

APRIL 21, 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, April 21, 1969 at 7:00 p.m.

PRESENT:

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

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN McLEAN:

"That the Minutes of October 21st and October 28th, 1968 be adopted as written and confirmed."

CARRIED

ABSTAINING - MAYOR PRITTIE, ALDERMAN
CLARK AND ALDERMAN LADNER

The Municipal Clerk reported that the following motion had been omitted from the Minutes of April 14, 1969.

"MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN CLARK:

"That Item (b) entitled 'Assessment Review' under Tabled Items, be retabled for a period of one week."

CARRIED UNANIMOUSLY

ALDERMAN LADNER noted that a motion in connection with the item dealing with rezoning application No. 15/69 on Page 13 of the April 14th Minutes indicated a motion Moved by Alderman Lorimer which was obviously an error.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That the Minutes of the meeting of April 14, 1969 be adopted with the amendments as indicated by the Municipal Clerk and with the change in the Mover of the motion indicated by Alderman Ladner to "Moved by Alderman Ladner" vice "Moved by Alderman Lorimer"."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN McLEAN:

"That the Delegation be heard."

CARRIED UNANIMOUSLY

DELEGATION

Mr. Sim of the 3900 Block Spruce Street addressed the Council with reference to the ditch and catchbasin serving the lane at the rear of his property. He suggested that these facilities were inadequate to drain his property. Mr. Sim charged that Burnaby was negligent and during the last week his property had been flooded owing to the mislocation of the said catchbasin. Mr. Sim advised that it was necessary for him to clean the ditch during periods of rain and that he had phoned the Engineering Department on this several times over the past nine years; the last request for some work having been made on

Thursday or Friday of the previous week. Mr. Sim advised that there was one foot of water in his basement and submitted that one of the reasons was that his home was the only building amongst his neighbours made to go to hardspan during construction. In his opinion the catchbasin was in the wrong place and was not deep enough to collect the storm water from his property.

The Manager submitted to the Council that if Mr. Sim intended filing a claim against the municipality there should be no report at this time until the Solicitor has had time to investigate the claim. M. Sim advised that he would be submitting a claim.

The Engineer reported that he had submitted a report to the Manager but if the claim was to be filed by Mr. Sim the report to the Council should await the submission and investigation of his claim. The Engineer advised that in the meantime further investigation would be made and if it was found there was a problem it would be rectified.

Mr. Sim was advised that he would have a report on the matter at the appropriate time.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That the Correspondence be received."

CARRIED UNANIMOUSLY

C O R R E S P O N D E N C E

Letters of appreciation for grants received were presented from:

- (1) British Columbia Borstal Association
- (2) Vancouver Symphony Society
- (3) Canadian Paraplegic Association

The Girl Guides of Canada - Burnaby Area wrote requesting permission to conduct a walkathon on Saturday, May 24th involving a maximum of approximately 60 persons who would complete a route as outlined in their letter within the North Burnaby area. Pledges totaling a minimum of \$1.00 per mile would be made and the proceeds would go to the Burnaby Heights Division Camp Fund. It was submitted that if this proved successful as a fund raising project it would probably become an annual event.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DAILLY:
"That permission be granted to the Girl Guides of Canada - Burnaby Area to hold a walkathon in the North Burnaby area on Saturday, May 24th provided no conflict existed with R.C.M.P. policy."

CARRIED UNANIMOUSLY

It was suggested that Saturday may be a bad day for such a walkathon in view of the traffic situation and the potential hazard to the participants and that perhaps another time, a Sunday might be chosen as an alternate day.

The Burnaby Chamber of Commerce wrote with reference to the proposed Burnaby Building By-law and commended the Council for bringing down the By-law which would incorporate the National Building Code of 1965. The President of the Chamber expressed appreciation to the Chief Building Inspector and his assistant for time spent in explaining the new By-law to the Chamber membership.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That the Manager be asked to include the proposed new Burnaby Building By-law on an Agenda as early as possible for consideration by the Council."

CARRIED UNANIMOUSLY

Mr. D. A. S. Lanskill, Chairman of the Lower Mainland Regional Planning Board submitted a copy of a letter addressed to the Honourable Minister of Municipal Affairs and the Chairman of the Greater Vancouver Regional District commenting on the windup of the affairs of the Lower Mainland Regional Planning Board.

