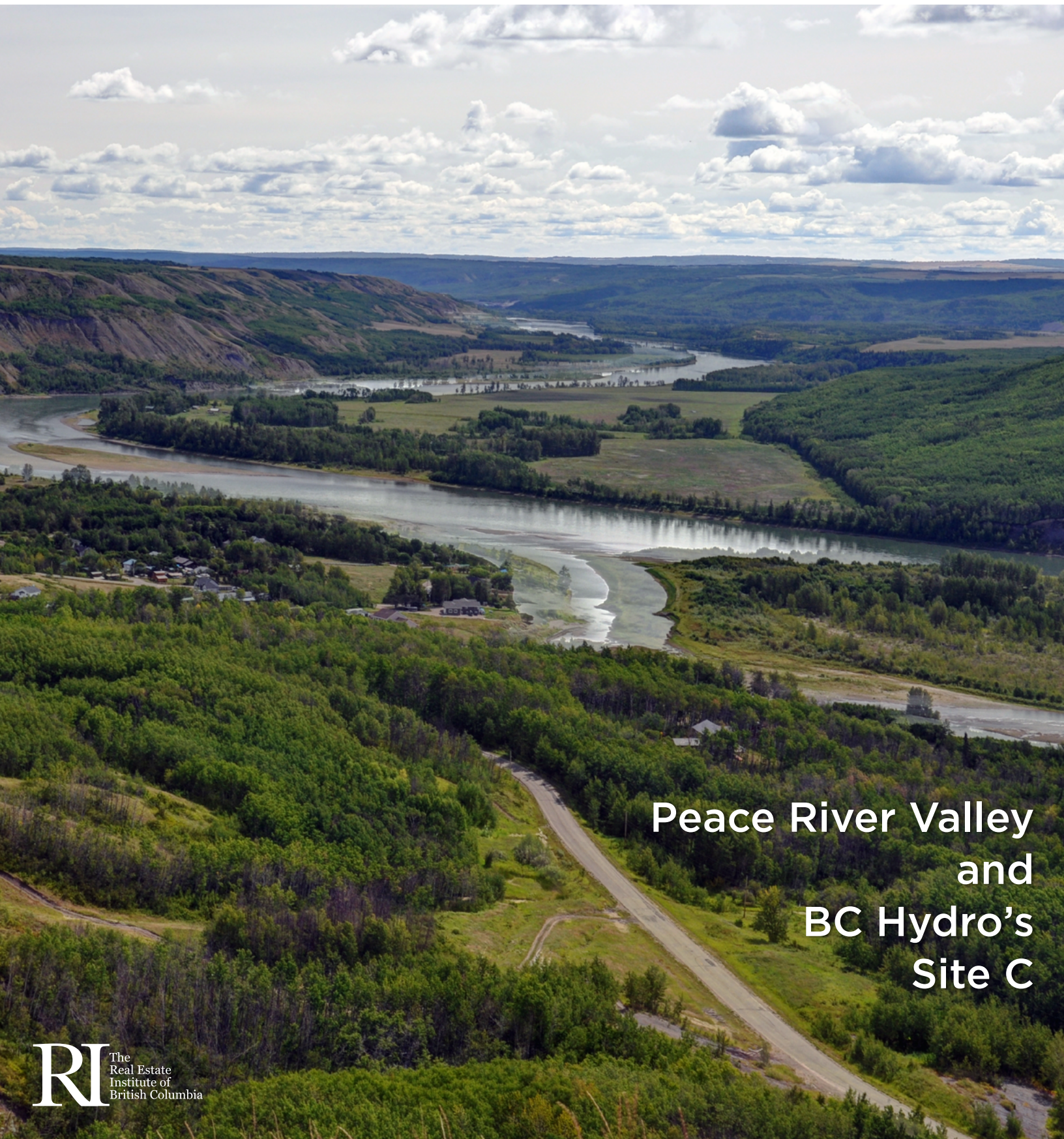


INPUT

LAND AND REAL ESTATE
ISSUES IN BRITISH COLUMBIA



Peace River Valley
and
BC Hydro's
Site C

INPUT

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PRESIDENT'S MESSAGE



GREG STEVES, RI
REIBC PRESIDENT

Welcome to the Spring 2017 edition of *Input* magazine! It's been a long, cold winter and it is nice that things are finally starting to thaw out.

Senior levels of governments took a few measured steps last year to try to cool down the real estate market. British Columbia's tax on foreign ownership and CMHC's new stress test for home purchasers are conscious moves by government to address recent conditions. Just how hot the market had gotten was demonstrated to many of us in January when we received our assessment notices. Assessment time is busy for many of you, and I'm sure it's doubly so when there is so much value escalation.

This spring you can almost sense uncertainty in the air. We've just seen a sensational US election and the inauguration of President Trump, perhaps signalling a new era of protectionist US foreign policy. And here at home we are proceeding to the polls for a provincial election, where the governing Liberal Party will seek its fifth term in government.

It will be interesting to see what the impact will be next year. Will we see a retreat from the record-high property assessments? Will we see an increase in interest rates? What will be the effect of Trump? What will be the result of the next provincial election?

To help us navigate through this change, the Board of Governors met in December to review and update the Institute's Mission, Vision, and Values. We continue to work on your behalf to ensure that REIBC continues to meet your needs and continues to grow and thrive. You will find the updated Mission, Vision, and Values in this edition and I'd love to know what you think about them.

Here is to a *warm* and successful 2017.



COVER: Peace River Valley, 2015.

Credit: flickrCC/SD P

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FROM THE EO'S DESK



BRENDA SOUTHAM
EXECUTIVE OFFICER
AND EDITOR-IN-CHIEF

Can land use be any more disrupted than by the creation of a dam? In this edition of *Input* we take that topic head on. Jessica McDonald of BC Hydro explains that Site C is being built to meet BC's long-term electricity needs, which BC Hydro has calculated will increase by almost 40% over the next 20 years due to more than a million more people expected in the province—and that more people and new technologies means more demand. In counterpoint, Anna Johnston of West Coast Environmental Law Association notes that while this project would provide relatively low-cost energy, a joint review panel report has not agreed that the need is imminent.

Joining the discussion are Grand Chief Stewart Phillip and Ben Parfitt from the Canadian Centre for Policy Alternatives, who write about the impact of Site C on communities and unique species. Our own Lita Powell, RI, describes the effects the dam construction is having on the community in which she lives and works. Julie Rogers at the City of Fort St. John relates a story of community engagement and the quest for common ground. And John McLachlan provides the legal background for understanding expropriation, which is a tool that has been used in the Site C project.

REIBC's Board of Governors recently updated our Mission, Vision, and Values statement, and President Steves has provided us with a one-page update (see p35). Rounding out this edition is our On the Job column featuring Shelley Lindsay, RI, senior property negotiator for Metro Vancouver, and our member profile featuring Wayne Yu, RI, chair of REIBC's Professional Conduct Committee.

We'd like your feedback on this edition of *Input*. Please send your thoughts to me at bsoutham@reibc.org.

After a long winter we are approaching—can you believe it—our 24th annual Charity Golf Tournament. You can register at reibc.org. Come on out to help us raise money for the Make-A-Wish Foundation of BC & Yukon, and help put smiles on the faces of the children.

CONTRIBUTORS



1



4



2



5



3



6



7

WE WANT TO HEAR FROM YOU.

Please let us know your ideas for upcoming issues and how you like the magazine—and check out our Facebook and Twitter pages for up-to-the-minute information on REIBC activities.

reibc.org

info@reibc.org

GUEST AUTHORS

1 Jessica McDonald is the president and CEO of BC Hydro, BC's largest Crown corporation. BC Hydro is a clean energy utility generating 98% renewable and clean electricity, transmitting and distributing to 4 million customers, with \$5.5 billion in annual revenues. As part of a new focus on customer service and employee engagement, Jessica led a brand, vision, and values refresh at BC Hydro resulting in the company being named #1 most influential brand in BC in 2016, and with the company also being named Canada's #1 employer in 2016. Prior experience includes commercial mediation and negotiation on major infrastructure and industrial projects in BC, deputy minister in the BC government for six years, and many other positions in the government beginning in 1991. Highlights include negotiation of the "New Relationship" between government and First Nations in BC and implementation of a human resources renewal program resulting in a 10-point increase in employee engagement.

bchydro.com

Follow Jessica on Twitter at @bchydroceo

2 Grand Chief Stewart Phillip is an Okanagan Indigenous leader and has been president of the Union of BC Indian Chiefs since 1998. He has taken an active role in the defence of Aboriginal Title and Rights by readily offering support to Native communities in need. Grand Chief Phillip is well known for his personal approach—seeing first-hand the impact of fish farms in the Broughton Archipelago, lobbying on Parliament Hill to defeat the First Nations Governance Act, standing with Elders of Treaty 8 against oil and gas development in the Peace River, burning referendum ballots with fellow chiefs in protest, and standing on the steps of the Legislature with 3,000 other people united under the Title and Rights Alliance banner.

3 Ben Parfitt is a resource policy analyst with the Canadian Centre for Policy Alternatives. He joined the CCPA staff team in 2005 after years working as an investigative journalist with numerous magazines, and previous to that as a reporter with the *Vancouver Sun*. He is author and co-author of two books on forestry issues and currently devotes much of his policy research to natural resources, with special attention paid to energy, water, and forest resources and climate change.

