



# FRIENDS OF BEACON HILL PARK SOCIETY

October 2019

## Friends of Beacon Hill Park Annual General Meeting

November 3, 2018 1:00PM

Cook Street Village Activity Centre, 380 Cook St.

The meeting will be in the Lounge.

If the front door is locked, use the south-side door.

The Friends of Beacon Hill Park is a registered society dedicated to preserving the natural and cultural features of Beacon Hill Park and promoting appropriate uses in keeping with its Trust (1882). We count on your support to help us protect the park.

As well as receiving the newsletter, benefits of membership include the satisfaction of helping preserve the park, input into the management of the park and participating in the Society's activities. You are welcome to attend the monthly directors' meetings. Please call for date and location.

Annual membership is \$10.00 per household and is due on Jan. 1..

## The Friends of Beacon Hill Park Charitable Status

The Friends of Beacon Hill Park have successfully re-enabled our charitable status and are once again able to issue tax receipts for donations. This is a short description of the event.

In July of 2017, the charitable status of FBHP was suspended.

When a charity's status is suspended, that charity can no longer issue receipts for income tax purposes. So we were forced to suspend issuing tax receipts for donations. We also at that time stopped accepting donations. We did continue to accept \$10 memberships.

We immediately began a concerted effort to re-acquire charitable status. To re-enable charitable status, the society must re-apply under the current standards. This process is much more exact than when we first registered.

At the same time, all societies in B.C. were required to be in compliance with the Societies Act 2015. That entailed rewriting the society's constitution and bylaws so that all the required elements of the new act were in the governing documents. Getting the changes to the governing documents and renewing the charitable status caused some conflicts. The only solution seemed to be to get in compliance with the BC Societies Act first and then apply for reinstatement as a

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## The Friends of Beacon Hill Park Charitable Status (cont.)

charity society.

With the assistance of Michael Halleran and Joan Halvorsen, we were able to get in compliance with the BC Society Act.

A special general meeting was held in Nov, 2018 to ratify the new constitution and bylaws. They were then submitted to the BC Registry and we were in compliance with the BC regulations.

Then Joan Halvorsen went over the application for charitable status and showed how our society would manage itself so that we could fulfill our obligations as a charitable society.

After much work, the documents were submitted in November, 2018. In March, 2019 our application for re-registration as a charitable society was accepted. At that point we could again issue tax receipts for donations.

Currently, there is a challenge to the Canada Revenue Agency policy of very limited political activity. Many expect that there will be some changes allowing extensive political activity of a NON-PARTISAN nature. We will be vigilant.



## The Sewage Pipeline and the Cycle Path Through the Moist Deciduous Groves

As discussed at the Special General Meeting on July 7, 2018, FBHP contracted a lawyer to present the Society's position on the proposed route of the sewage pipeline and cycle path through Beacon Hill Park.

We had several meetings in summer, 2018 to try to have the sewage line and cycle path moved from the moist deciduous groves to a route under the existing roadway. The reason was that the cycle path, and to a much lesser degree the sewage line, would be a permanent encroachment on the groves. The path, as proposed and as constructed, split the groves in two and in the process greatly reduced the suitability of the groves as habitat for birds and plants.

We were talking to lawyers and engineers, both of whom saw no value in a bunch of trees. And we were also talking to a mayor whose only goal seems to be the construction of cycle paths regardless of the cost..

The sewer pipe and cycle path were supposed to go directly above the existing ground-water interceptor pipe that was installed in 1994. It appears that they are positioned further south, much closer to the Dallas Rd. cliff-face. There is evidence of previous sloughing of that cliff-face immediately south of the

pipe/cycle route. There are no observation wells drilled into the glacial till along this section of the cliffs. That is an indication that this section was completed without detailed study.

