

16 September 1966.

REPORT NO. 51, 1966.

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

Gentlemen:

Your Manager reports as follows:

1. Re: Urban Renewal Scheme -  
Hastings Street - Burnaby.

The Agreement between The Corporation of the District of Burnaby and the Central Mortgage and Housing Corporation has now been executed and the date of the Agreement is 23rd August 1966.

Mr. Parr, Municipal Planning Director, is the Chairman of the Co-ordinating Committee for Burnaby. He has written to Victoria to have the necessary documents for Provincial participation prepared.

The Project is to be known as "Hastings Redevelopment Project No. 1,"

2. Re: Demolition of Houses.

The following houses have been acquired by the Municipality for street widening and other municipal purposes:

1. 8175 Patterson Avenue - Lot "B" ex. pl. 14688, Blk.1, D.L.175,  
Plan 5798.
2. 1520 Willingdon Avenue - Lot 1, Block 61, D. L.'s 122/123/124,  
Plan 1543.
3. 4777 E. Grandview-Douglas Highway - Lot 10, Block 7, D. L. 79,  
Plan 2547, save and except part on  
Plan 28539.

The Land Agent reports that these houses should be demolished. Since none of them are located in an area where it is safe to burn them, it is estimated that demolition by municipal work forces would cost on the average of \$150. each.

It is recommended that authority be granted to demolish these buildings with the cost being added to the project for which the acquisitions were made.

3. Re: Sale of Property.

In accordance with approval of Council, the following properties were offered for sale by tender and bids received as indicated:

Parcel "Q" Ex. Pl. 22192, D. L. 129.  
-(west side of Fell avenue, opposite Napier Street).

-Six bids were received:

(a) R. A. McCowan, 7624 Sussex Avenue	-	\$ 5,542.00
(b) A. G. Ebner, 4387 Dundas Street	-	5,325.00
(c) F. Raudsepp, 1150 Fell Avenue	-	6,025.00
(d) John Chomick, 6320 Napier Street	-	5,600.00
(e) H. Vilu, 6674 Charles Street	-	6,115.00
(f) D. V. Mungham, 5305 E. Georgia Street	-	5,550.00

All bids were accompanied by certified cheques for 5% of the bids.  
Minimum price was \$5,200.00.

It is recommended that the bid of H. Vilu of \$6,115.00 for Parcel "Q"  
Ex. Pl. 22192, D. L. 129 be accepted. (.....2)

(Item 3....re Sale of Property...continued)

Parcel "F", Filing #51321, D. L. 11  
- (Cumberland opposite 14th Avenue)

Lot 79, Blocks 14/21, D. L. 11, Plan 21666  
- (16th Avenue, 60' east of Endersby).

- No bids were received for these lots.

- It is recommended that the Land Agent be authorized to sell these lots at not less than the stated minimum prices of \$4,500.00 and \$5,200.00 respectively.

4. Re: Claim - Milani Drainage and Supplies.

Milani Drainage and Supplies have claimed the sum of \$176.74 against this Corporation.

This claim resulted from extra expense incurred by Milani Drainage in the installation of a sewer connection at 4970 Sanders Street. The extra expense resulted from the difficulties arising in locating the Corporation's sewer connection, which was not found in the position given to the Sewer Contractor.

There is a disagreement as to the actual property line, the fence line, and the location of the connection in relation to these two points. This could only be determined by a legal survey, which would be an expense well beyond the value of the claim.

The Solicitor recommends that the claim be paid, less \$22.50, being the value of materials used which would have been a normal expense in any case.

It is recommended that the claim of Milani Drainage and Supplies for \$176.74 be settled by payment of \$154.24.

5. Re: Letter to Council from R. & M. Lea, 5366 Spruce Street.

This matter was brought to Council's attention last in 1963 by the Leas.

Mr. and Mrs. Lea own the north half of Lot "A", Block 8, D. L. 80, Group 1, Plan 4954, and the south half of the lot is owned by Mr. F. W. Syms.

There is a 10' easement over the east 10' of the north half of the Lot, over which a private road exists which gives the owner of the south half of the Lot access to Spruce Street. The easement is in favour of the owner of the south half of the Lot and not the Corporation.