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4 Julie Rogers, BA, is the communications coordinator for the City of Fort St. John. Her role involves improving communications between the City and its citizens and communicating to the world that Fort St. John is an amazing place to boost your career, raise your family, and maximize your recreation opportunities. A former resident of Coquitlam, BC, Julie has fully embraced northern living. After her three-minute commute home you will often find her nordic skiing on the many community trails.

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5 Anna Johnston is staff counsel at the West Coast Environmental Law Association, where she develops and advances law reform proposals and practical solutions for strengthening federal environmental law and environmental assessment processes. Anna was counsel for the Peace Valley Environment Association in the environmental assessment of Site C and is the co-chair of the national Environmental Planning and Assessment Caucus of the Canadian Environmental Network. She also sits on the minister of environment and climate change's Multi-Interest Advisory Committee, which was appointed to assist in the review of federal environmental assessment processes. She firmly believes that rural and northern communities should not bear a disproportionate cost of resource development in BC, and that meaningful public participation in land and resource management and planning results not just in better governance, but in better outcomes for all.

wcel.org

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6 Lita Powell, RI, has practiced property management in many northern British Columbia communities since 1983. In 1990, Lita obtained her Managing Broker Licence and together with her partner, Carol Taylor, opened Li-Car Management Group, a full-service licensed real estate brokerage. A graduate of the Urban Land Economics program at UBC, Lita continues to upgrade her education through training courses or seminars. She was an REIBC Governor on two separate occasions and has sat on the Rental Property Management Advisory Committee and the Strata Management Advisory Committee with the Real Estate Council of BC. Lita is licensed to provide rental property management, strata management, and trading services to her clients, and she has also been a court-appointed receiver for over 65 properties throughout northern British Columbia. Lita has resided in the Peace Region since 1974 and is proud to call the Peace her home.

licar.ca

COLUMNISTS

7 John McLachlan, RI, BA, LLB, is a lawyer at Lex Pacifica Law Corporation in Vancouver, British Columbia. His practice is focused on civil litigation with an emphasis on real property matters. John has appeared as counsel before the British Columbia Court of Appeal, the Supreme Court of British Columbia, the Provincial Court of British Columbia, the Federal Court, and various Administrative Tribunals.

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BC HYDRO:

SITE C'S ROLE IN BC'S ENERGY FUTURE

Jessica McDonald

Are you reading this article on a computer? By lamplight? While drinking a cup of tea boiled in your kettle? Then you're familiar with BC Hydro's product. We have a large and complex system serving 95% of the province's population—four million customers. Province-wide, we have a network of 79 dams, 31 generating stations and over 300 substations. It's our job to make sure our customers have the power they need, when they need it, every time of the day and night, every day of the year. It's a big responsibility and a big challenge to generate the province's electricity, especially when we're facing off against climate change and need more clean electricity than ever before as the world tries to get off fossil fuels.

As part of our efforts to do this job, we are building an earth-fill hydroelectric dam and generating station on the Peace River in northeast British Columbia, called the Site C Clean Energy Project. Once complete in 2024, Site C will provide clean, renewable, and affordable electricity for more than 100 years. It will provide 1,100 megawatts of capacity (i.e., the amount of electricity the system can generate at one time), and produce about 5,100 gigawatt hours of electricity each year—enough energy to power the equivalent of about 450,000 homes per year.

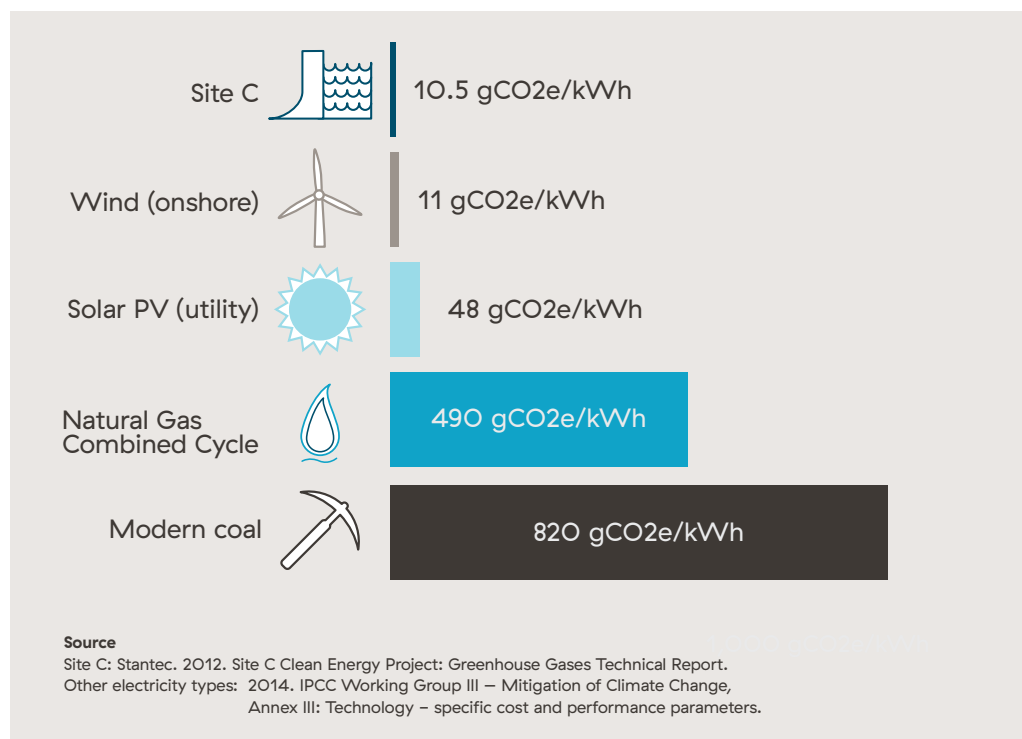
I want to share why Site C is a critical project, some of the benefits, and how the project is progressing.

CLIMATE CHANGE IS A MOTIVATION

Climate change is at the top of the agenda for policymakers, governments, and organizations all over the world. With the announcement in late 2016 that the federal government is speeding up Canada's plan to phase out traditional coal power by 2030, the pressure is on for each province to find clean energy solutions. While Alberta, Saskatchewan, Nova Scotia, and New Brunswick all currently use

Artist's rendering of the project at full build-out in 2024.

Site C will have the lowest greenhouse gas emissions, per unit of energy hour, compared to other electricity-generation options. The effects of making the shift from coal and gas to cleaner types would mean substantive reductions.



coal in their electricity mix, BC has had a hydroelectric backbone since the 1960s: huge reservoirs of water that act like giant batteries. As a result, today our electricity is already among the most affordable, reliable, and clean in all of North America. In fact, last year 98% of all electricity generated in BC was from renewable, clean resources, and we'll continue that trend with Site C.

The clean energy advantage of Site C was recognized by an independent joint review panel during the project's environmental assessment process. The Panel concluded that: "Site C, after an initial burst of expenditure, would lock in low rates for many decades, and would produce fewer greenhouse gas emissions per unit of energy than any source save nuclear."

CATCHING UP TO BC

Only 27% of the world's power is clean. Even before the 2030 plan was announced, other jurisdictions in Canada and elsewhere have been spending a lot of money, trying to catch up to where BC already is. Significant investments in intermittent, renewable power are being made to support climate policies, in attempts to replace fossil fuel energy and thus reduce greenhouse gas emissions.

We're seeing California invest in solar. Alberta is investing in wind. And there are opportunities for independent power producers (IPPs) in BC as well. But the challenge

with these types of intermittent generation is that the sun doesn't always shine and the wind doesn't always blow. You can't turn it on when you need it, which means that unless you have a backup source of electricity, you run the risk of not having enough to go around. If that happens, you would have brownouts. Backup sources of firm energy are required to make sure the lights always stay on. These trends highlight the greatest challenge for the electricity sector today: How do you supply clean electricity when those sources of intermittent power are not available?

THE CAPACITY TO DELIVER

This is why our investment in Site C is so important. Other jurisdictions are planning to use natural gas as that backup power, but BC has the unique opportunity to offer a cleaner, cheaper solution with our large hydroelectric system. A project like Site C is absolutely vital to back up wind, solar, run-of-river, and any new sources of intermittent renewable power.

BC'S NEED FOR NEW ENERGY AND CAPACITY

We're building Site C to help meet BC's long-term electricity needs, which are forecast to increase by almost 40% over the next 20 years as the economy expands and the population grows by more than a million people.

At the same time, new technologies like electric vehicles and new-to-BC industries such as liquefied natural gas (LNG) will put new pressures on our system. More people and new technologies mean new demand.

In July 2016, we filed an updated 20-year load forecast as part of our rates application. And that forecast shows that without Site C, BC will have an energy deficit of 2% and a capacity deficit of 8% in 10 years. That's the equivalent of powering 100,000 homes. And in 20 years, we'd have an energy deficit of over 9,000 gigawatt hours.

We had been in a bit of a down cycle in the resource sector until the later part of 2016, but things are starting to pick back up. The price of some key commodities (i.e., natural gas, copper, coal, pulp) has recently increased. These increases are a positive sign for the province's resource sectors, and all other things being equal, could have an upward influence on the load forecast: it could mean even more demand over and above what we saw when we produced the 2016 load forecast.

