



**Agricultural Land Commission**

133 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

November 6, 2015

ALC File: # 26370

The Catholic Independent Schools of Vancouver Archdiocese  
John Paul II Pastoral Centre  
4885 Saint John Paul II Way  
VANCOUVER BC V5Z 0G3

**Re: Roman Catholic High School, 9350 No.5 Road, Richmond**

At the request of the City of Richmond, the Provincial Agricultural Land Commission (the "Commission") has recently audited the land titles of those "community institutional" facilities located on the east side of No. 5 Road in the area colloquially known as "the highway to heaven", for the purposes of determining whether all the parcels which were required to register a "restrictive" covenant in favour of the Commission *per* section 219 of the *Land Title Act* had in fact done so. The Commission has advised the City that PID: 010-166-386 (the "Roman Catholic High School") is the only one which had not yet registered such a covenant.

In 1992 the Commission provided all requirements to Miu Fat Buddhist Monastery Inc., which at that time owned 9350 No. 5 Road and was the applicant. It is entirely possible that the covenant requirements were not adequately conveyed to The Catholic Independent Schools of Vancouver Archdiocese or its predecessor if any; nevertheless a covenant is still required. The *Agricultural Land Commission Act*, as currently in force, states in section 22(1): "The Commission may enter into a covenant under the *Land Title Act* with an owner of agricultural land."

The following conditions were set forth by letter dated April 8, 1992:

1. That the area approved for development be restricted to the 1.5 ha area depicted on the attached plan.
2. That an Agricultural Development plan be prepared and provided to the Commission for review and endorsement. Such a plan should indicate how drainage of the balance of the property is to be achieved, show evidence of a water source for agricultural purposes, the type of crops suitable for the property, and how access to the remainder is to be achieved.
3. That all land requirements for facilities and services such as a parking area, playing fields, sewage disposal facilities and other uses related to the proposal be incorporated into the westerly 1.5 ha of the property (i.e. no expansion onto the agricultural portion of the property, and non-farm zoning to be restricted to the westerly 1.5 ha of the property).
4. The erection of fencing (including a gate for access purposes) between the school site and the agricultural remnant. The 1992 fence requirements have been superseded, so it is suggested (a) if there is already a fence in place, that you provide the Commission with photos of the fence for verification purposes; (b) if there is not yet a fence in place, that you contact the Commission to review options for a suitable fence.
5. The registration of a "restrictive" covenant *per Land Title Act* section 219 to ensure:
  - the opportunity to utilize the balance of the property for agricultural purposes;
  - there is no expansion of church or associated uses onto the balance of the property;
  - no services or utilities not required for farm purposes are established on the balance of the property.

The Commission notes that a current Google Earth image shows that the fence is already in place, perhaps with suitable landscaped buffering but without a gate, and that access to the as yet unfarmed balance of the property is being provided from a semi-industrialized area to the north.

Please provide an agricultural development plan and a draft of the covenant and forward them to the Commission for review along with an explanation of how the balance of the property is being used. If there is no intention of developing the balance of the property for farming, please be candid. Please also provide a copy of your reply to the City of Richmond c/o Minhee Park.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin Fry, Chief Tribunal Officer

