

REPORT

Engineering Services

To: Mayor Johnstone and Members of Council
Date: July 7, 2025

From: Lisa Leblanc
Director of Engineering Services
File: 05.1035.10
(Doc# 2719034)

Item #: 2025-207

Subject: **Statutory Rights of Way for Metro Vancouver at TACC**

RECOMMENDATION

1. *THAT a statutory right of way to Greater Vancouver Sewerage and Drainage District over a portion (114.2 sq. m & 135.6 sq. m totaling 249.8 sq. m) of City owned land legally described as LOT 86 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 28208 SECONDLY: PART SUBDIVIDED BY PLAN 37542 THIRDLY: PART SUBDIVIDED BY PLAN LMP8088 SUBURBAN BLOCKS 4 AND 13 PLAN 24862 (part in EPP146448) be granted;*
 2. *THAT a statutory right of way to Greater Vancouver Sewerage and Drainage District over a portion (6,259 sq. m) of City owned land legally described as LOT 86 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 28208 SECONDLY: PART SUBDIVIDED BY PLAN 37542 THIRDLY: PART SUBDIVIDED BY PLAN LMP8088 SUBURBAN BLOCKS 4 AND 13 PLAN 24862 (part in plan EPP145179) be granted; and*
 3. *THAT the Director, Engineering be authorized to negotiate and execute all documentation, including all contracts and Land Title Office documents, to effect the transaction detailed in the report titled "Statutory Rights of Way for Metro Vancouver at TACC" dated July 7, 2025 from the Director, Engineering.*
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PURPOSE

To obtain direction from Council regarding proposed statutory rights of way in favor of the Greater Vancouver Sewerage & Drainage District, operating as Metro Vancouver, at t̓əməsew̓txʷ Aquatic and Community Centre (TACC).

SUMMARY

Two statutory rights of way have been requested by Metro Vancouver on the site of təməsew̓txw Aquatic and Community Centre. These are required by Metro Vancouver to facilitate access to the Glenbrook Combined Trunk Sewer Facility crossing the TACC lands.

BACKGROUND

In December 2018, the City of New Westminster began discussions with the Greater Vancouver Sewerage & Drainage District regarding the replacement of the Canada Games Pool and Centennial Community Centre with a new aquatic and community centre at 65 East Sixth Avenue. The project impacts an existing statutory right of way (SRW) held by Metro Vancouver on the land, registered under instrument BL61579, which protects the Glenbrook Combined Trunk Sewer Facility (a 1950 mm diameter combined sewer). The SRW is essential for the operation, maintenance, and protection of this sewer facility.



Figure 1: The Existing Statutory Right of Way

DISCUSSION

To protect the Glenbrook Combined Trunk Sewer Facility and ensure access for maintenance and repair, as well as to safeguard Metro Vancouver's interests from future TACC improvements and any encroachment works, two additional statutory rights of way have been requested by Metro Vancouver. Full details of the SRWs are described in Form C – SRW A.pdf & Form C – SRW B.pdf, attached.

Specifically, the request is:

N3645 SRW-A

To grant a statutory right of way and section 219 covenant in favour of Metro Vancouver, for the purpose of providing access through a 6,259 square metre portion of the Land (the “Access SRW/Section 219 Covenant”), including access to maintenance hole #8 and maintenance hole #9;

And;

N3645 SRW-B

To grant a statutory right of way and section 219 covenant in favour of Metro Vancouver, providing clear access to an approximate 114.2 square metre area centered around maintenance hole #9 and clear access to an approximate 135.6 square metre area centered around maintenance hole #8, (collectively the “MH SRW”), thereby ensuring these two areas remain clear of any and all Encroachment Works;

