

SEPTEMBER 18, 1963

A Regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Wednesday, September 18, 1963 at 7:30 p.m.

PRESENT: Reeve Emmott in the Chair;
Councillors Clark, Harper,
Kalyk, MacSorley, Cafferky,
Wells and Drummond

ABSENT: Councillor Blair

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR CAFFERKY:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR CAFFERKY:

"That Minutes for the meetings of August
13th, 19th and 26th be adopted as written
and confirmed."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR KALYK:

"That the delegations be heard."

CARRIED UNANIMOUSLY

Mr. R. N. Lea appeared and addressed the Council with regard to an easement traversing his property to give access to a private land owner to the south. The easement had been obtained privately some years ago on the condition that when a public road served the property the easement could be cancelled. Mr. Lea submitted that the Municipality owns property by way of an unopened road allowance of Eglinton Avenue up to the boundary of the property and that this road allowance should be opened by the Municipality, thus permitting the easement to be terminated. Mr. Lea advised he was willing to share in the cost to an amount of \$200.00 to help construct the road allowance.

Reference was made to Item 16 on the Manager's Report No. 15 to be dealt with at this meeting and it was decided that this item be considered at this time.

(16) Re Request of Richard and Mary Lea, 5366 Spruce Street.

The Manager reported that Mr. and Mrs. Lea own the north half of Lot "A", Block 8, D. L. 80, Plan 4954 and Mr. F. W. Simms owns the south half of the lot. A ten foot easement exists over the east ten feet of the north half of the lot over which a private road exists giving the owner of the south half access to Spruce Street. The easement is in favour of the owner of the south half and not the Corporation.

It would appear the easement was necessary to provide road access to the south half of the lot when the said Lot "A" was subdivided years ago. The easement agreement provides that the owner of the south half will release the easement after a road is constructed along the south boundary of the property. At present there is no road allowance but it is expected eventually Eglinton Street will be extended eastward from Royal Oak Avenue at which time 33 feet of the 66 foot allowance would be required from the south half of the property. There is a 33 foot road allowance along the Eglinton right-of-way eastward to the west boundary of the south half of Lot "A".

Mr. Lea's request is for the Corporation to construct Eglinton east from Royal Oak along the present 33 foot allowance so that the 10 foot easement can be cancelled.

In order to satisfy terms of the easement agreement the road must be constructed along the south boundary of the property and this would require acquisition of the south 33 feet of said Lot "A" which will no doubt be a subdivision requirement at some future date.

The crux of the matter to some extent, hinges on the words "along the present 33 foot allowance" and the question was raised as to whether the Council would agree to extend the road to (not along) the west boundary of Lot "A".

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR MacSORLEY:

"That this matter be tabled pending a review of the servicing policy of the Corporation by the Council in the near future."

CARRIED UNANIMOUSLY

Dr. R. Spitzer appeared in connection with the proposed installation or pavement, widening and curbs or curb sidewalks as a Local Improvement on Crest Drive and submitted that he had the responsibility of presenting a petition from some of the residents on Crest Drive in response to the Local Improvement notice submitted covering the installation of curbs and pavement widening.

Dr. Spitzer submitted that the Council had unanimously approved the installation of curbs rather than curb sidewalks. At the time a counter petition was presented by Dr. Mehl of the area, however, this petition was not representative of a majority of the residents. The current petition is submitted in opposition to the installation of curbs and with the request that favourable

consideration be given to the installation of curb sidewalks. Dr. Spitzer submitted that in his opinion petitions should be disregarded and the decision should be made on the basis of technical considerations. In democratic practices the policy should be that the Council consider the technical aspects of these matters and that decisions should be made accordingly after advice from qualified people. It was submitted this was not a Local Improvement since things as the installation of sewers where only the premises served by the sewer were involved was considered to be a Local Improvement. However, such developments as sidewalks and roads were not Locals since a broader use was made of such facilities by people other than the local residents. Crest Drive formed a loop and touched on Cariboo Park. Many children were coming and going through the Crest area through a pedestrian walkway to the Park. This emphasized the point that the surface facilities were made use of by more people than within the local area. Dr. Spitzer submitted that there have been changes in sociology and people nowadays do not live in an area for extended periods of time. Some people move and, in fact, there were two homes for sale in the area and some others may be moving. The July 11th petition asking for the installation of curbs appeared to be a unanimous petition but, in fact, was not.

