

Exploring historical injustices in Oak Bay, British
Columbia: an archived municipal document review

by

Katherine Bullen
B.A., University of Victoria, 2007

A Master's Project Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF PUBLIC ADMINISTRATION

in the School of Public Administration

©Katherine Bullen,
2019

University of Victoria

All rights reserved. This thesis may not be reproduced in whole or in part,
by photocopy or other means, without the permission of the author.

Exploring historical injustices in Oak Bay, British Columbia: an archived municipal document review

by

Katherine (Katie) Bullen

B.A., University of Victoria, 2007

Supervisor: Dr. Tara Ney, Associate Professor
School of Public Administration, University of Victoria

Client: Niels Jensen, Mayor of the District of Oak Bay from 2011-2018

Second Reader: Dr. Lynne Siemens, Associate Professor
School of Public Administration, University of Victoria

Chair: Dr. Richard Marcy, Assistant Professor
School of Public Administration, University of Victoria

Title: Exploring historical injustices in Oak Bay, British Columbia: an archived municipal document review

Executive Summary

Introduction

Canada has been host to a number of discriminatory government policies and practices at the federal, provincial and municipal levels since confederation in 1867; as Canada is a young country, the impact of this discrimination is still tangible to many.

Governments across Canada are increasingly beginning to uncover and acknowledge their involvement in historical discrimination. With the objective of addressing victims and families of past injustices, governments at all levels are also beginning to offer official public apologies and partake in reconciliation efforts for their past offences. Prior to issuing some form of redress, however, governments must first understand the extent of their involvement in historical racism.

A small number of municipal governments in British Columbia, often facing pressure from residents or interest groups, have engaged in research to comprehend the scope of their involvement in historical prejudice. In some instances, local governments have offered an apology and redress to impacted groups. In the same vein, this study provides an exploratory review of the municipal records of Oak Bay, British Columbia to determine whether the municipality participated in, or was associated with, historical discriminatory policies or practices.

This project aims to answer the main research question: Was the Municipality of Oak Bay involved in, or associated with, administering racist actions or legislation during the period 1906 to 1949? In addition, the report will examine secondary research questions, including: What bylaws were adopted by the municipality that had racist undertones/implications? What are the actions, if any, found within council minutes that conspire with the bylaws? Where should further research be concentrated? What research has been undertaken by other British Columbia municipalities with respect to historical injustices?

The researcher used the same definition for discrimination used by the City of New Westminster in their comparable research: “a pronounced bias against a group of persons, in this case based on ethnic origin, with a view to deprive them of or substantially hinder their exercise of rights and freedoms enjoyed by others in the community” (City of New Westminster, 2010, p. 4).

The study provides an exploratory review of Oak Bay’s municipal record for examples of racist or discriminatory legislation or actions. The findings, analysis and recommendations were informed by a literature review; the project concludes by providing recommendations and options for next steps.

Methodology and Methods

An archived document review of the municipality of Oak Bay’s meeting minutes and bylaws for the period 1906 to 1949 was conducted to look for any instances of historical discrimination

against any ethnic group. A review of literature on racism in Canada, the history of Oak Bay and the Greater Victoria area, and the emergence of public apologies and redress in Canada was also undertaken. The literature review provided an analysis of similar research undertaken by municipal governments in British Columbia, to help inform the methodology and methods for this project. The literature review and findings from the archived document review also contributed to the recommendations for future research and that are offered in this report.

The researcher was unable to locate any previous studies on the topic of historical discrimination in the municipal record of Oak Bay. In cases such as this, where there is little or no existing research on a research problem, an exploratory research design is often appropriate (University of Southern California, 2018). Exploratory research may be used to obtain better understanding about a particular research problem, generate new ideas and assumptions, determine the direction and feasibility of future research and to formulate new research questions (University of Southern California, 2018). Exploratory studies are often flexible, in that they may allow for the design and methods to change as the research progresses (University of Southern California, 2018).

The researcher conducted an archived document review of meeting minutes and bylaws to search for examples of historical discrimination.

Oak Bay's municipal bylaws and meeting minutes are stored in bound books, in chronological order, at the Oak Bay Archives. The researcher read the bylaws and meeting minutes looking for examples of discrimination, and for key words relating to race or ethnicity. The researcher noted any findings/possible findings in a spreadsheet, which included the bylaw/meeting title, date, the subject, and a description of the finding. Additionally, the researcher took photos of relevant pages for future reference and stored the photos in an online drive.

Following completion of the archived document review, the researcher sorted the data into the following three themes: restricting livelihoods in industry/business/labour; land and buildings; and requests to/from senior levels of government. To establish themes, the researcher referenced similar studies conducted by the Cities of Vancouver and New Westminster, who categorized their findings with respect to historical discrimination into similar themes.

Key Findings

The study was intended to explore whether the municipality of Oak Bay was involved in, or associated with, administering racist actions or legislation during the period 1906 to 1949. During the archived document review, the researcher found examples of possible and/or probable municipal involvement in all categories; these findings are described in summary below:

Restricting livelihoods in industry/business/labour

- In 1919, Oak Bay Council moved a discriminatory motion that stipulated Council was of the belief that individuals of Asian ethnic origin should not conduct business in districts where they were not the ethnic majority (Corporation of the District of Oak Bay, 1919, p. 49).
- In 1945, Oak Bay Council passed a bylaw which restricted the hours when peddlers could sell their wares (Corporation of the District of Oak Bay, 1945); this “Hours for Peddling Bylaw” appeared to specifically target the Chinese, and may have had significant negative financial or personal impacts on Chinese families in the Greater Victoria area.

Land and buildings

- During the period 1912-1936, Oak Bay Council was involved in numerous attempts to close the Chinese cemetery in Oak Bay, and falsely advised the cemetery owners that it had the legal right to prevent future burials at the site, when council knew it did not have the authority (Lai, 1987).
- In 1940, Oak Bay Council resolved to request a legal opinion regarding its authority to stop construction of a new dwelling by a “Hindu” lot owner, for no other apparent reason than the owner’s ethnicity (Corporation of the District of Oak Bay, 1940, p. 77).

Requests to/from senior levels of government

The archived document findings indicate some complicity by the Municipality with other levels of government in administering unjust, discriminatory practices, such as internment.

Recommendations

This exploratory study provides a first foray into the topic of historical discrimination in Oak Bay. The study further provides the client with considerations for future research and next steps. The following recommendations emerged from evaluation and analysis of the findings from the literature and the archived document review:

- Expand document review research to include historical municipal correspondence and legal opinions; these documents may help corroborate and provide additional context to the findings of this study.
- Conduct comparison research of bylaws and council decisions between the municipality of Oak Bay, the City of Victoria and other local governments; comparison research may inform whether Oak Bay’s bylaws were more stringent than those in other municipalities, and whether such bylaws would have been restrictive to certain groups of people.
- Engage a researcher to interview families or groups of ethnic minorities who would have lived in, worked in, or had dealings with Oak Bay Council during the first half of the 20th

century; this research will enable dialogue between Council and any groups impacted by discriminatory historical policies, in an effort to begin the reconciliation process.

- Request to participate in ongoing projects and initiatives by other local governments and community groups; a joint approach to reconciliation may demonstrate a cohesive approach to acknowledging responsibility and a more progressive, inclusive future.

Acknowledgements

I would like to sincerely thank my supervisor, Dr. Tara Ney, for her ongoing support and encouragement throughout my completion of this project. I also wish to thank Nils Jensen for helping conceptualize this fascinating research opportunity.

I would also like to thank Caroline Duncan, archivist at the District of Oak Bay, for providing me special access to the Oak Bay Archives to accommodate my project deadlines, and for helping me locate various research materials.

I would like to thank Professor Emeritus Dr. Larry McCann for sharing his wisdom and for his helpful tips on how to navigate the archives.

Lastly, I would like to thank my family and friends for their support during my completion of this project and program. A special thanks to my husband, Ryan for his patience, and to my mother in law Sonya for all the extra help babysitting baby Heidi while I completed research at the archives. And to my wonderful daughter Heidi, thank you for giving up some of our valuable maternity leave together by allowing me to complete this final project.

Table of Contents

Executive Summary.....	ii
Introduction	ii
Methodology and Methods	ii
Key Findings	iii
Restricting livelihoods in industry/business/labour	iv
Land and buildings	iv
Requests to/from senior levels of government.....	iv
Recommendations	iv
Acknowledgements.....	v
1.0 Introduction	3
1.1 General Problem.....	3
1.2 Research Question(s) and Project Objectives	4
1.3 Background.....	5
1.4 Organization of Report	6
2.0 Methodology, Methods and Analytical/Conceptual Framework	6
2.1 Methodology.....	6
2.2 Methods and Tasks	7
2.3 Analytical or Conceptual Framework.....	8
3.0 Literature Review	9
3.1 Introduction	9
3.2 Racism in Canada	9
3.3 History of Greater Victoria and Oak Bay.....	11
3.4 The Emergence of Public Apologies and Redresses in Canada.....	13
4.0 Data Analysis.....	18
5.0 Limitations and Delimitations	21
6.0 Findings and Discussion	22
Restricting livelihoods in industry/business/labour	23
Land and Buildings	24
The Chinese Cemetery	24

Hindu Dwelling 27

Requests to/from Senior Levels of Government 27

Internment 27

Findings Summary 29

7.0 Recommendations 30

Expand document review 30

Conduct Comparison Research 31

Community Engagement 32

Participation in ongoing external projects..... 32

Public Apology..... 32

References 34

1.0 Introduction

1.1 General Problem

Since Confederation in 1867, the nation of Canada and its provinces, territories and municipalities, have been host to a number of racist and discriminatory policies and practices (Backhouse, 1999, p. 15). Although these injustices occurred in the past, targeted groups may continue to be impacted by memories of historic abuses, and longstanding impacts to culture, language, and heritage. To address victims of past injustice, governments are beginning to recognize the significance of issuing official public apologies; this will be discussed below.

Public apologies acknowledge responsibility for actions, express regret and admit wrongdoing (Rosenblum, 2002, p. 99). Beyond this, however, public apologies are intended to restore harmony, and improve the relationship between marginalized groups and wider society going forward (Rosenblum, 2002, p. 99). While the empirical effectiveness of public apologies in healing impacted groups and improving intergroup relationships is contentious, the issuance of such apologies is becoming more commonplace (Wohl, Hornsey, & Philpot, 2011).

Canada's legacy issuing formal public apologies began in 1988, when Prime Minister Brian Mulroney formally apologized to Japanese Canadians for Canada's involvement in internment activities during the Second World War (CBC News, 2013).

In 2006, Prime Minister Stephen Harper, on behalf of the Government of Canada, issued a formal apology to Chinese Canadians for the race based Chinese Head Tax, and for the exclusion of Chinese immigrants to Canada from 1923 to 1947 (Government of Canada, 2006). Two years later, Prime Minister Harper apologized to former students of Indian residential schools for Canada's role in the system, which separated over 150,000 Aboriginal children from their families and communities (Aboriginal Affairs and Northern Development Canada, 2008). On May 15, 2014, British Columbia Premier Christy Clark, on behalf of the province and the legislative assembly, delivered a formal apology to Chinese Canadians for unfair and discriminatory historical laws committed by former provincial governments (British Columbia, n.d.).

This rise of political apologies at federal and provincial levels has prompted some municipal governments to similarly uncover, acknowledge, and apologize for, their respective involvement in acts of historical racism. For example, in 2010, the City of New Westminster became the first municipality in the country to formally apologize to the Chinese community for historical involvement in discriminatory and exclusionary practices (New Westminster, 2016). In addition, New Westminster completed a research and consultation process in support of reconciliation, and a new public park is being designed to commemorate the Chinese community and its contributions to New Westminster (Grieve, 2016). In April 2018, the City of Vancouver formally apologized to Chinese Canadians for historical discriminatory legislation, regulations and policies; the apology, a recommendation of a research report on the historical

discrimination against Chinese people in Vancouver, was issued by Vancouver mayor Gregor Robertson (Pawson, 2018).

