

20 February 1964.

REPORT NO. 15, 1964.

is Worship, the Reeve,
and Members of the Council.

Gentlemen:

Your Manager reports as follows:

Re: Welfare Institutions Licence.

An application has been received from the United Church Home for Girls, 7451 Sussex Avenue, to increase their licence from twenty-three to twenty-five persons.

The Investigating Committee has no objection to the increase in the licence being granted but recommends that some means be found to enclose each of the existing open staircases with a partition and a smoke door with automatic closers be located at either the first or second floor level.

Re: Intercity Motors Ltd. -
4330 Kingsway.

Intercity Motors Ltd. is the registered owner of Parcel "A" (Explanatory Plan 9625) of Lot 1 and Parcel "B" (Explanatory Plan 9626) of Lot 2, Block 10 of Lot 153, Group 1, N.W.D., Plan 2389. There was a 16.68 foot strip fronting Kingsway dedicated by the Explanatory Plans 9625 and 9626. The widening strip is therefore registered in the name of the Crown. However, the Municipality has a right of possession.

Intercity Motors Ltd. have applied to Council for permission to use the widening strip for the temporary installation of signs and pump island for the dispensing of petroleum products for such a period of time as deemed pertinent by the Municipality, and upon written expiration the relocation of facilities to be undertaken by Intercity Motors Ltd. at a cost to be absorbed by Intercity Motors Ltd. They state that the existing facilities they mentioned are constructed within this highway allowance, and they are most anxious to have these facilities remain in the area described.

The Company states "we find that there is a widening allowance of 16.68 feet on the Kingsway frontage of our property." This is not understood as the Company put an application into the Building Department for a building permit for construction of a new office and service garage on this property approximately one year ago. From that time and until the issuance of the building permit on 24th October 1963, the question of pumps on the road allowance never arose. The various plans submitted to the Building Department all show a pump island and concrete loading slab located wholly within the property and at no point on the widening allowance. The provision for widening of Kingsway has been known to the applicant for a long time, certainly prior to the preparation of plans to which they are now rebuilding their business premises.

The use of this widening strip under these circumstances could set a precedent and create problems for the Corporation in the future.

It is recommended the request be denied.

If it is Council's wish to accede to the request it is recommended that the Company be required to enter into an agreement in writing with the Municipality agreeing, inter alia, to remove these facilities when required by the Municipality; to indemnify the Municipality; and to safeguard the Municipality by insurance against claims; and by a performance bond or otherwise against failure to perform the agreement.

(.....2)

3. Re: Sidewalks on Nelson Avenue,
from Rumble Street to Kingsway.

A Local Improvement work has been approved for this portion of Nelson Avenue to provide a paved street with concrete curbs.

There are four-foot sidewalks in good condition on the west side of Nelson Avenue, from the following limits:

- (1) Rumble to Irmin Street.
- (2) Victory northward to the B. C. Hydro Tracks.
- (3) From Imperial to the road into Simpson Sears which was formerly called Irving Street.

The length of existing sidewalk totals approximately 2800 feet.

His Worship, the Reeve, has directed that information be brought to Council for consideration of the desirability of constructing sidewalks in conjunction with the Local Improvement Project to complete the sidewalk pattern on this busy street. This could be done at a cost of \$1.40 per lineal foot over the curb costs.

For approximately 4600 feet the cost is estimated at \$7,000.00.

4. Re: Walkway on 6th Street between
Mayfield and Stanley Streets.

During 1958 the above mentioned walkway was constructed to accommodate pupils attending Lakeview School.

Since July 1963 a series of complaints have been received from residents in the area that the walkway is being used by horseback riders. Barricades to prevent this use, which had been removed, have been replaced and suitable signs erected advising "No equestrian traffic permitted on walkway."

The owner and operator of Burnaby Lake Riding Stables has consented to request his patrons not to use the walkway as a bridal path.

Enforcement of the regulations governing the use of the walkway would require a constant patrol.

A letter has now been received from the Lakeview School P.T.A. complaining about the use of the walkway by horseback riders.

5. Re: Simon Fraser University.

The South 400 feet of Lot 12, D. L. 210, Group 1, Plan 1037 was acquired from Burnaby by the Federal Government through expropriation on February 28, 1955. It is located within the boundaries of the University. The land was expropriated "save and except the mines and minerals" which remain in the ownership of the Corporation.

The Federal Government has now agreed to convey the property to the University. A request has now been received from the University for the transfer of the mineral rights which will enable them to proceed with an application for Plans Cancellation and consolidation of the S.F.U. site.

