

THIS AGREEMENT made this 30th day of April A. D. 1962

1-4-19-3

BETWEEN

THE COMMISSIONER OF THE YUKON TERRITORY,  
hereinafter referred to as the "Commissioner"  
in his own right and on behalf of the Council  
of the Yukon Territory

AND

THE CATHOLIC EPISCOPAL CORPORATION OF WHITEHORSE  
on behalf of and representing the Roman Catholic  
residents of the Yukon Territory, hereinafter  
referred to as the "Corporation"

WITNESSETH THAT

WHEREAS discussions have been held between the Parties hereto and other interested persons relating to the provision of facilities in the Yukon Territory for the education of children of Roman Catholic parents separate and apart from other children, which in this Agreement are referred to as "separate schools";

AND WHEREAS it is accepted that separate schools and residential accommodation for lay teachers therein should until school districts are established under Part II of the School Ordinance be provided out of the public revenues of the Government of the Yukon Territory subject to certain conditions and limitations so that equality of treatment and opportunity in educational matters will prevail between children of Roman Catholic parents and children of other parents;

AND WHEREAS it is accepted that separate schools, being publicly supported schools should have the same rights and responsibilities as non-separate publicly supported schools, should receive the same measure of financial support from the Government of the Yukon Territory and should observe all statutory and other lawful requirements;

AND WHEREAS it is accepted that it is not in the interests of the Yukon Territory or children of Roman Catholic parents in the Yukon Territory that separate schools containing less than two classrooms be established;

AND WHEREAS the Corporation with the assistance of public monies has constructed and is operating certain separate schools in Whitehorse and is prepared to transfer them in trust to the Government of the Yukon Territory;

AND WHEREAS the Parties are in accord that the covenants principles and conditions hereinafter set out are and ought to remain part of the policy of the Government of the Yukon Territory in respect of education in the Yukon Territory

THE PARTIES HERETO COVENANT AND AGREE AS FOLLOWS :

1. (1) In consideration of the premises and of the sum of \$206,001.00 of lawful money of Canada to be paid by the Commissioner to the Corporation in the manner and at the times hereinafter set out the Corporation agrees to sell to the Commissioner and the Commissioner agrees to purchase from the Corporation the lands described in the schedule hereto together with all buildings, appurtenances and fixtures

thereon/.....



thereon and all furnishings, furniture and equipment therein as more particularly described in the said schedule and commonly known as Christ the King Elementary School and Christ the King High School both located in Whitehorse.

(2) The Corporation will, at its expense, as soon as possible and in any event before the 1st day of September, 1962, give vacant possession of the said lands, premises and equipment to the Commissioner and execute and deliver such documents and assurances as may be necessary to vest title in trust to such lands in Her Majesty the Queen in right of Canada free and clear of all encumbrances.

(3) The purchase price will be paid on the delivery of vacant possession or on the vesting of title in Her Majesty, whichever event shall be the later.

(4) Time is of the essence of this Agreement.

2. (1) The Government of the Yukon Territory will establish, operate and maintain throughout the Yukon Territory, except in any portion thereof included in a separate school district set up pursuant to Part II of the School Ordinance, education facilities (in this Agreement referred to as "separate schools") for children of Roman Catholic parents separate and apart from children of non-Roman Catholic parents as required by and in accordance with the terms and conditions set out in this section and subject to any enactments and money appropriations made, from time to time, by the Commissioner in Council of the Yukon Territory.

(2) With respect to grades one to nine, both inclusive, where three or more Roman Catholic parents, each of whom appears on the current assessment roll of the Yukon Territory or of a municipality in the Yukon Territory residing in an area of not more than twenty-five square miles petition the Commissioner for a separate school providing grades one to nine, both inclusive, for that area, and where the Commissioner is satisfied

- (a) that there are residing in that area not less than twenty-six children between the ages of five and sixteen years of Roman Catholic parents, who, in his opinion, will be eligible to attend and whose parents intend them to attend the separate school when it is established,
- (b) that the probability is that within four years of the date of the petition there will be at least 35 such children in that area, and
- (c) that the enrolment in any other school providing grades one to nine, both inclusive, in that area operated by the Government of the Yukon Territory for children regardless of the religion of their parents will not fall below twenty-six during the four years immediately following the date of the petition

the Commissioner shall, out of monies appropriated, from time to time, for that purpose by the Commissioner in Council of the Yukon Territory, establish, operate and maintain for that area a separate school providing grades one to nine, both inclusive.

(3) Where a separate school has been established pursuant to subsection (2) of this section and the Commissioner is satisfied that there are residing in the area for which the separate school

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was established children of Roman Catholic parents who, in his opinion are eligible to attend grades ten, eleven or twelve and whose parents wish them to be educated separate and apart from children of non-Roman Catholic parents the Commissioner may

- (a) where the number of such children is twelve or less arrange for their instruction in grades ten, eleven and twelve in the separate school which was established, or
- (b) where the number of such children is more than twelve, if it is not, in his opinion uneconomical to do so, establish, operate and maintain for that area a separate high school providing grades ten, eleven and twelve.

(4) The Government of the Yukon Territory will not impose any fee or levy any tax in respect of a separate school established under this section that is in excess of any similar fee or tax imposed or levied by the Government of the Yukon Territory under similar circumstances in respect of a non-separate school operated and maintained for the same area by the Government of the Yukon Territory.

3. (1) Subject to subsection (2) when a separate school district is established under Part II of the School Ordinance which includes the area of the Yukon Territory being served by a separate school established pursuant to section 2 of this agreement the Commissioner will transfer to the trustees of that separate school district the lands and premises comprising that separate school, and any residential accommodation for teachers maintained in connection therewith upon such terms and conditions as the Commissioner and the said trustees may agree upon and as the Commissioner in Council of the Yukon Territory may approve but such terms and conditions shall not be less favourable to the said trustees than those that would prevail were the said trustees trustees for a public school district and the school being transferred a school established, operated and maintained for the children of non-Roman Catholic parents by the Government of the Yukon Territory.