Following on the footsteps of efforts by these other British Columbia municipalities, the Municipality of Oak Bay, British Columbia, is seeking to better understand its historical involvement in past injustices. This project will explore whether there is discriminatory municipal legislation in Oak Bay's history that may have contributed to racist actions, to help inform an account of any injustices that may have occurred.

One of the biggest challenges in reconciliation efforts is to develop a publicly acknowledged account of the injustices and offences that happened (Amstutz, 2005, p. 23). To this writer's knowledge, to date there has been no research that has directly explored the possibility of discriminatory legislation in Oak Bay. By taking a proactive approach, Oak Bay will be a leader amongst Canadian municipalities in looking at lesser known parts of its past.

1.2 Research Question(s) and Project Objectives

The objective of the project is to search through the Municipality of Oak Bay's historical municipal records for decisions, statements, or policies that may have had discriminatory repercussions.

This project will analyze findings and recommend areas for further research. A literature review component will investigate a brief history of racism in Canada, and in British Columbia specifically. Additionally, the literature review will outline comparable research undertaken by other British Columbia municipalities and outline any resulting reconciliation efforts. The literature review will inform the project's document review, with respect to the time periods being studied, the research methods, and methodology used in this project. Because the level of involvement by the Municipality of Oak Bay in historical injustices was unknown at the beginning of this project, this exploratory research is intended to inform decision makers, and serve as a starting point for further research.

This project aims to answer the main research question:

- Was the Municipality of Oak Bay involved in, or associated with, administering racist actions or legislation during the period 1906 to 1949?

In addition, the report will touch on secondary research questions including:

- What bylaws were adopted by the municipality that had racist undertones/implications?
- What are the actions, if any, found within council minutes that conspire with the bylaws?
- Where should further research be concentrated?

- What research has been undertaken by other BC municipalities with respect to historical injustices?

1.3 Background

The client for this report is Nils Jensen, former Mayor of the District of the Corporation of Oak Bay. The intent of the report is to provide the client with a summary of research findings to explore Oak Bay's possible involvement in acts of historical discrimination, as well as to summarize how other Canadian government bodies are involved in examining historical discrimination and associated reparations in their respective communities.

In September 2017, then Mayor of the Municipality of Oak Bay, Nils Jensen, attended the unveiling ceremony for a commemorative monument recognizing the historic contributions of Chinese Canadians in Victoria, British Columbia's Chinatown (N. Jensen, personal interview, May 2018). The monument was part of a provincial Chinese legacy project, resulting from recommendations in a report on Chinese historical wrongs consultations, and it is the commemoration of the 2014 provincial apology to Chinese Canadians for historical discrimination, racism and hardships suffered due to government actions (City of Victoria, 2017). Touched by this unveiling ceremony, the Mayor of Oak Bay was prompted to ponder whether his Municipality had been part of any historical discriminatory actions for which an official acknowledgement and apology may be appropriate.

Oak Bay's Official Community Plan (OCP) cites "celebrating Oak Bay's unique history" as a heritage objective (District of Oak Bay, 2014). As heritage preservation is mandated in the OCP, legacy of the community is likely of key importance to citizens. Therefore, determining whether Oak Bay was involved in historical discriminatory or racist activities should be of interest to decision-makers and citizens alike. Discriminatory legislation is that which may exclude certain groups from participating in society with respect to property ownership, property development, zoning bylaws, employment, and recreational activities.

An understanding of the past can help officials to make better-informed decisions in the future, by ensuring prior mistakes are not repeated. While apologies may be offered in conjunction with reparations to victims, it has been argued that the admission of guilt is the most important step. According to Amstutz (2005), although discovering the truth about a government's involvement or complicity in human rights abuses is important, the truth alone does not complete the reconciliation process (p. 29). Instead, the truth about the government involvement in historical discrimination must be officially acknowledged so that society can "effectively confront and overcome its collective guilt" (Amstutz, 2005, p. 25).

It is hoped that this report will provide an initial probe into Oak Bay's municipal records and serve as a starting point for future research into the "hidden" record of Oak Bay, and Greater Victoria's, history. The project seeks to help Oak Bay discover whether the municipality played a role in historical discrimination through the use of racist bylaws, policies, or other courses of action. Additionally, the report may contribute to the dialogue between stakeholders, policy-

makers, and elected government officials who have an interest in acknowledging and making reparations for historical injustices.

This study does not explore whether racism existed in Oak Bay; as alluded to in the literature review of this report, racism most certainly would have been prevalent in Greater Victoria during the early half of the 20th century. Rather, the study aims to determine whether the municipality itself created, or was complicit with, any racist policies or actions.

1.4 Organization of Report

Following this introduction, the report is organized into six sections. The second section provides an overview of the research methodology, methods and analytical framework used in the production of this report, as well as limitations and delimitations of these methods. The third section is the literature review, which provides a brief history of Oak Bay and racism in British Columbia, the emergence of public apologies and redresses in Canada, and summarizes research on historical injustices undertaken by other government bodies in Canada. Section four explains the data analysis, while section five outlines the limitations and delimitations of the research. Section six details and discusses the findings from the archival research. The final section concludes the report and suggests areas for further research.

2.0 Methodology, Methods and Analytical/Conceptual Framework

2.1 Methodology

The purpose of this report is to explore whether the Municipality of Oak Bay was involved in, or associated with, administering racist actions or legislation during the period 1906 to 1949. Therefore, a qualitative research approach was used to achieve the following objectives: provide readers with context to understand the unique history of the municipality and of racism in British Columbia; identify research undertaken by other municipalities with respect to historical injustices; identify examples of Oak Bay council decisions or actions that had racist or discriminatory undertones; and, make recommendations on areas of focus for further research.

This project will employ a grounded theory methodology through the collection and analysis of archival data. Grounded theory is an inductive approach where the researcher observes data to develop a theory about a phenomena of interest (Trochim, 2006). Grounded theory allows researchers to start with general questions about a topic and identify key theoretical concepts as data is gathered (Trochim, 2006). Data is coded into various categories based on the researcher's observations and analysis; these categories often change as research progresses (Trochim, 2006). Later in the process, as core concepts become clearer, coding the data becomes more selective (Trochim, 2006).

For this study, archived data was gathered and analyzed to identify core theoretical concepts relating to racism and discrimination in Oak Bay's municipal record. Initially, the researcher

toured the Oak Bay Archives and compiled an inventory of accessible existing historical municipal data. Further, the researcher did a brief review of the data to familiarize with its format, content type, and relevancy. After reviewing the list of possible data, the researcher narrowed down the data set, for the purposes of this project, to include municipal minutes and bylaws for the period 1906 to 1949.

From the archived document review, any data the researcher deemed to be conceivably related to historical discrimination was recorded in an excel spreadsheet, and relevant photos of the documents were taken for future ease of access.

As the project developed, themes adapted accordingly to items that emerged from the document and literature review. Grounded theory provides for flexible data analysis; after initial data has been collected, the researcher analyzes that data, and uses the results to form the basis for the subsequent data collection (Corbin, 2017). In other words, this methodology provides that the research design may evolve as the research progresses. This particular methodology is desirable for a study such as this, where the researcher is uncertain what types of data may be discovered and what additional questions might arise during the research. For example, in this project, the researcher reviewed a random sample of historical Oak Bay police records to determine whether such records would help inform the research question. During the review, the researcher determined that, although the records may reflect what would currently be considered racist language, they do not demonstrably reflect municipal decision-making; as a result the researcher chose not to include police records in the data set.

2.2 Methods and Tasks

Research methods used in this report include a literature review and archived document review. The researcher completed a literature review to provide context on the subject matter, and to help inform the archived document review and project methodology.

The data collection method included a review of archived municipal data for the years 1906 to 1949. 1906 was used as the timeline starting point because the Municipality of Oak Bay was incorporated in that year and it is the year council records begin (District of Oak Bay, n.d.). 1949 was chosen as the research timeline end point due to time constraints for this project, and the large volume of council records. Also, Chinese Canadians were given the right to vote federally in 1947 (Elections BC, 2018), and in Vancouver in 1949 (City of Vancouver, 2018), signaling the beginning of a potential shift in public attitudes and discriminatory policies. In similar studies conducted by other British Columbia municipalities, examples of discrimination were more abundant in the earliest documentation; in this case, the researcher anticipated finding more instances of discrimination in records from the first half of the 20th century, as opposed to the latter.

Municipal governments may only make decisions by bylaw or resolution (Government of British Columbia, n.d.); this review focused primarily on historical municipal bylaws and meeting minutes because both sources reflect the decisions of the actions of the municipality at a point

in time. The minutes of a council or council committee meeting are the legal record of council decisions and provide authorization for the administration to begin implementation of approved initiatives (Government of British Columbia, n.d.) Minutes also serve as the official public record, and offer electors and stakeholders a transparent disclosure of council actions (Government of British Columbia, n.d.).

A bylaw is a law made by a local authority in accordance with its delegated powers (Government of British Columbia, n.d.). Municipal bylaws include those used to govern council affairs, such as a council code of conduct or meeting procedures, and those used to govern the municipality, such as animal control, licensing, or noise (Government of British Columbia, n.d.). A municipal bylaw can be enforced with penalties, challenged in court and must comply with higher levels of law (Government of British Columbia, n.d.). Municipal bylaws are often enforceable through the public justice system, and offenders can be charged with a criminal offence for breach of a bylaw (Government of British Columbia, n.d.).

The researcher reviewed archived meeting minutes and bylaws for any decisions or discussions that appeared to unfairly target any particular ethnic group. In some instances, supporting documents were reviewed if available (such as police records, census records, academic research and newspaper articles).

All original documents were stored at the Oak Bay Archives. Since the documents were original paper copies, and were not digitized, they could not be removed from the Archives. All findings were recorded by the researcher in a spreadsheet, including a summary of the finding, the source document and page number, and the category or theme. The researcher also took digital photos of relevant pages and stored them in an online database for future reference.

2.3 Analytical or Conceptual Framework

As there is no known existing research into the possibility of Oak Bay's involvement in discriminatory legislation, this project is exploratory in nature.

Exploratory research is conducted about a research problem which has not been studied, or there is too little existing research to predict an outcome (University of Southern California, 2018). The focus of exploratory research is on gaining insight into an issue, to generate new ideas or assumptions, and to determine feasibility or methodologies for future research (University of Southern California, 2018). In this case, the researcher was seeking to gain understanding regarding the extent of the municipality of Oak Bay's historical involvement in any racist policies or actions, and to identify areas and methodologies for future research.

Provincial and federal legislation is excluded from this review, as is legislation from surrounding municipalities, including the city of Victoria, British Columbia. The research focuses narrowly on the Municipality of Oak Bay and does not provide a comparison of bylaws or decisions between municipalities.

3.0 Literature Review

3.1 Introduction

This research aims to answer the question “Was the Municipality of Oak Bay involved in, or associated with, administering discriminatory actions or legislation during the period 1906 to 1949?” To help answer this question, and to provide greater context to inform the research, the literature review begins by exploring a brief history of the origins of racism in Canada, and specifically in British Columbia; the history and legacy of colonialism must be kept in mind to understand the attitudes and power structures which would have been at play during the time period of the documents under review. Next, the literature review provides a short history and overview of Oak Bay, British Columbia, to inform and provide context about the municipality and its unique characteristics. Subsequently, the literature review discusses the emergence of public apologies and redresses in Canada and explores the value of looking at historical wrongs. Lastly, the literature review examines research on historical injustices undertaken by other local governments in British Columbia; this section of the review is intended to inform the methodology and research methods for this research project and will help to inform the findings and discussion sections of this report.

