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**MINISTRY OF EDUCATION
INFORMATION BULLETS**

DATE: September 14, 2020
CLIFF #: 238831

PREPARED FOR: Honourable Rob Fleming, Minister

SUBJECT: School District 61 Land Swap with City (Spring Ridge Commons Land)

BULLETS:

- The Greater Victoria School District (the District) is required to contribute \$2.6 million towards enhancements (updating building systems) and the 200-capacity addition as part of the Victoria High School seismic mitigation project.
- The District was planning to transfer the Spring Ridge Commons land to the City of Victoria (the City) as part of a larger land swap transaction, in order to generate some funds which could be put towards the Victoria High School seismic mitigation project.

s.13

- The terms and conditions of the Crown Land Grant are such that the parcels cannot be transferred to the City, as they are granted to the District “for educational purposes.”
- The Spring Ridge Commons land would have to be reverted back to the Crown prior to it potentially being transferred to the City.

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s.13; s.17

Attachment: Spring Ridge Commons Map

Victoria High School Lands

A map outlining the Spring Ridge Commons site, which was to be transferred to the City of Victoria.

Legend

Spring Ridge Commons



MINISTRY OF EDUCATION AND CHILD CARE
MLA BULLETS

DATE: October 12, 2022

CLIFF #: 284510

PREPARED FOR: Local Victoria and Saanich MLAs (including MLA Rankin) for Minister's Office

SUBJECT: Bowker Creek Society and Camosun Community Association Proposed Land Disposal at Lansdowne South

BULLETS:

- A joint release was issued on October 14, 2021, announcing that the Greater Victoria School District had entered into an agreement to potentially sell 1.9 acres (0.77 hectares) of land south of Lansdowne Middle School to the Victoria Hospice Society for \$2.5 million.
- On November 24, 2021, Soren Henrich, President, Friends of Bowker Creek Society (FOBCS), and Lisa Timmons, Chair, Camosun Community Association (CCA), sent a letter to the Greater Victoria Board of Education expressing concerns about the detrimental impacts of development on Bowker Creek which runs through the parcel, and the lack of an open public consultation process.
- On January 12, 2022, the FOBCS and CCA sent a separate joint letter directly to the Minister of Education and Child Care, reiterating concerns about negative impacts on the rare urban water course and the credibility of the public consultation process that followed the public announcement.
- On January 28, 2022, the Greater Victoria School District submitted its formal request to Ministry of Education and Child Care (ECC), seeking ministerial approval to dispose of the parcel.
- On February 2, 2022, Ryan Painter, Board Chair, sent a letter to the FOBCS, CCA and Minister, that responded to the variety of concerns raised in the January 12, 2022 letter sent to the Minister by the FOBCS and CCA.
- On February 18, 2022, the Victoria Hospice sent a letter to the Greater Victoria School District (District) outlining additional measures that will be taken considering Bowker Creek:
 - a proposal to shift the property line on the west side of the creek, resulting in an estimated total land size for development of 1.3 acres from the original 1.9 acres requested (see Figures below); and,
 - additional remediation and creek upgrades following a review of the Master Drainage Plan and the Bowker Creek Initiative Blueprint (BCIB).
- The District undertook additional consultation which included a Special Open Board Meeting on February 23, 2022.

- On March 14, 2022, the District sent in an updated request for disposal that included the additional consultation and amended the disposal to 1.3 acres as per the February 18th letter from the Hospice Society.
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- On September 28, 2022, a letter was sent from ECC to the District that the disposal request for 1.3 acres at Lansdowne Middle School has been approved.

Aerial illustration of original proposed site (October 2021):



Aerial illustration of the current proposed design (February 2022):



From: Kinnear, Lindsay ECC:EX(Lindsay.Kinnear@gov.bc.ca)
To: ECC DL Minister's Office (EDUCMINO@Victoria1.gov.bc.ca)
To: Kennedy, Karla 1 ECC:EX (Karla.1.Kennedy@gov.bc.ca)
Subject: FW: MLA AdHoc | Bowker Creek Society and Camosun Community Association Proposed Land Disposal at Lansdowne South
Sent: 10/12/2022 23:54:54
Message
Body:

Hi Team,

Please find attached the bullets to support MLA and CAs inquiry. Note, one general set of bullets for local MLAs (timelines and facts) s. 14

s. 14

I have left them in word I

case you wish to make any revisions.

These have also been saved to the MO LAN.

Thank you!

Lindsay

From: Smith, Krystal ECC:EX >

Sent: October 4, 2022 3:35 PM

To: Kinnear, Lindsay EDUC:EX >

Cc: Kennedy, Karla 1 EDUC:EX >; Loubert, Danny PREM:EX >; Sanderson, Melanie ECC:EX >; McMahon, Ian ECC:EX >

Subject: FW: REQUEST: Proposed Land Disposal at Lansdowne South

Importance: High

Hello Folks,

Need some bullets for MLA's and CA's as per the message below. Please be sure that Christina sees this one. We need to do a general bullet sheet and then one pertaining to this in a separate attachment.

Thanks,

Krystal Smith

Senior Ministerial Advisor

Minister of Education and Childcare | Honourable Jennifer Whiteside

250.361.7096

From: Rankin.MLA, Murray >

Sent: October 4, 2022 3:30 PM

To: Loubert, Danny PREM:EX >

Cc: Smith, Krystal ECC:EX >

Subject: FW: REQUEST: Proposed Land Disposal at Lansdowne South

[EXTERNAL] This email came from an external source. Only open attachments or links that you

are expecting from a known sender.

Good afternoon Danny,

I thought I would seek some advice on this correspondence, as MLA Rankin has been involved with these constituents previously, and I would like to support them the best I can. However, I also would like to gain guidance on the best route to go in a response to stay consistent. Are you able to assist?

I appreciate your time,

Tyler Trupp He/Him

Constituency Assistant for the Honourable Murray Rankin, Q.C. | MLA for Oak Bay-Gordon Head

P: 250-472-8528 / E: Murray.Rankin.MLA@leg.bc.ca | 219-3930 Shelbourne St. Victoria, BC V8P 5P6

The Oak Bay-Gordon Head Constituency Office recognizes that we operate on the territory of the Lekwungen people, now known as the Esquimalt and Songhees First Nations.

From: Ian Graeme >

Sent: October 4, 2022 1:43 PM

To: Lund-Phillips, Astra >; Rankin.MLA, Murray >

Cc: Fleming.MLA, Rob >; Soren Henrich >; Timmons, Lisa >; Hawse, Sheridan >

Subject: REQUEST: Proposed Land Disposal at Lansdowne South

Dear MLA Rankin:

The Friends of Bowker Creek Society and Camosun Community Association continue to be deeply concerned by the proposed land disposal at Lansdowne South and would appreciate an update.

To date, we have jointly sent nine letters to Education Minister Jennifer Whiteside on this topic including a detailed legal analysis dated March 11, 2022 . A summary of correspondence with hyperlinks is attached.

Despite numerous follow-ups, we have not received a single reply or acknowledgment from the Province. Ruth Currey, Soren Henrich and I also met with you in your office on February 4 and April 1. At the April 1 meeting you committed to reviewing the legal analysis.

The analysis clearly indicates that the School District has disposed of the Lansdowne South lands without lawful authority. For the Minister of Education to now approve an action that was taken unlawfully is similarly legally impermissible.

In addition, we remain concerned that the passing of the bylaw that purported to dispose of the Lansdowne South property occurred at a time when two trustees were barred from involvement in, and voting on, said bylaw. As the BC Supreme Court has recently affirmed, the exclusion of these trustees was unlawful. Consequently, as the Board at the time of passing the bylaw did not constitute all available and lawfully-appointed members, it is unclear if the Board had any legal authority to pass bylaws or resolutions at the time, as they were seemingly not in compliance with the statutory requirements that would grant the Board those powers.

We have been reasonable, constructive and collaborative throughout this stressful series of events. Our community has been broadly supportive of your government and its commitment to justice, fairness and transparency – principles we know that you uphold as MLA and as Attorney General. However, we remain deeply disappointed and frustrated by the actions of the Board and the ongoing unresponsiveness of the Province on this matter.

We request that you, and your fellow MLAs ensure the trust of our Government is supported by adequate public consultation, and a lawfully constituted Board of Trustees acting within provincial laws and Ministry and School District policies.

Regards,

Ian Graeme

CELL: **s.22**

Attachment: Summary of Correspondence to Minister Whiteside and SD61 Trustees

CC

Rob Fleming, MLA, Victoria Swan Lake

Lisa Timmons, President, Camosun Community Association

Soren Henrich, Chair, Friends of Bowker Creek Society

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**Summary of Joint Correspondence from Friends of Bowker Creek & Camosun Community Association
regarding proposed disposal of Lansdowne South property**

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MINISTRY OF EDUCATION AND CHILD CARE
MLA BULLETS

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Aerial illustration of original proposed site (October 2021):



Aerial illustration of the current proposed design (February 2022):





DISPOSAL OF LAND OR IMPROVEMENTS

The Board of Education of School District No. 61 (Greater Victoria) is seeking to dispose of land or improvements in accordance with Section 96 (3) of the *School Act* and Section 5 of the Disposal of Land or Improvements Order (M193/08), as follows:

☒ Sale of Land or/Improvements _____ Conveyance _____ Dedication
_____ Exchange _____ Lease _____ Other

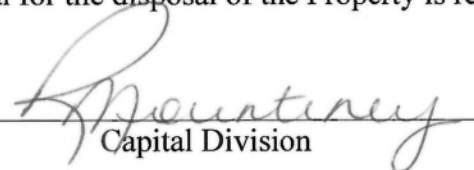
Description:

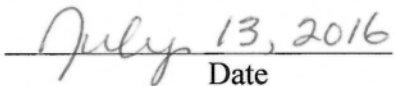
The Board of Education of School District No. 61 (Greater Victoria) requests that ministerial approval be granted to dispose of the Property, in part, located at 3751 Grange Road, and more particularly described as:

Legal Description:

PID: 001-796-011, Lot 1, Sections 21,78 and 79, Victoria District, Plan 27345 except part in plan 3836RW and VIP84947 with boundaries approximately as shown in the attached site plan.

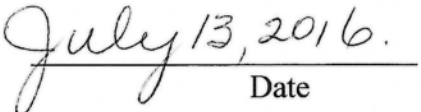
The request and supporting documentation have been reviewed and the granting of ministerial approval for the disposal of the Property is recommended.


Capital Division


Date

Approved:


A/ Deputy Minister


Date

From: Kinnear, Lindsay ECC:EX(Lindsay.Kinnear@gov.bc.ca)
To: s.22 Draffin, Amanda ECC:EX (Amanda.Draffin@gov.bc.ca)
To: Duperreault, Markus EDUC:EX (Markus.Duperreault@gov.bc.ca)
Subject: MLA AdHoc | Bowker Creek Society and Camosun Community Association Proposed Land Disposal at Lansdowne South
Sent: 10/05/2022 19:32:35

**Message
Body:**

Hi Team – Please see the below MLA request. MO has requested a general Bullet fact sheet to be shared with MLAs and then a separate one for MO that pertains specifically to this request. My recollection is that RMD has responded to some of the noted letter that were received by the MIN.

I have also flagged this for Christina, so she is aware. Markus will create a cliff & eApp and action to RMD.

Due to DMO: 3 pm Thursday, October 13

Thank you!

Lindsay

From: Smith, Krystal ECC:EX

Sent: October 4, 2022 3:35 PM

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Cc: Kennedy, Karla 1 EDUC:EX ; Loubert, Danny PREM:EX ; Sanderson, Melanie ECC:EX ; McMahon, Ian ECC:EX

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DATE

Ref: 254745

Friends of Vic High

Email: info@stephendorsey.com

Dear Friends of Vic High:

Thank you for your email and letter of March 9, 2022, regarding a Statutory Right of Way (SRW) on the Victoria High School property. I understand and appreciate you sharing your perspectives on this matter.

Ministerial approval has already been provided to the District for a lease with the Capital Regional Housing Corporation to provide affordable housing. The SRW aligns with this approval and is a requirement of the City of Victoria for the housing project to move forward.

It is important to note that granting a SRW on School District property does not require Ministerial approval. At this point no further land disposal approvals are required by the Ministry of Education for the affordable housing project to continue.

I encourage you to continue to work with the Greater Victoria School District as they are best able to answer any detailed questions you may have about the planning and works that are ongoing at Victoria High School.

Again, thank you for writing.

Sincerely,

Jennifer Whiteside
Minister

Attachments: None

pc: Capital Management Branch capitalmanagementbranch@gov.bc.ca
Francois Bertrand, Executive Director francois.bertrand@gov.bc.ca
Chris Brown, ADM Resource Management Division chris.brown@gov.bc.ca



November 4, 2021

File: 5220-20
Bowker Creek Initiative

Ms. Ann Whiteaker
Board Chair
Greater Victoria School District 61
Via email: awhiteaker@sd61.bc.ca

Dear Chair Whiteaker:

RE: BOWKER CREEK AND SCHOOL DISTRICT 61 PROPERTIES

I am writing on behalf of the Bowker Creek Initiative (BCI) to share information about potential opportunities we have identified to collaborate at four Greater Victoria School District 61 (SD61) properties for the improvement of Bowker Creek and its watershed. This letter provides details about these opportunities and suggestions for next steps to move forward together.

The BCI is a collaboration of local governments, community groups, institutions and private citizens working together to improve the health of Bowker Creek and its watershed. The BCI is guided by the *Bowker Creek Blueprint* (the *Blueprint*), a 100-year action plan to restore the Bowker Creek watershed, published in 2011, and endorsed by SD61 in March 2018.

SD61 has been a valued contributor to several projects and studies carried out by the BCI, most notably the restoration of Bowker Creek adjacent to Oak Bay High (2015), and staff participation on the steering committee of the *Daylighting Feasibility Study* (2020), which details routing for stream daylighting and proposed stormwater management facilities within the Bowker Creek Watershed.

Four SD61 properties within the Bowker Creek watershed present important opportunities to collaborate for the improvement of Bowker Creek and its watershed:

1. Lansdowne Middle School South Campus (formerly Richmond Elementary)

The sale of a portion of the Lansdowne South Campus to Victoria Hospice would provide an important opportunity to achieve some of the actions proposed in the *Blueprint*. This section of the creek has steep, eroded banks and has issues with invasive species. Currently, it is fenced off from the schoolyard due to safety concerns. Restoration of the creek, similar to what was achieved at Oak Bay High, could contribute to student learning and create an important community amenity, while improving the health of the creek. The *Blueprint* also recommends a creekside greenway through this property, which would provide an important neighbourhood linkage.

Proudly supported by the CRD

625 Fisgard Street | PO Box 1000 | Victoria, BC V8W 2S6 | Tel 250-360-3302 | Fax 250-360-3047
ENVS-720536236-1781

Both the *Blueprint* and *Daylighting Feasibility Study* identified key opportunities at this site for stormwater management. As one of the largest undeveloped open areas in the Bowker Creek watershed, stormwater management at the site would help to alleviate downstream flooding, which will be increasingly important due to the impacts of climate change. The *Blueprint* and *Daylighting Feasibility Study* proposed shifting the creek channel along the southwest boundary of the property and developing the adjacent field as a dual-use dry pond. This dry pond would function as a normal playing field, except during infrequent storm events (25- and 100-year storms) when it would be flooded for less than 24 hours. While the proposed Victoria Hospice development would interfere with the original design, BCI hopes that creek restoration and some form of stormwater management could still be achieved at the site.

Please refer to the Appendix A for more details about opportunities at this location.

2. Lansdowne Middle School North Campus

Although Bowker Creek does not run through the property, the *Daylighting Feasibility Study* identified the large fields at the Lansdowne Middle School North Campus site as very important for stormwater management in the Bowker Creek watershed. With the recent sale of a portion of this property to the Conseil scolaire francophone de la Colombie-Britannique (CSF), the BCI is hoping there are still opportunities for stormwater management at the site, on the remaining land at Lansdowne North, and potentially in partnership with the new property owner. An infrequently flooded dry pond, as proposed above for Lansdowne Middle School South Campus, would provide stormwater management with minimal impacts to playing field function.

Please refer to the Appendix B for more details about opportunities at this location.

3. Cedar Hill Middle School

The *Daylighting Feasibility Study* assessed Cedar Hill Middle School as having “fair” potential for a stormwater management facility due to its moderate slope and close proximity to Bowker Creek. Cedar Hill Middle School’s upcoming redevelopment presents an opportunity to consider stormwater management opportunities, as well as to accommodate the proposed greenway along Cedar Hill Road that was identified within the *Blueprint*.

4. Campus View Elementary School

The *Daylighting Feasibility Study* identified Campus View Elementary School as having “fair to good” potential for a stormwater management facility due to its large upstream sub-catchment and moderate slopes.

The benefits of collaboration at these four sites are substantial:

- On-site stormwater management at SD61 properties would reduce peak flows within the watershed, limit flooding and erosion, and help the region adapt to the impacts of climate change. Dry ponds manage stormwater, while having minimal impact on recreational use of the playing fields.
- Restoration of Bowker Creek at Lansdowne Middle School South Campus represents one of only a few opportunities to improve the quality of an open section of the creek, since more than half of the entire creek is currently culverted. Creek restoration enhances aquatic and riparian habitat, reduces erosion and flooding, and creates learning opportunities for the school and broader community.

- Support for the Bowker Creek greenway will help build neighbourhood connections and promote active transportation.

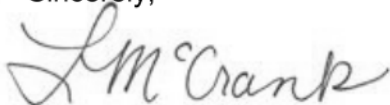
The BCI appreciates SD61's commitment to Bowker Creek through its endorsement of the *Blueprint* and past collaboration on projects and studies. We are very interested in continuing to work with you to improve the health of Bowker Creek at these four locations in the watershed.

Potential next steps for working together include:

- The BCI would like to invite representatives from SD61 and the Victoria Hospice to attend a guided tour of Bowker Creek, starting at the Oak Bay High restoration project and walking to Lansdowne Middle School South Campus, to showcase what is possible in terms of creek restoration and explore common goals.
- The BCI would welcome an SD61 representative on the BCI steering committee and would be happy to arrange a meeting to discuss this opportunity.

If you have any questions, please contact me at 250.360.3299 or lmccrank@crd.bc.ca.

Sincerely,



Lindsey McCrank, Coordinator
Bowker Creek Initiative

LM:slw

cc: Glenn Harris, Senior Manager, Environmental Protection (CRD) (via email)
Adriane Pollard, Manager of Environmental Services (District of Saanich) (via email)

Appendix A: Lansdowne Middle School South Campus

(Excerpted from *Daylighting Feasibility Study*, ISL Engineering and Land Services, 2020)

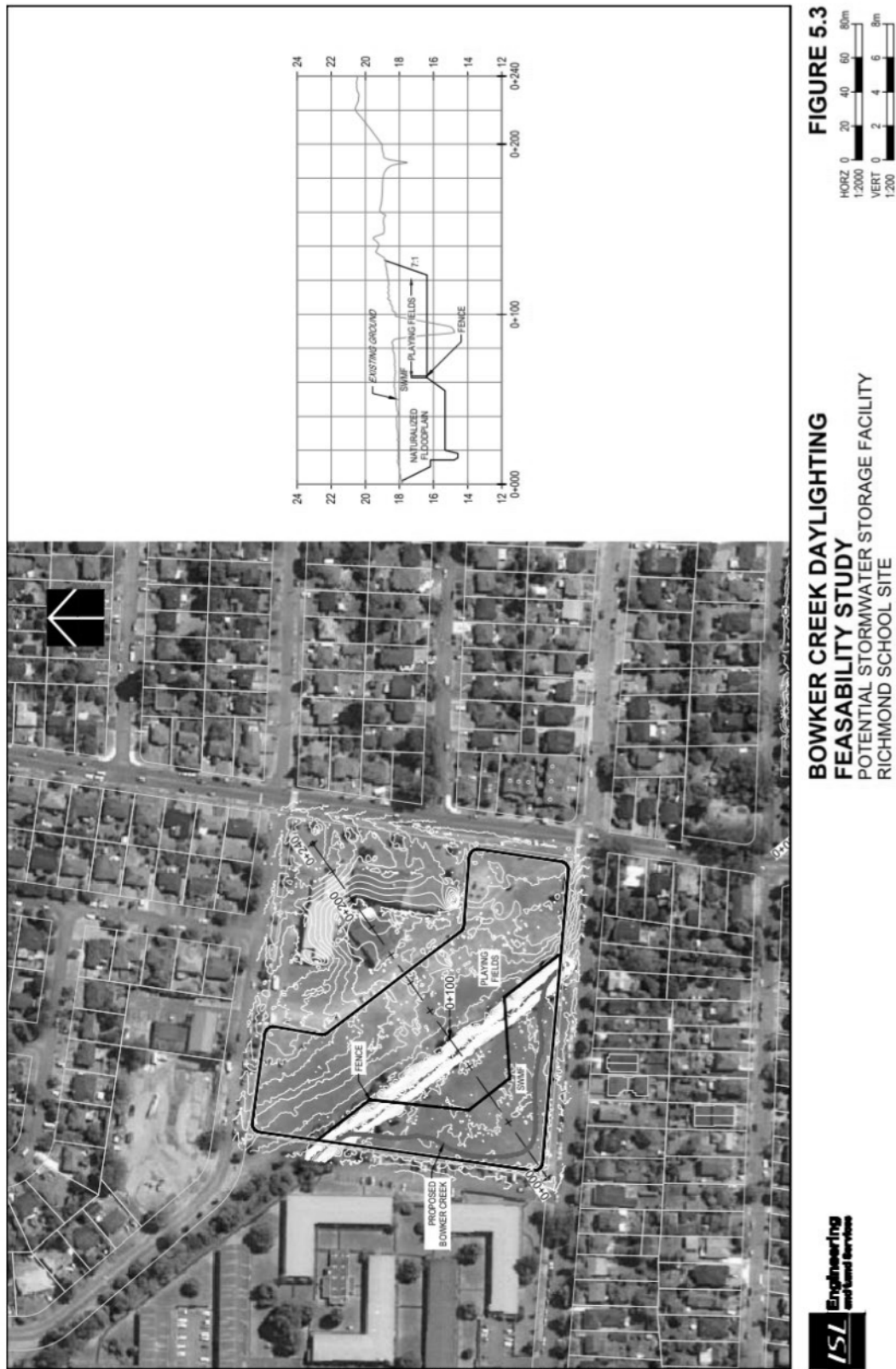
The site is currently divided by Bowker Creek (open channel), which runs northwest to southeast. The creek is fenced off from the school for safety reasons. The triangular parcel southwest of the existing creek was suggested as a SWMF in the MDP but was considered too small to be effective in mitigating downstream flood risks (area is a 100 m x 100 m triangle). At the south boundary of the property, the creek enters a storm sewer at Spirit Garden, a City of Victoria owned property that has a high potential for daylighting and active transportation connectivity.

The southwest section of the site is generally flat, the northeast is approximately 1-2 m higher (includes school buildings) than the southwest part. Both the southwest and northeast sections each have a soccer field and baseball backstop. The two sections are connected by an existing pedestrian bridge.

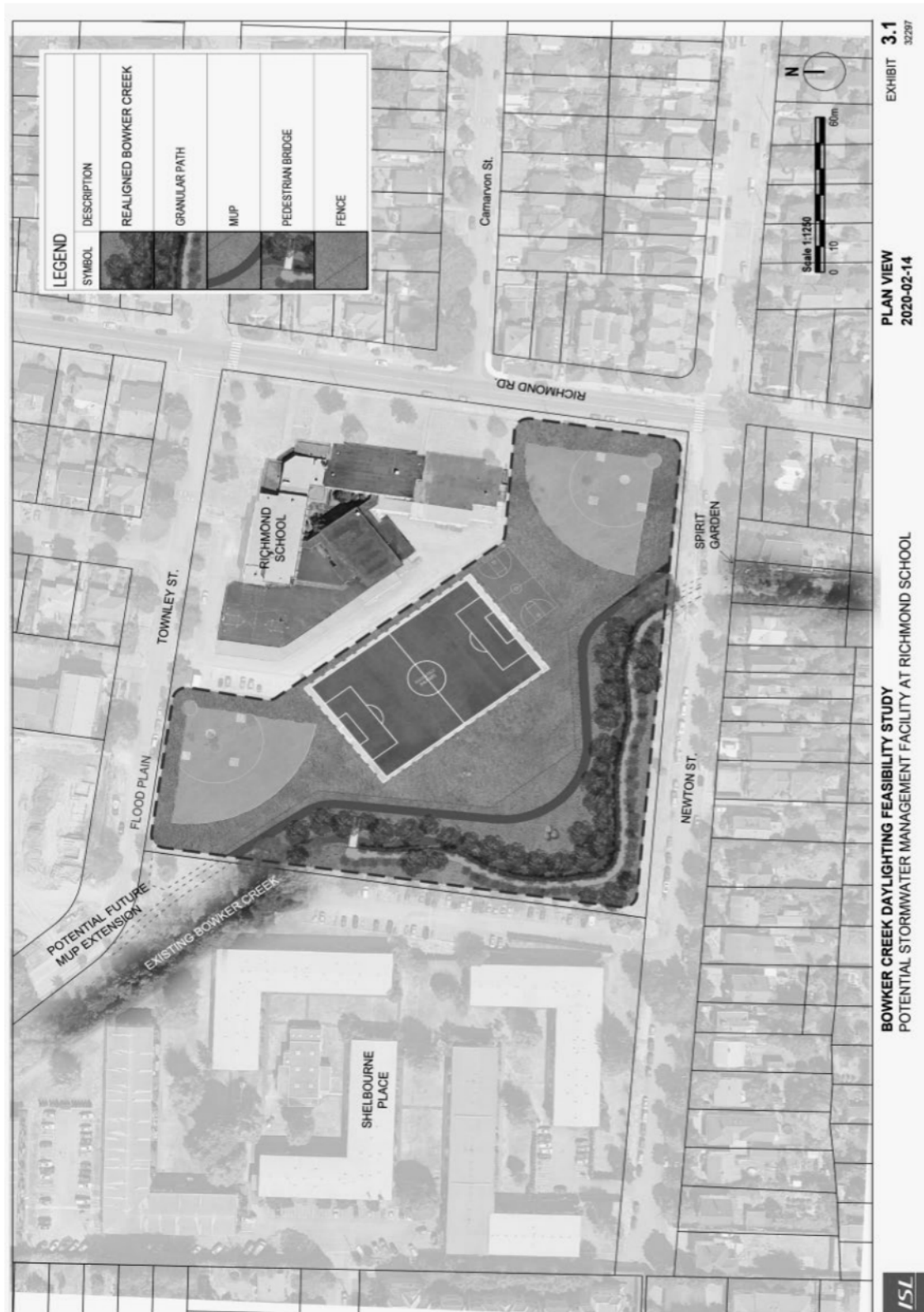
A sanitary trunk sewer runs parallel to the creek (northwest to southeast direction) which will have to be considered in the design. The proposed concept for developing a SWMF within the existing school site is summarized below:

- The creek would be re-aligned to the southwest to increase the green space available for school playing fields.
- The creek would be naturalized with a slight meander, boulders, woody debris, and native plant species. Flow velocities would be reduced to limit erosion potential.
- The lower portion of the SWMF would be low lying along the creek and would be inundated during frequent storm events (~2 year). This area would be fenced from the school and naturalized with suitable riparian plants.
- The green space between the re-aligned creek and the school buildings would be developed as a dual-use dry pond; it would have a net increase in green space available for playing fields; the playing fields would flood during infrequent storm events (~25 year).
- The existing bridge crossing could be maintained via a new pedestrian bridge or open bottom culvert.
- A granular walking path and multi-use path (MUP) could be constructed alongside the creek; to maintain or improve active transportation connectivity between Townley Street and Newton Street.

The use of dual-use SWMF on school sites is new to greater Victoria and concerns were expressed during the project workshops about the impact of these facilities on the community's use of the playing fields. The depth and duration of flooding was simulated using the hydraulic model. The results of the analysis are shown in Figure 5.6. The playing fields are at an elevation of about 16.4 m, and thus would only be impacted during infrequent storm events (less than about once every two years). During infrequent storm events (25-year and 100-year), the field would be flooded for less than 24 hours.



Excerpted from the *Bowker Creek Daylighting Feasibility Study* (2020)

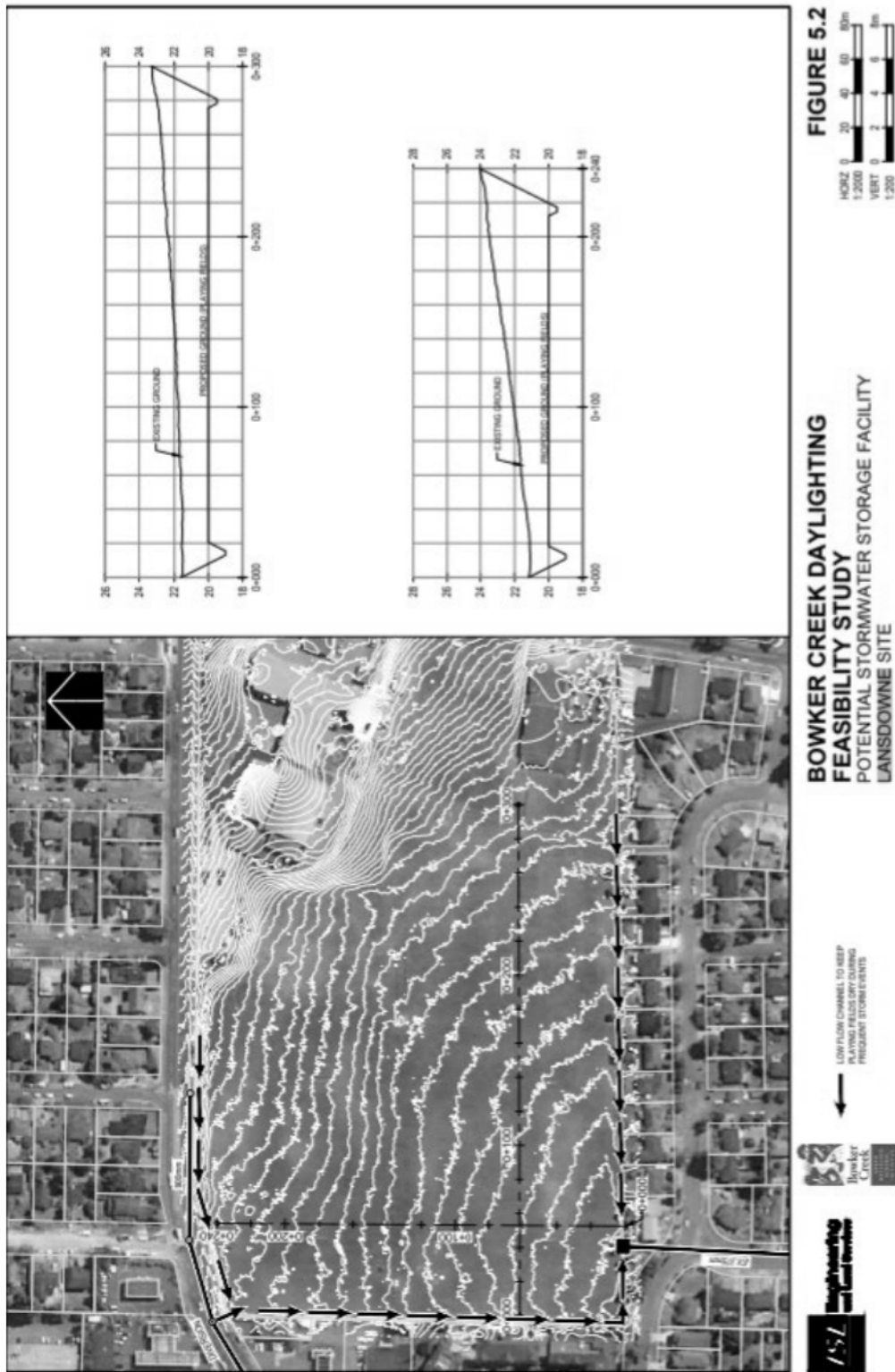


Excerpted from the report *Potential Stormwater Management Facilities on Bowker Creek* (ISL, 2020)

Appendix B: Lansdowne Middle School North Campus

(Excerpted from the *Daylighting Feasibility Study*, ISL Engineering and Land Services, 2020)

The Lansdowne Middle School SWMF was modeled by diverting the 750 mm storm sewer on Lansdowne Road (about 100 m east of Shelbourne Street) to a SWMF constructed within the grass playing fields. The catchment area was split so that the lands east of Shelbourne Street and north of Lansdowne Road (about 2/3 of total catchment) was diverted to the storage, with the remainder of the catchment connecting to the Bowker Creek Trunk at Pearl Street and Scott Street. The total drainage area that can be diverted to this SWMF is estimated to be 66.6 ha. Existing Lansdowne Middle School Playing Fields stored stormwater would then discharge through the existing 375 mm storm sewer on Townley Street, connecting to Bowker Creek at Pearl Avenue. The SWMF was simulated as a dry pond with a pond bottom elevation of 20.0 m. The existing 250 m long, 375 mm diameter storm sewer on Townley Street provides hydraulic constraint and a separate control structure was not added.



Excerpted from the *Bowker Creek Daylighting Feasibility Study* (2020)

DISPOSAL OF LAND OR IMPROVEMENTS ORDER

Authority: *School Act*, sections 96(3) and 168(2)(t)

{ Ministerial Order M193/08 (M193/08) Effective September 3, 2008
 { Repeals 233/07

Interpretation

1 In this Order:

“a lease of 10 years or more” means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease,

“alternative community use” means a use by a community agency or organization for land or improvements owned by a board, other than for the educational purposes of the board,

“board” means a board as defined in the *School Act* and includes a francophone education authority,

“dispose” means dispose as defined in the *Interpretation Act*,

“independent school” means an independent school as defined in the *Independent School Act*.

Application

2 This Order does not apply to grants of Crown land described in section 99 of the *School Act*.

Disposal of land or improvements

3 Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5.

4 Boards may dispose of land or improvements by way of lease, other than a lease of 10 years or more, if such disposition is to an agency or organization for an alternative community use.

5 Despite section 3 and 4, the Minister may approve, with any terms and conditions, a disposition of land or improvements.

Policies and procedures

6 Boards must develop and implement policies and procedures with respect to the disposal of land or improvements under section 96(3) of the *School Act*, consistent with this Order, and make these policies and procedures publicly available.

Bylaws

7 A board's bylaw made pursuant to section 65(5) of the *School Act* relating to a disposition in accordance with sections 3, 4 or 5, must include:

- (a) confirmation that the board will not require the land or improvements for future educational purposes,

DISPOSAL OF LAND OR IMPROVEMENTS ORDER

- (b) the name and the facility number, if any, and
- (c) the address and legal description.

8 A copy of a bylaw referred to in section 7 must be provided to the Minister without delay.

Notification

9 When a board disposes of land or improvements, the board must, without delay, provide the Minister with written notification of the disposition and allocation of the proceeds as required under section 100(2) of the *School Act*.

10 This Order comes into effect on September 3, 2008.



Ministry of Education Capital Management Branch

Questions and Answers

Disposal of Land or Improvements Order (M193/08)

School Building Closure and Disposal Policy

1. What is the meaning of “broad consultation” regarding the disposal of land or improvements?

Just like consultation undertaken around school closures, a board must consult with local government, community organizations and the general public regarding alternative community uses and the disposal of land.

Such consultation should be in accordance with the board’s policies and procedures established for its school district with respect to the disposal of land or improvements.

Boards of education are in the best position to determine the type of community consultation that would be required for site-specific cases.

2. What are “community agencies or organizations” with respect to “alternative community use”?

Boards of education should consider the type of users that might be interested in leasing a board-owned property for a period of less than 10 years for a use other than the educational purposes of the board.

A board may define such agencies and organizations and acceptable alternative uses in the policies and procedures established for its school district with respect to the disposal of land or improvements through lease agreements.

3. Who has legal ownership of property?

A board of education is the owner of all school district property that is held in its own name. The exception is any school site being used for education purposes that is the subject of a Crown Land grant, as described under s. 99 of the *School Act*.

4. Is vacant land (i.e., no school was ever built) subject to the new Order?

Yes. All real property (land) owned by the board is affected by the Order, whether vacant or with a school or other building on it, except if the land is the subject of a Crown grant in trust for educational purposes.

5. Does this new order replace previous orders regarding property disposals?

The Disposal of Land or Improvements Order (Ministerial Order M193/08) repeals the previous Disposal of Land or Improvements Order (Ministerial Order M233/07), effective September 3, 2008.

6. What is the role, if any, of ARES in our projects?

ARES involvement with Ministry of Education projects, as per the previous Ministerial Order M233/07, was rescinded under the new Ministerial Order M193/08.

7. If a board has a sale agreement that was signed prior to September 3, 2008, is ministerial approval required to complete the transaction?

Ministerial approval is not required in cases where a legal commitment between the board and a purchaser was made prior to September 3, 2008, the date that the new Order came into effect.

8. Do the provisions of the new Order apply where a sales agreement in-principal has been reached, but not signed off, by the board and a purchaser?

The new Ministerial Order applies to any situation where there is no legally-binding agreement in place as at September 3, 2008.

9. How will disposals that are part of a Project Agreements signed by the Minister be affected?

Each of these situations will be considered on a case-by-case basis. A board will need to request ministerial approval before proceeding to disposal, as per section 5 of the Disposal of Land or Improvements Order. These requests should detail the situation, including the boards' consideration of the disposal in terms of an expanded mandate for early learning and the potential for alternative community uses.

Future project agreements may explicitly include ministerial approval of a related property disposal, providing that the provisions of the Order have been met.

10. What are the steps in the approval process?

A board of education must make a formal request to the Minister of Education for approval to dispose of a property by sale, exchange or lease of 10 years or more, unless that disposal is to another board or an independent school authority for educational purposes. That request must address the following issues:

- For schools, verification that the school closure was completed in accordance with the provisions under the current or a former School Opening and Closure Order
- Description of exceptional circumstances compelling the board to request ministerial approval for the disposal of the property
- Confirmation that the property will not be required for future educational purposes, including K-12 programming and new educational initiatives, such as early learning programs.
- Description of broad consultation that was undertaken with respect to the proposed disposal
- Description of how the property was first acquired for educational purposes by the board
- Confirmation that the property is owned by the board and not the subject of a Crown Land grant, as evidenced by the following documents obtained from the Land Title Office:
 - i. State of Title Certificate (certified copy of title); or
 - ii. Title Search Print (computer generated printout of a comprehensive title search, which must include a Parcel Identifier number)
- Address and legal description of the property
- Site plan showing the subject property clearly outlined in bold or in colour
- Property appraisal by two licensed property appraisers. In situations where it is not practical to obtain two comprehensive appraisals, the latest property assessment notice may be acceptable as one of the appraisals
- Statement of expected purchase price

A board's bylaw, as described under section 7 of the Disposal of Land or Improvements Order, is not required as part of a board's request for ministerial approval of a disposition of a property by sale or lease of 10 years or more. The adoption of such a bylaw by the board only becomes necessary after ministerial approval has been granted.

11. When do you ask for the Minister's approval, before or after consultation?

Broad consultation with respect to the disposition of a particular school property must be completed prior to requesting the Minister's approval.

12. Is a board of education able to enter into an agreement-to-sell prior to receiving Ministerial approval?

No. Ministerial approval is required before entering into any such agreements for the sale, exchange or lease of 10 years or more of school property, except where the purchaser is another board of education or an independent school authority.

13. There is a public consultation process required for school closures under the School Opening and Closing Order (M194/08) and a broad consultation required for the disposition of school property under the School Building Closure and Disposal Policy. Can these consultations be the same?

No, these consultations must be undertaken separately and sequentially by a board.

As provided under s. 5 of the School Opening and Closure Order, the public consultation process for the closure of a school must include:

- (a) a fair consideration of the community's input and adequate opportunity for the community to respond to a board's proposal to close the school permanently;
- (b) consideration of future enrolment growth in the district of persons of school age, persons of less than school age and adults; and
- (c) consideration of possible alternative community use for all or part of the school.

As established by recent court decisions, a public consultation process with respect to surplus or underutilized school space must be completed prior to any final decision on closing a school being rendered by a board. Only after a decision to close a school has been finalized and the school has been properly closed in accordance with s. 5 of the School Opening and Closure, should the question of the potential disposition of the property be appropriately considered.

Similarly, procedural fairness would dictate that a predetermined decision regarding the disposal of a school property should not be made prior to considering the results of broad consultation.

As such, the school closure consultation and property disposal consultation should not be done simultaneously.

14. Will the Land Titles Office require a "certificate of disposal"?

Yes. The Ministry and Land Title Office will be re-introducing a process similar to that used in the past when Minister of Education approval was required for the disposal of land or improvements by boards.

15. What types of disposals are affected by the Order?

The Order applies to the disposition of land or improvements by sale and transfer in fee simple (where there is a change in legal ownership), or by way of a lease of 10 years or more (including the cumulative total of all options and rights to extend or renew the lease).

The Order does not apply to situations where there is a transfer of interest in a board property, such as rights-of-way and easements, which may be registered as a charge on title of the property, and leases of less than 10 years.

16. Do transactions such as partial sales, transfers of property or land swaps require broad consultation and ministerial approval?

Under the *Interpretation Act*, “dispose” means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things.

As partial sale, transfers of property or land swaps can be deemed to be property disposals, the provisions under the Order apply.

17. Does this Order pertain to Crown Land grants?

School sites that are the subject of a Crown Land grant are not affected by the Disposal of Land or Improvements Order. Crown Land grants no longer required for educational purposes revert to the Crown as per s. 99 of the *School Act*.

18. Will boards be required to sell/lease surplus school space to independent schools, which could result in further decreases in public education enrolment?

Boards are not required to sell or lease, for more than 10 years, any surplus schools to independent schools, but would be expected to consider the needs of other learners in their communities, including francophone and independent school students.

Under the Order, boards may dispose of land or improvements to another board or an independent school authority for educational purposes without seeking ministerial approval.

Such transactions would be in accordance with the board’s policies and procedures established for its school district with respect to the disposal of land or improvements.

19. Why would government allow public land to be sold or leased to independent schools at less than market value? Do independent schools have priority over other community groups?

Boards are not required to sell surplus property to independent schools. The Order simply provides boards with the authority to dispose of land or improvements, which will continue to be used for educational purposes, without ministerial approval.

Whereas the previous land disposal Order required any sale of surplus property to be at fair market value, the current policy does not place this condition on the disposal of surplus property to an independent school, another board of education, local government or community organization.

The value, as well as the priority, of such dispositions would be in accordance with policies and procedures established by a board for its school district with respect to the disposal of land or improvements. Those policies and procedures may consider the disposition of a board-owned property for an amount less than fair market value.

20. Are there Ministry expectations regarding prioritization of groups vying for surplus school space (e.g., daycare vs. independent school)?

Boards of education are in the best position to determine the types of alternative community uses or other educational purposes that might be suited for surplus school space available in their school districts.

Any decisions regarding prioritization of uses should be based on the results of broad community consultation and in accordance with the policies and procedures that must be developed by a board with respect to the disposal of land or improvements.

21. Will the change in the Order affect the allocation of proceeds from disposition under s. 100 of the *School Act*?

There are no impacts on the allocation of money between the minister and the board under s. 100 of the *School Act*.

22. Will the change in the Order affect the allocation of money received in respect of a lease to operating or capital expenditures under s. 100.1 of the *School Act*?

There are no impacts on the allocation of money under s. 100 of the *School Act*.

Proposed Victoria Hospice Site Design Intent

A presentation to the
Greater Victoria School Board
Jan 24, 2022



Quality palliative and end-of-life care for all



- Supported by our community since 1980.
- Leaders in patient- and family-centred end-of-life care, education, research, and advocacy.
- Partners with Island Health with 50% of funding from our generous donors.

We must grow to meet community needs

- By 2035, the population of people aged 75+ on Vancouver Island is expected to double.
- For more than 15 years, we have searched and researched dozens of possible locations.
- The natural attributes and proximity to Royal Jubilee Hospital make this proposed location a perfect fit.



Committed to restoring Bowker Creek



- Our design intent meets objectives of the **Bowker Creek Initiative Blueprint** and **Master Drainage Plan**.
- Proposal allows for **multiuse green spaces**, an **outdoor classroom**, and an opportunity for **public greenway access**.

Our restoration design proposal



Opportunity to bring community together



- Victoria Hospice and Bowker Creek are both essential to the health and well-being of our community.
- We're committed to the vital restoration of the creek and the watershed.
- This riparian area habitat creation will bring the community together, including the students and area residents, with a natural environment to enjoy and learn.

From: Stephen Dorsey(stephen@stephendorsey.com)
ECC DM ECC:EX (DM.Education@gov.bc.ca); Service BC CITZ:EX (ServiceBC@gov.bc.ca);
Kendra Crighton (kendra.crighton@blackpress.ca); c.vanreewyk@blackpress.ca;
arnold.lim@blackpress.ca; tess@cheknews.ca; tips@cheknews.ca; alawrence@cheknews.ca;
jkolsut@cheknews.ca; mgriffin@cheknews.ca; aneal@cheknews.ca; ksidaway@cheknews.ca;
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emmalee@captialdaily.ca; jimmy@capitaldaily.ca; talk@cfax1070.com; cfax.news@bellmedia.ca;
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roszan.holmen@bellmedia.ca; A Garros.22 Bob Reid
s.22 ; Lucy Smith (; Jordan Cunningham
(jordan.cunningham@bellmedia.ca); Nicole Duncan (s.22
Subject: FOR IMMEDIATE RELEASE: Friends of Vic High Call on Education Minister Whiteside to
Investigate School District 61 and Stop Vic High Land Transfer
Sent: 03/09/2022 19:00:57
Message
Body:

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Media Contact / Spokesperson:

Stephen Dorsey, Vic High 1984 Alumni

Co-Founder, Friends of Vic High (FOVH)

T. 647-938-5449

E. info@stephendorsey.com

March 9, 2022

Ministry of Education

PO Box 9045 Stn Prov Govt

Victoria, BC V8W 9E2

Attention: Jennifer Whiteside,

Minister of Education

BY EMAIL

educ.minister@gov.bc.ca Dear Ms. Whiteside,

Re: Grant of Statutory Right of Way by School District 61

Please be advised we are the solicitors for the Friends of Vic High (the “Friends”), a collection of individuals highly interested in protecting the lands and amenities thereto of Victoria High School (“Vic High”) for the benefit of current and future students and the surrounding community. The Friends formed as a result of, and to push back against, 50 years of neglect and resource disadvantage to Vic High, in addition to the well-understood systemic racism and inequality both at the Vic High and School District levels. The leaders of the Friends include Mr. Stephen Dorsey, Ms. Esther Callo and Mr. Tak Niketas.

We believe a recent vote by the Board of Education of School District No. 61 (“SD61”) to grant a Statutory Right of Way (“SRW”) to the City of Victoria (the “City”) to be a de facto disposition in fee simple. As such, we believe the vote to grant the SRW to the City to be a colourable attempt by SD61 to avoid its duty to you to determine whether the land is surplus to educational needs and to seek your approval for said disposition. We demand you immediately investigate SD61’s actions and take appropriate remedial steps as required. Our demand is based upon the following facts:

Facts

To raise revenues, SD61 granted a 60-year lease for lands to the Capital Region Housing Corporation (the “CRHC”) for the purpose of facilitating a CRHC housing development. In addition to the lease, SD61 is currently attempting to grant an 8-metre SRW in favour of the City on land owned by SD61 and abutting the lands leased to the CRHC. This proposed SRW displaces Vic High’s parking needs onto land required for well-established plans to refurbish and expand Vic High’s 70-year-old track and field. The SRW is stated to be used as a greenway but is actually to be used as the fire access for the planned housing development.

SD61 will be the “servient” tenement, meaning that SD61 owns the property. The City will be the “dominant” tenement, meaning that they are granted the right to use the easement over the servient tenement’s property.

The City plans to construct a “greenway” on the SRW land. The SRW is said to consist of a 6-metre-wide stamped-concrete walkway with rows of trees planted on each side. The SRW will prevent a track from being built, as per the school’s original plans. There is not enough land available to accommodate both the stamped-concrete walkway and the promised track.

On May 28, 2019, SD61 granted a “letter of authorization” (the “LOA”) to the CRHC. This LOA was granted prior to the completion of SD61’s public consultation processes, and it authorized the CRHC to apply to rezone some of Vic High’s land parcels. The rezoning efforts were the subject of improper public consultation processes and were associated with the lease of land to build the housing complex adjacent to Vic High. SD61’s authorization for the 8-metre SRW also did not follow proper protocols. In that letter, SD61 said the following:

The agreement by SD 61 to grant, concurrently with the long-term lease to CRHC [the housing developer], an easement in favour of the New Housing Parcels along the whole of the western boundary of the Vic High property to a depth of 8 metres, for the purpose of pedestrian passage, and fire truck and vehicular access.

The Friends assert that SD61 withheld information from the public about the SRW over the course of public consultations in 2019 and 2020. On June 20, 2019, SD61 hosted a public “consultation” regarding proposed land transfers to facilitate the housing development. SD61 did not mention the SRW in the PowerPoint slides or the meeting minutes, apart from one brief mention in an “FAQ” information sheet. At the meeting, no images depicting the scope of the easement, or its impact or implications, were presented or discussed.

On November 12, 2019, SD61 hosted another “consultation” regarding the land transfers that trigger the proposed lease to the CRHC. The proposed SRW was not included in the images and information presented to the public.

On November 25, 2019, SD61 voted to approve the land transfers. The PowerPoint slides from this evening did not include either information or pictures detailing the SRW. The SRW was also not included in the motion approved by SD61.

Despite raising money from the community through the fundraising designate, the Victoria High School Alumni Association (the “Alumni Association”), for the express purpose of upgrading the track built to honour Vic High’s war dead, SD61 released public statements claiming that the track would not be built due to the high cost of this amenity. There has been no public-facing discussion of the true reason: the upgraded track will no longer fit on the property if the 8-metre SRW is granted and Vic High’s parking requirements are displaced.

In its March 9, 2020, report, titled “Victoria High Enhancements and Amenities Recommendations,” SD61 concluded:

The District is not recommending the track and turf field due to the high cost and concerns from the community about the turf fields impact on the local environment. The option would require all of the amenity funding and more. It limits the District's ability to provide other amenities to students and the community, as set out in these recommendations.

Privately, on or around June 3, 2019, SD61 staff advised the Alumni Association that plans for the track and field would have to be modified to accommodate the CRHC proposal that includes the SRW.

An email on August 6, 2020, from an SD61 administrator to a trustee, who shared it with the Friends, reveals SD61 was aware that the SRW would prevent the refurbishment and expansion of Vic High's track and field. The administrator wrote, "With the 8m right of way and the City parking requirements, there is no longer room for a regulation track."

On June 24, 2021, SD61 again voted on and approved proposed land transfers, this time including the SRW. There was no public consultation at this stage. At this meeting, a bylaw was passed. SD61 titled this bylaw the "Caledonia Covenant, Right-of-Way, Land Exchange, Property Acquisition and Lease Bylaw 2021" (the "Caledonia Bylaw"). It passed with 5 votes in favour and 4 against. The Caledonia Bylaw included the following language:

[...]

WHEREAS a Board of Education may dispose of land or improvements owned or administered by the board under the authority of Section 96(3) of the School Act, subject to the Orders of the Minister of Education (the "Minister");

AND WHEREAS the Minister issued Order M193/08 effective September 3, 2008 (the "Order") requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board, but the Order does not require the Minister's approval of a right-of-way or covenant;

AND WHEREAS Section 65(5) of the School Act requires a board of education to exercise a power with respect to the acquisition or disposal of property only by bylaw, and the granting of a statutory right-of-way or a covenant is a disposal of an interest in land;

AND WHEREAS:

[...]

E. The Board proposes to enter into the Caledonia Redevelopment Master Agreement (the "Master Agreement") with Capital Region Housing Corporation ("CRHC"), the Corporation of the City of Victoria (the "City") and Provincial Rental Housing Corporation ("PRHC") pursuant to which CRHC will build and operate an affordable housing development (the "Development") on lands owned by the Board and leased to CRHC, pursuant to the following proposed transactions as described in the Master Agreement:

1. the Board would grant the following encumbrances against the Board Lands (collectively, the "Encumbrances"):

[...]

(b) a covenant under section 219 of the Land Title Act substantially in the form attached to the Master Agreement, encumbering the Board Development Lands (the "Greenway Covenant");

[...]

(g) a statutory right-of-way for highway purposes substantially in the form attached to the Master Agreement, encumbering Lot 4, Lot 5 and Lot 6 as shown on Plan EPP103224, a reduced copy of which is attached to this Bylaw as Exhibit 2 (the "Grant Highway SRW"); and

[...]

SD61 has never published the “Master Agreement.” The subject matter of the “Greenway Covenant” is unknown.

To date, SD61 has not formally approved the grant of the SRW.

Law – Statutory Rights of Way

A “statutory right of way” is a type of easement created under S. 218 of the BC Land Title Act:

218. Statutory right of way

218(1) A person may and is deemed always to have been able to create, by grant or otherwise in favour of

(a) the Crown or a Crown corporation or agency,

(b) a municipality, a regional district, the South Coast British Columbia Transportation Authority, a local trust committee under the Islands Trust Act or a local improvement district,

(c) a water users' community, a public utility, a pulp or timber, mining, railway or smelting corporation, or a pipeline permit holder as defined in section 1(2) of the Oil and Gas Activities Act, or

(d) any other person designated by the minister on terms and conditions that minister thinks proper, an easement, without a dominant tenement, to be known as a "statutory right of way" for any purpose necessary for the operation and maintenance of the grantee's undertaking, including a right to flood.

218(2) To the extent necessary to give effect to subsection (1), the rule requiring an easement to have a dominant and servient tenement is abrogated.

218(2.1) The minister may delegate to the Surveyor General the minister's powers under subsection (1)(d).

218(3) Registration of an instrument granting or otherwise creating a statutory right of way

(a) constitutes a charge on the land in favour of the grantee, and

(b) confers on the grantee the right to use the land charged in accordance with the terms of the instrument, and the terms, conditions and covenants expressed in the instrument are binding on and take effect to the benefit of the grantor and grantee and their successors in title, unless a contrary intention appears.

218(4) A person who executes an instrument in which a statutory right of way is created is not liable for a breach of a covenant in the instrument occurring after the person has ceased to be the owner of the land.

218(5) This section is retroactive in its application and applies to all statutory rights of way, whenever created.

218(6) A recital in a grant or reservation of a statutory right of way that it "is necessary for the operation and maintenance of the grantee's undertaking", or a statement to that effect in the application to register the statutory right of way, is sufficient proof to the registrar of that fact.

Law – Creation of a Fee Simple Interest in Land

In practice, a fee simple estate is an absolute ownership of interest in land and is the largest interest in land that can be created in law. As the Ontario Court of Appeal held in *Forfar v East Gwillimbury (Township)* ([1971] 3 OR 337 (ONCA)) (“Forfar”):

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Law – Easements vs. Other Interest in Land

An easement, of which a statutory right of way is one type, is defined by certain characteristics. In *Robinson v Pipito* (2014 BCCA 200) (“Pipito”), the BC Court of Appeal listed these defining characteristics as adopted in British Columbia:

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(ii) an easement must accommodate the dominant tenement:

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(iv) a right over land cannot amount to an easement unless it is capable of forming the subject-matter of a grant.

[The third requirement has now been abrogated by s. 18 of the Property Law Act, which provides that owners in fee simple may grant easements to themselves.]

If a purported easement grants possession or control of land to an extent inconsistent with the possessory rights of a servient owner, it does not meet the definition of an easement. As the BC Supreme Court stated in *Lund v Miles Farm Ltd* (2002 BCSC 275) (“Lund”):

[40] The petitioners do not assert title...; their claim is to an easement. ... Professor Bruce Ziff, in *Principles of Property Law*, 3rd ed. (Toronto: Carswell, 2000), says, at p. 341:

[T]o count as an easement, the grant cannot confer a right to possession or control of the servient lands to an extent that is inconsistent with the possessory rights of the servient owner: “[t]here is no easement known to the law which gives exclusive or unrestricted use of a piece of land. A grant of the exclusive or unrestricted use of land beyond all question passes the ownership of that land.”

This sentiment was echoed in *Pipito*, where the court stated:

[19] ...[W]here no proprietary interest or right in the property described in the easement is reserved to the servient tenement, the agreement does not constitute an easement. Adopting the words used in *Shelf Holdings Ltd. v. Husky Oil Operations Ltd.*, [1989] 3 W.W.R. 692, 56 D.L.R. (4th) 193 (Alta. C.A.), also cited by the judge in this case, [*Grant v MacDonald* ([1992] BCJ No 1359 (BCCA)) (“Grant”)] held that an easement cannot amount to a claim “quite at variance with the property rights of the servient owner.”

[20] Every easement will, to some extent, exclude the servient owner from the property and prevent the servient owner from exercising some proprietary rights over the property reserved for the easement. The degree of occupation or possession, and the question whether that degree of occupation or possession is compatible with the existence of an easement, should be governed by the document conceding the grant...

[21] In their discussion of the essential characteristics of an easement, the authors of *Gale on Easements* ((17th ed.), London: Sweet & Maxwell, 2002) note that the grant of a right amounting

to joint or exclusive occupation is not in the nature of an easement, but "the line is difficult to draw, and each new case would probably be decided on its own facts in the light of common sense."

In *Prinsen v Wickland* (2003 BCSC 1795) ("Prinsen"), a dominant tenement's gardening and landscaping in the easement area was found to have so substantially detracted from the rights of the servient owner such that the grant could not be considered an easement:

[25] ... In this case, in the application by the respondents, the "right in question detracts so substantially from the rights of the servient owner, the petitioner, that it must be something other than an easement." Albert S. MacClean, 'The Nature of An Easement', (1966) 5 W.L.R 32 at 51 ... There is no way in which the owners of the dominant and servient tenements can both garden and landscape the Easement Area and thus this cannot be an easement.

In *Pipito*, an "easement" permitting the dominant tenement to plant crops over the entire easement area and remove timber and gravel was found to be an exclusive use and thus not an easement. The court held:

[45] *Gale on Easements* reminds us that common sense must play a role in our analysis. By granting to the dominant tenant the right to use all of the easement area for farming and recreational use, and by barring the servient tenant from making any inconsistent use of the property, the Easement Agreement permits the owners of the dominant tenement in the case at bar to plant crops over the entire easement area. It thereby grants them exclusive use of all of the easement area.

[46] It is open to the owners of the dominant tenement to remove all timber from the easement area, without apparent restriction. By granting to the owners of the dominant tenement the right to all the timber, the Easement Agreement prevents the owner of the servient tenement from removing trees or making any use of the easement area that would interfere with the removal of trees. The owners of the dominant tenement, similarly, enjoy the right to remove all gravel from the easement area, without restriction. The dominant owners can prevent the owner of the servient tenement from removing gravel or to making any use of the easement area that would interfere with the removal of gravel from any part of it.

[47] The exercise of these rights and the right to restrain the servient tenant from any use of the property inconsistent with such uses would permit the owners of the dominant tenement to exercise dominion over the easement area inconsistent with the servient tenant's proprietary interests. In the circumstances of this case, common sense supports the view expressed by the trial judge that by the Easement Agreement the dominant tenants gave to themselves such rights as to amount to a complete derogation of any rights to the proprietorship or possession of the easement area by the defendant as servient tenement owner.

[48] That conclusion is consistent with the jurisprudence. In *Clos Farming Estates Pty v. Easton* (2001), 10 B.P.R. 97897 (discussed in *Gale on Easements* at p. 34), the Supreme Court of New South Wales held that the right to cultivate a vineyard was incapable of forming the subject-matter of a grant "because it neutralized the servient owners' rights and left them powerless to control or influence what was to happen to their agricultural land." The grant here clearly has the same effect.

Although the above cases all stop short of declaring an invalid easement to be a grant in fee simple, they do find that exclusive possession makes a purported easement more than an easement. Exclusive possession is the hallmark of fee simple title.

In *Re Siska Indian Band and Canada* (Minister of Indian Affairs and Northern Development) (2018 SCTC 2) ("Siska"), the Specific Claims Tribunal specifically dealt with a factual situation in which an "easement" actually amounted to exclusive possession and thus fee simple title. Although *Siska* is not a binding decision, it nonetheless illustrates key principles. The tribunal in *Siska* held:

[152] There is, however, a material difference between fee simple title and an easement. An easement establishes a non-exclusive right of use in the holder. The holder of fee simple enjoys the exclusive use. The evidence, including that of the community witnesses, reveals that the CPR Company vigorously exercised exclusive possession since 1886, and in the result the members of the *Siska* collectivity were treated as trespassers. They were deprived entirely of the use and enjoyment of the land...

Law – Disposal of School Board Interests in Land

S. 96 of the BC School Act allows a school board to dispose of land or improvements. However, this disposal must be approved by the Minister of Education:

Acquisition and disposal of land

96 (1) In this section, "land" includes any interest in land, including any right, title or estate in it of any tenure.

(2) A board may, for educational purposes, including the provision of housing accommodation for students or employees, board offices and outdoor activities or for the purposes of section 98 (2),

(a) acquire and hold land or improvements, or both, within its school district,

(b) with the approval of the minister, acquire and hold land or improvements, or both, in another school district, and

(c) expropriate land or improvements, or both, within its school district.

(3) Subject to the orders of the minister, the board may dispose of land or improvements, or both.

The term "dispose" is not defined in the School Act. This means that the definition of "dispose" from S. 29 of the BC Interpretation Act applies:

"dispose" means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;

This definition of "dispose" encompasses the granting of an easement, as the BC Supreme Court held at paragraph 48 of *Strata Plan NW 1942 v Strata Plan NW 2050* (2008 BCSC 258).

