

Times Colonist (Victoria)

Vantreights battle over how to sell farm

Wednesday, May 31, 2006
Page: B2
Section: Capital & Van. Isl.
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Source: Times Colonist

The Vantreight brothers, partners in a family farm spanning four generations on the Saanich Peninsula, were in court Tuesday, their lawyers arguing over how to sell the farm.

Ian Vantreight was asking the court to approve a purchase offer he has made for the farm's 500-odd acres of land, along with all the assets belonging to the farm operation, which is a partnership arrangement between him and his brother.

His brother, Michael Vantreight, was asking the court to order the land sold in 14 separate parcels ranging in size from nine to 90 acres.

Supreme Court Justice Malcolm Macaulay reserved his decision until Thursday.

Last August, Macaulay ordered the farm sold after hearing evidence of the deteriorating relations between the two brothers. He described the relationship as tumultuous and one that could not continue without causing irreparable harm.

In court Tuesday, that relationship still appeared sour. Neither brother was seen speaking to the other. Michael, rangy, wearing jeans and dusty boots, his hair flattened down by a straw cowboy hat he removed indoors, sat on one side of the courtroom. Ian, more compact, neatly dressed, his shoes shining, sat on the other.

The two brothers are the latest in a family-farm lineup stretching back to 1884 when their great-grandfather, John Vantreight arrived from Ireland.

The brothers' business relationship began in 1983 when they, along with their father, Geoffrey, entered an equal partnership. Since the father's death in 2000, the brothers have been equal partners, a relationship that Macaulay has since determined could not continue.

Ian's lawyer Greg Harney explained Tuesday that Ian is offering to buy the farm's 14 core parcels, along with the farm partnership assets for a total of \$20.74 million, instead of selling the land off piece by piece.

"Ian's submission is don't go to the marketplace," said Harney. "Do not destroy the farm."

Harney compared Ian's offer to appraisals and offers already received, pegging the value of the land, if sold all together, as \$12.5 million. If broken, up and sold separately the sales value leaps to an estimated \$22.4 million.

But Harney said Ian's offer will save the cost of real estate commissions and other fees resulting in a better sale price.

David Church, lawyer for Michael, dismissed Ian's offer as a delaying tactic and a "unique brand of arithmetic."

For example, Church said, the farm operation, or partnership, has assets, but they are not defined so it's unclear what value they hold. And it's uncertain whether Ian can even finance the offer.

"Put the properties up for sale. If the brothers want to buy them, then they can buy them," said Church.

Macaulay himself expressed some doubt whether the law surrounding property and partnerships would allow him to order Ian's offer accepted. That's especially true when both sides haven't agreed, he said.

"If parties agree to that, fine," said Macaulay. "Obviously they haven't [agreed], otherwise they wouldn't be here."