

Mayor and Council
Township of Esquimalt Municipal Hall
1229 Esquimalt Road
Esquimalt, BC V9A 3P
mayorandcouncil@esquimalt.ca

May 4th, 2020

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAO	<input type="checkbox"/> Mayor/Council	
<input type="checkbox"/> Blair		
RECEIVED: MAY - 4 2020		
Referred: Rachel		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Dear Mayor DesJardins and Members of Esquimalt Township Council,

As residents of Esquimalt, we are writing to present you with a community driven proposal to make the dock anchored in Garthland road park a public asset. We are aware that Esquimalt Council passed a motion in February this year to 'grandfather' all pre-existing docks in the municipality that are not in compliance with local requirements and where a *Licence of Use and Occupation* agreement can be established.

Our proposal for the dock at Garthland road park is irrespective of this recent decision, but is made even more important by it for reasons outlined below. Also, this letter introduces the perspectives of local property owners, residents and park users who have not been party to the recent negotiations between the Township and dock owners.

For councillors who may be unfamiliar, the park at the end of Garthland road is a strip of public waterfront greenery that runs about half a block, boasting a few Garry Oak trees and offering striking views of the waterway. About four years ago a new dock was established in the Gorge and some time later was permanently anchored on the concrete border of the public park. The dock, which visually occupies a quarter of the park's waterfront, is signed "PRIVATE".

The marking of this dock as a 'private' space within the public park complicates the enjoyment of this area by community members in a number of ways. In the first place, it portrays to those unfamiliar with the area that the land surrounding the dock must also be private property, which discourages its use and enjoyment by residents. Many nearby residents who have chosen to disregard the 'private' sign and go onto the dock have been approached by owners of the waterfront properties and told to leave because the dock is private property. These confrontations have created feelings of confusion, frustration and hostility in the neighbourhood.

No option has existed for residents to set up another dock in the park as the municipality has responded to inquiries on this matter over the years by clarifying that private docks can not legally be established in a public area. The inequity that results from this situation is that this Esquimalt park currently provides recreation and water access to only a few local residents while others are denied this opportunity and made to feel unwelcome in the public space.

The recent decision to authorize non-compliant docks raises additional concerns. First, prior to this authorization, use of the dock by the public was in a legal 'grey zone' since the dock was not legally established. Now, any community members who use the infrastructure are defined as "trespassers" in the *License of Use and Occupation* agreement and may be vulnerable to fines or other legal reprimand. The owners of the dock now also have more explicit legal liabilities regarding its use and may be legally

vulnerable if they allow public usage. Finally, residents who have been respectful of the Township's requirements for docks prior to the February 2020 decision may perceive that this compliance has put them at a disadvantage since there is no longer an opportunity to illegally attach a dock to the park and have it made legal.

As local residents and property owners we value the Garthland road park as an integral part of our local area. We are requesting that Esquimalt Council direct the Township to purchase the dock at its present value from the existing owners and maintain it as public infrastructure. This would restore a public quality to the park and establish equitable water access for all park users. The dock appears to be constructed similarly to public docks in the region. There are spaces for four vehicles at the park entrance so the purchase would improve recreational access to the Gorge Waterway for residents who wish to launch their paddleboards, canoes, etc. We believe this would align with Esquimalt's current direction to enhance public parks and improve water access.

Thank you for your earnest consideration of this proposal.

Sincerely,

Darko and Stana Filipi, 939 Garthland road, Esquimalt B.C.

Barbara and John Noyes, 928 Garthland road, Esquimalt B.C.

Jan Bate and Stan Boychuk, 945 Garthland road, Esquimalt B.C.

Ben Macklin and Kate Hughes, 943 Garthland road, Esquimalt B.C.

Ewan Anderson, 903 Garthland road, Esquimalt B.C.

Mari Mizobe and Michael Chu, 936 Shirley road, Esquimalt B.C.

Emma Pickering and Clayton Holmes, 916 Garthland Place West, Esquimalt B.C.

Joseph and Uyen Lake, 931 Garthland Place East, Esquimalt B.C.

Derek and Lorie Gale, 930 Garthland road, Esquimalt B.C.

Doug Sproxten, 934 Garthland road, Esquimalt B.C.

Greg Searle, 927 Garthland Place East, Esquimalt B.C.

Deborah Liske

Subject: FW: Community proposal regarding Garthland Road Park
Attachments: Proposal for Garthland Dock_ Mayor and Council.docx

From: Scott Hartman
Sent: May-04-20 9:47 AM
To: Laurie Hurst
Subject: FW: Community proposal regarding Garthland Road Park

FYI.

Scott Hartman
Director of Parks and Recreation Services
Tel: 1-250-412-8509

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From: Kate Hughes [mailto:]
Sent: May-03-20 9:34 PM
To: Scott Hartman
Subject: FW: Community proposal regarding Garthland Road Park

From: Kate Hughes
Sent: May 3, 2020 9:30 PM
To: mayorandcouncil@esquimalt.ca
Cc: Jan Bate; Stan Boychuk; Dalmatian Painting; John Noyes; Ewan Anderson; Emma Pickering;
Mari Mizobe; ; Ben Macklin; ;
scotthartman@equimalt.ca
Subject: Community proposal regarding Garthland Road Park

Dear Mayor and Council,
Cc: Scott Hartman, Director of Parks and Recreation
Blair McDonald, Director of Community Safety Services

Please see attached.

Thank you

Sent from Mail for Windows 10