

THE CORPORATION OF THE DISTRICT OF BURNABY

Mr. E. W. Balfour
Municipal Manager

Planning Department
May 12, 1967

RE: SUBDIVISION OF D.L. 129, S $\frac{1}{2}$ of Block 99, Plan 1492
SUBDIVISION REFERENCE #119/66 (Delaere)

On June 10th, 1966, Preliminary Approval was granted to a subdivision creating two lots from the above property subject to the dedication and construction of a lane at an estimated cost of \$924.00.

The authority to require such dedication and construction is vested in the Approving Officer under provisions of the Municipal and Registry Acts as follows:

Section 36 of the Land Registry Act states that "All subdivisions shall comply with the following requirements in addition to all other requirements contained in this part -

- (c) Suitable lanes shall be provided in continuation of existing lanes and in every case where lanes are considered necessary by the Approving Officer."

Section 711 (1) of the Municipal Act requires that "lanes" within a subdivision be cleared, drained and surfaced to a prescribed standard.


The particular lot being subdivided was created in 1944 by the subdivision of Block 99 into a north and south half. No further subdivision of the S $\frac{1}{2}$ of Lot 99 had taken place since 1944 until the present subdivision was approved in 1966.

During this 22 year period, however, subdivision of adjacent properties had created Grant Street and the lane between Grant Street and Winch Street.

In order to properly locate the lane therefore and in fact in order to comply with Section 36 of the Land Registry Act, there was no alternative nor has there ever been any alternative but to continue the lane on its present alignment through to Fell Avenue.

The required lane cost of \$924.00 was received on June 24th, 1966 and the plan dedicating the lane and creating the two lots was approved with the full knowledge of Mr. Delaere on June 24th, 1966. It was not until September 26th, 1966 that a letter was received from Mr. Delaere objecting to the subdivision requirements.

In conclusion, this subdivision has been dealt with properly in conformance with our normal procedures and as permitted by subdivision legislation; and as stated in my memo of October 26th, 1966, there is no reason why the Corporation should pay the required servicing cost of \$924.00, already submitted, as a requirement of a subdivision approved in June, 1966.


A. L. Parr
APPROVING OFFICER

ALP:Gaj