

SEPTEMBER 6, 1960

A Public Hearing was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Tuesday, September 6, 1960 at 7:00 p.m.

PRESENT: Reeve Emmott in the Chair;
Councillors Drummond, Edwards,
Harper, Jamieson, MacSorley and
Prittie.

ABSENT - Councillors Hicks and
Mather.

The purpose of the Hearing was to consider an Amendment to "Burnaby Town Planning By-law 1948;" being By-law No. 1991, to delete Sub-clause (e) of Section 10-A of the By-law so as to clarify a technicality in the By-law with regard to the use of land in Small Holding zones for Golf Course purposes.

No one appeared in opposition to this proposed Amendment.

The Hearing then adjourned.

Confirmed:


REEVE


CLERK

SEPTEMBER 6, 1960

A Regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway on Tuesday, September 6, 1960 at 7:30 p.m.

PRESENT: Reeve Emmott In the Chair;
Councillors Hicks, Drummond,
Edwards, Harper, Jamieson,
MacSorley, and Prittie.

ABSENT - Councillor Mather.

Reverend H. A. Lindberg led in Opening Prayer.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR JAMIESON:

"That the Minutes of the meetings held August 22nd and August 24th respectively be adopted as written and confirmed."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR JAMIESON:

"That Councillor Mather be granted leave of absence from this meeting."

CARRIED UNANIMOUSLY

Mr. A. F. Peers submitted a further letter relative to his complaint concerning the handling of his subdivision application by the Approving Officer. In his letter, Mr. Peers advised that he was not satisfied with the treatment accorded him by Council on August 29th and, in this connection, listed the points to which he took objection. He requested that he be given the opportunity to present his case in rebuttal.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That a further meeting be held in Camera for the purpose of hearing the rebuttal of Mr. Peers in respect to his allegations concerning the conduct of the Approving Officer in connection with his handling of the application by Mr. Peers for subdivision of his property."

CARRIED
COUNCILLORS PRITTIE
& JAMIESON AGAINST

Councillor J. Edwards withdrew from the meeting.

An application for the rezoning of Block 38 except Sketch 6927, except Plan 9355 and except Reference Plan 15504, D. L. 159, Plan 930 to Commercial use, tabled at a meeting of Council held July 25th, was lifted from the table for further

consideration.

The Planning Director submitted a report on this application advising that the subject property is located on the South side of Marine Drive slightly West of the Gilley Avenue projection and that it has an area of approximately 1.37 acres. He further advised that this property had been the subject of application for rezoning four years ago at which time both his Department and the Town Planning Commission had expressed concern that commercial zoning of the property was not desirable because:

- (a) Intensive commercial development in this vicinity could prejudice the future projection of Gilley Avenue south of Marine Drive.
- (b) The siting of the existing building was such that it contributed to a loading and parking problem on Marine Drive, thus creating an undesirable traffic situation.
- (c) In the absence of sewers, a public health hazard or nuisance could be created.

The Planning Director further reported that since February of this year (when the application was revived):

- (1) A Sanitary Sewer has been installed on Marine Drive.
- (2) A more intensive exploration of an alternative alignment for a major street replacing Gilley Avenue has indicated the feasibility of establishing such a right-of-way and thus removed the previous concern regarding conflict between development of the site in question and the projection of Gilley Avenue.

The Planning Director added that it was felt by his Department that off-street parking and loading facilities should be provided and also that secondary access to the site and adjoining land to the east should also be established. In this connection, he submitted a sketch indicating the approximate alignment of the lane which would serve as secondary access.

The Planning Director recommended that if Council generally agrees with the concept of providing a new major street to substitute for Gilley Avenue, and if provision is made for the development of the lane mentioned above, the rezoning of the property in question for commercial use be advanced for further consideration.

The Planning Director explained, in slightly more detail, the purpose of creating an alternative major road to replace Gilley Avenue.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR PRITTIE:

"That the recommendation of the Planning Director be adopted and, in addition, the Planning Department be directed to submit a more detailed report on the road proposal explained briefly by him this evening."

CARRIED UNANIMOUSLY

The Solicitor for the applicant requested the opportunity to address Council on this application.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR MacSORLEY:

"That Mr. Robert Edwards be heard."

CARRIED UNANIMOUSLY

Mr. Edwards spoke and merely drew attention to what appeared to him to be an anomaly in the report of the Planning Director concerning the major road proposal and its confliction with commercial development of property in this vicinity.

