

18 August 1967.

REPORT NO. 51, 1967.

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

Gentlemen:

Your Manager reports as follows:

1. Re: Acquisition of Easement - Portion of Block 47, D. L. 129, Plan 1492.

An easement is required, on subdivision, over a portion of Block 47, D. L. 129, Plan 1492 from William Gerald Switzer and Kathleen Marie Switzer, 4019 East Hastings Street, Burnaby 2, B. C. The easement is required for drainage works and there is no consideration payable by the Corporation. The property, on which the easement is situated, is located on the south side of Aubrey Street, approximately 132 feet east of Fell Avenue.

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

2. Re: Subdivisions - Reference #40/67; 138/67; and 143/67; 190/67.

The following subdivisions create a lot that does not conform to Section 712(a) of the Municipal Act which requires that the frontage of a lot shall not be less than 10% of the perimeter:

(a) Reference # 40/67 - Remainder of Lot 20, D. L. 126, Group 1, Plan 3473.

(b) Reference #138/67 - Portion of Block 47, D. L. 129, Group 1, Plan 1492.

(c) Reference #143/67 - Portion of Lot "B" of Lot 2, Block "B", D. L. 35, Group 1, Plan 18249.

(d) Reference # 190/67 - Lot 7 of Parcels "G", "J" and "K", D.L. 57/59, Plan 21205.

Section 712(B) provides Council with authority to waive the requirements of Section 712(A).

It is recommended that Council waive the requirements of Section 712(A) in connection with the above mentioned subdivisions.

3. Re: Tenders for Supply, Rental and Operation of Dump Trucks.

Tenders were called for the supply of dump trucks for the period September 1st, 1967, to August 31st, 1968.

Three tenders were received and opened in the presence of Messrs. E. E. Olson, R. J. Constable and representatives of the firms tendering. Tabulation attached hereto.

The rates are ten cents per hour higher for single axle trucks and sixty cents an hour higher for tandem axle trucks than in the previous contract.

The Municipal Engineer advises that Mr. Seifert provided excellent service during the term of the previous contract.

It is recommended that the low tender received from H. Seifert Trucking Ltd. be accepted.

4. Re: Brunette Investments Ltd. - Proposed Rezoning Application #31/67 -By-law No.5111.

By-law #5111 provides for the rezoning of:

(a) Lot 14, D. L. 10, Plan 26451.

(b) Lot "F", Ex.Pl.13626, Blocks "E" and "A", D. L. 10, Plan 3321

(cont'd....)

(Item 4....re Brunette Investments Ltd....continued)

from Residential District One (R1) to General Industrial District (M2).

The area in question is that bounded by Government Street, Brighton Avenue, Lougheed Highway and the westerly limit of Cogliardi Way, this limit being approximately 1350 feet East of Brighton Avenue.

Public Hearing was held 25 April 1967 and on 2nd May 1967 the By-law was given two Readings.

During consideration of the By-law the question was asked as to the nature of the development planned for the property. The exact plans of the developer were asked for by Council.

The original rezoning application was for M3 Zoning and the Council adopted the Planning Department recommendation that M2 Zoning be forwarded for further consideration. In the Planning Department report it was stated that a detailed report would follow on prerequisites which may be considered. The matter of development plans was raised by Council because there had been considerable opposition to the proposed rezoning at the Public Hearing.

Unfortunately, the fact is that there are no specific development proposals for this property. The owners wish to develop it for Industrial use as clients present themselves, as they have developed the land across the Lougheed Highway to the north.

Two suggestions were made regarding the possible incompatibility of Residential use on the west side of Brighton and the M2 Industrial use on the east side. The first suggestion involved the creation of one band of residential lots fronting on Brighton. These lots would be fairly deep and would be bordered on the east by a treed ravine which would be retained as a natural green buffer with an open water course. East of the buffer strip, the land would be zoned M2 Industrial. This proposal has considerable merit, the main disadvantage being the isolation of the row of lots by 3 streets and the buffer strip.

