

ENCROACHMENTS INTO SELECTED MUNICIPAL AND
REGIONAL PARK LANDS IN CANADA

by

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ABSTRACT

As urban areas increase in population, pressures are exerted upon vacant or undeveloped lands for housing, industry, public buildings, highway rights-of-way, and a host of other uses including parks. At the same time, pressures are placed upon existing parks to accommodate some of the other needs of expanding urban areas. The loss of lands that have been developed for recreation results in either the loss of a necessary activity or the reduction of the quality of the experience enjoyed by park users.

Studies in the U.S.A. indicate that alienation of park lands by non-recreative uses is a serious problem. While many urban areas in Canada have experienced significant population increases and the resultant pressures on urban land during the last ten years, there has been no examination, on a provincial or national basis, of the effects of such trends on major parks (over 20 acres). Are park lands in this size category being alienated to provide land for non-recreative purposes? This thesis attempts to provide an answer to this and related questions.

The findings of this study are based on 141 questionnaire returns from a survey of 234 Canadian municipalities with populations over 10,000. Two of 183 municipalities between 10,000 and 50,000 persons experienced a total of 5 alienations from 1960-1970. Seventeen of 51 municipalities over 50,000 persons experienced a total of 34 alienations during the same period. The land alienated was 13 per cent of the total park area affected; on the average, 15.5 acres of land were alienated per encroachment.

Highways and roads, schools, and housing were the main uses alienating park lands. In most cases objections to the alienation by the parks board

were overruled by the municipal council on the grounds that the encroaching use was of greater importance or that the land was cheaper.

It is concluded that alienation of park lands in Canadian municipalities is a significant problem that to date has been unrecognized and unpublicized. Moreover, the study suggests that pressure on park lands will continue to mount in the foreseeable future.

With the exception of parks given to a municipality in trust there is little to indicate that municipal legislation is oriented to protecting the major parks. In fact, parks that have been dedicated by public referendum are not guaranteed perpetual protection in all provinces. Parks, as viewed by some municipal councils, seem to represent a valuable form of land bank for future development needs. The increasing public awareness of the value of major parks in urban areas may change this outlook in the future.

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CHAPTER I

ENCROACHMENTS: A PROBLEM FOR URBAN PARKS

It is unhappily true that the greatest individual pressures and the greatest recreational pressures are all too likely to occur together. Recreational assets near cities and major settlements are of immense value because they permit residents to use them after work, on short holidays, and at weekends.

Roderick Haig-Brown (1961)

The above quotation succinctly pinpoints the source of many problems associated with urban recreation. After extensive investigations into the problem of location and preferences of outdoor recreational facilities for urban residents, the Outdoor Recreation Resources Review Commission concluded that urban residents prefer to have easily accessible, simple recreation pursuits (O.R.R.R.C. Study Report #21, 1962). While the O.R.R.R.C. conclusions refer specifically to the U.S.A., they have equal relevance for urban recreation in Canada. Thus, accepting the O.R.R.R.C. statement for the U.S. situation that the importance of large, accessible parks within the range of day-use by urban dwellers will increase in the future, it seems likely that the importance of similar sized parks in reach of Canadian urban dwellers will also increase.

In the past ten years Canada has experienced tremendous urban growth, resulting in increased competition between different land users in the urban areas. Because they are "undeveloped" and often occupy prime locations in the urban infrastructure, major parks and golf courses are frequently looked upon as areas that can accommodate these pressures. Many urban areas in the U.S.A. have experienced the alienation of park lands through encroachments, and increasingly, local citizens and park officials are forced to try to

impress upon politicians, at the state and local level, the growing importance of a park system in the urban, suburban, and regional areas of the metropolitan complexes.

In 1960 the National Recreation Association, with the support of the American Institute of Park Executives, Inc., the American Recreation Society, and the National Conference on State Parks undertook a national survey of the encroachment problem at the local and county level. This study (Sinn-Butler, 1961) showed that the alienation of urban park lands to non-park uses was a growing problem in the U.S. In addition, the U.S. National Recreation Association (1957) has reviewed the subject of encroachments at five year intervals, publishing their findings in the Yearbook for the year in which the study was done. There has been no similar attempt to survey the problem comprehensively in Canada, although certain selected cities have been investigated (City of Edmonton, 1965; Peddie (Calgary), 1968).

The objective of this survey is to identify the extent and location of the encroachment problem in the public parklands of Canadian municipalities by surveying cities of 10,000 population or greater. If alienations are common in these types of parks, then both the methods of acquisition and legislative means of preservation will have to be altered to meet changing conditions and changing priorities of urban residents. First, however, the nature and severity of the problem must be known in order to institute the required changes to meet the situation. The research was limited to parks over 20 acres for three main reasons:

- a) Parks of this size are useful as tools in directing urban growth.
- b) Very often parks of this size, as viewed by some non-park authorities, can lose small portions of land without decreasing the recreational value of the park.

- c) It was assumed that fewer parks of this size existed and that park officials answering the questionnaire would not have to spend an inordinate amount of time reviewing the records of encroachment.

By researching this topic additional knowledge concerning municipal and regional parks will be obtained and may, it is hoped, augment the rather limited available knowledge regarding this level of park. The following terms have been defined for use in this thesis:

- a) Regional Park - A large, reserved area of land, usually with scenic characteristics, serving one or more municipalities or an entire metropolitan area and supplementing recreational facilities in urban areas.
- b) Major Municipal Park - Those areas over 20 acres in size, within municipal boundaries, that are by dedication or development used for outdoor recreational purposes.
- c) Encroachment - The alienation of park land by a non-park use which prohibits the land from being used for recreational purposes. This does not include physical developments within the park by park departments for purposes of increasing the recreational potential of the area.
- d) Municipality - Any city, town, village, municipal district, county, borough, or municipal corporation with a 1966 population greater than 10,000 persons.

The Development of Canadian Municipal Parks

The development of municipal parks in Canada was initiated largely after Confederation. Federal military reserves, established in Canada during the American War of Independence and maintained as such until after

Confederation, were released to adjacent cities for park purposes (McFarland, 1970). Moreover, beginning with Ontario in 1883, provincial legislatures began to pass legislation to provide the means whereby municipalities could acquire and develop lands for municipal park purposes. Such legislation dealt with the formation of park boards, amounts of land that could be purchased, and mill rates that could be applied for taxation purposes to raise the required monies for park development (McFarland, 1970). Amendments to city charters, or specific provincial legislation, created a variety of park boards differing in organization and powers. Thus the development of municipal parks and recreation facilities appears to have been substantially aided by the foresight of the federal government to release its military reserves for park purposes, and by the provincial governments which began to recognize the role of the cities in providing recreation areas and therefore passed suitable legislation. Parks of significant size and importance, which were originally military reserves, include the Halifax Common, the Garrison Reserve in Toronto, Mount Royal Park in Montreal, Gore Park in Hamilton, and Stanley Park in Vancouver. (The transfer program continues to the present day and a recent example is the transfer of the Jericho Canadian Forces Establishment to the city of Vancouver, part of it to be used for park purposes.)

Although at the time of dedication of the reserves to park status they were not all readily accessible, the continued growth of the respective cities soon spread and transportation routes created easier access for the urban residents. As the cities grew the parks increased in value for their recreational and natural qualities, and they became islands around which urban development continued to spread.

With growing populations and increasing leisure time, more and more

use was made of existing park facilities. Concomitant with "urban sprawl" was the disappearance, through urban development, of significant areas of potential park value. In addition, the demand for better transportation systems in urbanized areas posed a threat to park lands which were considered "vacant" by some governmental departments; in some cases, private businesses were of the opinion that commercial or industrial development of the land would place it into a "higher and better use" economically. Thus parks, although meant to be an integral part of total urban and regional development, have not fared well in competition with other uses.

Alienations: The U.S. Experience

As noted previously, the Sinn-Butler (1961) study was the first nationwide survey of the problem of park land alienation at the urban and regional level in the U.S. In this survey of 300 local and county authorities, of which 130 responded, it was found that during the period 1950-1960 the number and rate of encroachments was increasing. The following points summarize the main findings of the survey:

- a) A total of 2,687 areas was lost at 259 of the 267 areas at which encroachments were reported.
- b) Of 51 encroachments termed "serious," 18 involved highways, 7 involved schools, and the remainder a variety of unspecified uses.
- c) More than one-half of the serious encroachments reported in the 10 year period occurred in the last three years.
- d) Large parks were affected by alienations more frequently than smaller park areas.

While theirs was the most comprehensive study, Sinn and Butler were not the first to become aware of the problem in the U.S.A. Donaldson (1957)

noted that Portland, Oregon, as a result of a 20-year plan for federally-aided highways, would have 21 of its parks affected by highways. Norton (1955), Butler (1957), Balk (1960) cite examples of highways alienating park lands in such cities as San Diego, Detroit, Los Angeles, Buffalo, and Cincinnati. In addition many articles dealing with encroachments have been generated by civic, and park and recreation groups. These latter generally illustrate the problem by citing examples of past and/or existing encroachments, and indicate the means whereby interested groups can avoid future encroachments. In a similar vein, Siegel (1960) dealt with the acquisition and preservation of park lands by such means as eminent domain, condemnation, and scenic easements, while Krasnowiecki and Paul (1961) investigated the preparation of development plans, additional park legislation, and publicity to help preserve park lands. The former is of great import in presenting the methods open to achieve the goals desired, while the latter is more explicit by presenting an example of draft legislation that would achieve the goals desired if approved by legislators.

In most cases studied the alienations were considered detrimental to the successful future functioning of the park. However, Butler (1957) did cite an example of an encroachment whereby the monies received for the alienated park land were used to acquire another better located park for the residents. Of course, examples of recreational benefits received through alienations are the exception.

The Regional Plan Association (1960), although not dealing specifically with encroachments, stated that:

(t)he journey-to-play will compete more and more with the journey-to-work for new highways. Transportation planning must take this shift in emphasis prominently into account. The guiding principle (in highway access to Parks) must be that highways go to parks but not through them.

An encroachment on a park should never be permitted merely as a device for saving money. Parks are not created as a land reserve to facilitate the obtaining of "bargains" in public projects.

As suggested by these statements and many of the examples cited above, most studies reveal alienations involving government departments, especially highway departments. On the other hand, Connell (1961) illuminated the problem of encroachments into public park facilities by private recreational groups. Examples of this type are private yacht or sailing clubs obtaining a lease for park land from which their activity is based for the sole use of their members. Private clubs oriented to other activities, such as horse-back riding, are also cited as examples of this type of alienation.

The National Recreation Association has done an historical analysis of park acreage and population on American cities according to population size. The findings indicate a decreasing per capita park acreage in many cities--the implication is that the cities may not have acquired park land at a rate proportional to their population growth. Unfortunately, no attempt was made to assess the importance of encroachment in this trend and it is possible that both these factors are applicable.

Alienation: The Situation in Canada

As stated earlier, there have been few studies pertaining directly to park encroachments in Canada although many authors stress the increasing importance of urban and regional park lands. Robert Collins (1968) investigated the Canadian park situation generally and concluded that "(T)he impending crisis is not in total space but effective space one- to three-hours' drive from major urban centers." Similarly, the Niagara Regional Development Association (no date) illustrates the need for regional park for day-recreation purposes and also suggests administrative changes that are

required to adapt the outmoded Ontario county governmental system into a form that is capable of dealing with the expected increased demand in recreational space. Comments by Eric Hardy and Frank J. McGilly in this publication conclude that the "thorniest problem in the parks field lies in the realm of regional parks."

In British Columbia, the Lower Mainland Regional Planning Board (1966) concerned itself with the need for establishing a regional parks board and for the methods for financing it. The B.C. branch of the Community Planning Association of Canada (1968) prepared a brief for presentation to the Treasury Board proposing changes in the National Housing Act that would allow municipalities to utilize N.H.A. funds to acquire park lands.

Evidently, while there is an increasing concern in Canada for the establishment of major municipal and regional parks to satisfy the recreational needs of the inhabitants of urban areas, there is little visible concern for problems associated with maintaining major municipal or regional parks once they have been established. On the contrary, emphasis is placed on the financing and acquisition of parks, as well as the concern about the rapid disappearance, as a result of urban growth and sprawl, of sites of sufficient size and natural scenic qualities to be developed for this type of park.

Peddie (1968), in one of the two studies of the problem in Canada, investigated the effect of the alienation of park land in the city of Calgary. The extent of the problem in Calgary was shown to be significant, especially to major parks, but until this time it had been virtually unpublicized. The other study, done by the city of Edmonton Parks Department, lists the alienations that have occurred to parks of all sizes in Edmonton from 1945-1965. However, no attempt was made to determine the effect of such

alienations on the total park system. In any event these studies suggest that alienation of urban park lands will be a serious problem in Canada.

One reason for the failure to recognize the problem in Canada may be the paucity of research that has been directed specifically to this topic. Park research at the municipal level is oriented toward methods of financing parks, community recreation program development, and carrying capacity of different types of grass. No attempt is made by individual park departments to publicize alienations that occur on parks and open space within their jurisdiction.