The Union of B. C. Municipalities wrote advising that their Office was anxious to establish a library of case law affecting municipalities, pointing out that many important County Court and Supreme Court decisions were not reported in any law reports and in consequence were not widely known and may never come to the attention of member municipalities. The new library would serve municipal Solicitors and Clerks throughout the Province and the member municipalities were being asked to submit to their Office a copy of all written reasons for judgement resulting from law suits in which the member municipalities may be involved.

The Municipal Solicitor wrote advising that at present the Court Registry in Vancouver supplied his office with copies of unreported decisions on municipal cases so the proposed library would be of little benefit to Burnaby; however he would see that any judgements in Burnaby cases were forwarded to the U.B.C.M. Office.

Mr. N. Micholls, 3900 Block SouthEast Marine Drive wrote asking that investigation be made into the drainage problems existing on his property.

Mr. James G. Lorimer, M.L.A., Burnaby-Willingdon, wrote in reference to the estimates of the Minister of Public Works where he had noticed, in perusing, that a Piggery and Cooker had been constructed at Oakalla Prison Farm for a tendered bid of \$26,631.00 and it was understood that a permit had been granted by the municipality for this structure.

Mr. Lorimer suggested that since the Burnaby Council was on record as an opponent to the retention of a maximum security prison in the center of the municipality that immediate representation should have been made to the Government when application was made for the Building Permit for these facilities. It was appreciated the Council may have had no knowledge of the application, however, it was felt to be pointless to continue stressing the need for removal of Oakalla if permits for construction of substantial facilities were being granted with the obvious result in delay of any decision to vacate.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:
"That the Chief Building Inspector be asked to apprise the Council of any building permits taken out by the Provincial Government for substantial facilities at the Oakalla Prison Farm."

CARRIED UNANIMOUSLY

It was reported that the facilities referred to by Mr. Lorimer had been constructed in 1967 and that the estimates he had referred to were coming forward for approval at this time.

MOVED BY ADDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the Council's appreciation be extended to Mr. Lorimer for bringing the information to the Council's attention and also advising that according to information received the facilities referred to had been constructed in the year 1967."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:

"That the Council resolve into a Committee of the Whole at 7:30 p.m."

CARRIED UNANIMOUSLY

TABLED ITEM

Alderman Dailly submitted a report to the Council entitled Assessment Review wherein a request was made for information on assessments which was based on the growing feeling among Burnaby citizens that large business properties were being assessed considerably below their true market value. Assessments on large business properties were rising more slowly than residential properties resulting in homeowners being compelled to bear disproportionately higher burdens of taxation and consequently different approaches must be explored to keep down taxes on homes.

Alderman Dailly presented a list of industrial properties scattered throughout the municipality wherein indications were that percentage wise increases of assessment were much less than increases in residential property and in his opinion these figures bore out the contention that the commercial and industrial properties were rising more slowly than residential properties and were not carrying their fair share of the burden of taxation.

Alderman Dailly proposed that the Council order a study to be made that would include:

- (1) The need for a redistribution of financial responsibility as between the Province and Municipalities and would include greatly increased grants from the Provincial Government.
- (2) A redistribution of the tax burden within the municipality by decreasing the proportion paid by homeowners and increasing the proportion paid by business. This could be accomplished in many ways including:
 - (a) establishing a dual mill rate system such as is used in Ontario (separate mill rates for residential properties and for commercial and industrial properties)
 - (b) replace the present uniform business tax with a graduated business tax similar to that in effect in Winnipeg.
 - (c) a \$4,000.00 tax exemption on all homes.
 - (d) A review of assessments on all large commercial and business properties.

Lastly Alderman Dailly submitted that the citizens of Burnaby should be involved in any discussions on taxation changes and Council should therefore hold Public Hearings as part of its enquiry where citizen groups could present their views on reform of taxation in Burnaby,

The Assessor was present in order to make explanations, and answer questions.

The following points were made during discussion on this report:

- (1) the inflation of home values was caused by the multiple turnover of homes whereas Industries are not affected in the same way and thereby an unfair comparison is established.

It was submitted that Industry was accepting approximately 40% of the taxation within the municipality at the present time.

