

# the Genesis of British Columbia CHAPTER 54

By Albert C. Hill, SR/WA

I was asked to provide from my memory, and elsewhere, some background on the founding and establishment of British Columbia Chapter 54. Particularly, I wanted to include all the names of the original Affiliate and founding members of British Columbia Chapter 54, as each person played a substantial role in bringing the AR/WA and later the IRWA to the local area for reasons

that were very important to the professionalism of the practitioners in the field of Right of Way. It may be useful to review the local scene prior to the formation of the Affiliate.

Following World War II, there were several driving factors that brought the acquisition of lands by governments and others empowered by legislation into the center of property ownership and management. The first was the large volume of unsettled claims against the federal government resulting from land acquisitions taken under the War Measures Act of 1938. The second was a large acquisition of public lands for resale to veterans as a form of resettlement compensation for war service. It was a logical step that the staff employed to deal with one aspect of the federal government program, would be most competent to deal with the second. Many early participants in the appraisal and right of way vocation came onto the scene in this manner. Ron Grant, Al Penny, Allen Keenlyside, and Charles Burtinshaw were among some of the early persons who worked to specialize both the appraisal and the right of way negotiation professionals.

Provincially, there was a major need for a new and upgraded highway system and the first provincial chief Right of Way agent was appointed. With as few as a dozen agents, miles of new right of way and expanded right of way were acquired throughout the entire province. The Hart Highway from Prince George to Fort St. John and Dawson Creek was completed. The planning and rebuilding of the Trans-Canada Highway, the Yellowhead Highway, Highways 97 and 95 and the Lower Inter-Provincial Highway (Highway #3) all were projects of the period.

There were two major pipelines constructed in the



'50s and early '60s: Trans-Mountain Pipeline and Westcoast Transmission, the later requiring numerous local distribution systems.

Starting shortly after 1946 and lasting for nearly 20 years was the major BC Electric Company Limited hydro project commonly called the "Bridge River System." This construction flooded thousands of acres of land, caused new communities to be created and was a major economic and social force in South Western British Columbia. In the later part of '50s the major "Columbia River Power" projects were commenced, which again flooded communities, roadways, and created the need for new communities and realigned roadways. The power projects created a need for the construction of a major network of power lines with consequent land acquisitions.

In the early '60s, many of the airports had to be enlarged to accommodate jet aircrafts. The acquisition of these additions and expansion of services caused major public land acquisitions. These included the extension of Patricia Bay Airport and relocation of Highway 17; the acquisition of most of Sea Island for the Vancouver International Airport; the extension of lands for Abbotsford, Comox, Prince George, Cranbrook; and new airports sites at Prince Rupert, Pitt Meadows, Terrace and Kelowna among others. Additionally, there were the major long distance and associated electric transmission lines from the Peace River and Columbia River power projects to the Vancouver area and into the United States to add British Columbia to the Pacific Region Power Grid.

During the years prior to World War II, many local governments defaulted on their bond debt and were placed in receivership. At the same time, large amounts of land returned to municipal ownership due to non-payment of taxes. Most of the municipalities managed to return from receivership by 1948 and one of the first orders of business was to dispose of the large land holdings in order to put the lands back on the tax rolls.

At this time and until 1974, all local governments had a municipal officer called the assessor, who was knowledgeable about lands, and presumably about land valuation, and it most often fell upon the Assessor's shoulders to be the Land Agent for the municipality. This was the case in the City of Victoria, and the municipalities of Richmond, Delta, Saanich, and Nanaimo among others.

The first property officer holding a designated position as a "Land Agent" occurred in the City of Vancouver in 1948. The City of North Vancouver followed in 1952, then Burnaby, the District of North Vancouver, and then West Vancouver. Surrey's land agent was appointed in the summer of 1966.

Before going further it is also important to have some knowledge of the legal framework in practice. Federally, there was an Expropriation Act, which was largely framed from 1867 English Land Clauses legislation. Airport lands were acquired under a very brief 12-clause addendum to the Aeronautic Act. Pipelines and ancillary land requirements were taken initially under portions of the Railway Act and later both the British Columbia and Federal Pipeline Acts. There was no requirement for environmental assessment, and no requirements to pay the person aggrieved for their additional financial or other burdens caused by the taking. In fact, federal legislation provided almost immediate vesting in the taking agency and left the displaced property owner to prove he had a claim. For nearly 20 years there was an ongoing dispute between the Exchequer Court of Canada, [now the Federal Court of Canada] and the Supreme Court of Canada over whether compensation should be based solely on fair market value or value to the owner. A brief analysis of the current court decisions still reflects that contest.

