

File No.: 04-1000-20-2018-128

April 4, 2018

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of March 7, 2018 for:

Lease agreement for Stanley Park between the Federal Government and the City of Vancouver.

All responsive records are attached.

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2018-128); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4
Phone: 604.873.7999
Fax: 604.873.7419

Encl.

:kt

THIS INDENTURE made the first day of November, 1908.

BETWEEN

HIS MAJESTY KING EDWARD VII acting through
the Honourable the Minister of Militia and Defence
for the Dominion of Canada,

OF THE FIRST PART,

AND

CITY OF VANCOUVER,

OF THE SECOND PART.

WHEREAS by Order-in-Council of the 7th day of June,
1887, the military property at Vancouver, B. C., known as
"Stanley Park," was authorized to be leased under certain
conditions to the City of Vancouver for park purposes;

AND WHEREAS by Order-in-Council dated the 31st day
of August, 1906, amended by Order-in-Council dated the 31st
August, 1908, the said the Honourable the Minister of Militia
and Defence was empowered to lease the said property to the
City of Vancouver for park purposes for a period of ninety-
nine (99) years renewable (such lease to be made generally
on the lines of the agreement dated the 31st December, 1875,
between the Principal Secretary of State for the War Depart-
ment of the one part and the Directors of Point Pleasant Park,
Halifax, Nova Scotia, of the other part, whereby the said Point
Pleasant Park was leased to the said Directors representing
the City of Halifax)

AND WHEREAS the said property consists of all that
portion of the City of Vancouver (and the foreshore adjacent
thereto) bounded by the Western limit of District Lot 185,
Group One, New Westminster District (as shown on the official
plan thereof filed in the Land Registry Office at Vancouver)
and the low-water mark of the waters of Burrard Inlet, the

First Narrows, and English Bay, and being all that peninsula lying to the west and north of said District Lot 185 known as "Stanley Park":

NOW, THEREFORE, it is by these presents consented, ~~covenanted and agreed,~~ and licence is hereby given, that said lands or such parts thereof as shall not at any time or times hereafter be required by His Majesty or His Successors for all or any military uses or purposes defensive, including the erection of forts or batteries or other buildings whatsoever, for all which the exclusive possession and control shall remain in and belong to His Majesty as heretofore, shall and may henceforward be used, occupied, and enjoyed by the City of Vancouver for its use as and for a public park for the term of ninety-nine years (renewable perpetually on the same terms and conditions as herein contained) subject until their determination to any existing leases of portions of said land and to the conditions following, that is to say:-

1. The rent of one dollar per annum shall be paid to the Department of Militia and Defence for the use of the said Park.

2. The Minister of Militia and Defence shall have full power to resume and take possession without compensation of any portion of said lands or any buildings now or hereinafter to be erected thereon whenever it may be required in his judgment for any military purpose whatsoever, including such portion thereof as may be required to be occupied as gardens for any troops quartered thereon.

3. His Majesty's Naval and Military Forces may at any time the General or other officer Commanding require it march through, manoeuvre or otherwise exercise on the said lands or encamp thereon.

4. The existing main road round the peninsula together with any new carriage roads that may be formed shall be maintained and kept in order by the City of Vancouver, PROVIDED however that the use of any roads or any portions thereof may be discontinued with the sanction of the Minister of Militia and Defence.

5. No establishment for the sale of intoxicating liquors etc. shall be erected on the said lands in any form without the sanction of the Minister of Militia and Defence.

6. The said Minister of Militia and Defence shall have power at any time to exercise the right of quarrying stones or cutting down trees or other obstructions in case of military necessity and also of cutting sods for the repair of earthworks.

7. Any Agreement by the City of Vancouver for the pasturing or other occupation of the said lands shall be subject to the right of the Minister of Militia and Defence to resume possession thereof if required for any military use or purpose.

8. The Minister of Militia and Defence and the City of Vancouver shall severally have the right of closing the Park one day in each year against the use thereof by the public.

9. No stone shall be quarried on the said property nor any trees be cut therefrom (except for the purpose of opening out roads thereon) without the sanction of the Minister of Militia and Defence.

10. The City of Vancouver shall with the consent of the Minister of Militia and Defence have the right to lay, make and maintain such reservoirs, pipes and other apparatus on said lands as may, in the opinion of the Council of the

said City, be necessary or expedient for the maintenance, amendment or extension of the water supply of the said City.

11. The Minister of Militia and Defence may re-enter on the said land on breach of any of the covenants entered into as aforesaid by the City of Vancouver and thereupon this agreement and all rights and interests of the City of Vancouver and of the public thereunder shall immediately determine.

IN WITNESS WHEREOF the said the Honourable Minister of Militia and Defence hath hereunto set His Hand and Seal; and the City of Vancouver has hereunto set its corporate Seal by the hand of its Mayor and the City Clerk.

Sgd. F. W. Borden

Minister of Militia and Defence
for the Dominion of Canada.

Seal
Militia & Defence

Sgd. Alexander Bethune

Mayor

CITY OF VANCOUVER

Seal
City of Vancouver

Wm. McQueen

City Clerk.