Dr. Mehl spoke on behalf of those of the Crest area who were in favour of the installation of curbs rather than curb sidewalks and submitted that it was not his desire that there should be any bad feeling or misunderstanding in the area. However, it was submitted that originally there were 53% in favour of curb installations. Dr. Mehl submitted that he was not the instigator of the original petition, however, he did disagree with the point of view that these projects were not Local Improvements. Crest Drive is unique in that it is constructed as a loop and consequently there is virtually no through traffic. The neighbourhood is one of which the residents are justly proud and the improvements are of high class. Children have access to the Park from a back lane and do not necessarily have to travel the main road. With regard to people moving into the area it is as likely they would be as interested in the curb development as the sidewalk. Dr. Mehl then read a prepared statement giving some statistics on the safety aspects of the development of the proposed Local Improvement.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR KALYK:

"That no further action be taken on this matter at this time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR KALYK:

"That the petition presented by the residents on Crest Drive with regard to the proposed Local Improvement for curbs and pavement extension be received."

CARRIED UNANIMOUSLY

The North Fraser Harbour Commissioners submitted a certified copy of a resolution passed by the Commissioners on August 27th, 1963 to amend Sections 1, 42, 43, 122 and 123 of their By-laws advising that such copy was served in accordance with the requirements of the North Fraser Harbour Commissioners Act. The Secretary-Manager of the Commission requested acknowledgement of receipt of service as soon as convenient.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR DRUMMOND:

"That these amendments be referred to His Worship the Reeve for perusal and determination of any effect upon this Corporation in conjunction with the Legal Department."

CARRIED UNANIMOUSLY

Cliff Avenue United Soccer Club wrote requesting permission to hold a Tag Day in the North Burnaby shopping areas on September 28th.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR MacSORLEY:

"That permission be granted as requested."

CARRIED UNANIMOUSLY

International Order of Job's Daughters, Bethel No. 7, wrote requesting permission to hold a peanut and candy drive in the South Burnaby area on October 22nd, 23rd and 24th during the hours 6:00 to 9:00 p.m.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR DRUMMOND:

"That permission be not granted for the Job's Daughters campaign during the month of October in view of the forthcoming Community Chest campaign during that month."

CARRIED UNANIMOUSLY

North Burnaby Kinsmen Club submitted an application for permission to hold their Annual Apple Campaign in the North Burnaby area on September 27th, 28th.

It was reported that the Kinsmen Club would find it desirable to hold their campaign on September 20th and 21st rather than the dates originally requested.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR CLARK:

"That the Kinsmen Club of North Burnaby be granted permission to hold the Kinsmen Annual Apple Campaign in the North Burnaby area on September 20th and 21st."

CARRIED UNANIMOUSLY

B. C. Wrecking Company Limited wrote with reference to previous applications for a licence to use property at 7450 Meadow Street for a yard for used and new building supplies, drawing attention to the fact that the property had been improved at considerable expense, the taxes have been increased over \$100.00 a year for two consecutive years, payments on money owing against the property have to be met with no licence to operate the business and the first application was made nearly four years ago and since that time several other auto wrecking and storage plants have located in the area. Reference was also made to Jack Pearson Building Wreckers operating in a residential area.

The Company submitted that it was the proposal to build a machine shop at 7450 Meadow Street measuring 50 x 50 feet and a warehouse 50 x 100 feet in which all materials would be housed with the exception of some lumber and bricks to be kept neatly piled according to regulations.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR KALYK:

"That the applicants be advised that if their firm wishes to apply for a permit to erect a machine shop and warehouse that application be made in a normal manner and that the Council reaffirm its previous position with regard to the storage of used materials in locations outside any buildings erected on the property at 7450 Meadow Street."

CARRIED UNANIMOUSLY

COUNCIL RESOLVED INTO A COMMITTEE OF THE WHOLE AT 8:50 P.M.

TABLED MATTERS:

- (a) 3800 and 3900 Blocks Hastings Street
(Item No. 1 of Traffic Safety Committee Report) -Tabled from Council Meeting of August 26, 1963.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR CLARK:

"That this matter be tabled for consideration as an In Camera item."

