

UBC Neighbourhood Fire Services Contribution Agreement

This Contribution Agreement dated for reference the 4th day of October, 2016.

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the Minister of Community, Sport and Cultural Development (the "Province")

AND

THE UNIVERSITY OF BRITISH COLUMBIA, a corporation continued under the *University Act of British Columbia* ("UBC")

WHEREAS:

- A. Pursuant to the Fire Services Agreement, the City of Vancouver provides Fire Services to the University Endowment Lands and UBC's Vancouver campus, including the Market Properties, and the Province pays the City of Vancouver for the cost of the Fire Services;
- B. UBC leases the Market Properties to lessees pursuant to the Leases;
- C. Lessees of Market Properties pay rural property taxes to the Province pursuant to the *Taxation (Rural Area) Act*, R.S.B.C. 1996 c. 448, and pursuant to the Leases, they pay the Services Levy to UBC for the provision of certain municipal-like services;
- D. The Market Properties are located in lands owned by UBC, are designated for market development under UBC's Land Use Plan, and are lands where certain municipal-like services are provided by an incorporated society named the University Neighbourhoods Association, pursuant to the Neighbours' Agreement 2015; and
- E. Based on the representations of the parties set out herein the parties wish to allocate a fair proportion of the cost of Fire Services to the Market Properties.

NOW THEREFORE, in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency of which is acknowledged by each party, the parties agree as follows:

DEFINITIONS

1. In this Agreement and its recitals the following definitions apply:

"**Agreement**" means this Agreement as amended from time to time and any schedules attached hereto;

"**Annual Funding Contribution**" means the Total Annual Costs, as defined in Schedule B, paid by UBC to the Province pursuant to this Agreement;

"Fire Services" means the fire services provided by the City of Vancouver pursuant to the Fire Services Agreement;

"Fire Services Agreement" means the agreement dated October 16, 1995 between the City of Vancouver and the Province as amended from time to time;

"Fiscal Year" means the period beginning April 1 of a year and ending March 31 of the following year;

"Leases" mean lease agreements between UBC, as landlord, and lessees of Market Properties;

"Market Properties" means properties vested in UBC and situated on UBC's Vancouver campus that:

- (a) are located in areas designated as neighbourhood housing areas in the UBC Land Use Plan or are otherwise "Designated Buildings" pursuant to the Neighbours' Agreement 2015;
- (b) UBC leases to lessees;
- (c) are eligible to be taxed under the *Taxation (Rural Area) Act*, R.S.B.C. 1996, c. 448; and
- (d) either
 - i. are not exempted from the taxation referred to in (c) above, whether pursuant to section 54 of the *University Act*, R.S.B.C. 1996, c. 468 or otherwise; or
 - ii. are exempted from such taxation by the Conditions and Limitations on University Property Tax Regulation, B.C. Reg 366/2005 on the basis that the accommodation is held or used as university apartments rented primarily to the full time university faculty or staff for a stay of no more than 3 years.

"Neighbours' Agreement 2015" means the agreement between UBC and the University Neighbourhood Association entitled Neighbours' Agreement 2015, as amended from time to time;

"Services Levy" means the amounts identified in the Leases as the "Service Levy", or "Services Levy", or "General Municipal Services Levy", which are collected by UBC, as landlord, pursuant to the Leases;

"UBC's Vancouver campus" means the lands and premises owned by UBC that are described as the Point Grey lands in the *Point Grey Campus Regulation of the Municipalities Enabling and Validating Act (No. 3)* S.B.C. 2001, c.44; and

"2016/17 Contribution" means a one-time payment made by UBC to the Province pursuant to section 1 of Schedule A.

