

GOVERNING THE UNIVER-CITY:
THE PAST, PRESENT AND FUTURE OF QUASI-MUNICIPAL
GOVERNANCE AT THE UNIVERSITY OF BRITISH COLUMBIA

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ABSTRACT

The University of British Columbia has a quasi-municipal governance model that brings a special set of considerations and challenges. While hardly unique in having a non-standard governance regime, UBC is particularly interesting due to its substantial population, the breadth of its quasi-municipal powers, the leasehold nature of real property within its boundaries, and the unusual democratic deficit of its governance arrangement. In light of recurring debates about UBC's future and the prospect of amalgamation with the City of Vancouver, this report aims to trace the origins, history and current status of UBC's governance system, in the aim of identifying the unique characteristics of UBC as a quasi-municipality and outlining possible recommendations to improve and democratize UBC's administration of its campus lands.

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INTRODUCTION

The University of British Columbia has a unique governance model that brings a special set of considerations and challenges. Endowed with substantial regulatory powers under the *University Act* (RSBC 1996 ch 468) and the *Municipalities Enabling and Validating Act* (No. 3) (SBC 2001 ch 44), UBC is often described as a “quasi-municipality” due to its ability to control its own land use planning processes—a status which sets it apart from nearly any other unincorporated urban community in Canada. Moreover, as both a public university and a provider of local public services, it has a unique bifurcated governance system that raises questions about regulatory effectiveness and public accountability.

While hardly unique in having a non-standard governance regime, UBC is particularly interesting due to its substantial population, the breadth of its quasi-municipal powers, the leasehold nature of real property within its boundaries, and the unusual democratic deficit of its governance arrangement—with planning powers committed solely to a Board of Governors which owes little accountability to non-academic residents. UBC’s status is also worthy of examination because its unique governance arrangement is vulnerable to reorganization by higher levels of government, with the City of Vancouver, Metro Vancouver and the Province all expressing interest at various times in changing UBC’s unique autonomy.

In this capstone report, I aim to identify recommendations to improve the governance of UBC in light of its evolving status from a simple academic institution to a quasi-municipal body administering a medium-sized city with tens of thousands of residents.

First, I trace the history of UBC with particular focus on governance changes since its 1910 establishment. I look at the pre-contact land use of the Point Grey lands, the formative debates that marked the creation of British Columbia’s first university, the evolution of the university in the 20th century, and the dramatic growth of leasehold development in the past decades.

Second, I examine the present-day governance context at UBC, making reference to the roles played in the administration of the Point Grey lands by UBC, the University Neighbourhoods Association (UNA), the University Endowment Lands (UEL) and other levels of government, including the Province, the Metro Vancouver Regional District (MVRD) and the City of Vancouver.

Third, I conduct a brief survey of the literature on municipal consolidation, new regionalism and participatory democracy in order to learn more about how debates about local governance are discussed in the academic context.

Finally, I make key recommendations that aim to improve UBC's administration of its campus lands by simplifying jurisdictions, improving democratic accountability and ensuring the effective delivery of local services.

A Note on Terminology

The terminology used to refer to the governance of this area is confused and often self-contradictory. In this report, I use "UBC" to refer solely to the areas under the jurisdiction of the University of British Columbia and "UEL" to refer solely to the areas under the personal jurisdiction of the Minister of Municipal Affairs. Except as otherwise stated, "UBC" does not include the Okanagan campus.

I also use "Point Grey lands" to refer to the entirety of the lands on the Point Grey peninsula which are not in the City of Vancouver (including both UBC and the UEL). Though this area is sometimes called "Electoral Area A", this is technically incorrect as the latter includes Barnston Island and the North Shore mountains.

HISTORICAL BACKGROUND

Indigenous History

Long before there was a University of British Columbia or, indeed, a British Columbia, the area now occupied by the Point Grey lands was inhabited by the Musqueam people, whose traditional and ancestral territories are centered on the Burrard Peninsula and cover a region from the watershed of the Burrard Inlet in the north to the Brunette and Coquitlam Rivers in the east to the left bank of the South Arm of the Fraser River in the south (Musqueam Indian Band 1976). Other First Nations with a longstanding historical connection to the Point Grey lands include the Squamish Nation, whose claim to the foreshore of the Burrard Inlet includes the northern half of the UBC campus (B.C. Treaty Commission 1993), and the Tsleil-Waututh Nation, who assert Aboriginal title to the entire Burrard Peninsula (B.C. Treaty Commission 1994).

All three nations actively used the resources of the Burrard Inlet and made regular visits to the Point Grey lands (Francis 2021, 14), which the Musqueam called ʔəlqsən. One of the largest pre-colonial settlements in Vancouver, the Musqueam village of cəsnaʔəm, was located a short distance upriver from Point Grey in modern-day Marpole. Other Musqueam settlements in the area included resource sites on Point Grey's north shore, around Spanish Banks and Jericho Beach (Ibid. 16). As a result, the first European–Indigenous contact in the Vancouver area occurred in 1791 between Musqueam and the Spanish navigator José María Narváez, off the shore of Point Grey, followed the next year by similar contact with the British explorer George Vancouver (Ibid.).

