



## Application Summary

**eDAS File Number: 2018-01547**

### Approval Application:

**Approval Type:** Road Closure  
**Selected Office:** Saanich Area Office  
**Applicant File Number:**  
**Project Description:** Closure of Lashburn Road, Mill Bay - Lot 1, Section 2 and 3, Range 9 Shawnigan District and District Lots 2067 and 2068, Cowichan District Plan EPP10 (PID 027-684-393)  
**Other Information:**

### Location:

#### Order Location

Map: 1180240,407239

Description: Lashburn Road, Mill Bay

### Approval Application Details:

**Local Government:**

### Attachments:

### Approval Application Parties:

Type	Name/Company	Address	Role
Applicant	Brentwood College School	2735 Mt. Baker Road , Mill Bay, British Columbia V0R 2P1	



175 Ingram Street  
Duncan, BC V9L 1N8  
www.cvr.bc.ca

Office: 250.746.2500  
Fax: 250.746.2513  
Toll Free: 1.800.665.3955

July 5, 2018

Grace Sherratt, District Development Technician  
Ministry of Transportation and Infrastructure  
Saanich Area Office  
240-4460 Chatterton Way  
VICTORIA BC V8X 5J2

Dear Grace,

**Re: Proposed Closure of Lashburn Road, Mill Bay**

This is to advise you that the Cowichan Valley Regional District (CVRD) Board of Directors at its regular meeting on June 27, 2018, passed the following resolution:

**18-335.2 That the Cowichan Valley Regional District inform the Ministry of Transportation and Infrastructure that the CVRD has no objection to the closure of Lashburn Road, provided the conditions outlined in the June 12, 2018 letter from Brentwood College are carried out.**

We have attached the letter referred to in the above resolution for clarity.

Yours truly,

Mike Tippett, MCIP, RPP  
Manager  
Community Planning Division  
Land Use Services Department

MT/ct

Attachment

pc Director K. Davis, Electoral Area A – Mill Bay/Malahat  
Tom Shadlock, Brentwood College

Page 03 of 14 to/à Page 05 of 14

Withheld pursuant to/removed as

Copyright

MAR 19 2018

BRITISH  
COLUMBIAMinistry of Transportation  
and Infrastructure**APPLICATION FOR PERMISSION TO  
DISCONTINUE, CLOSE AND ACQUIRE  
THE LAND IN A PUBLIC ROAD**

District File Number

The personal information on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act (FOIPPA). The information collected is necessary for the administration and processing of the application. If you have any questions about the collection, use and disclosure of this information, contact the Manager, Land Survey and Tenure, Ministry of Transportation and Infrastructure, PO Box 9850 Stn Prov Govt Victoria BC V8W 9T5, (250) 356-8178.

I [We], being the registered owner[s] of the property herein described, make application to discontinue, close and acquire the land in a public road as follows:

**Name of Public Road**

Lashburn Road, Mill Bay

**Legal Description of Property**

Lot A Section 2 and 3 Range 9 Shawnigan District and District Lots 2067 and 2068 Cowichan District Plan EPP10 (PID: 027-684-393)

**Location**

The proposed closure is the area of Lashburn heading Northwest that is adjacent to Brentwood lands (Please see attached drawing)

Current certificate titles and a sketch of all parcels adjoining the road or that portion of the road applied to be closed are attached. Subject to the Ministry of Transportation and Infrastructure (MTI) declaring the land surplus to its needs, we accept and agree to the following conditions and statements.

- a) There is a minimum \$1,500 non-refundable application fee. This fee is payable to the BC Transportation Financing Authority by the Applicant[s].
- b) Payment for the area road to be closed is based on fair market value of the land, having regard to the contribution in value to the adjoining lands and its highest and best use.
- c) The costs of legal survey, Property Transfer Tax, Land Titles and documentation fees, legal and conveyancing fees and related expenses are payable by the Applicant[s].
- d) Utilities existing within the road must receive freely granted statutory right-of-way and all Land Title Act requirements must be met.
- e) Where the road or part intended to be discontinued and closed is in actual use by a person as a highway, public notice of the minister's intention to discontinue and close the highway will be published once each week for four consecutive weeks in a newspaper published in the Province and circulated in the locality in which the highway or part of it is situated. Objections received must be satisfactorily resolved prior to the road being closed by formal publication of notice in the British Columbia Gazette.
- f) The closed road area must initially be joined to and become part of the adjoining parcels.