CARRIED UNANIMOUSLY

The Municipal Clerk submitted a Certificate of Sufficiency in regard to Local Improvement paving projects for Sprott Street and Norland Avenue submitting that in both cases petitions were received which were representative of more than 50% of the property owners and more than 50% of the assessed value involved and that the Council would therefore be estopped from proceeding with these works.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR MacSORLEY:

"That the Certificate of Sufficiency regarding Local Improvement projects on Sprott Street and Norland Avenue be received."

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 50, 1963

(1) Re: Superannuation - Mrs. Mabel D. Golding.

The Manager advised that Mrs. Golding is employed as a Clerk-Typist II in the Building Department and commenced contributions to the Superannuation Pension plan on September 9, 1963. Due to an age factor, the following resolution is required:

"RESOLVED that Mabel Golding be included as an employee under the provisions of Section 3(2) of the Municipal Superannuation Act."

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(2) Re: Application for Welfare Institutions Licence - Mrs. Elsie Johnson, 3454 - 12th Avenue.

The Manager advised that an application for a Welfare Institutions Licence has been received from Mrs. Elsie Johnson, 3454 - 12th Avenue to give care, room and board to aged persons.

The Investigating Committee recommends that a licence be granted for the care of not more than five aged persons at any one time.

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendation of the Investigating Committee re Welfare Institutions Licences be adopted."

CARRIED UNANIMOUSLY

(3) Re: Proposed addition to Rest Home - 1201 Sherlock Avenue - Mr. and Mrs. J. Harasymow.

The Manager reported the above property is described Lot "A", Exp. Plan 13490, D. L. 135, Plan 4595. The dwelling is licenced to give personal care, room and board to four persons and the applicants were now submitting a request for approval of an addition to the dwelling to increase the licence from four to sixteen persons. The increase was not recommended for

two principal reasons:

- (i) the existing home is located on a parcel approximately 313' x 425'. The property is not considered satisfactory for sewage control by means of a septic tank and tile disposal field due to topography, limited top soil, and its poor absorption quality. There is an existing nuisance caused by malfunctioning sewage fields.
- (ii) the surrounding area is being infilled with homes of good quality and this proposal could tend to defeat this trend by discouraging development of vacant land for normal residential use. Utilization of the parcel for this commercial purpose will probably remove any incentive to proceed with subdivision when drainage improvements permit this. The site is not considered suitable as the location of a new, full-scale Rest Home since it is not close to any stores or community amenities.

The Manager recommended the application be denied.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

- (4) Re: Acquisition of Easement - Grassmere Sanitary Sewer Project No. 1

The Manager advised that an easement is required in connection with the above project over the portion of Lot "D", Block 1, D. L. 38, Plan 5136, shown outlined in red on plan prepared by G. C. Emerson, B.C.L.S. dated 10 July 1963, from Leslie James Sharpe and Wreah Doris Sharpe, of 4243 Halley Avenue, Burnaby 1, B. C. The easement location is at 4243 Halley Avenue. The consideration payable by the Corporation is \$1.00 plus restoration of the easement area.

The Manager recommended that authority be granted to acquire this easement and that the Reeve and Clerk be authorized to sign the easement agreements on behalf of the Corporation.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR KALYK:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

- (5) Re: Sanitary Sewer Extension to Burnaby Central High School.

The Manager advised that in his letter advising that Council had approved extension of the Sanitary Sewer to the Municipal Hall site, the Municipal Clerk asked that investigation be made into the possibility of connecting the Burnaby Central High School to this service.

The Municipal Engineer advises that to serve the Burnaby Central High School an additional 711 feet of eight inch pipe together with three manholes and two house connections would be required at an estimated cost of \$6,600.00.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR WELLS:

"That the extension of the sewer trunk to serve the Burnaby Central High School be approved at an estimated cost of \$6,600.00."

