

THE CORPORATION OF THE DISTRICT OF BURNABY

30 October, 1964.

REPORT NO. 70, 1964

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

Gentlemen:

Your Manager reports as follows:

1. Re: Agreement with Ford Motor Co. of Canada Ltd.

As a condition of the approval of the subdivision of Block 16, D.L. 153, Group 1, Plan 783, N.W.D. which was owned by the Ford Motor Company, the company agreed to dedicate a 17' strip of Silver Avenue and a 33' strip of Beresford Street for widening purposes. The Company further agreed:

- (a) To pay the Municipality the sum of \$1,750.00 which sum has now been paid, in consideration of the municipality widening and paving the 17' dedication on Silver Avenue to a depth of approximately 200' from Kingsway.
- (b) To execute a 20-year option in favour of the municipality, permitting the municipality to purchase for one dollar the Southerly 20' of the smaller of the two parcels created by the subdivision that is the parcel fronting on Kingsway, now known as Lot 60, D.L. 153, Group 1, Plan 26311.
- (c) To pay the municipality the sum of \$12,450.00 for costs which may be incurred by the municipality in widening Silver Avenue and constructing that portion of Beresford Street dedicated on the subdivision plan, the said sum to be paid when the work is done.

The Company has executed an agreement in favour of the Corporation covering items (b) and (c).

It is recommended that the Reeve and Clerk be authorized to sign the agreement on behalf of the Corporation.

2. Re: Ambulance Service.

Council requested the opinion of the Municipal Solicitor in respect of the following:

- (1) Confirm that the Ambulance Employees Union cannot contract with the Corporation for the provision of ambulance service.
- (2) Indicate whether the Corporation has the power to subsidize the private operation of ambulance service within the Municipality.

Herewith is the Municipal Solicitor's report:

"You have a copy of the Deputy Clerk's letter of October 21, 1964 addressed to myself in which I am asked to report on two questions set out in his letter.

I am satisfied that the Union may not contract with the municipality for the provision of ambulance services. A trade union in this province is a legal entity only for the purposes of entering into collective agreements under the Labour Relations Act, of prosecuting and being prosecuted for offenses against that Act, and of suing and being sued under the Trade Unions Act. Although I do not know anything of the constitution of the Union in question, I suspect that there would not be set out therein the power to enter into a contract of service with the municipality.

(..... Cont. Page 2.)

(Item 2.... Re: Ambulance Service... cont.)

The second question is a more difficult one to answer. Section 638 of the Municipal Act empowers Council by by-law to enter into an agreement with any person for providing an ambulance service for the inhabitants of the municipality. At first glance this power seems sufficient to authorize a subsidy agreement with an ambulance company. However, section 216 provides that Council shall not, directly or indirectly, assist in commercial enterprises. Further, section 219 provides that, except where it is specifically provided to the contrary, Council may not grant to any person any privilege or bonus.

I do not think that the power to grant a subsidy may be considered incidental or conducive to the exercise of the power granted by section 638, nor do I believe that the present situation could be regarded as an emergency. Therefore, I am of the opinion that subsections (1) and (2) of section 218 are of no assistance to Council. However, perhaps the Lieutenant-Governor in Council, upon receipt of a petition from the Council, might confer the necessary power upon Council for the purpose of preserving and promoting the health, safety and welfare of the inhabitants of the municipality. This power is contained in subsection (3) of section 218.

Perhaps the desired result could be achieved in another manner, without mentioning the offending word 'subsidy'. Relying on section 638 Council may contract with anyone to provide an ambulance service. Therefore Council may call tenders, setting out in the specifications the quantity and quality of the service required and the rates to be charged for the service. A company might agree to provide the service for a stipulated monthly amount. This amount presumably would take into account the revenue which the company could expect from the rates fixed by Council. But no matter what the company's monthly income might be, Council would be obliged by its contract to pay monthly the tendered amount."

3. Re: Christmas Bonus - Social Assistance Recipients

The Provincial Government has approved the payment of the following amounts to Social Assistance Recipients as a Christmas Bonus:

Family - \$ 5.00
Single - 2.00

The amounts are payable after December 15th and the estimated cost is \$3,700.00 - Burnaby's share being approximately \$350.00.

The Social Service Administrator recommends payment of the allowance.