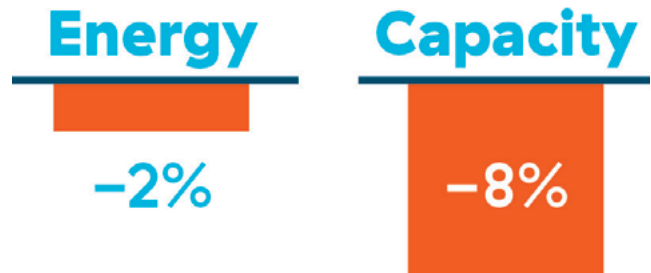
On top of that, our 2016 load forecast doesn't factor in any additional demand from recent announcements like the City of Vancouver's Renewable Energy Strategy or the Province's Climate Leadership Plan (which mandates that 100% of the new supply of electricity acquired by BC Hydro for the integrated grid must be from clean or renewable sources). We will continue to monitor commodity prices and other developments closely.

As extensive as BC Hydro's electricity supply is, it will not be enough to meet future demand as it stands. Hydroelectric projects are complex and require a long lead time. We're building Site C now to ensure it is available to meet customer needs in the long term.

SITE C IS ON TIME AND ON BUDGET

The Site C project received environmental approvals from the federal and provincial governments in October 2014.

The approval of the project followed a cooperative federal-provincial environmental assessment process by the Canadian Environmental Assessment Agency



Without Site C, British Columbia would have an energy deficit of over 1,100 gigawatt hours (2%) and a capacity deficit of over 950 megawatts (8%) in 10 years. This is equivalent to the power needs of 100,000 homes.

(CEA Agency) and the British Columbia Environmental Assessment Office (BCEAO). The process started in August 2011 and took approximately three years to complete.

The environmental assessment process for Site C was thorough and independent and included multiple opportunities for timely and meaningful participation by the public, Aboriginal groups, all levels of government, and other interested stakeholders.

As part of the environmental assessment, BC Hydro undertook multi-year studies to identify and assess potential project effects and proposed comprehensive mitigation measures. All of this information was documented in more than 29,000 pages in the Site C Environmental Impact Statement. The extensive review process included two months of public hearings in several regional and Aboriginal communities under an independent joint review panel. It was no small feat: Site C was evaluated for about a decade before a decision was made to proceed.

In December 2014, the project received a final investment decision from the provincial government to proceed to construction.

Over a year and a half in, construction is progressing on time and on budget. As of September 30, 2016, we have spent \$1.3 billion on the project.



View of the south bank construction work, facing the north bank, October 2016.

We're building Site C to help meet BC's long-term electricity needs, which are forecast to increase by almost 40% over the next 20 years as the economy expands and the population grows by more than a million people.

The Site C project will provide key benefits for BC, including energy, dependable capacity, and flexibility, as we have discussed so far, but also regional economic development, job creation, and benefits for communities and Aboriginal groups.

CONSTRUCTION PROGRESS

We have financial commitments of more than \$4 billion—an amount that includes money spent to date and money committed in contracts and agreements, and we've made a number of key accomplishments. Site preparation activities at the dam site are complete. We've closed four major contracts to date, including North Bank site preparation, worker accommodation, main civil works (earthworks like excavation, river diversion, roads, etc.), and turbines and generators. In fact, more than 50% of our direct construction costs have been awarded in contracts. We have a satisfactory safety record, but we continue to work hard to ensure that workers go home safely each day. And main civil works continue to advance.

THIRD-PARTY ASSESSMENT

We have a long way to go, and a lot to be done, but we are on track. In October 2016, we released a review that we commissioned by Ernst & Young and BTY Group on our risk and cost management processes. These are leading firms in cost and risk management. We have conducted third-party reviews in the past, including KPMG reviewing our cost estimate methods and assumptions, and an independent panel of contractors looking at our cost estimate. It is important we do our due diligence to test our processes and make sure there are no vulnerabilities. The review found that the Site C project is clearly defined and well planned, and has the appropriate processes and risk mitigation

in place to meet major project milestones and financial targets. It also found that BC Hydro uses an industry-leading approach to project management.

CONTRACTS, BUSINESS, AND JOB OPPORTUNITIES

Of the over 1,800 people working on the project, 85% are from BC. Approximately 700 workers are from the Peace River region and approximately 200 of these workers are Aboriginal. Businesses are benefitting: 275 BC businesses have participated in Site C construction, and of these, 225 are from the Peace River region. Already, \$30 million in goods and services has been purchased from local or regional businesses.

ENVIRONMENTAL UPDATE

Environmental approval of Site C hinged on the fact that project effects are mitigated through careful project planning, comprehensive mitigation programs, and on-going monitoring during construction and operations. With 150 legally binding federal and provincial conditions and detailed site-specific and activity-specific environmental mitigation plans, each and every day we are working with our contractors and federal and provincial regulators to ensure we are in compliance.

CLEAN CAPACITY FOR BC

Site C is the most carefully studied project in our province's history; planning has been underway for more than 10 years. Building Site C will allow us to continue to deliver affordable, reliable, and clean electricity in British Columbia for decades to come. BC can continue to be a clean energy leader, and our customers can continue to have the power they need, when they need it.

Photos and graphics provided by BC Hydro.





REAL ESTATE DIVISION

Real Estate Division Professional Development

The Real Estate Division at UBC's Sauder School of Business offers a series of short online continuing professional development (CPD) courses aimed at real estate practitioners' continuing education needs. The course topics range from property valuation and financial analysis to sustainability and business development. Completion of a CPD course earns you a UBC award of completion and may also earn you continuing professional development credits for the Appraisal Institute of Canada's Continuing Professional Development Program.

Reserve Fund Planning Program (RFPP)

The RFPP is two-course national program designed to provide real estate practitioners with the necessary expertise required to complete a diversity of reserve fund studies for condominiums/stratas and other properties across Canada.

The RFPP program comprises two courses:

CPD 891: Fundamentals of Reserve Fund Planning

A comprehensive overview of the underlying theory, principles, and techniques required for preparing reserve fund studies and depreciation reports.

CPD 899: Reserve Fund Planning Guided Case Study

Guides the student through the process of completing a comprehensive reserve fund study report.

Find out more about our courses:

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SCHOOL OF BUSINESS

GOVERNMENTS VALUE SIMON'S OPINION

Simon is an AIC-designated appraiser, a Canadian real estate valuation expert. Municipal, provincial and federal governments rely on AIC appraisers for trusted, knowledgeable and unbiased opinions about public property, including: expropriation, right-of-way, easements, market rent analysis, acquisitions, disposals, income tax and property tax valuation, highest and best use and more. If it involves real estate, involve an AIC-designated appraiser.



Valuations

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Find an AIC-designated appraiser

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ASK A LAWYER

John McLachlan, LLB

Q: *Can BC Hydro take my property? What allows this to happen and will I be compensated?*

A:

The old adage by English jurist Edward Coke that “a man’s house is his castle” is illustrative of the sanctity to which individual property rights under the common law are held in our society. One of the exceptions to this is the right of the government to take or “expropriate” real property (land).

Originally, all land belonged to the Crown. As time went on, the Crown began to sell off large parcels of land to the public and other private interests for their own uses. However, the government always reserved the right to take back land that is needed to serve community purposes or the public good. The right of expropriation is a powerful tool that the government has retained to facilitate development. Examples of the purposes for which land has been expropriated include the construction of highways, roads, schools, parks, airports, railways, municipal transit lines, and public utility systems for water and power generation.

The expropriation of property is one of the ultimate exercises of governmental authority and that power may also be delegated to ministries, government agencies, railway or pipeline companies, and public utility-type corporations. However, that delegation of power must be expressly given through federal or provincial legislation. Further, along with the broad power to expropriate land without the owner’s consent there is the corresponding obligation to pay full and fair compensation.

To take all or part of a person’s property constitutes a severe loss and a very significant interference with a citizen’s private property rights. It can remove people from

property that they have held for generations and can impact peoples’ very livelihoods. For example, as a result of the Site C project, some farmers are losing land that had been owned and farmed on for generations.

It follows that the power of an expropriating authority should be strictly construed in favour of those whose rights have been affected. Justice L’Heureux-Dubé of the Supreme Court of Canada wrote:

Expropriation constitutes a drastic interference with an individual’s right to property. It allows a government to deprive a person of his or her land. In some cases this may mean that an individual loses a home, a “safest refuge.” In other cases...expropriation may lead to the loss of one’s livelihood. Because property is a fundamental legal right, and because expropriation is such an exorbitant power, Canadian law has consistently favoured a restrictive interpretation of statutes enabling expropriation.¹

If there is any ambiguity in the legislation about what the expropriating authority can do, that ambiguity will be interpreted in favour of the landowner.²

BC HYDRO’S ABILITY TO EXPROPRIATE PROPERTY

The British Columbia Hydro and Power Authority (BC Hydro) is established under the Hydro and Power

¹ *Leiriao v. Val-Bélair (Town)*, [1991] 3 SCR 349.

² *Toronto Area Transit Operating Authority v. Dell Holdings Ltd.*, [1997] 1 SCR 32.

BC Hydro has a broad power to expropriate property. Pursuant to section 16 of the Act, it can, for any purpose related to the exercise of its powers, expropriate any property, power site, power project, or power plant and enter, remain on, take possession of, and use any property.

Authority Act [RSBC 1996] Ch. 212 (the Act) and, pursuant to section 3 of the Act, is for all purposes an agent of the Crown in right of British Columbia.

