

# INPUT

LAND AND REAL ESTATE  
ISSUES IN BRITISH COLUMBIA

## Northeast BC





# INPUT

*Input* is the official publication of **The Real Estate Institute of BC (REIBC)**.

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## PRESIDENT'S MESSAGE



**CINDY NESSELBECK, RI**  
REIBC PRESIDENT

Welcome to the Spring 2023 edition of *Input*. I hope you will enjoy this issue which explores land and real estate matters in British Columbia's Northeast region.

The Real Estate Institute of BC plays a unique role in British Columbia's real estate sector. Our members can be found throughout the province, working in every segment of the real estate industry. And while our members provide a diverse range of real estate services, we all share a commitment to excellence in our industry.

The Board of Governors continues to prioritize initiatives that support the Institute's vision of a real estate sector composed of RI-designated professionals operating with the highest standards of integrity and expertise.

In 2023, the Institute will continue to offer many learning opportunities through topical webinars, the ProSeries, *Input Magazine*, commissioned research, and access to in-person events. While all of these benefits are included with a membership in the Institute, they are available for purchase by non-members. Our goal is to contribute positively to everyone in the industry.

We will also continue to promote our diverse RI-designated members to foster excellence in all practices of real estate. Planning is well underway for REIBC's 2023 Awards Night being held at Paradox Hotel in Vancouver on June 15. I invite you to join us as we recognize and celebrate the outstanding achievements and contributions of our RI colleagues.

Under the steady guidance of the Board of Governors, the Institute is well positioned to respond to changing environments in the coming year. This includes within our own organization as we bid a fond farewell to Brenda Southam and transition to the leadership of a new executive officer. I am deeply grateful for Brenda's significant contributions to the Institute. I extend my sincerest wishes to Brenda, and to all of you, for good health and success in the coming year.



COVER: Aerial of Northern Rockies Regional Municipality. Provided by NRRM, Artography by Tracey

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## FROM THE EO'S DESK



**BRENDA SOUTHAM**  
EXECUTIVE OFFICER  
AND EDITOR-IN-CHIEF

This Spring 2023 edition of *Input* is my final one as editor-in-chief, as I am stepping down as from my role as EO of REIBC. I've enjoyed my time and am proud of what the magazine has become over the last 16 years. When I started my career here, *Input* was 8-12 pages and had maybe one or two articles per edition. It has come a long way, baby! This edition is no exception. It focuses on Northeast BC and features authors who are experts in their fields—and this type of input (no pun intended) always makes for the best reading.

We hear from Anne Clayton, RI, who writes about the ALR and resource extraction. The issues in this region make for a specific situation—a “different beast” from other areas of the province. And Rudy Nielson, RI, writes about his experience doing business in the Northeast, particularly with ranch land. Rudy won last year's inaugural REIBC Award for Ingenuity and has done many a deal in this region he loves.

The region's municipalities are buzzing with activity, and we hear from the Northern Rockies Regional Municipality about its direction, including local world-class assets, forestry, and natural gas investment. From the City of Dawson Creek we hear about the economic landscape, housing, and its prime location in a region reliant on transportation and infrastructure. And Blueberry First Nations tell us about their new economic development arm, Blueberry River Resources, that is headed by Lori Ackerman, past mayor of Fort St. John. Our readers will know of Lori as she has written for past *Input* editions.

So many people to thank and a short word count. Thank you, John McLachlan of Lex Pacifica, for your ongoing contributions via our Ask a Lawyer column. And many thanks also to Shana Johnstone of Uncover Editorial and Design, *Input's* managing editor, who keeps us on track and ensures we have a strong magazine that we all want to read. Also, my thanks to Initial Print and Copy Center, who always gets it printed and distributed on time. And to all the advertisers and all of you who read *Input*, thank you for your many years of support.

To the members of the Institute, it has been a pleasure to serve you for the last 16 years. It has been a rewarding experience and I have met so many amazing people, learned so much from all of you, and am proud to say I was part of this organization.

Please help me welcome Christopher Hamade, the new EO. Christopher—I wish you all the best!

Take care, everyone. Look me up if you are ever in Saskatoon.

### ABOUT

*Input* was established in 1976. It ran at 12 pages and stayed that size for a long time. It was more like a newsletter then: when something new happened in the real estate industry, one of our RIs wrote about it, but the publication didn't cover much industry information otherwise.

Many years later, *Input* runs at an average of 48 pages, sometimes a bit bigger or smaller, and our authors hail from around the globe. Our focus is on keeping readers informed with all aspects of the industry, particularly hot topics.

REIBC delivers *Input* to 4,000 people or organizations within the real estate industry.

Who receives *Input*?

- REIBC members
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- PIBC members
- BC Notaries
- PAMA – Professional Association of Managing Agents
- SPA-BC – Strata Property Agents of BC
- Government ministries
- Real estate boards



## CONTRIBUTORS



**Mayor Darcy Dober** was born and raised in beautiful Dawson Creek. He is currently serving his first term as mayor, after having been elected as a city councillor in the 2020 by-election. He and his partner, Sasha, are raising four amazing children and Dober has been running successful businesses for over 20 years in three communities: Dawson Creek, Fort St. John, and Grande Prairie. Mayor Dober supports many community initiatives, including sports clubs, extracurricular activities, and various fundraisers, and has been involved in multiple service clubs over the last 25 years, including Rotary, Kiwanis, Shriners, and Masonic Lodge to name a few. He has also served as a director and board member for the Chamber of Commerce for 10 years, been involved with Dawson Creek Tourism, and served on the BC Northern Tourism Board. Mayor Dober is committed to his family values and is passionate about serving the community of Dawson Creek and the Peace Region. [dawsoncreek.ca](http://dawsoncreek.ca)



**Riley Brown, RE/MAX**, attributes his motivation and accomplishments to his strong roots in the Dawson Creek community. Born and raised in Dawson Creek, Riley holds much affection for the city where he has spent his entire life. Brown has actively sold real estate since he was 19 years old, and after more than 15 years since first starting he still has the same excitement and enthusiasm as he had on that first day. Brown has worked with many volunteer groups and for 10-plus years with the Dawson Creek Kinsmen. He has been a local business owner since 2015 and actively invests in local real estate. He plays hockey, baseball and soccer, golfs, and surfs. He and his fiancée have a daughter and another baby on the way in 2023. [dawsoncreekhomes.ca](http://dawsoncreekhomes.ca)



**Kevin Henderson** is the CAO of the City of Dawson Creek. Born and raised in Rolla, BC, Henderson has been a City staff member for 27 years and has spent almost his entire career in local government. He began in the CAD/Engineering department with a Civil Engineering Technology Diploma from Okanagan College, and he worked his way between Engineering, Public Works, Infrastructure, Operations, and Development Services departments, obtaining various management positions before becoming CAO. Henderson is married to the beautiful Tyra, and together they have two grown children, Hudson and Rachel. The Hendersons spend as much time as they can together, snowmobiling, skiing, hiking, boating, and enjoying the freedom of the Peace. [dawsoncreek.ca](http://dawsoncreek.ca)



**Rudy Nielsen, RI, FRI**, is the founder and president of NIHO Land and Cattle, one of British Columbia's largest private owners of recreational property. With NIHO, Nielsen has nearly 60 years of experience in buying, selling, managing, and developing all types of recreational property and real estate throughout the province. He is the founder and partner of Landquest Realty, a unique real estate company specializing in marketing rural, recreational, and investment real estate for sale throughout BC. Landquest Realty has a large database of listings ranging from small bare land acreages to large trophy ranches across all price ranges. In addition, Rudy is also the president and founder of Landcor Data Corporation, specializing in customized property data reports and one of the most accurate automated valuation models in Canada. Nielsen recently celebrated his fifty-fifth anniversary as an RI and in 2022 won the first-ever REIBC Award for Ingenuity. [niho.com](http://niho.com)

CONTINUED >

## CONTRIBUTORS



**Anne Clayton, RI, MBA, AACI, P.App**, is an appraiser in Dawson Creek, BC. Her boutique firm, Aspen Grove Property Services, provides full range appraisal, land consulting, and landowner advocacy services throughout the Peace River Regional District and Northern Rockies Regional Municipality. Aspen Grove's broad base of services included operating the Farmers' Advocacy Office from 2010 to 2019 for the Peace River Regional District. Aspen Grove prepares applications to the Agricultural Land Commission for landowners and advocates for landowners dealing with oil and gas surface rights issues, and her appraisal focus is rural: ranches, farms, and litigative support for landowners and their counsel in expropriation and surface rights matters. She has in the past made representation to government for region-specific changes to the Agricultural Land Reserve as part of a local Citizens for Agricultural Land Reform committee, and she strongly believes that one size does not fit all when it comes to the ALR. [aspengrovepropertyservices.ca](http://aspengrovepropertyservices.ca)



**Rob Fraser** is Mayor of the Northern Rockies Regional Municipality. He was born into a military family, and in 1975, his father retired and moved the family to Fort Nelson. Fraser graduated high school in Fort Nelson and worked in the petroleum and forest industries. He relocated to the Peace Region, working in health and safety, and called the community of Taylor home for 29 years, where he also served on the town's council for 20 years. Recently, Fraser and his wife chose to return to Fort Nelson, the community of their youth, where their children were born, and he was elected as mayor in 2022. "If you are interested in visiting our community for any reason, give me a call. It's getting busy here, but I'll find time to show you around. You can find my number on the community webpage or just ask at the town hall. They usually know where I am." [northernrockies.ca](http://northernrockies.ca)



**John McLachlan, RI, LLB**, is a lawyer at Lex Pacifica Law Corporation in Vancouver. His practice is focused on civil litigation with an emphasis on real property matters. McLachlan 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. [lexpacificacom](http://lexpacificacom)



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### WE WANT TO HEAR FROM YOU

Please let us know how you like the magazine, what you'd like to read about next, and if you'd like to be a contributing author.

Also, check out our Facebook and Twitter pages for up-to-the-minute information on REIBC activities.

