

AUGUST 14, 1967

An adjourned meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4545 East Grandview-Douglas Highway, Burnaby 2, B.C., on Monday, August 14, 1967 at 7:30 p.m.

PRESENT: Reeve Emmott in the Chair;
Councillors Corsbie, Dailly,
Drummond, Herd, Hicks, Lorimer
and McLean

ABSENT: Councillor Blair

MOVED BY COUNCILLOR LORIMER, SECONDED BY COUNCILLOR CORSBIE:
"That the Minutes of the meeting of July 31st be adopted as written and confirmed."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR LORIMER, SECONDED BY COUNCILLOR HICKS:
"That the delegations be heard."

CARRIED UNANIMOUSLY

Mr. D. A. Hogarth, Barrister and Solicitor, appeared on behalf of the residents of property at 6561 Parkdale Drive.

Mr. Hogarth thanked the Council for tabling the matter of the unwed mothers and their children resident at this address to accommodate his personal vacation requirements and being given an opportunity to look into the matter further.

Mr. Hogarth referred to the petition filed signed by several persons in the Parkdale area complaining of a breach of the Zoning By-Law with respect to this residence.

Mr. Hogarth made the following points and comments during the reading of his submission:

- (1) It appears that the building is occupied by three young women and their infant children with the prospect of being joined by a fourth and her child.
- (2) It was understood the Municipal Solicitor had advised that the circumstances under which these persons were living constituted a breach of the Zoning By-Law, particularly in that it offends the definition of a "family".
- (3) The three mothers at present occupying the building with three children, in the view of Mr. Hogarth, did not constitute a breach of the by-law since the by-law refers to "unrelated" persons and, in this case, the six people were not unrelated in that they were three pairs of mother-and-child. Even if the Solicitor's interpretation could be accepted, there would be only one small child who would be causing the breach.

It was submitted that surely the Council would not move to prosecute because of this one small child.

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- (4) The issues before the Council are whether or not the Council should prosecute for a breach of the By-Law or whether or not an amendment to the By-Law should be brought down to accommodate the occupants.
- (5) It is difficult to appreciate that the petitioners are concerned with:
 - (a) the number of persons occupying the home;
 - (b) the destruction of the nature of the residential zone;
 - (c) that the health and welfare of the people is being affected; or
 - (d) property values are being diminished.
- (6) The character of the women is being attacked by the petitioners.
- (7) The history of the communal type of living by unwed mothers in Vancouver was given by Mr. Hogarth.
- (8) It was noted that the Planner had suggested that the zoning should be changed to "institutional" zoning.
- (9) The occupants want the opportunity to live and raise their children in a similar neighbourhood to all other children.
- (10) The United Community Services have written to Burnaby under date of July 25, 1967 regarding the problem.
- (11) The young women were not aware of the need to approach Municipal officials regarding regulations before moving into the home.
- (12) It has become apparent in the minds of the occupants that the age-old bigoted, hypocritical and ignorant prejudice that has for centuries plagued illegitimate children is now levied against one child because of a technicality with respect to the Zoning By-Law.
- (13) If the Council chooses to prosecute a breach of the By-Law and loses, it might well be said by many persons that the "Village Elders" are hardly distinguishable from the "Village Idiots".
- (14) The Council has the discretionary power in the matter of enforcement of a regulatory by-law.

The Solicitor asked that the By-Law be amended to accommodate his clients so that they may remain in the premises at 6561 Parkdale Drive.

During the discussion that followed the reading of Mr. Hogarth's Brief, the following points were made:

- (1) Recent reports indicated that there were five mothers and their children to be accommodated in this property.
- (2) Upon being queried as to whether \$225.00 per month was a reasonable rent, Mr. Hogarth advised that it was considered a reasonable rent and his clients had been so advised.
- (3) The arguments presented are specious. There are three persons violating the By-Law according to the definition and the alleged occupancy by ten people. Reference was made to the "Half-way House" where the principals were moving to breach the By-Law and were advised that the Municipality might possibly accommodate the "Half-way House" and steps were taken to rezone the particular piece of property.
- (4) The question of "illegitimacy" should not enter into the matter. - It could be a matter of occupancy by five widows and their children, or for that matter, is there any difference in students, or people living in any other unrelated circumstances, occupying the property?

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It was submitted that, if the occupants were widows or in some other unrelated circumstances, the Council should rezone the property to remove the breach and to accommodate their residence.

It was submitted by the Solicitor that, under his interpretation of the existing definition, there was no breach until six mothers with their children were resident in the Parkdale house.

