

Monday, April 13, 1953.

An adjourned meeting of the Council was held at the Municipal Hall, Edmonds, on Monday, April 13, 1953, at 7:30 p.m.

Present: Reeve Beamish in the Chair, Councillors Armstrong, Charlton, Drummond, Isherwood, MacSorley, Philips and Wilks.

Secretary-Treasurer, Burnaby School Board submitted a request that the Council set a date to receive Extra-Ordinary Estimates, Classes "A" and "J".
Moved by Councillor Isherwood and seconded by Councillor Wilks "That the letter be received and April 13th, 1953, be the date set to receive the Extra-Ordinary Estimates Classes "A" and "J" from the Board of School Trustees."

Carried Unanimously.

The Board of School Trustees submitted Extra-Ordinary Estimates, Classes "A" and "J" as follows:

CLASS "A" - NEW SCHOOL SITES

To purchase 2 1/2 acres of land from J. L. Fisher, 6921 Union Street, North Burnaby, described as part of Block 2, D.L. 206, Group 1, New Westminster District, to be used as part of the Westridge School Site.		
Cost of land	\$ 9,000.00	
Cost of Road and Lane	<u>1,150.00</u>	
To Total		\$10,150.00
Less: Government Assistance (As per letter attached)		<u>1,850.00</u>
NET TOTAL CLASS "A"		\$ 8,300.00

CLASS "J" - ADDITION TO EXISTING SCHOOL BUILDING

Additional funds required to complete an addition to the Alpha Junior High School, 4600 Parker Street, North Burnaby.

B.C. as follows:

Lowest Tender	\$ 264,526.00
Add: Architect's Fees	<u>15,871.56</u>
Total Cost	\$ 280,397.56

Appropriation (By-law 3083)	\$ <u>229,649.00</u>
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Gross Shortage	\$50,748.56
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Less: Government Assistance 50% (As per letter attached)	<u>25,374.28</u>
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NET TOTAL CLASS "J"	<u>\$25,374.28</u>
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NET TOTAL OF EXTRA-ORDINARY ESTIMATES CLASS "A" AND "J"	<u>\$33,674.28</u>
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Moved by Councillor Isherwood and seconded by Councillor Philips "That the estimates be received and approved by the Council."

Carried Unanimously.

H. Norman Lunn & Company, Municipal auditors, submitted report on the adequacy of control and approval over disbursements made by the Treasurer's Department giving details of the recent audit of the books and accounts for the year ended December 31, 1952, as affecting the handling of disbursements, and pointing out suggestions for the improved handling of disbursements. The Auditors further advised that the system met with their approval provided the suggestions as put forward were adopted.

Moved by Councillor Isherwood and seconded by Councillor Armstrong "That the letter be received and referred to the Finance Committee."

Carried Unanimously.

Thomas A. McGrath wrote requesting that the Council give consent to an assignment of the property Agreement between himself and the Corporation in respect of property in District Lot 34 to an incorporated Company to be known as the Central Park Garden Villages Limited, the principals of which would be Mr. McGrath and Mr. E. L. Boulthée and Mr. H. N. Boulthée.

Moved by Councillor Isherwood and seconded by Councillor MacSorley "That the letter be received and this matter be referred to a Committee of the Whole."

Carried Unanimously.

Mrs. L. V. Morse wrote with reference to the proposed change of the name of Kootenay Street to Juneau Street, suggesting alternative names which were submitted since the name of Juneau Street did not meet with the satisfaction of the people resident on the Street.

Moved by Councillor Isherwood and seconded by Councillor Armstrong "That the letter be received and referred to the Street Naming Committee."

Carried Unanimously.

Board of Transport Commissioners submitted the judgment of Chief Commissioner, the Honourable Mr. Justice John J. Kearney, dated March 24th, 1953, brought down as a result of the application of the British Columbia Telephone Company for approval of proposed increased rates and charges.

Moved by Councillor MacSorley and seconded by Councillor Charlton "That the communication be received and tabled for the information of the Council."

Carried Unanimously.

Municipal Treasurer submitted 1953 estimates for approval advising that pursuant to Section 43 of the "Burnaby Debt Refunding Act 1940" the estimates were required to be approved by the Minister of Municipal Affairs before final adoption by the Council.

Moved by Councillor MacSorley and seconded by Councillor Armstrong "That the estimates be received and approved subject to the approval of the Minister of Municipal Affairs."