[reibc.org](http://reibc.org)  
[info@reibc.org](mailto:info@reibc.org)



# OUTLOOK FOR DAWSON CREEK, PEACE CAPITAL

Darcy Dober, Kevin Henderson, and Riley Brown

**T**he City of Dawson Creek, incorporated in 1958, has been growing steadily around its agricultural roots since George Mercer Dawson first surveyed the namesake creek in 1879. The small agricultural town grew into a regional hub when the Northern Alberta Railways made it their western terminus in 1932. The US Army used the railroad to ship road materials up to Dawson Creek to build the Alaska Highway, and the iconic Mile Zero Post of this highway stands at a main intersection and gives the illusion of being a roundabout—commonly confusing visitors to this historical site.

Dawson Creek has been captioned “Capital of the Peace” for many reasons. It stands in the middle of Peace Country on many important transportation routes, including Highway 49 to Spirit River; Highway 97 South to Chetwynd, Prince George, and on to the Lower Mainland; Highway 97 North (Alaska Highway) through Fort St. John, Fort Nelson, and Watson Lake proceeding to Alaska; Highway 2 to Grande Prairie, Alberta; and Heritage Highway 52 through Tumbler Ridge. It is connected by rail to many parts of the province and has its own airport.



North Dawson Creek subdivision. *City of Dawson Creek*





Dawson Creek Visitors' Centre Art Gallery, 2003. *New Harvest Media Inc.*

With a 2021 census population of 12,323 and a relatively low provincial profile, one may think Dawson Creek an obscure community. A look at even a few recent developments in the area, however, modifies this idea. While remote, the city maintains a stable community, with facilities and projects far beyond what strict per capita measures would predict, in the middle of a political and economic landscape centred over the use of abundant Peace land and natural resources.

## ECONOMIC LANDSCAPE

Economic stimulants have been buzzing through the Peace for decades now, charging economies with change and growth. The oil and gas industry has been perhaps the most visible player, with Dawson Creek at times considered an honorary industry town due to its location in the Montney Basin (if not a true-blue industry town like neighbouring Fort St. John), though lacking the size and

capital that defines nearby Grande Prairie as a commercial and metropolitan centre. Instead of becoming overly invested in single-sector development, Dawson Creek has long been armoured by its history of homesteading, farming, logging, and facilitating access to the rest of the province. Agriculture still runs strong today, with active grain elevators, grain dryers, train schedules, and major suppliers such as Agro Source and John Deere.

The most obvious testament to the logging sector in the area is a Louisiana-Pacific Canada mill that produced oriented strand board (a building material similar to plywood) in Dawson Creek for over 30 years before using Natural Resources Canada's Investments in Forest Industry Transformation (IFIT) program funding to transfer its lumber production over to a high-performance siding product. And today, Dawson Creek's central location in the Peace region has helped facilitate a tourism industry with draws such as bus tours to Alaska, visits





Kiss concert, 2011. *New Harvest Media Inc.*



Bear Mountain Wind Park. *City of Dawson Creek*

from the Professional Rodeo Circuit, and world-famous music headliners performing to a 6,500-seat stadium.

Resource extraction overall plays an enormous role in the economic success of Dawson Creek. The Coastal GasLink pipeline, one of the most recent notable developments, runs 670 kilometres from Dawson Creek to Kitimat, employing over 6,000 workers and bringing a reported \$1.5 billion to local and Indigenous businesses along its path and approximately \$11 million in donations, to date, for northeastern communities and Indigenous communities. An hour-and-a-half drive from Dawson Creek, the district municipality of Tumbler Ridge operated as a purpose-built mining town and alternatively as a ghost town when coal prices fell off. The town has made many diversification gains since then, but it is notable for the Peace region that one of the coal mines will be made operational again soon.

The geography and low population density of the Peace region has also made it a crucial player in significant clean energy projects like the federally licensed “ecoEnergy for renewable power” Bear Mountain Wind Park—deemed by wind energy professionals to be one of the most beneficial wind projects in BC due to wind patterns and its proximity to the necessary infrastructure of roads, railways, and transmission lines. As well, the Site C Clean Energy Project, BC Hydro’s \$16-billion hydroelectric dam on the Peace River, is forecast to power 450,000 BC homes every year for 100 years or more.

While Dawson Creek is situated at the edge of the plains and the beginning of rolling hills, you only have to drive as far as Tumbler Ridge to find yourself in the

mountains. Apart from the previously mentioned coal mines, Tumbler Ridge has brought much attention to the Peace by capitalizing on its stunning topography to create a tourism destination—complete with a UNESCO-recognized global geopark—and a mountainous retreat for hikers, adrenaline junkies, dinosaur lovers, and photographers.

Fort St. John has always lived and breathed the oil and gas industry, Chetwynd is akin to a rural retreat even for those in the Peace, and Grande Prairie and Prince George are major hubs in the supply chain for goods and services lacking in smaller northeastern communities. All this to say, the City of Dawson Creek holds ground as a rounded agricultural-based community in proximity to a healthy portfolio of economic projects and—given the dispersed nature of most economic activities in Northeast BC—has the major advantage of transportation and infrastructure access. This is political, social, and economic lifeblood, and many government bodies, boards, and corporations maintain offices in Dawson Creek and set up outposts in the smaller and more remote communities.

## COMMUNITY AND GOVERNMENT STRUCTURE

Location and economic advantage places Dawson Creek at an important junction for other developments, such as the relationship between local governments and local First Nations. Mayor and Council work actively with First Nations as fellow governance bodies in the Peace. The Dawson Creek Chamber of Commerce has submitted policy proposals, one of which headlines in the BC Chamber of Commerce Policy Manual on the topic of Indigenous Reconciliation, calling on the provincial





North Dawson, 2009. *New Harvest Media Inc.*

government to help fund projects and working relationships between Indigenous and non-Indigenous businesses. How this will affect the community on a day-to-day basis is still to be seen, but it reflects a further development of the community as a hot regional topic unfolds within and around the city.

Also deepening in practice is the use of grant money to help northeastern communities keep step with the rest of the province. For example, the BC Hydro Peace Agricultural Compensation Fund recently approved \$180,000 in grant funding for agricultural economic activity projects in the Peace, and the Peace River Regional District recently approved funding to improve cell and internet services throughout the region.

As land use shifts throughout Northeast BC, each community has to shift with it. Dawson Creek has a long history of doing this well, grounded with agricultural and community-minded roots and folding in social and economic opportunities to make the most of its position. To put it broadly, most of the recent economic and political initiatives serve to energize the structure of Dawson Creek.

## HOUSING

Real estate trends in Dawson Creek have always been relatively slow and stable, mirroring the stability of the community. Real estate professionals in Dawson Creek note that the market tends to lag six to eight months behind the cutting edge of market trends, granting a buffer period of awareness and preparation and reflecting the fact that the City of Dawson Creek is not a housing-driven community. Real estate instead supplies and supports the larger needs of the community and does it with room to spare.

Of course, a trend of “slow and steady” doesn’t mean that the developments of recent years haven’t pushed house prices to new highs. Strength in the economy and increasing visibility of the low opportunity costs of buying land in Northeast BC have indeed been reflected markedly in housing sales. One trend noted is that people are migrating from Southern or Interior BC communities to more northern regions in search of competitive jobs and more affordable living. Selling a house in the Lower Mainland and buying in the Peace can mean, for some people, a debt-free life and lifestyle choices never known before. At the extreme end, anecdotal stories





include Europeans buying ranches in the Peace—huge areas of land that you could hardly put a price on in their own countries—and parents in Southern BC buying houses in Dawson Creek so their children can attend the local post-secondary institution and then enter the workforce, keeping the house as an investment.

Thankfully, as links keep developing between the Peace Country and the rest of the province, Dawson Creek has no foreseeable shortage of land for offer. While more densely populated communities have to push and shove the existing community to meet demands, Dawson Creek still has ample offerings within city limits to meet all comers without drastic changes to its Official Community Plan. Numerous hectares of residential, commercial, and light- and heavy-industrial lots sit unoccupied while the community ebbs and flows around them.

Even when Dawson Creek has chosen to reflect broader market trends—for example, in 2009–2010 there was a relaxation in development rules to allow for the construction of higher-density buildings and secondary suites—the market tends to flow back to a natural competitive advantage of land abundance. In this example, attempts to support high-density dwellings led to a greater stress

on utility lines, streets, and community character than the gain of dwelling spaces seemed to justify when there were suitable alternatives. The housing market in Dawson Creek remains, for the foreseeable future, driven by owners rather than investors.

In the supply of housing, infrastructure, and investment opportunities, the Dawson Creek maintains its ability to provide affordable land and adequate housing without drastic changes, proving that despite economic and social pressures it can remain stable with a relatively low cost of entry and, if compared to neighbouring communities, strong returns on capital investment. The community-buffered feel is a reassuring quality to those who have experienced the boom-and-bust of industry towns, the sluggish environment of communities lacking progress or change, or the market reactivity of major cities.

In 2023, the City of Dawson Creek looks to maintain a strong, healthy community while organizing itself for a future of greater economic diversity and the strengthening of corporate, government, community, and Indigenous collaboration throughout the Peace.

# GO NORTH, YOUNG RANCHER

Rudy Nielsen, RI

**N**ot so long ago, my land development company, NIHO Land & Cattle, was one of the largest private owners of recreational and rural property in BC, completing over 1,000 acquisitions in 20 years. During this growth phase I redeveloped thousands of acres all over BC and marketed my properties globally, based on my unique expertise as an appraiser, timber cruiser, and purchaser's agent. The expertise I built up was from what I call "the hard work" and getting out to travel thousands of kilometers of BC, including flying by helicopter the coastline from the Alaska border to Port Hardy . . . twice. My journeys also had me backpack, four-wheel drive, kayak, quad, and ride horseback over countless miles of wide-open acreage, coastal and boreal forests, rugged mountain ranges, deep valleys, and numerous lakes and rivers. I sure miss those days. There's nothing like a riding a quad in the backcountry!

Today, technology certainly makes it easier to tour the province in a matter of minutes, but it will never give you the breathtaking sights of our rugged backcountry—or the careful excitement of watching 800-pound grizzlies from 200 yards (and closer!).

