

MARCH 10, 1969

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, March 10, 1969 at 7:00 p.m.

PRESENT: Mayor Prittie in the Chair;
Aldermen Blair, Clark, Dailly,
Drummond, Herd, Ladner, Mercier
and McLean;

HIS WORSHIP, MAYOR PRITTIE, drew attention to the presence of Mr. and Mrs. James Massey. He pointed out that Mr. Massey had been an employe with the Corporation for many years.

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HIS Worship, Mayor Prittie, also mentioned that the Municipal Clerk, Mr. John H. Shaw, had returned to work today after being absent since last November 25th due to a heart attack.

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PROCLAMATION

His Worship, Mayor Prittie, then read the following proclamation:

"The Health League of Canada, in co-operation with Departments of Health and of Education throughout Canada, has set aside the week of March 9th as National Health Week. This is a great annual crusade for health which is worthy of the support of the citizens of this community.

In urging support for this National Health Week observance, I, at the same time, wish to urge that you also give your all-out support to the work of your various public health departments who strive at all times to make this nation, this province, and this municipality a healthier place. You, as an individual can do your part by learning how to attain and retain good health."

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:

"That the Municipal Council of the District of Burnaby go on record as approving and endorsing National Health Week, between March 9th - 15th, 1969, sponsored by the Health League of Canada in co-operation with Departments of Health and of Education throughout Canada, and urge full co-operation on the part of all organized groups during National Health Week."

CARRIED UNANIMOUSLY

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ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:

"That all of the below listed original communications be received."

CARRIED UNANIMOUSLY

Guardian Secretary, Bethel No. 34, International Order of Job's Daughters, submitted a letter requesting permission to hold a Cook Book Drive in that part of the municipality East of Boundary Road and North of Canada Way on March 11th to 13, 1969 between the hours of 6:30 p.m. and 9:00 p.m.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That permission be granted to the Order to conduct its campaign at the times and in the area indicated, subject to the approval of the R.C.M.P."

CARRIED UNANIMOUSLY

Racing Secretary, Vancouver Bicycle Club, wrote requesting permission to hold a 35 mile Time Trial commencing at 8:30 p.m. on March 30th along the route outlined in his letter and on an accompanying plan.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That permission be granted to the Club to conduct its Time Trial along the route indicated, subject to:

- (a) The approval of the R.C.M.P.
- (b) The Provincial Department of Highways having no objection to the use of any arterial highways in Burnaby that may be involved."

CARRIED UNANIMOUSLY

Chairman, Burnaby Committee, Young Life of Canada, wrote to request permission to hold a Walkathon through Burnaby on April 19th along the route outlined in his letter.

He also issued an invitation to the members of Council to participate in the Walkathon.

MOVED BY ALDEMAN HERD, SECONDED BY ALDERMAN CLARK:
"That permission be granted to the Burnaby Committee of the Young Life of Canada to conduct the event mentioned in its letter along the routes indicated, subject to:

- (a) The approval of the R.C.M.P.
- (b) The Provincial Department of Highways having no objection to the use of any arterial highways in Burnaby that may be involved."

CARRIED UNANIMOUSLY

Alderman Clark indicated that he would participate in the Walkathon.

Executive Director, Boys' Clubs of Vancouver, submitted a letter enquiring as to the reaction of Council to the Clubs providing further service, on an experimental basis, within a specific area of Burnaby.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That the submission from the Boys' Clubs of Vancouver be referred to the Parks and Recreation Commission for consideration and report, with the Clubs being:

- (a) Advised that Council is interested in its activities.
- (b) Requested to produce financial statements pertaining to its operations,

In the reply that is made to the Clubs."

CARRIED UNANIMOUSLY

Mrs. E. Margaret Mills submitted a letter in which she:

- (a) Outlined the circumstances pertaining to a minor accident which occurred on Lyndhurst Street on January 16th involving a Municipal grader and her motor vehicle.
- (b) Enquiring as to the reason for a 20% increase in the assessment of her property at 2636 Mountview Place.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER: .
"That consideration of the submission from Mrs. Mills be deferred until receipt of Item (5) of the Municipal Manager's Report later this evening."