It would appear that this easement was necessary in order to provide road access to the south half of the Lot when Lot "A" was subdivided years ago. The easement agreement provides that the owner of the south half of the Lot will release the easement after a road is constructed along the south boundary of the property.

At the present time there is no road allowance at the south boundary of Lot "A". There is a 33' road allowance extending to the east and west boundaries of Lot "A", which is part of the eventual extension of Eglinton Street. The completion of this 33' road allowance which will form the north half of the full allowance, will have to come from the South half of Lot "A".

In 1963 the Leas asked Council to open up the 33-foot allowance to the boundary of Lot "A" so that they could have the easement cancelled.

Since the easement agreement calls for a road "along the south boundary of Lot "A" before the holder of the easement is required to release it, the suggestion of the Leas is not necessarily an answer to their problem. It would have to be acceptable to the original subdivider Syms who holds the easement.

(.....2)

(Item 5.....re R. & M. Lea, 5366 Spruce Street.....continued)

From the municipal point-of-view, Eglinton is constructed to ultimate standard, paved curb to curb. To continue the street at any lesser standard would not be reasonable.

Regarding the maintenance of the easement area, this is a matter between the Leas and Syms. The Corporation has no right of enforcement whatsoever on the easement.

6. Re: Bridge Structure to 5689 Byrne Road - Mr. Art Dayton.

Mr. Art Dayton has made application to construct his own access to his property across the Byrne Road ditch at 5689 Byrne Road.

He has provided drawings of the proposed structure which are acceptable to the Municipal Engineer.

Section 24 of By-law #4299, being "Burnaby Street and Traffic By-law" reads:

- "24 (1) No person shall excavate in, do or construct any works upon, cause a nuisance upon, encumber, obstruct, injure, foul or damage any portion of a highway or other public place without written permission so to do from the Council and except upon such terms and conditions as may be imposed by the Council in such permission.
- (2) Any person receiving permission from the Council under Subsection (1) shall do all works or things for which such permission is given to the entire satisfaction and specifications in all respects of the Engineer."

It is recommended that permission be granted pursuant to Subsection (1) and (2) of Section 24 of By-law No. 4299.

7. Re: Goodwin-Johnson (1960) Limited.

This firm acquired property on Burtard Inlet at the foot of Penzance Drive. This property adjoins a large lot owned by the Corporation. Goodwin-Johnson (1960) Ltd. own Blocks 6 and 7, D. L. 218 and the Corporation owns Block 8.

It was in April, 1965, that this Company first wrote to the Corporation concerning a proposal to erect a refiner type mechanical pulp processing plant in this location in conjunction with its log sorting and export business. At that date they had a firm option on Blocks 6 and 7 owned by Imperial Oil and needed a portion of Block 8 also.

The letter referred to contained a request for upland permission for a waterlot lease and for consideration of lease or purchase by the Company of Block 8. Shortly thereafter, the Company asked permission to enter upon Block 8 for the purpose of conducting foundation and ground water tests. It also repeated its request for upland permission for the water lot lease.

All the above was reported to Council on 3rd May, 1965, and the decision of Council was to grant the Company permission to make the desired ground studies. Decision was deferred on the question of upland permission pending production of additional information.

A further report was made to Council on 29th June 1965 and the decision of Council was to refuse upland owners permission. The Municipal Clerk advised Goodwin-Johnson of this by letter dated 27th July 1965.

In September 1965, the Engineer supplied Goodwin-Johnson with specifications for construction of municipal streets, and pointed out that if the Company wished a  
(.....4)

(Item 7....re Goodwin-Johnson .....continued)

permanent means of entrance to its property, Penzance Drive must be extended and constructed to full municipal standards. Permission was granted for temporary access for the purpose of exploration work subject to these conditions:

- (1) the access road shall be temporary in nature only and arrangements must be made to close the access road permanently as soon as exploratory work has been completed;
- (2) the access road must not be open to public use;
- (3) Goodwin-Johnson (1960) Ltd. will be responsible for any problems created through the construction of the access road.

Planning and Health in the meantime were exploring possible ramifications of a refiner type pulp mill and Engineering, the problem of water supply if no ground water in sufficient quantities could be located.