It is recommended that the mines and mineral rights of this property be transferred to the Simon Fraser University for the consideration of \$1.00 and that the Reeve and Clerk be authorized to sign the necessary documents.

5. Re: Proposed Waterworks By-law.

The Engineer's Department has been considering a Waterworks By-law to provide funds for the continuation of improvements to the Waterworks System.

By-law No. 4416 in the amount of \$500,000. was approved in 1962 and it is anticipated will be expended around the end of May, 1964.

The purpose of the proposed By-law is to make funds available to meet the Municipality's commitment to supply water to the Simon Fraser University site and to provide for the extension, improvement and rehabilitation of the system. On a long range forecast it was estimated that about \$300,000. per year would be needed for this Utility exclusive of unforeseen projects such as the S.F.U. A By-law covering a two-year period is desirable.

Borrowing for this Utility is done on a 20 or 25 year term and may be done through the Greater Vancouver Water District under authority of Section 6A of the Greater Vancouver Water District Act or by sale on the open market.

Section 6A of the Greater Vancouver Water District Act reads:

- "(1) The Corporation and a Municipality within the District, by by-law or resolution of its Council, without further authority or sanction, may make, enter into, and fulfil an agreement whereby the Municipality agrees, inter alia, to pay part of the cost of constructing a main conduit, pipe, or other facility of the Corporation in the manner provided for in the agreement whenever in the opinion of the Corporation and the Municipality, the main conduit, pipe, or other facility will specially serve the municipality over and above the main conduit, pipe or other facility the Corporation would otherwise construct under this Act.
- (2) The Corporation and a Municipality within the District may make, enter into, and fulfil an agreement whereby the Corporation agrees to do all or any one or more of the following things, to wit, the financing, the designing, or the construction of a waterworks system, or any part thereof, for the Municipality at the sole and exclusive cost of the municipality, and whereby the municipality agrees, inter alia, to pay such cost on the terms, in the manner, and at the times provided for in the agreement.
- (3) (a) An agreement made under the powers conferred upon the Corporation and a municipality within the District by this section is valid and binding on the Corporation and the Municipality whether the same would otherwise be ultra vires of either or both of them or not.
- (b) Everything done by the Corporation in contemplation of or under and by virtue of such an agreement shall be deemed to be for the purpose of the undertakings authorized by this Act.
- (c) Any indebtedness incurred by a municipality under and by virtue of an agreement made under subsection (1) shall be excluded from the general debt of the municipality in determining its borrowing powers, and shall not be deemed to be an indebtedness of the Municipality requiring recital in any by-law of the municipality for the creation of debts by the issue of debentures or otherwise."

Section 253 of the Municipal Act grants authority for the Utility to obtain further authority to finance its capital needs without a vote of the owner-electorate except on petition by 10% of the owner-electorate.

(.....4)

(Item 6...re proposed Waterworks By-law...continued)

This Section 253 reads:

"Section 253:

Clause (e) of Section 251 does not apply (vote of the owner-electors).

- "(a) when the moneys to be borrowed are to be used to pay for works undertaken under Division (1) of Part XVI; or
- (b) when the moneys to be borrowed are to be used for capital expenditures on in connection with an established utility or enterprise mentioned in section 254 in respect of which a certificate of self-liquidation has been granted to the municipality, if
- (i) The Council has caused to be published in not less than two separate issues of a newspaper circulating in the municipality and posted in the locations specified in subsection (4) of section 25 a notice setting forth:
- (a) in general terms the work proposed to be done with the funds proposed to be borrowed, either by description or by reference to a plan of the work.
- (b) the amount proposed to be borrowed.
- (c) the length of time within which the proposed debt would be repayable and
- (d) a statement that unless, within thirty days of the last publication of the notice in a newspaper, not less than one-tenth in number of the owner-electors petition the Council for the submission of the by-law for the assent of the owner-electors, the Council may adopt the By-law, and
- (ii) no petition has been presented in accordance with the Notice;"

(A) Simon Fraser University Supply:

The original rough estimate for this project was from \$500,000. to \$650,000. A number of refinements have been made to the original estimate which were to a large extent made possible by the G.V.W.D. proposal to continue its pipeline eastward.

Final locations of the pipeline and pumphouse cannot yet be determined and firm prices for the equipment must await more detailed design work but it is considered that \$220,000. should cover the cost of the pipe line, pump house and pumping units to supply the initial demand of the University in the first stage of development. As the demand of the University site increases it will be possible to incorporate additional pumping units into the system to carry the added load.

