

NOVEMBER 21, 1962

An Adjourned meeting of the Municipal Council was held in the Municipal Hall on Wednesday, November 21, 1962 at 12:00 Noon.

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

PRESENT: Councillor Blair

The Municipal Solicitor submitted a report covering his interpretation of Section 327(1) (1) of the Municipal Act covering the exemption of Rest Home properties from taxation. The point at issue was that raised by the Solicitor for the Normanna Rest Home who advised that a building existed on the Rest Home property which had been erected with the assistance of the Provincial Government under Provincial legislation and it was therefore entitled to exemption pursuant to Section 327(1) (1).

The Municipal Solicitor submitted that it was trite law that a person claiming the benefit of the provisions of a taxing statute exempting him from taxation must bring himself clearly within the four-corners of the exempting section. Certain requirements must be met before exemption can be given under Section 327:

- (a) The building must have been constructed or reconstructed with the assistance of aid granted and given by the Province after January 1st, 1947
- (b) The building must be owned and used exclusively by a non-profit Corporation for the purpose of providing homes for elderly citizens.

The Municipal Solicitor submitted that it was his understanding the building in this case was separate from the other dormitory buildings and was occupied by the Manager of the Rest Home. In his view the building was not being used for the purpose of providing homes for elderly citizens and was not exempt. The Solicitor suggested that his opinion may be wrong and that a Court may side differently. However, the onus is on the Corporate owner of the building and if dissatisfied with the decision of the Assessor, an appeal may be made in the usual manner.

The Municipal Assessor submitted advice on this question advising a grant had been received on November 7th, 1956 by the Norwegian Old People's Home Association under the Elderly Citizens Housing Aid Act toward the purchase of a house located at 7966 - 13th Avenue. However, no instance existed in Burnaby where a grant was given to any of the Rest Homes for the express purpose of providing accommodation for persons other than elderly citizens. The Department of Municipal Affairs ruled that if such building had originally received a grant under the Act and now houses persons other than home patrons the exemption status would be forfeited.

The Assessor drew attention to the fact that Section 327 is worded in such fashion that the building must be used

exclusively for the purpose of providing homes for elderly citizens.

The Assessor cited the case of Ruthenian Catholic Mission vs Mundaesd (1924) S.C.R., P.620 as a case in analogy to the situation here which supported the stand of the Assessor.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR HICKS:

"That the reports of the Solicitor and Assessor be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR KALYK:

"That the Council of the Corporation of the District of Burnaby, pursuant to clause (i) of subsection (1) of Section 327 of the Municipal Act, does hereby exempt from taxation for the year 1963, those lands and premises more particularly hereinafter described:

(1) Those lands occupied by the NORMANNA REST HOME described as follows:

COMMENCING at a point on the North Easterly boundary of Lot 39, Block 6 of District Lot 28, Group 1, Plan 24032, New Westminster District, a distance of 60 feet from the South Easterly corner; thence South Westerly and parallel to 12th Avenue a distance of 197 feet; thence North Westerly and parallel to the Westerly boundary of said Lot 39 a distance of 126 feet; thence North Easterly and parallel to 13th Avenue a distance of 197 feet; thence South Easterly following and parallel to the Easterly boundary a distance of 126 feet to the point of commencement; and

COMMENCING at the North Westerly corner of said Lot 39; thence North Easterly and parallel to 13th Avenue a distance of 50 feet; thence South Easterly and parallel to the Easterly boundary a distance of 121.5 feet; thence South Westerly and parallel to 13th Avenue a distance of 50 feet; thence North Westerly following the Westerly boundary a distance of 121.5 feet to the point of commencement, together with the buildings thereon.

(2) Those lands occupied by the UNITED CHURCH HOMES described as follows:

COMMENCING at the South West corner of Lot "B" of the South East Quarter of District Lot 149, Group 1, Plan 3160, Save and Except part on Sketch 7190 and Save and Except part on Sketch 11860, New Westminster District; thence North and following the West boundary a distance of 258 feet; thence East and parallel to the South boundary a distance of 591.27 feet; thence North and parallel to the East boundary a distance of 85 feet; thence East and parallel to the North boundary a distance of 233.62 feet; thence South a distance of 343 feet following and parallel to Sussex Avenue; thence West, following and parallel to Rumble Street a distance of 825.99 feet to point of commencement as outlined in Green on the plan annexed hereto, and the buildings thereon.

