



TÉLÉCOPIE/ FAX
BUREAU DU SECRÉTAIRE TRÉSORIER
OFFICE OF THE SECRETARY-TREASURER

Date : April 4th, 2013
À / To : Premier Christie Clark
De / From : Roger Hébert, President, Board of Regional Trustees
No Télécopie / Fax No. : 250-387-0087
Objet / Re : Jericho Site
Nombre de pages / Number of pages: 1

Note : Si vous ne recevez pas le message au complet, prière de téléphoner Hélène Rivest en composant le (604) 214-2636.
If you do not receive the entire fax please call Hélène Rivest at (604) 214-2636.

Dear Premier Clark:

Please find herewith a letter from Mr. Roger Hébert, President of the CSF Board of Regional Trustees. Ministers McRae and Stewart will receive this letter by email.

Yours truly,

A handwritten signature in black ink, appearing to read 'Hélène Rivest'.

Hélène Rivest
Secretary to the Board of Regional Trustees
hrivest@csf.bc.ca
Tél.: (604) 214-2636

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April 4, 2013

Honourable Christy Clark
Premier of British Columbia
PO Box 9041 STN Prov Govt
Victoria, British Columbia, V8W 9E1

Honourable Don McRae
Minister of Education
PO Box 9161 STN Prov Govt
Victoria, British Columbia, V8W 9H3

Honourable Ben Stewart
Minister of Citizens' Services and Open Government
PO Box 9068 STN Prov Govt
Victoria, British Columbia, V8W 9E2

Dear Premier Clark and Ministers McRae and Stewart:

- Re: 1) immediate update required regarding provincial Jericho site in Vancouver, west of Main Street;
- 2) confirmation required that no steps will be taken for long-term disposition, including long-term lease, of provincial Jericho site or facilities located thereon without advance notice to the Conseil scolaire francophone de la Colombie-Britannique;
- 3) action required regarding opportunity to permanently offer French-language education from the provincial Jericho site;
- 4) action required regarding funding announced on October 31, 2011 for the construction of a new CSF elementary school in Vancouver, west of Main Street

The Province is direct owner of multiple sites in Vancouver, west of Main Street that could solve the critical French-language school infrastructure problems in that area

The Provincial Government has repeatedly indicated to the Conseil scolaire francophone de la Colombie-

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Britannique ("CSF") that there are no sites available in Vancouver west of Main Street for the construction of two new CSF elementary schools. Throughout the joint process of searching for sites for new CSF schools in Vancouver, west of Main Street, the provincial government has repeatedly asserted that there are simply no sites available. As this letter, and other correspondence, indicates, there are several sites available, or soon to become available, in Vancouver, west of Main Street, the province of British Columbia owns a number of these sites and appears to intend to dispose of them, without consulting the CSF and without thought towards fulfilling its constitutional obligation and assisting the CSF in obtaining a site on which it could provide French language education.

We were dismayed to discover that the Government did not disclose the availability of provincially owned land for school on a site belonging to the province known as the provincial portion of the Jericho lands ("the provincial Jericho site"), in the West Point Grey neighbourhood in Vancouver. Further, we recently learned that in 2010 the government proceeded to renew for 10 years a lease for a private school facility co-located on the site without informing the CSF, and is now considering the possibility to extend that lease even further.

The provincial Jericho site provides an excellent location for a temporary and then a permanent elementary school of the CSF, and is a site already owned by the Province. The provincial Jericho site therefore represents a rapid and excellent solution to the critical issues faced by our children and parents in Vancouver, west of Main Street, especially those who reside west of Granville St.

Immediate action required regarding the provincial Jericho site

I write therefore on behalf of the CSF to request government provide the following updates and assurances:

1. Provide by Tuesday, April 9, 2013 a detailed update of any discussions regarding the extension of the lease of the West Point Grey Academy on the provincial Jericho site beyond 2020;
2. Confirm by Tuesday, April 9, 2013 that:
 - a. no steps will be taken for the long-term disposition, including long-term lease, of any part of the provincial Jericho site, without giving the CSF at least 30 days advance notice;
 - b. no steps will be taken to renew the current lease to West Point Grey Academy beyond 2020 without giving the CSF at least 30 days advance notice of the intent to do so;
 - c. no steps will be taken to lease any other part of the provincial Jericho site to any person without giving the CSF at least 30 days advance notice of the intent to do so;

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3. Provide by Tuesday, April 23, 2013:
 - a. a detailed update of all steps taken regarding the possibility of locating a CSF school on the provincial Jericho site and the status of any discussions that may have taken place or be ongoing regarding this possibility;
 - b. a detailed update of any plans for the redevelopment, sale, or long-term lease of any part of the provincial Jericho site;
4. Confirm by Tuesday, April 30, 2013 that:
 - a. the Province agrees to the installation on the provincial Jericho site of a temporary elementary school of the CSF, and will work with the CSF in order to have such a school installed and operational in time for the 2014-2015 school year, at the latest;
 - b. a permanent CSF elementary school facility will immediately be added to the plans for the provincial Jericho site, if it does not already figure in those plans, and that no decisions will be made regarding the provincial Jericho site that are incompatible with the construction of such a school on the site;
 - c. specifically, the Province will set aside 5 acres of land for the use of the CSF in constructing a new K-6 elementary school in the designs of the provincial Jericho site; or,
 - d. in the alternative, that the Province will reserve a 5-acre portion of the land being redeveloped at the provincial Jericho site for the use of the CSF pending the outcome of the Supreme Court of British Columbia action bearing Vancouver Registry number No. S103975; and
5. Confirm by Tuesday, April 30, 2013 that:
 - a. the October 31, 2011 funding announcement for the construction of a CSF elementary school in the False Creek area of Vancouver will be modified to allow for the construction of a CSF elementary school on whichever of the sites currently or soon to be available in Vancouver, west of Main Street that will provide the best and most timely solution, given the unforeseen and unacceptable delays at Southeast False Creek and the critical school infrastructure needs of the CSF in Vancouver, west of Main Street.