- (2) Due to the shortage of land for home building the time may not be far off when people generally will be unable to afford to build their own homes in urban areas due to the rising costs of residential property.
- (3) The Manager submitted that the Assessor was charged with placing assessments on property according to what he feels is correct and equitable under the statutes of the Province. If the Council considered that the Assessor was favouring any particular classification of value then the Council can appear to the Assessment Court of Revision to have the matter reviewed. The Manager was satisfied that the Assessor was placing correct assessments on land within the municipality and pointed out that he must defend his assessment before two courts - the Assessment Court of Revision and the Assessment Court of Appeal. The Provincial Government sets the rules in this Province and the Council cannot vary them. A unique situation exists whereby the Province determines the assessments for school purposes. This method is not found in any other Province in the Dominion.
- (4) The Provincial Government had adopted the Municipalities' Aid Act which distributed a share of the Gasoline Tax amongst the municipalities and it was pointed out that the grants under this Act had increased by 550% since 1958.
- (5) Most of the subjects contained in Alderman Dailly's Report were subjects for consideration by the Union of B. C. Municipalities. Furthermore most industries in the municipality hold approximately 50% more land than they can use and in effect this doubles the value of their land. Alderman Dailly's Report mentions that residential taxation should cover services to homes such as sewer, water garbage collection etc. but did not mention service from the schools and it was pointed out that the cost of operating the schools was becoming larger than the administrative budget of the municipality.

The Assessor confirmed that there was a larger turnover in residential land than in industrial or commercial land and it certainly had a decided effect on market value. His Department must assess on a fair and equitable basis however, and the methods of arriving at values could not be simplified by establishing a square foot rate for all property.

Assessments change from area to area and between the various assessment classifications i.e. Residential, Commercial, Industrial etc. each parcel of land in the municipality was reviewed annually in order to maintain equitability as between properties.

A general discussion on assessments in the municipality followed and reference was made to the addendum to Alderman Dailly's report which listed percentage increases in land assessment on typical commercial and industrial properties in Burnaby over the periods 1956 to 69, 1962 to 69, and during the year 1969 separately. Originally the Assessor was asked to bring down a report explaining the differences in percentage increase as shown in the tabulation, however, the Assessor advised that it would be most difficult for him to do so since increases in assessment are based on sales of property which determine the market value and records of sales are not maintained in the Department as far back as 1956.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:

"That the Municipal Assessor be asked to report on the percentage increases over the period 1962 to 1969 in as brief a fashion as possible on those properties showing the three lowest assessment increases and those showing the three highest assessment increases."

CARRIED

AGAINST -- ALDERMAN CLARK

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN McLEAN:

"That the Union of B. C. Municipalities Office be asked to provide information at its disposal or obtain information on the effect of the dual mill rate system as it is applied in the Province of Ontario."

CARRIED

AGAINST -- ALDERMAN CLARK

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MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DRUMMOND:

"That a Public Hearing be set on Tuesday, May 6, 1969 at 7:30 p.m. for the purpose of dealing with those zoning applications which were approved for further consideration at the meeting of the Council on April 14th."

CARRIED UNANIMOUSLY

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R E P O R T S

GRANTS COMMITTEE

(1) Greater Vancouver Visitors and Convention Bureau

The Committee recommended that this Organization receive a grant of \$12,000.00 similar to that made in 1968, with the proviso that an additional \$3,000.00 be paid to the Bureau when it has satisfied the Committee that it has collected an equal amount in new memberships and contributions from non-Government sources. Extracts were taken from the statement of revenue and expense for the year ended December 31, 1968 which indicated that out of a total revenue of \$325,248.54 \$121,650.00 had been derived from municipal grants and \$60,000.00 had been derived from the Provincial Government. "Memberships and Contributions", presumably those businesses in the tourist industry accounted for about \$75,000.00. The Committee noted that certain statements had emanated from the Provincial Government recently concerning an additional three dollars per capita grant for ambulances and tourism. However there had been no clear direction given and the recent statements had only served to confuse the situation further.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN HERD:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

An amendment was:

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the words "it has collected an equal amount in new memberships and contributions from non-Government sources" be deleted from paragraph one and be substituted with the words "when it has collected an increase of 25% of \$75,000.00"."

IN FAVOUR - ALDERMEN MERCIER, LADNER
AND DAILLY

AGAINST - ALDERMEN BLAIR, CLARK
DRUMMOND, HERD, AND
McLEAN

MOTION LOST

(2) Resources for Native Progress Association

The Committee reported that this Association representative of a group of Indian organizations in B. C. was sponsoring a walkathon from Vancouver to Hope and Mr. H. A. Smitheram, a member, was willing to walk for anyone for any amount per mile, but felt that if service clubs and organizations would like to give \$1.00 per mile he would be more happy in the 96 mile walk along the old Number 1 Highway.

