

## Admission to Discipline Committee

### AGREED STATEMENT OF FACTS

#### I. INTRODUCTION

1. Harvey Leonard Gansner was called to the Bar, and has been a Member of the Law Society of British Columbia, since 1972 (the " Member" ).
2. At all material times, the Member was a sole practitioner in Smithers, British Columbia. His practice consisted mainly of family, criminal and civil litigation.
3. By letter dated July 21, 2003, the Member wrote to the Law Society to report that he had received a demand letter, dated March 31, 2003, from Customs Canada and Revenue Agency ( " CCRA" ) requiring payment of outstanding Goods and Services Tax ( " GST" ).
4. The Member also advised the Law Society that CCRA had attached his bank account and that he had been unsuccessful in his attempts to make arrangements with them. He confirmed that he was in the process of finalizing a consumer proposal under the *Bankruptcy and Insolvency Act* (the " Proposal" ).
5. In addition, and as required by Rule 3-45(4) of the Law Society Rules, the Member said he had made arrangements with another practicing lawyer, C., to act as co-signatory on his trust account. C. provided the Law Society with a Statutory Declaration consenting to being a co-signatory.
6. The amount owing in GST arrears as of July 21, 2003 was \$4,521.00.
7. CCRA did not accept the Proposal. They were prepared to accept an amended proposal that provided for repayment of GST liability within six months of acceptance (the Amended Proposal" ).
8. The Amended Proposal was accepted effective October 15, 2003.
9. The final amount outstanding to CCRA, was paid, and accepted by CCRA, on April 27, 2004.
10. The reason the Member did not pay his GST, as required in 2002, was due to inadequate cash flow caused by a failure to properly prioritize this obligation, along with unexpected bad debts and other factors arising from his practice and personal affairs.
11. The Member admits that he failed to remit to CCRA, the \$4,521.00 that he had collected in payment of GST in 2002.
12. The Member admits that his failure to remit GST amounted to professional misconduct.