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Important context and details

The critical school infrastructure needs of the CSF in Vancouver, west of Main Street

At present, the CSF owns and operates only one French-language elementary school in Vancouver, west of Main Street – École élémentaire Rose-des-vents. This school facility is overcrowded and lacks space to accommodate its current and growing student enrolment. On October 31, 2012 the Supreme Court of British Columbia declared that the current state of the facilities, including its location, which causes unreasonably long transportation times for many children, is inadequate to meet the standard of equivalence required to satisfy the constitutional guarantee established by section 23 of the *Canadian Charter of Rights and Freedoms* ("Charter").¹

A great number of students currently attending École élémentaire Rose-des-vents reside in the western half of its catchment area and travel by school bus, on unreasonably long bus routes, to attend École élémentaire Rose-des-vents. Many children simply do not attend École élémentaire Rose-des-vents because it is overfull and because it is not well located in Vancouver, west of Main Street. The CSF's enrolment projections, based on 2011 Census data, demonstrate that the number of students in this area will continue to grow and the CSF simply cannot accommodate these students in the current École élémentaire Rose-des-vents facility.

Capital planning regarding the CSF's urgent capital needs in Vancouver, west of Main Street

As the Province knows, the CSF has been actively seeking a site for at least two additional French-language elementary schools in Vancouver, namely one between Main Street and Granville Street, and a second one west of Granville Street. The CSF has so far been unable to secure either short-term or long-term solutions to its critical infrastructure needs in Vancouver, west of Main Street.

The CSF has expressly requested two new elementary schools capable of accommodating at least 430 students each, one of which would be located west of Granville Street, in the CSF's capital plan submission since the 2010/2011 capital plan submission. The CSF has been requesting a new CSF elementary school in Vancouver, west of Main Street, since the 2007/2008 capital plan submission, and prior to that requested a replacement elementary school in the 2005/2006 and 2006/2007 school years.

¹ *L'Association des parents de l'école Rose-des-Vents v Conseil scolaire francophone de la Colombie-Britannique*, 2012 BCSC 1614, at paras 157-160.

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The CSF has submitted a Project Identification Report for a new CSF elementary school capable of accommodating at least 390 students, located west of Granville Street to the Ministry of Education. The province has already announced, on October 31, 2013, funding for a new CSF elementary school in Vancouver, west of Main Street (specifically for the Southeast False Creek area), including the cost of site acquisition; unfortunately, it has not yet been possible to secure a site from the City of Vancouver for the construction of such a school.

Multiple CSF elementary school sites needed in Vancouver, west of Main Street

Sites are needed for the construction of at least two elementary schools of the CSF in Vancouver, west of Main Street – one west of Granville Street, and the other between Main Street and Granville Street with a total capacity of at least 860 pupil places. Numbers warrant the construction of both of these schools immediately.

Based on 2011 Census numbers, there are, west of Granville Street, 312 children between the ages of 5 and 12 of parents whose mother tongue is French; 1410 children between the ages of 5 and 12 who have knowledge of French, and whose parents' mother tongue is not French; and 330 children between the ages of 5 and 12 who speak French at least regularly at home, and whose parents' mother tongue is not French.

Based on 2011 Census numbers, there are, between Main Street and Granville Street, 285 children between the ages of 5 and 12 of parents whose mother tongue is French; 815 children between the ages of 5 and 12 who have knowledge of French, and whose parents' mother tongue is not French; and 215 children between the ages of 5 and 12 who speak French at least regularly at home, and whose parents' mother tongue is not French.

Regardless of whether the Province agrees regarding the number of new CSF schools and pupil places required immediately, the Province surely agrees, given the experience of trying to secure a replacement site for École élémentaire Rose-des-vents, that it is necessary to plan now for the acquisition of, or the setting aside of, sites for multiple schools of the CSF in Vancouver, west of Main Street.

The provincial Jericho site provides an excellent location for a temporary elementary school of the CSF, and already belongs to the Province

The provincial Jericho site would also provide an excellent location for a temporary school of the CSF, of

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modular construction, while awaiting the construction of a permanent school facility. The CSF is aware of temporary, modular school structures, used for example by the Surrey and Delta school districts, that are attractive and that would fit in appropriately on the provincial Jericho site.

The provincial Jericho site provides an excellent location for a permanent elementary school of the CSF, and already belongs to the Province

Thus far the CSF has not received any updates regarding any consideration by the Province of using a portion of the provincial Jericho site (adjacent to the Federal Jericho lands) for a CSF school. The Conseil has attempted to explore the possibility of a CSF elementary school on the provincial Jericho site since at least 2001. Our former CSF Secretary-Treasurer, Guy Bonnefoy, had discussed this opportunity with the Province on a number of informal occasions. Most recently, Mr. Doug Stewart, Director of Capital Planning for the Ministry of Education, acknowledged in a meeting held on March 25, 2013, between the Ministry of Education, current CSF Secretary-Treasurer Sylvain Allison, and the Vancouver Board of Education ("VBE"), that the Ministry of Education would inquire with Shared Services BC ("SSBC") as to the status of the provincial Jericho site and the planned development of this land.

The CSF was pleased to learn from Mr. Stewart that the Ministry of Education was going to inquire with SSBC in order to secure access to a part of the provincial Jericho site for a school of the CSF, but is disappointed that the province has not provided the CSF with any information regarding such a possibility before the March 25, 2013 meeting.

The provincial Jericho site is well located as the site of a new CSF elementary school; it is an attractive site that would provide ample space for the construction of a CSF elementary school, with sufficient schoolyard area. The provincial Jericho site is approximately 38 acres, and the CSF would only require a school site of approximately 5 acres.

Attached is a satellite image of the provincial Jericho site, created by using the City of Vancouver's web-based application VanMap, modified so as to identify the property lines of the provincial and federal Jericho sites. Also attached is a copy of Plan 18336, deposited in the Vancouver land title office, showing the property lines of the provincial and federal Jericho sites.

As there are already several schools and playfields surrounding the provincial Jericho site, the construction of an elementary school for the CSF would fit well with the present dynamic of the community.

The construction of a CSF school would only require a relatively small portion of the provincial Jericho

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site, having only a small financial impact on the overall development of the site. On the other hand, the construction of a CSF school on the provincial Jericho site holds great public importance, especially given the CSF's urgent site and capital needs, and would have a tremendous positive impact on the French-language community in Vancouver, west of Main Street. Setting aside such a site for the CSF would further permit the provincial government to move forward in fulfilling its obligation to meaningfully implement French-language education under the *Charter* in British Columbia and in Vancouver, west of Main Street.

One of the major benefits of constructing a CSF elementary school on the provincial Jericho site is that the Province is owner of the land and can set aside a portion of it for the construction of a CSF school, instead of having to purchase the land from a third party vendor, in the challenging Vancouver real estate market.