The Committee recommended that Burnaby sponsor Mr. Smitheram at the rate of \$1.00 per mile.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

(3) Burnaby Safety Council

The Committee recommended that this Organization be given a grant of \$700.00 for 1969.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN CLARK:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

(4) No. 637 Squadron - Royal Canadian Air Cadets

(5) No. 759 "Eagle" Squadron - Royal Canadian Air Cadets

The Committee recommended that the Squadrons be granted the sum of \$250.00 each for the year 1969.

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

CARRIED UNANIMOUSLY

(6) Burnaby Ladies' Pipe Band

The Committee recommended that this Organization receive a grant of \$500.00 for 1969 to assist them in their purchase of instruments and for travelling expenses.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

(7) Burnaby District Juvenile Soccer Association

The Committee submitted that Burnaby would host the 1969 Sun Tournament of Soccer Champions with the finals to be played at the new Junior Sports Stadium at Central Park on April 26th and 27th and it was recommended that the cost of two banners, one for Kingsway and one for Hastings Street at a cost of approximately \$110.00 each be paid.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN CLARK:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

(8) United Community Services, Burnaby Division

The Committee reported that originally the United Community Services had asked for an additional grant of \$2,000.00 to assist in the establishment of a full-time office in Burnaby.

The Grants Committee in its latest report had approved the annual grant for U.C.S. operations in the amount of \$2,750.00 for 1969 being the same amount as for 1968.

Following Mr. Copan's appearance before the Council on April 14th the Committee considered the request further and recommended that an additional grant of \$2,000.00 be paid to the Burnaby Division of the United Community Services to assist them in the establishment of a full-time office in Burnaby.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN HERD:
"That this recommendation of the Grants Committee be tabled and that the Social Welfare Administrator be asked to comment on the work of the United Community Services in relation to the services provided by his Department and particularly on the question of whether or not there would be duplication of service in the event a full-time office of the Burnaby Division U.C.S. was put into operation."

CARRIED UNANIMOUSLY

In response to a request from the Council His Worship, the Mayor, advised that grants made to date including \$12,000.00 to the Tourist Bureau and the pending \$2,000.00 for the Burnaby Division United Community Services was \$44,387.00.

ALDERMAN BLAIR submitted a report covering activities of the Burnaby General Hospital for the months of February and March, 1969.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the report of Alderman Blair be received."

CARRIED UNANIMOUSLY

ALDERMAN MERCIER referred to a report of the Regional Hospital District which contained charts indicating where building approvals had been made for hospitals and the stage of the actual construction of the hospital building. The graph accompanying the report indicated that

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Burnaby's Hospital Construction Programme was lagging.

Alderman Blair offered to obtain an interpretation of the graphs and determine whether or not Burnaby's programme was in fact lagging and what could be done to speed the programme up.

THE MAYOR DECLARED A RECESS AT 9:00 P.M.

THE COUNCIL RECONVENED AT 9:10 P.M.

HIS WORSHIP, THE MAYOR, produced the chart and graph referred to re: hospital construction by Alderman Mercier and it was left to Alderman Blair to seek out further information on the position of Burnaby in this regard for next weeks Council meeting.

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TRAFFIC SAFETY COMMITTEE

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That all recommendations contained within the Traffic Safety Committees Report be concurred in with respect to Items (1) to (4) and (6)."

CARRIED UNANIMOUSLY

(1) Griffiths Avenue at Stanley-Walker Intersection

The Committee received a request that Griffiths Avenue be closed at this intersection in view of the traffic hazards and noise nuisance to residents on the street.

Investigation had revealed that only minor accidents had occurred over the last eight years and traffic volumes on Griffiths Avenue was not excessive. Furthermore Griffiths Avenue was slated to become a major collector.

The Committee recommended that no action be taken on this request.

(2) Burnaby Chamber of Commerce Representative

The Committee reported that the Burnaby Chamber of Commerce had appointed Mr. Bruce Clarke as its representative on the Traffic Safety Committee in place of Mr. T. O'Connor and recommended that the appointment be approved.