CARRIED UNANIMOUSLY

The possibility of improving the front lawn area of the Municipal Hall was discussed in relation to the current installation of a trunk sewer to serve the Municipal Hall and estimates of cost amounting to approximately \$6,000.00 were submitted for the development of an underground irrigation system for the lawn. It was felt that the lawn area should be landscaped and beautified, particularly in view of the invitation extended by the Corporation to the Union of B. C. Municipalities to hold its Convention here during 1964.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR HARPER:

"That the Manager, in co-operation with the Parks and Recreation Commission, bring forward to the Council a report and estimate of cost for the design and beautification of the Hall grounds and the installation of an irrigation system."

CARRIED UNANIMOUSLY

- (6) Re: Local Improvement - 5' Concrete Sidewalks and 4' Widening, Lot 134 ex. pl. 15900 of Lot 1, Block 1, D. L. 216, Plan 11241, Code #7122494.

The Manager reported that Local Improvement Construction By-Law No. 4193 calls for the above work to be constructed on both sides of Barnet Road from Inlet Drive to Ridge Drive. The Certificate of Sufficiency included the above property.

Owner of the property, Mr. C. Riley, 5055 Sperling Avenue, reported that the works as constructed do not abut his property. The Engineer reports that the sidewalk should not be extended to serve this property due to certain unsettled problems relating to the development of Barnet Road as a Provincial Highway.

The Manager cited Section 609 of the Municipal Act which provides for amendments to the Construction By-law and the Frontage-Tax Assessment Roll and Frontage-Tax By-law to correct the frontage tax levies and other related circumstances where required as in this instance.

The Manager recommended that:

- (a) By-law No. 4193 be amended to delete the above property.
- (b) The Assessor be instructed to revise the frontage-tax assessment roll.
- (c) Local Improvement Frontage-Tax By-law No. 2, 1962, By-law No. 4370 be amended to delete this property.
- (d) The Treasurer be instructed to refund to Mr. Riley the 1962 and 1963 frontage taxes paid, totalling \$76.06.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendations of the Manager
be adopted."

CARRIED UNANIMOUSLY

THE COUNCIL RECESSED AT 9:10 P.M. AND RECONVENED AT 9:20 P.M.
WITH COUNCILLOR DRUMMOND ABSENT.

- (7) Re: Local Improvement - 5' curb walk with 3' Widening,
Royal Oak - Beresford to Rumble Street.

The Manager reported that Construction By-Law No. 4358 called for the above construction and that on 29th March 1962 the Clerk advised at the time initiative notices were served that the owners on the east side of the street would be given an allowance for a four foot sidewalk already in place. In drawing the Construction By-law and the Rating By-law No. 4457, this allowance was overlooked.

It was recommended that:

- (a) By-law No. 4358 be amended to correct the description of the works.
- (b) By-law No. 4457 be amended to provide a rate of .29¢ per foot to the properties affected.

- (8) Local Improvement - 20' Interim Standard Paving,
Watling Street - Royal Oak Avenue to Nelson Avenue.

The Manager reported that Local Improvement Construction By-Law No. 4063 called for construction of the above pavement which was held up pending construction of sanitary sewers. Subsequently, a project calling for five foot curb walks and 20 foot pavement was initiated and authorized by By-Law No. 4435.

It was recommended that:

- (a) By-Law No. 4063 be amended to delete the work.
- (b) The Assessor be instructed to revise the frontage-tax assessment rolls.

- (9) Re: Local Improvement - 20' Interim Standard Paving,
Morley Street - Grandview to 6th Street.

The Manager reported that Local Improvement Construction By-Law No. 4382 dated 3 July 1962 called for a 20-foot pavement on the

above-named street.

The work has been carried out from Grandview Highway to 68 feet east of WPL of Rem. 4, Sk. 12776, Block 4, D. L. 87. The Engineer has found it impracticable to complete the work to 6th Street.

This change will affect the assessments on properties Codes Nos. 3015216, 2017914 and 3017920. The regulations pertaining to this situation are in Section 609 of the Municipal Act.

It is recommended that:

- (a) By-law No. 4382 be amended to correct the description of the work.
- (b) The assessor be instructed to revise the frontage-tax assessment roll.

(10) Re: Local Improvement - 20' Interim Standard Paving, Gilley Avenue - Bryant Street to Berwick Street.

The Manager reported that Local Improvement Construction By-law No. 4382 dated 3 July 1963 called for a twenty-foot pavement on the above-named street.