While I love all the diversity our beautiful province has for us, it is the North that has provided me with the greatest memories and opportunities, and that is where my journey of nearly 60 years in the real estate business began, back in 1964 as a young residential realtor selling vacant lots in Prince George.

## WORKING IN THE NORTH

Understanding how to position a homogenous product like a vacant lot taught me what to look for and listen to when working to bring a buyer and seller together. Over time, my attention to detail, "keen eye for a deal," and lifelong desire for the next challenge led me into commercial real estate.

While in working in the North, I put together many land assemblies for shopping centres and a Safeway in Prince George, plus another Safeway in Smithers. It wasn't too

long after this when folks from all over the North were calling for my opinion on various real estate transactions, and while I couldn't be in six locations at once, my first real estate empire—Yellowhead Realty—was. It was a bustling set of six offices in northern BC, from Smithers to Prince George and down to Williams Lake. I had a great team of folks with me, many of whom I am still in contact with today, over 50 years later!

Having achieved a good measure of success through the 1970s, I began to crave a new business challenge. Could I apply the same principles I used in the residential real estate market to the rural/recreational one? Fast forward to 1972, when I earned my RI, this designation which started me down the path I am currently on. No longer just a residential realtor, I now had the ability to open many doors as an appraiser and eventually as a real estate investor and developer.

The educational foundation the RI provided to me taught me how to value more complex real estate holdings and determine if the opportunity to buy was a sound investment. Throughout BC and specifically the North, I bought up old ghost towns such as Ferguson, Walhachin, Sheep Creek, and Nashville, cleaning up the old townsites and reselling lots to RV and fifth-wheel vacationers. I also provided valuation advice (and data from my timber cruise) when I worked on behalf of a large accounting firm and their client West Fraser for potential mill site acquisitions in BC.

One of my favorite investment opportunities came not as a sale, but rather from acting as a purchaser's agent when I sold the molybdenum mining town of Kitsault, near Prince Rupert, that emptied out following the dramatic drop in value of that resource. In under 90 days I appraised, marketed, and sold this "unsellable town" through a strategic sales and marketing plan which was picked up by 27 newspapers across Canada, including both the *Globe & Mail* and *Financial Post*—the same picture and same story, on the same day.

All this said, my true passion has long been rural and recreational real estate—buying and selling—and along the





way I have been engaged with many ranches in BC, either by way of submitting an appraisal, advising on valuations, or simply walking the land with the owner to discuss ranching strategies. A couple of my more memorable experiences are from providing valuation for the Douglas Lake and Quilchena ranches. What a tremendous thrill to walk in the footsteps of all those cowboys over the past 100 years who worked these ranches—and of those who still do. If you have never been up to either location, or others like the O’Keefe, Guichon, and Alkali, you’re missing out on a great piece of our living history.

## NORTH BY THE NUMBERS

The central and northern parts of BC have long been my favourite—to invest in and to live in. When looking at parcel sales (min. 10 acres), areas of the Cariboo through to the Peace and North Coast regions continue to be the most active, accounting for close to 200 unique property sales per year, with a high-water mark in 2021 of 331 transactions (Table 1).

Quite often these transactions represent large ranch sales, which are made up of multiple titles. When working with prospective ranching clients, in addition to providing guidance around the “proper price,” my expertise has helped save my clients tens of thousands of dollars around complex issues dealing with water—stock water licences, impacts of pasture rental and freshet, and more. As well, I ensure that the proper ownership structure is

set up to minimize the impacts of the Property Transfer Tax.

Over the course of the 10-year period noted in the sales table, I have seen a shift in buyer origination. Earlier in the 2010s, most of the buyers were coming from within BC, looking to acquire more land to expand their ranching operations and to increase capacity for growing feed crops. In recent years I’ve noticed that the buying groups are forming up into two major players. There are still the BC buyers, but they are mostly active in the smaller ranch/ranchette parcels. The other main buying group is for the large parcels, and I am seeing a few key players here: American investors and ranchers; the prairie ranchers, notably those from Saskatchewan; and the folks associated with the land conservancy movement.

Players in the conservancy movement, like Parks Foundation and BC Parks, have been doing great work securing prime properties throughout BC so that future generations of British Columbians can have the opportunity to enjoy these recreational lands well into the future.

In fact, as I was transitioning from land holder and investor to land consultant, I sold some of my final (and prime) recreational parcels to Parks Foundation and did so at a nice discount. The piece I sold to Parks Foundation was one of the crown jewels in my land hold portfolio: 780 acres of beautiful property in the Pitt Lake area, including acres of both lakefront and riverfront property.

**TABLE 1:  
MOST ACTIVE AREA BY YEAR IN CENTRAL AND NORTHERN BC WITH PARCEL SALES OF 10 ACRES OR MORE**

AREA	SALE YEAR	NUMBER OF SALES	TOTAL VALUE	TOTAL ACRES
WILLIAMS LAKE RURAL	2012	174	\$28,401,932	17,662
FORT ST JOHN RURAL	2013	150	\$39,287,810	32,253
FORT ST JOHN RURAL	2014	272	\$71,322,494	68,616
WILLIAMS LAKE RURAL	2015	223	\$56,574,245	19,108
WILLIAMS LAKE RURAL	2016	244	\$69,649,585	14,756
WILLIAMS LAKE RURAL	2017	186	\$52,028,626	9,584
WILLIAMS LAKE RURAL	2018	222	\$66,838,088	13,861
WILLIAMS LAKE RURAL	2019	173	\$51,939,739	10,832
WILLIAMS LAKE RURAL	2020	207	\$67,341,045	12,604
WILLIAMS LAKE RURAL	2021	331	\$128,908,334	16,685
WILLIAMS LAKE RURAL	2022	185	\$90,360,298	10,336



## ONLY IN THE NORTH

When I worked for the BC Ministry of Forests in the 1960s, I would practice a technique that I now know is called “slipping.” With a piece of string and a shoelace, I could catch a live blue grouse. I was pretty good at slipping, so I never hurt a grouse, and I always released it unharmed.

Normally, when I caught a blue grouse and released it, it would fly off into the nearest tree branch and watch me from there, or it would continue flying into the forest. Bo-Beep, however, was not like the others.

To catch Bo-Peep I snuck in underneath him, chirping like a grouse, dangled the noose just underneath him, and then started to make agitated grouse sounds. Bo-Beep, like all the other grouse I have caught, stuck his head through the noose and was yanked straight down off his tree limb. I removed the noose, checked to see that he wasn’t hurt, and then turned him free. But instead of flying off, he cocked his head and looked at me. I walked right up to him and picked him up off the ground. He didn’t struggle, but started to chirp contentedly.

I knew he wasn’t hurt, so I think that he must have still thought that I was a friend, rather than a predator. The behaviour also meant that he was an extremely stupid grouse, and any bird this stupid would become wolf, coyote, or owl bait in very short order.

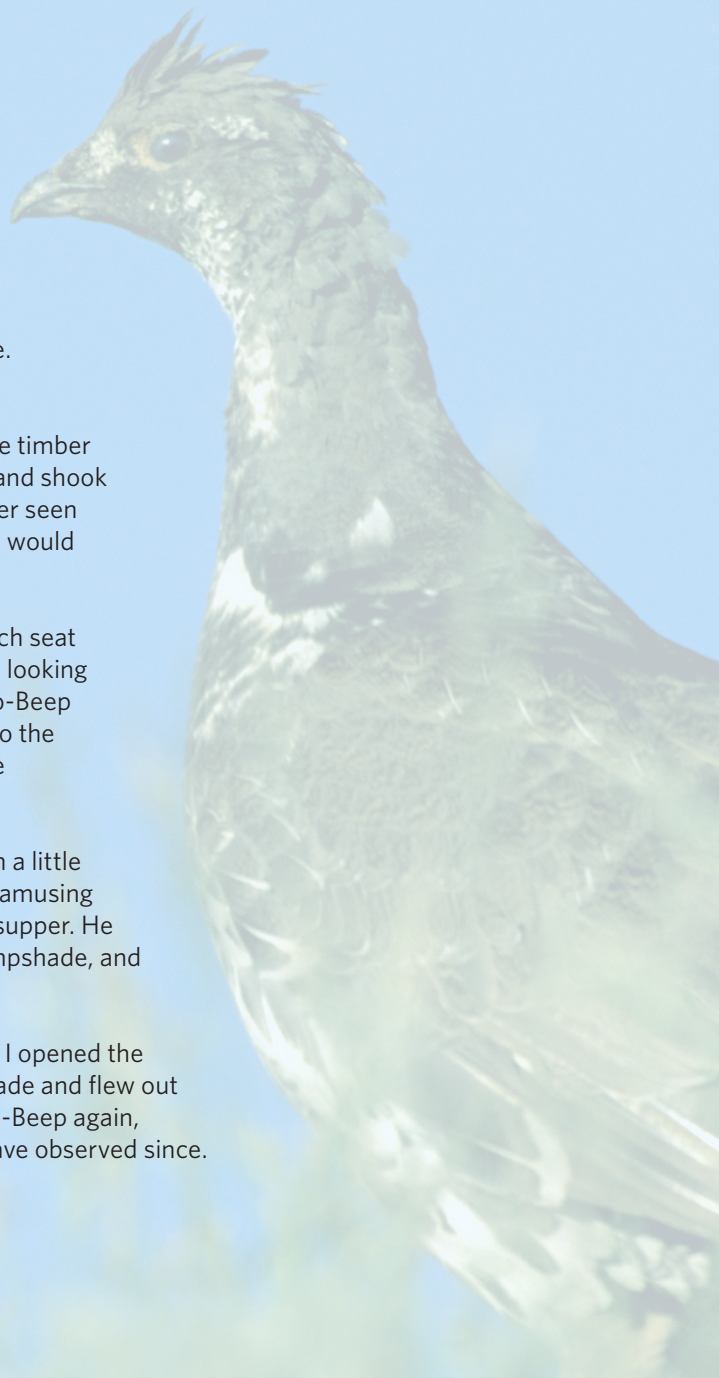
Well, I couldn’t just leave him there, so I opened my shirt, tucked him in so that his head was sticking out of my shirt, and went back to work for the rest of the afternoon blazing trees. I thought that eventually he’d fly away, and I tried to let him loose a couple of times, but he didn’t leave. He just sat there, extremely happy.