BC Hydro's powers and purposes are set out under section 12 of the Act. BC Hydro has the rights, powers and privileges of an individual of full capacity along with the power to amalgamate, in any manner, with a firm or person and any other power prescribed. BC Hydro's purposes are to generate, manufacture, conserve, supply, acquire, and dispose of power and related products and to supply and acquire services related to any of these things, and to do other things as may be prescribed. However, BC Hydro must obtain the applicable approval prior to engaging in any of the activities prescribed in section 12.

BC Hydro has a broad power to expropriate property. Pursuant to section 16 of the Act, it can, for any purpose related to the exercise of its powers, expropriate any property, power site, power project, or power plant and enter, remain on, take possession of, and use any property. When BC Hydro decides to expropriate land, the provisions of the Expropriation Act [RSBC 1996] Ch. 125 apply.

Under the Expropriation Act, the expropriated party is entitled to notice of the expropriation and to be fairly compensated for the taking of his or her loss. Further, with the exception of "linear developments" such as highways, railways, and certain public utility projects, the expropriated party can request a public inquiry with regard to the need or extent of the particular expropriation.

The amount of compensation to be made to the expropriated party is based on the market value of the property and compensation for injurious affection, disturbance damages, loss of business or the ability to use the property for business purposes, and any special circumstances or special value of the property based on the use to which the property is currently being used for.

In addition, there is provision in the Expropriation Act for the recovery of the actual legal, appraisal, and other costs incurred by the expropriated party.

If an expropriating authority does not fulfil the procedural requirements set out in the Expropriation Act, it can be found to have acted without authority and the expropriation can be invalidated, leading to a possible claim for damages or an injunction.

In order to allow the expropriating authority to proceed quickly with the expropriation and its use of the land, the Expropriation Act allows for the authority to proceed with the expropriation upon making an advance payment of what it considers to be the compensation payable. The payment must be accompanied and supported by an appraisal report setting out the basis for the compensation. Accepting the compensation does not compromise the expropriated party's rights in any way and the expropriated party retains the right to challenge the adequacy of the amount paid and the claim can be settled or brought before the court for determination at a later date. The limitation period for bringing a court application for additional compensation is one year from the date that the advance payment is made, after which the owner is deemed to have accepted the payment in full satisfaction for the expropriation.

CONCLUSION

The expropriation of private land constitutes a significant interference with individual property rights. As such, expropriating authorities generally want to limit expropriations and use them as a last resort so as not to be perceived as being unfair or high handed.

In most instances, there are negotiations and generous offers on the part of the authority prior to the formal expropriation process being started. As such, the formal steps in the process, including a public hearing, are rarely utilized.

ON THE JOB

>> SHELLEY LINDSAY, RI

WHAT DO YOU DO IN YOUR PROFESSIONAL POSITION?

I supervise a team of property negotiators within Property Division at Metro Vancouver. Our team is responsible for land acquisition. The majority of our work is for large-scale utility construction projects, some outstanding right-of-way acquisition programs, and regional park acquisitions.

Property Division is responsible for the property rights related to GVRD, GVS&DD, GVWD and MVHC facilities. We have over 5,000 property interests recorded, taking into account more than 400 facilities, including water mains, watersheds, reservoirs, sewer interceptors, treatment plants, transfer stations, drainage facilities, GVRD parks, air quality monitoring sites, and MVHC housing complexes.

HOW DO YOU SPEND YOUR DAY?

Usual days are filled with meetings, some within Metro Vancouver with our various client departments—mostly engineers—reviewing their requests, determining their requirements and receiving ongoing status updates. I consult with our legal department, reviewing and providing input to a variety of different land-related agreements (the majority are Statutory Right of Way agreements). I also meet with our land acquisition team, strategizing on project needs and requirements, and I report out to our client groups.

Occasionally I still get out in the field, meeting with property owners, our construction contractors, and staff regarding Metro Vancouver projects. Some meetings happen outside of normal business hours: I will participate in public engagement consultation and workshops with affected property owners and Metro Vancouver municipalities or other government agencies.

WHAT PREPARED YOU FOR THIS ROLE?

My background came from working for a few years at the Land Title Office, back when they had offices both in New Westminster and Vancouver. I then started at Metro Vancouver, at that time known as Greater Vancouver Regional District, as a property researcher. These two job experiences gave me an excellent background for understanding anything land related, and they also provided some very worthwhile industry contacts. Then, with the



**SENIOR PROPERTY
NEGOTIATOR,
METRO VANCOUVER**

support of my employer (and my mom, who babysat my two very young children), I attended evening classes at UBC, beginning the Urban Land Diploma program at UBC—Appraisal Option, which allowed me to advance with Metro Vancouver Property Division to become a property negotiation officer, a property negotiator, and now senior property negotiator.

WHAT DO YOU FIND CHALLENGING ABOUT YOUR WORK?

We are constantly challenged by the need to prioritize our work. Different client groups each have their own top-priority projects, so juggling these competing priorities is an art. Also, when dealing with construction projects, delivery of required property rights within certain timeframes becomes very time sensitive.

WHAT DO YOU ENJOY ABOUT YOUR WORK?

The variety of the work, the people I work with, and the people I have met along the way.

ARE THERE COMMON MISUNDERSTANDINGS ABOUT THE WORK YOU DO?

Even though we are a big government agency, we really do care about the people we are affecting with our projects and take their opinions and needs into account, and we do treat them fairly.

WHAT CHARACTERISTIC OR PERSONALITY TRAIT WOULD BE BEST FOR THIS TYPE OF CAREER?

Someone who can multi-task, keep their cool, work in busy and sometimes stressful situations, and still keep a level of care towards both fellow employees and members of the public they are dealing with. The ability to always be putting yourself in the other person's shoes.

RI

CANADIAN CENTRE FOR POLICY ALTERNATIVES: SITE C DAM COMES WITH TOO MANY COSTS

Grand Chief Stewart Phillip and Ben Parfitt



Above left: Dick and Rene Ardill's ranch, which will be underwater if the Site C dam is built on the Peace River (2014). Caption info by DeSmog Canada; photo by Emma Gilchrist, DeSmog Canada (flickrCC/DeSmogCanada).



Above right: Ken Boon shows off his solar panels, which feed electricity back to the BC grid (2014). "We've become really aware of energy issues because of the fight against Site C," Ken says. Caption info by DeSmog Canada; photo by Emma Gilchrist, DeSmog Canada (flickrCC/DeSmogCanada).

At a projected cost of \$8.8 billion, the approved but yet-to-be-built Site C dam is the single most expensive public infrastructure project in BC's history.

However, far more is at stake than just our pocketbooks when assessing the costs of Site C. So before returning to the appalling economics behind the project, consider the following:

If built, the dam would flood more than 100 kilometres of the Peace River's forest and wetlands, and those of important tributaries including the Moberly and Halfway rivers. These lands are rich in wildlife and fisheries resources that have sustained the region's First Nations people since time immemorial and they are subject to the terms of Treaty 8.

Are we comfortable with the knowledge that this project could have permanent, irreversible impacts on Indigenous rights that go far beyond the scope of any other industrial project underway or contemplated in BC? Certainly members of the West Moberly and Prophet River First Nations are not. They continue fighting the project in the courts, a legal battle most British Columbians remain oblivious to.

If built, Site C would also destroy more than 6,000 hectares of farmland. Almost as much land again falls within a "stability impact zone" that could subsequently slough into the dam's reservoir.

Are we content to idly watch the single largest assault on BC's Agricultural Land Reserve unfold? Ken and Arlene Boon certainly aren't. Passionate critics of the project and third-generation Peace River valley farmers, the couple face imminent loss of their home and land.¹

If built, the Site C dam would take a deadly toll on local fish, animal, and unique plant species. Will we be silent as the Peace River valley's rich biological diversity—Interior BC's equivalent to the Great Bear Rainforest—is lost forever? Certainly, the Tsay Keh Dene people living in the remote communities of Fort Ware and Ingenika will not. More than 50 years ago, their rivers and lands disappeared when the W.A.C. Bennett dam created the seventh-largest artificial body of water on earth. A water body now so poisoned with mercury that Indigenous people and anglers are still warned not to eat its fish.

But if dollars and cents are what move you, Site C means more dollars and makes no sense. Economists have said so. A former head of BC Hydro has said so. And, most recently, former premier Mike Harcourt added his

If built, the dam would flood more than 100 kilometres of the Peace River's forest and wetlands, and those of important tributaries including the Moberly and Halfway rivers. These lands are rich in wildlife and fisheries resources that have sustained the region's First Nations people since time immemorial and they are subject to the terms of Treaty 8.



¹ Sarah Cox, "BC Hydro Tells Farmers Fighting Site C Dam to Vacate Property by Christmas," *DeSmog Canada*, June 15, 2016, <https://www.desmog.ca/2016/06/15/bc-hydro-tells-farmers-fighting-site-c-dam-vacate-property-christmas>.

voice to the growing list of critics warning about Site C's economic implications.²

With major work on the dam not even started, our hydro bills are already climbing well beyond inflation, in part because of costs coming due on repairs and upgrades at existing dams, and questionable investment decisions by BC Hydro. By 2018, we will pay nearly 30% more for our power than we did in 2013.

Far greater increases await us as Site C's costs come due. And you can count on those costs escalating. They have everywhere else. In 2014, research published in the journal *Energy Research & Social Science* showed that of 61 hydroelectric projects analyzed worldwide, the average cost escalation was 70.6%.³ Translation? Site C could be a \$15-billion boondoggle.

