



City of Delta  
COUNCIL REPORT  
Regular Meeting

To: **Council**

File No.: **5220-25/90 S**

From: **Engineering Department**

Date: **October 14, 2025**

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**90 Street Road Dedication Submission Response**

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The following report has been reviewed and endorsed by the City Manager's Office.

▪ **RECOMMENDATIONS:**

- A. THAT the land dedicated as highway through the deposit of Plan BCP27703, including that part shown coloured in orange on Page 18 of Attachment A of this report, is declared to be required for highway purposes for reasons set out in this report and the Engineering Council report dated April 11, 2023 at Attachment A.
- B. THAT the City file a certificate of opposition with the Registrar of Land Titles in response to the petition to cancel part of 90 Street dedicated on Plan BCP27703.

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▪ **PURPOSE:**

The purpose of this report is to provide a response to the concerns raised by 667895 B.C. Ltd. (owner of 8910 River Road) in their written submission to Council, dated April 20, 2023 as per Attachment B and to seek Council's confirmation that the 90 Street dedication is required for highway purposes after considering this additional information.

▪ **BACKGROUND:**

90 Street is a municipal road running in a north-south direction adjacent to the east side of the property 8910 River Road. It is bounded by River Road to the north and BNSF Railway line to the south. 90 Street consists of a 12m wide road allowance including the 4.38m wide strip of road dedication from 8910 River Road. It provides access to the properties at 8910 River Road and 8970 River Road and is a gravel road that is used by both properties. 90 Street does not currently meet the applicable standard for width as per Delta's Subdivision and Development Standards Bylaw.

In February 2023, 667895 B.C. Ltd. filed a petition with the Registrar of Land Titles under section 122 of the *Land Title Act* to cancel 4.38m of the 12m wide road dedication for 90 Street (Undeveloped Road Area). In response, Engineering prepared a council report recommending that Council oppose the petition and the road dedication be preserved for highway use (Attachment A). The Staff report was shared with 667895 B.C. Ltd. and their legal counsel submitted written correspondence dated April 20, 2023

with a video submission opposing the Engineering report's recommendation (Attachment B). The Engineering report dated April 11, 2023 and the submission from 667895 B.C. Ltd. dated April 20, 2023 were provided to Council as part of the agenda of the April 24, 2023 Regular Meeting of Council.

At the April 24, 2023 meeting of Council, following resolution was adopted:

- A. *THAT the land dedicated as highway through the deposit of Plan BCP27703, including that part shown coloured in orange on Page 12 of Attachment A of this report, is declared to be required for highway purposes for the reasons set out in [the Engineering Report].*
- B. *THAT the City Solicitor be directed to file a certificate of opposition with the Registrar of Land Titles in response to the petition to cancel part of 90 Street dedicated on Plan BCP27703.*

Following the Council resolution, Delta filed a certificate with the Land Title Office (LTO) opposing the petition and the LTO then cancelled the petition. On September 28, 2023 667895 B.C. Ltd. filed a judicial review of Council's resolution on procedural and substantive grounds. The BC Supreme Court ruled in favour of Delta that Council acted reasonably and the judicial review application was dismissed.

Subsequently, 667895 B.C. Ltd. filed an appeal with the BC Court of Appeal in May 2024 arguing that Delta Council's decision to pass the resolution was unreasonable and that Council's reliance on the Engineering Department's report to Council without responding to the April 20, 2023 submissions did not meet the required standards for reasons for Council's decision. The appeal was allowed and in the ruling the Court of Appeal stated that Delta did not adequately respond to or address the concerns raised by 667895 B.C. Ltd in their April 20, 2023 submissions. Council's April 24, 2023 resolution was quashed, the LTO certificate of opposition was cancelled, and the question of whether the unimproved dedication area is required for highway purposes was remitted to Council.

This report responds to matters raised by 667895 B.C. Ltd in the April 20, 2023 submissions in relation to Staff's recommendation to retain the full 12m wide road dedication for 90 Street, including the 4.38m that is the subject of the petition with the LTO.