Over the next few days, Bo-Beep came with me as I finished the timber cruising job I had been hired to do. My tent mates watched us and shook their heads. They thought he was really something. They’d never seen anything like it! When it came time to leave, since Bo-Beep still would not fly away, I decided to take him home with me.

When I took him to my Jeep, he flew right to the top of the bench seat and perched there. He sat there all the way home, chirping and looking out the window at the passing scenery. Once home, I picked Bo-Beep up from the bench seat and carried him into the house (much to the surprise of my wife), where he flew to my lampshade and made himself comfortable.

After that, where I went, Bo-Beep went too. I provided him with a little saucer of water from which he would drink and splash around, amusing us all. He even came with us when we went to my parents’ for supper. He would fly into the house, make his way over to my mother’s lampshade, and sit there and chirp and doze until we were ready to leave.

But Bo-Beep was a wild bird and had his own agenda. One day, I opened the front door to my house, and Bo-Beep took off from the lampshade and flew out through the door into the nearby forest. Though I never saw Bo-Beep again, sometimes I imagine I see him in the faces of all the grouse I have observed since. I have never come across another grouse quite like Bo-Beep.







Pitt Lake area property, sold to Parks Foundation.

While I could have maximized my profits by selling to other buyers, having the land go to Parks Foundation at a significantly reduced price was something I was happy to do.

However, regardless of buyer type, I have really noticed an uptick in the type of questions they are asking, which are beyond what the data is telling them. For example, I was working with a buyer a few years back looking to acquire multiple parcels on an island south of Prince Rupert. Having walked this island (and many thousands of other parcels), I was able to provide unique topographical, floor-to-canopy insights and historical context to the subject properties and explain how all these subjective points presented opportunities. The connectivity between the spreadsheet data and my personal expertise on rural/recreational lands in general, more specifically on the subject properties, helped my buyer close on a price that provided him with great value. It was nearly 60 years of expertise that allowed me to do this.

Today, folks who are looking to escape the city life will often ask me where “the best place” is to buy acreage in BC to start up a small ranch or farm.

My answer has not changed in the past 10 years and likely won’t change in the foreseeable future: Look to the North, the Peace River specifically, as well as mid-BC and the Kootenays. These beautiful regions of our province have some of the best land for cattle and reasonably

good land for grain crop, and the quadding is pretty good too!

In the 65 years since I left Prince George to take my first job as a timber cruiser, through the many years of rural/recreational land advisory work, I can honestly say that I continue to be bullish on rural/recreational land, despite all the doom and gloom in the headlines about the real estate market. If there’s one thing I have learned as an RI over my many years in real estate it is that before I get invested into a deal, I follow these three key steps: 1) research; 2) research; and 3) research! You read that right. If you invest the time in understanding the risks and rewards in any deal, then the ideal location, location, location will be very clear.

I also want to say that over the past 55 years as an RI, there has never been a better executive officer of REIBC than our good friend Brenda Southam, and I will miss seeing her at all of the great RI events. Like all things with me, there’s a great story for how we first met and, as a result, became fantastic colleagues.

By the way, as for investing in the North, consider the advice given to me back in 1964 when I first got started: “Don’t wait to buy land. Buy land *and wait!*”

*Photos provided by Rudy Nielsen.*



# ON THE JOB



## ANDREW TONG, RI

**CHIEF INVESTMENT OFFICER,  
CONCERT PROPERTIES AND  
CONCERT REAL ESTATE  
CORPORATION**

**MANAGING DIRECTOR,  
CONCERT INCOME  
PROPERTIES**



### WHAT DO YOU DO IN YOUR PROFESSIONAL ROLE?

As CIO, I am responsible for leading the strategic planning and key operational activities of Concert's income portfolio (office, industrial, market rental, and affordable housing) across Canada, currently valued at over \$3.8 billion. These activities include acquisitions, dispositions, asset and portfolio management, term financing, residential and commercial leasing, and property management. In addition, I oversee Concert's residential condominium land acquisitions nationally.

As the managing director, I am responsible for executing and managing the performance of our open-ended limited partnership real estate fund, currently valued at over \$2.7 billion. This includes leading capital raising and investor relations with the fund's dedicated Canadian pension fund and institutional investors.

Every day there is something to solve, to mediate, to assess risk on or to decide. No one day is the same, which always makes it interesting! There is much to be gained through communication, collaboration, and finding consensus to ensure everyone is moving in the same direction. As well, one of the highlights of my job is mentoring our team members and helping them advance Concert initiatives.

### WHAT PREPARED YOU FOR THIS ROLE?

Having a UBC Bachelor of Commerce degree in Urban Land Economics gave me a great foundation to work in real estate. Additionally, my 28 years working at Concert and leading teams or transactions have provided great insights, track record, and an extensive network to support my current role. However, in addition to a supportive family, I have been blessed by the influence of key mentors and role models. Two people who I owe a great deal to are Dave Podmore and my father.

Dave (also an RI) took a chance on me and hired me at Concert 28 years ago. Dave is truly an exceptional leader—his ability to delegate, empower and keep you accountable is masterful. It has been my privilege to work for such a mentor and someone I look up to on so many levels.

I was very close to my father, now passed away from cancer. He was a man of the highest integrity, humble and thoughtful. He loved his wife and children deeply and, as a Chinese immigrant to Canada, worked multiple jobs to provide for his family. He was a proud Canadian.

### WHAT DO YOU FIND CHALLENGING ABOUT YOUR WORK?

The battle of work-life balance! Sometimes there is just not enough time in the day to complete all the things you wanted to get done (both professionally and personally). I have learned that you need to adapt, be flexible, and prioritize.

### WHAT DO YOU ENJOY ABOUT YOUR WORK?

I feel a deep sense of fiduciary responsibility to be a good steward of the capital which our pension fund and institutional investors have entrusted us with. These pensioners and unit-holders are counting on us to protect and manage their holdings in real estate. Our job is to deliver value over the long term—we cannot let them down!

### WHAT DO YOU WISH PEOPLE KNEW ABOUT THE WORK YOU DO?

Creating long-term sustainable value requires patience, hard work, discipline, and strategic thinking. Real estate is a long game with multiple stories on how they end.

### ARE THERE COMMON MISUNDERSTANDINGS ABOUT THE WORK YOU DO?

Often when I meet soon-to-be university graduates, there is a belief that real estate is an easy and quick money-making business. Many young people do not know what a down market is like.

### WHAT GOALS ARE YOU WORKING TOWARD?

Growing our income portfolio and managing risks in these uncertain times, continuing to mentor our teams and cooking with, and for, my family more!



# THE ALR IN NORTHEAST BC— A DIFFERENT BEAST INDEED

Anne Clayton, RI







Fields near Farmington, BC, with oil derrick in the distance, 2018.  
flickr/jmmcbeth

Farmland throughout BC faces pressure from expanding urban development, whether for housing, commercial developments such as shopping centres, golf courses, or light-industrial use. The pressure on farmland in the Peace is different. Population growth is slower, so there is very little pressure from expanding urban development. Here, pressure on farmland results from oil and gas development on rural land, including on cultivated farmland.

## OIL AND GAS

Because most of northeastern BC is within the Western Canada Sedimentary Basin (Figure 1), pressures on its agricultural land are different than elsewhere in the province. The basin is a massive expanse of sedimentary rock, which extends from Northeast BC through Alberta and Saskatchewan and into Manitoba. It contains one of the world's largest reserves of petroleum and natural gas and supplies much of the North American market. It lies beneath all types of land, much of which has good soil capability and is suitable for agriculture. While a landowner will have title to the land, the majority of subsurface petroleum and natural gas resources in British Columbia is owned by the Province. Private industry has been able to develop these resources by entering into a tenure agreement with the Province.

Although “sales” of subsurface rights to the highest bidder were held monthly by the Province, that process was suspended in July 2021 after the Supreme Court of British Columbia released its decision in *Yahey v. British Columbia*, 2021 BCSC 1287. The Court ruled that the rights of the Blueberry River First Nations under Treaty 8 in Northeast BC had been infringed upon by the cumulative impacts of industrial developments, including forestry, oil and gas, renewable energy, and agriculture, within Blueberry's traditional territory.

Despite this moratorium, there is extensive historical and continuing development on existing tenures throughout the Peace—enough to have a serious impact on agricultural land. As a result of this activity, one striking difference between the Agricultural Land Reserve (ALR) in the Northeast and the rest of the province is the existence of a delegation agreement whereby the Agricultural Land Commission (ALC) delegates approval of oil and gas activities within the ALR to the Oil and Gas Commission (OGC). You may wonder if this could be a case of the fox guarding the hen house.