CARRIED UNANIMOUSLY

City Clerk, City of Vancouver, submitted a letter forwarding advice that the Council of the City received information answering questions that our Council raised at a meeting on November 25, 1968 in regard to traffic control measures at Boundary Road and First Avenue.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That a copy of the letter from the City of Vancouver be forwarded to the Traffic Safety Committee for its information."

CARRIED UNANIMOUSLY

President, Banco Finance Ltd., submitted a letter in which he:

- (a) outlined the circumstances pertaining to his attempt to have Block 3, Except Plan 6177 and Except Parcel "C", Reference Plan 10610 and Except Part on Plan with By-law 30078, D.L. 97, Plan B24 rezoned from Residential District Five (R5) and Service Commercial District (C4) to Multiple Family Residential District Three (RM3).
- (b) suggested that, unless this rezoning proposal is advanced, he can either:
 - (i) perpetuate the existing motel operation on the site indefinitely, which means the building will continue to deteriorate because the current use is a non-conforming one, or
 - (ii) endeavour to sell the the motel on the basis of the existing zoning, which would have the effect of maintaining the current type of development on Kingsway.
- (c) enquired as to whether Council's decision to retain the existing zoning on the property is in keeping with the municipal development planned for the Kingsway area.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That the subject of the submission from Banco Finance Ltd. be tabled until the March 17th Council meeting and a report be submitted then by the Planning Department on the points made by the Company in its letter, with that Department bearing in mind the fact Council just recently rejected the appli ation to rezone the property to the RM3 category."

CARRIED UNANIMOUSLY

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B. C. Leader, Communist Party of Canada, submitted a letter requesting that Council consider a review of Canada's foreign policy, as it concerns NATO, because of the financial implications and their effect on the ability of municipalities to borrow funds for services to the citizens of the community.

Secretary-Treasurer, United Fishermen and Allied Workers' Union, wrote to protest the method of assessment that has been used over the past few years.

He also recommended that the matter be reviewed by Council with the object in mind of relieving the tax burden on homeowners.

During consideration of the submission from the Union in Council, it was stated that the Municipal Assessor would be submitting a report on the subject matter of the letter within two or three weeks time.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:

"That consideration of the letter from the United Fishermen and Allied Workers' Union be deferred until Council receives a report from the Assessor on the matter."

CARRIED UNANIMOUSLY

Chairman, Social Policy and Research Committee, United Community Services of the Greater Vancouver Area, submitted a letter:

- (a) forwarding a report from a Task Force which has studied the implications of a report produced by the U.C.S. entitled "A Total Concept of Care".
- (b) requesting that Council support the conclusions in the report of the Task Force in a positive manner.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:

"That the submission from the Social Policy and Research Committee be tabled until the March 17th Council meeting to allow for detailed study by the Council members and others concerned with the subject of the report; and further, the Burnaby General Hospital Board be requested to offer its opinion on the submission."

CARRIED UNANIMOUSLY

Administrator, Greater Vancouver Regional District, submitted a letter:

- (a) forwarding minutes of meetings of the District and the Greater Vancouver Regional Hospital District to which were attached a report on the political and administrative structure of the Regional District.
- (b) requesting that the report be considered by Council.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN BLAIR:

"That the report from the Greater Vancouver Regional District dealing with the political and administrative structure of the District be tabled until the members of Council have had an opportunity to deliberate it at a meeting to be held in the near future."

CARRIED UNANIMOUSLY

Mr. John Rickert and others submitted a petition in which they:

- (a) indicated that Branch No. 83 of the Royal Canadian Legion has done nothing to minimize or eliminate the nuisances which Mr. Rickert has been subjected to since last year, as was promised by the Legion when his complaint was investigated then.

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(b) enquired as to the action Council proposes to take now to rectify the problems concerning the petitioners.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:

"That the submission from the petitioners be referred to the Liaison with the Justice Department, Alderman D. M. Herd, for investigation and report."

CARRIED UNANIMOUSLY

Minister of Municipal Affairs submitted a letter indicating that he appreciated having the views of Council on the question of the business tax, as were provided in a letter from the Deputy Municipal Clerk dated February 10, 1969.

Mrs. Marian Hale submitted a letter protesting the manner in which dogs are apprehended and impounded.

She also suggested that a community centre be located in the Kingsway-Edmonds Area.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:

"That Mrs. Hale be advised that the present system of collecting and impounding dogs is currently under review to determine whether there may be some other method which is more satisfactory."