After contact came colonization, and settlement in Vancouver began in earnest in 1867 with the founding of the Granville townsite (now Gastown). However, the Point Grey lands saw minimal settlement, remaining largely forested and minimally populated. Nonetheless, the Musqueam were rapidly dispossessed by British colonial authorities, notwithstanding Governor James Douglas's illusory promise that the lands inhabited by Indigenous nations would be preserved for their use (Douglas 1859). In 1860, the Point Grey

lands were seized by the British Crown as a Naval Reserve for the eventual construction of fortifications guarding the Fraser River estuary (Drew 2021); in 1865, c̓əsnaʔəm was stolen by white settlers to create the village of Eburne (Musqueam n.d.); and by 1915, the vast Musqueam presence in Point Grey had been forcibly confined to the nation's modern 190-hectare¹ primary reserve in the Dunbar-Southlands area (UBC 2016).

Early History of the University

Origins of the University of British Columbia

Ever since British Columbia acceded to Confederation in 1871, calls arose to establish a public university in the province. To this end, the legislature enacted a bill to establish a University of British Columbia in 1890 but, in what would become a familiar dispute over the next decades, the authority expired without such an institution having been established due to a dispute over where its campus would be located (Eastman et al. 2022, 125).

In 1903, limited higher education came to British Columbia when McGill University established a two-year college in Victoria which enabled students to obtain university degrees after two more years of study at the Montreal campus (Wilson 1996), followed in 1906 by a similar college being established in Vancouver's Fairview neighbourhood (MacKenzie 1958). However, this first step failed to satisfy the proponents of an autonomous university for BC, with University of Toronto alumni resenting McGill's role in the college and many others criticizing the fact that it was governed by a private institution in far-off Montreal (Harris 1976, 112).

As a result of continued advocacy, the Legislature once again enacted a bill establishing a University of British Columbia in 1908, aiming to train skills to open up the natural resources of the province (Ibid. 113). Around the same time, the Legislature passed legislation which sought to fund the construction of the university through the sale and

¹ The primary reserve, known as Musqueam IR2, has changed in size several times in its history. In 1957, a portion was carved out by the Crown for the Shaughnessy Golf and Country Club (2016 SCC 36). In 2016, a small parcel known as the "Triangle Land" or "Pacific Spirit Block K" was added to reserve (ISC 2023).

exploitation of two million acres of provincial Crown land across the province (Eastman 2022, 125-26). However, provincial leaders pointedly sidestepped the campus site debate, proposing no location for the newly chartered university.

Siting the UBC Campus

As the lack of campus was an untenable situation, the Legislature revisited the issue in 1910 and adopted legislation which empanelled a blue-ribbon commission to finally decide this thorny issue (University Site Commission 1910). Once established, the commission took in written submissions from interested parties and embarked on a province-wide tour that covered Vancouver, Victoria, Nanaimo, New Westminster, Mission City, Chilliwack, Nelson, Kamloops, Vernon, Revelstoke, Kelowna and Prince Rupert—all of which sought the university campus for themselves (Harris 1976, 109).

During the hearings, it became apparent that a great number of views existed across the province on what made a proper university campus. Vancouver forcefully argued that it was—and will continue to be—the centre of both population and education for the whole province, making the case that a campus in close proximity to such a large city would benefit from unique advantages (Lower Mainland University Committee, 1910). The city's supporters also secured endorsements from presidents at leading universities across North America, including that of future U.S. President Woodrow Wilson, then-president of Princeton University (Ibid.).

However, many voices bitterly opposed Vancouver's candidacy, particularly in the provincial capital. Victoria's leaders contended that their population would soon eclipse Vancouver's² and argued that their city had a more refined, elegant demeanour more befitting of the university gentleman (Harris 1976, 111). Other cities, though considered less competitive, made a variety of arguments based on climate, centrality, quality of life, local industries and countless other factors (Ibid.).

² It did not.

A further rift emerged during the debate between those who favoured a university located in a town setting due to its economic benefits and those who sought to co-locate the university with rural industry (Ibid.). A third camp, embodied by early Canadian educator John L. Todd, advocated for a suburban middle ground, which he claimed would avoid the noxious effects of urban living while still maintaining access to transport links and preserving a rural connection that would support Canada's destiny of forever remaining an agricultural society³ (Todd 1910).

Ultimately, the commission concluded its work in June of that year, siding with Vancouver's delegates but also incorporating the views of Dr. Todd: they stated in a remarkably short two-page letter to the Lieutenant Governor that Point Grey would be the preferred site for the university, with a coastal area of West Vancouver or Mary Hill in Port Coquitlam as suitable alternatives (University Site Commission 1910).

The Point Grey Campus: The Early Years

After the campus site was identified, the challenge of actually building the university remained. In 1911, the Legislature enacted the *British Columbia University Site Act*, deeding a 71-hectare Crown land parcel to UBC (Ministry of Municipal Affairs 2022). Architects then drew up plans for the shape of the Point Grey campus in 1912 and a public tender was released in 1914 for campus construction (MacKenzie 1958). However, World War I disrupted construction plans and forced the university to occupy the overcrowded facilities of the former McGill college in Vancouver's Fairview neighbourhood (Ibid.)

By 1922, the lack of progress on the Point Grey campus became a source of immense frustration to the student body, leading Alma Mater Society President Ab Richards to lead students in gathering 56,000 signatures on a petition to the legislature (Hives 2001). He then led 1,200 students on a protest march from Downtown Vancouver to occupy the abandoned Point Grey campus construction site—an event now known in the university's mythology as the Great Trek (Ibid.). The legislature relented in the face of the

³ It did not.

public pressure and released funds for campus construction, with UBC relocating to Point Grey in 1925.