**APPLICATION FOR PERMISSION TO  
DISCONTINUE, CLOSE AND ACQUIRE  
THE LAND IN A PUBLIC ROAD**

Prior to recommending approval of the proposed road closure, an Aboriginal Site Characteristic Report and a Contamination Report may be required and the Ministry may require additional conditions to be met during the review and processing of the application. The procedure for road closure, purchase and sale is time consuming and may involve the general public, affected property owners, First Nations Indian Bands, utility companies, local government and other provincial agencies. Final approval can only be granted when the public interest in the road has been thoroughly considered.

Upon determination that the road may be closed as surplus to Ministry needs, Regional Properties will be responsible for negotiating the sale price of the land on behalf of the BC Transportation Financing Authority for consolidation with the adjoining land parcel. If the road is capable of being marketed as an independent parcel with safe and secure access, the matter will be deferred to BCTFA.

I [We] am [are] in agreement with the foregoing statements and financial obligations and I [We] agree to comply with the stated requirements and acknowledge agreement with my [our] signature[s] as follows:

Tom Shadlock

March 15, 2018

Name (please print)

Signature

Date

Brentwood College Association

2735 Mt. Baker Rd

Mill Bay, BC

V0T 2P1

Mailing Address

Name (please print)

Signature

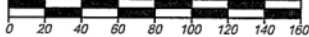
Date

Mailing Address

Upon completion of all the required information, please submit this application in its entirety, along with payment of the application fee, to the District Development Technician at the Ministry of Transportation and Infrastructure District Office.

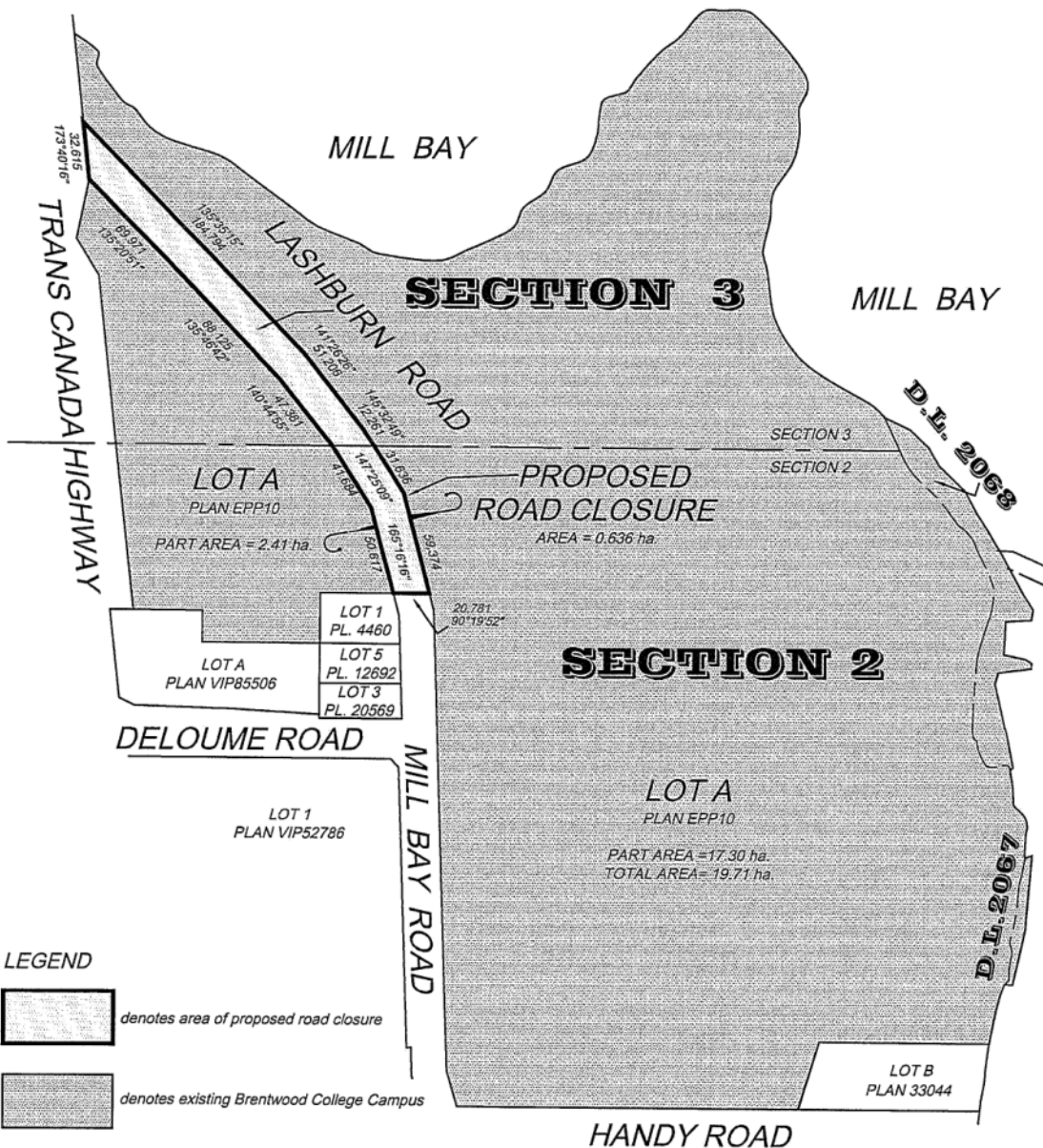
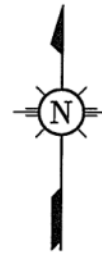
**SKETCH PLAN OF PROPOSED CLOSURE OF PART OF LASHBURN ROAD,  
LYING ADJACENT TO THE BRENTWOOD COLLEGE CAMPUS GROUNDS.**  
BCGS MAP SHEET 92B.063

