

NOVEMBER 26, 1962

An Adjourned meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Monday, November 26, 1962 at 7:30 p.m.

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

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

"That all of the below listed correspondence be received."

CARRIED UNANIMOUSLY

Vice-President, Seventh Day Adventist Reform Movement, wrote applying for permission to solicit funds during the month of December 1962 and parts of the months of March and April 1963, and also to collect clothing on a few days during the period between October 1962 and April 1963.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR KALYK:

"That permission be granted to the Seventh Day Adventist Reform Movement to conduct the campaigns mentioned during the periods indicated."

CARRIED UNANIMOUSLY

Mr. A. Brown-John submitted a letter urging that walking facilities be constructed on Sperling Avenue in the vicinity of Sprott Street as a means of providing protection for pedestrians, particularly children, using the Clifton G. Brown Memorial Swimming Pool.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR HICKS:

"That this matter be referred to the Municipal Manager for investigation and report."

CARRIED UNANIMOUSLY

An application of Mrs. G. H. Appell of Sunnyslope Kennels to extend her dog kennel facilities at 4686 Marine Drive, was then lifted from the table.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That this matter be referred for consideration in conjunction with Item 7 of the Municipal Manager's Report this evening."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR BLAIR,
SECONDED BY COUNCILLOR CLARK:

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

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 65, 1962.

(1) Agreement - Construction of Vocational Schools (Burnaby Central High School).

The Manager submitted a further report in connection with a proposal to provide more carpentry and automotive shop space at Burnaby Central High School under an arrangement whereby the Federal and Provincial Governments would assume \$32,000.00 of the cost of this project and the Burnaby School Board \$8,000.00.

The Manager advised that after Council had authorized an advance of \$8,000.00 to \$9,000.00 for the purpose mentioned, the School Board entered into further negotiations with a representative of the Department of Labour and also the Director of Technical and Vocational Training for the Department of Education in Victoria. He reported that approval of the project was granted on the understanding that it be expanded, the result of this being that the estimated cost has been revised upward so that the two Senior Governments will be absorbing \$47,000.00 of the cost and the School Board will be assuming \$11,700.00. The Manager recommended that Council approve an increase in the advance from \$8,000.00 to \$11,700.00, it being understood that the School Board would incorporate a non-shareable capital sum in this amount in its 1963 estimates.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR CLARK:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(2) Sanitary Sewers - Bainbridge Avenue and Buffalo Street.

The Manager reported that an application is in hand for a 25 lot subdivision of property at the north-east corner of Bainbridge Avenue and Buffalo Street, which is approximately 700 feet from an existing sanitary sewer that was constructed to serve the

Plant of Delnor Frozen Foods. He pointed out that the estimated cost of extending the sewer to the subdivision is \$6,000.00.

The Manager advised that an agreement made with Royal City Foods Limited in connection with the provision of sewer service to its Plant was that this Company would be refunded the portion of the original cost of constructing this sewer (\$2,840.00). He pointed out that if sewer service is extended to the subdivision in question, the cost outlay would be \$6,000.00 for construction plus the refund of \$2,840.00, or a total of \$8,840.00. He added that this extension would advance the sewer along Bainbridge Avenue toward other unsewered developments.

The Manager recommended that Council authorize the extension of the sanitary sewer service on Bainbridge Avenue approximately 700 feet northward in order to provide the service to the edge of the property under subdivision at the north-east corner of Bainbridge Avenue and Buffalo Street, at an estimated cost of \$8,840.00 which includes the refund of \$2,840.00 to Royal City Foods Limited, with the expenditure to be chargeable to the Sewer Utility.

MOVED BY COUNCILLOR BLAIR,
SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

(3) Claim - Sheep Protection Act.

The Manager reported that a claim has been received from Mr. L. Scholte, 7775 Nursery Street, in the amount of \$105.00 for the loss of three sheep killed by dogs on November 13, 1962.

He advised that investigation of the claim established that six sheep were kept in an enclosure of approximately one and one-quarter acres surrounded by a sheep wire fence about four feet high in fair condition. He reported that although the fence might be considered adequate to prevent the sheep from roaming, it does not provide sufficient security to prevent a large dog from gaining entry.