Around the same time in 1922, it became apparent to the Legislature that the 1907 Crown land endowment would be insufficient to fund UBC's construction, resulting in 1,200 hectares of Crown land in Point Grey being subdivided and sold for residential development to help finance the university (MoMA 2022). This new development, named the University Endowment Lands, was turned over to the administration of UBC in 1925—though it was retroceded to the province's control in 1930 (Ibid.).

Later Developments

The 20th Century University

The university faced its first great challenge almost immediately in 1928, when the president resisted faculty pressure to abolish the Faculty of Agriculture, resulting in his ouster and the addition of faculty senate appointees to UBC's board of governors (Eastman 2022, 127). A second crisis struck in 1932 when the Great Depression led the province to cut its grant to UBC and caused serious staffing shortages in the 1932-33 academic year, though it would quickly recover over the course of the decade (Logan 1958, 109-136).

During World War II, UBC participated in critical wartime research for the National Research Council and helped train members of the militia (Ibid., 137-140). Between 1939 and 1948, the campus was also transformed by the Canadian military into a fort for the defence of Vancouver Harbour, with the erection of shore batteries on the site of what is now the Museum of Anthropology and searchlights whose foundations still remain at Tower Beach to this day (Wilson 2013). After the war, UBC welcomed an influx of returning veterans and embarked on a major campus expansion (MacKenzie 1958).

In 1963, UBC's status as British Columbia's sole university ended as the Legislature passed the *University Act*, which chartered the University of Victoria and Simon Fraser University and gave the three schools a uniform governance structure. They would later be joined by the University of Northern British Columbia in 1990 (Lai 2009). 1965 saw another

big governance shift at UBC, as it was incorporated into the newly established Greater Vancouver Regional District⁴ (MoMA 2022) and, together with the UEL, became the unincorporated Electoral Area A. After an abortive attempt in 1992 to abolish Electoral Area A and force UBC's annexation to Vancouver (Horn 1992), the regional board of directors instead approved an official community plan to guide development at UBC in 1997. Later, the two electoral areas of Metro Vancouver⁵ were merged, resulting in Barnston Island and the North Shore mountains joining the Point Grey lands in Electoral Area A.

Leasehold Development

A key development in recent years that has transformed UBC into one of the most unique university campuses in Canada is the proliferation of market leasehold development. While housing has always been co-located near the campus (i.e., in the University Endowment Lands), no non-academic development came onto the campus lands themselves until 1988, when the UBC Properties Trust was established with the mandate to build 99-year leasehold developments on campus lands in order to contribute revenue to the university endowment (UBC Properties Trust n.d.).

Since 1988, UBC Properties Trust has built thousands of units of housing, including a mix of strata-title and purpose-built rental units, and transformed the southern part of campus around West 16th Avenue into a major town centre of the Greater Vancouver area. Since the establishment of UBC Properties Trust, development on campus has generated over \$1.6 billion in new revenue for the university (Ryan 2019) and shifted from student- and faculty-oriented residential-only neighbourhoods towards mixed-use, transit-oriented development—resulting in UBC's recognition as a “frequent transit development area” in Metro Vancouver's most recent regional growth strategy (MVRD 2021).

Today, UBC has a permanent census population of 15,000 (Statistics Canada 2021) and a daytime population of 80,000—an increase of 25 percent since 2010 (Zammar 2023).

⁴ Today known as the Metro Vancouver Regional District, or simply as Metro Vancouver.

⁵ A third, Electoral Area C, was abolished in 1999 when it became Bowen Island Municipality.

UBC Today

With the 21st century came another period of sustained provincial budget cuts, resulting in UBC becoming the first Canadian university to “systematically pursue” international admissions to generate revenue (Eastman 2022, 130). In 2004, UBC doubled its footprint as it added a second campus in Kelowna, which led to amendments to the *University Act* which made the Point Grey and Okanagan campuses co-equal members of a federated university (Lai 2009). A second major revision to the *University Act* came in 2008, when five technical colleges⁶ were brought under the law’s umbrella and became full universities (Ibid.).

Recent years saw several further, UBC-specific governance changes. In 2008, Vancouver City Council invited UBC to consider merger discussions, though a new council majority the next year quickly abandoned the initiative (Lougheed 2009). Following a shock B.C. Supreme Court decision which invalidated the university’s parking bylaw, the province amended the *University Act* in 2009 to retroactively make all parking fines valid and enhance the powers of the universities to enforce rules on campus (2010 BCCA 63). In 2010, UBC gained greater independence from Metro Vancouver, as a zoning dispute with the regional district saw the province intervene and grant the university the power to set its own land use plan (McElroy 2013)—transforming UBC into a government body more and more akin to a local government and leading many to term this new entity a “quasi-municipality” or “UniverCity”⁷.

As a result of a century of legislative tweaks and governance reforms, today UBC has one of the most unusual governance arrangements in Canada—being neither part of a municipality nor directly administered by the province, while also being home to the largest non-student, non-faculty residential community of any university campus in Canada.

⁶ These schools are now known as Capilano University, Emily Carr University of Art and Design, Kwantlen Polytechnic University, Vancouver Island University and the University of the Fraser Valley.

⁷ Not to be confused with the actual Burnaby neighbourhood of UniverCity next to the SFU campus.