On undertaking the work, it was found that the municipality lacked sufficient right-of-way to carry out the portion of the work from the lane north of Burns Street to Berwick Street.

The regulations pertaining to this situation are in Section 609 of the Municipal Act.

It is recommended that:

- (a) By-law No. 4382 be amended to correct the description of the work.
- (b) The Assessor be instructed to revise the frontage tax assessment roll.

(11) Re: Local Improvement - 20' Paving, Nelson Avenue - Portland south to SPL Lot 44, Block "R", D. L. 157.

The Manager reported that Local Improvement Construction By-Law No. 4255 dated 12 June 1961, called for the construction of 20 feet in pavement on the above-named street.

As this work was to proceed early in 1963, it was financed by Debenture By-law No. 4403 and a frontage tax was levied per By-Law No. 4457 dated 6 May 1963.

Subsequently, a petition was received to have this street paved to a width of 42 feet with concrete curbing. This petition was accepted by Council and covered by By-law No. 4463 dated 3 June 1963.

The regulations pertaining to this situation are in Section 609 of the Municipal Act.

It is recommended that:

- (a) By-Law No. 4255 be amended to delete this work.
- (b) The Assessor be instructed to revise the Frontage-Tax Assessment Roll.
- (c) Local Improvement Frontage-Tax By-law No. 4463 be amended to delete this work.

As none of the frontage taxes concerned have been paid, the above action will be authority to the Treasurer to remove the charges from his tax roll.

- (12) Re: Local Improvement - 20' Paving -
McKee - Nelson to Sunflower;
Sunflower - McKee to Portland;
Carson - Nelson to cul-de-sac;

The Manager reported that Local Improvement Construction By-law No. 4382 dated 3 July 1962 called for the construction of 20 foot asphaltic pavements on the above-named streets.

Subsequently, petitions were received to have 20 foot pavements plus curbing installed. The petitions were accepted by Council and covered by By-law No. 4464 dated 3 June 1963.

The regulations pertaining to this situation are in Section 609 of the Municipal Act.

It is recommended that:

- (a) By-law No. 4382 be amended to delete this work;
- (b) The Assessor be instructed to revise the frontage-tax assessment roll.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR KALYK:

"That the recommendations contained in Items 7, 8, 9, 10, 11 and 12 of the Manager's Report No. 50, be adopted."

CARRIED UNANIMOUSLY

- (13) Re: Debenture Issue, Local Improvement Works.

The Manager reported that construction of local improvements authorized under 20 separate by-laws on 88 streets was expected to be completed by 31 December 1963.

The Manager submitted copies of Schedules listing these works and included a summary showing a total estimated cost of \$915,279.00 for the programme of which the Corporation's share was \$530,713.00, leaving an owners' share of \$384,566.00.

It was submitted that market conditions were such that it was deemed advisable to proceed with a debenture issue prior to the completion of the works. This action was permitted by Section 604 of the Municipal Act. Details of the debentures to be issued were as follows:

Amount required per the above:		\$ 915,279.00
Deduct: Winter Works		
return of senior governments	\$ 11,278.00	
collections for sidewalk		
crossings	<u>5,402.00</u>	<u>16,680.00</u>
		\$ 898,599.00
Add: provision for discount on bonds,		
expenses of the sale and temporary		
financing of the works pending the		
sale of the debentures		<u>47,401.00</u>
		\$ 946,000.00

It was recommended that a Debenture By-law be passed to authorize the issue and sale of debentures totalling \$946,000.00 bearing a coupon of 5 3/4% dated 15th November 1963, maturing serially over the period of years 1964 to 1978 inclusive as soon as the legal formalities have been completed, the issue should be marketed.

MOVED BY COUNCILLOR CAFFERKY,
 SECONDED BY COUNCILLOR MacSORLEY:

"That the recommendation of the Manager
 be adopted."

CARRIED UNANIMOUSLY

(14) Re: Parks Debenture By-Law.

The Manager reported that Burnaby Debenture By-law 1961, By-Law No. 4298, authorizes the issue and sale of \$1,500,000.00 in debentures for parks purposes, in five instalments of \$300,000.00 each. The first instalment was sold in November 1962. The second instalment should be marketed now.