He also advised that it is felt a realistic value of the sheep killed is \$20.00, thus making the total claim \$60.00.

The Manager recommended that since the sheep did not have adequate protection, the claim be settled in full for the sum of \$30.00.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR KALYK:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

- (4) 0.20 Acre Portion of Lot 2, D. L. 12, Plan 3046 (Trans-Canada Highway - Vancouver Fraser River Section 3).

The Manager reported that the Department of Highways requires the above mentioned portion of Lot 2 for the purpose of accommodating erosion control along the south shoulder of the Trans-Canada Highway between the Brunette River crossing and the Great Northern Railway overpass.

He recommended that this portion be conveyed to the Department of Highways for the sum of \$600.00, which is acceptable to the Department, and that the Council also authorize the execution of any necessary documents.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

- (5) Easement - North 9 feet of Lot 95,
3 / 175 N.E. $\frac{1}{4}$ and S.E. $\frac{1}{4}$
Blocks 3 and 4/175 N.W. $\frac{1}{4}$, Plan 11579 (Stanley)

This item was withdrawn at the request of the Municipal Manager when he advised that negotiations for the acquisition of this easement had been re-opened.

- (6) Local Improvement Court of Revision.

The Manager recommended that Council set Tuesday, March 12, 1963, at 10:00 a.m., as the time for a Court of Revision to deal with the Local Improvement Foot Frontage Assessment Rolls and also the Sewer Utility Foot Frontage Assessment Rolls.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR KALYK:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

- (7) Sunnyslope Kennels (Appell).

The Manager submitted a report in response to a direction by Council for a review by the Departments of this Corporation concerned with an application of the above noted for permission to extend her dog kennel facilities into the Industrially zoned portion of her property at 4686 Marine Drive, as follows:

A statement by Mrs. Appell to Council that she had suggested two or three years ago that she move her kennel operation to the rear of the property and was refused permission to do so but, shortly thereafter, was ordered to do that very thing was checked with the Health and Building Departments and neither could confirm this statement. The suggestion by Mrs. Appell that the operation be moved to the rear of the property originated in the Health Department, so far as it can be ascertained.

At this time, there is no actual application for a Building Permit but an Architect has submitted sketch plans for approval in principle, and it is the examination of this plan which has led to Mrs. Appell appearing before Council.

The proposal advanced by the Architect is to add a second storey to the existing structure (a one storey truck and carport) and to divide the existing first floor into rooms. The room use designation which has been gleaned from the sketch plan indicates that there is proposed to be a storage room, a bathing room, an admitting room, a grooming room, an arc office, an office, a waiting and display room, and a boiler room, some of which uses are presently being carried out in the basement of the house occupied by Mrs. Appell. The new second floor of the proposed structure is shown on the sketch as "dog obedience area" and its size is to be 36 feet by 60 feet.

The property owned by Mrs. Appell has a frontage of 214 feet and a depth of 594 feet and the northerly 200 feet is zoned Residential Single Family, with the remainder being zoned Heavy Industrial.

There are two By-laws involved in the proposal of Mrs. Appell, they being the Town Planning By-law and the Kennel Regulation By-law. Relating the proposal to the provisions of these two By-laws discloses that there is an area of conflict since the Kennel Regulation By-law restricts certain of the proposed uses to Commercial zones and requires that the premises be located 80 feet from all of the property lines while the Town Planning By-law does not prohibit commercial uses in Heavy Industrial zones.

It could be argued that the Kennel Regulation By-law, having been passed subsequent to the Town Planning By-law and being for a specific purpose, would take precedence; however, the provisions of the Kennel Regulation By-law respecting the matter of location in commercial zones closely resemble the land use restrictions that are normally found in a Town Planning By-law where an amendment requires the holding of a Public Hearing.

The conclusion has been reached that the operation of Mrs. Appell is not non-conforming insofar as the Town Planning By-law is concerned but it is with respect to the Kennel Regulation By-law, although this By-law places no restriction on such non-conformity. The proposal further offends the Kennel Regulation By-law in the matters of grooming and distances from property lines. There is also a weakness in the Kennel Regulation By-law in that no recognition is given the fact that in the normal operation of a kennel there is a certain amount of grooming to be expected. The Health Department feels the By-law should be amended to rectify this situation but not necessarily to permit a grooming operation such as is proposed by Mrs. Appell.