4. Re: Acquisition of Easement - Westerly 7 1/2' of Lot 204 and the easterly 7 1/2' of Lot 205 of a subdivision of the E 1/2 and W 1/2 of Lot 56, D.L. 129, Plan 1492

An easement is required, in order to finalize a subdivision, over the westerly 7 1/2' of Lot 204 and the easterly 7 1/2' of Lot 205 of a subdivision of the E 1/2 and W 1/2 of Lot 56, D.L. 129, Plan 1492, as shown on plan prepared by J. E. Hermon, B.C.L.S. dated 19 October, 1964, from Olljum Construction Ltd., 3575 Wellington Street, Vancouver 16, B. C. and John Bielby, 6425 Kitchener Street, Burnaby 2, B. C. The location of the easement is between Kitchener and Charles Streets, approximately two hundred feet west of Kensington Avenue. The easement is required for drainage purposes. There is no consideration payable by the Corporation.

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

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30, October, 1964.

5. Re: Extension of Sanitary Sewer to Subdivision 238/64

The above mentioned subdivision comprises Lots A, B & C. of Block 14, Block 15 and Lot C of Lot 16, all of D.L. 83, Group 1, and is located at the corner of Gilpin and Percival Avenue, and creates 25 lots.

The estimated cost of sanitary sewers within the subdivision is \$19,300.00. The estimated cost of extending the lateral to serve the subdivision is \$11,000.00. This lateral would also provide service to the potential subdivision of this area.

In addition to the provision of the above mentioned lateral, it will be necessary to pay for the extra cost of constructing a 10" instead of an 8" lateral on Gilpin Street. This extra cost is estimated to be \$200.00

It is recommended that, providing the proposed subdivision proceeds, the Corporation construct the lateral to serve the subdivision at an estimated cost of \$11,000.00 and pay the cost of the larger pipe on Gilpin Street estimated to be \$200.00

6. Re: Recast Budget - 1964

Submitted herewith for your consideration is the Municipal Treasurer's report and recast budget.

7. Re: Major Street Connection with Sperling Ave. Interchange

Submitted herewith is the report prepared by N. D. Lea & Associates, Consulting Engineers, in connection with the Major Street Connection with Sperling Ave. Interchange.

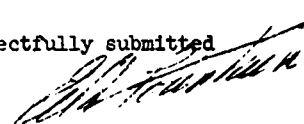
8. Re: Estimates

Submitted herewith for your consideration is the Municipal Engineer's report covering special estimates of work in the total amount of \$21,250.00.

It is recommended the estimates be approved as submitted.

9. Submitted herewith for your information is the monthly report of the Medical Health Officer covering the activities of his department for the month of September, 1964.

Respectfully submitted



E. A. FOUNTAIN
EXECUTIVE ASSISTANT TO
MUNICIPAL MANAGER

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10. Re: Request of R.B. and A. Brummitt
651 Duthie Avenue

The following request has been received from the above mentioned persons:

" Across the front of our lot there is a bank on municipal property approximately five feet high which drops off from the sidewalk. This as such presents a hazard to pedestrian traffic.

On the lower portion of the bank is a laurel hedge which grows to a height above the sidewalk level. These two conditions restrict any attempt for improvement and upkeep. Removal of the hedge alone would increase the hazard that exists at the present time.

It is our intention to have erected a wall to rectify this situation and would ask to what extent the Municipality will contribute to this cost and on what cooperation we can expect."

According to the records, Mr. & Mrs. Brummitt purchased the property in September, 1963. The sidewalk was constructed prior to that time.

The Engineer reports as follows:

"At the time the sidewalk was constructed, the present house did not exist, However, the hedge did, and the previous owner requested that it be left. Access to the property was provided by construction of wooden steps and by doing so we discharged our duty to the property owner to his satisfaction. The new owner bought the property with its encumbrances."

The approximate cost of constructing the wall as suggested in the letter is \$750.00.

There are on this street, as on others throughout the Municipality, a variety of privately constructed retaining walls.

It is recommended that the request for the Corporation to share in the cost of the wall be denied.

11. Re: Request of M. Verra, 8137 Winston Street

The above mentioned person has applied for permission to establish a Riding Academy on Lot 2, Block 4, D.L. 40, Group 1, Plan 3048. The property is located on the north side of Winston Street near the Great Northern Railway right-of-way.