(3) Cariboo Road and Armstrong Avenue

The Committee received a complaint of a hazard to pedestrians crossing in the marked crosswalk at this intersection claiming the crosswalk was located at the crest of the hill affording poor visibility to motorists and the two lane approach up the hill caused a further view problem. Pre-school children at times were using the crosswalk without a school patrol on duty.

It was pointed out that the children travel to and from the nearby Cariboo Park and to activities at the public and parochial schools in the area after school hours.

A hazard does exist because of the two lane approach on the Southbound leg of Cariboo and the policy is that where a marked crosswalk over a multi-laned facility exists there should be median-mounted or overhead signing to warn motorists in the centre lane of the existence of the marked crosswalk.

It was recommended that Council authorize the installation of a Davit-Mounted crosswalk sign over the existing marked crosswalk on Cariboo Road at Armstrong Avenue and that a "No Passing" tab be attached to the advance school crossing sign located North of the crosswalk.

(4) Government Street from Sperling Avenue to Greenwood Street

The Engineer found it necessary to post the following parking restrictions on Government Street due to heavy increases in Westbound rush hour traffic:

(a) "No Parking Anytime" along Government Street North side from Sperling Avenue East approximately 300 feet.

(b) "No Parking 4:00 p.m. - 6:00 p.m." along the North side of Government Street from a point approximately 300 feet East of Sperling Avenue to Greenwood Street.

The Committee recommended that Council ratify the action taken by the Municipal Engineer.

(6) No. 32 Grandview and #30 Douglas Bus Service

The Committee reported on a petition received from resident of the Gilmore Avenue - Canada Way area requesting that the #32 Grandview Highway bus service operate permanently on the detour route which had been used when Willingdon Avenue was closed. B. C. Hydro was in accord with this request and was seeking approval to permanently establish this route from Willingdon Avenue and Dawson Street via Dawson to the Gilmore - Ardley Diversion and Canada Way.

The Authority was also asking for approval to operate services to the Municipal Hall via Canada Way from the West rather than from the East for the reason that the No. 32 bus had insufficient time to travel the additional distance via Gilmore Avenue and still make scheduled connections with the Sixth Street bus at Canada Way and Edmonds Street.

The service will result in the No. 30 bus using Douglas Road between Spratt Street and Canada Way and Canada Way from Douglas Road to Spruce Street. This in turn will result in service on Spratt Street between Douglas Road and Norland Avenue being discontinued. A plan was attached to the report showing the changes in routing and bus stop revision.

The Committee recommended that Council approve the transit route changes proposed by B. C. Hydro and Power Authority for the two bus routes in question.

(5) Buckingham Avenue and Sperling Avenue

The Committee recommended that the "ripple bar" divider approved by Council on March 21st to be placed on the centre line of Sperling Avenue at Buckingham Avenue be rescinded since a subsequent inspection found that the location of two driveways on the West side of Sperling Avenue rendered the divider impractical of installation up to or beyond Buckingham Avenue. Shortening the divider to avoid the driveways would nullify the purpose of disallowing motorists to turn left onto Buckingham Avenue without any impediment.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:

"That the action of the Council taken on March 31st to approve the installation of the ripple bar divider on the centre line of Sperling Avenue and Buckingham Avenue be rescinded."

CARRIED UNANIMOUSLY

Alderman Clark advised the Council that the new Truck Route By-law was presently in the hands of the Traffic Safety Committee and will be mailed to members of the Council and be available to others interested in the By-law for comment.

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MANAGER'S REPORT NO. 28, 1969

(1) Mr. J. Klenner's property - Mona Avenue

This item was dealt with later in the Manager's Report.

(2) Subdivision Reference No. 257/68 - Easement
Lot 15, Block 14, D.L. 93, Plan 3916

The Manager recommended that authority be granted to acquire an easement via the above subdivision over a portion of the property described (New Lot 145) from James Isaac Simpson and Basil Victor Franey. No consideration was payable by the Corporation.

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

CARRIED UNANIMOUSLY

(3) Subdivision Reference #257/68 - Frontage Requirements

The Manager recommended that the requirements of Section 712(1) of the Municipal Act be waived as they apply to the above subdivision whereby two of the lots created cannot meet the requirements of the said Section.