Provincially, there was a fairly simple Expropriation Act, and also the Highway Act. This latter legislation was as draconian as the federal legislation and placed in either the Minister, or the Chief Highway Engineer, many powers, which some right of way personnel would love to have today. There was no concept of having to justify the need to acquire. Sometimes, political pressure would temper the harshness of the legislation.

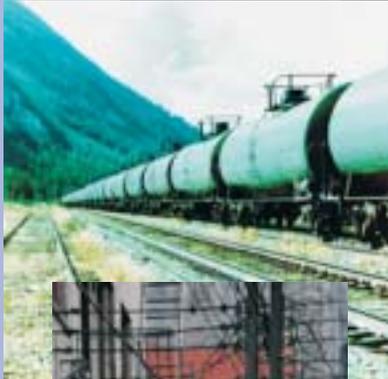
At the local level, the Municipal Act, the Public School Act, the Park Act and the Hospital Act provide the means that local governments used to acquire rights in private property. Takings at this level generally required a bylaw enactment by





the local government, which had to receive provincial cabinet minister approval, proper service, a hearing before a board of arbitration and the payment of the award before vesting became effective. It was common to complete the entire process within five months and seldom did taking procedures last more than a year.

While the legal rules were fairly simple and somewhat harsh, the practitioner in the field basically worked on a principle that he made the best deal possible. This often meant making numerous side deals as a portion of the compensation, which would be required now by legislation, but at that time were not legitimized in any manner. Department of Transport purchased the same veteran's home on Sea Island, in connection with airport expansion requirements, three successive times and in each instance paid to move the improvements to another land parcel beyond the previous land acquisition and also to pay compensation representing almost full value of the land and improvements. In another instance, three entire city (village) blocks in Sidney were acquired without a single adjudicative hearing and all settlements were completed within a six-month period.



There were many instances of tireless work by right-of way practitioners going the extra mile to assist disturbed landholders. Most realized that there needed to be a more open and more consistent method of dealing with landowners, and there was a general belief that some serious education based upon modern psychology of negotiation and upon a more thorough understanding of valuation principles would be a great benefit to both the practitioner and the disturbed landowner.

To say that some individuals were less than absolutely fairly treated would be an understatement. As more and more developments started to take place within more congested areas, a public demand for a more sensitive method of dealing between the taking entity and the property owner became a very real political factor. The employees or contractors, acting on behalf of those empowered to use the power of expropriation or simply the power of a large well-financed institution, sought some common means of equipping themselves with the necessary knowledge to ply their profession in an acceptable manner. Thus enter the American Right of Way Association



As you are aware Frank C. Balfour in Los Angeles, California, originally founded the American Right of Way Association in 1934. The first publication of the Association was in 1954 and now is known as the *right of way Magazine*.

The association was, and is, an international education organization that plays a significant role in the development of the Canadian and United States economies. The aims and purposes of the Association require a vigorous continuing educational program, the purpose of which is to better equip the right of way practitioner in fulfilling his/her professional obligations.

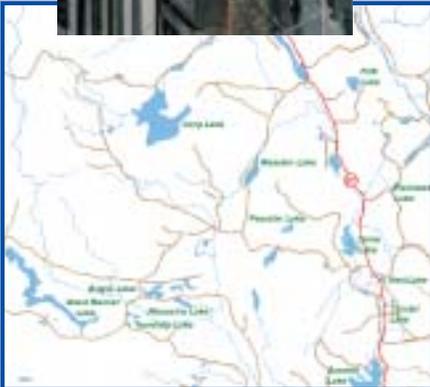
The original technical skills required for proficiency in this profession embraced the fields of right of way engineering, right of way negotiation and valuation procedures, real estate appraisal, eminent domain law (expropriation), property management, public relations and administration.

In the mid 1950s several persons from British Columbia joined Chapter 4, located in Seattle, Washington, and from time to time drove to Seattle, Olympia or Tacoma where the regular Chapter 4 meetings were conducted. More than once, members from British Columbia who were members of Chapter 4, made presentations at the Regional Conference generally held at Tumwater, Washington. Chapter 4 had over 150 members at that time, many from the Washington State Department of Highways. Washington State

Department of Highways under the State Chief Right of Way Agent conducted a joint seminar and thus defrayed much of the costs. These seminars were well regarded and well attended. Out of these sessions came many new and innovative ideas, which found their way into common practice and also into the administration of the law.

In the mid '60's there seemed to be a fairly regular contingent going to these monthly meetings from British Columbia. Notably were Wally Clarke, of Coates Field Services, Tom

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Moore the Provincial Highways Chief Right-of-Way Agent, Alan Penny and Allen Keenleyside, noted local appraisers, Charles Watson of B.C. Hydro, John Riches of Trans Mountain Pipeline Company Ltd., and Bernie Guichon of Westcoast Transmission Company Ltd., and up to ten others whose names I have unfortunately, long forgotten. In any event, I was asked to come along with George (Don) Higgs, Surrey's right of way agent and Wally Clarke in 1967. Wally Clarke had been employed as a contract Right of Way staff with Ron Grant Ltd., a firm that specialized in appraisal and right of way activity. In 1965, Ron Grant Ltd. was sold to Coates Field Services and Wally Clarke became the area manager. Ron Grant moved to California, although still maintaining a presence in the local appraisal and right of way scene.

