

OPINION

news

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OUR VIEW

Exercise relative degree of caution

It used to be that one didn't venture alone down a suspiciously dark alley for fear of being mugged. Technology, of course, has long since brought robbers to our doorsteps, via telephones and computers.

Judging by recent complaints to a Lower Mainland newspaper, we can't afford to relax our vigilance at home, with conscienceless scammers ever-ready to exploit age, infirmity, inattention or our own naturally trusting natures.

The young friend or relative-in-distress scenario is still alive and kicking, according to one recent complaint. The woman in question, a senior, received a call

from a young man trying to give the impression he was her grandson.

"Hi, Grandma!"

"Who is this?"

"Who do you think it is?"

"Mike?" (or whatever the appropriate name is).

At this point, the scammer is armed with an identity, and with a few more leading questions will soon have enough to back it up convincingly. The caller is, of course, in some predicament that requires the sending of money, and the easiest way is by providing financial information that will compromise the victim's accounts.

Fortunately, the reader in question caught on before any informa-

tion was passed on. But it's a cold-hearted scheme, relying on seniors' perceptions of the casual haphazardness of the young, and the fact that they may be delighted to hear from a usually uncommunicative relative.

Another reader said he recently made the mistake of responding to an offer to rid his computer of viruses and malware at a special price. It was a limited-time offer, he was told. Thus baited, he was offered a series of options that tested his willingness to co-operate and compromise computer passwords—with the result that malware was actually installed, shutting down his system. He didn't lose money,

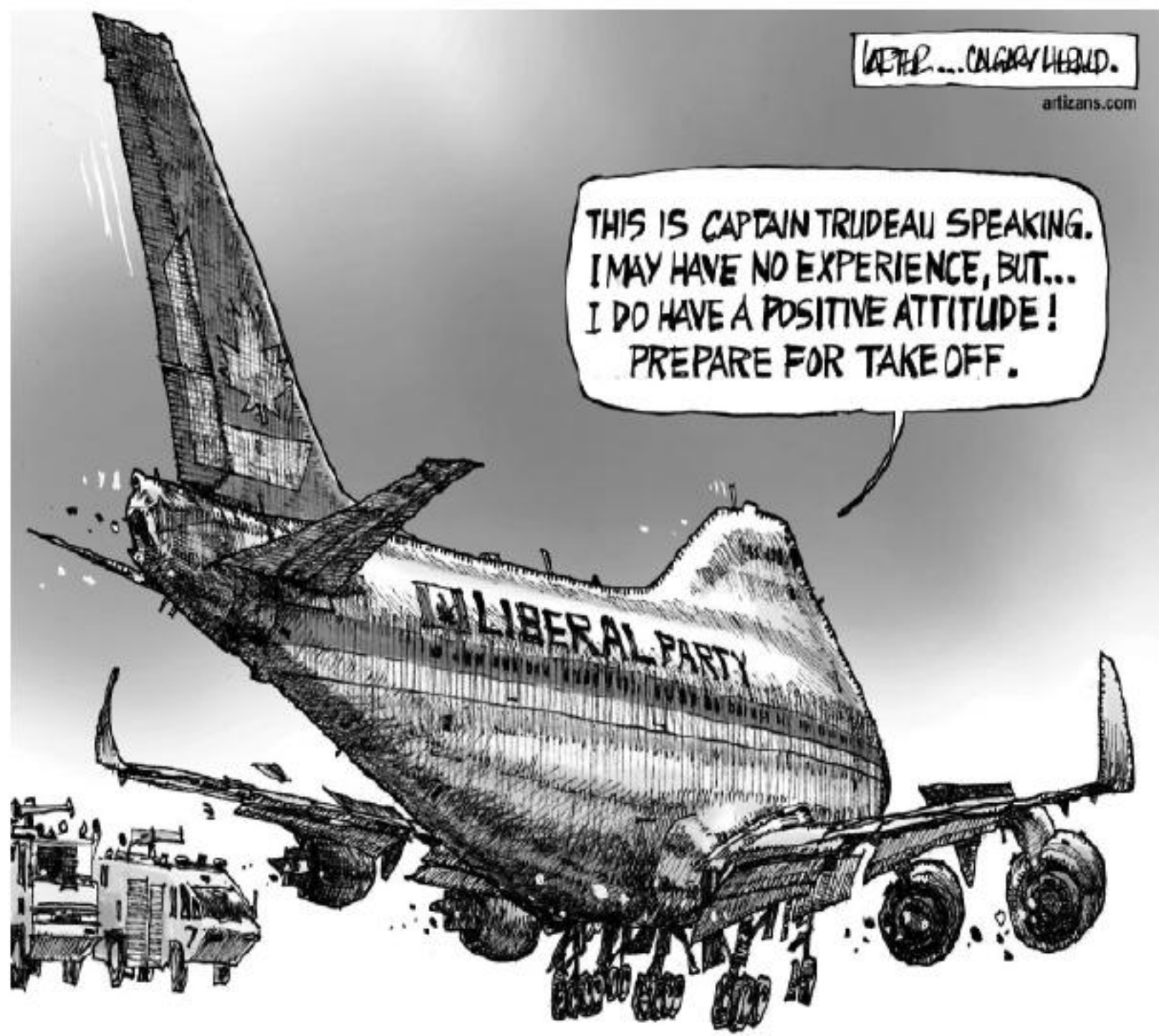
per se—other than having to pay for costly repair and file retrieval—but he still worries that his computer was mined for sensitive information.