The CSF therefore proposes that the construction of a CSF elementary school on the provincial Jericho site would be an excellent option.

West Point Grey Academy and other leased facilities on the provincial Jericho site

The provincial Jericho site is easily large enough to accommodate a CSF elementary school. In addition to the buildings currently located on the provincial Jericho site, including the buildings leased by the West Point Grey Academy. The CSF was disappointed to learn, from information available on the Academy's website, that the Province renewed the lease of the West Point Grey Academy in 2010, so that the Academy's current lease extends to June 30, 2020. The Province renewed this lease, while maintaining with the CSF the discourse that there are no properties in Vancouver to house a school of the CSF. The Province renewed this lease knowing that the CSF has pursued the provincial Jericho site in the past, that the CSF is currently seeking any available space west of Granville Street and that the CSF and the Province are in the midst of litigation seeking to have the Ministry of Education fulfill its *Charter* obligation to provide minority French language education in Vancouver, as well as elsewhere in the province.

The CSF has recently learned that the West Point Grey Academy lease was extended by 10 years, subsequent to the filing of the CSF's claim against the Province. The CSF is very disappointed because the leased facilities occupied by the Academy appear to be attractive school buildings on provincial land that could have been leased by the provincial government to the CSF, by which the government could have provided a turnkey solution to the CSF in 2010 in order to add additional CSF elementary school.

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capacity in Vancouver, west of Main Street.

CSF understands from the West Point Grey Academy's website that the Academy currently seeks a long-term lease of between 25 and 99 years.

The CSF does not know whether the other buildings on the provincial Jericho site are leased by the province to the organizations that operate those buildings, nor the terms of those leases if the buildings are leased, nor whether any of those buildings would be suitable for a CSF elementary school.

The Province's constitutional obligations regarding the CSF and the provincial Jericho site

It is the province's constitutional obligation to assist the CSF in providing homogenous French-language education in British Columbia, including in Vancouver, west of Main Street. Access to suitable sites has been a significant obstacle the CSF has been trying to surmount in fulfilling its section 23 *Charter* mandate, particularly in Vancouver, west of Main Street.

The provision of homogenous French language education is an important public purpose that must be taken into account by the Province when disposing of land. The Province must, therefore, ensure that the Ministry of Education and the CSF are aware of the details of the planning for the disposition of provincially owned properties in Vancouver, and the status of such plans, as soon as possible. The CSF has no visibility into these processes.

It is particularly important that the Ministry of Education, and the provincial government more broadly, intervene as necessary in this process to protect the CSF's interests and to improve the CSF's ability to offer French-language education in Vancouver, west of Main Street. As you know, it has been very difficult for the Ministry to identify sites for the new construction of CSF schools in Vancouver, west of Main Street. It is therefore of great importance that the Province ensure that it does not miss the opportunity to make use of a portion of a suitable property like the provincial Jericho site for the CSF.

Only the provincial government, and not the CSF, has the status required to take into account the CSF's needs in planning for the redevelopment and disposal of the provincial Jericho site, in order that a portion serve an important public purpose as a CSF school site.

Please keep the CSF up-to-date as regards to developments relating to the disposition of provincially-owned property in Vancouver, including the state of current provincial government agreements regarding these dispositions, and what they mean for the acquisition by the Province, for the CSF, of

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such property, including, importantly, the projected timing of such dispositions and developments.

A new CSF elementary school cannot be built at Southeast False Creek soon enough; the funding announced of October 31, 2011 must be put to use much sooner than it could be at Southeast False Creek

On October 31, 2011, the premier of British Columbia announced the funding required for a new kindergarten to grade 6 school of the CSF in the False Creek area of Vancouver. At the time of the funding announcement, the CSF was in negotiations with the City of Vancouver and the VBE, and no site in the False Creek area had been identified for possible acquisition. However, following the funding announcement, the CSF was hopeful that site identification and the process of design, planning and construction would occur in a timely manner, allowing the CSF to complete construction in a timely manner.

Since Spring 2011, the CSF, the VBE, the Ministry of Education and the City of Vancouver have been involved in negotiations to secure a site for acquisition in the Southeast False Creek area. Although the parties have spent time and money on Project Identification Reports, proposed site concept drawings, traffic reports, topographical surveys, a soil contamination study and the seismic study of the Cambie Street Bridge, the acquisition of a site and continuing onto the procurement and construction phases of the project will take a very long time.

Critically, as the CSF, the VBE and the Ministry of Education recently learned, soil liquefaction where the Cambie Street Bridge's columns touch the ground pose a significant seismic risk and render the site towards which the parties had been working unsafe for school construction without major, costly, time-consuming remediation work. Furthermore, we have been advised that the City of Vancouver is not willing to pay to remediate the Cambie Street Bridge. The CSF was required to pursue with the VBE a plan which would have had the boards occupy closely located school facilities in Southeast False Creek. It is the City that required that a site be purchased, and not just set aside by the City, for a CSF school in Southeast False Creek. In addition, the VBE would not consent to the CSF building an elementary school on the site initially "reserved" for the VBE by the City. The site that is no longer viable due to seismic risks with the Cambie Street Bridge was not the CSF's first choice, and was imposed on the CSF based on the City's interests.

Because of this news regarding the seismic safety of the Cambie Street Bridge, and, consequently, the safety and suitability of the site towards which the CSF and the other parties were working, the CSF now

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knows that the construction of a new CSF elementary school at Southeast False Creek would take too long. The CSF cannot afford to have the funding announced on October 31, 2011 sit unused while the CSF faces critical school infrastructure problems in Vancouver, west of Main Street. There is a critical need for timely compliance with the affirmative promise contained in section 23 of the *Charter*, in order to ensure that language rights are meaningfully, meaning promptly, protected.

The CSF will continue to attempt to work with the City to identify a site in Southeast False Creek, but given that the CSF is now back to square one at Southeast False Creek, with all of the progress towards acquiring that site lost, no alternative site offered by the City or the VBF, and very slow City planning processes and requirements, the Southeast False Creek location must be seen as a long-term solution, and not one that can be implemented soon, using funds approved in October, 2011.

The Province should therefore agree that the funding announced for the acquisition of a site and the construction of a CSF elementary school at Southeast False Creek can and should be used for the construction of a CSF elementary school in Vancouver, west of Main Street, whether or not in the Southeast False Creek area. A number of sites either are currently available, or could become available shortly, including sites owned by the provincial government, the federal government, the University of British Columbia, and the City of Vancouver. The Ministry of Education must work towards these sites now, and invest the funding announced in October, 2011 in the site that will provide the best, most timely solution.