In summary, this is a very regrettable project, constructed in haste. Expedience seems to have been the dominant consideration; the project had to be completed by 2020 or federal and provincial grants would expire. But it is also very obvious that there is much work that needs to be done to stabilize the bank. That bill will not be paid by the CRD who supervised this project. It will be borne by the CofV taxpayers long after the pipeline constructors have departed. A questionable sewer pipe location, a not-very-useful cycle path and a big bill to be paid later in time.

40-year Parks Superintendent Herb Warren had this quote on the day of his retirement : "Beacon Hill Park has been proposed as a site for every major public building ever constructed in Victoria, including the provincial museum. If it hadn't been for the original terms of the trust deed, there would be no park today." (Colonist, July 31, 1970, p. 21).



## **Tree Day (Arbor Day) in Beacon Hill Park**

Tree Day has been set for November 3 in Beacon Hill Park. All the details have not been finalized but the event is set to begin at 9:45AM at Cameron Bandshell and run until noon.

On Saturday, October 12, the volunteer Saturday natural areas restoration crew cleared a large path of Himalayan blackberry and English ivy just off the path from the corner of Park Blvd. and Heywood Ave. It is very close to where the parks watchman's residence used to be (removed in the early 1970s). Stephanie Woods, the Natural Areas Technologist,

said that the regular parks staff would come in a few days hence to further clear the patch and prepare it for tree planting on Tree Day.

Who, what and when the planting takes place has not been finalized, but there are sure to be acorns available for home planting.. And there may be several parks walks for those interested in exploring BHP further.



## **Natural Areas Restoration in Beacon Hill Park**

FBHP has conducted natural areas restoration in BHP under the supervision of the natural areas technician of City of Victoria since 2004. The program was suspended several years ago, then re-instated.

On the last Saturday of every month, there used to be an indoor session which featured a speaker on some topic to do with natural areas restoration. When Thomas Munson was forced to take medical leave 18+ months ago, these sessions had to be cancelled. The new Natural Areas Technologist, Stephanie Woods, says she intends to re-introduce these sessions. They will restart when she is fully acclimatized to her new job.

BHP has a restoration program on the second Saturday of every month, usually starting at 10AM. The natural areas technician chooses the most critical site and notifies participants by email of the location and time.

FBHP are always looking for volunteers. Any people interested in a stimulating Saturday morning in a natural area of the park are more than welcome. The work is easy. There are many tasks that do not require kneeling and if the weather is bad the crew moves into an area with a good canopy to protect against wind and rain..

Interested people can email me :

[uy205@victoria.tc.ca](mailto:uy205@victoria.tc.ca). I will get their email entered into the CofV mailing list for the parks volunteers.

CofV is slowly coming to the realization, as have other municipalities and the CRD, that these volunteer programs do not displace regular parks staff.



## The Fairfield-Gonzales Neighbourhood Plan

### Legal Background

Beacon Hill Park was created by a Statutory Trust in 1882 under the authority of the since-repealed Parks Act. Although that Act is no longer in the Revised Statutes of BC, it still has full effect for any land, such as BHP, that was set up as parkland under it.

This Trust states that the park is for "the use and enjoyment of the public" to "preserve and protect".

There have been two court judgments in support of this Trust (1884 & 1998).

The first asserted that BHP was not "for profit or utility".

The second affirmed the first by forbidding a folk music festival that was, while operated by a non-profit society, in fact a commercial enterprise.

Justice Wilson in the 1998 court statement asserted that the natural and ornamental areas of the park are definable elements of the park of value to the beneficiaries.

Wilson J. also stated that since the first court case was heard soon after the Trust was instituted, he gave it priority and credibility.

There are three areas of concern to the Friends of Beacon Hill Park

1)The plan anticipates welcoming food trucks into BHP. This is an activity for profit and can never be allowed under the Trust. The Official Community Plan does add it would be subject to the Trust but it is clear that it is not permitted under the Trust. The F-GNP seems to be worded so as to weaken the authority of the Trust, something which it cannot do.