Ministerial Order M193/08, entitled "Disposal of Land or Improvements Order" (the "Disposal Order") and passed under the authority of sections 96(3) and 168(2)(t) of the School Act confirms that the definition of "dispose" from the Interpretation Act applies. The Disposal Order states at S. 1:

"dispose" means dispose as defined in the Interpretation Act

The Disposal Order goes on to state:

Disposal of land or improvements

3 Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5.

4 Boards may dispose of land or improvements by way of lease, other than a lease of 10 years or more, if such disposition is to an agency or organization for an alternative community use.

5 Despite section 3 and 4, the Minister may approve, with any terms and conditions, a disposition of land or improvements.

These same requirements are echoed in SD61's Policy 7110, which states:

The Greater Victoria Board of Education shall not dispose of land or improvements by sale, transfer, exchange or lease of 10 years or more unless such disposal is to another public Board of Education for educational purposes or is approved by the Minister of Education pursuant to Ministerial Order 193/08 'Disposal of Land or Improvements Order'.

The Greater Victoria Board of Education may, by way of lease, other than a lease of ten years or more, use their land and buildings for alternative community use.

Policy 7110 states that “[e]asements are not subject to this policy.” The case law, situates easements within the definition of “dispose” under S. 29 of the Interpretation Act.

Analysis – Easements vs. Other Interests in Land

We believe the SRW is an easement in name only. In actuality, it is a disposal of land amounting to a grant in fee simple, requiring your approval.

The granting of the SRW cannot be considered an easement because the degree of control that the City of Victoria will exercise over this land is more akin to exclusive possession. There is no class to be held on the stamped-concrete path. No clubs will be meeting. No intramural sports will occur. No varsity events will be held. No educational purpose of any kind will be met on the pathway. SD61 is acting outside its statutorily conferred powers. It is not seeking your approval. SD61 is actively avoiding your scrutiny by calling it a “statutory right of way.”

As the court found in Lund, if an easement confers a right to possession or control to an extent that is inconsistent with the rights of the servient owner, it cannot be considered an easement. The SRW outstrips the definition of an easement in just this way because the students of Vic High can no longer make use of this land for any educational purpose. The granting of the SRW is inconsistent with these rights. It grants possession exclusive to the interests of the Grantor. This is a de facto grant in fee simple.

The SRW is much like the purported easement that was at issue in Prinsen. In that case, gardening on an easement made it unusable by the property owner. Gardening made the “easement” something more than an easement and more like exclusive possession of the land. The SRW is also not unlike the farm field at issue in Pipito. In that case, farming on the entire easement area amounted to something like proprietorship or possession. The grant was found by the court to be more than an easement. We believe a court will view the planting of trees and the building of a walkway, as akin to planting crops. It would occupy the entire easement area and prevent SD61 from making use of the easement area for either the promised track or any other educational purpose.

Exclusive possession is inconsistent with an easement. It is the hallmark of a grant in fee simple. Thus, SD61 cannot avoid seeking ministerial approval. This transfer is not exempt from SD61’s Policy 7110.

Conclusion

SD61’s attempt to grant the Statutory Right Way is an attempt to circumvent your authority and SD61’s obligations to the detriment of current and future students of Victoria High School and the surrounding community. We demand you immediately order a suspension of any transfer of interests in land pending a full investigation of this matter by your office. We further demand you take appropriate remedial steps to protect Victoria High School lands and ensure that the law is followed by SD61 at all times.

We thank you for your immediate attention to this matter.

Yours truly,

Mulroney Siver Law

per:

“Christopher A. Siver”

Christopher A. Siver

CAS/SJC/jw

YOUR LAW PARTNER®

Mulroney Siver Law

BARRISTERS & SOLICITORS

March 9, 2022

Ministry of Education
PO Box 9045 Stn Prov Govt
Victoria, BC V8W 9E2

BY EMAIL
educ.minister@gov.bc.ca

**Attention: Jennifer Whiteside,
Minister of Education**

Dear Ms. Whiteside,

Re: Grant of Statutory Right of Way by School District 61

Please be advised we are the solicitors for the Friends of Vic High (the "Friends"), a collection of individuals highly interested in protecting the lands and amenities thereto of Victoria High School ("Vic High") for the benefit of current and future students and the surrounding community. The Friends formed as a result of, and to push back against, 50 years of neglect and resource disadvantage to Vic High, in addition to the well-understood systemic racism and inequality both at the Vic High and School District levels. The leaders of the Friends include Mr. Stephen Dorsey, Ms. Esther Callo and Mr. Tak Niketas.

We believe a recent vote by the Board of Education of School District No. 61 ("SD61") to grant a Statutory Right of Way ("SRW") to the City of Victoria (the "City") to be a de facto disposition in fee simple. As such, we believe the vote to grant the SRW to the City to be a colourable attempt by SD61 to avoid its duty to you to determine whether the land is surplus to educational needs and to seek your approval for said disposition. We demand you immediately investigate SD61's actions and take appropriate remedial steps as required. Our demand is based upon the following facts:

Facts

To raise revenues, SD61 granted a 60-year lease for lands to the Capital Region Housing Corporation (the "CRHC") for the purpose of facilitating a CRHC housing development. In addition to the lease, SD61 is currently attempting to grant an 8-metre SRW in favour of the City on land owned by SD61 and abutting the lands leased to the CRHC. This proposed SRW displaces Vic High's parking needs onto land required for well-established plans to refurbish and expand Vic High's 70-year-

old track and field. The SRW is stated to be used as a greenway but is actually to be used as the fire access for the planned housing development.

SD61 will be the “servient” tenement, meaning that SD61 owns the property. The City will be the “dominant” tenement, meaning that they are granted the right to use the easement over the servient tenement’s property.

The City plans to construct a “greenway” on the SRW land. The SRW is said to consist of a 6-metre-wide stamped-concrete walkway with rows of trees planted on each side. The SRW will prevent a track from being built, as per the school’s original plans. There is not enough land available to accommodate both the stamped-concrete walkway and the promised track.

On May 28, 2019, SD61 granted a “letter of authorization” (the “LOA”) to the CRHC. This LOA was granted prior to the completion of SD61’s public consultation processes, and it authorized the CRHC to apply to rezone some of Vic High’s land parcels. The rezoning efforts were the subject of improper public consultation processes and were associated with the lease of land to build the housing complex adjacent to Vic High. SD61’s authorization for the 8-metre SRW also did not follow proper protocols. In that letter, SD61 said the following:

The agreement by SD 61 to grant, concurrently with the long-term lease to CRHC [the housing developer], an easement in favour of the New Housing Parcels along the whole of the western boundary of the Vic High property to a depth of 8 metres, for the purpose of **pedestrian passage, and fire truck and vehicular access.**

The Friends assert that SD61 withheld information from the public about the SRW over the course of public consultations in 2019 and 2020. On June 20, 2019, SD61 hosted a public “consultation” regarding proposed land transfers to facilitate the housing development. SD61 did not mention the SRW in the PowerPoint slides or the meeting minutes, apart from one brief mention in an “FAQ” information sheet. At the meeting, no images depicting the scope of the easement, or its impact or implications, were presented or discussed.

On November 12, 2019, SD61 hosted another “consultation” regarding the land transfers that trigger the proposed lease to the CRHC. The proposed SRW was not included in the images and information presented to the public.

On November 25, 2019, SD61 voted to approve the land transfers. The PowerPoint slides from this evening did not include either information or pictures detailing the SRW. *The SRW was also not included in the motion approved by SD61.*

Despite raising money from the community through the fundraising designate, the Victoria High School Alumni Association (the “Alumni Association”), for the express purpose of upgrading the track built to honour Vic High’s war dead, SD61 released public statements claiming that the track would not be built due to the high cost of this amenity. There has been no public-facing discussion of the true reason: the

upgraded track will no longer fit on the property if the 8-metre SRW is granted and Vic High's parking requirements are displaced.

In its March 9, 2020, report, titled "Victoria High Enhancements and Amenities Recommendations," SD61 concluded:

The District is not recommending the track and turf field due to the high cost and concerns from the community about the turf fields impact on the local environment. The option would require all of the amenity funding and more. It limits the District's ability to provide other amenities to students and the community, as set out in these recommendations.

Privately, on or around June 3, 2019, SD61 staff advised the Alumni Association that plans for the track and field would have to be modified to accommodate the CRHC proposal that includes the SRW.

An email on August 6, 2020, from an SD61 administrator to a trustee, who shared it with the Friends, reveals SD61 was aware that the SRW would prevent the refurbishment and expansion of Vic High's track and field. The administrator wrote, "With the 8m right of way and the City parking requirements, there is no longer room for a regulation track."

On June 24, 2021, SD61 again voted on and approved proposed land transfers, this time including the SRW. There was no public consultation at this stage. At this meeting, a bylaw was passed. SD61 titled this bylaw the "Caledonia Covenant, Right-of-Way, Land Exchange, Property Acquisition and Lease Bylaw 2021" (the "Caledonia Bylaw"). It passed with 5 votes in favour and 4 against. The Caledonia Bylaw included the following language:

[...]

WHEREAS a Board of Education may dispose of land or improvements owned or administered by the board under the authority of Section 96(3) of the School Act, subject to the Orders of the Minister of Education (the "Minister");

AND WHEREAS the Minister issued Order M193/08 effective September 3, 2008 (the "Order") requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board, but the Order does not require the Minister's approval of a right-of-way or covenant;

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[19] ...[W]here no proprietary interest or right in the property described in the easement is reserved to the servient tenement, the agreement does not constitute an easement. Adopting the words used in *Shelf Holdings Ltd. v. Husky Oil Operations Ltd.*, [1989] 3 W.W.R. 692, 56 D.L.R. (4th) 193 (Alta. C.A.), also cited by the judge in this case, [*Grant v MacDonald* ([1992] BCJ No 1359 (BCCA)) ("*Grant*")] held that an easement cannot amount to a claim "quite at variance with the property rights of the servient owner."

[20] Every easement will, to some extent, exclude the servient owner from the property and prevent the servient owner from exercising some proprietary rights over the property reserved for the easement.

The degree of occupation or possession, and the question whether that degree of occupation or possession is compatible with the existence of an easement, should be governed by the document conceding the grant...

[21] In their discussion of the essential characteristics of an easement, the authors of *Gale on Easements* ((17th ed.), London: Sweet & Maxwell, 2002) note that **the grant of a right amounting to joint or exclusive occupation is not in the nature of an easement, but "the line is difficult to draw, and each new case would probably be decided on its own facts in the light of common sense."**

In *Prinsen v Wickland* (2003 BCSC 1795) ("*Prinsen*"), a dominant tenement's gardening and landscaping in the easement area was found to have so substantially detracted from the rights of the servient owner such that the grant could not be considered an easement:

[25] ... In this case, in the application by the respondents, the **"right in question detracts so substantially from the rights of the servient owner, the petitioner, that it must be something other than an easement."** Albert S. MacClean, *'The Nature of An Easement'*, (1966) 5 W.L.R 32 at 51 ... There is no way in which the owners of the dominant and servient tenements can both garden and landscape the Easement Area and thus this cannot be an easement.

In *Pipito*, an "easement" permitting the dominant tenement to plant crops over the entire easement area and remove timber and gravel was found to be an exclusive use and thus not an easement. The court held:

[45] *Gale on Easements* reminds us that common sense must play a role in our analysis. By granting to the dominant tenant the right to use all of the easement area for farming and recreational use, and by barring the servient tenant from making any inconsistent use of the property, the Easement Agreement permits the owners of the dominant tenement in the case at bar to plant crops over the entire easement area. It thereby grants them exclusive use of all of the easement area.

[46] It is open to the owners of the dominant tenement to remove all timber from the easement area, without apparent restriction. By granting to the owners of the dominant tenement the right to all the timber, the Easement Agreement prevents the owner of the servient tenement from removing trees or making any use of the easement area that would interfere with the removal of trees. The owners of the dominant tenement, similarly, enjoy the right to remove all gravel from the easement area, without restriction. The dominant owners can prevent the owner of the servient tenement from removing gravel or to making any use of the easement area that would interfere with the removal of gravel from any part of it.

[47] The exercise of these rights and the right to restrain the servient tenant from any use of the property inconsistent with such uses would permit the owners of the dominant tenement to exercise dominion over the easement area inconsistent with the servient tenant's proprietary interests. In the circumstances of this case, common sense supports the view expressed by the trial judge that by the Easement Agreement the dominant tenants gave to themselves such rights as to amount to a complete derogation of any rights to the proprietorship or possession of the easement area by the defendant as servient tenement owner.

[48] That conclusion is consistent with the jurisprudence. In *Clos Farming Estates Pty v. Easton* (2001), 10 B.P.R. 97897 (discussed in *Gale on Easements* at p. 34), the Supreme Court of New South Wales held that the right to cultivate a vineyard was incapable of forming the subject-matter of a grant "because it neutralized the servient owners' rights and left them powerless to control or influence what was to happen to their agricultural land." The grant here clearly has the same effect.

Although the above cases all stop short of declaring an invalid easement to be a grant in fee simple, they do find that exclusive possession makes a purported easement more than an easement. Exclusive possession is the hallmark of fee simple title.

In *Re Siska Indian Band and Canada (Minister of Indian Affairs and Northern Development)* (2018 SCTC 2) ("*Siska*"), the Specific Claims Tribunal specifically dealt with a factual situation in which an "easement" actually amounted to exclusive possession and thus fee simple title. Although *Siska* is not a binding decision, it nonetheless illustrates key principles. The tribunal in *Siska* held:

[152] There is, however, a material difference between fee simple title and an easement. An easement establishes a non-exclusive right of use in the holder. The holder of fee simple enjoys the exclusive use. The evidence, including that of the community witnesses, reveals that the CPR Company vigorously exercised exclusive possession since 1886, and in the result the members of the Siska collectivity were treated as trespassers. They were deprived entirely of the use and enjoyment of the land...

Law – Disposal of School Board Interests in Land

S. 96 of the BC *School Act* allows a school board to dispose of land or improvements. However, this disposal must be approved by the Minister of Education:

Acquisition and disposal of land

96 (1) In this section, "land" includes any interest in land, including any right, title or estate in it of any tenure.

(2) A board may, for educational purposes, including the provision of housing accommodation for students or employees, board offices and outdoor activities or for the purposes of section 98 (2),

(a) acquire and hold land or improvements, or both, within its school district,

(b) with the approval of the minister, acquire and hold land or improvements, or both, in another school district, and

(c) expropriate land or improvements, or both, within its school district.

(3) Subject to the orders of the minister, the board may dispose of land or improvements, or both.

The term “dispose” is not defined in the *School Act*. This means that the definition of “dispose” from S. 29 of the BC *Interpretation Act* applies:

“dispose” means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;

This definition of “dispose” encompasses the granting of an easement, as the BC Supreme Court held at paragraph 48 of *Strata Plan NW 1942 v Strata Plan NW 2050* (2008 BCSC 258).

Ministerial Order M193/08, entitled “Disposal of Land or Improvements Order” (the “Disposal Order”) and passed under the authority of sections 96(3) and 168(2)(t) of the *School Act* confirms that the definition of “dispose” from the *Interpretation Act* applies. The Disposal Order states at S. 1:

“dispose” means dispose as defined in the *Interpretation Act*

The Disposal Order goes on to state:

Disposal of land or improvements

3 Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5.

4 Boards may dispose of land or improvements by way of lease, other than a lease of 10 years or more, if such disposition is to an agency or organization for an alternative community use.

5 Despite section 3 and 4, the Minister may approve, with any terms and conditions, a disposition of land or improvements.

These same requirements are echoed in SD61's Policy 7110, which states:

The Greater Victoria Board of Education shall not dispose of land or improvements by sale, transfer, exchange or lease of 10 years or more unless such disposal is to another public Board of Education for educational purposes or is approved by the Minister of Education pursuant to Ministerial Order 193/08 'Disposal of Land or Improvements Order'.

The Greater Victoria Board of Education may, by way of lease, other than a lease of ten years or more, use their land and buildings for alternative community use.

Policy 7110 states that "[e]asements are not subject to this policy." The case law, situates easements within the definition of "dispose" under S. 29 of the *Interpretation Act*.

Analysis – Easements vs. Other Interests in Land

We believe the SRW is an easement in name only. In actuality, it is a disposal of land amounting to a grant in fee simple, requiring your approval.

The granting of the SRW cannot be considered an easement because the degree of control that the City of Victoria will exercise over this land is more akin to exclusive possession. There is no class to be held on the stamped-concrete path. No clubs will be meeting. No intramural sports will occur. No varsity events will be held. No educational purpose of any kind will be met on the pathway. SD61 is acting outside its statutorily conferred powers. It is not seeking your approval. SD61 is actively avoiding your scrutiny by calling it a "statutory right of way."

As the court found in *Lund*, if an easement confers a right to possession or control to an extent that is inconsistent with the rights of the servient owner, it cannot be considered an easement. The SRW outstrips the definition of an easement in just this way because the students of Vic High can no longer make use of this land for any educational purpose. The granting of the SRW is inconsistent with these rights. It grants possession exclusive to the interests of the Grantor. This is a de facto grant in fee simple.

The SRW is much like the purported easement that was at issue in *Prinsen*. In that case, gardening on an easement made it unusable by the property owner. Gardening made the "easement" something more than an easement and more like exclusive possession of the land. The SRW is also not unlike the farm field at issue in *Pipito*. In that case, farming on the entire easement area amounted to something like proprietorship or possession. The grant was found by the court to be more than an easement. We believe a court will view the planting of trees and the building of a walkway, as akin to planting crops. It would occupy the entire easement area and

prevent SD61 from making use of the easement area for either the promised track or any other educational purpose.

Exclusive possession is inconsistent with an easement. It is the hallmark of a grant in fee simple. Thus, SD61 cannot avoid seeking ministerial approval. This transfer is not exempt from SD61's Policy 7110.

Conclusion

SD61's attempt to grant the Statutory Right Way is an attempt to circumvent your authority and SD61's obligations to the detriment of current and future students of Victoria High School and the surrounding community. We demand you immediately order a suspension of any transfer of interests in land pending a full investigation of this matter by your office. We further demand you take appropriate remedial steps to protect Victoria High School lands and ensure that the law is followed by SD61 at all times.

We thank you for your immediate attention to this matter.

Yours truly,

Mulroney Siver Law
per:

"Christopher A. Siver"

Christopher A. Siver
CAS/SJC/jw

FOR IMMEDIATE RELEASE

**Friends of Vic High Call on Education Minister Whiteside to
Investigate School District 61 and Stop Vic High Land Transfer**

VICTORIA, BC, March 9, 2022. Copyright

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Media Contact / Spokesperson:

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Co-Founder, Friends of Vic High (FOVH)
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E. info@stephendorsey.com

Instructions for filling out the Triple Bottom Line Cost Benefit Analysis

Add property description details, Ministry name, and contact information.

FINANCIAL: Start by reviewing the current rows shown for all sections of the "Own" and "Sell" categories.

- Lines in each section are intentionally left blank for the addition of costs and benefits that may not already be shown. These extra rows are there to capture the specific and possibly unique costs and benefits related to your Ministry.
- Once all of the financial information has been added and reviewed, a score between 1 and 5 must be given at the bottom of the category; The score given to both own and sell should reflect the financial information above.
- The values determined will then populate under the Decision Matrix at the bottom of the page.

SOCIAL: Start by reviewing the current rows shown and making any updates accordingly.

- Rows are left blank intentionally for the addition of costs and benefits that may not already be shown. These extra rows are there to capture the specific and possibly unique costs and benefits related to your Ministry.
- After scoring each row between 1 and 5, an averaged social score will show up at the bottom of the page for both Own and Sell.

ENVIRONMENTAL: Again, start by reviewing the current rows shown and making any updates accordingly.

- Rows are left blank intentionally for the addition of costs and benefits that may not already be shown. These extra rows are there to capture the specific and possibly unique costs and benefits related to your Ministry.
- After scoring each row between 1 and 5, an averaged environmental score will show up at the bottom of the page for both Own and Sell.

The final **Decision Matrix** at the bottom of the page will compile all the scores from each separate

Triple Bottom Line Tool: Glossary of Terms & Rating Framework

The purpose of this document is to familiarize the user with some of the relevant key terms, criteria and considerations that are used in Triple Bottom Line Analysis. The document will outline some of the considerations that could be used, along with the rating scale and how it's applied. Some definitions and examples are provided; however, you are encouraged to use considerations that may be specific to your

KEY TERMS

Triple Bottom Line: A decision-making framework which examines sustainability options in consideration of social, environmental and financial outcomes.

Option: The alternatives being compared. At a minimum for Surplus Properties Program (SPP) analyses options would include own and sell, but other options may be examined as well (subdivide, rezone, long term lease, Sale with lease in place (SLIP), etc.).

Criteria: The high-level determinants of the sustainability of an option. For SPP analyses these are defined as social, financial and environmental.

Considerations: The detailed determinants of the sustainability of an option. Some examples are provided below in the "EXAMPLE CONSIDERATIONS & RATING SCALE" section, however organizations are also encouraged to develop and use other indicators which reflect the nature of their programs, stakeholders and constraints.

Rating: The numerical value assigned to each indicator for each option. For SPP analyses, the higher the score, the more positive the impact of the option.

CRITERIA

Social – How the option effects society

Environmental – Examines how much harm or benefit the option creates to the planet

Financial – The economic value or cost of each option

APPENDIX H

Triple Bottom Line Cost Benefit Analysis

A Triple Bottom Line Cost Benefit Analysis (TBL-CBA) weights the financial, social and environmental pros, cons, benefits and costs, of a decision to compare alternatives and identify the best overall option. A TBL-CBA must be completed for all properties that are being added to the Strategic Real Estate Services Surplus Properties List. Additional information regarding this process can be found in the Process Manual for the Surplus Properties Program, or email: RealPropertyDivision.Disposals@gov.bc.ca

The TBL-CBA does not include an assumed compound annual growth rate to determine the future value of owned surplus properties. The CBA involves measurable financial metrics. Subjective compound annual growth rates have been omitted from the CBA as they would be difficult to defend.

Property Description:	Lansdowne Middle School- 1.3 acre portion
Ministry Name:	Education and Child Care - for School District No. 61 (Greater Victoria)
Contact Name:	Travis Tormala
Phone Number:	778 678-7516

FINANCIAL

The **Financial criteria** of the Triple Bottom Line focuses on the economic impact of actions and decisions, including the balance of initial capital outlay versus ongoing operating expenses. The tool is designed to account for the monetary impact in the year of sale, not the Net Present Value (NPV).

Own Property	Monetary Impact	Sell Property	Monetary Impact
Revenue	\$ -	Sale Proceeds	\$2,500,000.00
Blank		Blank	
Blank		Blank	
Blank		Blank	
Blank		Blank	
Total benefits of ownership	\$ -	Total benefits of sale	\$ 2,500,000.00
Capital expenditures	\$ -	Marketing and Sales costs	N/A
Security	N/A	Rezoning, OCP	N/A
Grants in Lieu	N/A	First Nations accommodation	N/A
Maintenance	N/A	Blank	
Staff administration	N/A	Blank	
Blank		Blank	
Total costs of ownership	\$ -	Total costs of sale	\$ -
TOTAL COST/BENEFIT OF OWNING	\$ -	TOTAL COST/BENEFIT OF SELLING	\$ 2,500,000.00

Based on the above financial criteria evaluation, score the Total Financial Options (Own vs Sell) between 1 and 5 below. See the financial considerations tab for more information on using the rating scale

TOTAL FINANCIAL SCORE	
OWN	1.00
SELL	5.00

Comments:
Capital expenditures: The land is currently vacant. A purchas and sale agreement is in place for \$2.5M with the Victoria Hospize Society.

SOCIAL

Score the section below between 1-5, see the considerations tab for more information on using the rating scale.

Considerations	Own	Sell	<div>The Social criteria of the Triple Bottom Line addresses considerations that affect the wellbeing of people impacted (directly or indirectly). For the BC Public Service, Social considerations typically address three key areas: Health and safety Productivity, effectiveness and satisfaction, Community and stakeholder</div> <div>Comments: Neighbouring Community Impact: Some communitty orginizations have expressed concern over potential distrurbance of Bowker Creek. Any development will still require subdivison and permitting from Saanich and the disposal was reduced to 1.3 acres so the Dsitric can retain Bowker Creek within its property. Loss of greenspace was also identified.</div> <div>The serviced provided by the Victoria Hospice Society will benifit the Greater Victoria area.</div>
Neighbouring Community Impact	4.00	4.00	
Service or program delivery	3.00	5.00	
Economic Stimulus	3.00	4.00	
Impact on Indigenous Peoples	3.00	3.00	
Crime	3.00	3.00	
BLANK			
BLANK			
SOCIAL SCORE	3.20	3.80	

ENVIRONMENTAL

Score the section below between 1-5, see the considerations tab for more information on using the rating scale.			
Considerations	Own	Sell	<div>The Environmental criteria of the Triple Bottom Line addresses the impact of decisions or actions on ecology and natural resources. Within the BC Public Service, Environmental considerations typically focus on: Natural resource use, Carbon footprint and Energy intensity.</div> <div>Comments: Remediation of the creek has been included as part of the Victoria Hospice Society's proposal. Other requirements could be dictated by the local Municipality as part of any approvals.</div>
Greenhouse Gas (GHG) Emissions	3.00	2.00	
Resources extracted from the environment (over time)	3.00	2.00	
Water	3.00	3.00	
Remediation	3.00	5.00	
BLANK			
BLANK			
ENVIRONMENTAL SCORE	3.00	3.00	

FINAL DECISION MATRIX

DECISION MATRIX	Own	Sell
Financial Score	0.40	2.00
Social Score	0.96	1.14
Environmental Score	0.90	0.90
TOTAL SCORE	2.26	4.04
RECOMMENDED OPTION:	Sell	

Triple Bottom Line Criteria		Weighting
Financial Weight		40.0%
Social Weight		30.0%
Environmental Weight		30.0%
Weighting must total to 100%		PASS

Weighting default is 33.3% for each criteria; however, the ability to alter the criteria to a 30%, 30%, 40% split is available for situations that require a stronger emphasis on a particular criteria - use the drop down box to change the weighting.

SOCIAL CONSIDERATIONS

Consideration	5	4	3	2	1
Neighbouring Community Impact	Large positive impact on neighbouring communities	Moderate positive impact on neighbouring communities	No impact on neighbouring communities	Moderate negative impact on neighbouring communities	Large negative impact on neighbouring communities
Service or program delivery	Large positive impact on service or program delivery	Moderate positive impact on service or program delivery	No impact on service or program delivery	Moderate negative impact on service or program delivery	Large negative impact on service or program delivery
Economic Stimulus	Large positive impact on the provincial economy	Moderate positive impact on the provincial economy	No impact on the provincial economy	Moderate negative impact on the provincial economy	Large negative impact on the provincial economy
Impact on Indigenous Peoples	Large positive impact on Indigenous Peoples	Moderate positive impact on Indigenous Peoples	No impact on Indigenous Peoples	Moderate negative impact on Indigenous Peoples	Large negative impact on Indigenous Peoples
Accessibility	Large positive impact on accessibility within the community	Moderate positive impact on Indigenous Peoples	No impact on Indigenous Peoples	Moderate negative impact on Indigenous Peoples	Large negative impact on Indigenous Peoples
GBA+	Large positive impact on GBA+ initiatives	Moderate positive impact on GBA+ initiatives	No impact on GBA+ initiatives	Moderate negative impact on GBA+ initiatives	Large negative impact on GBA+ initiatives
Crime	Large positive impact on crime	Moderate positive impact on crime	No impact on crime	Moderate negative impact on crime	Large negative impact on crime

Definitions and Examples of Considerations

Social Impacts

Neighbouring community is defined as the area surrounding the property being considered

Considerations may include: Change in pedestrian or traffic volume, loss or gain of public amenity space

Service or program delivery is defined as the provision of services or programs within the community

Considerations may include: Ease and ability to deliver the program

Economic stimulus is defined as the financial impact on the community from purchase or sale.

Considerations may include: Increased tax base (income tax, sales tax, land tax etc.), job creation, opportunity for future development

Indigenous Peoples

Considerations may include: Continued development of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), relationship building or damaging

Accessibility is defined as a level of inclusive meaningful access for people of all abilities

Considerations may include: increase or decrease in ability to access the property, barriers that restrict access.

Gender Based Analysis (GBA)+ is defined as how policies, programs and initiatives are experienced by diverse groups of women, men and non-binary people.

Considerations may include: increase or decrease in the Province's ability to support its commitment to GBA+ decision making

ENVIRONMENTAL CONSIDERATIONS

Consideration	5	4	3	2	1
Impact on GHG emissions	Large beneficial impact on GHG emissions	Moderate beneficial impact on GHG emissions	No impact on GHG emissions	Moderate harmful impact on GHG emissions	Large harmful impact on GHG emissions
Resources extracted from environment	Large positive impact on resources extracted from environment	Moderate positive impact on resources extracted from environment	No impact on resources extracted from environment	Moderate negative impact on resources extracted from environment	Large negative impact on resources extracted from environment
Impact on water	Large positive impact on water resources	Moderate positive impact on water resources	No impact on water resources	Moderate negative impact on water resources	Large negative impact on water resources

Definitions and Examples of Considerations

Environmental Impacts

Greenhouse Gas (GHG) is defined as any gas that has the property of absorbing infrared radiation (net heat energy) emitted from Earth's surface and reradiating it back to Earth's surface
Considerations may include: positive or negative impact on overall GHG emissions

Resources extracted from the environment is defined as the impact of actions on ecology and natural resources. Considerations may include: building materials, increased fuel or energy consumption

Water

Considerations may include: an improvement or harm to surface or subsurface water sources, including streams, lakes, reservoir, ocean, water table, aquifer

FINANCIAL OPTIONS

Option	5	4	3	2	1
Own	Large beneficial impact from owning	Moderate beneficial impact from owning	No impact from owning	Moderate negative impact from owning	Large negative impact from owning
Sell	Large beneficial impact from selling	Moderate beneficial impact from selling	No impact from selling	Moderate negative impact from selling	Large negative impact from selling

Definitions and Examples of Considerations

Capital expenditures is defined as expenditures impacting the capital budget

Security is defined as the costs associated with keeping the property free and clear of danger or threat

Maintenance is defined as the process of keeping the property in good condition

Grants in Lieu is defined as annual payments similar to property taxes, made by the province to local governments for services such as sewers, roads and fire protection.

Revenue is defined as the income generated from business operations including the sale of natural resources on site

Sales Proceeds is defined as the cash received following the sale of an asset

Operating costs is defined as the expenses related to operation of the property

Marketing and sales costs is defined as the money spent on marketing the property for sale

Environmental remediation is defined as the removal of pollutants or contaminants from soil, groundwater, sediment, or surface water.

First Nations Accommodation is defined as financial compensation for the land

February 18, 2022

Ryan Painter, Board Chair
Greater Victoria School District No. 61
556 Boleskine Road
Victoria, BC V8Z 1E8

Dear Chair Painter,

Thank you for this opportunity to share Victoria Hospice's plans to expand access to compassionate end-of-life care in our community.

For more than 40 years Victoria Hospice has provided quality palliative and end-of-life care to patients and their families. Thanks to our partnership with Island Health and generous donor support, we have grown over the years. But there is more to do. By 2035, the population of people aged 75 and over on Vancouver Island is expected to double.

To meet the individual and system needs, and to ensure a good quality of life for people who are dying and their loved ones, we desperately need a new facility. For more than 15 years, we have researched dozens of possible locations to build a new Centre of Excellence for expanded services including grief support, community education, and practical programs for people on their end-of-life journey as well as increasing our current capacity of beds from 18 to 30.

In October 2021, Victoria Hospice entered into an agreement with the Greater Victoria School Board to potentially purchase 1.9 acres adjacent to SD61's Lansdowne Middle School South Campus site. After numerous consultations and a stated commitment to remediate this section of Bowker Creek, Victoria Hospice is proposing the property line on the west side of the creek, resulting in an estimated total land size for development of 1.3 acres. This will benefit the School District as it means an increase in their land size from 6.1 to 6.7 acres and assured access to the creek.

Restoring and stewarding this part of the very important Bowker Creek Watershed is a priority for Victoria Hospice. The natural attributes of Bowker Creek and proximity to Royal Jubilee Hospital make this location a perfect fit for the needs of our clients.

We have hired a registered professional biologist, a storm water engineer, and a landscape architect. We have thoroughly reviewed the Master Drainage Plan and the *Bowker Creek Initiative Blueprint* (BCIB) prepared by the Bowker Creek Initiative. As you'll see in this letter, our proposal meets the initiative's objectives and allows for a diverse array of environmental and social benefits including multi-use green spaces for Hospice clients and families, an outdoor classroom, and an opportunity for public greenway access.

Proposed upgrades to meet the Bowker Creek Initiative Blueprint

The BCIP defines sections of the creek by reaches. Our project site is located within Reach 9, which runs southwest from a culvert outlet near the corner of Townley Street and Pearl Street to Newton Street just west of Richmond Road.

Victoria Hospice proposals for BCIP Reach Actions No. 9-2 to 9-4 are below.

Reach action No. 9-2 (Pearl Street to Newton Street): “Create a greenway along the creek. Most of this proposed greenway is through the former Richmond Elementary school grounds, which already has a right-of-way for this purpose, and the remainder could be created on the Townley Street right-of-way. If channel relocation occurs (see 9-4), the greenway location could be modified as appropriate.”

- ✓ Victoria Hospice proposes to create a publicly accessible greenway with a multi-use trail, benches, and information signs within the SD61 property. The project team will work with the District of Saanich to design and provide the infrastructure required to complete the greenway. The location of the multi-use path is proposed to exist within the Saanich and CRD rights of way which runs parallel to, and east of, the Creek.

Reach action No. 9-3 (Former Richmond Elementary): “Replace and reposition fence that is falling over.”

- ✓ Victoria Hospice will replace and likely relocate the fallen fence farther from the creek.

Reach action No. 9-4 (Alternative) Former Richmond Elementary (School Property Only): “Widen the Creek corridor within the current alignment. If the width is constrained, a retaining wall could be installed on the east bank to create a planting bench. Create a more gently sloping west bank and increase the width of the riparian areas. Remove invasive species and plant native species. Create a greenway along the creek in the current right-of-way alignment.”

- ✓ Victoria Hospice proposes to widen the creek to 4m wide with more gently sloping sides, as per the Bowker Creek Drainage Master Plan. We propose to create a bench on the east side by lowering the CRD sewer right of way by 1.0 – 1.5m, which will increase the cross-sectional area of the channel for major runoff events, as well as provide the opportunity of sloping the east side of the channel more gently than the 1.5:1 slope.
- ✓ The creek will meander, and an area provided at the northeast side of the creek for an outdoor classroom.
- ✓ Invasive species will be removed and replaced with native riparian plantings as specified by the project environmental consultant.
- ✓ We are committed to minimizing the non-pervious footprint where reasonable.
- ✓ A greenway will be created as mentioned in item 9-2 above.
- ✓ The current proposed cross section of the creek will increase the floodplain storage volume by approximately 4968 cubic meters (4.9 million litres) over the existing condition.

Our proposed upgrades meet the described actions for the project’s section of Bowker Creek. The project will work with School District 61 (as the property owners on which the creek passes through), the District of Saanich (with respect to improvements to the creek and proposed greenway), CRD Engineering (with respect to working in and around their statutory right of way), and the Bowker Creek Initiative and Friends of Bowker Creek.

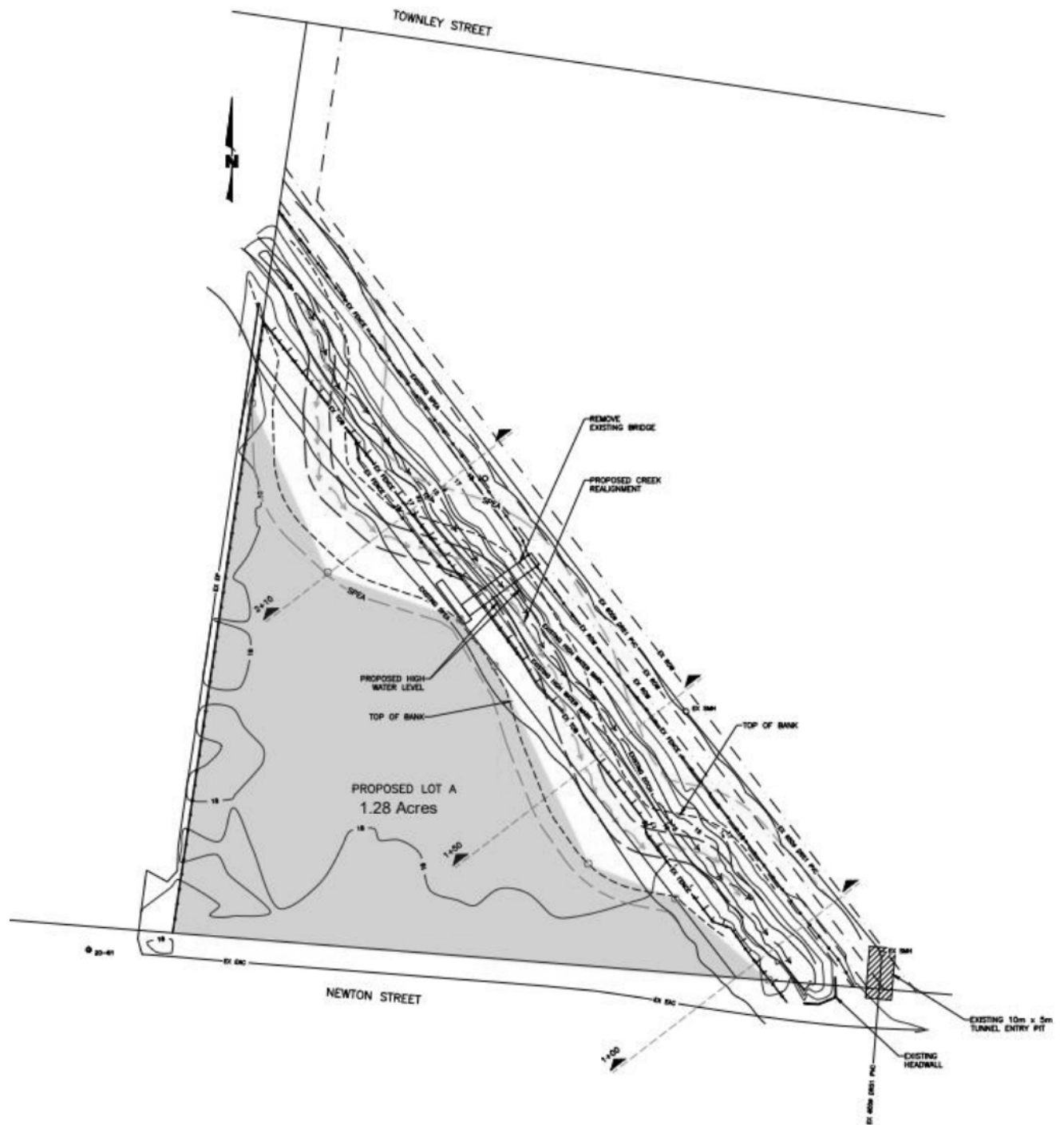
Aerial illustration of original proposed site (October 2021):



Aerial illustration of the current proposed design (February 2022):



Updated site plan:



Victoria Hospice is committed to remediation of the creek and will undertake restoration work in a timely manner. To date no remediation of the creek has occurred. Our vision for the riparian area habitat creation will bring community together, including students and neighbours, with a natural environment to enjoy and learn in, and learn from. It will turn a currently hazardous space into a safer, natural habitat for wildlife and people.

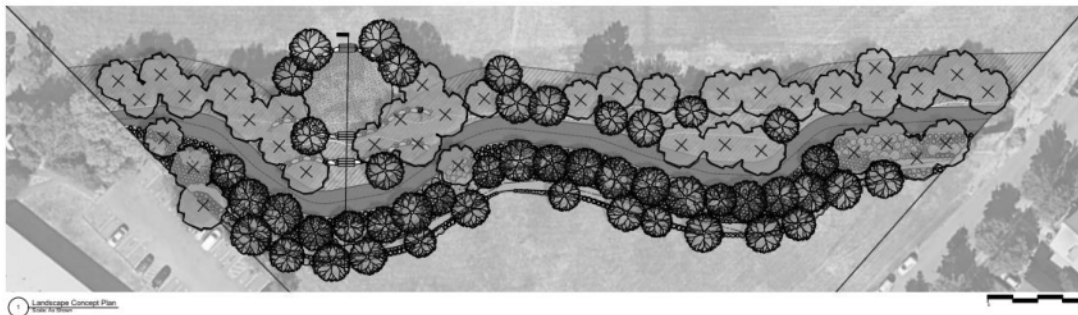
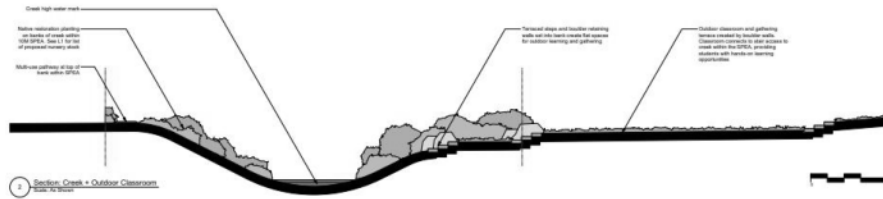
As noted, Victoria Hospice will remove invasive species and replace the fallen fence.



The current site is hazardous; Victoria Hospice commits to improving the safety of the creek.



Illustration of engineered sloped banks to slow erosion and alleviate flooding.



VICTORIA HOSPICE | LANDSCAPE CONCEPT PLAN

FEB 16-22
LADR

Illustration of outdoor classroom opportunity at the northeast side of the creek.



VICTORIA HOSPICE | LANDSCAPE CONCEPT PLAN

FEB 16-22
LADR

Victoria Hospice and Bowker Creek are both essential to the health and well-being of our community. Our community cares about the protection and restoration of Bowker Creek and about compassionate care for people who are dying. No one should have to choose between such important undertakings.

We ask you to join us in the protection of both treasures for years to come.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Kevin Harter', with a stylized flourish extending from the end.

Kevin Harter, CEO
Victoria Hospice Society

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Withheld pursuant to/removal as

s.3

Page 290 of 889

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s.3



September 28, 2022

Ref: 284096

Kim Morris, Secretary Treasurer
School District No. 61 (Greater Victoria)
Email: kmorris@sd61.bc.ca

Kim Morris:

I am writing regarding the request from the Greater Victoria Board of Education for ministerial approval, under authority of section 5 of the Disposal of Land or Improvements Order, to proceed with the disposal of a 1.3 acre portion of the Lansdowne Middle School property.

Enclosed, please find a Disposal of Land or Improvements Approval Form signed by Christina Zacharuk, Deputy Minister. This signed form will be required by Land Title Office for the transfer of title of the proposed subdivision.

Please be aware that the Disposal of Land or Improvements Order also requires boards to provide the Ministry with written notification regarding the completion of a property disposal and the allocation of any resulting proceeds between restricted capital funds and local capital funds. A copy of a final disposal bylaw adopted by the Board once the disposition has fully concluded must also be provided to the Ministry.

If required, a Disposals of Sites and Buildings tool for use in calculating the resulting journal entries for financial statement reporting purposes may be found on the School District Financial Reporting website at:

<http://www2.gov.bc.ca/gov/content/education-training/administration/resource-management/school-district-financial-reporting/financial-statement-reporting>

Sincerely,

Francois Bertrand
Executive Director, Capital Management Branch

Enclosure: Disposal of Land or Improvements Approval Form; Title Search Print, Site Plan

pc:

Rosa Cutler, A/Regional Director, Capital Programs Unit
Travis Tormala, Regional Director, Capital Projects Unit
Damien Crowell, Director, Capital Projects Unit

May 5th, 2022

Honourable Jennifer Whiteside
Minister of Education
PO Box 9045, STN PROV GOVT
Victoria, BC V8W 9E2



Dear Minister Whiteside:

Re: Proposed Disposal of public lands at Lansdowne South Middle School in Victoria

We write to you today further to our meeting with your staff on Friday, April 29, 2022. We again wish to thank you for the opportunity to clarify and expand upon the procedural and operational concerns that we previously raised in our March 16, 2022 letter to your office, which included a copy of the March 11, 2022 letter to School District 61 (the “District”), which your office was copied on. For convenience, we have also attached a summary of key correspondence previously shared with your office.

During the April 29 meeting, we were able to explain the legal underpinnings of our position to your staff, as well as clarify what we believe to be the implications of the District’s decision to dispose of a portion of the Lansdowne South Middle School property (the “Lands”). In short, due to the procedural defects present in the District’s disposition of the Lands, it is our position that this disposition was legally impermissible. A fulsome exploration of the legal and factual rationale supporting our position is set out in our March 11 letter, and as such we will not repeat those perspectives here. What is pertinent to the decision that lies before you now to approve the disposition of the Lands is that, as a result of the School District’s impermissible disposition, it is our strongly held position that you may not now legally render any decision that is free from unlawful fettering.

In this letter, we seek to reiterate the reasoning behind why we hold this view of the matter, and to also set out why we believe this decision provides you with an opportunity to clarify for all school districts in the province how to make durable statutory decisions in a situation where there is no prejudice to the District to render a future decision on the sale of the Lands, after following the appropriate process that would grant them the legal authority to dispose of the Lands.

Further to the reasoning set out in the March 11 letter, it is our view that the legal consequence of the improper process followed by School District 61 is that there was, and can be, no valid disposition of the Lands. As the District did not follow the legislated path that would permit them to exercise their authority, the District did not gain the legal authority required under the *School Act* to validly dispose of any property. These actions resulted in a decision with significant legal fragility that could be challenged in a judicial review, which may be launched by any number of interested parties, and would result in, at minimum, an outlay of time and money that the District does not have to spare.

As set out in the March 11 letter, the disposition of the Lands prior to a decision from your office as to if the property may be disposed of fetters your decision. As a result, it is our position that *either* outcome of the decision to approve the sale of the Lands or not has already been rendered legally fragile as the legislation, and subsequent Orders, are clear that the decision of the Minister must predate the disposition of any property. To have it otherwise would improperly limit the scope of the Minister's decision, and alter the question before them from the broad “is it appropriate for this

property to be disposed of?” to the narrowly construed question of “should this particular sale be permitted?” Given the role of the Minister in safeguarding the continued health of the school districts within the province, their role is fundamentally different from that of any school district, whose decisions are, by necessity, focused on the immediate needs of the school communities in their care.

Despite the abundance of legal issues that have arisen in the disposition of the Lands, it is our view that the present situation affords a unique opportunity for you and your office to effectively respond to the actions of the District. This would reaffirm to all school districts within the province that dispositions of property can still occur, after following the legislatively-mandated process.

It is our position that if a decision was made by your office to not approve the disposition of the Lands on procedural grounds, this would result in a multitude of beneficial outcomes. At this point, we wish to reiterate that this decision would *not* be on the merits of the decision that is before you, but rather is on the administrative legal process that occurred. This decision would deliberately not address whether the Lands should be disposed of. This would result in your office not being rendered functus of the decision, and therefore open to addressing it at a later date and through the proper process. This decision, therefore, need not address the particulars of the present land sale, and indeed it is our position that it is not legally permitted for your office to take those into consideration. As a result no comments can be made as to benefits or detriments of the sale of the Lands, nor any comments as to the purchaser or the use of the land.

This decision would also have the beneficial outcome of curing the procedural defects with the underpinning decision of the District, and thus eliminating any fragility before a reviewing court in Judicial Review either of the decision of the District or of a decision on the merits by your office.

This decision could also represent an opportunity to provide clarity for all school districts within the province as to the necessary steps that they would need to take to make durable decisions under their statutory authority. As each school district is a statutory body, they can exercise authority only in a manner that is consistent with the *School Act*, its regulations, and any orders made therefrom. Using this decision as an example, school districts can be made aware of the legal obligations that they are under, and the implications that can arise from an improper exercise of their authority. Conveniently, the March 11 letter already contains the vast bulk of this analysis, and we would be pleased to see this analysis inform future guidance to provincial school districts. It should also be noted that this teaching on the exercise of statutory authority is not limited only to the disposition of lands under the *School Act*, but is generalizable to all decisions made further to legislated authority.

It is also, in our view, significant that a decision on the process of the disposition of the Lands need not address the underlying legal fragility of all current decisions made by the District. While not directly pertinent to the analysis presented in the March 11 letter, it is our position that the removal of two trustees from the District school board without legal authority has had the result of rendering every subsequent statutory decision vulnerable to judicial review, including the recent passing of the annual budget. A decision on the process of the disposition of the Lands need not address this underlying issue, while having the effect of curing this underlying defect in the District’s decision. It is notable that the third reading of the District’s bylaw which operationalized the sale of the Lands passed by a margin of four votes to three.

Finally, and importantly, if a decision on the process of the disposition is made, there is no prejudice to the District in restarting the process for the disposition of the Lands at a later date. As stated above,

your office would not be functus of the decision, and the District is not barred from any future disposition of the Lands. In any potential future disposition of the Lands, the proper legal process must be followed, of course. It should be noted that we have a strongly held position that the Lands should not be disposed of for a multitude of reasons including, but not limited to flood mitigation and ecosystem health, and the fact that the District still needs the Lands for school purposes. However, we also recognize that these concerns are best raised within the process of consultation with community members and stakeholders in the underlying decision of the District. Given that consultation did not occur in this instance, we were not afforded the opportunity to present these concerns and perspectives prior to the disposition of the Lands. A decision on the process of the disposition of the Lands will also allow us to share these views with the District, were the Lands to be the subject of any future disposition.

If you have any questions pertaining to the positions set out in this letter, we invite you to contact our legal counsel s.22 or either of the undersigned.

s.22 or either of the undersigned.

Respectfully yours,



Soren Henrich, Chair
Friends of Bowker Creek Society



Lisa Timmons, President
Camosun Community Association

Attachment 1 – Summary of Key Correspondence

cc:

Chris Brown, ADM, Resource Management Division, Ministry of Education
Rob Drew, Director, Major Capital Projects Unit, Ministry of Education
Travis Tormala, Regional Director, Capital Projects, Ministry of Education



Summary of Key Correspondence - proposed disposal of Lansdowne South property

March 16, 2022 – Letter to Minister Whiteside (42 pages)

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December 13, 2021 – Email to Chair Ryan Painter and Trustees (118 pages)

November 24, 2021 – Letter to Chair Ryan Painter and Trustees (11 pages)

From: Ian Graeme s.22
To: Brown, Chris EDUC:EX (Chris.Brown@gov.bc.ca); Tormala, Travis EDUC:EX (Travis.Tormala@gov.bc.ca)
Timmons, Lisa (lisa.timmons@zoetis.com); Walker, Brenda MK EDUC:EX
To: (Brenda.Walker@gov.bc.ca); Henrich, Soren s.22 Ben Naylor
Subject: Re: Meeting w/ EDUC and Friends of Bowker
Sent: 04/29/2022 17:52:36

**Message
Body:**

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thanks Chris,

For reference, we thought it might be helpful to circulate a list of the principal correspondence we have previously sent to the Ministry and SD61. Correspondence (with hyperlinks) is listed in the attached document. As indicated in the draft agenda, we can focus on the March 16 letter to the Minister.

Regards,

Ian Graeme

Friends of Bowker Creek Society

CELL: s.22

On Thu, Apr 28, 2022 at 1:22 PM Brown, Chris EDUC:EX > wrote:

Hello Ian,

Thanks for the agenda below, much appreciated.

The only agenda item for us in the Ministry of Education and Child Care is to listen to your perspective on this issue so that we can take it into consideration in our work and to share your input with the Minister.

Looking forward to meeting with you tomorrow.

Thank you,

Chris

Chris D. Brown, CPA, CA

Assistant Deputy Minister &

Executive Financial Officer

Resource Management Division

Ministry of Education and Child Care

778-698-7584 / chris.brown@gov.bc.ca

From: Ian Graeme >

Sent: April 28, 2022 11:10 AM

To: Tormala, Travis EDUC:EX >; Brown, Chris EDUC:EX >

Cc: Timmons, Lisa >; Walker, Brenda MK EDUC:EX >; Henrich, Soren >; Ben Naylor >

Subject: Re: Meeting w/ EDUC and Friends of Bowker

Hi Travis, Chris, Brenda,

Thanks again for setting up the meeting Friday afternoon at 1:00 pm. In addition to Lisa Timmons, Soren Henrich and me, we would like to have our legal counsel Ben Naylor join the meeting.

I have included a rough agenda below; it would also be helpful to know what Ministry of Education representatives would like to achieve and if you have any questions for us. Happy to discuss at the start of the meeting.

We look forward to tomorrow's discussions.

Draft agenda:

- * Introductions
- * Background
- * CCA/FOBCS March 16 letter
- * Next steps

Regards,

Ian Graeme

CELL: **s.22**

On Mon, Apr 25, 2022 at 11:54 AM Walker, Brenda MK EDUC:EX > wrote:

Thank you for responding I have set up an invite and sent out to you all for Friday at 1:00pm .

Thanks, and if you have any questions please just let me know.

Thanks Brenda

Brenda Walker

Administrative Coordinator | Capital Management Branch | Ministry of Education and Child Care

Phone: (250) 356-2588 | Cell: (250) 896-9230

From: Ian Graeme >

Sent: April 25, 2022 11:41 AM

To: Walker, Brenda MK EDUC:EX >

Cc: Timmons, Lisa >; Henrich, Soren >

Subject: Re: Meeting w/ EDUC and Friends of Bowker

Hello Brenda,

Friday April 29, 1:00pm will work well for us. Attendees will include Lisa Timmons, President of

Camosun Community Association, Soren Henrich, Chair, Friends of Bowker Creek Society (both copied here) and me.

Thanks again for making arrangements; we look forward to meeting Ministry staff.

Regards,

Ian Graeme

CELL: s.22

----- Forwarded message -----

From: Walker, Brenda MK EDUC:EX >

Date: Fri, Apr 22, 2022 at 2:38 PM

Subject: Meeting w/ EDUC and Friends of Bowker

To: s.22

Good afternoon Ian, thank you for calling me back. As we discussed I have provided times available next week for a 60 minute meeting via zoom, listed below. Once you confirm with Lisa and Soren let me know Monday a time that will work.

Tuesday April 26, 2022, 11:00am, 1:00pm, 2:00pm, or 3:00pm

Wednesday April 27, 2022, 9:00am or 3:30pm

Friday April 29, 2022, 10:00am, 11:00am, 1:00pm or 2:00pm

Hopefully one of the time listed above will work for all.

Let me know and I will send out an invite with the zoom information.

Thanks Brenda Walker

Brenda Walker

Administrative Coordinator | Capital Management Branch | Ministry of Education and Child Care

Phone: (250) 356-2588 | Cell: (250) 896-9230

Where ideas work

2020
TOP
WORK UNIT
AWARD



Summary of Key Correspondence - proposed disposal of Lansdowne South property

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From: Kim Morris(kmorris@sd61.bc.ca)
To: Tormala, Travis EDUC:EX (Travis.Tormala@gov.bc.ca)
Subject: RE: Yesterday Board Meeting
Sent: 03/15/2022 15:49:13
Message Body:

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Correct. 4-3. Third reading passed.

Kim Morris

Secretary-Treasurer/CFO

School District No. 61 (Greater Victoria)

556 Boleskine Road

Victoria BC V8Z 1E8

Phone: 250-475-4108

Cell: 236-969-0661

www.sd61.bc.ca

Email: kmorris@sd61.bc.ca

Twitter: @KimKMorris

From: Tormala, Travis EDUC:EX

Sent: Tuesday, March 15, 2022 8:48 AM

To: Kim Morris

Subject: Yesterday Board Meeting

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hi Kim,

I was hoping you could let me know the outcome of the third reading yesterday.

I checked twitter and saw it passed 4 votes to 3 but I wanted to confirm if that was correct.

Thanks,

Travis Tormala (he/him) | Regional Director

Capital Projects Unit | Capital Management Branch | Ministry of Education

5th Floor, 620 Superior Street, Victoria BC V8V 1V2 , 778-678-7516 – Mobile

ECC meeting w/ Friends of Bowker Creek and Camosun Community Association

Date: April 29, 2022 (1-2pm via ZOOM).

Attendees:

Soren Henrich, Chair, Friends of Bowker Creek Society

Lisa Timmons, President, Camosun Community Association

Ian Graeme, Director, Friends of Bowker Creek Society

Ben Naylor, Legal Counsel

Ministry Staff:

Chris Brown (ADM)

Rob Drew (CMB Director)

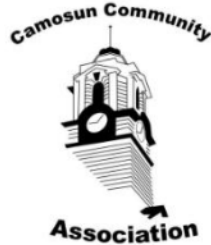
Travis Tormala (CMB RD)

Minutes:

- Introduction were made by all attendees
- Chris Brown explained the purpose of the call was for the group to provide any additional comments or information to share with the Ministry of Education and Child Care (the Ministry).
- Ian Graeme discussed previous correspondence sent to Ministry. The view of the group is that School District No. 61 (Victoria) (the District) did not follow proper disposal process and the Minister should not approve.
- The Bowker Creek Initiative has completed multiple studies including a flood management plan and daylight feasibility study. Ian does not believe this info was considered prior to a Purchase and Sales Agreement (PSA) being put in place by the District.
- Soren understand the package from the District has been received and is under Ministry staff review. Soren does not believe the District underwent broad consultation. Decision was made without contacting the local municipalities, the Friends of Bowker Creek, or the various community associations. Friends of Bowker Creek only learned of the proposal through a press release.
- Lisa mentioned that in 2007, the District attempted to sell the property and the community rallied against it.
- Ben went through the March 16 Letter sent to the Minister.
- Noted incremental impacts of decisions can have a cumulative effect.
- The site is the best flood mitigation site in Victoria for Bowker Creek.
- Ben then went into legal reasons that are highlighted in his March 16 letter.
- Over and above those items Ben included: Minister can make decision on process not on merits of the disposal, and this would reset the process to start again. Then, once “due process” has been followed, it can go forward to Minister for approval again.

s.14

- Call concluded with remarks from Soren restating previous points about the consultation process and then a thank you from Chris to all of those attending.



Summary of Key Correspondence - proposed disposal of Lansdowne South property

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February 27, 2022

Honourable Jennifer Whiteside
Minister of Education
PO Box 9045, STN PROV GOVT
Victoria, BC V8W 9E2

Chair Ryan Painter and Board of Trustees
Greater Victoria School District #61
556 Boleskine Road
Victoria, BC V8Z 1E8



Dear Honourable Minister Whiteside, Chair Ryan Painter and Trustees:

Re: Proposed Disposal of public lands at Lansdowne South Middle School in Victoria

On behalf of the *Friends of Bowker Creek Society* and *Camosun Community Association*, we continue to have serious concerns about the Greater Victoria School District's (SD61) proposed disposal of publicly-owned lands adjacent to Bowker Creek (also known as "Thaywun") within the District of Saanich.

We have outlined these concerns in previous letters to SD61 dated November 24, 2021 and February 11, 2022, as well as our letter dated January 12, 2022 to Minister Whiteside. We continue to be disappointed with SD61's unwillingness to engage in meaningful dialogue and are also concerned that SD61 is misrepresenting some of the background and important policy requirements associated with this issue.

We request that the disposal of this property be suspended and that SD61 engage in a meaningful and transparent process that fully involves and genuinely considers community interests and alternatives and respects Ministry of Education disposal policies.

In making this request we would like to emphasize the following concerns:

1. February 2, 2022 Board of Education letter to Minister Whiteside, CCA, FOBCS

We have responded to this letter in Attachment 1. Overall we feel that SD61's letter exposes a bias towards disposal of the property and many of the points are misleading or incorrect. SD61's "checkbox" consultation process appears to have been designed to support a predetermined outcome.

For example, a 75-minute Question/Answer session cannot in anyway be considered as "Broad Consultation" and does not even meet SD61's own Consultation Policy, i.e., "*Consultation involves interaction between decision makers and those affected by the decisions. It promotes a two-way flow of information and ideas to arrive at better solutions and, consequently, more effective implementation of policy and programs*". In addition to the lack of two-way flow of information and ideas, no background information on Bowker Creek, the 20 years of technical study and collaboration, or local community planning was provided in advance of, or at the session.

The Board's Engagement Summary Report provided no quantification or analysis, and marginalizes hundreds of pages of input and submissions into five short bullet points. The Bowker Creek Initiative's 54-slide presentation synthesizing over 20 years of technical study and collaboration were reduced to a one-sentence statement that the parties "*gathered for a presentation and discussion...to learn more about the important watershed*". Key technical implications raised by the Bowker Creek Initiative were excluded from the summary. At the February 14, 2022 Operations Policy and

Planning meeting, the BCI was provided only five minutes to summarize 20 years of collaboration and technical information.

Neither SD61 nor Victoria Hospice Society have engaged the *Friends of Bowker Creek Society* or the *Camosun Community Association* in the development of any proposals, including the version provided to the Board on February 18, 2022. SD61 has actively promoted the sale of this land and legitimate concerns of community members and organizations have been consistently minimized, marginalized or ignored. While SD61's February 2, 2022 letter provide a long list of "considerations", it is clear that none of the considerations listed were raised or discussed prior to SD61 entering into a *Purchase and Sale Agreement* in September 2021.

2. Procedural issues

We again note that the Ministry of Education's School Building Closure and Disposal Policies require that:

"Boards of education must engage in broad consultation and enhanced planning regarding underutilized buildings and other property owned by boards prior to property disposition" and that "Boards of education must consider potential needs for alternative community use" and "must consult with local government, community organizations and the public on alternative community uses".

In addition, Section 3 of Minister's M193/08 Order stipulates that ***"Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister"***.

