

THE CORPORATION OF THE DISTRICT OF BURNABY

9 April, 1965.

REPORT NO. 28, 1965.

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

Gentlemen:

Your Manager reports as follows:

1. Re: Claim of Mrs. Edith Hamilton,
3808 Nithsdale Street.

While constructing curbs on Smith Avenue, the tile drain to 3808 Nithsdale was broken. The sewer crew was notified to repair the damage.

The crew checked the drain and found it was running into the catch-basin on Smith Avenue. Connections are not made to catch-basins so this one was considered an illegal connection. On speaking to the residents they were advised that there was a drain running from the south-west corner of the house to Smith Avenue. As a storm sewer exists on Smith Avenue it was assumed that a proper connection must have been made to it. The crew, therefore, did not repair and reconnect the broken drain tile to the catch-basin.

The first rain proved that the tile provided sub-drainage and because the drain was disconnected water backed up into the basement of the house. This was first noticed by the Hamiltons at 1:00 and again at 3:00 a.m. but they did not think the situation was serious and in any event decided that the Municipality would not send a crew out at that time of the morning.

When reported and checked it was found that water was under the sub-flooring and water damage had been done to paint and various stored articles.

Mr. and Mrs. Hamilton are asking for a settlement of \$250.00. The Engineering Dept. report that this is a reasonable figure for the damage done.

The Municipal Solicitor states:

"In summary, the Municipal crews interfered with an illegal connection, as a result of which the home-owners suffered damage."

"I realize the liability aspect may still be somewhat doubtful, however, I would not recommend letting this matter go any further as we would undoubtedly fare badly in Court if such event occurred, as these people are both in their eighties, aside from the fact that there may be some liability in any event."

Mr. and Mrs. Hamilton are 83 and 86 years of age. There is no doubt that their failure to notify the Corporation when water was first noticed contributed to the degree of damage.

However, in consideration of all the circumstances, your Municipal Manager recommends that the claim be settled in the amount of \$250.00 subject to the necessary releases being obtained.

2. Re: Simon Fraser University Road

This report item is provided in connection with the letter written to Council by R. J. McFarlane.

The Burnaby Planning Department has had no part in the determination of the right-of-way of the road in question to Simon Fraser University. The route was selected by the Provincial Department of Highways on request of University officials.

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(Item No. 2 - Re: Simon Fraser University Road cont.)

Project Planning Associates in its report on the North-East Burnaby Study confirmed the route proposed by the Department of Highways.

It is correct that the Burnaby Planning Department asked the Department of Highways to examine an alternate route for part of the road, which was further to the East alongside the Hydro Pole Line. The Department is concerned with the effect of the Department of Highway's route on the use of land and the Department of Highways was asked to examine this alternate route so it would be possible to relate the economies of the costs of construction of one road as opposed to the other, to the long-term effect on land use.

Because of the sudden decision to build the road to be ready for the opening of the University it was not found practicable to undertake examination in depth of the alternate route though the Department of Highways is familiar with certain soil conditions which exist and particularly with respect to the point where the alternate road would cross the Lougheed Highway.

As of this date the Department of Highways has provided no additional comment regarding any alternate route.

3. Re: North Road from Clark Road to Broadway

This street is a joint responsibility of Burnaby and Coquitlam.

It is only to gravel standard and maintenance costs to Burnaby run as high as \$700. per year.

This portion of North Road, north of Clark Road will, in all likelihood, one day be connected to the "Moody By-pass" road and there may well be a need for a road of greater width than would be constructed for purely local purposes. Local Improvement procedures are quite involved unless the same standard is applied to each side of the street.

As an effective solution to the problem it is recommended that a 20 foot strip pavement be placed on this section with no grade preparation.

The estimated total cost is \$1,800. and the recommendation is subject to Coquitlam accepting one-half the cost. Officials in Coquitlam have indicated they are prepared to so recommend to the Coquitlam Council if Burnaby approves its share of the cost.

4. Re: Proposed Local Improvement - Curtis Street.

Council has initiated a Local Improvement on Curtis Street from Duthie to Centennial Way of paving curb-to-curb.

His Worship, the Reeve, has received requests from residents on Curtis St. for a Local Improvement sidewalk in addition to the proposed paving curb-to-curb.

Submitted herewith is a Cost Report as required by Section 601 of the Municipal Act for a 4½ foot concrete sidewalk on the south side of Curtis Street from Duthie Avenue to Centennial Way.

"His Worship, Reeve Emmott, received requests from residents of Curtis Street for a local improvement sidewalk on the south side of Curtis Street - Duthie Avenue to Centennial Way, to be built in conjunction with the curbing and pavement widening to a 44' width on the same street which is currently being initiated.