CARRIED UNANIMOUSLY

It was suggested to the Municipal Manager that, when the review mentioned in the foregoing resolution is being made, consideration be given the possibility of allowing a discount or reduction in the dog licence fees for those people who properly control their dogs and do not allow them to run at large.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CLARK:

"That the suggestion from Mrs. Hale concerning a community centre be referred to the Parks and Recreation Commission for a reply."

CARRIED UNANIMOUSLY

W. M. Westervelt, D. F. Sugden, and others, submitted letters expressing dissatisfaction with the replacement of an incandescent street light at the end of the 5800 Blocks Ewart and McKee Streets with mercury vapour fixtures.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:

"That consideration of this matter be deferred until receipt of Item 12 of the Municipal Manager's Report later this evening."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN McLEAN:

"That the Council now resolve itself into a Committee of the Whole."

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CARRIED UNANIMOUSLY

TABLED ITEMS

The following matters were then lifted from the table:

(a) Miscellaneous improvements to Municipal Hall

As directed by Council, the Municipal Manager provided the following breakdown of the anticipated costs of replacing the lighting fixtures in the hallways and some modification to certain partitions and floor

coverings in various offices:

(a) false ceiling and hallway lighting -	\$ 3,140.00
(b) floor covering	- \$ 2,680.00
(c) partitions	- \$ <u>3,000.00</u>
Subtotal	\$ 8,820.00
Contingency of 10%	- \$ <u>880.00</u>
Total	9,700.00

He also commented that the approximate cost of effecting improvements to the Council Chambers was \$7,695.00 which, with a contingency of 10% (\$770.00) equaled \$8,465.00.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN CLARK:
"That the recommendation contained in the report the Municipal Manager submitted to Council on March 3rd respecting improvements to the Municipal Hall be adopted."

CARRIED UNANIMOUSLY

(b) Drainage requirements in subdivisions

The special report of the Municipal Manager, which was submitted to Council on March 3, 1969, was brought forward for consideration.

The following is the substance of that report:

(a) On September 14, 1964, the Policy Committee of Council submitted a report indicating that the following requirements apply to subdivisions:

- (i) paved roads 28 feet wide with concrete curbs.
- (ii) water
- (iii) storm sewers
- (iv) sanitary sewers
- (v) lanes to a gravel standards

with these standards to apply to all subdivision approvals granted from the date mentioned.

(b) The Manager had reported to Council on the subject of drainage costs in subdivisions in 1963. The suggestion made to Council at that time was that, if Council decided to remove some of the high costs of subdividing land by assuming some of the drainage costs, there were the following two defensible methods:

- (i) The Corporation could pay the cost of storm drainage over \$2,000.00 per acre to a maximum of \$4,000.00 per acre.
- (ii) The Corporation could pay the difference in the cost of pipe over 12 inches in diameter.

- (c) The Council, at that time, declined to accept any responsibility for drainage costs. The points, as recalled, in support of Council's decision were:
- (i) It would be a new policy and would obviously be detrimental to those who have subdivided previously and have paid full costs.
 - (ii) The amount of subsidy required would need to be budgeted.
 - (iii) There would be great difficulty in assessing the probable amount required to be budgeted in any given year.
 - (iv) It would not be long until most of the land which did not present much of a drainage problem would soon be utilized, and solving drainage problems to make "good" land out of "bad" land at public expense was not acceptable.
- (d) After many meetings, the Council finally introduced the standards recommended by the Policy Committee on September 14, 1964, as detailed under (a) above.
- (e) This is, of course, still in effect, except that the gravel standard for lanes was later changed to a paved standard.
- (f) A complete analysis was made of all subdivisions during a six month period in 1968. Both the formulas considered in 1963 and 1964, as shown above, were then applied against the figures gleaned from the analysis. The following are the particulars in that regard:
- (i) There were 48 subdivisions which contained a drainage requirement during the six month period chosen.
 - (ii) The total number of lots involved was 426.
 - (iii) The total drainage costs in all the 48 subdivisions were \$409,500.00.
 - (iv) The average drainage cost per subdivision was \$8,530.00.
 - (v) The total number of acres in the subdivision was 137.9.
 - (vi) The average drainage cost per acre was \$2,931.00.
 - (vii) The average drainage cost per lot was \$950.00.
 - (viii) The application of Method 1 under Point (b) above would produce a cost to the Corporation in the 48 subdivisions of \$119,270.00, or 29% of the total.
 - (ix) The application of the other method under point (b) would produce a cost to the Corporation of \$53,890.00, or 13% of the total.
 - (x) Assuming a comparable situation for the other six months in 1968, the cost to the Corporation would have been \$238,540.00 using the first method and \$107,760.00 for the second.