(3) Those lands occupied by THE SWEDISH CANADIAN REST HOME described as follows:

COMMENCING at a point in the North boundary of Lot 1, of Lot 1, in Block 10, of District Lot 136, Plan 6173, Group 1,

New Westminster District, 256 feet from the Northwest corner of said Lot 1; thence South and parallel to the West boundary, 226 feet; thence East and parallel to the North boundary, 226 feet; thence North and parallel to the West boundary to the North boundary of said Lot 1; thence West following the North boundary to the point of commencement, and the buildings thereon.

(4) Those lands occupied by the NEW VISTA SOCIETY described as follows:

Lot "A", Block 11, District Lot 30, Group 1, Plan 12958, New Westminster District.

Lot "A", Part, Sketch 11602, District Lot 30, Group 1, Plan 4680, New Westminster District.

Lot "A", Block 12, District Lot 30, Group 1, Plan 12357, New Westminster District.

Lot "B", Block 12, District Lot 30, Group 1, Plan 12958, New Westminster District.

Lot "B", Block 13, District Lot 30, Group 1, Plan 12357, New Westminster District.

Lot "A", Block 13, District Lot 30, Group 1, Plan 11563, New Westminster District.

Sketch 10972, Block 14, District Lot 30, Group 1, Plan 3526, New Westminster District.

Lots 15 to 28 inclusive, Sub-division 4, Block 1, District Lot 25 West, Group 1, Plan 1169, New Westminster District.

Lots 6 to 9 inclusive, Block 4, District Lot 27, Group 1, Plan 697, New Westminster District.

Lots 1 to 14, Subdivision 3 of Block 1, District Lot 25 West, Group 1, Plan 1169, New Westminster District.

Lot "A", Subdivision 18 to 21, Block 15, District Lot 28C, Group 1, Plan 17036, New Westminster District,

and the buildings thereon.

(5) Those lands occupied by the WEST CANADA DANISH OLD PEOPLE'S HOME described as follows:

COMMENCING at a point in the South-east corner of part 5 acres more or less of Block 11 of Lot 79, Group 1, Plan 2298 as shown outlined in orange colour on Sketch deposited number 2455, save and except 0.905 of an acre more or less as shown on sketch deposited number 7107, in the District of New Westminster, thence North Westerly following the Southerly boundary and parallel to Grandview-Douglas Highway, a distance of 319.3 feet, thence North Easterly a distance of 155.0 feet to a point 200 feet perpendicularly distant from the East boundary of said Block 11 part, thence East and parallel to the North boundary a distance of 200 feet, thence South and parallel to Norland Avenue a distance of 290 feet to the point of commencement, and the buildings thereon; and

COMMENCING at the North East corner of part 5 acres more or less of Block 11 of Lot 79, Group 1, Plan 2298 as shown outlined in orange colour on Sketch deposited number 2455, save and except 0.905 of an acre more or less as shown on sketch deposited number 7107 in the District of New Westminster, thence

South following the East boundary a distance of 85.0 feet, thence West and parallel to the North boundary a distance of 140.0 feet, thence North and parallel to the East boundary to an intersection with the North boundary, thence East following the North boundary a distance of 140.0 feet to the point of commencement, and the buildings thereon."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY REFERENDUM AUTHORIZATION BY-LAW 1962" be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY REFERENDUM AUTHORIZATION BY-LAW 1962" be now finally adopted, signed by the Reeve and Clerk and the Corporate Seal be affixed thereto."