In summation, the proposal of Mrs. Appell:

- (a) Is not repugnant to the Town Planning By-law
- (b) Offends the Kennel Regulation By-law because it proposes an operation not permitted on her property because of zoning and the siting of the building does not conform to the aforementioned "80 foot" requirement.

Also, the Kennel Regulation By-law is an effective instrument

until proved otherwise by a competent authority.

There would seem to be no difficulty in resolving the problem if:

- (1) The proposed building is re-sited to provide an 80 foot clearance from all property lines.
- (2) The grooming operation is not carried out.

Regarding this last mentioned matter, it is felt that such an operation in conjunction with a kennel would practically make it impossible to police the restriction on the number of dogs that might be permitted in a kennel. It could also be anticipated that there would be local opposition to the extension of the activities of the Kennels.

Nonetheless, if the development proposal complies with the two conditions just mentioned, there would be no lawful reason to reject an application for a Building Permit if one should be made, on the basis of the regulations set out in both the Town Planning By-law and the Kennel Regulation By-law.

The Executive Assistant to the Municipal Manager reported verbally that Mrs. Appell is prepared to re-design the building in order to conform to the "80 foot" requirement, and she has also agreed to not carry on grooming as a part of her operation. He added that nonetheless the Kennel Regulation By-law should be amended to remedy the problem mentioned in the written report of the Municipal Manager.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR MacSORLEY:

"That the report of the Manager be received and appropriate amendments to Burnaby Town Planning By-law 1948 and Burnaby Kennel Regulation By-law 1960 be prepared to eliminate the conflict in the regulations pertaining to the establishment of dog kennels and, in the case of the Kennel Regulation By-law, to permit dog grooming to be carried on in Dog Kennels."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR CLARK:

"That a study be made by the Municipal Manager on the question of the advisability of allowing Dog Grooming Parlours in Commercial zones."

CARRIED UNANIMOUSLY

(8) Street Lights.

The Manager submitted a report of the Municipal Engineer setting out a number of locations where it is felt street lights should be installed recommending that Council authorize these installations:

- (a) Intersection of Inman Avenue and Moscrop Street
- (b) Intersection of Inman Avenue and Lister
- (c) One 400 Watt M.V. light be Installed on B. C. Hydro Pole on the Burnaby side of Boundary Road and on the second Pole north of Kingsway

MOVED BY COUNCILLOR BLAIR,
SECONDED BY COUNCILLOR CLARK:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

The Municipal Engineer was also directed to advise as to the action taken in respect of a suggestion that a street light be Installed on Dawson Street behind the Parkcrest area, and also the erection of a barricade at the dead-end of Dawson Street.

(9) Estimates.

The Manager submitted a report of the Municipal Engineer covering Special Estimates of Work in the total amount of \$600.00 recommending that they be approved.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

(10) Expenditures.

The Manager submitted a report of the Municipal Treasurer covering expenditures for the period ended November 14, 1962 in the total amount of \$3,151,219.44 recommending that they be approved.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

(11) Storm Drainage - Imperial Street between Hersham Avenue and Acacia Avenue.

The Manager reported that a storm drain was installed on Imperial Street between Grandview-Douglas Highway and Hersham Avenue but this drain was not extended further west to Acacia Street because of the excessive size of the ditch on Imperial Street between the Highway and Hersham Avenue.

He advised that a complaint has been received regarding the failure of the Corporation to extend the storm drain on Imperial Street from Hersham Avenue to Acacia Avenue. He pointed out that investigation of this complaint revealed that the drainage tile from the rear of the complainant's house has only a two inch fall to the ditch in front - an arrangement that is inadequate and causes a flooding condition. He added that other property owners in this block between Hersham Avenue and Acacia Avenue appear to be having no trouble although there is a possibility that one may have a drainage problem.

The Manager advised that the estimated cost of installing a storm drain on Imperial Street between Hersham Avenue and Acacia Avenue is \$3,100.00. He pointed out that the cost of installing a storm drain on Imperial Street between Grandview-Douglas Highway and Hersham Avenue was \$3,000.00 less than that anticipated.

The Manager recommended that the storm drain be extended on Imperial Street from Hersham Avenue to Acacia Avenue.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR CLARK:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

(12) Estimates.