The researcher referenced official municipal, provincial and federal government websites to access official reports and data. The researcher acquired scholarly sources by accessing and searching databases available through the University of Victoria library’s website, including Google Scholar and Academic Search Complete. Search terms utilized include “Oak Bay history” “racism in Canada,” “public apologies” “redress,” “reconciliation,” etc. The researcher accessed the University of Victoria Library and the Greater Victoria Public Library for secondary sources on the history of Oak Bay and British Columbia.

3.2 Racism in Canada

The Canadian Charter of Rights and Freedoms, 1982 section 15 (1) states that individuals are equal before the law and have the right to “the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability” (Canada, 1982). Such equality and freedom before the law, however, has not always been afforded to all residents. In fact, sadly, and as history shows, numerous ethnic groups in Canada were subject to racial discrimination in the years since Confederation in 1867.

For example, for over 100 years, the Government of Canada established aboriginal policies, which were aimed to eradicate aboriginal governments; ignore aboriginal rights, culture, and religion; terminate Treaties; and, force assimilation (The Truth and Reconciliation Commission of Canada, 2015, p. 5).

One example of a discriminative aboriginal policy is the residential school system; between 1879 and 1996, the Government of Canada, operating under the belief that European civilization and Christianity was superior to Aboriginal culture, funded church-run schools for aboriginal children, in an effort to eliminate aboriginal parental involvement in the development of aboriginal youth (The Truth and Reconciliation Commission of Canada, 2015, p. 5). The over 150,000 children who attended residential schools were often forbidden from speaking their own language and practicing their own culture (The Truth and Reconciliation Commission of Canada, 2015). It is argued that the Canadian government's aboriginal policies were aimed to both remove the government's legal and financial obligations to aboriginal people, and to help gain control over aboriginal land and resources (The Truth and Reconciliation Commission of Canada, 2015, p. 6).

In addition to discriminating against First Nations, Canada has a history of establishing racist policies against Asian immigrants. Hostility towards Asian immigrants in Canada appears to have been partly sparked by various widespread insecurities held by white European descendants in Canada; for example, objections to Chinese immigration has been sourced to the belief that these groups undercut white wages and appropriated jobs based on cheap labour (Roy, 2007, p. 5).

Many Caucasian British Columbians also held the notion that Asian immigrants were inassimilable, and unable to adapt to Canadian customs (Roy, 2007, p. 7). Furthermore, because many Chinese Canadians often sent sums of money earned in Canada to family in China, it was argued that they were not contributing to the local economy (Roy, 2007, p. 7). The Chinese reputation was further jeopardized by their association with opium dens and gambling, and the white person's fear that these activities would attract white youth; it may not be surprising that many Chinese in this early period indulged in such habits, given that they were often separated from family and segregated from society (Roy, 2007, p. 7).

As these prejudiced beliefs became widespread, corresponding racist government policies and practices followed. After the completion of the Canadian Pacific Railway, as labour jobs became more scarce, the British Columbia Government began to press for exclusionary legislation against Chinese labourers; this action led the federal government to enact the Chinese Immigration Act of 1885 (Wat, 2014, p. 9). The Chinese Immigration Act imposed a \$50 fee, or "head tax," on each Chinese person entering Canada, which was increased to \$100 in 1901, and to \$500 in 1903 (Wat, 2014, p. 9). Although the tax amounted to as much as two years of their salary, many Chinese Canadians borrowed money to pay the tax, as they could still earn up to 20 times more in Canada than in China (Wat, 2014, p. 9).

In 1923, with continuing pressure from the British Columbia Government to eradicate Asian labourers, Canada enacted legislation banning all Chinese immigration to Canada; this immigration policy resulted in the separation of many Chinese Canadians from their families overseas, and left Chinese Canadians feeling unwelcome in Canada (Wat, 2014). Chinese were excluded from immigrating to Canada for a period of 23 years, from 1923 until 1947 (Wat,

2014). The Chinese population in Canada dwindled as a result of this exclusionary immigration policy; few Chinese women were living in Canada, and without new female immigrants, the result was a low birth rate for Chinese in Canada (Roy, 2007, p. 5). In 1911, an estimated 27,774 Chinese were living in Canada, with 70 percent residing in British Columbia; of the Chinese in Canada, only 3.5 percent were female (Roy, 1989, p. xi).

British Columbians of non-European descent were also restricted in their right to vote. In 1871, the British Columbia legislature passed an Act to deny the right to vote to “Native Indians,” Chinese and other “non-whites” (Wat, 2014). First Nations people registered under the Indian Act were not allowed to vote in provincial elections until 1949, or in federal elections until 1960 (Elections BC, 2018). Chinese-Canadians and South Asians did not regain voting rights until 1947 (Elections BC, 2018). Japanese-Canadians were restricted from voting or holding public office beginning in 1895 (Elections BC, 2018). During the Second World War, B.C. residents of Japanese heritage were subject to systematic discrimination, detention and expulsion from their homes, and legal rights of Japanese-Canadians, including the right to vote, were not reinstated until 1949 (Elections BC, 2018).

In 1942, during the second world war, the Government of Canada enacted mass internment and displacement of over 21,000 people of Japanese ancestry from Coastal British Columbia on racial grounds (Landscapes of Injustice, 2017). Canada forced the sale of Japanese-Canadian property, often under value, and required Japanese Canadians in government camps to pay for their own expenses (Landscapes of Injustice, 2017). The dispossession of Japanese Canadians meant that most had no property to return to when restrictions were removed in 1949 (Landscapes of Injustice, 2017). Furthermore, the internment and dispossession of Japanese Canadians changed the Canadian landscape, resulting in an absence of historic Japanese neighbourhoods in major cities (Landscapes of Injustice, 2017).

3.3 History of Greater Victoria and Oak Bay

The Municipality of Oak Bay is located on the Southern tip of Vancouver Island, lies along the water, and provides incredibly scenic views towards the Strait of Juan de Fuca, Mount Baker, and the Olympic Mountain Range in Washington State (Underhill, 1981, p. 15). Oak Bay forms part of Greater Victoria, which was initially established as a fur trading Fort by the Hudson’s Bay Company in 1843 (Reksten, 1986, p. 2).

Long before the arrival of European fur traders, however, Oak Bay was within the territory of the Songhees first nation (Oak Bay Anniversary Committee of the Council, 1956, p. 7). Prior to the establishment of Fort Victoria, the Songhees resided in villages among the Greater Victoria area, including Cordova Bay, in Oak Bay (Oak Bay Anniversary Committee of the Council, 1956, p. 7). First Nations shell middens and artifacts, as well as house sites, burial places and burial cairns have been discovered throughout Oak Bay (Oak Bay Anniversary Committee of the Council, 1956, p. 7). In 1901, members of the Natural History Society of Victoria described the hundreds of first nation burial cairns on the eastern slope towards Cadboro Bay, and noted that the cairns were at their highest development in all of the Victoria area at this location;

therefore, the site in Oak Bay was likely of high importance to the First Nations (Smith & Fowke, 1901).

In 1858, the discovery of gold on the lower Fraser River propelled a population boom in Victoria; the settlement of approximately 500 people, became host to over 30,000 gold miners seeking mining licenses on their way to the mainland (Tourism Victoria, 2018). Many miners came from the United States, while others arrived from Europe (Tourism Victoria, 2018).

The Chinese began to arrive in Victoria in 1858, from San Francisco, mostly heading towards the Fraser river; by the 1860s, their growing numbers in Victoria began to impact public attitudes (Reksten, 1986, p. 125). According to Reksten (1986) in the late 1800s, many Victorians viewed Chinese residents with “a superior air of patronizing and amused detachment” (p. 125). Chinese living in Victoria often worked as gardeners, cooks, or servants (Reksten, 1986, p. 126). Many Victorians perceived Chinese workers as a threat to white workers, believing the Chinese were willing to work for less and under less favorable conditions than their white counterparts (Reksten, 1986, p. 126).

Wealthy housewives in Greater Victoria, however, soon became enthusiastic at the prospect of having a Chinese servant, rather than an English cook or housemaid; one housewife reviewed her servant, stating “he does twice the work, he is far more cleanly in his manner of doing it, he is always sober, and fairly honest” (Reksten, 1986, p. 127). By 1900, most wealthy landowners in Greater Victoria had a “Chinaman’s room” in their basement or kitchen scullery, however most Chinese returned to their homes in Chinatown, in downtown Victoria, at night (Reksten, 1986, p. 127).

Oak Bay was established in 1906 but had few permanent residents until 1912; until that point, Oak Bay remained a summer resort for many Victorians (Reksten, 1986, p. 150). Today, Oak Bay maintains its reputation as an upscale, refined neighbourhood, with strong British influences (Attractions Victoria, 2018). As of the 2016 census, Oak Bay’s population was 18,094, with over 14,000 residents identifying as being of European ethnic origin (Statistics Canada, 2016).

In 2017, a moneysense.ca study rated Oak Bay as the best place to live in British Columbia, due to its strong economy and high wealth and incomes, excellent public and private schools, low taxes, public safety and close proximity to downtown Victoria (Lacatusu, 2017). Oak Bay boasts expensive real estate and an exclusive “feel,” and was described in 1981 as “Canada’s Brighton,” and as “friendly and snobbish, haughty and hail-fellow-well-met” (Hunter, 1981, p. 11). Greater Victoria has often been described as being “more English than the English,” and Oak Bay is no exception (Reksten, 1986, p. ix). When asked to describe her own community in 1981, one Oak Bay High school student provided the following description:

When I think of the character of Oak Bay I think of one person in particular who seems to reflect the personality of Oak Bay. She is a teacher of mine who was raised here but still retains and English accent, as many residents of Oak Bay do. She is around 55, but seems far younger. She dresses mainly in business-like tweed and stands for a pre-war

definition of what is proper and what isn't. I'm sure she would be shocked silly if the shops in Oak Bay were to remain open on Sunday... Beneath this proper English façade there is a hearty Canadian spirit ...Oak Bay, and my former English teacher, reflect the character of England in the spirit of Canada, not in the context of the 1980s but in a time when England was a great empire and Canada was a rugged, unexplored land. (Underhill, 1981, p. 23)

The arrival of the European fur traders, and the Colonization of Victoria, combined with the arrival of non-European immigrants to British Columbia, all within a short period of time, resulted in unique mix of attitudes and tensions in the region. As the establishment of Greater Victoria, and of Oak Bay are relatively recent, the families of many original settlers still reside in the area, and the impact of any discrimination may still be palpable.

3.4 The Emergence of Public Apologies and Redresses in Canada

Governments across Canada are beginning to uncover and apologize for instances of historical discrimination. This section of the literature review explores the emergence of public apologies and reconciliation in Canada and describes examples of research and reconciliation efforts undertaken or underway by municipal governments in British Columbia, including the City of New Westminster, the City of Vancouver, and the City of Victoria, with an aim to inform the methodology, methods, framework, findings and discussion for this project.

Public apologies ideally include acknowledgment of wrongdoing, ownership of one's involvement in wrongdoing, and an expression of remorse (Andrieu, 2009). When reckoning with past offenses, governments may employ a variety of strategies, which either involve engagement with, or denial of, the issue. In engaging with the issue, one must assume that for healing and reconciliation to occur, wrongdoings must first be disclosed, acknowledged, and then redressed (Amstutz, 2005, p. 8). Acknowledging historical collective wrong doing is critical because the failure to do so may result in dormant, festering issues "that impair normal interpersonal and civic relationships" (Amstutz, 2005). According to Amstutz, "just as the failure to excise a cancer from the human body can lead to serious illnesses or even death, so too the failure to explicitly address collective offenses can result in severe social and political pathologies" (Amstutz, 2005, p. 8).