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

CARRIED UNANIMOUSLY

(4) Rebates - Section 411 of the Municipal Act

The Manager recommended that the Council approve rebates in the total sum of \$47.51 under Section 411 of the Municipal Act as related in a letter from the Municipal Treasurer covering two applications received.

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

CARRIED UNANIMOUSLY

(5) In-law Suites In Residential Areas

This item was dealt with later in the meeting.

(6) Contract for Vending Machines - Parks and Recreation

The Manager submitted the details of tenders received from West Coast Canteen Ltd., Arco Services Ltd. and Vancouver Enterprises Ltd. by the Parks and Recreation Commission for a contract to supply vending machines and cigarettes, hot drinks, cold drinks, canned pop, candy, cakes, pastry, etc to be dispensed therefrom.

The Manager submitted that the commissions payable to each tenderer were very similar but that the Parks and Recreation staff had not been very satisfied with the service given by the existing contractor West Coast Cantoon Ltd. and has recommended that a new contract be entered into with Vancouver Enterprises Ltd. This recommendation was therefore submitted to Council.

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

CARRIED UNANIMOUSLY

(7) Library of Case Law Affecting Municipalities

This item was dealt with earlier in the Agenda under a Correspondence item as a result of a letter from the Union of B. C. Municipalities.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:
"That the Manager's Report be received."

CARRIED UNANIMOUSLY

(8) Contract with Shopland Construction Co. Ltd. - Capitol Hill Pumping Station

The Contract between Burnaby and Shopland Construction Co. Ltd. called for completion of the Pumping Station according to the contract by 15th December, 1968. There was provision for \$100.00 per day liquidated damages for failure to meet the completion date.

For two particular reasons:

- (i) Rock excavation was encountered early in the project.
- (ii) The diesel generators supplied by Burnaby, with some minor control components, were delivered late.

the Company was unable to meet the completion date.

Rather than a series of extensions, it was decided to make sure of a firm completion date before recommending an extension of completion time under the contract.

At all times, the contractor has co-operated fully with the Corporation and has done his utmost to expedite completion. The Corporation has not experienced loss or damage because of late completion.

It is recommended that an extension of time be approved to 3rd April, 1969 at which date the Consultant Engineers certify acceptance of the Shopland Construction Co. Ltd., contract as completed with the exception of three minor items.

It is further recommended that \$100.00 per day liquidated damages not be imposed for the reasons given above.

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

CARRIED UNANIMOUSLY

(9) Subdivision No. 73/69 - Frontage Requirements

The Manager recommended that the requirements of Section 712(1) of the Municipal Act be waived as they apply to the subdivision as one of the lots created could not meet the requirements of this Section of the act since the lot would have a frontage of not less than 10% of its perimeter.

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

CARRIED UNANIMOUSLY

(10) a Estimates

The Manager submitted a recommendation that Special Estimates of Work submitted by the Municipal Engineer in the total amount of \$74,689.50 be approved.

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

(10) b R.C.M.P.

The Officer-in-Charge, Burnaby Detachment, R.C.M.P. submitted a report covering policing of the municipality for the month of March, 1969.

(11) Fee for Rezoning

The Manager reported on a question raised in Council as to the authenticity of a charge being made by the Corporation for rezoning fees considering that the fee being charged differs from that adopted by the Council in 1967.

The Manager attached a report of the Municipal Planner which gave information as a result of a research into the matter.

The legal opinion obtained from the Solicitor indicated that receipt of the Clerk's letter of the 25th, May, 1967 confirmed the intent of the Council and from this point of view the charge being levied was in order.

The Manager submitted that the discovery of the original error should have resulted in the Minutes of the Council meeting being appropriately amended or another resolution of Council obtained to establish the rate within the Minutes of Council. This was never done.

The Manager recommended that the Council now confirm the fee for rezoning applications as:

- (a) an application to amend the text of the Zoning By-law \$25.00
- (b) an application to amend the Zoning district plan of the Zoning By-law up to 25,000 square feet of land area \$25.00
- (c) for each additional 1,000 square feet of lane area or part thereof. \$ 1.00

It was reported by the Manager that since inception of the charge in 1967, a total of \$7,688.00 has been collected.

If the 10,000 square feet basis had been used, \$3,639 less would have been collected covering 74 applications where a greater than minimum fee was collected.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN CLARK"
"That all money collected in violation of the original resolution as it appears on the Minutes covering the fee for rezoning be refunded to the people from whom such money was collected.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the matter be tabled for one week for legal opinion on the legality of returning monies collected as fees for rezoning since the inception of such fee."

