

June 29, 2026

Sent via email DL: [CLELECTED@vancouver.ca](mailto:CLELECTED@vancouver.ca)

Dear Mayor Sim and Members of Council,

**RE: Capital Plan 2027-30 and Exclusive Jurisdiction of the Vancouver Board of Parks and Recreation**

I write as Chair of the Vancouver Board of Parks and Recreation (the “Park Board”) to formally and urgently request that elected Council members, City staff, and persons under their control, refrain from making further representations to the public regarding potential capital projects on park land in the 2027-30 Capital Plan unless and until those matters have been approved by resolution of the Park Board.

In recent weeks, the Park Board has been alarmed to see Council officials passing motions and communicating purported capital allocations, project selections and project scopes for facilities on park land to community centre associations, user groups and the general public, including the public announcement of five specific community centre projects on park land, a variety of swimming pools, and a variety of other park improvements.

In view of the Park Board’s exclusive jurisdiction over proposals for the 2027-30 Capital Plan as they effect public parks in Vancouver, you must understand that all such actions are without binding effect or consequence.

The attached memorandum of legal counsel provides clarification of the statutory basis of our respective roles, should you have any doubt or misunderstanding. The Board’s decision to share this memorandum is neither an explicit or implicit waiver of solicitor-client privilege over any other document and/or legal advice.

The Park Board does not contest Council’s authority to determine funding. Under the Vancouver Charter, the Park Board submits its estimates to Council, and Council may adopt those estimates in whole or in part. The Park Board recognizes that Council must make decisions within the City’s overall financial capacity.

Crucially, Council is not statutorily empowered to insert items into the Board’s submissions.

The urgency of our request flows from the significant risks created by these actions, particularly in advance of the borrowing referendum in the upcoming municipal election. Public announcements regarding capital projects on park land inevitably create expectations among residents, community centre associations, user groups, donors and other stakeholders that specific projects have been approved and will proceed. Without Park Board approval, such announcements create governance risk, reputational and public trust risk, financial and procurement risk, and potential legal exposure.

Going forward, the Park Board aims to consider and approve its proposed 2027-30 Capital Plan at a Special Meeting scheduled for July 20. That plan will identify the Board's priorities for parks, recreation facilities, community centres, pools, rinks, fields, beaches, and related infrastructure within the Board's statutory jurisdiction.

The Chair and Commissioners of the Park Board are available to meet and discuss our proposals in advance. We encourage you to take this opportunity to meet with us to ensure optimal public benefit for public dollars and to avoid any last-minute confusion.

For clarity, the Park Board values a constructive working relationship with Council and recognizes Council's authority to determine the City's overall capital funding capacity. The Park Board will work in good faith with Council and staff to align public expectations, capital planning, and financial realities. It will not, however, yield or dilute its statutory jurisdiction over public parks.

Sincerely,



Tom Digby (he/him)  
Board Chair - Vancouver Board of Parks and Recreation

CC: Park Board Commissioners  
City Managers Office  
Frances Connell, City Solicitor and Director – Legal Services  
Colin Knight, General Manger – Finance and Supply Chain  
Steve Jackson, General Manager – Vancouver Board of Parks and Recreation



Vancouver Board of Parks and Recreation  
2099 Beach Avenue  
Vancouver, BC V6G 1Z4

ATTENTION: Chair & Commissioners, Vancouver Board of Parks & Recreation

June 10, 2026

To whom it may concern:

**Re: Park Board's exclusive jurisdiction & authority over Vancouver public parks**

The Vancouver Board of Parks and Recreation (the Board/Park Board) sought independent legal advice to confirm the scope of its exclusive jurisdiction over parks and related capital planning under the *Vancouver Charter*. The purpose of this opinion is to address Commissioners' concerns over recent City of Vancouver/Council communications and motions that purport to make capital allocations and project selections/scoping for facilities on permanent park land.

In brief, the impugned conduct has no legal effect absent the Park Board's approval. The City and/or Council improperly claim to exercise authority the *Vancouver Charter* reserves exclusively to the Board. The Board is well-positioned to demand that the City and Council cease this conduct and to pursue declaratory and injunctive relief as needed.