The cost of a 4½' concrete sidewalk is estimated at	\$ 13,100.
The owners' share of the cost is estimated at	3,087.
The Corporation's share of the cost is estimated at	10,013.
The estimated lifetime of the work is	15 years
The annual levy will be for 15 years at a frontage rate of	14¢ "

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(Item No. 4 - Re: Proposed Local Improvement - Curtis Street cont.)

Details of the assessment frontages were included in Item 6 of the Manager's Report No. 21 dated 12th March 1965.

It is recommended this sidewalk be initiated.

5. Re: "Burnaby Town Planning bylaw 1948, Amended Bylaw 1965" and Lot 4, Block 53, D.L. 30, Plan 3036.

At the direction of Council the Municipal Solicitor was asked for his opinion as to whether an engine rebuilding business is a permissible use in a Residential Zone.

The Municipal Solicitor gives the following opinion:

"If this use is permitted in a Commercial District, authority must be found in clause (b) of Section 10 of the Town Planning By-Law since it is obvious that this use is not within any of the other clauses. Unfortunately, clause (b) is very badly drafted and it is difficult to know exactly what it means. It seems that this clause provides that in a Commercial Zone land or buildings may be used for "headquarters, offices, accommodation for the conduct of any profession, business, trade, occupation or service, whether financial, commercial, administrative, social, political or otherwise." Notwithstanding the words "accommodation for the conduct of any business", I do not believe that an engine rebuilding business may be carried on legally in a Commercial district. It seems to me that the by-law must be read as a whole and having in mind that the by-law also establishes Light and Heavy Industrial districts, I do not believe that the words which I have quoted, particularly the word "business" may be interpreted so broadly as to include a business which is at least Light Industrial in character."

6. Re: Request of South Burnaby Elk's Lodge

On March 29th, 1965 Council considered a request from the above mentioned organization for permission to use property located at 6060 Clinton Street for lodge purposes.

Council requested additional information as to the reasons why the building had been used for a church but would not conform to the Fire Marshal's Act for use as a lodge.

The following is the report of the Fire Prevention Officer:

"As a Lodge Hall, the building would be classified under "Regulations governing the location, construction, occupancy and safety of community halls, assembly halls, theatres other than motion picture theatres and public halls including dance halls." It should be noted that Churches are not specifically mentioned in this group and although it is always recommended that the same regulations pertaining to exits etc. should apply to Churches, it has never been a requirement of the Provincial Fire Marshal.

In the above mentioned building the following items do not comply with the regulations of the Fire Marshal's Act or are considered fire hazards.

- (1) There are insufficient exits from the first floor and ground floor areas. The existing exits are of below minimum allowable width.
- (2) An existing coal and wood furnace is not enclosed in a regulation furnace room. The furnace room should have either 8 in. concrete block or 4 in. laminated walls and ceiling covered with gypsum lathe and plaster, a minimum of two sprinkler heads and a metal clad fire door opening outwards from the room.

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(Item No. 6 - Re: Request of South Burnaby Elk's Lodge cont.)

- (3) The Oil burner situated in the basement Sunday School is leaking oil and there is no record of a permit having been issued for this heater.
- (4) The brick chimney is in only fair condition and the metal extension at top is rusted.
- (5) The shingle roofing is rotted and covered with moss.
- (6) The exterior front steps have deteriorated and require renewing.
- (7) There are signs of rotting in the sub-flooring of the basement area.

If this application is approved, plans for the renovation of this building must be submitted to the Provincial Fire Marshal for approval prior to a Building permit being issued."

7. Re: Demolition of Building

The Corporation owns W $\frac{1}{2}$ Lot 7, Block 34, D.L. 151/3, Plan 1992 located at 6222 Wilson Avenue.

There is an old dwelling on the property which has been inspected. The Land Agent and the Chief Building Inspector recommend demolition.

It is recommended that authority be granted to demolish the building.

8. Application for Welfare Institution Licences

Applications have been made as follows for Welfare Institution Licences.

- (a) Mrs. Victoria Shull, 3038 Bainbridge Ave. requesting to have her present licence changed so that she can provide care for seven aged persons instead of four.

The Investigating Committee reports that it is the intention of the applicant to provide extra accommodation in the basement, which has a height of 7'6", being below the 8' minimum, and that at the present time there are six aged persons being cared for, two being accommodated in the basement, although the current licence provides for four persons. The septic tank and disposal field will not accommodate more persons than is now permitted.

Council stipulated, when approving the licence for four persons in April 1964 that the boarders were to be located on the main floor only.

