

CANADA / JUDGMENT

Public Guardian and Trustee v. Strapp

2001 BCSC 603

COURT

Supreme Court of British Columbia

DECIDED

23 April 2001

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2001BCSC0603

Citation: Public Guardian and Trustee v. Strapp Date: 20010423

2001 BCSC 603 Docket:

49923

Registry: Kelowna

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PUBLIC GUARDIAN AND TRUSTEE
PLAINTIFF

AND:

LEONE BLANCHE STRAPP
AND BRYAN KEITH STRAPP
DEFENDANTS

REASONS FOR JUDGMENT

OF THE

HONOURABLE MR. JUSTICE METZGER

Counsel for the Plaintiff: D.L. Polley

Counsel for the Defendant Leone Strapp: D.D. Kermode

Date and Place of Hearing: April 9, 2001

Kelowna, BC

- [1] Since my unentered order of November 2000, the Public Trustee has filed a plan that would commence to preserve the assets of this infant's settlement. Not much has gone forward since the plan was outlined and filed.

- [2] I note that Mrs. Strapp as co-trustee had a few simple obligations to fulfill, in addition to her onerous task of day-to-day care of Logan.
- [3] She has failed to fulfill those simple obligations as set out by Justices Drossos and Brooke. She has not filed an expense report for over four months.
- [4] She and the Public Trustee cannot agree on how the trust is to be preserved. This new evidence has only occurred since my initial order. It is material that these parties cannot work co-operatively and thus Logan's future security continues to be threatened.
- [5] There is no evidence before me that Mrs. Strapp has mapped out any special plan for the preservation of these funds. She has admitted she has no investment skills and still has only a vague appreciation of the responsibilities of a trustee.
- [6] I am satisfied that the recent events show that my previous unentered order should be changed to appoint the Public Trustee as the sole trustee. It is becoming increasingly urgent that the Public Trustee get on with preserving this young man's funds.
- [7] Each party will bear their own costs, and I am no longer seized of this matter.

"R.W. Metzger, J."

The Honourable Mr. Justice R.W. Metzger

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