GOVERNANCE CONTEXT

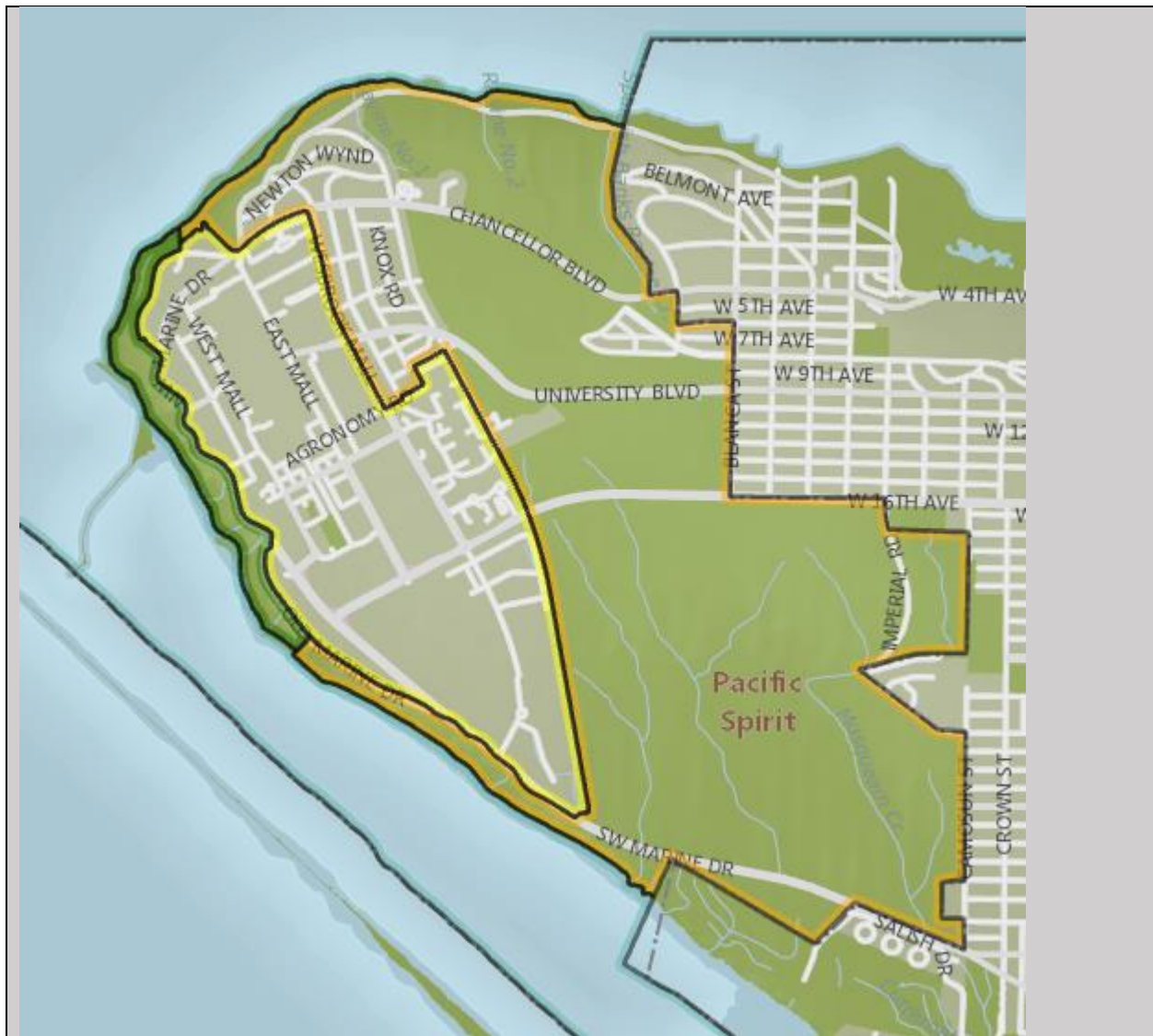



Fig. 1. A map showing the jurisdictional zones within the Point Grey lands.

 University of British Columbia (UBC)

University Endowment Lands (UEL)

■ Neither UBC nor UEL⁸

Source: Metro Vancouver GIS Maps - <https://gis.metrovancouver.org/mvmaps>

⁸ This parcel of Pacific Spirit Park belongs neither to UBC nor to the UEL, though the distinction is largely a matter of academic curiosity since it is administered by the Metro Vancouver Regional District.

The University of British Columbia (UBC)

UBC is a public university which follows the traditional Anglo-American model with a President as head of the university, a Senate governing academic matters and a Board of Governors responsible for the business of the university. Beneath the President are UBC's two key planning organizations: the Properties Trust (through the VP Finance and Operations), which develops campus lands for both academic and leasehold purposes; and Campus + Community Planning (through the VP External Relations), which performs the land use functions of a municipal development planning body.

The *University Act* (RSBC 1996 ch 468) is the basic enabling legislation which governs all universities in British Columbia. Under the law, UBC has the authority to acquire land by expropriation, to make property regulations and, with provincial consent, to sell or lease out its existing property. On top of its *University Act* powers, UBC enjoys unique quasi-municipal powers conferred by special legislation adopted in 2010. Under the *Municipalities Enabling and Validating Act (No. 3)* (SBC 2001 ch 44), UBC is empowered to adopt its own land use plan and to disapply most MVRD bylaws so long as it receives approval from the Minister of Post-secondary Education and remains in compliance with the regional growth strategy—making UBC much like any other municipality in the Lower Mainland.

Despite its extensive quasi-municipal powers, UBC has no formal local democracy, with all planning decisions made by delegates of the Board of Governors.

University Neighbourhoods Association (UNA)

In its own words, the UNA “approximates a municipal council for UBC’s residential neighbourhoods” (UNA 2012). A non-profit organization with membership open to all residents of UBC’s leasehold developments, the UNA is governed by its elected board of directors and manages a variety of local services that UBC has delegated to its control under the auspices of a 2020 Neighbours Agreement. Under the agreement, UBC remits a portion of the “services levy” (i.e., property tax) that it collects from leaseholders to the

UNA, which uses the funds to manage a variety of local services that include water and sewer operations, park and sidewalk maintenance, administration of resident amenities, and organization of community recreation and events (UBC 2020).