REFERENCES CITED

- BALK, A. 1960. Progress and Parks. National Civic Review. Vol. 49.
- BUTLER, GEORGE D. 1957. The Land Grab for Building Purposes. Recreation. Vol. 50.
- _____ 1963. Supply and Demand. Recreation. Vol. 56.
- COLLINS, ROBERT. 1968. The Vanishing Point. Imperial Oil Review. Vol. 56.
- COMMUNITY PLANNING ASSOCIATION OF CANADA. 1968. Brief to the Central Mortgage and Housing Corporation Regarding Legislation to Reserve Urban Open Space. (mimeographed)
- CONNELL, E. A. 1961. The Threat of "Private" Encroachments. Parks and Recreation. Vol. 44.
- DONALDSON, D. 1957. The Loss of Local Park Land to Highway Planning. Recreation. Vol. 50.
- HAIG-BROWN, RODERICK. 1961. The Living Land. Toronto: The MacMillan Company of Canada Limited.
- KRASNOWIECKI, JAN Z. and PAUL, JAMES C. N. 1961. The Preservation of Open Space in Metropolitan Areas. University of Pennsylvania Law Review. Vol. 110.
- LOWER MAINLAND REGIONAL PLANNING BOARD. 1966. A Regional Parks Plan for the Lower Mainland Region. New Westminster: Lower Mainland Regional Planning Board.
- McFARLAND, ELSIE M. 1970. The Development of Public Recreation in Canada. Toronto: Canadian Parks/Recreation Association.
- NATIONAL RECREATION ASSOCIATION. 1957. Park Acreage to Population, 1390-1955. Recreation. Vol. 50.
- NIAGARA REGIONAL DEVELOPMENT ASSOCIATION. n.d. Crisis in the Countryside.
- NORTON, C. McKIM. 1955. The Disappearing Countryside in Metropolitan Areas. American Planning and Civic Association. Vol.
- OUTDOOR RECREATION RESOURCES REVIEW COMMISSION. 1962. The Future of Outdoor Recreation in Metropolitan Regions of the U.S. Washington, D.C.: U.S. Government Printing Office.
- PEDDIE, RICHARD. 1968. Urban Parks and Planning in Calgary (Alta.). University of Calgary: Unpublished M.A. Thesis.

SIEGEL, SIRLEY ADELSON. The Law of Open Space. New York: Regional Plan Association.

SHIVERS, JAY. Beware: The Spoilers are on the March. Recreation. Vol. 58.

SINN, DONALD F., and BUTLER, GEORGE D. 1961. The Loss of Park and Recreation Land. Wheeling, West Virginia: American Institute of Park Executives, Inc.

CHAPTER II

PROVINCIAL LEGISLATION CONCERNING THE ACQUISITION
AND DISPOSAL OF PARK LANDS AT THE MUNICIPAL LEVELIntroduction

This chapter will concentrate province by province on legislation pertaining to parks at the municipal level, and detail the powers of municipal councils and/or park boards to acquire and dispose of park lands. The best and most up-to-date compendium of information pertinent to the "upper end" of the park administration gradient is The Administration of Outdoor Recreation in Canada (Canadian Council of Resource Minister, 1968). This publication outlines what legislation exists at the federal and provincial level that pertains to recreation. It does not, however, deal with the differences among provinces respecting legislation at the municipal level. For this reason, a capsulized presentation of the pertinent provincial legislation is deemed to be of value in this study.

British Columbia

Part XVII, Sections 621-627, of The Municipal Act (1968) permits municipal councils to acquire, purchase, or accept any property within the municipality for recreative uses. Joint agreements with other municipalities to maintain parks beyond municipal boundaries are also permitted. Section 625 states that when land has been accepted in trust for use as a park, the council is responsible for the maintenance of the area in park use. The Province, through the Lieutenant-Governor in Council, may grant to a municipality an area to be set aside for park purposes; however, it is implied that such land can be removed from the municipality by the Lieutenant-Governor in Council.

Section 468 (1) and (2) is the most crucial section of the Act. Section 468 (1) states that the council of a municipality may by-law dedicate for public purposes any real property owned by the municipality if assent is given by the resident electors. But Section 468 (2) states:

Notwithstanding subsection (1), the assent of the electors is not required for the dedication, by any means whatsoever, of real property for highways....

This can be interpreted to mean that when a road is proposed to encroach upon a park, approval from the electors is not required. In addition, Section 467 (2) states that any by-law reserving land for a particular public purpose may be removed by an affirmative vote of at least two-thirds of the council. Potentially, these two sections give little permanent protection to any land reserved for park use at the municipal level.

Part XXIV, Division 2 (Regional Districts), of The Municipal Act (1968) was introduced in 1965 as a means of administering certain functions on a supra-municipal scale. Initially, Regional Districts were established to provide hospitals for the district; subsequent changes to the Letters Patent, upon approval, could include such other functions as water supply, sewage disposal, refuse disposal, transit, regional planning, parks, and others.

At the present time only the legislation previously cited regarding disposal of park lands is in force. Under the existing legislation the regional district can accept only land that has been donated for park purposes; it can not actively purchase lands considered necessary for future park use (Hiebert, 1970). Of the 28 regional districts in the province, four have undertaken the limited park function for the entire district and three have undertaken it for only part of the district (Department of Municipal Affairs, 1968).

The Regional Parks Act (1965) is similar in content to the Regional District legislation in The Municipal Act cited previously; however, since it is concerned with only the park function it is more specific. The legislation deals primarily with the method available to a Regional Parks District to raise its operating and purchasing revenues and the minimum amount (60 per cent) of its budget that can be used for park property acquisitions. To date there is only one separate parks district in B.C.--The Vancouver-Fraser Park District; the other districts maintain this function within the Regional Districts legislation of The Municipal Act.

The city of Vancouver has its own Charter (1953) which is similar to The Municipal Act. Division XXXIII, Section 485-497A, concerns park lands, but the legislation makes no mention of the powers of the park board to acquire lands for parks or for disposing of any lands. City council, however, is empowered to dispose of real property which, in the opinion of the council, is not required for any purpose of the city. If the property to be disposed is assessed at a value exceeding \$200,000, and is to be sold to someone other than a Crown agency of the government of Canada or British Columbia, then a by-law, passed by the electors of the city must be obtained.

Alberta

The powers of a city council to dispose of park lands were made very explicit in Alberta's former City Act (1955) which stated:

- 318(2) A city council has no power
- (a) to dispose of its estate in any landed property acquired for a public park, public recreation grounds or exhibition grounds,
 - (d) to dispose of or devote to any other purpose, lands that have been dedicated to the city by gift for a specific purpose....

without the assent of a majority of the electors voting on a by-law authorizing the disposal.

Section 298 (1) of The Town and Village Act (1955), although worded differently, states substantially the same as the above. The Municipal District Act (1955) and The County Act (1955) made no mention of the powers that their specific councils have in disposing of land, but state that powers contained within other legislation is applicable to these councils.

In 1968, The City Act, The Town and Village Act, The Municipal District Act were replaced by The Municipal Government Act. The only apparent difference is that town, villages, and municipal districts, must now abide by legislation that previously applied only to cities. Section 128 of The Municipal Government Act (1968) is the same as Section 318 of The City Act (1955) quoted above, but it also includes open space and park land reserves that have been acquired by a municipal corporation through the Subdivision Regulations of The Town and Rural Planning Act (1966). Prior to 1968 there were no restrictions on councils to sell such lands acquired if the sale of such were considered necessary. Since 1968 the sale of such lands requires the approval of the residents through a referendum.

Saskatchewan

The City Act (1965) empowers a council to pass by-laws to acquire and dispose of lands for public parks, within and outside the city. In order to dispose of lands purchased for a public park the council is required, by Section 231 (1) (44), to advertise for two successive weeks in a newspaper circulating in the city that it intends to sell the land. If a petition opposing such action is received within ten days from 100 persons, or two per cent (whichever is greater) of the "burgesses," in the city, then a referendum is required. Approval or rejection of the referendum requires a two-thirds majority of those voting. Another form of encroachment that may

occur under the legislation is that, with the approval of the Minister of Municipal Affairs, land dedicated for a public park may be leased to an organization associated with athletics or exhibitions (Section 231 (1) (47)).

The Town Act (1965) does not require the council, when intending to dispose of park lands, to advertise its intentions in a newspaper for two successive weeks. The Village Act (1965) requires a by-law, assented to by two-thirds of the residents voting, before land acquired for a public park may be sold (Section 248 (1) (17)). The Rural Municipality Act (1965) empowers a council to dispose of or devote to some other municipal use, any property purchased for a specific purpose, if the council decides that such lands are no longer required for the original purpose (Section 203 (1) (21)). The Local Improvement Districts Act (1965) permits the Minister, usually by tender or public auction, to dispose of any Crown lands (Section 87 (1)). There is no mention in the legislation for these latter two Acts of the duties of the respective councils to acquire lands for parks or playgrounds.

The Regional Parks Act (1965) provides legislation at the regional level for supra-municipal parks. Given assent in 1960, the Act provides for the creation of inter-municipal agreements to provide for park needs falling between the municipal and provincial levels. Disposal of any land acquired by a regional park authority requires the consent of the Minister and the municipalities represented on the regional park authority (Section 16).

The Community Planning Act (1965) empowers the subdividing authority to ensure that land, when subdivided for residential purposes, has included within it an area of public reserve (Section 75 (d)). Section 140 states

that such public reserve land:

shall be under the control of the minister, and such lands may be sold, leased or otherwise disposed of or placed under the control of any municipality under regulations to be prescribed by the Lieutenant-Governor in Council.

For a more detailed description of the full range of options open to the Minister, the interested reader is referred to Saskatchewan Order in Council #26/69, January 14, 1969.

Manitoba

Although all cities in Manitoba have their individual charters, The Municipal Act (1940) has the all encompassing legislation to which, unless otherwise specified in the individual charters, all cities and towns adhere. A Parks Board may be created which has authority to acquire and dispose of lands for parks. Section 842 (2) controls the amount of land that a city or town may purchase for park purposes--cities with over 25,000 persons are allowed to acquire 600 acres per 25,000 inhabitants, and municipalities without this population are restricted to a total of 400 acres. Land in excess of the above amounts may be obtained by a city or other municipality only by devise or gift. Section 843 (1) empowers the Park Board, if it has more than the necessary amount of land for parks and with the approval of council, to sell or otherwise dispose of the lands in the manner that seems most advantageous.

By an amendment to the City of Winnipeg Charter (1966), the disposal of park lands requires the affirmative vote of at least two-thirds of the members of council. The Metropolitan Corporation of Greater Winnipeg has legislative powers no different from the City of Winnipeg, and must abide by The Municipal Act as it affects parks. The one minor exception is that

the Metropolitan Corporation can assume responsibility for parks over 15 acres in the member municipalities (Section 175).

Ontario

The Municipal Act (1960) is very explicit concerning the powers that a Board of Park Management can exercise in acquiring land for park purposes (Section 377 (63-65)), but it is The Public Parks Act (1960) which sets limits on the amount of land that may be acquired and the methods open to disposing of such lands. Cities with a population in excess of 100,000 persons may not acquire more than a total of 2,000 acres; smaller cities and counties 1,000 acres; and towns, villages, and townships 500 acres. Land obtained by devise or gift is not affected by this regulation (Section 13 (2)). Section 13 (4) and (5) empower the Board of Park Management to let any land not immediately required for park purposes, and to sell that land it deems most suitable for sale.

Part XV of The Municipality of Metropolitan Toronto Act (1960) empowers the Metropolitan Corporation to acquire lands for park purposes in the Metropolitan area or in any adjoining municipality in the County of Ontario, the County of Peel, or the County of York (Section 23 (1)). There is no specific mention in the legislation of the powers invested in the Metropolitan Council in regard to the disposal of these lands, nor is there any mention of the maximum acreage that may be acquired.

Two other regionally oriented park commissions exist in Ontario. The St. Lawrence Parks Commission (1960) may sell or dispose of its land subject to the approval of the Lieutenant-Governor in Council (Section 6). The Niagara Parks Commission (1960) has the same control placed on it when disposing of lands. The National Capital Act (1958) created the National

Capital Commission and one responsibility of the Commission is to construct, maintain, and operate parks (Section 10 (2) (c)). Section 10 (2) (b) empowers the Commission to sell, lease, or otherwise dispose of lands within its

The Ontario Planning Act (1960) states that when a subdivision occurs the Minister of Municipal Affairs may request that a certain percentage of the land, not to exceed 5 per cent, must be conveyed to the municipality and set aside for public purposes other than highways (Section 28 (5) (a)). There is not, however, any mention of restrictions imposed upon the municipality in terms of disposing of lands acquired under such legislation.

Quebec

Many cities in Quebec have their own specific charter but the legislation dealing with the provision and disposal of park lands is drawn directly from The Cities and Town Act (1964). Section 429 (a)(b)(c) empowers the council to pass by-laws acquiring public squares and parks. The only mention in the entire Act of the council's power to dispose of lands under its control appears in Section 26 (2) which states that the council may:

Acquire for the objects within its authority moveable and immoveable property by purchase, donation or otherwise, and dispose of the same by onerous title when no longer required.

