

Fernwood Community Association Eviction Backgrounder

For over 25 years the Fernwood Community Association has been a good steward of the historic building at 1923 Fernwood Road.

In 1979, community members organized the purchase of the building. The City of Victoria contributed 25% of the purchase price. Since then, the City, the FCA other community groups have worked together to ensure that our historic building is maintained at no cost to Victoria taxpayers.

The modest income from the rental of the upstairs office space to small businesses and community groups enables the FCA to provide an affordable venue for cultural events. By providing a home for Theatre Inconnu, Café Simpatico, the Pandora Arts Group, The Power of Hope, workshops, musical showcases, community programs such as The Good Food Box, and various committees of the FCA, 1923 Fernwood Road is at the heart if our community's revitalization.

Rental revenue and major fundraising efforts by the FCA allows us to maintain the building with only the base funding from The City of Victoria of \$5,000 annually. Over the past three years, the FCA has been able to invest over \$250,000 in the preservation of the building for the use of community groups. All of the work on the building has been performed or supervised by FCA members.

In 2001, the City entered into a ten year lease with the FCA. A major point of this most recent City-FCA partnership was that the City and the FCA would work toward a safety upgrade for the building at 1923 Fernwood Road. The City hired an architect and other professionals to move forward with these plans. Until 2005, the FCA worked cooperatively with the City in planning safety upgrades for the FCA building.

In January 2005, the City applied to the building inspector for upgrades to 1923 Fernwood Road. The building inspector rejected the City's application for this permit on the mistaken assumption that the FCA's rental of office space upstairs was in violation of the building usage plan. City documentation shows that Council has approved the use the upstairs for office space for the past 13 years, and using it for subleases for the past 25 years. For example, a 1995 building permit application included the City Council motion approving the current upstairs office space use.

When the January 2005 building permit was denied, the whole project and the long-needed repairs to the building went into limbo. Funds raised over the preceding years were jeopardized, since most grants have time limits attached to them. The building continued to deteriorate, notably the back handicapped ramp entrance, the boardroom bathroom and the leaking roof, which lost many shingles in last year's windstorms. Funders granted extensions for a time, but eventually the Association was forced in 2007 to choose between doing some of the needed work, despite the desirability of doing all at once, or lose the funds completely.

Over the past three years the FCA has worked in good faith to resolve the usage and rental issue. In January 2008, the City of Victoria sent the FCA a letter stating that the FCA's sub-letting of the upper floors constitutes a failure to comply with the terms of the FCA's lease with the City. The FCA filed a petition February 26th 2008 in the Supreme Court of British Columbia in order to ask a judge to rule on whether we are allowed to sub lease the upstairs offices.

The City's response was to terminate the lease with the FCA and issue an eviction notice. City Councillors and City officials have explained to the FCA that the City took this step to avoid a decision in the FCA's favour by the Supreme Court of British Columbia.

The FCA is calling on Victoria's City Council to resolve these issues through a good faith negotiation.

FCA representatives plan to address City Council at its meeting on Thursday, April 24. The FCA will also hold a public meeting on Monday, April 28th at 7 pm at 1923 Fernwood Road to discuss options. We very much hope to be able to announce at that meeting that a solution has been found.

Fernwood Community Association
Board of Directors
April, 2008

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