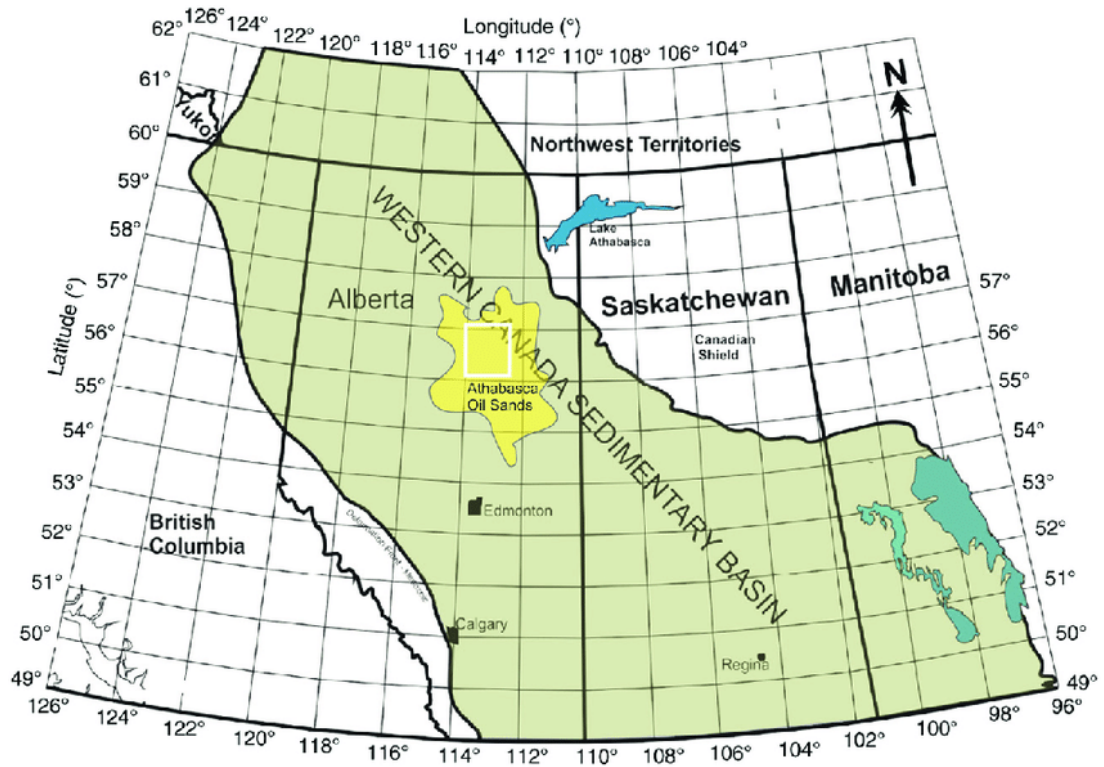


Figure 1: The Western Canada Sedimentary Basin (modified after Grasby et al., 2011).  
 Credit: Ellie Ardakani and Douglas Schmitt (2016). [https://www.researchgate.net/figure/Areal-coverage-of-the-Western-Canada-Sedimentary-Basin-modified-after-Grasby-et-al\\_fig1\\_305923206](https://www.researchgate.net/figure/Areal-coverage-of-the-Western-Canada-Sedimentary-Basin-modified-after-Grasby-et-al_fig1_305923206)

## Montney Wet and Dry Gas Regions

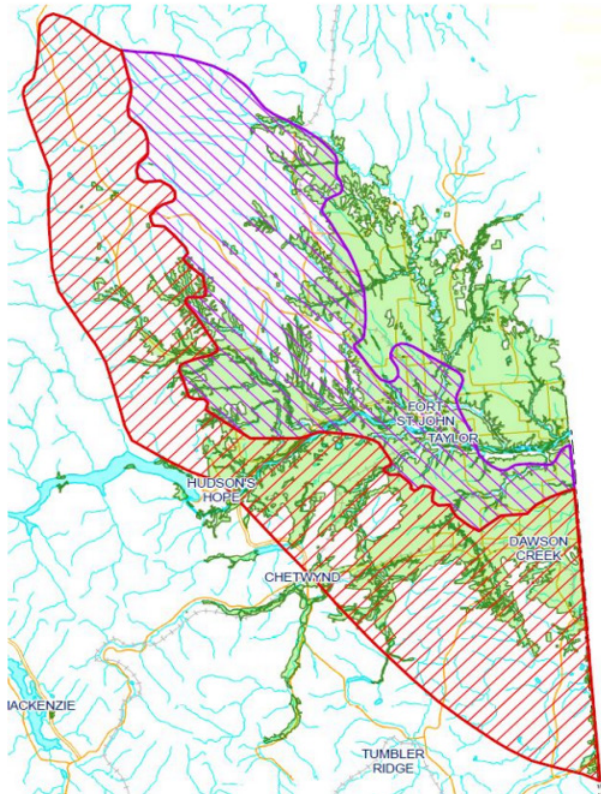


Figure 2: Overlay of gas extraction areas superimposed on the ALR in the Peace region (Montney Play). Dry natural gas is at least 85% methane. Wet natural gas contains some methane, but also contains liquids such as ethane, propane, and butane. *Agricultural Land Commission*



The OGC describes itself as “a single-window regulatory agency with responsibilities for overseeing oil and gas operations, refineries, and geothermal development in British Columbia.”<sup>1</sup> It goes on to say, “From exploration through to final reclamation, we work closely with communities and land owners, and confirm industry compliance with provincial legislation. We also ensure there are close working relationships with Indigenous peoples.”<sup>2</sup>

The current delegation agreement (2017) provides that oil and gas facilities of less than 49.42 acres (20 hectares) per section (sections are 640 acres or 259 hectares) do not require permitting for non-agricultural use. Facilities resulting in over 49.42 acres in a section do require such permitting, and that authorization has been delegated to the OGC.

The delegation agreement provides guidelines for the OGC when siting, with the objective of first determining that the activity cannot reasonably be located on non-ALR land, and where this is not feasible, to minimize the impact of the proposed activity. This places a great deal of trust in an agency that is committed to regulation of the oil and gas industry.

The Montney Play is currently the most active gas exploration and extraction area. Figure 2 shows it superimposed over land in the ALR in the Peace region. What does this look like on the ground? Let’s look at Farmington, a rural community 24 kilometres north-west of Dawson Creek. If you search on Google Earth, it appears that there’s not much at Farmington, but it has sufficient population to support an elementary school, a community hall, parks and recreation areas, and a store with gas pumps. This is contrary to a widely held belief that oil and gas extraction take place in remote, unpopulated areas.

Located in Farmington, Section 27, Township 79, Range 17 is a section comprising four separately titled quarter-sections of 160 acres each. In 1995 there was no oil and gas activity on the land. In 2023 oil and gas activity is occurring throughout the 640 acres, and on adjacent properties as well. Oil and gas activity on this section includes multi-well facilities with 24 to 30 wells on each, compressors, gas processing plants, waste disposal, pipelines, sumps, waste disposal sites, loadout sites, and roads to accommodate industrial traffic. While pipelines are mostly underground, it is important to note that there are restrictions on crossing pipelines with heavy agricultural equipment and building within specified distances from pipeline rights-of-way.

Figure 3 shows the extent of the development on Section 27. Well drilling is not only vertical, but directional, as illustrated by the direction drilling lines.

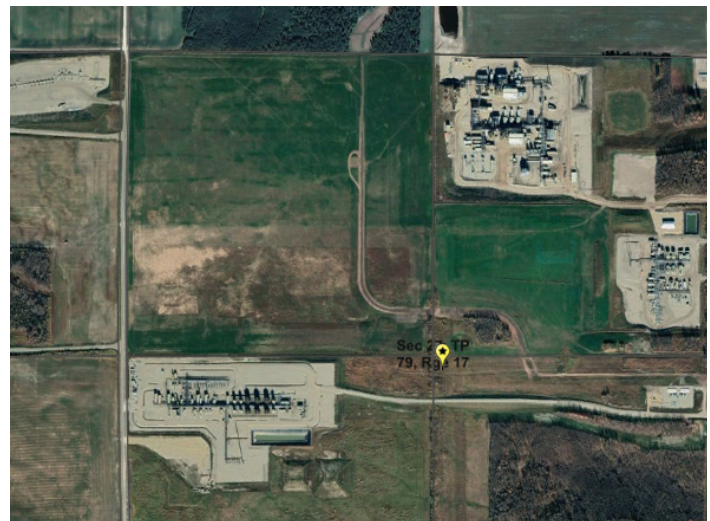
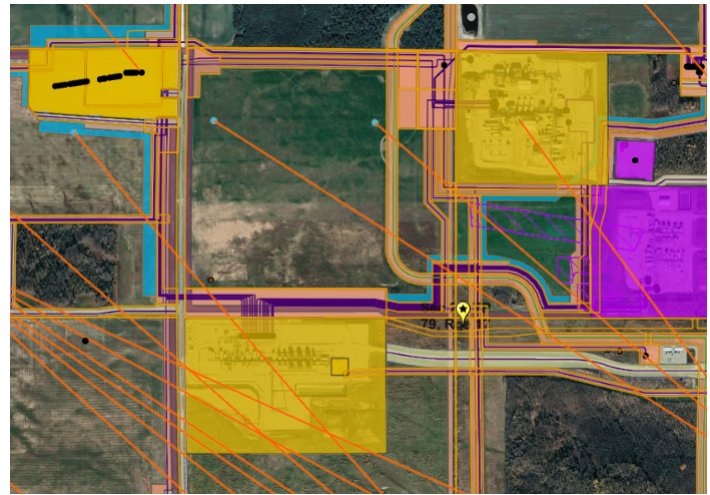


Figure 3: Section 27, Township 79, Range 17 and surrounding land; 2021 Google Earth image with (top) and without (above) 2023 OGC layers. Google Earth, CNES/Airbus, Maxar Technologies