It is assumed that this statement applies to park lands as well as other municipally controlled lands.

In 1969 three Acts were given assent (The Quebec Urban Community Act, The Montreal Urban Community Act, and The Outaouais Regional Community Act) which will allow for the formation of a type of territorial government comprising the inhabitants and ratepayers of a number of contiguous municipalities. The wording of the legislation is substantially the same in all

three Acts respecting the acquisition and disposal of park lands. The legislation is oriented to the provision of regional parks and competence in this field must be granted through a majority vote of the Council. Once this has been granted, the Council can acquire parks and recreational facilities of a regional nature. Although the legislation does not specifically refer to parks Section 92 (e) of The Quebec Urban Community Act empowers the Community Council to:

sell, exchange, encumber, lease or alienate any moveable or immoveable property by observing, where necessary, the formalities prescribed by this act.

New Brunswick

The Towns Act (1952) empowers the council to make by-laws to purchase parks (Section 77), and to lease, in a manner deemed "most advantageous to the interests of the inhabitants of the town," any real estate owned or vested in the town (Section 82 (1)). The Villages Act (1952) makes no reference to the powers of the council to acquire, or sell, public lands. Nor is there any specific reference to parks in the Act. The Counties Act (1952) is almost a copy of The Town Act when dealing with the powers of the council to acquire and dispose of publicly owned lands (i.e., of Sections 109 and 142 of The Counties Act, and Sections 77 and 82 of The Towns Act).

The Community Planning Act (1960-1961) requires that when a subdivision of land occurs ten per cent of the land, exclusive of streets, must be dedicated to public use (Section 29 (1)). Section 29 (2) allows the council, with the approval of the planning commission, to sell the lands acquired in this manner.

The City of Fredericton Act (1951) empowers the council to acquire "landed property within the city for a public park, forest area, garden or

walk..." and that such areas may be disposed of when no longer required or when the council decides that it is advisable to dispose of same (Section 225 (35)). Section 225 (37) allows the council to lease dedicated park land to organized athletic groups. A private Act (1966) assented to November 24, 1966, makes it mandatory for the city, upon acceptance of lands dedicated for park use, to maintain the dedication in perpetuity.

Nova Scotia

The Municipal Act (1967) states that the council has the power to make, amend, and repeal by-laws "regulating the operation, management and use of any playground..." (Section 191 (8)). Section 134 (2) permits a municipality, with the consent of the Minister, to sell or mortgage any real or personal property when it is "no longer required for any such use or purpose." However, Section 134 (6) states that the above Section does not "extend to or affect (c) the title to any property vested in the supervisors of public grounds..."

The Towns Act (1967) is very similar to the previously quoted Municipal Act. Section 145 states that the council has full control over parks and public grounds, and it is assumed that this would involve not only the acquisition of these lands but also their disposal.

Under the legislation of The Village Service Act (1967), village commissioners may sell or convey any real or personal property when no longer required, with the consent of the Minister (Section 59). The Town Planning Act (1967) makes provision for the reservation of park land, not exceeding five per cent, when a subdivision occurs. No mention is made concerning the disposal of lands acquired by this method.

Prince Edward Island

The act of primary concern is The Town Act (1951) which states that the council may make by-laws for the purchasing of public squares and parks, and for the preservation of these areas (Section 78 (57)). There is no mention of the powers of the council in regard to the disposal of such lands.

Little mention of parks is made in The Town Planning Act (1967) except that the siting of playgrounds and recreational areas can be included in an Official Plan (Section 2 (2)(iii)). There is no mention in the legislation of the need to provide public land when a subdivision occurs.

Newfoundland

The Local Government Act (1952), which applies to all towns, rural districts, and local government areas, states in Section 44 (3)(i) that:

Subject to the approval of the Lieutenant-Governor in Council, every Council may acquire by gift, grant or purchase any land within the boundaries under its jurisdiction for parks or recreational purposes.

No mention is made of the powers to dispose of lands acquired for such use but it is assumed that approval to do such would have to come from the Lieutenant-Governor in Council.

The City of St. John's Act (1952) empowers the council to acquire lands for park purposes. No mention is made of the powers to dispose of park lands except that Bowring Park, a park dedicated to the City, must be kept in perpetuity (Section 68).

Summary

From a survey of the legislation, it is evident that a great many legislative Acts, to some degree, affect the acquisition and disposal of park lands at the municipal level. The common thread is that municipal

councils and/or park boards are empowered to acquire land for park purposes, and they have the authority to dispose of such lands with or without public approval or knowledge. Secondly, they can acquire land by devise or gift. Table I illustrates the powers of municipal councils and/or park boards to acquire and dispose of park lands. Not one province, however, specifies in its legislation, the need to protect park lands that have been acquired from encroachment by other uses. The significant point is that since park departments are created by municipal councils, through provincial legislation giving them this authority, the park department is subordinate to the council. Therefore the council can overrule the park department if disagreements arise concerning the need to dispose of developed park lands or even open space.

British Columbia, in fact, gives authority to municipal councils to remove by-laws reserving land for public purposes, which definitely limits the amount of protection that even dedicated park lands can have in this province. The only protected lands are those given in trust to be maintained for park purposes only. Alberta city councils, with the approval of those residents voting on the referendum, can sell dedicated park lands or land acquired for park purposes. The Saskatchewan legislation appears to be more strongly protective than other provincial legislation by requiring the council to advertise its intentions to sell park land. However, by requiring two per cent of the residents, within 10 days of the notice, to petition for a referendum, would require, in the case of Regina, signatures of more than 2,600 residents. Unless the publicity concerning the alienation were extensive, there is a chance that to organize and obtain the required signatures within the time limits may not be possible, and thus the decision would be made by the council and not be the residents. Manitoba

TABLE I

LEGISLATIVE POWERS OF MUNICIPAL COUNCILS TO ACQUIRE AND DISPOSE OF PARK LANDS

	<u>Power to Accept Land</u>	<u>Power to Purchase Land</u>	<u>Maximum Acreage For Parks</u>	<u>Power to Sell Dedicated Park Land</u>	<u>Power to Sell Developed Park Land</u>	<u>Power to Sell Trust Parks</u>
British Columbia	X	X	No	Yes, if approved by referendum	Yes	No, except if purpose is for necessary highways
Alberta	X	X	No	Yes, if approved by referendum	Yes	No
Saskatchewan	X	X	No	Yes, may require referendum if requested	Yes	No
Manitoba	X	X	Yes	Not stated	Yes	Yes
Ontario	X	X	Yes	No	Yes	No
Quebec	X	X	No	Yes	Yes	Not stated
New Brunswick	X	X	No	Yes	Yes	No
Nova Scotia	X	X	No	No	Yes	No
Prince Edward Island	X	X	No	Not Stated	In Acts	
Newfoundland	X	X	No	Not Stated	In Acts	

allows for the disposal of park land with no restraints such as a referendum to encumber the process. The legislation does state, however, that sufficient land must be kept for park purposes. The legislation does allow the acquisition of more than two and one-half times the National Recreation and Park Association city standard of 10 acres per 1,000 persons.

Ontario and Quebec are not restricted in terms of park land disposal. However, Peterborough reported that three of its five parks over 20 acres were Trust Parks and another park was shared between the city and the province (Robinson, 1971). It may be that other cities in Ontario have a large number of Trust Parks comprising the park system which would deter alienations from occurring. The Municipality of Metropolitan Toronto maintains and develops lands owned by the Metropolitan Toronto and Region Conservation Authority, and a Technical Committee on Parks and Recreation has been established on which are represented the Metropolitan Commissioners of Parks, Roads, Works, and Planning, and the Director of Operations of the Conservation Authority (Thompson, 1971). Such an administrative structure is made aware of potential conflicts at the early stages, and alternative solutions can be developed. These two examples may account for the reduction in the possibility of alienations occurring.

The Maritime Legislation allows for the disposal of park lands when they are no longer required, with three exceptions. The City of Fredericton must maintain in perpetuity lands donated for parks. In St. John's, Bowring Park must be maintained for park purposes. In Nova Scotia, land held in the title of the parks supervisors can not be sold. The difficulty for park supervisors to obtain title to the lands is not known.

It may be generally said that municipal park lands, in terms of protective legislation, are in a rather tenuous position in Canada.

REFERENCES CITED

- ALBERTA. REGULATIONS. 1966. Subdivision and Transfer Regulations. Chapter 29. Edmonton: Queen's Printer.
- _____. REVISED STATUTES. 1955. The City Act. Chapter 42. Vol. 1. Edmonton: Queen's Printer.
- _____. REVISED STATUTES. 1955. The County Act. Chapter 64. Vol. 1. Edmonton: Queen's Printer.
- _____. REVISED STATUTES. 1955. The Municipal District Act. Chapter 215. Vol. 3. Edmonton: Queen's Printer.
- _____. REVISED STATUTES. 1955. The Town and Village Act. Chapter 339. Vol. 4. Edmonton: Queen's Printer.
- _____. STATUTES. 1968. The Municipal Government Act. Chapter 68. Edmonton: Queen's Printer.
- BRITISH COLUMBIA. STATUTES. 1968. The Municipal Act. Chapter 28. Victoria: Queen's Printer.
- _____. STATUTES. 1955. The Vancouver Charter. Chapter 55. Victoria: Queen's Printer.
- _____. Department of Municipal Affairs. Statistics Relating to Regional and Municipal Governments in British Columbia. Victoria: Queen's Printer.
- HIEBERT, J. E. Jan. 28, 1971. Secretary-Treasurer, Regional District of Comox-Strathcona. Personal Letter.
- MANITOBA. REVISED STATUTES. 1940. The Municipal Act. Chapter 141. Winnipeg: Queen's Printer.
- _____. REVISED STATUTES. 1960. The Metropolitan Corporation of Greater Winnipeg Act. Chapter 40. Winnipeg: Queen's Printer.
- _____. STATUTES. An Act to Amend the Winnipeg Charter. Chapter 91. Winnipeg: Queen's Printer.
- NEW BRUNSWICK. REVISED STATUTES. 1952. The Counties Act. Chapter 44. Vol. 1. Fredericton: Queen's Printer.
- _____. REVISED STATUTES. 1952. The Towns Act. Chapter 234. Vol. 3. Fredericton: Queen's Printer.
- _____. REVISED STATUTES. 1952. The Villages Act. Chapter 242. Vol. 3. Fredericton: Queen's Printer.

- NEW BRUNSWICK. STATUTES. 1951. An Act to Consolidate and Amend Certain Acts Relating to the City of Fredericton. Chapter 69. Fredericton: Queen's Printer.
- _____. STATUTES. 1960-1961. The Community Planning Act. Chapter 6. Fredericton: Queen's Printer.
- _____. STATUTES. 1966. An Act Respecting Certain Parks and Streets in the City of Fredericton. Chapter 161. Fredericton: Queen's Printer.
- NEWFOUNDLAND. REVISED STATUTES. 1952. The City of St. John's Act. Chapter 87. Vol. 1. St. John's: Queen's Printer.
- _____. REVISED STATUTES. 1952. The Local Government Act. Chapter 66. Vol. 1. St. John's: Queen's Printer.
- NOVA SCOTIA. REVISED STATUTES. 1967. The Municipal Act. Chapter 192. Vol. 2. Halifax: Queen's Printer.
- _____. REVISED STATUTES. 1967. The Town Planning Act. Chapter 308. Vol. 3. Halifax: Queen's Printer.
- _____. REVISED STATUTES. 1967. The Towns Act. Chapter 309. Vol. 3. Halifax: Queen's Printer.
- _____. REVISED STATUTES. 1967. The Village Service Act. Chapter 329. Vol. 3. Halifax: Queen's Printer.
- ONTARIO. REVISED STATUTES. 1960. The Municipal Act. Chapter 249. Vol. 3. Toronto: Queen's Printer.
- _____. REVISED STATUTES. 1960. The Municipality of Metropolitan Toronto Act. Chapter 26. Vol. 3. Toronto: Queen's Printer.
- _____. REVISED STATUTES. 1960. The Niagara Parks Act. Chapter 262. Vol. 3. Toronto: Queen's Printer.
- _____. REVISED STATUTES. 1960. The Ontario-St. Lawrence Development Commission Act. Chapter 279. Vol. 3. Toronto: Queen's Printer.
- _____. REVISED STATUTES. 1960. The Planning Act. Chapter 296. Vol. 3. Toronto: Queen's Printer.
- _____. REVISED STATUTES. 1960. The Public Parks Act. Chapter 329. Vol. 4. Toronto: Queen's Printer.
- PRINCE EDWARD ISLAND. REVISED STATUTES. 1951. The Town Act. Chapter 162. Vol. 2. Charlottetown: Queen's Printer.
- _____. REVISED STATUTES. 1951. The Town Planning Act. Chapter 163. Vol. 2. Charlottetown: Queen's Printer.

QUEBEC. REVISED STATUTES. 1964. The Cities and Town Act. Chapter 193.
Vol. 3. Quebec: Queen's Printer.