The Manager submitted a report of the Municipal Engineer covering Special Estimates of Work in the total amount of \$850.00 recommending that they be approved.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR HARPER:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR CLARK:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HICKS:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That leave be given to introduce
"BURNABY RATIFICATION BY-LAW 1962" and
that it be now read a First Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That "BURNABY RATIFICATION BY-LAW 1962"
be now read a Third Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR HICKS:

"That "BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 20, 1962" be now
reconsidered."

CARRIED UNANIMOUSLY

This By-Law provides for the following rezoning:

FROM RESIDENTIAL TWO FAMILY TO RESIDENTIAL MULTIPLE FAMILY
TYPE I.

Lots 17, 18, 19, Block 37, D. L.'s 151/3,
Plan 2069

(Located on the northerly side of Maywood
Street between Willingdon Avenue and
Cassie Avenue)

Mr. Henry Harder submitted a letter advising that when he completes the purchase of Lots 18 and 19, Block 37, D. L.'s 151/3, Plan 2069, and should it be rezoned to Residential Multiple Family Type I, he would undertake to demolish the existing structure of these lots and consolidate the lots into one parcel.

Mr. J. B. Haddy also submitted a letter advising that he is in possession of an offer to purchase the aforescribed Lots 18 and 19 by Mr. Henry Harder and that he has received instructions to proceed with the consolidation of the two lots as soon as assurance has been received that the property in question is zoned Multiple Family Type I.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR HICKS:

"That these two letters be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR EDWARDS:

"That "BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 20, 1962" be now
finally adopted, signed by the Reeve and
Clerk and the Corporate Seal be affixed
thereto."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That "BURNABY TAXATION EXEMPTION BY-LAW
NO. 1, 1962"
"BURNABY TAXATION EXEMPTION BY-LAW NO. 2, 1962"
"BURNABY TAXATION EXEMPTION BY-LAW NO. 3, 1962"
"BURNABY TAXATION EXEMPTION BY-LAW NO. 4, 1962"
"BURNABY TAXATION EXEMPTION BY-LAW NO. 5, 1962"
"BURNABY TAXATION EXEMPTION BY-LAW NO. 6, 1962"
"BURNABY ROAD ACQUISITION & DEDICATION BY-LAW
NO. 13, 1962"
"BURNABY WATERCOURSE BY-LAW 1962"

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

"That "BURNABY TAXATION EXEMPTION BY-LAW
NO. 1, 1962"

"BURNABY TAXATION EXEMPTION BY-LAW NO. 2, 1962"

"BURNABY TAXATION EXEMPTION BY-LAW NO. 3, 1962"

"BURNABY TAXATION EXEMPTION BY-LAW NO. 4, 1962"

"BURNABY TAXATION EXEMPTION BY-LAW NO. 5, 1962"

"BURNABY TAXATION EXEMPTION BY-LAW NO. 6, 1962"

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HICKS:

"That "BURNABY ROAD ACQUISITION & DEDICATION
BY-LAW NO. 13, 1962"

"BURNABY WATERCOURSE BY-LAW 1962"

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

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

be now reconsidered."

CARRIED UNANIMOUSLY

This By-Law provides for the following rezoning:

FROM LIGHT INDUSTRIAL TO RESIDENTIAL TWO FAMILY.

All that area bounded on the West by Merritt Avenue;
on the North by the lane South of Kingsway between Merritt
Avenue and Buller Avenue, the South property lines of Lot "B"
with except South 85 feet, Block 9 Part, D. L. 97, Plan 824, and
Block 9, Sketch 11436, D. L. 97 Plan 824, and then continuing
along the lane South of Kingsway between Waltham Avenue and
Randolph Avenue; on the East by Randolph Avenue; on the South
by Beresford Street between Randolph Avenue and Curragh Avenue,
the North Property Line of Lot 8, Block 13A, D. L. 97, Plan 2802,
and continuing along Beresford Street to Merritt Avenue; save
and except Lot "A", Block 18, D. L. 97, Plan 7406 and Block 13
North 210 feet, D. L. 97, Plan 824.

FROM LIGHT INDUSTRIAL TO RESIDENTIAL MULTIPLE FAMILY TYPE II.