- (g) When Council last dealt with the matter at hand, the conclusion was reached that it could not reasonably isolate one subdivision requirement, such as storm drainage, from others.
- (h) In general, excessive costs of draining subdivisions arises from the fact the subdivision has a watercourse traversing it and, in all probability, the problem of the watercourse was "side-stepped" in earlier subdivisions by leaving the watercourse portion of the property for later consideration. This is resulting in many subdivisions coming forth now where it is necessary to make considerable expenditures to resolve drainage problems.
- (i) Of the 48 subdivisions used in the analysis, only 23 actually proceeded. The inference is that the cost of storm drainage at least contributed to this situation. On the other hand, recent subdivisions have proceeded where the range of storm drainage costs alone has been from \$10,000.00 to \$70,000.00.
- (j) It would appear that these subdividers regarded their scheme as still being economical despite the drainage costs.
- (k) The Council has, from time to time, imposed costly drainage requirements as prerequisites to rezonings.
- (l) Drainage, in a climate such as exists in Burnaby, is possibly one of the most important subdivision requirements. The Council has been faced many times in recent years with approving expenditures to correct drainage situations created by subdivisions before the requirement became mandatory.
- (m) In recent years, the Corporation has done much to improve the drainage situation throughout the municipality. This has been done through budget funds, capital funds, combined storm and sanitary sewers, and Local Improvements. By all of these means, including drainage provided by subdividers, there are now 92.02 miles of storm sewers and 47.17 miles of combined sewers in the municipality. Contrasted with 340 miles of watermains and 269.55 miles of sanitary sewers, it is obvious that a great deal remains to be done to take care of drainage in the municipality.
- (n) In 1964, the Manager recommended that the Corporation bear some portion of subdivision drainage costs providing an equitable method of determination could be evolved. With the passage of time during which all subdividers have been required to bear full drainage costs, the situation has now changed. When coupled with the assurance that the Corporation will be faced with increased uncontrollable costs for Regional Districts, Hospitals, and Sewage Treatment facilities, it becomes even more difficult to see how the Corporation can change its position at this time and start a new policy of subsidizing subdivisions.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That Council concur with the views expressed in the report of the Municipal Manager regarding the subject of drainage requirements in subdivisions, with it being understood that this confirmation of the present policy in connection with the matter is not to preclude consideration being given special drainage problems confronting potential subdividers."

CARRIED UNANIMOUSLY

ALDERMAN LADNER stated that he wished to return for reconsideration the resolution passed by Council on March 3, 1969 relating to Off-Track Betting Offices.

He provided the following reasons for his request :

- (a) The subject of Off-Track Betting Offices involves an important question of principle as well as law.
- (b) He holds no brief for the applicants for the trades licences to operate this type of business; in fact, he has had no communication with them whatsoever.
- (c) Though he is not certain it would be desirable to have such establishments in the municipality, he is concerned about the legality of what Council did on March 3rd and the principle of refusing a licence for a lawful business.
- (d) If the resolution passed by Council on March 3rd is defeated, he proposes to place another motion before Council.
- (e) The resolution of March 3rd suggests some doubt as to the legality of Off-Track Betting Offices, as do some reported remarks of the British Columbia Attorney-General.
- (f) This legal question has been to the Supreme Court of Canada and it has determined unequivocally that such operations are not prohibited by the Criminal Code; therefore, as there is no Provincial Legislation prohibiting them, the Council should be taking action on the applications.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the following resolution, which was passed by Council on March 3, 1969, be reconsidered:

"THAT, because of the current uncertainty as to the legal position to be taken in regard to Off-Track Betting Offices, action on all applications to operate such offices be deferred until the legality of the operations is clearly determined."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:

"That action on all applications which have been received for business licences to operate Off-Track Betting Offices be deferred for two weeks pending a report from the Municipal Solicitor answering the following questions:

- (a) What is the meaning of the words "the granting or renewal of a licence shall not be unreasonably refused" in Section 455 of the Municipal Act?
- (b) Can Council lawfully refuse a licence to a new business that is lawful and, if so, in what circumstances?"