Encl. 1992 site plan; title search print

cc: City of Richmond c/o Minhee Park

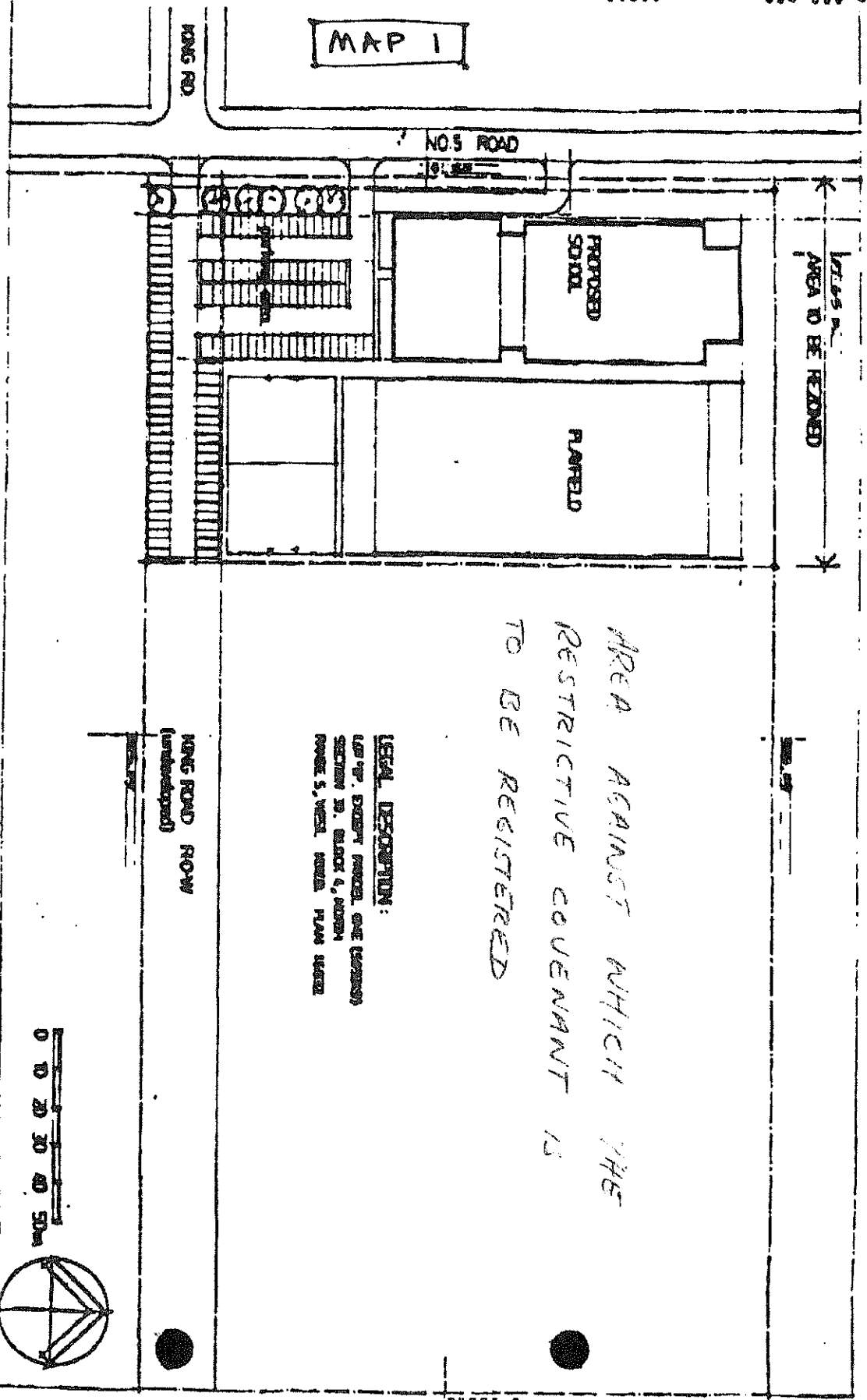
TP/  
26370 covenant requirement

SENT BY: G. R. GRAHAM ARCHITECT ; 8- 3-91 ; 4:06PM ; G. R. Graham architect-

804 883 4288:8 2

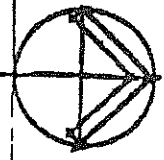
PROPOSED REGIONAL SECONDARY SCHOOL, RICHMOND

MAP 1



**LEGAL DESCRIPTION:**  
 1/2 AC. EXCEPT MORE OR LESS (AS SHOWN)  
 SECTION 20, BLOCK 4, NORTH  
 RANGE 5, WEST MERIDA PLAN 14822

AREA AGAINST WHICH THE  
 RESTRICTIVE COVENANT IS  
 TO BE REGISTERED



KINGS ROAD ROW  
 (unsubstantiated)

NO. 5 ROAD

KINGS RD

AREA TO BE REZONED

PROPOSED SCHOOL

PLANNED

**TITLE SEARCH PRINT**

2015-11-05, 16:40:49

File Reference:

Requestor: Tony Pellett

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

**Land Title District** NEW WESTMINSTER  
Land Title Office NEW WESTMINSTER

**Title Number** CA4412009  
From Title Number CA3233775

**Application Entered** 2015-06-01

**Application Received** 2015-05-22

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address: THE CATHOLIC INDEPENDENT SCHOOLS OF VANCOUVER  
ARCHDIOCESE, INC.NO. S5277  
JOHN PAUL II PASTORAL CENTRE  
4885 SAINT JOHN PAUL II WAY  
VANCOUVER, BC  
V5Z 0G3  
IN TRUST, SEE BG115973

**Taxation Authority** CITY OF RICHMOND

**Description of Land**  
Parcel Identifier: 010-166-386  
Legal Description:  
LOT "B" EXCEPT: FIRSTLY: PARCEL "ONE" (599294E), AND SECONDLY: PART  
ON STATUTORY RIGHT OF WAY PLAN 21305, SECTION 30 BLOCK 4 NORTH RANGE 5  
WEST NEW WESTMINSTER DISTRICT PLAN 16032

**Legal Notations**  
THIS TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT,  
SEE AGRICULTURAL LAND RESERVE PLAN NO. 1, DEPOSITED JULY 30, 1974

**Charges, Liens and Interests**  
Nature: STATUTORY RIGHT OF WAY  
Registration Number: 295811C  
Registration Date and Time: 1961-01-03 16:19  
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY  
Remarks: ASSIGNMENT OF 72125C  
PLAN 5256  
INTER ALIA  
MODIFIED BY BT344758  
MODIFIED BY BT344757