1)(c) of the *Societies Act*. Pursuant to s. 105(2)(a)(i), I find that his election as president in 2022 is a nullity and order that Cricket BC elect a new president at the election which I have ordered is to take place in March 2024.

[73] Given that Mr. Hardat is not president of Cricket BC it is not appropriate for him to preside over the March 2024 election. This election may be monitored by the societies’ vice-president and secretary.

The Petitioners’ Costs

[74] The petitioners seek full indemnity for their costs, payable by Cricket BC, which they say is appropriate given the willful disregard of the warnings and protests the petitioners made concerning voting prior to and at the 2023 Election.

[75] Section 105(2)(b) of the *Societies Act* provides this Court with the discretion to make any ancillary or consequential orders it considers appropriate when it makes an order correcting a defect in the affairs of a society.

[76] I do not consider that an order for full indemnity for costs is appropriate. Although there were voting irregularities in the November 2023 Election, I am not satisfied that the executive of Cricket BC who were responsible for supervising the election intentionally sought to subvert the election results. Their conduct in allowing delegate votes is more in the nature of an error. Further, as I stated earlier, it appears that none of the executive or members of Cricket BC were aware that they had improperly obtained proxy votes. Finally, given that Cricket BC is a member funded sporting organization, I do not find that an order for full indemnity for costs, when such costs would ultimately be bourn by individual cricket players, would be appropriate.

[77] I decline to order full indemnity for costs. Given that the petitioners have been successful in this application they are, presumptively, entitled to their costs pursuant to the court tariff. If the parties wish to make submissions on court costs they are directed to obtain a date from Supreme Court scheduling for a brief hearing before me.

“Mayer J.”