Not a chance, you say? Tell that to the people of Newfoundland and Labrador who now face potential

monthly hydro increases of \$150 due to the more than \$4 billion in projected added costs at the Muskrat Falls hydro project.

The same research, by the way, noted that large solar power installations had no such cost overruns and actually came in an average of \$4.2 million less than projected.

These sobering findings come against an even more stunning backdrop: according to BC Hydro itself, Site C's power may not be needed here for 20 to 40 years.

The day we might need more power is far off, while a host of other renewable energy options—wind, solar, geothermal, and low-impact pumped storage hydro—are largely dismissed by BC Hydro and its political masters.

BC's next election looms in May. Surely, it is time that this unprecedented project became a defining election issue.

2 "Site C dam an 'outdated solution,' says ex-premier," CBC News, November 7, 2016, <http://www.cbc.ca/news/canada/british-columbia/site-c-dam-an-outdated-solution-says-ex-premier-1.3839903>.

3 Benjamin K. Sovacool, Alex Gilbert, and Daniel Nugent, "An international comparative assessment of construction cost overruns for electricity infrastructure," *Energy Research & Social Science* 3 (2014) 152-160, <http://dx.doi.org/10.1016/j.erss.2014.07.016>.

This article appeared originally in the Vancouver Sun. Photos sourced by REIBC for this article; photos credited to Emma Gilchrist, DeSmog Canada (flickrCC/DeSmog Canada).

RI

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MEMBER PROFILE

WAYNE YU, RI

**MANAGING DIRECTOR OF
INVESTMENT AND PRIVATE
CAPITAL**
PROMINENT REAL ESTATE
SERVICES



Wayne and his grandfather.

It could be said that Wayne Yu's early job as a summer camp counsellor helped to prepare him for a career in real estate. Wayne learned leadership and the importance of "always keeping his eyes on the kids, as they can get away from you quickly." Now a managing broker for rental and strata management services and trading in BC, he actively seeks investment opportunities and places private capital for international clients, and manages daily brokerage operations to ensure compliance with the Real Estate Services Act. It's a career that requires his attention. He notes, "Every day truly is a different one given the numerous and vast aspects involved in my practice," but he lets nothing get away from him.

"I continue to work a minimum of 12 hours a day, seven days a week," says Wayne, "as I'm passionate about what I do and what I'm trying to do, given that life is short and precious."

Wayne has enjoyed being an instructor for BCREA's Commercial and Residential Trading Services Applied Practice Courses. "Teaching is a privilege and it's extremely rewarding to see learners gain the confidence and competency to properly serve the public's needs." And as chair of REIBC's Professional Conduct Committee and a member of REBGV's Professional Conduct Committee, Wayne is committed to improving standards and ethics for the professional advancement of the real estate industry. He believes that change is necessary to exceed the present level of service being delivered to his clients, and that such change must start with his example.

One of Wayne's present goals is to build on his long-term relationships with family and friends who have supported his career. "My mentor is my grandfather and I've been truly blessed to have him guide me through life," says Wayne, whose perfect day off from work would be to share drinks with his grandfather, listening to his many words of wisdom. "At the end of the day, it's truly all about family and friends."

RI

CITY OF FORT ST. JOHN: FINDING COMMON GROUND

Julie Rogers

Fort St. John's city council took a very pragmatic approach to the possibility of an \$8-billion mega-project being built only seven kilometres from the city: it was neither in favour nor opposed to the Site C dam, but it was definitely in favour of protecting and promoting the interests of the community.

The Site C dam project threatened to divide the community. Half of the community was vocally opposed, but the other half was in favour of the dam and the potential jobs it might bring. However, everyone agreed that protecting and promoting the interests of the community would remain the overarching goal throughout the construction phase of the project and into the operations phase. In the words of our mayor, Lori Ackerman, "Noah was not in favour of the flood but he still built an ark."





Mayors from all over British Columbia participating in an Energy Literacy Tour of the Site C project in May 2016.

FORT ST. JOHN'S COMMUNITY INTERESTS

1. Optimize economic opportunities for the community.
2. House the construction workforce in communities. (Council later changed this to housing workers in work camps. Further research and consideration into having thousands of additional people move into the community indicated it could have dramatic impacts on real estate and rental costs.)
3. Fully service the staging areas to benefit economic use after completion of Site C construction.
4. Include all staging areas, camp facilities, and the dam itself in City boundaries. (The City may consider extending city boundaries to include this area, which is currently part of the Peace River Regional District.)
5. Offset the cost of addressing impacts through payment.
6. Enhance the regional transportation system through investments by BC Hydro and the Province.
7. Conduct a basin-wide assessment for the Peace River Basin.
8. Develop and implement a master plan for the Site C reservoir.
9. Improve the project review process.
10. Establish a monitoring program to identify and address any unforeseen impacts and issues.
11. Enter a formal agreement incorporating all commitments.

ENGAGING COMMUNITY

How should Fort St. John go about achieving such a goal? This mega project was not as easy to consider as, say, a new pool. ("Hey, we are going to build a new pool, so who wants a slide, who wants a tarzan swing, and how many lap lanes should we have?") No, this was big—really big. So the task at hand became figuring out what the details of the project would be, determining how these might impact the community, and then finding out what community members think should be done about it.

The project, at that time, was only a proposal, but if it went through, what would that mean for the city? How many people would move here? How many people would live in the camps? Where would the camps get supplies? Where would the workers come from? Would this impact the City's roads? What about traffic at the airport? What would the dam do to the water supply? Would crime rates go up? If all these extra people were in camps but not counted in the City's population numbers, would more RCMP members be allocated to Fort St. John in the Province's allocation? What would happen when the new workers leave at the end of the project? How does the City engage community members to find out what they think when all the details of the project aren't known? And how would a negotiation with BC Hydro begin?

The first thing the City did—a smart thing—was engage Urban Systems to lead the consultation process. This was too big and too important to run off the side of someone's desk. The City also engaged stakeholders to create a position paper to present to BC Hydro and provincial and federal decisionmakers. Mayor Ackerman and city council members were the faces of the initiative, which ensured that it strongly reflected community values and was clearly "made in Fort St. John." They tirelessly facilitated all engagement activities throughout the very busy summer of 2012. The team branded the initiative as Let's Talk Site C.

Through a research process, the team identified 80 stakeholders (individuals and groups from inside and outside the community) and developed 11 (draft) interest statements to begin the dialogue. These preliminary objectives were captured in a 2012 Community Briefing paper and a video, with the sole purpose of communicating back the common interests, which could be the starting point for a community conversation about the



BC mayors view Site C temporary accommodations from the window of the tour bus. Site C worker accommodations are under construction in the background (2016).

project. Some of the interests changed after further research and consultation (see inset at left).

A strong social media presence in Fort St. John meant the task of getting the word out about the engagement opportunities was not difficult. The City began the engagement process with presentations about the 11 objectives, given by Mayor Ackerman to a long list of community groups, and with presentations by BC Hydro, hosted by the mayor, to provide details about the project. Phase 2 of the engagement process included a media launch of the Community Briefing paper, a video presentation, surveys, Facebook polls, community meetings, “Coffee House Chats with Mayor and Council,” and conversations in the park (Mayor Ackerman and councillors took advantage of the City program Play in the Park to meet with community members in the park all summer long to chat about Site C). Feedback from citizens was gathered from all meetings over an entire year and included in a final position paper to BC Hydro and key government decisionmakers in 2013 and was also taken to the bargaining table with BC Hydro.

NEGOTIATING AND COMMUNICATING THE AGREEMENT

After several years of bargaining, Fort St. John finally reached an agreement with BC Hydro, in February 2016, that addressed all of the concerns the community talked about.

A process to inform the community about the agreement began with Let’s Talk Site C – Closing the Loop.

This engagement process was extensive. Consultation and conversation went on for months. Normally this works against an engagement project—as people get bored and participation drops off—but as engagement planning progressed and more information was released, it remained top-of-mind for citizens.

The length of the process also worked well for the City as it provided extra time to gather the information and try different ways of connecting with citizens; there were no other communities we could steal ideas from. (“Hey, how



Mayor Lori Ackerman and Councillor Bruce Christensen at the Let's Talk Site C event in Kin Park, July 31, 2013.

did that \$8-billion mega project in your community work out for you?”)

During Closing the Loop, the City employed an in-house communications coordinator. The coordinator was responsible for informing the community of the draft agreement. The City did the expected things, like discuss the agreement at a public council meeting, distribute a news release, and host information on its website. In addition, a short digital slideshow was prepared with the highlights of the agreement and Mayor Ackerman presented it at several city-hosted community meetings and events hosted by community groups such as Rotary Club, Chamber of Commerce, and the Library Board. The City also video recorded one of the public presentations and used social media to share it with the community. A summary of the agreement was printed and made available in all City facilities.

