

**DISTRICT OPERATIONS – BUSINESS SERVICES**  
**Reporting to Public Session, Tuesday, September 25, 2018**

**1. SFU Stormwater Management Covenant Bylaw, 2018**

The Burnaby Board of Education operates University Highlands Elementary School on property leased from Simon Fraser University pursuant to the terms of a ground lease. The City of Burnaby has requested that the Board and SFU grant a stormwater management covenant in favour of the City pursuant to Section 219 of the *Land Title Act* for the purpose of ensuring the provision, utilization, maintenance and three-year monitoring of the Storm and Ground Water Management System. The covenant includes a consent and priority agreement by which the Board consents to the granting of the covenant and the registration of the covenant in priority to the lease. The granting of the covenant and the priority agreement will not interfere with the Board's use of the property for educational purposes.

The Buildings and Grounds Committee has reviewed the request for the stormwater management covenant bylaw and the priority agreement and recommends approval by the Board of Education.

Recommendation

It is recommended that SFU Stormwater Management Covenant Bylaw, 2018 receive three readings at this Board meeting and final adoption in accordance with the Board's Procedural Bylaw as follows:

- |          |   |
|----------|---|
| Motion 1 | THAT SFU Stormwater Management Covenant Bylaw, 2018 receive three readings at this Board meeting held September 25, 2018. |
| Motion 2 | THAT SFU Stormwater Management Covenant Bylaw, 2018 be read a first time.   |
| Motion 3 | THAT SFU Stormwater Management Covenant Bylaw, 2018 be approved a first time and read a second time.                      |
| Motion 4 | THAT SFU Stormwater Management Covenant Bylaw, 2018 be approved a second time and read a third time.                      |
| Motion 5 | THAT SFU Stormwater Management Covenant Bylaw, 2018 be approved a third time.   |

Motion 6      THAT SFU Stormwater Management Covenant Bylaw, 2018 having been read a first, second and third time, be finally passed and adopted the 25<sup>th</sup> day of September, 2018; that the Chair of the Board and the Secretary-Treasurer be authorized to sign the bylaw; and that the bylaw be sealed with the corporate seal of the Board.

THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 41 (BURNABY)

SFU STORMWATER MANAGEMENT COVENANT BYLAW, 2018

WHEREAS section 65 (5) of the *School Act* provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board only by bylaw;

AND WHEREAS pursuant to Section 96 (1) of the *School Act*, “land” includes any interest in land, including any right, title or estate in it of any tenure;

AND WHEREAS:

- (i) The Board of Education of School District No. 41 (Burnaby) (the “**Board**”) operates the University Highlands Elementary School on property (the “**Property**”) that the Board leases from Simon Fraser University (“**SFU**”) at 9388 Tower Road, Burnaby, British Columbia, V5A 4X6, pursuant to the terms of a ground lease registered against title to the Property under number CA6147678 (the “**Lease**”);
- (ii) The City of Burnaby (the “**City**”) has asked SFU and the Board to grant a storm water management covenant in favour of the City (the “**Covenant**”) pursuant to section 219 of the British Columbia *Land Title Act*, which includes a consent and priority agreement (the “**Priority Agreement**”) by which the Board consents to the granting of the Covenant and the registration of the Covenant in priority to the Lease;
- (iii) the Property is facility number 04141069;
- (iv) the legal description of the Property is:  
Parcel Identifier: 025-571-231  
Lot 13 District Lot 211 Group 1 New Westminster District Plan BCP3161;
- (v) the Board is satisfied that the granting of the Covenant and the Priority Agreement will not interfere with the Board’s use of the Property for educational purposes.

NOW THEREFORE be it resolved as a Bylaw of the Board that the Board grant the Covenant and the Priority Agreement.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to execute and deliver the Covenant and the Priority Agreement in registrable form and on such terms as the Secretary-Treasurer may consider advisable, and all related and ancillary documents required to complete the granting of the Covenant and the Priority Agreement.

This bylaw may be cited as “School District No. 41 (Burnaby) SFU Stormwater Management Covenant Bylaw, 2018”.

Read a first time this 25th day of September, 2018

Read a second time this 25th day of September, 2018

Read a third and final time, passed and adopted this 25th day of September, 2018

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original “School District No. 41 (Burnaby) SFU Stormwater Management Covenant Bylaw, 2018” adopted by the Board this 25th day of September, 2018.

\_\_\_\_\_  
Secretary-Treasurer