Under the Interpretation Act "dispose" means *"to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things"*. It is very clear that entering into a *Purchase and Sale Agreement* is inconsistent with the Order. The clarification provided in the Ministry guidance document makes this abundantly clear:

Questions and Answers

Disposal of Land or Improvements Order (M193/08) • School Building Closure and Disposal Policy

12. Is a board of education able to enter into an agreement-to-sell prior to receiving Ministerial approval?

No. Ministerial approval is required before entering into any such agreements for the sale, exchange or lease of 10 years or more of school property, except where the purchaser is another board of education or an independent school authority.

Ignoring the spirit and intent of the Minister's Order and associated disposal policy undermines what our educational system stands for and damages public trust in our institutions.

3. Legitimate community expectation

Please be aware that restoring the creek and watershed have been the long-standing focus of the Bowker Creek Initiative—a unique collaborative of local government, community groups, and institutions established in 2004. There is a legitimate community expectation associated with the subject property based on over 20 years of cooperation and investment including completion of the following detailed assessments and plans:

- 2000 Bowker Creek Watershed Assessment
- 2003 Bowker Creek Watershed Management Plan
- 2007 Bowker Creek Watershed Proper Functioning Condition Assessment
- 2007 Bowker Creek Master Drainage Plan

- 2011 Bowker Creek Blueprint: A 100-Year Action Plan to Restore the Bowker Creek Watershed
- 2020 Bowker Creek Daylighting Feasibility Study
- 2020 Potential Stormwater Management Facilities on Bowker Creek

Flooding and flood mitigation in the watershed is a central themes in all of the above documents. The Lansdowne South subject property lies within a known floodplain. Its flood mitigation potential has been recognized since 2000 and is also cited in each of the above documents except for the 2003 Watershed Management Plan which intentionally did not deal with site-specific actions.

In 2007 SD61 proposed selling the entire 8-acre Lansdowne South property on the basis that it was “surplus to projected needs”. Community members opposed the sale and at the time the Bowker Creek Initiative also noted that the 1.9-acre triangle was one of the few areas within the watershed that could accommodate significant stormwater detention. Also in 2007—and in response to community interests and the possibility of future disposal—the District Saanich amended the Shelbourne Local Area Plan to identify the triangular property as “Proposed Park” (Attachment 2).

In 2018 the SD61 endorsed the 2011 Bowker Creek Blueprint: a 100-Year Action Plan to Restore the Bowker Creek Watershed (“Blueprint”). While the Blueprint includes both “preferred” and “alternative” options for the subject property at Lansdowne South, neither options entertained a 30,000 square foot building and associated surface parking. The subsequent 2020 Daylighting Feasibility Study further develops the “preferred” option of the 2011 Blueprint and provides detailed conceptual plans to enhance the floodplain storage capacity. SD61 staff actively participated in this work and other agencies are now using this study to inform their workplans. For example, the City of Victoria used the Daylighting Feasibility Study as the foundation for its recent \$5.7 million grant application to Infrastructure Canada for work involving Bowker Creek including the portion directly across the street from the SD61 subject property.

In summary, the community has a long-established and legitimate community expectation that SD61 will also work together on the vision encompassed by the 20 years of BCI technical studies and collaboration. Yet instead of consulting with local governments, community organizations or the public, SD61 ignored the expectations of the community and entered into a *Purchase and Sale Agreement*.

4. Conserving publicly-owned urban greenspace is essential to healthy communities

There is extensive scientific literature confirming that urban open space is associated with a large number of health benefits, including lower premature mortality, longer life expectancy, fewer mental health problems, less cardiovascular disease, better cognitive functioning in children and the elderly, and healthier babies. Science also points to its value for mitigating air pollution, heat and noise levels, and providing for physical exercise and social interaction. Once valuable urban greenspace is sold, it is lost forever.

According to local government community plans, the immediate neighbourhoods in both Saanich and Victoria do not meet community Open Space Standards and the current deficiency is being further exacerbated by SD61’s recent land disposal at Lansdowne North and rapid densification in the region provided in the Regional Growth Strategy, Official Community Plans and Saanich’s Shelbourne Valley Action Plan.

5. Daylighting Feasibility Study

As mentioned on multiple occasions and described at length in our February 11, 2022 letter to Chair Ryan Painter and Trustees (Attachment 3), flooding is a serious issue and the 1.9-acre site lies within a known floodplain. The Daylighting Feasibility Study and Companion Report identify the parcel as one of a very few viable locations for a Stormwater Management Facility.

We note that SD61 and Victoria Hospice Society continue to focus on the “alternative” option cited in the Blueprint. We again remind you that the more recent (2020) Daylighting Feasibility Study builds on the “preferred” option of the Blueprint not the “alternative” option.

SD61 staff were actively involved in the Daylighting Feasibility Study, yet nowhere is this study documented by SD61 for decision-makers. It is not referenced in the Engagement Summary Report, SD61’s February 2, 2022 letter, or in any staff report presented to the Board. The recommendations and conceptual plans of the study also appear to have been ignored when SD61 entered into a *Purchase and Sale Agreement* in September 2021.

6. February 18, 2022 Victoria Hospice Proposal (VHS)

We note that the latest VHS proposal (dated February 18, 2022) is markedly different from the one that VHS presented to SD61 at the January 24 Board meeting. The subject property is now 1.28 acres—over 32% smaller than the previous 1.9-acre proposal. The proposed property line has been relocated from the centreline of the creek to the west of the creek, so that the entire section of the creek will remain within the “parent” SD61 parcel.

While we appreciate these changes, the new proposal includes vague commitments to implementation including activities involving areas outside of the newly-proposed lot boundaries. No specifics such as timelines, costs or who will be paying are provided. It is also uncertain if it is appropriate for SD61 Trustees to be considering 3rd reading given that the proposal is now very different from what was considered at 1st and 2nd reading.

We also note that the VHS proposal cites a floodplain storage volume of “4.9 million litres”. While this seems like an impressive number, please note that it represents less than 15% of the 36,000 cubic metres of storage capacity cited in the Daylighting Feasibility Study and is unlikely to contribute significantly to flood mitigation downstream.

Although this latest proposal addresses some of the specific Reach 9 objectives of the Blueprint, it makes no reference to the important broader elements of the Blueprint including the 9 Principles, 10 Key Actions, or the goals and objectives of the Watershed Management Plan. VHS focuses on the 2011 “alternative” option yet the recent 2020 Daylighting Feasibility Study—a study in which SD61 staff actively participated—builds on the “preferred” option.

7. Lack of confidence in the SD61 Board of Trustees

We note that two trustees were suspended from the Board on February 11, 2022. We are also aware that the Greater Victoria Teachers’ Association has since held a vote of no confidence in the Board of Education, and the Songhees Nation has called for the resignation of the Board.

In addition, we understand that the Victoria Confederation of Parent Advisory Councils, and the Canadian Union of Public Employees locals 947 and 382 have also expressed a loss in confidence in the SD61 board’s abilities. We continue to maintain that the current challenges of the Board do not provide a good basis for decision-making about complex and controversial land use matters.

In closing we again ask the Minister of Education and the SD61 Board of Trustees to suspend the sale of this property and allow for a more thoughtful, considered discussion of alternatives that genuinely “consults with local governments, community organizations and the public on alternative community uses” consistent with the requirements of Ministry of Education disposal policies.

Respectfully yours,



Soren Henrich, Chair
Chair Friends of Bowker Creek Society



Lisa Timmons, President
Camosun Community Association

ATTACHMENTS

Attachment 1 – Response to February 2, 2002 Letter from Chair Ryan Painter

Attachment 2 – Shelbourne Local Area Plan (page 27), District of Saanich

Attachment 3 – February 11, 2002 Letter to Chair Ryan Painter and Trustees regarding flooding

cc: Honourable Murray Rankin, MLA, Oak Bay-Gordon Head
Honourable Rob Fleming, MLA, Victoria-Hillside
Chief Ronald Sam and Council, Songhees Nation
Mayor and Council, District of Saanich
Mayor and Council, City of Victoria
Mayor and Council, District of Oak Bay
Chris Brown, Assistant Deputy Minister, Resource Management Division, Ministry of Education
Travis Tormala, A/Regional Director, Capital Projects, Programs & Finance Unit
Harley Machielse, Director of Engineering, District of Saanich
Sharon Hvozdzanski, Director of Planning, District of Saanich
Lindsey McCrank, Coordinator, Bowker Creek Watershed Renewal Initiative
Community Associations within the Bowker Creek Watershed



DISPOSAL OF LAND OR IMPROVEMENTS

The Board of Education of School District No. 61 (Greater Victoria) is seeking to dispose of land or improvements in accordance with Section 96 (3) of the *School Act* and Section 5 of the Disposal of Land or Improvements Order (M193/08), as follows:

<input checked="" type="checkbox"/> Sale of Land or/ Improvements	<input type="checkbox"/> Conveyance	<input type="checkbox"/> Dedication
<input type="checkbox"/> Exchange	<input type="checkbox"/> Lease of Land or/ Improvements	<input type="checkbox"/> Other

Property Description:

The Board of Education of School District No. 61 (Greater Victoria) requests that ministerial approval be granted to dispose of a 1.3 acre portion of the property commonly known as Lansdowne Middle School, in whole or in part, located at 2780 Richmond Road, in the City of Victoria, and more particularly described as:

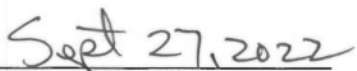
Parcel Identifier:
005-170-222

Legal Description:
Lot 3, Section 26, Victoria District, Plan 10792

The request and supporting documentation have been reviewed and the granting of ministerial approval for the disposal of the Property is recommended.



ADM, Resource Management Division

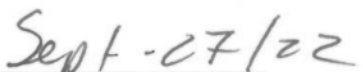


Date

Approved:



Deputy Minister



Date

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Ref: 118304

Date: October 4, 2022

To: Francois Bertrand, Executive Director, Capital Management Branch (EDUC)

Re: Exemption to the Enhanced Referral Process for 2780 Richmond Road, Saanich

In accordance with a Decision Note from the Assistant Deputy Minister of Real Property Division, Ministry of Citizens' Services, dated September 29, 2022, I am writing to advise you that the following exemption to the Enhanced Referral Process has been approved:

Requested Property / Location	Property Description/ Details	Estimated Value	Rationale for exemption/Property Inventory Management System (PIMS) Classification
2780 Richmond Road, Saanich The southwest portion of the lot to be subdivided and sold	The property being sold is the southwest portion of the former Richmond Elementary School. The proposed site is vacant and surplus to School District 61. A total of 6.7 acres will remain for school use. PID: 005-170-222 Legal: LOT 3, SECTION 26, VICTORIA DISTRICT, PLAN 10792 Zoning: P-1 - Assembly Zone	2022 Assessed Value: \$12,848,000 (entire site) Estimated value: A purchase and sale agreement is in place for \$2.5 million.	<ul style="list-style-type: none"> The land is surplus to School District 61 and a transfer to Victoria Hospice supports a high priority social outcome to improve end of life care for people in the community. Sale of the lands will provide funding to renovate and replace existing Greater Victoria schools, including advancing the District's climate action initiatives. Property is currently reported as Surplus Active in PIMS.

Your Ministry is now free to dispose of this property using one of the following methods:

1. Surplus Properties under \$1 million – Properties sold by the holding Ministry / SUCH Section Organization / BPS Entity.
2. Properties valued at \$1 million or greater – Addition of the property to the Provincial Surplus Properties List (if not already included) as per the Additions/Deletions Section of the Process Manual for the Surplus Properties Program.

If you have any questions regarding this matter, please feel free to contact me at chris.seltenrich@gov.bc.ca or 778-698-3195.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Seltenrich', with a stylized flourish at the end.

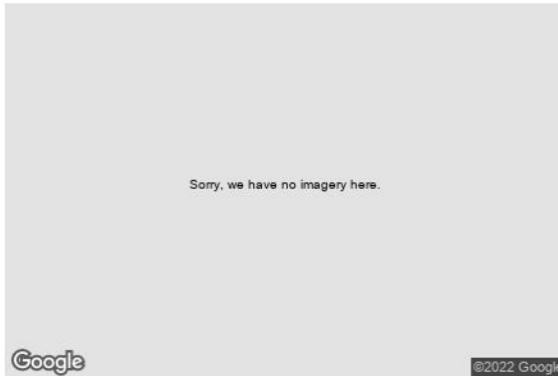
Chris Seltenrich
Executive Director



The information in this report is provided for your information and convenience. If the information has been altered for any reason from the format in which it was originally received verification may be required by BC Assessment. In any case of doubt, the official BC Assessment records shall prevail.

2780 RICHMOND RD VICTORIA V8R 4T4

Area-Jurisdiction-Roll: 01-308-70-0803-000



Total value \$12,848,000

2022 assessment as of July 1, 2021

Land \$7,069,000

Buildings \$5,779,000

Previous year value \$11,471,000

Land \$6,148,000

Buildings \$5,323,000

Property information

Year built

Description Elementary School

Bedrooms

Baths

Carports

Garages

Land size 8 Acres

First floor area

Second floor area

Basement finish area

Strata area

Building storeys

Gross leasable area

Net leasable area

No. of apartment units

Legal description and parcel ID

Lot 3 Plan VIP10792 Section 26 Land District 57

PID: 005-170-222

Sales history (last 3 full calendar years)

No sales history for the last 3 full calendar years

Manufactured home

Width

Length

Total area

Register with BC Assessment



Search properties on a map



Compare property information and assessment values



Store and access favourite properties across devices



View recently viewed properties

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Page 320 of 889

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From: Tormala, Travis EDUC:EX(Travis.Tormala@gov.bc.ca)
To: Tormala, Travis EDUC:EX (Travis.Tormala@gov.bc.ca)
Subject: Second Try
Sent: 02/25/2022 18:51:35
Message
Body:

From: Kim Morris

Sent: February 24, 2022 10:27 AM

To: Tormala, Travis EDUC:EX

Subject: Special Open Board Meeting - February 23, 2022 Lansdowne South Proposed Land Disposal

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good morning Travis:

The Board held its special open board meeting last night. 30 presentation times were made available to the public on the topic of the subject land sale. All 30 slots were filled. 5 presenters spoke in favour of the land disposal and 25 spoke against.

Of the 25 speaking against, they spoke to preservation of greenspace and park land,s and the land being required for flood mitigation.

Vic Hospice has demonstrated through their plan that they can meet the requirements of the Reach 9 Blueprint requirements. Attached is an addendum to the Victoria Hospice letter of February 18 that they had intended to attach but in error did not attach.

SD61 is committed to discussing alternate neighbouring property as a dry pond where feasible. There are two approval processes that Victoria Hospice will need to clear in next step in order to develop the land.

Friends of Bowker Creek continue to call on us to collaborate but have not responded to invitations from Victoria Hospice Society to meet to discuss the plan, nor to the best of my knowledge have they responded to a suggestion from a local MLA for Friends of Bowker Creek to meet with Victoria Hospice to discuss the proposed plan.

We believe we've gone as far as we can with coming to the table with a plan that will action remediation on the creek and move the Blueprint forward, and that Friends of Bowker Creek will be satisfied with nothing less than status quo at this point in the process. We have also heard that Friends of Bowker Creek have articulated that they don't want Victoria Hospice to have the land but if the land disposal does pass third reading and the Minister's approval that Friends of Bowker Creek will work with Victoria Hospice.

Third reading is on the agenda for Monday, Feb 28's regular open board meeting.

Please let me know if you require any further information. If you or Francois want to reach out to discuss further, please feel free.

Thank you Travis.

Kim Morris

Secretary-Treasurer/CFO

School District No. 61 (Greater Victoria)

556 Boleskine Road

Victoria BC V8Z 1E8

Phone: 250-475-4108

Cell: 236-969-0661

www.sd61.bc.ca

Email: kmorris@sd61.bc.ca

Twitter: [@KimKMorris](https://twitter.com/KimKMorris)



February 17, 2022

Victoria Hospice Society
1952 Bay St,
Victoria, BC
V8R 1J8

Attention: Kevin Harter
Chief Executive Officer

Re: Bowker Creek – Hydraulic Improvements

Dear Sir,

The following letter summarizes the goals set within the Bowker Creek Blueprint and how our proposed design meets said goals.

The Bowker Creek Blueprint, as prepared by the Bowker Creek Initiative, is described within its executive summary as being developed to provide the "...information and guidance to manage and restore the watershed and creek corridor..."

Within the blueprint the creek has been divided into reaches, which are sections of a creek / stream of a similar hydraulic condition (such as a culvert or channelized section).

The Hospice project site is within Reach 9, which extends from a culvert outlet near the corner of Townley Street and Pearl Street to the southwest at Newton Street just west of Richmond Road.

The actions described within the blueprint, specific to the project site, are quoted below, with their bulleted number being the same as that within the blueprint, and beneath which are the actions which the project is proposing to complete in order to meet the actions.

- 9-2 **Pearl Street to Newton Street:** "Create a greenway along the creek. Most of this proposed greenway is through the former Richmond Elementary school grounds, which already has a right-of-way for this purpose, and the remainder could be created on the Townley Street right-of-way. If channel relocation occurs (see 9-4), the greenway location could be modified as appropriate. "

- ✓ *It is proposed to create a publicly accessible greenway with a multi-use trail, benches, and information signs within the SD61 property. The project team will work with the District of Saanich to design and provide the infrastructure required to complete the greenway. The location of the multi-use path is proposed to exist within the Saanich and CRD rights of way which run parallel to, and east of, the Creek.*

9-3 **Former Richmond Elementary:** "Replace and reposition fence that is falling over."

- ✓ *The fallen fence will be replaced and likely relocated farther from the creek.*

9-4 (Alternative) **Former Richmond Elementary (School Property Only):** "Widen the Creek corridor within the current alignment. If the width is constrained, a retaining wall could be installed on the east bank to create a planting bench. Create a more gently sloping west bank and increase the width of the riparian areas. Remove invasive species and plant native species. Create a greenway along the creek in the current right-of-way alignment."

- ✓ *The creek will be widened to the 4m wide with more gently sloping sides, all as per the Bowker Creek Drainage Master Plan. It is proposed to create a bench on the east side by lowering the CRD sewer right of way by 1.0 – 1.5m, which will increase the cross-sectional area of the channel for major runoff events, as well as provide the opportunity of sloping the east side of the channel more gently than the 1.5:1 slope.*
- ✓ *The creek will meander, and an area provided at the northeast side of the creek for the potential of an outdoor classroom.*
- ✓ *Invasive species will be removed and replaced with native riparian plantings as specified by the project environmental consultant.*
- ✓ *A greenway will be created as mentioned in item 9-2 above.*
- ✓ *The current proposed cross section of the creek will increase the floodplain storage volume by approximately 4968 cubic meters (4.9 million litres) over the existing condition.*

We feel the proposed upgrades of the Bowker Creek channel meet the described actions for the project's section of the creek. The project will be working with School District 61 (as the property owners on which the creek passes through), the District of Saanich (with respect to improvements to the creek and proposed greenway), CRD Engineering (with respect to working in and around their statutory right of way), and the Bowker Creek Initiative and Friends of Bowker Creek.

Yours truly,

WESTBROOK CONSULTING LTD.



Bruce Crawshaw, P.Eng. LEED AP
Project Engineer

From: Kim Morris(kmorris@sd61.bc.ca)
To: Bertrand, Francois EDUC:EX (Francois.Bertrand@gov.bc.ca); Tormala, Travis EDUC:EX (Travis.Tormala@gov.bc.ca)
Subject: Lansdowne Middle School, South Campus, Partial Disposal Consultation Update
Sent: 03/14/2022 23:17:04

Message

Body:

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good afternoon:

As requested, I wanted to update you on consultation and other efforts since January 24, 2022 SD61's submission to the Minister for permission to dispose of the subject property to Victoria Hospice Society

First it should be noted that the Board has extended third reading of the disposal bylaw three times: once from December to January, then January to February and lastly February to March.

Consultation:

February 14, 2022 Committee: 2 presentations

February 23, 2022 Special Board meeting: 30 presentations (3 minutes each/verbal and powerpoint)

February 28, 2022 Regular Board meeting: 4 presentations

March 14, 2022 Regular Board meeting: 5 presentations scheduled

Of the 41 presentations 14 were given by 7 people at multiple meetings and the other 37 were individuals. Of the 41 presentations 6 were in favour and 35 were against the disposal.

Two addendums to extend the deadlines in the Purchase and Sale Agreement have been signed, with the last addendum outlining Vic Hospice's commitment to its proposed plan (attached confidential/to be treated in same manner as the original P&S agreement I sent you Francois). I will sign after tonight's meeting.

An updated FAQ document has been posted to the website based on questions from Trustees and public (also attached public).

Vic Hospice has reached out to FOBC multiple times to meet to discuss Victoria Hospice's proposed plan. A meeting was planned for last Wednesday March 9, 2022 between Victoria Hospice and Friends of Bowker Creek to hear ideas, share concerns and discuss the VHS proposed plan. FOBC declined the meeting and postponed. Vic Hospice has made multiple attempts to meet with FOBC before March 9th.

If you have any other questions or concerns, please let me know.

Kim Morris

Secretary-Treasurer/CFO

School District No. 61 (Greater Victoria)

556 Boleskine Road

Victoria BC V8Z 1E8

Phone: 250-475-4108

Cell: 236-969-0661

www.sd61.bc.ca

Email: kmorris@sd61.bc.ca

Twitter: @KimKMorris

THIRD ADDENDUM
(this “**Addendum**”) dated for reference March __, 2022 (the “**Effective Date**”)
TO AMEND PURCHASE AND SALE AGREEMENT
dated for reference September 17, 2021
(as amended by First Addendum dated December 14, 2021, and
Second Addendum dated February 28, 2022, the “**Agreement**”)

BETWEEN: **VICTORIA HOSPICE SOCIETY,**
1952 Bay Street, Saanich, Richmond, B.C., V8R 1J8 (the “**Purchaser**”)

AND: **THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 61 (GREATER VICTORIA)** 556 Boleskine Road, Victoria, B.C., V8Z 1E8 (the “**Vendor**”)

WHEREAS:

- A. The Purchaser and the Vendor (collectively, the “**Parties**” and individually, a “**Party**”) entered into the Agreement, in which the Parties agreed the Vendor’s property at 2780 Richmond Road, Victoria, B.C., legally described as PID: 005-170-222 Lot 3, Section 26, Victoria District, Plan 10792 (the “**Parent Parcel**”) would be subdivided and the Vendor would sell to the Purchaser and the Purchaser would buy from the Vendor a parcel of land (the “**Property**”) comprising approximately 1.9 acres of the Parent Parcel, as more particularly described in the Agreement; and
- B. The Parties have agreed to amend the Agreement to provide for the Property to be approximately 1.28 acres in area and for the Purchaser to complete certain works (the “**Works**”) on the Remainder Lands (as defined in the Agreement) as described in the letter from the Purchaser to the Vendor dated February 18, 2022 (the “**Bowker Creek Letter**”), a copy of which is attached hereto as Appendix I;

NOW THEREFORE THIS ADDENDUM WITNESSES THAT in consideration of the mutual covenants and agreements set forth in this Addendum and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the Parties hereby covenant and agree as follows:

1. Section 1 of the Agreement is hereby amended to replace the words “approximately 1.9 acres of land shown outlined in red in Schedule A” with the following:
“approximately 1.28 acres of land as shown outlined in solid bold line on the drawing marked “Updated site plan” (the “**Updated Site Plan**”) on the fourth page of the letter dated February 18, 2022 attached as Appendix I to the Third Addendum to this Agreement”.
2. Section 3(c) of the Agreement is hereby amended to replace the words “the area outlined in red in Schedule A” with “the Updated Site Plan”.
3. Section 6(c) of the Agreement is hereby amended to replace the words “the area outlined in red in Schedule A hereto” with “the Updated Site Plan”.
4. The Purchaser covenants and agrees with the Vendor that, subject to the Purchaser satisfying or waiving the Purchaser’s Conditions, and the District of Saanich approving the Works with such changes as the District of Saanich may require and each of the Parties may approve in writing in their respective discretion, the Purchaser will complete the Works at the Purchaser’s risk and expense, in accordance with all applicable law, in a timely manner. The Vendor agrees to co-operate with the Purchaser and grant the Purchaser and its contractors and consultants, without charge, a license to enter onto the Remainder Lands to complete the Works on reasonable terms relating to insurance, liability and protection of the health and safety of staff and students of the school on the Remainder Lands.

5. The Parties confirm that the \$2,500,000.00 Purchase Price (as defined in the Agreement) shall remain the same.
6. Except as expressly provided herein, the Agreement shall remain in full force and effect, and time shall remain of the essence of the Agreement.
7. This Addendum may be executed in counterparts and an electronically transmitted version containing the signature of one or both Parties shall be deemed an original.

IN WITNESS WHEREOF each of the Parties has duly executed and delivered this Addendum as of the Effective Date:

VICTORIA HOSPICE SOCIETY

by its authorized signatory:



Kevin Harter, CEO

THE BOARD OF EDUCATION OF SCHOOL
DISTRICT NO. 61 (GREATER VICTORIA)

by its authorized signatory:

Kim Morris, Secretary-Treasurer



February 18, 2022

Ryan Painter, Board Chair
Greater Victoria School District No. 61
556 Boleskine Road
Victoria, BC V8Z 1E8

Dear Chair Painter,

Thank you for this opportunity to share Victoria Hospice's plans to expand access to compassionate end-of-life care in our community.

For more than 40 years Victoria Hospice has provided quality palliative and end-of-life care to patients and their families. Thanks to our partnership with Island Health and generous donor support, we have grown over the years. But there is more to do. By 2035, the population of people aged 75 and over on Vancouver Island is expected to double.

To meet the individual and system needs, and to ensure a good quality of life for people who are dying and their loved ones, we desperately need a new facility. For more than 15 years, we have researched dozens of possible locations to build a new Centre of Excellence for expanded services including grief support, community education, and practical programs for people on their end-of-life journey as well as increasing our current capacity of beds from 18 to 30.

In October 2021, Victoria Hospice entered into an agreement with the Greater Victoria School Board to potentially purchase 1.9 acres adjacent to SD61's Lansdowne Middle School South Campus site. After numerous consultations and a stated commitment to remediate this section of Bowker Creek, Victoria Hospice is proposing the property line on the west side of the creek, resulting in an estimated total land size for development of 1.3 acres. This will benefit the School District as it means an increase in their land size from 6.1 to 6.7 acres and assured access to the creek.

Restoring and stewarding this part of the very important Bowker Creek Watershed is a priority for Victoria Hospice. The natural attributes of Bowker Creek and proximity to Royal Jubilee Hospital make this location a perfect fit for the needs of our clients.

We have hired a registered professional biologist, a storm water engineer, and a landscape architect. We have thoroughly reviewed the Master Drainage Plan and the *Bowker Creek Initiative Blueprint* (BCIB) prepared by the Bowker Creek Initiative. As you'll see in this letter, our proposal meets the initiative's objectives and allows for a diverse array of environmental and social benefits including multi-use green spaces for Hospice clients and families, an outdoor classroom, and an opportunity for public greenway access.

3RD FLOOR RICHMOND PAVILION, 1952 BAY STREET, VICTORIA BC V8R 1J8

WWW.VICTORIAHOSPICE.ORG | Charitable Registration Number 11928 - 4230 - RR0001

Proposed upgrades to meet the Bowker Creek Initiative Blueprint

The BCIP defines sections of the creek by reaches. Our project site is located within Reach 9, which runs southwest from a culvert outlet near the corner of Townley Street and Pearl Street to Newton Street just west of Richmond Road.

Victoria Hospice proposals for BCIP Reach Actions No. 9-2 to 9-4 are below.

Reach action No. 9-2 (Pearl Street to Newton Street): "Create a greenway along the creek. Most of this proposed greenway is through the former Richmond Elementary school grounds, which already has a right-of-way for this purpose, and the remainder could be created on the Townley Street right-of-way. If channel relocation occurs (see 9-4), the greenway location could be modified as appropriate."

- ✓ Victoria Hospice proposes to create a publicly accessible greenway with a multi-use trail, benches, and information signs within the SD61 property. The project team will work with the District of Saanich to design and provide the infrastructure required to complete the greenway. The location of the multi-use path is proposed to exist within the Saanich and CRD rights of way which runs parallel to, and east of, the Creek.

Reach action No. 9-3 (Former Richmond Elementary): "Replace and reposition fence that is falling over."

- ✓ Victoria Hospice will replace and likely relocate the fallen fence farther from the creek.

Reach action No. 9-4 (Alternative) Former Richmond Elementary (School Property Only): "Widen the Creek corridor within the current alignment. If the width is constrained, a retaining wall could be installed on the east bank to create a planting bench. Create a more gently sloping west bank and increase the width of the riparian areas. Remove invasive species and plant native species. Create a greenway along the creek in the current right-of-way alignment."

- ✓ Victoria Hospice proposes to widen the creek to 4m wide with more gently sloping sides, as per the Bowker Creek Drainage Master Plan. We propose to create a bench on the east side by lowering the CRD sewer right of way by 1.0 – 1.5m, which will increase the cross-sectional area of the channel for major runoff events, as well as provide the opportunity of sloping the east side of the channel more gently than the 1.5:1 slope.
- ✓ The creek will meander, and an area provided at the northeast side of the creek for an outdoor classroom.
- ✓ Invasive species will be removed and replaced with native riparian plantings as specified by the project environmental consultant.
- ✓ We are committed to minimizing the non-pervious footprint where reasonable.
- ✓ A greenway will be created as mentioned in item 9-2 above.
- ✓ The current proposed cross section of the creek will increase the floodplain storage volume by approximately 4968 cubic meters (4.9 million litres) over the existing condition.

Our proposed upgrades meet the described actions for the project's section of Bowker Creek. The project will work with School District 61 (as the property owners on which the creek passes through), the District of Saanich (with respect to improvements to the creek and proposed greenway), CRD Engineering (with respect to working in and around their statutory right of way), and the Bowker Creek Initiative and Friends of Bowker Creek.

APPENDIX I

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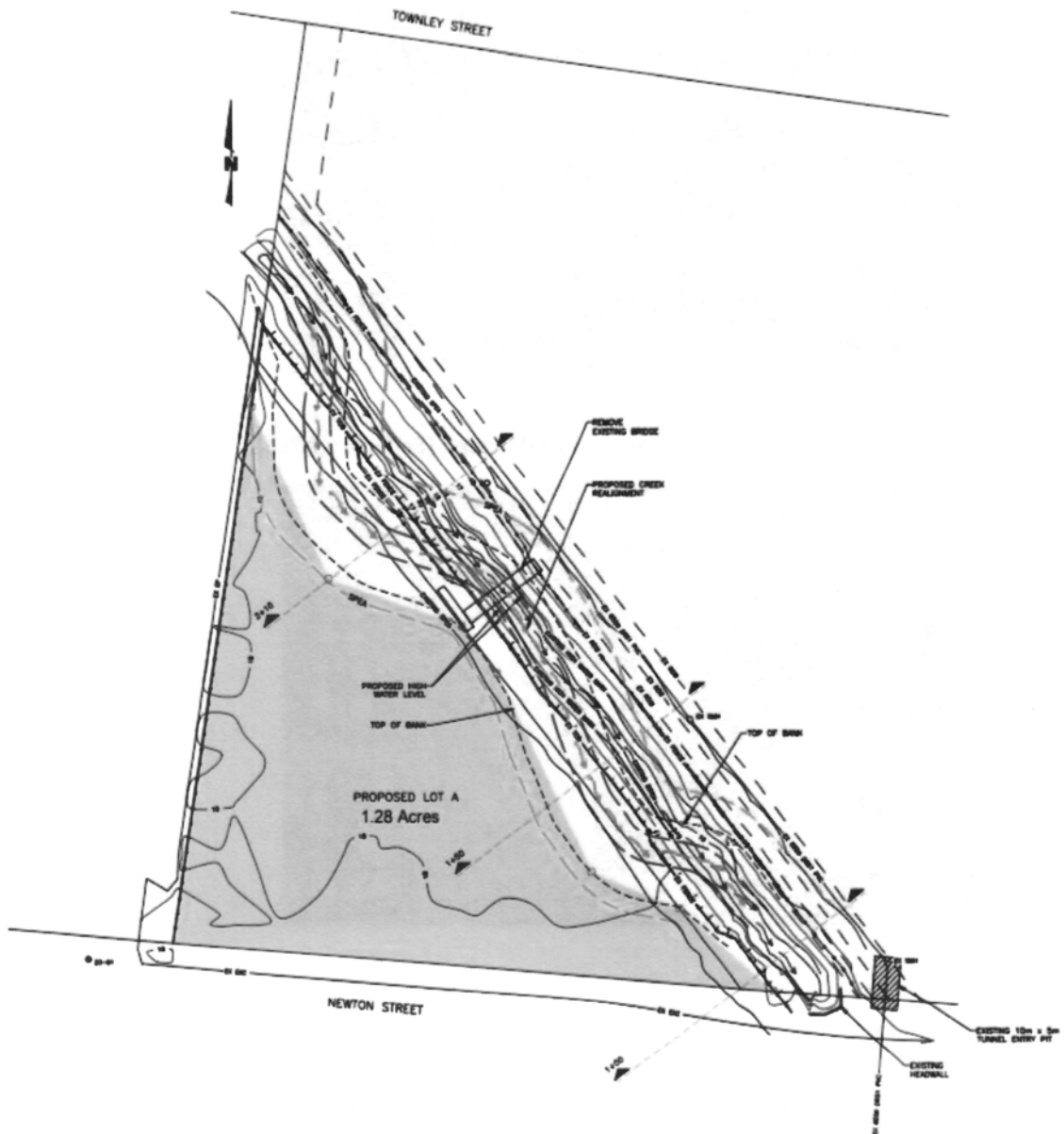
Aerial illustration of original proposed site (October 2021):



Aerial illustration of the current proposed design (February 2022):



Updated site plan:



APPENDIX I

Page 5 of 7

Victoria Hospice is committed to remediation of the creek and will undertake restoration work in a timely manner. To date no remediation of the creek has occurred. Our vision for the riparian area habitat creation will bring community together, including students and neighbours, with a natural environment to enjoy and learn in, and learn from. It will turn a currently hazardous space into a safer, natural habitat for wildlife and people.

As noted, Victoria Hospice will remove invasive species and replace the fallen fence.

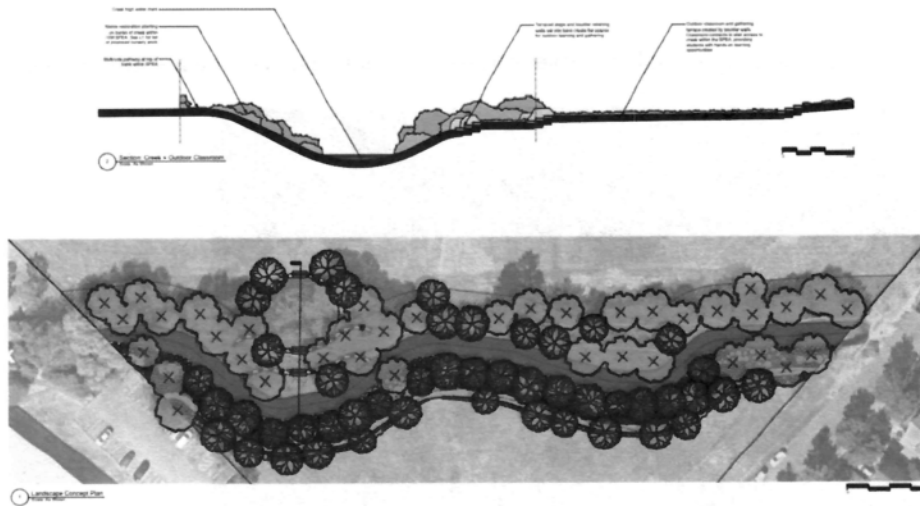


The current site is hazardous; Victoria Hospice commits to improving the safety of the creek.



Page 6 of 7

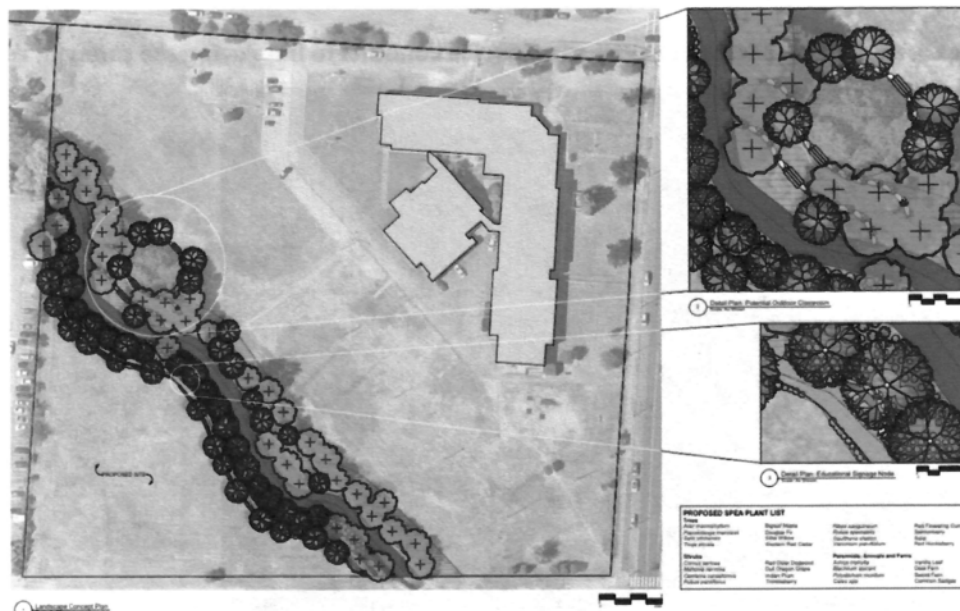
Illustration of engineered sloped banks to slow erosion and alleviate flooding.



VICTORIA HOSPICE | LANDSCAPE CONCEPT PLAN

LADR

Illustration of outdoor classroom opportunity at the northeast side of the creek.



VICTORIA HOSPICE | LANDSCAPE CONCEPT PLAN

FEB 14 22
LADR

APPENDIX I

Page 7 of 7

Victoria Hospice and Bowker Creek are both essential to the health and well-being of our community. Our community cares about the protection and restoration of Bowker Creek and about compassionate care for people who are dying. No one should have to choose between such important undertakings.

We ask you to join us in the protection of both treasures for years to come.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Harter', with a stylized flourish at the end.

Kevin Harter, CEO
Victoria Hospice Society

Frequently Asked Questions - Lansdowne South Land Disposal Greater Victoria School District No. 61

This document is intended to provide additional information for the public on the proposed land disposal at Lansdowne South Campus. Frequently asked questions put forward throughout the engagement are featured below, in case any other members of the public may have the same question.

1) Are you aware of the Bowker Creek Blueprint?

Yes. The Board of Education passed a motion in 2018 that states: "That the Board of Education endorse in principle the Bowker Creek Blueprint". The Board will need to consider its commitment in principle, including the context under which the District committed in 2018 and what has changed in the meantime, if anything, when it considers the decision (3 readings of the bylaw) to dispose of the property.

The motion and plan is available on the Lansdowne South Land Disposal webpage under additional resources: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

2) How will feedback be provided to the Board?

All input provided will be compiled and gathered in an engagement summary report for the Board to review prior to making a decision about the proposed land disposal. The report will include the recorded information session and the correspondence provided through the community inbox. The Board will review the report prior to December's Board Meeting.

3) What are the projections for Lansdowne feeder schools?

The projections for Lansdowne feeder schools were posted as requested online after the public information session: <https://www.sd61.bc.ca/wp-content/uploads/sites/91/2021/10/Lansdowne-Middle-School-Feeder-School-Projections-by-Grade-2021-11.pdf>

4) Can you confirm the property boundary?

The Richmond property plan is available here: <https://www.sd61.bc.ca/wp-content/uploads/sites/91/2021/10/Richmond-Property-Plan.pdf>

If the proposal were to go forward, The Greater Victoria School District would still be a neighbour of the creek. The property would also be re-surveyed if the Board moves forward with the transaction.

5) Has Victoria Hospice considered other land options or purchases?

The District cannot speak on behalf of the Victoria Hospice Society (VHS). The District was approached by VHS with interest in this specific property. The Board determined to move forward with a consultation process that would raise public awareness and gather community voice to inform their decision on this specific potential land disposal.

At this point time, the Board has not made a decision or explored the use of other properties, as VHS is specifically expressed interested in this parcel of land.

6) Has the BC Riparian Areas Protection Act has been taken into account?

If the proposal were to be approved by the Board, then VHS would have to through the process of attaining building and streamside permits through the District of Saanich and other regulatory requirements. Both the Board and VHS recognize this is a sensitive protective area.

- 7) This area of town is slated for increased densification, Lansdowne School is already split between two sites because it can't accommodate the existing student population. Why do you think it is in the interest of SD61, future students, and the local community that you dispose of this plot of land?**

Future enrolment needs are met with Lansdowne Middle School South Campus (formerly Richmond Elementary School) opening, which houses the middle school's grade 6 students. Even if enrolment increased in the catchment, the school at its current enrolment of 721 students is felt to be at capacity relative to a middle school philosophy. A middle school larger than 750 students is undesirable for learning, and any residual enrolment would be attended to at another site.

- 8) How do you intend to meet future population growth and resulting school needs in the future in this area?**

Through the District's annual 5-Year Capital Plan, future enrolment projections are analyzed to determine future building requirements. The District uses a demographics consultant to project future enrolments. In the case of Lansdowne Middle School campuses, surrounding schools can attend to future enrolments and leased properties with upcoming expiry dates can be reopened as SD61 schools to attend to SD61 K-12 enrolment.

- 9) What opportunities do you see for how this 1.9 acres of land can continue to directly serve the Lansdowne students and the local community now and in the future? What opportunities do you therefore lose? Is this loss warranted?**

Students and community can be directly served by the proposed outdoor learning classroom, restoration of the creek and new walking/biking paths for learning and active transportation. Given that no improvements have been made to the creek since the Board endorsed the Blueprint in principle in 2018, there are no lost opportunities from the perspective of student learning.

- 10) What SD61 needs are you trying to address by selling this piece of land? Please stick to school district and student needs, as Hospice needs are not your mandate.**

The Board has a fiscal responsibility to hold capital reserves for future capital purchases such as technology, furniture and equipment and vehicle replacement to provide engaging and safe learning and work environments for students and staff. The Board is also building reserves to be able to contribute to future major capital projects like Cedar Hill Middle School where the District's contribution is allowing a new school to be built rather than the renovation and seismic upgrade of a very old school. This improves the District's asset base and creates quality learning and work environments for students and staff. Having the ability to make a capital contribution to a project may make the project more viable when the Ministry is prioritizing projects in the province.

- 11) How does this reconcile with the Jan. 24th meeting statement made by a trustee that there is no immediate financial need that this money needs to address?**

Different trustees have different opinions of land sales. Not everyone agrees that land should be sold to build reserves. Not everyone agrees that public school districts should have to contribute money to capital projects. For any decision, individual Trustees gather information and vote at the Board table. Once the Board makes a decision, individual Trustees uphold the Board's direction.

- 12) It is our understanding that when land is sold, that money goes into the capital reserve fund, so you can only spend that money on capital projects. In addition, we understand that the Ministry uses a formula to fund a new build - the Ministry will pay a certain percentage of a project based on the funds you have. Therefore by increasing the capital fund, you will actually receive less from the Ministry for an intended capital project. What is the strategic value of having this \$2.5 million sitting in the capital fund?**

When land is sold the proceeds are generally distributed 25% to local capital and 75% to Ministry restricted reserve. Local capital requires board motion/approval to spend. Ministry restricted reserves requires board motion/approval AND Ministry approval to spend.

With local capital at the Board's discretion, there are opportunities to replace technology, furniture and equipment and vehicle replacement, and contribute to minor capital projects to improve the District's asset base.

The Ministry's capital planning instructions do not speak to a formula or a percentage that must be contributed to a capital project but instead contributions are assessed on a case by case, district by district basis. The Ministry's capital planning instructions indicate:

1.9 Project Cost Share

All major capital projects, other than the lowest cost option for a seismic mitigation project, may require boards of education to share in the cost of the project, including:

- Site Acquisition;
- School Addition;
- New School;
- School Replacement;
- Rural Districts Program project;
- Seismic Mitigation Project (where a school district is recommending a project scope that is not the lowest cost option).

The amount of the school district cost share will be assessed by Government on a case-by-case basis dependent on the current financial situation of the school district. A board's ability to contribute has no bearing on the prioritization of projects when the Ministry is developing its capital plan. The value of a board's contribution will be negotiated and determined at the time the business case is ready for final approval.

The board's contribution can be from a number of sources such as Ministry of Education restricted capital, local capital, operating surplus, or other sources. Confirmation of a school district's funds available for contribution will be required prior to the Ministry seeking a project funding decision from Government.

The strategic value of holding reserves to contribute to local capital items is to relieve the pressure of spending operating funding intended for the day to day operation of the school district by having funds to purchase higher priced items or one-time purchases without impacting learning budgets. The strategic value of holding Ministry restricted reserves is that the District's capital project may be assessed as more viable if the District has a financial contribution to the project thus creating a better business case for the Ministry.

13) How was the agreement price fixed at \$2.5 million - please provide evidence as to how this land was assessed for value? If this value is considered below market value, can you provide a rationale for how this meets SD61 interests? Would it be a breach of your fiduciary duty to sell this land below market value?

The Board received an appraisal in July 2020. The negotiated purchase price is higher than the appraised value. The area of land Victoria Hospice Society can use is less than 1.9 acres as outlined in their conceptual drawing which also increases the proceeds per acre.

14) What is the rationale behind the extraordinary quick timelines you have set to dispose of this piece of publicly owned land? The agreement to sell the land was published on October 14, 2021 to the great surprise of the community, and you intended to embark on the first reading of the bylaws in December - which was postponed due to community pressure.

The Lansdowne South disposal consultation timeframe was similar to that of the Lansdowne North disposal. The Board's decision was extended in response to community request to take more time with the process.

15) As per SD61 Policy/Regulation 1163, Trustees have a requirement to consult the community. Please describe the steps you have taken to consult with the community - before and after Oct. 14, 2021 (do not include the steps the community is taking to try and provide feedback and consult with you).

Consultation efforts with respect to the proposed disposal of a portion of Lansdowne Middle School, South Campus lands to the Victoria Hospice Society to date include:

1. Broad public consultation undertaken by the Board to seek input from the education community is set out in the Board's Engagement Summary Report received by the Board on December 13, 2021 at its Regular Open Board

meeting, attached as Appendix A. The engagement report outlines the extensive efforts made to build awareness around the disposal prior to the public meeting.

2. Specifically, an online public information session was held on November 3, 2021 at which approximately 60 people attended.

3. In addition to the consultation set out in Appendix A, the Board also received presentations from eight individuals at its Operations Policy & Planning Committee and Regular Board meetings as follows:

November 21, 2021 Committee:	2 presentations
December 13, 2021 Board Meeting:	4 presentations
January 17, 2022 Committee:	1 presentation
January 24, 2022 Board:	4 presentations
	11 presentations total

In addition to the November 3rd public meeting and presentations to the Committee and Board listed above, the following also occurred:

1. December 8, 2021 meeting on site with staff, governance and consultant representatives from Friends of Bowker Creek, SD61 (three staff and four Trustees), District of Saanich, Community Association of Oak Bay, Victoria Hospice Society, City of Victoria, and Capital Regional District to receive a Bowker Creek Initiative presentation from CRD representative and a walk of the creek on the Lands.
2. January 7, 2022 meeting by Zoom with staff representatives from Bowker Creek Initiative, District of Saanich, Victoria Hospice Society, Capital Regional District, SD61 (three staff) to receive a conceptual creek restoration presentation from Victoria Hospice Society.
3. SD61 Secretary-Treasurer's discussion with District of Saanich Planner to verify the conceptual plan presented by Victoria Hospice Society on January 7, 2022 above and to the Board on January 24, 2022, meets the goals and objectives of the Bowker Creek Blueprint.
4. 169 pieces of correspondence were received by the Board as of January 24, 2022, with additional pieces of correspondence anticipated for inclusion in the February 28, 2022 Board agenda.

16) What is your responsibility to support climate action and adaptation in a community that was directly affected by severe flooding this Fall? Note: One of the primary goals of the Bowker Creek Blueprint is to "manage flows" so as to hold back stormwater in a storm event as experienced in November 2021.

When the Board endorsed the Blueprint in principle in March 2018, it undertook a role in a creek preservation and restoration plan with a range of alternatives, along with other community organizations. The proposed property disposal to Victoria Hospice Society leverages subdivision and development permit applications to action improvements to the degradation of the creek that otherwise have not occurred since endorsing in 2018. Victoria Hospice Society's plan, if approved by the District of Saanich, improves waterflow management through improvements to the creek.

17) There are potential issues regarding building on a floodplain, which this site is on. There is a risk to SD61 that Hospice cannot successfully build there and so might turn around and sell this property to someone else (perhaps for a profit, given the land appears to be undervalued). Have you considered this risk? What responsibility do you have to ensure that any future owner of that land is an appropriate neighbour for an elementary or middle school?

The Board has considered the fact that once the subdivision is approved and the land changes title, that Victoria Hospice can sell the land. The argument can be made that if Victoria Hospice Society is unsuccessful in building on the land, it is unlikely another owner would be able to build either which presumably makes the land less valuable/marketable.

School Districts have the responsibility to keep students safe on the grounds it owns during school hours through supervision and staff involvement. Neighbours surrounding schools change frequently and are not in the control of the School District. As well on a regular basis, municipalities make the School District aware of development

applications within certain distances of schools and invite the District to make comment or oppose the development applications.

18) What is your responsibility to the children and community that surrounds Lansdowne School and counts on the green space and the joint physical, mental, emotional, spiritual benefits that this land brings? This area has a documented deficit in green space. What is your responsibility in safeguarding existing green space?

The Board's consideration of learning as well as community values have been considered as evidenced in seeking the first improvement to the daylight portion of the creek since the Board endorsed in principle, the Blueprint. The proposed conceptual plan provides for an outdoor classroom setting for students in our school district as well as neighbouring school districts, early learning partners and more. This is a similar effort to create a space like Oak Bay High School during the replacement project and the creek restoration at that site.

The Board must consider the safety of students and staff first, then the learning priorities, then the values of community if they do not intersect directly with the Board's mandate. The various regulatory approvals for a development are held by the municipality with the mandate to uphold community values and objectives through Official Community Plans, subdivision approvals and development permit approvals, and consideration for the creek as a party to the Blueprint.

19) Will the sale price remain the same as previously presented?

Yes.

20) In the previous OPPs meeting it was stated that the land would revert back to SD61 if Saanich did not approve building on this site. Can you point that specific clause out to me? If I am mistaken in this, what will happen to the land if Saanich does not allow the proposed build to occur?

If the subdivision is approved, then the District will be paid and title will be transferred and will not revert back to the District if the Society abandons the property for any reason.

21) Hospice indicates that the new proposal meets the objectives of the Blue print. Is there a document from BCI that confirms this?

No. However, the Feb 18, 2022 submission from Victoria Hospice Society speaks to Reach 9's blueprint aspirations and how they are addressed. The blueprint offers two options for this area. One is to reroute the creek to the western border of the land and the other is to leave the creek where it currently is. The proposed VHS plan outlines widening the bottom of the creek and the slope of the banks, replacing the fence, removing invasive species and replanting natural species as per the proposal in the letter and is designed to come in somewhere in the middle of the two options.

22) Does the flood plain storage of 4.9m litres quoted by Hospice compare to the Blue Prints required flood mitigation storage needs.

The Victoria Hospice Society proposal allows for the increase in water holding capacity to be achieved in the creek itself. This is due to the widening of the bottom of the creek and the structure of the banks.

The other option calls for most of the field to be lowered by 2 meters and some of the field 3 meters so that it can become a holding pond in times of severe flooding. This is designed to prevent flooding much further downstream.

Another option could be considered in that District of Saanich also now owns the old 5+ acre BC Hydro (Kings road) land where a dry pond could also be developed.

Another option could be, as mentioned before, is that Lansdowne Middle School, South Campus, become the dry pond if Saanich agreed in the subdivision plan that the field could be dropped given the sewer infrastructure on the Lansdowne Middle School, South Campus side of the creek. It is estimated this could provide 16.3 million litres retention capacity.

The preferred option in the Blueprint provides 36m litres retention capacity.

23) What affect will this land sale have on the recent grant application submitted by the City of Victoria for 5.7 million for flood infrastructure? Has SD61 consulted with the City of Victoria around this?

The impact of the sale of Lansdowne School property on future daylighting of Bowker Creek downstream is currently unknown, but may have negative impacts due to increases in site impervious areas and the reduction of stormwater management facility options for the site if not planned carefully. This may also impact properties further downstream from the Spirit Garden.

Formal consultation did not occur. A City of Victoria staff member attended the December 8, 2021 Bowker Creek partner meeting at Lansdowne Middle School, South Campus held after the November public meeting relative to the proposed disposal. No feedback was received from City of Victoria.

24) The proposal notes restoration will occur in a timely manner. What does this mean? Will restoration occur only when SD61 or other partners commence with restoration of other areas or will this begin immediately?

The commitment and timelines for improvements to the creek will be part of the subdivision and development permit applications between Vic Hospice and the District of Saanich. In order to advance the project, Vic Hospice will need to complete the work outlined in those permit applications. A mutually agreed upon timeline for the restoration will need to be included in the application to Saanich. Saanich will have their methods/requirements to ensure that the time lines are respected.

25) When I review the new drawings, it appears that this reduction in land exchange has had the effect of reducing the amount of land Hospice will be committed to support through stream restoration and increasing the area of stream restoration and flood mitigation to SD61. Within this proposal how many sq meters (or other measure) of stream restoration will be the responsibility of Hospice? How many over the entire property?

The proposed creek restoration will still be the responsibility of Victoria Hospice as it will be a requirement for building on this parcel of land.

Length of the creek on the property is 183m on the Lansdowne South side and 172m on the proposed disposal side.

26) The new proposal comments that the fence will be replaced. Does this mean that the Hospice side of the creek will be fully fenced? The Blue print seeks a widely accessible creek on both sides to support habitat.

Reach action 9-3 in the Blueprint indicates a need to replace the fence which Victoria Hospice is willing to do if required.

27) The new proposal includes drawings for an outdoor learning space and other amenities such as a bike path and benches etc. on SD61 property. What is the financial plan for these amenities?

Victoria Hospice would attend to the cost of upgrades as part of the subdivision and development. The funding would be through partnership grant writing where possible, and VHS funding for the remainder.

28) Will Hospice be providing funding for this or is this expected to come from SD61 or other partners?

Grant writing would be a joint effort with the remainder being paid by VHS.

29) We have heard that the parcel of land Hospice is seeking to purchase is the low area of the parcel. It is this reality that sees the preferred route of Bowker creek through this area, as the water naturally wants to run in this direction. Is Hospice planning to raise this area of the land and build barriers to discourage the stream from running in their direction?

The proposed conceptual plan included in VHS's Feb 18, 2022 letter to address Blueprint Reach action 9-4 includes widening the creek, creating a bench by lowering the sewer right of way to increase cross-sectional area of the channel for major runoff events, and more gentle sloping.

30) If so, what will be the result be to SD61 lands? Will this increase the urgency to restore the creek and adapt for flood mitigation? Will our fields be at risk if we do not mitigate in the same timely manner as Hospice builds?

The creek restoration is proposed to be completed by Victoria Hospice as part of the subdivision and permit application processes. If the east side is available for flood events, Lansdowne South field may flood once each year or two for 2 days or so per event.

31) Will we be responsible for creating the gradual slope required for flood mitigation? How much land will be required for this? What is the estimated cost associated with this?

No. Victoria Hospice will be responsible under the subdivision and permit application approval process. Partner cooperation will be required to write grants, with the difference being funded by VHS.

32) What is the net return on this sale?

Proceeds are \$2.5m, at this time there are no expected costs for SD61 in VHS's creek restoration proposal other than to partner in grant writing and perhaps some staff costs for SD61 expertise as one partner.

33) What is the projected enrollment numbers for this area? Will there be demand for elementary school in the area and or increase in spots for middle school students?

What are the projections for Lansdowne feeder schools?

The projections for Lansdowne feeder schools were posted in an FAQ document as requested online after the public information session: <https://www.sd61.bc.ca/wp-content/uploads/sites/91/2021/10/Lansdowne-Middle-School-Feeder-School-Projections-by-Grade-2021-11.pdf>

Lansdowne Middle School north and south campuses are at capacity with current available seats and enrolment. Future enrolment at middle school would be attended to at alternate sites. In other words, the District does not want Lansdowne Middle School to increase in size because it is felt that a middle school population larger than it already is, is not ideal. Through the boundary review, enrolments are expected to be attended to through District owned assets and existing schools. Leased schools to third parties have short terms in order to be nimble when requiring space for SD61 K-12 enrolment.

33) As most of my concerns center around financial responsibility regarding restoration - please provide me with the sections of the sales agreement that indicate VHS will be covering these costs on our lands

The current Purchase Agreement gives SD61 the right to withhold approval of the terms of the preliminary subdivision plan (3(a)(iii)). It is very likely but not completely certain that the City will require covenants and rights of way to be registered against title to the remainder to ensure that the work is done as a condition of granting preliminary subdivision approval. The Purchase Agreement provides that no encumbrances may be registered against the remainder unless SD61 approves them, in its discretion. The Purchase Agreement also provides that VHS must pay all costs relating to the subdivision, including offsite works.

To address the very remote possibility that the City could approve the subdivision without requiring the work to be done, SD61 can insist that the VHS agree to amend the Purchase Agreement to include the letter from VHS dated February 18, 2022, committing to complete the works at the expense of VHS, when the parties sign the amending agreement that is required today to extend the time for removal of the Ministry condition.

34) Has the School District assessed the increased risk of flooding on school district owned lands as a result of the proposed Hospice development and estimated the associated costs to the school district?

This is not answerable at this time. If the Hospice sale proceeds, VHS will then spend the necessary monies on a detailed design initiated by them on the new site. The restoration work proposed in VHS's conceptual development design of Bowker Creek addresses these future flood risks by providing a significantly improved storm water detention space. Right now, we have zero detention space - just a very deep ditch that Bowker Creek races/rages through when it rains heavily and the flooding the neighborhood experiences happens on adjacent streets/properties.

35) Can we see the Hospice building plans?

36) Do Hospice plans include any hospice acute or clinical care beds? If so, how many?

37) Why is there no parking on the drawings provided by Hospice?

38) What is the building footprint?

39) What is the impervious surface area in the Hospice plans?

40) How many native plants is Hospice planning to plant?

41) What is the scope of Hospice's creek restoration plans and associated timelines?

Numbers 35-41 of these questions we do not have answers to at this stage but VHS will develop them during our 90-day feasibility study period. Some of them will likely need to be by mutual agreement (SD61 has input into the preliminary subdivision plan). Once we have drawn the property line and have finalized the details of the purchase then the architect will develop some options for us to review.

The questions regarding the creek are ones that SD 61 and Victoria Hospice will need to sit down with our draft proposal and finalize the details. As it calls for the creek to remain on SD 61 property it will need to be a joint discussion and agreement. Once an agreement is reached Victoria Hospice will be responsible for the getting the work completed. However, a number of the details need to be agreed upon before submitting the final plan to Saanich for approval.

42) How are the commitments Hospice is suggesting it will honor going to be built into the contract with the School District?

The Purchase Contract provides for the subdivision to create a parcel that is approximately 1.9 acres in size. The proposal by VHS would result in a parcel that is only 1.28 acres. Both parties must approve the subdivision plan, but to avoid any uncertainty, the Purchase Contract will be amended to replace the diagram with the configuration proposed by VHS, and to confirm the purchase price remains at \$2,500,000. We will also add to the Purchase Contract a copy of the letter from VHS dated February 18, 2022, since that letter contains commitments by VHS to complete work on SD61 land.

43) What guarantees does the School District have that the 1.9 acres will revert back to School District ownership in the event that for instance Hospice is unable to get necessary zoning, subdivision or variance approvals?

The first step is the subdivision. If the subdivision is approved, then the District will be paid and title will be transferred and will not revert back to the District if the Society abandons the property for any reason.

44) How can the School District initiate a process to amend the contract with Hospice to take into account the information that has come to light as a result of the consultation process?

Same as #42: The Purchase Contract provides for the subdivision to create a parcel that is approximately 1.9 acres in size. The proposal by VHS would result in a parcel that is only 1.28 acres. Both parties must approve the subdivision plan, but to avoid any uncertainty, the Purchase Contract will be amended to replace the diagram in Schedule A with the configuration proposed by VHS, and to confirm the purchase price remains at \$2,500,000. We will also add to the Purchase Contract a copy of the letter from VHS dated February 18, 2022, since that letter contains commitments by VHS to complete work on SD61 land. To be legally enforceable, those commitments should be included in an amendment to the Purchase Contract.

**Any questions regarding Victoria Hospice's proposal or processes will need to be directed to Victoria Hospice. Thank you!*

From: Friends of Bowker Creek Society(friendsofbowkercreek@gmail.com)
To: Minister, ECC ECC:EX (ECC.Minister@gov.bc.ca)
Rankin, Murray LASS:EX (Murray.Rankin.MLA@leg.bc.ca); Fleming, MLA, Rob LASS:EX (Rob.Fleming.MLA@leg.bc.ca); EDUC DM EDUC:EX (DM.Education@gov.bc.ca); Brown, Chris EDUC:EX (Chris.Brown@gov.bc.ca); Tormala, Travis EDUC:EX (Travis.Tormala@gov.bc.ca); Bertrand, Francois EDUC:EX (Francois.Bertrand@gov.bc.ca); Timmons, Lisa (lisa.timmons@zoetis.com); Ian Graeme s.22

Subject: Proposed Disposal of public lands at Lansdowne South Middle School in Victoria

Sent: 03/16/2022 22:15:46

Message

Body:

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

254999

March, 16th, 2022

Dear Minister Whiteside,

Please find a copy of a letter and attachment. We would appreciate the opportunity to meet with you and your staff at the earliest opportunity to discuss this urgent matter involving principle, trust and justice.