CARRIED

AGAINST -- ALDERMAN HEND, CLAR*
AND DAILLY

The Council reverted to Item (1) of the Manager's Report re Mr. J. Klenner's property - Mona Avenue.

The Manager submitted a copy of the Klenner subdivision on Mona Avenue which would result in the creation of 10 lots and gave the estimated costs to service this property with water, lane, roads, sanitary sewers, and storm sewers as \$61,790.00.

The Manager further reported that the construction of works on Mona Avenue would be of benefit to municipal property on the South side of the street and the Manager laid out the estimated costs for water and road would be borne equally between the Corporation and Mr. Klenner and the costs for sanitary sewer and storm sewer would be borne 100% by the municipality.

By using this cost-sharing basis the total costs to Mr. Klenner would be \$49,915.00.

The Manager pointed out that the sharing of some costs for Sapperton Avenue (off which Mona Avenue ran) should be considered and another estimate of cost was presented whereby the cost for road, water, and storm sewer would be shared 50% each by the Corporation and Mr. Klenner and the cost of sanitary sewer, which would be of no benefit to the Corporation lots which would be created along Sapperton Avenue, would be borne by Mr. Klenner. This would reduce Mr. Klenner's cost further to \$39,865.00 and the costs to the Corporation for the respective services would be \$21,925.00. This expenditure would completely service 5 municipal lots on the South side of Mona Avenue (less a lane) and would service municipal property on the East side of Sapperton Avenue with road and water. A sanitary sewer extension and a lane would be required to completely service the Sapperton Avenue property. The services mentioned included the construction of half a road on the North side of the Klenner property and with the provision of another half of the road 5 further lots could be created by the Corporation.

It had further been considered that the municipality provide a storm sewer outlet between the North property line of the Klenner property on Sapperton Avenue and the trunk sewer at an estimated cost of \$5,100.00. This was the usual practice of the Corporation and would become a cost upon the Corporation and decrease the costs to the owner by a similar amount.

Mr. Klenner's share would then total \$34,765.00 and the Corporation's share \$27,025.00.

Upon being queried, the Engineer advised that it was planned by the Corporation to complete the road on the North side of the Klenner property at a later date by extending the road to its full width and by completing the road to a final standard with curbs and pavement thus making the 5 lots belonging to the Corporation available for sale.

Mr. MacLeod, Agent for Mr. Klenner, submitted that his client would prefer to see the Corporation and Mr. Klenner share the subdivision costs on the basis of a 50-50 split covering 10 lots each.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the cost-sharing be adopted with the addition that the East-West road running from Sapperton Avenue North of the Klenner property be completed at this time to a final standard at an estimated cost of \$5,000.00

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and that the normal \$2,500.00 which would be charged to Mr. Klein, or be paid by the Corporation and that the subdivision be approved on this basis."

CARRIED

AGAINST -- ALDERMAN DAILLY AND
ALDERMAN BLAIR

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the Council meeting proceed beyond the 10:00 p.m. statutory deadline."

CARRIED

AGAINST -- MAYOR PRITTIE,
ALDERMAN DRUMMOND,
CLARK AND BLAIR

The Council then reverted to Item (5) of the Manager's Report re In-Law Suites in Residential Areas.

THE PLANNER submitted a report advising that it required a simple amendment to the Zoning By-Law to allow for in-law suites as an accessory use in appropriate residential zones subject to a number of conditions which would ensure that the Council's desire to provide for in-law suites not be misused.

The Planner submitted the following proposal:

1. Amendment of "accessory use" definition to add that an accessory use in residential zones may include a self contained suite for parents or grandparents of the occupiers of the dwelling subject to the following conditions:
 - (a) Lot size to meet the frontage and area requirements of the zones in which the lot is located.
 - (b) In-law suite to meet the requirements of the Municipal Building By-Law.
 - (c) Applicant for such a use to provide evidence from a practising physician that it is essential for medical and financial reasons that the parents or grandparents be accommodated in this manner.
 - (d) An annual licence to be obtained from the Corporation to operate such a suite.
 - (e) The application for the licence to contain a declaration confirming that the provisions of Item (c) are still applicable.
 - (f) A covenant to be entered into ensuring removal of the in-law suite once the provisions of Item (c) are no longer applicable and the reversion of the use to that of a single family dwelling.
 - (g) A bond to be posted to ensure the carrying out of Item (f).