In January 1966 another Report was made to Council consequent upon a further request from Goodwin-Johnson (1960) Ltd. for upland permission for the construction and installation of a deep sea loading wharf fronting Blocks 6 and 7 of D. L. 218 which the Company had purchased from Imperial Oil Ltd. The Company made this request of the Corporation on the grounds that anchors may be placed on the water lot fronting Block 8 owned by the Corporation.

The decision of Council was to withhold upland owner's approval of this request. This decision was transmitted to Goodwin-Johnson (1960) Ltd. by letter from the Municipal Clerk dated 1st February 1966. In this letter the Clerk pointed out that in the view of Council, an operation such as proposed would, in essence, fix the use of the Water Lots for log-sorting purposes, a use that is not considered desirable in this locality because it might possibly hamper future development of land in the region.

Later it was discovered by observation that Goodwin-Johnson (1960) Ltd. were conducting an operation of sorting, trimming, and cleaning of logs. A small building had been set on pilings, a short wharf erected and a re-saw unit on floats in the booming area and two small float houses on the beach, all without benefit of permit or prior knowledge of the Corporation. About 10 to 12 men were employed on the operation and there was no potable water supply and a complete absence of toilet facilities.

Action was immediately started, and by letter dated 6th May 1966, the Company made official application for a temporary permit to construct a frame building and general preliminary improvements. This was acknowledged and referred to the appropriate departments for consideration.

On 9th June 1966 an application was received from the Company for a Licence.

Consideration by the Planning Department became quite involved as it required examination of the powers of the National Harbours Board, which had granted a Water Lot Lease to Goodwin-Johnson (1960) Ltd., vis-a-vis the powers of this Corporation.

In the development plan submitted there is no indication of any pulpmill proposal.

Examination of the development plan discloses that the two-storey building constructed is on one of two small parcels of land, and not on the Water Lot.

At this point it is observed that there is a technicality in the application of the upland owners permission. At Block 8, the C.P.R. holds the land between the water and Block 8 so the National Harbours Board ruled that the C.P.R. is actually the upland owner, not the Municipality. At Blocks 6 and 7, the situation is somewhat different, due to the land existing north of the C.P.R. right-of-way, but at this location Goodwin-Johnson (1960) Ltd. own the land on both sides of the track.

Any form of control then by the Corporation through application of the upland owner's permission is not possible.

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(Item 7.....re Goodwin-Johnson.....continued)

However, careful examination of the legal position of the Municipality discloses:

- (1) that a person or company making use of a waterfront lease within the Municipal boundaries must conform to Municipal regulations;
- (2) since Goodwin-Johnson's present operation is not a permitted use, it is therefore illegal. Also the proposed facility for loading logs onto deep-sea ships is not a permitted use.

The matter now stands there, and to legalize the operation it would be necessary to amend the Zoning By-law to include log-sorting and loading.

Council expressed its opposition to log-sorting and this has been made known to the Company.

Assuming that an application will be received to amend the Zoning By-law, the reaction of Council is being sought at this time in view of its previous rejection of log-sorting.

Questions regarding licensing, approval of development plans with required services, and issuance of building permits must be held in abeyance until the major question of land and water use are resolved.

It has been ascertained that the National Harbours Board does not favour the use of the harbour for log-sorting purposes. However, they recognize that such is an established industry with a value to Canada and British Columbia and have granted leases for the purpose, with the protective feature that they are short-term leases which would not necessarily be renewed if a better use of the water presented itself. It would appear to be the object of the National Harbours Board to gradually phase out such operations in the Harbour.

While the National Harbours Board may have this form of control where they do issue leases, any form of By-law provision would be of general application and as such would apply to cases of outright ownership of Water Lots, thus making it more difficult to prevent such operations if this be desired.

8. Re: Display Sign - Lot 21, Block 30, D. L. 152, Plan 1520,  
5094 Kingsway.

The Chief Building Inspector rejected an application for the proposed sign for Ernie's Fine Foods Ltd. to be located on the above property as it would be in violation of Section 6.16(2) of Burnaby Zoning By-law #4742 which states:

"No principal building, or accessory building, or structure shall be sited closer than 5.75 feet to the centre line of Kingsway on the south side only between Edmonds Street and Patterson Avenue."

