

THE CORPORATION OF THE DISTRICT OF BURNABY

19 November, 1965.

REPORT NO. 79, 1965.

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

Gentlemen:

Your Manager reports as follows:

1. Re: Hallowe'en

At the November 1st Council meeting, instructions were issued to obtain information from the Fire Chiefs of Burnaby, New Westminster and Vancouver on the incidence of fires as a result of Hallowe'en Fireworks, so that some comparison might be made with prior years when there were no regulations concerning the use of fireworks or firecrackers.

The replies are summarized as follows:

- Burnaby - Only one fire in 1965 attributed to fireworks with damage of \$10.00.
- Present regulations seem to have achieved the desired result, but Provincial legislation would be more effective. New Westminster for example, allows sale of firecrackers for one week, so some end up in Burnaby.
- New Westminster - Only one incident in 1965 involving fireworks, with no damage.
- Police also had a quiet evening.
- Sale of fireworks should be banned in British Columbia.
- Vancouver - Four incidents over three day period involving fireworks, with damage of approximately \$1,750.00.
- Compared with 1961 - 18 fires;
1962 - 20 fires;
1963 - 5 fires;
1964 - 5 fires.
- This indicates the incidence of vandalism and fire has been considerably reduced since the ban on firecrackers was implemented. The remaining types of fireworks are still permitted in Vancouver.

2. Re: Tenders for Construction of
Cariboo Area #7 - Sanitary Sewers

Tenders were called for Cariboo Area #7 Sanitary Sewers, closing 3:00 p.m., Tuesday, 16th November, 1965.

The scope of the work called for the supply and installation of:

- A. - Approximately 13,774 linear feet of sanitary sewers consisting of sizes 8" and 12" diameter mains.
- B. - Approximately 160 house connections.

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(Item #2 - Re: Tenders for Construction of
Cariboo Area #7 - Sanitary Sewers cont.)

Six tenders were received and opened by the Purchasing Agent in the presence of: V. D. Kennedy; R. J. Constable; R. Dick (Associated Engineering Services) and representatives of the firms tendering.

Submitted herewith is a tabulation of the bids received.

The tenders have been reviewed by the Senior Design Engineer, Mr. Kennedy, who advises:

"Having reviewed the tenders received for the above named sanitary sewer project, we note that without considering the guaranteed Winter Works rebate, the H. B. Contracting Co. Ltd. are low bidders. However, when you consider the Winter Works guaranteed return, the adjusted low bidder becomes Fownes Construction Ltd. and, considering the lowest possible alternative using the dirty street procedure, the difference is \$2,337.54.

We would, therefore, recommend that the contract be awarded to the lowest bidder on the basis of Winter Works guaranteed return, being Fownes Construction Ltd.

In view of the fact that their quoted difference is only \$2,500.00 for clean street procedure, we would recommend that we adopt the clean street procedure because the entire work will be carried out during the winter period."

It is recommended that the tender be awarded to Fownes Construction Limited for the clean street procedure.

3. Re: By-law #4860
to Amend "Burnaby Business Tax By-law 1965"

The Municipal Assessor has recommended certain amendments to the Business Tax By-law as a result of the first year's experience in administering the By-law.

The proposed changes are listed and appended, and the Municipal Solicitor has prepared the necessary By-law which must be passed on or before 30th November, 1965, to become effective for 1966.

4. Re: Estimates

Submitted herewith for your approval is the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$29,200.

It is recommended that the estimates be approved as submitted.

5. Re: Street Lights

Submitted herewith for your approval is the Municipal Engineer's report covering suggested street light installations.

It is recommended that the installations be approved.

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6. Submitted herewith for your information is the report of the Chief Building Inspector covering the operations of his Department for the period from October 11th to November 5th, 1965
7. Submitted herewith for your information is the report of the Officer in Charge, Burnaby Detachment, R. C. M. P., covering the policing of the Municipality for the month of October, 1965.