CARRIED
COUNCILLORS CLARK &
KALYK - AGAINST

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR EDWARDS:

"That John H. Shaw be and is hereby appointed Returning Officer to take the vote of the owner-electors on "BURNABY REFERENDUM AUTHORIZATION BY-LAW 1962" with power to appoint his own Deputy Returning Officers."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR EDWARDS:

"That the following Polling Places be opened on Thursday, December 6th, 1962 between the hours of eight o'clock a.m. and eight o'clock p.m. for the purpose of taking the vote of the owner-electors on "BURNABY REFERENDUM AUTHORIZATION BY-LAW 1962"

1. Gilmore Avenue School, Gilmore Avenue and Triumph Street
2. Burnaby Heights High School, 250 Willingdon Avenue
3. Capitol Hill School, 5751 East Hastings Street
4. Westridge School, 510 Duncan Avenue
5. Kitchener Street School, 1351 Gilmore Avenue
6. Alpha Junior High School, 4600 Parker Street
7. Brentwood Park School, 1455 Delta Avenue
8. Lochdale School, 6990 Aubrey Street
9. Sperling Avenue School, 2200 Sperling Avenue
10. Lyndhurst School, 9847 Lyndhurst Street
11. Schou Street School, 4041 West Grandview-Douglas Highway

12. Cascade Heights School, 4343 Smith Avenue
13. Douglas Road School, 5656 West Grandview-Douglas Highway
14. Burnaby Municipal Hall, 4545 East Grandview-Douglas Highway
15. Seaforth School, 7801 Government Road
16. Inman Avenue School, 3963 Brandon Street
17. Marlborough Avenue School, 6060 Marlborough Avenue
18. Windsor School, 6166 Imperial Street
19. Morley Street School, 7355 Morley Street
20. Burnaby Lawn Bowling Clubhouse, Central Park, Kingsway
21. Jubilee Labour Hall, Jubilee Avenue
22. Suncrest School, 3003 Rumble Street
23. Nelson Avenue School, 4849 Nelson Avenue
24. Clinton Street School, 5859 Clinton Street
25. Civil Defence Building (Rear Library Building) Kingsway at Edmonds
26. Stride Avenue School, 7014 Stride Avenue
27. Edmonds School, 7651 - 18th Avenue
28. Second Street School, Corner 2nd Street and 16th Avenue
29. Armstrong Avenue School, 8757 Armstrong Avenue
30. Riverway West School, Marine Drive
31. Glenwood School, Gilley Avenue and Marine Drive
32. Riverside School, 7055 Meadow Avenue"

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 25, 1962" be now
reconsidered."

CARRIED UNANIMOUSLY

The Director of Planning reported that the developer of the proposed apartment in D. L. 97 on the Kelly property had agreed to servicing costs amounting to approximately \$14,000.00 covering the installation of roads, lanes and water and the dedication of .40 acres of land for road purposes. Ten letters were received from residents within the area expressing opposition to the proposed rezoning.

The Director of Planning was asked to comment on consternation that had arisen as a result of statements he had made involving the Webb & Knapp Corporation and the Industrial Development Commission, Lower Mainland Regional Planning Board and B. C. Hydro and Power Authority.

The Planning Director commented first on the concern of the Webb & Knapp Corporation over the understanding that the Planner had stated or inferred that Webb & Knapp supported the rezoning.

The Planner advised he had discussed the matter of land values and the economic feasibility of purchasing land in the Municipality for industrial purposes with representatives of the Webb & Knapp Corporation and the information gained at that time had been related to the area in question. However, the Planner advised he had not asked the Webb & Knapp Corporation to approve or disapprove of the proposed rezoning. It was submitted that this would be an improper fulfilment of his responsibilities as a Planner and he would not expect this Company to express an opinion on this point.

Mention was made of the Webb & Knapp Corporation's involvement

In discussions over a period of time on:

- (1) the movement of land in the Lower Mainland area;
- (2) the price level;
- (3) the future demands of the Webb & Knapp Corporation.

As an analogy, the amount of land which could be obtained in the Lake City area for a price had been compared with the subject area,

It was submitted that the prime basis for advancing the rezoning proposal in the subject area in D. L. 97 centered around the economics of the land involved.

The Planner commented further on his prior remarks concerning the Lower Mainland Regional Planning Board and it was submitted that the Land for Industry report of the Board did not include the D. L. 97 area in the total of industrial land available in the area covered by the report. It is considered by the Board that the subject area is used residentially and is not considered to be industrial land.