CARRIED UNANIMOUSLY

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HIS WORSHIP, MAYOR PRITTIE, stated that he had conducted some research in regard to the time spent by Councils of other municipalities in conducting business.

He indicated that none of the municipalities of any size complete their business in three hours.

He concluded by advising that a formal report would be submitted to Council next Monday evening on the matter.

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HIS WORSHIP also suggested that Council meet this Thursday to deal with the matter of a proposed subdivision in the Gilpin-Iris-Price-Rowan Area.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That Council meet on Thursday, March 13, 1969 at 3:30 p.m. to deal with the matter mentioned by His Worship."

CARRIED

AGAINST -- ALDERMAN HERD

HIS WORSHIP, MAYOR PRITTIE, DECLARED A RECESS AT 9:00 P.M.

THE COMMITTEE RECONVENED AT 9:15 P.M.

HIS WORSHIP, MAYOR PRITTIE, mentioned that he and others had received correspondence concerning truck traffic on Burris Street.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That all correspondence received on the question of vehicular traffic on Burris Street be referred to the Traffic Safety Committee for consideration and report."

CARRIED UNANIMOUSLY

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R E P O R T

MUNICIPAL MANAGER submitted Report No. 16, 1969, on the matters listed below as items (1) to (12), either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Burnaby Building By-law

Copies of the 1965 National Building Code and of a draft By-law to replace the current Building By-law have been distributed to the members of Council.

The Chief Building Inspector has also provided the following background information relating to the proposed By-law:

- (a) The 1965 National Building Code is an improvement over the earlier version in that it represents five more years of intensive application of thought by many hundreds of expert persons across the Country, and reflects more closely up-to-date construction trends and techniques.
- (b) The concept of a performance code has been further extended in the 1965 version, with changes in the approach to construction requirements for various occupancies for specific heights and areas of buildings. These changes result in greater flexibility and economic choice to the designer and owner of a building.

- (c) The requirements for fire alarm and detection systems in the 1965 National Building Code have been strengthened over those in the 1960 version.
- (d) Standpipe and hose system requirements in the 1965 National Building Code have been broadened over those in the 1960 Code. This type of requirement is particularly necessary for life safety in high-rise or multi-storey buildings and, with the imminent prospect of a breakthrough in this type of construction, the adoption of standpipe and hose system regulations must come about.
- (e) The 1965 Code, in the design part, includes updating C.S.A. specifications in wood, steel and reinforced concrete construction, as well as a full section on reinforced masonry construction. Regulations on this last type of construction do not appear in the 1960 version.
- (f) Throughout the draft By-law, an attempt has been made to maintain uniformity with other municipal By-laws or regulations where they relate to a subject covered in the draft By-law.
- (g) It should be noted that, while a requirement that a permit be obtained for a sign has been included directly from the National Building Code, the draft By-law is otherwise silent on the general subject of sign regulations because it is expected that a separate By-law will be forthcoming.
- (h) Specific recognition has been given in the administration part of the draft for ready handling of prefabricated or factory-built construction, whether such construction is in the form of components or of whole buildings.
- (i) A means of recouping municipal costs incurred in repairing public works damaged as a result of private building operations has been introduced by way of requiring a \$200.00 bond to be posted, when required by the Municipal Engineer, prior to the issuance of a building permit.
- (j) In the matter of moved buildings (generally houses), recognition has been given the philosophy of rehabilitation where possible, rather than than destruction or loss of a building by providing for an "appeal" to Council where the age of the moved building exceeds 30 years.
- (k) Better alignment with all other users of the National Building Code has been obtained in the part regulating housing construction by the acceptance of Supplement 5 of the Code (residential building standards).

The draft By-law has not been considered by the Municipal Solicitor as, at this stage, the intent is more important than the legal wording.

It was being recommended that Council consider the proposed By-law after which it will be sent to the Solicitor for legal drafting in accordance with the decisions of Council and then will be returned for passage by Council.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN BLAIR:
"That the subject of the Manager's Report be deferred for study at a special meeting to be held in the near future."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:
"That a copy of the proposed Building By-law, together with supporting data be sent to the Burnaby Chamber of Commerce with a request that the Chamber offer its views on the By-law."