We therefore request that the government urgently provide the information and assurances requested above, by the dates requested above. I encourage the responsible persons to communicate with CSF Secretary-Treasurer Sylvain Allison as soon as possible regarding these matters.

Yours truly,

A handwritten signature in black ink, appearing to read "Roger Hébert".

Roger Hébert
President

cc: John Dyble, Deputy Minister to the Premier, Cabinet Secretary and Head of the Public Sector;
James Gorman, Deputy Minister of Education;
Doug Stewart, Director Capital Management, Ministry of Education
Sylvain Allison, Secretary-Treasurer, CSF

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Mario Cyr, Superintendent, CSF
CSF Board of Regional Trustees

Encl.: VanMap – Jericho with identified blocks
Plan 18336 – Prov and Fed Jericho lands

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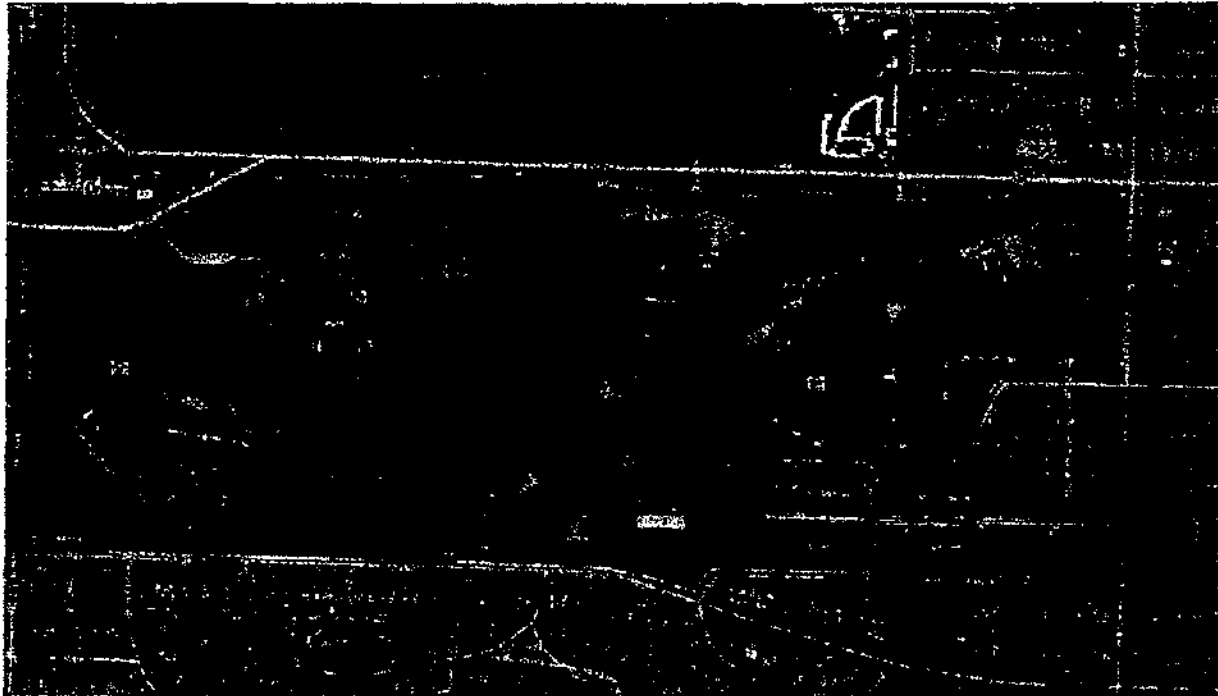
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Public VanMap



BLOCK A and BLOCK C represent the provincial Jericho site

BLOCK B represents the federal Jericho site



Data Quality not Guaranteed

Mar 27, 2013 21:00

04/04/2013 12:30 FAX 804 214 9861

CSF SUR3

0013/0014

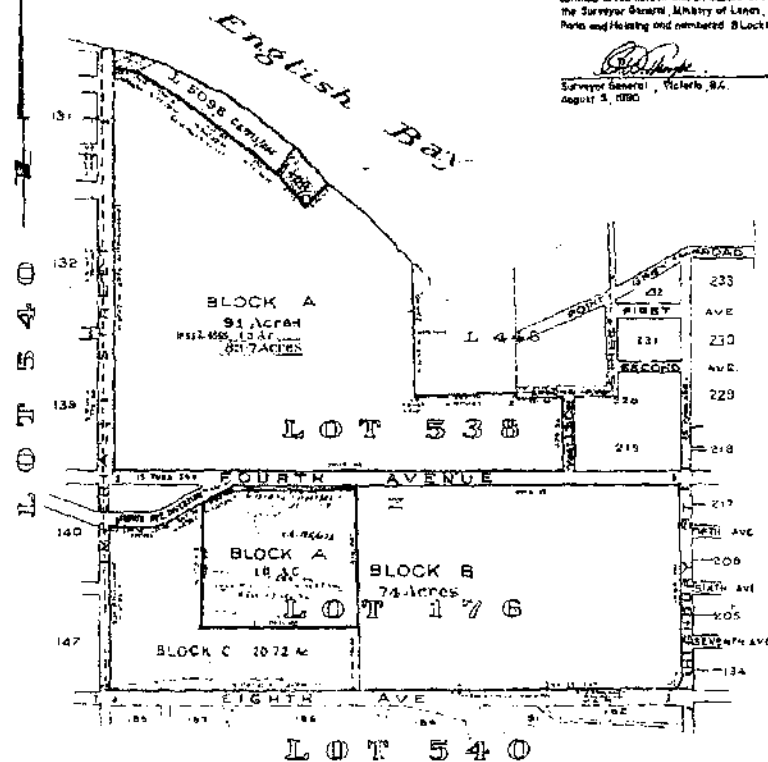
PLAN 18336

SCALE - 1 INCH = 400 FEET

Whereby the City of Vancouver
as shown on the
plan of the City of Vancouver
18336
18336

I hereby certify that this is a true copy
of the Official Plan of Block A of Lot 176,
Gross 1, New Westminster District, shown
outlined in red herein and on deposit with
the Surveyor General, Ministry of Lands,
Parks and Housing and numbered B Lock 176

[Signature]
Surveyor General, Victoria, B.C.
August 5, 1990





TÉLÉCOPIE/ FAX
BUREAU DU SECRÉTAIRE TRÉSORIER
OFFICE OF THE SECRETARY-TREASURER

Date : April 4th, 2013
À / To : Premier Christie Clark
De / From : Roger Hébert, President, Board of Regional Trustees
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Yours truly,

A handwritten signature in cursive script, appearing to read "Hélène Rivest".