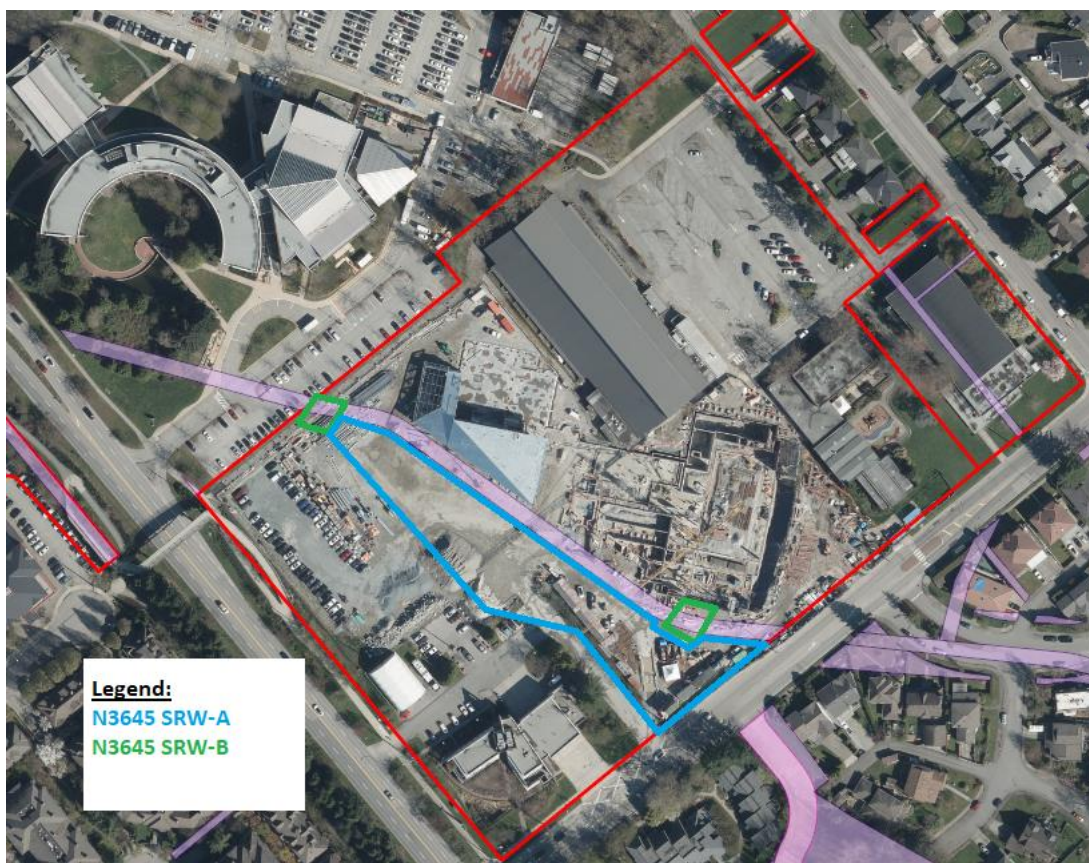


Figure 2: Two New Statutory Rights of Way

Key aspects of the Terms of Instrument for the Statutory Rights of Way transferred to Metro Vancouver are the rights to:

- access the area for the purpose of maintaining the sewer facility including clearing obstructions from the area
- ensure future improvements by the transferor (City of New Westminster) do not interfere with the sewer facility and meet professional engineering standards
- grant use of the right of way area to the transferor provided such use does not impair the use of the sewer facility, including as a pathway, fire engine access, and certain types of landscaping

NEXT STEPS

1. Prepare the Application for Statutory Right of Way Registration
2. File with the Land Title and Survey Authority of BC (LTSA)

SUSTAINABILITY IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

Consideration in the amount of \$10 is to be provided by Metro Vancouver for each of these rights of way totalling \$20.

INTERDEPARTMENTAL LIAISON

This report has been reviewed by staff in the Engineering Services department, and the Office of the CAO (City Solicitor).

OPTIONS

The following options are provided for Council's consideration:

- 1) THAT a statutory right of way to Greater Vancouver Sewerage and Drainage District over a portion (114.2 sq. m & 135.6 sq. m totaling 249.8 sq. m) of City owned land legally described as LOT 86 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 28208 SECONDLY: PART SUBDIVIDED BY PLAN 37542 THIRDLY: PART SUBDIVIDED BY PLAN LMP8088 SUBURBAN BLOCKS 4 AND 13 PLAN 24862 (part in EPP146448) be granted;
- 2) THAT a statutory right of way to Greater Vancouver Sewerage and Drainage District over a portion (6,259 sq. m) of City owned land legally described as LOT 86 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 28208 SECONDLY: PART SUBDIVIDED BY PLAN 37542 THIRDLY: PART SUBDIVIDED BY PLAN

LMP8088 SUBURBAN BLOCKS 4 AND 13 PLAN 24862 (part in plan EPP145179) be granted; and

- 3) THAT the Director, Engineering be authorized to negotiate and execute all documentation, including all contracts and Land Title Office documents, to effect the transaction detailed in the report titled "Statutory Rights of Way for Metro Vancouver at TACC" dated July 7, 2025 from the Director, Engineering.
- 4) THAT Council provide staff with alternative direction.

Staff recommend Options 1, 2 and 3.

CONCLUSION

Granting Metro Vancouver statutory rights of way at the təməsewtx^w Aquatic and Community Centre site will facilitate access for maintenance and repairs, while also protecting Metro Vancouver's interests against potential future TACC enhancements or encroachment activities.

ATTACHMENTS

Attachment 1 - Form C – N3645 Statutory Right of Way A

Attachment 2 - Form C – N3645 Statutory Right of Way B

APPROVALS

This report was prepared by:

Eric Swanson, Real Estate Manager

This report was reviewed by:

David G. Lee, Manager, Infrastructure Planning

Kwaku Agyare-Manu, Deputy Director, Engineering Services

Kathryn Holm, Deputy Director, Engineering Services

Craig McFarlane, City Solicitor, Office of the CAO

This report was approved by:

Lisa Leblanc, Director, Engineering and Deputy Chief Administrative Officer

Lisa Spitale, Chief Administrative Officer