Public apologies and redresses do not emerge unless governments or interest groups recognize how their past actions or decisions contributed to discrimination; acknowledgement of wrongdoing can only occur if governments are aware of their involvement in historical racism. A public apology is often the culmination of a research project and consultation process, sometimes spanning a period of a number of years, investigating a government's historical involvement in acts of discrimination, and the impact on affected groups.

For example, in 2014, British Columbia Premier Christie Clark issued a public apology to the Chinese community for 160 historical racist and discriminatory policies imposed in the province, such as denying Chinese immigrants the right to vote and charging them a head tax to

immigrate (CBC News, 2014). The public apology was the result of a 2013 consultation process initiated by the Ministry of International Trade and Ministry Responsible for the Asia Pacific Strategy; consultation participants were asked to provide input on the format and content of the apology, and to propose legacy initiatives to help British Columbians understand the achievements of Chinese Canadians, as well as the impact of historical wrongs on the Chinese population (Wat, 2014). In addition to the apology, the British Columbia government released a report on the information gathered, along with recommendations.

Local governments tend to focus on current matters, and issues arising, and may not have available time or resources to allow for research into past municipal decisions and policies. Certain municipalities in British Columbia, nevertheless, often sparked by pressure or inspiration from interest groups, are beginning to research their own involvement in historical injustices. The research and reconciliation efforts of the cities of New Westminster, Vancouver and Victoria, British Columbia are highlighted below, along with discussion of how these projects informed the work done in this study.

City of New Westminster

In July 2009, the City of New Westminster, British Columbia, in response to a presentation from Bill Chu, Chair and Founder of *Canadians for Reconciliation*, agreed to research the history of racism and discrimination against the Chinese community, as well as any role the City played in these events; and to conduct a consultation process with all Chinese groups and people involved in the City to ensure suitable redress is given to such events (City of New Westminster, 2010, pp. 2-3).

New Westminster's researchers reviewed the City's record to determine whether the City had a history of discriminating against people or businesses of Chinese ethnic origin (City of New Westminster, 2010, p. 4). For the purposes of the research project, New Westminster defined discrimination as "as a pronounced bias against a group of persons, in this case based on ethnic origin, with a view to deprive them of or substantially hinder their exercise of rights and freedoms enjoyed by others in the community" (City of New Westminster, 2010, p. 4).

Researchers reviewed council meeting minutes from 1860 to 1926 as their primary source of information, and local newspaper articles as their secondary source, but referred to additional documents to help inform the context (City of New Westminster, 2010, p. 5).

New Westminster researchers employed an archival research method in reviewing council meeting minutes; researchers looked for any historical information that referenced Chinese businesses, people or associations (City of New Westminster, 2010, p. 10). Information was then classified into four categories: employment opportunities; land and buildings; city regulations; and requests to senior levels of government (City of New Westminster, 2010, p. 11).

Researchers found enough evidence to conclude that the city had discriminated against the Chinese in the categories of employment opportunities and in requests to senior levels of

government. For example, researchers uncovered that in 1890, New Westminster City Council requested an anti-Chinese labour clause in the Canadian Pacific Railway Contract to build a rail line into the City (City of New Westminster, 2010, p. 11). However, when the City recognized the work could not be completed within budget without Chinese labourers, Council upturned its original request, and asked that the Province remove the anti-Chinese clauses (City of New Westminster, 2010, p. 14). Furthermore, in 1913, Council required all firms who had contracts with the City not to employ Chinese labourers on such contracts (City of New Westminster, 2010, p. 11). In 1919, New Westminster Council approved bylaws for a cordage plant, which included a white male labor only clause (City of New Westminster, 2010, p. 12). Lastly, in 1923, the City passed a resolution in support of a local Member of Parliament's introduction of the Chinese Exclusion Act (City of New Westminster, 2010, p. 12).

New Westminster researchers determined there was no substantial evidence of discrimination against the Chinese in the category of land and buildings and city regulations, as other citizens and groups were similarly impacted by the same restrictions and bylaws faced by the Chinese (City of New Westminster, 2010, p. 2).

City of Vancouver

In, 2014 Vancouver City Council approved a motion directing staff to “conduct research into the laws, regulations and policies of previous Vancouver City Councils that discriminated against the people of Chinese descent in the City of Vancouver from 1886 to 1947, and consult with the Vancouver Chinese community, historians and Chinese community organizations on the research findings” (City of Vancouver, 2017, p. 15). Furthermore, council requested staff to report back with recommendations on steps and actions in support of reconciliation, including a public acknowledgement and formal apology (City of Vancouver, 2017, p. 15).

City of Vancouver researchers began by consulting with local historians, as well as experts with first-hand or lived experience in historical discrimination (City of Vancouver, 2017, p. 15). During this initial research phase, researchers compiled a summary of historical legislation and policies regarding discrimination towards Chinese residents using historical records dating between 1886 and 1947 (City of Vancouver, 2017, p. 15). Data was sourced from the City Archives and Library, as well as media and academic sources (City of Vancouver, 2017, p. 15). Staff also completed a review of federal, provincial and local government apologies and other related reports (City of Vancouver, 2017, p. 15). The City of Vancouver hired a research consultant to complete the first draft of findings, which was subsequently reviewed by a working group, comprised of two professors and one civic historian (City of Vancouver, 2017, p. 14).

Vancouver researchers defined discrimination, for research purposes, as “legislative or systemic bias against a group of persons of a specific ethnic origin, with a view of depriving them of or substantially hindering their exercise of rights and freedoms enjoyed by others in the community” (City of Vancouver, 2017, pp. 3-4).

Vancouver's report classified discriminatory municipal policies and practices into the following four categories: voting rights and citizenship; exclusion from immigration; restricting livelihoods in the areas of industry, business and labour; and, segregation in housing and public spaces (City of Vancouver, 2017, p. 20). The categories above demonstrate some overlap with the categories used by City of New Westminster researchers. For example, the category "restricting livelihoods in the areas of industry, business and labour" is akin to New Westminster's category titled "employment opportunities," because both include examples of discriminatory municipal government interventions in the labour market. New Westminster's categories "requests to senior levels of government," "land and buildings" and "city regulations" are not directly parallel to the Vancouver study categories, but most examples of discrimination identified by each municipality could reasonably be classified into one of the categories identified by the other. For example, Vancouver researchers, like New Westminster researchers, determined that the municipality had lobbied for, and given strong political support to, federal and provincial exclusionary policies, such as the Chinese Exclusion Act of 1923 (City of Vancouver, 2017, p. 15); the Vancouver study classified this finding under "exclusion from immigration", whereas the New Westminster study classified a similar finding into "requests to senior levels of government."

Vancouver researchers noted numerous examples of discrimination against the Chinese, and found that the City disenfranchised the Chinese from the date of the City's incorporation in 1886 until 1949, two years after the franchise was granted to Chinese provincially, citing "difficulties" distinguishing Chinese names and faces (City of Vancouver, 2017, p. 12).

In addition to the document review, the City of Vancouver's research included the formation of an advisory group in 2017, comprised of historians, community leaders, veterans and their descendants to help guide the process and determine subsequent steps (City of Vancouver, 2017). The third and final phase of Vancouver's study included sharing the research findings and gathering input from stakeholders through community forums (City of Vancouver, 2017). The City Manager's notes in the City's report on the research state "(t)he key learning from the initiative is to ensure that this history will not repeat and we remain vigilant in upholding the values of equity, justice and well-being for all" (City of Vancouver, 2017, p. 3).

In 2017, the City of Vancouver unanimously approved the recommendation in the research report to issue a public apology for the historical discrimination of Chinese residents in Vancouver; the apology was issued in April 2018 (City of Vancouver, 2018).

The City of Vancouver's apology addressed historical wrongs against the Chinese, including the denial of the right to purchase property or freely reside in their desired neighbourhood, disenfranchisement and the inability to hold public office, inability to freely pursue an education, and the restriction to working in dangerous and undesirable jobs (City of Vancouver, 2018).

In the official apology issued by the City of Vancouver, mayor Greg Robertson explained that the reconciliation process enables the community to learn from historical mistakes and confirms the community's beliefs and values of fostering a just and inclusive community (City of Vancouver, 2018). The Mayor noted that biases and attitudes are often deeply engrained, and that acknowledging past mistakes also serves as a reminder of ongoing challenges in expunging discriminatory beliefs (City of Vancouver, 2018).

The research methods used by Vancouver and New Westminster, for the initial project phases, are similar to the methods used in this project, in that research began with an archived document review, as well as a brief review of federal, provincial, and municipal initiatives that recognized historical discriminatory legislation.

Both Vancouver and New Westminster researchers also followed a system of categorization, whereby researchers highlighted key (albeit different) categorical areas, and classified each finding into one of the categories. The research is exploratory in that they began with the hypothesis that historical discrimination against the Chinese community had occurred, and looked for evidence to substantiate that theory.

Some key differences exist between this research project and New Westminster and Vancouver's research. First, Vancouver and New Westminster focused exclusively on examples of discrimination against Chinese, whereas this project explores examples of discrimination against any minority group. Second, Vancouver and New Westminster used city resources and hired external consultants to complete the study, whereas this project was undertaken by a single master's student, working independently.

A third key difference between the research projects is the timeline under review; Vancouver and New Westminster researchers reviewed documents from an earlier, and longer, time period. Vancouver researchers accessed records dating between 1886 and 1947, while New Westminster looked at records dated between 1860 to 1926; this can be attributed to the fact that both municipalities are older than Oak Bay, and therefore have an older historical record.

City of Victoria

In 2017, the City of Victoria took a unique approach to reconciliation as compared to the exploratory research projects completed by Vancouver and New Westminster. The City of Victoria formed a Witness Reconciliation Program to help reconciliation efforts with the local First Nations (City of Victoria, 2018). The program consists of a "City Family" made up of First Nations individuals, the mayor, and select City Councillors, who meet with a group of aboriginals at Witness Ceremonies (City of Victoria, 2018). At Witness Ceremonies, an Indigenous Speaker recounts the family's ideas to the Witnesses for consideration and input; the City Family implements the actions endorsed by the aboriginal Witnesses, and the actions are reflected upon at future Witness Ceremonies (City of Victoria, 2018).

The Witness Reconciliation Program was proposed and approved at a closed council meeting in June 2017; at the meeting, it was noted that in order to progress beyond merely discussing

reconciliation, the City must not rely on the traditional routines and processes, including timelines, workplans, checklists and other “conventional assessments of success and progress” (Helps, Lisa; Alto, Marianne, 2017). The Council Motion argues that the municipality “must be prepared to question convention, to learn from Indigenous custom and tradition, and risk doing things differently than our usual routines and processes” (Helps, Lisa; Alto, Marianne, 2017) .

Victoria’s Witness Reconciliation program’s first action involved the removal of a statue of Sir John A. MacDonald from the grounds of the City hall (City of Victoria, 2018). According to the City, the statue’s removal ensures indigenous people are not reminded of colonial violence when they enter the hall; furthermore, the City anticipates generating community conversation about how the statue can be moved to tell a more all-encompassing version of the region’s history (City of Victoria, 2018).

Victoria has developed a non-traditional approach to reconciliation through the formation of its Witness Reconciliation program, in an effort to progress beyond discussion, and to take action. The reconciliation efforts undertaken by the City of Victoria differ from the initiatives completed by the cities of Vancouver and New Westminster because Victoria has not engaged in conventional academic research or an archived document review. Furthermore, while Vancouver and New Westminster researchers examined historical discrimination against the Chinese community, Victoria’s Witness Reconciliation Program is aimed at Indigenous peoples, and on making Indigenous culture, history and modern reality present and valued in the City (City of Victoria, 2018).

Summary of Literature Review

The literature review outlined examples of discrimination by various levels of government in Canada in the years since Confederation. The review also provided a short history of Oak Bay and the Greater Victoria area, discussed the various colonial powers at play, and contemplated how racist attitudes may have developed.