Respectfully submitted,



H. W. Halfour
MUNICIPAL MANAGER

HWB: gr

8. Re: Acquisition of Easements - Sanitary Sewer Projects

Easements are required in connection with the undernoted Sanitary Sewer Project as follows:

(1) South Slope V Sanitary Sewer Area #6

- (a) Owner - Harry Albert Stabler and Margaret Veronica Stabler,
7338 - 11th Avenue, Burnaby 3, B. C.
Property - Southeasterly 3' of Lot 1, Block 9, D.L. 29, Group 1,
Plan 3035, N.W.D.
Location of Easement - 7338 - 11th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.
- (b) Owner - Helen Antonishyn and John Edward Antonishyn,
7289 - 10th Avenue, Burnaby 3, B. C.
Property - The Northwesterly 5' being measured at right angles to the
Northwest boundary of Lot 16, Block 8, D.L. 29, Group 1,
Plan 3035, N.W.D.
Location of Easement - 7289 - 10th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.
- (c) Owner - Clifford Roy Anderson and Emma Anderson,
2018 London Street, New Westminster, B. C.
Property - The Northwesterly 5' being measured at right angles to the
Northwest boundary of Lot 15, Block 8, D.L. 29, Group 1,
Plan 3035, N.W.D.
Location of Easement - Between 7288 and 7294 - 11th Avenue, Burnaby 3, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (d) Owner - Norman Charles Overall and Ruth Alice Overall,
7317 - 10th Avenue, Burnaby 3, B. C.
Property - The Northwesterly 5' being measured at right angles to the
Northwest boundary of Lot 12, Block 8, D.L. 29, Group 1,
Plan 3035, N.W.D.
Location of Easement - 7317 - 10th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.
- (e) Owner - Albert Sproule Brown and Evelyn Mary Brown,
7220 - 16th Avenue, Burnaby 3, B. C.
Property - Southeasterly 8' of the North Half of Lot 3, Block 35,
D.L. 53, Group 1, Plan 3037, N.W.D.
Location of Easement - 7220 - 16th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.
- (f) Owner - William Henry Crassweller and Helen Crassweller,
7204 - 17th Avenue, Burnaby 3, B. C.
Property - The Southeasterly 10' being measured at right angles to the
Southeast boundary of the Northerly Half of Lot 73,
Blocks 34 to 38 of Lots 1 and 3, D.L. 95, Group 1, Plan 1152,
being all that portion lying North of a straight line
bisecting the Easterly and Westerly boundaries thereof, N.W.D.
Location of Easement - 7204 - 17th Avenue, Burnaby 3, B. C.
Consideration - \$45.00 plus restoration of the easement area.
Amount includes compensation for loss of Laurel hedge.

(Item #8 - Re: Acquisition of Easements - Sanitary Sewer Projects
..... Cont.)

(g) Owner - Angus Ronald McPhee and Ellen Mary Irene McPhee,
7240 - 16th Avenue, Burnaby 3, B. C.
Property - The Southeasterly 8' being measured at right angles to the
Southeast boundary of the Northerly half of Lot 6, Block 35,
D.L. 53, Group 1, Plan 3037, N.W.D., said Northerly Half
being all that portion of said Lot 6 lying Northerly of a
straight line bisecting the Easterly and Westerly boundaries.
Location of Easement - 7240 - 16th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.

(h) Owner - John Alfred Anderson and Verna Mary Anderson,
7235 Stride Avenue, Burnaby 3, B. C.
Property - Northwesterly 8' of the South Half of Lot 5, Block 35 of
D.L. 53, Group 1, Plan 3037, N.W.D.
Location of Easement - 7235 Stride Avenue, Burnaby 3, B. C.
Consideration - \$25.00 plus restoration of the easement area.
Amount includes compensation for loss of two pear trees.

(i) Owner - Alexander Nemedi and Velma Nemedi,
7311 - 11th Avenue, Burnaby 3, B. C.
Property - Northwesterly 5' of Lot 13, Block 7, D.L. 29, Group 1,
Plan 3035, N.W.D.
Location of Easement - 7311 - 11th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.

(j) Owner - Charles A. Wright and Elaine Marjorie Wright,
7211 - 16th Avenue, Burnaby 3, B. C.
Property - The Northwesterly 10' being measured at right angles to the
Northwest boundary of the Southerly Half of Lot 72, Blocks
34 to 38 of Lots 1 and 3, D.L. 95, Group 1, Plan 1152,
being all that portion of said Lot 72 lying South of a
straight line bisecting the Easterly and Westerly boundaries
thereof, N.W.D.
Location of Easement - 7211 - 16th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.