- (5) If there is contention about the By-Law, then the Zoning Board of Appeal should be approached to deal with the matter.
- (6) The Solicitor expressed the hope that the Council would act in a "socially progressive" manner.

Correspondence related to this matter, received from the following, was read:

- (a) Mr. J. D. Robieson
- (b) Mr. S. Hamilton
- (c) United Community Services of the Greater Vancouver area
- (d) Elinor W. Ames
- (e) Malcolm and Angela Page

MOVED BY COUNCILLOR DRUMMOND, SECONDED BY COUNCILLOR DAILLY:

"That steps be taken to amend the definition section of the "Burnaby Zoning By-Law 1965" to provide that five women, each with a child living together as a family be regarded as a family within the said By-Law."

The following motion to refer was introduced:

MOVED BY COUNCILLOR McLEAN, SECONDED BY COUNCILLOR HERD:

"That the question of a breach of the 'Burnaby Zoning By-Law' in connection with the property known as 6561 Parkdale Drive be referred to the Policy/Planning Committee of the Council and that the Manager arrange for the Social Service Administrator to attend on the Policy/Planning Committee to discuss pertinent social problems relative to the Municipality in general; AND BE IT FURTHER RESOLVED THAT those residing in the subject property be permitted to remain with no action being taken in consequence of the breach alluded to pending a report on the matter from the Policy/Planning Committee; AND BE IT FURTHER RESOLVED THAT the report of the Planning Department on an application to rezone the subject property be also referred to the Policy/Planning Committee."

CARRIED

COUNCILLORS CORSDIE & DRUMMOND - AGAINST

THE REEVE DECLARED A RECESS AT 8:50 P.M.

THE COUNCIL RECOVENED AT 9:00 P.M.

Mr. Emmet Cafferky appeared and spoke in reference to a proposal for the development of low rental housing on one of the sites chosen by the Burnaby Housing Committee situated on Imlin Street in the vicinity of Macpherson Avenue. The site had not yet been formally approved by the Provincial Government. Mr. Cafferky was accompanied by Mr. Le Blond, Architect. Mr. Cafferky advised having met with the Housing Committee on two occasions and the Planning Director on one occasion.

It was anticipated the houses covered by this project would rent for approximately \$100.00 per month. The houses would measure from 1,200 to 1,290 square feet; would contain three bedrooms, one bathroom, one washroom, a patio in between each unit and a dining room. The buildings would be of masonry construction between the units to provide a maximum of fire protection. The project meets the requirements of the Central Mortgage Housing Corporation and had been cleared at Victoria. The Macpherson Avenue area had all the amenities including park facilities, recreation facilities, school facilities, etc., for a development of this nature. Operation of the project would be handled on a non-profit basis by an organization similar to the New Vista Society.

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Safeguards would be introduced of benefit to the Council, as follows:

- (1) The affairs of the Society would be handled by Chartered Accountant appointed by the Society at the Society's expense who would report to the Municipal Council.
- (2) An appointee from the membership of the Municipal Council would serve on the Administrative Board.
- (3) The current housing crisis will not continue indefinitely and the Corporation of Burnaby could take over the project as a welfare home in the future if needed.

The economics of the proposal are based on the following considerations:

- (1) Taxes per unit should amount to not more than \$25.00.
- (2) The purchase price of the land from the Municipality would be \$2,000.00 per lot.
- (3) The income range of those who would be permitted to rent the units would be from \$4,200.00 to \$5,600.00.
- (4) Mortgage money would be obtained from the Central Mortgage and Housing Corporation on a 50-year term.
- (5) The structures would be two-storey with bedrooms and a bathroom upstairs, and a washroom and living area downstairs.
- (6) The project could be developed on leased land or on land purchased outright.
- (7) A covenant would be placed on the title which would be designed to give a measure of control over the project to the Council.
- (8) It would be necessary to rezone the land for the purpose of allowing a low rental housing scheme.

It was suggested that the applicants should make a formal application to the Council for permission to develop the project so that the proposal can be formally studied by officials of the Corporation.

MOVED BY COUNCILLOR CORSDIE, SECONDED BY COUNCILLOR HERD:

"That the Municipal Council go on record as favouring in principle the submission made by Mr. Cafferky for a low rental housing project on Municipal land on Irmin Street in the vicinity of Macpherson Avenue and that the principals for the project be requested to submit a formal application pursuant to the applicable sections of the National Housing Act and that such application when received be perused by the Municipal Manager and appropriate departments of this Corporation."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS, SECONDED BY COUNCILLOR McLEAH:

"That the land in which the proponents of the low rental housing scheme are interested situated on Irmin Street in the vicinity of Macpherson Avenue be approved for further consideration and that a date be set for a Public Hearing with a view to this land being rezoned to "R6" to accommodate a row housing development."

