



C. Pickup #1
Sworn July 18, 2008

NO. 07 3415
and NO. ~~08 0327~~
VICTORIA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *PATIENTS PROPERTY ACT*
R.S.B.C. 1996, CHAPTER 349 AS AMENDED

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

AFFIDAVIT

I, CAROL PICKUP, of 977 Lovat Avenue, in the City of Victoria, British Columbia,
MAKE OATH AND SAY THAT:

1. I am a Seniors' Advocate, and have been doing advocacy for seniors since 2006. I work with the Seniors' Entitlement Service of Greater Victoria. The Seniors' Entitlement Service is a program operated by the Greater Victoria Seniors, a chapter of the British Columbia Old-Age Pensioners Organization which was founded in 1932.
2. The Seniors' Entitlement Service offers trained volunteers to help seniors by providing information concerning healthcare, housing issues, pension issues, legal matters and so forth. We do not provide legal advice.
3. I was originally trained as a registered nurse and graduated from the R.N. Program of Royal Jubilee Hospital in 1961. After an absence from nursing of approximately 25 years, in 1987 I took a refresher course and then I worked as a geriatric nurse for 4 years at the Royal Jubilee Hospital.

4. I served two 3-year terms as a Hospital Board Trustee with the Victoria General Hospital in the 1970s. I have also served as a School Board Trustee and as a municipal councillor in the District of Saanich.
5. In May of 2008 I was contacted by my MLA's office (the office of Carol James) and advised that they had received an inquiry from someone who was looking for a seniors advocate to get involved with a woman who was living in an institution. I agreed to speak with this person, who turned out to be Ms. Lois Sampson. Ms. Sampson advised me that her mother was residing in the Lodge at Broadmead. She further advised me of the fact that there is a contested committee application ongoing. She advised me that while the litigation has been going on, she does not feel her mother's voice is being heard in relation to her mother's care and well-being, and she felt her mother needed an independent person to potentially act as her advocate.
6. Prior to this point, I had never met nor heard of Lois Sampson. In giving this affidavit, I do not wish to be seen as 'taking sides' with either party in the litigation. I express no opinion on who should be appointed as Mrs. Palamarek's committee, nor am I in a position to do so. I am giving this affidavit at the request of Ms. Sampson's counsel, and I understand it will be used as part of an application to the court for the appointment of an independent party to obtain the views of Mrs. Palamarek concerning the contested legal proceedings and act as a 'friend of the court'. In this regard, my goal in this affidavit is to describe for the Court my contact with Mrs. Palamarek and to advise the Court of things Mrs. Palamarek has said to me in the course of those communications.
7. I can advise that I have become involved with Mrs. Palamarek strictly on a volunteer basis and neither Ms. Sampson nor anyone else is paying me for my time or services.
8. I have met with Mrs. Palamarek on four occasions during the months of May and June of 2008. First, let me say that Mrs. Palamarek is a lovely lady whom I have

been delighted to meet, and I am certain that she has very much enjoyed meeting me. We have had very relaxed conversation about all sorts of topics, which has been light and refreshing and at all times friendly. Mrs. Palamarek, in my estimation, has found it to be quite easy to open up to me. I am a senior myself, being 69 years of age, and I am a chatty, friendly person by nature. I have experience speaking with partially deaf people (such as Mrs. Palamarek) and her hearing impairment was not a major impediment as a result.

9. The first three times I met with Mrs. Palamarek, Ms. Sampson was present. This was appropriate and helpful so that I could be properly introduced to Mrs. Palamarek and so that she could become at ease with me and decide whether she wished to talk with me while having the support of a family member present. Each time I asked Mrs. Palamarek if she would like to meet again and she said 'yes'.
10. My fourth meeting with Mrs. Palamarek took place without Ms. Sampson present. This meeting took place on June 20, 2008 at Ms. Sampson's apartment in Victoria. In one of our previous meetings, Mrs. Palamarek had made a comment to me to the effect that she did not want to live at the Lodge at Broadmead any longer but was worried about attempting an assisted living arrangement in her home because her son and daughter in law live in her home. She further stated that she feared that moving back to her home might cause harm to the marriage between her son Ralph and his wife. Helping seniors with their living arrangements is at the core of what the Seniors' Entitlement Service does and so I wanted to follow this topic up with Mrs. Palamarek. I wanted to do so without Ms. Sampson present and did so in our fourth meeting. The remainder of this affidavit sets out my summary of that conversation.
11. Mrs. Palamarek and I spent about one hour together on June 20. She talked to me about all sorts of things and seemed to clearly enjoy having me to talk to. For example, she talked to me about boating that she and her husband used to do and about the boat they owned. She talked to me about trips that she and her