_____. STATUTES. 1969. The Montreal Urban Community Act. Chapter 84.
Quebec: Queen's Printer.

_____. STATUTES. 1969. The Outaouais Regional Community Act. Chapter
85. Quebec: Queen's Printer.

_____. STATUTES. 1969. The Quebec Urban Community Act. Chapter 83.
Quebec: Queen's Printer.

ROBINSON, K. W. Feb. 3, 1971. Director of Recreation, Peterborough,
Ontario. Personal Letter.

SASKATCHEWAN. REVISED STATUTES. 1965. The City Act. Chapter 147. Vol. 2.
Regina: Queen's Printer.

_____. REVISED STATUTES. 1965. The Local Improvement Districts Act.
Chapter 151. Vol. 3. Regina: Queen's Printer.

_____. REVISED STATUTES. 1965. The Community Planning Act. Chapter
172. Vol. 4. Regina: Queen's Printer.

_____. REVISED STATUTES. 1965. The Regional Parks Act. Chapter 402.
Vol. 5. Regina: Queen's Printer.

_____. REVISED STATUTES. 1965. The Town Act. Chapter 148. Vol. 2.
Regina: Queen's Printer.

_____. REVISED STATUTES. 1965. The Village Act. Chapter 149. Vol. 2.
Regina: Queen's Printer.

_____. STATUTES. 1970. The Urban Municipality Act, 1970. Chapter 78.
Regina: Queen's Printer.

THOMPSON, T. W. Feb. 5, 1971. Metropolitan Parks Commissioner. Personal
Letter.

CHAPTER III
ALIENATION OF MUNICIPAL AND REGIONAL
PARK LANDS IN CANADA

The information required to analyse the problem of alienation was obtained through an original questionnaire and covering letter (Appendix Ia and Ib). The questionnaire was distributed to all municipalities in Canada having a population greater than 10,000 persons in the 1966 Census of Canada. It was assumed that for the most part smaller municipalities are not well developed in terms of dedicated and/or developed park lands and that competition for "urban" lands in these municipalities would not be as great as in larger centers. Questionnaires were not distributed to "counties" in eastern Canada because legislatively their administrative functions are more limited than those of townships or boroughs.

In general, mailing addresses were obtained from the Canadian Almanac and Directory (1970, 1971). When specific addresses in the Almanac were not found, the form "The Director, Parks and Recreation Department, City (Municipal) Hall" was used. Questionnaires were mailed between January 23 and February 8, 1971, and contained stamped return addressed envelopes. French language versions of the questionnaire were submitted to Quebec municipalities. Follow-up letters were sent out on February 11 and March 6, and a final distribution of questionnaires was made on March 25 to those park directors that had "resisted" previous mailings.

The general design was based upon points revealed by the Sinn-Butler (1961) study. Sections of the questionnaire requested information on encroachments experienced during the period 1960-1970 (Questions 4 to 10), on defeated encroachments attempts (Questions 11, 12, and 13), and on anticipated

future encroachment attempts (Questions 14 and 15). The complete questionnaire in French and English is included in Appendix Ia.

Results

Two hundred and thirty-four municipalities were surveyed, of which 141 (59 per cent) responded. A general summary of the results are shown in Table II. A large number (43) of municipalities replied that there were no parks over 20 acres within the municipality, or that no encroachments (71) had been experienced during the period 1960-1970. Nineteen municipalities reported a total of 39 alienations. It is evident from the number of municipalities experiencing encroachments that no national emergency exists. However, the data are representative of only one segment of the municipal park system, and it can be assumed that the problem is of greater proportions. Appendix II contains the detailed results of the questionnaire returns.

Returns from regional park authorities revealed that the problem was less significant at this level. There are so few park authorities of this nature (12) and they are of such recent origin that the lands under their control have not been developed as parks for sufficient length of time and therefore have not been subjected to alienation pressures. Moreover, parks under the jurisdiction of regional authorities are, for the most part, located in non-urban areas. Because only six encroachments were reported from this level of park administration, the detailed results of the questionnaires returned from them will be found in Appendix II only. Points raised by the respondents will be incorporated into the text where relevant.

TABLE II

ALIENATION OF PARK LAND: GENERAL FINDINGS

	Population of Municipality							Total
	10,000- 25,000	25,000- 50,000	50,000- 100,000	100,000- 200,000	200,000- 300,000	300,000- 400,000	400,000- and over	
Number of Municipalities Surveyed	139	44	29	9	5	3	5	234
Number of Municipalities Responding to Questionnaire	75	28	19	6	5	3	5	141
Number of Municipalities Reporting Alienations	0	2	8	3	1	2	3	19
Number of Alienations Reported	0	5	13	5	2	10	4	39
Number of Acres of Park Land Alienated	0	36	382	53	45	57	20	588
Number of Acres of Park Land Alienated Per Encroachment	0	7.2	29.3	10.6	22.5	5.7	5.0	

Realized Encroachments and Defeated Attempts

a) Municipal Parks

Table II shows the general numerical results of the questionnaire survey on park land alienations in Canadian municipalities according to population size. None of the respondent communities in the 10,000-25,000 population bracket have experienced encroachments and only 2 of 28 respondent municipalities in the 25,000-50,000 class reported a problem. Alienation of urban park lands is more serious in municipalities of more than 50,000 persons. For example, 8 of the 19 municipalities of 50,000-100,000 persons reported a total of 13 alienations. Taking the data as a whole, 9 of the 19 respondent municipalities of more than 100,000 persons reported 21 encroachments, compared to only 18 alienations in 10 of the 122 respondent communities of 10,000-100,000 persons. Furthermore, municipalities of greater than 100,000 persons experienced more alienations per municipality reporting than municipalities of less than 100,000 persons.

As a result of interpretation problems with data from Hamilton, the questionnaire was returned for clarification. It is the only municipality in the 200,000-300,000 category which reported having experienced alienations. Only the two alienations that could be interpreted with assurance were included in Table II; to date no response has been received for the additional information that could not be interpreted from the questionnaire.

The "annual" number of alienations (Table III) has fluctuated from year to year. However, splitting the two alienations reported in 1965 between the pre-1965 and post-1965 period, it is evident that the number of reported alienations has increased by one-third during the latter period. The number of defeated alienation attempts, by year (Table IV), appears to have increased since 1966. Had the defeated alienation attempts actually occurred, an addi-

tional 40 per cent more alienations would have occurred from 1966-1970 than from 1960-1964.

TABLE III

OCCURRENCE OF ALIENATIONS, ALL MUNICIPALITIES, BY YEAR

<u>Year</u>	<u>1960</u>	<u>1961</u>	<u>1962</u>	<u>1963</u>	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Number of Alienations Experienced	2	2	5	2	3	2	4	6	3	4	5

The year was unspecified for three encroachments reported.

TABLE IV

DEFEATED ALIENATION ATTEMPTS, ALL MUNICIPALITIES, BY YEAR

<u>Year</u>	<u>1960</u>	<u>1961</u>	<u>1962</u>	<u>1963</u>	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Number of Defeated Attempts	1	0	0	0	2	0	0	1	1	3	3

The year was unspecified for three defeated alienation attempts.

These two tables clearly indicate that while major municipal parks have experienced more encroachments from 1966-1970 than from 1960-1964, alienation of park lands to competing uses is meeting increasing resistance.

Tables V and VI document resistance to park land alienation. Table V shows that park boards objected to the proposed alienations in 14 (40 per cent) of 32 reported successful attempts but that their objections were unsuccessful in preventing the alienations from occurring. Indeed, objection by park boards were successful in only 5 of 19 cases where such objections were raised (Table V and VI). Organized public protest, on the other hand, was mounted against 9 encroachment attempts and credited with preventing

TABLE V
ATTEMPTS TO PREVENT REPORTED ALIENATIONS

Type of Attempt	<u>None</u>	Objection by <u>Park Board</u>	Organized Public <u>Protest</u>	<u>Other</u>
Number of Times Used	14	14	4	0

The cities of Calgary, Edmonton, and Hamilton did not provide data for this table.

TABLE VI
FACTORS THAT PREVENTED ATTEMPTED ALIENATIONS

<u>Factor</u>	<u>By-Law Control</u>	<u>Park Board Refusal</u>	<u>Public Protest</u>	Action by Other <u>Departments</u>	<u>Quality of Area</u>	<u>Unspecified</u>
Number of Times Used	5	5	5	3	2	1

five of these cases. Thus, public protest, as a means of preventing alienations, when used in conjunction with other means, is a viable force in preventing alienations and may be expected to be used more frequently in the future. It may be inferred from this that (vote-conscious) municipal councils recognize public protest to a greater degree than they recognize protests from the parks board. The apparent importance of legislative constraints (By-law control) as a factor preventing alienations may indicate that this is one of the best means available to ensure that park lands are protected.

Table VII shows that local government agencies are, by a wide margin, most frequently responsible for alienation of park lands. As further evidence of the low position of parks and park departments in the local government administration, one case (Halifax) reported that park authorities were

not even aware that land was to be alienated until bulldozers arrived at the park and began to clear the highway right-of-way. In some cases reported, an encroachment may have occurred as the result of two agencies at different levels.

TABLE VII

LEVEL OF GOVERNMENT RESPONSIBLE FOR ALIENATION

<u>Level of Government</u>	<u>Local</u>	<u>Provincial</u>	<u>Federal</u>	<u>Crown Corporation</u>	<u>Other & Unknown</u>
Number of Times Re-sponsible	26	7	1	4	5

TABLE VIII

LEVEL OF GOVERNMENT MAKING FINAL DECISION

<u>Level of Government</u>	<u>Local</u>	<u>Provincial</u>	<u>Federal</u>	<u>Unknown</u>
Number of Times Re-sponsible	28	0	0	11

Table VIII indicates that the final decision was made at the local level in at least 28 of 39 occasions. The municipal council made the final decision on 24 of the 28 occasions and the park board made the final decision on 4 occasions.

Table IX shows that land requirements for highway and road expansion resulted in the greatest number of alienations.

TABLE IX

PURPOSE FOR WHICH LAND ALIENATED

<u>Purpose</u>	<u>Highways And Roads</u>	<u>Schools</u>	<u>Utilities</u>	<u>Industries</u>	<u>Commercial</u>	<u>Other</u>
Number of Times Re- ported	13	9	5	2	0	9

TABLE X

PLANNED PURPOSES OF DEFEATED ALIENATION ATTEMPTS

<u>Purpose</u>	<u>Highways And Roads</u>	<u>Schools</u>	<u>Utilities</u>	<u>Industries</u>	<u>Commercial</u>	<u>Other</u>
Number of Times Reported	1	5	0	0	2	7

The data reveal that the Canadian situation is similar in kind to the American situation as described in the Sinn-Butler (1961) study which found that highways and roads were the major cause for alienation of land in large parks. Furthermore, the Canadian data reveal that 10 of 13 such alienations occurred in municipalities of more than 100,000 persons. From this it may be concluded that as city size increases and congestion becomes a problem, greater pressures are placed upon major park lands to accomodate highway improvements.

For municipalities under 100,000 persons, schools (and one university) were the most prevalent alienating use (6 out of 9 cases reported). Joint development of lands for schools and parks is a common occurrence, but not always welcome by park administrators.

A variety of uses such as Fire Hall, Insect Laboratory, Hospital Addition, Residential, and so on were also involved. No particular use dominated

the "Other" category of uses that alienated park lands. It is felt that the particular zoning by-law of each municipality would, to some degree, determine what uses would be developed within the parks. Unfortunately, the questionnaire did not request information about each municipality's zoning.

Examination of the planned purposes of the defeated alienation attempts (Table X) reveals that 3 of the 5 attempts that involved schools occurred in one city (Dartmouth, N.S.). It may be assumed from this fact that in this city the school board encounters stronger opposition from the general public and parks board against locating schools in parks than occurs in other municipalities.

Only one municipality (Surrey, B.C.) reported defeating an encroachment attempt by a highway or road. Upon confronting opposition to the proposal from the parks board of that municipality, the local engineering department developed an acceptable alternative that did not affect park lands.

Within the "Other" category of Table X, 6 of 7 defeated attempts were for housing (public and private) and the other attempt was for an exhibition ground. This clearly indicates that parks attract residential proposals, but that such proposals are more easily defeated by the parks department of the municipal council than are other proposals.

In terms of the factors that contributed to the final decision, the three most frequently reported factors were that the land was cheaper, that there were a lack of alternatives, and that the alienating use was of greater importance (Table XI). These three factors are of significance when the role of the parks department vis-a-vis other municipal departments is considered in terms of fulfilling its function.

In some cases a combination of factors was given as contributing to

the final decision. The District of Coquitlam (B.C.) indicated that, in conjunction with the land being cheaper, the lack of an approved development plan for the park was a factor that led to the alienation of some of the lands. Table X suggests that park lands are viewed by municipal councillors as valuable public land banks. If the land is held in the title of the municipality, and developed but not dedicated for park purposes, there is no legal constraint restraining the council from developing the land for other purposes.