To comply with the requirements of the Zoning By-law, the proposed sign would have to be located a minimum of 16.5 feet south of the existing Kingsway property line. This is due to the eventual widening of Kingsway through this area.

The Company appealed to the Zoning Board of Appeal which approved the location of the sign on the widening strip subject to a legal agreement being entered into to guarantee the removal of the said sign if required for the widening of Kingsway.

An Agreement was prepared by Neon Products of Canada Ltd. to give effect to the requirements of the Zoning Board of Appeal and this has been executed by the duly authorized officers of the Company.

Kingsway has not been widened at this location so it is not a matter of ownership of the eventual widening strip.

(.....6)

(Item 8....re Display Sign - 5094 Kingsway.....continued)

To anyone's memory this is the first instance of a decision of the Zoning Board of Appeal requiring the execution of an Agreement as a condition of the Appeal Board's ruling. There is no procedure in effect for this contingency but this will be examined. The Zoning Board of Appeal cannot itself enter into such Agreements and they must be executed by the Corporation on the authority of the Council.

The Agreement is submitted herewith for the approval of Council for the Reeve and the Municipal Clerk to execute on behalf of the Corporation.

9. Re: Letter of F. J. and M. J. Molley, 3927 Nithsdale Street,  
Lot 13, Block "A", D. L. 68, Plan 11923.

This property is 50' x 120' and is in an R5 Residential District. This is a District providing for 2-family dwellings, but requiring a site with a minimum of 60 feet and an area of not less than 7200 square feet. A similar provision was contained in the former Town Planning By-law.

Under provisions of Burnaby Zoning By-law #4742, Council can only grant relief to this property-owner by way of amending property size requirements of the R.5 zone. This would adversely affect the amenities of the R5 Zone to provide relief for one owner.

The majority of owners on 50' lots in this area maintain single-family residences.

There is no complaint about the quality of the suite in the Molley home, only that it is not legal. The suite was put in without benefit of building permit.

Mr. Jones has recognized the circumstances of the present occupants of the suite and has placed no definite term on the owners to comply.

10. Re: Cancellation of Easement - Easterly 15 feet of Lot 268 of Subdivision of  
Lot 109, D. L. 129, Plan 1492.

On 8th August 1966, Council authorized the acquisition of the above easement. The subdivision includes a right-of-way over a 20' strip which was registered in favour of the Corporation on 31 July 1964 under No. 359061-C. As this area is dedicated as road, the Corporation has no further use for the easement, and it is recommended that the easement be cancelled, and that the Reeve and Clerk be authorized to execute the necessary documents.

11. Re: Estimates.

Submitted herewith for your approval is the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$35,200.00.

It is recommended that the estimates be approved as submitted.

12. Re: Expenditures.

Submitted herewith for your approval is the Municipal Treasurer's report covering Expenditures for the 4-week period ended 4 September 1966 in the total amount of \$2,193,148.00.

It is recommended the expenditures be approved as submitted.

13. Submitted herewith for your information is the Chief Building Inspector's report covering the operations of his Department for the period 15 August to 9 September, 1966.

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REPORT NO. 51,1966,  
MUNICIPAL MANAGER  
16 September 1966.

14. Submitted herewith for your information is the report of the Fire Chief covering the activities of his Department for the month of August, 1966.
15. 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 August, 1966.

Respectfully submitted,



H. W. Balfour,  
MUNICIPAL MANAGER.

HB:eb  
Att.

16. Re: Lot "C" of Lot "A" of Lot 3, Block 4, D. L. 38, Plan 18354,  
G. E. Small - 4175 Moscrop Street.

The above mentioned property owner is subdividing his property. It is proposed to provide an 86-foot wide allowance for Moscrop Street which is now 66' wide.

The additional 20' cannot be legally required on subdivision without compensation. Mr. Small is not prepared to donate the widening strip but has offered to sell it to the Corporation for the sum of \$2,500.00. The subject area is 20'x 269.6' representing approximately 5,380 square feet of land in a reasonable good residential area (Zoned R4), where lot values range from \$5/6000.