CARRIED UNANIMOUSLY

(2) Resolutions for the Canadian Federation of Mayors and Municipalities Conference

In 1968, Burnaby submitted the following resolution to the Canadian Federation of Mayors and Municipalities:

"WHEREAS all citizens of Canada should be adequately housed; and

WHEREAS the National Housing Act provides for joint agreement between the Government of Canada and the Provincial Governments for the provision of Public Housing; and

WHEREAS public housing is now a National crisis; and

WHEREAS cities and municipalities should not be frustrated in their programs of Public Housing through any lack of interest on the part of a Provincial Government;

THEREFORE BE IT RESOLVED that the National Housing Act be amended to provide that a Provincial Government must start within six months, and have completed within eighteen months, Public Housing, upon the request of the individual municipality."

The resolution was received late and was not dealt with by the delegates at the Conference.

The Executive Director of the Federation has asked whether Burnaby proposes to resubmit the resolution to this years conference.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the resolution cited in the Report of the Manager be forwarded for inclusion in the Agenda for the 1969 Conference of the Canadian Federation of Mayors and Municipalities."

CARRIED

AGAINST -- ALDERMEN LADNER AND CLARK

HIS WORSHIP, MAYOR PRITTIE, enquired as to which members of Council wished to attend the 1969 Conference of the Canadian Federation of Mayors and Municipalities.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN HERD:
"That all members of Council who are able be authorized to attend the 1969 Conference of the Canadian Federation of Mayors and Municipalities."

CARRIED UNANIMOUSLY

(3) Re: Appeals against Court of Revision Decisions - 1969 Real Property Assessments

The Manager reported that the Court of Revision completed its hearings of complaints against the 1969 real property assessment roll on 28th February, 1969.

Complainants have a further right to appeal against these decisions to the Assessment Appeal Board. The Municipal Act also gives the Assessor the right to appeal against these decisions but he must first obtain the consent of Council.

Notice of Intention to Appeal must be given by 13th March, 1969.

Two of the decisions on the 223 complaints heard by the Court were determined on a basis different from that used by the Assessor and the resulting percentage reductions in these two assessments were substantial. The amount involved in one of them was also substantial.

The amounts are secondary to the precedent established by the Court. There are no precedents to indicate whether the opinion of the Court or that of the Assessment Department, or either of them, is correct. Therefore it is considered important to obtain a further opinion of these assessed values, not only for establishing the current year's assessment roll but as a guide for determining assessments of this type of property in the future.

The Manager recommended that Council grant permission to the Municipal Assessor to appeal to the Assessment Appeal Board the decision of the Court of Revision with respect to:

Property Code 2 022 899

and

Property Code 5 023 923
5 023 924

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(4) Complaint of Mr. A. Dillon Re: Dogs

Mr. Dillon complained to Council that a pup he purchased from the Pound on Christmas Eve developed distemper on Christmas Day and had to be destroyed by a veterinarian. He did indicate that he was assured the dog appeared healthy.

The Council ordered a report on the points made by Mr. Dillon in his letter.

In response, the Chief Licence Inspector has reported that, when Mr. Dillon purchased the animal from the Pound, it appeared healthy. The Poundkeeper has had considerable experience breeding, training and showing dogs and would not sell any animal showing signs of having distemper or any other disease.

As the owners of the majority of animals impounded are unknown, it would be impossible to determine the history of such an animal. The health and physical condition of an animal could be ascertained by a veterinarian. This could prove quite costly if it were done for all animals available for sale and it would only be reasonable to recover such costs through the sales.

Incidents such as experienced by Mr. Dillon are extremely rare.

The policy in the City of Vancouver is that animals sold from the Pound are on an "as is" basis with no recourse by the purchaser.

The question of fairness could likely be answered by establishing a policy of refunding the purchase price if the purchaser finds it necessary to have the animal destroyed because of some physical condition of the animal at the time of purchase.

To go beyond this could involve a cost factor.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That all dogs sold by the Municipal Pound be on an "as is" basis, with no recourse by the purchaser, but the purchaser be notified by means of written advice on his receipt for the purchase that the vendor of the dog has no knowledge of the dog's health or physical condition, including whether the animal has been inoculated against any disease."