TABLE XI

FACTORS CONTRIBUTING TO THE FINAL DECISION

<u>Factor</u>	<u>Land Cheaper</u>	<u>Lack of Alternatives</u>	<u>Alienating Use More Important</u>	<u>Lack of Public Opposition</u>
Number of Times Reported	9	10	11	3

b) Regional Parks

Eight regional districts in B.C., having either a partial or full parks function, as well as the Vancouver-Fraser Regional Parks District were surveyed. In addition, representatives of the Saskatchewan Regional Parks District, the St. Lawrence Parks Commission, the Niagara Parks Commission, and the National Capital Commission were surveyed.

Responses were received from 6 of the 8 regional districts in B.C., as well as from the Vancouver-Fraser Regional Parks District. With the exception of the Capital of British Columbia Regional District all other regional districts reported that their function was limited only to accepting park lands given to the district. No program of park land acquisition could be undertaken. The Capital of British Columbia Regional District reported the

loss of 4 acres from a 955 acre park for highway use; this was the extent of the losses for the B.C. region districts. The Vancouver-Fraser Regional Parks District, which at the present time is actively involved with acquiring land, reported no losses of land.

No replies were received from representatives of the Saskatchewan Regional Parks Districts. The St. Lawrence Parks Commission reported that the questionnaire did not apply to them, and no response was received from the Niagara Parks Commission.

The National Capital Commission, although not giving the acreage of the alienations, indicated that 5 alienations had occurred within the two major elements of the capital region open space system (the Greenbelt and Gatineau Park). The alienations were for a highway right-of-way, hydro, gas, and telephone rights-of-way, and for a church. Final approval for these sales, leases, or easements was given by the Advisory Land Committee of the National Capital Commission, the Treasury Board and by Order-in-Council. In all cases the uses were considered to be of either national interest or for greater public good, and in concurrence with general N.C.C. development goals.

Anticipated Encroachments

Half of the municipalities that reported anticipating future alienation attempts (Appendix V) are municipalities that have already experienced or defeated encroachments (7 out of 14). One municipality (Bathurst, N.B.), with a 1966 population of 15,526 persons, indicated that a future attempt for low cost housing was possible. This is the only case in which a municipality of this size category, 10,000-25,000 population, has been affected.

Predominantly, the governmental level from which the future attempt is

anticipated is either local government (5 out of 20) or provincial government (8 out of 20). In all 13 cases the attempt is for additional highways and road requirements. Other future attempts will come from housing (2), utilities (3), schools (1), and the Federal Department of Transport (1). The anticipation of alienations by commercial interests was mentioned only once.

Not all municipalities mentioned the number of parks or acreage that future encroachments involved, but Calgary and Ottawa both anticipate that four parks will be affected. Seven of the attempts are for expanded highway needs and one is for an expanded sewage treatment facility. Calgary anticipates the loss of 52 acres. The National Capital Commission will lose almost all of a 23 acre park for freeway development. Peddie (1968) reported that Hamilton expected to lose approximately 230 acres of park land to impending highway construction; the size of the parks to be affected was not stated and the data received from Hamilton gave no indication as to the extent of the losses expected. They did, however, support the point that losses to highways in the future were anticipated as well as losses to Ontario Hydro and the local school boards.

One city (Victoria, B.C.) reported an anticipated attempt on one of its major parks located outside the city. Other sources (The Victoria Daily Times, 1971) report that at least four future attempts will be made on the city's major park (Beacon Hill) which is located inside the city's boundaries. Closer examination of other municipalities may reveal other unreported, but known, forthcoming attempts.

Nineteen municipalities in seven provinces--Ontario (8), B.C. (3), Quebec (2), Alberta (2), Nova Scotia (2), Saskatchewan (1), New Brunswick (1)--reported experiencing alienations. It is not known if the

encroachments reported in this study occurred on dedicated park lands or on public lands developed for park purposes. The difference between these two types of parks is significant. In the former case, any proposed reduction in park land would require, in most cases, the sanction of the electors of the municipality through a referendum. In the latter case, it would require a vote of council only. Not one case was reported where a referendum was used to gain approval to alienate park lands for other purposes. Tentatively, it may be concluded that alienations occurred on functional, developed, but non-park-by-law-dedicated, public lands.

One point of significance is that only 2 of the 39 alienations reported occurred on golf courses. Calgary lost 10 acres for highway development and Kitchener lost 2 acres for a sewer right-of-way. This would indicate that golf courses, themselves major occupiers of "undeveloped" land, are better able to withstand alienation attempts than are major parks. This could possibly be explained through the fact that private golf courses are taxable and membership in same may be of influential community members who are able to exert considerable pressure on politicians to find alternatives to the proposed alienation.

In terms of the legal powers available to them to dispose of park lands, it would appear that the municipal councils in the seven provinces--Ontario, B.C., Quebec, Alberta, Nova Scotia, Saskatchewan, and New Brunswick--that were affected by alienations, did, in fact, use these powers. The key to the whole issue, as outlined in Chapter II, appears to be whether or not a park was actually dedicated or whether it was just developed for recreation purposes. All the legislation reviewed allows municipal councils to develop municipally owned land in the manner they see fit, even though it may be developed for another purpose at the time they wish to change the use. The

major limitation to further analysis is the lack of information regarding the type of park that was affected by the alienations that have been reported.

REFERENCES CITED

- CANADA. 1966. Dominion Bureau of Statistics. Census. Ottawa: Queens' Printer.
- PEDDIE, RICHARD. 1968. Urban Parks and Planning in Calgary. Unpublished M.A. Thesis. University of Calgary.
- SINN, DONALD F. and BUTLER, GEORGE D. 1961. The Loss of Park and Recreation Land. Wheeling, West Virginia: American Institute of Park Executives, Inc.
- VICTORIA DAILY TIMES. Feb. 18, 1971. Keep Off Grass!
- WALTERS, SUSAN. 1970, 1971. Canadian Almanac and Directory. Toronto: The Copp Clark Publishing Co.

CHAPTER IV
SUMMARY AND CONCLUSIONS

This thesis has investigated the magnitude and number of encroachments occurring on major municipal and regional parks in Canada. In addition, the uses that alienated the park lands have been identified, as well as the reasons for the alienation and the level of government which made the final decision. Results from this study were compared to the results obtained from a similar study of the problem as it affected U.S. municipalities from 1950-1960.

The Sinn-Butler (1961) study of 300 local and county park authorities in the U.S., of which 130 responded, revealed that 120 acres experienced 259 alienations. Total park acreage alienated was 2,687 acres out of an unknown total park acreage. Approximately 10 acres was alienated per encroachment. Major parks were affected by alienations more often than small parks; it is not known how large the "major" parks in the U.S. study were.

Results from the survey of 234 Canadian municipalities, of which 140 responded, revealed that 19 municipalities had 30 areas that experienced 39 alienations. The total acreage alienated was approximately 600 acres of a total park acreage exceeding 4,430 acres. Approximately 15 acres was alienated per encroachment.

The survey of Canadian municipalities indicates that the magnitude of acreage of park land lost per alienation is 50-per cent greater than the acreage lost per alienation in the U.S. study. Furthermore, the Canadian survey revealed that, of the responding municipalities of 10,000-25,000 persons, no alienations have been experienced. Thus, the results of the Canadian survey show that of the 66 responses received from the 95 municipalities over 25,000 persons, 19 (23 per cent of those responding, or 20 per cent of

the total number of municipalities) reported having experienced alienations. Further refinement shows that of the 38 responses received from the 51 municipalities over 50,000 persons, 17 (44 per cent of those responding, or 33 per cent of the total number of municipalities) reported having experienced alienations. Based upon these results it is safe to assume that alienations of major municipal park lands in Canadian municipalities exists as a serious, but largely unrecognized and unpublicized, problem. The overall problem is probably much greater and affects more municipalities than are reported here if parks of all sizes at the municipal level were investigated.

Conclusions

Encroachments on major municipal parks in Canada by competing urban land uses has been identified as a problem, especially in particular cities. Between 1960 and 1970, 20 per cent of the municipalities over 25,000 persons and 33 per cent of those over 50,000 persons reported experiencing encroachments. Indeed, these figures are low if only those municipalities responding to the questionnaire survey are considered. It is concluded that major municipal park lands are most often affected when the population of the municipality exceeds 50,000 persons. In addition, municipalities exceeding this population reported that expanding highway and road needs within the municipality were responsible for the greatest number of alienations. It is possible that at the 50,000 population threshold traffic congestion becomes an increasingly significant problem. The least expensive areas and the most expedient method to provide land for additional traffic needs appears to be provided by the large parks. Thus municipal councils seem to view large parks as valuable public land banks that are able to accommodate the problems created by urban congestion.

That parks, and indeed park departments, are not viewed by municipal councils as being equally important as other municipal functions, is evidenced by the findings that objections to the alienation, by park authorities, were overruled by municipal councils almost 75 per cent of the time. However, the apparent increasing awareness of the general public of the value of large parks, and their opposition to alienation attempts is a factor that municipal councils recognize and consider more important than objections from park departments. When applied, usually in conjunction with other methods, public protest was reported as being considerably more effective in preventing alienation attempts than park board objections. Continued public opposition to future alienation attempts may result in increasing the apparent existing low status of park lands and park departments in the local government administrative structure.

The final conclusion is that municipal park lands in Canadian municipalities are not strongly protected by legislation. It is assumed that the alienations reported in this study occurred on non-legislatively dedicated park lands. The fact that public lands may be developed as parks for urban residents, and yet not protected by legislation from experiencing alienations, creates a false sense of security on the part of the residents who regard the act of development as a sign of dedication. In actual fact this is not so, and the cases reported in this study confirm this point.

Importance of Findings to Planning

For park planners and/or administrators the findings of this study are obvious. The major urban users responsible for park land alienations have been identified, and those responsible for the development and maintenance of urban parks must impress upon other local government departments the

need for coordination of the disparate public developments. In addition, park administrators should attempt to ensure that lands developed for parks are in fact dedicated for that purpose by public referendum. Through this procedure alienation attempts will necessarily be brought to the attention of the public for approval and the parks board can utilize public protest as a means of protecting the park lands. Finally, park administrators should stress the need for a "park and recreation" category, exclusive of other public institutional uses, in the municipal zoning by-law.

Future urban growth in Canada is projected to concentrate in 30 existing urban areas (Report of the Task Force on Housing and Urban Development, 1969). Leisure time is expected to increase in the future and therefore, combined with the expected increasing urban populations, increasing pressures on all land uses will be experienced and it is expected that park lands will not be excluded from those pressures. Continued loss of park lands, with increasing development of urban lands, will reduce the quality of the recreation experience for residents in urban areas. Therefore, urban planners must recognize park lands as a necessary, valuable, and legitimate component of the total range of urban land uses. By recognizing parks in this light it will require a comprehensive view of future physical public developments to ensure that the planning and location of these developments does not unnecessarily jeopardize the future recreation potential of existing parks.

The encroachment problem exists in Canada, and reports by park directors indicates that highways and roads, and schools appear to be continuing threats to municipal park lands in the future. As Goodman and Freund (1968) stated:

Open space functions have rested at the bottom of the list of land use elements, with the funds and the lands relegated from the remainders of other activities. Open space should not necessarily receive one sort of priority or another, but rather should be planned and programmed in conjunction with other functions and purposes.

If planning is meant to provide a better existence through the rational allocation of land uses, then more than lip service will have to be paid to the above statement.

Future Research Possibilities

The results of this study suggest several new directions in which additional research on the topic might be focussed. The first, and most obvious, approach would be to resurvey the municipalities requesting the same information, but concerned with parks of less than 20 acres in size. Such research would be complementary to the research done in this study. Additional knowledge regarding the magnitude of, and the municipalities affected by, encroachments would be obtained. Because of the great number of parks of this size at the municipal level such a study might best be undertaken on a more limited scale than this study. It was for this reason mainly that such parks were excluded from the purview of this study. But it would be worthwhile to investigate the impression of some park administrators who reported that it was parks of this size that were most prone to encroachments.

A second approach would be to accept the findings of this study and to investigate the zoning by-laws of the different municipalities as well as the different administrative structures in which park boards are involved. Special by-laws passed by the municipality which increased the inviolability of a park would be included in such a study. The difference in legislative protection between trust parks, dedicated park land, designated park

land, and open space functioning as a park would be a useful area of research. The annual budget of the parks department in relation to other departments, and an organizational chart of the civic administrative structure showing park departmental connections with other departments would be a useful variable to include in any study of park boards powers vis-a-vis other departments. The per cent of the area within a municipality that has been developed for urban uses will probably have direct bearing on the number of encroachments that would be experienced, and this variable could be of some significance when investigating the impact of encroachments on all parks at the municipal level.