While the UNA may at first glance appear to be a city council all but in name, it is a creature of the UBC Board of Governors and legally constituted as an advisory committee to the Board under the *University Act*. Thus, in any dispute between UBC and the UNA, the final interpretation belongs to a joint mediation committee where the Chancellor—an official of the university—wields the tie-breaking vote (Ibid.).

University Endowment Lands (UEL)

Though the UEL is not the focus of this capstone report, no summary of Point Grey lands governance would be complete without understanding its interconnection with UBC. Part of UBC from 1925 until 1930, the UEL has since retroceded to the province and is now administered as an entirely separate quasi-municipality. The UEL is made up of three discrete parts: (1) 1,380 households in the northeast corner of UBC’s built-up area⁹, (2) a small subdivision of 120 households right across the Vancouver city line known as “Little Australia”¹⁰, and (3) most of the land area of Pacific Spirit Regional Park. The UEL’s jurisdiction over Pacific Spirit Park is largely notional, as the province transferred ownership of the park lands to the regional district in 1989 and the UEL administration plays no role in their management (MoMA 2022).

Unlike UBC, the UEL does not have a formal administration: by law, all authority in the UEL is vested personally in the Minister of Municipal Affairs, who is the sole decision-maker in all planning and land use decisions (*University Endowment Land Act*, RSBC 1996 ch 469, s 12). In practice, day-to-day administration is the responsibility of a delegate of the Minister titled the UEL Manager, who is in turn advised by an elected Community Advisory Council and a partially elected Advisory Design Panel, while subdivision decisions are instead delegated to staff at the Ministry of Transportation and Infrastructure (Ministry of

⁹ Also known as Areas A, B and D of the UEL; not to be confused with Electoral Area A.

¹⁰ Also known as Area C.

Community, Sport and Cultural Development 2017). While it is unclear whether this is required by law, the Minister’s official community plan for the UEL conforms to Metro Vancouver’s regional growth strategy.

In 1995, a referendum to incorporate the UEL as a municipality was voted down by local residents, ending any serious discussion of governance reform for many years (MoMA 2022). In 2022, the Ministry of Municipal Affairs conducted a governance review which critiqued the status quo and highlighted the benefits of either incorporating the UEL as a separate municipality or annexing it to the City of Vancouver (Ibid.)—reviving public interest in the long-dormant debate (Luymes 2023).

Metro Vancouver Regional District (MVRD)¹¹

Apart from its role in setting the regional growth strategy followed by both UBC and the UEL, the MVRD’s principal role in the governance of the Point Grey lands is in its ownership and administration of Pacific Spirit Regional Park, a nature park established in 1989. Pacific Spirit Park encompasses not only the primary forest area between UBC and Vancouver but also the foreshore around the entire Point Grey lands, which includes popular spots such as Wreck Beach and Tower Beach (MVRD 2022). As there is no housing inside the park, the population of the MVRD-administered area of the Point Grey lands is 0.

All residents in the Point Grey lands¹² elect a representative, known as the Electoral Area A director, who sits on both the MVRD board of directors and the TransLink Mayors’ Council on Regional Transportation.

Province of British Columbia

Apart from the province’s role in the administration of the UEL and the approval of UBC’s land use plan, the province is involved in the governance of the area due to its ownership of all arterial roads in Electoral Area A. Unlike in a municipality which manages

¹¹ “Metro Vancouver” and “Metro Vancouver Regional District” are used interchangeably throughout this report, though Metro Vancouver is technically the joint brand identity of the MVRD and two other regional bodies.

¹² Along with those living on Barnston Island and in the North Shore mountains.

its own arterials with input from TransLink (SBC 1998, ch 30), neither UBC nor the UEL control their own major roads, which are instead maintained by the Ministry of Transportation and Infrastructure as part of the unmarked Highway 914 (MoTI 2019).¹³ As a result, transportation improvements such as cycling infrastructure often stop or become significantly inferior on the Point Grey lands' arterial roads, and UBC has little power to reduce speeds or advance pedestrian safety along these corridors (Sangar 2021).

Furthermore, the province controls policing in the Point Grey lands, as the RCMP contract for the area is within the Ministry of Public Safety & Solicitor General (MoMA 2022).

City of Vancouver

The City of Vancouver has no direct jurisdiction over any part of the Point Grey lands though, before the 2010 amendment abolished the MVRD's zoning powers over UBC, the City held an effective veto over UBC's official community plan because its consent was required for the MVRD to adopt any OCP bylaw. In 2000, it used its influence to push UBC to commit to ensuring that its new housing was primarily for employees and students due to concerns about traffic impacts in the City (City of Vancouver 2000).

Today, the City of Vancouver's ability to influence UBC is very limited and their joint governance arrangements largely related to services. For instance, Vancouver has provided fire services to the Point Grey lands since the 1996 abolition of the UEL Fire Department (City of Vancouver 1996), and the City has always provided schools and library services to both UBC and the UEL (MoMA 2022).

¹³ The arterial roads of the Point Grey lands are SW Marine Dr, NW Marine Dr, Chancellor Blvd, University Blvd and West 16th Avenue.

