



Date: 20170613

Docket: T-1912-15

Citation: 2017 FC 579

Ottawa, Ontario, June 13, 2017

PRESENT: The Honourable Madam Justice Mactavish

BETWEEN:

**GEOFFREY W. HODGSON,
MICHELLE E. MURPHY, SCOTT HARRIS,
CHANTAL HARRIS, BRENT W. POIRIER,
LARA F. SHECTER, JEFFREY T. BANNARD,
CHRISTINE L. BANNARD, JOHN E. D.
CAMERON, THERESA M. ALLEN,
JENNIFER L. SCHECTER
(A.K.A. JENNIFER L. SHECTER),
JEFFREY N. BALIN,
JOHN I. CHRISTENSEN,
STEPHEN B. COULSON,
STEFANIA G. CICCONE,
CRISTINA M. CICCONE,
WAN H. JUNG, KUEI S. FU, HENRY
SCHROEDER, JERRY JANES, DIANA
JANES, JIN MA, ESTATE OF HERBERT M.
M. LEWIS (DECEASED), JOHN W.
WHITEFOOT, SHEILA M. WHITEFOOT,
DONALD A. COOKE, KAREN L. COOKE,
WONG L. LEE, MAN-LOONG LEE,
MARILYN J. ROSS, WILLIAM T. ZIEMBA,
JAMES R. THOMPSON, ANN B. THOMPSON,
YUM C. LAU, IRENE LAU, HELEN C. L.
TING, SHAVIV BEN NERIAH, SUSANA G.
BEN NERIAH, CHI J. LIU, KEE L. SZE, ALI
SHAH, FIKRIYE SHAH, KHI Y. TJIN, YUNG
C. LIU, LISA A. RAGOSIN, MIRIAM G.
WEINSTEIN, SHAUNA L. LORE, PATRICIA
LAI, LUKE A. LAI, JEAN M. PATTON,
SHEILA W. PATTON, BARBARA J. PATTON,
PAMELA A. PATTON, BRUCE R. BAILEY,
LISA J. BAILEY, JUDITH F. EYRL,**

**LI Q. WANG, ZHE M. YAN, QIN ZHANG,
HELENA KAN, FRANCESCO L. PICCONE,
MARIA C. PICCONE, ANTHONY W. L. LO,
CYNTHIA LEE, NIK D. KELAVA, MARY J.
KELAVA, HAN XIA, SEUK J. JANG, SEONG
I. HAN, YUNG H. LIU, CAROLYN RENDLE,
PREIANATHAN ARMOGAM, AMELIA F. M.
HENRIKSEN, GEOFFREY LEE DESIGN &
CONSTRUCTION LTD., ROBERT J.
RIVINGTON, AGNIESZKA RIVINGTON,
MARGARET A. C. NIELSEN, KWAN Y. LIU,
AMY W. C. LIU, NICOLE L. FUNK, NORMAN
D. FUNK, MIRA V. MODI, CHARLES H.
SHNIER, WILLIAM V. Y. SHEN, HAPPY C. Y.
SHEN, ROSS LOUKAS, GEORGIA LOUKAS,
SILVIA B. NEGRONI, LAURA T. NEE, YIRK
L. SO, SAU Y. SO, MOHAMED R. M.
LUTHFY, SITHIE R. LUTHFY, STEPHEN D.
SHAW, ELIZABETH J. L. CLARKE, JI S.
LIM, CHOON M. LIM, LILY R. ENG, CAROL
M. S. LAI, DONG H. KIM, HYE M. KIM,
ALLAN T. OKABE, SUZANNE A. OKABE,
TAMARA BELL, PAUL-SONG WU, LI ZHOU,
CHRISTINE YIM HUNG SIU, YIN TAT HO
AND WALEED SUKKARIE**

Plaintiffs

and

**MUSQUEAM INDIAN BAND AND
HER MAJESTY THE QUEEN
IN RIGHT OF CANADA**

Defendants

and

**KIMBERLEY LAWSON, CHESTER
LAWSON, CHERYL BURDICK, DANIEL P.
ROYER, XIE SHI WANG (A.K.A. XUE SHI
WANG), WILLIAM NORMAN KING,
ROSALIND RAE FORD**