- (a) Lot "A", Block 18, D. L. 97, Plan 7406
- (b) Block 13 North 210 feet, D. L. 97, Plan 824.

(Located on the East side of Buller Avenue commencing
at a point approximately 100 feet north of Beresford Street and
extending North a distance of approximately 500 feet. The above
described properties include that parcel lying between the lane

West of Curragh Avenue and a portion of the Eastern boundary of the aforescribed Lot "A". The total area of both parcels is approximately 3.25 acres).

Councillor Kalyk read a prepared speech, stating that as a Councillor she resented very strongly an intimation given in a recent radio broadcast that Council was being intimidated in rezoning the subject land. She expressed the view that this broadcast reflected on the integrity of Council and the implication cast was completely erroneous since no Councillor would accept improper rewards while conducting the business of this Corporation.

Councillor Kalyk urged that the subject By-law be tabled for such time as is necessary to permit all facets of the rezoning at hand to be considered in detail.

Reeve Emmott then directed that all communications which have been presented to Council in connection with the rezoning in question be read.

The Municipal Clerk then read all of these communications, as follows, and also related a chronology in respect of the subject rezoning:

1. All those letters and petitions which were received by Council prior to this meeting, the recording of which was made in the minutes of the meetings (including the Public Hearing) when they were received. (See "Recapitulation" below for fuller particulars).
2. Copy of a broadcast made by Roy Jacques of Radio Station C-Fun on November 22, 1962. In his broadcast, Mr. Jacques expressed dubiousness at the manner in which the proposed rezoning was being handled by the Council. He stated that Council was endeavouring to "railroad" the rezoning in that it was studiously avoiding the delegations of property owners in the area affected by the rezoning. Mr. Jacques also remarked that, in view of this method of dealing with the rezoning, it would appear that a member of the Council or a Municipal employee was receiving remuneration. He also stated that the arbitrary action proposed by Council would force 17 small businesses in the subject area out of it, an act that not only affects the property taxes but "smacks" of piracy and shady political dealing.

Mr. Jacques concluded his comments by suggesting that the way to dispel the cloud of suspicion is for Council to hear delegations and, if necessary, place the matter before the residents for a mandate.

3. Letters from the following expressing approval of the rezoning proposal:
 - (a) A. Allen, Business Representative, Local 207, Lathers' International Union.
 - (b) F. E. & R. F. Nelson, 7111 Buller Avenue.
 - (c) A. O'Keeffe, Business Manager & Financial Secretary, International Brotherhood of Electrical Workers, Local Union 213.
 - (d) Gann and Joyce Ltd., Vancouver, B.C.
4. Letters from the following expressing opposition to the rezoning proposal:
 - (1) W. Felch, 7241 Randolph Avenue
 - (2) Annette Morgan, 6530 Sperling Avenue.
 - (3) Royal Oak Barbers, 5216 Kingsway.
 - (4) Royal Oak Shoe Repair, 5212 Kingsway.