The Committee recommends that the request be denied.

- (b) Mrs. Mabel Dahl, 5060 Pioneer Ave. requests a licence to provide care, room and board to aged persons.

The Investigating Committee reports that the Health Department considers the present septic tank and disposal field would not function properly with an increased load and recommends that the application be deferred until the property is served by sanitary sewer.

(Item No. 8 - Re: Application for Welfare Institution Licences ... cont.)

- (c) Mrs. Carol T. Scott, 4244 Graveley Street requests a licence to provide day time care to children.

The Investigating Committee reports that the dwelling complies to building, fire and health regulations and recommends that a licence be approved for not more than two children.

The Planning Director considers the accommodation small and the property is already experiencing its maximum development.

Council refused a similar application in August 1964 (at 4376 Graveley) for the same reasons advanced by the Planning Department.

9. Re: Requests for Lane Construction

Requests have been received for the opening of the following mentioned lanes:

Lane allowances are not complete and acquisition with restoration will be necessary. Estimated costs are as indicated.

- (a) Lane between Victory and Sidley Streets from Roayl Oak to Nelson Avenues

Construction	\$ 6,350.00
Acquisition and Restoration	<u>5,900.00</u>
Total	<u>\$12,250.00</u>

- (b) Lane between Sidley and Watling Streets from Royal Oak to Nelson Avenues

Construction	\$ 7,750.00
Acquisition and Restoration	<u>5,400.00</u>
Total	<u>\$13,150.00</u>

Submitted for the consideration of the Council.

10. Re: Request of Mrs. Gladys Allen, 7559 Elwell St. and Mr. Ernest Knudsen, 6805 Hersham Ave.

A letter has been received from the above mentioned persons requesting that a lane south of Imperial Street between Acacia and Hersham Avenues be improved.

The Lane allowance is the full width of 20 feet with the exception of approximately the south 150 feet where the lane connects with an east/west lane to Hersham Avenue.

There are two properties abutting the narrow portion, both of which have well developed rear yards and the acquisition necessary (approximately 10 feet) together with fence restorations would be quite expensive.

At the present time a sewer is being constructed in the lane and the excavations in some instances are extensive.

After the sewer project is completed and the ground has compacted it may be possible to improve the lane without the additional acquisitions.

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11. Re: Tenders for - (a) Two H.D. Single Axle Dump Trucks c/w Dump Bodies and Hoists
(b) One two-ton Truck c/w Dump Body and Hoist
(c) One 3/4 ton Pickup Truck
(d) Two 1/2 Ton Pickup Trucks
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Tenders were called for the above equipment.

Thirty-one bids were received and opened on 20th March 1965 by the Purchasing Agent, in the presence of Mr. E. Olson, Mr. J. Kaller, Mr. G. Mullis, Mr. R. Constable, and other representatives of the firms tendering.

A tabulation of the bids received is submitted herewith.

It is recommended that the low tender be approved in each case, namely:

- (a) Two single-axle 27,000 GVW Chevrolet Model C8303 trucks c/w dump and hoists for \$7,467.77 including Provincial Tax by Dueck on Broadway Ltd.
(b) One two-ton Chevrolet Model C5103 truck c/w dump body and hoist for \$1,543.50 including Provincial Tax by Dueck on Broadway Ltd.
(c) One three-quarter ton Chevrolet Model C2534 pick-up truck for \$2,399.25 including Provincial Tax by Dueck on Broadway Ltd.
(d) Two half-ton Chevrolet Model C1534 pick-up trucks for \$3,801.00 including Provincial Tax by Dueck on Broadway Ltd.

12. Re: Estimates

Submitted herewith for your approval is the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$35,890.

It is recommended that the estimates be approved as submitted.

Respectfully submitted,



H. W. Balfour
MUNICIPAL MANAGER

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13. Re: Land Exchange

Council requested the following additional information in connection with a proposed land re-subdivision and exchange on the south-west corner of Eton Street and Gamma Ave.

- (a) Is it possible or desirable to take 20 feet from the westerly side of Lot 18, S.D. "E", Block 9, D.L. 188, Gp. 1, Plan 1165 rather than the westerly 12 feet of this lot plus the easterly 8 feet of Lot 19 in the same block?
- (b) What arrangements are to be made with respect to construction of the lane to be created and, if this is being considered, will the owner of Lots 17 and 18 (Mr. Dorn) be asked to share in the construction costs of the lane?

The reason why the proposed lane allowance is being acquired by taking 12 feet from the properties to the east and 8 feet from the property to the west is so that the lane pattern will conform to the proposed subdivision pattern in the general area.