Each of these schemes has a common lynch-pin—catching the recipient off-guard with a time-sensitive request, calling for a snap decision.

We should never volunteer information on the spur of the moment. Nothing is lost by a short time-out for careful consideration.

A real friend or relative, or legitimate business, will respect a small delay.

If they don't, it should provide the reddest of red flags.



Sound off

TUESDAY'S QUESTION:

Was it a mistake for the Rutland Park Society to not adopt the changes to Centennial Park proposed by the city?

YES	67%
NO	33%
UNDECIDED	0%

THURSDAY'S QUESTION:

Do you think retesting should be mandatory for drivers after they turn 65? See letter on A9

To register your opinion on the Sound Off question, go to www.kelownacapnews.com or call 250-979-7303. Results will be tabulated until 2 p.m. Monday.

It's just plain reckless and stupid not to wear your seatbelt

There is no dispute: Seatbelts save lives. Statistics clearly show that car crash deaths go down as seatbelt use goes up.

I buckle up every time I am behind the wheel and insist that everyone else in my vehicle do the same. I preach to taxi drivers who tell me that they are exempt from seatbelt laws, saying that they should think more about protecting themselves and others in the cab and less about tickets. Failure to wear a seatbelt puts



ACHIEVING
JUSTICE

**Paul
Hergott**

yourself at risk along with everyone else in your vehicle because your unbelted body in certain kinds of crashes can become a lethal projectile.

Public awareness campaigns have successfully transformed our society from the old days when I was a child, playing unbelted on cushions in the back seat during long road trips, to the present day when it is rare to see anyone unbelted.

Buckling up has become second nature. We feel naked until we have

pulled the belt over the shoulder and clicked it in. We think of anyone driving without a seatbelt as being careless, taking on a risk that could so easily be avoided.

There is another risk, though. The other risk is the complacency that comes from a false sense of safety and security. The notion that 'If I am wearing my seatbelt, I will avoid a serious injury' is simply not true.

The reality is that while a seatbelt offers an overall statistical advantage, the use of a seatbelt in a particular crash or collision may do nothing to protect you. For example, a seatbelt will do nothing to protect a driver's body and head from the forces of

a driver's side T-bone impact.

There are also types of collisions where the seatbelt will prevent impact injuries that would otherwise occur when your body is flung into the steering wheel and dash board, but will actually cause other injuries that occur because your waist and one shoulder are held in place while the rest of your body and head are free to fling around.

In rare circumstance, a seatbelt can actually kill you, if it holds you within a vehicle that sustains catastrophic damage.

Does it matter that there are some crashes and collisions where a seatbelt will do nothing to help or might

do more harm than good? In my view it should not cause you to second guess your second nature seatbelt use. In my view, it's just plain reckless and stupid (to use a word my wife is trying to get my father to stop saying around the children) not to wear your seatbelt.

It can matter, though, to the rights of an unbelted vehicle occupant who is injured in a crash that was not their fault.

British Columbia law says that if you share fault in the cause of an injury, you are not entitled to compensation to the proportion of that fault. In

LETTERS

▼ ELECTRIC CAR CHARGER

Who pays for electric car 'fill-up'?

To the editor:

Re your article of Aug. 14, 2014 (Fast Charging Station Offered to West Kelowna).

While I applaud clean energy use, I must object to the way this system is being implemented, for the following reasons:

1. BC Hydro is funding the building of the

charging system. Ask a hydro customer why, if we don't have an electric car, are we are funding this station?

2. It is estimated by the District of West Kelowna to cost \$1,000 a year to maintain the station. How did the district reach this figure? Did it do a cost analysis broad sheet? What

if it costs more to maintain? Who is going to pay the extra costs for the extra maintenance? The district? Is the district going to pay this \$1,000 for yearly maintenance?

3. The article says it will cost \$2/session. Again, on what basis is this cost being based?

4. Will the cost include

all taxes (including transit levies)?

5. Are there going to be service people (like gas attendants) at the station? If so, who will pay their wages? At what wage will they be paid?

6. Will this \$2 charge be a flat rate or will it depend on how much electricity is used to charge the

batteries?

As I have said before, I'm all for clean energy, but I cannot see how BC Hydro and the district can implement this program without it being fair to the rate payers (hydro) and taxpayers (district).

