

Monday, January 17, 1955.

An adjourned meeting of the Municipal Council was held at the Municipal Hall, 1930 Kingsway, on Monday, January 17th, 1955 at 7.30 p.m.

Present: Reeve MacSorley in Chair, Crs. F. Philips, S. Hughes, A. Hean, W.M. Morrison, W.P. Philips, G. Charlton and J. J. Drummond.

The Deputy Attorney General submitted advice that by virtue of Order-in-Council approved by the Lieutenant Governor on December 17th, 1954, the appointment of Mr. George A. Grant as Police Magistrate for the District of Burnaby was rescinded and that Mr. Charles Clare Bell was appointed to be Police Magistrate at a salary of \$350.00.

Moved by Cr. W.P. Philips, seconded by Cr. Hughes "That the letter be received."

Carried Unanimously.

Moved by Cr. Hean, seconded by Cr. Morrison "That the Deputy Attorney General be requested to arrange for an amendment to the Order-in-Council to provide that the salary of Magistrate Bell be set at the current wage scale for the Police Magistrate position."

Carried Unanimously.

Old Age Pensioners Organization No. 26 wrote with reference to a section of the bus shelter removed from the transportation terminus at boundary Road and Hastings to Gilmore Avenue, pointing out that this shelter had recently been removed when the right-of-way was paved for parking purposes. The Branch requested that the arrangements be made for the re-erection of this shelter at the Gilmore Avenue bus stop.

Moved by Cr. Hughes, seconded by Cr. Morrison "That the letter be received and this matter be tabled pending receipt of a report from the special Committee investigating this matter."

Carried Unanimously.

North Burnaby Public Library Association wrote with reference to their recent application for a financial grant toward the operations of the North Burnaby Library requesting that consideration be given to their application immediately to permit them to meet their immediate financial obligations.

Moved by Cr. W.P. Philips, seconded by Cr. Morrison "That the letter be received and that the grant of \$3200.00 be made to the North Burnaby Library Association at this time."

Carried Unanimously.

The Municipal Solicitor submitted a report advising that John E. Allen and V.H. Chadwick had commenced an action in the County Court of New Westminster against the Municipality, alleging damages suffered by flooding as a result of negligence by the Municipality. It was recommended the Solicitor be instructed to take whatever action he deemed advisable under the circumstances to protect the Municipality's interests.

Moved by Cr. Hean, seconded by Cr. Morrison "That the report be received and the recommendation of the Solicitor be adopted."

Carried Unanimously.

The Municipal Solicitor submitted a report on the claim of M.F. Cousins for compensation for depreciation of property, described as Lot "B" Sk. 3140 of S.J. 4, Blk. 4, J.L. 160E2, Plan 992 giving a resume of the dimensions and value of the property as a result of his investigation and pointing out that according to the Municipal Engineer, the fencing and improvements of Mr. Cousins's property had encroached approximately 11" on the Municipal right-of-way, and that the improvements had been constructed not more than 2' from the subject property line. The Solicitor advised that under the provisions of Section 385 of the Municipal Act, the Municipality is obligated to make due compensation to property owners injuriously affected by the exercise of any of its powers. However in considering the claim of Mr. Cousins, the solicitor reported that the property had depreciated in value by reason of the rezoning of this property and surrounding area to Heavy Industrial, and by reason of the construction of the subject road, and that in his opinion its depreciated value more than offset any damage done to the property. The Solicitor advised he would be prepared to recommend payment of a nominal sum of \$100.00 provided an agreement was signed by the claimant releasing the Municipality from any and all claims for damages.

Mr. Hill of the Central Ratepayers' Council appeared and requested an interview in connection with this matter.

Moved by Cr. Charlton, seconded by Cr. Hean "That Mr. Hill be heard."

Carried Unanimously.

Mr. Hill advised that Mr. Cousins had been unaware of the mistaken location of his property and the consequent use of the road allowance. Mr. Hill advised the claimant's chief objection was to the deposits of soil and gravel on his property arising from the erosion condition from the road allowance. Mr. Hill advised that the claimant's neighbours were

also injuriously affected and were also encroaching on the road. It was requested that the claimants be provided with suitable access to their property and that if such arrangements could be made, it was expected their claims would be considered to be settled. Moved by Cr. Charlton, seconded by Cr. Hughes "That the matter of access to these properties be referred to the Engineer and that any claim for compensation by the claimants be allowed."

Carried Unanimously.