Regards,

Soren Henrich

Chair Friends of Bowker Creek Society

The Friends of Bowker Creek Society supports the restoration and enhancement of Bowker Creek and its watershed to a healthy state, guided by the vision and goals of the Bowker Creek Blueprint.

Find out more at: bowkercreek.org

March 16, 2022

Honourable Jennifer Whiteside
Minister of Education
PO Box 9045, STN PROV GOVT
Victoria, BC V8W 9E2



Dear Minister Whiteside:

Re: Proposed Disposal of public lands at Lansdowne South Middle School in Victoria

We write to you today further to our letter of March 11, 2021, to School District 61, on which you were copied. At that time, we wanted to provide you with the analysis and positions contained in the letter for your information and edification on this important issue. We have attached our March 11, 2021, letter here again for your convenience.

We are aware that the School District proceeded to a third reading of its disposal bylaw on March 14, 2022 and is now seeking your approval. It remains our strong position that the School District has disposed of the Lansdowne South Lands without lawful authority, as set out in our letter. As a consequence of this, it is our position that your office does not have the legal ability to approve of this sale of land.

We would like to be clear that these concerns do not relate to the merits of the decision to dispose of the land (though we have serious concerns on that front as well). Rather, as the School District did not follow the legal process to dispose of the lands, its actions in doing so were, and are, unlawful. It is our view that your office cannot approve of an unlawful action under the authority of the *School Act*.

Additionally, as set out in our March 11, 2021 letter, a decision by your office to not approve of the sale of these lands would not, in our view, be a decision on the merits of the sale, but rather a decision that the legal process was not followed. There is, in our perspective, no prejudice to the School District in restarting the process to sell these lands. This new process would, of course, have to follow all of the legal requirements to dispose of this property.

We respectfully request a meeting with you and your staff to discuss our concerns pertaining to the sale of this land prior to any decision being made as to the approval of the disposition. Please contact Ian Graeme at (778) 533-0765 (Ian.Graeme@gov.bc.ca) or the undersigned to set up a meeting.

Respectfully yours,

Soren Henrich, Chair
Friends of Bowker Creek Society

Lisa Timmons, President
Camosun Community Association

Attachment 1 – March 11, 2022 Letter to School District 61

cc: Honourable Murray Rankin, MLA, Oak Bay-Gordon Head
Honourable Rob Fleming, MLA, Victoria-Hillside
Christina Zacharuk, Deputy Minister, Ministry of Education
Chris Brown, ADM, Resource Management Division, Ministry of Education
Travis Tormala, A/Regional Director, Capital Projects, Ministry of Education

March 11, 2022

Chair Ryan Painter and Board of Trustees
Greater Victoria School District #61
556 Boleskine Road
Victoria, BC V8Z 1E8



Dear Chair Ryan Painter and Trustees:

Re: Proposed Disposal of public lands at Lansdowne South Middle School in Victoria

The *Friends of Bowker Creek Society* and the *Camosun Community Association* understand that the Board of Education of School District No. 61 (the “School District”) has entered into an agreement of purchase and sale with the Victoria Hospice Society (the “Sale Agreement”) involving 1.9 acres of public land immediately west of Bowker Creek (the “Lands”). We have outlined our concerns and interests in previous letters to the School District dated November 24, 2021, February 11, 2022, February 27, 2022 as well as a letter to the Minister of Education dated January 12, 2022.

As we will set out in detail in this letter, it is our position that the School District has disposed of the Lands without lawful authority. We are mindful of the length of this letter; however, this space is needed to set out our views on the various complex issues that have arisen since September 27, 2021, when the Sale Agreement was signed. To assist the reader in moving through these various issues, we have organized this letter into sections that deal with similar issues.

A brief summary of our views on this matter are that the School District, in entering into the Sale Agreement without following the legally-mandated process, not only renders ineffective the sale of the Lands, but has also resulted in an administratively impermissible process.

To be clear, it is not our view that there is no situation in which the School District may lawfully dispose of the Lands. Rather, the process that would give the School District this authority has not been followed. As such, the current Sale Agreement is not legally valid and cannot be relied on. Unless and until the current Sale Agreement is abandoned and the School District restarts the process to dispose of the Lands, adhering to all legal requirements, the Lands cannot be sold.

We present these views to you in order to place our understanding of the situation on the public record, and to attempt to convince you to halt a process that has proceeded without legal authority, which can only result in increased uncertainty for everyone involved were it to proceed further.

1) Authority of the School District

It is our understanding that the School District, as a statutory creation, may only act in accordance with the authority that it has been given under its enabling legislation and the various legislative authorizations that specifically confer powers. In this instance, the School District derives its

authority from the *School Act*, RSBC 1996, C.412 (the “*School Act*”) and is bound by the powers and limitations that are established therein.

The disposal of school board property is permitted, under prescribed circumstances, by Ministerial Order. The *Disposal of Land or Improvements Order* (the “Order”) is relevant to the issues we write to you about today. The Order is made under the authority of sections 96(3) and 168(2) (p) and (t) of the *School Act*.

It is our view that as a result of the Order being incorporated by the *School Act*, the Order has the same force and effect as the *School Act* itself. It is not permissible for the School District to exercise its authority in a manner contrary to what is set out in the Order and the *School Act*.

2) Legal Requirements Prior to Disposition of Land

A restriction on the disposition of land or improvements was placed on the School District as of September 3, 2008: the effective date of the Order. This restriction is found in section 3 of the Order and reads:

Disposal of land or improvements

3 Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5.

As such, it is our view that the Minister of Education must first approve of a disposition of land or improvements as defined in section 3 before it can occur. As we have set out above, the School District cannot exercise its authority in a manner contrary to what is set out in the Order. Therefore, unless the Minister of Education approves of the disposition of land, the School District does not have the legal authority to dispose of the land.

To further understand what it means for the School District to dispose of land, we believe that the entirety of the Order must be considered. In section 1 of the Order, dispose is given a definition of: ““**dispose**” means dispose as defined in the *Interpretation Act*.” The definition of dispose in the *Interpretation Act* is set out in section 29 as: ““**dispose**” means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things.”

Our view of the meaning of ‘dispose’ in the Order means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things.

The Order must be read in its entirety, including the incorporation of the definition of ‘dispose’ as defined in the *Interpretation Act*. It is our view that reading the Order with the definition of ‘dispose’ as defined in the *Interpretation Act* results in an understanding that the Minister must

approve a disposition of land prior to a board signing an agreement for purchase and sale. This must be so as signing an agreement for purchase and sale would be considered disposing of property.

It is our view that this understanding of the Order is supported by documentation produced by both the Ministry of Education and the School District. The Ministry of Education School Building Closure and Disposal Policy, states that if “a Board of Education no longer requires property for educational purposes, the Board must seek the approval of the Minister *prior* to disposing of the property by sale and transfer or by a lease of 10 years or more...” (emphasis added).

The Ministry of Education Real Property Disposal – Required Information Checklist (June 2019), states that the “[Order] requires that a board of education must obtain ministerial approval *prior* to pursuing the disposal of board-owned real property, either by sale or long-term lease” (emphasis added).

Based on the wording of the Order, as well as reviewing the Ministry of Education documents supporting and explaining the Order, it is our view that if a school board enters into an agreement of purchase and sale for real property, that school board has disposed of the property.

3) Disposition of Land by the School District

It is our view that when the School District entered into the Sale Agreement, it disposed of the Lands under the definition set out in the Order. As this disposition was not in accordance with the Order, and therefore the *School Act*, nor with the Policies and Regulations of the School District, nor with the Disposal Policy or the Checklist, the School District did not have the legal authority to dispose of the Lands.

It is therefore our view that as the disposition of the Lands was unlawful, the School District is not permitted to continue to pursue the legal transfer of this property in any way. As the School District did not have the authority to enter into the Sale Agreement, it is possible that the Sale Agreement is not a valid contract. We suggest that the School District and the Victoria Hospice Society discuss this matter.

4) Consultation

In *Gardner v. Williams Lake (City)*, 2006 BCCA 307, (“*Gardner*”) the British Columbia Court of Appeal commented on the nature of the consultation required when a City Council was required to enter into consultation, and the decision as to whom to consult with was challenged. The decision is instructive:

[27] What, then, is the content of the “consultation” required? Section 879(1) establishes the requirement that the City provide “one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected”. With the words “it considers appropriate” and “it considers will be affected”, the Legislature has expressed its intention that the nature of the opportunities to consult,

and the persons or entities consulted, are matters to be decided by the City Council. A challenge to the City Council's decision on any of these matters is thus a challenge to a decision expressly within the Council's legislative competence. On the authority of *Nanaimo (City) v. Rascal Trucking Ltd.*, 2000 SCC 13 (CanLII), [2000] 1 S.C.R. 342, 2000 SCC 73, a court may not interfere with a decision of that nature unless it is patently unreasonable. Thus, Mr. Gardner must establish that City Council's decision on consultation was patently unreasonable.

[28] In my view, "consultation" is an elastic concept, dependent upon the extent of the change proposed and other circumstances surrounding the proposal. For example, introduction of a new official community plan may have broader implications for consultation than an amendment to a plan to address the use of a discreet area, such as is before us. Accordingly, one would expect the degree and breadth of consultation to reflect the breadth of the proposal.

[29] At a minimum, "consultation" anticipates bi-lateral communication in which the person consulted has the opportunity to question, to receive explanation and to provide comment to the local government upon the proposal. Given the requirement of a public hearing as part of the formal process of passage of an official community plan, and the express provision of s. 879 that the consultation is additional to the Public Hearing, I consider that the term "consultation" in s. 879 includes informal communications, meetings, open houses, delegations, and correspondence. The essence of the requirement is that those consulted have the opportunity to question and provide their comment, and that the local government weigh that comment, before advancing in the legislative process.

[30] While the content of any requirement to consult is influenced by the context of the term's use and the circumstances at the time of consultation, cases such as *Apotex Inc. v. Canada (Attorney General)* (2000), 2000 CanLII 17135 (FCA), 188 D.L.R. (4th) 144, 24 Admin. L.R. (3d) 279 (F.C.A.D.) and *L.C.F.A. v. Lakeland College* (1998), 1998 ABCA 221 (CanLII), 162 D.L.R. (4th) 338, [1999] 1 W.W.R. 555 (Alta. C.A.) make it clear that the "consultation" conducted must be meaningful; that is, the consulting body must do more than pay lip service to the requirement. At the same time, however, the degree to which it is a "back and forth" or an on-going dialogue is a matter expressly reserved for the local government by the requirement in s. 879(1) that it determine whether the consultation should be "on-going".

Consultation must occur prior to a decision, otherwise this consultation is not entered into in good faith. If a decision is made prior to consultation on that decision occurring, the outputs from the consultation cannot inform the decision maker when they are rendering a decision, as the outcome is already predetermined. Meaningful consideration of issues, concerns, and viewpoints

raised during the purported consultation can be of no consequence to the decision maker, being solicited after the decision is made.

Unlike in *Gardner*, the issue that arises in the School Board's purported consultation is not whether the manner of consultation was within the School District's legal authority to determine, but rather if the School Board engaged in consultation at all, as consultation is required prior to a decision being made. Engagement with the community and potentially affected parties may occur after a decision is made, but this cannot be considered to be consultation as it has no ability to influence the decision of the decision maker.

5) Timeline of Actions Taken by the School District

As set out in the School District's October 14, 2021, [News Bulletin](#) (Attachment 1) entitled "Victoria Hospice Society to purchase property from Greater Victoria School District" (the "Bulletin") the School District entered into the Sale Agreement prior to the Bulletin being published.

Not only does the title of the Bulletin state the outcome of the Sale Agreement as a conclusion, rather than a proposal for which feedback is to be solicited, the introductory sentence of the Bulletin further sets out that:

The Greater Victoria School District has entered into an agreement to potentially sell 1.9 acres of land south of Lansdowne Middle School to the Victoria Hospice Society for \$2.5 million.

This statement of fact unequivocally establishes that the Sale Agreement was entered prior to, October 14, 2021. On page 30 of a [slide deck presented at the November 3, 2021 Public Information Meeting](#) (Attachment 2), the date of the Sale Agreement was conveyed as occurring on September 27, 2021.

Further in the Bulletin, under the heading of "Community Engagement", the consultation period and mechanism as set by the School District are set out as follows:

ENGAGEMENT TIMELINE

- Raising Awareness – October 14 to November 3, 2021
- Online Information Session (Q & A – Open Dialogue) – November 3, 2021
- Collect written submissions from the public – Feedback period closes on November 24, 2021
- *What We Heard* Summary Report to the Board – December 2021
- Board Meeting to consider land disposal – December 13, 2021

ONLINE INFORMATION SESSION

Public engagement launched with an online information session on November 3, 2021. The information session provided an overview of the proposed land disposition, projected

student enrolment, what the revenue will be used for, any potential District impacts, and Victoria Hospice Society's proposed plans for the site.

As stated in the Bulletin and borne out by the enactment of this engagement, the purported consultation began on November 3, 2021. This is nineteen (19) clear days after the announcement by the School District that the Sale Agreement had been signed.

6) Consultation was Not Legally Effective

It is our view that the School District did not meaningfully engage in consultation with any party at any time during the engagement timeline as set out above. As set out previously, and as is clearly stated in *Gardner*, consultation must occur prior to a decision being rendered to be legally effective. This, rather obviously, produces the result that the decision of the School District to enter into the Sale Agreement was not legally effective as the decision pre-dated the purported consultation by a significant margin.

A question remains when considering all the available information: What is it that the School District consulted on during the engagement period? The only available decisions to be made at the time of the purported consultation, as are set out in the Bulletin, are the subjects that must be removed prior to the Sale Agreement completing. These subjects are: 1) the approval by the Ministry of Education; and, 2) three readings of a disposal bylaw by the Greater Victoria School Board.

Given that the approval by the Ministry of Education is not within the jurisdiction of the School District, the only reasonable conclusion that we can draw is that the purported consultation was to cover three readings of a disposal bylaw. Notably absent in this purported consultation is any discussion pertaining to, or decision about, whether the School District should sell the Lands.

We are of the view that this is because this decision had already been made. Not only had this decision been made, but also acted upon by the School District entering into the Sale Agreement. Thus, even if the School District were to desire to consult on the disposition of the Lands, this could not occur.

We have set out our position on the School District's purported consultation in significant detail in our [February 27, 2022 letter](#) which responded to the letter sent by the School District on February 2, 2022. While we will not repeat our previously communicated views here, as they are now a matter of public record, it is sufficient to reiterate that the School District's purported consultation was, at best, woefully inadequate to meet the legal standard required of any school district operating further to the statutory authority conferred on it through the *School Act*.

Further, it is our view that the School District has failed to adhere to the Ministry of Education's [School Building Closure and Disposal Policy](#) (the "Disposal Policy"). While the entirety of the policy is enlightening, the Disposal Policy states, in part:

Boards of education must engage in broad consultation and in enhanced planning regarding underutilized school buildings and other property owned by boards prior to property disposition.

We are not aware of any explanation that has been offered to assist us in understanding the School District's deviation from the Disposal Policy.

In failing to conduct any consultation prior to entering into the Sale Agreement, let alone meaningful consultation, the School District failed to meet the legal requirements that, as a statutory body, it was required to follow. It is therefore our view that the School District lacked the legal authority to enter into the Sale Agreement.

7) School District Policy, Regulations, and Guidance

In addition to our view that the School District lacked the legal authority to enter into the Sale Agreement as a result of its failure to consult prior to disposing of the Lands, we are similarly of the opinion that the School District lacked the legal authority to enter into the Sale Agreement as a result of its failure to adhere to its own policies and regulations.

As set out above, the School District may only exercise powers in accordance with its guiding legislation. As the Order, via the *School Act*, requires that the School District develop and implement policies and procedures in accordance with the Order, these policies and procedures are binding on the School District and may not be deviated from in a disposition of land.

Section 6 of the Order states:

Policies and procedures

6 Boards must develop and implement policies and procedures with respect to the disposal of land or improvements under section 96(3) of the *School Act*, consistent with this Order, and make these policies and procedures publicly available.

It is our view, therefore, that to be able to comply with the Order, the School District must have:

- 1) developed, and made available to the public, policies and procedures that set out how it will dispose of land in accordance with the Order; and,
- 2) implemented these policies and procedures in any disposition of land.

The inclusion of section 6 in the text of the Order results in a situation where the School District becomes non-compliant with the Order if it does not follow the policies and procedures that it has set out as required by the Order. As a result, in order to validly dispose of land within its jurisdiction, the School District not only had to establish the manner in which that disposition could occur, but also to comply with the established manner of disposition.

It is our view that the requirement of section 6 of the Order that sets out that the policies and procedures be made publicly available is to ensure that the community, including all persons who may be impacted by the disposition of land, are afforded the opportunity to make their views and positions known to the School District prior to the disposition.

In our view, the relevant School District policies and guidelines are:

- Policy 1163: Consultation
- Regulation 1163: Consultation
- Policy 7110: Disposition of Real Property
- Regulation 7110: Disposition of Real Property

Copies of these policies and guidelines can be found in Appendix A.

Regulation 7110 operationalizes Policy 7110, and establishes a broad process that the School District must adhere to as required by the Order.

Regulation 7110 states, in part:

Prior to offering real property for disposal, the Board of Education shall complete a consultation process in accordance with Policy and Regulation 1163, 'Consultation'. The following specific conditions apply to any consultation process with respect to all sales and long-term (ten years or more) leases of real property:

The Greater Victoria Board of Education shall consult with local governments, community organizations, neighbours adjacent to the property and the public and:

- shall give notice to existing tenants, licensees and other user groups.
- shall provide public notice (such as newspaper ads, open houses, District website, etc.)

It is our view that Regulation 7110 is explicit in its wording that consultation, as established in Policy 1163 and Regulation 1163, must be completed prior to offering real property for disposal (emphasis added). The wording of Regulation 7110 is entirely consistent with the understanding of the Order as we have set out above. It is extremely significant that the policy and regulation that the School District established to fulfill the obligations of section 6 of the Order explicitly state that an offering of real estate for disposal is not permitted unless consultation has occurred and been considered by the decision maker.

It is our view that as the School District has disposed of real property prior to consultation completing, or even occurring, it has done so in contravention of its own policy and regulation. By entering into the Sale Agreement, the School District has, to our understanding, failed to comply with the terms of the Order and therefore disposed of (or attempted to dispose of) real property without legal authority. As the School District may only exercise powers in accordance

with its guiding legislation as implemented through its policies and procedures, these policies and procedures are binding on the School District and may not be deviated from in a disposition of land.

As a result of the foregoing, it is our position that the community had a legitimate expectation that the policies and procedures of the School District would be carried out in a substantially similar manner as adopted and posted by the School District itself, including the scope and depth of consultation established. As set out in some detail in our previous correspondence on this matter, it is our strongly held view that the School District has not complied with the consultation requirements set out through its own policies and procedures.

It is our perspective that the School District's non-compliance with its own policies and procedures, including, but not limited to, the lack of consultation on the disposition of the Lands, has the effect of rendering the attempted disposition of the Lands impossible. It is our view that the result of this non-compliance is that the School District did not gain the legally-required authority to dispose of the Lands.

8) Legal Impermissibility of the School District's Action

As a statutory body, the School District may not act in a way contrary to its establishing legislation and other legal restrictions placed on it. Stated another way, the School District may only act in a way that it is legally empowered to.

If a legally-required process is not followed, a statutory body, such as the School District, does not have the legal authority to undertake any action that first requires that process to complete. If a statutory body does not have the legal authority to take an action, it must also be true that any further steps that require that action as a condition precedent may not occur, as there was no legal authority for that first action.

We like to think of this as being similar to climbing a staircase. If you want to get to the second step, you must first climb onto the first step. Similarly, if you want to climb onto the fourth step, you must first climb the first, second, and third steps. Applying this analogy to the present issue, the first step is consultation, and the fourth step is entering into an agreement for purchase and sale. Without the first step of consultation, the higher steps cannot be reached.

To complete the analogy, the second step would be policies and procedures with respect to the disposal of land, and the third step would be to obtain Ministerial approval. The steps higher up the staircase would pertain to the disposition of the Lands, including the passing of a bylaw as required by the Order and the transfer of legal title.

9) Conclusion on the Legal Authority of the School District

It is clear that the School District did not have the legal authority to enter into the Sale Agreement for all of the following reasons:

1. The School District entered into (or attempted to enter into) the Sale Agreement without prior Ministerial approval;
2. The School District entered into (or attempted to enter into) the Sale Agreement without adhering to the legally-required process set out in its guiding policies and regulations; and,
3. The School District entered into (or attempted to enter into) the Sale Agreement without prior consultation with potentially-impacted groups and/or individuals, as is required under the principles of administrative fairness.

The presence of any of the abovementioned factors would have the effect of rendering the School District's action of entering into the Sale Agreement unlawful. The presence of all of these factors clearly demonstrates that the School District lacked the legal authority to enter into the Sale Agreement. It therefore must follow that any actions taken by the School District in furtherance of the Sale Agreement are similarly unlawful. This includes, but is not limited to, tendering, or attempting to pass any bylaw further to the Sale Agreement.

As we are not privy to the Sale Agreement, we are not aware of any potential implications that may arise as a result of entering into that agreement without lawful authority, nor would it be appropriate for us to comment on them in any event.

10) Bylaw Readings and Procedural Fairness

It has recently come to our attention that the proposed use of the Lands by the Victoria Hospice Society (the "Proposed Use") has undergone significant alterations since its submission to the School District. Notably, the alteration of the Proposed Use occurred after the second reading of the 'School District No. 61 (Greater Victoria) Lansdowne Middle School, South Campus (formerly Richmond Elementary School) Site Partial Disposal Bylaw 2022' (the "Bylaw"). This novel Proposed Use was submitted for the consideration of the School District via a letter from the Victoria Hospice Society dated February 18, 2022.[4]

It is clear that the wording of the Bylaw (Attachment 3) has not changed since the first and second reading on January 24, 2022. However, the subject matter of the Bylaw has clearly been changed by the alteration of the Proposed Use. It is our view that it is the effect of the Bylaw that is materially relevant to any decision by the School District, and therefore the Bylaw itself must be understood as being materially changed, even if the wording of it has not.

Additionally, it is our view that the School District, were it to proceed to a third reading of the Bylaw without presenting the opportunity for a first and second reading of the Bylaw which takes into consideration the novel Proposed Use would be contrary to School District Policy 3324. Please refer to Appendix A for a copy of Policy 3324.

Specifically, Point 4 under Heading C of Policy 3324 states: "The district will endeavour to work with community and government agencies in supporting good environmental practices." With

respect, we do not understand how the School District may simultaneously comply with Policy 3324 and the wording of the Bylaw.

The current wording of the bylaw contains a number of recitals, including the following:

The Board is satisfied that it would be in the best interests of the Board to enter into the Sale Agreement and pursuant to its obligations thereunder subdivide the Property and sell the Lands to the VHS for the Price (the “Subdivision and Sale”)

(“Whereas E”)

It is our view that it is impossible for the School District to have satisfied Whereas E and Policy 3324 at this time. Whereas E sets out a condition precedent to the Bylaw that states the conclusion that the School District is satisfied that the Sale Agreement, with the attendant Proposed Use, is in the best interests of the School District. As the Proposed Use has been significantly altered since the first and second reading of the Bylaw, we respectfully request confirmation, with accompanying documentation, that the School District is satisfied the Sale Agreement, with the attendant Proposed Use, is in the best interests of the School District.

In our view, Point 4 under Heading C of Policy 3324 is relevant to the determination as to what the best interest of the School District is. We are concerned about the impact of the novel Proposed Use on the ongoing liability of the School District. It is our understanding that under the novel Proposed Use, the subject property area has been reduced over the previous proposed use, and no longer encompasses any of the creek channel. The Proposed Use sets out that rather than a property boundary as described and communicated to the community from November 3, 2021 to February 18, 2022, the property boundary will be located on the west side of the creek and a reduction of the size of the land disposed from 1.9 acres to 1.3 acres.

Putting aside, for the moment, the environmental considerations that we would like to have discussed during any and all three readings of the Bylaw, the novel Proposed Use no longer encompasses any portion of the creek channel running through the property. It was our understanding that the initial Proposed Use set the property line in the centre-line of the creek rather than west of the channel of Bowker Creek. As there are legal implications to land that has surface water pass over it, we are not aware of any assessment that has been undertaken by the School District to assess any potential change in liability or regulatory requirements that would occur based on the novel placement of the property line. We are similarly unaware of any assessment that has been done which investigates the impact of the changes to the floodplain resulting from the combination of the Proposed Use and the development of the Lands. It is possible that the novel Proposed Use alters the liability of the School District as compared with previous proposals.

To be clear, we are not saying that the Proposed Use does not meet the needs of the environment and the community. It would be impossible to make this statement given the outstanding paucity of information. Indeed, the statements made by the Victoria Hospice Society appear to be

supportive of a commitment to the health of Bowker Creek. However, what is not clear to us at this time is what the impact of the alterations to the Proposed Use would be, and how this could affect the watershed. Due to this uncertainty, we do not believe that it is currently possible for the School District to comply with Whereas E of the Bylaw as the consequences of the Proposed Use have not yet been explored.

Given the foregoing, it is our view that if the School District were to pass the Bylaw in its present form, without first remitting the Bylaw back to first reading, this would not be in compliance with Section 68 of the *School Act*, as the Bylaw has been substantially altered between the second and third readings. As such, the Bylaw that would be passed would not have been given three distinct readings as required by the *School Act*. Please refer to Appendix A for a reproduction of Section 68 of the *School Act*.

We therefore respectfully request that the Bylaw be sent back to first reading to allow for a meaningful conversation as to what impacts may arise from passing the Bylaw. It remains our view, however, that this may only occur after the other legally-required steps as outlined above have come to pass.

11) Current Impermissibility of the Minister's Approval

Given the foregoing reasons outlining that the Sale Agreement was not signed following the legally-required process, the Minister of Education may not now approve a disposition of land further to section 5 of the Order.

As outlined above, we are of the view that the School Board has acted unlawfully in disposing of the Lands prior to receiving approval from the Minister of Education. To ask the Minister of Education to now approve an action that was taken unlawfully is, similarly, legally impermissible. It is our view that it is impossible for the Minister of Education to grant the School District, on an *ex post facto* basis, the legal authority to now do something it has already done.

This same issue, when viewed from a different perspective, also has the result of impermissibly fettering the discretion of the Minister of Education.

The Minister of Education is granted the discretion under the Order to freely decide if a board, as defined in the *School Act*, may dispose of land. Any influence, or attempted influence, of this decision is contrary to the administrative law principles that govern statutory decision makers. The Minister of Education is legally entitled to make a decision under the Order which is not limited by the factual circumstance of a signed Sale Agreement. In the present circumstances, the Minister of Education is not able to make a decision that is free from outside influence, even though this is a requirement of the Order. If the Minister of Education were to make a decision that includes the Sale Agreement, she must necessarily consider not only *if* the School District may dispose of the Lands, but also the terms and conditions of the disposition of the land, the identity of the purchaser, and the Proposed Use of the land.

It is our view that the School District has placed the Minister of Education in the exact position that the restrictions of section 3 of the order were explicitly designed to avoid.

To summarize the above, it is our view that the unlawful disposition of the Lands has resulted in the Minister being unable to approve this disposition. Even if this were not the case, the Minister of Education would now have to make a decision that is fundamentally different from the decision contemplated in the Order.

Consequently, it is our view that there is no live decision before the Minister of Education as a result of the legally-impermissible actions taken by the School District in disposing of the Lands. Simply put, the Minister of Education may not currently approve the Sale Agreement as this question was not validly put before her.

It is our view that seeking the approval of the Minister of Education for the transfer of the Lands further to the Sale Agreement would place her in the unenviable position of assessing the disposition of the Lands after a process of uncertain validity.

12) Response to School District Position on Land Disposal

To further clarify our views on the disposition of the Lands, we believe that it would be instructive to review your previously communicated position on the School District's compliance with the Order.

The previous School District response contained in your letter dated February 2, 2022 is reproduced below. The response of the School District to questions pertaining to its compliance with the Order was:

The following outlines the Ministerial Order and the District's compliance with same:

1. SD61 Board entered into Purchase and Sale Agreement with Victoria Hospice Society conditional on three readings of the Board's bylaw and Ministerial approval.
2. the Ministerial Order (Appendix B) is the governing document, not the published guidelines.
3. the words "must approve of disposal before a <district> enters into an agreement to sell" do not appear in the Order.
4. the Order does not prohibit entering into a sale agreement conditional on the Minister's approval.
5. there is no provision in the Order that the Minister's approval is not required for legal commitments that were in place prior to September 3, 2008.

6. Parts of the Ministry's Q&A document attached to FOBC/CCA's January 12, 2022 letter have been updated several times and most recently March 2020 in Appendix C.

The Board is rightfully within the law outlined in the Ministerial Order by entering into the Purchase and Sale Agreement.

For all of the reasons set out in this letter, it is our position that the School District is not rightfully within the law outlined in the Ministerial Order by entering into the Sale Agreement. For greater clarity, we will respond to your alleged compliance *seriatim*.

1. We agree that the School District took this step. As set out above, we do not agree that this step was lawfully taken.
2. As set out above, the Order requires that the School District not only set policies and procedures pertaining to the disposition of land, but also to follow them. As a result of the operation of section 6 of the Order, the published guidelines, as set by a former iteration of the School District, must also be followed.
3. You are correct that these exact words do not appear in the Order. However, they do not need to. As we stated above, the Order must be read in its entirety, including the incorporation of the definition of 'dispose' as defined in the *Interpretation Act*. Reading the Order correctly results in an understanding that the Minister must approve a disposition of land prior to a board signing an agreement for purchase and sale.
4. This is the same argument as point 3, expressed in a different way.
5. With respect, we do not understand what you are saying here. What is incontrovertible, however, is that the date on which the Order became effective was September 3, 2008. We note that the date of signing of the Sale Agreement, September 27, 2021, occurred after September 3, 2008.
6. Thank you for this information. Please also note that the wording of the Ministry's Q&A document that was current at the time the Sale Agreement was signed is the relevant version for the purposes of understanding what the obligations of the School Board are. Given that, as you have helpfully pointed out, the last update to this document was in March of 2020, there can be no dispute as to the relevant version of the document. None of the portions of the Ministry's Q&A document that we have cited in this letter, or in past letters, references any section that has been changed by updates within the relevant time period.

Conclusion

Based on the entirety of the foregoing, it is our firmly held view that the Minister may not approve the disposal of the Lands pursuant to the Sale Agreement. The School District has failed to undertake the necessary requirements to lawfully dispose of the Lands and, consequently, no decision lies before the

Minister at this time. For the School District to invite the Minister to approve of the Sale Agreement would be to invite her to render a decision that she does not, at this time, have the jurisdiction to make.

Given the unlawful actions taken by the School District in disposing, or attempting to dispose of, the Lands without legal authority, our view is that the only way in which the School District may remedy the both the procedural defects and legally impermissible disposal of the Lands would be to cancel, or otherwise withdraw from, the Sale Agreement.

After the crucial step of legally cancelling the Sale Agreement has taken place, there would be no prejudice to the School District in proceeding, through following all legal and procedural requirements (including robust and effective consultation), with seeking ministerial approval for the sale of the Lands. Notably, this approval could only be validly granted after the School District follows the process set out in its Regulations and Procedures, as required by the Order. Once this process has successfully completed, and Ministerial approval granted, an agreement of purchase and sale may then be entered into. After a signed agreement between the School District and a third party for the sale of the Lands has been validly entered, the School District may, through following its established procedures, pass a bylaw permitting the disposition of the Lands. Once all of these steps have occurred, the legal interest and title in the Lands may be transferred to a third party.

To be clear, it is not our position that it is legally impermissible for the School District to dispose of property, including the Lands. However, all legal requirements must first be successfully completed for the disposition of any property to be legally effective.

Despite the preceding acknowledgement that the School District may dispose of the Lands upon proper completion of all legally-required obligations to do so, it is our strongly held position that the School District should not seek to exercise this authority. We welcome the opportunity to fully explain our reasons for holding this view and to engage in a meaningful dialogue, alongside other interested and affected parties, in any subsequent, legally-required, consultation process pertaining to a potential future sale of the Lands.

If you have any questions about the content of this letter, we would be pleased to discuss this with you. It remains, however, our strongly held view that there is no action that can be taken to render the current Sale Agreement lawful.

Respectfully yours,



Soren Henrich, Chair
Friends of Bowker Creek Society



Lisa Timmons, President
Camosun Community Association

Attachments:

Attachment 1 - School District 61 News Bulletin, October 14, 2021

Attachment 2 - page 30 of slide deck from November 3, 2021 Public Information Meeting

Attachment 3 - Lansdowne Middle School, South Campus, Partial Disposal Bylaw 2022

Appendix A: Relevant Statutes, Policies, and Regulations

cc: Honourable Jennifer Whiteside, Minister of Education
Honourable Murray Rankin, MLA, Oak Bay-Gordon Head
Honourable Rob Fleming, MLA, Victoria-Hillside
Chief Ronald Sam and Council, Songhees Nation
Mayor and Council, District of Saanich
Mayor and Council, City of Victoria
Mayor and Council, District of Oak Bay
Chris Brown, Assistant Deputy Minister, Resource Management Division, Ministry of Education
Travis Tormala, A/Regional Director, Capital Projects, Programs & Finance Unit
Harley Machielse, Director of Engineering, District of Saanich
Sharon Hvozdzanski, Director of Planning, District of Saanich
Philip Bellefontaine, Director of Engineering and Public Works, City of Victoria
Daniel Horan, Director of Engineering and Public Works, District of Oak Bay
Lindsey McCrank, Coordinator, Bowker Creek Watershed Renewal Initiative
Community Associations within the Bowker Creek Watershed
Kevin Harter, CEO, Victoria Hospice Society

Thursday, October 14, 2021

Victoria Hospice Society to purchase property from Greater Victoria School District

VICTORIA, BC – The Greater Victoria School District has entered into an agreement to potentially sell 1.9 acres of land south of Lansdowne Middle School to the Victoria Hospice Society for \$2.5 million. The triangular-shaped property is adjacent to the south campus of Lansdowne Middle School, formerly Richmond Elementary School.

The land sale is subject to approval by the Ministry of Education and three readings of a disposal bylaw by the Greater Victoria School Board. If approved, the property would be used as a new Centre of Excellence for Victoria Hospice, with space for expanded services including grief support, community education, and practical programs for people on their end-of-life journey – from those diagnosed with a life-limiting illness to those who are bereaved.

For over 40 years, Victoria Hospice has provided quality end-of-life care for people in Greater Victoria.

“The demand for end-of-life care programs and services is growing,” says Kevin Harter, CEO. “Victoria Hospice must adapt and expand to ensure we can continue to meet the needs of our community. This agreement with SD61 is an important step in realizing our goals.”

The proceeds from the sale of the surplus lands will provide funding to renovate and replace existing Greater Victoria schools, including advancing net zero energy buildings and other energy efficient strategies: key components of the District’s approved climate action resolution.

“We will be pleased if this land can be utilized for greater community benefit while flowing dollars directly back into improving our facilities for students and staff,” said Ann Whiteaker, Board Chair. “The District needs to make significant capital investments to minimize our environmental impact. Over the short term and long term, we have schools that will require significant upgrades—and we need to start allocating dollars now to fund carbon neutral schools.”

The public can learn more online or attend the online information session planned for November 3, 2021. For more details visit: www.sd61.bc.ca.

If approved by the Ministry of Education and the Board, the Victoria Hospice Society would then commence the land-use approval and corresponding public engagement processes required by the District of Saanich to advance its plans for the property.

-30-

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One *Learning* Community



Key Dates

Action	
27-Sep	Purchase & Sale Agreement between 2 parties
3-Nov	Community Consultation
24-Nov	Feedback Period Ends
3-Dec	Feedback to the Board
13-Dec	Land Disposal Bylaw/Decision

- c. Lansdowne Middle School, South Campus
 - i. Partial Disposal Bylaw, 2022: 3rd Reading

Recommended Motion:

Whereas a board of education may dispose of land or improvements owned or administered by the board under the authority of Section 96(3) of the School Act, subject to the Orders of the Minister of Education (the "Minister");
AND WHEREAS the Minister issued Order M193/08 effective September 3, 2008 (the "Order") requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board;

AND WHEREAS Section 65(5) of the School Act requires a board of education to exercise a power with respect to the acquisition or disposal of property only by bylaw;

AND WHEREAS:

- A. The Board of Education of School District No. 61 (Greater Victoria) (the "Board") owns lands and improvements at 2780 Richmond Road, Victoria, B.C. known as Lansdowne Middle School, South Campus (formerly Richmond Elementary School site (the "Property");
- B. The Facility Number of the Property is: 105629.
- C. The legal description of the Property is:
 - Parcel Identifier: 005-170-222
 - Lot 3, Section 26, Victoria District, Plan 10792;
- D. The Board proposes to subdivide and sell to the Victoria Hospice Society (the "VHS") the portion of the Property lying to the west and south of Bowker Creek and measuring approximately 1.9 acres in area as shown on Schedule A attached hereto (the "Lands"), pursuant to the terms of a conditional agreement of purchase and sale (the "Sale Agreement") for a price of \$2,500,000, adjusted as provided in the Sale Agreement (the "Price");
- E. The Board is satisfied that it would be in the best interests of the Board to enter into the Sale Agreement and pursuant to its obligations thereunder subdivide the Property and sell the Lands to the VHS for the Price (the "Subdivision and Sale");
- F. The Board is satisfied that the Subdivision and Sale will not interfere with the use by the Board of the remainder of the Property for educational purposes.

NOW THEREFORE be it enacted as a Bylaw of the Board that the Sale Agreement and the Subdivision and Sale be and are hereby authorized, ratified and approved, subject to the Minister of Education providing a written Certificate of Disposal approving the sale of the Lands.

BE IT FURTHER enacted that the Secretary-Treasurer be and is hereby authorized on behalf of the Board to execute and deliver the Sale Agreement and, subject to the Minister's Approval, all documents required to complete the Subdivision and Sale, and all related and ancillary documents, with all such amendments thereto as the Secretary-Treasurer may, in her discretion, consider advisable.

This Bylaw may be cited as "School District No. 61 (Greater Victoria) Lansdowne Middle School, South Campus (formerly Richmond Elementary School) Site Partial Disposal Bylaw 2022".

Read a first time this 24th day of January, 2022.

Read a second time this 24th day of January, 2022.

Read a third time this 28th of February, 2022, and finally passed and adopted this 28th day of February, 2022.

Appendix A: Relevant Statutes, Policies, and Regulations

Policy 7110 Disposal of Real Property

Regulation 7110 Disposal of Real Property

Policy 1163 Consultation

Regulation 1163 Consultation

Bylaw 9110 Organization

Policy 3324 The Environment

School Act, RSBC, C. 412, section 68

Disposal of Land or Improvements Order M193/08

Ministry of Education School Building and Closure Policy

POLICY 7110

DISPOSAL OF REAL PROPERTY

The Greater Victoria Board of Education shall not dispose of land or improvements by sale, transfer, exchange or lease of 10 years or more unless such disposal is to another public Board of Education for educational purposes or is approved by the Minister of Education pursuant to Ministerial Order 193/08 'Disposal of Land or Improvements Order'.

The Greater Victoria Board of Education may, by way of lease, other than a lease of ten years or more, use their land and buildings for alternative community use.

Easements are not subject to this policy.

Greater Victoria School District

Adopted: May 1990
Revised: October 1990
Revised: January 1991
Revised: March 2004
Renamed and
Revised: April 19, 2010

REGULATION 7110

DISPOSAL OF REAL PROPERTY

The Greater Victoria Board of Education has the responsibility for the disposal of its real property, defined as lands, buildings and leases of ten years or more. Prior to offering real property for disposal, the Board of Education shall complete a consultation process in accordance with Policy and Regulation 1163, 'Consultation'. The following specific conditions apply to any consultation process with respect to all sales and long-term (ten years or more) leases of real property:

The Greater Victoria Board of Education shall consult with local governments, community organizations, neighbours adjacent to the property and the public and:

- shall give notice to existing tenants, licensees and other user groups.
- shall provide public notice (such as newspaper ads, open houses, District website, etc.)

As part of the consultation process, the Board of Education shall provide:

- reasons for sale of the property.
- use of the proceeds of disposal.
- projected enrolment in the District.
- impact on District education programs.
- impact on community use of school buildings.

The Greater Victoria Board of Education will ensure that:

- all sales are approved by School District 61 Bylaw in accordance with s.65(5) of the School Act and Ministerial Order M193/08.
- all leases are approved through bylaw as they are considered dispositions of interest in land.
- the Minister of Education is informed, in accordance with School Act, 96(3).

Easements are not subject to this Regulation.

Greater Victoria School District

Approved: November 1979

Revised: June 1982

Revised: March 2004

Renamed and

Revised: April 19, 2010

Modification to this document is not permitted without prior written consent from the Greater Victoria School District.

POLICY 1163

CONSULTATION

Policy

The Board values attitudes and practices that encourage integrity, respect and trust in all relationships. To this end, the Board expects district, school and program level decisions will be made using appropriate consultation processes. The process selected will optimize the opportunity for educational and community partners to provide input within the predetermined timeframe.

Definition

Consultation is an important step in decision-making (See Appendix A). It is a process, not an outcome, which involves interaction between decision makers and those affected by the decisions. It promotes a two-way flow of information and ideas to arrive at better solutions and, consequently, more effective implementation of policy and programs.

Beliefs and Principles

Student-focused: The benefits of consultation are realized when educational and community partners are focused on the best interests of the students.

Understanding and Commitment: Consultation processes function more effectively when all parties understand them, have a basic commitment to them, and have access to them.

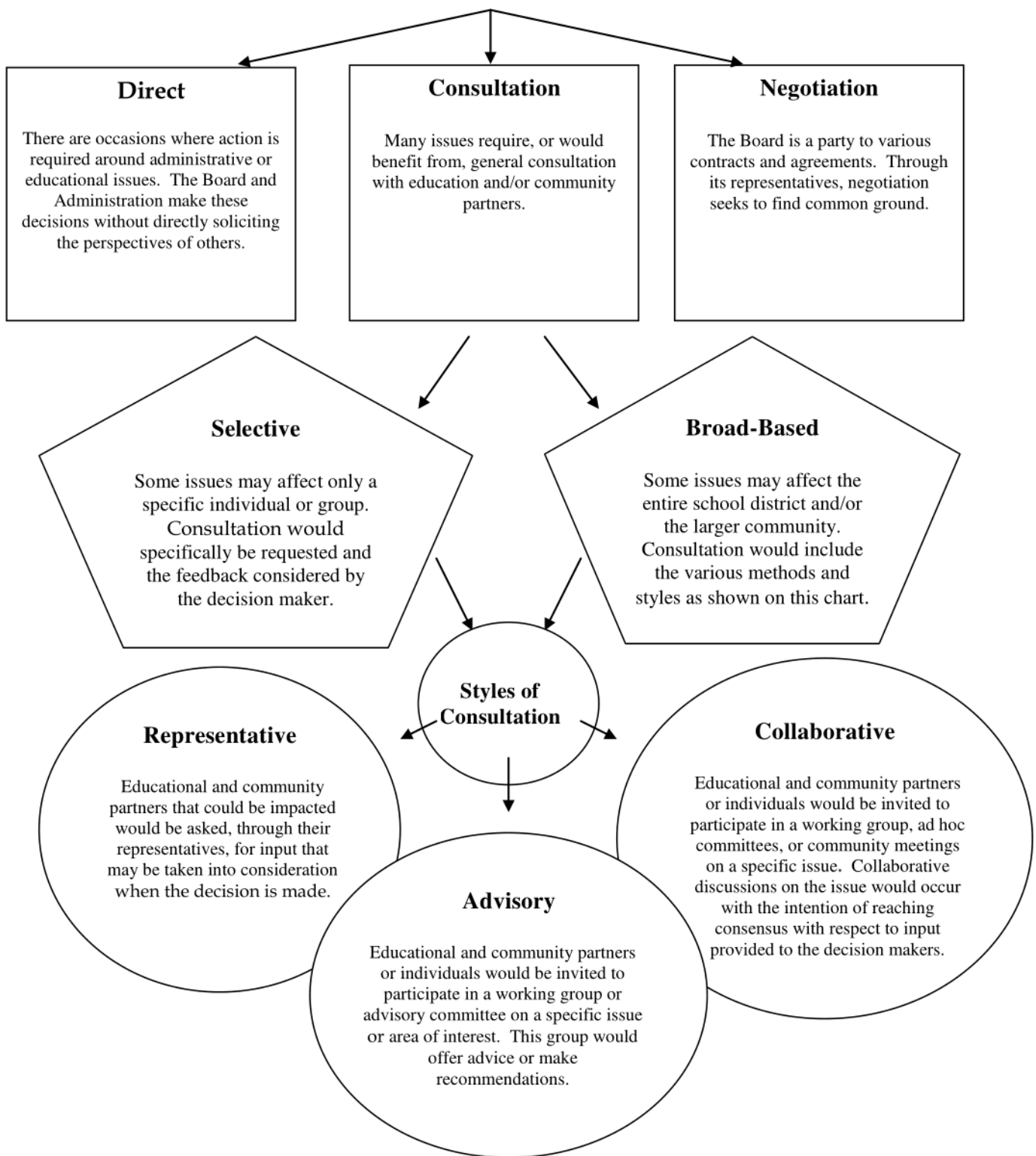
Ownership: The implementation of decisions is more effective when educational and community partners have shared in their development.

Timeliness: Consultation is more effective when it is commenced at the time that the issue being considered is identified.

Transparency: Communication, trust and open-mindedness are critical elements in consultation processes.

Modification to this document is not permitted without prior written consent from the Greater Victoria School District.

APPENDIX A - VISUAL DISPLAY OF POSSIBLE APPROACHES TO DECISION MAKING



Modification to this document is not permitted without prior written consent from the Greater Victoria School District.

Greater Victoria School District

Approved: January 1990
Revised: September 1995
Revised: June 2005
Reviewed: March 2012
Reviewed: June 2016

Modification to this document is not permitted without prior written consent from the Greater Victoria School District.

REGULATION 1163

CONSULTATION

Guidelines for the Consultative Process

Criteria

The District would undertake consultation if and when:

- the constituency may be significantly affected by the decision
- the decision may be controversial
- the decision making process could benefit from a widespread exchange of information
- the decision needed is value based and/or subjective in nature

Considerations

Before the District engages in a consultation process the following would be determined and communicated to the public:

- the objectives and goals of the consultation
- the issues upon which it is consulting
- the educational and community partners involved in the consultation process
- the person(s) with contact information
- the measures of success of the consultation process

Communication

When the District begins a consultation process, it would normally include, but not be limited to, the following in its information release to educational and community partners:

- specific timelines showing each stage of the process
- limitations on the process in both scope and time

- the consultation methods to be utilized
- background information that is timely and comprehensive
- other options that have been, or are being, considered
- opportunities to be provided for input, feedback, and dialogue

Should there be a change in the consultation process, this will be communicated. When the consultation process is complete and a decision is made, the District will inform those consulted of the decision and the reasons for the decision.

A review of the process and structure of consultation will be conducted periodically involving all those affected by the process.

Greater Victoria School District

Approved: January 1990

Revised: June 2005



*The Greater Victoria School District is committed to
each student's success in learning within
a responsive and safe environment.*

BYLAW 9110

ORGANIZATION

Legal Authority

The Greater Victoria School District is administered under the legal authority of the School Act (Part 6), which states, in part, that the Board is a corporation. It may establish committees with specific functions and duties, establish district advisory councils, delegate specific and general administrative and management duties. However, committees of trustees or individual trustees may not exercise the rights, duties and powers of the board as all powers of the Board are exercised by Bylaw or by resolution.

Membership of the Board

The Board of School Trustees of School District No. 61 (Greater Victoria) has a membership of nine trustees at large under the provisions of the School Act (Part 4).

Vacancies shall be filled in accordance with the School Act.

Duties and Authority of the Chair

The Chair shall be expected to act, as far as possible, in the role of the "Speaker of the House" with objectivity and fairness to all sides of the debate.

The chair shall avoid using the position to (unduly) influence the outcome of a debate by withholding pertinent information or any other means. The authority of the chair does not exceed that of any individual trustee.

Greater Victoria School District

Revised:	July 1970
Revised:	October 30, 1978
Revised:	November 1981
Revised:	November 1982
Adopted:	February 25, 2002

Modification to this document is not permitted without prior written consent from the Greater Victoria School District.

POLICY 3324

THE ENVIRONMENT

Rationale

The Board of School Trustees believes that the maintenance of our environment is necessary to the quality of our lives. Further, it believes that the district and its schools have the responsibility of fostering and reinforcing positive environmental concepts, concepts that will enhance the relationship between living things and their natural and built surroundings.

The introduction of these concepts must begin early in the life of each child in order to develop a responsible environmental ethic which will be sustained throughout life.

Policy

A. ENVIRONMENTAL PRACTICES

1. Purchasing
 - a. Where feasible, products shall be purchased that are manufactured from recycled materials.
 - b. Where products are similar in function, the one that is the least harmful to the environment shall be purchased.
2. Waste Management
 - a. The district shall substantially reduce paper waste.
 - b. The district shall foster environmental practices based on the concepts: reduce, reuse, recycle.
 - c. Where feasible, waste products shall be recycled.
 - d. The district shall encourage the participation of staff, students and parents in the recycling program.

3. Facilities Management
 - a. The district shall practice energy conservation in the operation of all facilities and equipment.
 - b. The district shall use, where feasible, environmentally friendly products for all facilities, equipment and grounds.

B. ENVIRONMENTAL EDUCATION

1. Integrated Environmental Studies
 - a. The district shall foster the use of an environmental theme, at every level, as a focus for integrating existing curriculum.
 - b. The district shall encourage inclusion of environmental education resources in school library/resource centres.
2. Environmental Studies
 - a. The District shall encourage the inclusion of Ministry of Education and locally developed Environmental Studies course and/or units in the program offerings of schools.
3. Environmental Field Trip Sites
 - a. The district shall support learning activities that utilize a wide range of appropriate environmental field trips.

C. ENVIRONMENTAL MANAGEMENT

1. The district encourages consideration of environmental impact in the planning of all operational and educational programs.
2. The district encourages school-based leadership in environmental education at each school.
3. The district shall respond to identified environmental education needs as resources permit, including such measures as:
 - a. providing appropriate environmental resources to schools;
 - b. providing instructional assistance and in-service to school personnel;
 - c. coordinating appropriate community-district environmental initiatives.
4. The district will endeavour to work with community and government agencies in supporting good environmental practices.

School Act, RSBC, C.412

Passage of bylaws

- 68** (1) Before it is passed, a bylaw of the board must be given 3 distinct readings.
- (2) Subject to subsection (3), at each of the readings of a bylaw, the bylaw must be read in full.
- (3) A reading of a bylaw may, if a written or printed copy of a bylaw is in the possession of each trustee and is available to each member of the public in attendance at the meeting at which the bylaw is to be read, consist of a description of the bylaw by
- a) its title, and
 - b) a summary of its contents.
- (4) The board may not give a bylaw more than 2 readings at any one meeting unless the members of the board who are present at the meeting unanimously agree to give the bylaw all 3 readings at that meeting.

DISPOSAL OF LAND OR IMPROVEMENTS ORDER

Authority: *School Act*, sections 96(3) and 168(2)(t)

{ Ministerial Order M193/08 (M193/08) Effective September 3, 2008
{ Repeals 233/07

Interpretation

1 In this Order:

“a lease of 10 years or more” means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease,

“alternative community use” means a use by a community agency or organization for land or improvements owned by a board, other than for the educational purposes of the board,

“board” means a board as defined in the *School Act* and includes a francophone education authority,

“dispose” means dispose as defined in the *Interpretation Act*,

“independent school” means an independent school as defined in the *Independent School Act*.

Application

2 This Order does not apply to grants of Crown land described in section 99 of the *School Act*.

Disposal of land or improvements

3 Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5.

4 Boards may dispose of land or improvements by way of lease, other than a lease of 10 years or more, if such disposition is to an agency or organization for an alternative community use.

5 Despite section 3 and 4, the Minister may approve, with any terms and conditions, a disposition of land or improvements.

Policies and procedures

6 Boards must develop and implement policies and procedures with respect to the disposal of land or improvements under section 96(3) of the *School Act*, consistent with this Order, and make these policies and procedures publicly available.

Bylaws

7 A board’s bylaw made pursuant to section 65(5) of the *School Act* relating to a disposition in accordance with sections 3, 4 or 5, must include:

- (a) confirmation that the board will not require the land or improvements for future educational purposes,

DISPOSAL OF LAND OR IMPROVEMENTS ORDER

- (b) the name and the facility number, if any, and
- (c) the address and legal description.

8 A copy of a bylaw referred to in section 7 must be provided to the Minister without delay.

Notification

9 When a board disposes of land or improvements, the board must, without delay, provide the Minister with written notification of the disposition and allocation of the proceeds as required under section 100(2) of the *School Act*.

10 This Order comes into effect on September 3, 2008.

School Building Closure and Disposal

Date came into force or revised

September 3, 2008

Status

Current

Policy statement

If a Board of Education no longer requires property for educational purposes, the Board must seek the approval of the Minister prior to disposing of the property by sale and transfer or by a lease of 10 years or more, unless the Board is selling or leasing land or buildings to another board (including the Conseil scolaire francophone) or independent school for educational purposes.

Boards of education must engage in broad consultation and in enhanced planning regarding underutilized school buildings and other property owned by boards prior to property disposition.

Rationale or purpose of policy

The Ministry of Education and boards of education have an expanded mandate for early learning. Government made a 2008 throne speech commitment to study the possible implementation of all-day kindergarten for five year old children and optional all-day programs for three and four year old children. Future school space requirements related to these new initiatives must be considered prior to disposing of currently underutilized or surplus property.

School buildings and property are also valuable public assets that can become centres for delivering education and community services that meet the vital needs of the community. Available school space should be available for alternative community use; for example, early learning, child care services, adult and industry training education programs, family resource centres, seniors' centres, public libraries, health care and therapy services, local social services, community recreation programs.

Authority

School closures and disposal of school board property are guided by two Ministerial Orders: [The School Opening and Closure Order \(PDF\)](#), and the [Disposal of Land or Improvements Order \(PDF\)](#). These Orders are made under the authority of the [School Act \(PDF\)](#), sections 73, 168(2) (p)(t), and 96(3).

Policy in full

The policy outlines the terms and conditions that the Minister will consider in the approval of a board of education's request to dispose of real property. The disposal of real property includes the sale, exchange or lease of 10 years or more of land or improvements or both.

Boards of education must consider potential space needs for early learning programs in the future. Available school space will be needed to accommodate these and other programs.

School buildings are a valuable asset where communities may find new uses, now and in the future. Boards of education must consider potential needs for alternative community use.

With respect to surplus or underutilized school space, the board must consult with local government, community organizations and the public on alternative community uses. This consultation process must include:

- Consideration of future enrolment growth in the district, including Kindergarten to Grade 12, adult programs, and early learning;
- Consideration of alternative community use of surplus space in school buildings and other facilities; and
- A fair consideration of the community's input and adequate opportunity for the community to respond to the board's plans for the school.

Only in exceptional circumstances should a board consider permanently disposing of school property. Without the approval of the Minister, a board may only sell land or buildings to another board (including the Conseil scolaire francophone) or independent school for educational purposes. A board may lease property for under 10 years according to its own policies and procedures to an entity for an alternative community use.

The Minister may approve a sale or lease of 10 years or more to an entity for use other than alternative community use. When such exceptional circumstances occur, a board must confirm that the board will not require the land or improvements for future educational or community purposes.

School property disposed of to an entity for use other than an educational or alternative community use must be sold through public tender or other competitive bidding process to ensure fair public access and market value is obtained.

School property disposed of to: another board (including the Conseil scolaire francophone) or independent school for educational purposes; or local government or community organization for alternative community use, may be sold at less than market value.

Additional Definitions

"Educational purposes" means a use for delivering the k-12 educational program as well as any new educational initiatives such early learning.

"Alternative community use" means a use by a community agency or organization for land or improvements, owned by a board, other than for the educational purposes of the board.

"A lease of 10 years or more" means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease.

Procedures related to policy

Details of required procedures, including bylaw requirements and notification to the minister, are set out in the two Ministerial Orders listed above.

Contact Information

If you have any questions relating to this policy, please contact the [Capital Management Branch](#) in the Resource Management Division.



October 5, 2022

Ref: 284311

Chris Seltenrich
Executive Director
Strategic Real Estate Services
Ministry of Citizens' Services
Email: Chris.Seltenrich@gov.bc.ca

Dear Chris Seltenrich:

Re: Requested Changes to the Approved Surplus Properties List

I request the following addition be considered for the Ministry of Education and Child Care inventory of surplus corporate assets included on the Surplus Properties List:

Property	Civic Address / Location	Estimated Fiscal Year of Sale	Appraised Value
Description: Lansdowne Middle School (portion), Area: 1.3 acres Zoning: P-1, Assembly Zone PID: 005-170-222 Legal: LOT 3, SECTION 26, VICTORIA DISTRICT, PLAN 10792	2780 Richmond Road, City of Victoria	FY2022/23	\$2,500,000

Thank you for bringing these inventory changes forward for the necessary approvals. Please contact me should you require any further details on the requested change to the approved Surplus Properties List.

Sincerely,

Francois Bertrand
Executive Director

pc: Chris Brown, Assistant Deputy Minister
Ken Frith, Director, Capital Finance Unit
Damien Crowell, Director, Capital Projects Unit



September 28, 2022

Ref: 283863

Chris Seltenrich
Executive Director
Strategic Real Estate Services
Ministry of Citizens' Services
Email: Chris.Seltenrich@gov.bc.ca

Dear Chris Seltenrich:

I am writing in regard to a surplus portion of property owned by the Board of Education for School District No. 61 (Greater Victoria), for which ministerial approval under the Disposal of Land or Improvements Order has been requested. The property is the Lansdowne Middle School site, located in the City of Victoria.

The request is for a portion of the site to be sold to the Victoria Hospice Society. The property will be used by the non-for-profit operator to provide needed hospice services.

Requested Property / Location	Property Description / Details	Rationale for Exemption / PIMS Classification	Estimated Value
2780 Richmond Road, City of Victoria	The middle school and playfields sit on the eastern side of Bowker Creek. The proposed area to be sold is 1.3 acres on the western side of Bowker Creek. A total of 6.7 acres will remain for school use.	The School District is selling the property to a non-for-profit to provide hospice services for the Greater Victoria area. A new Hospice Centre will provide expanded services including grief support, community education, and practical programs for people on their end-of-life journey as well as increasing current capacity of beds from 18 to 30.	A purchase and sale agreement is in place for \$2.5 million.

Thank you for bringing this request for an exclusion forward for the required approval by Sunny Dhaliwal, Assistant Deputy Minister, Property Division.

Please feel free to contact Travis Tormala, Regional Director, at Travis.Tormala@gov.bc.ca or 778 678-7516, should you require any further details leading to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Francois Bertrand', with a stylized, flowing script.

Francois Bertrand, Executive Director
Capital Management Branch

pc: Sanjay Uppal, Director, Real Estate & Stakeholder Engagement, Strategic Real Estate Services
Josh Nelson, Senior Program Manager, Strategic Real Estate Services
Chris Brown, ADM, Resource Management Division
Damien Crowell, Director, Capital Projects Unit
Travis Tormala, Regional Director, Capital Projects Unit

APPENDIX G

Surplus Declaration and Readiness Checklist

The Surplus Properties Program requires that Ministries, SUCH Sector Organizations and Broader Public Sector Entities complete and submit a readiness checklist when a property is classified Surplus Active, showing that due diligence work has been completed in evaluating the property for disposal. Please complete and submit the Surplus Declaration and Readiness Checklist and provide the required supporting documentation. Additional information regarding this process can be found in the *Process Manual for the Surplus Properties Program*, or email RealPropertyDivision.Disposals@gov.bc.ca.

Property Information:

Please provide all information contained in the table below.

Property Name or Description:	Lansdowne Middle School School District No. 61 (Greater Victoria)
Civic Address:	2780 Richmond Road
City:	City of Victoria
Municipal Jurisdiction or Regional District:	City of Victoria
PID and Legal Description:	LOT 3, SECTION 26, VICTORIA DISTRICT, PLAN 10792 005-170-222
Zoning:	P-1, Assembly Zone
Current Use:	The Middle School which will remain open. The portion requested for disposal is currently vacant on the western side of Bowker Creek (property is bisected by creek).
Time Line for Disposal (Vacant Possession):	Immediate
Property Size (acres or hectares):	Lansdowne Middle School Site- 8 acres Disposal portion- 1.3 acres

Property Background and Description:

Please provide a response and any applicable documentation for all items detailed below. If documentation is not available, please provide an explanation.

- Confirmation that the property is surplus to the current needs of the ministry or agency and will not be required for any future purpose. If applicable, please attach surplus declaration forms.

☐

Documentation included

Comments: The Lansdowne Middle School does not require the portion on the western side of the site for educational purposes. On March 14th the Greater Victoria Board of Education passed a motion to dispose of the 1.3 acre portion of the property.

2. Provide a description of how the property was initially acquired and any pertinent BNs/DNs related to the property – if unknown, please information the Strategic Real Estate Services Branch.