The Association was busily retaining several university professors to prepare courses of study that could be used to upgrade individual members skills in the areas of proficiency mentioned above. There was a national education committee composed of a member from each Region. Seattle was in region 7. I was fortunately selected by the members of the region to be the representative on the National Education Committee. In 1968 we edited and tested what was to become courses 100, 200 and 400. I shall come back to this committee and the Professional Development Committee later.

These members who travelled to Seattle on a fairly regular bases also had informal discussions with their colleagues within other groups that met regularly. These groups included the Municipal Officers Association, the Appraisal Institute Of Canada, the Society of Real Estate Appraisers, the Farm & Ranch Appraisers, the B.C. Society of Land Surveyors, and the B.C. Assessors' Association. The common needs were self-evident and it was from these connections that the founding members along with British Columbia members of Chapter 4 were solicited to form the affiliate of Chapter 4 in Vancouver. It was considered wise to establish an affiliate of Chapter in Vancouver and with the help of Chapter 4 members from Seattle and Tacoma, the Affiliate held its first meeting in June 1968.

The initial effort was to secure the attendance of 25 local persons who were either members of potential members, find a suitable meeting place and set out a useful and interesting program. At this time there were three in Canada, Chapter 29 in Toronto, Chapter 34 in Montreal, and Chapter 48 in Calgary. Little assistance could be obtained from the Canadian Chapters due to distance at that time.

In any event the first meeting was held in the Blue Boy Hotel, where the casino now functions, and there were 34 local attendees and ten from Chapter 4. Among those first attendees were Chris Loutis, Right of Way Supervisor of King County, and Keith Densley, who later became International President. A very enjoyable evening was had and it was evident that further meetings would be welcome. One or two persons should never be forgotten in the founding of Chapter 54. Chris J. Loutsis and John E. Day, a fee appraiser from Oregon, who later was elected president of the IRWA and died in office. He was so well thought of in his home state of Oregon that a major east west turnpike is named in his honour. These two in particular and many others in the Seattle and Tacoma area give great support to the formation of the affiliate that became Chapter 54.



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The second meeting was held a month later and nearly 50 local persons indicated a desire to belong to the new Affiliate of Chapter 4. The original affiliate documents were issued and George Higgs was selected the first chairman. David Sparks and R.E. (Bob) Caverley were Vice Chairman and Treasurer respectfully. With the enrolled membership now over 50, the level required for chapter status, efforts were made to bring Chapter 54 to its birth.

In 1969, a formal resolution was passed by the American Right of Way Association at the International Seminar in Portland, Oregon, changing its name to the International Right of Way Association. Provision was also made at that seminar to raise the status of the Vancouver affiliate, as it was then known to full chapter status.

Chapter status became official in October when Karl Baetzner, International Vice-President, standing in for President George R. Watson attended. Chris Loutsis acting as Regional Chairman presented the banner and plaque. A member of the "Roadrunner" Chapter 53 from Albuquerque New Mexico delivered the new banner in accordance with the custom that the succeeding new chapter by assisted by the last installed chapter.

George Higgs, David Sparks, Bernard G. Guichon and Wally Clarke did the recruiting. Some of the names are still with us in second and even third generations. These are some of the names I can recall at our first meeting: Bernie Guichon of West Coast Transmission Ltd., and John H. Riches of Trans Mountain Pipeline Ltd., Charlie Stewart of BC Hydro, Ernest W. Hoover. Ronald Grant, a noted expropriation appraiser, who subsequently left the area to move to California and become a member of Chapter 47, Robert Caverley, Ken MacLeod, B.C. Hydro, Douglas McLeod, Department of Public Works, Wally Clarke of Coates Field Services Inc., Charles Burtenshaw, Michael Grover and Fred Cunningham along with a number of others.

The initial officers of the Chapter were: Kenneth MacLeod, B.C. Hydro, President, John Riches, Trans Mountain Pipeline Ltd., Vice President, Ken Howard, B.C. Hydro, Secretary, R.E. Caverley, Treasurer, B. Guichon, Director and G.D. Higgs, Director.