The Park Board has had jurisdiction over Vancouver parks for nearly 140 years and the scope of its authority has increased progressively over the last century<sup>i</sup>. The *Vancouver Charter* vests in the Park Board the **exclusive** possession of, and **exclusive** jurisdiction and control over, all permanent public parks in Vancouver: section 488. These **exclusive** powers over park lands remain vested in the Board until or unless permanent public parks (or the Park Board) cease to exist in Vancouver. The Board's **exclusive** jurisdiction and control over real property includes the authority to determine how such property will be used and "what improvements shall be made thereon, including the removal or demolition of any existing improvements": section 488(6).

In fact, the references to the "**exclusive**" nature of the Park Board's powers in s. 488 of the *Vancouver Charter* were introduced in 1978 specifically to clarify the division of responsibilities between the Board, its general manager, Council, the City Manager, and their respective staff and departments. Section 488 is the result of recommendations from a joint steering committee created in response to Park Board concerns over unilateral actions taken by Council and Council's confusion over the degree to which the Park Board was responsible to it.<sup>ii</sup>

Despite the adoption nearly 50 years ago by City Council, the Park Board, and the British Columbia Legislature of a "clear definition of the responsibilities and authorities of both elected and administrative officials in the management of Park Board affairs", similar jurisdictional concerns and confusion have developed over the last 10-15 years.<sup>iii</sup> This includes City/Council attempts to encroach on the Board's exclusive jurisdiction over improvements to facilities (including their removal or demolition) in permanent public parks. For certainty, "as to buildings,

etc”, section 489(a) of the *Vancouver Charter* specifically grants the Park Board the power to provide for:

constructing, acquiring, maintaining, equipping, operating, supervising, and controlling such buildings, structures, and facilities as may be required for the recreation, comfort, and enjoyment of the public while within the parks;

The *Vancouver Charter* must be read broadly and purposively according to the modern principle of statutory interpretation<sup>iv</sup>, as was the case in *Save Our Waterfront Parks Society v The City of Vancouver et al*, 2004 BCSC 430 at paras. 55-56. Accordingly, the renewal, reconstruction, rescoping or demolition of facilities in permanent public parks, such as community centres, rinks, and pools, is a decision the Legislature reserved exclusively to the Park Board. Our Court of Appeal recently confirmed the Board’s authority over parks is legislative in character and cannot be subordinated by agreement or otherwise, except as authorized by statute: *Ocean Wise Conservation Association v Vancouver Board of Parks and Recreation*, 2019 BCCA 58.

When courts consider the question of what may be done in a Vancouver park, the Board has long been the recognized legal actor. The Province proceeds on the same footing: the introduction of Bill 26 in October 2025 contemplated that jurisdiction over Vancouver’s permanent public parks would pass to Council only upon a dissolution of the Board as approved by electors through an assent vote, i.e. a binding public referendum<sup>v</sup>. Unless and until electors so decide, the Board retains exclusive jurisdiction over Vancouver’s permanent public parks.

Council may add to the Board’s powers and may authorize it to perform works even outside parks, but the power does not flow the other way. Council possesses only the powers conferred upon it by the *Vancouver Charter*: *Shell Canada Products Ltd. v Vancouver (City)*, [1994] 1 SCR 231. The *Vancouver Charter* contains no provisions by which Council may originate a capital plan, or select, prioritize or affix the scope of projects for facilities in permanent public parks.

Instead, part of Council’s authority under the *Vancouver Charter* is to fund the Board’s capital plans. Under sections 492 to 493, the Board must annually submit to Council a detailed estimate of its expenditures, which in practice includes the contents of the Board’s five-year capital plan (at least since 1978). Then, Council is required to adopt the Board’s submissions in whole or in part, and in turn the Board must operate within Council’s adopted funding envelope in that year.

Crucially, Council is **not** statutorily empowered to insert items into the Board’s submissions. Public powers may be exercised by a statutory body only within the purposes and constraints of the conferring statute; a public body cannot interpret the scope of its own authority beyond legislative intent: *Roncarelli v. Duplessis*, [1959] SCR 121 at 140; *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at paras. 108–109, citing *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2. For Council to select, scope, and announce capital works within the Board’s exclusive jurisdiction is to stray, deliberately or otherwise, into a function that the Legislature expressly assigned to the Park Board.

