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Workplace Law
& Advocacy

Action4Canada Inc.
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Attention: Tanya Gaw and Laurie Baird

Re: Press Release relating to Action4Canada Walk4Revival Passover to Pentecost on April 7, 2023

We are legal counsel for the Board of Education of School District No. 23 (Central Okanagan) (the “Board”) and are writing in relation to the online press release regarding the events following a prayer at the Central Okanagan Public School’s board office on April 7, 2023 (the “Press Release”). Specifically, the Press Release contains threats and defamatory comments towards the District and its employees, including the Superintendent of Schools/CEO, Mr. Kevin Kaardal (“Superintendent Kaardal”).

We also note that this is our second letter to Action4Canada in relation to unfounded and defamatory statements within a press release towards the District and its employees, and the second instance in which we have had cause to write to insist Action4Canada remove defamatory statements, and refrain from making such comments within its press releases in future. Failure to do so again may result in legal action.

Defamatory Statements

Allegations Relating to Sexualization of Children:

The Press Release alleges that Superintendent Kaardal “supports the SOGI 123 resources and books that sexualize children”. Further to our previous letter of October 17, 2022, allegations that the District or its employees are sexualizing children are very serious and imply criminal activity.

While Action4Canada may communicate its opinion regarding the value and impact of certain educational resources, it is not entitled to publish defamatory allegations of criminal activity. Approved learning resources in the District which promote diversity are not sexualizing children. Any statement to the contrary is categorically untrue and is defamatory.

Further, Superintendent Kaardal is carrying out his statutory duties when he ensures that District staff provide educational services in conformity with the prescribed curriculum and expectations of the Ministry of Education and Child Care and the Board fully supports Superintendent Kaardal's exemplary service in leading the District. Under his leadership the District has markedly improved student achievement and has established innovative programs to support students. Statements which defame Superintendent Kaardal and his leadership in relation to the diversity and inclusion expectations of the Ministry of Education and Child Care also defame the Board of Education of School District No. 23 (Central Okanagan) to whom he reports as well as the staff in the District who work under his leadership. Such defamatory statements also undermine the District's reputation as a leading educational institution in Canada.

We demand that the Press Release be amended to remove any suggestion that Superintendent Kaardal or any District employee support the sexualization of children through approved learning resources or at all.

False Allegations Relating to Personnel Management:

The Press Release also alleges that Superintendent Kaardal "refused to take reasonable action against an EA in the District whose conduct was unbecoming and appalling". This statement relates to personnel management, which is a confidential matter, and is both misleading and defamatory in its unfounded implication that the District has failed to take action concerning misconduct of an employee.

Threats and Promotion of Acts of Violence

The Press Release contains comments that explicitly threaten and condone acts of violence against the District and its employees and vandalism against its property. These comments are particularly concerning because they risk inciting acts of violence against the District's employees, and in particular, Superintendent Kaardal.

The Press Release states that,

"When the prayer walk was completed, everyone went home but several days later we found out that a chunk of the school board building had come down. After doing some investigating it ends up that the section where the building came down was on the outside wall of Mr. Kaardal's office."

and

“It is amazing that God chose Mr. Kaardal’s wall to come tumbling down. We look forward with anticipation to see what the Lord has planned for School District 23 under the leadership of Mr. Kaardal. God does not take causing harm to children lightly. In fact in Luke 17:2 God says, *It would be better for him to have a millstone hung around his neck and to be thrown into the sea than to cause one of these little ones to stumble.*”

The above statements contain explicit threats against the District and its employees, including Superintendent Kaardal. In particular, the Press Release has quoted a passage from Luke 17:2 which states, *“It would be better for him to have a millstone hung around his neck and to be thrown into the sea than to cause one of these little ones to stumble”*. This excerpt explicitly condones physical violence against Superintendent Kaardal.

Further, the comment that “We look forward with anticipation to see what the Lord has planned for School District 23 under the leadership of Mr. Kaardal” encourages, if not impliedly requests, that members of Action4Canada take action against School District No 23 (Central Okanagan) and Superintendent Kaardal through physical violence or vandalism.

Collectively, the above comments clearly threaten and condone acts of violence against the District and its employees, including Superintendent Kaardal, and its property. Threats of violence are unacceptable and unlawful and the Board is prepared to take legal action in the event that Action4Canada does not remove the comments in issue.

As set out above, the Press Release threatens, promotes, and condones violence against the District and its employees and property, and includes unfounded and baseless defamatory comments.

We demand that Action4Canada remove the Press Release, or in the alternative, replace the Press Release with an amended version without the threatening or defamatory comments against the District, its employees, or Superintendent Kaardal.

In future, we expect that Action4Canada will express any personal opinion and concerns relating to educational materials without promoting violence against the employees and educators within the District or making any further unfounded and defamatory statements.

Yours very truly,
Harris & Company LLP

Per: 

Lindsie M. Thomson

LMT/mm

Cc: Client