The Manager recommended that a debenture by-law be passed to authorize the issue and sale of debentures totalling \$300,000.00 bearing a coupon of 5 3/4% dated 15 February 1963, maturing serially \$15,000.00 per annum over the period of years 1964 to 1983 inclusive. As soon as the legal formalities have been completed, the issue should be marketed.

MOVED BY COUNCILLOR KALYK,
 SECONDED BY COUNCILLOR CLARK:

"That the recommendation of the Manager
 be adopted."

CARRIED UNANIMOUSLY

(15) Re: Unexpended Balance - Waterworks By-Laws.

The Manager reported that By-Law No. 4372 authorized the spending of \$19,344.34 unexpended balance of Waterworks By-Law No. 3658 on certain waterworks on Sprott Street from Sperling Avenue west. The work cost \$14,723.91, leaving a balance of \$4,815.62 including interest earnings unexpended.

¹ By-law No. 4361 authorized the spending of \$77,230.69 unexpended

balance of funds on certain waterworks on Pandora Street, Ardingley Avenue, Douglas Road, Broadway and a pressure reducing valve on Lakedale between Hunter and Lougheed at a total final cost of \$75,262.46. The balance of funds unexpended on this By-law, including interest earnings and winter works return is \$5,513.80.

By-law No. 4086 authorized the issue and sale of 20 year, 6% sinking fund bonds in the amount of \$721,000.00. The following accounting of proceeds from the sale and subsequent transactions was given:

Net realized from sale -	\$ 691,511.00
Accrued interest in year of sale-	8,652.00
Interest earnings -	45,853.71
Winter Works recoveries -	35,951.70
	<u>781,968.41</u>
Expenditures -	<u>752,818.53</u>
Balance unexpended -	\$ 29,149.88

The total unexpended balances of the three by-laws is \$39,479.38.

The Manager quoted Section 283(3) of the Municipal Act which provided for the use of any unexpended balance of monies borrowed for a specific purpose to be used in four different ways, one of which included expenditures of a nature similar to the purpose specified in the by-law under which the monies were authorized to be borrowed.

It was recommended that one By-law be passed amending By-Laws 4086, 4372 and 4381 to permit the Council to spend \$39,479.38 on the renewal or extension of the waterworks system from time to time as Council may by resolution determine.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR KALYK:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(17) The Manager submitted a recommendation that street light installations be approved for:

- (a) Rugby Street at Clayton Court
- (b) Mid-block on Fulton between Imperial and Elwell
- (c) Mid-block Curtis (Kensington-Fell)

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR HARPER:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(18) Estimates

The Manager submitted for approval the Acting Municipal Engineer's report covering Special Estimates of Work, in the total amount of \$8,900.00.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR WELLS:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

- (19) The Manager submitted the Chief Building Inspector's report covering the operations of his Department for the period, August 12th to September 6th, 1963.
- (20) The Manager submitted the Fire Chief's report covering the activities of his Department for the month of August, 1963.
- (21) The Manager submitted the Chief Licence Inspector's report covering the operations of his Department for the month of August 1963.
- (22) The Manager submitted the report of the Acting Municipal Engineer covering construction progress for the month of August, 1963.
- (23) The Manager submitted the report of the Municipal Assessor covering an analysis of the manner in which the taxable real-property assessment burden has been borne over the past four years, classified by property types.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR MacSORLEY:

"That Items 19 to 23 inclusive of the
Manager's Report No. 50 be received."

CARRIED UNANIMOUSLY

- (24) Application for a Licence from CanUs of North America Co. Ltd.

The Manager reported that the Chief Licence Inspector had received an application for a licence from this firm to operate a business for the sale of jewellery from premises at Suite 3, 634¹/₂ Kingsway.

Information available indicates this is a "Pyramid" or "Chain Letter" type of operation. \$50.00 is charged for a \$15.00 article with each purchaser becoming in essence a salesman to interest others. As the sales progress the inducement is held out for a commission as well as to the possibility of future commissions or bonuses on sales made by his customers.

It was recommended that the application for a licence be refused under Section 455 of the Municipal Act.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR HARPER:

"That this application be tabled to the September 30th Council meeting and the applicant be advised of the Council's consideration of the licence and that a representative of the firm be given an opportunity to present information on the operation to the Council."