Third Parties

JUDGMENT

WHEREAS this action came on for trial at Vancouver, British Columbia on December 5-9 and 12-16, 2016 and February 6-8, 2017;

AND UPON HEARING R.J. Randall Hordo Q.C., Howard A. Mickelson, Q.C. and Allan L. Doolittle, counsel for the Plaintiffs; Clete Purcell, Cheryl Sharvit, Crystal Reeves and Virginia Mathers, counsel for the Defendant Musqueam Indian Band; and Heather Frankson and Isabel Jackson, counsel for the Defendant Her Majesty the Queen in Right of Canada;

AND UPON no one appearing for the Third Parties;

AND WHEREAS at the conclusion of my Reasons for Judgment dated May 18, 2017, cited as 2017 FC 509, counsel for the plaintiffs was directed to prepare for signature a draft judgment approved as to form and content by counsel for the defendants;

THIS COURT'S JUDGMENT is that:

1. The fair rent to be paid annually by lessees of 75 lots in Musqueam Park for the 20-year period commencing June 8, 2015 is set out in the attached Schedule 1.
2. Costs to be resolved between the parties by agreement or determination upon application to the Trial Judge, with liberty to apply granted to all parties.

“Anne L. Mactavish”

Judge

Schedule 1

Lot	Address	2015 Land Assessment	Unserviced %	Unserviced Value	Rent \$ @ 6%
1	4179 Salish Drive	\$ 1,997,000	20.1571733%	\$402,539	\$24,152
2	4151 Tytahun Crescent	1,782,000	20.1571733%	359,201	21,552
3	4150 Tytahun Crescent	2,040,000	20.1571733%	411,206	24,672
4	4157 Salish Drive	1,996,000	20.1571733%	402,337	24,140
5	4107 Salish Drive	2,600,000	20.1571733%	524,087	31,445
6	4121 Salish Drive	2,216,000	20.1571733%	446,683	26,801
7	4135 Salish Drive	2,259,000	20.1571733%	455,351	27,321
8	4149 Salish Drive	2,190,000	20.1571733%	441,442	26,487
9	2 Halss Crescent	2,320,000	20.1571733%	467,646	28,059
10	4 Halss Crescent	2,250,000	20.1571733%	453,536	27,212
11	3 Halss Crescent	2,331,000	20.1571733%	469,864	28,192
12	4158 Salish Drive	2,220,000	20.1571733%	447,489	26,849
13	4166 Salish Drive	2,211,000	20.1571733%	445,675	26,741
14	4172 Salish Drive	2,269,000	20.1571733%	457,366	27,442
15	4180 Salish Drive	1,800,000	20.1571733%	362,829	21,770
16	4192 Salish Drive	1,746,000	20.1571733%	351,944	21,117
17	2 Tamath Crescent	2,094,000	20.1571733%	422,091	25,325
18	6 Tamath Crescent	1,946,000	20.1571733%	392,259	23,536
19	8 Tamath Crescent	1,980,000	20.1571733%	399,112	23,947
20	10 Tamath Crescent	2,181,000	20.1571733%	439,628	26,378
21	14 Tamath Crescent	2,212,000	20.1571733%	445,877	26,753
22	12 Tamath Crescent	2,212,000	20.1571733%	445,877	26,753
23	11 Tamath Crescent	2,212,000	20.1571733%	445,877	26,753
24	13 Tamath Crescent	2,212,000	20.1571733%	445,877	26,753
25	9 Tamath Crescent	2,093,000	20.1571733%	421,890	25,313
26	7 Tamath Crescent	1,843,000	20.1571733%	371,497	22,290
27	5 Tamath Crescent	1,862,000	20.1571733%	375,327	22,520
28	3 Tamath Crescent	1,929,000	20.1571733%	388,832	23,330
29	4210 Salish Drive	1,885,000	20.1571733%	379,963	22,798
30	4230 Salish Drive	1,968,000	20.1571733%	396,693	23,802
31	4250 Salish Drive	2,018,000	20.1571733%	406,772	24,406
32	4270 Salish Drive	2,024,000	20.1571733%	407,981	24,479
33	4290 Salish Drive	2,009,000	20.1571733%	404,958	24,297
34	4 Semana Crescent	1,910,000	20.1571733%	385,002	23,100
35	6 Semana Crescent	1,842,000	20.1571733%	371,295	22,278
36	8 Semana Crescent	1,861,000	20.1571733%	375,125	22,507
37	10 Semana Crescent	2,111,000	20.1571733%	425,518	25,531
38	14 Semana Crescent	2,212,000	20.1571733%	445,877	26,753
39	12 Semana Crescent	2,212,000	20.1571733%	445,877	26,753
40	11 Semana Crescent	2,212,000	20.1571733%	445,877	26,753
41	15 Semana Crescent	2,212,000	20.1571733%	445,877	26,753