☐

Documentation included

Comments: The 8-acre parcel was purchased in 1961 from Simpsons-Sears Limited. Richmond Elementary was built in 1967 so it is assumed that the land was purchased to build a school and that the Ministry of Education would have assisted with the purchase.

3. Provision of a site plan that:

- Shows the property distinctly outlined
- Identifies all parcels comprising the property
- Describes the total site area of the property and shows any improvements

☒

Documentation included

Comments: See: 1. Site Plans. The total area of the Lansdowne Middle School site is 8 acres, and the proposed disposal is 1.3 acres.

4. Provision of a Title Search print out from the Land Title and Survey Authority of British Columbia including Parcel information and Miscellaneous notes print out for each parcel comprising the property.

☒

Documentation included

Comments: See: 2. Title Certificate and 3. Misc. Notes

Property Evaluation Information:

Please provide a response and any applicable documentation for all items detailed below. If documentation is not available, please provide an explanation.

5. Provision of the most recent BC Assessment information including a breakdown of land, improvement, and total assessed values for the current roll year.

☒

Documentation included

Comments: Boards of education are exempt from property taxation. While BC Assessment completes annual property assessments of board-owned lands and improvements, the ascribed values for buildings are not reliably reflective of current market values and therefore should not be used for analysis. See: 4. BC Assessment.

6. Submission of a comprehensive property appraisal, completed by a licensed commercial appraiser.

☐

Documentation included

Comments: An appraisal was completed on July 3rd, 2020, by Land Ethic Consulting Ltd, in support of the disposal approval request to be made to the Ministry of Education.

Valuation Outcomes Surplus Lands		
Scenario	Market Value Conservative	Market Value Optimistic
Institutional Use	\$700,000	\$1,050,000
Highest and Best Use	\$1,925,000	\$2,275,000

7. Statement of net proceeds to be expected from the disposition of the property.

☐

Documentation included

Comments: A Purchase and Sale Agreement is in place between the District and the Victoria Hospice Society for \$2,500,000.

8. Statement of the estimated Net Book Value of the property.

☐

Documentation included

Comments: The estimated net book value of the property is \$16,625 (1.9 acres to be subdivided / 8 acres parent parcel x \$70,000).

9. Completion of a Triple Bottom Line Cost-Benefit Analysis showing that disposing of the assets is in the best interests of the province (if needed).

☒

Documentation included

Comments: See 5. Triple Bottom Line Cost Benefit Analysis

Other Information:

Please provide a response to all questions detailed below.

Comments

Has there been any consultation with First Nations to date?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	An on-line public information session was held on November 3, 2021. In early 2022 additional public consultation occurred. It does not appear any local FN were directly reached out to from the materials provided.
Are you aware of any specific First Nations interest in the property?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
Are there any known Environmental, Contamination or Geotechnical issues? If so, please attach the report.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	The Friends of Bowker Creek have highlighted concerns over development of the property. The disposal request was lowered from 1.9 acres to 1.3 acres to leave the creek within the District property boundaries. The Hospice Society has committed to remediate the portion of Bowker Creek adjacent to the disposal request. The City of Saanich will still require subdivision and building permit after the disposal is completed.
Are there any pertinent briefing/decision notes provided?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
Is the property subject to a Crown Grant?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
Has local government shown interest in subject property?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	

Comments:

The proposal is for a 1.3 acre disposal to the Victoria Hospice Society on the Lansdowne Middle School site. The site can accommodate the disposal with portion of the site on the west side of Bowker Creek currently vacant. A new Hospice Centre will provide expanded services including grief support, community education, and practical programs for people on their end-of-life journey as well as increasing current capacity of beds from 18 to 30.

Declaration of Surplus Status:

Yes

☒

No



2022/09/28

Francois Bertrand, Executive Director
Capital Management Branch
Ministry of Education

Date (yyyy/mm/dd)



School District No. 61 (Greater Victoria)
556 Boleskine Road, Victoria, BC V8Z 1E8
Phone (250) 475-4106 Fax (250) 475-4112

Office of the Secretary-Treasurer

Kim Morris – Secretary Treasurer

January 28, 2022

Ministry of Education
Capital Programs Unit
PO Box 9151
Stn Prov Govt
Victoria BC V8W 9H1

BY E-MAIL: John.Woycheshin@gov.bc.ca

ATTENTION: John Woycheshin
Regional Director

Dear Mr. Woycheshin:

RE: Real Property Disposal Request

Please accept this letter as School District No. 61 (Greater Victoria)'s request for ministerial approval to dispose of property set out in this request.

The Board of Education and the Victoria Hospice Society have entered in to a Purchase and Sale Agreement ("P&S Agreement") for the disposal of 1.9 acres of to be subdivided Lansdowne Middle School, South Campus (formerly Richmond Elementary School) (the "Lands" in Appendix A). The P&S Agreement is subject to SD61's Board's three readings of a disposal bylaw and Ministry approval. The Board gave two readings of its disposal bylaw on January 24, 2022 and will consider the third and final bylaw readings on February 28, 2022.

Property Background:

1. The property has been deemed surplus to the needs of the Board for the following reasons:
 - Future enrolment needs are met with the opening of Lansdowne Middle School South Campus (formerly Richmond Elementary School) housing the middle school's grade 6 students. Even if enrolment increased in the catchment, the school at its current enrolment of 721 students is felt to be at capacity relative to a middle school philosophy. A middle

school larger than 750 students is undesirable for learning and any residual enrolment would be attended to at another site.

- Lansdowne Middle School, North Campus, remains the District's largest piece of land so could be utilized if absolutely necessary.
- South Campus and the Lands are separated by a creek and not easily nor safely accessible by students
- Not used by school district for curriculum delivery nor extra-curricular activities
- Principal confirms not required for educational programming.

2. The Property does not include a school or portion of a school building, therefore no school closure bylaw is included in this request.
3. The 8-acre parcel was purchased in 1961 from Simpsons-Sears Limited (Appendix B). Richmond Elementary was built in 1967 so it is assumed that the land was purchased to build a school and that the Ministry of Education would have assisted with the purchase.

Property Description:

4. Primary civic address of the parent parcel, including the name of the local government in which the property is located is 2780 Richmond Road, Victoria BC. However, the to be subdivided Lands would most likely have an address on Newton Street.
5. Site plan showing the property outlined, identifying all parcels comprising the property and note the total area of the property in acres and hectares is attached as Appendix A.

Land Title Information:

6. Title search printout and parcel information obtained from the Land Title Office is attached as Appendix C.
7. None of the property is subject to a Crown land grant.

Property Disposal Information:

8. Through its long-range facilities planning process in 2017, it became apparent that the Board had surplus property that it could begin to dispose of to fund stand-alone capital projects and its contributions to future major capital projects. Victoria Hospice Society approached the School District relative to the triangular property as a future expansion site for its end-of-life care programs and services to meet the needs of the community.
9. Broad public consultation undertaken by the Board to seek input from the education community is set out in the Board's Engagement Summary Report received by the Board on December 13, 2021 at its Regular Open Board meeting attached as Appendix D.

Specifically, an on-line public information session was held on November 3, 2021 where approximately 60 people attended.

In addition to the consultation set out in Appendix D, the Board also received presentations at its Operations Policy & Planning Committee and Regular Board meetings as follows:

November 21, 2021 Committee:	2 presentations
December 13, 2021 Board Meeting:	4 presentations
January 17, 2022 Committee:	1 presentation
January 24, 2022 Board:	4 presentations
	11 presentations total

Voices that spoke against the disposal were concerned about the impacts on Bowker Creek and the Board's March 2018 endorsement in principle, of the Bowker Creek Blueprint.

Of the 11 presentations 5 were given by 2 people at multiple meetings. Of the 11 presentations 8 people presented: 6 against and 2 in favour of the disposal.

In addition to the November 3 public meeting and presentations to Committee and Board listed above, the following also occurred:

- a) December 8, 2021 meeting on site with staff, governance and consultant representatives from Friends of Bowker Creek, SD61 (3 staff and 4 Trustees), District of Saanich, Community Association of Oak Bay, Victoria Hospice Society, City of Victoria, and Capital Regional District to receive a Bowker Creek Initiative presentation from CRD representative and a walk of the creek on the Lands.
- b) January 7, 2022 meeting by Zoom with staff only representatives from Bowker Creek Initiative, District of Saanich, Victoria Hospice Society, Capital Regional District, SD61 (3 staff) to receive a conceptual creek restoration presentation from Victoria Hospice Society.
- c) SD61 Secretary-Treasurer's discussion with District of Saanich Planner to verify the conceptual plan presented by Victoria Hospice Society on January 7, 2022 above and to the Board on January 24, 2022, meets the goals of the Bowker Creek Blueprint.
- d) 169 pieces of correspondence were received by the Board as of January 24, 2022, with 26 additional pieces of correspondence anticipated as of today's date for inclusion in the February 28, 2022 Board agenda.

Property Evaluation Information:

10. The latest annual BC Assessment Property Assessment Notices are attached as Appendix E.
11. Comprehensive appraisal completed by Land Ethic Consulting on July 3, 2020 is attached as Appendix F.
12. Net proceeds of the disposal are \$2,500,000.

13. The breakdown between restricted and local capital funds will be \$625,000 local capital and \$1,875,000 Ministry surplus shareable capital.
14. The estimated net book value of the property is \$16,625 (1.9 acres to be subdivided / 8 acres parent parcel x \$70,000).

SD61 is requesting a disposal certificate for the Lands. Deadlines for this agreement include Ministry approval of disposal by February 28, 2022 so any attention to this disposal is appreciated.

Yours truly,

SCHOOL DISTRICT NO. 61 (GREATER VICTORIA)

Kim Morris
Secretary-Treasurer

/km

Cc: Francois Bertrand, Assistant Executive Director, Capital Management Branch, MOE
Damien Crowell, Assistant/Director, Minor Capital Programs & Finance Unit, Capital Management Branch, MOE
Deb Whitten, Interim Superintendent of Schools, SD61
Chuck Morris, Director of Facilities Services, SD61

South Lansdowne Site





THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA
LAND REGISTRY ACT
FORM A
(Section 124.)

APPLICATION FOR REGISTRATION OF FEE-SIMPLE

No. 310722-1
I, ALLEN WILSON CLIFFE

Date December 19, 1961

that I am ~~the duly authorized Agent of~~ the duly authorized Agent of The Board of School Trustees of School District No. 61 (Greater Victoria), and that it is entitled to be registered as the owner in fee-simple of the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration accordingly.

The full name, address, and occupation of the person so entitled to be registered as owner is The Board of School Trustees of School District No. 61 (Greater Victoria) 1050 Joan Crescent, Victoria, B. C.

* Not applicable where the applicant is a corporation. Strike out words not applicable.

~~I am a British subject* (Or)~~

~~I am not a British subject* (Or)~~

~~I am informed by~~

† For use where the application is made by a solicitor or agent.

~~voily believe that the person so entitled to be registered as owner is a British subject (as is not a British subject)~~

(Adapt to suit circumstances.)

The fee-simple is registered in Vol. _____ Fol. _____, of the Register

DESCRIPTION OF LANDS

Municipality or Assessment District	Lot or Section	Admeasurement or Acreage
Municipality of Saanich	Lot Three (3), Section Twenty-six (26), Victoria District, Plan 10792.	255740

LIST OF INSTRUMENTS

Date	Parties	Character of Deed
December 15, 1961.	Simpsons-Sears Limited - and - The Board of School Trustees of School District No. 61 (Greater Victoria)	Conveyance Certificate of Title No. 255740-I herewith Tax Certificate herewith Extract from By-law of Simpsons-Sears Limited herewith.

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this application, including all buildings and improvements thereon erected, is Seventy Thousand (\$70,000.00) dollars, and that the title deeds mentioned hereon are all those in my custody, possession, or power, relating to the said land, (in case of a Solicitor or Agent, add) and to the best of my belief there are no other title deeds in the custody, possession, or power of the owner, relating to the same; and I am duly authorized by the above-named owner to make this application, (in the case of an Agent, add) and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me this 19th day of December, 1961 (Signature) Allen Wilson Cliffe

at Victoria, British Columbia (Full Post Office Address)

For mailing notices and documents

Send all Notices to and hold

all Documents to order of:

MALDARE, CAMPBELL & DOWESANI

1020 Government St. Victoria, B. C.

A Commissioner for taking Affidavits within British Columbia

Do not write outside the side-line. Space reserved for binding

THIS INDENTURE made the 15th day of December,
in the year of our Lord one thousand nine hundred and
sixty-one.

IN PURSUANCE OF THE "SHORT FORM OF DEEDS ACT",
BETWEEN:

SIMPSON-SEARS LIMITED, a Company
Incorporated under the "Companies
Act" of Canada, having its Head
Office at the City of Toronto, in
the Province of Ontario,

(hereinafter called "the Grantor")
OF THE ONE PART,

AND:

THE BOARD OF SCHOOL TRUSTEES OF
SCHOOL DISTRICT NO. 61 (GREATER
VICTORIA), of 1050 Joan Crescent,
in the City of Victoria, in the
Province of British Columbia,

(hereinafter called "the Grantee")
OF THE OTHER PART.

WITNESSETH, that in consideration of the sum of
Seventy Thousand Dollars (\$70,000.00) of lawful money of Canada
now paid by the said Grantee to the said Grantor (the receipt
whereof is hereby by it acknowledged), the said Grantor DOETH
GRANT unto the said Grantee, its successors and assigns FOREVER:
ALL AND SINGULAR that certain parcel or tract of land and
premises situate, lying and being in the Municipality of
Saanich, in the Province of British Columbia, and more particu-
larly known and described as Lot Three (3), Section Twenty-six
(26), Victoria District, Plan 10792.

TOGETHER with all buildings, fixtures, commons,
ways, profits, privileges, rights, easements, and appurtenances
to the said hereditaments belonging, or with the same or any
part thereof, held or enjoyed, or appurtenant thereto; and all
the estate, right, title, interest, property, claim and demand
of it, the said Grantor in, to, or upon the said premises.

TO HAVE AND TO HOLD unto the said Grantee, its
successors and assigns, to and for its and their sole and only

REGISTERED THE DAY OF JAN 19 1962
ON APPLICATION RECEIVED AT THE TIME
WRITTEN OR STAMPED ON THE APPLICATION.

310722

- 2 -

use forever:

SUBJECT NEVERTHELESS to the reservations, limitations, provisos, and conditions expressed in the original grant thereof from the Crown. AND SUBJECT ALSO to an Easement in favour of The Corporation of the District of Saanich registered under No. 194857-G.

THE said Grantor COVENANTS with the said Grantee that it has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor and the said Grantee shall have quiet possession of the said lands, free from all encumbrances, save as aforesaid.

AND the said Grantor COVENANTS with the said Grantee that it will execute such further assurances of the said lands as may be requisite.

AND the said Grantor COVENANTS with the said Grantee that it has done no acts to encumber the said lands save as aforesaid.

AND the said Grantor RELEASES to the said Grantee ALL ITS CLAIMS upon the said lands.

IN WITNESS WHEREOF the said Grantor has caused its Corporate Seal to be hereunto affixed, attested by the hands of its proper officers in that behalf, the day and year first above written.

THE CORPORATE SEAL of the Grantor was hereunto affixed by and in the presence of:

SIMPSON'S SEALED LIMITED

E. S. L. L.

VICE-PRESIDENT

M. Mathison

TREASURER

Land Registry Act

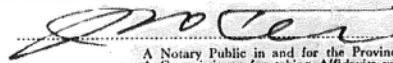
FORM Q. (Section 59).

310722-1

For the Secretary (or other Officer) of a Corporation

I HEREBY CERTIFY that, on the 15th day of December, 1961.
at the City of Toronto, in the Province of Ontario
Earl S. Suters [whose identity
has been proved by the evidence on oath of _____
~~who is~~ personally known to me, appeared before me and acknowledged to me that he is the Vice-
President of Simpsons-Sears Limited, and that he is the person
who subscribed his name to the annexed instrument as Vice-President of the said Simpsons-Sears
Limited and affixed the seal of the Simpsons-Sears Limited
to the said instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said
seal to the said instrument and that such Corporation is legally entitled to hold and dispose of land in the
Province of British Columbia.

IN TESTIMONY whereof I have hereto set my hand and Seal of Office at
Toronto, Ontario, this 15th day of
December, in the year of our Lord one thousand nine hundred
and sixty-one.



A Notary Public in and for the Province of ~~British Columbia~~ Ontario.
~~A Commissioner for taking Affidavits within British Columbia~~

NOTE.—Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in brackets.

From: agk@kkbl.com
To: [Kim Morris](#)
Subject: Title to Richmond Road Property - Victoria Hospice Society
Date: Monday, April 19, 2021 11:27:05 AM
Attachments: Form A 310722I - SIG-012576 1_1.pdf

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

THIS EMAIL MESSAGE AND ALL ATTACHMENTS ARE CONFIDENTIAL.

Hi Kim,

The attached transfer confirms that SD61 bought the property from Simpsons-Sears Limited for \$70,000 in 1961, so we do not need to be concerned about a Crown grant trust.

There is a notation on title and SRW's relating to drainage works, but those do not appear to affect the portion that VHS proposes to use.

I'll revise the draft Letter of Intent as we discussed.

Best regards,

Andrew

Andrew G. Kadler

Koffman Kalef LLP

604.891.3633 (Direct) | 604.351.5550 (Cell) | agk@kkbl.com

www.kkbl.com

19th Floor, 885 West Georgia Street

Vancouver, British Columbia V6C 3H4 Canada

Telephone: (604) 891-3688

Facsimile: (604) 891-3788

Koffman Kalef LLP is a BC limited liability partnership of law corporations.

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s.3

Page 448 of 889

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s.3

Lansdowne South Proposed Land Disposal: *Engagement Summary Report*

APPENDIX C



December 8, 2021

Introduction

The Greater Victoria School District has entered into an agreement to potentially sell 1.9 acres of land south of Lansdowne Middle School to the Victoria Hospice Society for \$2.5 million. The triangular-shaped property is adjacent to the south campus of Lansdowne Middle School, formerly Richmond Elementary School.

The land is proposed to be used by Victoria Hospice Society (VHS) as a new Centre of Excellence, with space for expanded services including grief support, community education, and practical programs for people on their end-of-life journey – from those diagnosed with a life-limiting illness to those who are bereaved. VHS has provided quality end-of-life care for people in Greater Victoria for over 40 years.

The District has determined the property to be surplus lands, not needed for educational purposes. The revenue from the sale of the surplus lands will provide funding for future major and minor capital projects, including environmental and sustainable design, and to renovate and replace existing Greater Victoria schools, including advancing net-zero energy buildings and other energy-efficient strategies: key components of the District's approved climate action resolution.

Background

In early 2021, the Victoria Hospice Society approached the District to acquire 1.9 acres of land at Lansdowne Middle School South Campus (formerly Richmond Elementary School). Upon further review and a market valuation by an appraiser, The Board of Education directed staff to develop a land disposal consultation plan that identified Victoria Hospice as the purchaser. In September 2021, the Board approved a public engagement plan for the potential land disposal.

Land disposal consultation is undertaken per Greater Victoria School District Regulation 1163. As part of the land disposal process, the District must communicate:

- reasons for sale of the property
- use of the proceeds of disposal
- projected enrolment in the District
- impact on District education programs
- impact on community use of school buildings

In addition the regulations states, the Greater Victoria Board of Education will consult with local governments, community organizations, neighbours adjacent to the property and the public as well as:

- shall give notice to existing tenants, licensees and other user groups
- shall provide public notice (such as newspaper ads, open houses, District website, etc.)

The land sale is subject to approval by the Ministry of Education and three readings of a disposal bylaw by the Greater Victoria School Board. If approved, the Victoria Hospice will then commence any required municipal land-use processes to advance its plans and use for the site.

The Process

The District is committed to creating opportunities for the public to learn more, ask questions and provide feedback regarding the proposed land disposal prior to final consideration by the Board of Education. In planning to help inform the Board's decision-making, the District sought to raise awareness of the potential decision and gather input from the community to identify key considerations, concerns, alternatives and opportunities.

Information was broadly shared with the community starting in October and until late November, when the feedback period concluded. The District and VHS issued a joint media release to connect with the broader public on October 14, 2021. On the same day, letters were hand-delivered to over 500 nearby residential and commercial properties with an invitation to attend the online public information session. Letters/invitations were also sent to the Lansdowne Middle School community (staff and families), Lansdowne feeder schools, the community association the property resides in, Friends of Bowker Creek, the District of Saanich, and Representatives of the Four Houses (Esquimalt First Nation, Songhees First Nation, Métis Nation of Greater Victoria, and Urban Peoples' House Indigenous Advisory).

In addition, signage was posted on the property, inviting people to attend the information session and to start sharing their input with the District via community@sd61.bc.ca. The information session was advertised on the District website, social media, and local community papers.

An online information session was held in November to provide the public more information about the proposed land sale and the District's considerations regarding disposal of surplus lands. The session included a question and answer period. The public also had the opportunity to provide additional feedback via community@sd61.bc.ca between October 14, 2021, and November 24, 2021.

All input sent to the community inbox was responded to and compiled for the purposes of this engagement summary report.

This report outlines engagement activities and summarizes what the District heard through its approved consultation process. Detailed feedback is attached in Appendix F.

For any additional information, visit the District website: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Engagement Timeline

- Raising Awareness – October 14 to November 3, 2021
- Online Information Session (Q & A – Open Dialogue) – November 3, 2021
- Collect written submissions from the public – October 14 to November 24, 2021
- On-site presentation and tour of the property with Bowker Creek Initiative – December 8, 2021
- What We Heard Summary Report to the Board – December, 2021
- Board Meeting to consider land disposal – December 13, 2021

What We Did

Communications and Awareness Efforts

The potential land disposal was broadly communicated to raise awareness and to gather as much input from interested members of the public. Activities included:

- Updates to GVSD website (web content, advertising banner)
- Joint media release to promote disposal, consultation process and information session (resulted in media coverage in the Times Colonist and Community Newspapers)
- Letters to the Four Houses
- Letter to community association: Camosun Community Association with information to share on their website
- Letters delivered to over 500 neighbouring properties
- Letters to Lansdowne Middle School staff and families (approx. 700 families)
- Letters to families in Lansdowne feeder schools
- Frequently Asked Questions posted on website
- Newspaper advertisements (Times Colonist, Victoria News, Saanich News)
- Promotion on social media

Engagement Activities

Public Information Session – Inform/Consult

The online public information session was held on November 3, 2021, to provide an opportunity for the community to learn more, ask questions and provide feedback. Nearly 60 people attended the online session, which included a question and answer period. Representatives from the Victoria Hospice Society were present to answer any questions regarding potential future site plans.

The information session was recorded for all members of the public to review and posted to the website for viewing for those unable to attend the event: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Presentation - Key Topics

Reason for sale of the property	Inform
Use of the proceeds of disposal <ul style="list-style-type: none"> • Future capital projects • Deferred maintenance 	Inform
Projected enrolment/capacity in the District <ul style="list-style-type: none"> • Students per acre • Surplus land • Enrolment projections 	Inform
Seismic Program – upgrades required for Greater Victoria schools	Inform

Future use of land <ul style="list-style-type: none"> • impact on educational programs and community use of school buildings 	Inform
Question and Answer Period <ul style="list-style-type: none"> • Please share your feedback on the overall plan to dispose on land • Are there any other important considerations? • Any additional information required? 	Consult

Written Submissions – Consult

Open-ended written submissions were welcomed to obtain feedback on the proposed decision. Emails and letters submitted to the District are included in the engagement summary package. All feedback submitted is attached in Appendix G.

An FAQ was posted to the District’s website for questions that frequently occurred. All questions regarding potential future development and processes need to be referred to the prospective purchaser, the Victoria Hospice Society.

What We Heard

Key Themes

In support of land disposal:

- Some supporters shared stories of how they witnessed Victoria Hospice provide end of life care to dying patients and grieving families, and testified how it is a worthy organization to support.
- Other supporters shared how the Victoria Hospice Society has been seeking a new home for a Centre of Excellence for years and how this could finally provide additional services to the community.
- Supporters saw the proposed land sale as an opportunity for the community to work together for a better future for all. Some described it as a gift that fosters community connection.
- Members from the Victoria Hospice Board wrote in expressing how the property is excellent for their determined use and that they appreciate the important watershed. They outlined how they would be working with consultants, including a biologist to improve and restore the creek and surrounding area.

In opposition of land disposal:

- Reminders that the previous Greater Victoria School Board supported the Bowker Creek Blueprint: 100 Year Vision in March 2018.
- There were concerns that the region is prone to significant flooding and the land along the creek needs to be protected to create flood abatement areas to provide flooding in Saanich, Victoria and Oak Bay. Others explained drainage issues and how a dry pond would mitigate this issue.

- There were concerns that the full consideration of the unique ecological qualities of this parcel of land may be overlooked. Some asked for an extension of public consultation so all environmental factors could be considered.
- There were many requests for the District to help restore Bowker Creek and preserve green space in the region.
- Some asked that the land sale not proceed until the preservation and restoration of Bowker Creek is made a top priority.
- Some individuals expressed concern disposing of school lands because it is difficult to replace and may be required in the future.

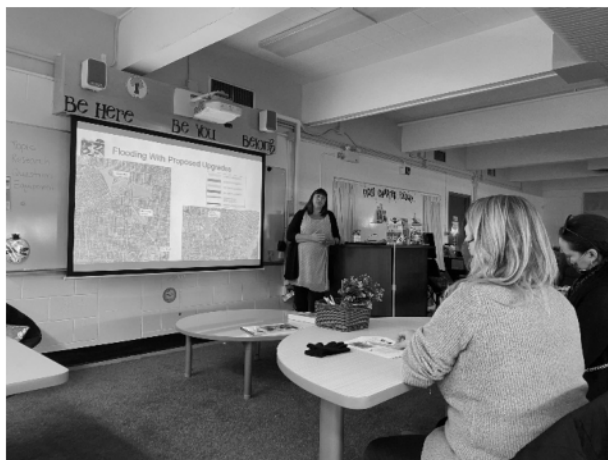
Neutral – Important considerations prior to selling:

- Some shared environmental considerations and the protection and restoration of Bowker Creek must be included in the planning.
- Some people expressed that there is an opportunity for the District to lead by example and collaborate with parties in the region to help build flood abatement areas.
- Others communicated how there are invaluable opportunities to learn more about Bowker Creek through the restoration process that will provide educational opportunities for both students and community; similar to what took place during the seismic upgrade at Oak Bay High.

On-Site Visit

Responsive to feedback from the public information session, a meeting with the Bowker Creek Initiative, Greater Victoria School District, and Victoria Hospice Society was organized.

On December 8, 2021, four SD61 Trustees and staff, alongside representatives from Victoria Hospice, District of Saanich, and Friends of Bowker Creek gathered for a presentation and discussion with the Bowker Creek Initiative to learn more about the important watershed. Following the presentation, the group moved outside for a tour of the creek.



Next Steps

All of the input collected in this process is being shared with the Board of Education to help inform their decision on the future use of land at Lansdowne Middle School - South Campus.

Appendix

- A. Media Release
- B. Media Coverage
- C. Advertisements
- D. District Website
- E. Presentation
- F. Feeder School Projections
- G. Correspondence





Thursday, October 14, 2021

Victoria Hospice Society to purchase property from Greater Victoria School District

VICTORIA, BC – The Greater Victoria School District has entered into an agreement to potentially sell 1.9 acres of land south of Lansdowne Middle School to the Victoria Hospice Society for \$2.5 million. The triangular-shaped property is adjacent to the south campus of Lansdowne Middle School, formerly Richmond Elementary School.

The land sale is subject to approval by the Ministry of Education and three readings of a disposal bylaw by the Greater Victoria School Board. If approved, the property would be used as a new Centre of Excellence for Victoria Hospice, with space for expanded services including grief support, community education, and practical programs for people on their end-of-life journey – from those diagnosed with a life-limiting illness to those who are bereaved.

For over 40 years, Victoria Hospice has provided quality end-of-life care for people in Greater Victoria.

“The demand for end-of-life care programs and services is growing,” says Kevin Harter, CEO. “Victoria Hospice must adapt and expand to ensure we can continue to meet the needs of our community. This agreement with SD61 is an important step in realizing our goals.”

The proceeds from the sale of the surplus lands will provide funding to renovate and replace existing Greater Victoria schools, including advancing net zero energy buildings and other energy efficient strategies: key components of the District’s approved climate action resolution.

“We will be pleased if this land can be utilized for greater community benefit while flowing dollars directly back into improving our facilities for students and staff,” said Ann Whiteaker, Board Chair. “The District needs to make significant capital investments to minimize our environmental impact. Over the short term and long term, we have schools that will require significant upgrades—and we need to start allocating dollars now to fund carbon neutral schools.”

The public can learn more online or attend the online information session planned for November 3, 2021. For more details visit: www.sd61.bc.ca.

If approved by the Ministry of Education and the Board, the Victoria Hospice Society would then commence the land-use approval and corresponding public engagement processes required by the District of Saanich to advance its plans for the property.

-30-

Media Contacts:

Lisa McPhail

Communications and Community Engagement
Greater Victoria School District No. 61
250.475.4103
www.sd61.bc.ca

Jen Cooper
Communications & Marketing Manager
Victoria Hospice Society
250.217.8779
www.victoriahospice.org

One *Learning* Community



Appendix B – Media Coverage

Victoria News – Second chunk of Lansdowne school land set to be sold to Victoria Hospice Society

<https://www.saanichnews.com/news/second-chunk-of-lansdowne-school-land-set-to-be-sold-to-victoria-hospice-society/>

Times Colonist – Hospice can buy land from Greater Victoria School District

<https://www.timescolonist.com/local-news/hospice-can-buy-land-from-greater-victoria-school-district-4692756>



The Victoria Hospice Society is hoping to build a new space for grief support, education and end-of-life programs on a 1.9-acre piece of the Lansdowne Middle School south campus land. (Photo courtesy Greater Victoria School District)

Second chunk of Lansdowne school land set to be sold to Victoria Hospice Society

\$2.5 million sale waiting on Ministry of Education, school board approval

VICTORIA NEWS STAFF / Oct. 14, 2021 4:00 p.m. / LOCAL NEWS / NEWS



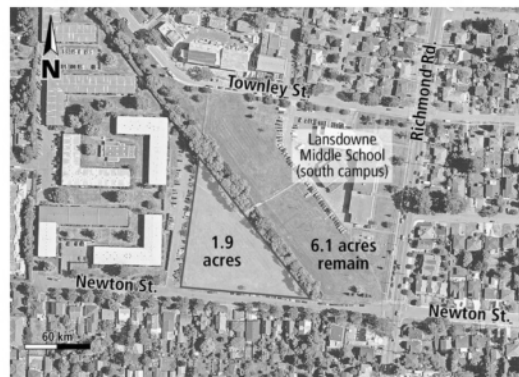
A 1.9-acre portion of the eight-acre Lansdowne Middle School south campus land may soon house an end-of-life support centre, if a \$2.5-million sale is

Home > Local News

Hospice can buy land from Greater Victoria School District

The Greater Victoria School District has an agreement to potentially sell 0.8 hectare of land adjacent to the south campus of Lansdowne Middle School — formerly known as Richmond Elementary School — to the Victoria Hospice Society for \$2.5 million.

Jeff Bell
Oct 14, 2021 2:58 PM



Map of Victoria Hospice property purchase at Lansdowne Middle School.

The Greater Victoria School District has an agreement to potentially sell 0.8 hectare of land adjacent to the south campus of Lansdowne Middle School — formerly known as Richmond

Appendix C – Advertisements

Advertisements ran October 27, 2021 in Saanich and Victoria News.

Advertisements ran October 27, 2021 and November 2, 2021 in the Times Colonist.

Greater VICTORIA School District

Proposed Disposal of School District Land

The Greater Victoria School District is considering the sale of 1.9 acres of land at Lansdowne Middle School - South Campus.

The sale would allow SD61 to fund future capital projects, address aging infrastructure, and provide the Victoria Hospice Society with land for a new Centre of Excellence.

Learn more about the proposed land sale at an online information session:
Wednesday, November 3, 2021
 6:30 p.m. - 8:00 p.m.

For the information session details, visit:
www.sd61.bc.ca

www.sd61.bc.ca f t @sd61schools

One Learning Community

Appendix D – District Web Banner

**This was advertised on the front page of the District website from October 14 to December 8, 2021.*

Weather update: All schools are open today!

All schools in the Greater Victoria School District are OPEN today (Dec. 6th, 2021). All buses are running.

Proposed Land Disposal

The District is considering the sale of 1.9 acres of land at Lansdowne Middle School - South Campus.

[More details >](#)

Join us on social media: t f in y

News

Board of Education Meeting Highlights - November 2021

Upcoming Events

Operations Policy and Planning Committee
 December 6, 2021

Tweets by @sd61schools

Greater Victoria SD
 @sd61schools
 All schools in the Greater Victoria School

Lansdowne (South) Land Disposal

Date: November 3, 2021
Presented to: Public Information Meeting
Presented by: Kim Morris, Secretary-Treasurer
Chuck Morris, Director of Facilities Services

Tonight's Events

- 6:30 **Acknowledgement of Traditional Territories**
Welcome & Introductions
- 6:40 **Presentation**
- 7:00 **Question & Answer**
- 7:30 **Closing Remarks**



Introductions

- **Trustees**
- **Senior Staff**
- **Victoria Hospice Society**
- **Municipal Partners**

Overview

- **The Proposal:**
 - Land sale from SD61 to Victoria Hospice Society
 - Lansdowne Middle School South Campus where approximately 233 Grade 6 students attend
 - 1.9 acres of the 8 acres at school site
 - \$2.5 million
- **The Purpose:**
 - SD61: Capital reserves for future capital upgrades
 - Vic Hospice: continuation and improvement of community service

A sale of lands between a public school district and a third party requires Ministry of Education approval.

Background

- **Vic Hospice approached SD61 about the parcel as it looked to relocate/expand**
- **SD61 Board discussed open market or partner**
- **SD61 and Vic Hospice entered into a purchase and sale agreement**
- **SD61's "subject to's":**
 - 3 readings of a Board disposal bylaw
 - Ministry of Education approval
- **So while an agreement has been signed, there are two major steps to finalize the deal**

South Lansdowne Site



Middle Schools– Current Acres

Acres Largest to Smallest (Current)	Enrolment	Acres	Hectares	Students
				per Acre
Lansdowne North (post CSF disposal)	488	17.9	7.2	27.26
Colquitz Middle	516	12.9	5.2	40.16
Cedar Hill Middle	508	10.6	4.3	47.79
Glanford Middle	342	10.1	4.1	33.76
Arbutus Middle	421	9.9	4.0	42.61
Shoreline	360	9.6	3.9	37.34
Gordon Head Middle	317	9.4	3.8	33.76
Rockheights Middle	215	8.2	3.3	26.38
Lansdowne South (former Richmond Elementary)	233	8.0	3.2	29.13
Central Middle	511	5.8	2.4	87.65
Monterey Middle	404	5.7	2.3	71.13

Data - October 27, 2021

Lansdowne South/Richmond Disposal to vic Hospice

CURRENT

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Data -

Lansdowne Disposal

POST SALE OF 1.9 ACRES TO VIC HOSPICE

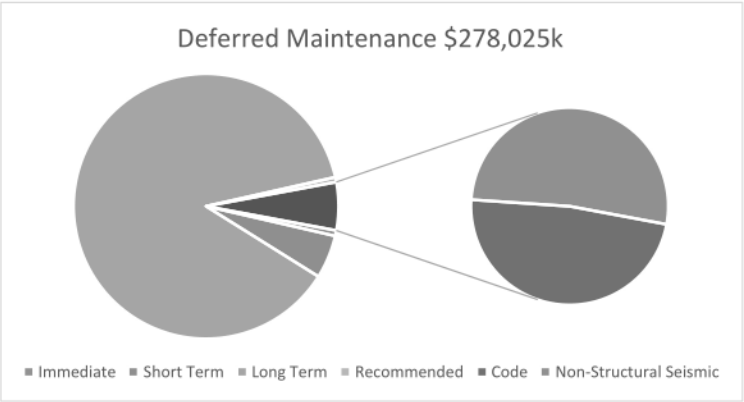
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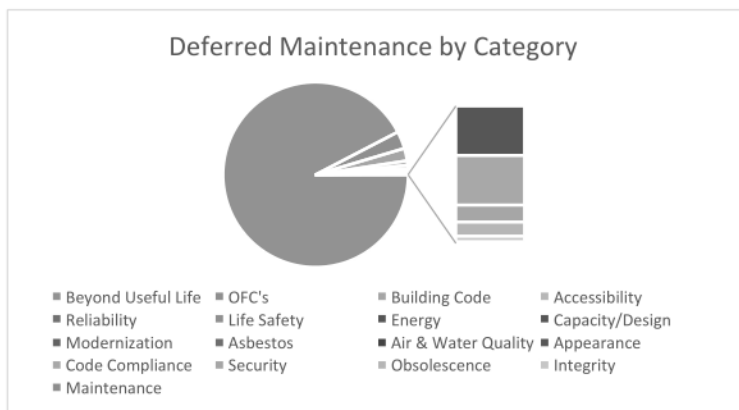
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0.00 to 0.05	Excellent
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0.15 to 0.30	Average
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0.60 and above	Very Poor

Priority	Cost (k)
Immediate	1,868
Short Term	14,728
Long Term	243,474
Recommended	1,667
Code	7,840
Non-Structural Seismic	8,448
Total	278,025

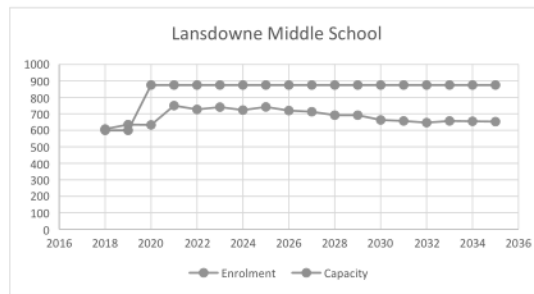


Category	Cost (k)
Beyond Useful Life	256,755
OFC's	8,448
Building Code	6,018
Accessibility	2,219
Reliability	1,628
Life Safety	1,275
Energy	528
Capacity/Design	424
Modernization	266
Asbestos	251
Air & Water Quality	116
Appearance	35
Code Compliance	35
Security	12
Obsolescence	10
Integrity	4
Maintenance	1
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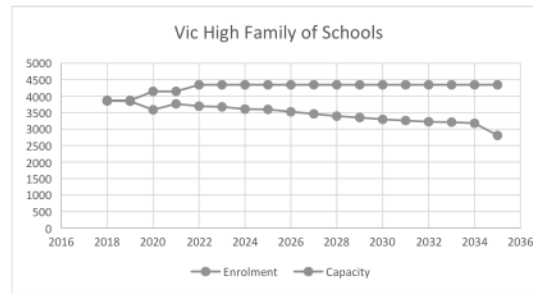
Lansdowne Middle School (with Richmond Elementary as Lansdowne South)

Year	Enrolment	Capacity	Seats Available	Capacity Utilization	Unutilized Capacity
2018	608	600	(8)	101%	-1%
2019	635	600	(35)	106%	-6%
2020	633	875	242	72%	28%
2021	721	875	154	82%	18%
2022	727	875	148	83%	17%
2023	741	875	134	85%	15%
2024	723	875	152	83%	17%
2025	742	875	133	85%	15%
2026	720	875	155	82%	18%
2027	713	875	162	81%	19%
2028	692	875	183	79%	21%
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2030	663	875	212	76%	24%
2031	657	875	218	75%	25%
2032	647	875	228	74%	26%
2033	657	875	218	75%	25%
2034	655	875	220	75%	25%
2035	653	875	222	75%	25%



Vic High Family of Schools

Year	Enrolment	Capacity	Seats Available	Capacity Utilization	Unutilized Capacity
2018	3858	3870	12	100%	0%
2019	3845	3870	25	99%	1%
2020	3586	4145	559	87%	13%
2021	3683	4145	462	89%	11%
2022	3696	4345	649	85%	15%
2023	3675	4345	670	85%	15%
2024	3607	4345	738	83%	17%
2025	3599	4345	746	83%	17%
2026	3525	4345	820	81%	19%
2027	3463	4345	882	80%	20%
2028	3394	4345	951	78%	22%
2029	3352	4345	993	77%	23%
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2031	3259	4345	1086	75%	25%
2032	3223	4345	1122	74%	26%
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2021-22

Vic High	697
Central	511
Lansdowne	724
George Jay	450
James Bay	174
Oaklands	505
Sir James	457
South Park	165
Total	3683

Middle Schools– Current Students/Acre

Students per Acre Smallest to Largest (Current)	Students			
	Enrolment	Acres	Hectares	per Acre
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Data - October 27, 2021

Lansdowne South/Richmond Disposal to vic Hospice

CURRENT

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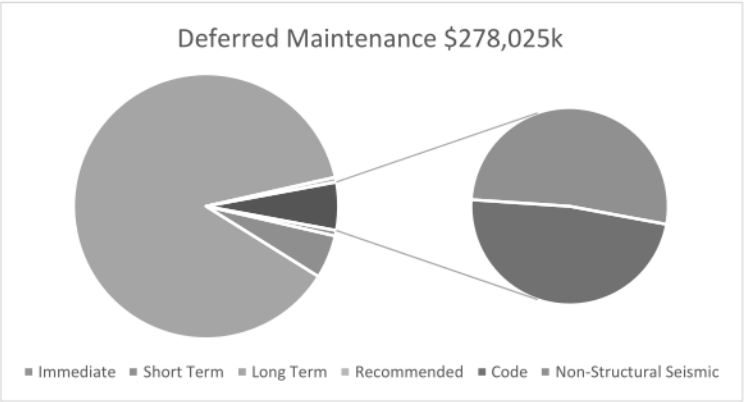
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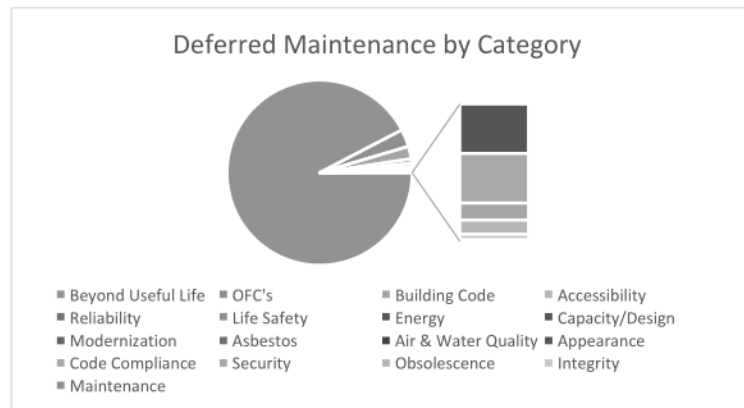
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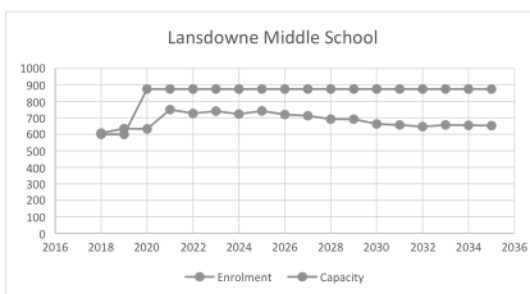


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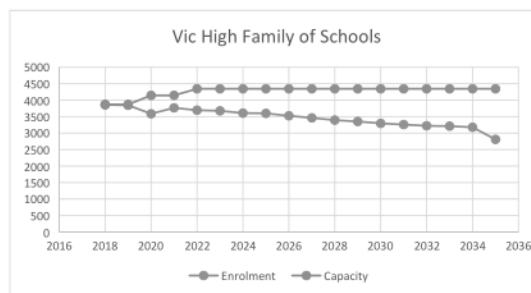
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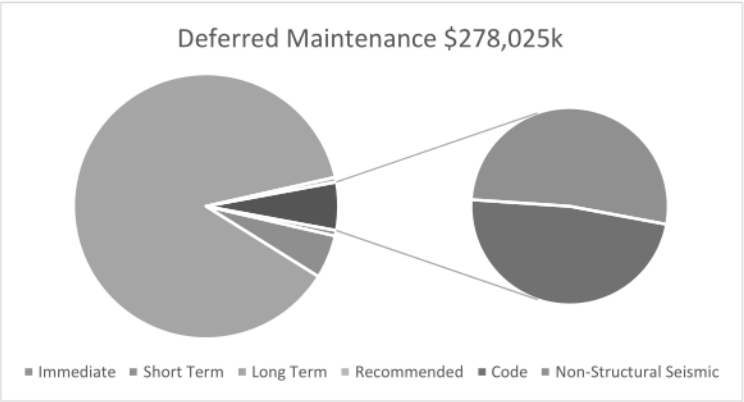
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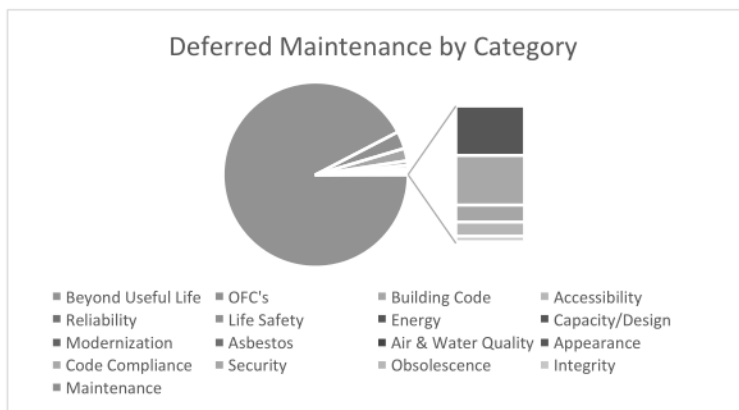
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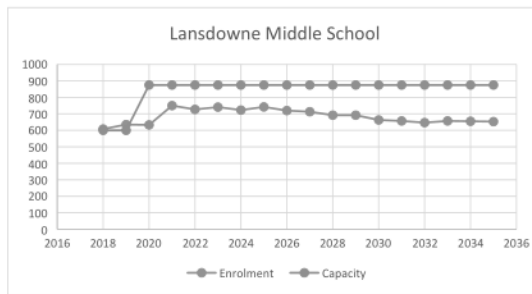


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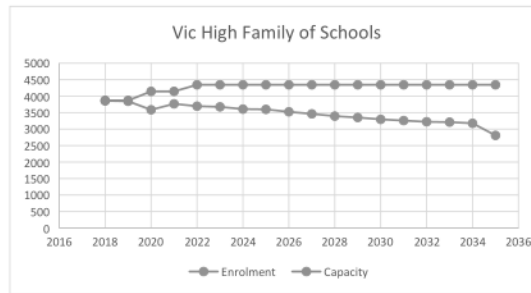
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Lansdowne	724
George Jay	450
James Bay	174
Oaklands	505
Sir James	457
South Park	165
Total	3683

Middle Schools– Post Students/Acre

Students per Acre Smallest to Largest (Post Disposal)	Enrolment	Acres	Hectares	Students per Acre
Rockheights Middle	215	8.2	3.3	26.38
Lansdowne North (post CSF disposal)	488	17.9	7.2	27.26
Gordon Head Middle	317	9.4	3.8	33.76
Glanford Middle	342	10.1	4.1	33.76
Shoreline	360	9.6	3.9	37.34
Lansdowne South (former Richmond Elementary)	233	6.1	3.2	38.20
Colquitz Middle	516	12.9	5.2	40.16
Arbutus Middle	421	9.9	4.0	42.61
Cedar Hill Middle	508	10.6	4.3	47.79
Monterey Middle	404	5.7	2.3	71.13
Central Middle	511	5.8	2.4	87.65

Data - October 27, 2021

Lansdowne South/Richmond Disposal to vic Hospice

CURRENT

Acres Largest to Smallest (Current)	Enrolment	Acres	Hectares	Students per Acre
Lansdowne North (post CSF disposal)	488	17.9	7.2	27.26
Colquitz Middle	516	12.9	5.2	40.16
Cedar Hill Middle	508	10.6	4.3	47.79
Glanford Middle	342	10.1	4.1	33.76
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Monterey Middle	404	5.7	2.3	71.13
Central Middle	511	5.8	2.4	87.65

Data -

Lansdowne Disposal

POST SALE OF 1.9 ACRES TO VIC HOSPICE

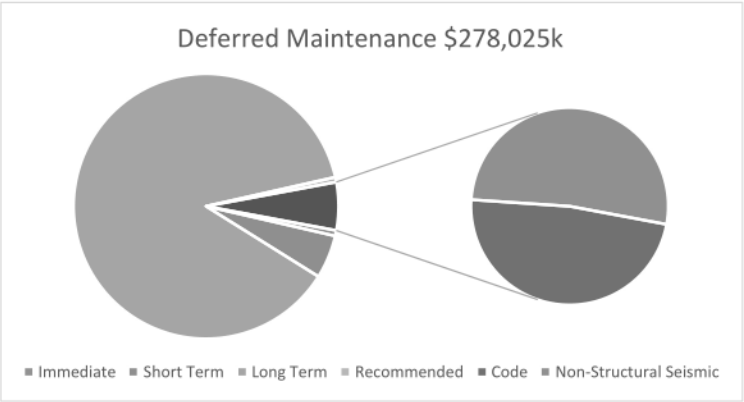
Acres Largest to Smallest (Post Disposal)	Enrolment	Acres	Hectares	Students per Acre
Lansdowne North (post CSF disposal)	488	17.9	7.2	27.26
Colquitz Middle	516	12.9	5.2	40.16
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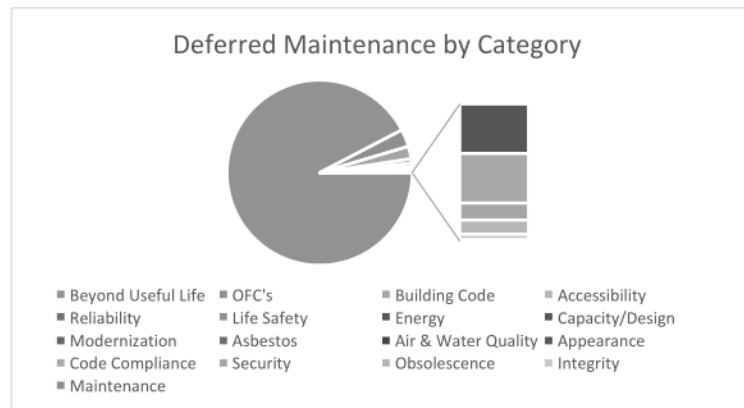
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Range	Condition
0.00 to 0.05	Excellent
0.05 to 0.15	Good
0.15 to 0.30	Average
0.30 to 0.60	Poor
0.60 and above	Very Poor

Priority	Cost (k)
Immediate	1,868
Short Term	14,728
Long Term	243,474
Recommended	1,667
Code	7,840
Non-Structural Seismic	8,448
Total	278,025

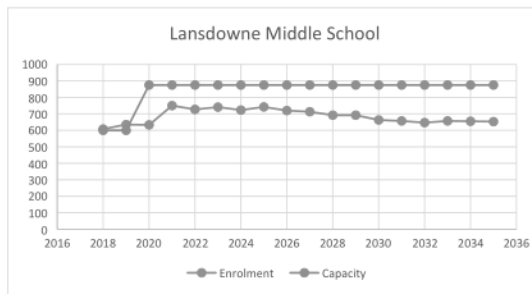


Category	Cost (k)
Beyond Useful Life	256,755
OFC's	8,448
Building Code	6,018
Accessibility	2,219
Reliability	1,628
Life Safety	1,275
Energy	528
Capacity/Design	424
Modernization	266
Asbestos	251
Air & Water Quality	116
Appearance	35
Code Compliance	35
Security	12
Obsolescence	10
Integrity	4
Maintenance	1
Total	278,025



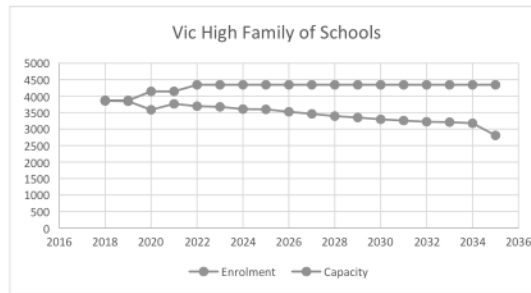
Lansdowne Middle School (with Richmond Elementary as Lansdowne South)

Year	Enrolment	Capacity	Seats Available	Capacity Utilization	Unutilized Capacity
2018	608	600	(8)	101%	-1%
2019	635	600	(35)	106%	-6%
2020	633	875	242	72%	28%
2021	721	875	154	82%	18%
2022	727	875	148	83%	17%
2023	741	875	134	85%	15%
2024	723	875	152	83%	17%
2025	742	875	133	85%	15%
2026	720	875	155	82%	18%
2027	713	875	162	81%	19%
2028	692	875	183	79%	21%
2029	692	875	183	79%	21%
2030	663	875	212	76%	24%
2031	657	875	218	75%	25%
2032	647	875	228	74%	26%
2033	657	875	218	75%	25%
2034	655	875	220	75%	25%
2035	653	875	222	75%	25%



Vic High Family of Schools

Year	Enrolment	Capacity	Seats Available	Capacity Utilization	Unutilized Capacity
2018	3858	3870	12	100%	0%
2019	3845	3870	25	99%	1%
2020	3586	4145	559	87%	13%
2021	3683	4145	462	89%	11%
2022	3696	4345	649	85%	15%
2023	3675	4345	670	85%	15%
2024	3607	4345	738	83%	17%
2025	3599	4345	746	83%	17%
2026	3525	4345	820	81%	19%
2027	3463	4345	882	80%	20%
2028	3394	4345	951	78%	22%
2029	3352	4345	993	77%	23%
2030	3296	4345	1049	76%	24%
2031	3259	4345	1086	75%	25%
2032	3223	4345	1122	74%	26%
2033	3212	4345	1133	74%	26%
2034	3177	4345	1168	73%	27%
2035	2809	4345	1536	65%	35%

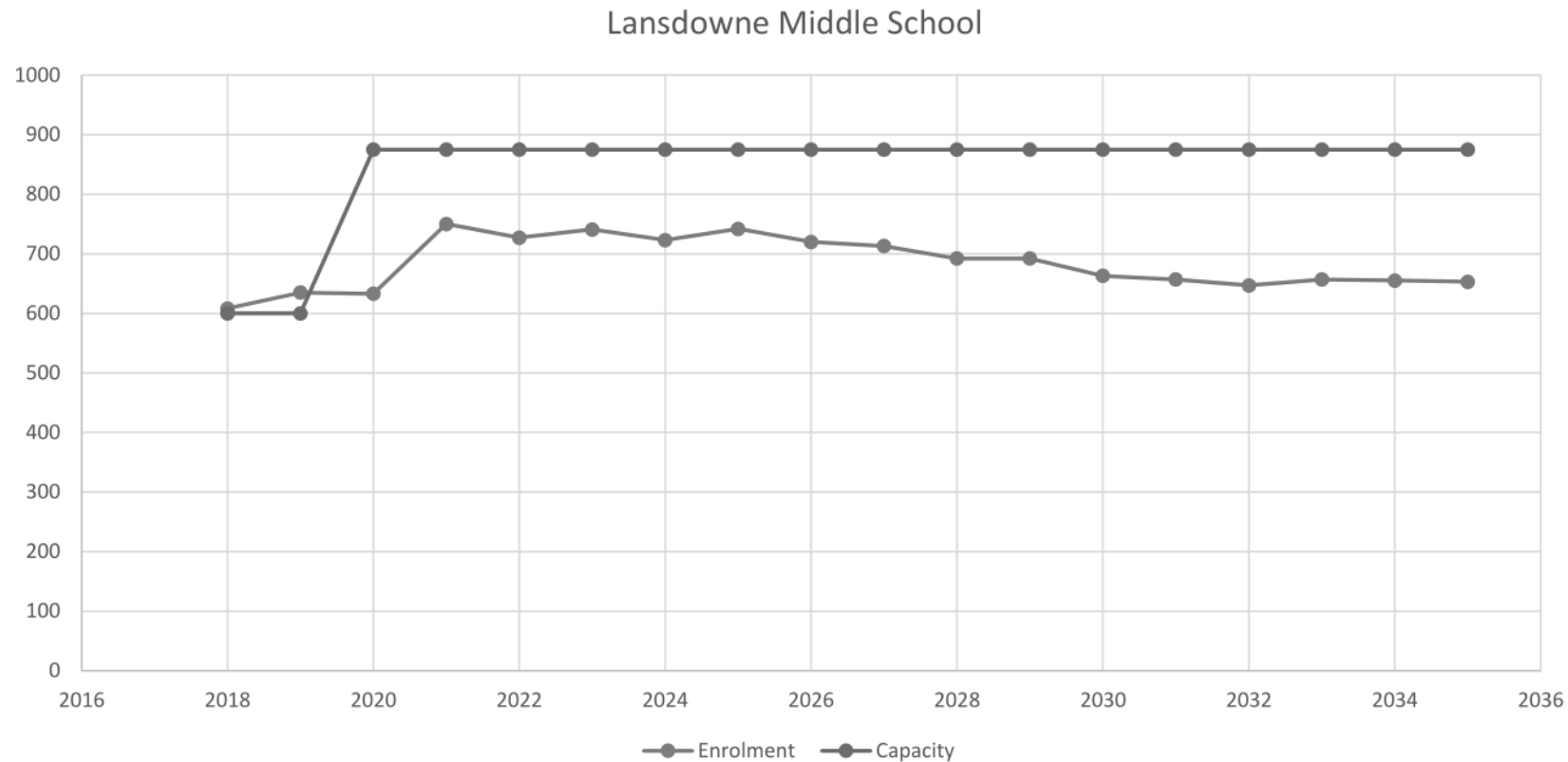


2021-22

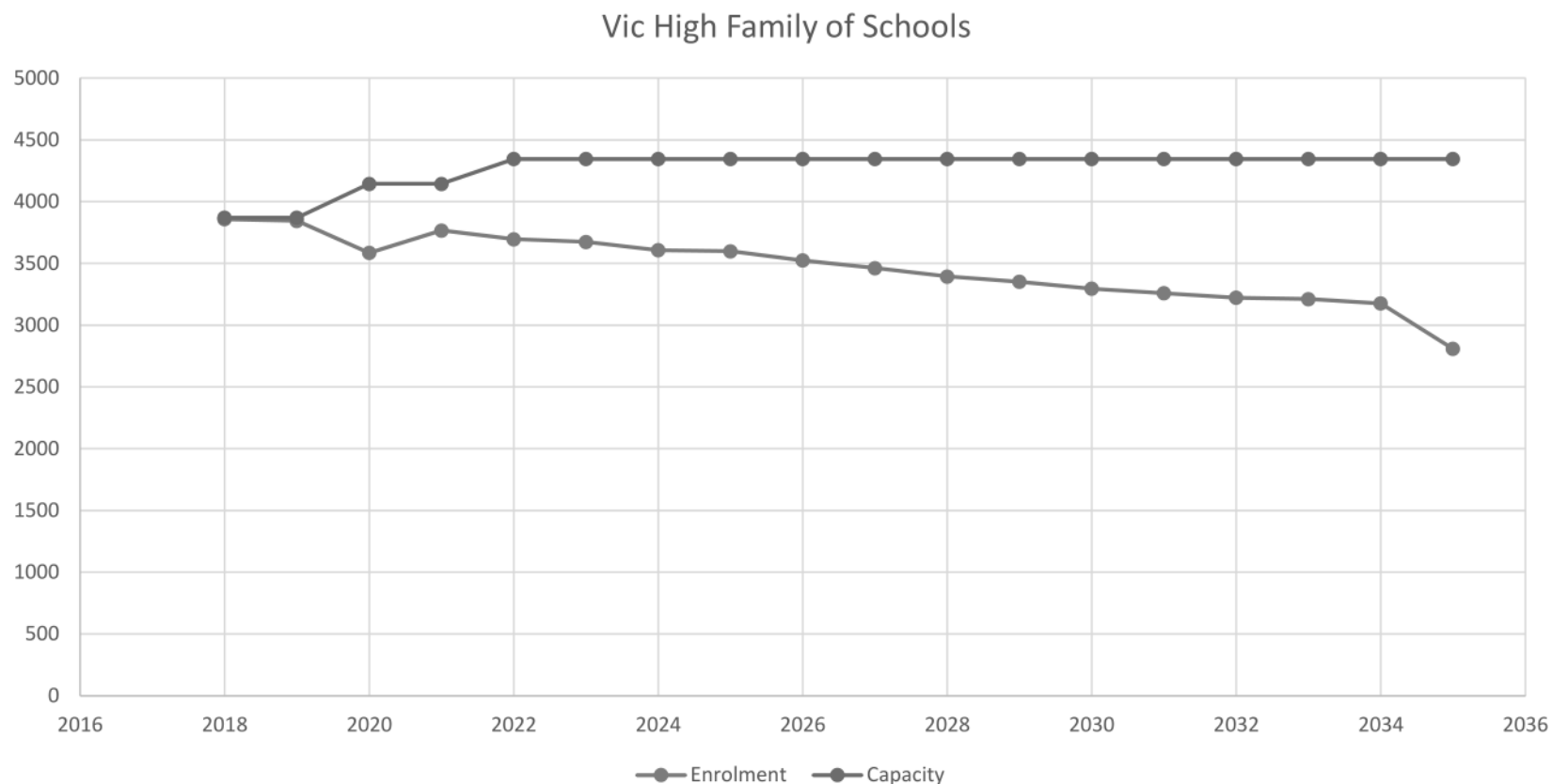
Vic High	697
Central	511
Lansdowne	724
George Jay	450
James Bay	174
Oaklands	505
Sir James	457
South Park	165
Total	3683

Enrolment & Capacity

Enrolment



Enrolment– Family of Schools



Proceeds

\$2.5 million	
25% Local Capital	\$0.625m
75% Shareable Capital	\$1.875m

Proceeds from the \$2.5 million sale of the land will partially fund future capital upgrades or new construction for SD61 schools.