Council has made an offer to the Simon Fraser University of \$60,000. for the University to construct a reservoir to Municipal standards on the University site.

The total requirement for the S.F.U. is then \$280,000.00.

(.....5)

Item 6...re proposed Waterworks By-law...continued)

(B) Improvement, Extension and Rehabilitation.

In general, funds proposed in this bylaw for Improvement, Extension and Rehabilitation would be employed:

- (1) To replace a number of temporary mains in locations where supplies have not been satisfactory and where there will be no conflict with established policy by making such replacements.
- (2) To replace a number of old mains which have outlived their usefulness and are becoming expensive to maintain. One main in this category - on Edmonds Street - is of special interest as consideration was given to replacing it in 1957 before the new surface was installed by the Department of Highways. At that time, we estimated that the additional useful life of the main would be about 10 years. The Department of Highways was asked to contribute to the cost of replacement in 1957 so that it would not subsequently be necessary to disturb the new pavement. The Department declined and suggested at that time that 10 years is not an uncommon life of such a pavement in any event.
- (3) To provide links in the supply system to give a more assured supply in a number of areas. The most important item in this category consists of a main on 10th Avenue between Marine Drive and the 19th St. Diversion. This will provide a much needed alternate source of supply to the eastern portion of the Big Bend area.

A breakdown of the overall costs is as follows:

Replacement of temporary mains	-	\$ 53,180.00.
Replacement of old permanent mains	-	364,870.00
Links to improve supplies	-	194,730.00
		<u>\$ 612,780.00.</u>

Detailed lists of proposed works have been prepared and the estimated cost for the 80 items is \$612,780.00.

(C) Summary and Recommendations.

In order of precedence the following decisions are required:

1. Whether or not there is to be a by-law.
2. The amount of any by-law.
3. The source of funds, i.e. G.V.W.D. or public debenture.

The sum required to be borrowed as proposed in (A) and (B) of this report item total \$892,780. or \$900,000. in even figures.

It is recommended that Council approve of a Waterworks By-law and request financing through the G.V.W.D. under Section 6A of the G.V.W.D. Act and that the amount of the by-law be \$1,000,000.

The additional borrowing of \$100,000. is included in the above recommendation because of continued needs of the Utility and to bring the borrowing to an even \$1,000,000.

(.....6)

(Item 6.....re Proposed Waterworks By-law...continued)

Following approval of the G.V.W.D., the next step would be to pass the necessary By-law which is now being prepared. The approval of the Minister of Municipal Affairs would be required after 3 readings and before Reconsideration and Final Adoption. In this connection, the Certificate of Self-Liquidation held by the Utility would be examined.

Carrying charges on a by-law of \$1,000,000. are estimated at \$87,000. per year for a 20-year term of \$80,000. per year if borrowed for a 25 year term through the G.V.W.D. Because of timing of actual borrowing it is considered that the impact of this proposed by-law in 1964 would not necessitate any thought of water rate adjustments at this time.

7. Re: Acquisitions of Easements:

Easements are required as follows:

(a) Clayton Court Drainage Project:

Owner - Harry McPhee Ellis and Doreen Norma Ellis, 7629 Clayton Avenue, Burnaby,
Property - 0.013 ac. ptn. outlined red on plan filed in LRO under No. 24848
of Lot 8, Block 16, D. L. 85, Group 1, Plan 15687, N.W.D.
Location of property - 7629 Clayton Avenue.
Consideration - \$1.00 plus restoration of the easement area.

(b) Grassmere Sanitary Sewer Project #2:

Owner: Antonia Punt, 3786 Moscrop Street, Burnaby, B. C.
Property - East ten feet of Lot "M" of Lots 1,2 and 3, Block 30, D. L. 35, Plan
16710, NWD.
Location of property - 3786 Moscrop Street.
Consideration - \$65.00 plus restoration of the easement area. The amount
includes compensation for loss of a concrete slab, 12' x 20'
which will be destroyed.

It is recommended that authority be granted to acquire the above easements and that the Reeve and Clerk be authorized to sign the easement documents on behalf of the Corporation.

8. Re: Supplementary Estimates - Accounts 168-13 and 168-18.

The Municipal Engineer has found it necessary to request Council approval of Supplementary Estimates for the above two accounts to provide sufficient funds for the first quarter of 1964.

In both of these accounts the first quarter is traditionally the part of the year when increased emphasis is placed on the work involved in these two accounts, principally because of the availability of men and physical conditions pertaining to the work.