2. Addition of definition of "in-law suite" as follows:

"In-law suite" means one or more habitable rooms constituting a self contained unit and used for living and sleeping purposes by the parents or grandparents of the occupants of the dwelling, and containing a separate and properly ventilated kitchen with a sink and cooking facilities and a bathroom with a water closet and wash basin.

It was also recommended that the two proposed amendments be forwarded for further consideration to a Public Hearing to be applicable in R1, R2, and R3 Residential Zones as it was viewed by the Department that there should be no misuse of the Residential Zones to permit them to be utilized as Multiple Family Zone. During discussion, it was submitted that they proposed regulations could be extended to the R4 and 5 Zones.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:

"That the proposal of the Planning Director be forwarded to a Public Hearing on the basis that in-law suites be permitted in R1 to R5 Zones inclusive and that Item 1 (g) be deleted."

An amendment was MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:

"That the wording in paragraph 1 and 1 (c) of the proposal read "blood relatives" rather than "parents or grandparents"."

An amendment to the amendment was MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN CLARK:

"That Item 1 (c) and 1 (f) be deleted as well as the word "annual" where it appears in Item 1 (d)."

A vote was then taken on the amendment to the amendment .

IN FAVOUR -- ALDERMAN DRUMMOND, AND CLARK

AGAINST -- ALDERMAN BLAIR, DAILLY, LADNER, HERD, MERCIER, McLEAN

MOTION LOST

A vote was then taken on the amendment.

IN FAVOUR -- ALDERMAN DRUMMOND, HERD AND CLARK

AGAINST -- ALDERMAN BLAIR, DAILLY, LADNER, MERCIER AND McLEAN

MOTION LOST

On the original Motion.

CARRIED

AGAINST -- ALDERMAN LADNER AND CLARK

(12) Stride Avenue Housing Project

The Manager reported that Mr. Williams of the Provincial Government had phoned his Office on Thursday, April 17th to advise of the decision in Victoria to approve barn shakes on the Stride Avenue Housing Project as a replacement for duroid. Consent was given on the understanding that the increased cost would be from \$18,000.00 to \$20,000.00 and Burnaby would bear 50% of this cost. The Manager reported having contacted

the Council by telephone when seven members were in favour of the proposal and one was opposed and one was out of town.

It was recommended that Council confirm the telephone vote by Resolution and that Central Mortgage and Housing Corporation be officially notified by the Municipal Clerk.

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

CARRIED

AGAINST -- ALDERMAN McLEAN

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

BY - L A W S

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DAILLY:
"That the Council resolve into a Committee of the Whole to consider:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 5, 1969" (#5477)
(Rezoning Reference RZ #92/68)

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 73, 1968" (#5449)
(Rezoning Reference RZ #80/67)."

CARRIED UNANIMOUSLY

The Planning Director submitted a report concerning Rezoning Reference RZ #92/68 indicating that the applicant had complied with all of the prerequisites and that the By-law could proceed to its Third and Final Readings.

The Planning Director submitted a memo. concerning Rezoning Reference RZ #80/67 submitting that the prerequisites had been satisfied and that this By-law could now proceed to its Third and Final Readings.

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DAILLY:
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 5, 1969" and "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 73, 1968" be now read a Third Time."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 72, 1966" (#5030)
(Rezoning Reference RZ #118/66)

"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 4, 1969" (#5502)

and

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 42, 1966" (#4970)
(Rezoning Reference RZ #43/64)

be now reconsidered."

CARRIED UNANIMOUSLY

It was pointed out that there was a change in legal subdivision of the property under By-Law No. 5030 in that a portion only of Lot 5, Block 12, D.L. 93, Plan 3019, now known as Lot 144, D.L. 93, Plan 3019, was covered by this Zoning By-Law.

The Planner submitted a memo. indicating that the prerequisites had been met and that the By-law could proceed to its final reading.

The Planner also submitted a memo. with reference to the By-law covering Rezoning Reference RZ #43/64 advising that the prerequisites had been met in connection with this By-law and that it should be returned to Council for Final Reading at its earliest convenience.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILY:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 72, 1966"

"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 4, 1969" and

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 42, 1966"

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

CARRIED UNANIMOUSLY