(k) Owner - Peter Cameron Gordon and Winnifred Ellan Gordon,
7275 - 10th Avenue, Burnaby 3, B. C.
Property - Northwesterly 5' of Lot 19, Block 8, D.L. 29, Group 1,
Plan 3035, N.W.D.
Location of Easement - 7275 - 10th Avenue, Burnaby 3, B. C.
Consideration - \$1.00 plus restoration of the easement area.

(ii) Royal Oak - Douglas Sanitary Sewer Area #12/13

(a) Owner - James Migita, and
May Okada, of 1037 Greenwood Avenue, Toronto, Ontario.
Property - The East 8' of Lot 1, Block 2 of the South Half of D.L. 74,
Group 1, Plan 1380, N.W.D.
Location of Easement - 3292 Royal Oak Avenue, Burnaby 2, B. C.
Consideration - \$1.00 plus restoration of the easement area.

(b) Owner - Teuvo Arnie Nuttinen and Vera Marie Nuttinen,
5408 Laurel Street, Burnaby 2, B. C.
Property - Westerly 5' of Lot 5W $\frac{1}{2}$, Block 3, D.L. 74S $\frac{1}{2}$, Group 1, Plan 1380,
Location of Easement - 5408 Laurel Street, Burnaby 2, B. C. N.W.D.
Consideration - \$1.00 plus restoration of the easement area.

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..... Cont.)

(iii) Buckingham - Sperling Sanitary Sewer Area #8

- (a) Owner - Olga Chyplyk, 5370 Gordon Avenue, Burnaby 2, B. C.
Property - Northeasterly 10' of Lot 5, D.L. 85, Plan 22764, N.W.D.
Location of Easement - 5370 Gordon Avenue, Burnaby 2, B. C.
Consideration - \$1.00 plus restoration of the easement area.
- (b) Owner - Johannes G. Hoogland, and Lena E. Hoogland,
5450 Grandview Douglas Highway, Burnaby 2, B. C.
Property - The Northwesterly 15', being measured at right angles to
the Northwest boundary of Lot 9, D.L. 85, Group 1,
Plan 1866, N.W.D.
Location of Easement - 5450 East Grandview-Douglas Highway, Burnaby 2, B.C.
Consideration - \$1.00 plus restoration of the easement area.
- (c) Owner - Joseph Clifford Gordon Jameson and Alma Doreen Glenys Jameson,
4991 Claude Avenue, Burnaby 2, B. C.
Property - The East 15' of The Northerly 205.5 feet of Lot "B",
Block 12 of D.L. 79 and D.L. 85, Group 1, Plan 4946, N.W.D.
having a frontage of 106.31 feet on a Road and a uniform
depth of 205.5 feet.
Location of Easement - 4991 Claude Avenue, Burnaby 2, B. C.
Consideration - \$1.00 plus restoration of the easement area, and a
free sewer connection.
This is a flankage easement.
- (d) Owner - George Woodcock and Emma Woodcock,
5350 Gordon Avenue, Burnaby 2, B. C.
Property - Northeasterly 10' of Lot 1, Parcel "Z", D.L. 85, Group 1,
Plan 21942, N.W.D.
Location of Easement - 5350 Gordon Avenue, Burnaby 2, B. C.
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 easement documents
on behalf of the Corporation.

9. Re: South Slope V Sanitary Sewer Area #6

The following lane acquisition is required for the above mentioned Project:

The Northwesterly 10' of Lot 26, being measured at right angles to the North-
west boundary thereof, of Blocks 34 to 38 of Lots 1 and 3, D.L. 95, Group 1,
Plan 1152, N.W.D., owned by William Kaduhr and Anna M. Kaduhr, both of
7149 - 18th Avenue, Burnaby 3, B. C. The consideration is \$49.50 for 66 feet
of fence at 75¢ per foot.

It is recommended that the portion of property referred to be acquired for
lane purposes and that the Reeve and Clerk be authorized to sign the necessary
documents.

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10. Re: Lot 78, D.L. 35, Plan 27645, Reference #146/65
and Mr. A. S. Gregson

The Approving Officer has prepared his own Report on his action in this Subdivision, and has outlined the authority with which he supports his action.

The purpose of the Municipal Manager's Report is to deal with the specific points brought up by Mr. Gregson and to relate them to the decision where applicable.

Section 150 - Lack of a quorum at Policy/Planning Committee meeting.

This became a matter of concern to Council very recently and the Solicitor advised Council that since the Committee comprised the whole Council, a majority of the members should constitute a quorum. Since that advice was received, no meetings have been held without a quorum to your Municipal Manager's knowledge.