LITERATURE REVIEW

Much of the debate surrounding the governance of UBC revolves around whether the campus should continue to enjoy its *sui generis* quasi-municipal status, or whether it should rather be annexed to the City of Vancouver or otherwise granted a more democratic form of government. To explore this and related questions further, I propose a conceptual framework which situates the UBC annexation discourse within a long North American trend towards municipal consolidation. I then turn towards the new regionalism literature to explore a critical perspective which provides a possible alternative to consolidation. Finally, I examine the local participatory democracy framework to better understand how the relationship between public services and local democracy is theorized.

Municipal Consolidation

There is a long history of municipal consolidation in North America, with government reformers throughout the decades advocating the position that a unified government would be stronger, more efficient and more capable of tackling larger-scale issues. The trend began in the 19th century, when many metropolitan areas—including, famously, the five boroughs of New York in 1898—joined forces into single consolidated city governments, driven by rhetoric about national competition and government efficiency (Sancton 2000).

Similar discourses continued to pervade the consolidation debate into the next century, reaching its apogee in the late 20th century when ambitious municipal consolidations were undertaken in England and West Germany in the 1970s (Vojnovic 2000) as well as in Australia and New Zealand in the 1990s (Sancton 2000). This trend arrived in Canada soon after, with large-scale municipal reorganizations occurring throughout the country: Winnipeg in 1971, Halifax in 1996, Toronto in 1998, Ottawa in 2001 and Montreal in 2002. While not all municipal consolidation initiatives sought the same outcomes, a great deal of common goals animated various Canadian senior government decision-makers, chief among them improved governance capacity, improved

intergovernmental relations, and greater accountability to the public (Garcea and LeSage 2005, 15). Moreover, public justification for such mergers came primarily in terms of claimed improvements in government efficiency and enhanced ability for larger cities to take concerted action to maintain urban competitiveness in globalized markets (Vojnovic 2000).

While the effects of municipal consolidation are not frequently subject to academic study, the evidence which exists is decidedly mixed. While gains in efficiency through economies of scale have been observed in smaller municipalities with limited financial resources (Bunch and Strauss 1992), there exists scant evidence for similar effects when larger, more well-resourced municipalities merge (Spicer 2014). Indeed, evidence even suggests that the opposite may be true: amalgamation often resulted in higher public spending as a result of diseconomies of scale and increases in public salaries (Vojnovic 2000). In Toronto, spending on all public services but the library rose after the 1998 merger of Metro Toronto regional municipality into a single-tier city, belying any claimed efficiency gains (Slack and Bird 2013).

Another key purported benefit of consolidation—increasing government accountability—is also not borne out by the evidence. Vojnovic (2000) found in five Canadian case studies that the average number of voters in each municipal ward rose sharply after consolidation, while Slack and Bird (2013) noted a marked decline in participatory public processes in Toronto’s governance after 1998. Slack and Bird further note that large-scale processes that could have benefitted from amalgamation, such as public transit provision and land-use planning, remained under provincial control and did not benefit from municipal reform as a result. Spicer (2014) summarizes the situation by suggesting that the newly amalgamated municipalities often turned out to be “too big to be responsive to local concerns” while still being “too small to address regional issues”.

New Regionalism

In light of the mixed results that municipal consolidation has delivered, some have theorized an alternative approach to coordinating large-scale metropolitan governance

entitled new regionalism. Unlike those who blanketly reject large-scale governance and valorize the role of small municipalities in metropolitan governance, new regionalists instead posit that cities exist within a regional context and that voluntary inter-municipal partnerships can deliver more effective services without disturbing municipal boundaries or autonomy (Sancton 2000, 78-79).

Wheeler (2002) describes new regionalism has focused on spatial planning for the “particular problems of the postmodern metropolitan region” while adopting a holistic perspective that synthesizes a wide range of goals. Translated into prescriptions for good government, the new regionalist vision posits a system of voluntary cooperation where cities join forces when desirable to jointly deliver services, thereby creating economies of scale (Slack and Bird 2013). This can be contrasted to “old” regionalism, which similarly emphasizes the importance of the region as the basic unit of government cooperation but instead imposed regional integration structures on localities in order to shift the behaviour of local political actors (Söderbaum 2016).

Lovering (2002) however notes that, while new regionalism sees the region as the essential tool of economic development, it fails to properly theorize about the concept of the region (Gulbrandsen 2023). As a result, new regionalism is accused of reproducing the neoliberal logic of individualism and failing to situate its economic prescriptions in contemporary social scientific research (Lovering 2002).

Local Participatory Democracy

A third body of literature in local governance focuses on the role of public participation on municipal decision-making, arguing that it is an essential part of any successful urban governance agenda (Abas et al. 2023). Proponents of aligning local governance with public participation point out that, were decision-makers to ignore public concerns, opponents (i.e., “NIMBYs”) will organize in opposition and undermine the success of the policy agenda. As a result, “it is critical to identify how far the public participate in the decision-making process” to facilitate a successful planning process (Ibid.).

To mitigate such divergences between technocratic governance and public opinion, robust public participation is advanced as a policy agenda which promotes effective governance. Participatory democracy at the local level is theorized to “strengthen[] decision-making by ensuring different options are considered, bringing expertise and experience to bear on complex issues, and helping to build public trust and support.” (Ibid.)

In practice, initiatives to enhance local participatory democracy have tended to attack the concentration of power within unitary local councils, and instead posit that a diffusion of powers throughout a system of locally controlled and representative committees would be more effective at delivering public services (Burns 2000). What distinguishes this new form of decentralization from previous arrangements where multiple government bodies took responsibility for different public services is the role of the citizen, as participatory government promotes “strategic community partnerships” where local residents, non-governmental organizations and private sector representatives take an active role in managing service delivery (McArthur 1995).