Scale 1:2500



All distances are in metres and decimals thereof, unless otherwise noted.

Plan dimensions are from existing Land Title and Survey Authority records and are subject to change upon completion of a field survey.



Land Surveying Inc.

Mailing & delivery address:  
Box 324, #110-174 Wilson St.,  
Victoria, BC, V9A 7N7

Toll Free: (877) 603 7398  
Duncan Telephone: (250) 746 0775  
Toll Free Facsimile: (888) 448 7356  
info@plsi.ca  
www.plsi.ca

Date: 2012-11-26  
File: 0068-PLS1008  
Drawing: 0068-BCS-PLS1008-P-ROAD CLOSURE  
Layout: P-ROAD CLOSURE

Mill Bay Waterworks District

Box 58  
Mill Bay, BC  
V0R 2P0  
250-743-9023

July 5, 2018

**VIA EMAIL**

**File # 2018-01547**

Ministry of Transportation  
P.O. Box 9833  
Stn Prov Gov't  
Victoria,  
BC

Attention: Grace Sherratt

**Re: Proposed Road Closure – Lashburn Road, Mill Bay (road way located within Brentwood College School boundaries) Plan EPP10**

---

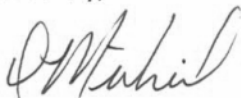
The District is in receipt of your letter dated June 25<sup>th</sup>, 2018 with regards to the proposed closure of Lashburn Road. The District has two separate systems of pipework on Lashburn Road, one non-potable to supply the irrigation water for Brentwood College's fields, and the other to supply potable water to the Campus and houses. The District approves the privatization of Lashburn Road, with the following conditions.

The Water District would require the College to adhere to our specifications with regards to the potable water supply infrastructure, which would include the installation of a vault including all appurtenances required at the property line (to be specified by the District's engineer). All costs incurred by the District as a result of this project would be borne by the College including engineering, and installation.

A Statutory right of way providing legal access to the non-potable irrigation supply pump house and meter. The College would then assume ownership of all water works within their newly acquired property for the supply of potable and the non-potable water.

Should you have any questions, with regards to this, please feel free to contact the under signed.

Sincerely,



Donna Michiel  
Administrator

Cc Tom Shadlock (tom.shadlock@brentwood.bc.ca)

**From:** [Heather Adams](#)  
**To:** [Sherratt, Grace](#) TRAN:EX  
**Subject:** Malahat Nation Response - File no. 2018-01547  
**Date:** June 18, 2018 11:55:35 AM  
**Attachments:** [image001.wmz](#)  
[image002.png](#)

---

Good Morning Grace,

Thank you for the consultation request regarding the proposed road closure of Lashburn Road, Mill Bay (file no. 2018-01547), located within Brentwood College School boundaries and within Malahat Nation's territory.

At this time, Malahat Nation has no objection to the proposed road closure.

In future, please send all consultation requests, along with .kmz or shapefiles of the referral location, to the following email address: [referrals@malahatnation.com](mailto:referrals@malahatnation.com). This will help to ensure that referrals are received and processed in a timely fashion.

