

AUGUST 28, 1961

An Adjourned Meeting of the Municipal Council was held in the Committee Room, Municipal Hall, 4545 East Grandview-Douglas Highway, on Monday, August 28, 1961 at 7:30 p.m.

PRESENT: His Worship Reeve Emmott in the Chair;
Councillors Clark, Drummond, Edwards,
Harper, Hicks, MacSorley and Prittie.

ABSENT: Councillor Jamieson.

His Worship the Reeve submitted that when the complaints against the operation of the Sunnyslope Kennels on Marine Drive were before the Municipal Council through inadvertence a petition signed by W. Scratchley et al was not formally presented to the Council and that this petition was being presented at this meeting.

A delegation was present headed by Mr. Scratchley of the Southern Slope Motel.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That the petitioners be heard."

CARRIED UNANIMOUSLY

Mr. Scratchley acted as spokesman for the delegation and advised that he was compelled to speak concerning the reports that had been received by the Municipality regarding the dog barking nuisance and the condition of the Kennels. Mr. Scratchley advised that he could refute the times that the R.C.M.P. Constable gave when reporting from his Auto Court on the incidence of dog barking. Mr. Scratchley also submitted that the S.P.C.A. should not be permitted to inspect the Kennels and referred to the fact that the Municipality of Surrey was discontinuing services of the S.P.C.A.

Mr. Scratchley then submitted that two members of the delegation would like to report to Council on certain incidents concerning the Kennels which took place recently.

Mr. Currie of 4462 Marine Drive submitted that on a Sunday morning approximately a week and a half ago the barking could be heard starting at approximately 10:00 a.m. and continued for about an hour from the Kennels. Mr. Currie submitted that his property was situated some distance away on what was termed a fringe zone and that he sympathized with those people who lived closer to the Kennels. Mr. Currie expressed the opinion that he did not know how the Municipality could allow such a thing to continue under the By-law.

Mr. Currie further suggested that the problem was worse approximately one year ago when the dogs were permitted to run closer to Marine Drive. The barking nuisance had continued over a period of one and a half years spasmodically. It was suggested that persons walking along Marine Drive past the Kennels caused an uproar from the dogs. The barking could be heard almost any time night or day and Sunday particularly the situation was worse because of the movement of strange dogs in and out of the Kennel. There had been no improvement over the last three months.

Mr. Anthony, 4591 Sunland Place, corroborated the story of Mr. Currie and also emphasized the fact that Sunday barking was worse than other times of the week. Mr. Anthony submitted that he had been awakened quite often at two or three a.m. by the barking.

Mr. Glavin, 4600 Block Marine Drive, located one block away from the Kennels submitted that he was fed up with being awakened in the early morning. Mr. Glavin submitted that he rises at approximately 7:00 a.m. each day and that the noise is present at that time. Upon being questioned, Mr. Glavin submitted that he would be prepared to lay a charge against the operator and to give evidence.

Mr. Dunlop of the 4500 Block South-East Marine substantiated the claims of the other speaker and also suggested early morning barking. Mr. Dunlop submitted he would be prepared to lay a charge and to give evidence before the Magistrate.

Mr. Smallenberg, 4538 South East Marine Drive, had come home from holidays last Saturday morning and found the barking nuisance still existed. It was submitted that the loudness of the noise did not cause as much concern as the fact that the Kennel operators were allowed to operate without muffling the noise. Mr. Smallenberg submitted he was prepared to lay a charge against the operator and to testify in Court. By comparison this spokesman submitted that his own dog had been the victim of a complaint by a neighbour and that advice had been received that he would be liable for a fine for allowing his dog to run at large.

The suggestion was made that the petitioners could form a phoning Committee and phone the Councillors when noise occurs so that first-hand experience of the nuisance could be made known.

The delegation was advised that the passage of By-laws or the adoption of other statutory laws was undertaken by different Governmental bodies for the use of the public and that it was necessary for aggrieved persons to be prepared to go before a Magistrate and supply evidence pertinent to a complaint. This was not the function of legislative bodies.

Mr. Currie submitted that the Kennels were in a disgraceful condition and should not be allowed to operate.

An explanation was given by His Worship the Reeve of the position of the Council in conducting investigations into the operation of the Kennel and that the conditions were a matter of degree and that the Council was in the position that it must rely on the advice of technical staff in matters of this kind and that the reports on the condition of the kennel were such that the operation was acceptable from a sanitation viewpoint.

A letter from Constable D. J. Kennedy, R.C.M.P. on his residence in the Southern Slope Motel for a period from July 19th to July 25th was read giving particulars of the spasmodic noise from barking dogs during that time.

Two letters were also read from Major Sutherland and Mrs. E. R. Archer, addressed to Mr. Scratchley, operator of the Southern Slope Motel, expressing opinions on the effects of the barking dogs on their stay at the Motel.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR EDWARDS:

"That the Council reaffirm its previous stand taken on this matter that the aggrieved persons be advised that the By-Law is available for their use and that the services of the Municipal Legal Department were available to assist in the preparation of an Information and Complaint."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY TOWN PLANNING BY-LAW 1948 AMENDMENT BY-LAW NO. 7, 1961" be now reconsidered."

CARRIED UNANIMOUSLY


MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR EDWARDS:

"That "BURNABY TOWN PLANNING BY-LAW 1948, AMENDMENT BY-LAW NO. 7, 1961" be now finally adopted, signed by the Reeve and Clerk and the Corporate Seal be affixed thereto."

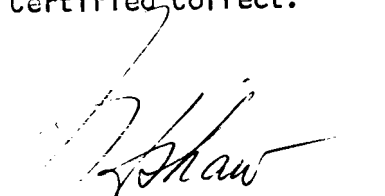
CARRIED UNANIMOUSLY

The Meeting then adjourned.

Certified Correct.



REEVE



CLERK