However, a key disadvantage of such a decentralized governance arrangement is that it often results in different service levels across neighbourhoods, which many see as contrary to “deep-seated values of equality, justice and fairness”—even as “local variation is the very essence of local democracy” (Burns 2000). Thus, a need to balance regional equity with local participation is a key tension in municipal governance.

RECOMMENDATIONS

No Merger with the City of Vancouver

UBC should not merge with the City of Vancouver. While several attempts to merge the Point Grey lands with the City of Vancouver have been made over the decades, and lingering interest persists, there appears to be little credible evidence that such an arrangement would be beneficial to UBC or to its residents on the two most commonly cited points: democratic accountability and resource efficiency.

While amalgamation with Vancouver would result in UBC residents being able to participate in municipal elections, this may not result in drastically higher public empowerment. Though an amalgamated UBC would elect city councillors, it would simply become one small neighbourhood of 20,000 in a city of nearly 700,000 people—particularly as Vancouver has an at-large electoral system where councillors are not tied to any single constituency. Whether this would result in enhanced representation compared to the current system, where the elected quasi-governmental UNA is one of the most prominent advisory bodies to the UBC Board of Governors and can command significant attention from university decision-makers, is not clear. Moreover, democratic governance at UBC can be enhanced in other, less disruptive ways, as the next sections will address.

There are also unlikely to be significant efficiencies to be found, as amalgamation would ultimately have little positive effect on most public services due to three factors: lack of local service delivery, pre-existing services consolidation, and the existing savings to be found student-resident synergy. First, services which have historically benefitted from amalgamation—such as public transit, health, public utilities and long-range planning—are delivered in Metro Vancouver by regional entities (i.e., the MVRD, Vancouver Coastal Health and TransLink), which would be unaffected by a change in municipal boundaries. Second, a host of other services, including education and fire prevention, are already delivered by the City of Vancouver on a contractual basis, so amalgamation would have little practical effect. Third, UBC is a public university and would have to deliver many

services (e.g., recreation) to its student body regardless of whether it was part of another municipality, and the incremental cost of making such services also available to UNA residents is likely far lower than it would be for the City of Vancouver to duplicate these services entirely on a separate premise.

Finally, it bears mentioning that UBC is a well-sized (quasi-)municipality with a distinct urban core and a proven ability to deliver local services over the past decades, reducing the need for drastic governance reform. Indeed, UBC is larger in population than seven Metro Vancouver municipalities, including Bowen Island, Pitt Meadows and White Rock—communities which nobody would ever seriously contemplate merging into their neighbours.

Consolidate UBC with the UEL Instead

While a merger with the City of Vancouver is not advisable, this does not suggest that the governance situation of the Point Grey lands would not benefit from simplification. As the review of the literature shows, there may be benefits to merging a small, under-resourced municipality which lacks the population base to support robust public services with a larger neighbour—an apt description of the relationship between the UEL and UBC.

The separation between these two jurisdictions is not an indelible historical fact: after all, the UEL was part of UBC from 1925 to 1930. While the split between the domains made sense when the UEL was in the business of servicing a residential community and UBC concentrated exclusively on operating a university, the increasing prevalence of market residential development at UBC results in ever-greater duplication in services between the two jurisdictions. For instance, UBC and the UEL currently have separate parking authorities despite sharing jurisdiction over several major roads, separate sewer contractors despite interconnected infrastructure, and separate garbage collection systems despite being part of a single built-up area (MoMA 2022).

The UEL's small population and tax bases also mean that residents are currently denied many public services which they could obtain through UBC. For instance, the UEL

currently lacks any recreation and library services (Ibid.), despite UEL residents largely living within walking distance of UBC's recreation centres and libraries.

While a merger of the UEL with UBC would likely be controversial due to the increased tax burden on UEL residents, it may prove to be the least unpalatable option in light of the Province telegraphing its long-term intention to abolish the UEL, writing in a 2022 report that the status quo was not “considered a best-fit and long-term sustainable governance model” (Ibid.). Incorporation as a separate municipality would turn the UEL into the second-smallest municipality in Metro Vancouver and require its taxpayers to foot the bill for a dizzying array of public services currently provided by the province at deeply subsidized rates. Being converted into a local service area of the MVRD comes with many of the same disadvantages of the status quo (Ibid.) and is unlikely to be endorsed by regional directors, who have long advocated the abolition of Electoral Area A (Horn 1992). Finally, being annexed to Vancouver would come with the same downfalls as those discussed above for UBC.

Moreover, a major issue looms in the medium-term that the UEL administration, which has 20 full-time equivalent staff and limited development planning capacity (MoMA 2022), is poorly equipped to handle: the University Golf Course redevelopment. In 2008, the Musqueam Indian Band obtained fee simple title to the University Golf Course (SBC 2008 ch. 6), and the restrictive covenant which precludes its redevelopment could be removed as early as 2033 (Bailey 2007). If Musqueam pursues a large-scale residential redevelopment, as seems likely given its plans for the nearby Lelem parcel, UBC Campus + Community Planning would have significantly greater staff capacity and institutional knowledge to manage the development planning process than the UEL Administration, owing to the former's successful recent oversight of the Wesbrook Village project.