CARRIED UNANIMOUSLY

(25) Re: Plantings along and adjacent to Property Lines.

The Manager submitted a report following receipt by Council of a letter from Mrs. G. E. McLeod suggesting the need for a by-law to control the height and density of plantings and their proximity to property lines.

The Manager quoted Section 9, Sub-section (s) of the Town Planning By-law dealing with the height of fences and hedges along front property lines and side lines. Section 15, sub-section (3) was also quoted giving general regulations dealing with vision clearance at corners. The Manager submitted that these regulations were adopted by Council in 1948 and it was never considered that the by-law applied retroactively to natural growth existing at the time and continuing to exist and grow since that time. The regulations have been found reasonably adequate to control fencing of property in residential areas.

Control of planting or landscaping of private property is a matter over which it is felt the Municipality has limited jurisdiction. The sections quoted intend to control in the public interest the street appearance of properties and, to a degree, to provide for the safety of people at intersections. The existing by-law is similar to other by-laws in the area and only in some large scale developments are restrictive covenants imposed where more stringent measures with respect to planting have been established.

The Manager submitted that outside of the proper exercise of its authority to prevent property from becoming a nuisance it is considered that further zoning regulations restricting planting or landscaping on private properties in residential districts is undesirable as an invasion of an owner's right to enjoy his property as he wishes through his landscape development of that property, as well as such restrictions being of questionable legality.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR MacSORLEY:

- “That the report be received and the complainant be advised the Council is of the opinion present regulations in regard to plantings and landscaping are adequate and that no further action can be entertained in this matter.”

CARRIED UNANIMOUSLY

(26) Re: Middlegate Shopping Centre -
Lot "A", Blocks 14 to 16, D. L. 95, Plan 21955.

The Manager reported that the Len Korsch Realty Limited, rental agents for the above centre had deposited with the Building Department plans for a service station to be erected on the property at the south-east corner -- Kingsway - Hall Avenue intersection.

The service station would occupy a site with 150 foot frontage on Kingsway and 120 foot on Hall Avenue. Development of the service station would necessitate removal and relocation of the

landscape area at the corner and the entrance for motorists off Kingsway at this point. The proposed use is in accordance with the regulations pursuant to the zoning of the property.

The present development received specific approval by Council after lengthy negotiation including the specific ratio of on-street parking of the marketing area. Removal of the proposed service station site would reduce the parking area available.

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR CAFFERKY:

"That approval be granted to the issuance of a Building Permit for the proposed service station site at Middlegate Shopping Centre on the south-east corner of Lot "A" Blocks 14 to 16, D. L. 95, Plan 21955."

CARRIED UNANIMOUSLY

(27) Re: Administration of Justice.

The Manager reported that Burnaby has two Magistrates, Mr. Bell and Mr. Hyde.

At the present time Mr. Bell is employed full time in the Burnaby Court. Mr. Hyde is employed on a part-time basis as a relief for Mr. Bell and he also handles Juvenile and Family Court. In addition he is the Coroner for Burnaby.

Mr. Stirling, the Prosecutor, has represented that the situation is now such that in the interests of justice, the time has arrived for Burnaby to operate two Courts and that Mr. Hyde be employed on a full-time basis.

After discussion and concurrence with the Reeve and Councillor Blair, Council liaison member for Justice, it is recommended that Magistrate Hyde be placed on a full-time basis to include all his duties.

Arrangements have been made for the use of the Civil Defence Building as a Court Room and to provide office accommodation for the Magistrate and the Court staff. The employment of additional stenographic staff to meet the demands of the second Court and the increased activity of the Probation Division will also be necessary.

The Manager recommended this proposal be approved by Council.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR KALYK:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(28) Re: Parks Programme under Parks Development By-Law No. 4298.

The Manager reported that the Parks and Recreation Commission had considered the programming of work still to be done under the Parks Development By-law and quoted excerpts from Minutes of the Commission relaying decisions in regard to these works, directing that the Arena, Golf Course and three Recreation Centres be constructed as soon as feasible and that plans and specifications be proceeded with, that a Committee comprised of members of the Commission and staff members be established to select consultants for recommendation to the Commission, and that a land surveyor be engaged to produce a ground survey of the proposed Golf Course site.