Subsequently, the literature review explored the emergence of public apologies and redresses in Canada and the value of looking at historical wrongs. Lastly, the literature review outlined research on historical injustices undertaken by other local governments in British Columbia. The steps toward reconciliation taken by the other municipal governments in British Columbia, including associated research and engagement efforts, were used to inform the design of this exploratory project, including the project methodology and methods. The researcher also considered the research and reconciliation processes used by other governments in the recommendations section of this report.

4.0 Data Analysis

This section outlines the data analysis component of the project’s archived document review.

The researcher began by reviewing Oak Bay Municipal bylaws from 1906 to 1949. Bylaws are stored in binders in date order from earliest to newest. Initially, all bylaws were thoroughly read and reviewed, regardless of the bylaw title. Once the researcher gained familiarity with bylaw titles and their content, only bylaws with titles indicating the bylaw may contain racist or discriminatory information were reviewed. For example, the researcher reviewed multiple bylaws with titles containing the term “a by-law authorizing the sale of property acquired by the Municipality at tax sale;” after reviewing over twenty similarly titled bylaws, the researcher noted they were all consistent in content, and contained no racist language or connotations. Accordingly, the researcher ceased reviewing in detail all similarly titled bylaws for the purposes of this project.

For any bylaws where the researcher was uncertain, based on the title, whether the content might be discriminatory, such as the Public Morals Bylaw of 1913, the Swine Bylaw of 1923 or the Bicycle Regulation Bylaw of 1911, the researcher read through each bylaw to look for any possible discrimination.

Following the bylaw review, the researcher began to review meeting minutes starting with the year 1906. Council minutes are in bound annual volumes with comprehensive tables of contents. Initially, the researcher read through the entire content of the meeting minutes thoroughly to look for examples of possible discrimination. During the initial phases of the research, the researcher noted that the table of contents were extremely descriptive, to the point that most issues in the minutes were referenced many times in the table of contents. For example, the 1948 meeting minutes are 140 pages, and contain a 26 page table of contents. Once a familiarity was gained with the content and format of the meeting minutes, the researcher thoroughly reviewed the table of contents, and only scanned through the minutes, reading thoroughly any sections of interest taken from the table of contents.

The photo below is a one-page excerpt from Table of Contents of the 1933 Oak Bay Council Minutes and is provided to demonstrate the level of detail provided in the Table of Contents.:

- 8 -
8

Communications (Cont'd)

Colonist, Daily: soliciting advertisement	121
Colwood Park Ass'n: horse-racing permit	61
Commonwealth Productions Ltd: permit for laboratory	44
Cooper, E: re paving Monteith	8,89
Cornelius, N. S: re Boathouse lease	38,43
" " proposed alterations Boathouse	117
Corporation of Saanich: re application to lease foreshore at Uplands	50
Crease, Councillor: re transfer of swimming pool lease	26
" " subdivision Lot 26, Map 74P	55
Cunningham, P. K: sewer and water extension, Plumer	104
Curtis, P. F: transfer of swimming pool lease	26,61
<u>Central Exchange:</u>	
Annual meeting	3
Appointment of representatives	3
<u>Charity:</u>	
Advances to Mrs. Van Druten	48
Grants re Poll and Road Taxes, 1932	18
Cheques: - See Page 6 at end of '04.	
<u>Chinese Cemetery:</u>	
Chinese Consolidated Benevolent Ass'n: will bury at standard depth	54
Crease, Councillor: we have legal authority to close cemetery	60
Gage, E. J. et al: complaint re	25
Graham, Mr: addressing Council	60
Lawson & Davis: re	25
Medical Health Officer: re	26,50
Miller, T. M: will connect with sewer	75
Municipal Clerk instructed to report on powers re closing	26
Police, Chief of: report on shallow burial	25
Provincial Health Officer: re earth cover	26,56
Reeve Mayhew reported complaint re shallow burial, etc.	28
" " stating applications received to have cemetery closed	60
Representatives of Chinese Benevolent Ass'n: addressing Council	60
Resolution to inquire re statutes prohibiting shallow burial	28
Resolution re burials	46
Resolution re installation of water closets	50
Resolution By-law be drafted prohibiting burial of human bodies within the Municipality	56
Resolution to notify P. Mitchell re instructions issued regarding burials	56
Sanitary Inspector investigate and report on building	28
<u>Claims:</u>	
Baird, Mrs. E: re	11
Engineer, Municipal: report re Mrs. Baird	8
Lawson & Davis: re Small Debts, Sutton & Brown	56
Oak Bay Lands: counter claim \$86.13	110
Tilbury, Mrs. F. M: claim for damages	81
<u>Committees: Finance</u>	
Appointment of	7
Report of	1, 8, 16, 25, 34, 43, 54, 60, 66, 75, 81, 93, 98, 109, 122
<u>Committee of the Whole:</u>	
Reports	1, 16, 25, 43, 60, 66, 75, 81 87, 93, 117

Note that in the image above, the Chinese Cemetery is a heading, with 15 sub-headings referencing the topic, including "Municipal clerk instructed to report on powers re closing" and "Police, chief of, report on shallow burial."

The researcher maintained a spreadsheet, where all potential findings were stored, including the bylaw title/meeting topic, date, subject, and a notes column. Additionally, the researcher took digital photos of findings for future review. The researcher used the subject column to

code data. For example, numerous findings related to the Chinese cemetery; as such, the researcher coded these as “Chinese cemetery.”

Once all data was gathered and compiled in a spreadsheet, the researcher sorted through the data by both date and subject matter. In sorting and reviewing data, the researcher began to identify common themes, and used thematic analysis to sort the data. In thematic analysis, a theme should capture something significant about the data in relation to the research question, but the researcher retains judgement and flexibility in determining what a theme is (Braun & Clarke, 2006, p. 82). In developing themes, the researcher drew from existing exploratory research undertaken by the cities of Vancouver and New Westminster, who in combination, used the following themes in their studies: removal of voting rights; exclusion from immigration; restricting livelihoods through bylaws, licenses and labour regulations; segregation in housing and public spaces; employment opportunities; land and buildings; requests to senior levels of government; and city regulations.

One major challenge associated with data collection included physical access to archived records; the archives are only open twice per week, for two hours. To address this issue, the researcher arranged for after-hours access to records twice per week when the archivist was available and on-site, thereby enabling the researcher to conduct research two full days per week.

5.0 Limitations and Delimitations

One key research limitation is that the archived data used in the study is heavily filtered and edited, and generally reflects the singular viewpoint of the municipality. Municipal meeting minutes and bylaws are the official public record of decisions, and wording is carefully selected. The meeting minutes provide only enough detail to reflect the decisions made by council; the context of decisions is often difficult to ascertain, as the minutes do not provide a detailed record of discussions in most instances. Furthermore, the minutes are written by, and reflect the standpoint of the Municipality of Oak Bay. The perspective of individuals and groups impacted by Council decisions may, therefore, be lacking in the data under review. For example, although the minutes may confirm the Municipality’s efforts to close the Chinese Cemetery, the response from the Chinese community, and the dialogue surrounding the issue, is not documented in the minutes.

Additionally, it is practice for municipal councils to meet in camera before council meetings to discuss matters “pertaining to personnel, land, labour or employee negotiations, law enforcement, litigation or potential litigation and information that is prohibited from disclosure under the Freedom of Information and Protective of Privacy Act” (District of Oak Bay, 2018). In camera discussions are not open to the public nor recorded, so it is conceivable that some of these issues may have been discussed by council in advance of the meetings.

The data, therefore, does not provide a complete picture of decisions, including possible impact, as they lack a fuller-picture historical context.

The researcher did not conduct interviews or focus groups, as this was outside the scope of the project. Additionally, the time period under review is too long ago to connect with most individuals directly associated with any historical municipal decisions. By not conducting human research, and examining only publicly accessible municipal documents, the research is lacking perspectives from those whose families, friends, or associates may have been involved in discriminatory policies.

Due to research time constraints and the large volume of municipal records, the timeframe of materials under review is focused on the earliest years of available data. The limited time frame for the project, the period 1906 to 1949, may result in missing key data from the latter half of the 20th century.

Another limitation is the possibility of the researcher missing, or not seeing, key data when reviewing archived documents. The archived records were, in some cases, in very poor condition, sometimes handwritten, and difficult to decipher. In scanning and reading paper copies, it is possible that some examples of discrimination were missed. The researcher could not use a computer program to assist searching a document for key words. While the researcher underwent great effort to thoroughly and diligently review the materials, it is conceivable that not all examples of racism or discrimination will have been uncovered and captured.

6.0 Findings and Discussion

This section describes the findings from the archival document review of Oak Bay's municipal meeting minutes, bylaws, and other records dating from 1906 to 1949. It should be noted that the majority of the 44 years of materials under review contained no observed possible prejudice or discriminatory content. It is further noted that the majority of the bylaws for many years following Oak Bay's incorporation in 1906 were standard bylaws associated with the establishment of a new municipality, such as a billboard bylaw, a parks bylaw, a firearms bylaw, a streets and traffic bylaw etc. This section outlines findings that the researcher deemed to contain decisions, statements, or policies that may have had discriminatory repercussions.

Findings were classified into one of the following three themes, which draw on the categories developed by Vancouver and New Westminster in their research on historical discrimination:

- 1) restricting livelihoods in industry/business/labour: instances where Oak Bay Council restricted, or was complicit with constraining, livelihoods based on a person or group's ethnic origin.

- 2) requests to/from senior levels of government: instances where Oak Bay Council was complicit with requests from senior levels of government, discriminating against a person or group of persons based on ethnic origin.
- 3) land and buildings – instances where Oak Bay Council attempted to place/explored placing restrictions on land our buildings owned or occupied by persons of non-European ethnic descent.

In reviewing the data, the researcher noted the findings fit best into the above three key categories. It must be noted that some findings could have fallen under more than one category; in these instances, the researcher selected a category based on best fit. The findings below highlight areas where the Municipality's involvement in discrimination was found to be possible.

The researcher used the same definition for discrimination used by New Westminster in their comparable research: “a pronounced bias against a group of persons, in this case based on ethnic origin, with a view to deprive them of or substantially hinder their exercise of rights and freedoms enjoyed by others in the community” (City of New Westminster, 2010, p. 4).

Restricting livelihoods in industry/business/labour

In May 1919, Council reviewed a letter from the Victoria Board of Trade regarding the “Oriental labour situation” (Corporation of the District of Oak Bay, 1919, p. 49). Council agreed to the discriminatory motion “that in the opinion of this Council, Orientals should not be allowed to conduct business establishments in any district not chiefly inhabited by their own race, and that a copy of this resolution be forwarded to the Victoria Board of Trade and to the Premier of this Province” (Corporation of the District of Oak Bay, 1919, p. 49). The researcher was unable to find any bylaws or additional discussion pertaining to the above motion. It is possible that the correspondence with the Victoria Board of Trade may be on file in offsite records storage; accessing these letters may be of significant interest to anyone conducting further research on this topic. The sentiment of Council is reflective of the beliefs during that period regarding Asian labourers, as this was only a few years prior to the Federal Government excluding all Chinese immigration to Canada starting in 1923 (Wat, 2014). This finding demonstrates bias against persons of Asian ethnic origin, with a view to deprive them of the right to conduct business freely in the community; such a right was otherwise enjoyed greater society.

In September 1943, Council instructed the Clerk to investigate whether council had any authority to restrict the hours for persons hawking vegetables, following the Reeve's verbal report that “Orientals made a practice of operating quite late at night in this connection” (Corporation of the District of Oak Bay, 1943, p. 78).

Restricting the hours of peddling would impact the livelihood of many Chinese families, as this was a business where the Chinese thrived (City of Vancouver, 2017).