Validity of Results

There is some evidence that the data presented underestimate the extent of the problem. The results of a study of encroachments in the city of Calgary by Peddie (1968) utilizing park board files, minutes from city council meetings, and news media reports, present a strong case that the actual extent of the problem as presented is greatly underestimated. His study cited 10 encroachments occurring to parks over 20 acres in Calgary from 1960-1968, and yet the questionnaire as received from the Calgary Parks and Recreation Department indicated none. It is conceivable that other park administrators who responded to the questionnaire did likewise. Furthermore, the data for the city of Edmonton are only for the period 1960-1965. A lack of staff time was cited as the reason for not being able to update the data. The non-response to response rate was highest in Quebec and Ontario. It is in these two provinces that the greatest number and concentration of population in Canada is located, and where one would expect the greatest pressures on urban lands. The results of the survey do not indicate that such is the case.

It is unfortunate that the non-response to response ratio in these areas was so low, as it is most likely that non-responding municipalities are among those that will receive the greatest population growth in the future. Additional pressures on the existing park system could result in a lowering of park acreage standards for the residents of these areas if means are not provided to reduce the encroachments occurring on parks.

REFERENCES CITED

- CANADA. TASK FORCE ON HOUSING AND URBAN DEVELOPMENT. 1969. Report.
Ottawa: Queen's Printer.
- GOODMAN, WILLIAM I., and FREUND, ERIC C. (Eds.) 1968. Principals and Practice of Urban Planning. Washington, D.C.: International City Managers' Association.
- PEDDIE, RICHARD. 1968. Urban Parks and Planning in Calgary (Alta.). Unpublished M.A. Thesis. University of Calgary.
- SINN, DONALD F., and BUTLER, GEORGE D. 1961. The Loss of Park and Recreational Land. Wheeling, West Virginia: American Institute of Park Executives, Inc.

ADDITIONAL LITERATURE ON THE SUBJECT OF PARKS AND ENCROACHMENTS

- ABELL, TRACY H. 1941. The Preservation of Your County Parks. Parks and Recreation. Vol. 34.
- ACCOKEEK FOUNDATION, INC. 1967. A Study Analysis of the Problems of Preserving Recreational and Open Space Lands. Washington, D.C.: Accokeek Foundation, Inc.
- AMERICAN INSTITUTE OF PARK EXECUTIVES, INC. 1960. The Crisis in Open Land. Wheeling, West Virginia: American Institute of Park Executives, Inc.
- AMERICAN SOCIETY OF PLANNING OFFICIALS. 1957. Newsletter. Regional Parks Fail to Keep up with Growth. Vol. 23.
- ANDREWS, E. O., and LIPMAN, W. F. 1960. Open Space for Recreation; Guidelines for its Acquisition and Preservation. State Government. Vol. 33.
- CANADA. DEPARTMENT OF FORESTRY AND RURAL DEVELOPMENT. 1967. An Initial Bibliography on Outdoor Recreational Studies in Canada with Selected United States References. Ottawa: Department of Forestry and Rural Development.
- CANADA. DEPARTMENT OF REGIONAL ECONOMIC EXPANSION. 1970. An Initial Bibliography on Outdoor Recreational Studies in Canada with Selected United States References. Ottawa: Department of Regional Economic Expansion.
- CLAWSON, MARION. 1961. Highways and Parks. Recreation. Vol. 54.
- _____ 1962. Implications of Recreational Needs for Highway Improvements. Highway Research Board Bulletin #311.
- COTTON, DONALD A. 1964. Land Use: Open Space: Its Value and Conservation in the Urban Environment. Southern California Law Review. Vol. 37.
- CROSS, GILBERT. 1962. Costly Crush to Get Outdoors. Fortune. Vol. 66.
- CROXTON, J. C. 1967. Crusading to Save a Valued Park. National Gardener. Vol. 38.
- FENDERSON, C. 1967. Connecticut Conservationists Lose Fight to Save Park. Conservation News.
- GLIKSON, A. 1956. Recreational Land Use. In: Man's Role in Changing the Face of the Earth. Thomas, W. (ed.). Chicago: University of Chicago Press.
- HIGGS, K. G. 1965. Outdoor Recreation Needs of Metropolitan Areas. Forestry Chronicle. Vol. 41.

- LAGASSE, ALFRED B. 1958. City Planners - A Park's Worst Enemy: Park Property Encroachments. Parks and Recreation. Vol. 41.
- LONGWORTH, D. S. 1953. Use of a Mail Questionnaire. American Sociological Review. Vol. 18.
- MAC RAVEY, RICHARD D., and DOELL, CHARLES E. 1964. Urbanization: What Does This Mean to Parks and Recreation. Parks and Recreation. Vol. 47.
- NEWSWEEK. 1966. Race for Recreation Space. Vol. 67.
- RICHARS, J. H. 1967. Cross Aspects of Planning and Outdoor Recreation with Particular Reference to Saskatchewan. Canadian Geographer. Vol. 2.
- TANNER, ODGEN. 1959. Parks are for Pleasure. Architectural Forum. Vol. 110.
- TANKEL, S. B. 1963. The Importance of Open Space in the Urban Pattern. In: Cities and Space. Wingo, Lowdon (ed.). Baltimore: Resources for the Future.
- WHITTEMORE, HARLOW O. 1956. Problems of Getting, Preserving Space for Recreation in Municipalities. Michigan Municipal Review.
- WHYTE, WILLIAM H. 1959. A Plan to Save Vanishing U.S. Countryside. Life. Vol. 47.

APPENDIX Ia AND Ib

PARK LAND ENCROACHMENT QUESTIONNAIRE

AND COVERING LETTER

SCHOOL OF COMMUNITY & REGIONAL PLANNING

January 21, 1971.

Dear Sir:

In the past ten years Canada has experienced tremendous growth of its urban population. This growth has resulted in increased competition between different users within the urban areas. Very often major parks and golf courses are viewed as areas that can accommodate these pressures due to their undeveloped character and often their prime location in the urban area. However, the extent of encroachments occurring to major municipal parks (over 20 acres) and golf courses is not known. Since the importance of accessible, large parks in urban and suburban areas will increase in the future, an inventory of encroachments is being prepared. The purpose is to determine the success rate of maintaining major parks (over 20 acres) and golf courses, and to determine, on an individual basis, the reasons behind the occurrence of each encroachment.

The enclosed questionnaire is being sent to city, town, municipal, metropolitan, and regional park directors in the four western provinces. The data collected is to be used in the preparation of an M.A. thesis at the School of Community and Regional Planning. The research is being supported by a grant from the National and Historic Parks Branch of the Department of Indian Affairs and Northern Development.

The questionnaire has been designed in a manner convenient for tracing the history and reasons for each encroachment. Each column will represent one encroachment for the year specified. For those answers not requiring specific acreage or names of specific departments or agencies please mark an 'X' in the appropriate square for each major section. Space has been provided at the end of the questionnaire for additional comments. It is of great importance that data be related only to those cases dealing with parks over 20 acres and golf courses for the time period 1960-1970.

The study is similar to one done in 1961 by the American Institute of Park Executives, Inc., which surveyed the problem in the U.S.A. on a national scale. From this study it was found that the majority of encroachments occurred as a result of the Interstate Highway program because parkland was cheaper and not "developed". But other examples were recorded. In Toledo, Ohio, for example, the City Council overruled objections by the Parks Board and sold 70 acres of an 18 hole golf course to a rubber manufacturing firm in an attempt to expand the City's tax base and provide more jobs.

Your full cooperation is requested in answering this questionnaire and to facilitate returning it a stamped return addressed envelope has been provided. In order to allow time to analyse the results it would be appreciated that the questionnaire be returned by February 15, 1971.

Thank you for your cooperation in this matter.

Yours truly,

Bruce Chambers, (B.A.),
Graduate Student, School of
Community & Regional Planning.

SCHOOL OF COMMUNITY & REGIONAL PLANNING

Le 4 Fevrier 1971

Monsieur,

Au cours des dix dernières années, la population urbaine du Canada s'est accrue d'une façon remarquable. Cette croissance a provoqué une concurrence grandissante qui s'exerce entre les divers usagers des terrains sis au sein des aires urbaines. Très fréquemment, les parcs d'importance majeure et les terrains de golf, à cause de leur état vierge, et souvent de leur emplacement privilégié dans la région urbaine, font les frais de cette concurrence. L'étendue des empiétements exercée sur les principaux parcs municipaux (au-dessus de 20 acres) et les terrains de golf reste toutefois inconnue. Comme l'importance des parcs, grands et accessibles, dans les régions urbaines et sub-urbaines va s'accroître à l'avenir, une étude de ces empiétements est de rigueur. Le but est de déterminer quelles ont été jusqu'à présent les possibilités de pouvoir garder intact les principaux parcs (au-dessus de 20 acres) et terrains de golf, et dans le cas échéant, de découvrir quelles sont les raisons déterminantes de chaque empiétement.

La questionnaire ci-joint va être envoyé à tout les directeurs de parcs du Canada administrés par une ville ("city" et "town" en anglais), municipalité, métropole, aussi qu'aux directeurs de parcs régionaux et provinciaux. Les résultats obtenus seront ensuite utilisés pour une thèse de maîtrise à la School of Community and Regional Planning. Cette étude a été sanctionnée par une bourse provenant de la Direction des parcs nationaux et lieux historiques du Ministère des Affaires Indiennes et du Nord Canadien.

Ce questionnaire a été conçu d'une façon permettant de celever l'histoire et les motifs de chaque empiétement. Chaque colonne représente un empiétement selon l'année indiquée. Dans le cas des questions ne nécessitant pas un superficie exacte ou de noms bien définis de départements ou d'organismes, placez un "X" s'il vous plaît dans la case adéquate pour chaque principale. Un endroit vous a été réservé à la fin du questionnaire pour vos commentaires complémentaires. Il est d'extreme importance que les renseignements fournis ne s'appliquent qu'aux terrains de golf, et qu'aux parcs ayant une superficie d'au-delà de 20 acres, et pour la décennie 1960-1970.

Cette étude est semblable à celle entreprise en 1961 par l'American Institute of Park Executives, Inc. Cette compagnie envisagea le problème aux États-Unis à l'échelle nationale. Il fut alors mis à jour que la majorité des empiétements étaient un produit direct du projet Interstate Highway, et ceci en raison que les terrains étaient moins chers et non 'développés.' A Toledo, par exemple, en Ohio, le conseil municipal passa outre les objections du Bureau des Parcs et vendit 70 acres d' un terrain de golf à une manufacture de caoutchouc afin d'augmenter les revenus fiscaux de la ville et de pourvoir davantage d' emplois.

Je vous serais reconnaissant, Monsieur, de bien vouloir m'accorder votre co-opération. Afin de faciliter un tant soit peu votre tâche, une enveloppe timbrée a mon adresse vous est fournie. Veuillez aussi renvoyer ce questionnaire s'il vous plaît le 28 Février 1971 au plus tard afin qu'il me soit possible d'analyser les résultats à temps.

Croyez, Monsieur, à mes plus vifs remerciements,

Bruce Chambers (B.A.)
Graduate Student,
School of Community and
Regional Planning.

PARKLAND ENCROACHMENT
QUESTIONNAIRE

- 1. NAME OF PARK ORGANIZATION: _____
- 2. TYPE OF PARK SYSTEM: _____
 CITY: _____ TOWN: _____
 MUNICIPAL: _____ REGIONAL: _____
 METROPOLITAN: _____
- 3. NUMBER OF MAJOR PARKS (over 20 acres): _____
 GOLF COURSES IN PARK SYSTEM: _____

Please fold out questionnaire and complete questions number 4 to 15.

Thank you.

11. UNSUCCESSFUL ENCROACHMENT ATTEMPTS:

YEAR (please specify)

Number of areas involving
 (a) major parks:
 (b) golf courses:
 Acreage involved:

12. PURPOSE OF UNSUCCESSFUL ENCROACHMENT ATTEMPT:

Highway or roads:
 School:
 Utilities (specify):
 Industrial:
 Commercial:
 Other (specify):

13. FACTORS THAT PREVENTED ENCROACHMENTS DESCRIBED ABOVE:

Organized public protest:
 Park Board refusal:
 Legislative or By-Law Control:
 Approved master plan of area:
 Action by other departments:
 Environmental quality of the area:
 Other (specify):

Number of areas involving (a) major parks:							
Number of areas involving (b) golf courses:							
Acreage involved:							
Highway or roads:							
School:							
Utilities (specify):							
Industrial:							
Commercial:							
Other (specify):							
Organized public protest:							
Park Board refusal:							
Legislative or By-Law Control:							
Approved master plan of area:							
Action by other departments:							
Environmental quality of the area:							
Other (specify):							

ANTICIPATED ENCROACHMENT ATTEMPTS:

14. AGENCIES FROM WHICH AN ATTEMPT IS ANTICIPATED:

Please specify: _____

15. PURPOSE OF ANTICIPATED ENCROACHMENTS:

Please specify: _____

16. ADDITIONAL COMMENTS (use additional sheets if necessary):

4. HISTORY OF ENCROACHMENTS
1960-1970:

YEAR (please specify)

Number of encroachments involving							
(a) major parks:							
(b) golf courses:							
Acreage before encroachment:							
Acreage taken in encroachment:							
Estimated value of							
(a) encroached land:							
(b) total park land:							
(c) encroached improvements:							
(d) total park improvements:							
5. AGENCY ENCROACHING: Please indicate specific department if local, provincial, or federal government, or specific crown corporation or private company.							
6. PURPOSE FOR WHICH LAND WAS TAKEN: Highway or roads: Schools: Utilities (specify): Industrial: Commercial: Other (specify):							
7. HOW WAS ENCROACHMENT ACCOMPLISHED: Expropriation: Consent of City Authorities: Parks Board Approval: City Council Decision: Negotiated sale: Land swap: Referendum: Other (specify):							
8. AGENCY GIVING FINAL APPROVAL: If government please specify whether local, provincial, or federal and also specify the department giving final approval: Other (specify):							
9. ATTEMPTS TO PREVENT ENCROACHMENT: None: Objection by Parks Board: Organized Public Protest (specify group): Other (specify):							
10. FACTORS CONTRIBUTING TO FINAL DECISION: Land Cheaper: Lack of alternatives: Encroaching use considered of greater importance: Lack of public opposition: Area unsuitable for park use: Lack of development plan: Other (specify):							

QUESTIONNAIRE SUR L'EMPIÈTEMENT
QUE SUBISSENT LES PARCS

1. NOM DU PARC OU DE L'ORGANISATION
DES PARCS: _____

2. TYPE DE PARK: _____

CITÉ (CITY): _____

VILLE: _____

MUNICIPAL: _____

RÉGIONAL: _____

METROPOLITAN: _____

PROVINCIAL: _____

3. NOMBRE DE PARCS (au-dessus de 20
acres): _____

TERRAIN DE GOLF: _____

Pliez ce questionnaire s'il vous plaît et
remplissez les questions numéro 4 à 15.
Merci.

