

B.C. property titles bear reminders of a time when race-based covenants kept neighbourhoods white



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Homes in the British properties, a tony North Vancouver neighbourhood in sight of the iconic Lion's Gate Bridge, once restricted home ownership to Caucasians.

Jenelle Schneider/Postmedia News/files

While going over the papers for their new home on Victoria's tree-lined Lynnfield Crescent six years ago, Rob Boyd and Gail Mudie were caught by the document's mention of a curious "encumbrance."

In between restrictions on the building of "chicken houses" and other unapproved dwellings, the house's 1941 title explicitly forbade the home from being remotely associated with "Asiatics."

Specifically, the owners were forbidden to "sell, let or sublet to, or permit the said lands to be occupied by persons who are of the East Indian or Asiatic race or origin or to any corporate body, the shareholders of which are of East Indian or Asiatic race or origin."

"I was surprised to see it in print," said Mr. Boyd, a native Victorian. "It's not just in the history books; it's right on our land."

It was an experience that is surprisingly common to homeowners on the West Coast. In a region hosting some of Canada's most diverse and liberal neighbourhoods — and in a market where much of the home-buying is done by Asians — a number of still-valid Vancouver property titles retain the awkward marks of a "whites-only" age.

"The stories are legion about these contracts being in existence," said Vancouver-based historian Jean Barman.

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**AND WHEREAS the Grantor and Grantee have agreed
that as a term of such sale, no Asiatic, Negro or Indian shall
have the right or be allowed to own, become tenant of or
occupy any part of the property or any subdivision of**

— — —

The property records from one South Vancouver home, located just steps from the Point Grey Golf and Country Club, states that "no Asiatic, Negro or Indian shall have the right or be allowed to own, become tenant of or occupy any part of [the property]."

Most famously, a strict whites-only policy was imposed in the British Properties, a swath of high-end residential land developed in West Vancouver by the Guinness-beer making family.

One current title to a British Properties home still bears the provision barring its sale to “any person or persons of African or Asiatic race or of African or Asiatic descent.”

As late as the 1990s, racist language even persisted on Vancouver rental agreements. In 1994, Vancouver’s tony Oakview Apartments, for instance, was still providing renters with contracts that barred tenants of “negro or oriental blood or extraction.”

Liza Aboud, a spokeswoman with the B.C. Land Title and Survey Authority, said race-based covenants “do exist in Vancouver, in West Vancouver and in Victoria, but I wouldn’t know the exact number, since there’s no way to easily identify them.”

A clerk with the Authority, however, said they are “probably more common than people think.”

“People think ‘Oh, they’re probably from the early 1900s,’ but in fact, it was a lot more recent in history,” he added.

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In Victoria, as late as 1952 covenants were still being enacted restricting lot sales to “anyone other than members of the Caucasian race.” In Vancouver, the practice was active as of 1955. An archived Jewish Telegraphic Agency story from that year noted after a search of land titles that “that racial covenants are still being signed in the transfer of properties in the Greater Vancouver area.”

Nowadays, these race-based covenants are all automatically void, of course.

Amended section of the B.C. Land Titles Act decrees that land use or ownership cannot be restricted because of “sex, race, creed, colour, nationality, ancestry or place of origin.”

Free of charge, the British Columbia Land Title and Survey Authority will gladly insert an addition to any B.C. property title releasing it from “discriminatory covenants.”

Nevertheless, getting the racist language completely scrubbed from a property title remains surprisingly difficult.

“It’s a procedural hassle to get rid of them,” said Peter J. Roberts, a property litigation lawyer with Vancouver’s Lawson Lundell LLP who has previously worked to remove racist covenants from a group of West Vancouver properties.

‘I was surprised to see it in print. It’s not just in the history books; it’s right on our land’

Once B.C. Supreme Court petitions and legal fees are all factored in, “it could run you anywhere from \$2,000 to \$10,000.”

There are some exceptions. Victoria’s Rob Boyd, for instance, had his covenant scrubbed from property records for free by the Municipality of Saanich. But still, many titles retain the full text of their original racist covenants — albeit with an easily missed line of text declaring the covenant invalid.

To Vancouver’s ever-expanding real estate professionals, the possibility always exists that a home sale could end with them awkwardly running through segregationist legalese with the new owners.

“In my experience, it’s never caused a deal to fall apart,” said Wayne Hamill, a realtor specializing in Vancouver’s West Side. “We kind of have a little chuckle about it — ‘Oh well, it’s from ages bygone.’”

As far back as 1995, West Vancouver real estate agent Cal Lindberg told Postmedia “you bring it up in a joking manner and try to deal with it that way ... it’s a bit of a surprise, then it’s a joke.”

Henry Yu, a professor of history at the University of British Columbia, said the covenants are “only awkward if the buyer has no idea about the long history of racism in Canada.”

Of course, he noted that among newcomers, this can actually be “common.”

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AND the Grantee further covenants as follows:

(a) That the Grantee shall not sell, assign, or transfer the said lands or any interest therein to any person or persons of the African or Asiatic race or of African or Asiatic descent and will not lease, let, or sublet to any such person or persons the said premises or any part thereof or any building which may be on the said premises, or any part of such building;

— — —

As the covenants suggest, racist language was routine for British Columbians of the mid-20th century.

On some pre-war Vancouver restaurant ads, the most prominent feature was the assertion that the kitchen hired exclusively white cooks.

Employment listings excluding Asians were openly published in local newspapers, and boilerplate “no Asians” clauses were regularly tacked onto labour and construction contracts.

The 1933 bylaw authorizing the construction of the city’s iconic Lion’s Gate Bridge, for instance, carried a provision mandating that “no Asiatic person shall be employed in or upon any part of the undertaking or other works.”

South of the border, the situation was much the same among Vancouver’s Pacific Northwest neighbours.

Several thousands deeds in Seattle, Wash., still contain restrictions against sale to “Asiatic, African or Negro blood” or even “Mongolian, Malay or Ethiopian races.”

More often than not, though, the titles simply forbade sale to anyone who was not “Caucasian,” according to a review of the city’s residential covenants conducted by the University of Washington.

‘Anybody who’s found that on their titles ... they use it to remind their kids about the bad times when their grandparents came over’

Even in the open-minded bastion of Portland, Ore., as recently as 1945 a latticework of neighbourhood covenants kept out “Negroes, Chinese, Japanese, Indians and Filipinos,” according to a wartime race relations report prepared by the Portland Council of Churches.

Unlike Vancouver, the modern-day effects of Portland’s covenant policies may be much more than simply text on property records. At 78% Caucasian, the city remains the whitest metropolitan area in the western United States.

Vancouver City Councillor Kerry Jang said he has explored striking Vancouver’s property records free of racial covenants once and for all, although he says their existence has never really generated any kind of outcry.

“Generally, people find it sort of amusing,” said Councillor Jang, a third-generation Chinese-Canadian.

“Anybody who’s found that on their titles ... they use it to remind their kids about the bad times when their grandparents came over.”