Council minutes are free of any discussion concerning peddling until September of 1945, when the Reeve inquired whether there were any bylaws or statutes “governing the vending of vegetables late at night by Chinese” (Corporation of the District of Oak Bay, 1945, p. 87). Later that month, Council resolved to draft a bylaw in accordance with the Chief’s recommendation “re peddling of vegetables by Chinamen” (Corporation of the District of Oak Bay, 1945); the Police Chief’s recommendation is not provided in the minutes.

Subsequently, in November 1945, Council adopted and passed bylaw 1342, the "Hours for Peddling by-law" (Corporation of the District of Oak Bay, 1945, pp. 109-A). The Bylaw stipulates that “No hawker, peddler or huckster herein shall ply his trade or exercise his calling with the aid of any truck or other vehicle after the hour of seven o'clock in any evening” (Corporation of the District of Oak Bay, 1945, pp. 109-A); breaching the Bylaw resulted in a fine of \$25.00 (Corporation of the District of Oak Bay, 1945, pp. 109-A).

In March of 1949, the Hours of Peddling Bylaw was amended, by deleting the words "with the aid of any truck or other vehicle" (Corporation of the District of Oak Bay, 1949, p. 29). Council minutes do not discuss what prompted the amendment, but presumably, the amendment targeted peddlers operating on foot, or through any other means.

Although the Bylaw does not contain racist language, or in and of itself target one ethnic group, it is apparent that the restrictions would fall overwhelmingly upon Chinese businesses. Also, given the discussion noted in the Council minutes in the years leading up to the bylaw, it is obvious that the bylaw was unfairly targeting Chinese peddlers.

Land and Buildings

The Chinese Cemetery

The Chinese cemetery in Oak Bay, located at what is now called Harling point, is a 3.5 acre waterfront lot, which was purchased by the Chinese Consolidated Benevolent Association (CCBA) in 1903 (Lai, 1987 , p. 30). When Oak Bay was incorporated in 1906, the cemetery fell under its jurisdiction (Lai, 1987 , p. 30). The Municipality reviewed and responded to a number of public complaints regarding the Chinese cemetery in Oak Bay, which was documented in council meeting minutes during the period January 1912 to May 1936. Municipal records, and existing research on the topic, demonstrate that Oak Bay was involved in several attempts to close the Chinese cemetery, even though it had no legal authority to enforce the closure.

In January 1912, Council reviewed a letter from a citizen with reference to the Chinese cemetery, who referred the issue to the General Works committee (Corporation of the District of Oak Bay, 1912, p. 16). In response to the letter, in February of 1912, Council requested a legal opinion as to what authority the Municipality had with respect to the regulation of cemeteries, and also draft a bylaw governing the same (Corporation of the District of Oak Bay, 1912, p. 24). In March 1912, a deputation of citizens waited on the committee regarding the controlling of the Chinese cemetery, who were informed that the matter was in the hands of the solicitors (Corporation of the District of Oak Bay, 1912, p. 59). Meeting minutes document

the receipt of additional letters from citizens in March and June of 1912 regarding the Chinese cemetery. As the researcher had no access to the correspondence, it cannot be concluded that it contained prejudiced terms or that the complaints were targeting the fact that the cemetery was Chinese. However, Oak Bay does have archived solicitor correspondence stored offsite, which may be a resource for a future research.

In March 1917, council reviewed a letter from the Clerk of the City of Victoria with reference to complaints regarding sanitary conditions at the Chinese Cemetery; Council requested that the Engineer and solicitor report back on the municipality's "rights in the matter" (Corporation of the District of Oak Bay, 1917, p. 17). In April of 1917, Council reviewed the solicitor's advice, and it was moved that the matter be referred to the Engineer (Corporation of the District of Oak Bay, 1917, p. 24). It was further agreed that a councillor accompany the Engineer to see the officials of the CCBA regarding the necessary sanitary arrangements which should be carried out (Corporation of the District of Oak Bay, 1917).

Oak Bay municipal records are silent on the Chinese cemetery until June 1927, when Council reviewed a letter from a nearby property owner regarding the adverse effect of Chinese Cemetery on his property (Corporation of the District of Oak Bay, 1927, p. 97). Council resolved to advise that the letter would be considered "but that there would be considerable difficulties in securing and closing and removal of (the) cemetery" (Corporation of the District of Oak Bay, 1927, p. 97). Although the researcher was unable to obtain copies of any of the letters referenced, the minutes do indicate the request was to close the cemetery. In October 1927, council meeting minutes notate that the question of closing the cemetery at a future date was to be taken up with the CCBA (Corporation of the District of Oak Bay, 1927).

In 1931, Oak Bay Council received another complaint regarding the cemetery and a dilapidated building; Council resolved that the complaint be referred to the Committee of the Whole and that the dilapidated building be referred to the Municipal Engineer for report (Corporation of the District of Oak Bay, 1931, p. 98). Council resolved to advise the complainant that they were "negotiating the closing of the Chinese cemetery but that our powers to close the cemetery were somewhat doubtful; further that we should continue our efforts to have the cemetery closed and should ask the Provincial Board of Health for advice in the matter" (Corporation of the District of Oak Bay, 1931, p. 110).

On March 9, 1933, the Reeve reported a verbal complaint to him that a body had recently been interred in the Chinese cemetery with a covering of only eight inches of dirt, and that a building at the cemetery was reported to him as being used as a urinal (Corporation of the District of Oak Bay, 1933, p. 28). Council minutes from that date note that it was resolved to ask the Public Health Officer regarding any regulation prohibiting shallow burials, and to instruct the Sanitary Inspector to examine the premises and report back on the matter; furthermore, Council instructed the Clerk to consult solicitors regarding closing of cemeteries, and to report back on the matter (p. 28).

The solicitor's response regarding Council's power to close cemeteries is not noted in council meeting minutes. As noted by Dr. Lai, however, the solicitor advised Council that it did not have the power to close the cemetery, since the site had been a burial ground before the municipality was incorporated (Lai, 1987 , p. 33). Still, Council wrongly informed the CCBA that it *did* have the authority to prohibit further burials in the cemetery and requested the association to consider removing the cemetery in five years (Lai, 1987 , p. 33). At its April 19, 1933 meeting, Council resolved to write to the CCBA to advise them about the complaints regarding the depth of burial, and to request they follow the practice in other local cemeteries, or the council may need to take action under its powers (Corporation of the District of Oak Bay, 1933, p. 46). As Council did not have authority to close the cemetery, the threat of action appears to be unsubstantiated.

According to Dr. Lai's research, the Provincial Medical Health Officer and medical doctors found the accusations regarding the burial method and odour unsubstantiated; the burial method was approved, and the investigation of the supposed shallow grave revealed the coffin was buried in over 20 inches of soil, with no odour detected (Lai, 1987). The Provincial Medical Health Officer wrote that "Council was unreasonably attempting to make unlawful something which had been lawful for a great many years" (Lai, 1987).

In May 1933, Council ordered the CCBA to install at least two water closets at the cemetery, to connect them to the sewer and to keep them in proper order (Corporation of the District of Oak Bay, 1933, p. 50). Furthermore, Council resolved to draft a bylaw prohibiting the burial of human bodies within the Municipality according to section 54(72) of the Municipal Act (Corporation of the District of Oak Bay, 1933, p. 56).

In June 1933, a member of the public addressed the Council to object to the Chinese cemetery on sanitary grounds; members of the CCBA also addressed Council (Corporation of the District of Oak Bay, 1933, p. 60). The Reeve stated that applications had been received to have the Cemetery closed and suggested the CCBA arrange for another site. A Councillor "pointed out that (Oak Bay Council) had legal authority to close the cemetery" (Corporation of the District of Oak Bay, 1933, p. 60). Council advised the CCBA that Oak Bay was "not proposing to buy the Cemetery nor to give compensation for closing nor to provide an alternative site" (Corporation of the District of Oak Bay, 1933, p. 60).

As previously stated, the Council had no legal authority to close the site; instead, it appears the council urged the CCBA to close, and attempted to put up barriers to force them to close.

The CCBA complied with the request to connect to the sewer in July 1933 (Corporation of the District of Oak Bay, 1933, p. 75).

In October 1934, Council resolved to write to the CCBA in the matter of "proposed bylaw 726" to ask about the progress they had made in closing the cemetery (Corporation of the District of Oak Bay, 1934, p. 84). The researcher was unable to locate the proposed bylaw, as described in the meeting minutes, at the archives; the proposed bylaw described is presumably the bylaw

requested by Council in 1933, referenced above, to prohibit the burial of human bodies within the Municipality (Corporation of the District of Oak Bay, 1933, p. 56).

In May 1936, minutes note that the closing of the Chinese cemetery was ordered to be dropped from immediate consideration (Corporation of the District of Oak Bay, 1936, p. 43). The bylaw prohibiting burials in the municipality appears not to have passed, as the Chinese Cemetery continued burials in that location until 1950 (Lai, 1987, p. 35). Further, the researcher did not locate any such bylaw during the review.

The data suggests that Oak Bay Council placed undue pressure on the CCBA to close the cemetery; the data further suggests Council was deceitful regarding their authority to close the cemetery. The prospect of having to relocate a cemetery would have, no doubt, created massive stress and worry for the CCBA and its members. The CCBA complied with all compliance orders to maintain its cemetery location, and council had no grounds to force the cemetery's closure. It is uncertain whether the public and council would have enforced similar regulations and placed similar pressure to close a cemetery for those of Caucasian descent. The fact the cemetery was Chinese, however, demonstrates a possible systemic bias against the Chinese, with a view of hindering their freedom to operate in the community.

Hindu Dwelling

In August 1940, 16 Oak Bay residents protested the erection of a dwelling "by a Hindu lot owner" (Corporation of the District of Oak Bay, 1940, p. 77). Council referred the matter to the Solicitor for an opinion. In September 1940, the Council's solicitors reported that Council had no power "to deal with the dwelling to be erected by the Hindu" (Corporation of the District of Oak Bay, 1940, p. 80). The minutes do not provide a reason for protesting building the new dwelling; the inference is that the protest was based on the lot owner's ethnicity. In this instance, although no action was taken against the lot owner, the Municipality did not dismiss the matter, and sought legal advice to determine whether it had authority to cease construction of the dwelling. Because the lot owner's ethnicity was noted, and no complaint about the building's proposed size or construction method is listed, it is reasonable to concur that ethnicity was the chief factor of the complaint. The researcher noted other instances of complaints to council regarding construction of new dwellings; however, in these other cases, the reason for the complaint was outlined in the minutes and the lot owner's ethnicity was not disclosed. For example, in 1932, a resident complained about a small house being erected; Council resolved to advise the resident that no permit had yet been applied for and that council could not take action if the municipal laws were complied with (Corporation of the District of Oak Bay, 1932, p. 73).

Requests to/from Senior Levels of Government

Internment

During World War One, fear began to spread that immigrants from enemy countries may become disloyal to Canada (Parks Canada, 2017). To address this fear, the Government of

Canada branded thousands of immigrants from enemy countries, including Germany, Austria-Hungary, Turkey and Bulgaria, as “enemy aliens” and passed regulations to monitor, and even intern them (Parks Canada, 2017). Many of the interned were imprisoned or forced to do heavy labour, and became disenfranchised (The Canadian First World War Internment Recognition Fund, 2012).

Council minutes from the period indicate Oak Bay was complicit in internment activities. In 1914, Council reviewed a letter from the Attorney General with reference to Austrian and German subjects in the Municipality having to register, in addition to a letter from the Commanding officer of the Work Point Barracks on the same subject (Corporation of the District of Oak Bay, 1914, p. 144). The meeting minutes note that it was moved and seconded “that a notice be put in the paper to the effect that all alien German and Austrians must register forthwith at the office for the Chief of Police” (Corporation of the District of Oak Bay, 1914, p. 144).

