



C A N A D A )  
PROVINCE OF SASKATCHEWAN )  
T O W I T )

**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*  
AND IN THE MATTER OF BRENDA ANNE WALPER-BOSSENCE,  
A LAWYER OF MOOSE JAW, SASKATCHEWAN**

**AGREED STATEMENT OF FACT AND ADMISIONS**

**In relation to the Formal Complaint dated March 4<sup>th</sup>, 2011, alleging that she:**

- 1. Did fail to serve her client, K.R. in a conscientious, diligent and efficient manner, by failing to act on the instructions of K.R. within a reasonable time; and**
- 2. Is guilty of conduct unbecoming a lawyer in that she failed to serve her client, M., in a conscientious, diligent and efficient manner, by failing to, within a reasonable time, complete the tasks necessary to effect a transfer of property to D.K.**

**Jurisdiction**

1. Brenda Anne Walper-Bossance (hereinafter “the Member”) is, and was at all times material to this proceeding, a practicing member of the Law Society of Saskatchewan (hereinafter the “Law Society”), and accordingly is subject to the provisions of *The Legal Profession Act, 1990* (herein after the “Act”) as well as the *Rules of the Law Society of Saskatchewan* (the “Rules”). Attached at **Tab 1** is a Certificate of the Executive Director of the Law Society of Saskatchewan pursuant to section 83 of the Act confirming the Member’s practicing status.

2. The Member is currently the subject of a Formal Complaint dated March 4, 2011. The Formal Complaint is comprised of the two allegations noted above. The Formal Complaint was served upon the Member on March 9, 2011. Attached at **Tab 2** is a copy of the original Formal Complaint along with proof of service in the form of an Acknowledgement of Service. The Member intends to enter guilty pleas in relation to both allegations of conduct unbecoming.

### **Particulars of Conduct**

#### **Complaint of K.R.**

3. The Member represented K.R. in relation to family matters dating back to 2004. The issues relevant to the complaint of K.R. began in 2007. In July of 2007, the Member obtained a Court Order wherein the spouse of K.R. would be required to pay child support to K.R. A subsequent Consent Order was issued after a pre-trial conference on March 13, 2008. Unfortunately, the March 13, 2008 Consent Order resulted in confusion on the part of the Maintenance Enforcement Office. Specifically, the Maintenance Enforcement Office questioned the impact of the March 13, 2008 Consent Order on the preexisting arrears. As a result of this confusion, the Maintenance Enforcement Office refused to collect the prior arrears on behalf of K.R. unless further information and context could be provided.
4. On January 26, 2009, K.R. engaged the Member to contact the Maintenance Enforcement Office and deal with the issues surrounding their refusal to pursue her spouse for prior arrears.
5. K.R. contacted the Member on January 29, 2009 which yielded a response from the Member on February 3, 2009, wherein the Member indicated that she would be pulling K.R.'s file the following day. K.R. heard nothing more from the Member. K.R. emailed the Member on several occasions and left several telephone messages with the Member's assistant. The Member did not return these messages. On April 6, 2009, K.R. filed a complaint with the Law Society of Saskatchewan. Attached at **Tab 3** is a copy of the Complaint Package received from K.R.

6. The complaint package received from K.R. was provided to the Member via regular mail on April 29, 2009. The Member provided her response to the Law Society on June 10, 2009. On that date she also sent communications to the Maintenance Enforcement Offices in Alberta and Saskatchewan. These communications to the Maintenance Enforcement Offices in Saskatchewan and Alberta represent the only work that the Member had done on the file since receiving instructions from K.R. on January 26, 2009, more than 4 months prior.
7. In a letter dated July 13, 2009 [Tab 4], the Member acknowledged that the level of service that she provided to K.R. was inadequate. The Member stated that part of the reason for her tardiness in relation to the K.R. matter was due to the fact that her file was voluminous. The Member also stated that she had a 5 day family law trial scheduled in June of 2009 which took up a large amount of her time. The Member acknowledges that neither of these issues justified her failure to act on K.R.'s January 2009 instructions.