The second suggestion made was that the whole tract be zoned to M1 Industrial. The reasons advanced with this suggestion were that M1 zoning would preclude truck terminals and other heavier uses which could be considered objectionable by the adjoining residents.

The Planning Department has considered both suggestions. Either could provide a reasonable solution but the proposal of M1 zoning of the whole site is favoured. Providing the developer is prepared to locate the higher uses along the Brighton frontage, and maintains the standard of buildings and ground development already in existence in Lake City.

It has not been possible in this report or the previous one to deal with any prerequisites to rezoning. The nature of the land use pattern will dictate the location and standard of servicing required. Council direction on the land use pattern they would like to see developed would permit preparation of a report on prerequisites, if any, which should be considered.

Re: Gravel deposits - Mona Avenue.

Council required a report on the possible use by the Municipality of the gravel located on the upper (southern) side of Mona Avenue east from Cariboo Road.

The surface outcrops indicated granular material with a very substantial content of sand. To a limited extent this material has been used for granular fill but it could not be termed as gravel.

Due to a pronounced slope of the terrain, any utilization of these deposits should be rather shallow in order not to create drainage and soil stability problems. The removal of heavy growth on top of the granular deposit would entail a considerable initial expense for a relatively low return.

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(Item 5...re Gravel deposits....continued)

From the Engineering standpoint it is considered that there is an ample supply of material in the Stride Avenue area and it would not appear to be an economic venture to enter into the development of two separate granular borrow pits at this time.

Planning report that Mona Avenue is in the centre of an area of approximately 160 acres owned by the Municipality and zoned R2 Residential. It is designated for residential development. Planning strongly recommends against any proposal to remove existing tree growth and to create excavations in this area as such would be detrimental to the future development of the area.

6. Re: Salvation Army Property - 6564 Royal Oak Avenue.

This land is owned by the Municipality. It is 60' x 101' in size and is zoned Light Industrial. The Salvation Army has a small building on the property and the land is under lease to the Salvation Army for \$240.00 per year. The lease has about 9 years to run.

The Army is not now using the property and has approached the Corporation to permit a sub-lease to a prospective client. The possibility has been investigated and a letter dated 15 August 1967 accepts the conditions decided upon, which were:

- (1) The property is to be used solely for commercial purposes, and under no condition is to be used for residential means.
- (2) The property would become subject to the equivalent of full taxation for which the Army accepts responsibility.

Mr. H. Peardon proposes to sublet the property and the building would be used for commercial display purposes.

It is recommended that permission be granted to the Salvation Army to sublet the premises to Mr. H. Peardon subject to the conditions already accepted by the Army.

7. Re: Lane at Rear of Property in the 4800 Block Smith Avenue and 3700 Block Cardiff Street.

The sketch appended shows that there is a full lane allowance for 315.5' <sup>ft</sup> from Price Street, parallel to Smith Avenue. It dead-ends at a large unsubdivided parcel.

The owners of Lots 93 and 92 on Smith Avenue were required to pay the costs of construction of lane as a condition of subdivision. The owner of Lot 7, facing Price Street, contacted the Engineering Department asking that the lane be constructed.

A petition was then received by Council, signed by the owners of five lots as shown on the sketch, protesting construction of the lane, giving as reasons for their objection:

- (1) it would service no beneficial purpose to the surrounding home-owners.
- (2) it would be a dead-end lane.
- (3) it would only prove to be a nuisance and also a hazard to children.

A Work Order had been submitted to Council and approved but action on the Work Order has been suspended pending a decision of Council with respect to the Petition against the construction.

From the Engineering Department's point-of-view the opening of the lane is desirable as it would make it possible to remove more garbage pick-up from Smith Avenue which is now fully developed as a Collector Street.

It is recommended that construction be authorized.

(... 4)

8. Re: Subdivision Reference No. 162/67 - (Buffalo and Bainbridge).

Approval of the above subdivision which would create 16 new lots requires an extension of the sanitary sewer on Bainbridge Avenue 680' north to the corner of the subdivision.

