



February 2023 Update

Hi {Contact_First_Name}

Welcome to the FBHP February 2023 Newsletter Update regarding:

HMTK vs. In the matter of s.86 of the Trustee Act/ Re Beacon Hill Park Trust.

The results of the Province's appeal was published Tuesday morning and the Appeal panel consisting of three judges have unanimously dismissed the Provincial Appeal.

In summary: the Friends of Beacon Hill Park have won a legal victory regarding "no sheltering in Beacon Hill Park."

You can find the full Appeal ruling on our website:

[2023 BCCA 83 British Columbia v. Friends of Beacon Hill Park.mhtml.pdf](#)

Executive Summary

Held: Appeal dismissed.

The question posed by the trustee must be reframed to ensure that it relates solely to the management and administration of the trust property, and does not purport to limit or qualify the constitutional rights of others, including the rights, if any, of persons experiencing homelessness to shelter in the Park when they have no other options.

If rights to use the Park for other purposes are asserted, they will have to be adjudicated based on the facts and law at the time. **The terms of the trust, however, are that the Park is to be used for the recreation and enjoyment of the public, which use does not include temporary overnight sheltering.**

What This Means:

This means that our position is upheld by the court and that the terms of the 1882 Trust are valid and legally binding. This ruling further enhances our ability to defend the Park based on the original 1882 Trust.

This ruling is both profound and deeply satisfying to us at Friends of Beacon Hill Park Society. We want to deeply thank all our members and donors who have supported us through this long and expensive legal journey. In addition we would like to thank our legal council for their dedication and sound advice.

Just a short reminder to please continue your support by renewing your membership for 2023.

Warm Regards

Friends of Beacon Hill Park Society,

www.fbhp.ca/donate

You can also donate by cheque and send it by post to:

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Any Questions, Contact us at: info@fbhp.ca
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