



Lasqueti Island Local Trust Committee Regular Meeting Addendum

Date: November 21, 2016
Time: 11:00 am
Location: Lasqueti Island Arts Centre
Main Road, Lasqueti Island, BC

Pages

9. *CORRESPONDENCE*

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

- 9.1 *Letter from Powell River Regional District Dated October 28, 2016 Regarding Tucker Bay Road* 2 - 3



POWELL RIVER REGIONAL DISTRICT

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"Genetically Engineered Free Crop Area"

October 28, 2016



Peter Luckham
Chair, Islands Trust Council
Islands Trust
200 - 1627 Fort St
Victoria, BC V8R 1H8

Dear Chair Luckham:

The Powell River Regional District Board is currently seeking that Minister Todd Stone declare Tucker Bay Road on Lasqueti Island (Electoral Area E) as a Section 42 highway.

According to the *Transportation Act*, "highway" means a public street, road, trail, lane, bridge, trestle, tunnel, ferry landing, ferry approach, any other public way or any other land or improvement that becomes or has become a highway by any of the following:

- (a) deposit of a subdivision, reference or explanatory plan in a land title office under section 107 of the Land Title Act;
- (b) a public expenditure to which section 42 applies;
- (c) a common law dedication made by the government or any other person;
- (d) declaration, by notice in the Gazette, made before December 24, 1987;
- (e) in the case of a road, colouring, outlining or designating the road on a record in such a way that section 13 or 57 of the Land Act applies to that road;
- (f) an order under section 56 (2) of this Act;
- (g) any other prescribed means.

Section 42 of the *Act* states:

Travelled roads becoming highways

42 (1) Subject to subsection (2), if public money is spent on a travelled road that is not a highway, the travelled road is deemed and declared to be a highway.

(2) Subsection (1) does not apply to any road or class of roads, or to any expenditure or class of expenditures, that is prescribed by the regulations.

On or about the year 2014 a subject property, Fractional S.W.1/4 of Section 13 except for Plan 610R, came under new ownership. Shortly after that the use of Tucker Bay Road as a public access to the beach became difficult and confrontational. The new

owners blocked the road, put up threatening signs and chased would be passersby off the access claiming that it was a private road and that they were trespassing.

Residents were upset over this as access to the beach via this route had gone on for as long as anyone could remember. Some committed individuals took it upon themselves to research and obtained hard fact evidence that public monies had been spent on Tucker Bay Road and thus qualifying it as a Section 42 highway. The researchers gathered together a 227 page report which is enclosed. It includes 1914 and 1915 government documents referring to a wharf at Tucker Bay. A 1919 provincial survey of Tucker Bay Road. As well as annual provincial reports from 1925 – 32 demonstrating public monies being spent on Tucker Bay Road. It also includes log books of road maintenance from 1965 – 87.

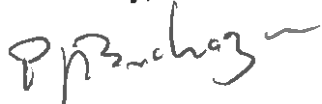
Staff have discovered a report, which is also enclosed, indicating that Tucker Bay Road was clearly in the province's inventory. It was assigned a road class of 6D and its length was measured to be .840 kilometers. Thus, open admission and confirmation that public monies had been and were being spent on Tucker Bay Road. An enclosed map supports this.

In the Board's estimation there is only one event that could possibly now stop this road from being declared a Section 42 highway. That is if the province sold it to the new property owner. As part of our continued research, the Board raises the following questions:

- 1) As the planning agency for Lasqueti Island, did you or your planners receive any referrals regarding a potential road closure and/or sale of Tucker Bay Road?
- 2) Are you or your planners aware of any public engagement on Lasqueti Island relative to a potential road closure and/or sale of Tucker Bay Road?
- 3) Are you or your planners aware of any subdivision and/or lot amalgamations related to Fractional S.W. 1/4 of Section 13 except for Plan 610R?
- 4) If the answer is yes to any of the above, what was the position taken or recommendation made by Islands Trust and what public engagement was performed with the residents on Lasqueti Island?

Thank you for your time and we look forward to your reply.

Sincerely,



Patrick Brabazon, Chair