The estimated cost of construction of the extension is \$6,000.00. There would, however, be an additional expense in connection with the extension resulting from the agreement made with Royal City Foods wherein the Municipality is required to repay Royal City Foods the sum of \$2,840.00 being a share of the cost of the sewer installed by Royal City Foods to serve their first building on Bainbridge Avenue. The total cost would then be \$3,840.00 (estimated).

This cost is reasonable for a subdivision of this size and it is recommended that Council approve the extension.

9. Re: Tenders for 20,000 G.V.W. Cab and Chassis - Fire Department.

Purchase of this equipment was authorized by Council on 10th April 1967 and a tender call was made. Timing of the tender call was poor as only one firm still had a quota of a special Transmission specified.

Council rejected the one tender received.

A second tender call has now been made and tenders were opened by the Purchasing Agent in the presence of Mr. R. J. Constable and representatives of the firms tendering.

A tabulation of the bids received is submitted herewith.

Technical information submitted with the tenders has been analyzed. The low bid by Zephyr Mercury Sales Ltd. is not acceptable as the bid failed to adjust the rear axle and other components to suit the specified transmission. Ford Motor Co. has confirmed that the truck as quoted would not be manufactured. Chevrolet TE61803 as tendered fails to meet the required specifications.

It is recommended that the tender of McLennan Motors Ltd. for a Mercury C600 at a price of \$7,919.53 plus 5% Provincial Tax be accepted.

Delivery time is estimated at 120 days.

10. Re: Hastings Street Redevelopment Project No. 1.

Tenders were called for the sale and removal of a dwelling and other auxiliary buildings located on Lot 20, Block 11, D. L. 116N<sub>2</sub>, Group 1, Plan 1236. The property is located at 3907 E. Pender Street and owned by the Corporation.

One bid was received from Mr. A. M. Thorsen, 5081 Union Street, for the sum of \$700.00.

The successful bidder will be required to remove all the buildings within 30 days and leave the site in a neat and orderly condition.

It is recommended that the bid received from Mr. A. M. Thorsen be accepted.

11. Re: Tenders for Equipment:  
(a) Cushman Type Vehicles.  
(b) Gulley Emptier.  
(c) Sewer Drag Machines.

Tenders were called for the above equipment and bids were opened by the Purchasing Agent in the presence of Mr. Olson, Mr. R. J. Constable and representatives of the

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(Item 11.....re Tenders for Equipment...continued)

firms tendering.

(a) Cushman-type Vehicles.

Only one bid was received, submitted by Purves Ritchie Ltd. as follows:

One - Cushman Model 880715 Haulster c/w Pick-up Cover	- \$ 2,818.35
Provincial Tax 5%	- - 140.92
Total	- - \$ 2,959.27
One - Cushman Model 880715 Haulster less Pick-up Cover	- \$ 2,718.35
Provincial Tax 5%	- - 135.92
Total	- - \$ 2,854.27

It had been intended to purchase one of these vehicles for messaging use and one for handsweeping purposes. It is now considered that messaging can be provided with a cheaper vehicle than a Cushman.

It is recommended that approval be given for the purchase of:

One Cushman Model 880715 Haulster from Purves Ritchie Ltd., less pick-up cover at a tendered price of \$2,718.35 plus 5% Provincial Tax.

(b) Gulley Emptier.

Only one tender was received as follows:

Clarke-Simpkins Ltd.	
One - Yorkshire Gulley Emptier	- \$16,872.00
plus 5% Provincial tax.	

It is recommended that this tender be accepted.

Delivery is about 200 days.

(c) Sewer Drag Machines.

A tabulation of the bids received is submitted herewith.

It is recommended that the low bid of Frances Hankin & Co. Ltd. in the sum of \$3,974.80 plus 5% Provincial Tax be accepted. This bid is subject to a 2% Cash discount.

12. Re: Fence between 4513 and 4521 Watling Street.

The Municipal Clerk is submitting a letter from Mrs. D.N. Brown, under correspondence, describing a situation which has developed as a result of a fence constructed by her neighbour.