Doug McNair,
West Kelowna

▼ HIGHWAYS & BYWAYS

On traffic speed traps and senior drivers

To the editor:

A recent editorial in Maclean's magazine praised the fact that B.C.'s speed limits have been raised to match the natural flow of traffic at which 85 per cent of drivers travel.

While this may apply to the Coquihalla and a few other spots, it certainly does not apply to the WR Bennett Bridge or Bridge Hill.

The bridge is posted at 60 km/h with absolutely no one doing under 80.

The only saviour here is the RCMP can't really set up a speed trap unless they use a handheld on the sidewalk.

The real travesty is coming down the hill from West Kelowna.

This is posted at 50 km/h for construction that is occurring way off in the

distance behind cement barriers. The local constabulary like to set up at the bottom of the hill and reel in hundreds every day. It should be relaxing to watch a group of men "fishing" but this activity seems to elicit a more negative reaction.

While I am beating the driving drum, I wonder if there is any answer to re-certifying the large

number of senior drivers in this town.

Just go to any large store parking lot and watch. Very slow moving vehicles piloted by seniors who can barely walk.

Watch them try and get out of the car and shuffle to the store. What kind of reaction time do they have if a kid runs out in front of them?

We often hear of sen-

ior drivers plowing into buildings because they confused the gas and the brake.

I encourage (Transportation Minister) Todd Stone to make re-testing mandatory every five years after age 65. Just so you know, I am in my 60s and fully support this move.

Bruce Stevenson,
Kelowna

Grateful for pay-it-forward kindness

To the editor:

To the two gals in Milestones on Friday, Aug. 15 around 7:30 p.m.

Thank so very much for your wonderful act of kindness in paying for our dinner without our knowing. What a lovely surprise. We only wish that the three of us could have personally thanked you

for brightening our day and putting huge smiles on our faces and that of our waiter.

We promise that we also will pay it forward and likewise delight someone.

John and Sally
Sapinsky,
Sandra Morrison,
West Vancouver

Only thing not great at Kelowna's Hospice House is the food

To the editor:

I would like to express my great appreciation for the wonderful care I recently received at Hospice House, Kelowna.

It is a place of perfection, where everyone with whom I came in contact, including all staff and every volunteer, is a healer.

Each visitor who came to see me felt the same sense of overwhelming

goodness that permeates the place. We have a jewel in our community that we should all celebrate it. Awareness of its presence must be of great comfort and peace of mind to anyone experiencing end-of-life issues in the family.

Criticism of the food provided to patients by Interior Health Authority is, indeed, very valid. The fact that IHA does not use its purchasing power

to obtain great contracts from local food industries to provide good, fresh, local nourishment to its clients is, in my opinion, disgraceful!

That being said, I want to express my feelings of absolute inspiration and heartfelt gratitude to all those marvellous caregivers at Hospice House.

Joan Richard,
Kelowna

Insurance repercussions for unbelted passengers

HERGOTT FROM A8

other words, if an unbelted passenger is injured because the driver crashes the car, the defending insurance company will escape having to fully compensate the injured passenger if the use of the seatbelt would have prevented or reduced the injury.

This issue came up in the July 25, 2014, decision of Mr. Justice Grauer in Van v. Howlett. Ms. Van was the front seat passenger of a vehicle that was T-boned at the rear driver's side, causing the vehicle to spin counter-clockwise, launch into the air, land on the passenger side, and then bounce back to an upright position.

Ms. Van was ejected from the vehicle.

The injuries were very significant, and the court assessed a valuation of fair financial compensation for her injuries and losses to be over \$4 Million.

Mr. Justice Grauer found that the most serious of Ms. Van's injuries "were caused by the massive and sustained force of the impact between her side of the vehicle and the road, which the seatbelt would not have prevented".

The defence tried to argue that the court should conclude that the failure to wear a seatbelt would at least have lessened her injuries, even though there was no direct

evidence of that. They relied on statistical evidence that those ejected from a vehicle generally face a much higher injury exposure.

The court rejected that argument, citing the following quote from another case: "The statistical effectiveness of seat belts has not, however, in my view eliminated, or altered, the onus of proof in individual cases. The onus remains on the defendant to show upon a balance of probability that the use of a functioning seatbelt would have avoided, or minimized, the injuries which were in fact suffered by the plaintiff."

Yes, Ms. Van should have been wearing her seatbelt; we all should.

Our general perception and the statistical advantage seatbelts offer, though, should not get in the way of justice if in a particular crash it is not proven that the seatbelt

would have made any difference.

Paul Hergott is a personal injury lawyer at Hergott Law in West Kelowna.

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Express yourself

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Letters under 200 words will be given priority. We reserve the right to edit for clarity, brevity, legality and taste.

Letters sent directly to reporters may be treated as letters to the editor.

Letters must bear the name, address and telephone number of the writer. Names will be withheld at the editor's discretion, only under exceptional circumstances.

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