The owner of Lots 17 and 18 is not being required to contribute to the lane construction costs. He was very co-operative in agreeing to the exchange and re-subdivision proposal but could apply for building permits to construct improvements on his two lots.

14. Re: Subdivision Reference #241/64

In order to finalize the above subdivision, a drainage easement is required as shown on the plan prepared by E. L. Wong dated 4th Feb. 1965.

- (a) Correct Legal Description:
Lot 1, Block 3, D.L. 131, Plan 7200.
- (b) Name of Person Granting the Easement:
Ednor Construction Company Limited
- (c) Address and Occupation:
3799 East Hastings Street, Burnaby 2, B.C.
Occupation - Construction Business
- (d) Description of Easement:
The south 10' of Lots 157 and 158 as shown on the attached plan.
- (e/f) This easement is required for drainage works and is to be provided at no cost to the Corporation.
- (g) Location of the Property:
This property is located on Cliff Avenue approximately 176' south of Halifax Street.

I recommend that the easement be acquired and the Reeve and Clerk be authorized to sign the necessary documents.

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15. Malvern/Imperial Sewer Project #5

Negotiations for acquisition of easements required through the following properties for the above mentioned project have not been successful:

<u>Easement No.</u>	<u>D.L.</u>	<u>Block</u>	<u>Lot</u>	<u>Plan</u>	<u>Our Sketch # Explaining Easement</u>
4	86	36/38	3	12381	B-416
5	86	37W.½	--	1203	B-416
6	86	38W.½	Pcl. "A" Expl. Pl. 12785	1203	B-416
7	86	38W.½ Ex. Sk. 12785	Expl. Pl. 11047	1203	B-416
8	86	39	Ex. Expl. Pl. 16876	1203	B-416
9	86	40	Ex. Expl. Pl. 16940	1203	B-416
10	86	--	1	23399	B-416
11	86	42	Ex. Pl. 24296 & Ex. Pcl. "A" Expl. Pl. 22819	1203	B-417
12	86	43	Ex. Expl. Pl. 14196	1203	B-417
13	86	44	Ex. Expl. Pl. 13748	1203	B-417
25	91C	26	3	580	B-420
26	91C	26	2	580	B-420
51	91 SW	"A"	24 S.D.1	1346	B-423
53	91	1	25	1346	B-423

It is recommended that an expropriation by-law be passed to assure the right-of-way for construction. Negotiations will continue.

16. Re: Land Sale

Mr. L. Foslien, 3975 Southwood St. owns Lot "A", Blk. 3 NE¼ of D.L. 175N½, Gp. 1, Plan 17313 located at that address.

Mr. Foslien requests permission to purchase a triangular portion of Corporation owned land to the west of his property. The portion would be approximately 145 feet long and 10 feet wide at the widest part.

Sale of this strip of land would be contrary to the policy of reserving all the Municipally owned ravines for conservation parks and passive recreation areas.

The Planning Director opposes the sale and points out if the small portions of land at the top of the ravines are lost, the use of the steep remainder is limited.

The Parks and Recreation Superintendent advises the Commission adopted the Planning Department's Park Site Report which recommended retention of south slope ravine areas as Conservation Parks.

It is recommended that the request be denied.

17. Re: Dog Kennels

Letters were received through the Municipal Clerk from Caldora Kennels and Love's Kennels requesting that Burnaby amend its Kennel Bylaw to increase the existing limit of 30 dogs per kennel.

Burnaby Kennel Regulation Bylaw was finally adopted by Council on 13th September 1960. Section 13 of the Bylaw reads:

"No person shall have, keep, or board more than thirty dogs or cats in any dog kennel or cat kennel."

Section 17 reads:

"the owner or operator of every dog kennel or cat kennel shall take adequate precautions to see that all animals are under proper control and are restrained from frequent barking, yelping or howling and no person shall permit or allow such barking, yelping or howling or other noise from any dog kennel or cat kennel to continue as to be or cause a nuisance to residents or other persons in the neighbourhood."

Recently one Burnaby Kennel was charged under Section 13 and the Magistrate found the owner guilty. A charge laid under Section 17 of the Bylaw failed.

Mrs. Hayes, owner of Caldora Kennels, 7874 Rayside Street held a Kennel License for the keeping of 10 dogs in March 1955. On the 20th June 1956 this license, with Health Department approval was increased to a maximum of 25 dogs. There has been no subsequent Health Department approval for the increase of this maximum number.