Hélène Rivest
Secretary to the Board of Regional Trustees
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Honourable Ben Stewart
Minister of Citizens' Services and Open Government
PO Box 9068 STN Prov Govt
Victoria, British Columbia, V8W 9E2

Dear Premier Clark and Ministers McRae and Stewart:

Re : Action required regarding opportunity to permanently offer French-language education from the Pearson-Dogwood site in Vancouver, west of Main Street, scheduled for redevelopment

The Province is direct owner of multiple sites in Vancouver, west of Main Street that could solve the critical French-language school infrastructure problems in that area

The Provincial Government has repeatedly indicated to the Conseil scolaire francophone de la Colombie-Britannique ("CSF") that there are no sites available in Vancouver west of Main Street for the construction of two new CSF elementary schools. Throughout the joint process of searching for sites for new CSF schools in Vancouver, west of Main Street, the provincial government has repeatedly asserted that there are simply no sites available. As this letter, and other correspondence, indicates, there are several sites available, or soon to become available, in Vancouver, west of Main Street, the province of British Columbia owns a number of these sites and appears to intend to dispose of them, without consulting the CSF and without thought towards fulfilling its constitutional obligation and assisting the CSF in obtaining a site on which it could provide French language education.

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We were dismayed to discover that the Government did not disclose that part of the Pearson Dogwood site in Vancouver, west of Main Street, which is slated for redevelopment, belongs directly to the Province, and not to Vancouver Coastal Health ("VCH").

The provincially owned portion of the Pearson-Dogwood site provides an excellent location for a permanent elementary school of the CSF, and is a site already owned by the Province. The provincially owned portion of the Pearson-Dogwood site therefore represents an excellent solution to the critical issues faced by our children and parents in Vancouver, west of Main Street.

Immediate action required regarding the provincially owned portion of the Pearson-Dogwood site

I write therefore on behalf of the CSF to request government provide the following updates and assurances:

1. Confirm by Tuesday, April 9, 2013 that:
 - a. no steps will be taken for the long-term disposition, including long-term lease, of any part of the provincially-owned portion of the Pearson-Dogwood site, without giving the CSF at least 30 days advance notice;
2. Provide by Tuesday, April 23, 2013:
 - a. a detailed update regarding potential disposal and redevelopment plans for the Pearson-Dogwood site, including copies of relevant correspondence and other documents;
3. Confirm by Tuesday, April 30, 2013 that:
 - a. a permanent CSF elementary school facility will immediately be added to the plans for the provincially-owned portion of the Pearson-Dogwood site, and that no decisions will be made regarding the provincially-owned portion of the Pearson-Dogwood site that are incompatible with the construction of such a school on the site;
 - b. specifically, the Province will set aside 5 acres of land for the use of the CSF in constructing a new K-6 elementary school in the designs of the provincially-owned portion of the Pearson-Dogwood site; or,
 - c. in the alternative, that the Province will reserve a 5-acre portion of the land being redeveloped at the provincially-owned portion of the Pearson-Dogwood site for the use of the CSF pending the outcome of the Supreme Court of British Columbia

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- action bearing Vancouver Registry number No. 5103975; and
4. Confirm by Tuesday, April 30, 2013 that:
 - a. the October 31, 2011 funding announcement for the construction of a CSF elementary school in the False Creek area of Vancouver will be modified to allow for the construction of a CSF elementary school on whichever of the sites currently or soon to be available in Vancouver, west of Main Street that will provide the best and most timely solution, given the unforeseen and unacceptable delays at Southeast False Creek and the critical school infrastructure needs of the CSF in Vancouver, west of Main Street.

Important context and details

The critical school infrastructure needs of the CSF in Vancouver, west of Main Street

At present, the CSF owns and operates only one French-language elementary school in Vancouver, west of Main Street – École élémentaire Rose-des-vents. This school facility is overcrowded and lacks space to accommodate its current and growing student enrolment. On October 31, 2012 the Supreme Court of British Columbia declared that the current state of the facilities, including its location, which causes unreasonably long transportation times for many children, is inadequate to meet the standard of equivalence required to satisfy the constitutional guarantee established by section 23 of the *Canadian Charter of Rights and Freedoms* ("Charter").¹

A great number of students currently attending École élémentaire Rose-des-vents reside in the western half of its catchment area and travel by school bus, on unreasonably long bus routes, to attend École élémentaire Rose-des-Vents. Many children simply do not attend École élémentaire Rose-des-vents because it is overfull and because it is not well located in Vancouver, west of Main Street. The CSF's enrolment projections, based on 2011 Census data, demonstrate that the number of students in this area will continue to grow and the CSF simply cannot accommodate these students in the current École élémentaire Rose-des-vents facility.

¹ *L'Association des parents de l'école Rose-des-vents v Conseil scolaire francophone de la Colombie-Britannique*, 2012 BCSC 1614, at paras 157-160.

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Capital planning regarding the CSF's urgent capital needs in Vancouver, west of Main Street

As the Province knows, the CSF has been actively seeking a site for at least two additional French-language elementary schools in Vancouver, namely one between Main Street and Granville Street, and a second one west of Granville Street. The CSF has so far been unable to secure either short-term or long-term solutions to its critical infrastructure needs in Vancouver, west of Main Street.

The CSF has expressly requested two new elementary schools capable of accommodating at least 430 students each, one of which would be located west of Granville Street, in the CSF's capital plan submission since the 2010/2011 capital plan submission. The CSF has been requesting a new CSF elementary school in Vancouver, west of Main Street, since the 2007/2008 capital plan submission, and prior to that requested a replacement elementary school in the 2005/2006 and 2006/2007 school years. The CSF has submitted a Project Identification Report for a new CSF elementary school capable of accommodating at least 390 students, located west of Granville Street to the Ministry of Education. The province has already announced, on October 31, 2011, funding for a new CSF elementary school in Vancouver, west of Main Street (specifically for the Southeast False Creek area), including the cost of site acquisition; unfortunately, it has not yet been possible to secure a site from the City of Vancouver for the construction of such a school.