At this time I would like to put into the record the work of George Higgs, Wally Clarke and David Sparks on the international scene regarding professional development. At this time, there were no national professional designations in either the US or Canada. The granting of professional status is a jurisdiction reserved to the states and provinces. Much discussion was conducted about reorganizing the IRWA into state and provincial units which could then approach their respective state or provincial governments to establish the legal capacity to designate a professional practitioner and then be the self-regulating body of such practitioners. Some, with interesting foresight, realized that some form of official recognition would be better for those involved. Unfortunately these efforts were not adopted, although by only a slim majority, and we now have a wide variety of bodies putting the stamp of professional approval on those who practice in the areas of proficiency embraced by this Association's objectives.

In any event, in cooperation with Chapter 4, a number of Vancouver members were given an opportunity to attend the initial course presentations. Additional course presentations were held either in Vancouver or in Bellingham to facilitate British Columbia members and Washington State members to be able to benefit from courses now offered. Many long-term B.C. members became SR/WA designees over the next two years.

As I went east shortly after this and was involved in the formation of a chapters in Ottawa, and later in Winnipeg, I lost track of many of those who did so much to put a group of very hard working persons into a regime of education and learning where the individual and the public both benefited to a very great extent. My role was rather minor, but was part of a foundation stone to an active and interesting chapter that is part of the IRWA family today.

The following is a list of members and their affiliation of the original filing of Letters Patent for the incorporation of British Columbia Chapter 54:

NAME	POSITION	AFFILIATION
Adams, H. L.	Land representative	B.C. Hydro
Anderson, R. R.	Land representative	B.C. Hydro
Armstrong, C. A.	Land representative	B.C. Hydro
Buchanan, N. L.	Land representative	B.C. Hydro
Burton, E. H.	Land representative	B.C. Hydro
Chaney, Lon	Land Representative	B.C. Hydro
Engar, L. B.	Land representative	B.C. Hydro
Fiddes, R. J.	Land representative	B.C. Hydro
Griffiths, B. G.	Assist land supervisor	B.C. Hydro
Howard, K.	Land representative	B.C. Hydro
Jenkins, D. R.	Land representative	B.C. Hydro
Lashley, K. H.	Appraiser	B.C. Hydro
Lawson, J. M.	Assist/land /supervisor	B.C. Hydro
McCarlie, R. A.	Assist/land /supervisor	B.C. Hydro
McDiarmid, M. C.	Land appraisal supervisor	B.C. Hydro
MacLeod, Ken R.	Chief Land Supervisor	B.C. Hydro
Shearer, R. J.	Land representative	B.C. Hydro
Smith, W. J.	Land representative	B.C. Hydro
Thorsen, W. P.	Land representative	B.C. Hydro
Watson, C. W.	Land Supervisor	B.C. Hydro
Webster, H. R.	Land representative	B.C. Hydro
Wilson, Peter B.	Land representative	B.C. Hydro
Weibe, V. J.	Land representative	B.C. Hydro
Davidson, A. G. Davidson	Appraiser	Coates Field Services Ltd.
Neid, A. Wayne	Land agent	Coates Field Services Ltd
Pollard, D.	Appraiser	Penny & Keenleyside
Guichon, Bernie G. E.	Supervisor/ lands & R/W	Westcoast Transmission Ltd.
Reimer, J.	Assist/supervisor	Westcoast Transmission Ltd
Chapman, A.	Land agent	Westcoast Transmission Ltd
Newcombe, Edward A.	President	Newcombe Realty Ltd.
Newcombe, S. A.	Appraiser	Newcombe Realty Ltd.
Sparks, D. G.	Negotiator	Municipality of Surrey
Higgs, G. D.	Land Agent	Municipality of Surrey
Caverly, R. E.	Appraiser	Municipality of Surrey
MacLeod, D. H.	Mgr. Real Estate	Dept of Transport
Grover, M.	Appraiser	Bell-Irving Realty Ltd.
Palmer, E. W.	Manager	Bell Irving Realty Ltd.
Scanlon, Vince	Prop. Negotiator	Dept. of Highways (BC)
Delmonico, E.	R/W agent	Dept. of Highways (BC)
Drew, V. A.	Reg. Prop. Negotiator	Dept. of Highways (BC)
Fraser, D. L.	Dev. Representative	Imperial Oil Ltd.
Mackinlay, J. M.	President	Central Survey Services Ltd.
Gibb, A. S. J.	Administrator	Vancouver Fraser Park Dist.
Treit, George M.	Realtor	George Treit & Associates Ltd.
Rutley, E. H.	Assist. R/W agent	P.G.E. Railway Ltd.
Hurlburt, R. G.	President	Western Land Services Ltd.
Della, J. P.	Property negotiator	City of Vancouver
Middleton, R. K.	Property Manager	B.C. Telephone Co Ltd.
Riches, John	Land Agent	Trans Mountain Pipeline Ltd,
Cunningham, F.M	President	Cunningham & Rivard Appraisals Ltd.