The following information obtained from the Building Department covers the points raised by Mrs. Brown in her letter:

A. Non-Conforming Fence.

On June 21st a complaint concerning a non-conforming fence between 4513 and 4521 Watling Street was investigated. The fence was found to exceed the 6-foot height limit established in Section 6.14 (5) (b) of the Zoning By-law.

The owner of the fence, Mr. H. Nygard, was advised by letter, June 22nd, to bring the fence into conformity with the Zoning By-law within thirty (30) days of receipt of the letter. Mr. Certsman met with Mr. Nygard the following day at which time he indicated that the fence would be altered as requested. A re-inspection of the property on July 26th revealed that nothing had been done.

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Item 12...re fence - Watling Street...continued)

On August 3rd a telephone call was received from Mr. Nygard. He stated that he would be on holiday late in August and re-confirmed that he would alter the fence at that time. It was made clear to him that the Building Department would proceed with legal action should the fence not be brought into conformity with the By-law by the end of August.

B. Proposed By-law Amendment.

Mrs. Brown suggests that the By-law should be amended to require that the horizontal fence supports face her neighbor's property rather than hers. Since it is certainly possible to construct a fence which is attractive from both sides, there would be little point in regulating the placement of the support members.

13. Re: Rosewood-Wedgewood Lane between 6th Street and Grandview.

This matter has been the subject of three reports to Council. These are - Item #3, Report No. 20, 1967; Item #13 - Report No. 26, 1967; Item #4 - Report No. 49, 1967.

Determination of a decision by Council has been complicated by petitions for and against construction of the lane in question.

The sketch submitted with this Report Item shows:

1. The lane right-of-way available for construction.
2. Marked by dots - the location of those owners in favour of construction.
3. Marked by X's - the location of those owners opposed to construction.
4. Marked by arrows - those properties having no front driveway. In this regard, two of the properties could have front access but there is no front access to the rear possible on the third lot.

It will be noted that in each case where acquisition is required, the owner has registered opposition to lane construction. The result of this would be that the Corporation would be forced to expropriate the lane allowance if it is to be obtained at this time.

All properties facing Wedgewood have front access at present.

Construction of the lane on full allowance 400 feet in from 6th Street would serve the lot to which no access to the rear is possible from the front. The owner of the lot, by the way, has not been party to either petition.

Lots A and B of 9 cannot be reached with full lane allowance from either direction.

The Planner has suggested that the Grandview-Douglas Highway end of this lane allowance should be closed and the lane returned to Wedgewood by an acquisition of twenty feet from Lot 96. Because of subdivision potential this would be the equivalent of a 50' lot and your Municipal Manager cannot support this expense for the sake of removing one lane entrance to the Grandview.

Mr. Grist, one of the property-owners most interested in having the lane constructed has raised with your Municipal Manager the manner in which the lane allowance was acquired from 7853 Wedgewood and 7863 Wedgewood. In order that the record be complete it has been ascertained that these acquisitions were made as follows:

7853 - 10' lane allowance was acquired as a condition of subdivision in 1953.

7863 - 10' lane allowance was acquired in 1965 for \$1.00 in connection with the sewer program.

Your Municipal Manager interprets this enquiry as an indication that if some of the allowance is obtained by expropriation resulting in more than nominal payments  
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(Item 13...re Rosewood-Medgewood lane...continued)

for the acquisition, then those who gave up land for nothing, or for nominal consideration, should also be fully compensated.

For estimating purposes the Engineering Department uses \$6.00 per running foot for lane construction to gravel standard.

At this price it is estimated that it would cost:

\$7,500. for the complete lane length.  
\$3,780. from Grandview-Douglas Highway to rear of Lot B of 9  
\$3,660. from 6th Street to rear of Lot A of 9  
\$1,200. from 6th Street to rear of Lot 13.

Restoration of fences, et cetera, is estimated at \$1,500.00.

Land Acquisition is estimated at \$1,500.00.

\$ 495.00 is being held in trust from four properties toward the cost of constructing the lane.