In *Stanley Park Preservation Society v Vancouver Board of Parks and Recreation*, 2025 BCSC 2500, the City entered into an agreement for park work (tree removal/mitigation measures in Stanley Park) without first obtaining the necessary approval of the elected Park Board. Although the work had already been done, the BC Supreme Court issued a declaration that the City's conduct exceeded its authority under the *Vancouver Charter* and directed the Park Board to exercise its exclusive jurisdiction:

[59] ...Second, it is an important matter of public interest that a declaration be made affirming that neither the City, through its Council or staff, nor the Park Board staff, have the authority to authorize [work] in Stanley Park. This jurisdiction lies exclusively with the Park Board.

[60] In my view, making the sought declaration is not an intrusion into the legislative role of the Park Board. **It is an affirmation of the importance of the Park Board's jurisdiction and a direction, that it must exercise this exclusive jurisdiction in respect of any work done in a park under its authority**, especially work done in Stanley Park, an iconic, internationally known, and beloved jewel of the city. (emphasis added)

In the present case, Council's conduct repeats the very error that the Court identified it made in *Stanley Park Preservation Society*: acting outside its authority to authorize, without the prior and necessary approval of the elected Park Board, work in parks over which the Board has exclusive jurisdiction. In that case, the City's counsel<sup>vi</sup> argued that Park Board staff kept the Commissioners informed so they had tacit knowledge and that the City merely inadvertently breached a procurement policy, a minor error. The Court was not persuaded by these arguments. Council's recent conduct is far more egregious than the City and/or staff failing to obtain formal approval through a Park Board motion before proceeding.

In conclusion, the Board is well-positioned to require the City and Council to cease the impugned conduct immediately and, if necessary, to pursue declaratory and injunctive relief. Indeed, the Courts have actually encouraged the Park Board to **fully exercise its exclusive jurisdiction over Vancouver's permanent public parks and to assert its jurisdiction and powers in legal actions independently of the City** when appropriate.

This opinion is based on the background and facts provided by the Park Board. If these should change, my opinion may be affected.

Regards,



**Rachel Roy** (she/her)

Barrister & Solicitor

Encl.

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<sup>i</sup> The City of Vancouver was incorporated on April 6, 1886 and elections were held for the first City Council. At Council's second meeting on May 12, 1886, the City decided to pursue, for use as a public park, the land now known as Stanley Park. Council passed a bylaw on September 26, 1888 appointing a Parks Committee to oversee the development and management of Stanley Park, which was formally opened the next day. On April 6, 1889, exactly 3 years after the City was founded, the BC Legislature amended what is now the *Vancouver Charter* to establish the Park Board. On April 28, 1890, the City passed Bylaw No. 96, resulting in an elected, rather than appointed, Park Board with absolute control and management over parks. The Board's jurisdiction and control over parks was subsequently incorporated into the Vancouver Charter. The exclusive nature of the Board's powers vis-à-vis City Council over permanent public parks was codified in amendments 50 years ago (discussed later in the opinion). See also *Save Our Waterfront Parks Society v. The City of Vancouver et al.*, 2004 BCSC 430 at para. 59. Additional legal and historical citations regarding the history of Park Board powers & jurisdiction available upon request.

<sup>ii</sup> The legislative history of the present sections 488 and 490 is set out at paras. 68-71 of *Ocean Wise Conservation Association v Vancouver Board of Parks and Recreation*, 2019 BCCA 58.

<sup>iii</sup> City Council adopted the joint committee's recommendations on June 1, 1976 and directed that "the statements of responsibilities be adopted and subsequently published in a manual for the information of future Park Commissioners, City Council members and Park Board and City staff members". The statements of responsibilities are set out in Appendix B (enclosed for illustrative purposes) of the Final Report and Recommendations of the Joint Park board Responsibility Study as approved by Vancouver City Council June 1, 1976, available online: <https://parkboardmeetings.vancouver.ca/files/REPORT-COUNCIL-JointPBResponsibilityStudy-19760601.pdf>

<sup>iv</sup> *Rizzo & Rizzo Shoes Ltd (Re)*, 1998 CanLII 837 (SCC).