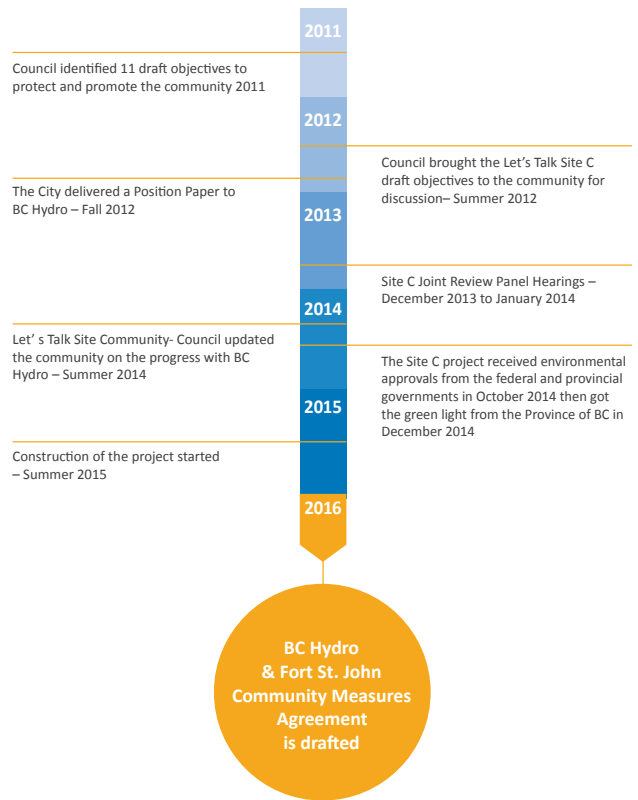
The negotiations with BC Hydro took years. Council was firm on the goal of protecting and promoting the interests of the community, and it achieved this goal by being inflexible on three key issues:

1. The agreement must be legally binding and contain a dispute resolution clause.
2. The agreement would never be called a “benefits agreement.” This was not about bringing “benefits” to the community but rather mitigating the damage caused by the project.
3. The community was not interested in a new toy. To request a new recreation facility or a new pool as “compensation” would give the community something that needed to be operated, maintained, and, in a few decades, replaced. This would mean an increase to the operating budget and the capital budget. The City does not operate in this way. We tackle large infrastructure projects based on need and careful planning.

AN AGREEMENT THAT ADDRESSES COMMUNITY OBJECTIVES

An agreement was formed that protects and promotes the interests of the community. Water security, safety,

Let's Talk Site C time-line and milestones



boundary options, housing, and health and wellness issues are all addressed. The key features of the agreement include:

1. BC Hydro will provide \$1 million per year to the City during construction, increased by 3.5% each year.
2. BC Hydro will contribute \$100,000 per year for eight years to a community fund to assist non-profit agencies in the Peace Region.
3. BC Hydro will contribute \$250,000 to local non-profits that provide emergency and transitional housing services (\$200,000 to the Salvation Army's Northern Centre of Hope, \$25,000 to Skye's Place, and \$25,000 to Meaope Transition House).
4. BC Hydro will contribute \$75,000 (in 2016) to support local charities identified by the City.
5. BC Hydro will fund one additional police officer to be based out of the Fort St. John RCMP detachment, and will also conduct regular traffic monitoring on local roads near the project.
6. BC Hydro and the City will work together through a Site C Community Agreement Monitoring Committee, consisting of senior representatives from both BC Hydro and the City. The committee will track implementation of the agreement and provide a forum to identify and resolve issues arising during project construction. BC Hydro and the City have also agreed to a dispute resolution process to support resolution of issues, if required. BC Hydro will provide administrative support for the committee.
7. BC Hydro and the City will support the health and wellness of the project workforce, through BC Hydro's annual pre-purchase of tickets for the use of Fort St. John recreation facilities for a total of approximately \$423,000 over the construction period.
8. Should the City decide to expand its boundaries, BC Hydro will support the application to include the 96 hectares of land at 85th Avenue.
9. BC Hydro will maintain a Community Consultation Office as a means of providing information to the public and stakeholders regarding procurement, employment, and construction activities.
10. BC Hydro and the City will coordinate regular monitoring of the city's drinking water source quality and quantity at BC Hydro's expense.

11. The City has confirmed its ability to access its rights to water from the reservoir as a potential future source of domestic water, if needed, and at no charge from BC Hydro.

TODAY

Though the project is now more than 18 months in, there is still a vocal group of community members opposed to the project. There are also people who are glad the project is there to provide jobs during the downturn in the oil and gas industry.

This experience has been a good one for City decision-makers. In the future there will be other projects that impact the community, and we now have experience and a starting place for negotiations. Protecting and promoting the interests of the community will continue as the industry around us continues to grow.

Fort St. John and Urban Systems together received the IABC Canada 2013 Award of Excellence – Silver Leaf for the City's Site C community engagement process.

Photos and graphics provided by City of Fort St. John.

PRESIDENTS LUNCHEON



REIBC's annual Presidents Luncheon was held on December 1 at the Four Seasons Hotel in Downtown Vancouver. REIBC President Greg Steves welcomed guests as they arrived while President-Elect Troy Abromaitis hosted the event as our emcee.

We were pleased to have had in attendance many distinguished guests, including Mayor John McEwen of the Village of Anmore, industry organization leaders, and a number of REIBC past presidents.

REIBC also hosted an SGM to approve required changes to the Societies Act.

This year's speaker was Jessica McDonald, president and CEO of BC Hydro. Her extremely informative presentation, "The World's Increasing Shift to Renewables—Where Does BC Fit In?", discussed the changes the world is making towards a permanent shift in the conversation and direction of renewable energy. McDonald explained that BC Hydro currently serves 95% of the BC population, and that with a projected growth of 1 million customers over the next 20 years, BC Hydro must continue to modernize and refurbish to accommodate demand. She spoke on the importance of greater efficiency while increasing safety, and guests learned that, at present, a quarter of the system is based on independent power systems.

After a delicious lunch, three prizes were drawn: two tickets to a Canucks vs. Philadelphia Flyers game were won by Randy Wenger, RI, property division manager at Metro Vancouver; two tickets to a Canucks vs. Montreal Canadiens game were won by Alfred Marchi, BCIT Real Estate instructor; two sets of five tickets to see the Vancouver Whitecaps were won by Edwin Ya, RI, managing broker at New Coast Realty.

This year we were again pleased to invite the second-year class of the BCIT Professional Real Estate Studies program. This would not have been possible without the support of our sponsors. Thank you to Premise Properties, Sutton Seafair Realty, VWR Capital, and W. Graham Allen for supporting these students.

As always, this event would not be possible without the support of all our sponsors. Thank you for your continued support! We look forward to next year's event and hope you will join us once more.



President Steves presents speaker Jessica McDonald with a certificate noting her donation to BC Professional Fire Fighters' Burn Fund in lieu of speaker fees.

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WEST COAST ENVIRONMENTAL LAW: SITE C DAM: THE BEST OPTION FOR NEW ENERGY BC DOESN'T NEED

Anna Johnston

Considering its size, Site C—BC Hydro's proposed third dam on the Peace River—remains an enigma with a long, tumultuous past. In May 2014, a joint BC-federal environmental assessment review panel (the Panel) issued its verdict on the proposal: the Site C dam would have significant environmental and social consequences that would be unfairly borne by locals, those costs could only be justified by an unambiguous need for its power, and BC Hydro has failed to prove that we need that energy, at least not on the timelines it proposed.

Despite these findings, and despite significant opposition (including lawsuits) from Treaty 8 First Nations and local residents, both the provincial and federal governments approved the project.

First identified as a potential site for hydroelectric development in the 1950s, Site C was reviewed by the BC Utilities Commission in 1983, which recommended that the project be shelved until BC needed its energy; BC Hydro explored other options. In 2012, the federal and provincial governments commenced a joint environmental assessment of the proposed dam and appointed the Panel to hold public hearings and inquire into its environmental, economic, social, health, and heritage impacts.

A series of grants from West Coast Environmental Law's Environmental Dispute Resolution Fund¹ helped the Peace Valley Environment Association (PVEA) intervene in the environmental assessment of Site C, which commenced in 2012. Along with my co-counsel, Tim Howard, I represented PVEA throughout the process.

The Panel agreed with a number of our points—including our core argument, which we summarized in our final submissions² to the Panel in February 2014 as follows:

The PVEA's message to this Panel is, at its core, a simple one. The Peace River valley is an irreplaceable natural asset. There is only one Peace River valley, and its soils, habitat and beauty can never be regained once it has been dammed and flooded. Such a loss should only be incurred if it is demonstrably clear that the larger public good will be served by that loss—if, in plain terms, it is absolutely necessary to do so. And the PVEA submits that BC Hydro has failed to meet that test. By any objective measure, the Site C dam is not needed, and is not the most cost-effective and least environmentally damaging means of meeting BC's future energy needs.

1 More information at <http://wcel.org/our-work/environmental-dispute-resolution-fund>.

2 Peace Valley Environment Association, Site C Joint Review Panel Hearing: Closing Comments of the Peace Valley Environment Association, February 3, 2014, <http://www.ceaa-acee.gc.ca/050/documents/p63919/98290E.pdf>.



A view of the Peace Valley from a lookout on Highway 29 between Fort St. John and Hudson's Hope (2014). Eighty-three kilometres of this valley will be flooded if the Site C dam is built. Caption info by DeSmog Canada; photo by Emma Gilchrist, DeSmog Canada (flickrCC/DeSmogCanada).



Top: Hudson's Hope view of the Peace River with one of two existing hydro dams (2007) (flickrCC/Province of British Columbia). Above: Flood waters will reach the level of Gwen Johansson's gate if the Site C dam is built on the Peace River (2014). Caption info by DeSmog Canada; photo by Emma Gilchrist, DeSmog Canada (flickrCC/DeSmogCanada).