#### **Complaint of D.K.**

8. This matter stems from the Member's representation of the Village of M. in relation to a property conveyance to D.K. D.K. purchased property from the Village of M in December 2005. D.K. intended to invest a large amount of money into the improvement of the property and use it as both his home and business. As part of the improvements D.K. intended to build an addition onto the property.
9. In the early stages of the transaction, it became apparent that portions of the property purchased by D.K. from the Village, were held in the names of third parties. The third party owners in question had not paid taxes on the properties for decades and the Village instructed the Member to take the steps necessary to transfer the properties in questions back to the Village so that the Village could satisfy the terms of its deal with D.K. The Member received these instructions from the Village in early 2006. D.K.'s money in relation to the transaction was released to the Village on March 2, 2006, on the assumption that the transfer of

the “problem titles” first to the Village and then to D.K. would be completed in a timely fashion.

10. Unfortunately, despite regular contact from the Village seeking a status update, prompted by D.K.’s regular inquiries, the matter stagnated. The Member did virtually no work to advance the transfer of titles to D.K. in accordance with her instructions from the Village until March 2008. In March 2008 the Member applied to the Court of Queen’s Bench for a Vesting Order in relation to the properties. The application was successful.
11. The titles relating to the transaction were transferred to the Village along with another title, unrelated to the D.K. deal. When the Member attempted to transfer the relevant titles to D.K. she was unable to do so because of the ties to the unrelated title. This issue led to a further period of inactivity on the file from August 25, 2008 until October 2009.
12. D.K. filed his complaint with the Law Society on December 9, 2009. Attached at **Tab 5** is a copy of the complaint package received from D.K. The Member ultimately finalized the work required to affect a transfer of the titles to D.K. on March 19, 2010, more than 4 years after receiving instructions from her client.
13. During the period of time between the Member’s receipt of instructions and the actual transfer of property to D.K., D.K. was left in a state of uncertainty in relation to his home and business. Initially, D.K. chose to delay plans for the construction of an addition to the existing building on the property he purchased. The addition was to be built on the “problem titles” that the Member had been instructed to tend to. D.K. opened his business in a much smaller space because of the delayed expansion. Approximately 1 year later, on July 30, 2008, with no progress being made by the Member in relation to the transfer of titles, D.K., through his own counsel, sought and obtained an Indemnity Agreement from the Village. Pursuant to the agreement, the Village agreed to allow D.K. to begin construction on the lots despite the fact that they remained in the name of the Village and for the Village to pay any losses associated with any ultimate failure to transfer the lots to D.K. This gave D.K. the comfort he needed to begin construction of his addition and he did so approximately two weeks after the

Indemnity Agreement was signed. For nearly two more years, until the Member finally completed the work necessary to complete the transfer of the titles in question, D.K. remained uncertain as to the fate of his home and business. This caused him and his spouse a great deal of stress and anxiety.

14. The Member admitted her failure to handle this matter in a diligent fashion in a February 3, 2010, letter to the Law Society in response to the D.K. complaint. This letter is attached at **Tab 6**.

**Prior Record**

15. The Member has no prior findings of conduct unbecoming. The Member has, however, been the subject of two referrals to the Professional Standards Committee of the Law Society. Both referrals occurred in 2001.

DATED at the City of Regina, in the Province of Saskatchewan, this \_\_\_\_\_ day of April, 2011.

\_\_\_\_\_  
**BRENDA ANNE WALPER-BOSSANCE**

DATED at the City of Regina, in the Province of Saskatchewan, this \_\_\_\_\_ day of April, 2011.

**LAW SOCIETY OF SASKATCHEWAN**

**PER:** \_\_\_\_\_  
**TIMOTHY F. HUBER, Counsel  
for the Investigation Committee**