CARRIED UNANIMOUSLY

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MOVED BY COUNCILLOR CORSDIE, SECONDED BY COUNCILLOR LORIMER:
"That the original communications be received."

CARRIED UNANIMOUSLY

The Public Personnel Association wrote expressing appreciation to the Council for the donation of \$200.00 made by the Council to assist in the preparation of their recent Annual International Conference.

Mrs. A. D. Johnston wrote expressing appreciation to the Reeve and Council for the floral tribute and kindness shown during her recent bereavement following the death of her husband, Magistrate A. D. Johnston.

Mr. J. F. Waller wrote with reference to recent newspaper comments made on remarks offered at a Council meeting by one of the Councillors concerning the taxing of churches, pointing out that the churches of the community perform many services in the fields of welfare and education to people of the community.

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR McLEAN:
"That the letter be received and the writer be informed that the Council does not contemplate any action which would result in the levying of taxes on church properties which are presently enjoying exemption."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS, SECONDED BY COUNCILLOR McLEAN:
"That the Council meeting proceed beyond the 10 p.m. deadline laid down in the "Procedure By-Law"."

CARRIED UNANIMOUSLY

THE COUNCIL RESOLVED INTO A COMMITTEE OF THE WHOLE AT 9:45 P.M.

HIS WORSHIP, THE REEVE, used the prerogative open to him under powers granted to a Reeve under the Municipal Act to return for re-consideration a decision of the Council to approve for further consideration the rezoning of groups of properties within four areas as defined in a report of the Municipal Planner dated August 4, 1967 to R2 and R3 Single Family Residential categories. The recommendations contained in this report were adopted by the Council at the meeting of August 14th.

It was suggested that further consideration should be given before the recommended action is taken primarily because of the fact that at least two of these areas were quite densely developed and there was a strong possibility that many of the homes contain legal basement suites which would be put into a non-conforming category if the recommendations were implemented.

MOVED BY COUNCILLOR CORSDIE, SECONDED BY COUNCILLOR DAILLY:
"That the entire matter be tabled for a period of one week."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR DRUMMOND, SECONDED BY COUNCILLOR LORIMER:
"That the proposed setting of a Public Hearing for Tuesday, September 12, 1967, to deal with rezoning applications and other rezoning matters, be tabled for a period of one week."

CARRIED UNANIMOUSLY

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MUNICIPAL MANAGER -- REPORT NO. 49, 1967

Report No. 49, 1967 of the Municipal Manager, attached to and forming a part of these Minutes, was then dealt with as follows:

- (1) Sale of Land - West 10 feet of Lot 16, Block 1, D.L. 39E $\frac{1}{2}$, Plan 1436

MOVED BY COUNCILLOR CORSBIE, SECONDED BY COUNCILLOR HICKS:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (2) Land Acquisition - Portion of Lot 12, Block 1, D.L. 58, Plan 4338
(HUNTER STREET AND HUNTER COURT)

MOVED BY COUNCILLOR CORSBIE, SECONDED BY COUNCILLOR LORIMER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (3) Sale of Land - Pcl. "L", Explanatory Plan 30590, D.L. 87,
(WATLING STREET WEST OF BULLER AVENUE)

MOVED BY COUNCILLOR CORSBIE, SECONDED BY COUNCILLOR DRUMMOND:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (4) Rosewood-Wedgewood Lane - 6th Street to Grandview Highway

MOVED BY COUNCILLOR McLEAN, SECONDED BY COUNCILLOR HERD:
"That the report of the Manager be received and a further report be brought down on the location of the four lots within the properties involved requiring lane access and the possibility of providing a lane opening in the middle of the Block to Wedgewood or Rosewood Street be also explored including an estimate of the cost of constructing a lane in this fashion."

CARRIED UNANIMOUSLY

- (5) Subdivision Reference #57/67

MOVED BY COUNCILLOR CORSBIE, SECONDED BY COUNCILLOR McLEAN:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (6) Dumping - East side of Nelson Avenue between Carson Street and Marine Drive

MOVED BY COUNCILLOR CORSBIE, SECONDED BY COUNCILLOR McLEAN:
"That the report be received."

