

IN THE SUPREME COURT OF BRITISH COLUMBIA

PRINCE GEORGE  
OCT 13 1982

BETWEEN: )  
 )  
 PINERIDGE PROPERTY LTD. )  
 )  
 PETITIONER )  
 )  
 AND: )  
 )  
 BOARD OF SCHOOL TRUSTEES OF )  
 SCHOOL DISTRICT #57 )  
 )  
 RESPONDENT )

REASONS FOR JUDGMENT  
OF

HIS HONOUR JUDGE LOW

Counsel for the Petitioner: David E.M. Jenkins, Esq.  
and Dick Byl, Esq.

Counsel for the Respondent: Paul M. Pakenham, Esq.

Dates of Trial: December 21, 1981 and  
March 17, 1982.

The petitioner seeks declarations as follows:

1. That it is entitled to repurchase a certain piece of real property expropriated by the respondent in 1966.
2. That it holds a vendor's lien on the property.
3. That it is entitled to have the property vested in it absolutely.
4. That certain resolutions passed by the respondent in 1966 and the expropriation itself are ultra vires, void, and of no effect.

The present legal description of the property in question is: Lot 6, District Lot 343, Cariboo District, Plan 18815. That description includes additional property.

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The proceedings were converted to an action by interlocutory order. By agreement between counsel evidence at trial was given by affidavits and by reading in portions of examinations for discovery. There was no viva voce evidence. In due course written argument was submitted by both sides.

The parties, through their respective counsel, agreed in writing pursuant to section 23(1) of the County Court Act to this action being tried in the County Court of Cariboo.

The property was expropriated by the respondent school board from the petitioner in 1966 for the sum of \$104,658 which was awarded by arbitration. Of course, the purpose of the expropriation was to use the land for school purposes. It has never been so used. In late 1979 the petitioner became aware that the respondent intended to sell the existing parcel of land to the Intermediate Care Society of Prince George. These proceedings are the result.

On March 22, 1966 the school board, by resolution, selected the petitioner's property as the site for a new 16 room elementary school in the City of Prince George. When an agreeable price could not be negotiated the matter went to arbitration which resulted in the award referred to above. An attempt by the school board to upset the award in the courts was unsuccessful.

The school board also acquired some adjacent Crown land in order to have a large enough area for the project. An architect was retained and some site plans were prepared. There were two or more meetings between school board officials and City of Prince George officials concerning services to the property.

In January, 1967 the school board received a comprehensive report from Mr. Desmond Parker, a local architect and planning consultant, dealing with "...the need, location and site of new