Councillor J. Edwards returned to the meeting.

"Burnaby Kennel Regulation By-Law, 1960" was then lifted from the table for further consideration.

Municipal Manager submitted a number of proposed amendments to this By-law, as instructed by Council on August 29th.

The By-law, together with the report of the Municipal Manager, was deferred until later in the evening.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That the Council now resolve itself
into Committee of the Whole."

CARRIED UNANIMOUSLY

Reeve Emmott submitted a report in connection with that portion of the Boundary Road boulevard north of Hastings Street advising that he had received a reply from the City of Vancouver on this matter which indicated that the City does not improve and maintain boulevards prior to the installation of curbs. The Reeve further reported that it had been suggested by the City that consideration be given by both them and Burnaby to the installation of curbs on both sides of the centre boulevard on Boundary Road north of Hastings Street in accordance with the respective policies of the two municipalities concerned.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HICKS:

"That the report of the Reeve be
received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR MacSORLEY:

"That the Municipal Manager be directed
to submit a report on the Engineering
feasibility and economics of developing
Boundary Road from Hastings Street north."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR EDWARDS:

"That the Traffic Safety Committee be
directed to examine the traffic situation
on the portion of Boundary Road described
above and, specifically, that it consider
(a) the installation of a traffic signal
at Hastings Street
(b) the trimming or removal of shrubbery
which may be causing view obstructions
along the entire length of the subject
portion of Boundary Road
(c) the designation of that portion of
Boundary Road in question lying within the
Municipality of Burnaby as a one-way
street."

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 39, 1960.

- (1) The Manager submitted a report of the Fire Chief covering the activities of his Department for the month of August, 1960.
- (2) The Manager submitted a report of the Fire Chief covering his attendance at the 29th Annual Fire College of B. C. Fire Chiefs' Association held in Campbell River between August 23rd and August 26th.

MOVED BY COUNCILLOR MacSORLEY,
 SECONDED BY COUNCILLOR JAMIESON:

"That both of the above reports be received."

CARRIED UNANIMOUSLY

(3) Miscellaneous Easements (1959-60 Drainage By-law and South Slope Sewer Project)

The Manager recommended that Council authorize the acquisition of the following easements:

<u>NAME:</u>	<u>EASEMENT AREA:</u>	<u>CONSIDERATION</u>
(a) Harold Saulit & Elizabeth Saulit	South 10 feet of Lot "A" of Lots 7 and 8, Block 41, D.L. 157, Group 1, Plan 20243, N.W.D.	\$165.00 and restoration of easement area and a retaining wall.
(b) Umberto Micatovich & Dina Micatovich	South 10 feet of Lot 1, Block 12 of Block 1, D.L. 120, Group 1, Plan 9413, N.W.D.	\$ 1.00 and restoration of easement area.
(c) Brandon Eric Brady	East 7½ feet of Lot 5, Block 2, of Block 1, D.L. 120, Group 1, Plan 8954, N.W.D.	\$ 1.00 and restoration of easement area.
(d) William Robert Nunn & May Ada Nunn	Portion as shown outlined in red on plan deposited-being No. 22147) over Lot 8 of Blocks 1 and 2, D.L.157, Group 1, Plan 1261, N.W.D.	\$ 1.00 and (1) Sewer connection (2) replanting of small apple tree (1") (3) restoration of garden area.
(e) Cyril Lloyd Griffiths and Helen Agnes Griffiths	Easterly 10 feet of the South half of Lot "A" Block 41 of Lots 122 and 123, Group 1, Plan 10843, N.W.D.	\$ 1.00 restoration of easement area including side-walk and cement retaining wall. Culvert to be installed.

MOVED BY COUNCILLOR JAMIESON,
 SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(4) "Burnaby Sewer Connection By-law 1960"

The Manager submitted a draft of the above By-law for consideration by Council. In examining this By-law, the Council felt that Section 4 of it was rather ambiguous in that it was not made abundantly clear that the sewer connection charge of \$125.00 applied to storm sewer connections only.

MOVED BY COUNCILLOR DRUMMOND,
SECONDED BY COUNCILLOR EDWARDS:

"That the aforementioned Section 4 be referred to the Municipal Manager for clarification of the point mentioned above and that the By-law be brought forward at the next meeting of Council."