CARRIED UNANIMOUSLY

- (7) Owner Authorization on Rezoning Applications

MOVED BY COUNCILLOR McLEAN, SECONDED BY COUNCILLOR HERD:
"That the policy of the Council with regard to the submission of applications for rezoning of land by an agent or solicitor be amended to provide that such application will in future not be accepted without the consent of the owner being submitted in writing at the time the application is made, and provided further that this policy should not be construed to prevent the Council from initiating rezoning proposals as may be deemed necessary in the public interest."

CARRIED UNANIMOUSLY

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In this connection, the policy of the Council, in addition to Section 7.8(3) of the Zoning By-Law, would read as follows:

"No application will be entertained unless application is made by the owner or by his Solicitor or his agent, and no application will be considered that has been the subject of a similar application within the previous six months. If an application is not made by the owner of the property involved, then the applicant must produce evidence of the owner's consent satisfactory to the Municipal Planner.

Notwithstanding the foregoing, the Municipal Council reserves the right to initiate the rezoning of any land within the Municipality as may be deemed necessary, subject to compliance with the legal requirements as contained within the Municipal Act."

(8) Appointment of Magistrate

MOVED BY COUNCILLOR DAILLY, SECONDED BY COUNCILLOR HICKS:

"That the information be received and the appointment and salary as laid out in the Order-in-Council be approved."

CARRIED UNANIMOUSLY

(9) Rezoning Application No. 90/67

The Planner's report on this application covered Lots 6 and 7, Block 29, D.L. 117, Plan 1222 for a proposed rezoning from C6 (Gasoline Service Station) to R6 (Row Housing). The property is located on the North-West corner of Douglas Road and Gilmore Avenue with Grant Street being the Northerly boundary.

It was recommended that the application be advanced to a Public Hearing, final approval to be subject to the submission of:

- (i) a suitable plan of subdivision;
- (ii) a suitable plan of architectural development.

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR DAILLY:

"That the recommendation of the Planner be adopted and this application be advanced for further consideration by submission to a Public Hearing."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS, SECONDED BY COUNCILLOR McLEAN:

"That the Committee do now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR HICKS, SECONDED BY COUNCILLOR McLEAN:

"That the report of the Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR LORIMER:

"That leave be given to introduce:

- "BURNABY EXPROPRIATION BY-LAW NO. 17, 1967" (#5190)
- "BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 16, 1967" (#5463)
- "BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 10, 1967" (#5180)

and that they be now read a First Time."

CARRIED UNANIMOUSLY

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MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR LORIMER:
"That the By-Laws be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR LORIMER:
"That the Council now resolve into a Committee of the Whole to consider and report on the By-Laws."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR LORIMER:
"That the Committee now rise and report the By-Laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR LORIMER:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR LORIMER:
"That "BURNABY EXPROPRIATION BY-LAW NO. 17, 1967",
"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 16, 1967" and
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 10, 1967" be now
read a Third Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR McLEAN:
"That:

"BURNABY ROAD CLOSING BY-LAW NO. 6, 1967" (#5184)
"BURNABY HIGHWAY EXPROPRIATION BY-LAW NO. 7, 1967" (#5189)
"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 15, 1967" (#5191) and
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 68, 1966" (RZ#114/66) (#5174)

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR McLEAN:
"That:

"BURNABY ROAD CLOSING BY-LAW NO. 6, 1967",
"BURNABY HIGHWAY EXPROPRIATION BY-LAW NO. 7, 1967",
"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 15, 1967" and
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 68, 1966" (RZ #114/66)

be now finally adopted, signed by the Reeve and Clerk and the Corporate Seal
affixed thereto."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR DAILLY:
"That the "BURNABY REFUSE BY-LAW 1967" be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR DAILLY:
"That the "BURNABY REFUSE BY-LAW 1967" be now finally adopted, signed by the
Reeve and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

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MOVED BY COUNCILLOR HERD, SECONDED BY COUNCILLOR DAILLY:

"That the Manager be instructed to prepare a report on the feasibility or desirability of arranging for an "Arbor Day" or "Arbor Week" within the Municipality at one particular time of the year."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS, SECONDED BY COUNCILLOR DAILLY:

"That plans and specifications of the work or undertaking pursuant to By-Law #5189 be filed with the Municipal Clerk pursuant to Section 483 of the Municipal Act."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR LORIMER, SECONDED BY COUNCILLOR DAILLY:

"That the Policy/Planning Committee item on "Tag Day Policy" be tabled for one week."

CARRIED UNANIMOUSLY