<sup>v</sup> Government of British Columbia Information Bulletin: *Vancouver residents will have say on park board's future*, October 9, 2025; available online: <https://news.gov.bc.ca/releases/2025HMA0090-000977>

<sup>vi</sup> In *Hastings Park Conservancy v Vancouver (City)*, 2008 BCCA 117, the BC Court of Appeal noted, at para. 88, that "Section 485 of the *Vancouver Charter* gives the Park Board the legal capacity to exercise its powers by actions, and it follows in my view that the Park Board has legal capacity to be joined in actions with respect to its jurisdiction and powers. Although the Park Board is often represented by counsel who is also acting for the City, it would be open to the Park Board to engage independent counsel."

APPENDIX B-1

STATEMENT OF RESPONSIBILITIES  
PARK COMMISSIONERS

In accordance with the powers set out in the Vancouver Charter, the responsibilities of the Vancouver Board of Parks and Recreation are summarized as follows:

I. POLICY FORMULATION  
AND ADOPTION

- (a) Review and decide policy and changes to policy in the following areas:
  - nature of recreation services to be provided
  - nature of parks to be provided
  - park and recreation facility development and design criteria
  - park management
  - recreation facility management
  - management reporting and control systems.
  
- (b) Review and recommend policy and changes to policy for adoption by City Council in the following areas:
  - park acquisition
  - extent of funding for park and recreation facilities and services
  - personnel regulations
  - services to be provided by other City departments or agencies.
  
- (c) Provide policy direction and guidance to the Superintendent in the development and documentation of short range and long term plans and programs for the provision of park and recreation facilities and services.

- (d) Provide policy direction and guidance to the Superintendent in the administration of all board functions and any functions delegated to the Board by Council.
- (e) Review overall plans and programs developed jointly or referred to the Board by Council for the acquisition of park land or for the provision of parks and/or recreation facilities or services either jointly or outside the jurisdiction of the Board and recommend any changes required to ensure that the plans and proposed programs are supportive of and consistent with Board policies, plans and objectives.
- (f) Review plans or proposals developed jointly or referred to the Board by senior governments, the G.V.R.D., neighbouring municipalities, School Board, Library Board, P.N.E. Board, or any other agency or organization for the provision of recreation facilities or services either jointly or outside the jurisdiction of the Board and recommend any changes required to ensure that the plans and programs proposed are supportive of and consistent with Board policies, plans and objectives.

## II. FINANCIAL

- (a) Provide guidance and direction to the Superintendent in the preparation of the Board's annual revenue and capital estimates.
- (b) Review and decide on all provisional and final, annual and five-year capital and operating budgets prepared or recommended by the Superintendent ensuring that they are supportive of and consistent with Board plans and objectives.
- (c) Submit and support annual revenue and capital estimate proposals to Council for adoption.
- (d) Approve allocations of funds from any general unspecified appropriations or transfer of funds between programs in the Administration, Operations or Recreation Sections of the revenue budget up to an amount of \$5,000.
- (e) Approve allocations of funds from any general unspecified appropriation or transfer of funds between programs in the Income Operations Section of the revenue budget up to an amount of \$5,000.

- (f) Submit and support recommendations to Council for additional or supplementary appropriations for new revenue and capital budget programs.
- (g) Award contract for general supplies or construction up to \$100,000 and submit recommendations to Council for awarding contracts in excess of \$100,000.
- (h) Approve all reallocations of capital funds to or from a general unspecified appropriation or transfer between programs up to an amount of \$5,000 subject to the following qualification. Transfers in any amount between capital accounts, where the source of funds are from differing borrowing authorities, must receive the approval of Council because of the Charter requirements that such transfers be accomplished by varying or diverting By-laws.
- (i) Approve all recommended additions to construction and development contracts in excess of \$5,000 provided funds are available to cover the additional expenditures prior to a commitment being made to the contractor.
- (j) Advise the Director of Finance of the City of all revenue fund reallocations approved up to an amount of \$5,000 and all capital fund reallocations approved up to an amount of \$25,000 and approve all requests for reallocation of revenue funds in excess of \$5,000 and capital funds in excess of \$25,000 for submission to City Council for approval.
- (k) Establish the financial responsibilities and authorities accorded to the Superintendent on behalf of the Board and the reporting requirement of the Superintendent in respect of the authorities granted.
- (l) Approve all requests for travel and training expenses on behalf of the Board members and employees of the Board and in accordance with City Personnel Regulations as they are applicable to employee requests.