2)The Community Plan seems to redraw the boundaries of Fairfield. The previous Neighbourhood Plan had the western boundary of Fairfield set as Cook St.-Park Blvd-Heywood Ave. The new boundary is now an extension south from Quadra St., splitting the park into two sections divided between James Bay and Fairfield.

This new line came about in the mid-1990s. Advocates at the time pointed out that both Fairfield and James Bay were in deficit for parks and green space according to the guidelines set by the Urban Planning Institute. At the time, City of Victoria officials noticed that BHP was not included in the calculations. They drew a line through BHP and assigned the eastern part to Fairfield and the western part to James Bay. That "boundary" was just for accounting purposes. It has now emerged as a full "Mason\_Dixon line". In previous times, Fairfield never regarded that as the boundary of Fairfield. The western side, James Bay, did see it as a hard boundary to be fought over and has claimed it as part of James Bay and under full authority of their Neighbourhood Plan. The Trust makes it very clear that BHP is one entity to be administered as such and not quartered up between competing groups.

3)None of the roads in BHP are rights-of-way owned by the province. None have ever been severed from the Trust through order-in-council. They are merely paved areas of the park, and yes public roads subject to perhaps six Acts of the Province of BC. However they are not designated as provincially-owned rights-of-way. When they are blocked, as the CofV has the right to do, they are merely paved areas of the park subject to the full stipulations of the Trust.



## The Position of Natural Areas Technologist Has Been Filled

The position of Natural Areas Technician has been filled. The new person introduces herself below. She takes up her position supervised by Rob Hughes, Head Arborist and in the Arboriculture and Natural Systems Department under Brooke Stark. She began duties on Oct. 1, 2019.

We are grateful to Michael Wilson, the assistant to the above position, for filling in as acting Enviro. Tech. for the last 18 months. Michael says he is happy to, once again, have his Saturdays free.

This position was established when Donna Atkinson was the head of Parks and Recreation and Mike Leskiw was the head of Parks. We are very grateful to both for this position

Fred Hook was the first Enviro. Tech. followed by

Thomas Munson and then Michael.

The City of Victoria has a policy of position review every time a position becomes vacant. There was a fear that this position would be deemed non-essential and amalgamated with another section. Praise to the City Manager and others for the foresight to see that this is a very significant position within the CofV hierarchy.

The successful candidate below fails to mention that she has a BSc from Western U. and an MSc from U. of Saskatchewan and hails from Waterloo, Ont.

Now we must double our efforts to keep this position alive and relevant.



## The New Natural Areas Technician Introduces Herself

A warm hello everyone,

It is an honour to be working in the role of Environmental Technician with the City of Victoria, and to carry on the integrous work of those who have come before me. My lifelong passion and love for natural spaces has led me on a path of dedication for their protection, preservation and restoration. My Bachelors in Conservation Biology and Masters in Sustainable Environmental Management has created a solid foundation to work with non-profits such as the Invasive Species Council of BC, local government with the District of Saanich as well as federal government with Parks Canada, most recently in the Gulf Islands National Park Reserve. Everyone at the City of Victoria has given a very warm welcome, and I am excited to continue to learn and

work with the unique and treasured natural areas of Victoria, many of which I've spent much time exploring, appreciating and respecting.

Sincerely,  
Stephanie Woods, BSc, MSEM

Environmental Technician

Natural Areas  
Parks, Recreation and Culture  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.1752 F 250.361.0615



## The Friends of Beacon Hill Park

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Annual membership is \$10.00 per household and is due on Jan. 1. Any amount over \$10.00 will receive a tax receipt.

### FBHP Directors

Friends of Beacon Hill Park  
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## *Friends of Beacon Hill Park Society*

### Membership Form

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address:

#101-1041 Richardson St.  
Victoria BC  
V8V 3C6

I wish to join the Friends of Beacon Hill Park Society for a fee of \$10.00

I wish to renew my membership for another year for \$10.00

I wish to donate to the Friends of Beacon Hill Park \$\_\_\_\_\_

I only wish to receive the newsletter for an annual fee of \$10.00

I am interested in volunteering