The Planning Director reports as follows:

"This area has in the past enjoyed a pastoral atmosphere in which the type of use proposed was acceptable. The area is, however, experiencing a transition and residential development of a fairly high quality. At the present time, a substantial 50 lot subdivision at the west end of this block has received Municipal approval and services are being designed. This will place the residential development within 700 feet of the proposed stable site. This subdivision is the first one in the block and it is reasonable to expect that the subdivision pattern will be extended through the block fairly quickly, bringing intense development even closer to the stable."

The applicant's letter also advises that the stable would be built partly from the old Lozells Community Hall.

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(11. Re: Request of M. Verra, 8137 Winston Street Cont.)

The Building Department reports as follows:

"Section 18, sub-section 3, of Burnaby Building By-law #540 prohibits the moving of a building over 30 years of age from one property to another within the Municipality. Municipal records indicate that this building is well over the maximum allowable age.

The general condition of the building is poor. The plates and floor joists are rotting and the roof system and walls have been re-enforced by tie rods in the past few years to keep the building erect. This Department would question whether very much of the material from this building could be re-used even in the erection of a barn. An inspection of the salvaged materials would be required prior to any re-erection."

It is recommended that the application be denied pursuant to Section 13 of the Town Planning By-law.

12. Re: Sperling-Halifax Sewer Project 16/17

Application for the above Municipal Development Loan went forward on the basis of your Manager's report Item 2, No. 56, 1964. Subsequently, Council instructed this project include, if possible, the Sperling Heights extension. As a consequence, the application was held up by the Central Mortgage & Housing Corporation pending receipt of revised plans and specifications.

Tenders have been called, and a contract awarded to Borger Construction Company, Calgary, in the amount of \$576,209.

The revised information is:

Construction of 58,000 feet of 6", 8", 10" and 12" diameter sewer mains, 800 house connections and 270 manholes.

The costs are estimated at:

Construction	\$ 576,209.
Design and supervision	50,130.
Land acquisition	12,000.
	<u>\$ 638,339.</u>
Less anticipated Federal grant re Winter Works	91,000.
	<u>\$ 547,339.</u>
2/3rd's Municipal Development Loan	<u>\$ 364,892.</u>

It is recommended that Council adopt the following Resolution:

"That the Municipal Manager be authorized to make a new application for a loan in the amount of \$364,892. under the provisions of the Municipal Development and Loan Act to finance the revised sanitary sewer installation in Areas No. 16 and No. 17 (Sperling-Halifax) within the sewerage program of the Corporation, particulars of which are included in Item --- of Report No. ----- of the Municipal Manager, dated 2 November, 1964."

(Cont. on Page 3.....)

13. Re: Parkcrest Extension Sewer Project #15

An easement is required in connection with the above sewer project as follows:

Owner - The Director, Veterans' Land Act
Property - Southerly 20' of Lot 111, D.L. 129, Group 1, Plan 1492, N.W.D.
Location of Easement - 5800 Winch Street,
Consideration - \$1.00 plus restoration of the easement area.

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

14. Re: Sperling-Halifax Sewer Project #16/17

Easements are required in connection with the above sewer project as follows:

(a) Owner - Calvert Russell Broomfield & Carol Lynn Broomfield, New Westminster, B.C.
Property - Northerly 10' of Lot 1, D.L. 131, Group 1, Plan 23714, N.W.D.
Location of Easement - 2430 Sperling Ave., Burnaby.
Consideration - \$1.00 plus restoration of the easement area.

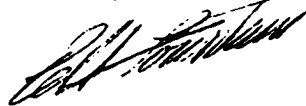
(b) Owner - Lillian Caroline Rees Phillips
Property - Westerly 11' of Lot 12, D.L. 131, Group 1, Plan 23101, N.W.D.
Location - 6775 East Broadway,
Consideration - \$1.00 plus restoration of the easement area.

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

15. Civic Union Demands - 1965

Submitted herewith for the information of Council are the Civic Union demands for the year 1965.

Respectfully submitted:



E. A. FOUNTAIN
EXECUTIVE ASSISTANT TO
MUNICIPAL MANAGER

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