Multiple CSF elementary school sites needed in Vancouver, west of Main Street

Sites are needed for the construction of at least two elementary schools of the CSF in Vancouver, west of Main Street – one west of Granville Street, and the other between Main Street and Granville Street with a total capacity of at least 860 pupil places. Numbers warrant the construction of both of these schools immediately.

Based on 2011 Census numbers, there are, west of Granville Street, 312 children between the ages of 5 and 12 of parents whose mother tongue is French; 1410 children between the ages of 5 and 12 who have knowledge of French, and whose parents' mother tongue is not French; and 330 children between the ages of 5 and 12 who speak French at least regularly at home, and whose parents' mother tongue is not French.

Based on 2011 Census numbers, there are, between Main Street and Granville Street, 285 children between the ages of 5 and 12 of parents whose mother tongue is French; 815 children between the ages of 5 and 12 who have knowledge of French, and whose parents' mother

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tongue is not French; and 215 children between the ages of 5 and 12 who speak French at least regularly at home, and whose parents' mother tongue is not French.

Regardless of whether the Province agrees regarding the number of new CSF schools and pupil places required immediately, the Province surely agrees, given the experience of trying to secure a replacement site for École élémentaire Rose-des-vents, that it is necessary to plan now for the acquisition of, or the setting aside of, sites for multiple schools of the CSF in Vancouver, west of Main Street.

Vancouver Coastal Health and the redevelopment of the Pearson-Dogwood site

The CSF understands that the province and VCH are currently in the process of redeveloping the Pearson-Dogwood site, a 10 hectare site in Vancouver, west of Main Street, in a plan involving rezoning for mixed-use development. The CSF understands that the Pearson-Dogwood site currently houses the George Pearson Centre and the Dogwood Lodge, both institutional health care facilities which were constructed in 1952 and 1974 respectively.

The CSF understands that the George Pearson Centre was originally constructed as a sanatorium for tuberculosis patients, and was later used to house individuals afflicted with polio. The CSF understands that the Centre is currently home to individuals with physical disabilities.

The CSF understands that the Dogwood Lodge was originally constructed to serve as an intermediate care facility. The CSF understands that it is now a home for individuals with various levels of cognitive and physical impairments.

The CSF understands that the buildings on site are nearing the end of their useful life and must be replaced.

The CSF understands that the goal of the project is to leverage the value of this property to allow the province and VCH to replace the George Pearson Centre and add residential care capacity throughout the health authority. The CSF understands that the redevelopment plan envisions space for the following:

- New facilities to replace existing, outdated buildings
- New community and recreational facilities that serve a diverse population, from children to older adults

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- New social and supportive housing
- Non-market rental housing
- Market housing
- A new Canada Line station
- Amenities, such as a new YMCA, parks and community gardens
- Office and retail developments

Reserving a space for a CSF elementary school would fit with the branding of the Pearson-Dogwood community as Vancouver's most inclusive community.

The Pearson-Dogwood site will soon become available, and can easily sustain an elementary school as a part of its redevelopment

According to the CSF's research, part of the Pearson-Dogwood site is provincial land vested in VCH; another portion, large enough to accommodate a CSF elementary school, is vested directly in the Province.

Please see attached a satellite image of the Pearson-Dogwood site, created by using the City of Vancouver's web-based application VanMap, modified so as to identify the portions of the site vested directly in the Province and the portions vested in VCH. Please also see attached a copy of Plan 20607, deposited in the Vancouver land title office, showing the portions of the Pearson-Dogwood site vested directly in the Province and the portions vested in VCH.

One of the major benefits of constructing a CSF elementary school on the provincially-owned portion of the Pearson-Dogwood site is that the Province is owner of the land and can set aside a portion of it for the construction of a CSF school, instead of having to purchase the land from a third party vendor, in the challenging Vancouver real estate market.

It appears to the CSF that it would be particularly easy for the Province to plan for the construction of a CSF elementary school on the provincially owned portion of the Pearson-Dogwood site.

There are already several schools and playfields surrounding the Pearson-Dogwood site, the construction of an elementary school for the CSF would fit well with the present dynamic of the community.

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The construction of a CSF school would only require a relatively small portion of the Pearson-Dogwood site, having only a small financial impact on the overall development of the site. On the other hand, the positive impact of the construction of a CSF school on the Pearson-Dogwood site holds great public importance, chief among them being the CSF's urgent site and capital needs, and would have a tremendous positive impact on the French-language community in Vancouver, west of Main Street. Setting aside such a site for the CSF would further permit the provincial government to move forward in fulfilling its obligation to meaningfully implement French-language education under the *Charter* in British Columbia and in Vancouver, west of Main Street.

The CSF therefore proposes that the construction of a CSF elementary school on the provincially owned portion of the Pearson-Dogwood site would be an excellent option.

The Province's constitutional obligations regarding the CSF and the provincially owned portion of the Pearson-Dogwood site

It is the province's constitutional obligation to assist the CSF in providing homogenous French-language education in British Columbia, including in Vancouver, west of Main Street. Access to suitable sites has been a significant obstacle the CSF has been trying to surmount in fulfilling its section 23 *Charter* mandate, particularly in Vancouver, west of Main Street.

The provision of homogenous French-language education is an important public purpose that must be taken into account by the Province when disposing of land. The Province must, therefore, ensure that the Ministry of Education and the CSF are aware of the details of the planning for the disposition of provincially owned properties in Vancouver, and the status of such plans, as soon as possible. The CSF has no visibility into these processes. However, the CSF has recently read Vancouver media coverage, as well as excerpts of the provincial budget, suggesting that the provincial government is advancing in the process regarding the development of this and of other provincially owned properties in Vancouver, and is very concerned that this opportunity will slip away.

It is particularly important that the Ministry of Education, and the provincial government more broadly, intervene as necessary in this process to protect the CSF's interests and to improve the CSF's ability to offer French-language education in Vancouver, west of Main Street. As you know, it has been very difficult for the Ministry to identify sites for the new construction of CSF schools in Vancouver. It is therefore of great importance that the Province ensure that it does not miss

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the opportunity to make use of a portion of a suitable property like the provincially-owned portion of the Pearson-Dogwood site for the CSF.