The Manager advised the intent of the Commission in these resolutions was:

- (a) that the three Recreation Centres and Caretaker's dwellings be proceeded with as quickly as possible to take advantage of the 1963-64 Winter Works Programme. Provision in the By-law for these three Centres is \$60,000.00.
- (b) the Arena be undertaken quickly, again to take advantage of the Winter Works Programme for the 1963-64 period. Provision in the By-law for this Arena was \$300,000.00.
- (c) with possible financial arrangement with the Council, the Golf Course be proceeded with to be completed in 1965. Provision in the By-law for initial development of a Municipal Golf Course was \$300,000.00.

Including anticipated receipts of \$288,000.00 from the 1964 debenture sale it is estimated that approximately \$362,263.00 will be available for work under By-law No. 4298 in the balance of 1963 and in 1964.

It was recommended that Council approve the programme of construction as prepared by the Parks and Recreation Commission on the understanding that all contracts for services or construction must be executed and controlled by the Municipal Council.

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR CAFFERKY:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(29) Re: Subdivision of Lot 9 of Lots 1 to 36, D. L. 129, Group 1 - John and Aron Koehn.

The Manager reported that there is a very old dwelling which will be located on two of the lots created by the above mentioned subdivision. The owners desire to demolish the building and have deposited the sum of \$500.00 as a guarantee they will complete demolition by March 10th, 1964 and signed the necessary agreement with the Corporation.

In order that the subdivision can proceed, the Manager recommended that the Reeve and Clerk be authorized to sign the

agreement on behalf of the Corporation.

(30) Re: Lane Acquisition - Rear of 6840 Curtis Street.

The Manager reported that it is necessary to acquire the south ten feet of Lot 14 of Lot 132, Group 1, Plan 2640 to provide a twenty-foot lane allowance south of Curtis Street, west of Cliff Avenue.

The owner, Mrs. Betty Ann Doyle, has consented to convey the said south ten feet to the Corporation for \$1.00.

The Manager recommended that the south ten feet of the said lot be acquired for \$1.00 and that the Reeve and Clerk be authorized to execute the necessary documents.

(31) Re: Acquisition of Easement - Grassmere #1 Sanitary Sewer Project.

The Manager reported that an easement is required in connection with the above sewer project over the portion of Lot 2, Block 74, D. L. 33, Group 1, Plan 21931, NWD, shown outlined in red on right-of-way plan filed in the Land Registry Office under No. 25793 from Dennis Hughes Ramsbotham and Mabel Vivian Elizabeth Ramsbotham, Box 902, City of Vancouver, B. C. The location of the easement is at 5434 Chaffey Avenue. The consideration payable by the Corporation is \$1.00 plus restoration of the easement area.

The Manager recommended that authority be granted to acquire the easement and that the Reeve and Clerk be authorized to execute the necessary documents.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR WELLS:

"That the recommendations of the
Manager with respect to Items 29,
30 and 31, be adopted."

CARRIED UNANIMOUSLY

(32) Re: Estimates.

The Manager submitted a report prepared by the Acting Municipal Engineer covering special estimates of work in the total amount of \$20,335.00, recommending that these estimates be approved.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR WELLS:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

(33) Verbal Item - Re: Local Improvement Paving Installation - Humphries Court.

The Manager reported verbally on a Local Improvement paving installation on Humphries Court advising that a small parcel

of land was required from Henry Tosseng, from property described Block 25, D. L. 29 for the widening of Humphries Court in order to accommodate the Local Improvement work. The Manager advised that some difficulties were being encountered in acquiring the land and it was recommended that the work proceed without the acquisition as the small portion of land required from Mr. Tosseng would not materially affect the pavement.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR MacSORLEY:

"That no action be taken on the acquisition of the portion of Block 25, D. L. 29 from Mr. H. Tosseng for the widening of Humphries Court and that the Local Improvement work proceed as soon as possible."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR MacSORLEY:

"That congratulations be extended to the Burnaby Week Committee for preparation of a fine brochure setting out the programme for Burnaby Week and other features publicizing the Municipality."

CARRIED UNANIMOUSLY