It is not anticipated that the budget for the year will have to be increased, as a reduced rate of spending will adjust the situation during the remainder of the year.

(.....7)

9. Re: Estimates.

Submitted herewith is the Municipal Engineer's report covering Supplementary Works Appropriations for the period 3 March to 31 March, 1964 in the total amount of \$23,900.00.

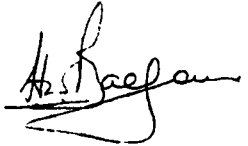
It is recommended these appropriations be approved.

10. Re: Estimates.

Submitted herewith is the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$727.00.

It is recommended the estimates be approved.

Respectfully submitted,



H. W. Balfour,
MUNICIPAL MANAGER.

B:eb

11. Re: "Burnaby Expropriation By-law No.1, 1964" - No. 4528.

The above mentioned by-law expropriates the west half of Lot 2, Block 11, D.L.116N $\frac{1}{2}$, Group 1, Plan 1236 owned by Navanod Investments Ltd. and located at 3916 E. Hastings Street. The property is required for the widening and redevelopment of the 3800 and 3900 Blocks Hastings Street.

The Clerk has been served with Notice of Application returnable in Supreme Court at Vancouver on March 9th, 1964, to quash the By-law.

The Solicitor considers perhaps the application could be successfully resisted on some technical ground but considers the by-law should be abandoned and a new expropriation by-law passed under Section 463 of the Municipal Act. This section of the Act empowers Council to acquire property for a combination of uses including redevelopment.

It is recommended that:

- (a) Expropriation By-law No. 4528 be ^{repealed.}
- (c) A By-law be passed under Section 465 of the Municipal Act to expropriate the West half of Lot 2, Block 11, D. L. 116N $\frac{1}{2}$ Group 1, Plan 1236.

12. Re: Easement - B. C. Hydro Right-of-way.

On February 3rd, 1964, Council tabled item No. 6 of the Manager's Report No.8,1964 which recommended the acquisition of a 20 foot easement along the north side of the B. C. Hydro right-of-way between Royal Oak Avenue and Westminster Avenue south of Regent Street.

Council requested the following information:

- (a) What is the criteria for establishing the \$800.00 consideration?
- (b) What was the date the right-of-way owned by the Authority was acquired and what consideration was paid by the Authority at the time of acquisition?
- (c) What is the width of this right-of-way?

Answers to (a) and (c) are submitted by the Land Agent as follows:

"The consideration of \$800.00 which was requested by the B. C. Hydro Company for the above noted right-of-way appears to be a token request which is far below what is considered normal compensation for an easement of this type.

It is our opinion that a reasonable market value of land in this area is \$8,000. per acre. An average rate established by the Assessment Department indicates, in their opinion, a market value of \$9,000. an acre. The easement area comprises .45 of an acre. If the standard formula used by this department for the valuation of a flanking easement were used on our estimated value of \$8,000. per acre, the compensation for the subject easement would be \$1,800.00. This calculation acknowledges a 50% deduction to the value of the land contained within the easement area. The B. C. Hydro's Company's right-of-way is 100 feet wide.

A search of the Land Registry Office records provides the following information in response to question (b):

- (i) This property was owned by the Vancouver Fraser Valley & Southern Railway Co. since 1913. No value is shown in the Land Registry Office.
- (ii) The B. C. Electric Railway Company acquired this property together with other properties for the sum of \$175,000.00 December 3, 1956.
- (iii) The B. C. Electric Company acquired this property together with other properties January 2, 1961 for \$2,363,072.00. (.....2)

13. Re: District Lot 87, Group 1, Plan 966.


On September 12, 1963, the Association of Christian High Schools of B. C. made application for permission to operate a church school on Block 6, D. L. 87, Group 1, Plan 966 (6158 6th Street).

On November 4th, 1963, the Policy Committee of Council, in view of the extensive holdings by the Municipality in the area, approved in principle the resubdivision of District Lot 87, Group 1, as presented by the Planning Department and authorized the Land Agent to explore the possibility of arranging a land exchange with the Association of Christian High Schools of B. C. whereby Block 6, D. L. 87, Group 1, Plan 966, which they considered purchasing would be acquired by the Corporation and thereby facilitate the resubdivision of the District Lot.

Negotiations for an exchange of lands has not been successful.

It is recommended that the application to construct and operate a church school on Block 6, D. L. 87, Group 1, Plan 966 be refused pursuant to Section 13 of the Town Planning By-law.

Respectfully submitted,



H. W. Balfour,
MUNICIPAL MANAGER.