Local Capital vs. Shareable Capital

Treatment of Proceeds from Land Disposal/Sale		
	Local Capital	Shared Capital
Purpose	Purchase of land, buildings, vehicles, furniture & equipment, computer hardware and software over \$5,000	Purchase of land, buildings, vehicles, furniture & equipment, computer hardware and software over \$5,000
General Use	Minor or major renovation to buildings, purchase of computer hardware and software, furniture & equipment and vehicles	Land acquisition, major capital upgrades, especially where District chooses a more expensive option than the MOE suggests (Ile Vic High renovation vs new build)
% of proceeds	25%	75%
Trigger to spend	Board Motion	Board Motion and Ministry Approval
Ability to spend on operating expenses	No	No

Major Capital Projects

- **Ministry requires District funding**
 - Vic High Seismic Upgrade and Expansion
 - \$2.6m bridge for more expensive option (upgrade vs replacement)
 - Cedar Hill Middle School Seismic Replacement
 - \$3.6m bridge for more expensive option (replacement vs upgrade)
 - Carbon Neutrality?
 - June 2019 Board Climate Emergency Motion
 - Clean BC Government Buildings Program 2032
 - \$2.5m (est.) to build neutral



Enrolment: SD61



Important Considerations

The District has to consider many factors when reviewing school boundaries. Important considerations include but are not limited to:



• 2018 Boundary Review

- Increasing enrolment
- Capacity pressure – not enough room for students
- Re-alignment of boundaries
- Re-balance school populations
- Provide additional spaces

Victoria Hospice Society

- Victoria Hospice has provided quality end-of-life care for over 40 years.
- The demand for palliative and hospice programs and services is growing. This new site would allow space for Victoria Hospice to expand services like grief support, community education, and practical programs for people on their end-of-life journey.
- Victoria Hospice must adapt and expand to continue to meet the needs of our community.
- This agreement is an important step in realizing Victoria Hospice's strategic goals.

Capital Planning Principles

- Safety
- Enrolment and Capacity
- Existing Building Condition
- Climate
- Learning Environments
- Funding Categories Available
- Student Transportation



Seismic Program

BC Seismic Mitigation Program

- All SD61 schools assessed in 2018
- 15 schools in SD61 are H1

H1 High Risk

- Most vulnerable structure
- Highest risk of widespread damage or structural failure
- Not repairable after event
- Structural and non-structural seismic upgrades required



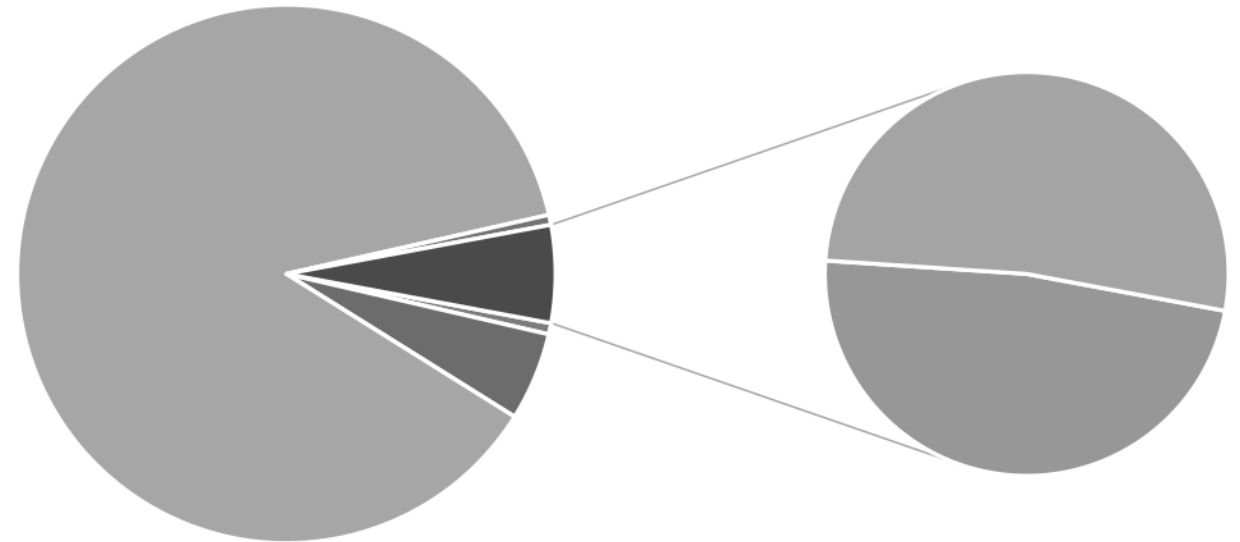
Deferred Maintenance

- Aging infrastructure
- Factor in Facility Condition Index (FCI)
- Cost of all future repairs and system replacement, and when
- Used for capital planning
- Used for budgeting annual maintenance
- All SD61 buildings are audited on a 3-5 year cycle
- Ministry of Education contractor performs audits

Deferred Maintenance - Priority

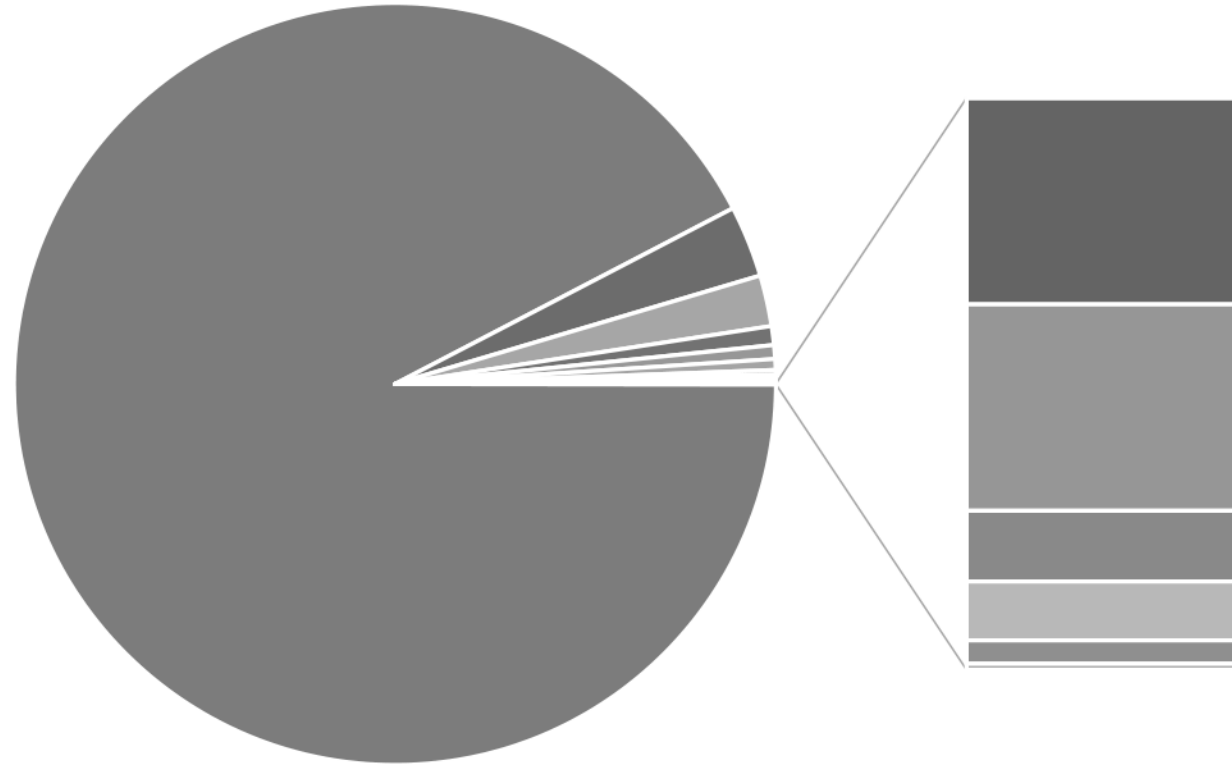
Deferred Maintenance \$278,025k

Priority	Cost (k)
Immediate	1,868
Short Term	14,728
Long Term	243,474
Recommended	1,667
Code	7,840
Non-Structural Seismic	8,448
Total	278,025



■ Immediate ■ Short Term ■ Long Term ■ Recommended ■ Code ■ Non-Structural Seismic

Deferred Maintenance - Category



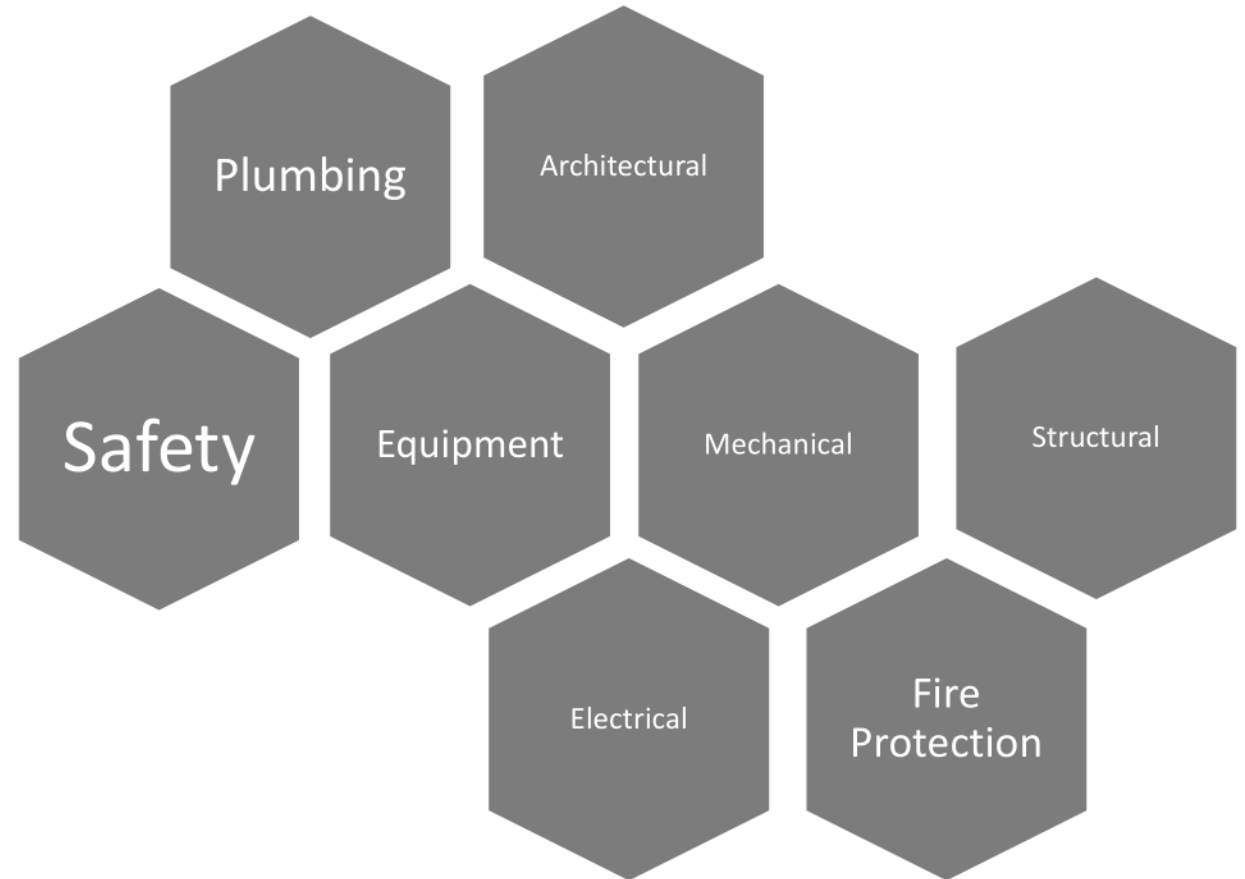
- Beyond Useful Life
- Energy
- Code Compliance
- OFC's
- Capacity/Design
- Security
- Building Code
- Modernization
- Obsolescence
- Accessibility
- Asbestos
- Integrity
- Reliability
- Air & Water Quality
- Maintenance
- Life Safety
- Appearance

Facility Condition Index

- Facility audits 3-5 year rotating cycle
- Determines condition
- Lower FCI the better the condition
- School District Capital and Budget Planning

Facility Condition Index

Range	Condition
0.00 to 0.05	Excellent
0.05 to 0.15	Good
0.15 to 0.30	Average
0.30 to 0.60	Poor
0.60 and above	Very Poor



FCI Over 0.5

Cedar Hill Middle	76%
Sundance Elementary	76%
Lambrick Park Secondary	62%
Arbutus Middle	60%
James Bay Community Elementary	60%
Frank Hobbs Elementary	59%
Torquay Elementary	56%
Shoreline Community Middle	56%
Reynolds Secondary	56%
Garage and Storage (Mntce. Shops)	55%
Craigflower Elementary	52%
Distribution Centre (Mntce. Shops)	52%
Marigold Elementary	52%

"october 2021	
CAMPUSNAME	AVERAGEFCI
Cedar Hill Middle	76%
Sundance Elementary	76%
Lambrick Park Secondary	62%
Arbutus Middle	60%
James Bay Community Elementary	60%
Frank Hobbs Elementary	59%
Torquay Elementary	56%
Shoreline Community Middle	56%
Reynolds Secondary	56%
Garage and Storage (Mntce. Shops)	55%
Craigflower Elementary	52%
Distribution Centre (Mntce. Shops)	52%
Marigold Elementary	52%
Macaulay Elementary	48%
Spectrum Community Secondary	47%
Lake Hill Elementary	46%
S J Willis Education Centre	46%
View Royal Elementary	45%
Board Office Tolmie	44%
Hillcrest Elementary	43%
Esquimalt High School	42%
Doncaster Elementary	42%
Uplands Elementary	41%
McKenzie Elementary	40%
South Park Elementary	40%
Victoria Secondary	39%
Strawberry Vale Elementary	39%
Lampson Elementary	39%
Campus View Elementary	38%
Tillicum Elementary	37%
Margaret Jenkins Elementary	37%
Lansdowne Middle	37%
SD 61 Maintenance Shops & Office	37%
Northridge Elementary	36%
Richmond Elementary	36%
Victoria West Elementary	34%
Cloverdale Elementary	33%
Dean Heights Alternate	32%
Victor School	32%
Willows Elementary	30%
Glanford Middle	29%
Rogers Elementary	29%
Quadra Hub	28%
Rockheights Middle	28%
Gordon Head Middle	27%
Monterey Middle	24%
Sir James Douglas Elementary	23%
Braefoot Elementary	23%
George Jay Elementary	23%
Oaklands Elementary	23%
Mount Douglas Secondary	23%
Quadra Elementary	20%
Colquitz Middle	16%
Burnside Community	13%
Eagle View Elementary	12%
Central Middle School	6%
Oak Bay Secondary	3%

Apr-21

Greater Victoria	Cedar Hill Middle	0.84		
Greater Victoria	Arbutus Middle	0.79		
Greater Victoria	Torquay Elementary	0.73		
Greater Victoria	Frank Hobbs Elementary	0.71		
Greater Victoria	Macaulay Elementary	0.63		
Greater Victoria	Hillcrest Elementary	0.63		
Greater Victoria	Campus View Elementary	0.63		
Greater Victoria	Reynolds Secondary	0.61		
Greater Victoria	Lambrick Park Secondary	0.60		
Greater Victoria	Garage and Storage (Mntce. Shops)	0.58		
Greater Victoria	Shoreline Community Middle	0.57		
Greater Victoria	Sir James Douglas Elementary	0.55		
Greater Victoria	Marigold Elementary	0.54		
Greater Victoria	Mount Douglas Secondary	0.54		
Greater Victoria	Craigflower Elementary	0.54		
Greater Victoria	James Bay Community Elementary	0.54		
Greater Victoria	Distribution Centre (Mntce. Shops)	0.54		
Greater Victoria	Margaret Jenkins Elementary	0.53		
Greater Victoria	Victor School	0.53		
Greater Victoria	Cloverdale Elementary	0.52		
Greater Victoria	Victoria West Elementary	0.51	>.50	21 sites

Macaulay Elementary	48%
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Victoria Secondary	39%
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Lampson Elementary	39%
Campus View Elementary	38%
Tillicum Elementary	37%
Margaret Jenkins Elementary	37%
Lansdowne North (Main)	37%
SD 61 Maintenance Shops & Office	37%
Northridge Elementary	36%
Lansdowne South (Richmond)	36%
Victoria West Elementary	34%

Cloverdale Elementary	33%
Dean Heights Alternate	32%
Victor School	32%
Willows Elementary	30%
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Sundance Elementary	76%
Lambrick Park Secondary	62%
Arbutus Middle	60%
James Bay Community Elementary	60%
Frank Hobbs Elementary	59%
Torquay Elementary	56%
Shoreline Community Middle	56%
Reynolds Secondary	56%
Garage and Storage (Mntce. Shops)	55%
Craigflower Elementary	52%
Distribution Centre (Mntce. Shops)	52%
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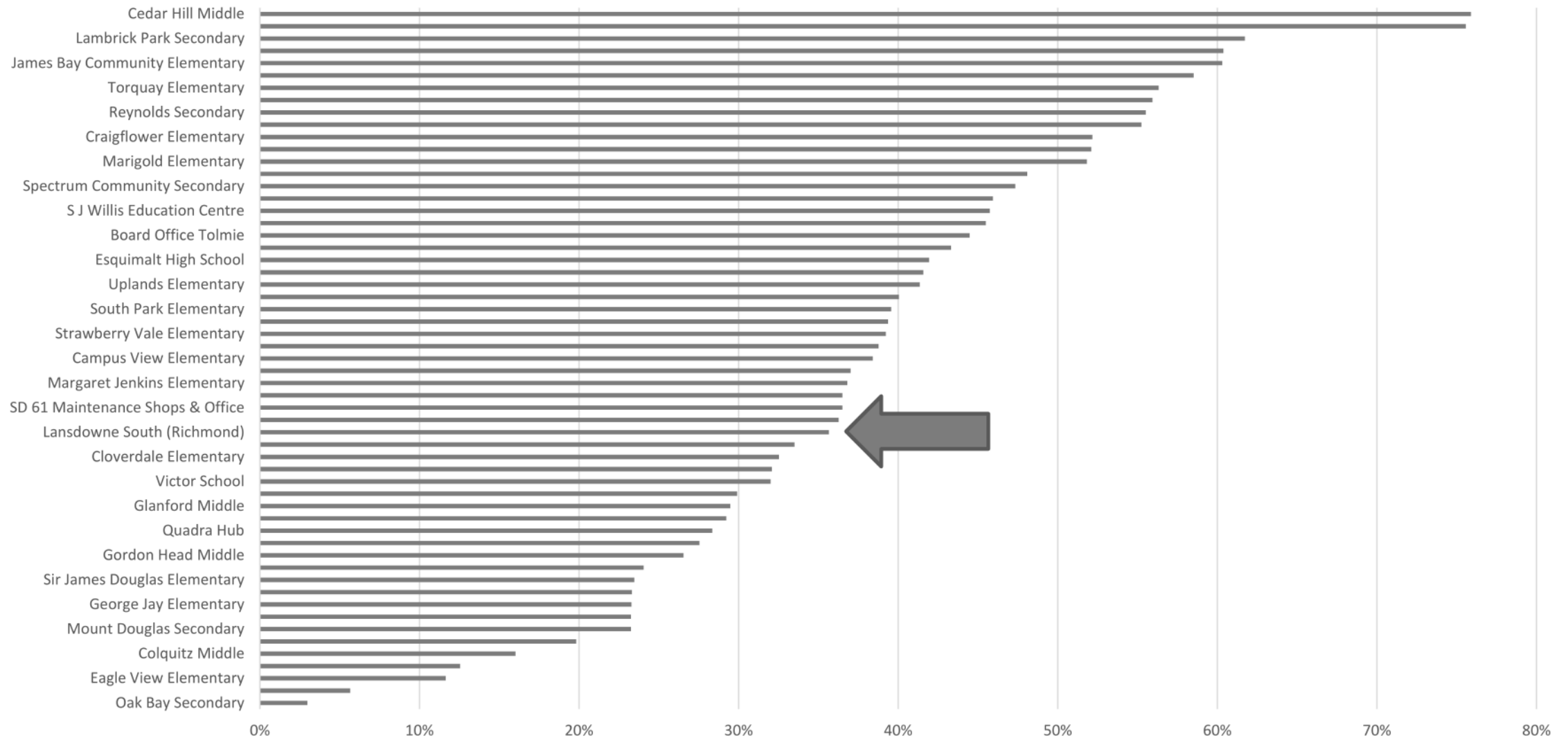
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Greater Victoria	Victor School	0.53		
Greater Victoria	Cloverdale Elementary	0.52		
Greater Victoria	Victoria West Elementary	0.51	>.50	21 sites

SD61 Facility Condition Index



Next steps

- Once public consultation has concluded, the Greater Victoria School District Board will give final consideration to the disposal of the Lansdowne lands to Victoria Hospice Society by three readings of a disposal bylaw.
- Application will be made to the Ministry of Education for permission to dispose.
- If approved, Victoria Hospice will then commence the municipal land-use process to rezone and subdivide the property.
- Capital planning will continue and projects will be identified for coming year.

Key Dates

Action	
27-Sep	Purchase & Sale Agreement between 2 parties
3-Nov	Community Consultation
24-Nov	Feedback Period Ends
3-Dec	Feedback to the Board
13-Dec	Land Disposal Bylaw/Decision

Data - October 27, 2021

Lansdowne South/Richmond Disposal to vic Hospice

CURRENT

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Lansdowne South (former Richmond Elementary)	233	7.9	3.2	29.46
Gordon Head Middle	317	9.4	3.8	33.76
Glanford Middle	342	10.1	4.1	33.76
Shoreline	360	9.6	3.9	37.34
Colquitz Middle	516	12.9	5.2	40.16
Arbutus Middle	421	9.9	4.0	42.61
Cedar Hill Middle	508	10.6	4.3	47.79
Monterey Middle	404	5.7	2.3	71.13
Central Middle	511	5.8	2.4	87.65

Data -

Lansdowne Disposal

POST SALE OF 1.9 ACRES TO VIC HOSPICE

Acres Largest to Smallest (Post Disposal)	Enrolment	Acres	Hectares	Students per Acre
Lansdowne North (post CSF disposal)	488	17.9	7.2	27.26
Colquitz Middle	516	12.9	5.2	40.16
Cedar Hill Middle	508	10.6	4.3	47.79
Glanford Middle	342	10.1	4.1	33.76
Arbutus Middle	421	9.9	4.0	42.61
Shoreline	360	9.6	3.9	37.34
Gordon Head Middle	317	9.4	3.8	33.76
Rockheights Middle	215	8.2	3.3	26.38
Lansdowne South (former Richmond Elementary)	233	6.1	3.2	38.20
Central Middle	511	5.8	2.4	87.65
Monterey Middle	404	5.7	2.3	71.13

Students per Acre Smallest to Largest (Post Disposal)	Enrolment	Acres	Hectares	Students per Acre
Rockheights Middle	215	8.2	3.3	26.38

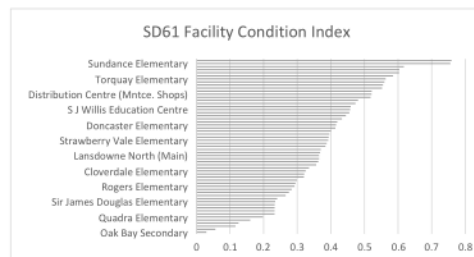
Lansdowne North (post CSF disposal)	488	17.9	7.2	27.26
Gordon Head Middle	317	9.4	3.8	33.76
Glanford Middle	342	10.1	4.1	33.76
Shoreline	360	9.6	3.9	37.34
Lansdowne South (former Richmond Elementary)	233	6.1	3.2	38.20
Colquitz Middle	516	12.9	5.2	40.16
Arbutus Middle	421	9.9	4.0	42.61
Cedar Hill Middle	508	10.6	4.3	47.79
Monterey Middle	404	5.7	2.3	71.13
Central Middle	511	5.8	2.4	87.65

Range	Condition
0.00 to 0.05	Excellent
0.05 to 0.15	Good
0.15 to 0.30	Average
0.30 to 0.60	Poor
0.60 and above	Very Poor

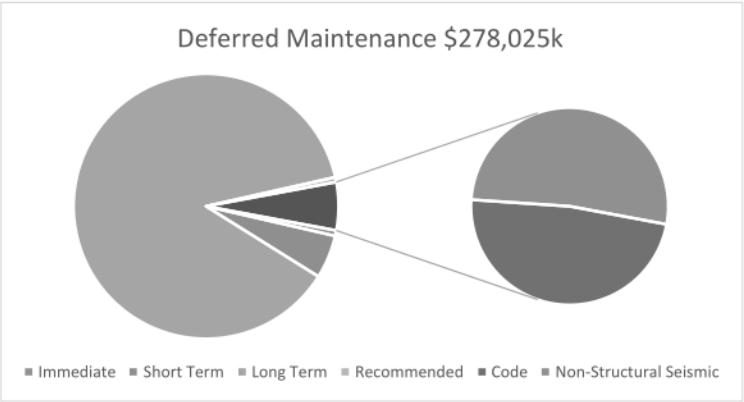
"october 2021	
CAMPUSNAME	AVERAGEFCI
Oak Bay Secondary	3%
Central Middle School	6%
Eagle View Elementary	12%
Burnside Community	13%
Colquitz Middle	16%
Quadra Elementary	20%
Mount Douglas Secondary	23%
Oaklands Elementary	23%
George Jay Elementary	23%
Braefoot Elementary	23%
Sir James Douglas Elementary	23%
Monterey Middle	24%
Gordon Head Middle	27%
Rockheights Middle	28%
Quadra Hub	28%
Rogers Elementary	29%
Glanford Middle	29%
Willows Elementary	30%
Victor School	32%
Dean Heights Alternate	32%
Cloverdale Elementary	33%
Victoria West Elementary	34%
Lansdowne South (Richmond)	36%
Northridge Elementary	36%
SD 61 Maintenance Shops & Office	37%
Lansdowne North (Main)	37%
Margaret Jenkins Elementary	37%
Tillicum Elementary	37%
Campus View Elementary	38%
Lampson Elementary	39%
Strawberry Vale Elementary	39%
Victoria Secondary	39%
South Park Elementary	40%
McKenzie Elementary	40%
Uplands Elementary	41%
Doncaster Elementary	42%
Esquimalt High School	42%
Hillcrest Elementary	43%
Board Office Tolmie	44%
View Royal Elementary	45%
S J Willis Education Centre	46%
Lake Hill Elementary	46%
Spectrum Community Secondary	47%
Macaulay Elementary	48%
Marigold Elementary	52%
Distribution Centre (Mntce. Shops)	52%
Craigflower Elementary	52%
Garage and Storage (Mntce. Shops)	55%
Reynolds Secondary	56%
Shoreline Community Middle	56%
Torquay Elementary	56%
Frank Hobbs Elementary	59%
James Bay Community Elementary	60%
Arbutus Middle	60%
Lambrick Park Secondary	62%
Sundance Elementary	76%
Cedar Hill Middle	76%

Apr-21

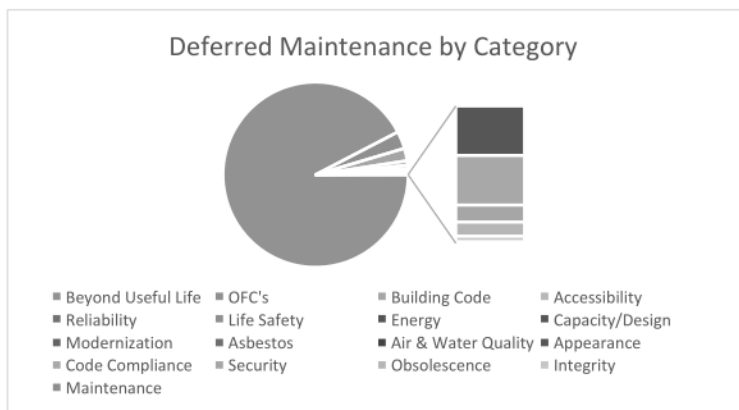
Greater Victoria	Cedar Hill Middle	0.84		
Greater Victoria	Arbutus Middle	0.79		
Greater Victoria	Torquay Elementary	0.73		
Greater Victoria	Frank Hobbs Elementary	0.71		
Greater Victoria	Macaulay Elementary	0.63		
Greater Victoria	Hillcrest Elementary	0.63		
Greater Victoria	Campus View Elementary	0.63		
Greater Victoria	Reynolds Secondary	0.61		
Greater Victoria	Lambrick Park Secondary	0.60		
Greater Victoria	Garage and Storage (Mntce. Shops)	0.58		
Greater Victoria	Shoreline Community Middle	0.57		
Greater Victoria	Sir James Douglas Elementary	0.55		
Greater Victoria	Marigold Elementary	0.54		
Greater Victoria	Mount Douglas Secondary	0.54		
Greater Victoria	Craigflower Elementary	0.54		
Greater Victoria	James Bay Community Elementary	0.54		
Greater Victoria	Distribution Centre (Mntce. Shops)	0.54		
Greater Victoria	Margaret Jenkins Elementary	0.53		
Greater Victoria	Victor School	0.53		
Greater Victoria	Cloverdale Elementary	0.52		
Greater Victoria	Victoria West Elementary	0.51	>.50	21 sites



Priority	Cost (k)
Immediate	1,868
Short Term	14,728
Long Term	243,474
Recommended	1,667
Code	7,840
Non-Structural Seismic	8,448
Total	278,025

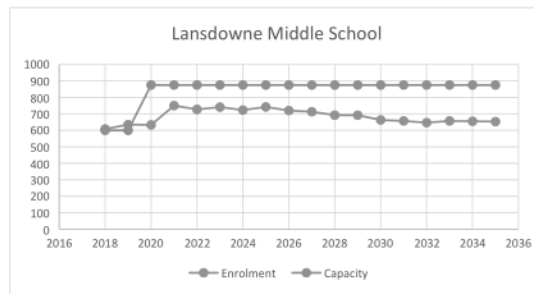


Category	Cost (k)
Beyond Useful Life	256,755
OFC's	8,448
Building Code	6,018
Accessibility	2,219
Reliability	1,628
Life Safety	1,275
Energy	528
Capacity/Design	424
Modernization	266
Asbestos	251
Air & Water Quality	116
Appearance	35
Code Compliance	35
Security	12
Obsolescence	10
Integrity	4
Maintenance	1
Total	278,025



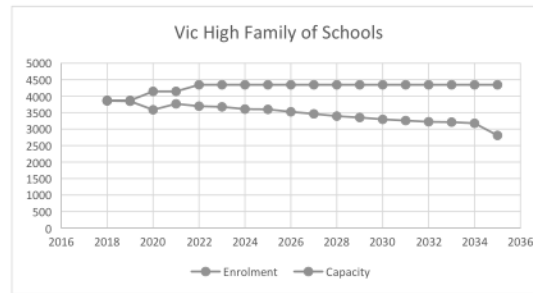
Lansdowne Middle School (with Richmond Elementary as Lansdowne South)

Year	Enrolment	Capacity	Seats Available	Capacity Utilization	Unutilized Capacity
2018	608	600	(8)	101%	-1%
2019	635	600	(35)	106%	-6%
2020	633	875	242	72%	28%
2021	721	875	154	82%	18%
2022	727	875	148	83%	17%
2023	741	875	134	85%	15%
2024	723	875	152	83%	17%
2025	742	875	133	85%	15%
2026	720	875	155	82%	18%
2027	713	875	162	81%	19%
2028	692	875	183	79%	21%
2029	692	875	183	79%	21%
2030	663	875	212	76%	24%
2031	657	875	218	75%	25%
2032	647	875	228	74%	26%
2033	657	875	218	75%	25%
2034	655	875	220	75%	25%
2035	653	875	222	75%	25%



Vic High Family of Schools

Year	Enrolment	Capacity	Seats Available	Capacity Utilization	Unutilized Capacity
2018	3858	3870	12	100%	0%
2019	3845	3870	25	99%	1%
2020	3586	4145	559	87%	13%
2021	3683	4145	462	89%	11%
2022	3696	4345	649	85%	15%
2023	3675	4345	670	85%	15%
2024	3607	4345	738	83%	17%
2025	3599	4345	746	83%	17%
2026	3525	4345	820	81%	19%
2027	3463	4345	882	80%	20%
2028	3394	4345	951	78%	22%
2029	3352	4345	993	77%	23%
2030	3296	4345	1049	76%	24%
2031	3259	4345	1086	75%	25%
2032	3223	4345	1122	74%	26%
2033	3212	4345	1133	74%	26%
2034	3177	4345	1168	73%	27%
2035	2809	4345	1536	65%	35%



2021-22

Vic High	697
Central	511
Lansdowne	724
George Jay	450
James Bay	174
Oaklands	505
Sir James	457
South Park	165
Total	3683

Key Dates

Action
27-Sep Purchase & Sale Agreement between 2 parties
3-Nov Community Consultation
24-Nov Feedback Period Ends
3-Dec Feedback to the Board
13-Dec Land Disposal Bylaw/Decision

Questions?



**If you have additional input you want to share in writing please send to community@sd61.bc.ca*

Appendix F – Feeder School Projections

Margaret Jenkins Elementary

A Projection of Total Enrolment: French Immersion Early

Grade	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
K	47	33	35	39	37	37	37	37	37	37	37	37	37	37	37
1	40	48	34	36	40	38	38	38	38	38	38	38	38	38	38
2	38	38	46	32	34	38	36	36	36	36	36	36	36	36	36
3	34	37	37	45	31	33	37	35	35	35	35	35	35	35	35
4	36	34	37	37	45	31	33	37	35	35	35	35	35	35	35
5	37	33	32	34	34	42	29	31	34	33	33	33	33	33	33
1 to 3	112	123	117	113	105	109	111	109	109	109	109	109	109	109	109
4 to 5	73	67	69	71	79	73	62	68	69	68	68	68	68	68	68
1 to 5	185	190	186	184	184	182	173	177	178	177	177	177	177	177	177
K to 5	232	223	221	223	221	219	210	214	215	214	214	214	214	214	214
Total	232	223	221	223	221	219	210	214	215	214	214	214	214	214	214

Oaklands Elementary

A Projection of Total Enrolment: Regular

Grade	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
K	81	76	76	57	69	70	70	70	70	70	70	70	70	70	70
1	66	80	76	76	58	69	70	70	70	70	70	70	70	70	70
2	81	68	83	78	78	60	72	72	72	72	72	72	72	72	72
3	95	82	70	84	80	80	61	73	74	74	74	74	74	74	74
4	87	96	83	71	85	81	81	63	74	75	75	75	75	75	75
5	78	88	98	84	73	87	83	83	65	76	77	77	77	77	77
1 to 3	242	230	229	238	216	209	203	215	216	216	216	216	216	216	216
4 to 5	165	184	181	155	158	168	164	146	139	151	152	152	152	152	152
1 to 5	407	414	410	393	374	377	367	361	355	367	368	368	368	368	368
K to 5	488	490	486	450	443	447	437	431	425	437	438	438	438	438	438
Total	488	490	486	450	443	447	437	431	425	437	438	438	438	438	438

Quadra Elementary

A Projection of Total Enrolment: Regular

Regular

Grade	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
K	39	41	44	38	40	40	40	39	39	39	39	39	39	39	39
1	40	38	40	43	37	38	38	38	37	37	37	37	37	37	37
2	42	44	41	43	46	40	42	42	42	41	41	41	41	41	41
3	51	42	44	41	44	47	40	42	42	42	41	41	41	41	41
4	43	52	43	45	42	45	48	41	43	43	43	42	42	42	42
5	32	43	51	43	45	42	44	48	41	43	43	43	42	42	42
1 to 3	133	124	125	127	127	125	120	122	121	120	119	119	119	119	119
4 to 5	75	95	94	88	87	87	92	89	84	86	86	85	84	84	84
1 to 5	208	219	219	215	214	212	212	211	205	206	205	204	203	203	203
K to 5	247	260	263	253	254	252	252	250	244	245	244	243	242	242	242
Total	247	260	263	253	254	252	252	250	244	245	244	243	242	242	242

Quadra Elementary

A Projection of Total Enrolment: French Immersion Early

Grade	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
K	36	38	40	35	36	36	36	36	36	36	36	36	36	36	36
1	36	33	35	37	33	33	33	33	33	33	33	33	33	33	33
2	29	32	30	32	33	30	30	30	30	30	30	30	30	30	30
3	27	26	28	27	28	29	27	27	27	27	27	27	27	27	27
4	27	24	23	25	24	25	26	24	24	24	24	24	24	24	24
5	14	23	20	20	21	20	21	22	20	20	20	20	20	20	20
1 to 3	92	91	93	96	94	92	90	90	90	90	90	90	90	90	90
4 to 5	41	47	43	45	45	45	47	46	44	44	44	44	44	44	44
1 to 5	133	138	136	141	139	137	137	136	134	134	134	134	134	134	134
K to 5	169	176	176	176	175	173	173	172	170	170	170	170	170	170	170
Total	169	176	176	176	175	173	173	172	170	170	170	170	170	170	170

Willows Elementary**A Projection of Total Enrolment: French Immersion Early**

Grade	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
K	38	34	34	35	35	35	35	35	35	35	35	35	35	35	35
1	38	38	34	34	35	35	35	35	35	35	35	35	35	35	35
2	49	37	37	33	33	34	34	34	34	34	34	34	34	34	34
3	35	49	37	37	33	33	34	34	34	34	34	34	34	34	34
4	48	34	48	36	36	32	32	33	33	33	33	33	33	33	33
5	45	47	33	47	35	35	31	31	32	32	32	32	32	32	32
1 to 3	122	124	108	104	101	102	103	103	103	103	103	103	103	103	103
4 to 5	93	81	81	83	71	67	63	64	65	65	65	65	65	65	65
1 to 5	215	205	189	187	172	169	166	167	168	168	168	168	168	168	168
K to 5	253	239	223	222	207	204	201	202	203	203	203	203	203	203	203
Total	253	239	223	222	207	204	201	202	203	203	203	203	203	203	203

Appendix G - All Correspondence

To: [REDACTED]
Subject: [Community Engagement](#)
Date: I support the sale of land to BC Hospice Society
Thursday, October 14, 2021 2:38:25 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hi,

I'm a parent with two kids in school and I support the sale because it is such an important purpose. I would not support the sale for most other purposes, like new condos, etc.

Thank you for asking for feedback!

[REDACTED]

--

Sent with Tutanota, the secure & ad-free mailbox.

[REDACTED]

To:

[REDACTED]

Community Engagement

Subject:

Sale of School to Victoria Hospice Society

Date:

Thursday, October 14, 2021 3:51:11 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hi,

I'm very concern about the continued liquidation of school lands and opposed to the sale of school lands to the Victoria Hospice Society. The sale of assets is something that is very difficult to replace and often cannot be replaced. In addition, the sale is of the land is not to provide facilities or spaces which will benefit school aged children (e.g. parks, libraries, community centres etc.). Frankly the city as a whole already caters poorly to children so it is essential the few spaces which are focused on children are not further reduced. Finally, using the proceeds for maintenance and renovations is a poor choice. These type of expense should be funded out of sustainable funding sources not by sale of assets.

Thank you for taking the time for reading my feedback. I'm a parent who live in the Oaklands neighbourhood and has two children attend Oaklands School.

Regards,

[REDACTED]

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: 1.9 acre of land south Landsdowne Middle School
Saturday, October 16, 2021 9:44:00 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear School District , do you plan ahead such as 50, 100 years for now if you sell this land ,
it's gone for ever, where are you going to educate the children of the future. With the value of land in middle city
that keeps going up, any school lands should be protected at the same level as the National Parks that we enjoy so
much .

[REDACTED]

[REDACTED]

To:

[REDACTED]

Community Engagement

Subject:

Proposed sale of 1.9 acres of land at Lansdowne Middle School - South Campus to the Victoria Hospice Society

Date:

Tuesday, October 19, 2021 4:04:07 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hi there,

My wife and I live in the s.22 at [REDACTED] at the s.22
s.22

We are both in health care and strongly support the sale of 1.9 acres of land at Lansdowne Middle School - South Campus to the Victoria Hospice Society.

Best regards,

[REDACTED]

From: [Community Engagement](#)
Cc: [Community Engagement](#)
Subject: RE: online information session Nov 3 re sale of land to hospice
Date: Thursday, October 28, 2021 1:23:13 PM
Attachments: [Full SVAP April, 2017 small.pdf](#)

Good afternoon,

Thank you for your email. We look forward to connecting next week.

You do not need to register for the session; participants can just click the link. It is also available on our District website on the front page: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>.

There will be an opportunity for Q & A at the end of the presentation. Vic Hospice representatives will also be present to answer questions.

We will be recording the meeting and asking community members to email their input to community@sd61.bc.ca. All input provided will be compiled for the Board to review prior to making a decision.

We are aware of the Shelbourne Valley Action Plan to answer your further question, and we've extended an invitation to the Friends of Bowker Creek Society.

Again, thank you for connecting and confirming you received the letter. It's greatly appreciated.

Kind regards,

Lisa McPhail
Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103
www.sd61.bc.ca | [@sd61schools](#)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please destroy and notify the sender immediately.

-----Original Message-----

[REDACTED]
Sent: Tuesday, October 26, 2021 1:31 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: online information session Nov 3 re sale of land to hospice

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I am both a resident in the area of Lansdowne north and south campuses and a board member of the Camosun Community Association and will be attending the Nov 3 information session. I have some questions. I did receive the letter about the proposed sale at Lansdowne south.

Is it necessary to register for this online session, or just click on the Zoom link?

Will there be an opportunity for input from the Community Association about their concerns?

Will a representative of Hospice be attending?

I wonder too if you and Hospice are aware that this triangle of land is designated as 'proposed park' on the District of Saanich Shelbourne local area plan. I wonder too if you are aware that Bowker Creek on the eastern boundary of the property has been the subject of many studies and plans, one of which SD61 signed on to with the city of Victoria, Oak Bay and Saanich. There are plans to reconfigure the creek both for beautification, a multiuse trail and for flood abatement purposes. I can provide links to these documents if you are interested in seeing them.

I draw these things to your attention, not to be confrontative, but to ensure that you have an idea of the types of concerns the neighbourhood may have. Hospice is certainly a worth cause, but once again, I wonder if this location is the best choice for them.

[REDACTED]

[REDACTED]

From: [Community Engagement](#)
Subject: RE: Victoria Hospice Society to purchase property from Greater Victoria School District
Date: Wednesday, November 10, 2021 9:40:12 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning,

Thank you for the feedback, it will be included in our engagement report to the Board. As your questions relate to Victoria Hospice's plans, we encourage you to engage with Victoria Hospice now, or as they go through their subdivision consultation, should the property disposal advance.

Thank you,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

 www.sd61.bc.ca |   @sd61schools



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please destroy and notify the sender immediately.

Sent: Sunday, November 7, 2021 4:10 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Victoria Hospice Society to purchase property from Greater Victoria School District

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Please find attached a written feedback submission concerning the "Victoria Hospice Society to purchase property from Greater Victoria School District".

Comments formed from information:

- letter to the neighbourhood from the GVSD Office of the Superintendent dated 14 Oct 2021
- posted information on SD61 web site and Victoria Hospice Society web site
- media information concerning this proposal- e.g., Times Colonist, Chek TV news, Camosun Community Association
- Zoom Meeting 3 Nov 2021 On-line information session
- Bowker Creek Blueprint

Thank you,

[REDACTED]



Victoria Hospice Society to purchase property from Greater Victoria School District
[Victoria Hospice Society to purchase property from Greater Victoria School District \(sd61.bc.ca\)](https://sd61.bc.ca)

ONLINE INFORMATION SESSION:

Wednesday, November 3, 2021, 6:30 p.m. – 8 p.m.

Zoom

Meeting: <https://gvsd61.zoom.us/j/63319796192?pwd=bW0xaXVtcFZNMUgzL1V5OWc2VEo0UT09>

Feedback From: [REDACTED]

Victoria Hospice is a welcome and important service for many families and individuals in the Greater Victoria District and Vancouver Island communities. Many folks have had contact with or used their services for themselves, for a loved one or been a volunteer. It is a not for profit organization providing services in partnership with Vancouver Island Health.

The online information session did not provide enough detail of what Victoria Hospice plans are for the site and the impact to the adjacent community.

Given the current uncertainty around the defined needs of the Victoria Hospice Society to construct their New Centre of Care and Support, and other factors listed below, the disposal of this triangle shaped property by SD61 should not go ahead.

Victoria Hospice indicates they have been looking for land for a number of years to find the right size in a good location to service their clients. How can this be a good location?

- Victoria Hospice is well aware that the property is a wetland and flooding catchment area
- the only road access in and out is from Richmond via Newton- a narrow residential street
- Corner of Richmond and Newton- at side of school crosswalk and bus stop with limited visibility
- Safety concern exiting onto Richmond
 - Poor visibility due to narrowing of Richmond from Newton south
 - Heavy traffic area-Left turn onto Richmond and off Richmond or through on Newton
- North side of Newton has been used by workers in the area for daytime parking
- Bowker Creek issues as discussed and noted during the 3 November 2021 Zoom Meeting-and Bowker Creek Blueprint document. Remediation of the creek required and partnership with stakeholders. Reference pg. 55 Bowker Creek Pearl Street to Newton Street for action list.
- Land boundary at Bowker Creek not identified- e.g., which side of creek or middle of creek
- Public access bridge currently across the creek from school property to subject property

A previous Victoria Hospice proposal to develop land next to Victoria General Hospital in View Royal was being considered a couple of year ago. After getting through all the design and discussion around what would be needed and how it would look, both Island Health and Victoria Hospice determined it was not a viable project.

- If land disposal settlement goes ahead, Victoria Hospice would be owners of the property. Should discussion/consultation with Island Health, Saanich Staff, Saanich Municipal re-zoning and sub-division and/or community consultation reject the project, the land could be sold on the open market and out of public/institutional ownership. Victoria Hospice Society is a not-for-profit charity not a school or institution.
- It appears that Victoria Hospice is still in major discussion with Island Health about what services would/could be offered in the proposed project facility.
 - It is yet to be determined if end of life beds need to be part of this project. If this option is determined in scope of the new project, how many inpatient beds would be planned?
 - *They currently provide care at an 18-bed Inpatient Unit at the Royal Jubilee Hospital in Victoria. They also offer special touches like a 24-hour unrestricted family and friends visiting policy (including pets), a family lounge area, an open kitchen, and private meditation rooms.*
 - Other options still under discussion might result in the same scenario as the previous project i.e., determined not a viable project
 - Victoria Hospice web site indicates:
 - *The new location will house Victoria Hospice's inpatient beds and associated program areas, as well as providing a hub for our expanded community programs and services.*

Respite care will also be expanded. This will serve to alleviate pressure on family caregivers, thereby improving the chances that patients are able to remain at home during their end-of-life journey, if that is their wish

- Since Victoria Hospice doesn't appear to be at the point in their proposed project to know what needs/options and the footprint required, it is premature to be purchasing land that they don't know will fit their requirements. Zoom meeting- suggested footprint possibly 15,000 square ft.
- The disposal of this property to Victoria Hospice would result in loss of precious and dwindling greenspace already under duress by rapid densification in this area.
 - It is also used as a community sport field and could possibly be Saanich park space
 - Sale of 7.3 acres of greenspace/school fields at Lansdowne North has already reduced the greenspace in this area used not only by the school but also by the community
- Traffic impacts to Richmond Road, school and community safety
 - Victoria Hospice clients will increase traffic on Richmond Road and residential streets. They will also travel from proposed site on Newton to RJH on Richmond Road.
 - Richmond to Kings Road already has two 30 km school zones- one for Lansdowne North and one for Lansdowne South
 - Traffic calming from Kings Road to Bay Street impacts traffic flow as does
 - Arthritis Centre, Adanac Street entrance to hospital services, CNIB building, RHJ Emergency and Main Entrance etc.
 - Richmond is a feeder route to Camosun College and UVIC
 - Richmond services two bus routes- #14 UVIC & #8 Interurban/Tillicum/Oak Bay
 - Francophone school in SD61 Lansdowne North disposal property will increase traffic
 - Upgrades to Shelbourne Street will increase traffic on Richmond
 - Proposed apartment buildings across from Adanac Street in Victoria Municipality and project development across from RJH between Bay and Fort will also increase traffic to this area
- Mount Tolmie-Camosun Community Plan
 - 3.0 Community Vision pg. 14
 - *Bowker Creek will serve as an identifying feature of the community. Above-ground sections of the creek will be restored and efforts will be made to daylight its culverted sections. A greenway will develop along the creek's length and tie together natural areas through the community. Natural ecosystems in the area will be preserved and enhanced with special attention given to manage the Garry oak ecosystems present in Mount Tolmie Park. Neighbourhood parks will be developed to meet the community's needs, and new parks will serve growing*

areas such as the Shelbourne Valley Centre. New parkland in the south of the community will include the BC Hydro lands and **currently undeveloped lands alongside Bowker Creek.**

- Pg. 15 The growth and expansion of institutions such as the University of Victoria, Camosun College, Royal Jubilee Hospital, and St. Michael's University School will respect the neighbouring built environment. The former Richmond Elementary School site will retain its status as a community amenity with at least 50% of its area preserved in the public domain.

- 4.3 Institutional Land

- Pg. 29- The churches and schools in the area will remain institutional in their use. Saanich will continue to work with School District #61 (SD61) to maintain public access to public school sites and develop long-term plans for the Richmond School site. Any future development of the site will preserve the property in the public domain.
- Pg. 30-4.3.3 Continue partnering with SD61 to expand community services available at local schools and ensure joint-use agreements are protected.
- Pg. 30-4.3.4 Work with School District #61 to develop with a long-term plan for the former Richmond Elementary School site. Ensure that the site is preserved in the public realm and that Bowker Creek is enhanced.

- SD61's Land Disposal Policy

- If land determined not to be needed for future enrollment or currently used for school programming could be disposed of, then Lansdowne North as the largest school land parcel, could again be targeted for further future disposal
- Lansdowne South (Richmond School) after the current proposed land disposal might again be targeted for sale in future as it was in 2007
<http://www.southjubilee.ca/Newsletters/2007-04.pdf>



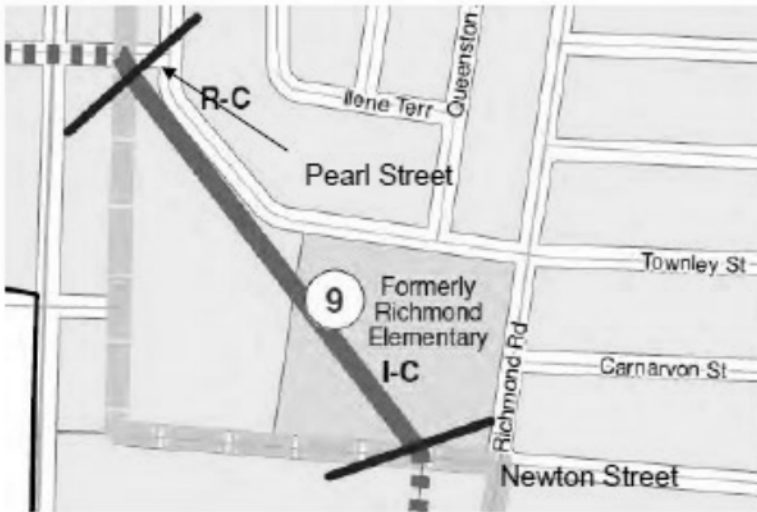
Parking on Newton Street near Triangle sport field area



Parking on section of Newton Street by Richmond School (Lansdowne South) looking west



Corner of Richmond Rd and Newton St-exit/entrance to Newton where Richmond narrows



Reach location



Proposed greenways

Bowker Greenway Routing Options

Trails Within Watershed

Proposed Trail Route

Proposed Pedestrian Only Trail

Bowker Creek Main Channel

Underground

Open Channel

Bowker Creek Watershed Boundary

From: Community Engagement
Subject: RE: Bowker Creek Initiative
Date: Wednesday, November 10, 2021 9:46:25 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning,

Thank you for sharing the link. This communication will be compiled and shared in our summary engagement report.

Please note, the Board is aware and has access to the Bowker Creek Blueprint Plan.

Thank you,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

 www.sd61.bc.ca |   @sd61schools



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Sent: Wednesday, November 3, 2021 8:03 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Bowker Creek Initiative

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

hello SD 61 and Board - here is the address of the Bowker Creek 100-year Initiative Blueprint - please forward to the Hospice people -

<https://www.crd.bc.ca/bowker-creek-initiative/about-bci/plans-and-strategies/bowker-creek-blueprint-a-100-year-plan>

cheers - 

From: Community Engagement
Subject: RE: Questions raised at online meeting regarding the property sale of Lansdowne South
Date: Monday, November 22, 2021 9:39:36 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning, [REDACTED]

To confirm, this is the first email I have received from you.

Following the public information session on November 3, 2021, our District website was updated to include the recording of the meeting, which includes the question and answer period. In addition, further documentation was posted under Additional Resources.

Website: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Can you please provide us your specific questions? We are more than happy to assist.

Thank you kindly,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61

 www.sd61.bc.ca |   @sd61schools



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Sent: Sunday, November 21, 2021 8:13 PM

To: Community Engagement <Community@sd61.bc.ca>

Subject: Questions raised at online meeting regarding the property sale of Lansdowne South

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Good evening - I have been following up on questions raised by a number of attendees at the public information session of November 3 regarding the disposition of property at Lansdowne South. Despite a commitment on behalf of the school board to provide further information and feedback on questions, I have seen no further mention of the session or the issues raised during the online session. I have transcripts of the session and details relating to the unanswered questions, should you require that information.

If I am missing the location of this feedback, could you please direct me to the appropriate location for it. Otherwise, could you please provide responses as promised during the online session. We are quickly approaching the November 24 deadline for further public input on this matter and the lack of response by SD61 has not been helpful in this regard.

Many thanks in advance for your attention on this matter.

[REDACTED]

[REDACTED]

To:

[REDACTED]

Community Engagement

Subject:

Letter to School District 61 regarding the proposed sale of land at Lansdowne South (Richmond Elementary)

Date:

Monday, November 22, 2021 4:48:16 PM

Attachments:

Bowker Creek letter .docx

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Attached letter for your review and consideration.

Thank you

[REDACTED]

School District 61 Chair, Ann Whitaker and Board Trustees
community@sd61.bc.ca

As a resident and property owner in s.22 for more than s.22 with two children who attended school in the district, I'm writing to express my concerns about the Memorandum of Understanding to sell a portion of land at Richmond School, (now Lansdowne South campus) adjoining Bowker Creek.

Bowker Creek is one of the most valuable community assets in Oak Bay. It is well managed by the Friends of Bowker Creek who have worked to protect, manage and improve it and the land adjacent to it for everyone's enjoyment. Hundreds of thousands of dollars of public funding and thousands of hours of staff and volunteer time have been invested over the past 20 years to improve management of Bowker Creek.

SD 61 has participated in the development of the 2003 Bowker Creek Watershed Management plan and endorsed the 2011 Bowker Creek Blueprint: A 100 Year Vision and you have received federal funding for \$738,000 for creek restoration at Oak Bay High School. Clearly, SD 61 has been aware of the Bowker creek Initiatives interest in this property for more than a decade.

So why, after supporting this initiative, would SD61 now choose to sell off this parcel of land which will only undermine and erode much of the work done so far?

It seems short sighted and inconsistent with your previous level of involvement and support. Not only would this move fragment ownership of the stream bed and riparian areas and unnecessarily complicate future restoration opportunities, it would result in lost opportunities for further educational opportunities.

Surely, as an educational organization, you have a responsibility to take a leadership role to protect this asset as well as its educational value now and for future generations. In 2021, with climate change and climate disasters occurring around the world and on our own doorstep, this is the time when we need our educational leaders to step up and take bold, decisive action to protect valuable community assets like Bowker Creek.

I urge you to reconsider this Memorandum of Understanding regarding the sale of a portion of land at Lansdowne South campus.

Sincerely,

[REDACTED]

To: [REDACTED] [Community Engagement](#)
Subject: Re: Questions raised at online meeting regarding the property sale of Lansdowne South
Date: Monday, November 22, 2021 8:49:57 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[SD61_info_session_unanswered_questions V1..pdf](#)

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Thanks for your response. I have attached excerpts from a transcription of the question and answer session, with commentary following each question outlining the request for further clarification. Looking forward to receiving the information as requested. Best regards, [REDACTED]
[REDACTED]

On Mon, Nov 22, 2021 at 9:39 AM Community Engagement <Community@sd61.bc.ca> wrote:

Good morning, [REDACTED]

To confirm, this is the first email I have received from you.

Following the public information session on November 3, 2021, our District website was updated to include the recording of the meeting, which includes the question and answer period. In addition, further documentation was posted under Additional Resources.

Website: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Can you please provide us your specific questions? We are more than happy to assist.

Thank you kindly,

Lisa McPhail

Manager, Communications & Community Engagement



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Sent: Sunday, November 21, 2021 8:13 PM

To: Community Engagement <Community@sd61.bc.ca>

Subject: Questions raised at online meeting regarding the property sale of Lansdowne South

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Good evening - I have been following up on questions raised by a number of attendees at the public information session of November 3 regarding the disposition of property at Lansdowne South. Despite a commitment on behalf of the school board to provide further information and feedback on questions, I have seen no further mention of the session or the issues raised during the online session. I have transcripts of the session and details relating to the unanswered questions, should you require that information.

If I am missing the location of this feedback, could you please direct me to the appropriate location for it. Otherwise, could you please provide responses as promised during the online session. We are quickly approaching the November 24 deadline for further public input on this matter and the lack of response by SD61 has not been helpful in this regard.

Many thanks in advance for your attention on this matter.



To: [REDACTED]
Subject: Community Engagement
Date: New Hospice location
Tuesday, November 23, 2021 10:17:47 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear SD61,

I am a **s.22** in Hospice and I have seen the value of the support Hospice gives to dying patients and grieving families first-hand. I am excited by the proposal to relocate Hospice to property adjacent to Lansdowne School and I am hopeful the sale of the property is approved. The location seems to be perfect for the needs of Hospice as they seek to expand their services for the wider community. Victoria Hospice has been a pioneer in serving the needs of people near death and I am hopeful this property will enable them to create a modern facility to support those at the end of their lives and their families as well.

Thank you for the opportunity to comment,

[REDACTED]

[REDACTED]

To:

[REDACTED]

Community Engagement

Subject:

Support for sale of Lansdowne south land to Victoria Hospice

Date:

Tuesday, November 23, 2021 11:01:22 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To whom it may concern,

I am writing to express my support for the sale of the portion of the Lansdowne Middle School south campus lands to Victoria Hospice for their new facility.

This land sale supports not only the development of much-needed new schools but also the compassionate care Victoria Hospice is known for. Any of us who have experienced the care hospice has provided for our loved ones will understand how crucial this service is.

Thank you for your consideration,

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Victoria Hospice and better schools
Tuesday, November 23, 2021 11:59:55 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear GVSD,

I am writing to express my hopes that the agreement between the Greater Victoria School District and Victoria Hospice Society will soon be accomplished and that a new hospice will be built on the current Lansdowne Middle School property.

This is a perfect example of a community working together for a better future for all. Schools in Victoria will benefit from the sale of this land by being more able to improve the ability of schools to function in a time of climate crisis and impacts on infrastructure. Now is the time to be ready for climate effects. It is also beneficial to schools in being able to build with a lower carbon footprint.

Victoria Hospice Society has served my family and neighbours directly, in care, comfort and services that are found nowhere else. From a family member dying in their care and a neighbour being able to have MAID in Hospice, while I had the opportunity to receive grief counselling, and know volunteers offering support. Hospice is a gift to any family, friend and community. For 40 years Hospice has worked in the older part of Royal Jubilee Hospital, and needs a new home. The land offered is ideal, close to RJH, transit and in a quiet residential, natural and educational setting. I think good things will happen here with this connection.

I urge everyone to support this endeavor. Thank you.

[REDACTED]

To: [REDACTED]
Cc: [Community Engagement](#)
Subject: [Kevin Murdoch](#)
Date: Sale of SD61 land to Hospice Society
Tuesday, November 23, 2021 12:11:40 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Chair Painter and School Board Trustees

I urge the SD 61 School Board to halt the sale of the 1.9 acre parcel of land adjacent to Lansdowne Middle School. I am deeply concerned that there has not been adequate public consultation for the disposition of this land. There must be full consideration of the unique ecological qualities of this parcel of land. It appears that SD 61's commitment to the Bowker Creek Blueprint has been overlooked.

I know SD 61 is under pressure to raise much needed funds and Victoria Hospice is surely a worthy cause, however, there are other vital considerations which are unique to this piece of land.

The restoration of Bowker Creek as a healthy riparian ecosystem has deep commitments within the community. It is supported, both financially and in principle by the municipal governments of Victoria, Saanich and Oak Bay as well as the Capital Regional District. Thousands of hours of volunteer service over many years have contributed to this project. Many schoolchildren are actively engaged in this work.

Bowker Creek is profoundly important to the community. It is valued for its unique beauty, its role in the preservation of biological diversity and climate change mitigation, as well as for its many educational and community building opportunities.

Please go no further with this sale until the preservation and restoration of Bowker Creek is made top priority in any future use of this land.

Sincerely,
[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Victoria Hospice
Tuesday, November 23, 2021 1:43:25 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear School Board District 61,

I would like to support this proposed land sale to Victoria Hospice. The school lands serves the community and Victoria Hospice certainly serves the entire community by supporting end of life programs for the community. This proposal would support the community on a much broader scale. The community would benefit from this development.

