

May 4, 2009

**METRO VANCOUVER WILL CONTINUE TO CONTEST
PROVINCIAL EXPROPRIATION OF LANDS WITHOUT CONSULTATION**

Metro Vancouver will appeal a recent BC Supreme Court ruling concerning provincial expropriation of municipal and regional district lands, the region's Board of Directors decided today.

Fearing that provincial actions to expropriate regional district lands without consultation, negotiation or compensation had potentially far-reaching implications for all local governments in BC, Metro Vancouver launched in 2008 a two pronged legal challenge related to the Government of BC's Bill 12 – *The Musqueam Reconciliation, Settlement and Benefits Agreement Implementation Act*.

The first element of the challenge asks the court to rule on whether the province has the constitutional authority to pass *The Musqueam Reconciliation, Settlement and Benefits Agreement Implementation Act* in that the act deals with matters within Federal jurisdiction. That portion of the challenge has not yet been heard by the courts.

Bill 12 includes the removal of some 22 hectares, in two parcels, from Pacific Spirit Regional Park. The parklands and other benefits, including UBC Golf Course, were transferred to the Musqueam in settlement of court cases involving the First Nation and the Province. The act provides no compensation to Metro Vancouver for the parkland, and precludes legal proceedings for damages or compensation.

The board confirmed its intention to continue the constitutional challenge arising from the expropriation and transfer by the Province of BC, without consultation or negotiation with Metro Vancouver, of land in Pacific Spirit Regional Park to the Musqueam Indian Band.

The second element, upon which the court ruled last week, alleged that provincial actions contravened section 3 (c) of the *Local Government Act*, which states:

- 3. *The relationship between regional districts and the Provincial government in relation to this Act is based on the following principles...*
 - (c) *notice and consultation is needed for Provincial government actions that directly affect regional district interests.*

"Based on its stated position and the recent Supreme Court ruling, it appears the Provincial Government has no intention of honouring either the principles of its own legislation or the commitments it has made to local governments regarding the need for consultation", said Lois Jackson, Chair of Metro Vancouver's Board. "It is disappointing that the province has relied on a narrow legal interpretation of the *Local Government Act* rather than live up to the promises it made when the legislation was enacted. This expropriation without consultation sets a precedent affecting the interests of municipalities and regional districts throughout BC.

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"Despite the obvious intent of that language in the *Local Government Act*, the Provincial Government argued that its own words had, in effect, no meaning. The term 'needed' in the legislation obviously demands nothing from the province in terms of consultation with local governments", Chair Jackson said.

In affirming its decision to proceed, Metro Vancouver's Board of Directors also took the opportunity to reiterate its ongoing support for reconciliation and the honourable settlement of claims with the Musqueam and other First Nations communities.

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