CARRIED UNANIMOUSLY

(5) Complaint from Mrs. Mills of Mountainview Court

The incident described by Mrs. Mills in a letter submitted to Council a short time ago involved a municipal grader working in her area clearing snow. The grader had to push the snow out of an intersection onto Lyndhurst Street and, while doing this, came in contact with the Mills' car which was travelling up the wrong side of the street. The grader was being backed at the time.

Corporation graders are licenced and, as such, we maintain public liability insurance. The adjuster for the Mills' insurer was directed to contact our insurer.

So far as is known, the two insurers have not agreed on a settlement. It would appear that ours has considered the Corporation 75% responsible and has made an offer on that basis.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DRUMMOND:
"That Council take no action on the complaint from Mrs. Mills regarding the damage to her motor vehicle because the matter is in the hands of the Corporation's insurers."

CARRIED UNANIMOUSLY

(6) Estimates

It was being recommended that the Special Estimates of Work itemized in the accompanying report of the Municipal Engineer, which total \$64,460.00, be approved.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(7) Revenue and Expenditures

It was being recommended that the expenditures listed in the accompanying report from the Municipal Treasurer, which are for the period between January 1st and February 16, 1969, be approved.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(8) Street Lights

It was being recommended that the installation of the street lights listed in the accompanying report from the Municipal Engineer be approved.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(9) Monthly Report of Building Department

A report of the Chief Building Inspector covering the operations of his Department for the period between February 3rd and 28, 1969 was being submitted.

(10) Monthly Report of Health Department

A report of the Medical Health Officer covering the activities of his Department for the month of January, 1969 was being submitted.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That the above two reports be received."

CARRIED UNANIMOUSLY

(11) Sperling Avenue and Buckingham Avenue

On the first day the regulation prohibiting Southbound Sperling Avenue traffic from turning left onto Buckingham Avenue was enforced (February 20, 1969), 52 warnings were issued.

Between February 21st and March 3, 1969, there were 169 prosecutions for violating this prohibition. The charge was laid under the Motor Vehicle Act and the fine is \$15.00; therefore, \$2,535.00 was collected.

Five of the warnings and four of the prosecutions involved people living on Buckingham Avenue.

No prosecutions were made against any motorist Northbound on Sperling Avenue turning onto Buckingham Avenue.

The Municipal Solicitor has indicated that it is possible to make refunds of the fines paid by means of an Order-in-Council from the Provincial Government.

The precise direction of Council when authorizing the institution of the prohibition made no reference to flashers being installed. The Council resolution also did not stipulate the number of signs to be erected.

The Traffic Safety Committee also mentioned to Council at that time that the entire matter would be reviewed within six months. Warning signs were placed on Canada Way for both Eastbound and Westbound traffic on February 12, 1969. The actual prohibition signs were erected on both sides of Sperling Avenue North of the Buckingham Avenue Intersection on the same date. An advance warning sign was also placed on Sperling Avenue after the prohibition date, and flashers were added to the signs at that time.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That a copy of the Manager's Report be sent to the Traffic Safety Committee for consideration at its March 19th meeting."

CARRIED UNANIMOUSLY

(12) Street Lights - 5800 Block Ewart and McKee Streets

The Municipal Engineer has reported as follows on the complaints from W. M. Westervelt, B. F. Sugden and others concerning the replacement of the incandescent street lights at the ends of the 5800 Block Ewart and McKee Streets with mercury vapour fixtures:

- (a) Both complaints are based on identical circumstances.
- (b) Before the installation of the mercury vapour lights, the interim incandescent lighting consisted of two 200 watt lamps.
- (c) One of the poles supporting the light was on the East edge of the ravine.
- (d) Directly below, and to prevent vehicles from running into the ravine, the municipality had installed one of its standard reflectorized concrete barricades.
- (e) When considering the replacement of the incandescent street lights with mercury vapour ones, the light patterns of the fixtures were studied so that the installation would be located in a position to give maximum efficiency in light output. The incandescent light cast a circular pattern on the ground whereas the mercury vapour one casts an elongated pattern up and down the roadway, with minimum glare to surrounding properties.
- (f) After studying the lighting pattern, it was decided that the most efficient use of the mercury vapour lamp would be obtained if it was relocated to the next pole East. In spite of the reduced lighting at the end of the street, which still meets C.S.A. standards, it is felt that the overall lighting on the street is greatly improved.
- (g) In inspecting the situation on the evening of March 9th, no problem could be found in recognizing the barricading at the end of the street. It was further felt that the new installations provided better protection to the pedestrians because the previous mid-block darkspots had been eliminated.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That no action be taken at this time on the complaints which are the subject of the Manager's Report because the street lighting situation of concern is to be re-examined in the near future."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the meeting extend beyond the hour of 10:00 p.m."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