Only the provincial government, and not the CSF, has the status required to take into account the CSF's needs in planning for the redevelopment and disposal of the provincially-owned portion of the Pearson-Dogwood site, in order that a portion serve an important public purpose as a CSF school site.

Please keep the CSF up-to-date as regards to developments relating to the disposition of provincially-owned property in Vancouver, including the state of current provincial government agreements regarding these dispositions, and what they mean for the acquisition by the Province, for the CSF, of such property, including, importantly, the projected timing of such dispositions and developments.

A new CSF elementary school cannot be built at Southeast False Creek soon enough; the funding announced of October 31, 2011 must be put to use much sooner than it could be at Southeast False Creek

On October 31, 2011, the premier of British Columbia announced the funding required for a new kindergarten to grade 6 school of the CSF in the False Creek area of Vancouver. At the time of the funding announcement, the CSF was in negotiations with the City of Vancouver and the VBE, and no site in the False Creek area had been identified for possible acquisition. However, following the funding announcement, the CSF was hopeful that site identification and the process of design, planning and construction would occur in a timely manner, allowing the CSF to complete construction in a timely manner.

Since Spring 2011, the CSF, the VBE, the Ministry of Education and the City of Vancouver have been involved in negotiations to identify a site for acquisition in the Southeast False Creek area. Although the parties have spent time and money on Project Identification Reports, proposed site concept drawings, traffic reports, topographical surveys, a soil contamination study and the seismic study of the Cambie Street bridge, the acquisition of a site and continuing onto the procurement and construction phases of the project will take a very long time.

Critically, as the CSF, the VBE and the Ministry of Education recently learned, soil liquefaction where the Cambie Street bridge's columns touch the ground pose a significant seismic risk and

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render the site towards which the parties had been working unsafe for school construction without major, costly, time-consuming remediation work. Furthermore, we have been advised that the City of Vancouver is not willing to pay to remediate the Cambie Street Bridge. The CSF was required to pursue with the VBE a plan which would have had the boards occupy closely located school facilities in Southeast False Creek. It is the City that required that a site be purchased, and not just set aside by the City, for a CSF school in Southeast False Creek. In addition, the VBE would not consent to the CSF building an elementary school on the site initially "reserved" for the VBE by the City. The site that is no longer viable due to seismic risks with the Cambie Street Bridge was not the CSF's first choice, and was imposed on the CSF based on the City's interests.

Because of this news regarding the seismic safety of the Cambie Street bridge, and, consequently, the safety and suitability of the site towards which the CSF and the other parties were working, the CSF now knows that the construction of a new CSF elementary school at Southeast False Creek would take too long. The CSF cannot afford to have the funding announced on October 31, 2011 sit unused while the CSF faces critical school infrastructure problems in Vancouver, west of Main Street. There is a critical need for timely compliance with the affirmative promise contained in section 23 of the *Charter*, in order to ensure that language rights are meaningfully, meaning promptly, protected.

The CSF will continue to attempt to work with the City to identify a site in Southeast False Creek, but given that the CSF is now back to square one at Southeast False Creek, with all of the progress towards acquiring that site lost, no alternative site offered by the City or the VBE, and very slow City planning processes and requirements, the Southeast False Creek location must be seen as a long-term solution, and not one that can be implemented soon, using funds approved in October, 2011.

The Province should therefore agree that the funding announced for the acquisition of a site and the construction of a CSF elementary school at Southeast False Creek can and should be used for the construction of a CSF elementary school in Vancouver, west of Main Street, whether or not in the Southeast False Creek area. A number of sites either are currently available, or could become available shortly, including sites owned by the provincial government, the federal government, the University of British Columbia, and the City of Vancouver. The Ministry of Education must work towards these sites now, and invest the funding announced in October 2011 in the site that will provide the best, most timely solution.

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We therefore request that the government urgently provide the information and assurances requested above, by the dates requested above. I encourage the responsible persons to communicate with CSF Secretary-Treasurer Sylvain Allison as soon as possible regarding these matters.

Yours truly,

A handwritten signature in black ink, appearing to read "Roger Hébert".

Roger Hébert
President

cc: John Dyble, Deputy Minister to the Premier, Cabinet Secretary and Head of the Public Sector;
James Gorman, Deputy Minister of Education;
Doug Stewart, Director Capital Management, Ministry of Education
The Honourable Margaret MacDiarmid, Minister of Health
Graham Whitmarsh, Deputy Minister, Ministry of Health
Sylvain Allison, Secretary-Treasurer, CSF
Mario Cyr, Superintendent, CSF
CSF Board of Regional Trustees