In July 1955, Mr. Love held a Kennel License for the keeping of 20 dogs. On 11th August 1958, the Municipal Council, on the recommendation of the Health Department, increased this limit to 30 dogs. There has been no subsequent Health Department approval for any increase in this maximum number.

The system of permit and Council Approval was in keeping with section 13 of the Burnaby Town Planning By-law #1991, and Sections 20 and 21 of Bylaw #509, the Burnaby Health Bylaw 1926.

The Chief License Inspector and the Chief Sanitary Inspector are concerned about the problem raised by the requests of Caldora Kennels and Love's Kennels. They suggest that the subject should be thoroughly reviewed by a Staff Committee as such factors as land use and affect on assessment values, as well as Health and Licensing are involved.

It is proposed to set up this Staff Committee for subsequent Report to Council and it is recommended that no action be taken to amend Burnaby Kennel Regulation Bylaw 1960 until the Committee Report is submitted to Council.

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18. Re: Springer Sanitary Sewer Project Area No. 14:

- (a) Easement - Westerly 8 feet of Lot 24, Block "K", D.L. 127.
Plan 21748 (Sutton)

It is considered desirable that land for a lane be acquired from the following property to facilitate the installation of a part of the above sewer project:

- (b) North 10 feet of $W\frac{1}{2}$ of Lot 11, Block "H", D.L. 127, Plan 1254 (Pyper)

It is recommended that authority be granted to acquire the easement shown under (a) above plus the land for the lane mentioned.

19. Re: Malvern-Imperial Sewer Area #5

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

- (a) Owner - John Sutherland and Alice Sutherland
Property - Portion of Lot 178 as shown outlined in red on plan filed in the Land Registry Office at the City of New Westminster, numbered 27739, D.L. 91, Group 1, Plan 26458, N.W.D.
Location of easement - 7645 Imperial Street
Consideration - \$1.00 plus restoration of easement area.
- (b) Owner - Dorothy Lyla Cook
Property - S.W. 10' x 108' (Flankage) of Lot 18, Blk. 2, D.L. 91, Gp. 1, Plan 534, N.W.D.
Location of easement - 7670 Formby Street
Consideration - \$1.00 plus restoration of easement area and a sewer connection. This is a flankage easement.
- (c) Owner - Clifford Henry Deane and Alice Laura Deane
Property - Central 15' x 50' (Plan 27739) of Parcel 1 (Ex. Pl. 12934) of Parcel "P", Blks. 1 & 2 (Pl. 535) & of Lot 21, Blk. 27, Pl. 580 of Lot 91, Exc. Parcel "A" (Ex. Pl. 14086)
Location of easement - 7661 Imperial Street
Consideration - \$1.00 plus restoration of easement area. In the event that the following are damaged or destroyed during construction compensation will be negotiated.
Concrete patio and fiberglass roof
1 Purple Rhododendron
1 six ft. Lilac Bush
1 doz. Day Lillies

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

20. Re: Trans Mountain Oil Pipe Line Co.
D.L. 216

Trans Mountain Oil Pipe Line Co. have been examining certain Municipal property with the possibility in mind of creating a storage area for Liquified Petroleum Gases. The exploratory work did not prove the Municipal property satisfactory for underground storage. At this stage Trans Mountain Oil Pipe Line Co. was looking at long-range prospects.

It has since developed that a preliminary agreement has been entered into between Japan and Canada for the export of Liquified Petroleum Gas to Japan on a 10 year basis subject to confirmation of adequate terminal facilities at the West Coast.

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(Item 20. Re: ^{Trans Mountain Oil Pipe Line Co.} Trans Mountain Oil Pipe Line Co. - D.L. 216 cont.)

Transmountain then examined their existing Burnaby site. They have two wharves which are not being used. With some additional area they can locate two storage tanks and they could then assure adequate terminal facilities.

They then approached Burnaby about acquisition of land from the Corporation. The attached plans show a minimum needed area outlined in Orange and totalling 3.3 acres, with a further area of 6 acres outlined on the sketch in purple.


The proposition has been examined carefully. It would be pleasurable to sell the total area but it is considered that the area outlined in purple should not be sold, but retained in the control of the Corporation to ensure maximum protection of the nearby residential districts.

It is recommended that the 1.4 acre parcel on the west of the Transmountain site and the 1.9 acre parcel on the south be placed in a sale position subject to:

- (a) Consolidation of the two parcels with the existing Lot "K".
- (b) Transmountain to bear all survey costs.
- (c) A sale price of \$15,000. per acre.

It is further recommended that the area outlined in purple be set aside as a Conservation Area and withdrawn from sale.

Respectfully submitted,



H. W. Balfour
MUNICIPAL MANAGER

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