CARRIED UNANIMOUSLY

(5) Boundary Road from its present northerly termination to Scenic Drive (Edinburgh Street).

The Municipal Manager submitted a report advising that construction of the above-mentioned section of Boundary Road is considered to have a very low priority at this time because little traffic or access purpose would be served by opening this section of Boundary Road and because there are other portions of Boundary Road which could be improved and would serve far more important needs. He added that the Municipality is presently in the course of a series of meetings with the City of Vancouver on the subject of the most suitable way of connecting the "Vancouver" Scenic Drive to ours.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HARPER:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

(6) (7) Local Improvement Sidewalk Construction Programme - Winter Works Schedule - 1960.

The Manager submitted the following Local Improvement Sidewalk Construction programme recommending that Council authorize the initiation of it. He added that this programme was prepared in order that full advantage could be taken of the opportunities available under the Winter Works Incentive Programme of the Federal Government.

RE: COST REPORT -LOCAL IMPROVEMENT SIDEWALK SCHEDULE - 1960

1. The lifetime of the work is Twenty Years.
2. The special assessments shall be made payable in Fifteen Annual Instalments.

A. 4' P.C.C. SIDEWALK				Estimated Length	Estimated Total Cost	Est. Corp. Statutory Portion of Cost	
No.	Side	Street	From	To	Cost		
1.	N.E.	Linden	Imperial	Elwell	1180'	\$4,248.00	Nil
2.	N.E.	Liebley	Imperial	Morley	506'	1,821.60	72.00
3.	N.W.	Morley	Walker	Malvern	547'	1,969.20	144.00
4.	N.E.	6th St.	Edmonds	Mayfield	1830'	6,588.00	72.00
5.	N.W.	Mayfield	Grandview	6th St.	1100'	3,960.00	72.00
6.	East	Patterson	Kingsway	Moscrop	3050'	10,980.00	426.40

7.	East	Boundary	Schou	Price	4310'	15,516.00	144.00
8.	Both	Kitchener	Carleton	Madison	1451'	5,223.60	72.00
9.	North	Parker	Gilmore	Alpha	3006'	10,821.60	Nil
10.	East	McDonald	L.N. Cam- bridge	Triumph	934'	3,362.40	288.00
11.	East	McDonald	Pandora	L.N. Hast- ings	406'	1,461.60	144.00
12.	North	Georgia	Carleton	Madison	594'	2,138.40	Nil
13.	North	Frances	Esmond	McDonald	1016'	3,657.60	57.60
14.	West	Ingleton	Pender	Union	791'	2,847.60	288.00
15.	North	Adair	Sperling	Cliff	1200'	4,320.00	72.00
16.	West	Inlet Dr.	SPL Lot 4	Pandora	464'	1,670.40	Nil
17.	West	Royal Oak	Hardwick	Sprott	630'	2,268.00	Nil
18.	South	Pender	Esmond	McDonald	1016'	3,637.60	Nil
19.	East	Esmond	L.S. Hast- ings	Frances	406'	1,461.60	144.00
20.	Both	13th St.	10th Ave.	11th Ave.	582'	2,095.20	Nil

B. 5' CURB SIDEWALKS INCLUDING LOCAL DRAINAGE

21.	South	13th Ave.	Newcombe	1st St.	709'	3,622.99	367.92
22.	North	13th Ave.	Wright	Cumber- land	820'	4,190.20	316.82
23.	Both	Frances	Willingdon	Beta	2086'	10,659.46	1,246.84
24.	Both	11th Ave.	Cumberland	1216' West	2491'	12,729.01	419.02
25.	West	Beta	L.S. Hast- ings	Pender	466'	2,391.48	521.22
26.	N.W.	10th Ave.	Newcombe	Cumberland	1506'	7,695.66	429.24

C. 5' CURB SIDEWALKS INCLUDING LOCAL DRAINAGE & 4' ASPHALTIC WIDENING

27.	Both	13th Ave.	Newcombe	Wright	1328'	8,007.84	735.66
28.	Both	Barnet	Inlet Dr.	Ridge Dr.	4292'	25,880.76	988.92
29.	Both	14th Ave.	2nd St.	4th St.	2068'	12,470.04	771.84
30.	South	Ridge Dr.	EPL Lot 107	EPL Lot 104	225'	1,356.75	Nil
31.	East	Merritt	Imperial	Beresford	1200'	7,236.00	313.56
32.	West	Alpha	Hastings	Union	1280'	7,718.40	1,471.32
33.	Both	17th Ave.	4th St.	6th St.	1770'	10,673.10	988.92