Figure 4: Multi-well facility in Section 27. Google Earth and Digital Globe

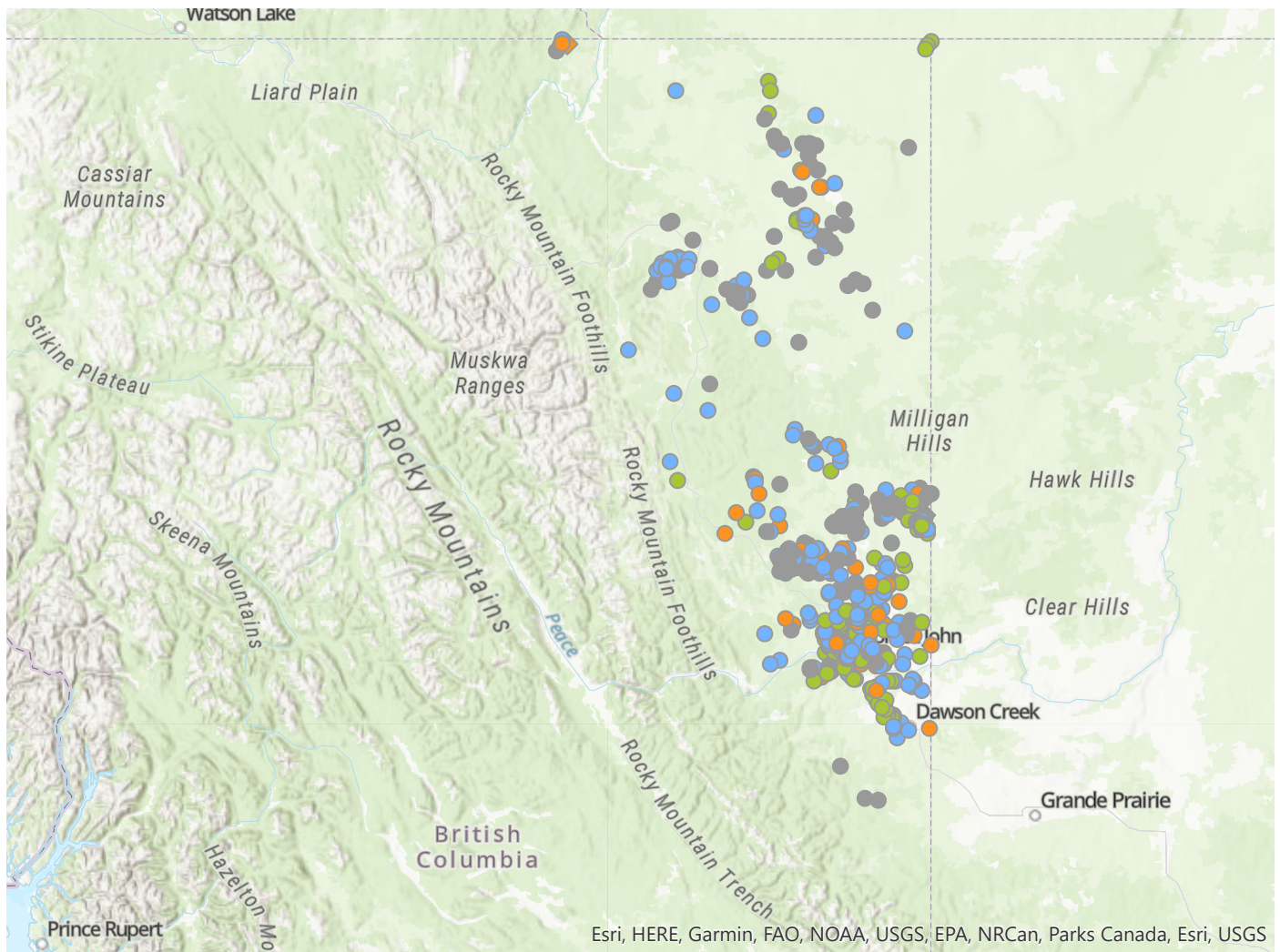


Figure 5: Distribution of orphan sites. Distinct colours represent differing states of reclamation. Most sites are on agricultural land.  
<https://www.bccgc.ca/what-we-regulate/oil-gas/orphan-sites/>

The ALC and OGC philosophy of oil and gas activity on agricultural land is that such use is temporary and that it will be reclaimed and returned to agricultural use. As can be seen from the aerial view of a multi-well facility in the southwest quarter of Section 27 (Figure 4), reclamation will be an extensive undertaking. Oil and gas tenures are typically 20-year leases, with further 20-year renewal provisions. In other cases, the proponent will simply purchase the quarter section (or more) for the facility. Multi-well facilities are developed over several years, so that fracking, noise, light, and traffic is ongoing and presents major disturbance and disruption of farming activities.

There are numerous negative oil and gas impacts on land within the ALR, including disturbance, loss of soil resource, interruption of field patterns and isolation of producing lands, change in drainage patterns, admixture of soils when topsoil and overburden are removed for storage then returned when a project is complete, subsidence over pipelines, cumulative effect of multiple pipelines and installations, a reduction of land capability, contamination, and failure to reclaim to an agricultural standard. This is not to mention the issues of increased

traffic, noise and light pollution, earth tremors, buildings shaking, wells running dry, water dugouts breaching, air quality, and the dangers associated with sour gas (hydrogen sulphide). In fact, students at Parkland Elementary School in Farmington were coached to shelter in place in the event of a sour gas incident from nearby oil and gas activity.

Although the OGC has an orphan site reclamation fund to remediate sites abandoned by defunct operators, unremediated sites are still frequently encountered in the field, on agricultural land, particularly in older oil and gas fields in the North Peace (Figure 5).

In January 2018, the Minister of Agriculture established an independent advisory committee to provide the provincial government with strategic advice and policy guidance. Arising from the 25 recommendations of that committee, the Deputy Minister Task Force for Agriculture and Oil and Gas in Northeast British Columbia was established. One of the items it was to consider is “whether the delegation agreement between the ALC and the BC Oil and Gas Commission is the correct approach or if there





Figure 6: Site C Dam, 2017. flickr/Jason Woodhead

is an alternative approach that would better protect the agricultural interest and restore confidence in the regulatory system over the long term.”<sup>3</sup>

Input on the item was being accepted until April 17, 2020, but I am unable to locate a final report—only the invitation to “Please check back for updates on the work of the Task Force, including the future publication of a fact-based background report.”<sup>4</sup>

Perhaps it is another matter on hold as a result of the Yahey decision. Meanwhile, the delegation agreement remains in effect. On paper, due diligence is in place to protect agricultural land, but in the view of many agricultural landowners, that is not the case on the ground.

### **SITE C HYDRO-ELECTRIC PROJECT**

The second striking difference between the ALR in the Northeast and the rest of the province is the quantity of agricultural land taken out of production to accommodate construction of the controversial Site C Dam (Figure 6).

The Peace River Valley has always enjoyed a unique microclimate conducive to growing crops that cannot be grown successfully in other parts of the Peace region—corn and watermelons, for example. The temperature in the valley during the growing season is on average nearly three degrees Celsius higher than on the plateau, and the growing season is three to six weeks longer in terms of frost-free days. Unfortunately, land used for such agricultural activity will be under water, due to reservoir flooding.

The Site C project will result in the largest exclusion of land in the 40-year history of BC’s ALR. Much of the Peace River Valley is prime agricultural land, comprising either Class 1, 2, or 3 soils on the Canada Land Inventory Soil Classification. Site C’s flooding of approximately 11,400 acres (4,612 hectares) in the valley will cause the loss of this high-quality soil, most of which is Class 2, which can grow a wide range of crops, including grain and oilseed. This does not include land lost to road realignment and other ancillary land uses.

In practical terms, the impact on agriculture and ranching has been devastating. Not only is the Peace River Valley being flooded, but so are downstream portions of creeks and rivers that feed into the Peace, including Cache Creek, Lynx Creek, Farrel Creek, and the Halfway River. The inability of cattle to access water, and the loss through flooding of Crown grazing land has made ranching non-viable for a number of long-established ranching operations.

Land stability has been an issue, particularly for the residents of Old Fort, a community on the banks of the Peace River, south of Fort St. John. Due to landslides in 2018 their land was to be the subject of a geotechnical review commissioned by the Peace River Regional District (PRRD). PRRD has now been named as a defendant, along with the Province (Ministries of Transportation and Highway, and Energy, Mines and Petroleum Resources), BC Hydro, and Deasan Holdings Ltd. (operator of Blair Pit Mine), in a lawsuit by 35 Old Fort residents. The action was filed on January 18, 2021, and as a result, PRRD has suspended the Geotechnical Hazard Area Study.

According to BC Hydro, “Site C will provide 1,100 megawatts of capacity, and produce about 5,100 gigawatt hours of electricity each year—enough energy to power the equivalent of about 450,000 homes or 1.7 million electric vehicles per year in B.C.”<sup>5</sup> However, in times of growing concern about climate change, sustainability, and the need to preserve agricultural land for future generations, many people question the need for this project. As temperatures increase further south, agricultural land—particularly prime Class 1 and Class 2—is a precious commodity.

## INFLEXIBLE ALR POLICIES

Many Peace residents find the following dichotomy to be disturbing:

- On the one hand, more than 40,340 acres (16,325 hectares) of agricultural land are in use for oil and gas activities (excluding pipelines), of which 26,865 acres (10,872 hectares) are in the Peace River Block,<sup>6</sup> and more than 11,400 acres (4,612 hectares) of agricultural land in the Peace is being lost to the Site C dam.
- Yet on the other hand, restrictions on subdivision within the ALR are one-size-fits-all for the entire province. Meanwhile, in the Peace region, where agricultural parcels are large (typically 160 acres or larger), subdivision of agricultural land is limited to a one-time home site severance only if the property has been in the ownership of the applicant prior to December 21, 1972, and there is

an agreement to sell the remainder of the parcel. This of course results in a dwindling number of homesite severances for retiring farmers who wish to remain on the farm but sell the remainder to a family member.

Across the border, in Saddle Hills County, Alberta, farmland use is much more flexible, with recognition that a wider variety of uses can be compatible with farmland in its Agriculture A District.<sup>7</sup> Saddle Hills uses a Rural Farmland Assessment rating (RFA) system. For land with an RFA rating of 27% or less, subdivision of three lots, plus the unsubdivided balance of the quarter section, is permitted. For land with an RFA rating of 28% or more, subdivision of one lot plus the unsubdivided balance of the quarter section is permitted.

The Saddle Hills model allows more flexibility to the next generation of farmers wishing to be active on the family farm but have their own land and homesite. The recent ALC regulation change allowing a second dwelling on the unsubdivided land does not provide this flexibility. A benefit of the Saddle Hills model is that it does not depopulate the rural farming communities and keeps rural schools viable.

The Agricultural Land Reserve in Northeast BC is not particularly effective in preserving good-quality farmland, and it does not provide opportunities for family farms to flourish. Instead, by its restrictive subdivision policies it encourages large corporate farm operations.

## CONCLUSION

With the pressures of oil and gas activities, and the loss of prime farmland to the Site C Dam, the ALR in the Peace is a different beast indeed. The Province needs to develop policies that will encourage preservation of agricultural land and opportunities for next-generation farmers.