14. Re: Myrtle Street Area.

Submitted herewith is a report prepared by the Municipal Planner in which he includes all material being submitted relative to the application for an Urban Renewal Scheme for this area.

15. Re: Estimates.

Submitted herewith for your approval is the Municipal Engineer's report covering estimates of work in the amount of \$2,470.00.

It is recommended that the estimates be approved as submitted.

16. Re: Expenditures.

Submitted herewith for your approval is the Municipal Treasurer's report covering Expenditures for the period ended 6 August 1967 in the total amount of \$2,703,356.

It is recommended the expenditures be approved as submitted.

17. Submitted herewith for your information is the Chief Building Inspector's report covering the operations of his Department for the period 17 July to 11 August, 1967.

18. Submitted herewith for your information is the report of the Fire Chief covering the activities of his Department for the month of July 1967.

19. Submitted herewith for your information is the report of the Chief Licence Inspector covering the operations of his Department for the month of July, 1967.

20. 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 July, 1967.

Respectfully submitted,



H. W. Balfour,  
MUNICIPAL MANAGER.

HB:eb

21. Re: The Lower Mainland St. Leonard's Society.

Council has directed that Parcel "E" (Explanatory Plan 17224) of Lots 8, 9 and 10, of Lot 1, Block 16, of Lot 79, Group 1, Plan 1554, located at 6375 Roberts Street be leased to the above mentioned Society.

A lease agreement has been prepared and accepted by representatives of the Society and contains the following:

- (a) The term is for a period of three years, from 1st September 1967, with either party having the right to cancel upon 90 days' notice.
- (b) The Society has the right to request renewal on the same terms or on different terms as may be mutually accepted by both parties.
- (c) The monthly rent is an amount equal to 1/12 of the annual municipal taxes.
- (d) The Society cannot sublet the premises without the consent of the Corporation.
- (e) The Society will not construct, reconstruct, renovate or place any building or structure whatsoever on the premises without the consent in writing of the Corporation.

Council has stated that a grant equivalent to all municipal charges that will be levied against the property be made to the Society.

It is recommended that the Reeve and Clerk be authorized to sign the agreement with the Society and that a grant equivalent to all municipal charges be made to the Society for the period September 1st to December 31st, 1967.

22. Re: Acquisition of Easement - Portion of: Lot 24; N $\frac{1}{2}$  and S $\frac{1}{2}$  Lot 25; Parcel "A" (Ex. Plan 13684) of Lot 26; portion of remainder of N $\frac{1}{2}$  Lot 26; portions of the S $\frac{1}{2}$  Lot 26; North half of Lot 27; and Lots 43,44,45, all in D. L. 126, Plan 3473; and portion of Lot 176 of D.L.126, Plan 30932.

Easements are required on subdivision over portions of the above described properties from Norburn Construction Ltd., 4647 Kingsway, Burnaby 1, B. C. The easements are required for drainage purposes and there is no consideration payable by the Corporation. The property, on which the easement is located, is situated at the north-east corner of Spring Avenue and Springdale Court.

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

23. Re: Cancellation of Water Main Easement on former Mission Avenue road allowance south of Beresford.

A watermain on the former Mission Avenue road allowance in the Weiser Lock property is contained in an easement reserved at the time of cancellation of the road allowance.

The Agreement with Weiser Lock was that the main would remain in service while it was needed and producing revenue. When it became possible to abandon the main, Weiser Lock was to pay for the depreciated value of the main, and the easement was to be released.

The depreciated value of the main is calculated by the Engineer at \$2,000. and the main is no longer needed. Weiser Lock has paid the \$2,000. in to the Corporation.

It is recommended that the easement on the former Mission Avenue allowance be released by the Corporation.

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24. Re: Development Plans -  
Weiser Lock Co. of Canada Ltd.

In June 1966 Council approved a proposal for the improvement of roads servicing the Weiser Lock Co. property. This approval has never been completed because of changes in the plans of the Company.