Strengthen the University Neighbourhoods Association

The University Neighbourhoods Association's current status is inadequate: though it is a well-established presence in the community and plays a major role in delivering local public services at UBC, its constitution makes it but one of the Board of Governors'

miscellaneous advisory committees and its powers derive from a memorandum of understanding whose terms are neither subject to judicial review nor protected from revocation.¹⁴ In other words, the UNA's precarious legal existence derives not from specific legislation outlining its mandate, powers and relationship to the university, but rather from an advisory function provided for by the *University Act*—a piece of legislation meant for the administration of BC's public universities, not for the operation of what is tantamount to a city council. Indeed, section 34 of the *University Act* merely states that advisory bodies may be created “for purposes the board may consider advisable” and makes no reference whatsoever to any substantive powers that an advisory body may wield.

Because UBC's quasi-municipal status and large non-academic resident community are *sui generis* in the Province, *sui generis* legislation is required to formalize the role that the UNA has effectively assumed as the city council. Special legislation for UBC is not without precedent: the university's authority to adopt a land use plan derives from a 2010 law which was not extended to any other university in British Columbia (SBC 2001 ch 44, part 10). A similar approach should be taken by the Province to enshrine the democratic right of UBC residents to an elected government in law, which could simply take the form of enacting the Neighbours Agreement framework as an Act of the Legislature which cannot be revoked by fiat of the Board of Governors. Such an enhancement would better align UBC's governance with a policy agenda of local participatory democracy.

Expand the UNA Franchise to On-Campus Student Residents

Though the UNA effectively performs the functions of a municipal council, its franchise is limited to residents of UBC's market residential developments (UNA 2012). As a result, those living on UBC's main academic campus—mainly students—do not benefit from any elected representation before the Board of Governors.¹⁵

¹⁴ UBC reserves to itself the right to terminate the Neighbours Agreement on 90 days' notice for any reason. The sole dispute resolution mechanism grants the casting vote to a university employee.

¹⁵ While student residents on campus elect AMS representatives, this is a poor substitute for UNA representation as the AMS does not have the broad substantive powers that the UBC has delegated to the UNA, nor are there any dedicated AMS representatives who specifically advocate for residents' interests.

While it may be argued that this status is justified because student residences are only temporary accommodations, it nonetheless creates a second-class civic citizenship which exists nowhere else in British Columbia: in all municipal elections, any BC resident who lives in a municipality on election day is entitled to cast a vote (RSBC 2015 ch 1, s 65), yet a UBC student who has lived on campus for four years is nonetheless ineligible to participate in the community's approximation of an elected council. Likewise, it may be argued that campus student residents are not entitled to electoral representation because they pay no property tax; yet this is also without precedent in BC, as the municipal franchise is without limit as to taxpayer status (*Ibid.*). Indeed, renters—who make up the majority of Vancouver's electorate—pay no property tax at all.

Recalling the literature on the role of local participatory democracy in promoting effective decision-making, it seems particularly incongruous that student residents—who make up roughly half of all UBC residents—would enjoy no meaningful role in the quasi-municipality's governance. While the university has decried attempts to impose political governance on its administration of the UBC lands as interference in its academic freedom (Lougheed 2009), this erroneously conflicts UBC's "two hats"—one as an educational institution entitled to academic freedom, and the other as a quasi-governmental regulator subject to basic liberal norms surrounding democracy and public accountability. There is little rationale for academic freedom to be a factor in reforming the governance of UBC's quasi-municipal powers, assuming—as this report does—that its core academic powers will be unaffected.

Transfer Provincial Roads to UBC

UBC is the only urban part of Metro Vancouver where arterial roads are not under the control of the local government.¹⁶ As a result, UBC has little control over the safety and upkeep of the roads which bisect its neighbourhoods, despite growing demands from the

¹⁶ The only other place where this occurs is Barnston Island, where there are two paved roads and no vehicular access from the mainland (TransLink 2018). The population of Barnston Island is 140, of which only 91 are subject to provincial jurisdiction (as the remaining 49 are status First Nations on a reserve).

campus community for improved pedestrian safety and traffic calming measures (Sangar 2021). While this arrangement may have made sense in the context of a rural university campus, it is an anachronism for a growing medium-sized municipality to effectively lack any ability to administer its own arterial roads.

There is ample precedent for such a transfer: in 1989, the Province ceded its management of the forests in the Point Grey lands to the MVRD, resulting in the creation of Pacific Spirit Park. Elsewhere in the region, several former components of provincial highways have been turned over to lower levels of government, including the Patullo Bridge to TransLink, Old Yale Road to the City of Surrey, and Bowen Island Trunk Road to Bowen Island Municipality.

Moreover, while a transfer may represent additional road maintenance costs to UBC, it would be mitigated because most of the provincial highways on the Point Grey lands are considered regionally significant arterials, with University Blvd, 16th Avenue and SW Marine Dr having such a status on the Vancouver side. As such, they would be included in TransLink's major road network, which would entitle UBC to cost-share road maintenance with the region (SBC 1998 ch 30, s 20).

CONCLUSION

Ultimately, the University of British Columbia is an academic institution upon which decades of repeated governance reforms have been incrementally imposed, creating a complex quasi-municipal structure without much precedent in Canada. While it is certainly arguable that UBC has strayed too far from its core academic mission and that its governmental functions should be taken over by the City of Vancouver, I hope to demonstrate in this report that credible, evidence-based alternatives to full annexation exist which replicate many of its benefits while mitigating several associated drawbacks.

Moreover, I hope that the historical discussion in this report has shown how complex, fascinating and bewildering the governance of UBC is and that this topic warrants further study—particularly as debates about the future of UBC’s status continues to be considered in both the press and Victoria.

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