The Planning Engineer submitted a report on the request of the Provincial Department of Lands for an opinion as to the effect of the proposed sale of Lots 9 to 16 inclusive, Block 2, J.L.205 which would result to the Corporation on the sale of such lands. The Planning Engineer pointed out that the land could be utilized to good advantage as a light manufacturing area and suggested that any independent purchasers be advised of the light industrial zoning with a view to discouraging its development with ribbon commercial or auto courts. The Planning Engineer also suggested that the following road allowance requirements were necessary:

- (a) Hastings St. - 20 foot width from north side of block.
- (b) Fell Avenue - 14 foot width from west side of block.
- (c) New north-south street - 66 foot allowance midway between Fell Avenue and Kensington Avenue.
- (d) New east-west street - 33 foot allowance on the south side of the block.
- (e) New east-west lane of 30 foot width midway between Hastings St. and (d) above.

The Planning Engineer further suggested that re-subdivision of the block would be desirable. In view of the foregoing requirement the Planning Engineer suggested that the council inquire into the possibility of the Municipality acquiring this property and that if the Provincial Government did not favourably accept the Council's application to acquire, that the authorities be requested to offer the land for sale under the foregoing conditions.

Moved by Cr. Hughes; seconded by Cr. Charlton "That the report be received and the Department of Lands be asked for information on the sale price of this land and the availability to the Council."

Moved by Cr. Hughes, seconded by Cr. Charlton "That the report be received and the Municipality enquire as to the price of the land from the Department of Lands."

Carried Unanimously.

The Apartment Committee submitted a report on the application of A.C. Norheim for permission to erect an eight suite apartment on Lot 22, Block 6, J.L.38 reviewing a former application for permission to erect a four suite apartment on the site and recommending that the present application for an eight suite apartment be declined on the grounds that an apartment of this proportion would be deteriorating to the surrounding properties and would tend to create a traffic problem on the Douglas-Grandview Highway. The Committee recommended that the original application for a four suite apartment be re-confirmed, provided the proposed building observe the building line on the Grandview Highway and 17th Avenue.

Moved by Cr. Charlton, seconded by Cr. F. Philips "That the recommendations of the Committee be adopted."

Carried Unanimously.

The Apartment committee submitted a report on the application of Henry Joig for permission to erect an eight suite apartment on Lot 1, Block 25, J.L.30 drawing attention to a prior application by the same person for conversion of a building on the property to a four suite apartment, recommending that the new application be not granted on the grounds that a depreciating effect could result on the surrounding single family dwellings and a possible traffic congestion condition could result on the Douglas-Grandview Highway. The committee recommended that the original plan to convert the existing building to a four suite apartment be re-affirmed.

Moved by Cr. Morrison, seconded by Cr. Hean "That the recommendations of the Committee be adopted."

Carried Unanimously.

COMMITTEE OF THE WHOLE REPORT

Your Committee met on Tuesday, January 11, 1956 and recommend that:

The Plan of the Engineer providing for the construction of combined storm water and sanitary sewers in the Capitol Hill area, more particularly set out in his report dated the 6th day of January 1956 at a total estimated cost of \$685,000. be approved and that the project be carried out under the provision of Section 53 of the Local Improvement Act on the Initiative Plan, the Corporation assuming 38 per cent of the total cost or an estimated total of \$220,200;

That the Chief Executive Officer be authorized to prepare the necessary by-law and circulate the notices required under the Act at the earliest possible date.

Moved by Cr. W.P. Philips, seconded by Cr. Hughes "That the recommendation of the Committee be adopted."

Carried Unanimously.

The Municipal Assessor submitted the 1955 Assessment Roll showing the following:

Total value of Land		\$24,016,280.00
Less:		
Exemptions	\$2,311,395.00	
Land acquired at Tax Sale	<u>2,341,775.00</u>	<u>4,653,170.00</u>
Taxable Land		<u>\$19,363,110.00</u>
Total Value of bldgs., Structures etc.		99,564,235.00
Total value of Machinery, equipment, etc.		<u>9,263,260.00</u>
Total value of improvements.		\$ 108,827,495.00
Less:		
Exemptions	\$ 7,257,830.00	
Impts. acquired		
at Tax Sale	<u>306,890.00</u>	<u>7,564,720.00</u>
Taxable Improvements		<u>\$ 101,262,775.00</u>

Moved by Cr. W.P. Philips, seconded by Cr. Hughes "That the report be received and the Solicitor be instructed to take the matter of late submission of the Assessment Roll, up with the Provincial Department of Municipal Affairs."

Carried Unanimously.

Tenders were then brought forward for the following properties:

Blk. 85W $\frac{1}{2}$, D.L. 129, Map 1492 (Kitchener Street.
 Lot 22, Blk. 57, D.L. 188, Map 4953 (Empire Drive)
 N. 140' Lots 10, 11, 12, blk. 1/5, D.L. 159, Map 1219 (S.S. Keith St.)

Moved by Cr. Charlton, seconded by Cr. Hughes "That the tenders be received."

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Hughes "That tenders be opened."

Carried Unanimously.