(2) Where the separate school to be transferred pursuant to subsection (1) is a school which by this agreement is sold to the Commissioner by the Corporation no money consideration will be exacted from the trustees by the Commissioner in respect of the lands and premises being transferred.

4. (1) The Government of the Yukon Territory will provide in respect of separate schools established pursuant to section 2 of this agreement

- (a) additional classroom facilities
- (b) bus, or other transportation for pupils
- (c) equipment
- (d) furniture
- (e) landscaping
- (f) libraries
- (g) playgrounds and
- (h) residential accommodation for lay teachers

of a like standard and upon like terms and conditions to the users thereof as are or would be provided by the Government of the Yukon Territory in respect of schools established, operated and maintained by the Government of the Yukon Territory for children of non-Roman Catholic parents in the same area.

Except / .....



(2) Except with the consent of the Corporation in respect of particular instances residential accommodation provided pursuant to subsection (1) of this section shall be separate and apart from accommodation provided by the Government of the Yukon Territory for teachers in schools for children of non-Roman Catholic parents.

5. (1) The Commissioner shall, before engaging any teacher for a separate school established pursuant to section 2 of this agreement consult with the Corporation with a view to obtaining the Corporation's approval of the teacher's suitability to teach in a separate school.

(2) The Corporation shall undertake programs for the recruitment of teachers, including principals and vice-principals, for separate schools, and shall as occasion may require recommend to the Commissioner persons to be engaged as teachers for such schools.

(3) The teachers referred to in subsection 1 of this section may be either members of a Roman Catholic teaching order or competent lay teachers and the Commissioner shall, in order to keep at a minimum the cost of teacher accommodation give preference to any such lay teacher residing in the community where the vacant teaching position exists.

6. The Corporation will not plan or construct in the Yukon Territory and will use its best endeavours to prevent Roman Catholic persons and organizations from planning or constructing in the Yukon Territory educational facilities for teaching grades one to nine, both inclusive, to children of Roman Catholic parents, separate and apart from children of non-Roman Catholic parents, which contain less than two full-sized classrooms.

7. (1) The Corporation shall be responsible for instructing and training the pupils attending separate schools established by the Government of the Yukon Territory pursuant to section 2 of this agreement in the Roman Catholic religion and morality and for this purpose will provide at no cost to the Government of the Yukon Territory all necessary instructors, religious books, whether hymn, prayer or otherwise, sacred objects and all other religious accessories, appointments, furnishings and paraphernalia.

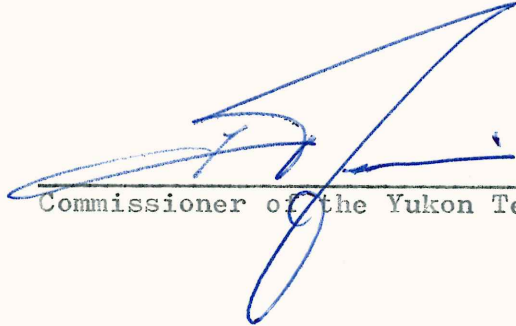
(2) The instruction and training referred to in subsection (1) of this section shall be given only during the times prescribed by the School Ordinance for such instruction and training.

8. It is recognized and agreed by the parties that all separate schools established by the Government of the Yukon Territory pursuant to section 2 of this agreement shall be operated, maintained and governed in accordance with all laws, including the School Ordinance that may, from time to time, be in force in the Yukon Territory.

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9. The Corporation may from time to time confer with the Commissioner with a view to arranging for the setting aside of suitable separate school sites in areas of the Yukon Territory where it is probable that in the future separate schools will have to be established pursuant to this Agreement.

  
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Commissioner of the Yukon Territory  
\_\_\_\_\_  
The Catholic Episcopal Corporation  
of Whitehorse

## SCHEDULE

### Elementary School

The whole of lots numbered Seven (7), Eight (8), Nine (9), the westerly twenty feet (20') of lot ~~7, 8, 9~~ <sup>+g.l.c.</sup> and Ten (10), in Block numbered Thirty-seven (37), in the Townsite of Whitehorse, in the Yukon Territory, as said lots are shown on a plan of survey of record in the Land Titles Office for the Yukon Land Registration District under number 3807.

### Proposed Teacherage

The whole of lot Six (6), in Block Thirty-eight (38), in the Townsite of Whitehorse, in the Yukon Territory, as said Lot is shown on a plan of survey of record in the Land Titles Office for the Yukon Land Registration District under number 3807.

### High School

The whole of Lot Three Hundred and Forty Nine (349), and Parcel D, in Lot Three Hundred and Nine (309), in Group Eight Hundred and Four (804), in the Yukon Territory, according to a plan of survey of record in the Land Titles Office for the Yukon Land Registration District under number 23261.

## EQUIPMENT

The furnishings, furniture and equipment mentioned in Paragraph (1) Sub-paragraph (1) of the annexed agreement shall mean all the equipment, furniture and furnishings presently contained in the Elementary and High Schools and used for teaching purposes from whatever source such equipment, furniture and furnishings was obtained, but shall not include religious books, sacred objects and other religious accessories and paraphernalia.



DATED the *30th* day of *April* A.D. 1962  
\* \* \* \* \*

THE COMMISSIONER OF THE YUKON TERRITORY

AND

THE CATHOLIC BISHOPAL CORPORATION OF  
WHITEHORSE

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A G R E E M E N T

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Craig P. Hughes  
Legal Adviser  
Whitehorse, Y. T.