

Brissenden and Laing Side by Side Comparison and Background

Activity	Brissenden	Laing	
Trust negotiated with future Trustee	Yes and acknowledged by West Van	Yes, not mentioned in Kanigan or Jacques but contained in Kanigan #1 Ex A and Ex C. MLHS affidavits stress in out statements	
Land and House as Park Trust	Yes	Yes; specifically house for public use	
House usage	Rented to "park caretaker"	Rented to private individuals some were Comox employees	
Trust Fund	No money in bequest mentioned in "Reasons"	Yes, initiated 1982 to fund nature house in residence Interest paid to trust 2002 onward, \$178,000 repaid for 1982 to 2002 in 2018	
House rented	1990 to 2018 \$498,219.60 collected	1982 to 2014 \$117,000 collected	
AGBC Negotiated Transferred	\$206.869.23 "surplus"	\$178,000 interest on trust investment paid 2017	
Surplus returned	Unsure but in a separate action by AGBC \$206.869.23 "surplus"	No, and no Application or Notice of Claim by AGBC	
Land dedicated as Park	Not until July 2018	Has Indenture on Land Title, but Comox says not formally dedicated; Olsen #2, Ex F.	
Land developed as Park	No; left in native state until work started in 2018	Drive and bridge removed, Boardwalk in front of house Some signage, cairn built	
Land Zone Type	Residential until 2018	Zoned as park	
Committee struck to study	None mentioned	MLNH Advisory Comm to study options, biased to ToC	
Public Consultation	Started prior to any court petitions	Public meeting for input on Bird platform only; ToC had already resolved to remove house	
Actions to remove assets from trust	No action until 2018 comms with AGBC for various actions by West Van	First action was Resolution to remove Shakesides and Baybrook (Kanigan #1, Ex U, Ex V, Para 21) Demo Permit 2015-07-15 (Boulter#1, Ex Z)	
Protection of Park features	West Van agreed to covenants tree protection	ToC no mention of protecting park with covenants	
Best interests of Municipality	West Van offered numerous doc and personal affidavits	Comox has not provide exhibits to support their decision of best interest	
Betrayal of Trust	West Van did not promote park no signage or development	Comox did not investigate cost or viability of nature house; rented weeks after HML died	
AGBC Response Protection of trust	Opposed proposal as contrary to purpose of the trust (Reasons Para 2)	No requirement to meet prior shortfalls as trustees, except side deal on the \$178,000 to trust	
AGBC s.184 Stance	Opposed to all s.184 actions	Okay with S.184, except Trust funds to be keep segregated,	
AGBC Stand on Petition	Opposes all orders requested	Only opposes the trust fund going to sole control of Comox	

Timeline Brissenden

Date	Document	Comments
2016-12-16	Report to Council ¹	
2017-01-09	Public consultation	Public consultation started on proposal to sell part of Brissenden Park and buy 2 properties at Ambleside to increase highly used park.
2017-06-05	Report to Council on Consultation ²	
2017-06-19	Council Resolution Para 7 in "Reasons"	
2017-07-26	Petition to Vary filed Para 8 "Reasons"	Initial petition; later amended twice
2018-01	Para 9 "Reasons"	BCAG and District negotiations; West Van agrees to various actions (Maybe cash settlement?)
2018-07-19	Para 11 "Reasons"	West Van files Reference Plan with Land Title Office, dedicating land as a park
2018-08-01	Amended Petition ³	Amended Action Plan and s. 184 incorporated
2019-07-04	Notice of Civil Claim ⁴ S-197487 Vancouver	AGBC asking rent to paid to trust
2019-10-07	Council Resolution Para 15	West Van wants determination on "power to dispose" of property
2019-12	2 nd Amended Petition	Carrying resolution of Oct 7, 2019
2020-01-10	Para 18 & 19 "Reasons"	AGBC filed application for determination on rent money (is this same as 2019-07-04 or different document \$206,869.23 as "surplus" income from 28 years of rent (\$498,219.60 in total collected)
2020-06-29	Reasons for Judgment	BC Supreme Court decision

1 Have copy 2016-12-16 Report to Council

2 Have copy 2017-06-02 Report to Council

3 Have copy 2018-08-01 1st Amended Petition

4 Have copy 2019-06-26 Notice of Civil Claim