husband went on including a cruise to Alaska. She talked to me about how she was the person in her marriage who managed the family finances, rather than her husband. She told me she was good at saving and that her husband was good at spending, a comment she recounted with a laugh. One of the topics we ended up discussing was religion. Mrs. Palamarek advised me that she does not believe in formalized religion though she does have strong spiritual beliefs. She mentioned a concern about organized religion being imposed upon her at the Lodge at Broadmead.

12. We talked about where Mrs. Palamarek would like to live and whether she would like to continue living at the Lodge at Broadmead. She said that she would not. She complained that she is not treated appropriately there. She felt that the people working there did not listen to her concerns and were not prepared to address them. She said that she feels unhappy at the Lodge. Mrs. Palamarek stated that she would like to live in her home. However, she told me that she is not sure that this is practical because her son Ralph and his wife Donna live in the home, and they work full time and could not look after her. She recognized that she would need quite a bit of help to live outside the Lodge in her own home.
13. I asked Mrs. Palamarek whether she would want another member of the family, such as her daughter, to look after her in a home setting. She indicated she would be happy if this was so, but did not see how that could happen if she was living in her own home. She added words to the effect that "I don't know what's happened with my home" by which I think she meant that she does not know what her son Ralph has done with it, if anything. In the same vein, she also said that she does not understand what has happened to her money or bank accounts. This was clearly a concern to her. She said that her son Ralph has authority over these matters. She stated that she felt her son Ralph had been reluctant to allow her to visit her home. She stated to me that she wanted to go to her home and sort through some of her possessions and take some things.
14. Mrs. Palamarek further told me that Ralph had said to her that if she went to live

with her daughter Lois, that Ralph and his brothers would no longer come visit her. Mrs. Palamarek said she did not want her sons not to visit her and she was clearly concerned about this comment.

15. Ms. Sampson had advised me of the existence of a Representation Agreement. I asked Mrs. Palamarek about this. She was unable to advise me what that agreement is or what terms it contains. In the context of that discussion, she reiterated that she is very familiar with financial matters and that she was the one responsible for the finances in her family. This seemed to be a point of pride for Mrs. Palamarek.
16. Mrs. Palamarek further stated to me that she was worried that her children are fighting over the management of her affairs and that she would like them to work together.
17. I did not engage Mrs. Palamarek in a discussion of what it means to have a committee appointed and who she would prefer to have appointed as her committee. However, she did volunteer, without me asking, that she is not happy with the prospect of being declared incapable, or "incompetent" as she put it.
18. While I am not in a position to express an opinion on whether or not Mrs. Palamarek is capable, I can advise that she is someone who can engage in rational dialogue, have a 'normal' conversation (so long as the person talking to her knows how to speak with someone who is partially deaf) and she is able to express beliefs, ideas, and preferences.
19. I did very much come away from my meeting with Mrs. Palamarek thinking that Mrs. Palamarek very much enjoyed the opportunity to speak with me. She indicated she looked forward to meeting with me again. I plan to continue to meet with Mrs. Palamarek so long as she continues to want this.
20. If the court decides to appoint someone to act as a 'friend of the court' in the committee proceedings, I would recommend that a deaf interpreter

participate in any meetings with Mrs. Palamarek to assist with communication unless the 'friend of the court' is experienced in communication with people with hearing impairments.

SWORN BEFORE ME at Victoria,
British Columbia on this 18th day
of July, 2008.



A Commissioner for taking
Affidavits for British Columbia

Carol Pickup
CAROL PICKUP

Commissioner's Name and/or Seal:

TOM ANDERSON
NOTARY PUBLIC
300-1095 MCKENZIE AVENUE
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MY COMMISSION IS PERMANENT