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# TOP 10 THINGS

YOU NEED TO KNOW ABOUT WORKING AS A REAL ESTATE PROFESSIONAL

**RI** Designated  
Real Estate  
Professional



AVAILABLE AT: [WWW.REIBC.ORG/WHITE-PAPERS](http://WWW.REIBC.ORG/WHITE-PAPERS)



*Congratulations to the*

## 2022 Land Awards Winners

**Wayne McCrory**  
Land Champion

**Taylor Wale**  
Emerging Leader

**Tsilhqot'in Wildfire Management Project**  
Project: Land Use and Conservation

**Water for Fish**  
Project: Fresh Water

**Tea Creek Farm**  
Project: Food Lands

**First Nations Home EnergySave**  
Project: Built Environment

**Radon in Real Estate**  
Project: Real Estate



ASK A LAWYER

# THE COASTAL GASLINK PIPELINE: A CONFLICT OF VALUES

John McLachlan, RI, LLB, and Andy Lee, JD

**T**he Coastal GasLink Pipeline (CGP) is a \$6.6-billion, 670-kilometre pipeline that will carry natural gas obtained by hydraulic fracturing in northeastern British Columbia to be exported to Asia. The CGP is composed of eight sections, with the first section being the easternmost section and the eighth section being the westernmost section; it starts at Dawson Creek and ends at Kitimat. The CGP has received approval from the Province of British Columbia and 20 First Nation Councils have signed agreements that support the project.<sup>1</sup> It is expected to be completed by the end of this year.<sup>2</sup>

Projects such as the CGP necessarily present a tension and conflict of societal values. With one perspective there is the promise of economic benefit, while the other perspective contemplates the perils to the environment and human health. One controversial aspect of the CGP is the use of hydraulic fracturing, which has been controversial due to its possible impacts on the environment.

From a legal perspective, the CGP raises interesting questions about the right of access and environmental regulatory issues with respect to violations of its environmental assessment certificate.<sup>3</sup>

## WHAT IS FRACKING?

Hydraulic fracturing, also known as fracking, is a technique for extracting natural gas from shale rock. A well is drilled down into the soil of an extraction site. Once sufficient depth is reached, the well is drilled horizontally.<sup>4</sup> Then, a fluid composed of water, sand, and other chemicals is injected down the well at high pressure into the

shale rock. Natural gas that is released flows up the well, where it can be collected.

Fracking generates debate and has been banned in some jurisdictions such as Germany and France.

Proponents of fracking point to the increase of recoverable resource estimates and increased production of oil and gas.<sup>5</sup> Fracking provides an alternative method of recovering oil and natural gas from rock formations that were previously uneconomical to develop.<sup>6</sup> Fracking is thought to contribute to the lower cost of natural gases.<sup>7</sup>

Certain critics of fracking are concerned with the potential effects on the environment. These concerns include groundwater and surface-water pollution, air pollution, greenhouse gas emissions, and increased risk of earthquakes.<sup>8</sup> The exact constitution of the fracking fluids is problematic because, in some cases, the exact composition of the fluid used for fracking is not disclosed.<sup>9</sup> Please note that in British Columbia, natural gas producers are required to report all fracturing fluid.<sup>10</sup> Fracking also uses a substantial amount of water.<sup>11</sup> For example, the Canadian Association of Petroleum Producers says that on average, a fracking operation uses 5,000 to 30,000 cubic metres of water.<sup>12</sup> Other critics of fracking point to the potential effects on human health such as respiratory problems, problems during pregnancy, and spills and accidents.<sup>13</sup>

The use of fracking itself presents a conflict of values, as it provides economic benefits through recovering natural gas that was previously uneconomical to recover, but





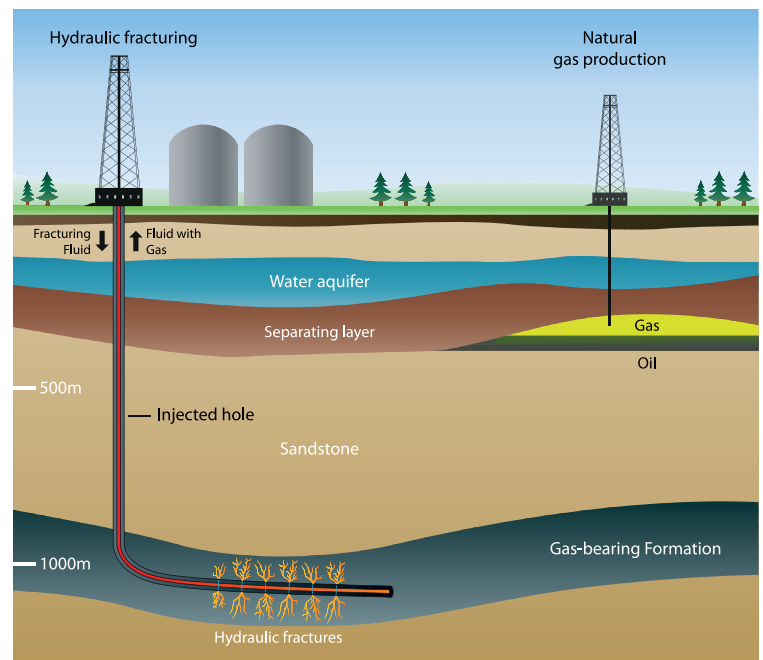
also creates potential issues with respect to environmental implications and impacts to human health.

## QUESTIONS OF ACCESS

Central to the CGP is the question of access. In *Coastal GasLink Pipeline Ltd. v. Huson*, 2019 BCSC 2264 (“Huson”), on paragraph 51, the defendant’s perspective was that the Wet’suwet’en people, as represented by their traditional governance structures, did not give permission to Coastal GasLink Pipeline Ltd. to enter the traditional unceded territories in which sections 7 and 8 of the CGP are located.<sup>14</sup>

All necessary provincial permits and authorizations were obtained for the CGP project.<sup>15</sup> Questions pertaining to access arise in particular because of sections 7 and 8 of the CGP. Section 7 is crucial to the CGP, as Coastal GasLink Pipeline Ltd. has said that the only feasible access point for section 8 is through section 7.<sup>16</sup>

Here, one can see the issue with respect to access, which brings into focus broader questions of law with respect to the interaction between Wet’suwet’en law and settler law. The court in *Huson* said that the aboriginal title claims of the Wet’suwet’en remained outstanding and have not been resolved by either litigation or negotiation.<sup>17</sup>



Top: Coastal GasLink Pipeline route under construction. <https://www.coastal-gaslink.com/about/approved-route/>

Above: Hydraulic fracturing compared to natural gas production. *Wikimedia/medicalstocks*



Premier John Horgan tours LNG Canada site in Kitimat, BC, January 17, 2020. LNG Canada is a large industrial energy project that will build and operate a terminal for the liquefaction, storage, and loading of liquefied natural gas (LNG) in the port of Kitimat. It will export LNG produced by the project's partners in the Montney Formation gas fields near Dawson Creek. *flickr/Province of BC*

Consequently, the question of the Wet'suwet'en's aboriginal title claims remain unresolved and is a live conflict.

## REGULATORY ISSUES

The CGP is primarily regulated under the *Oil and Gas Activities Act* and the British Columbia Environmental Assessment Office (EAO). The BC Oil and Gas Commission reviews and assesses applications for industry activity, consults with Indigenous groups, and works to ensure that there is compliance with provincial legislation.<sup>18</sup>

There have been environmental regulatory issues with respect to the CGP. The EAO has provided multiple orders and fines to the CGP. The EAO's authority comes from the *Environmental Assessment Act*, SBC 2018, c. 51 (EAA). At the time of writing, the EAO has done more than 50 inspections and issued 17 orders<sup>19</sup> and three fines. All three fines relate to the same environmental issue that has not been satisfactorily addressed. In particular, this issue pertains to concerns of erosion and sediment control.

Section 60 of the EAA allows the chief executive assessment officer to issue an administrative penalty.

In February 16, 2022, a penalty of \$72,500 was issued to Coastal GasLink Pipeline Ltd.<sup>20</sup> This was issued because Clause 1 of Order EN2020-011 required the CGP to:

*Control the risk of sediment transport to Environmentally Sensitive Receptors by implementing the following:*

- (a) Stabilize exposed surface material and subsoil during and after Project works where potential for erosion exists;*
- (b) Plan and install erosion and sediment control measures before, during and after Project works; and,*
- (c) Maintain these measures during and after Project works to ensure they continue to function as intended.*

On May 2, 2022, a penalty of \$170,100 was issued to Coastal GasLink Pipeline Ltd.<sup>21</sup>

On January 18, 2023, a penalty of \$213,600 was issued to Coastal GasLink Pipeline Ltd.<sup>22</sup>

The environmental regulatory issues are apparent. The CGP has been fined three times for the same issue of not protecting sensitive waterways and wetlands from sediment and erosion. The concern here is the possible detrimental impact onto water quality and fish habitat.<sup>23</sup> On January 25, 2023, the EAO issued an enforcement action that said that while these issues were outstanding, recent inspections have shown improvement.<sup>24</sup> Regardless, the status of sediment and erosion from the CGP remains a live issue to be monitored, as these issues have been known for well over a year.





Solidarity Rally with the Wet'suwet'en, February 7, 2020. flickr/Peg Hunter

## CONCLUSION

The CGP project represents an interesting case study in the conflict of societal values: environmental concerns versus economic incentives. These values often necessitate a balancing act. In the CGP project, arguably, the balance has shifted to the side of the economic incentives.

The CGP project remains an important situation to monitor from a consideration of balancing societal values as well as the legal questions that the CGP project evokes with respect to access and regulation. What do we make of the interaction between Wet'suwet'en laws and settler law? What do we make of the regulatory issues associated with the CGP project? The CGP project may be fruitful in providing answers to these legal questions.

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# ORGANIZATION PROFILE

## BLUEBERRY RIVER RESOURCES



Blueberry River Resources Ltd. has been created as an independent entity to advance Blueberry River First Nations' economic priorities and provide opportunities for sustainability and self-sufficiency for its members, now and for generations to come.

Blueberry River Resources (BRR) is a wholly owned subsidiary of the Blueberry River First Nations, incorporated in September of 2022. The governance structure includes a board of directors made up of the Nations' Chief, a councillor, two independent directors, and the CEO. BRR's values are in alignment with the Nations' core values of respect, pride, inclusiveness, and responsibility. Blueberry River First Nations is in northeastern British Columbia and is a member of the Treaty 8 First Nations.