ALDERMAN LADNER LEFT THE MEETING.

B Y - L A W S

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That the Council do now resolve into a Committee of the Whole to consider and report on:

- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 1, 1969" #5473
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 9, 1969" #5481

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 1, 1969 provides for the following rezoning:

Reference RZ #113/68

FROM RESIDENTIAL DISTRICT TWO (R2) TO RESIDENTIAL DISTRICT FIVE (R5)

Lot 3, Block "N", D.L. 90, Plan 16923

(6680 Canada Way - Located at the North-East corner of Canada Way and Mayfield Street)

The Deputy Municipal Clerk stated that the Planning Department had reported that the prerequisites established by Council in connection with this rezoning proposal have been satisfied.

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 9, 1969 provides for the following rezoning:

Reference RZ #123/68

FROM RESIDENTIAL DISTRICT FIVE (R5) AND SERVICE COMMERCIAL DISTRICT (C4) TO SERVICE COMMERCIAL DISTRICT (C4)

Lots 1 and 2 except part on Plan with By-law 30078, S.D. "C", Blocks 2 and 3, D.L. 96N, Plan 1349

(6425 Kingsway - Located on the North-East corner of Kingsway and Colborne Avenue and extending through to Balmoral Street; having a frontage of approximately 196 feet on Kingsway and a width of approximately 186 feet on Balmoral Street)

Munday Trailers Limited submitted a letter in connection with the above rezoning proposal indicating that a general plan of development for the property has been submitted.

The Company also pointed out that the owner of the property has another offer to purchase it for development according to the existing zoning, and does not wish to extend the option to Munday Trailers Ltd. long enough to allow the Company to satisfy all the prerequisites connected with the rezoning proposal at hand.

Munday Trailers Limited concluded by requesting that Council give the By-law Third Reading in order that the Company can proceed to purchase the property, knowing that final reading of the By-law will be a certainty after satisfaction of the prerequisites.

Planning Director reported on the request of Munday Trailers Ltd. advising that there is no objection to granting the request as an act of intent.

He added that recent discussions with the applicant have indicated the Company is serious in its desire to proceed with the proposed development.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That the Committee do now rise and report the By-laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 1, 1969"
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 9, 1969"
be now read a Third Time."

CARRIED UNANIMOUSLY

*

ALDERMAN LADNER RETURNED TO THE MEETING.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:
"That:

"BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW NO. 2, 1969" #5496
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 3, 1969" #5475
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 66, 1968" #5422
be now reconsidered."

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 2, 1969 provides for the following rezoning:

Reference RZ #110/68

FROM RESIDENTIAL DISTRICT FIVE (R5) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT THREE (RM3)

Lots 12 to 14 inclusive, block 2, D. L. 95, Plan 1796

(7207, 7221 and 7235 Arcola Street, respectively)

Deputy Municipal Clerk stated that the Planning Department had reported that the prerequisites established by Council in connection with this rezoning proposal have been satisfied.

Mar/10/1969

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 2, 1969 provides for the following rezoning:

Reference RZ #90/68

FROM RESIDENTIAL DISTRICT FIVE (R5) TO MULTIPLE FAMILY
RESIDENTIAL DISTRICT THREE (RM3)

Lots 2, 3, 4, Block 45, S.D. "B", & "C", D.L. 151/3, Plan 9647
(4511 - 4515 -4525 Imperial Street)

Deputy Municipal Clerk stated that the Planning Department had reported that the prerequisites established by Council in connection with this rezoning proposal have been satisfied.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:

"That:

"BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW
NO. 2, 1969"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 3, 1969"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 66, 1968"

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

CARRIED UNANIMOUSLY