### III. PARK ACQUISITION

- (a) Annually review long range park acquisition plans and programs and recommend to Council for their approval changes or additions.
- (b) Decide on proposals and recommend to Council the use of approved park acquisition funds to purchase property not already approved in long range park acquisition plans.

IV. PARK AND RECREATION  
FACILITY DEVELOPMENT

- (a) Annually review and approve park and recreation facility development plans and programs, and recommend to Council the extent of development and location of major recreation facilities in annual and five-year capital program budget proposals.
- (b) Review and approve overall design proposals for all major park and recreation facility developments.
- (c) Contract for professional outside assistance as required to assist in the development of plans for the design and construction of major structures and facilities.
- (d) Review plans referred to the Board by Council for the development or improvement of City-owned property which is not in the care and custody of the Board.

V. MANAGEMENT OF PARK  
AND RECREATION FACILITIES

- (a) Provide policy guidance to the Superintendent in the development of maintenance standards for park and recreation facilities.
- (b) Review and decide on proposals to change Board programs for the provision of refreshment or other services in park and recreation facilities.
- (c) Review and decide on plans and proposals for the use of park land and buildings, structures or facilities and determine what rent or fees, if any, shall be charged.
- (d) Pass, amend or repeal by-laws (not inconsistent with any by-laws passed by Council) for the control, regulation, protection and government of parks and recreation facilities and of persons who may be therein.
- (e) Enter into agreements for the joint or exclusive Board use of other facilities for the purpose of providing recreation facilities or services to the public and determine what rent or fees, if any, shall be charged.

VI. RECREATION SERVICES

- (a) Annually review and decide on plans and programs for the provision of recreation services by the Board.
- (b) Enter into agreements with persons, organizations, or governments to provide or assist in the provision of recreation services.
- (c) Determine what fees or charges shall be paid for recreation services provided by the Board.

VII. PERSONNEL MANAGEMENT

- (a) Appoint or dismiss the Superintendent of Parks and Recreation and review and decide on the Superintendent's recommendations for the appointment, promotion, demotion or dismissal of staff from those positions reporting directly to him.
- (b) Monitor the performance of the Superintendent through a regular review of progress against annual plans and programs.
- (c) Direct the Superintendent to establish and maintain the necessary accounting and management information systems required to provide timely, accurate and complete reports of progress in meeting Board plans and objectives.
- (d) Review and decide on proposed changes to the senior management organization structure and make recommendations to Council for funds required to support any costs resulting from the changes proposed.
- (e) Consult and review reports prepared by the Director of Personnel Services on pay grades for any new or restructured senior positions and submit recommendations to Council for approval.
- (f) Review and decide on the Superintendent's recommendations on pay increments for staff reporting directly to the Superintendent and decide on pay increments for the Superintendent.

APPENDIX B-IISTATEMENT OF RESPONSIBILITIES  
SUPERINTENDENT OF PARKS AND RECREATIONPRIME FUNCTION

- Under the overall direction of the Board, effectively administer all operations within the care, custody, and management of the Board, ensuring that the policies and the by-laws of the Board are adhered to.
- Review, define and recommend overall Board policies and implement all policies approved and adopted by the Board and Council.

RESPONSIBILITIESI. Planning

- (a) Co-ordinate and direct the preparation and documentation of long range plans and programs for the development, operation and maintenance of all park areas and park and recreation facilities for the ratification of the Board.
- (b) Co-ordinate and direct the preparation and documentation of long range plans and programs for the provision of recreation services for ratification by the Board.
- (c) Assist the City Planning Department in the preparation of long range plans for the acquisition of park land.
- (d) Annually, or as requested, submit to the Board a report on the status of long range plans for park acquisition, park and recreation facility development and recreation services, along with plans for the coming year and any recommendations for change.
- (e) Co-ordinate and direct the preparation of capital and operating budget estimates for submission to the Board.