BRR's group of companies currently consists of Aso's Danaetl ' Adze Kwa LP (Grandmother's Greenhouse), focused on restoring the land with indigenous plants, and Dane-zaa Kaa'Gaa Tee (Land Restoration GP Ltd.), a corporation that will show leadership in land restoration projects to showcase Blueberry River First Nations' land restoration department by healing the land with Indigenous Knowledge. Beyond this, BRR will seek to engage in other opportunities.

Blueberry River First Nations is at the forefront of establishing Indigenous Treaty and Land Rights. With new leadership and a strong commitment to change and progress, BRR is dedicated to collaborating with industries, partners, and government to create a balanced approach to development, while respecting culture and the rights of our members.

Recently, BRR has been contributing our knowledge at multi-sector forums. In January of this year, CEO Lori Ackerman participated in the 2023 BC Natural Resources Forum—Western Canada's largest multi-sector resource conference, bringing together First Nations, government, and the natural resource sector to discuss opportunities, solutions, and success stories—where she brought her extensive experience in business management, resource development, community infrastructure, and stakeholder engagement to a panel discussion on Progressive



Indigenous Business Initiatives. In February, Ackerman joined Indigenous and industry leaders for a plenary session, Indigenous Leadership and Co-managing BC's Forests, at the Association of BC Forest Professionals 2023 Conference. There she joined Lennard Joe of the First Nations Forestry Council and Chief John French, Takla Lake First Nation, for a discussion about the increasingly prominent role of First Nations communities, groups, and tribal councils in the development and management of BC's natural resources. These leaders offered their perspective on the significance of tenure ownership opportunities to their Nations, their vision for tenure and resource management, and successes and challenges related to their positions as stewards and managers of the resource.

BRR sees a future that acknowledges the culture of Blueberry River First Nations and is looking forward to creating a future for the generations to come.

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# NORTHERN ROCKIES —WE'VE GOT IT!

Rob Fraser

**N**orthern Rockies Regional Municipality (NRRM) is on the rise, and we are very excited about the future of this municipality, unique in the province. Though incorporated in 2009 as the only regional municipality in British Columbia, it is far from having a short history. In fact, Fort Nelson was established in 1805 when fur traders built the first fort on the Liard River. Of course, the reason for the fort was to trade with the Indigenous communities in the region who already had a rich cultural heritage dating thousands of years. This trading relationship established community ties and family friendships that still exist. The Fort Nelson First Nation and Prophet River First Nation have traditional territories that cover the entire regional municipality, and we are proud to work with these communities and call them friends.

## WORLD-CLASS ASSETS

Our municipality has roughly 220,000 square kilometres of the most remote and pristine real estate in the province, and it is full of natural resources and opportunity. We are working diligently with the Nations to find the right balance between environment and economy for these world-class assets. The Northern Rockies is split by over 600 kilometres of Alaska Highway on its way to the Yukon and 140 kilometres of Highway 77 to the Northwest Territories; the dominant route for the supply of goods to the Yukon and Alaska is through our community.

With 10% of the provincial land mass, the Northern Rockies offers wildlife interactions from wild bison to Arctic weasels. These experiences are a result of the incredible wilderness and vast habitat available for these











species to survive. The NRRM is attached directly to the Muskwa-Kechika area that is often referred to as the Serengeti of the North. The Liard River Basin contains rivers and mountain ranges that are breathtaking.

If you are not excited yet, let's talk about the community infrastructure. The crowning jewel of the town is the relatively recently built \$50-million recreational complex that houses a best-in-class swimming facility and climbing wall as well as the more traditional skating and curling rinks. There are community parks and walking, skiing, and riding trails throughout the community. The town maintains a vast road network and excellent water and wastewater systems.

### RESOURCES TO SPUR GROWTH

You may have heard that the economic situation in BC's north has slowed considerably. It is true that it has been difficult since world commodity prices have dropped and housing starts have declined over the last decade. However, there is a bright future ahead. BC, Canada, and indeed the world are looking for the resources available to us in our back yard. Environmentally responsible economic growth is available to us and we are exploring every lead. A 2021 study on NRRM labour and economics revealed three areas for significant regional growth: forest manufacturing, LNG distribution, and new clean energy.

The forest tenure has been reallocated, which bodes well for the redevelopment of that industry. The NRRM along with partner Fort Nelson First Nation have been awarded the largest community forest in the province, with an annual allowable cut of roughly 200,000 cubic metres of deciduous and softwood timber. The two communities have created the Community Forest Corporation and have set its mandate to act as a catalyst for regional economic development. Fort Nelson First Nation has received a further forest tenure bringing the total to over 2,000,000 cubic metres of annual allowable cut. The Nation is working hard with its partners to explore this economic opportunity. As the working forest diminishes in other areas of the province, this access to the only growing tenure is a boon for this region. Significant



investment has been made in determining the best use of the fiber with at least one final investment decision pending.

The tragic situation in eastern Europe and the move to reduce the carbon footprint around the world has increased the demand for natural gas. The NRRM is sitting on top of two world-class shale gas deposits. The Horn River Basin and the Cordova Gas Field are among the largest gas fields in North America. With increasing commodity prices for natural gas, these areas will start to become viable for investment and development.

While major natural gas investment decisions are on the horizon, the NRRM's proximity to northern markets has produced economic results in the area of distributed liquified natural gas. LNG produced in Fort Nelson is already being delivered to markets in the Yukon and Alaska, to displace diesel generation of electricity. Our access to gas and the existing highway infrastructure creates a great opportunity to reduce both cost and carbon emissions to the end user.

Another highly anticipated project in the region is the geothermal energy project being developed by the Fort





Nelson First Nation. The potential renewable energy source will add to the provincial energy mix and open a world of opportunity for local development. This project repurposes a natural gas development into a clean geothermal energy source. The potential spin-off developments could include the use of residual heat for commercial agricultural greenhouse operations. Preliminary results on the project are promising.

## ON THE REBOUND

Fort Nelson has been seen by some to be “just a wide spot on the road to Alaska.” Due to its location, and from a transportation, agriculture, and tourism perspective, it is much more than “a wide spot.” Transportation of goods and people has always been central to the sustainability of business and communities throughout the north. Given the location of Fort Nelson as the end of the railway and as a service centre for transportation along the Alaska Highway, the community is a hub of activity and can grow this advantage. The environmental and climatic conditions of this region are capable of sustaining large-scale commercial agricultural operations with market opportunities in the north and around the region. Finally, the natural pristine environment across the breadth of the Liard River Basin can deliver world-class eco-tourism experiences.

Our communities have been forward-looking. We understand the importance of being active in our own redevelopment and the rebuilding of our economy while recognizing the sustainability of the natural assets around us.

The community has a Regional Economic Strategy that will guide our efforts toward maintaining and growing a sustainable community.

People are starting to recognize the opportunities and work being done to revitalize the region. Real estate values bottomed out in 2016 with sales of \$5.8 million, but in 2021 we saw a sales total that was triple the 2016 value; residential sales volumes in 2021 were \$18.7 million. The housing inventory is strong in all categories, including rental accommodations. There are residential, commercial, and industrial properties available for development within the “town” boundaries. Agricultural land is available and affordable at this time.

Fort Nelson is truly on the rebound, but perhaps the best reason for investing or relocating to the Northern Rockies is that the people in this region are a joy. The entrepreneurial spirit and hard-working nature of our residents is alive and well. The willingness to get involved and lend a hand to those in need is second to none, even for a community that has been on hard times for a decade. The workforce is skilled, trained, and educated. The collaboration between the communities is growing, and true reconciliation will happen at our local level. We get involved in and enjoy watching both hockey and traditional hand games together, and that says it all.

*Photos by Artography by Tracy.*



# MEMBER PROFILE

## RICHARD VINING, RI

ARTICLING STUDENT  
HORNE COUPAR LLP



Richard and son Rowan. *Richard Vining*

### WHAT WORK DO YOU DO PROFESSIONALLY?

As an articling student at a firm with a broad range of practice areas, I work with the lawyers on files relating to real estate conveyancing and residential and commercial tenancies, corporate law and securities, trusts, wills and estates, family law, and anything else I can lend a hand with. I do a lot of legal research, review case law, draft documents, work on legal opinions, review documents, and witness document signings.

Working in law is challenging as it deals with complex issues, so I never have a boring day at work. But the thing I really love, and the reason I set out to become a lawyer, is that the work directly benefits our clients in a tangible way, whether that is making sure a house purchase goes smoothly, or helping a client plan to provide for their loved ones in the future.

### WHAT DID YOU LEARN FROM A JOB YOU HAD EARLY IN YOUR CAREER?

Prior to switching into law, I worked for just under five years as an appraiser with BC Assessment. I worked on a number of portfolios, including residential property, farm status administration, and commercial and industrial valuation for various

areas of Vancouver Island. I learned a lot, including both professional and soft skills. But one of the most important lessons I learned was that you can disagree with someone and still be collaborative with them while you resolve an issue.

### WHERE DO YOU VOLUNTEER AND WHY?

I was a volunteer legal observer during the Coastal GasLink protests at the Legislative Assembly. The protests involved a lot of contentious issues that weren't necessarily mine to grapple with directly, but I felt strongly about nonetheless. Volunteering as a legal observer to help ensure others could uphold their democratic right to organize peacefully without being abused was a way I could support those who were trying to have their voices heard.

### WHAT ARE YOUR PROFESSIONAL AND PERSONAL ACHIEVEMENTS?

In both my previous career with BC Assessment and my current role as an articling law student, I have been able to help people resolve issues that were important to them. My principal (supervising lawyer) once told me, "You don't suck." I hope to finish my articling requirements and be called to the bar later this year.

My spouse, Christina, and I are the doting parents of a very sweet and ridiculously cute 15-month-old goofball named Rowan, and balancing the early days of parenthood with finishing law school during the pandemic is likely the greatest personal achievement I will ever have. It was also only possible with a great deal of support, for which I am very grateful.

### WHAT WOULD OTHERS BE SURPRISED TO FIND OUT ABOUT YOU?

I live in Victoria, and I'm currently working on restoring a 1907 Tudor Revival home. It was converted to an apartment building in the fifties and neglected ever since. It is now a multigenerational living experiment, home to my immediate family, my father, and a couple of lovely tenants.

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