

# **REPORT**

## ***Engineering Services***

**To:** Mayor Johnstone and Members of Council  
**Date:** August 25, 2025

**From:** Kwaku Agyare-Manu  
Acting Director, Engineering Services  
**File:** 05.1035.10  
(Doc# 2747562)

**Item #:** 2025-228

**Subject:** **Section 219 Covenant for Statutory Rights of Way for Metro Vancouver at TACC**

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### **RECOMMENDATION**

1. *THAT staff be authorized to conduct the necessary activities to effect the execution of the Section 219 Covenant for the statutory rights of way to Metro Vancouver on the təməsew̓txʷ Aquatic and Community Centre site.*
2. *THAT the Mayor and Corporate Officer be authorized to execute all documentation to effect the transaction detailed in the report titled “Section 219 Covenant for Statutory Rights of Way for Metro Vancouver at TACC” dated August 25, 2025 from the Acting Director, Engineering Services.*

### **PURPOSE**

To obtain direction from Council regarding the proposed Section 219 Covenant related to the statutory rights of way in favor of the Greater Vancouver Sewerage & Drainage District, operating as Metro Vancouver, at təməsew̓txʷ Aquatic and Community Centre (TACC).

### **SUMMARY**

Two Metro Vancouver statutory rights of way have been approved on the site of təməsew̓txʷ Aquatic and Community Centre at the June 7<sup>th</sup>, 2025 council meeting. This covenant accompanies the issuance of the statutory right-of-way by stipulating the terms of instruments required for operating and maintaining the right-of-way.

## **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**

This Section 219 covenant follows on and accompanies the SRW request presented at the July 7<sup>th</sup>, 20205 council meeting.

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 and this Section 219 covenant have been requested by Metro Vancouver.

The key aspects of the Terms of Instrument for the Section 219 covenant which will protect Metro Vancouver's ability to operate and maintain its statutory right-of-way's and related infrastructure on the land are:

- Allowing the City to construct and maintain the shoring wall and anchor rods, which were required as part of the TACC construction;
- Cost responsibilities between the City and Metro Vancouver;
- Restrictions on the use of the right-of-way area;

- Enforcement of restrictions; and
- No Additional Interests Without Consent

### **NEXT STEPS**

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.

### **INTERDEPARTMENTAL LIAISON**

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

### **OPTIONS**

The following options are provided for Council's consideration:

- 1) THAT Council authorize the Mayor and Corporate Officer to direct staff to conduct the necessary activities to effect the execution of the Section 219 Covenant for the statutory rights of way to Metro Vancouver on the təməsewtx<sup>w</sup> Aquatic and Community Centre site.
- 2) THAT Council provide staff with alternative direction.

Staff recommend Option #1.

### **CONCLUSION**

Granting Metro Vancouver the Section 219 covenant will protect Metro Vancouver's statutory rights of way at the təməsewtx<sup>w</sup> Aquatic and Community Centre site , facilitating access for maintenance and repairs while protecting Metro Vancouver's interests against potential future TACC enhancements or encroachment activities.

### **ATTACHMENTS**

Attachment 1 – Section 219 Covenant for Execution

## **APPROVALS**

This report was prepared by:  
Eric Swanson, Real Estate Manager

This report was reviewed by:  
David G. Lee, Manager, Infrastructure Planning  
Kathryn Holm, Deputy Director, Engineering Services  
Craig McFarlane, City Solicitor, Office of the CAO

This report was approved by:  
Kwaku Agyare-Manu, Acting Director, Engineering Services  
Lisa Spitale, Chief Administrative Officer