Encl: VanMap Pearson
Plan 20607 - Pearson Dogwood

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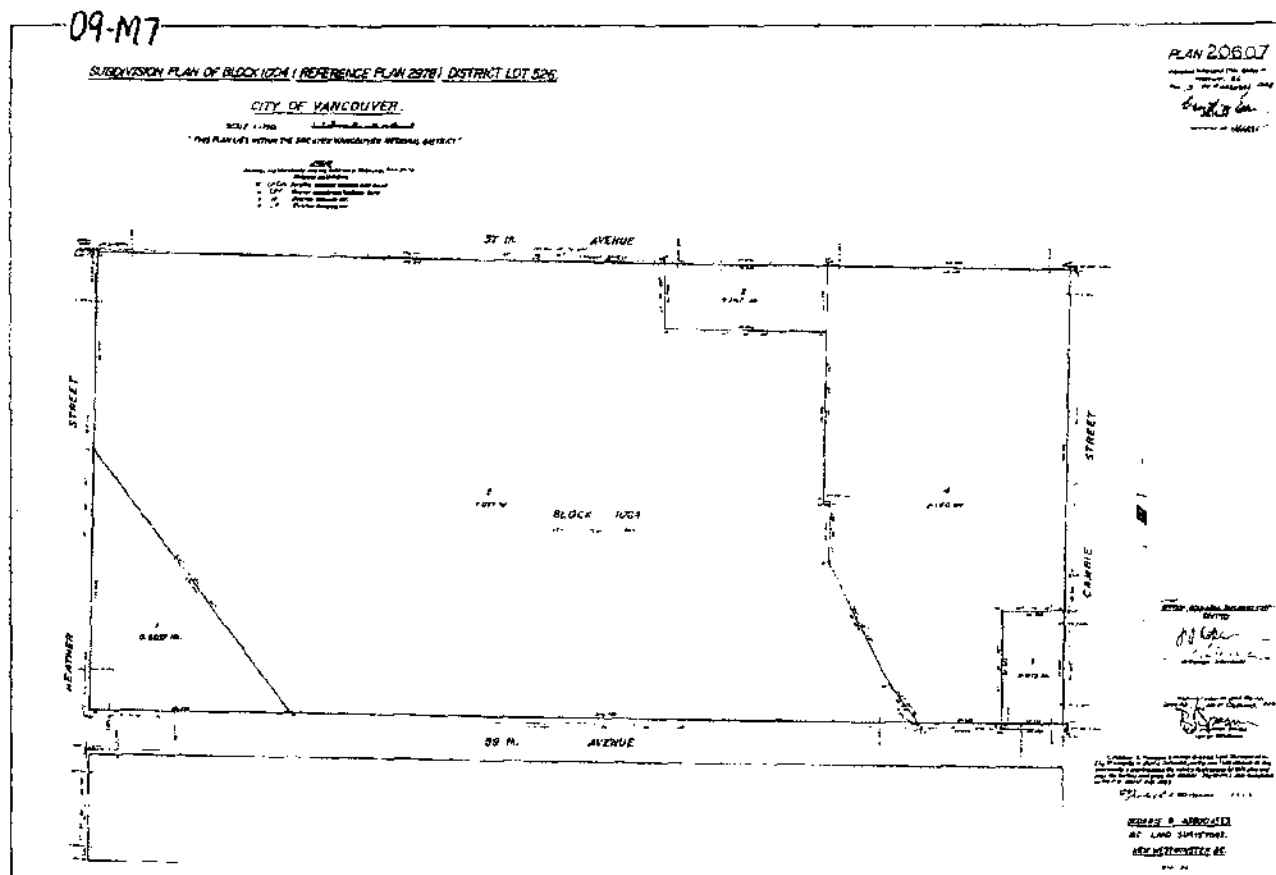
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CSF SD93

20012/0013



Public VanMap



**LOT 1, LOT 2 and LOT 3 belong to Vancouver Coastal
Health Authority**

LOT 4 and LOT 5 belong to the Province of British Columbia



Data Quality not Guaranteed

Mar 26, 2013 09:03

04/04/2013 12:26 FAX 604 214 9881

CSF 5D93

@0013/0013

Confidential Advice for Minister
MINISTRY OF CITIZENS' SERVICES AND OPEN GOVERNMENT
BRIEFING NOTE

Date: February 4, 2013

TOPIC: Jericho Lands

II ISSUE:

Meeting requested by Bob Howald, A/President of Canada Lands Corporate on March 6th, 2013
to discuss the s.17 Proposed attendees are
Dan Doyle, Chief of Staff, Colin Hansen, MLA and Kim Henderson, Deputy Minister.

III BACKGROUND:

The provincial Jericho Lands are managed by Shared Services BC on behalf of the Province. The site is bordered on the north by West 4th Avenue, south by 8th Avenue, east by federal government owned lands (53 acres) and west by an unopened road allowance. The Jericho Lands are currently assessed at a value of \$106 million for tax purposes. A current market assessment places the value at up to

s.17

West Point Grey Academy

WPGA operates a private school with a lease in place for most of the buildings on site. The City of Vancouver Parks Department is also a tenant, operating a recreation centre and daycare facility.

The term of the current lease is ten years, expiring June 30th, 2020.

s.16,s.17

Currently, there is no option to renew this lease, a condition imposed on the Province by the Musqueam First Nations when the Province sought their input for this lease agreement.

First Nations

The Musqueam, Squamish and Tsleil-Waututh First Nations are impacted by the rights and title issues related to Jericho Lands. At this point, no meaningful consultation process has been initiated between these First Nation groups and the Province.

Federal government

The federal government has declared its adjacent 53 acre site to be surplus, and has entered into discussions with the First Nations consortium (Musqueam, Squamish and Tsleil-Waututh) on a partnership to engage in development of the lands, resulting in a joint venture to redevelop the site with Canada Lands Corporation. This agreement is nearing completion, and as expected,

s.16

The federal government's Jericho Lands are estimated to be valued in the \$250 million range. This number has been used to negotiate with the First Nations consortium for settlement of future claims.

City of Vancouver

~~The City of Vancouver will require consolidated master planning for the Jericho Lands and the federal site. The anticipated community consultation and rezoning process could take up to two years to complete.~~

IV DISCUSSION:

The Jericho Lands is a highly sought after high value property with many interested stakeholders. This makes the disposal of this surplus property complicated. Any lease or disposal plans would involve First Nations in any arrangement. First Nations have indicated strong interest and will pursue any movement/decision by the Province on Jericho Lands.

s.16,s.17

V CONCLUSION:

- Currently there are tenants on the property with long-term leases; the West Point Grey Academy and Vancouver Parks Department, expiring in 2020;
- s.16
- WPGA has occupied the site since 1996 and has long expressed an interest in a longer-term lease or in acquiring the property;
- The Federal government has been in discussions with a First Nations consortium about their property at Jericho Lands;
- The Province has not entered into any formal talks with First Nations or other stakeholders regarding the provincially-owned lands at Jericho

s.16,s.17

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Hughes, Candice PREM:EX

407064

From: Riley, Danielle PREM:EX
Sent: Tue, October 17, 2006 8:34 AM
To: Hughes, Candice PREM:EX
Subject: FW: From Dr. Peter K.K. Wong, re: WEST POINT GREY ACADEMY

From: s.22
Sent: Mon, October 16, 2006 3:02 PM
To: OfficeofthePremier, Office PREM:EX
Cc: Dauphinee, Lara A PREM:EX
Subject: From Dr. Peter K.K. Wong, re: WEST POINT GREY ACADEMY

Dear Premier Campbell;

Recently, West Point Grey Academy has been dealing with BCBC in negotiating a lease extension for the School on the Jericho lands. In addition, the School is also in the process of planning the construction of an all-weather field for both school and community use. As we discussed in our last meeting, there is general support with the soccer associations in the area because of the lack of these needed fields. I and the Chair of the Board would like to meet with you again to keep you updated on our activities and progress on both fronts.

Again, we are available to meet at your earliest convenience, either at your constituency or your downtown office. On behalf of our School Community, and especially myself, thank you again for your all your support and assistance.

Yours sincerely,

Peter

Dr. Peter K.K. Wong M.D.
 Board Director and Founding Member, West Point Grey Academy
 and Foundation.
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