In 1918, Council moved that the Clerk furnish the Custodian of Enemy Property (in Ottawa) with the information it had requested (Corporation of the District of Oak Bay, 1918, p. 135). The following year, council meeting minutes note it was moved and seconded “that this council endorses the proposed expulsion of interned aliens as requested by the Vancouver City Council” (Corporation of the District of Oak Bay, 1919, p. 5).

In May of 1926, Council reviewed a letter from the Minister of Agriculture requesting information regarding “land owned or leased by Orientals,” and Council instructed the Clerk to provide the information requested (Corporation of the District of Oak Bay, 1926, p. 50). Although no details surrounding the completion of the request are provided, the information request, which was complied with by Council, does single out an ethnic group, and uses what is now deemed by many to be politically incorrect terminology.

Council minutes also demonstrate the Municipality’s attachment to the internment of Japanese Canadians during the Second World War. In January 1942, the Reeve reported that “in view of the strong local agitation” he had sent a telegram to Oak Bay’s Member of Parliament in Ottawa, Mr. R.W. Mayhew, noting “that Oak Bay was behind the movement for the internment of all Japanese” (Corporation of the District of Oak Bay, 1942, p. 2). The Reeve’s action was approved by Council on motion (Corporation of the District of Oak Bay, 1942, p. 2).

In February 1942, the Reeve reported that the Mayor of Victoria and the three Reeves of the adjoining municipalities had held a meeting and forwarded a joint letter to Ottawa on the subject of “evacuating enemy races” from British Columbia (Corporation of the District of Oak Bay, 1942, p. 23). The minutes note that the Reeve’s action was endorsed (Corporation of the District of Oak Bay, 1942, p. 23). Furthermore, in March 1932, Council minutes read that a communication from the City of Kamloops requested endorsement “of resolution preventing Japs holding land etc.” (Corporation of the District of Oak Bay, 1942, p. 26). Council resolved to advise that the matter be taken up with the special board dealing with the issue (Corporation of

the District of Oak Bay, 1942, p. 26). The researcher was unable to locate any records from special board dealing with the matter, alluded to in the minutes.

Findings Summary

The research undertaken in this study explores whether the municipality of Oak Bay was involved in, or associated with, administering racist actions or legislation during the period 1906 to 1949. The researcher found examples of possible and/or probable municipal involvement in the categories restricting livelihoods in industry/business/labour; requests to/from senior levels of government; and, land and buildings.

Restricting livelihoods in industry/business/labour

Perhaps the most obvious example of discrimination discovered during the study was Oak Bay Council, in 1919, carrying the motion “that in the opinion of this Council, Orientals should not be allowed to conduct business establishments in any district not chiefly inhabited by their own race” (Corporation of the District of Oak Bay, 1919, p. 49). The motion confirms that at that point in time, Oak Bay Council believed that persons of Asian ethnic origin should not be free to conduct business in any municipal district where they were not the ethnic majority; this example clearly demonstrates prejudicial treatment of a group of persons on the grounds of race.

In 1932, Oak Bay Council passed a bylaw which restricted the hours when peddlers could sell their wares (Corporation of the District of Oak Bay, 1945, pp. 109-A). The “Hours for Peddling Bylaw” appeared to target the Chinese, as Council minutes note discussions regarding the Chinese selling their vegetables late at night, and whether there was an existing bylaw to restrict such practice (Corporation of the District of Oak Bay, 1943, p. 78). As observed by the City of Vancouver, at that time most vegetable peddlers were Chinese, and vegetable peddling was a significant source of income for the Chinese in British Columbia (City of Vancouver, 2017). The Bylaw, therefore, largely targeted persons of Chinese descent, and may have placed Chinese families in financial hardship by limiting their hours of work.

Land and Buildings

With respect to land and buildings, the municipal records document that Council was responsive to requests from residents to enforce the closure of the Chinese cemetery, advising the Chinese Consolidated Benevolent Association (CCBA) that Council had legal authority to enforce the cemetery’s closure, when this was not the case (Lai, 1987). The researcher was unable to determine if similar action would have been taken had the cemetery been for those of Caucasian descent.

In 1940, Oak Bay Council resolved to request a legal opinion regarding its authority to stop construction of a new dwelling by a “Hindu” lot owner, for no other apparent reason than the owner’s ethnicity (Corporation of the District of Oak Bay, 1940, p. 77).

Requests to/from Senior levels of Government

The archived document findings indicate some complicity by the Municipality with other levels of government in administering unjust, discriminatory practices, such as internment.

7.0 Recommendations

This section will outline potential options for the client to address the research findings, including areas for future research and next steps.

Expand document review

Although the above findings do demonstrate the Municipality's involvement in some discriminatory historical practices, it should be noted that the researcher reviewed a vast amount of material, including the official council decision record for the period 1906 to 1949, to unveil a relatively small number of examples of possible involvement in discrimination.

As discussed in the [findings and discussion section](#) above, some of the examples are incomplete, and would be better substantiated with additional documents or records. The argument that Oak Bay Council acted in a discriminatory manner in some of the situations, such as the Chinese cemetery example, would be stronger if external documentation corroborates the argument. To explore these examples in more detail, it is recommended that future researchers obtain and review any legal records or correspondence relating to these activities. Oak Bay has an offsite records storage where some of these documents may be housed. Additionally, external organizations such as the Chinese Consolidated Benevolent Association, may have their own respective archives detailing the events described in council records.

It has been reported that deed restrictions, or restrictive covenants, on land titles in British Columbia may contain discriminatory language, and that many discriminatory restrictions still exist on land titles (CBC News, 2014). Land title covenants are contracts between parties and are not municipal legislation. The Land Title and Survey Authority of British Columbia administers the land title and survey systems in the Province. (Land Title and Survey Authority of British Columbia, 2019). As land titles are not municipal records, exploring these was outside the scope of this report. While it is possible that some Oak Bay land title covenants may contain discriminatory language, such provisions have no legal effect as of October 31, 1979 (Ministry of International Trade, 2017). Future research into the origins of discriminatory restrictive covenants may be of interest to Oak Bay Council, as there has been a publicized recent call to action to remove such discriminatory covenants by one Greater Victoria resident (Coles, 2019).

Expanding the document review to include additional data would result in a more accurate and complete historical record. Further, a review of non-municipal data, maintained by external organizations, is more likely to incorporate the viewpoints of those impacted by historical decisions into the research.

Conduct Comparison Research

It is conceivable that additional examples of discrimination in the municipal record exist, which may have been “hidden” to the researcher, in that they contained no racist language, but they negatively impacted certain groups. Expanding the document review to include additional documents, and conducting comparative research, may uncover some such examples.

For example, as noted by McCann, Oak Bay became the first local government in British Columbia to draft a rudimentary zoning bylaw in 1924 (McCann, 2016, p. 233). Zoning was introduced in response to the Municipality’s fear of the spread of industry into residential areas (McCann, 2016, pp. 233-234). Municipal zoning bylaws have been denounced by some as tools of exclusion, which lead to racial and economic segregation (Berry, 2001, p. 1). As Oak Bay was the first municipality in the province to draft such a bylaw, it is possible such action could be deemed exclusionary. Furthermore, as noted by McCann, “exclusionary zoning would reshape Oak Bay’s social topography” (McCann, 2016, p. 236).

In 1927, Oak Bay passed a Zoning Bylaw which organized the municipality into different districts, including residence, apartment, garage, farming, and general purpose districts (Corporation of the District of Oak Bay, 1927). The Bylaw stipulates that the authors considered the promotion of public safety, health, convenience and welfare; the value of land and its nature and use; and, “the character of each district, the character of the buildings already erected, and the particular suitability of the district for particular uses” (Corporation of the District of Oak Bay, 1927). The Bylaw further stipulates it was intended to prevent the overcrowding of land and preserve residence districts; secure adequate provisions for light, air and reasonable access; and, conserve property values (Corporation of the District of Oak Bay, 1927). The Bylaw ranked districts according to class, and reads “Highest class shall be the Residence Districts, Second highest class shall be the Apartment Districts, Third highest class shall be the Retail Districts, Fourth highest class shall be the Garage Districts, Fifth highest class shall be the Farming Districts, Lowest class shall be the General Purpose Districts” (Corporation of the District of Oak Bay, 1927). The Bylaw also regulated the types of buildings permitted in each district; for example, General Purpose was the only district that allowed workshops or factories, junkyards, or transshipment of fish for commercial purposes etc. (Corporation of the District of Oak Bay, 1927). In addition, the Bylaw stipulated that “in any residence, apartment, retail, garage or farming district, no person shall erect, construct, or maintain as a dwelling any building having a floor area of less than five hundred (500) square feet” (Corporation of the District of Oak Bay, 1927).

It is probable that such a bylaw would restrict the ability for those of lower socioeconomic status to reside in one of the above districts, simply due to the higher construction costs associated with adhering to the minimum housing size.

To adequately explore the impact of Oak Bay’s zoning bylaws would require research that was beyond the scope of this project. For example, a review of the geography of Oak Bay during that time period could be conducted to determine whether certain ethnic groups were

disadvantaged or segregated to certain districts. In addition, to determine if the minimum housing size was unusual for the time period, would require a comparison of zoning bylaws from other similar municipalities; this work was outside the scope of the study. It is further noted that a geography or history lens may provide a different assessment of the historical zoning and building bylaws than would a public administration lens.

There may be value in conducting comparison research between Oak Bay and the City of Victoria with respect to bylaws and meeting minutes during the same time period. Such research would provide a benchmark of findings, to determine if the municipality of Oak Bay acted within a manner that was commonplace at the time. Furthermore, comparative research would, for example, inform whether Oak Bay's zoning or building bylaws were more stringent than those in other municipalities, and whether such bylaws would have been restrictive to certain groups of people.

Community Engagement

Council may wish to consider engaging a researcher to interview families or groups of ethnic minorities who would have lived in, worked in, or had dealings with, Oak Bay Council during the first half of the 20th century; similar human research was undertaken by Vancouver and New Westminster as part of their research into past discriminatory municipal policies and bylaws. Such research would also enable dialogue between the Municipality of Oak Bay and any groups impacted by discriminatory historical policies, in an effort to begin the reconciliation process.

Participation in ongoing external projects

Conducting ongoing research on the subject of historical discrimination will require Council time, municipal staff time, and financial resources, in the event the municipality engages a research consultant. As an alternative to pursuing additional exploratory research, Council may wish to investigate the Witness Reconciliation Program established by the City of Victoria. The City of Victoria has noted that the program is intended to be a "living" program, which will evolve as it develops (Helps, Lisa; Alto, Marianne, 2017). There may be an opportunity to write to the City to express interest in participating at a ceremony, if invited or requested to do so by the Witnesses and City Family. As Oak Bay is part of Greater Victoria, and has a similar history to Victoria, collaboration with those just outside municipal boundaries on the topic of reconciliation may be sensible and constructive; furthermore a joint approach to reconciliation may demonstrate a cohesive approach to acknowledging responsibility and a more progressive, inclusive future.

Public Apology

The outcome of a research project into a government's involvement in historical discrimination often culminates in an official public apology, with reparations where appropriate. This exploratory research was intended to provide a first look into the Municipality's records to seek possible involvement in discriminatory policies and actions. Exploratory research is not typically used in decision making. Similar studies undertaken by other British Columbia Municipalities, which led to official apologies, have involved more than a preliminary archived document

review. At this point in time, issuance of a public apology may be premature. Oak Bay may wish to conduct a deeper analysis, as described in the options above, prior to publicly acknowledging responsibility.