Planning recommends that the widening strip be acquired at this time. The price asked is fair and it is recommended it be accepted and the widening strip obtained on subdivision.

17. Re: Sheep Protection Act Claim - Paul Strilkiwsky,  
7223 - 18th Avenue, Burnaby.

A claim has been received for \$23.60 covering loss of chickens during the night of September 9/10, 1966, as provided in the Sheep Protection Act.

Investigation of the claim led to the viewing of the carcasses of ten of the twelve birds claimed, and the Inspector is of the opinion that they had been mauled, probably by dogs. The run area for the birds was fairly well constructed and completely roofed over. Entry had been made by tearing a hole in the wire, which was rather loose in some sections. However, it would have taken a fairly large and powerful dog to tear such a hole.

The Chief Licence Inspector recommends, and your Municipal Manager concurs, that since the fence was not entirely adequate, the sum of \$12.00 be offered in full settlement of this claim.

18. Re: Alleviation of Lot Frontage Requirement -  
Section 712(2) of the Municipal Act.

- (a) Subdivision Reference #38/66.  
D.L.86, Blocks 32-35, Lot "B", Plan 22023, Malvern just north of Burris, east side.

The original parcel was 173' on Burris and 501.75' in depth. There was a 20' handle to Malvern. The subdivision cuts off the rear 125.5' including the handle. Future subdivision will provide the additional frontage requirement.

- (b) Subdivision Reference #130/66,  
D. L. 90S, Block 2, Lot "F", Plan 5833,  
except Parcel 1, Explanatory Plan 11332.  
Elwell Street, between 4th and 6th Streets.

This subdivision creates 5 lots, three of which conform. The remaining two have the necessary minimum frontage for the zone but because of their depth of 207' the frontage of 50' does not meet 10% of the perimeter. Frontage would have to be 51.4'.

It is recommended that Council exempt the subdividers of the above two subdivisions from the limitation of 10% of the perimeter provided in Section 712(1) of the Municipal Act.

19. Re: Acquisition of Easement - Storm Drainage Project - D. L. 216.

An easement is required for storm sewer purposes as follows:

Name - Masao and Emily Saito, 7057 Malibu Drive, Burnaby 2, B. C.  
Property - Easterly five feet Lot 162, Block 2, D. L. 216, Plan 11693.  
Location of property - 7057 Malibu Drive, Burnaby 2.  
Consideration - \$1.00 plus restoration of the easement area.

It is recommended authority be granted to acquire this easement and that the Reeve and Clerk be authorized to execute the required documents. (.....2)



20. Re: Acquisition of Easements - Drainage Project, east side of Chesham Avenue,  
between Gilpin and Price Streets.

Easements are required for storm drainage purposes in connection with the above Project as follows:

- (a) Owners - Howard John McMannis and Marie McMannis, 3910 Gilpin Street, Burnaby 2.  
Property - Westerly 15 feet of Lot 60, D. L. 34, Plan 27216, N. W. D.  
Location - 3910 Gilpin Street, Burnaby 2, B. C.  
Consideration - \$1.00 plus restoration of the easement area.
- (b) Owner - W. R. J. Hancock, 4849 Woodglen Court, Burnaby 1, B. C.  
Property - Westerly 15 feet of Lot 56, D. L. 34, Plan 27216, N. W. D.  
Location - 4849 Woodglen Court, Burnaby 1, B. C.  
Consideration - \$1.00 plus restoration of the easement area.
- (c) Owners - W. J. and Rose Hine, 4839 Woodglen Court, Burnaby 1, B. C.  
Property - west 15 feet Lot 57, D. L. 34, Plan 27216, N. W. D.  
Location - 4839 Woodglen Court, Burnaby 1, 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 necessary documents.

21. Re: Douglas Road Widening.

Acquisition of the following truncation, required in connection with the above widening project, has been negotiated:

Portion of Lot "D" of Lot "B", Block 28, D. L. 117E $\frac{1}{2}$ , Plan 19931, N. W. D. from Francesco, Paulo and Giorgio Dugaro, 3027 Vanness Avenue, Vancouver 16, B. C. The property is located at 4005 Grant Street, Burnaby 2, B. C. The consideration is \$22.00.