Normally, decisions of Policy/Planning are confirmed, rejected or amended by Council, but this does not relieve the necessity for a quorum at Policy/Planning meetings.

Section 223 - Re method of passing By-laws.

There is no argument with this.

By-law #3609 is the only by-law to regulate the subdivision of land.

Section 330 - Re By-laws being binding on persons.

Mr. Gregson contended that By-law #3609 is binding upon the Approving Officer.

In his capacity as Approving Officer, the Planner is not a Municipal Official and it will be seen from the Approving Officer's Report that he has authority from the Municipal Act and the Land Registry Act.

Attention is drawn to Section 94 of the Land Registry Act where the Approving Officer is given a permissive right to refuse a subdivision if it does not conform to the Municipal by-law regulating subdivision.

The Approving Officer must accept responsibility for the decisions he makes with respect to subdivisions.

If his decision is to be challenged, the method for appeal is to a Supreme Court Judge in Chambers.

The question of interpretation of his powers by the Approving Officer and even the judgment he exercises in applying his powers may not be agreed to but the recourse of the Subdivider is through the proper procedure and not by appeal to Council.

This Report has been read by the Municipal Solicitor who has agreed to its content.

11. Re: Portion of McPherson Park

In July 1962, Council approved under Section 13 of the Town Planning By-law, the use of certain lands on the west side of McPherson Avenue north of McPherson Park for a Curling Club. The club did not have sufficient land for parking in their ultimate stage of development and it was therefore agreed that the Corporation would sell the parcels of land marked "A", "B" and "C" on the attached sketch. The Curling Club deposited \$5,000. with the Corporation to be applied against the purchase.

There is no problem in creating Parcels "A" and "B". Parcel "A" is owned by the Corporation and once the required road allowance has been dedicated the balance can be conveyed. Parcel "B" is the former Watling Street allowance. For simplicity, title to the whole allowance or abandonment vested in the School Board but they agree that the portion lying east of the proposed road belongs to the Corporation and are prepared to convey.

Parcel "C" has been the reason why this whole transaction could not be completed. Parcel "C" is presently a part of a dedicated park which will be cut off from the parent parcel with the creation of the Antrim-Irmin Road Diversion.

The problem of removing the park dedication has been discussed with officials in Victoria, and it appears the only way this can be accomplished is with the assent of the electors.

A by-law has been prepared and is being presented for Council consideration in order that the matter can be placed before the electors at the Annual Election.

12. Re: South Slope Sewer Project #5

Negotiations to acquire a lane right-of-way over the Northwest 10 feet of Lot 55, S.D. 34/38, Blocks 1/3, D.L. 95N, Group 1, Plan 1152, located at 7145 - 17th Avenue, have not been successful.

The right-of-way has been included in an Expropriation By-law for consideration of Council. Negotiations will continue.

13. Re: Group Home for Girls -
4222 Gilpin Crescent

The Social Service Administrator has asked for an inspection of the residence located at 4222 Gilpin Crescent to determine its suitability for use as a group home for the care of four teenage girls.

The property is located in a Residential (R2) Zone in which the proposed use is permitted.

The Investigating Committee reports as follows:

- (a) The ceiling height of the basement area is 7' 7" and therefore can not be used for habitable purposes - sleeping rooms.
- (b) The bedrooms on the main floor would permit the maximum number of three, allowing one bedroom to be used by the applicant and his wife.
- (c) The front door should open outwards.

14. Re: By-laws #3102, #1914 and #2089

By-law #3102 is a By-law for licensing and regulating the owners and drivers of Vehicles for Hire in the Municipality of Burnaby.

By-law #1914 is a By-law for licensing and regulating Automatic Vending Machines.

By-law #2089 is the Burnaby Trades License By-law.

Amendment By-laws have been prepared by the Municipal Solicitor for the above three by-laws to provide for an annual license 1st January to 31st December each year with the provision that a person who becomes liable to be licensed after the 31st day of July in any year shall pay one-half of the prescribed license fee.

This opportunity for an annual license fee was provided by an Amendment to the Municipal Act in 1965.

No change has been made in values but the six-month schedules have been doubled.

Opportunity has been taken to insert some definitions lacking in the Trades License By-law

Respectfully submitted,



H. W. Balfour
MUNICIPAL MANAGER

HWB:gr