Kind regards,

**Heather Adams**

**Fisheries and Referrals Coordinator, Malahat Nation**

110 Thunder Road, Mill Bay, BC, V0R 2P4

Ph: 250.743.3231 | Cell: 778.230.1778

[referrals@malahatnation.com](mailto:referrals@malahatnation.com) | [www.malahatnation.ca](http://www.malahatnation.ca)

This e-mail transmission, including any attachments, is intended only for the named recipient(s) and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this transmission in error, or are not the named recipient(s), please notify the Malahat First Nation immediately and permanently delete this transmission, including any attachments. Thank you very much for your cooperation in this matter.

---

CONFIDENTIALITY: This e-mail message (including attachments, if any) is confidential and is intended only for the addressee. Any unauthorized use or disclosure is strictly prohibited. Disclosure of this e-mail to anyone other than the intended addressee does not constitute waiver of privilege. If you have received this communication in error, please notify us immediately and delete this. Thank you for your co-operation. This message has not been encrypted. Special arrangements can be made for encryption upon request.



**From:** [Tom Shadlock](#)  
**To:** [Sherratt, Grace](#) TRAN:EX  
**Subject:** Re: Lashburn Road  
**Date:** July 30, 2018 4:43:51 PM

---

Grace, yes for sure, we are happy to do that.

Thanks again for all your help,

**Tom Shadlock**

*Director of Operations / Head of Hockey*

**Brentwood College School**

Ph: (250) 743-8765 | Fax: (250) 743-8779 | Cell: (250) 710-1222 | [www.brentwood.bc.ca](http://www.brentwood.bc.ca) | [Facebook](#) | [Twitter](#)

*The information in this email and any attachments are confidential and for the sole use of the intended recipient(s).*

*If you have received this email in error, please accept our apologies for the inconvenience. Any unauthorized use of the information is strictly prohibited.*

*Please notify the sender as soon as possible and then delete all copies from your system. Thank you*

---

**From:** Grace Sherratt

**Date:** Friday, July 27, 2018 at 3:07 PM

**To:** Tom Shadlock

**Subject:** RE: Lashburn Road

Hello Tom,

Thank you for your email.

I am preparing your file to make a recommendation to the District Manager for approval of the road closure. Please confirm that the Ministry will be added to the SRW or that an easement will be placed on title to allow for access to the bridge at the north end of Lashburn Road.

Thank you, Grace

**GRACE SHERRATT** | DISTRICT DEVELOPMENT TECHNICIAN

BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE | VANCOUVER ISLAND DISTRICT

240 - 4460 CHATTERTON WAY

VICTORIA BC V8X 5J2

**T:** 778.974.2631 | **F:** 250.952.4508

WEBSITE FOR DEVELOPMENT APPROVALS:

[www.th.gov.bc.ca/Development\\_Approvals/home.htm](http://www.th.gov.bc.ca/Development_Approvals/home.htm) | MINISTRY WEBSITE: <http://tranbc.ca/>

---

**From:** Tom Shadlock [mailto:tom.shadlock@brentwood.bc.ca]

**Sent:** Wednesday, July 25, 2018 8:48 AM

**To:** Sherratt, Grace TRAN:EX

**Subject:** Re: Lashburn Road

Grace,

s.22

We replied to the MBWD letter last week, is there

anything else you need the school to do at this time?

Thanks again for all your help,

**Tom Shadlock**

*Director of Operations / Head of Hockey*

**Brentwood College School**

Ph: (250) 743-8765 | Fax: (250) 743-8779 | Cell: (250) 710-1222 | [www.brentwood.bc.ca](http://www.brentwood.bc.ca) | [Facebook](#) | [Twitter](#)

*The information in this email and any attachments are confidential and for the sole use of the intended recipient(s).*

*If you have received this email in error, please accept our apologies for the inconvenience. Any unauthorized use of the information is strictly prohibited.*

*Please notify the sender as soon as possible and then delete all copies from your system. Thank you*

---

**From:** Grace Sherratt

**Date:** Wednesday, July 11, 2018 at 3:57 PM

**To:** Tom Shadlock

**Cc:** kim sharyk , 'Donna'

**Subject:** RE: Lashburn Road

Good Afternoon Tom,

Further to the letter that was sent from Mill Bay Waterworks District dated July 5, 2018, can you please confirm if a response will be provided? If so, please provide the Ministry with a copy of your letter.