## II. Administration

- (a) Co-ordinate the day-to-day administration of Board affairs in accordance with the over-all policies, plans and programs adopted by the Vancouver Park Board ensuring that objectives are achieved within the authorized budgets.
- (b) Ensure that the Board is kept fully informed of progress against plans and programs and develop the accounting, management information and management reporting systems to make this possible.
- (c) Recommend to the Board the purchase or disposal of park land or recreation facilities.
- (d) Recommend and advise the Board on the manner in which park and recreation facilities should be used and what fees or charges, if any, should be levied.
- (e) Establish and regularly review the level and nature of public services to be provided within parks and recreation facilities.
- (f) Establish and regularly review maintenance standards for park land and park and recreation facilities.
- (g) Ensure that comprehensive plans and programs are developed for the use of community centres, swimming pools, ice rinks, marinas, clubhouses and all recreational facilities in the care and custody of the Board.
- (h) Ensure the adherence to terms and conditions of all contracts or agreements entered into by the Board.
- (i) Initiate and/or review drafts of park by-laws, and on the advice of Corporation Counsel, submit to the Board recommendations on changes to park by-laws and the steps to be taken to implement and enforce park by-laws.
- (j) Establish specific authorities and responsibilities of senior staff in relation to the day-to-day administration of Board affairs and reporting requirements in respect of the granted authorities and assigned responsibilities.

### III. Personnel Management

- (a) Appoint, promote, demote, suspend, and dismiss employees of the Board subject to the personnel regulations and procedures of the City and budgetary constraints, except those employees reporting directly to the Superintendent.
- (b) Recommend to the Board the appointment to, demotion from or dismissal of staff from positions reporting directly to the Superintendent.
- (c) Ensure that capable and competent back-up personnel are available for all management and supervisory positions.
- (d) Establish standards of performance for all key management positions and conduct regular formal reviews of their performance.

### IV. Relationships

- (a) Advise new Board members of their responsibilities and assist them in understanding the limit and scope of their authorities.
- (b) Obtain information and advise the Board regarding actions taken by Council, the School Board, and other related boards and organizations which may affect the interests of the Board.
- (c) Attend in person or through a delegate, all meetings of the Board and its committees and make observations, suggestions and recommendations, as appropriate or requested.
- (d) Prepare meeting agendas in consultation with the Chairman and ensure that the minutes are prepared and distributed.
- (e) Maintain liaison with the City Manager, Director of Finance, and other senior city officials and establish and maintain liaison with senior officials in neighbouring municipalities, G.V.R.D., Provincial Government, Federal Government, School Board, Library Board, P.N.E. or any related public agency or organization.
- (f) Carry out such additional duties and exercise such additional responsibilities as the Board may, from time to time, require.

V. Financial Responsibility

- (a) Establish financial authorities of senior staff in such a manner to provide adequate internal control over Board revenues and expenditures.
- (b) Prepare and submit reports as required in respect of financial authorities granted to the Superintendent by the Board.

APPENDIX B-IIISTATEMENT OF RELATED RESPONSIBILITIES  
VANCOUVER CITY COUNCIL

1. Review and approval all Board annual estimates and budget allocations over \$25,000 in the Capital Budget and over \$5,000 in the Revenue Budget.
2. Decide policy, taking Board recommendations into consideration, in the following areas:
  - park acquisition
  - extent of funding for park and recreation facilities and services
  - personnel regulations
  - services to be provided to the Board by other City departments or agencies.
3. Approve park acquisition plans and all park land purchases, taking Board recommendations into consideration.
4. Insure all assets under the Board's care, custody, and management against loss and carry public liability insurance on behalf of the Board.

APPENDIX B-IV

STATEMENT OF RELATED RESPONSIBILITIES  
CITY MANAGER

1. Administer personnel policies and regulations with respect to job classifications and pay grades and review organizational changes and report to City Council when required.
2. Liaise with the Superintendent on operating and interdepartmental matters.
3. Review Board annual estimates.