In its report,³ the Panel's conclusion (strikingly similar to ours) was fourfold:

1. Site C would have significant environmental and social costs, to fish, wildlife, plants, residents, and users of the Peace Valley, First Nations, and archeological, historical, and paleontological resources;
2. Justification for Site C "must rest on an unambiguous need for the power, and analyses showing its financial costs being sufficiently attractive as to make tolerable the bearing of substantial, social, and other costs";
3. BC Hydro has not proven that BC will need Site C's energy, at least not as soon as BC Hydro has claimed; and
4. Even if BC needs additional energy at some point in the future, it may be possible to get that power from alternative sources like geothermal, which BC Hydro has been precluded from adequately exploring due to provincial policy constraints.

In other words, BC Hydro has not proven the "unambiguous need" for Site C that is required to justify its massive environmental, social, and economic costs, and a more in-depth examination into the need for the project—including the provincial policy constraints that shape BC's energy needs—should have occurred before the provincial and federal governments approved the project.

SIGNIFICANT COSTS OF SITE C

Site C, which would join the W.A.C. Bennett and Peace Canyon dams as the third major hydroelectric facility on the majestic Peace River, would flood an 83-kilometre stretch of the Peace River valley, destroying almost 16,000 acres of farmland in the traditional territory of the Treaty 8 First Nations. It would also displace residents, some of whose families have been homesteading there for generations. Unsurprisingly, the Panel found that a host of Site C's social and environmental impacts would be significant:

Site C is not an ordinary project. At \$7.9 billion [now estimated at close to \$9 billion], it might be the largest provincial public expenditure of the next twenty

3 Report of the Joint Review Panel – Site C Clean Energy Project, May 2014, <https://www.ceaa-acee.gc.ca/050/documents/p63919/99173E.pdf>.



Signs protesting the Site C dam are plentiful along Highway 29 between Fort St. John and Hudson's Hope. Caption info by DeSmog Canada; photo by Emma Gilchrist, DeSmog Canada (flickrCC/DeSmogCanada).

years... How one regards the economics of a large capital-intensive project depends on how one values the present versus the future...

Site C would seem cheap, one day. But the Project would be accompanied by significant environmental and social costs, and the costs would not be borne by those who benefit. The larger effects are:

- Significant unmitigated losses to wildlife and rare plants, including losses to species under the Species at Risk Act and to game and plant resources preferred by Aboriginal peoples;
- Significant unmitigated losses to fish and fish habitat, including three distinct sub-groups of fish preferred by Aboriginal peoples, one of which is federally listed as a species of special concern;
- Losses of certain archaeological, historical and paleontological resources;
- Social costs to farmers, ranchers, hunters, and other users of the Peace River valley; and
- Forced changes to the current use of lands and waters by signatories to Treaty 8, other First

Nations and Métis, whose rights are protected under article 35 of the Constitution Act, 1982.

These losses will be borne by the people of the valley, some of whom say that there is no possible compensation. Those who benefit, once amortization is well underway, will be future electricity consumers all across the province.⁴

The Panel held that the cumulative effects of these impacts, both in combination with each other and when considered in the context of the multiple agricultural, silvicultural, and industrial developments in the area, would not just diminish biodiversity in the Peace Region, but also result in a loss to world biodiversity and heritage. Indeed, it recommended that, whether or not Site C proceeds, due to the rapid pace of development in the Peace, one or both governments undertake a regional cumulative effects study and establish environmental thresholds for the region.

That study has not occurred.

In the case of agriculture, the Panel concluded that the loss of not only food production but especially farmlands, which in some cases have been in families for generations, "would be highly significant to the farmers who

4 Ibid., 307.



Esther and Paul Pedersen own a piece of land nearly directly above the proposed Site C dam just outside Fort St. John (2014). Caption info by DeSmog Canada; photo by Emma Gilchrist, DeSmog Canada (flickrCC/DeSmogCanada).

would bear the loss, and that financial compensation would not make up for the loss of a highly valued place and way of life.”⁵

In short, the Panel came to the unsurprising conclusion that Site C would cost significant environmental, social, and economic hardships, not all of which we can confidently foresee.

JUSTIFYING THE COSTS

While the Panel did not explicitly recommend whether or not the provincial and federal governments ought to approve Site C, it did caution against giving the project an automatic green light, given the significance of its costs. It stated:

The Panel was asked to present evidence that could lead to the justification of the environmental, social, economic, health, and heritage costs of the Project. Those costs are large, and governments in the past have been cautious about licensing projects with significant adverse residual effects. Justification must rest on an unambiguous need for the power, and analyses showing its financial costs being sufficiently attractive as to make tolerable the bearing of substantial environmental, social, and other costs.⁶

The Panel held that the cumulative effects of these impacts, both in combination with each other and when considered in the context of the multiple agricultural, silvicultural, and industrial developments in the area, would not just diminish biodiversity in the Peace Region, but also result in a loss to world biodiversity and heritage.

The test for whether BC Hydro should be allowed to build Site C, then, is an “unambiguous need” for the energy it would provide.

ENERGY NEEDS ARE NOT PROVEN

Assessing the “need” for Site C 20 years into the future (when it would come online) is a complex exercise. During that time public policy shifts, changes in the economic landscape affecting demand, plus unforeseen strides in the development and use of alternative energy

5 Ibid., 316.
6 Ibid., 308.



Site C construction at its one-year milestone (2016) (flickrCC/Province of British Columbia).

sources could fundamentally change the long-term need for the project. With all that in mind, the Panel referred to long-term utility forecasting as “an heroic exercise.” Will LNG in BC stall, sucking less energy from the grid than BC Hydro assumed in its forecasting? Will rate increases result in a drop in demand? Will Vancouverites have largely switched to solar in the city’s quest to be crowned the Greenest City in the World?

Ultimately, the Panel found that that better “demand-side management” (investment in energy efficiency rather than new power generation), or supply from other, better sources, may be able to stave off any additional power needs for years:

One major alternative should have been fully characterized many years ago. In 1983, the BC Utilities Commission advised BC Hydro to explore the promising geothermal resources in the Coast Range, near the load center. Little has been done. Since then, new geothermal resources have been discovered in the sedimentary rocks of northeast BC. BC Hydro now says 700 megawatts of firm power via geothermal resources may be available at competitive prices. They are, however, forbidden by policy to develop it. Development is reserved for independent power producers, none of whom have bid geothermal projects into the recent calls for proposals.

There are a number of other renewable alternatives available at costs comparable to Site C, but these

have been only roughly costed in the Environmental Impact Statement. As a matter of public policy, BC Hydro is not allowed to develop them and so has not invested much in exploration, research, and engineering. The consequence is that there is less confidence in the costs of the alternatives than with Site C; likewise, the understanding of the environmental costs of alternatives is necessarily generic.⁷

In the end, the Panel found that BC Hydro failed to prove that Site C is the answer to BC’s energy needs. It also questioned the credibility of some of BC Hydro’s calculations, describing its equity as “largely fictional” and its definition of its capital cost as “an accounting marvel.”⁸

The Panel recommended “that BC Hydro construct a reasonable long-term pricing scenario for electricity and its substitutes”⁹ and expose both its cost and load forecasts, as well as its demand-side management plan details, to the BC Utilities Commission for public and Commission scrutiny.

This last recommendation echoes formal requests West Coast and PVEA made in July 2013, both in a complaint¹⁰ filed with the BC Utilities Commission and

7 Ibid., 308.

8 Ibid., 297.

9 Ibid., 324.

10 Peace Valley Environment Association, “Complaint to the British Columbia Utilities Commission,” July 14, 2013, <https://keepingthepeace.files.wordpress.com/2013/07/complaint-to-bcuc-re-cpcn-13-07-14.pdf>.

an open letter¹¹ submitted with our allies to provincial decisionmakers.

Normally, Site C would have to undergo an in-depth review by the Utilities Commission, but the provincial government interfered with this process by passing an Order-in-Council and a provision in the Clean Energy Act that exempted the proposed project from this customary review. The BC Government explained the exemption as regulatory “streamlining.”¹² But the question is, which is a higher priority: pushing Site C through, or ensuring that ultimate decisions on this complex matter are based on a thorough understanding of its potential costs and benefits (in other words, looking before we leap)?

IN A NUTSHELL

The Joint Review Panel Report was clear: while Site C would provide relatively low-cost energy that BC may need at some point in the future, BC Hydro has not proven that need is imminent. There are also a number of uncertainties about BC Hydro’s assessment of the project’s costs and need that should be better understood before any decision is made, and other clean energy sources with less devastating impacts could potentially meet BC’s future energy demands but for the provincial policy constraints that prevent BC Hydro from exploring those options.

In other words, Site C would only benefit BC, albeit at significant environmental and social costs, if the province actually needed its energy, which it may not. That’s a big if, given its exceedingly high environmental, social, and fiscal costs.

At its core, the report’s message is that the dam should be a last resort. Given what is at stake—expropriation of lands, the shouldering of a significant financial burden (not to mention risk) by BC ratepayers, and the permanent drowning of a majestic river valley—the governments should halt construction and give sober second thought to whether better policies may give rise to better alternatives.

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RI

11 Peace Valley Environment Association et. al, “Open Letter Re: The Need for British Columbia Utilities Commission Oversight of the Site C Dam,” July 24, 2013, <https://keepingthepeace.files.wordpress.com/2013/07/ltr-13-07-24-open-pvea-to-premier-bb-et-al-re-bcuc-oversight-final-signed.pdf>.

12 BC Hydro, “Backgrounder: Modernizing the British Columbia Utilities Commission,” https://www.bchydro.com/content/dam/hydro/medialib/internet/documents/news/press_releases/clean_energy_act/background_bcuc_role.pdf.