The Planner then commented on contacts made with officials of the B. C. Hydro and Power Authority advising that after Council first considered the rezoning proposal he had been contacted by Mr. Bowes and he and Mr. Dean Martin of the Freight Division had spent three hours meeting on this specific proposal. Indications were that the B. C. Hydro had been approached by people in the area and the entire proposal had been gone over in detail including the matter of land acquisition and relevant costs. The Officials of B. C. Hydro advised there was concern with changes in the general area but there was no concern at all over the proposed zoning change in this particular area. The Officials confirmed that they did not object to the rezoning as proposed.

Officials of Western Power and Development were also contacted and discussions held and there was no resistance to the suggested rezoning.

The Planner also commented on contacts made with the Industrial Development Commission. It was submitted Burnaby is a member of the Commission and as such should make use of the services of the Commission. Contact was made with Officials of the Commission and basic information and reasons were given. Mr. Harkness of the Commission visited the Planner and discussed the proposal in detail.

Mr. Harkness had visited the Municipal Hall again yesterday and had expressed some concern over statements recently made. The entire matter was again reviewed and while Mr. Harkness submitted that the Commission's chief understanding was that the three acre site in the centre of the area was involved in the rezoning proposal for apartment purposes, little consideration had been given to the overall rezoning proposal. However, satisfaction had been expressed with the matter. Insofar as the Industrial Development Commission was concerned and the statements that had recently come to the Commission's attention.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR HARPER:

"That the correspondence be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR HICKS:

"That reconsideration of "BURNABY TOWN
PLANNING BY-LAW 1948, AMENDMENT BY-LAW
NO. 25, 1962" be tabled to the next
meeting of the Council on November 26th."

CARRIED UNANIMOUSLY

The brochure entitled "City Status for Burnaby - What Does It
Mean" was presented for approval prior to formal printing.

Minor alterations to the brochure were suggested.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That the brochure be adopted with minor
amendments and be circulated to all house-
holders in the Municipality."

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 64, 1962

(1) Re: Block 7, D. L. 92

The Manager reported this property, owned by Mr. Philip
Mariacher, was located on Oakland Street near Brantford Avenue
and that a request from Mr. Mariacher that the Corporation
purchase this property at a suggested price of \$14,000.00 had
been previously considered by the Policy Committee. A prior
recommendation of the Policy Committee had been adopted by the
Council to the effect that Mr. Mariacher be advised there is no
normal justification for purchase of the property by this
Corporation but that consideration might be given if a more
realistic purchase price could be negotiated. A further letter
had been received from Mr. Mariacher dated November 16th advising
he was prepared to accept \$10,000.00 for the property. This
offer was submitted for consideration of the Council.

The Manager advised that the door had been open for negotiation
with Mr. Mariacher, however, the Land Department advises that
considering the value of this land to the Corporation a price of
between Seven and Eight Thousand Dollars was more realistic.
In reviewing the Manager submitted that the need for this property
by this Corporation was very small. This Corporation owns land
on either side of the Mariacher property and ownership of this
parcel may assist in future subdivision. However, this was not
considered important.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR KALYK:

"That this Corporation reaffirm its
prior position and that the offer of
Mr. Mariacher of November 16th to convey
Block 7, D. L. 92 to this Corporation for
\$10,000.00 be not entertained."

CARRIED UNANIMOUSLY

The Manager reported that the final meeting of the National Research Council would be held next week in Ottawa and requested authority of the Council to attend.

It was proposed in conjunction with this trip that a personal contact be made with Dominion Stores Limited in Toronto with regard to the acquisition of certain lands required to improve traffic facilities at Willingdon Avenue and the Lougheed Highway, opposite the land owned by Dominion Stores at the south-east corner. The Manager advised that final arrangements had been made regarding land at the north-east corner where a problem had existed and that now the traffic situation might be resolved. Dominion Stores had been a little reluctant regarding the dedication of needed land and it was felt a personal approach might be beneficial. Expenses of the trip to Ottawa would be borne by the Federal Government.

The Manager was authorized to attend.

The meeting then adjourned to 7:30 p.m., Monday, November 26th, 1962.

Confirmed:

Certified Correct:


REEVE


CLERK