Lot	Address	2015 Land Assessment	Unserviced %	Unserviced Value	Rent \$ @ 6%
42	9 Semana Crescent	2,093,000	20.1571733%	421,890	25,313
43	7 Semana Crescent	1,843,000	20.1571733%	371,497	22,290
44	5 Semana Crescent	1,862,000	20.1571733%	375,327	22,520
45	3 Semana Crescent	1,937,000	20.1571733%	390,444	23,427
46	4310 Salish Drive	2,010,000	20.1571733%	405,159	24,310
47	4330 Salish Drive	1,863,000	20.1571733%	375,528	22,532
48	4350 Salish Drive	1,862,000	20.1571733%	375,327	22,520
49	4370 Salish Drive	1,851,000	20.1571733%	373,109	22,387
50	4390 Salish Drive	1,711,000	20.1571733%	344,889	20,693
51	2 Sennok Crescent	1,936,000	20.1571733%	390,243	23,415
52	6 Sennok Crescent	1,843,000	20.1571733%	371,497	22,290
53	8 Sennok Crescent	1,862,000	20.1571733%	375,327	22,520
54	10 Sennok Crescent	2,112,000	20.1571733%	425,719	25,543
55	14 Sennok Crescent	2,212,000	20.1571733%	445,877	26,753
56	12 Sennok Crescent	2,212,000	20.1571733%	445,877	26,753
57	11 Sennok Crescent	2,212,000	20.1571733%	445,877	26,753
58	15 Sennok Crescent	2,212,000	20.1571733%	445,877	26,753
59	9 Sennok Crescent	1,975,000	20.1571733%	398,104	23,886
60	7 Sennok Crescent	1,861,000	20.1571733%	375,125	22,507
61	5 Sennok Crescent	1,737,000	20.1571733%	350,130	21,008
62	3 Sennok Crescent	1,737,000	20.1571733%	350,130	21,008
63	1 Sennok Crescent	1,952,000	20.1571733%	393,468	23,608
64	4450 Salish Drive	1,805,000	20.1571733%	363,837	21,830
65	5610 Kullahun Drive	1,770,000	20.1571733%	356,782	21,407
66	5630 Kullahun Drive	1,811,000	20.1571733%	365,046	21,903
67	5650 Kullahun Drive	1,925,000	20.1571733%	388,026	23,282
68	5670 Kullahun Drive	2,009,000	20.1571733%	404,958	24,297
69	5690 Kullahun Drive	2,098,000	20.1571733%	422,897	25,374
71	4147 Tytahun Crescent	1,623,000	20.1571733%	327,151	19,629
72	4133 Tytahun Crescent	1,575,000	20.1571733%	317,475	19,049
73	4121 Tytahun Crescent	1,655,000	20.1571733%	333,601	20,016
74	4126 Tytahun Crescent	2,309,000	20.1571733%	465,429	27,926
75	4132 Tytahun Crescent	3,109,000	20.1571733%	626,687	37,601
76	4144 Tytahun Crescent	1,744,000	20.1571733%	351,541	21,092
	Minimum \$	1,575,000		317,475	19,049
	Median \$	1,997,000		402,539	24,152
	Average \$	2,024,093		408,000	24,480
	Maximum \$	3,109,000		626,687	37,601
	Total \$	\$151,807,000		\$30,600,000	\$1,836,000