ANNÉE (Spécifiez, s'il vous plaît)

11. TENTATIVES MANQUÉES D'EMPIÈTEMENT:

Nombre d'endroits concernant
(a) des parcs (au dessus de 20 acres):
(b) des terrains de golf:
Superficie en question:

12. BUT DE CES TENTATIVES MANQUÉES
D'EMPIÈTEMENT:

Grand-route ou routes:
École:
Services publics (spécifiez):
Industriel:
Commercial:
Autres (spécifiez):

13. FACTEURS AYANT EMPÊCHÉ LES EMPIÈTEMENTS
DÉCRITS CI-DESSUS:

Démonstration publique organisée:
Refus du Bureau des Parcs:
Législation ou ordonnance:
Planification locale approuvée:
Action exercée par d'autres départements:
Qualité de l'environnement local:
Autres (spécifiez):

TENTATIVES E'EMPIÈTEMENT ANTICIPÉES:

14. ORGANISMES DONT UNE TENTATIVE EST ANTICIPÉE:

Spécifiez, s'il vous plaît: _____

15. BUTS DE CES EMPIÈTEMENTS ANTICIPÉS:

Spécifiez, s'il vous plaît: _____

16. COMMENTAIRES COMPLEMENTAIRES:

<p>4. HISTORIQUE DES EMPIÈTEMENTS, 1960-1970: Nombre d'empiètements concernant (a) des parcs (au-dessus de 20 acres): (b) des terrains de golf: Superficie précédant l'empiètement: Superficie de l'empiètement: Valeur estimée (a) du terrain empiété (b) du terrain total formant le parc: (c) des améliorations du terrain empiété: (d) des améliorations total du parc:</p>	
<p>5. ORGANISME DEMANDANT L'EMPIÈTEMENT: Indiquez s'il vous plaît le département exact, s'il s'agit d'un gouvernement local, provincial, fédéral, ou s'il s'agit d'une corporation de l'État ou d'une compagnie privée.</p>	
<p>6. BUT DE L'EMPIÈTEMENT: Grand-route ou routes: Écoles: Services publics (spécifiez): Industriel: Commercial: Autres (spécifiez):</p>	
<p>7. COMMENT L'EMPIÈTEMENT S'EST-IL PRODUIT? Expropriations: Consentement des autorités municipales: Approbation du Bureau des Parcs: Décision de conseil municipal: Vente en bonne et due forme: Échange de terrain: Referendum: Autres (spécifiez):</p>	
<p>8. ORGANISME AYANT DONNÉ L'ACCORD DÉFINITIF: Indiquez si besoin s'il s'agit d'un gouvernement local, provincial ou fédéral ainsi que le département ayant donné l'accord définitif: Autres (specifiez):</p>	
<p>9. ACTION DEPLOYÉE EN VUE D'EMPÊCHER L'EMPIÈTEMENT Aucune: Objection émanant du Bureau du Parcs: Démonstration publique organisée (Spécifiez quel groupe): Autres (spécifiez):</p>	
<p>10. FACTEURS AYANT CONTRIBUÉ À LA DÉCISION FINALE: Terrain meilleur marché: Manque d' alternatives: Usage de l'empiètement jugé de plus grande importance: Manque d'opposition de la part du public: Aire inadéquate à l'usage en tant que parc: Manque de planification: Autres (spécifiez):</p>	

APPENDIX II

MUNICIPALITIES SURVEYED--

PARK LAND ENCROACHMENT QUESTIONNAIRE

Municipality	Population		# of Parks Over 20 Acres	Encroachment	
	1966	1961		Yes	No
<u>British Columbia</u>					
District of Chilliwack	20,070	18,246			X
Dawson Creek	12,392	10,946	2		X
Delta	20,664	14,597	0		X
Esquimalt	12,841	12,048	1		X
Kamloops	10,759	10,076	4		X
Kelowna	17,006	13,188	2		X
District of Langley	15,767	14,585	0		X
District of Maple Ridge	19,287	16,748			
District of Matsqui	16,161	14,293	3		X
Nanaimo	15,188	14,135			
District of North					
Cowichan	10,384	9,166	0		X
Oak Bay	18,123	16,935	0		X
Penticton	15,330	13,859	5		X
Port Alberni	13,755	11,560			
Port Coquitlam	11,121	8,111	1		X
District of Powell River	12,578	10,748	0		X
Prince George	24,471	13,877			
Prince Rupert	14,677	11,987	0		X
Trail	11,600	11,580	0		X
Vernon	11,423	10,250	1		X
District of Coquitlam	40,916	29,053	10	X	
New Westminster	38,013	33,654	3		X
City of North Vancouver	26,851	23,656	0		X
District of North					
Vancouver	48,124	38,971			X
West Vancouver	31,987	25,454	4		X
Richmond	50,460	43,323	5		X
Saanich	58,845	48,876	5	X	
Surrey	81,826	70,838	11		X
Victoria	57,453	54,941	4	X	
Burnaby	112,036	100,157			
Vancouver	410,375	384,522	12		X
<u>Alberta</u>					
M.D. of Bonnyville #87	10,979	10,209	0		X
Grande Prairie	11,417	8,352	1		X
County of Ledue #25	10,294	10,647			
County of Red Deer #23	12,943	13,477			
County of Strathcona #20	16,185	12,075			
M.D. of Sturgeon #90	15,926	17,837			
Lethbridge	37,186	35,454	2		X
Medicine Hat	25,574	24,484	5		X
Red Deer	26,171	19,612	5		X
Calgary	330,575	249,641	21	X	
Edmonton	376,925	281,027	31	X	

Municipality	Population		# of Parks over 20 acres	Encroachments	
	1966	1960		Yes	No
<u>Saskatchewan</u>					
North Battleford	12,262	11,230	3		x
Swift Current	14,485	12,186	1		x
Yorkton	12,645	9,995	1		x
Moose Jaw	33,417	33,206	3		x
Prince Albert	26,269	24,168	0		x
Regina	131,127	112,141	17		x
Saskatoon	115,892	95,526	13	x	
<u>Manitoba</u>					
Fort Garry	21,177	17,528	1		x
North Kildonan	11,955	8,888			
Portage la Prairie	13,012	12,388	1		x
Transcona	19,761	14,248			
Brandon	29,981	28,166	0		x
East Kildonan	28,796	27,305	0		x
St. Boniface	43,214	37,600			
St. James	35,685	33,977			
St. Vital	29,528	rural municipality incorporated as city in 1962.			
Winnipeg	257,005	265,429	4		x
Metro Winnipeg	502,098	469,993			x
<u>Ontario</u>					
Ancaster Township	14,960	13,338			
Barrie	24,016	21,169	1		x
Brockville	19,266	17,744	1		x
Chinguacousy Township	16,281	7,571	6		x
Cobourg	11,524	10,646	0		x
Darlington Township	10,163	9,601	0		x
Dundas	10,501	12,912	0		x
Eastview	24,269	24,555			
Essa Township	14,455	13,753	2		x
Forest Hill	23,135	20,489			
Georgetown	11,832	10,298	2		x
Gloucester Township	23,222	18,301			
Gwillimbury East	12,452	10,357			
Kapuskasing	12,617	6,870			
Kenora	11,295	10,904	1		x
Borough of King	14,226	12,845	1		x
Kingston Township	12,985	10,442			
Lindsay	12,090	11,399			
Long Beach	12,980	11,039			
Markham Township	17,386	13,426	2		x
Mimico	19,431	18,212			
New Toronto	13,234	13,384			
North Bay	23,635	23,781	0		x
Orillia Township	11,052	10,054			
Owen Sound	17,768	17,421	2		x
Pembroke	16,262	16,791			
Pickering Township	27,851	17,201			
Pittsburgh Township	10,201	9,024			

Municipality	Population		# of Parks Over 20 Acres	Encroachments	
	1966	1961		Yes	No
Port Colbourne	17,986	14,886			
Preston	13,380	11,577	1		X
Richmond Hill	19,773	16,446	0		X
St. Thomas	22,983	22,469			
Saltfleet Township	17,984	16,424	3		X
Sidney Township	11,825	11,397	0		X
Stratford	23,068	20,467	4		X
Teck Township	15,784	17,422	0		X
Trenton	13,746	13,183			
Vaughan Township	19,022	16,701			
Wallaceburg	10,696	7,881	0		X
Whitby	17,273	14,685	0		X
Woodstock	24,027	20,486			
Belleville	32,785	30,655	2	X	
Bramston	36,264	18,467			
Chatham	32,424	29,826	2		X
Cornwall	45,766	43,639			
Galt	33,491	27,830	4		X
Nepean Township	43,919	19,753	0		X
Timmins	29,303	29,270	1		X
Waterloo	29,889	21,366			
Welland	39,960	36,079			
Brantford	59,854	55,201			
Burlington	65,941	47,008	7	X	
Guelph	51,377	39,838			
Borough of East York	74,200	72,409	1		X
Kingston	59,004	53,526			
Kitchener	93,255	74,485	10	X	
Niagara Falls	56,891	22,351			
Peterborough	56,177	47,185	5		X
Oakville	52,793	10,366			X
Oshawa	78,082	62,415	3		X
Saint Catherine	97,101	84,472			X
Sarnia	54,552	50,976			X
Sault Ste. Marie	74,594	43,088	6	X	
Sudbury	84,888	80,120			
London	194,416	169,569	50		X
Borough of York	134,674	129,645	5	X	
Thunder Bay	110,000		12		X
Windsor	192,544	114,367			
Borough of Etobiocke	219,542	156,035	7		X
Hamilton	298,121	273,991	40	X	
Ottawa	290,741	268,206	8		X
Borough of Scarborough	278,377	217,286	15		X
Borough of North York	399,534	269,959			
Toronto	664,584	672,407	19	X	
Municipality of Metropolitan Toronto			10	X	

Municipality	Population		# of Parks over 20 Acres	Encroachments	
	1966	1961		Yes	No
<u>Quebec</u>					
Alma	22,195	13,309	Not sufficiently equipped to answer questionnaire		
Anjou	22,477	9,511			
Arvida	15,342	14,460			
Asbestos	10,534	11,083			
Baie-Comeau	12,236	7,956			
Beaconsfield	15,702	10,064	1		x
Beauport	11,742	9,192			
Beloeil	10,152	6,283			
Boucherville	15,338	Annexed in 1963	3		x
Brossard	11,884	3,778	0		x
Chambly	10,798	Two districts amalgamated			
Charlesbourg	22,926	14,308	0		x
Chateaugay	12,460	7,570	0		x
Chateaugay - Centre	14,096	7,591			
Chateaugay N.	12,814	11,229			
Cote-St. Luc	20,546	13,266	0		x
Cowansville	10,692	7,050			
Dollard des Ormeaux	12,297	1,248	6		x
Dorval	20,905	18,592			
Gatineau	17,727	13,022	1		x
Giffard	12,585	10,129			
Grand'Mere	16,407	15,806			
Greenfield Park	12,288	7,807			
Hauterive	11,366	5,980			
Iles de Sorel	19,021	17,147	1		x
Joliette	19,188	18,088	1		x
Kenogami	11,534	11,816	1		x
Lachute	10,215	7,560	2		x
Lafleche	13,433	10,984	0		x
La Tuque	13,554	13,023	1		x
Lauzon	12,877	11,533			
Levis	15,627	15,112	0		x
Magog	13,797	13,139	8		x
Matane	11,109	9,190			
Montmagny	12,241	6,850			
Mont Royal	21,845	21,182			
Norand	11,521	11,477			
Pointe Gatineau	11,053	8,854			
Repentigny	14,976	9,139	0		x
Rimouski	20,330	17,739			
Riviere-du-Loup	11,637	10,835	0		x
Rouyn	18,581	18,716			
St. Bruno-de-Montarville	10,712	6,760	1		x
St. Hubert	17,215	14,380			
St. Hyacinthe	23,781	22,354			
St. Hubert	17,215	14,380			
St. Therise	15,628	11,771	0		x
Sept-Iles	18,950	14,196	0		x
Shawinigan S.	12,250	12,683			
Sillery	14,737	14,109	0		x