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REIBC'S MISSION, VISION, AND VALUES

PRESIDENT GREG STEVES, RI



Every year our Board of Governors spends an entire day reviewing and updating REIBC's strategic plan. The plan sets out the Institute's work plan for the coming year and provides the Board's direction to our Executive Officer, Brenda Southam, to guide the day-to-day activities of the Institute.

One of the main reasons why strategic plans, and in fact organizations, fail is due to an unwillingness or inability to change. The ability to accept, embrace, and implement change needs to be guided by a clear understanding of the mission, vision, and values of the organization. The mission, vision, and values are critical elements of any strategic plan as they are providing the guiding foundation defining who we are as an organization and where we are going.

During last year's annual refresh of the strategic plan, we realized that a significant risk to the organization was that our mission, vision, and values had not been reviewed in many, many years. They are an important part of the planning process, and it was clear that they didn't necessarily reflect the current composition and direction of the Institute. As a result the Board convened a second planning day in December 2016, where we reviewed and updated our mission, vision, and values.

The new mission, vision, and values will form the foundation for the strategic plan the board will develop later this year. Key changes include recognition of the diversity of real estate professionals that make up our membership and the role each member plays as a leader within the sector and within a community. I'd love to hear your thoughts about the new mission, vision, and values. Drop me, Greg Steves, a note at president@reibc.org.

MISSION

The mission of the Real Estate Institute of BC is to be the premier real estate organization in BC by distinguishing its diverse membership through designation, recognition and professional development.

VISION

We will be the respected and trusted leader in the real estate industry by:

- Elevating the value and recognition of the RI designation
- Promoting excellence in real estate through professional development
- Anticipating trends to be responsive to our members
- Being a recognized contributor to the real estate body of knowledge
- Developing and maintaining strategic partnerships

VALUES

Integrity — Trustworthy professionals who are honest, reliable, respectful and always above reproach.

Expertise — Continuous improvement of the depth and breadth of knowledge of our members.

Diversity — Professional, cultural and geographic diversity

Transparency — Proactive, open and honest communication

Community — Collaborative mindset that fosters interaction, growth and increased professional expertise

A RESIDENT'S PERSPECTIVE: IMPACTS OF SITE C IN THE PEACE REGION (TO DATE)

Lita Powell, RI

The construction of Site C, a hydroelectric power plant, located in the Peace region, is one of the largest projects undertaken by the Province of BC. There are a number of positions that many of the residents have taken—some positive, some very negative and, of course, the middle of the road position where people feel that this development will not impact them.

Work undertaken at the site of construction has been actively going on for approximately 18 months and involves road work, slope clearing, and the building of a high-end camp for up to 1,800 workers. There has been a great deal of concern expressed by local residents of the Fort St. John area with regard to this development, regarding local infrastructure and maintenance, the environment, interruption of local traffic, employment, and the “very secret” land swap.





Site C construction activity in July 2016.

At this time, there appears to be very little direct positive financial impact from the construction of Site C. Of course, there are some homes within the community that have been rented, which is welcome news. The majority of these rentals will be short-term, but have nonetheless provided some relief to investors. But due to the very severe economic downturn from the end of 2014 to the end of 2016, as well as the rapid construction of approximately 1,500 units purchased by eager investors, the vacancy rate climbed to over 35% in the latter part of 2016.

There are also several local businesses that have seen the Site C development as a welcome boost to their very specific businesses. However, overall, very few businesses have seen a positive or direct benefit from the construction. With the projected construction period to take approximately 7.5 to 8 years, there will likely be more demand for the various services that are offered by the community of Fort St. John.

There are ongoing concerns expressed by many in the community, not only in the City of Fort St. John but also from residents and businesses within the Peace River Regional District, where the dam is being built. The first concern is the future lack of aggregate materials, which will impact road building, infrastructure improvements, and highway maintenance. Aggregate materials such as sand and gravel (all sizes) are typically found in former riverbeds and alongside river valleys. With the development of Site C, many of the local gravel pits will see their gravel being sold to the proponent of the dam and future pits will be buried by water when the valley floods. This means far more aggressive methods of finding gravel will be needed and the price of gravel will increase dramatically. The increase in price will have a serious impact on budgets with items that require gravel: replacement of city infrastructure (sewer and water lines, rebuilding of city streets, etc.), residential and commercial development (concrete), road construction (up to 37 km of new highway to replace the flooded areas of Highway 29), and highway maintenance, particularly during winter months when sand is necessary to address poor highway conditions.

Another major concern to the residents of Fort St. John and the surrounding rural and residential area is the air



All photos this spread: Site C construction at its one-year milestone (2016).

shed. In 2004, major studies quantified the air quality in the city and immediately surrounding areas, revealing that the air shed was at maximum capacity for fine particulate matter. Any further contribution of particulate matter to the air shed would have detrimental impacts on the health of residents in the area, particularly those with compromised breathing and those suffering from asthma and other related respiratory issues. These concerns have again been brought to the forefront as the development of Site C will involve a very long conveyor belt system that will transport aggregate and other fill material to the actual site of the dam. This will result in the addition of fine particulate matters to the air shed and may contribute to those with compromised breathing having to remain indoors during the movement of fill material to the site (no time frames have been provided, but it is anticipated this will last for many months, perhaps even years).

Other environmental concerns abound around the contamination of the river during construction—from failure to abide by silt mitigation standards and from putting large excavation equipment midstream, which adds carbon contaminants (oil and other pollutants from the equipment) to the water. BC Hydro has been cited by the regulatory authorities for these failures.¹ There have been no mitigation efforts to accommodate wildlife that is being impacted by the construction.

The increased traffic is having a serious impact on neighbours. These are the individuals who own land and live close to the development, but as their property was not to be impacted by the flood or safe lines, they were not offered mitigation of the impacts. The complaints that these neighbours are experiencing involve a dramatic increase of heavy traffic such as dump trucks loaded with large rocks and boulders. Regulations stipulate that such loads must be made secure with webbing or covers but many photographs indicate this regulation is not being met, raising fears of danger and damage to vehicular traffic. The increase of traffic is concerning due to lack of dust control and the speed of the traffic, which far exceeds the posted speed limits. The noise of the traffic is also concerning as there are many large trucks who use their Jake brakes, despite regulations prohibiting this, which is interfering with land owners' and homeowners' rights to quiet enjoyment.

Many local residents dispute the employment numbers that show up periodically on the construction site's news feeds. Despite the news feeds that appear to indicate that over 400 local residents are employed, many local residents question the validity of these numbers. There are far too many out-of-province vehicles parked at the construction site and in local apartment and hotel parking lots to verify the apparent large numbers of local hires. This is particularly concerning as the unemployment rate for the northeast exceeded 10.2% in December 2016.

¹ "BC Hydro cited for two infractions over Site C construction," *Alaska Highway News*, January 2, 2017.



We are in the middle of a typical winter, and many residents are questioning the size of their hydroelectric bills. In the northeast, residents receive a hydro invoice from BC Hydro and a natural gas invoice from their natural gas provider—either PNG or Fortis BC. The increases in the hydro rates, both basic and stepped service rates, show the rather dramatic increases. As residents read the news from Ontario about drastically high heating bills, their focus is sharpening on events closer to home as rates are increasing very quickly (the most recent being a 9% increase on the basic delivery charge). This emergency increase rate of 9% was apparently justified as there was not the anticipated demand from the large industrial consumers. However, as we have seen, large industrial consumers are now being offered a substantial reduction in rates, thus putting the pressure back onto the residential and small business rate payers. There is very real concern being raised as residents are starting to question how the dam is going to be paid for and how the huge infrastructure deficit that BC Hydro is carrying will be paid for.

Hidden from local eyes, land swapping is becoming an ever-increasing concern. In an effort to mitigate the impact of the loss of First Nations' access to their lands that will be flooded or caught in flood and safe zone areas, the Province is now involved in removing Crown lands from the public and granting them to First Nations. This is being done in complete secrecy as a "Nation to Nation" negotiation and the public is not involved in these negotiations. How strange, considering flooding

First Nations land should also have been a "Nation to Nation" discussion but this was done in the public realm through the consultation process. This secrecy is very unsettling to the local residents and should be of concern to all British Columbians. Of course, these issues may not come to be, but in the interim until such negotiations are made public, the residents of British Columbia must "trust" the Province. This is a stretch, considering the many broken promises to northern residents.

The full range of financial impacts has not been provided to residents and power providers in the region. This makes long-term projections very difficult to prepare. Looking at the Ontario experience, there are large power providers leaving that province and relocating to other jurisdictions where the cost of doing business is dramatically lower and far more predictable.

Future years may provide a benefit to the region, although this was not BC Hydro's goal. Its sole goal is to build Site C. Although there is an ongoing reference that Site C will provide clean, affordable energy to the residents of BC, it would appear that this will not happen until well after the year 2075 or when the dam is paid for. By then, most of the readers of this article will no longer have to pay the bill or care.

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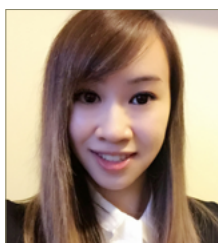


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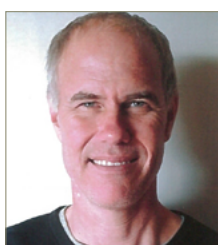
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