- (5) Decker's Auto Wreckers Ltd., 5380 Grimmer Avenue, Burnaby
- (6) K. R. Hansen, 5284 Elsom Avenue, Burnaby 1.
- (7) Mrs. W. Toorenburgh, 5825 McKee Street, Burnaby.
- (8) Keith Toule, 7171 Buller Avenue, Burnaby.
- (9) Mrs. B. Toule, 7171 Buller Avenue, Burnaby
- (10) National Shell Service, 5974 Kingsway, Burnaby.
- (11) Bert's Auto Repairs, 7289 Curragh Avenue, Burnaby
- (12) Royal Oak Press Ltd., 5214 Kingsway, Burnaby.
- (13) De Luxe Foodland, 5210 Kingsway, Burnaby.
- (14) Kelly Car Co. Ltd., 5175 Kingsway, Burnaby.
- (15) Buller Auto Sales, 5489 Kingsway, Burnaby.
- (16) Martin Hooymans, 4945 Union Street, Burnaby.
- (17) Luxor Auto Wreckers Ltd., 5583 Kingsway, Burnaby.
- (18) E. G. Morgan, 6530 Sperling Avenue, Burnaby.
- (19) A. Logan, 5489 Kingsway, Burnaby.
- (20) Mrs. Blanche Donnelly, 6616 Elgin Avenue, Burnaby.
- (21) Monroe Lumber Co. Ltd., 5615 Imperial Street, Burnaby.
- (22) J. Rhindress, 4958 Watling Street, Burnaby.
- (23) R. A. Salter, 6855 Royal Oak Avenue, Burnaby.
- (24) J. Oliphant, Eby Hardware, 5204 Kingsway, Burnaby.
- (25) Mrs. J. Donnelly, 6612 Elgin Avenue, Burnaby.
- (26) Bob's Trailers Limited, 5141 Kingsway, Burnaby.
- (27) E. J. Tarling, 6291 Silver Avenue, Burnaby.
- (28) M. L. Ashworth, 5757 Willingdon Avenue, Burnaby.
- (29) Dorothy Munnik, 6072 McKay Avenue, Burnaby.
- (30) The Oak Way, 5206 Kingsway, Burnaby.
- (31) Hans Barber Shop, 6929 Royal Oak Avenue, Burnaby.
- (32) Majestic Service
- (33) T. H. Melling, 7239 Gilley Avenue, Burnaby.
- (34) Ron Cameron Auto Sales, 6701 Kingsway, Burnaby.
- (35) Bennett & White Construction Co. Ltd., 7488 Gilley Avenue, Burnaby.
- (36) Stubby Products Ltd.,
- (37) Jack K. Melville, Home Oil Distributors Ltd., 555 Burrard St. Vancouver

- (38) Mac's Woodworking, 7010 Curragh Avenue, Burnaby.
- (39) R. Dallamore, 6989 Royal Oak Avenue, Burnaby.
- (40) Lucy Dallamore, 6989 Royal Oak Avenue, Burnaby.
- (41) N. E. Dallamore, 6989 Royal Oak Avenue, Burnaby.
- *(42) Hollywood Esso Service, 6138 Kingsway, Burnaby.
- (43) B. & F. Automotive Industries Ltd., 7249 Curragh Street, Burnaby.
(A. Paul; R. Couper; W. Potter; T. McKenna; D. Coony; N. Berg;
R. Hardy; A. Barratt; N. Warkman)
- (44) Mr. & Mrs. R. Janelle, 6870 Merritt Avenue, Burnaby.
- (45) J. & Clara E. Kinney, 7138 Curragh Avenue, Burnaby.
- (46) Mr. & Mrs. H. Lilje, 7112 Curragh Avenue, Burnaby.
- (47) M.I. & V.E.E. Spillelt, 7292 Curragh Avenue, Burnaby.
- (48) Margaret M. Weston, 6849 Russell Avenue, Burnaby.
- (49) Wm. Adams, 6992 Arbroath Street, Burnaby.
- (50) G. Douglas, 7090 Curragh Avenue, Burnaby.
- (51) Donn & Sharen Dean, 6919 Merritt Avenue, Burnaby.
- (52) Irene Castle, 7269 Curragh Avenue, Burnaby.
- (53) Art Knapp, 5912 Kingsway, Burnaby.
- (54) Burnaby Automobile Glass Ltd., 5690 Imperial Street, Burnaby.
- (55) M. & B. Grocery, 6949 Royal Oak Avenue, Burnaby.
- (56) Bert's Auto Repairs, 7289 Curragh Avenue, Burnaby.
- (57) Hollywood Market, 6168 Kingsway, Burnaby.
- (58) Mr. & Mrs. J. Fabbro, 7037 Randolph Street, Burnaby.
- (59) A. & V. Tuckow, 5777 Beresford Street, Burnaby.
- (60) Eggler's Truck and Diesel Service Center Ltd., 7011 Merritt
Avenue, Burnaby.
- (61) W. C. Carlson, 5861 Beresford Street, Burnaby.
- (62) Jackson Sheet Metal & Roofing Co, Ltd., 7087 McPherson Avenue,
Burnaby.
- (63) Messrs. D.L. Young & A. W. Shelby, 3556 Lakedale Avenue, Burnaby.
- (64) Greenall Holdings Limited, 6146 Beresford Street, Burnaby.
- (65) Jean E. & Floyd G. Speers, 7275 Randolph Avenue, Burnaby.
- (66) Mary Carlson, 5588 Clinton Street, Burnaby.
- (67) Jessie and Joseph Devlin, 5943 Beresford Street, Burnaby.
- (68) Mrs. John Kincaid, 5180 Glencarin Drive, Burnaby.