Municipality	Population		# of Parks over 20 Acres	Encroachments	
	1966	1961		Yes	No
Thetford Mines	12,250	12,683			
Tracy	10,918	21,618	0		x
Val-d'Or	12,147	10,983	0		x
Victoriaville	21,320	18,720	1		x
Westmount	24,107	25,012	0		x
Cap-de-la-Madeleine	29,433	26,925	2		x
Chicoutimi	32,526	31,657			
Drummondville	29,216	27,909			
Granby	34,349	31,463	0		x
Jonquiere	29,663	28,588	1		x
Lachine	43,155	38,630			
La Salle	48,322	30,904			
Longeuil	25,593	24,131	0		x
Pierrefonds	27,924	12,171	0		x
Outremont	30,881	30,753			
Point-aux-Trembles	29,888	21,926			
Pointe-Claire	26,784	22,709			
Ste-Foy	48,298	29,716	0		x
Ste-Jean	27,784	26,988	1		x
St-Jerome	26,511	24,546	0		x
Shawinigan	30,777	32,169			
Valleyfield	29,111	27,297			
Hull	60,176	56,929			
Jacques-Cartier	52,527	40,807			
Montreal N.	67,806	48,433			
St-Laurent	59,479	49,805	0		x
Sherbrooke	75,690	66,554			
Trois Rivieres	57,540	53,477			
Verdun	76,832	78,317	3		x
Quebec	166,984	171,979	1	x	
Ville de Laval	196,088	Laval County amalgamated to form Ville de Laval in 1965			
Montreal	1,222,255	1,191,062	21	x	
<u>New Brunswick</u>					
Bathurst	15,256	5,494	4		x
Campbellton	10,175	9,873			x
Edmunston	12,517	12,791			
Fredericton	22,460	19,683	1		x
Lancaster	15,836	13,848			
Oromocto	14,112	12,170	0		x
Moncton	45,847	43,840	1		x
Saint John	51,567	55,153	5	x	
<u>Nova Scotia</u>					
Amherst	10,551	10,788	0		x
Glace Bay	23,516	24,186			
New Glasgow	10,484	9,782	0		x
Truro	13,007	12,421	1		x

Municipality	Population		# of Parks over 20 Acres	Encroachments	
	1966	1961		Yes	No
Sydney	32,767	33,617	2		x
Dartmouth	58,745	46,966	3	x	
Halifax	86,792	92,511	3	x	
<u>Prince Edward Island</u>					
Charlottetown	18,427	18,318			
Summerside	10,042	8,611			
<u>Newfoundland</u>					
Cornerbrook	27,116	25,185	0		x
St. John's	79,884	63,633	1		x

APPENDIX III

ENCROACHMENTS EXPERIENCED

Details of data of municipalities reporting encroachments.

<u>Municipality</u>	<u>Original Acreage</u>	<u>Acreage Alienated</u>	<u>Year</u>	<u>Purpose</u>	<u>Method of Alienating</u>	<u>Final Approval</u>	<u>Attempts to Prevent</u>	<u>Reason for Decision</u>
District of Coquitlam	490.7	10	1960	School	Council Overrule	Council	Objection	Cheaper
		.8	1960	Fire Hall	Same	Same	Same	Same No plan
		13	1963	Hydro r/w	Same	Same	Same	Hydro more important
		10	1963	Local Works Yard	Same	Same	Same	Cheaper
As of April 5, 1971, this park has been dedicated by public referendum to be maintained as a park.								
Saanich	44.4	10.3	1969	School	Council decision	Council	Strong Park Board protest	School more important
Victoria	1210	103	1962	Hydro r/w	Council overrule	Council	Park Board & public protest	Cheaper No alter- native R/w more important
For the loss of this land 254 acres of natural park were received as well as cash for 100 acres.								
Capital of B.C. Regional District	955	4	N/a	Highway Prov.	Council	Council	None	Highway more im- portant

<u>Municipality</u>	<u>Original Acreage</u>	<u>Acreage Alienated</u>	<u>Year</u>	<u>Purpose</u>	<u>Method of Alienating</u>	<u>Final Approval</u>	<u>Attempts to Prevent</u>	<u>Reason for Decision</u>
Calgary	23	N/a	1963	Inter- change	N/a	N/a	N/a	N/a
		N/a	1967	Plane- tarium	N/a	N/a	N/a	N/a
		N/a	N/a	Armory	N/a	N/a	N/a	N/a
	84.5	14.4	1962	Trans Canada Highway	N/a	N/a	N/a	N/a
	825.5	24.5	N/a	Highway	N/a	N/a	N/a	N/a

More encroachments have occurred to major parks, but due to lack of corroboration by Parks Department the others can not be listed. The data contained herein was obtained from Peddie (1968) cited previously.

Edmonton	130.5	2.5	1962	Highway	N/a	N/a	N/a	N/a
	39.4	4.0	1962	Highway	N/a	N/a	N/a	N/a
	34.3	9.3	1962	Imperial Oil Co.	N/a	N/a	N/a	N/a
	60.8	1.0	1961	Bohemian Maid Brew- ing Co.	N/a	N/a	N/a	N/a
	74.9	4.8	1964	School	N/a	N/a	N/a	N/a

This data covers only the period 1960-1965. Because of limitations of staff time the questionnaire and information for 1965-1970 could not be obtained.

<u>Municipality</u>	<u>Original Acreage</u>	<u>Acreage Alienated</u>	<u>Year</u>	<u>Purpose</u>	<u>Method of Alienating</u>	<u>Final Approval</u>	<u>Attempts to Prevent</u>	<u>Reason for Decision</u>
Saskatoon	41.2	10.5	1966	Hospital addition	Council overrule	Council	Park Board protest	Lack of alternatives
		2.0	1966	Inter- change	Same	Same	Same	Same
The interchange improved the adjacent undeveloped river bank.								
Belleville	50.8	2.5	1969	Highway	Council overrule	Council	None	N/a
Sault St. Marie	56.0	23.0	1967	Insect Lab.	Council overrule. Sale.	Council	Park Board protest	Lab. more important
Borough of York	20.0	20.0	1961	Highway	Council decision	Council	None	Cheaper. Lack of public pro- test. High- way more important.
								35.1
Hamilton	695.0	5.0	1967	Hydro r/w	Sale. Council overrule	Council	Park Board & public	Cheaper. Lack of alternatives.

The line site was shifted to the easterly side of the park instead of through the middle.

<u>Municipality</u>	<u>Original Acreage</u>	<u>Acreage Alienated</u>	<u>Year</u>	<u>Purpose</u>	<u>Method of Alienation</u>	<u>Final Approval</u>	<u>Attempts to Prevent</u>	<u>Reason for Decision</u>
Hamilton		40.0	1968	Highway	Sale. Council overrule	Council	Park Board & public protest	Cheaper. Lack of alternatives.
At least four additional encroachments occurred and possibly 10. Questionnaire sent back for corroboration but no return has been received.								
Municipality of Metropolitan Toronto	N/a	N/a	1967	Science center	Park Board approval. Council approval.	Council	None	Compatible use.
Toronto	79.5	9.7	1962	Highway	Land swap. Park Board approval.	Park Board	None	Lack of alternatives.
The land gained in the swap was considered to be of greater value.								
	69.8	6.8	N/a	School	Land swap.	Council	None	N/a
Burlington	45.8	3.0	1969	YMCA	Park Board approval	Council	None	Lack of alternatives.
		2.0	1970	Library	Park Board approval	Same	Same	Lack of alternatives.
Both were in the same centrally located park and were not serious in nature as the usual encroachment would apply.								
Quebec City	20.0	10.0	1965	School	Council approval	Council	None	School more important
Montreal	N/a	4.0	1967	Metro Station	Council	Council	N/a	N/a

<u>Municipality</u>	<u>Original Acreage</u>	<u>Acreage Lost</u>	<u>Year</u>	<u>Purpose</u>	<u>Method of Alienation</u>	<u>Final Approval</u>	<u>Attempts to Prevent</u>	<u>Reason for Decision</u>
Saint John	42.2	3.2	1966	School	Council decision	Council	None	School more important
	229.0	202.0	1968	Univer- sity	Council decision	Council	None	University more impor- tant
		7.0	1968	Highway	Council decision	Council	None	Highway more important
Dartmouth	30.0	8.0	1962	School	Council decision	Council	Park Board protest	School more important
		6.0	1964	School	Same	Same	Same	Same
Halifax	N/a	N/a	1970	School	Council decision	Council	None	Lack of alternatives
Kitchener	N/a	12.0	1967	Highway	Council decision	Council	None	Lack of alternatives
	N/a	2.0	1967	Sewer & Water	Council decision	Council	None	Lack of alternatives. This was a golf course
Saanich	44.4	10.3	1969	School	Council decision	Council	Strong Park Board Pro- test	School more important
<u>Regional Districts</u>								
Capital of British Columbia Regional District	955	4.0	1966	Highway	Council decision	Council	None	Lack of alternatives

<u>Municipality</u>	<u>Original Acreage</u>	<u>Acreage Alienated</u>	<u>Year</u>	<u>Purpose</u>	<u>Method of Alienation</u>	<u>Final Approval</u>	<u>Attempts to Prevent</u>	<u>Reason for Decision</u>
Columbia Shuswap Regional District								
Comox - Strathcoma Regional District								
East Kootenay Regional District								Restricted to accepting lands donated for park purposes.
Fraser Clean Regional District								
Mount Waddington Regional District								
Fraser-Fort George Regional District								
Central Kootenay #1 Regional District								No response.
<u>Saskatchewan</u>								
Saskatchewan Regional Parks Authority								No response.
<u>Ontario</u>								
St. Lawrence Parks Commission								Questionnaire not applicable
Niagara Parks Commission								No response
National Capital Commission								Reported alienations by highways, hydro, gas and telephone easements, and churches. No acreage or year when alienation occurred was given.

APPENDIX IV

DEFEATED ENCROACHMENT ATTEMPTS

<u>Municipality</u>	<u>Year</u>	<u>Purpose of Unsuccessful Attempt</u>	<u>Factors that Prevented Encroachment</u>
Dartmouth	1968	School	Organized public protest. Action by other departments.
	1969	School	Parks Board refusal.
	1970	School	Organized public protest.
Fredericton	n.d.	Public housing	Organized public protest. Action by other departments.
Surrey	n.d.	Highway	No further action taken.
Sault St. Marie	1969	Housing	Park Board refusal. Environmental quality of the area.
Thunder Bay	1960-1969	Housing	Park Board refusal.
Saskatoon	n.d.	Exhibition grounds	Park Board refusal. Action by other departments. Environmental quality of the area.
Hamilton	1970	School	Organized public protest. Park Board refusal.
Calgary	1960	Housing	By-law control.
	1964	Shopping center	By-law control.
	1964	School	By-law control.
	1967	Housing	By-law control.
	1970	Housing	Organized public protest. By-law control.

APPENDIX V

MUNICIPALITIES ANTICIPATING FUTURE ENCROACHMENTS

<u>Municipality</u>	<u>Agency from Which Attempt is Anticipated</u>	<u>Purpose of Anticipated Encroachment</u>
Cap-de-la-Madeleine	Provincial Government	Inter-urban rapid transit line.
Bathurst	Provincial Government	Low cost housing.
Dartmouth	Local school board	Schools.
	Private	Commercial development.
Victoria	Provincial Highways Department	Highway widening.
Regina	City highway department	Major arterial roadway.
	Department of Transport	160 acre golf course requisitioned for commercial use adjoining airport. Balance for housing.
Thunder Bay	Ontario Department of Highways	Highway expansion.
	Private	Housing developments.
Borough of York	Local and Provincial Highway Departments	Highway and roads. Rapid transit.
Ottawa	Local and Provincial Highway Departments	Arterials and freeways.
	Sewer Authority	Expansion of sewage treatment plant.
National Capital Commission	Provincial Highways Department	Freeway.
Hamilton	Local Highway Department	Highways and roads.
	Local School Board	High schools.
	Ontario Hydro	Power lines.
	Ontario Gas	Gas lines.

<u>Municipality</u>	<u>Agency from Which Attempt is Anticipated</u>	<u>Purpose of Anticipated Encroachment</u>
Calgary	Engineering and Planning Departments	Highway and roads.
Toronto	Ontario Hydro	Hydro transformer substation.
Halifax	Public Housing Commission	Public housing.
St. John's	Newfoundland Highway Department	Arterial roadway.
Metro Winnipeg	Metro Highways Department	Freeway. Will affect several golf courses but not looked upon as being serious.