As a supporter of Victoria Hospice, I am hopeful this proposal will move forward.

Warm regards,
[REDACTED]

"Everytime you smile at someone, it is an action of love, a gift to that person, a beautiful thing." Mother Teresa

[REDACTED]

To:

[REDACTED]

Community Engagement

Subject:

Proposed land sale at Lansdowne South school property; Ryan Paynter

Date:

Tuesday, November 23, 2021 4:17:03 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear [REDACTED]

I was alarmed to learn, very recently, of the School District's plans to sell part of its property adjoining Bowker Creek.

The greenway there, part of the streamside protection area, is a right of way valued by the community.

The Lansdowne student body can be involved in restoration and enhancement of Bowker Creek by their school, and learn to care for their environments, as has been shown at Oak Bay High School with great success.

I hope SD 61 reconsiders its proposal to sell this parcel, and can come up with a plan that better serves its students, neighbours, and its section of Bowker Creek.

Thank you,

[REDACTED]

To: [REDACTED]
Cc: [REDACTED]
Subject: Victoria Hospice
Date: Tuesday, November 23, 2021 4:40:50 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Board of School District 61

November 23, 2021

Ladies and Gentleman

My name is [REDACTED] and I am a Board Member of Victoria Hospice and I have been charged with heading the Location Committee . We have been meeting for over 2 years in attempting to find a suitable location with 2 or 3 acres for Victoria Hospice . WE have examined over 2 dozen sites and unfortunately none of them were suitable as they were not large enough, location not right, or not on a bus route etc. etc..

Our present location is in the 1940's concrete old maternity ward at the Jubilee Hospital. This building is extremely awkward for us as it is built like a bunker and extremely difficult to redesign to today's standards for Hospice clients. It is amazing that we receive fantastic accolades from our previous clients families and the public. This is entirely due to our fantastic staff and volunteers who are devoted to our clients notwithstanding the very poor working conditions with the old concrete building.

We were extremely excited when we discovered your excess property on Newton Street and we were able to negotiate a purchase agreement with you subject to a number of conditions. This property is excellent for us and Bowker Creek would be a bonus . We realize that we would have to do a terrific amount of work to beautify the Creek and have already selected a number of consultants including a Biologist, Landscape Architects, Surveyor, Civil Engineer , Arborist and siting and building architects. We wish to improve Bowker Creek to create a perfect, beautiful, peaceful jewel with walking paths, perhaps a gazebo and benches .

Thank you for agreeing to sell this land to us (with conditions we have to meet) . It will become a beautiful setting for so many aspects of Hospice

Your Truly

[REDACTED]
[REDACTED]

[REDACTED]
To:

[REDACTED]
Community Engagement

[REDACTED]
Subject:
Date:

[REDACTED]
Proposed sale of land at Landsdown South.
Tuesday, November 23, 2021 6:08:22 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Attn: Ann Whitaker, Chair

Board of Trustees, School Dist. #61

I am writing to express my concern about the disposal of the land proposed for a Hospice Building. I am particularly concerned about the effect on Bowker Creek, which is adjacent to the property. I would like to know if the BC Riparian Areas Protection Act has been taken into account. In the Regulation Guidebook for this Act there should be a 30 metre set back of any construction adjacent to a waterway. How can you guarantee that this would be preserved if the land is sold?

Thank you for your consideration of this question.

Sincerely

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Bowker Creek
Tuesday, November 23, 2021 6:14:10 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hello Ms Whitaker and Board Trustees,

As someone who has contributed many volunteer hours in efforts to conserve the vital ecosystem surrounding Bowker Creek, I am writing to request that any party involved in the purchase of SD 61 parcel, be made aware of the essential need to preserve and improve this vital link and unique ecosystem in the Bowker Creek watershed.

Thank you,

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Victoria Hospice
Tuesday, November 23, 2021 6:20:34 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Board of School District 61

Dear board members,

I am delighted with the opportunity to purchase the property on Newton St as a location for Victoria Hospice services. As a member of the Hospice board for the past five years, I have strived along with other board members to find a suitable location to build a new facility, replacing our current dated patient location of a floor in a 70 plus year old building. As a retired nurse, I can attest that the care provided by our staff and volunteers is extraordinary despite the setting with shared rooms, inadequate bathrooms and tub rooms, inadequate space for families both in the patients' rooms and on the unit, and much more. The access to outdoor green space and the Bowker Creek will be beneficial for patients, families and staff. Thank you for agreeing to sell this land. It will make a difference for dying patients and families for years to come.

Sincerely,

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: potential Hospice area.
Tuesday, November 23, 2021 8:05:56 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I would like to tell you how important it would be for Hospice to acquire this property. I have been a volunteer for s.22 and know what helpful services we provide for people experiencing grief and the families supporting those that are ill. This location is so excellent and I encourage all to consider this as a very important property to continue our support to the community. [REDACTED] s.22
s.22

Sent from Mail for Windows



Virus-free. www.avast.com

To: [REDACTED]
Subject: [REDACTED]
Date: Tuesday, November 23, 2021 8:10:32 PM

Community Engagement

Victoria Hospice

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Board of School District 61

November 23, 2021

Ladies and Gentleman

I was on the Board of Victoria Hospice for 6 years. All the while we were going through Pros and Cons of different sites. When it came right down to it..not one of the properties was just right for what we needed.. Also we needed to know our Donors would be willing to support our choice.

Finally there is this property on Newton, owned by yourselves, which is perfect for our needs. The community, I am sure, would see fit to allow us to have a tranquil beautiful setting for our loved ones at end of life. Part of our needs for a new home for Victoria Hospice, is a serene quiet environment. Bowker Creek will never be abused or not taken care of, as we all are of the same vision...Serenity and calm when our loved ones leave us.

I must tell you, and you probably know, many Victorians were born in the old Maternity Ward where Victoria Hospice is today...sadly - so many are also dying there.. We have one shower for 18 beds, and the Victoria Hospice care they get regardless of this is the best you can get. Victoria Hospice has been noted as the top Facility in Canada, with not only end of life, but a Learning centre, and education centre for our Country.

I was so very pleased when I heard you were opened to sell your property to us, with conditions. I know we will do our part to make you proud of your decision.

Thank you for your support.

Sincerely,

[REDACTED]

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Hospice property acquisition
Tuesday, November 23, 2021 8:16:04 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I would like to speak in support of Hospice acquiring this property. It is very close to our RJH site. As a volunteer of s.22 know that Hospice supports many people in grief as well as helping those supporting family in last stages of disease. This would be a place of healing and support for many .

Thanks [REDACTED] s.22

Sent from [Mail](#) for Windows



Virus-free. www.avast.com

[REDACTED]

To:

[REDACTED]

Community Engagement

Subject:

Feedback on proposed sale of SD61 property to Victoria Hospice

Date:

Tuesday, November 23, 2021 8:20:50 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hello,

I am a local community member and I do not support the sale of SD61 land at Lansdowne South Campus to the Victoria Hospice Society.

As we saw recently in the protection efforts to save the Kings Nature Space, this local area is at a large and growing deficit of greenspace. The particular parcel of land in question also encompasses Bowker Creek, and the CRD has plans to restore this section of the creek.

Why should we build on last remaining local greenspace and jeopardize the ecological integrity of Bowker Creek?

What are the goals of each organization and could we meet these AND at the same time protect this greenspace?

Has the St Pat's school and Diocese been approached? St Pat's has long been interested in the Lansdowne south campus. Perhaps a creative solution could be reached whereby St. Patrick's purchases the full Lansdowne south campus, and Lansdowne grade 6 students move to the current St Pat's school location. There would be more than enough capacity for grade 6 students in the existing St Pat's school building and students could use the back greenspace playground (at the end of Trent street off Haultain).

Victoria Hospice could build on the current St Pat's turf elementary playground and parking lot- immediately beside the hospital campus.

This scenario requires no loss of local greenspace and allows for the protection and restoration of Bowker Creek and the important surrounding floodplain.

I support the Victoria Hospice Society and their efforts to find a Centre of Excellence.

However I believe in 2021 we need to make decisions with the best long-term interests in mind for our climate, ecology and future generations. In this case, that will require a creative solution that 1) finds a location for Victoria Hospice, 2) brings in funds for SD61, and 3) does not include building on a floodplain and greenspace, and preventing the restoration of Bowker Creek.

Kind regards,

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: SD61 Lansdowne Middle School South Campus 1.9 acre proposed sale to VHS
Attachments: Tuesday, November 23, 2021 8:57:19 PM
CCA Letter LANSDOWNE SOUTH SD61 Final.pdf

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hello

Please see CCA feedback letter attached.



www.CamosunCommunityAssociation.com

Nov 23, 2021

Dear SD61 Board Members:

I write on behalf of the Camosun Community Association (CCA) concerning the SD61 agreement to potentially sell 1.9 acres of land south of Lansdowne Middle School to the Victoria Hospice Society for \$2.5 million. The triangular-shaped property is adjacent to the south campus of Lansdowne Middle School, formerly Richmond Elementary School. The land use proposal from Victoria School District SD61 will impact local community greenspace, increase development adjacent to Bowker Creek and reduce opportunities for future flood mitigation for downstream communities. **I encourage SD61 to take the time to properly consult the community and other stakeholders in accordance with Ministry policy in land disposal decisions.**

We ask that SD61 restart the community consultation process to discuss all options for land they consider for disposal and development. SD61 should engage all stakeholders in consideration of alternative solutions and allow the necessary time to inform and engage in meaningful dialogue.

Background

1. SD61 proposes to sell 1.9 acres for the Lansdowne South campus (Richmond School) to the Victoria Hospice Society for \$2.5 million: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>



It is important to note that CCA supports Victoria Hospice Society's (VHS) goal to have a new facility however the location is not appropriate given the sensitivity of this area.

The triangular-shaped Richmond School property at Newton St. includes a significant portion of Bowker Creek.






This community is deficient of parks and green space:

Camosun community is currently deficient in Saanich's recommended area for parks even if one includes the areas SD61 proposes to sell. Moreover, Saanich identified the Richmond School property as a proposed park in the 1998 Shelbourne Local Area Plan and this land is included in Saanich's current inventory of green space. The need for parks and greenspace will become even more acute with increasing intense densification along the Shelbourne and Hillside corridor.

"Providing adequate and suitable park space to serve an increased Valley population, particularly in Centres, and an increasingly diverse number of user groups will be a critical challenge going forward. As more residents move into housing forms that have limited or no access to private outdoor space providing high quality and easily accessible parks and open spaces will help ensure a good quality of life for all citizens." Shelbourne Valley Action Plan 2017 page 49.

SLAP 2008 page 27 – Proposed Park.

LEGEND

-  Proposed Park
-  Existing Park*
- *For the purposes of park calculations 1/2 of the school sites are counted
-  Closed Roads, Unconstructed Rights of Way or Walkways
-  Bowker Creek (Open Sections)
-  Bowker Creek (Culvert Sections)

MAP 7.1 PARK AND OPEN SPACE

Q:\Product_Admin\Local Area Plans\Shelbourne\map7\Map 7_1.pdf



Regional Implications – Flood Mitigation:

The CCA is a strong supporter of the Bowker Creek Blueprint: 100 Year Plan, also endorsed by Saanich, Victoria, Oak Bay and SD61. We are concerned that sale of 7.3 acres at Lansdowne Middle and the proposed 1.9 acres at the Lansdowne South Campus (Richmond) properties and subsequent development will have negative downstream impacts. The storm event this week once again demonstrated how susceptible all communities adjacent to Bowker Creek are to flooding. Adjacent natural areas are a critical asset for improved flood mitigation. SD61 has acknowledged the increasing risk of extreme weather events. Without intervention, flooding and property damage is expected to increase given current climate change projections.

The SD61 'information session' on November 3rd on sale of the Richmond property failed to address concerns around storm water and flood plain management. Both the representatives for SD61 and Victoria Hospice had great difficulty answering basic questions on flooding and SD61's previous commitment to the Bowker Creek Blueprint and 100 Year Plan, and the potential for flood mitigation presented in the Bowker Creek Daylighting Feasibility Study (2020). We are concerned with the lack of research, preparation, and consultation for this important initiative.

SD61 has an impressive record of collaboration with Oak Bay to restore flood capacity and natural areas at Oak Bay High School in 2015. SD61 made similar commitments for the property at Richmond School. We think it's vital that SD61 not undertake initiatives resulting in further loss of Bowker Creek's natural capacity for extreme weather and flood events.

Concerns - Inadequate Consultative Process:

Ministry of Education policy directs School Districts to consult the community on alternatives for property disposal (M193/08). *"Just like consultation undertaken around school closures, a board must consult with local government, community organizations and the general public regarding alternative community uses and the disposal of land."* SD61 policy and regulations for land disposal (Compliant with IAP2) also requires to consideration of alternative uses. Unfortunately, SD61 has simply focussed on their preferred option to sell the land to Victoria Hospice with no opportunity for meaningful consultation with community or other stakeholders on options/alternatives. We ask SD61 to look seriously at all possible options and solutions for Richmond School. We encourage SD61 to collaborate with the community in Saanich as they did with Oak Bay.

Thank you in advance for taking these concerns into consideration.



To: [REDACTED]
Subject: Community Engagement
Date: Victoria Hospice
Tuesday, November 23, 2021 9:07:58 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To all concerned:

I am an ardent supporter of Victoria Hospice and fully understand the need for it to relocate its services. I also understand that Hospice has identified your property as an extremely suitable location, after spending much energy and time searching.

I am sure you will agree that when looking forward to 'best options' use of the property, Victoria Hospice will undoubtedly be the best steward of that location, while also having the greatest benefit to the Greater Victoria community, for many decades to come.

I sincerely hope that you will proceed with the sale of your property to Hospice.

Thanking you for your attention.

[REDACTED]
Victoria

To: [REDACTED]
Subject: Community Engagement
Date: Victoria Hospice
Tuesday, November 23, 2021 9:55:15 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To whom it may concern:

I have heard that Victoria Hospice is trying to purchase your excess property on Newton.

This would be such an ideal and beautiful location to relocate Hospice.

This charity is completely unselfish in its efforts to find the right setting and your property is perfect in every sense.

I would ask you to give your generous consideration to this request.

Yours Sincerely

[REDACTED]

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Hospice
Tuesday, November 23, 2021 10:02:38 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Good afternoon:

My name is [REDACTED] and I am s.22 in Victoria. Over my many years here in Victoria I have had clients from all walks of life who have spent their final time in the Hospice. I have to say that it is a wonderful organization that has treated my clients with compassion, generosity of spirit, kindness and humour despite the rather grim physical building in which they are housed.

I have been so pleased to hear of the discovery of your property on Newton Street. The property would be so perfect for the purpose of Hospice and I know that the Hospice organization would be excellent stewards of the property and would conserve and beautify the lands including the Creek. I understand that they have already selected a number of consultants including a Biologist, Landscape Architects, Surveyor, Civil Engineer , Arborist and siting and building architects to create a perfect, beautiful, peaceful jewell with walking paths, a gazebo and benches .

I sincerely hope that you will agree that this is a perfect use for your surplus land and Hospice will be able to create there a physical environment consistent with their mission of caring for those in their final days.

Best regards,

[REDACTED]
[REDACTED]



Virus-free. www.avg.com

To: [REDACTED]
Subject: Community Engagement
Date: Sale of Lansdowne South Property
Tuesday, November 23, 2021 10:20:58 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hello,

I am writing as a follow-up to the meeting that was hosted earlier this month regarding the sale of a portion of the Lansdowne South property to Victoria Hospice Society.

We are opposed to this sale and do not support the decision to sell this property adjacent to Bowker Creek greenway.

We were disappointed with the lack of knowledge displayed by the school board representative at the meeting with regards to the Bowker Creek Blueprint plan. The Blueprint was agreed to by all the municipalities and the School district. The triangle was also declared 'potential park' by Saanich and is shown as such in the Shelbourne Local area plan. This potential sale does not respect past planning at all!

We were also disappointed with Victoria Hospice- they are a deserving cause for sure; however, they did not sound like they had researched this property at all and seemed to know nothing about the flood plain, the creek, or any previous studies and agreements around this area.

Much research has been done on Bowker Creek and its important role in the ecosystem in the area. The greenspace is critical and especially, in light of recent weather events, it is more important than ever to maintain and protect our vanishing greenspaces and Bowker Creek.

We have just lost a large section of the Lansdowne field to development for another school. Citing percentages of greenspace per student is beside the point. The greenspace is for all the community, not just a 'per student' ratio.

On a more practical note- situating a hospice facility adjacent to a busy school seems poorly thought out to me. We live near the school and it is not restful or peaceful - which I would imagine would be the environment one would seek out for hospice.

We trust you will hold to agreements made in previous years and protect this valuable area.

Thank you,

[REDACTED]

To: [REDACTED]
Cc: [REDACTED]
Subject: newton street property
Date: Wednesday, November 24, 2021 8:11:34 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I am writing in hopes you will allow Victoria Hospice to complete the sale of your undeveloped property on newton street. As I'm sure you know, Hospice has been looking for a suitable property to relocate to for years- literally. I cannot think of an agency that has more impact on peoples lives at a critical time, or one who does a better job of carrying out their mission. I have no doubt they will do as they say , and will meet the conditions you have set out- and we, the community they serve will be there to help.

If there is anything you require that we can help with, please don not hesitate to contact us at the above email.

with thanks [REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: School Board Site - Newton Road - Victoria Hospice
Wednesday, November 24, 2021 8:48:08 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To: Board of School District 61
Date November 24, 2021

Ladies and Gentleman

Hello, my name is [REDACTED] and I am a Board Member of Victoria Hospice. We appreciate the effort involved by the school board with assisting Victoria Hospice finding a new site to continue to provide valuable services to the community.

The Victoria Hospice is extremely excited about the school boards property on Newton Street. The Victoria Hospice will be proud to beautify and protection Bowker Creek and the lands we acquire. We look forward to ensuring Victoria Hospice becoming a welcome community neighbour

Thank you for agreeing to sell this land to us (with conditions we have to be meet)

Respectfully

[REDACTED]
[REDACTED]
[REDACTED]

To: [REDACTED]
Subject: [Community Engagement](#)
Date: SD61 land disposal at Lansdowne South
Attachments: Wednesday, November 24, 2021 9:00:50 AM
[SD61 land disposal at Lansdowne South - Streamkeepers response.docx](#)

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Thank you for this opportunity to comment. Please find my letter attached below.

[REDACTED]

To: School District 61

November 23, 2021

From:



Salmon Recovery Streamkeepers, Friends of Bowker Creek Society

Subject: Disposal of Lansdowne South property on Bowker Creek

Thank you for this opportunity to comment.

The Streamkeepers group that I represent is restoring salmon to Bowker Creek near Oak Bay High School. With support of Fisheries and Oceans Canada and in partnership with Peninsula Streams Society, we plan to incubate 30,000 Chum eggs in the creek for each of the next three years, beginning this winter. Returning adult salmon are expected in November 2024. Our Bowker Creek salmon recovery initiative enjoys enthusiastic community support.

My comments will relate to the Streamkeepers' interest in restoring Bowker Creek as a healthy stream ecosystem where salmon and trout may thrive. Comments are as follows:

Bowker Creek restoration at the Lansdowne South campus matters greatly to the health of the stream and is part of an action plan endorsed by SD61.

- The campus holds one of the longest stretches of the creek on public land. As such, it ranks very high among properties critical to Bowker Creek's future.
- The *Bowker Creek Blueprint: a 100-year action plan to restore Bowker Creek's watershed* (CRD, 2011) states:

On this site there is an opportunity to create a wider, healthier channel in the triangle to the west of the current alignment. See Figure 12 for a restoration concept in this location. The new, relocated channel should have gently sloping banks and be planted with native species to create a riparian buffer. Opportunities for an outdoor classroom.



Streamkeepers response to proposed disposal of property at Lansdowne South

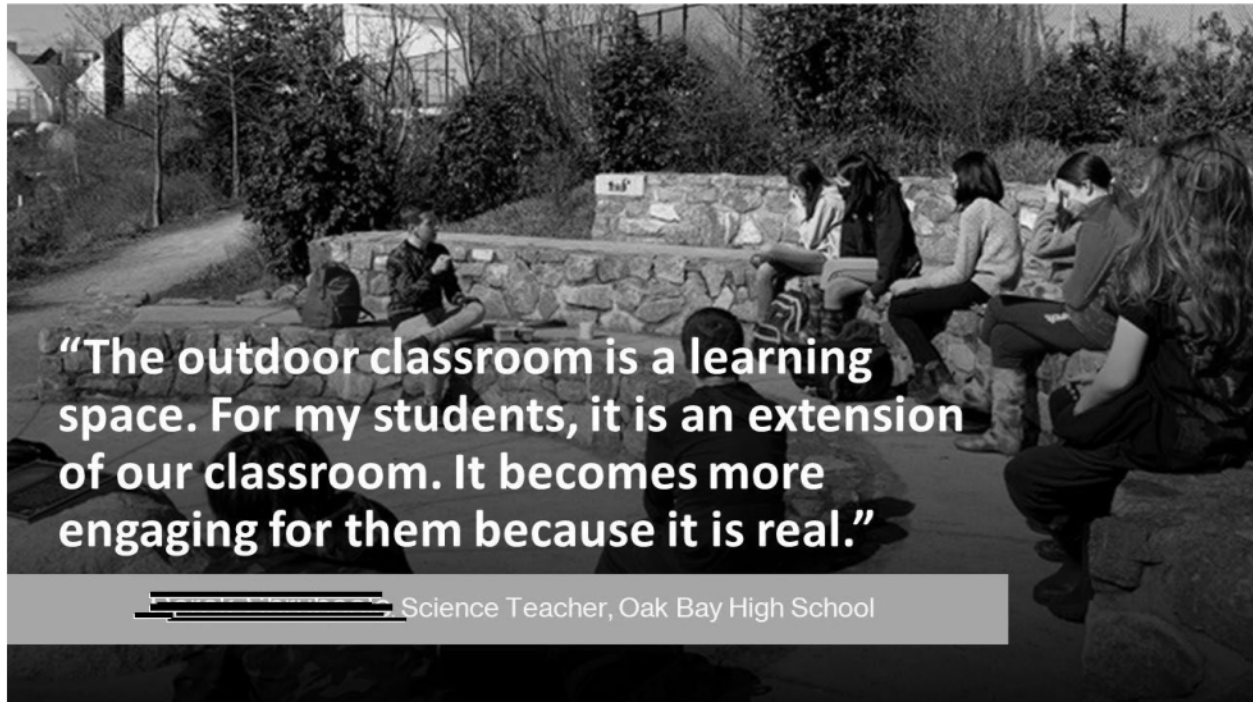
- SD61 has endorsed the *Bowker Creek Blueprint*. We appeal to the school district, as one of the significant public landholders on the stream channel, to accept its vital role in implementing the *action plan*.
- The *Daylighting Feasibility Study – Bowker Creek* (CRD 2020) updates the *Blueprint* vision for the Lansdowne South portion of the stream, adding to its ability to mitigate peak storm flows in the creek.
- Financing the restoration need not be a school district responsibility. The project is extraordinarily well-suited for Federal and Provincial grants, as in the case of the Oak Bay High School stream restoration, completed in 2016.

Benefits of Bowker Creek restoration at Lansdowne South:

- **Educational opportunities for students**
 - The example of Oak Bay High School shows that students can benefit greatly by stream restoration on school grounds. Design of the restoration included the school community. It features an outdoor classroom area that allows classes to meet on the streambank. Teachers at OBHS have brought the creek and its riparian zone into curriculum. Students conducting studies along and in the creek are a common sight, as are structures, nets and demarked study zones that indicate student projects taking place.
 - OBHS student research led to the salmon recovery initiative. Surveys of habitat and water quality in the restored area of stream surprised everyone by indicating that conditions were almost acceptable for introducing Chum salmon. The Streamkeepers were able to expand on the OBHS student work to identify a part of the stream with acceptable habitat and water quality where the egg incubation will occur.
 - Students and community volunteers work together at OBHS to restore habitat, to benefit ecosystem and human communities. The students learn that their local actions can be part of solving global problems.



- Students from other schools also benefit. Students from Monterey Middle School have engaged for many hours in learning and habitat work at OBHS and elsewhere on the creek. Their plantings are an evident and thriving part of restoration efforts. Other schools visit for learning at OBHS to enrich their projects incubating salmon eggs in the classroom.



- **Climate change adaptation**
 - Record rainfalls this month have awakened all of us to the vital need for adaptations now to prevent future disasters. We recognize that the rain this month is only a foretaste of winter storm events to come. This month's rain pushed to the limit the creek's ability to conduct stormwater to the sea. We know that we must improve the capacity of Bowker Creek and its catchment area to manage rainwater. Climate change dictates changes to our practices.
 - **The Bowker Creek Blueprint is a climate adaptation plan.** It represents a shift to Smart Rainwater Management. Rather than constructing drains and culverts ever bigger, while degrading the stream ever further, our communities are shifting to rainwater management that partly imitates nature. We learn to capture, recycle, delay and clean water on its way to the creek and in the creek; we learn to use rainwater to benefit people and nature throughout the catchment area. *Blueprint* plans for the Lansdowne South campus reflect that shift to Smart Rainwater Management.
 - Restoration will widen the stream to slow, store and clean the water at Lansdowne South campus. It will help to reduce downstream effects of big rainfalls. Fish habitat and water quality will benefit.
 - **We celebrate the stated commitment of SD61 to enact a Climate Action Plan. Stream restoration at Lansdowne South is an obvious part of that plan.**

- **Biodiversity**
 - Restoring the creek and its streambank (riparian) zone brings a great abundance of natural life back to Bowker Creek's valley. The stream is becoming a "biodiversity corridor" in our urban environment at a time when our nation is becoming aware of severe and dangerous loss in biodiversity. Bowker Creek can provide children and adults with vibrant ecosystem in the heart of the city, where people see otter and mink, hawks and owls, butterflies and caddisflies and where people hear yellow warblers and red-winged blackbirds. **Restoring the creek can allow students to witness a Chum salmon spawning run in their own neighbourhood, without the bus trip to Goldstream.**
 - In addition, restoration at the Lansdowne South campus offers the rare opportunity to establish wetlands ecosystem, once prevalent along the creek, but now rare.
- **Creek restoration at Lansdowne South can create excellent fish habitat.**
 - At present, Bowker Creek at the school is a narrow, deep ditch. Storm flows raging through it would sweep away any salmon or trout as well as any eggs and spawning gravel. Low summer flows would expose fish in bare, narrow channel, lacking pools and hiding places.
 - The Oak Bay High School provides an example of restoration. Storm water has room to spread out and slow down. At the height of storm flow this year on November 15th, water velocity remained moderate in the main channel, streambed gravel stayed in place and flooded streambank vegetation provided calm refuge where ducks paddled. **SD61, can succeed like this again at Lansdowne South.**



We urge SD61 to work with community and governments to restore Bowker Creek at Lansdowne South, as you did at Oak Bay High, with wonderful results.

Streamkeepers response to proposed disposal of property at Lansdowne South

To:

[REDACTED]
Community Engagement

Date:

Wednesday, November 24, 2021 9:35:14 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Ladies and Gentlemen,

My name is [REDACTED], I am a member of the Victoria Hospice Board .

As [REDACTED] and others have presented the history and facts of the Hospice long journey to find an ideal location for a new stand alone home for Hospice , I will keep my input short .

The Newton site under your jurisdiction would be an ideal new home for Hospice for many reasons .

It is centrally located in a lovely residential area with Bowker Creek running the border of the proposed site .

A lovely setting for patients at their end of life and families to share together .

We are hoping that with the foundations due diligence of engaging with all consultants and stakeholders that the sale of your land to us comes to fruition.

Many in our community will benefit from this project .

Many thanks

[REDACTED]

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Sale of land at Lansdowne South Campus
Wednesday, November 24, 2021 10:01:12 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To Whom it May Concern,

I write to urge you to suspend plans to sell the land at Lansdowne South campus, in the interests of community engagement, ecological awareness, and SD61's prior commitment to the Bowker Creek Blueprint.

My son and I have been volunteering with the Friends of Bowker Creek/Bowker Creek Streamkeepers for several years now, and have seen the tremendous changes that can be wrought with volunteer labour and sincere commitment. My son is an avid birder and advocate for the environment, especially the reintroduction of salmon species into Bowker creek and the gradual restoration of the entire waterway to its pre-concrete state (the substance of the aforementioned blueprint). There is little enough hope for kids these days in terms of environmental recovery, and I hate to think what the sale of these lands would do to his, and my, investment in restoring this bit of our ecology.

Land is thought—how we engage with it is a mode of thinking. Please at least halt the sale of these lands until proper consultation has been undertaken and we have arrived at some consensus about its true value – as opposed just to its price.

Thank you,

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Bowker creek
Wednesday, November 24, 2021 10:41:26 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Please halt the sale of the 1.9 acre parcel of land adjacent to Lansdowne Middle School. This parcel of land has unique ecological qualities for fish habitat / restoration AND it appears that SD 61's commitment to the Bowker Creek Blueprint has been overlooked.

PLEASE RESPECT PAST COMMITMENTS TO THE BOWKER CREEK BLUEPRINT.

[REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Proposed disposition of property at Lansdowne South campus
Attachments: Wednesday, November 24, 2021 11:02:15 AM
[SD61 Lansdowne south sale.pdf](#)

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.



November 23, 2021

Greater Victoria School District
community@sd61.bc.ca

Re: Proposed disposition of property at Lansdowne South campus

This property, which SD61 proposes to divest by sale, is one of very few undeveloped properties of any size adjacent to Bowker Creek remaining in public ownership. It has been identified by the *Bowker Creek Blueprint*, endorsed by SD61 in 2018, and the 2020 *Bowker Creek Daylighting Feasibility Study* as an important location for enhancement of public Greenway access, Creek restoration and naturalization, and storm water management infrastructure. All of these functions are of great and growing importance to our increasingly densified urban community.

The crucial need for enhanced storm water management capacity, for which this site has significant potential, has been highlighted by recent, unprecedented storm events. We need that capacity on rare sites such as this to increase environmental resilience of our community in the face of such events, which are becoming more frequent and more severe with the advance of climate change. Our community cannot afford to forego that potential of this site.

The process of public consultation on this proposed property disposition has been hurried and insufficient in scope. It risks failing to recognize and account for the significant potential of this site to serve greater values of public benefit and the public opportunity costs through development inconsistent with the *Bowker Creek Blueprint*. There is no indication, for example, that the District of Oak Bay and its residents have been specifically consulted on the significant, potential “downstream” impacts for them from the proposed disposition and consequent lost opportunities to realize the anticipated long-term benefits of the *Blueprint* plans.

We urge SD61, at the very least, to pause this hurried process and revise it so as to consult more widely and effectively with communities affected by the proposed disposition.

[REDACTED]

To: [REDACTED]
Cc: [REDACTED]
Subject: Community Engagement
Date: Trustees
sale of Lansdowne Middle School South Campus lands
Wednesday, November 24, 2021 11:02:31 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hello,

I am writing to urge SD61 to extend the public consultation process on the sale of this land so that the implications of the proposed sale on Bowker Creek and the local watershed can be fully considered.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Subject: Newton Street Location for Hospice
Date: Wednesday, November 24, 2021 11:04:30 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I received the news of the purchase of this land for the purpose of relocating Hospice with great interest and delight. This site will provide for a great location, with adequate parking and accessibility.

Having worked as a volunteer at Hospice in its present location, I am aware of the need for an improved environment. The staff provide the highest degree of care and it is such a privilege to work and learn from them.

I was also delighted to see that Bowker Creek runs through the property. Anyone who has visited Hospice has likely seen the garden on the 4th floor. It is a wonderful spot for families and, when possible, patients to revisit nature at a time when a person is confronting the end of life. Having a natural site like Bowker available would be a great enhancement to their experience at such a difficult time, both for the patients and their families. I know this natural area will be tended to with great care by volunteers as is the rooftop garden now.

Thank you for your consideration of my opinion.

[REDACTED]

To:

Community Engagement

Subject:

Disposal of the Lansdowne South property - community feedback

Date:

Wednesday, November 24, 2021 11:10:31 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To School District 61,

Thank you for the opportunity to comment on the proposed disposal of the Lansdowne South property. I write to urge you to reconsider the sale because I believe that the development of the greenspace will bring undue hardship onto the community and the environment.

Loss of greenspace in urban landscapes is a well documented phenomenon, with lower income families and children most affected by the decline. Access to greenspaces is a necessity for babies and children and provides significant physical, mental, and social benefits including higher birthweight, improved cognitive development and academic performance, better mental and physical health outcomes, as well as fewer behavioral and social problems. With the rapid and alarming increase in real estate prices combined with the continued densification of Saanich and Victoria, many families find themselves fully reliant on public green spaces. UNICEF states that schools must **preserve, maintain, and improve** greenspaces that are under their ownership instead of allowing them to be developed.

On a personal note, as a young family we have experienced firsthand how the focus on profit has made Victoria and Saanich an unwelcome place for families. During the public information session, the presenter made it clear that there were cheaper school restoration options available to the school board that would be covered by provincial funds, but the school board is **choosing** not to pursue those. I would encourage the school board to rethink their budget and consider pursuing options that do not require the community to bear the loss of greenspace.

Finally, in my opinion it is disingenuous and intellectually dishonest to pit carbon neutrality against the environment and I would encourage the school board to reconsider. Also, please take the time to familiarize yourselves with the wonderful work that has been done by Friends of Bowker Creek and other community groups. The restoration project near Oak Bay High School has attracted great community support and similar work can be done at Lansdowne South if given the opportunity.

All the best,

[Redacted Signature]

From: Ryan Painter
Cc: Trustees
Subject: Re: sale of Lansdowne Middle School South Campus lands
Date: Wednesday, November 24, 2021 11:18:12 AM

Dear [REDACTED],

Thank you for your email and these important contributions to this discussion about the proposed land disposal at the Lansdowne South Campus, formerly Richmond Elementary School.

I wanted to let you know that Trustees have received your letter.

I'm certain that all Trustees will review this correspondence with care and respect for the considerations highlighted within.

As a friendly reminder, feedback on the proposal will be accepted until November 24. A summary "What We Heard" document will be provided to the Board in December, and the final vote is currently scheduled for the Board meeting on December 13.

Thank you again for providing this important feedback.

Sincerely,

Ryan Painter (he/him)
Board Chair
Greater Victoria Board of Education
Sent via cell

From: [REDACTED]
Sent: Wednesday, November 24, 2021 11:02:22 AM
To: Community Engagement <Community@sd61.bc.ca>
Cc: Trustees <trustees@sd61.bc.ca>
Subject: sale of Lansdowne Middle School South Campus lands

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Hello,

I am writing to urge SD61 to extend the public consultation process on the sale of this land so that the implications of the proposed sale on Bowker Creek and the local watershed can be fully considered.

Sincerely,

To: [REDACTED]
Subject: Community Engagement
Date: Disposal of SD61 lands on Bowker Creek
Wednesday, November 24, 2021 11:26:22 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Please provide better public consultation before proceeding with this.

Thanks

--

Regards, [REDACTED]

To: [REDACTED]
Subject: Community Engagement
Date: Don't sell the Bowker property
Wednesday, November 24, 2021 11:38:20 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Don't do it!

To: [REDACTED]
Subject: Community Engagement
Date: hospice
Wednesday, November 24, 2021 11:56:43 AM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I noticed that Hospice is requesting to purchase the property by Lansdowne School in order to build a new Hospice building,

I think that is is a very good location and I would support this purchase.

With thanks for your consideration,

[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Cc: [REDACTED]
Subject: Lansdowne North property sale to Victoria Hospice Society
Date: Wednesday, November 24, 2021 12:45:57 PM
Attachments: [My letter to SD61 - Richmond School property 11.24.2021.docx](#)

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Board members,

Please find attached my letter concerning the sale of 1.9 acres of Lansdowne North Campus property to the Victoria Hospice Society.

I would be grateful if you could acknowledge receipt.

Yours truly,

[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Subject: Bowker Creek & land sale at Lansdowne
Date: Wednesday, November 24, 2021 1:00:51 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To Whom It May Concern,

As a concerned member of the local community and a parent with children who actively volunteer their time in helping to restore the health of Bowker Creek I'm writing with these requests regarding the sale of land at Lansdowne:

1. Please extend the public feedback period beyond Nov. 24th;
 2. Defer making a decision to sell this land until broad public consultation has taken place; and
 3. the SD61 Board has a chance to review the relevant content in the *Bowker Creek Blueprint*, especially at Reach 9;
 4. consult downstream municipalities of Victoria and Oak Bay regarding flood protection and mitigation;
 5. open dialog with neighbourhood associations in the watershed, with community groups, – including the Friends of Bowker Creek, who have an interest in this property for educational, environmental and health benefits;
 6. visit the site, including downstream greenway routes to Oak Bay High School - Bowker Creek restoration project with an outdoor classroom in the riparian zone, allowing access to the creek.
-
6. As a local parent who has volunteered hours with my 2 kids to do our part to contribute to the realizing of the long term Bowker Creek Blueprint I feel it is imperative that the school board grant this matter the careful consideration from a long-term perspective that it deserves.

With thanks and looking forward to your response,

[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: [Community Engagement](#)
Subject: Proposed Location-Victoria Hospice
Date: Wednesday, November 24, 2021 1:38:40 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I'm writing in support of the potential new site for Victoria Hospice on the property adjacent to Lansdowne Middle School South Campus. I have been an enthusiastic supporter (financially and as a volunteer) of Victoria Hospice since 2008 when I first saw for myself what an invaluable service this is. I am amazed at the level and quality of service that staff and volunteers provide in the outdated current facility. I can only imagine that patients and families could be cared for even better and more comfortably in a new, purpose built facility.

I also see great potential for a partnership between Lansdowne students and Victoria Hospice. I leave it to those who are more involved and knowledgeable than I am as to what that could look like.

Thank you for allowing me to have input into the engagement process. Please feel free to contact me if you have any questions.

Respectfully submitted,

[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Cc: [REDACTED]
Subject: Victoria Hospice Land
Date: Wednesday, November 24, 2021 6:03:19 PM

Hello -

We are teachers at Lansdowne South campus and we just wanted to quickly send in our input as we see this is the last day for feedback.

While we understand the land sale/purchase and the need for additional Hospice facilities, we also want to make sure that the board is aware of the incredible opportunity that lies in making this building suit the needs of the environment and community.

A restoration of the Bowker creek area that lies in between Lansdowne south campus and the new development of Victoria Hospice is essential for our community, the environment and is in best interest of all properties. The learning opportunities this would provide to students are invaluable. The connection and restorative piece it could allow as part of the hospice could be immensely beneficial as well.

We are sure that all are aware of the intense need to respond to the environment after the storms and fires we have seen in our province recently. As well as the vital need to consult with the local First Nations in order to restore and revitalize this section of Bowker Creek. This is a real opportunity to show this commitment as a school district community.

This will not happen unless it is agreed upon ahead of time. The builder of the new building must understand the expectation to commit to the environmental restoration.

There are numerous teachers and staff at Lansdowne that would be excited to participate in a project like this. We have seen as a community what this can look like with Oak Bay high and the Bowker Creek walkway there. Please make a commitment to this for Lansdowne South as well. For our students, for our community and for the future of all of us living here.

Thank you

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Subject: Lansdowne school
Date: Wednesday, November 24, 2021 6:50:21 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I support the sale of part of the land of lansdowne school to Victoria Hospice to help them develop a new facility that will keep this vital organization growing with the CRD population.

This will also generate revenue for the school district - important in these times to continue the task of educating children.

[REDACTED]
Get [Outlook for iOS](#)

From: [REDACTED]
To: [Community Engagement](#)
Cc: [REDACTED]
Subject: Consultation re: sale of Lansdowne South campus
Date: Wednesday, November 24, 2021 8:13:25 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To whom it may concern:

We understand there is consideration to dispose of land at the Lansdowne South campus, in the heart of the Bowker Creek pathway.

Our family has worked with the Friends of Bowker Creek for a number of years, including our local Scout group, to restore native plantings with the hope of reintroducing salmon species into Bowker Creek. Please see this article which features their work. <https://www.oakbaynews.com/community/trio-of-10-year-olds-swap-invasive-for-native-plants-in-bowker-creek/>

We are deeply concerned by the potential impact of the sale and the future development of the lands. We urge you to conduct appropriate consultation with all those who have interest in Bowker Creek, including the traditional keepers of the land it occupies, the Songhees and Esquimalt Nations.

Thank you for your consideration,

[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Subject: Support for Friends of Bowker Creek
Date: Wednesday, November 24, 2021 8:26:14 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear School District 61,

I am a volunteer with the Friends of Bowker Creek and recently learnt about SD 61 proposal to sell lands on Richmond Road between Newton and Townley. I am a nature lover, a **s.22** **s.22** by profession, and supporter of projects and initiatives that improve natural areas in the community. Projects that improve nature's ability to handle weather events are critical for the well being of the city and its people. Without improvements to the creek, residents will be faced with more flooded dwellings and loss of biodiversity in the city.

I would like to request that you please take into consideration the letter from the Friends of Bowker Creek Society on behalf of Streamkeepers of the community and commitments made for the Bowkery Creek 100 Year Blueprint while making the decision to sell this property. Please consider giving more time for further public engagement in this matter.

Thank you for your time. Sincerely,

[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Subject: Re: Proposed Land Disposal at Lansdowne South (former Richmond School)/Public engagement
Date: Wednesday, November 24, 2021 8:44:24 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

November 24, 2021

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Chair Painter and Board Trustees:

Re: Proposed Land Disposal at Lansdowne South (former Richmond School)

I am a member of a fundraising group to protect Kings Community Nature Space (KCNS). KCNS is situated downstream from the proposed property. As I was celebrating the news that KCNS will be protected from development in perpetuity on Monday November 22nd, I learned that an area of land situated along Bowker Creek upstream from KCNS is in jeopardy of sale & development.

I am very concerned to learn of all the impacts that the proposal would have, especially related to the flood and stormwater mitigation measures that have been planned for years and have become more urgent to initiate.

I fail to understand how this sale can be proposed without the consultation of the Friends of Bowker Creek especially considering their extensive work involving the SD61 on the planning and restorative work on the Creek and surrounding riparian zone.

After **s.22** I can safely say that no one could dispute the value of the service that Hospice care provides. It would be obviously more convenient if it was located on the hospital premises and to build on developed property, not pave greenspace. As our population explodes in this area it would be important to look at what the hospital plans are for the future growth of all the medical areas, not just hospice.

We should learn from the recent devastating flooding in Abbotsford and the astronomical cost incurred due to inadequate flood mitigation planning and headed warnings. Each year

Bowker Creek rises and will continue to rise. Neighbours (cc'd) spoke at the Saanich Council meeting Monday night, November 22nd, of the devastating flooding they experienced downstream from Lansdowne School as Bowker Creek overflowed.

It is imperative that adequate time be allowed to examine this proposal thoroughly and not rush the process through, in haste. Allowing more time for engagement will be beneficial for all parties in the long run.

Please consider extending the public engagement period to allow for a more thorough analysis of all options and concerns from our citizens and community associations that have spent years on planning and protecting Bowker Creek.

Thank you for your consideration,

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Subject: Please give the Bowker Creek Land Disposal more time for public consultation!
Date: Wednesday, November 24, 2021 10:36:09 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Chair Painter and School Board Trustees

Please give more time for public consultation regarding the sale of 1.9 acres of land near Lansdowne Middle School! And if you are going to go ahead with selling it, please make sure people are gentle with the section of Bowker Creek. Volunteers have worked hard to restore sections of the creek!

Thank you,
[REDACTED]

From: [REDACTED]
To: [Community Engagement](#)
Subject: Re: Purchase and Sale Agreement 1.9 Acres Lansdowne South
Date: Wednesday, November 24, 2021 11:18:52 PM

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Chair Painter and SD61 Board Trustees,

I am a neighbourhood resident writing with concern to the sale agreement of the 1.9 acres of public land adjacent to Lansdowne South.

I have spent time on that field since I was a child, as my uncle lives a few blocks away. When I was staying with him during my degree at the University of Victoria, I would walk in that field nearly every day, as I took respite from my studies, attempting to trace the few places where Bowker Creek is visible amidst the urban sprawl.

Through my uncle I have learned much about the ecological importance of the Bowker Creek watershed and how little of it remains. The lot you intend to sell is one of few jewels on an emerald necklace that string along Bowker Creek. It has so much potential as a creek-side park rather than be developed and lost. The field could (and already does) provide a great extension to Kings Park, as it is connected through the Spirit Garden trail.

In terms of climate adaptation, given its function as a flood-plane, the field is an important sponge for mitigating floods and protecting the limits of Bowker Creek. Destroying more greenspace will also take a toll on Greater Victoria's contribution to mitigating the climate crisis. With some volunteer ecological restoration work, the field could become a thriving native plant garden and food forest. Like many similar reclaimed greenspaces across the city, it could contain community garden plots to help increase urban food security which will become increasingly threatened with the worsening climate emergency.

As a resident and stakeholder, I don't feel that the public was adequately consulted for this reckless disposal. I encourage you to make the right decision and allow for proper community engagement so that this special greenspace can reach its greatest potential, for the local neighbourhood and the planet. The future is counting on you.

Kindly,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Community Engagement](#)
To: [REDACTED]
Subject: RE: Disposal of land at Landsdowne Middle School
Date: Tuesday, November 30, 2021 10:57:50 AM

Hello [REDACTED]

Thank you for your feedback. Please note this communication will be compiled and provided to the Board in an Engagement Summary Report.

The Board will review all feedback prior to making a decision.

Kind regards,

Lisa McPhail
Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103
www.sd61.bc.ca | @sd61schools

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-----Original Message-----

From: [REDACTED]
Sent: Saturday, November 20, 2021 8:08 AM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Disposal of land at Landsdowne Middle School

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Thank you for the opportunity to provide input. While no doubt a hospice is a worthy cause, I feel that the sale of this land is short sighted. I understand the district needs to find money and may have deficits to address, but I don't believe the sale of land is the right approach. Land is incredibly valuable right now - which is why I'm sure it is tempting to sell. But the sale of our limited assets isn't the right way. It's a temporary fix with a long term, permanent impact.

Thank you,

[REDACTED]
(Parent of two SD61 kids)

Sent from my iPad

From: Community Engagement
To: [REDACTED]
Subject: RE: feedback to the proposed sale of land to Victoria Hospice Society
Date: Tuesday, November 30, 2021 11:03:47 AM

Hello [REDACTED],

Thank you for your feedback.

Please note this communication will be compiled and provided to the Board in an Engagement Summary Report. The Board will review all feedback prior to making a decision.

In addition, we recognize that the Board passed a motion in 2018 supporting the Bowker Creek Blueprint in principle. The presentation and motion is linked to the Lansdowne Disposal webpage under additional resources: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Kind regards,

Lisa McPhail
Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103
www.sd61.bc.ca | @sd61schools

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-----Original Message-----

From: [REDACTED]
Sent: Monday, November 22, 2021 11:36 AM
To: Community Engagement <Community@sd61.bc.ca>
Subject: feedback to the proposed sale of land to Victoria Hospice Society

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

I protest in the strongest way the proposed sale of land to the west of Bowker Creek on the Lansdowne South middle school property.

SD 61 endorsed the Bowker Creek Blueprint in March 2018 and thereby agreed to be a partner in the restoration of Bowker Creek from the University of Victoria to the ocean. You agreed to be a partner with the municipalities of Saanich, Victoria and Oak Bay as well as the CRD. This is an important 100 year CRD plan to obtain and protect land along the creek to create flood abatement areas (two of which are on Lansdowne north and south lands) to prevent flooding in all three municipalities. It involves complicated hydrological engineering, shifting the creek beds, sloping the banks, planting of native plants and building on these areas will preclude and jeopardize the whole project. Does the school board not live up to its agreements??

Here is a link to the presentation that [REDACTED], Harbours and Watershed Coordinator made to board in March 2018 <https://www.sd61.bc.ca/wp-content/uploads/sites/91/2018/03/Bowker-Creek-Presentation.pdf>

And here is the board's record of a carried motion to endorse the Blueprint from SD61 minutes of April 16 2018

pg5.

3. Bowker Creek Initiative

[REDACTED], CRD Harbours and Watersheds Coordinator updated the Committee on the current status and work plans related to the restoration of Bowker Creek and requested the Committee's endorsement of the "Bowker Creek Blueprint"

which is a

5Combined Education Policy and Directions and Operations Policy and Planning Committee Meeting Regular Minutes, March 5, 2018 Page 3 commitment to incorporate the principles and goals into future planning.

Trustees

thanked [REDACTED] for her presentation.

It was moved by Trustee McNally:

That the Board of Education of School District No. 61 (Greater Victoria) endorse in principle the Bowker Creek Blueprint.

Motion Carried

For: Trustees McNally, Paynter and Watters

Abstained: Trustee Leonard

It may have escaped your notice that the region had significant flooding in the past week, including houses along Townley St that runs between Lansdowne south and north near the creek. Many municipalities and School Boards in other cities (Edmonton Alta for example) have partnered with cities to build these flood abatement areas. The recent Bowker Creek Daylighting Feasibility study (2020) references this collaboration. With SD 61's strong environmental policies, I would think the district would want to live up to their agreement, help build a shining example of cooperation with their community and a wonderful example and learning opportunities for their students.

Please, please do not approve this sale!!!

[REDACTED]

From: [Community Engagement](#)
To: [REDACTED]
Subject: RE: Support for sale of Lansdowne south land to Victoria Hospice
Date: Tuesday, November 30, 2021 11:07:11 AM

Hello [REDACTED],

Thank you for your feedback. Please note this communication will be compiled and provided to the Board in an Engagement Summary Report.

The Board will review all feedback prior to making a decision.

Kind regards,

Lisa McPhail
Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103
Cell: 778.679.5049
www.sd61.bc.ca | @sd61schools

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-----Original Message-----

From: [REDACTED]
Sent: Tuesday, November 23, 2021 11:02 AM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Support for sale of Lansdowne south land to Victoria Hospice

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To whom it may concern,

I am writing to express my support for the sale of the portion of the Lansdowne Middle School south campus lands to Victoria Hospice for their new facility.

This land sale supports not only the development of much-needed new schools but also the compassionate care Victoria Hospice is known for. Any of us who have experienced the care hospice has provided for our loved ones will understand how crucial this service is.

Thank you for your consideration,

[REDACTED]

From: [Community Engagement](#)
To: [REDACTED]
Subject: RE: Victoria Hospice and better schools
Date: Tuesday, November 30, 2021 11:07:55 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hello [REDACTED],

Thank you for your feedback. Please note this communication will be compiled and provided to the Board in an Engagement Summary Report.

The Board will review all feedback prior to making a decision.

Kind regards,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103
Cell: 778.679.5049

 www.sd61.bc.ca |   @sd61schools



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From: [REDACTED]
Sent: Tuesday, November 23, 2021 12:00 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Victoria Hospice and better schools

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear GVSD,

I am writing to express my hopes that the agreement between the Greater Victoria School District and Victoria Hospice Society will soon be accomplished and that a new hospice will be built on the current Lansdowne Middle School property.

This is a perfect example of a community working together for a better future for all. Schools in Victoria will benefit from the sale of this land by being more able to improve the ability of schools to function in a time of climate crisis and impacts on infrastructure. Now is the time to be ready for climate effects. It is also beneficial to schools in being able to build with a lower carbon footprint.

Victoria Hospice Society has served my family and neighbours directly, in care, comfort and services that are found nowhere else. From a family member dying in their care and a neighbour being able to have MAID in Hospice, while I had the opportunity to receive grief counselling, and know volunteers offering support. Hospice is a gift to any family, friend and community. For 40 years Hospice has worked in the older part of Royal Jubilee Hospital, and needs a new home. The land offered is ideal, close to RJH, transit and in a quiet residential, natural and educational setting. I think good things will happen here with this connection.

I urge everyone to support this endeavor. Thank you.



From: [Community Engagement](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Sale of SD61 land to Hospice Society
Date: Tuesday, November 30, 2021 12:18:14 PM

Hello [REDACTED],

Thank you for your feedback.

Please note this communication will be compiled and provided to the Board in an Engagement Summary Report. The Board will review all feedback prior to making a decision.

In addition, we recognize that the Board passed a motion in 2018 supporting the Bowker Creek Blueprint in principle. The presentation and motion is linked to the Lansdowne Disposal webpage under additional resources: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Lisa McPhail
Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103
www.sd61.bc.ca | [@sd61schools](#)

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-----Original Message-----

From: [REDACTED]
Sent: Tuesday, November 23, 2021 12:12 PM
To: Community Engagement <Community@sd61.bc.ca>
Cc: [REDACTED]
Subject: Sale of SD61 land to Hospice Society

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Chair Painter and School Board Trustees

I urge the SD 61 School Board to halt the sale of the 1.9 acre parcel of land adjacent to Lansdowne Middle School. I am deeply concerned that there has not been adequate public consultation for the disposition of this land. There must be full consideration of the unique ecological qualities of this parcel of land. It appears that SD 61's commitment to the Bowker Creek Blueprint has been overlooked.

I know SD 61 is under pressure to raise much needed funds and Victoria Hospice is surely a worthy cause, however, there are other vital considerations which are unique to this piece of land.

The restoration of Bowker Creek as a healthy riparian ecosystem has deep commitments within the community. It is supported, both financially and in principle by the municipal governments of Victoria, Saanich and Oak Bay as well as the Capital Regional District. Thousands of hours of volunteer service over many years have contributed to this project. Many schoolchildren are actively engaged in this work.

Bowker Creek is profoundly important to the community. It is valued for its unique beauty, its role in the preservation of biological diversity and climate change mitigation, as well as for its many educational and

community building opportunities.

Please go no further with this sale until the preservation and restoration of Bowker Creek is made top priority in any future use of this land.

Sincerely,

A solid black rectangular box used to redact a signature.

From: [Community Engagement](#)
To: [REDACTED]
Cc: [Community Engagement](#)
Subject: RE: Letter re proposed sale of land at Lansdowne South Campus
Date: Tuesday, November 30, 2021 4:49:07 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hello [REDACTED],

Thank you for your feedback. Please note this letter will be compiled and provided to the Board in an Engagement Summary Report.

The Board will review all feedback prior to making a decision.

Kind regards,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

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From: [REDACTED]
Sent: Tuesday, November 23, 2021 4:41 PM
To: Victoria Hanley <vhanley@sd61.bc.ca>; Community Engagement <Community@sd61.bc.ca>; Ryan Painter <rpainter@sd61.bc.ca>; Diane McNally <dmcnally@sd61.bc.ca>; Nicole Duncan <nduncan@sd61.bc.ca>; Tom Ferris <tferris@sd61.bc.ca>; Angie Hentze <ahentze@sd61.bc.ca>; Elaine Leonard <eleonard@sd61.bc.ca>; Rob Paynter <rpaynter@sd61.bc.ca>; Jordan Watters <jwatters@sd61.bc.ca>; Ann Whiteaker <awhiteaker@sd61.bc.ca>
Cc: [REDACTED]
Subject: Letter re proposed sale of land at Lansdowne South Campus

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Attached please find a letter from me as an individual and concerned citizen, regarding the proposed sale of land at Lansdowne South. Best regards, [REDACTED]

November 23, 2021

Board Chair Ryan Painter and Trustees
School District 61

cc:

Dear Members of the Board:

As a former resident of Oak Bay and now of Victoria, I write to you today to express my profound disappointment with the lack of consultation and engagement displayed over the past few weeks on the subject of a proposed sale of school property at Lansdowne South campus to Victoria Hospice. Reading the public announcement and viewing the subsequent information session gave the distinct impression of presenting a 'done deal' to the public. The lack of information subsequent to the presentation, despite many questions at that session going unanswered, has been incomprehensible, as was SD 61 staff's apparent ignorance of previous endorsements made by the Board to the Bowker Creek Blueprint and of the level of community opposition to a previously proposed land divestment in the same location.

The issues that arise from the proposed sale are numerous and complex. To boil it down to some of the essentials, however, it would seem that the School Board, in order capture a relatively small percentage of a large budget shortfall, is about to sell property that is not only an integral part of rapidly disappearing green space in South Saanich, but home to one of the few open stretches of Bowker Creek where both banks are currently publicly held. Add to that the patent unsuitability of the land for development due to its propensity to flood and the necessity for riparian restrictions on development. A visit to the property on Monday, November 15 demonstrated these issues in spades, with the creek raging almost to bank full. A few more hours of rain or the presence of woody debris in the intake chute at Newton Street would have put the entire property under water and resulted in far more local flooding and property destruction. We can certainly count on the increasing frequency and severity of such storm events and for the School District to simply deny the existence of these issues and pass the responsibility for dealing with them to a proposed purchaser is inconceivable.

This property and its access to the Creek has the potential to be a jewel in the School Board holdings, and a hugely valuable amenity for the surrounding neighbourhoods and the region at large. In considering a land sale, the District and the Board are losing the possibility of restoration partnerships which could attract hundreds of thousands of dollars in grants and climate change mitigation funding and the opportunity to create a world class outdoor educational feature for future generations of students. Such a bold initiative would also send a positive message to students, staff and the community that the District truly believes in its commitments to environmental health, climate change mitigation and its endorsements of the riparian values of the Bowker Creek watershed.

I would submit that not only has the process of what is being called consultation on this matter been entirely inappropriate, but that it does not even qualify to be considered adequate by the Ministry of Education's School Building Closure and Disposal Policies. I would urge the Board to slow down the consultation process, engage in an open and transparent manner with members of the community and extend the period open for such engagement. I look forward to your response and participation.

Sincerely,

[Redacted Signature]

From: [Community Engagement](#)
To: [REDACTED]
Cc: [Community Engagement](#)
Subject: RE: Lansdowne North property sale to Victoria Hospice Society
Date: Wednesday, December 1, 2021 11:19:42 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning [REDACTED],

Thank you for taking the time to express your concerns regarding consultation, flood mitigation and environmental impacts. This email correspondence and attached letter will be included in a summary engagement report that will be provided to the Board of Education. The report will be included in the agenda for December's Board Meeting - Dec. 13, 2021.

The Board will review all feedback prior to making any decisions.

Again, thank you for this important contribution.

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

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From: [REDACTED]
Sent: Wednesday, November 24, 2021 12:46 PM
To: Community Engagement <Community@sd61.bc.ca>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Lansdowne North property sale to Victoria Hospice Society

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Board members,

Please find attached my letter concerning the sale of 1.9 acres of Lansdowne North Campus property to the Victoria Hospice Society.

I would be grateful if you could acknowledge receipt.

Yours truly,

A solid black rectangular box used to redact a signature.



Dear Members of The Greater Victoria School District School Board,

11.24.2021

Subject: Proposed sale of the Lansdowne South Campus property to Victoria Hospice Society

I write in response to your request for input re your proposed sale of 1.9 acres of the Lansdowne South (Richmond School) property to Victoria Hospice Foundation.

Since 2012 the CRD, Saanich, Victoria, Oak Bay, and the School District of Greater Victoria (SD61) have advanced the restoration of Bowker Creek through endorsement and collaboration as presented in the Bowker Creek 100-year Blueprint. SD61's collaboration to restore the Creek at Oak Bay High School is a superb example of future restoration for the whole watercourse. The Blueprint identifies the Lansdowne South property as the cornerstone for a future greenway from Newton to Pearl Street. I respectfully encourage SD61 fulfill their commitment to preserve the Lansdowne South property as a natural community greenspace for future restoration.

My objections to the sale and development the Lansdowne South property are as follows:

- 1. Inadequate Community consultation:** Ministry policy directs School Districts to consult the community on alternatives for property (M193/08). *"Just like consultation undertaken around school closures, a board must consult with local government, community organizations and the general public regarding alternative community uses and the disposal of land."* SD61 policy and regulations for land disposal also requires consultation (Compliant with IAP2) that provides for consideration of alternatives. Unfortunately, SD61 current consultation has focused on selling the land to Victoria Hospice for the sole purpose of raising capital with no opportunity for meaningful consultation with community or stakeholders, or consideration of other alternatives. Meeting attendees on November 3rd, 2021, found answers to questions failed to show an understanding of local issues and concerns associated with this important property. I encourage SD61 to recognize the regional scope of their proposal and follow the Ministry's and SD61's land disposal policies to engage the community and other stakeholders in meaningful, informed and transparent consultation.
- 2. Flood mitigation:** SD61 recognizes the risks of more frequent and intense storm events as evidenced by your Climate plan. Residents of the Bowker Creek watershed have experienced periodic flooding and bank erosion as noted in the [Bowker Creek Master Drainage Plan Report \(2007\)](#). [Climate Projections for the Capital Region \(2017\)](#) states: "More precipitation is expected to fall during the 1-in-20 (or 5% chance) wettest day extreme storm events in the future. Larger 1-in-20 wettest day events could mean over 30% more rain by the 2050s, and almost 40% by the 2080s." Recent storm events have demonstrated that Bowker Creek and stormwater infrastructure is "at capacity". SD61 has an impressive record of collaboration with Oak Bay to restore flood capacity at Oak Bay High School in 2015. SD61 made similar commitments for the property at the Lansdowne South property. It is vital that SD61 not undertake initiatives resulting in further loss of Bowker Creek's natural capacity to accommodate extreme weather and flood events.
- 3. Environmental Impacts:** SD61's [Long Term Facilities Plan](#) states: "That all Facilities planning, including major retrofits, upgrades, new builds and Annual Facility Grant planning incorporate the

principles of equity, sustainability and environmental responsibility.” The relentless loss of natural areas and green space in Greater Victoria has resulted in the loss of tree canopy, habitat, biodiversity in Saanich and Victoria and only 5 to 10 percent of natural area and greenspace remains and about 67 percent of Bowker Creek flows underground. It is crucial to preserve remaining areas adjacent to the creek to support unique aquatic and terrestrial species. The Lansdowne South property has great potential to create a greenway linking otherwise isolated natural areas and habitat. This vision for Bowker Creek was beautifully realized in Oak Bay’s Walkway (including Oak Bay High School). This is soon to be extended to include Kings Community Nature Space and adjacent properties from Trent to Kings Road. The Lansdowne South property is a critical ‘cornerstone’ to restoring a further 430 meters of Bowker Creek from Newton to Pearl Street. SD61’s Board has an outstanding opportunity to collaborate with Saanich and other stakeholders to bring this unique opportunity to realization.