References

- Aboriginal Affairs and Northern Development Canada. (2008). Statement of apology-- to former students of Indian Residential Schools. Retrieved from <https://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>
- Amstutz, M. R. (2005). *The healing of nations*. Lanham, MD: Rowman & Littlefield Publishing Group, Inc.
- Andrieu, C. (2009). 'Sorry for the Genocide': How public apologies can help promote national reconciliation. *Millenium: Journal of International Studies*, 38 (1), 3-23. doi:10.1177/0305829809336257.
- Attractions Victoria. (2018). Oak Bay: Quaint and Charming, with Something for Everyone. Retrieved from <https://www.attractionsvictoria.com/oak-bay>
- Backhouse, C. (1999). *Colour-coded: A legal history of racism in Canada, 1900-1950*. Toronto, ON: University of Toronto Press.
- Berry, C. (2001). Land use regulation and residential segregation: Does zoning matter? *American Law and Economics Review*, 3 (2), 251-274.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3 (2), 77-101.
- British Columbia. (n.d.). Chinese Legacy BC. Retrieved from <https://www2.gov.bc.ca/gov/content/governments/multiculturalism-anti-racism/chinese-legacy-bc>
- Canada. (1982). *Canadian Charter of Rights and Freedoms, s 2, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11*.
- CBC. (1988). 1988: Government apologizes to Japanese Canadians. *CBC Archives*. Retrieved from <http://www.cbc.ca/archives/entry/1988-government-apologizes-to-japanese-canadians>
- CBC News. (2013, September 24). Apology to Japanese Canadians leaves 'great legacy'. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/manitoba/apology-to-japanese-canadians-leaves-great-legacy-1.1865829>
- CBC News. (2014, August 6) Vancouver real estate titles reveal city's racist history. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/british-columbia/vancouver-real-estate-titles-reveal-city-s-racist-history-1.2747924>
- CBC News. (2014, May 15). Chinese community gets apology from B.C. for historical wrongs. *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/british-columbia/chinese-community-gets-apology-from-b-c-for-historical-wrongs-1.2643938>

- City of New Westminster. (2010, March 22). *Chinese Reconciliation Process Update Report*. Retrieved from https://www.newwestcity.ca/council_minutes/0322_10/Chinese%20Reconciliation%20Process.pdf
- City of Vancouver. (2017, October 31). *Administrative report: Historical Discrimination Against Chinese People in Vancouver*. Retrieved from <https://council.vancouver.ca/20171031/documents/rr1.pdf>
- City of Vancouver. (2018, April 22). City of Vancouver's Official Apology to the Chinese Community. Retrieved from <https://vancouver.ca/files/cov/18-112-06%20chinese-apology-media-english.pdf>
- City of Victoria. (2017). Commemorative Monument Recognizes Contributions of Chinese Canadians. Retrieved from <http://www.victoria.ca/EN/meta/news/news-archives/2017-archive/commemorative-monument-recognizes-contributions-of-chinese-canadians.html>
- City of Victoria. (2018). Reconciliation. Retrieved from City of Victoria: <https://www.victoria.ca/EN/main/city/reconciliation.html>
- Coles, K. (2019, February 5). Land title forbidding East Indian or Asiatic people raises concerns in Victoria. *Oak Bay News*. Retrieved from <https://www.oakbaynews.com/news/land-title-forbidding-east-indian-or-asiatic-people-raises-concerns-in-victoria/>
- Corbin, J. (2017). Grounded theory. *The Journal of Positive Psychology*, 12:3, 301-302, DOI: 10.1080/17439760.2016.1262614.
- Corporation of the District of Oak Bay. (1912). *Council meeting February 12, 1912*. Oak Bay: Oak Bay Archives.
- Corporation of the District of Oak Bay. (1912). *Council meeting January 29, 1912*. Oak Bay: Oak Bay Archives.
- Corporation of the District of Oak Bay. (1912). *Council meeting March 25, 1912*. Oak Bay Archives: Oak Bay.
- Corporation of the District of Oak Bay. (1914). *Council meeting September 14, 1914*. Oak Bay Archives: Oak Bay.
- Corporation of the District of Oak Bay. (1917). *Council meeting April 2, 1917*. Oak Bay: Oak Bay Archives.
- Corporation of the District of Oak Bay. (1917). *Council meeting March 12, 1917*. Oak Bay Archives.
- Corporation of the District of Oak Bay. (1918). *Council meeting December 17, 1918*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1919). *Council meeting February 11, 1919*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1919). *Council meeting May 11, 1919*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1926). *Council meeting May 6, 1926*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1927, November 5). *By-law No. 486. Zoning By-law 1927*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1927). *Council meeting June 27, 1927*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1927). *Council meeting June 27, 1927*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1927). *Council meeting October 20, 1927*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1931). *Council meeting November 12, 1931*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1931). *Council meeting September 10, 1931*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1932). *Council meeting July 14, 1932*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1933). *Council meeting June 8, 1933*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1933). *Council Meeting March 9, 1933*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1933). *Council meeting May 16, 1933*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1933). *Council meeting May 4, 1933*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1933). *Council meeting July 27, 1933*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1933). *Council meeting April 19, 1933*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1934). *Council meeting October 25, 1934*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1936). *Council meeting May 9, 1936*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1940). *Council meeting August 22, 1940*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1942). *Council meeting February 24, 1942*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1942). *Council meeting January 5, 1942*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1942). *Council meeting March 9, 1942*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1943). *Council meeting September 8, 1943*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1945). *Council meeting November 14, 1945*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1945). *Council meeting September 12, 1945*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1945). *Council meeting September 26, 1945*. Oak Bay Archives: Oak Bay.

Corporation of the District of Oak Bay. (1949). *Council meeting March 16, 1949*. Oak Bay Archives: Oak Bay.

District of Oak Bay. (2014). Official Community Plan. Retrieved from <https://www.oakbay.ca/sites/default/files/ocp/2014/OakBay-OCP-Final-Website-dec0414.pdf>

District of Oak Bay. (2018). Meetings Schedule. Retrieved from <https://www.oakbay.ca/municipal-hall/meetings-minutes/meetings-agenda>

District of Oak Bay. (n.d.). History. Retrieved from <https://www.oakbay.ca/our-community/about/history>

Elections BC. (2018). 100 Years of Women's Suffrage . Retrieved from <https://elections.bc.ca/resources/learning-about-elections/100-years-of-womens-suffrage/>

Government of British Columbia. (n.d.). Local Government Governance & Powers. Retrieved from <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers>

- Government of British Columbia. (n.d.). Local Government Open Meeting Rules. Retrieved from <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/councils-boards/meetings/rules>
- Government of Canada. (2006, June 22). Prime Minister Harper Offers Full Apology for the Chinese Head Tax. Retrieved from <https://www.canada.ca/en/news/archive/2006/06/prime-minister-harper-offers-full-apology-chinese-head-tax.html?=&>
- Government of Canada. (n.d.). *Constitution Act, 1982*. Retrieved from <http://laws-lois.justice.gc.ca/eng/Const/page-15.html>
- Grieve, B. (2016, June 13). *Report: 824 Agnes Street – Chinese Benevolent Association (CBA) Park*. Retrieved from https://www.newwestcity.ca/database/files/library/CNW_CBA_Park_Report_Consolidated_2016_June_13.pdf
- Helps, Lisa; Alto, Marianne. (2017, June 8). Council Member Motion. Victoria, BC. Retrieved from https://www.victoria.ca/assets/City~Hall/Media~Releases/2017/2017Jun16_MR_Attachment_Witness%20Reconciliation%20Program%20Appointments.pdf
- Hunter, G. (1981). One man's opinion. In *Only in Oak Bay: Oak Bay Municipality 1906-1981* (p. 11). Victoria: Manning Press Limited.
- Indigenous and Northern Affairs Canada. (2008). *Prime Minister Harper offers full apology on behalf of Canadians for the Indian Residential Schools system*. Retrieved from <http://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>
- Lacatusu, O. (2017, July 4). Oak Bay voted as best place to live in BC. *Oak Bay News*. Retrieved from <https://www.oakbaynews.com/news/oak-bay-voted-as-best-place-to-live-in-b-c/>
- Lai, D. C. (1987). The chinese cemetery in Victoria. *BC Studies*, 24-42.
- Land Title and Survey Authority of British Columbia. (2019). LTSA Mandate. Retrieved from <https://ltsa.ca/about-ltsa/ltsa-mandate>
- Landscapes of Injustice. (2017). Purpose. Retrieved from <http://www.landscapesofinjustice.com/purpose/>
- McCann, L. (2016). *Imagining Uplands*. Canada: Brighton Press.
- Ministry of International Trade. (2017). *Chinese Legacy BC Legislation Review Report*. Victoria: Government of British Columbia.

- New Westminster. (2016). *Multiculturalism and Inter-Cultural Relations*. Retrieved from New Westminster: <https://www.newwestcity.ca/multiculturalism#chinese-reconciliation-process>
- Oak Bay Anniversary Committee of the Council. (1956). *The Corporation of the District of Oak Bay : golden jubilee, 1906-1956: 50 years of growth*. Victoria, BC: Colonist Presses.
- Parks Canada. (2017). *Enemy Aliens, Prisoners of War: Canada's First World War Internment Operations, 1914-1920*. Retrieved from <https://www.pc.gc.ca/en/pn-np/ab/banff/decouvrir-discover/histoire-history/internement-internment>
- Pawson, C. (2018, April 22). City of Vancouver formally apologizes to Chinese community for past discrimination. *CBC News*. Retrieved from <https://www.cbc.ca/news/canada/british-columbia/city-of-vancouver-formal-apology-historical-discrimination-1.4630905>
- Reksten, T. (1986). *"More english than the english": a very social history of Victoria*. Victoria: Orca Book Publishers.
- Rosenblum, N. (2002). Justice and the experience of justice. In M. Minow, *Breaking the cycles of hatred* (pp. 77-106). Princeton, NJ: Princeton University Press.
- Roy, P. (1989). *White man's province*. Vancouver: UBC Press.
- Roy, P. (2007). *The triumph of citizenship: The Japanese and Chinese in Canada, 1941-67*. Vancouver: UBC Press.
- Smith, H., & Fowke, G. (1901). Cairns of British Columbia and Washington. In T. J. Expedition, *Memoirs of the American Museum of Natural History*. New York, New York: The Knickerbocker Press.
- Statistics Canada. (2016). Census Profile for Oak Bay. Retrieved from <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=5917030&Geo2=PR&Code2=59&Data=Count&SearchText=Oak%20Bay&SearchType=Begins&SearchPR=01&TABID=1&B1=All>
- Stranger-Ross, J., & James, M. (2017, December 1). A political apology is only the beginning. *The Globe and Mail*. Retrieved from <https://www.theglobeandmail.com/opinion/a-political-apology-is-only-the-beginning/article37166128/>
- The Canadian First World War Internment Recognition Fund. (2012). *About Canada's first national internment operations*. Retrieved from <https://www.internmentcanada.ca/about-canadas-first.cfm>
- The Truth and Reconciliation Commission of Canada. (2015). *What we have learned: principles of truth and reconciliation*. Ottawa, ON: Library and Archives Canada Cataloguing in Publication.

Tourism Victoria. (2018). History. Retrieved from <https://www.tourismvictoria.com/plan/local-info/about-victoria/history>

Trochim, W. (2006). *Qualitative approaches*. Retrieved from Web Center for Social Research Methods: <https://socialresearchmethods.net/kb/qualapp.php>

Underhill, S. (1981). The Spirit of Oak Bay. In *Only in Oak Bay*: (pp. 15-27). Victoria, BC: Manning Press Limited.

University of Southern California. (2018). Types of Research Designs. Retrieved from <https://libguides.usc.edu/writingguide/researchdesigns>

Wat, T. (2014). *Chinese historical wrongs consultation: final report and findings*. Retrieved from: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/our-history/historic-places/documents/heritage/chinese-legacy/final_report_and_recommendations.pdf

Wohl, M., Hornsey, M., & Philpot, C. (2011). A critical review of official public apologies: Aims, pitfalls, and a staircase model of effectiveness. *Social Issues and Policy Review*, 5(1), 70-100, doi: 10.1111/j.1751-2409.2011.01026.x.