**Council Policy:**

Council must approve the disposition or acquisition of lands. Section 132 of the *Land Title Act* requires a resolution from a local authority if the local authority opposes the cancellation of a plan of a public area.

▪ **DISCUSSION:**

The April 20, 2023 submission from 667895 B.C. Ltd.:

1. Disagrees with the Engineering report dated April 11, 2023 and asserts that there was no material change between 2015 and 2023 to support Delta's desire to retain the road dedication for highway purposes and for options to develop Delta's future road network.
2. Confirms that 667895 B.C. Ltd. and the owner and users of 8970 River Road use 90 Street.

While there has been no significant change in land use with the adjacent properties between 2015 and 2023, Delta's industrial areas are experiencing substantial growth and redevelopment that optimize existing sites for modern uses. In April 2016, the Metro Vancouver Board received a report on the Industrial Lands Inventory noting significant conversion of industrial lands and the need to secure long-term protection of industrial lands. Delta, specifically the Tilbury and Annacis Island areas, holds a significant portion of the region's industrial lands, particularly south of Fraser River. With a limited supply and increasing land values, there is renewed interest in redevelopment of existing sites in Delta. In 2020, Metro Vancouver released a strategy report on industrial lands which quotes "planning for effective management of industrial lands is intertwined with planning for the effective management of the transportation network".

In 2022, TransLink released Transport 2050, the regional transportation strategy, outlining the goals and strategies for an effective and efficient transportation system with a focus on providing convenient and reliable transportation choices. The headline target is to achieve 50% mode share for transit and active modes by 2050. Compared to 2015, workers in Delta, including in the Tilbury industrial area, have increased their use of alternative modes of transportation such as transit, walk or cycle and expect increased investments from the City in this area. Therefore, retaining and maximizing the road dedication is vital for the City to deliver active transportation facilities. With a 12m wide road dedication, Delta can provide 3.5m wide travel lanes in each direction for total 7m pavement width, with sufficient additional width remaining to provide a sidewalk or multi-use pathway without further land acquisition. With a 12 m wide road dedication there is also adequate physical space available to accommodate additional roadway infrastructure such as curb and gutter, catch basins, storm sewer and streetlighting.

If the 4.38m wide dedication were to be cancelled, then 90 Street would be reduced to 7.62m wide. This would further exacerbate non-compliance with the applicable standard for width as per Delta's Subdivision and Development Standards Bylaw, and would inhibit Delta's ability to provide these active transportation improvements. For these reasons, retaining the full width of the road dedication, including the 4.38m portion that was the subject of the LTO petition, is vital for the City to be able to upgrade highway infrastructure in this area.

90 Street also provides Delta with access to several parcels of land located south of the BNSF Railway line that currently do not have direct highway access because they are between the railway line and provincial highway. If these properties are developed in

future, 90 Street provides the shortest and most direct connection to transit along River Road for these properties. Delta currently has a private crossing agreement with BNSF Railway to permit staff to cross the railway line for emergency purposes. With re-development of lands, the private crossing can potentially be converted into a public crossing in the future.

Retaining and maximizing the full width of the 90 Street road dedication, including the 4.38 m that was the subject of the LTO petition, enables flexibility to accommodate future development and workers travelling to and from the properties south of the BNSF Railway line.

**Implications:**

Financial Implications – There are no financial implications at this time. Any future improvements along 90 Street would be brought forward to Council through the budget process.

▪ **CONCLUSION:**

The Engineering Department maintains that retention of the full 12 m width of 90 Street road dedication is needed to preserve infrastructure options and support future development of Delta’s industrial areas. It is recommended that Council declare the Undeveloped Road Area is required for highway purposes.



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General Manager, Engineering

Department submission prepared by: Sukhmeet Grewal, P. Eng., Manager of Transportation  
SG

This report has been prepared in consultation with the following listed departments.

Concurring Departments		
Department	Name	Signature
Corporate Services	Mike Brotherston	MB
Development	Doreann Mayhew	DM

▪ **ATTACHMENTS:**

- A. Engineering Council Report April 11, 2023
- B. Abbotsford Concrete Submission April 20, 2023