

Monday, April 27, 1953.

An adjourned meeting of the Municipal Council was held at the Municipal Hall, Edmonds, on Monday, April 27, 1953, at 7:35 p.m.

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

C. C. Bell, Municipal Solicitor, submitted a copy of the Judgment rising from litigation with the Forest Lawn Cemetery Company Limited. Moved by Councillor Isherwood and seconded by Councillor Wilks "That the Judgment be received."

Carried Unanimously.

Municipal Solicitor wrote with reference to the request of the Mink Breeders Association for the passage of regulations in the Municipality preventing blasting operations within a half mile radius of mink farms between April 10th and June 30th of each year. The Solicitor drafted an amendment to Section 2 of By-law 138 for the Council's consideration and pointed out that seven mink farms were operating in the Municipality and it was the opinion of the Engineer if such amendment were adopted a detrimental effect on the Municipality at large could arise. The Solicitor advised that in his opinion the By-law would be open to attack as discriminatory on the grounds that mink farms would be given protection which may equally well be claimed by other tax payers. The Solicitor further advised that in his opinion the mink farmers should, if they desire to remain in the Municipality, take steps to protect themselves rather than expect the Municipality to accept the responsibility of providing them with protection.

Moved by Councillor MacSorley and seconded by Councillor Charlton "That the letter be received and that the application of the Association be not entertained."

Carried Unanimously.

Municipal Solicitor submitted an opinion together with a draft of a revision of By-law 3260 advising that he had been notified by the Solicitor for Mr. Orr that a new District Improvement By-law covering this area would be again attacked by Mr. Orr on the grounds that the assessments in the area in question are disproportionately low as between residences and business properties, and that the scheme should be undertaken as a Local Improvement. The Solicitor advise that in his opinion the Local Improvement plan would not eliminate the discrepancies which Mr. Orr alleges exist. The Solicitor suggested that in drafting the new By-law the Council decide whether or not to impose the assessment upon the land or open the lands and improvements as in his opinion it would be safer if such decision were made at this time.

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

Carried Unanimously.

SUBDIVISIONS COMMITTEE REPORT

Your Committee beg to report as follows with respect to the various matters referred to it by the Council:

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1. Application of C. B. Riley Co. to purchase Corporation owned lands in J.L. 123-3-4, particularly in the area bounded by Willington Avenue, Lane South of Buchanan Street, Jelta Avenue and Lane South of Parker Street.

Recommend that the application be approved in principle and that the Property Manager and the Engineer work out details as to service costs, including sewer installation, and the paving of certain of the roads.

2. Application of the Standard Oil Company for approval to the closing of Willington Avenue from McGill Street north.

Recommend that this application be not approved until such time as some alternative access to the water front can be obtained.

3. Application of Robert and Margaret Drummond to be permitted to divide property described as the East 86 feet of a 0.713 acre portion of Block 16, J.L. 29, Sketch 12310 into two parcels, one having a frontage of 86 feet on 13th Avenue, and a frontage of 93 feet on Davies Street, and the other having a frontage of 86 feet on Davies Street with a depth of 86 feet.

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Recommend that this application be approved subject to the applicant being advised that if water service will be required for the 86x86 foot portion of Davies Street, it will be necessary for the applicant to pay for the cost of installation of necessary water main on Davies Street.

4. Application of Isabelle Pearson to purchase the north 190 feet of Lots 1 to 5, Block 3, J.L. 160E $\frac{1}{2}$; Lots 1 and 8 of Block 2, J.L. 160E $\frac{1}{2}$ and Lots 2 to 7 and 9 of Block 1, J.L. 160E $\frac{1}{2}$.

In view of the report of the special committee which recommended the rezoning of portion of this property as "Heavy Industrial", and the creation of a Park covering Lots 2, 3 and 9 of Block 1, and Lots 1, 2, 3, 8, 9 and 10, of Block 3, your Committee recommends that the application of Mrs. Pearson be not entertained.

5. Application of residents of the Parkcrest subdivision in J.L. 130 for the passage of a By-law under the provisions of paragraph 289 of Section 58 of the Municipal Act to impose building restrictions

to limit the floor area of any dwelling to a minimum of 1000 sq. ft. and to restrict the cost of any dwelling within the area to a minimum cost of \$9000.00

Your Committee obtained a report from the Municipal Solicitor and the Clerk which report reads in part as follows:

"We would point out that it is not at all necessary for the Corporation to be involved in the proposed scheme, which can quite easily be accomplished by a private arrangement between the owners of the various parcels of land."

Your Committee would further point out that since the receipt of the petition one of the owners has disposed of a fairly large number of lots, most of which have already been built on or are in the course of having homes built thereon. These purchasers would not be aware of the proposed restrictions and your Committee do not feel justified in imposing such restrictions now. It is therefore recommended that the application be not favourably entertained.

Moved by Councillor Philips and seconded by Councillor Charlton "that the recommendation of the Committee be adopted."

Carried Unanimously.

COMMITTEE OF THE WHOLE REPORT

The Council met as a Committee of the Whole on Monday April 20th and recommend:

1. That an application be submitted under the Civil Defence regulations for the erection of a building in Confederation Park for the housing of Civil Defence equipment and for use as a training centre at a total estimated cost of \$9,000.00.
2. That six additional sirens be requested for installation in Burnaby.
3. That application be made to obtain one of the Fire Pumper units now believed to be available for the lower mainland.
4. That the report of the Burnaby Town Planning Commission, dated April 20th, 1953, be adopted.

Moved by Councillor Armstrong and seconded by Councillor Isherwood "That the recommendations of the Committee of the Whole be adopted."

Carried Unanimously.

Treasurer submitted 1953 Estimates, duly approved by the Minister of Municipal Affairs.

Moved by Councillor Isherwood and seconded by Councillor Armstrong "That Estimates, as submitted, be adopted."

Carried Unanimously.

Municipal Clerk submitted Certificate of Sufficiency covering Local Improvement petition of Cameron Jelaney and others praying for the construction of an asphalt pavement twenty (20) feet wide on Rosser Avenue from Kitchener Street to Graveley Street.

Moved by Councillor Isherwood and seconded by Councillor Philips "That the petition be received and referred to the Engineer for report."

Carried Unanimously.

Moved by Councillor Isherwood and seconded by Councillor Philips "That authority be granted to the Reeve and Clerk to execute an Agreement with Clifford George Jones and Eina Margaret Jones to erect a temporary dwelling on Lot 13, Block 34, District Lot 186, and that the Corporate Seal be affixed thereto."

Carried Unanimously.

Moved by Councillor Drummond and seconded by Councillor Isherwood "That "Burnaby Land Sale By-law No. 7, 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor Drummond and seconded by Councillor Isherwood "That "Burnaby Land Sale By-law No. 7, 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 Cab and Commercial Vehicle By-law 1951 Amendment By-law 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor Wilks and seconded by Councillor Philips "That "Burnaby Cab and Commercial Vehicle By-law 1951 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 MacSorley and seconded by Councillor Isherwood "That "Burnaby District Improvement By-law No. 2, 1953, Repealing By-law 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor MacSorley and seconded by Councillor Isherwood "That "Burnaby District Improvement By-law No. 2, 1953, Repealing 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 Drummond and seconded by Councillor Charlton "That "Burnaby Land Acquisition By-law No. 2, 1953" be now reconsidered."

Carried Unanimously.

Moved by Councillor Drummond and seconded by Councillor Charlton "That "Burnaby Land Acquisition 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.

The meeting then adjourned.

Confirmed:

Charles B. Brown

Clerk

W. R. Beames

Reeve