In conclusion, I encourage The Greater Victoria School District to honour their commitments by undertake meaningful and transparent community consultation concerning the future of the Lansdowne South property, to engage all stakeholders, and to consider the alternatives including the Actions presented in the Bowker Creek Blueprint.

Yours truly,

[Redacted signature]

[Redacted signature block]

From: Community Engagement
To: [REDACTED]
Subject: RE: Bowker Creek & land sale at Lansdowne
Date: Wednesday, December 1, 2021 12:23:32 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, [REDACTED].

Thank you for your input. This email correspondence will be included in a summary engagement report that will be provided to the Board of Education. The report will be included in the agenda for December's Board Meeting - Dec. 13, 2021.

The Board will review all feedback prior to making any decisions.

In addition, please note a site visit is in the near future for trustees and that the Board is aware of the Bowker Creek Blueprint. The Board passed a motion in 2018 supporting the Bowker Creek Blueprint in principle. The presentation and motion is linked to the Lansdowne Disposal webpage under additional resources: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Thanks,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

 www.sd61.bc.ca |   @sd61schools



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From: [REDACTED]
Sent: Wednesday, November 24, 2021 1:01 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Bowker Creek & land sale at Lansdowne

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

To Whom It May Concern,

As a concerned member of the local community and a parent with children who actively volunteer their time in helping to restore the health of Bowker Creek I'm writing with these

requests regarding the sale of land at Lansdowne:

1. Please extend the public feedback period beyond Nov. 24th;
2. Defer making a decision to sell this land until broad public consultation has taken place; and
3. the SD61 Board has a chance to review the relevant content in the *Bowker Creek Blueprint*, especially at Reach 9;
4. consult downstream municipalities of Victoria and Oak Bay regarding flood protection and mitigation;
5. open dialog with neighbourhood associations in the watershed, with community groups, – including the Friends of Bowker Creek, who have an interest in this property for educational, environmental and health benefits;
6. visit the site, including downstream greenway routes to Oak Bay High School - Bowker Creek restoration project with an outdoor classroom in the riparian zone, allowing access to the creek.
6. As a local parent who has volunteered hours with my 2 kids to do our part to contribute to the realizing of the long term Bowker Creek Blueprint I feel it is imperative that the school board grant this matter the careful consideration from a long-term perspective that it deserves.

With thanks and looking forward to your response,



Sent from my iPhone

From: Community Engagement
To: [REDACTED]
Subject: RE: Proposed Land Disposal at Lansdowne South (former Richmond School)/Public engagement
Date: Wednesday, December 1, 2021 12:34:24 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, [REDACTED].

Thank you for your input. This email correspondence will be included in a summary engagement report that will be provided to the Board of Education. The report will be included in the agenda for December's Board Meeting - Dec. 13, 2021.

The Board will review all feedback prior to making any decisions.

Kind regards,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

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From: [REDACTED]
Sent: Wednesday, November 24, 2021 8:44 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Re: Proposed Land Disposal at Lansdowne South (former Richmond School)/Public engagement

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

November 24, 2021

Chari Ryan Painter and Board of Education
Greater Victoria School District No.61
556 Boleskine Road
Victoria,
BC
V8Z 1E8

Dear Chair Painter and Board Trustees:

Re: Proposed Land Disposal at Lansdowne South (former Richmond School)

I am a member of a fundraising group to protect Kings Community Nature Space (KCNS). KCNS is situated downstream from the proposed property. As I was celebrating the news that KCNS will be protected from development in perpetuity on Monday November 22nd, I learned that an area of land situated along Bowker Creek upstream from KCNS is in jeopardy of sale & development.

I am very concerned to learn of all the impacts that the proposal would have, especially related to the flood and stormwater mitigation measures that have been planned for years and have become more urgent to initiate.

I fail to understand how this sale can be proposed without the consultation of the Friends of Bowker Creek especially considering their extensive work involving the SD61 on the planning and restorative work on the Creek and surrounding riparian zone.

After 35 years of working at the RJH in Critical Care I can safely say that no one could dispute the value of the service that Hospice care provides. It would be obviously more convenient if it was located on the hospital premises and to build on developed property, not pave greenspace. As our population explodes in this area it would be important to look at what the hospital plans are for the future growth of all the medical areas, not just hospice.

We should learn from the recent devastating flooding in Abbotsford and the astronomical cost incurred due to inadequate flood mitigation planning and headed warnings. Each year Bowker Creek rises and will continue to rise. Neighbours (cc'd) spoke at the Saanich Council meeting Monday night, November 22nd, of the devastating flooding they experienced downstream from Lansdowne School as Bowker Creek overflowed.

It is imperative that adequate time be allowed to examine this proposal thoroughly and not rush the process through, in haste. Allowing more time for engagement will be beneficial for all parties in the long run.

Please consider extending the public engagement period to allow for a more thorough analysis of all options and concerns from our citizens and community associations that have spent years on planning and protecting Bowker Creek.

Thank you for your consideration,

A black rectangular redaction box covering the signature of the sender.

From: [Community Engagement](#)
To: [REDACTED]
Subject: RE: Please give the Bowker Creek Land Disposal more time for public consultation!
Date: Wednesday, December 1, 2021 12:35:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, [REDACTED],

Thank you for your input. This email correspondence will be included in a summary engagement report that will be provided to the Board of Education. The report will be included in the agenda for December's Board Meeting - Dec. 13, 2021.

The Board will review all feedback prior to making any decisions.

Kind regards,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

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From: [REDACTED]
Sent: Wednesday, November 24, 2021 10:36 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Please give the Bowker Creek Land Disposal more time for public consultation!

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Chair Painter and School Board Trustees

Please give more time for public consultation regarding the sale of 1.9 acres of land near Lansdowne Middle School! And if you are going to go ahead with selling it, please make sure people are gentle with the section of Bowker Creek. Volunteers have worked hard to restore sections of the creek!

Thank you,
[REDACTED]

From: [Community Engagement](#)
To: [REDACTED]
Cc: [Community Engagement](#)
Subject: RE: Proposed Land Disposal - Lansdowne South
Date: Wednesday, December 1, 2021 1:16:11 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning [REDACTED],

Thank you for taking the time to express your concerns regarding consultation, flood mitigation and environmental impacts. This email correspondence and attached letter will be included in a summary engagement report that will be provided to the Board of Education. The report will be included in the agenda for December's Board Meeting - Dec. 13, 2021.

The Board will review all feedback prior to making any decisions.

Please note, the Board is aware of the Bowker Creek Blueprint in principle. The presentation and motion is linked to the Lansdowne Disposal webpage under additional resources:

<https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Again, thank you for this important contribution.

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

 www.sd61.bc.ca |   @sd61schools



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From: [REDACTED]
Sent: Wednesday, November 24, 2021 11:13 PM
To: Ryan Painter <rpainter@sd61.bc.ca>; Diane McNally <dmcnally@sd61.bc.ca>; Nicole Duncan <nduncan@sd61.bc.ca>; Tom Ferris <tferris@sd61.bc.ca>; Angie Hentze <ahentze@sd61.bc.ca>; Elaine Leonard <eleonard@sd61.bc.ca>; Rob Paynter <rpaynter@sd61.bc.ca>; Jordan Watters <jwatters@sd61.bc.ca>; Ann Whiteaker <awhiteaker@sd61.bc.ca>
Cc: Community Engagement <Community@sd61.bc.ca>; Deb Whitten <dwhitten@sd61.bc.ca>
Subject: Proposed Land Disposal - Lansdowne South

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Dear Chair Painter and Board of Education Trustees:

I do not support SD61's proposal to dispose of the 1.9-acre triangular parcel on the west side of the Lansdowne South (formerly Richmond School) property in Saanich. Your 'consultation process' is poorly designed, inconsistent with basic IAP2 principles and far too hasty. Poor public process typically generates mediocre results at best. Why not aim higher by bringing together information and experience, community interests, partners, teachers and funders and have a genuine dialogue about future options for the site?

Please defer your decision to sell this public asset and redesign this “Fast-track” disposal process by engaging with the community, your partners and other interests on the future of this parcel, including how it might be better used for educational purposes.. You have a great template downstream at Oak Bay High School. Why not use it?

Some of my principal concerns include:

1) Educational opportunities

Are you aware of the outstanding restoration project at Bowker Creek adjacent to Oak Bay High School? SD61, the Bowker Creek Initiative, District of Oak Bay, SD61 and the school teaching staff were essential partners and helped create this exceptional outdoor learning facility—a win-win-win for students, the community and the environment. Your partners leveraged \$738,000 towards this project.

Before disposing of “excess acres per student”, why not explore the potential of the Richmond site and how it could better contribute to childhood education and learning outcomes? The creek and the vision described in the *Bowker Creek Blueprint: a 100-Year Vision* is also a fabulous opportunity to involve local First Nations in a restoration partnership, perhaps to promote reconciliation and an eco-cultural education program as has been done successfully at Bowker Creek at Oak Bay High School.

Subdividing the property is likely to seriously diminish these options as well as your ability to integrate sports/play facilities if and when they are needed in the future (see attached concept from the BCI's Daylighting Feasibility Study)

I also hear time and again that maintaining open space "isn't a SD61 responsibility". Yet surely it demands your serious consideration as a public agency. Many leading research studies including this recent one in BC show the importance of urban open space to early childhood development, a responsibility that is clearly “in your lane”.

2) Bowker Creek Watershed

Your disposal proposal involves over 100 metres of Bowker Creek. The property is part of one of the largest public open spaces surrounding the creek, and has the rare condition where the stream bed and the riparian zones of both banks are publicly owned.

The creek has important habitat, biodiversity and hydrologic values. Both stream banks are in poor condition and failing. Disposing of the property further fragments ownership of the stream bed and may constrain options on the remaining property in the future. There is a 10-metre wide Development Permit Area and a 7-metre wide public Right-of-Way (ROW) on the east side of the creek.

If the property is sold, how will you deliver on the Blueprint vision (a document and vision that the Board endorsed in March 2018), configure stream-bank repairs and restoration, as well as manage the DPA and ROW with current and future school activities? Senior staff at the Q/A session were unable to address these questions.

3) Flood mitigation and stormwater management

The property and its importance to current and future flood mitigation is referenced in a number of planning and technical documents including the Bowker Creek Watershed Management Plan (2003), the Bowker Creek Master Drainage (2007), the Bowker Creek Blueprint (2011) and the 2020 Bowker Creek Daylighting Study (2020). In addition to restoration, the property has been identified and recommended as a suitable location for a Stormwater Management Facility.

Disposing of the property is likely to foreclose this option and diminish the ability to mitigate flooding, erosion, safety concerns and property damage downstream. While the above documents, along with the hundreds of thousands of dollars of investment, and the 20 years of local government and community effort do not obligate SD61 to action BCI recommendations, surely you have a responsibility as a public agency to at least have a fulsome dialogue about these broad public interests and options before entering into a Purchase and Sale Agreement. Due diligence and procedural fairness.

4) Consultation process

SD61 provided very little information on its website in advance of the Q/A session. SD61 offered no details about Bowker Creek for example--the principal landform of the property and an important regional asset. Nothing about the community vision, the long-standing Bowker Creek Initiative (BCI), the Bowker Creek watershed plan, Bowker Creek "Blueprint", or the related technical studies some of which relate directly to the property. Very disappointing to many of the public who participated.

Nor was anything presented on the topic by staff at the Q/A session. Why was this overlooked? In its haste to fast track the sale of this property, SD61 still has not addressed this question. Note that SD61 proposed selling the entire Richmond School property in 2007. There was much public discussion but it appears none of that was used to inform your current "consultation process". Why is this?

In closing, please consider the quote below from former Oak Bay High Vice Principal [REDACTED]:

"A young person's surroundings are always a silent educator and the best way to inoculate a sense of environmental responsibility and

stewardship in youth is to model it. Allowing an important waterway to pass through our property in a ditch silently teaches students that the environment doesn't really matter, whereas a rehabilitated and healthy creek, with safe and reasonable access, speaks volumes about how one should value the environment."

I appreciate the enormous financial pressures you are facing, but the short-term sale of this property is not going to solve your structural budget issues. Please do not approve the disposal (sale) of this 1.9 acre property. Please direct your staff to redesign your engagement process by working closely with community and stewardship groups, local government, the BCI and its partners.

Thank you in advance for carefully considering my comments.

Sincerely,

[REDACTED]



From: Lisa McPhail
To: Community Engagement
Subject: FW: Questions raised at online meeting regarding the property sale of Lansdowne South
Date: Wednesday, December 1, 2021 3:16:47 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Richmond-Property Plan.pdf](#)

For our records.

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103
Cell: 778.679.5049

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From: Community Engagement
Sent: Wednesday, December 1, 2021 3:16 PM
To: [REDACTED]
Cc: Ryan Painter <rpainter@sd61.bc.ca>
Subject: RE: Questions raised at online meeting regarding the property sale of Lansdowne South

Hi [REDACTED],

Please see below answers to your questions:

- All feedback provided at the meeting and collected during the community feedback period will be provided in a summary engagement report, which will be reviewed by the Board and be taken into consideration. This input will inform their decision-making.
- School enrolment projections for feeders schools have been posted to the website under additional resources: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>
- Re: Boundary - The property would be re-surveyed if the Board moves forward with the transaction. Please see Richmond property plan attached (also available on the website). SD61 continues to be a neighbor of the creek.
- Re: Master Drainage Plan - This information will be taken into account when the municipality considers the subdivision request if the transaction moves forward as a member of the CRD, for which the report was prepared.
- Re: Bowker Creek Plan - The Board of Education passed a motion in 2018 that states: "That the Board of Education endorse in principle the Bowker Creek Blueprint". The Board will

need to consider its commitment in principle, including the context under which the District committed in 2018 and what has changed in the meantime, if anything, when it considers the decision (3 readings of the bylaw) to dispose of the property.

- Re: History - The Board of Education passed a motion in 2018 that states: "That the Board of Education endorse in principle the Bowker Creek Blueprint". The Board will need to consider its commitment in principle, including the context under which the District committed in 2018 and what has changed in the meantime, if anything, when it considers the decision (3 readings of the bylaw) to dispose of the property. The Board's 2018 motion stands until it is changed by the Board. If we assume the commitment remains, impacts and options will be considered by the Board, and by the municipality approving the development.
- Re: Contingency Plan/Recent Events - The Board's has responsibility and liability for property in its title, that it owns. The Board has endorsed the blueprint in principle. Any development on the potential to be subdivided property is subject to approval by Saanich and its team of engineers, planners and others in its determination of the viability of the proposed development. SD61 cannot speak to the engineering requirements of a municipality.
- Re: Proposed Hospice facility/location at end of cul-de-sac – SD61 cannot answer these questions; subject to Municipal planning, not SD61's purview.
- Re: If disposal of land is found unsuitable - There is no restriction in the Purchase Agreement on the Purchaser's use of the property after closing. However, any use must comply with the applicable zoning of the property and local bylaws.
- Re: If SD61 took neighbours into consideration – The purpose of the meeting and feedback period is to hear from neighbours.
- Re: Access to green space - The Board is listening to the feedback. The Board can give direction to staff to work with municipalities on greenspace. As a reminder the Lansdowne North campus, even after the sale of land to CSF, is still 17 acres which remains one of the district's largest parcels of land and it is available to the public.
- Re: Population predictions - The district uses two independent consultants to project enrolment, one of which takes into account local knowledge, the other in and out migration trends. However, if enrolment in the area grows, it is unlikely Lansdowne would be considered for enrolment expansion because the school is believed to be at its max capacity in terms of the optimal size of a middle school. The District doesn't necessarily want the school to get any bigger, despite housing starts. Boundaries and other sites will need to be considered if catchment enrolment grows.
- Re: Vic Hospice & Planning - Victoria Hospice is a registered Society and a third party to SD61. If the disposal is approved by the Board, Victoria Hospice will engage its consultants and begin its subdivision and development process, and its own requirement to consult with the neighbourhood. Victoria Hospice would not undergo the effort and expense of this work until the School District has removed its subjects: three readings of a disposal bylaw and Ministry approval.
- Re: Future Meeting - Trustees, staff, Victoria Hospice and BCI are meeting to discuss the creek and the Blueprint. The Board can direct further consultation by board motion.
- Re: SD61 Climate Plan - Resulting from the June 2019 motion, the Board has directed staff to formulate its climate emergency plan, which staff will deliver to a future Board meeting. The plan has not yet been developed so it is not possible to answer this question at this time.

Again, questions regarding Victoria Hospice's proposal or processes, will need to be directed to Victoria Hospice.

Thanks,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

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From: [REDACTED]
Sent: Monday, November 22, 2021 8:50 PM
To: Community Engagement <Community@sd61.bc.ca>
Subject: Re: Questions raised at online meeting regarding the property sale of Lansdowne South

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Thanks for your response. I have attached excerpts from a transcription of the question and answer session, with commentary following each question outlining the request for further clarification. Looking forward to receiving the information as requested. Best regards, [REDACTED]

On Mon, Nov 22, 2021 at 9:39 AM Community Engagement <Community@sd61.bc.ca> wrote:

Good morning, [REDACTED] !

To confirm, this is the first email I have received from you.

Following the public information session on November 3, 2021, our District website was updated to include the recording of the meeting, which includes the question and answer period. In addition, further documentation was posted under Additional Resources.

Website: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Can you please provide us your specific questions? We are more than happy to assist.

Thank you kindly,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61

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One Learning Community

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From: [REDACTED]

Sent: Sunday, November 21, 2021 8:13 PM

To: Community Engagement <Community@sd61.bc.ca>

Subject: Questions raised at online meeting regarding the property sale of Lansdowne South

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Good evening - I have been following up on questions raised by a number of attendees at the public information session of November 3 regarding the disposition of property at Lansdowne South. Despite a commitment on behalf of the school board to provide further information and feedback on questions, I have seen no further mention of the session or the issues raised during the online session. I have transcripts of the session and details relating to the unanswered questions, should you require that information.

If I am missing the location of this feedback, could you please direct me to the appropriate location for it. Otherwise, could you please provide responses as promised during the online session. We are quickly approaching the November 24 deadline for further public input on this matter and the lack of response by SD61 has not been helpful in this regard.

Many thanks in advance for your attention on this matter.

[REDACTED]

session is not "Dialogue," by any definition. Many questions were not answered, some
Your "Community Engagement" process has been totally inadequate. A 42-minute Q/A

student".

education, school enrollment projections and the notion that the school has "excess acres per
and Sales Agreement. Issues including Bowker Creek, stormwater management, value to
There are too many issues that have been overlooked in staff's haste to negotiate a Purchase
I strongly oppose the proposal to sell the triangular parcel of land west of Bowker Creek.

Dear Board of Education of School District 61:

confident about the source.

CAUTION: External email. DO NOT click links or open attachments unless you are

Subject: SD61 Land Disposal proposal - Landdowne South

To: Community Engagement <Community@sd61.bc.ca>

Sent: Thursday, November 22, 2018 12:00 AM

From: [REDACTED]

they are addressed. If you have received this email in error please destroy and notify the sender immediately.

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Office: 250.412.4103

Greater Victoria School District No. 61

Manager, Communications & Community Engagement

Lisa McPhail

Kind regards,

The Board will review all feedback prior to making any decisions.

included in the agenda for December's Board Meeting - Dec. 13, 2018.

summary engagement report that will be provided to the Board of Education. The report will be
Thank you for your feedback. This email correspondence and attached letter will be included in a

Hi [REDACTED],

Attachments:

Date:

Subject:

To:

From:

msd6000e.bnd
msd6000f.bnd
msd6000g.bnd
msd6000h.bnd
msd6000i.bnd

Wednesday, December 1, 2018 3:35:03 PM

RE: SD61 Land Disposal proposal - Landdowne South

[REDACTED]

Community Engagement

answers were not factual and the questions were cut-off because of SD61 time constraints. There was little or no follow-up on the commitments made by staff at the session.

To all Trustees, please review the [video transcript on the Q/A session](#). I've also attached a text version of the transcript for your reference. It is hard to watch and as a professional with many years experience managing public engagement processes it is embarrassing to watch. I know you have talented passionate staff that can do much better!

Thank you,



Community Engagement

ENGAGEMENT TIMELINE

- Raising Awareness – October 14 to November 3, 2021
- Online Information Session (Q & A – Open Dialogue) – November 3, 2021
- Collect written submissions from the public – Feedback period closes on November 24, 2021
- *What We Heard* Summary Report to the Board – December 2021
- Board Meeting to consider land disposal – December 13, 2021

From: [REDACTED]
To: [Community Engagement](#)
Subject: Re: Disposal of SD61 lands Bowker Creek Newton St.
Date: Wednesday, December 1, 2021 4:24:41 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Thank you Lisa.

On Dec 1, 2021, at 12:13 PM, Community Engagement
<Community@sd61.bc.ca> wrote:

Hello [REDACTED],

Thank you for your input. This email correspondence will be included in a summary engagement report that will be provided to the Board of Education. The report will be included in the agenda for December's Board Meeting - Dec. 13, 2021.

The Board will review all feedback prior to making any decisions.

As per the Bowker Creek Blueprint, the Board is aware and it is posted under additional resources on our website: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

Thank you,

Lisa McPhail

Manager, Communications & Community Engagement
Greater Victoria School District No. 61
Office: 250.475.4103

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From: [REDACTED]
Sent: Wednesday, November 24, 2021 10:42 AM
To: Community Engagement <Community@sd61.bc.ca>

Subject: Disposal of SD61 lands Bowker Creek Newton St.

CAUTION: External email. DO NOT click links or open attachments unless you are confident about the source.

Attention Ann Whitiker and Board Trustees.

I, like so many other concerned residents, am writing last minute to your deadline to give comment on this proposed disposal of SD61 property next to the open section of Bowker Creek.

There has been shown a severe weakness in the public process by SD61 Board to catch so many concerned people of this proposal of such as critical piece of land adjacent to one of the most significant and vital streams in the region.

My first reaction is how can any consideration be given to selling land for development not only in the Bowker Creek floodplain but right next to the banks itself after so much damage has been done to buildings in floodplains after the recent floods and disruption of people's lives. What I fear immediately is a development requiring the open section of creek to be culverted to prevent inevitable flooding of a new building housing people in the last days of their lives and the wonderful Hospice staff and volunteers who care for them.

Are you not aware of the Bowker Creek Initiative and the 100 year Blueprint adopted by the three core municipalities Bowker Creek flows through. Are you not aware of all the people such as the Friends of Bowker Creek and the countless number of volunteers, organizations, staff from all levels of government etc. putting in so much time and money to follow the recommendations of the 100 year Blueprint? I think not. Not when the disposal of this property is not following proper public process and hearing these concerns.

Please slow down and give all concerned it's full and proper voice to this ill-thought out proposal.

██████████

Sent from Mail for Windows



November 4, 2021

File: 5220-20
Bowker Creek Initiative

Ms. Ann Whiteaker
Board Chair
Greater Victoria School District 61
Via email: awhiteaker@sd61.bc.ca

Dear Chair Whiteaker:

RE: BOWKER CREEK AND SCHOOL DISTRICT 61 PROPERTIES

I am writing on behalf of the Bowker Creek Initiative (BCI) to share information about potential opportunities we have identified to collaborate at four Greater Victoria School District 61 (SD61) properties for the improvement of Bowker Creek and its watershed. This letter provides details about these opportunities and suggestions for next steps to move forward together.

The BCI is a collaboration of local governments, community groups, institutions and private citizens working together to improve the health of Bowker Creek and its watershed. The BCI is guided by the *Bowker Creek Blueprint* (the *Blueprint*), a 100-year action plan to restore the Bowker Creek watershed, published in 2011, and endorsed by SD61 in March 2018.

SD61 has been a valued contributor to several projects and studies carried out by the BCI, most notably the restoration of Bowker Creek adjacent to Oak Bay High (2015), and staff participation on the steering committee of the *Daylighting Feasibility Study* (2020), which details routing for stream daylighting and proposed stormwater management facilities within the Bowker Creek Watershed.

Four SD61 properties within the Bowker Creek watershed present important opportunities to collaborate for the improvement of Bowker Creek and its watershed:

1. Lansdowne Middle School South Campus (formerly Richmond Elementary)

The sale of a portion of the Lansdowne South Campus to Victoria Hospice would provide an important opportunity to achieve some of the actions proposed in the *Blueprint*. This section of the creek has steep, eroded banks and has issues with invasive species. Currently, it is fenced off from the schoolyard due to safety concerns. Restoration of the creek, similar to what was achieved at Oak Bay High, could contribute to student learning and create an important community amenity, while improving the health of the creek. The *Blueprint* also recommends a creekside greenway through this property, which would provide an important neighbourhood linkage.

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ENVS-720536236-1781

Both the *Blueprint* and *Daylighting Feasibility Study* identified key opportunities at this site for stormwater management. As one of the largest undeveloped open areas in the Bowker Creek watershed, stormwater management at the site would help to alleviate downstream flooding, which will be increasingly important due to the impacts of climate change. The *Blueprint* and *Daylighting Feasibility Study* proposed shifting the creek channel along the southwest boundary of the property and developing the adjacent field as a dual-use dry pond. This dry pond would function as a normal playing field, except during infrequent storm events (25- and 100-year storms) when it would be flooded for less than 24 hours. While the proposed Victoria Hospice development would interfere with the original design, BCI hopes that creek restoration and some form of stormwater management could still be achieved at the site.

Please refer to the Appendix A for more details about opportunities at this location.

2. Lansdowne Middle School North Campus

Although Bowker Creek does not run through the property, the *Daylighting Feasibility Study* identified the large fields at the Lansdowne Middle School North Campus site as very important for stormwater management in the Bowker Creek watershed. With the recent sale of a portion of this property to the Conseil scolaire francophone de la Colombie-Britannique (CSF), the BCI is hoping there are still opportunities for stormwater management at the site, on the remaining land at Lansdowne North, and potentially in partnership with the new property owner. An infrequently flooded dry pond, as proposed above for Lansdowne Middle School South Campus, would provide stormwater management with minimal impacts to playing field function.

Please refer to the Appendix B for more details about opportunities at this location.

3. Cedar Hill Middle School

The *Daylighting Feasibility Study* assessed Cedar Hill Middle School as having “fair” potential for a stormwater management facility due to its moderate slope and close proximity to Bowker Creek. Cedar Hill Middle School’s upcoming redevelopment presents an opportunity to consider stormwater management opportunities, as well as to accommodate the proposed greenway along Cedar Hill Road that was identified within the *Blueprint*.

4. Campus View Elementary School

The *Daylighting Feasibility Study* identified Campus View Elementary School as having “fair to good” potential for a stormwater management facility due to its large upstream sub-catchment and moderate slopes.

The benefits of collaboration at these four sites are substantial:

- On-site stormwater management at SD61 properties would reduce peak flows within the watershed, limit flooding and erosion, and help the region adapt to the impacts of climate change. Dry ponds manage stormwater, while having minimal impact on recreational use of the playing fields.
- Restoration of Bowker Creek at Lansdowne Middle School South Campus represents one of only a few opportunities to improve the quality of an open section of the creek, since more than half of the entire creek is currently culverted. Creek restoration enhances aquatic and riparian habitat, reduces erosion and flooding, and creates learning opportunities for the school and broader community.

- Support for the Bowker Creek greenway will help build neighbourhood connections and promote active transportation.

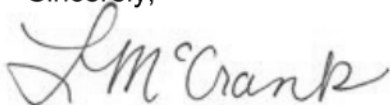
The BCI appreciates SD61's commitment to Bowker Creek through its endorsement of the *Blueprint* and past collaboration on projects and studies. We are very interested in continuing to work with you to improve the health of Bowker Creek at these four locations in the watershed.

Potential next steps for working together include:

- The BCI would like to invite representatives from SD61 and the Victoria Hospice to attend a guided tour of Bowker Creek, starting at the Oak Bay High restoration project and walking to Lansdowne Middle School South Campus, to showcase what is possible in terms of creek restoration and explore common goals.
- The BCI would welcome an SD61 representative on the BCI steering committee and would be happy to arrange a meeting to discuss this opportunity.

If you have any questions, please contact me at 250.360.3299 or lmccrank@crd.bc.ca.

Sincerely,



Lindsey McCrank, Coordinator
Bowker Creek Initiative

LM:slw

cc: Glenn Harris, Senior Manager, Environmental Protection (CRD) (via email)
Adriane Pollard, Manager of Environmental Services (District of Saanich) (via email)

Appendix A: Lansdowne Middle School South Campus

(Excerpted from *Daylighting Feasibility Study*, ISL Engineering and Land Services, 2020)

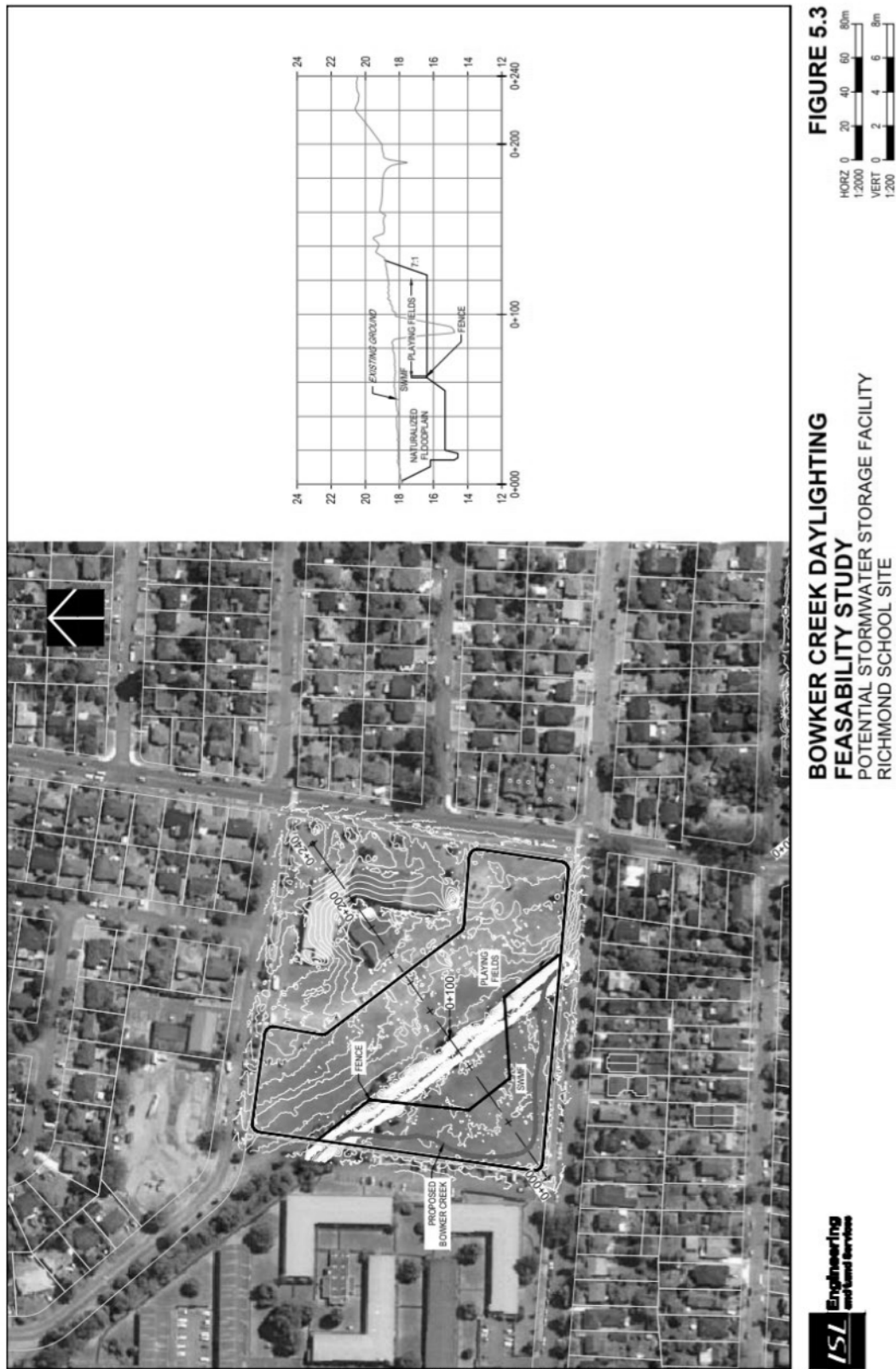
The site is currently divided by Bowker Creek (open channel), which runs northwest to southeast. The creek is fenced off from the school for safety reasons. The triangular parcel southwest of the existing creek was suggested as a SWMF in the MDP but was considered too small to be effective in mitigating downstream flood risks (area is a 100 m x 100 m triangle). At the south boundary of the property, the creek enters a storm sewer at Spirit Garden, a City of Victoria owned property that has a high potential for daylighting and active transportation connectivity.

The southwest section of the site is generally flat, the northeast is approximately 1-2 m higher (includes school buildings) than the southwest part. Both the southwest and northeast sections each have a soccer field and baseball backstop. The two sections are connected by an existing pedestrian bridge.

A sanitary trunk sewer runs parallel to the creek (northwest to southeast direction) which will have to be considered in the design. The proposed concept for developing a SWMF within the existing school site is summarized below:

- The creek would be re-aligned to the southwest to increase the green space available for school playing fields.
- The creek would be naturalized with a slight meander, boulders, woody debris, and native plant species. Flow velocities would be reduced to limit erosion potential.
- The lower portion of the SWMF would be low lying along the creek and would be inundated during frequent storm events (~2 year). This area would be fenced from the school and naturalized with suitable riparian plants.
- The green space between the re-aligned creek and the school buildings would be developed as a dual-use dry pond; it would have a net increase in green space available for playing fields; the playing fields would flood during infrequent storm events (~25 year).
- The existing bridge crossing could be maintained via a new pedestrian bridge or open bottom culvert.
- A granular walking path and multi-use path (MUP) could be constructed alongside the creek; to maintain or improve active transportation connectivity between Townley Street and Newton Street.

The use of dual-use SWMF on school sites is new to greater Victoria and concerns were expressed during the project workshops about the impact of these facilities on the community's use of the playing fields. The depth and duration of flooding was simulated using the hydraulic model. The results of the analysis are shown in Figure 5.6. The playing fields are at an elevation of about 16.4 m, and thus would only be impacted during infrequent storm events (less than about once every two years). During infrequent storm events (25-year and 100-year), the field would be flooded for less than 24 hours.



Excerpted from the *Bowker Creek Daylighting Feasibility Study* (2020)

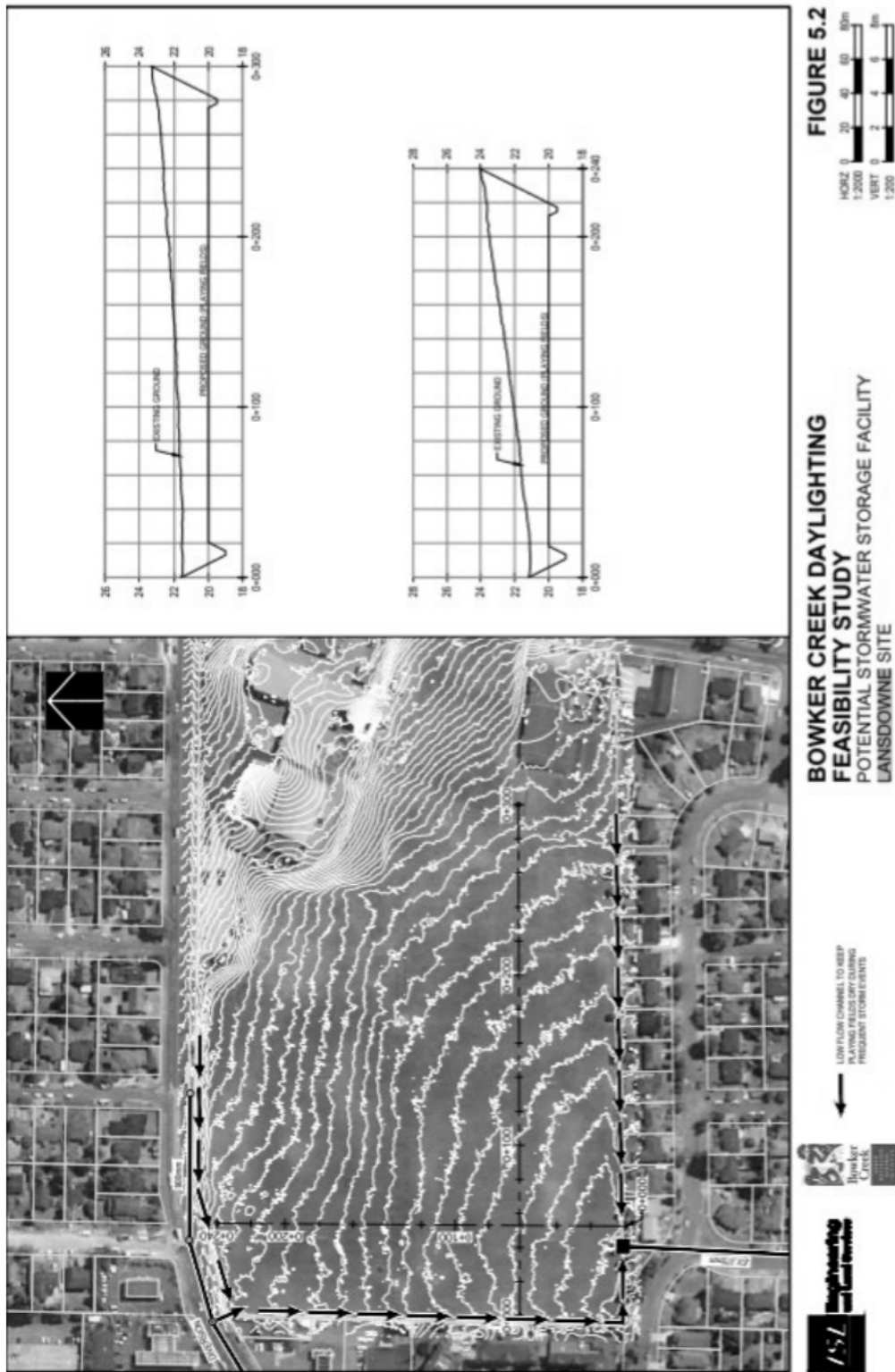


Excerpted from the report *Potential Stormwater Management Facilities on Bowker Creek* (ISL, 2020)

Appendix B: Lansdowne Middle School North Campus

(Excerpted from the *Daylighting Feasibility Study*, ISL Engineering and Land Services, 2020)

The Lansdowne Middle School SWMF was modeled by diverting the 750 mm storm sewer on Lansdowne Road (about 100 m east of Shelbourne Street) to a SWMF constructed within the grass playing fields. The catchment area was split so that the lands east of Shelbourne Street and north of Lansdowne Road (about 2/3 of total catchment) was diverted to the storage, with the remainder of the catchment connecting to the Bowker Creek Trunk at Pearl Street and Scott Street. The total drainage area that can be diverted to this SWMF is estimated to be 66.6 ha. Existing Lansdowne Middle School Playing Fields stored stormwater would then discharge through the existing 375 mm storm sewer on Townley Street, connecting to Bowker Creek at Pearl Avenue. The SWMF was simulated as a dry pond with a pond bottom elevation of 20.0 m. The existing 250 m long, 375 mm diameter storm sewer on Townley Street provides hydraulic constraint and a separate control structure was not added.



Excerpted from the *Bowker Creek Daylighting Feasibility Study* (2020)



BC ASSESSMENT

IMPORTANT INFORMATION FOR PROPERTY IDENTIFICATION

Area: **01-Capital**

Jurisdiction: **308-District of Saanich (SD61)**

Roll: **70-0803-000**

CONFIDENTIAL PIN: **003368751**

Bulk Mail: **7061**

School District: **61-Greater Victoria**

Neighbourhood: **070**



2022 PROPERTY ASSESSMENT NOTICE

Property Location & Description

2780 RICHMOND RD
LOT 3, PLAN VIP10792, SECTION 26, VICTORIA LAND DISTRICT
PID: 005-170-222

2022 Assessment – represents your property value as of **July 1, 2021**

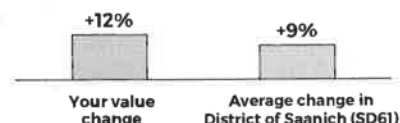
Assessed Value	Value	Class
Land	7,069,000	
Buildings	5,779,000	
2022 Assessed Value	\$12,848,000	Business/Other
Taxable Value	Municipal	
Less Exemptions	12,848,000	
2022 Taxable Value	NIL	

This is **not** a tax notice. Tax notices are issued by local governments and taxing authorities.

This notice contains important information about your property. Please review and keep for your records. No action is required unless you disagree with your assessment.

YOUR PROPERTY VALUE CHANGE

% Change for 2022



The graph above shows average change for multiple property types and is for informational purposes only.

Visit bcassessment.ca/marketmovement for information on individual property types.

YOUR PROPERTY VALUE HISTORY

2022 +12% **\$12,848,000**

2021 +17% **\$11,471,000**

2020 +10% **\$9,813,000**

2019 +4% **\$8,930,000**

IMPORTANT DATES

July 1, 2021

Assessed value is the property's market value as of this date.

October 31, 2021

Assessed value reflects property's physical condition and permitted use as of this date.

THE DEADLINE FOR FILING A NOTICE OF COMPLAINT (APPEAL) IS JANUARY 31, 2022

Important information about the complaint process can be found on the back page.

CONTACT US

For more information about your Assessment Notice go to bcassessment.ca

From our website you can search for your property, compare your assessment and update your mailing address.

Call us at **1-866-valueBC** (1-866-825-8322) or 604-739-8588.

Important messages about your 2022 Assessment

- Your property is assessed by the Cost Services assessment team at BC Assessment. Please direct inquiries to: costservices@bcassessment.ca
- Due to the specialized nature of your property, it is not displayed on Assessment Search (bcassessment.ca). Please contact us if you require additional information.
- If you own land for the benefit of a corporation, a trust or legal partnership, you must check if you need to file with the Land Owner Transparency Registry. See landtransparency.ca for more information.

The Assessment Office for this property is:

Victoria Assessment Office
 102-3350 Douglas St
 Victoria BC V8Z 7X9
 01-61-308-70-0803-000

The Owner/Lessee of this property is:

BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT NO.
 61 (GREATER VICTORIA)
 556 BOLESKINE RD
 VICTORIA BC V8Z 1E8



**APPRAISAL OF SURPLUS LAND
LOCATED AT RICHMOND ELEMENTARY SCHOOL SITE
2780 RICHMOND ROAD, VICTORIA BC**

VALUATION DATE

July 3, 2020

PREPARED FOR

The Greater Victoria School District No. 61
Chuck Morris

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MINISTRY OF EDUCATION AND CHILD CARE
DECISION BRIEFING NOTE

DATE: March 7, 2022 (Updated September 21, 2022)
CLIFF: 254155

PREPARED FOR: Honourable Jennifer Whiteside, Minister – **FOR DECISION**

SUBJECT: Disposal of a portion of the Lansdowne Middle School property in School District No. 61 (Greater Victoria)

PURPOSE: Determining the response to SD61's request for ministerial approval, in accordance with the Disposal of Land or Improvements Order

BACKGROUND:

- The Disposal of Land or Improvements Order requires that the Minister of Education and Child Care, or a statutory designate, approve the proposed disposal of any board-owned property, either through its sale, exchange, or lease of greater than 10 years.
- A joint release was issued on October 14, 2021, announcing that the Greater Victoria School District had entered into an agreement to potentially sell 1.9 acres (0.77 hectares) of land south of Lansdowne Middle School to the Victoria Hospice Society for \$2.5 million.
- The Victoria Hospice Society plans to use the site for an in-patient unit and community support centre, with the potential for some administrative functions to also be located on the site. There are also plans to enhance vegetation along the riparian area of Bowker Creek.
- One of the conditions of the agreement is that it is subject to Ministry of Education and Child Care (ECC) approval of the disposal.
- On November 24, 2021, Soren Henrich, President, Friends of Bowker Creek Society (FOBCS), and Lisa Timmons, Chair, Camosun Community Association (CCA), sent a letter to the Greater Victoria Board of Education expressing concerns about the detrimental impacts of development on Bowker Creek which runs through the parcel, and the lack of an open public consultation process.
- Of concern was that the agreement was signed in September 2021, prior to the Board of Education undertaking broad public consultation.
- On January 12, 2022, the FOBCS and CCA sent a separate joint letter directly to the Minister, reiterating concerns about negative impacts on the rare urban water course and the credibility of the public consultation process that followed the public announcement.
- The FOBCS and CCA further asserted that the Board's disposal process was not consistent with provincial education, climate, and water policies; and seriously undermined community efforts to restore Bowker Creek, to create an incredible teaching and experiential resource, and to enrich the local community.
- On January 28, 2022, the Greater Victoria School District submitted its formal request to Capital Management Branch, seeking ministerial approval to dispose of the parcel.

- On February 2, 2022, Ryan Painter, Chair, sent a letter to the FOBCS, CCA and Minister, (Attachment 1) that responded to the variety of concerns raised in the January 12, 2022 letter sent to the Minister by the FOBCS and CCA.

DISCUSSION:

- The Chair's statements defend the Board entering into an agreement to dispose of Board-owned property to a specified party, in advance of completing a broad public consultation about the potential property disposition, and receiving ministerial approval.
- The *School Act* and Disposal of Land or Improvements Order provide the statutory requirements to be followed by a board of education in regard to real property disposals.
- A board is also expected to adhere to all other publicized ECC documentation to guide its decision-making on the potential disposal of a property deemed to be surplus to the educational programming needs of its school district.
- The following guiding documents are available on the Capital Management Branch webpages:
 - School Building Closure and Disposal Policy;
 - Questions and Answers on the Disposal of Land or Improvements Order/School Building Closure Policy; and,
 - Real Property Disposal - Required Information Checklist

Public Consultation

- ECC's School Building Closure and Disposal Policy states that boards of education must engage in broad consultation and enhanced planning regarding underutilized school buildings and other property owned by boards prior to property disposition.
- A board submission of various informational pieces included under ECC's Real Property Disposal - Required Information Checklist supports ECC's property disposal process, as well as the Ministry of Citizen's Services' (CITZ) administration of Government's Surplus Property Program, which applies to property-owning, SUCH Sector Organizations, and Broader Public Sector Entities.
- The Checklist specifies that a board of education must seek input from the broader community on the potential uses for a surplus property through a comprehensive public consultation, which can inform a decision on whether a board should seek required ministerial approval.
- The Checklist also requires that a board identify any sensitivities or objections that were raised during public consultations, which ECC considers when determining whether to recommend the granting of ministerial approval.
- The Disposal of Land or Improvements Order requires boards of education to develop and implement policies and procedures with respect to the disposal of land or improvements.
- SD61's own policy on consultation provides that Board decisions will be made using appropriate consultation processes, which optimize the opportunity for educational and community partners to provide input.
- The policy defines consultation as an important step in decision-making, as a process that involves interaction between decision makers and those affected by the decisions.

- While the Chair's letter cited various SD61 actions to demonstrate that a proper public consultation process had occurred, including an online information session, all such actions took place after the October 2021 announcement of the Victoria Hospice Society agreement.
- On February 18, 2022 the Victoria Hospice sent a letter to the District outlining additional measures that will be taken considering Bowker Creek:
 - A proposal to shift the property line on the west side of the creek, resulting in an estimated total land size for development of 1.3 acres from the original 1.9 acres requested.
 - Additional remediation and creek upgrades following a review of the Master Drainage Plan and the Bowker Creek Initiative Blueprint (BCIB).
- On February 23, 2022 a Special Open Board Meeting took place with 25 speakers against and five speakers for the proposal.
- On the basis of the additional engagement that was completed by the school district, in tandem with the Victoria Hospice Society, Ministry staff are satisfied that local perspectives on this potential disposal have been surfaced, and that mitigations have been put in place to address negative externalities to the extent possible.

Purchase and Sale Agreement

- The Chair validated the signing of a Purchase and Sale Agreement (PSA) with the Victoria Hospice Society using the following arguments:
 - the PSA was conditional upon both receiving ministerial approval and having three readings of a Board disposal bylaw;
 - the Disposal of Land or Improvements Order remains the governing document and not other published ECC policies and guidelines;
 - the Order itself does not state the Minister must approve of a disposal before a board enters into an agreement to sell; and,
 - the Order does not explicitly prohibit a board from entering into an agreement that is conditional upon receiving the Minister's approval.

s.14; s.17

OPTIONS:

Option 1 – Grant ministerial approval, allowing the Greater Victoria Board of Education to complete the sale of a portion of the Lansdowne Middle School property to the Victoria Hospice Society

PROS:

- Supports the financial needs of SD61 to generate needed proceeds.
- Supports the programming needs of the Victoria Hospice Society to provide enhanced community services to cancer patients and their families.
- Supports Government's Surplus Property Program whereby surplus public real property remains in the public domain, to continue serving local community needs.
- The District of Saanich is the proper authority to make decisions regarding appropriate land use, building development, and riparian zone protection.
- The Victoria Hospice Society, as the new owner applying to local government for rezoning, development approvals and building permits, is appropriately made responsible for complying with land use, building development and riparian zone protection requirements.
- The Victoria Hospice Society has displayed a willingness to listen to stakeholders by amending the proposal on February 18, 2022.

CONS:

- Fails to fully address consultation concerns identified by the Bowker Creek Initiative (BCI), a collaborative that includes the City of Victoria, District of Saanich, District of Oak Bay, Capital Regional District, University of Victoria, Friends of Bowker Creek Society, and Camosun Community Association.
- Concerns raised by the Friends of Bowker Creek Society and Camosun Community Association about an improper public consultation process undertaken by the Board of Education appear to be ignored.
- Government seen as sidestepping any responsibility, by downloading management of a contentious issues to local government.

s.13

FINANCIAL IMPLICATIONS:

The Greater Victoria Board of Education has the opportunity to receive \$2.5 million in property sales proceeds, all of which will be allocated as local capital funds, which may be expended by the Board for local capital projects without ministerial approval.

INFORMATION TECHNOLOGY AND PRIVACY IMPLICATIONS:

No information technology and privacy implications.

LINKS TO OTHER MINISTRIES:

Ministry of Citizens' Services

Ministry of Environment and Climate Change Strategy

(Note: Honourable George Heyman was cc-ed on various pieces of correspondence)

RECOMMENDATION:

Option: 1



September 27, 2022

Approved/Not Approved

Date Signed

Honourable Jennifer Whiteside
Minister of Education and Child Care

Attachments

1. SD61 Board Chair Feb 22 2022 Proposed Land Disposal Response
2. Victoria Hospice Feb 18 2022 Response to Board Chair

Program ADM/Branch: Chris Brown, Resource Management Division/Capital Management Branch

Program Contact (for content): Francois Bertrand, Executive Director, Capital Management Branch

Drafter: Travis Tormala, Regional Director, Capital Programs Unit

Date: February 28, 2022 (Updated September 21, 2022)

MINISTRY OF EDUCATION
MLA BULLETS or MO AD-HOC BULLETS

DATE: February 28, 2022

CLIFF #: 254209

PREPARED FOR: Honourable Jennifer Whiteside, Minister – **FOR INFORMATION**

SUBJECT: SD61 District's finances – operating and capital

BULLETS:

Operating

- Based on several factors, SD61 (Greater Victoria) is financially healthy with a reasonable accumulated surplus. However, they need to address their structural deficit and ensure that spending is sustainable.
- SD61 has the eighth largest Accumulated Operating Surplus in the province as of June 30, 2021, at \$13.2 million, a decrease of \$4.8 million from June 30, 2020. SD61 cannot continue to use its accumulated operating surplus at this rate without going into an accumulated deficit.
- Districts often use conservative funding and revenue assumptions in their budget development and during the spring 2021 budget cycle SD61's Board was presented with a deficit budget and then asked to make decisions to balance it.
- At the conclusion of the school year, boards often perform better than originally forecast. Budget deliberations should be viewed in the context of what historically happens in the time between Board of Education approved budgets and actual financial results.

Accumulated Surplus

- In the past three full school years, the SD61 budgeted a cumulative drawdown of the accumulated surplus of \$28.7 million. Actual change in the accumulated surplus was a drawdown of \$3.7 million, reflecting the conservative budgeting practices referred to above.
- As a proportion of total operating expenditures, accumulated operating surplus in SD61 has decreased from 11.1% in 2011 to 6.3% in 2021. The 6.3% amount is inline with what a reasonable accumulated surplus should be.
- Beginning in 2019/20, the school district changed a long-running approach of how much of the accumulated surplus they have as 'restricted' vs 'unrestricted'. Restricted Operating surplus means that the Board has set aside money for specific purposes and is not available for general cost pressures.

MINISTRY OF EDUCATION
MLA BULLETS or MO AD-HOC BULLETS

- Beginning in 2019/20 the district **internally restricted 100 percent** of their surplus. In 2020/21, the district's surplus was restricted for:
 - \$5.5 million of unspent school and department budgets;
 - \$4.8 million to balance future years operating budget;
 - \$1.7 million as a general reserve.
 - \$0.8 million for future IT infrastructure upgrades; and,
 - \$0.4 million for International Education Program reserve.
- The largest component, \$5.5 million of unspent school and department budgets, is funding provided to school principals for discretionary programming and school-based initiatives that has not been utilised and, under the Board of Education's policies, remains with that school/department, rather than returning to core district budget.
- The \$1.7 million restricted as a 'general reserve' amount will need to be classified as 'unrestricted' based on the Accumulated Operating Surplus Policy effective for the 2021/22 school year.
- The \$0.4 million for International Education Program reserve is to buffer the school district from changes in enrolment in this program. SD61's International Student Program provides a financial benefit to the district. In the past three full school years, the International Student Program provided a Net Income of \$9.6 million. Conceivably, without the International Program the district would have reduced its Accumulated Surplus to only \$3.6 million (compared to \$13.2 million).

Recent Financial Performance

- For the most recently completed school year (2020/21), the Board approved an amended budget in February 2021 that would deplete their accumulated surplus from \$18.0 million to \$7.1 million.
- Financial statements show that the district was able to spend \$2.5 million on capital purchases (compared to an amended budget of \$1.0M) and still end the year with an accumulated surplus of \$13.2 million.
- SD61's Board approved the 2021/22 Amended Budget on February 28, 2022. The amended budget uses \$6.1 million of surplus to balance the budget. Based on historical patterns, it is estimated that SD61 might require no more than \$2 million to balance, leaving them with an accumulated surplus of at least \$11 million.
- The attached table compares SD61's budgets to the actual financial results each year since 2014/15. In 2018/19, SD61 approved a budget on June 30, 2018 that indicated a need to use \$3.9 million of accumulated surplus to balance; this was updated in February 2019 showing they needed \$8.9 million to balance; once the year-end actual results were calculated they had an annual surplus of \$1.2 million and was able to use \$3.2 million of operating surplus to purchase capital assets.

MINISTRY OF EDUCATION
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Impact of COVID-19

- Since the start of the pandemic SD61 reported net increased costs/lost revenue related to COVID-19 of \$13.1 million, with the largest single component was loss of Tuition Revenue from International Students of \$6.2 million, with savings from salaries/benefits savings and services savings of only \$0.8 million.
- To date, SD61 has received \$9.9 million of additional funding to assist them with the financial impact of the pandemic.

Capital

- Currently, and looking towards *Budget 2022*, SD61 will have four active projects in varying stages of development. All four projects are seismic.
- As part of the cost-share provisions for seismic projects, district contributions are only required for mitigation approaches that are not the lowest cost option (e.g., upgrade vs. replacement).
- Of the four active projects, SD61 is currently contributing to two of them:
 - Victoria High Seismic Upgrade with Enhancements: **\$2.6 million (overall budget of \$79.7 million);**
 - Cedar Hill Middle Seismic Replacement: **\$3.6 million (overall budget of \$46.5 million);**
 - **Total cost-share contributions: \$6.2 million.**
- For the other two projects (Shoreline Middle, Sundance Elementary), as their business cases are in early development, it is unknown at this time whether SD61 will be required to bring a contribution.
- SD61 has been using land sales and long-term leases to accumulate funds to contribute to their capital projects.
- Some of the recent and future land sales/leases are:
 - (Approved) Lease – 60-year term with Capital Region Housing Corporation (CRHC) for lands adjacent to Victoria High. **Proceeds: \$4.1-4.5 million;**
 - (Approved) Sale – 7.3 acres of land at Lansdowne Middle school to be sold to School District No.93 Conseil scolaire francophone. **Proceeds: \$15 million,**
 - (Future) Sale – 1.9 acres of land south of Lansdowne Middle school (adjacent to Bowker Creek) to be sold to the Victoria Hospice Society. **Proceeds: \$2.5 million; (disposal not yet approved by Minister of Education)**
 - **Total potential proceeds: \$21.6-22 million.**

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- Proceeds from land sales must go 75 percent restricted capital and 25 percent local capital (unless the original purchase is proved to have come from non-provincial sources and then it can all go to Local Capital). Both Restricted Capital and Local Capital can only be spent on assets (not just land). Spending Local Capital is at the school districts discretion and EDUC Restricted must be approved by the Minister.

Attachment: SD61 – Comparison of Budgets to Actual 2014-15 through 2021-22new

Comparison of Annual Budget to Amended Budget to Actual Financial Results

SD61 (Greater Victoria)		2018-19			2019-20			2020-21			2021-22		
		Annual Budget	Amended Budget	Actual	Annual Budget	Amended Budget	Actual	Annual Budget	Amended Budget	Actual	Annual Budget	Amended Budget	Actual
Accumulated Operating Surplus, start of year	A	\$16,859,357	\$16,859,357	\$16,859,357	\$14,827,885	\$14,827,885	\$14,827,885	\$17,979,328	\$17,979,328	\$17,979,328	\$13,192,739	\$13,192,739	\$13,192,739
Annual Operating Surplus / (Deficit)	B	(\$2,507,710)	(\$7,047,221)	\$1,204,571	(\$4,009,767)	(\$7,650,619)	\$5,221,324	(\$5,707,536)	(\$9,822,003)	(\$2,248,086)	(\$5,658,406)	(\$6,126,523)	n/a
Transfers out of Operating funds to Other Funds	C	(\$800,000)	(\$1,260,000)	(\$2,596,773)	(\$800,000)	(\$660,000)	(\$1,430,611)	(\$1,339,270)	(\$1,000,000)	(\$2,538,503)	\$0	\$0	n/a
- for Capital Assets	D	(\$639,270)	(\$639,270)	(\$639,270)	(\$639,270)	(\$639,270)	(\$639,270)	\$0	\$0	\$0	\$0	\$0	n/a
- for Local Capital													
Surplus Appropriation to Balance Budget [B + C + D = E]	E	(\$3,946,980)	(\$8,946,491)	n/a	(\$5,449,037)	(\$8,949,889)	n/a	(\$7,046,806)	(\$10,822,003)	n/a	(\$5,658,406)	(\$6,126,523)	
June 30 Accumulated Operating Fund Surplus													
- for Budget [A + E = F]	F	\$12,912,377	\$7,912,866	\$14,827,885	\$9,378,848	\$5,877,996	\$17,979,328	\$10,932,522	\$7,157,325	\$13,192,739	\$7,534,333	\$7,066,216	n/a
- for Actual [A + B + C + D = F]													

SD61 (Greater Victoria)		2014-15			2015-16			2016-17			2017-18		
		Annual Budget	Amended Budget	Actual	Annual Budget	Amended Budget	Actual	Annual Budget	Amended Budget	Actual	Annual Budget	Amended Budget	Actual
Accumulated Operating Surplus, start of year	A	\$18,555,980	\$18,555,980	\$18,555,980	\$21,775,666	\$21,775,666	\$21,775,666	\$22,800,427	\$22,800,427	\$22,800,427	\$19,769,564	\$19,769,564	\$19,769,564
Annual Operating Surplus / (Deficit)	B	(\$5,500,000)	(\$17,647,649)	\$3,712,047	(\$7,500,000)	(\$20,858,299)	\$2,320,877	(\$5,110,764)	(\$5,992,060)	\$2,955,704	(\$3,104,887)	(\$5,526,883)	(\$44,437)
Transfers out of Operating funds to Other Funds	C	(\$800,000)	(\$800,000)	(\$384,030)	(\$800,000)	(\$800,000)	(\$1,178,749)	(\$800,000)	(\$2,000,000)	(\$5,494,277)	(\$800,000)	(\$800,000)	(\$2,291,396)
- for Capital Assets	D	\$0	(\$108,331)	(\$108,331)	\$0	(\$117,367)	(\$117,367)	\$0	(\$117,367)	(\$492,290)	(\$200,000)	(\$574,374)	(\$574,374)
- for Local Capital													
Surplus Appropriation to Balance Budget [B + C + D = E]	E	(\$6,300,000)	(\$18,555,980)	n/a	(\$8,300,000)	(\$21,775,666)	n/a	(\$5,910,764)	(\$8,109,427)	n/a	(\$4,104,887)	(\$6,901,257)	n/a
June 30 Accumulated Operating Fund Surplus													
- for Budget [A + E = F]	F	\$12,255,980	\$0	\$21,775,666	\$13,475,666	\$0	\$22,800,427	\$16,889,663	\$14,691,000	\$19,769,564	\$15,664,677	\$12,868,307	\$16,859,357
- for Actual [A + B + C + D = F]													