Tenders were then opened, revealing the following:

Blk. 85W $\frac{1}{2}$, D.L. 159	Lot 22, Blk. 57, D.L. 188	Lots 10, 11, 12, blk. 1/5, D.L. 159
#3 \$1010.00	#7 - \$500.00	#1 - \$4500.00
#5 900.00	#11 510.00	#2 - 6065.00
#9 1010.00	#27 510.00	#4 5565.00
#10 850.00		#8 2700.00
#12 735.00		#13 6300.00
#14 500.00		#18 5500.00
#15 1500.00		#20 5565.00
#16 1500.00		#21 5000.00
#17 1600.00		#23 6000.00
#19 1735.00		#23 6065.00
#25 1325.00		#24 5605.00
#26 1500.00		#28 6065.00
#29 955.00		#30 5000.00
#31 1600.00		#32 2400.00

Moved by Cr. W.P. Philips, seconded by Cr. Morrison "That Tender No. 19 be accepted for Blk. 85W $\frac{1}{2}$, D.L. 129."

Carried Unanimously.

Moved by Cr. Charlton, seconded by Cr. Hughes "That all tenders be rejected for D.L. 188 property and new tenders be called for."

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Hughes "That all tenders be rejected for the D.L. 159 property."

Carried Unanimously.

Cr. Bean and Cr. F. Philips voting against.

Moved by Cr. Morrison, seconded by Cr. Hean "That "Burnaby Land Sale By-law No. 1, 1955" be now reconsidered."

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Hean "That "Burnaby Land Sale By-law No. 1, 1955" be now finally adopted, and that the Reeve and Clerk be authorized to sign the said by-law and affix the Corporate seal thereto."

Carried Unanimously.

Moved by Cr. Hughes, seconded by Cr. Drummond "That "Burnaby Park Dedication By-law 1950, Amendment By-law 1955" be now reconsidered."

Carried Unanimously.

Moved by Cr. Hughes, seconded by Cr. Hean "That "Burnaby Park Dedication By-law 1950, Amendment By-law 1955" be now finally adopted, and that the Reeve and Clerk be authorized to sign the said by-law and affix the Corporate seal thereto" .

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Hean "That "Burnaby Building By-law 1926 Amendment By-law 1955" be now reconsidered."

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Hean "That "Burnaby Building By-law 1926, Amendment By-law 1955" be now finally adopted, and that the Reeve and Clerk be authorized to sign the said by-law and affix the Corporate seal thereto."

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Hughes "That "Burnaby Property Exchange By-law No. 1, 1955" be now reconsidered."

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Charlton "That "Burnaby Property Exchange By-law No. 1, 1955" be now finally adopted, and that the Reeve and Clerk be authorized to sign the said by-law and affix the Corporate seal thereto."

Carried Unanimously.

Moved by Cr. Charlton, seconded by Cr. Morrison "That "Burnaby Local Improvement Notice of Intention By-law 1955" (sewers) be now introduced and that the Council do sit as a Committee of the Whole with the Reeve in the Chair to consider the said by-law."

Carried Unanimously.

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

Moved by Cr. Charlton, seconded by Cr. Hean "That the by-law be read by short title."

Carried Unanimously.

Moved by Cr. Charlton, seconded by Cr. Hughes "That the Committee do now rise and report the by-law complete without amendment."

Carried Unanimously.

The Council reconvened.

Moved by Cr. Charlton, seconded by Cr. Hean "That "Burnaby Local Improvement Notice of Intention By-law 1955" (Sewers) be now passed."

Carried Unanimously.

Cr. Hughes addressed the Council advising of the resignation of Mr. J. Wilson from the Park Advisory Committee.

Moved by Cr. Hughes, seconded by Cr. Morrison "That the resignation be accepted and that a letter of appreciation for services rendered on the Committee be forwarded to Mr. Wilson."

Carried Unanimously.

Moved by Cr. Hughes, seconded by Cr. Charlton "That Messrs. Borleski and Rees be re-appointed to the Park Advisory Committee for the term ending December 31st, 1955 and that Mr. Leslie Clay be appointed to fill the vacancy left by the resignation of Mr. Wilson."

Carried Unanimously.

Moved by Cr. Morrison, seconded by Cr. Hughes "That a letter of appreciation be forwarded to Mr. G.K. Burnett for his services rendered on the Town Planning Commission."

Carried Unanimously.

Moved by Cr. W.P. Philps, seconded by Cr. Hean "That a letter of commendation be forwarded to Messrs. Ernest Astells and John Howie on the part played by them in the apprehension of the hold-up men at the recent bank hold-up at McKay."

Carried Unanimously.

The meeting then adjourned.

Confirmed:

G. Charles Brown
Clerk.

Chas. MacDorling
Reeve.