Thank you,

**GRACE SHERRATT** | DISTRICT DEVELOPMENT TECHNICIAN

BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE | VANCOUVER ISLAND DISTRICT

240 - 4460 CHATTERTON WAY

VICTORIA BC V8X 5J2

**T:** 778.974.2631 | **F:** 250.952.4508

WEBSITE FOR DEVELOPMENT APPROVALS:

[www.th.gov.bc.ca/Development\\_Approvals/home.htm](http://www.th.gov.bc.ca/Development_Approvals/home.htm) | MINISTRY WEBSITE: <http://tranbc.ca/>

---

**From:** Donna [mailto:Donna.michiel@millbaywater.ca]

**Sent:** Thursday, July 5, 2018 6:13 PM

**To:** Sherratt, Grace TRAN:EX

**Cc:** Tom Shadlock; kim sharyk

**Subject:** Lashburn Road

Signed Copy attached. (Sent the first copy a little too quickly).

Donna Michiel

Administrator

Mill Bay Waterworks



**CLOSING ROAD  
BY GAZETTE NOTICE**

Date (yyyy/mm/dd) 2018-07-27 (Project/Proponent) Closing of Lashburn Road (from property line of Brentwood College to northwest end)  
Road Name & Number: Lashburn Road 01-A-C-02667  
District File: 2018-01547 Highways District Vancouver Island - Saanich Area Office  
Location: Mill Bay

- Description of road to be closed and plan attached ☒ Yes ☐ No
1. Arterial road to be closed within a municipal boundary – arterial OIC attached ☐ Yes ☒ No
  2. Road to be consolidated with applicants title ☒ Yes ☐ No
  3. Status of Road:
    - a) Section 42, Transportation Act ☐ Yes ☐ No
    - b) Established by Gazette Notice, dated (yyyy/mm/dd) 1908 ☒ Yes ☐ No
    - c) Dedicated by Plan number ☐ Yes ☐ No
  4. Has the closure been initiated by the private sector? If yes, see attached. ☒ Yes ☐ No
  5. Is there any apparent First Nations interest(s)? If yes, see attached. ☐ Yes ☒ No
  6. Is there any evidence of contamination?  
If yes, see attached Contamination Checklist or other report ☐ Yes ☒ No
  7. Are public and/or private utilities or works within the area to be closed? If yes, see attached. ☒ Yes ☐ No
  8. Have regular users and adjacent property owners been informed in writing of the intent to do so? ☒ Yes ☐ No
  9. Is advertising required?  
If yes, has advertising been completed? ☐ Yes ☒ No
  10. Are accesses maintained to all parcels affected by this closure? ☒ Yes ☐ No
  11. Has local government been notified? ☒ Yes ☐ No
  12. 

Provide reasons for closure:

Lashburn Road has Brentwood College property on either side of the road and it is a dead-end road in Mill Bay. Brentwood College has been interested in purchasing this road dedication for numerous years, due to it's location. The College and surrounding organizations have also had ongoing issues with vandalism and theft. This will allow Brentwood College to gate the road, still allowing pedestrian traffic but limit vehicular traffic after dark.
  13. Comments or objections. If yes, see attached. ☒ Yes ☐ No
  14. Has property been expropriated in the last two years? ☐ Yes ☒ No
  15. Any previous applicants on file? ☐ Yes ☒ No
  16. Recommended for closure? ☒ Yes ☐ No
  17. Conditions of closure:
    1. No gate on pedestrian access to the South end of the road closure adjacent to the Old Mill Bya Firehall
    2. Provide an accessible route from the highway to Lashburn Road at the North end near the bridge on the highway.



BRITISH  
COLUMBIA

Ministry of  
Transportation

**CLOSING ROAD  
BY GAZETTE NOTICE**

3. Ensure pedestrian access is fully paved from North to South in the care of the closure:
4. Provide SRW in favour of Ministry of Transportation & Infrastructure, Hydro, Telus, Shaw, Mill Bay Waterworks District and CVRD for the trail.
5. Mill Bay Waterworks District requirements (letter dated July 5<sup>th</sup>) are met.
6. MOTI is named on SRW (or easement if appropriate) for access to the bridge.

---

**Note:** Review attached documentation if items 5, 6, 7, 13, 14, 15 are checked "Yes"  
Review attached documentation if items 8, 9, 10 are checked "No"

Approved/Not Approved:

  
District Manager Transportation

Comments:

---