D. 5' CURB SIDEWALKS INCLUDING LOCAL DRAINAGE & 8' TO 11" ASPHALTIC WIDENING.

34.	Both	Barnet	Hastings	Ridge Dr.	2500'	17,800.00	1,708.80
35.	Both	Balmoral	Sperling	Colbourne	2865'	20,541.20	1,196.16
36.	N.E.	Linden	Edmonds	Elwell	1110'	7,903.20	512.64
37.	Both	Cumber- land	10th Ave.	13th Ave.	1900'	13,528.00	2,620.16
38.	South	Rumble	Royal Oak	McGregor	412'	2,933.44	455.68
39.	West	Royal Oak	Rumble	Clinton	684'	4,870.08	455.68
40.	West	Bainbridge	100' N. Lougheed	Broadway	824'	5,866.88	227.84
41.	N.E.	6th St.	10th Ave.	Edmonds	3431'	24,428.72	4,556.80
42.	N.W.	10th Ave.	Cumberland	Coquitlam	976'	6,949.12	455.68

MOVED BY COUNCILLOR PRITTE,
SECONDED BY COUNCILLOR EDWARDS:

"That the cost reports of the Municipal
Engineer be received and the recommendation
of the Municipal Manager adopted."

CARRIED UNANIMOUSLY

(8) Sandor Land Co. Ltd. and Portion of Irvine Street.

The Manager submitted a report recounting the history of the above Company's attempt to close a portion of Irvine Street for addition to its holdings and of the concurrent attempt by the Municipality to acquire a strip of land from this Company for the widening of Kingsway. He advised that the situation, as it stands at the moment, is that Council could possibly utilize Section 507 of the Municipal Act to exchange the remnant of the former Irvine Street for the widening strip on Kingsway but that in so doing, the Corporation would be laying itself open to a claim by the owners of the adjacent Medical-Dental property for injurious affection since all rear access to their building would be denied. The Manager further advised that he had suggested to the owner of the Sandor Land Co. Ltd., Mr. J. Jambor, that he indemnify the Municipality against damages for injurious affection but that Mr. Jambor, quite understandably, would not agree to such an arrangement and, instead, he feels that the Corporation should proceed with an Exchange By-Law and take any risk thereby involved. The Manager reported that he had informed Mr. Jambor that he was not prepared to make such a recommendation to Council but that he would present the matter to them for a decision.

Information was received, verbally, by Council that Mr. Jambor had retained counsel who wished the opportunity of examining the situation before presenting his case for deliberation by Council.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR PRITTIE:

"That Item (8) of the Municipal Manager's Report be tabled until the next meeting of Council."

CARRIED UNANIMOUSLY

(9) Sheep Protection Act Claim - W. Miles.

The Manager reported that the above noted had submitted a claim under the Sheep Protection Act for the sum of \$89.60 for the loss of fourteen turkeys killed by marauding dogs. The Manager advised that the owner of these turkeys had taken reasonable precautions to protect them and he therefore recommended that the claim be settled by payment of the sum of \$44.80; being one-half of the amount claimed.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR PRITTIE:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(10) Agreement - Mainland Estates Limited.

The Manager recommended that Council authorize the execution of an agreement between the Corporation and the above Company whereby the Company will pay 4% for inspection services by the Engineering Department in connection with the cost of servicing its subdivision in D. L.'s 80 and 33.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR PRITTIE:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(11) Provincial Election - September 12, 1960.

The Manager advised that owing to a requirement of the Provincial Elections Act, it is necessary that an employer allow his employees four consecutive hours free from his employment so that he may have the opportunity of casting his vote at the election. The Manager recommended that the Municipal Hall close and all work cease at 4:00 p.m., Monday, September 12, 1960.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR JAMIESON:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

Publicity Committee submitted a report advising that in future Burnaby Municipality will be identified on the tourist information booklet map released by the Department of Recreation and Conservation. The Committee also advised that a week long celebration is being organized to mark Burnaby Day (September 22nd), with representation from numerous Burnaby organizations being planned.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR EDWARDS:

"That the report of the Publicity Committee be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR EDWARDS:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That leave be given to introduce
"BURNABY TAX SALE MONEYS EXPENDITURE
BY-LAW No. 2, 1960"
and that it be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the By-law be read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the Council resolve into Committee
of the Whole to consider the By-Law."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the Committee rise and report the
By-Law complete."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That the report of the Committee be
adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That "BURNABY TAX SALE MONEYS EXPENDITURE
BY-LAW NO. 2, 1960" be now read a Third
Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HICKS:

"That the Council resolve into Committee
of the Whole to consider "BURNABY KENNEL
REGULATION BY-LAW, 1960"

CARRIED UNANIMOUSLY

The report of the Municipal Manager setting out a number of
proposed amendments to this By-law was brought forward and,
during consideration, each listed amendment was incorporated
into the By-law.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HICKS:

"That the Committee rise and report
the By-law complete, as amended."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HARPER:

"That the report of the Committee
be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR MacSORLEY:

"That "BURNABY KENNEL REGULATION BY-LAW,
1960" be now read a Third Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY LOCAL IMPROVEMENT
CONSTRUCTION BY-LAW NO. 7, 1960"
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION
BY-LAW NO. 8, 1960"

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY LOCAL IMPROVEMENT
CONSTRUCTION BY-LAW NO. 7, 1960"
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION
BY-LAW NO. 8, 1960"

be now finally adopted, signed by the
Reeve and Clerk and the Corporate Seal
be affixed thereto."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR JAMIESON:

"That "BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 5, 1960"

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 5, 1960"

be now finally adopted, signed by the
Reeve and Clerk and the Corporate Seal
be affixed thereto."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR PRITTIE:

"That leave be given to introduce
"BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 6, 1960"
and that it be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HARPER:

"That the By-law be read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR HARPER:

"That the Council resolve into Committee
of the Whole to consider the By-law."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR EDWARDS;

"That the Committee rise and report the
By-law complete."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR EDWARDS:

"That the report of the Committee be
adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JAMIESON,
SECONDED BY COUNCILLOR EDWARDS:

"That "BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 6, 1960" be now
read a Third Time."

CARRIED UNANIMOUSLY

Municipal Manager reported verbally that he had been informed by the Municipal Solicitor that Council could, if it wished, permit Downs and Williams to carry on their business at 3859 Sperling Avenue until August 31st but that such action would not grant immunity from prosecution since anyone could lay a charge. He pointed out that even so, it would be extremely unlikely that any such charge would be laid because of the extension by Council. The Manager further advised that the Solicitor had indicated that he would be prepared to grant the extension to August 31, 1960 only if Downs and Williams agreed to discontinue the illegal use of the property by that date and to make no further requests for extension. The Reeve declared a recess at 9:30 p.m.

The Council reconvened, In Camera, at 9:40 p.m.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR JAMIESON:

"That Mrs. Peers be allowed to be present
at the 'In Camera' meeting."

CARRIED UNANIMOUSLY

Captain A. F. Peers was then given the opportunity of presenting his case in rebuttal in connection with the handling of his subdivision application by the Approving Officer.

Captain Peers then spoke to some length on each of the points raised in his letter to Council dated August 12th. The substance of his presentation was that:

- (1) The Approving Officer had been slipshod in not notifying the applicant within 30 days of the date of application as to his decision on the application, as prescribed by the Subdivision Control By-law.
- (2) That the Approving Officer has no authority under the said By-law, or any other legislative instrument, to grant tentative approval to a subdivision; he either must accept the application in its submitted form or reject it.

- (3) The Approving Officer had exceeded his authority by demanding a 10 foot strip for use as a walkway and also a segment from the south-west corner of the property under application for road purposes; the latter on the grounds that it was required for aesthetic purposes.
- (4) When it became known to the Approving Officer that the applicant was not prepared to accede to the demands of the Approving Officer, this Official then used coercion and threatened him with Court action in order that the plan prepared by the Planning Department for the subdivision of the property in question would be implemented.

The Approving Officer/Planning Director, Mr. W. J. Blakely, was present and replied to each of the charges and/or complaints lodged by Mr. Peers.

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR JAMIESON:

"That Council reaffirm its previous decision of August 24th on the matter at hand."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HARPER:

"That the meeting adjourn until September 13th at 7:30 p.m."

CARRIED UNANIMOUSLY

The meeting then adjourned.

Confirmed:


REEVE


CLERK