It is recommended that the above property be acquired and that the Reeve and Clerk be authorized to sign the necessary documents.

22. Re: Acquisition of Easements - Sanitary Sewer Projects.

Easements are required in connection with the undernoted sanitary sewer projects as follows:

(1) Springer Sanitary Sewer Area #14.

Owners - Joseph and Rose Percival, 3172 Flint Street, Port Coquitlam, B. C.  
Property - Portion of Parcel "A", (Ex. Plan 14679), as shown outlined in red on Plan deposited in L. R.O. under #27940, Block 23, D. L. 126, Group 1, Plan 3473, save and except the south 33 feet thereof and road, and save and except part subdivided by Plan 14158 and part subdivided by Plan 15290.

Location - 5300 Block Halifax Street.

Consideration - \$1.00 plus restoration of the easement area.

(ii) Gilpin-Grandview Sanitary Sewer Areas 10/11.

Owners - Victor and Elma Johnson, 3826 Norland Avenue, Burnaby 2, B. C.  
Property - E. 10 feet Lot 7, Blocks 12/13, D. L. 79, Plan 2298, N. W. D. save and except portion shown on Highway Plan 26541.

Location - 3826 Norland Avenue, Burnaby 2.

Consideration - \$80.00 plus restoration of the easement area.

(.....3)

(Item 22....re Easements - Sanitary Sewer Projects.....continued)

(iii) Sixth Street Sanitary Sewer Project #18.

Owners- Arthur and Ruth Johnson, 7743 Wedgewood Street, Burnaby 1, B. C.  
Property - Portion of Lot 95 as shown outlined in red on plan filed in L.R.O.,  
Block 4, D. L. 90, FN.W.D.  
Location - North of 7150 E. Grandview-Douglas Highway.  
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 necessary documents.

23. Re: Lane Acquisitions - Sanitary Sewer Projects.

The following lane acquisitions are required for the undernoted Sanitary Sewer Projects as follows:

(i) Sixth Street Sanitary Sewer Area #18.

Owner - Willie and Clara Arnadorf, 3505 James Heights, Victoria, B. C.  
Property - Portion of Lot "E" as shown outlined in red on plan filed in L.R.O.  
Block 1, D. L. 90, Plan 5346, save and except part subdivided by  
Plan 24075, N. W. D.  
Location - 7700 Block Goodlad Street.  
Consideration - \$1.00.

(ii) Oakalla Sanitary Sewer Area #21.

- (a) Owner - Laura Gertrude Mangnall, Juene Landing, B. C.  
Property - Westerly ten feet Lot 12, Block 2, D. L. 94, Plan 7941, N. W. D.  
Location - 6249 Selma Avenue, Burnaby 1, B. C.  
Consideration - \$1.00.
- (b) Owner - Albert and Joyce Winder, 6209 Selma Avenue, Burnaby 1, B. C.  
Property - Westerly ten feet Lot 10, Block 2, D. L. 94, Plan 7941, N.W.D.  
Location - 6209 Selma Avenue, Burnaby 1, B. C.  
Consideration - \$1.00.
- (c) Owner - K. Rogers, 6210 Pearl Avenue, Burnaby 1, B. C.  
Property - Easterly ten feet Lot 1, Block 2, D. L. 94, Plan 1117, N.W.D.  
Location - 6210 Pearl Avenue, Burnaby 1, B. C.  
Consideration - \$1.00.
- (d) Owner - Henry and Ena Senft, 6250 Pearl Avenue, Burnaby 1, B. C.  
Property - Easterly ten feet Lot 3, Block 2, D. L. 94, Plan 1117, N.W.D.  
Location - 6250 Pearl Avenue, Burnaby 1, B. C.  
Consideration - \$1.00.

It is recommended that authority be granted to acquire the above property for lane purposes and that the Reeve and Clerk be authorized to execute the necessary documents on behalf of the Corporation.

24. Re: Rezoning Applications.

Submitted herewith for your consideration is the Municipal Planner's report covering various applications for rezoning as listed on the Planner's covering report.