- (69) Gordon Gregson, 7257 Randolph Avenue, Burnaby.
 - (70) Evelyn and Irvin Rustin, 5968 Arbroath Street, Burnaby.
 - (71) J. Donald and Clare Kinney, 7138 Curragh Avenue, Burnaby.
 - (72) J. Henneveld, 7242 Curragh Avenue, Burnaby.
 - (73) John Hurst, 7115 Curragh Avenue, Burnaby.
 - (74) W. M. Scott, 7209 Curragh Avenue, Burnaby.
 - (75) Miller's Body Shop, 5792 Deresford Street, Burnaby.
 - (76) A petition signed by G. McPherson, 7010 Curragh Avenue, and six others, some of whom previously expressed opposition to the proposed rezoning by letter or in person.
 - (77) A petition signed by W. F. Turnbull, 7112 Russell Avenue, and 57 others, some of whom previously expressed opposition to the proposed rezoning by letter or in person.
5. A letter from Webb and Knapp (Canada) Limited advising that it was never consulted in regard to the rezoning and therefore had no occasion to express any view in the matter.
6. The following recapitulation of the actions taken by Council to date in respect of the subject rezoning:

- AUGUST 30, 1962 Application to rezone three acre site for apartment purposes received.
- OCTOBER 1st Report of Planning Department recommending against spot rezoning the three acre site, but suggesting a further recommendation could be considered if a residential zoning of a larger immediate area was viewed favourably.
- OCTOBER 9TH Solicitor for the applicant submitted a brief and plans suggesting an expanded area for residential zoning, surrounding the original three acre site.
- OCTOBER 22ND Planning Department reported its views on the proposal to expand the zoning area, as presented by the applicant's Solicitors, and the Council approved the application to zone the three acre site for Multiple Family purposes, and the area surrounding (containing approximately 20 acres) for Two-Family purposes.
- NOVEMBER 6TH Public Hearing was held as required by law. All owners within the area, and on perimeter, served with individual notice of time and place of Hearing, plus reports of Planner received by Council.
- NOVEMBER 13TH By-law effecting rezoning of both areas received initial readings of Council and tabled for further study of representations made at the Public Hearing and to give further opportunity for representations to come from the area.
- NOVEMBER 19TH Rezoning By-law lifted from the table. Consideration given to a report of the Planner giving a recap of presentations made at the Public Hearing along with other comment. Twenty-seven letters were read from property owners affected. Rezoning By-law passed to Third Reading.

NOVEMBER 21ST

Rezoning By-law presented for Reconsideration and Final Adoption. Planner advised Council the applicants had formally advised of the acceptance of roads, lanes and water servicing and dedication of lands for road purposes in connection with apartment development. Ten further letters were read from affected property owners. The Planner clarified certain statements made by him previously which had caused some consternation amongst different Boards and Industrial concerns in the Lower Mainland area. Reconsideration of the By-law tabled to Council meeting of November 26th.

NOVEMBER 22ND

Jacques Comment.

SUMMARY:

1. Between October 1st, 1962 when the application came before the Council through the Planner's first report, and November 22nd, date of the Jacques Comment, Council gave consideration to the rezoning at seven different Council meetings (including the Public Hearing).
2. Council gave individual notice, complete with Planner's reports to all owners within the rezoning area (123 properties) in addition to adjacent owners, on the perimeter. This was done in addition to legal requirements of publicizing the Public Hearing in two issues of a newspaper circulating in the Municipality.
3. Approximately 120 people attended the Public Hearing. A complete recap of the proposal was presented by the Municipal Officials and representations were made in person (or by solicitor) by 22 people, at the Public Hearing.
4. Forty letters or petitions were read either at Council meetings or at the Public Hearing from interested property owners. Other petitions and representations came from outside the rezoning area. (See report of Planner dated October 19th).
5. It is estimated at least ten hours was spent by Council on this matter up to November 22nd.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That all of the correspondence which was read for the first time this evening be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR CLARK:

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

IN FAVOUR
Crs. Kalyk, Clark and
MacSorley

AGAINST
Crs. Edwards, Hicks, Blair
and Harper

MOTION LOST

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HICKS:

"That 'BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 25, 1962' be now
finally adopted, signed by the Reeve and
Clerk and the Corporate Seal affixed thereto."