Carried Unanimously.

Messrs. Bell and Munn wrote with reference to the application of Mr. R. Orr through his solicitors, Messrs. Collins, Green, Eades and Company for an Order to quash "Burnaby District Improvement By-law No. 2, 1953", being By-law No. 3280, advising that the legality of the By-law depended on the definition of the District Improvement area in Clause 1. The Solicitor pointed out that Clause 1 did not include the portion of the Municipality comprising District Lot 91 and that this definition clause was the primary definition and the specific description of the properties as detailed in the Schedule even though it included District Lot 91 was open to attack on the grounds that the property owners in the District Lot specified voted for the By-law in the belief that the proposed works were limited to such areas. The Solicitor further pointed out that the law always contrived that taxing provisions were in favour of the taxpayer and against the taxing authority where any ambiguity existed and that the property owners in District Lot 91 could therefore escape assessment and leave open to the objection that the property owners in District Lot 91 voted on the By-law although they were not liable to contribute to the costs. It was further pointed out that there was enough material for controversy to enable Mr. Orr to keep litigation in process for a long period of time and that under the circumstances it would seem most desirable to repeal the By-law and begin again.

Moved by Councillor Isherwood and seconded by Councillor MacSorley "That the communication be received."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Philips "That the Clerk be instructed to bring down the necessary by-law to repeal "Burnaby District Improvement By-law No. 2, 1953", being By-law No. 3280."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Wilks "That the Clerk be instructed to bring down a new District Improvement By-law covering construction of a sewer within the District Improvement area as provided in By-law No. 3280."

Carried - Cr. Philips against.

Moved by Councillor Drummond and seconded by Councillor MacSorley "That a committee be appointed to bring down relative costs between (1) a 20 and 30 year District Improvement plan and (2) between a 20 and 30 year District Improvement plan and a Local Improvement plan."

Carried Unanimously.

The committee appointed included the Clerk, Treasurer, Engineer and Solicitor.

The special committee on apartment sites submitted recommendation that the application of A. Wieser for approval of Lots 1 and 22, Block 29, District Lot 152 as the site for erection of two ten suite apartments be approved subject to the applicant providing off-street automobile parking space for at least 50% of the tenancies of each apartment.

Moved by Councillor Wilks and seconded by Councillor Charlton "That the recommendation of the committee be adopted."

Carried Unanimously.

2. The special committee on apartment sites submitted recommendation that application of Thomas McW. Ford for approval of Lot 48, Blocks 42 and 43, District Lots 151 and 153 as the site for erection of an apartment block be approved subject to the applicant providing off-street automobile parking space for at least 50% of the tenancies of the apartment.

Moved by Councillor Charlton and seconded by Councillor Armstrong "That the recommendation of the committee be adopted."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That "Burnaby Easement Authorization By-law No. 2, 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That "Burnaby Easement Authorization By-law No. 2, 1953" be now finally adopted, that it be signed by the Reeve and Clerk and that the Corporate

Seal be affixed thereto."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Drummond "That "Burnaby Property Exchange By-law 1952 Amendment By-law 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Drummond "That "Burnaby Property Exchange By-law 1952 Amendment By-law 1953" be now finally adopted, that it be signed by the Reeve and Clerk and that the Corporate Seal be affixed thereto."

Carried Unanimously.

Moved by Councillor Wilks and seconded by Councillor Philips "That "Burnaby Street Naming By-law 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor Wilks and seconded by Councillor Philips "That "Burnaby Street Naming By-law 1953" be now finally adopted, that it be signed by the Reeve and Clerk and that the Corporate Seal be affixed thereto."

Carried Unanimously.

Moved by Councillor Wilks and seconded by Councillor Drummond "That "Burnaby Property Exchange By-law No. 2, 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor Drummond and seconded by Councillor Charlton "That "Burnaby Property Exchange By-law No. 2, 1953" be now finally adopted, that it be signed by the Reeve and Clerk and that the Corporate Seal be affixed thereto."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 1, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 1, 1953" be now passed."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Drummond "That "Local Improvement Cost Reduction By-law No. 2, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor MacSorley and seconded by Councillor Armstrong "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor MacSorley and seconded by Councillor Armstrong "That "Local Improvement Cost Reduction By-law No. 2, 1953" be now passed."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 3, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That the

Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 3, 1953" be now passed."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor MacSorley "That "Local Improvement Cost Reduction By-law No. 4, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Isherwood and seconded by Councillor MacSorley "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor MacSorley "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Isherwood and seconded by Councillor Philips "That "Local Improvement Cost Reduction By-law No. 4, 1953" be now passed."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Philips "That "Local Improvement Cost Reduction By-law No. 5, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Isherwood and seconded by Councillor Philips "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Philips "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Isherwood and seconded by Councillor Philips "That "Local Improvement Cost Reduction By-law No. 5, 1953" be now passed."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Philips "That "Local Improvement Cost Reduction By-law No. 6, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Isherwood and seconded by Councillor Philips "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Philips "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Isherwood and seconded by Councillor Philips "That "Local Improvement Cost Reduction By-law No. 6, 1953" be now passed."

Carried Unanimously.

Moved by Councillor Philips and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 7, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Philips and seconded by Councillor Isherwood "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Philips and seconded by Councillor Isherwood "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Philps and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 7, 1953" be now passed.

Carried Unanimously.

Moved by Councillor Philps and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 8, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Philps and seconded by Councillor Isherwood "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Philps and seconded by Councillor Armstrong "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Philps and seconded by Councillor Wilks "That "Local Improvement Cost Reduction By-law No. 8, 1953" be now passed."

Carried Unanimously.

Moved by Councillor Philps and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 9, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Philps and seconded by Councillor Isherwood "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Philps and seconded by Councillor Isherwood "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Philps and seconded by Councillor Isherwood "That "Local Improvement Cost Reduction By-law No. 9, 1953" be now passed."

Carried Unanimously.

Moved by Councillor Wilks and seconded by Councillor Philps "That "Local Improvement Cost Reduction By-law No. 10, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Wilks and seconded by Councillor Philps "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Wilks and seconded by Councillor Philps "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Wilks and seconded by Councillor Philps "That "Local Improvement Cost Reduction By-law No. 10, 1953" be now passed."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Charlton "That "Burnaby Street Traffic Regulation By-law 1943 Amendment By-law No. 2, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor MacSorley and seconded by Councillor Wilks "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Wilks "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor MacSorley and seconded by Councillor Wilks "That "Burnaby Street Traffic Regulation By-law 1943 Amendment By-law No. 2, 1953" be now passed."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor MacSorley "That "British Columbia Electric Company Limited Easement Authorization By-law No. 2, 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in

the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Isherwood and seconded by Councillor MacSorley "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Philips "That the Committee do now rise and report the By-law complete without amendments."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Isherwood and seconded by Councillor Armstrong "That "British Columbia Electric Company Limited Easement Authorization By-law No. 2, 1953" be now passed."

Carried Unanimously.

Councillor Isherwood withdrew from the Council Chambers.

Moved by Councillor Drummond and seconded by Councillor Philips "That "Imperial Oil Limited Easement Authorization By-law 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Drummond and seconded by Councillor Charlton "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Drummond and seconded by Councillor Charlton "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Drummond and seconded by Councillor Charlton "That "Imperial Oil Limited Easement Authorization By-law 1953" be now passed."

Carried Unanimously.

Moved by Councillor Drummond and seconded by Councillor Charlton "That "Trans-Mountain Oil Pipe Line Company Easement Authorization By-law 1953" be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously.

The Reeve asked the question: "What is your pleasure with this By-law?"

Moved by Councillor Drummond and seconded by Councillor Charlton "That the By-law be read by short title only."

Carried Unanimously.

Moved by Councillor Drummond and seconded by Councillor Charlton "That the Committee do now rise and report the By-law complete without amendment."

Carried Unanimously.

The Council re-convened.

Moved by Councillor Drummond and seconded by Councillor Charlton "That "Trans-Mountain Oil Pipe Line Company Easement Authorization By-law 1953" be now passed."

Carried Unanimously.

Councillor Isherwood returned.

Moved by Councillor Drummond and seconded by Councillor Isherwood "That the Engineer and Traffic Detail, Burnaby R.C.M.P. investigate the situation created by angle parking of automobiles on side streets adjacent to Hastings Street and any other locations in the Municipality where a traffic problem exists through the parking of automobiles."

Carried Unanimously.

The meeting then adjourned.

Confirmed:

Charles B. Brown

Clerk

J. R. Beaman

Reeve