Weiser Lock of Canada Ltd. is now part of Norris Industries and the development plans and property requirements of the company are now considerably expanded over previous plans.

The Company now wishes to consolidate most of its holdings at the site and this involves Hawthorne Avenue and two lanes. In return, the Company wishes to have Prenter Street opened between Hedley and Griffiths and the Company will give up the required right-of-way for Prenter between Hawthorne and Hedley.

Regarding the land exchange and closures, the Land Agent has placed a net value to the Corporation of \$14,640.00. There is an amount of \$625.00 outstanding for Local Improvements on Hawthorne. There is a water main and a sanitary sewer on Hawthorne, along with a pole line. It will be necessary to retain easements for these Utilities while they remain and the Company must agree to reimburse the Corporation for the depreciated value of the municipal utilities at such time as they cease to be operated by the Corporation. At this time the depreciated value is estimated at approximately \$4,000.00.

Road Work is proposed on the perimeter of the site as follows:

Beresford - Mission to Hedley:

44' pavement curb to curb with sidewalk south side only	-	\$ 19,200.
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Beresford - Mission to Griffiths:

44' pavement curb to curb with sidewalk south side only	-	32,150.
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Hedley - Beresford to Prenter:

20' interim paving	-	2,900.
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Prenter - Hedley to Griffiths:

44' pavement - curb to curb	-	<u>84,500.</u>
		\$138,750.

In return for land exchange without further consideration, Weiser Lock Co. of Canada Ltd. has agreed to the following financial arrangements:

- (a) Weiser Lock Co. of Canada Ltd. will provide an interest-free loan to this Corporation pending sale of the debentures respecting the following Local Improvements, after which sale the local improvement charges become effective:

Beresford - Mission to Hedley	-	\$19,200.	
Prenter - Griffiths to Hedley	-	<u>84,500.</u>	\$ 103,700.

- (b) Weiser Lock Co. of Canada Ltd. will pay 50% of the cost of Beresford from Mission to Griffiths - 1/2 of \$32,150. 16,075.

- (c) Weiser Lock Co. of Canada Ltd. will pay for the outstanding local improvement charges on Hawthorne.

<u>625.</u>
\$ 120,400.

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Item 24.....re Weiser Lock.....continued)

Forward	\$ 120,400.
(d) The Corporation will improve Hedley as a maintenance item	- 2,900.
(e) The Corporation will pay 50% of the cost of Beresford from Mission to Griffiths - 1/2 of \$32,150.	<u>16,075.</u> \$ 139,375.
(f) Weiser Lock Co. of Canada Ltd. accepts responsibility for re-payment to the Corporation of the depreciated value of the side-walk and mains on Hawthorne	<u>4,000.</u> \$ 143,375.

Mr. Brown, Deputy Minister of Municipal Affairs, has been contacted and he has indicated that he would be prepared to approve an extension of Burnaby's approvals for Local Improvements by an additional \$105,000. subject to the Company advancing the money by interest-free loan.

It is recommended:

- (1) that Council approve the arrangements made;
  - (2) that Beresford - Mission to Hedley be initiated as a Local Improvement;
  - (3) That Prenter - Hedley to Griffiths be dealt with on the Local Improvement petition method;
  - (4) That other works be put in hand by the Municipal Engineer;
- all subject to completion of rights-of-way.

5. Re: Forest Lawn and Oceanview Cemetery Companies  
Assessment Appeal.

In the case of these two cemetery companies the assessment on land and buildings was appealed through to the Assessment Appeal Board.

The decision was favourable to the Corporation with respect to buildings but not to lands. The matter of assessment on buildings is being taken to the Supreme Court of B.C.


It is considered that if this is done the question with respect to land should also be appealed by way of stated case, to the Supreme Court of B. C.

In order to do this it is necessary that Council pass the following resolution:

"Resolved that the Corporation require the Assessment Appeal Board to submit a case on a question of law to the Supreme Court of British Columbia for a decision."

It is recommended this Resolution be passed

Respectfully submitted,

  
H. W. Balfour,  
MUNICIPAL MANAGER.

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