CARRIED
AGAINST - COUNCILLORS KALYK &
CLARK

It was drawn to the attention of Council that there were persons present at the meeting who wished to address Council on the rezoning covered by the By-law just passed.

Reeve Emmott expressed an apology on behalf of the Council for overlooking this matter and he directed that the Motion to finally adopt the By-law in question be rescinded.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR:

"That those persons desiring to address
Council with respect to the rezoning at
hand be heard."

CARRIED UNANIMOUSLY

Mr. J. Savage first appeared and presented a plan on which he had tabulated the opinions of the residents in the area affected by the proposed rezoning which indicated that 50 were opposed and 45 were in favour. He also pointed out that very few of the lots in the area were of sufficient size to permit their development for Two Family purposes.

Mr. Savage concluded by requesting that Council reject the By-Law because the majority of those people in the area covered by the proposed rezoning were opposed to it.

Mr. L. Goulet, Barrister and Solicitor, next appeared on behalf of some of the owners of property lying on the periphery of the area under consideration and expressed the following views in respect of the subject rezoning:

- (1) Regarding a comment of the Planning Director that the area would degenerate into a slum if rezoning did not take place, the area as it is gradually developing is not ideally suited for residential use, and rezoning would not improve the quality of residential development.
- (2) On the perimeter of the area, there are industries which emit fly ash, sulphuric gas, and other matter which might be offensive to residents and, therefore, if the area was rezoned complaints from that area would increase.
- (3) If industry in the general area (not that specifically covered by this By-law) continues to expand, it would not be proper to have a residential pocket surrounded and infiltrated by commercial or industrial uses.
- (4) A problem regarding the adequacy of school facilities would likely develop.

- (5) There is a need to retain Light Industrial property in Burnaby and therefore the proposed rezoning would be a retrograde step toward the encouragement of industrial development.
- (6) Examining Section 702 of the Municipal Act, it is felt that the construction of an apartment in the area under application would be contrary to the Intent expressed under the first clause of that Section. Also, with regard to the second clause of this Section, industrialists have a right to be protected in the same fashion as everyone else. The proposal is repugnant to the third clause because of the proposed closing of certain roads and the By-law militates strongly against the fourth clause in the subject Section. In addition, the fifth point enumerated in Section 702 is the one that is being most flagrantly disregarded. Because of the situation in respect of these matters, it is doubtful whether Council is acting legally in attempting to rezone the property in question.
- (7) There would be no point in asking the Federal Government to assist under the provisions of the National Housing Act to finance the relocation of the industrial developments in the subject area, as suggested in the report of the Planning Department.
- (8) Those who own industrially developed properties in the area built on the understanding they were in the heart of an industrial zone and therefore the action proposed by Council would have an undermining effect.
- (9) The Municipality would suffer if the rezoning takes place since it would have the tendency of frightening potential industrial developers and it would create an atmosphere of non-confidence in zoning matters.

Mrs. Pickard next appeared and stated that she was appalled by the action proposed by Council. She urged that Council consider the humane aspects in connection with the matter under consideration and accordingly not proceed with the rezoning.

Mr. W. A. Street appeared and stated that he did not wish to rebut the arguments presented in opposition to the proposed rezoning.

Mr. Damen next appeared and criticized the attempt by Council to reduce the amount of industrially zoned land in the Municipality. He also expressed some comments with respect to the patriotic aspects of industrial development and its inter-relation with employment.

Mrs. Carlson next appeared and suggested that a proper compilation of the views expressed by the various owners in the subject area be made before a decision is rendered by Council on the rezoning. In this regard, she suggested that only the most recent comments of these owners be used in this compilation.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

"That the subject By-law be tabled for
a period of one week."

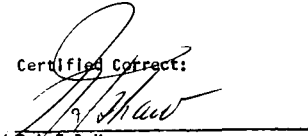
CARRIED UNANIMOUSLY

The Meeting then adjourned.

Confirmed:


R. E. E.

Certified Correct:


CLERK