

APRIL 28, 1969

An adjourned meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, April 28, 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 HERD, SECONDED BY ALDERMAN MERCIER:
"That Minutes of November 4th and November 12th, 1968 and Minutes for Public Hearings held on October 28th and November 18th, 1968 be adopted as written and confirmed."

CARRIED
ABSTAINING - MAYOR PRITTIE, ALDERMEN
CLARK AND LADNER

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:
"That the delegation be heard."

CARRIED UNANIMOUSLY

Mr. Gordon Dowding appeared on behalf of his clients, Ukrainian Greek Orthodox Church, with regard to rezoning application No. 57/67 which provided for the rezoning of Lot "A", N 131.68 feet, D.L. 30, Plan 4680 to an institutional zoning to permit the expansion and renovation of the Church building located on the property.

Mr. Dowding reviewed the back history of this rezoning and suggested that the stipulations which have been placed by the Council on the property were conditions which could be imposed on the subdivision of land but that such conditions were not applicable to a rezoning. There was no power contained in the Municipal Act whereby such stipulations might be imposed. The real question was whether or not Section 702 of the Municipal Act gave the power to make a By-law which would provide for a different use and to then make a use which was compatible with the zoning.

In all cases known a rezoning of a Church had been granted. Uses connected with a Church such as noise etc. must be taken into consideration, however, it was Mr. Dowding's contention that these factors had not been considered as deterrent factors in this rezoning.

It was submitted that the Council had taken the stipulations for subdivision and had applied them to this rezoning. If the matter were placed before the Courts it would be found that the Council was found to be imposing conditions which would cost monies in order that a neighbour could at some future time subdivide his property.

Mr. Dowding presented a brief to the Council on the subject and referred to this briefly and asked that the whole matter be reviewed to determine whether the Council had taken the proper tack. Council should take a look at the powers imposed for subdivision and whether or not such powers could be applied to a rezoning situation. It was his contention that the Council was going beyond

April 2/1969

the powers of Section 702 of the Municipal Act.

The applicants were concerned because of the cost. This is a volunteer organization which was contributing for the construction of a Church which would become a benefit to the community.

The Planning Director submitted that there had been agreement to the arrangements between the Church and the adjoining property owner as there had been considerable discussion on this question in order that a subdivision pattern might be developed in the area.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DAILLY:

"That this matter be tabled and that the conditions imposed on the rezoning of Lot "A", North 131.68 feet, D.L. 30, Plan 4680 be the subject of a report to the Council as soon as possible."

CARRIED UNANIMOUSLY

It was suggested that a legal opinion should be obtained on whether the Council is empowered to take the action it did in this instance. Information was requested on the cost sharing aspect as well. In finality a question was asked of Mr. Dowding whether or not those who were asking on behalf of the applicants on the rezoning know at the time that this matter would have to have the approval of the congregation of the Church. In reply it was submitted that this was known and that when this was taken to the congregation the question of legality had arisen.

MOVED BY ALDERMAN HERD, 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

Mr. Keith L. Evans wrote with reference to the construction of a lane between Elwell and Rosewood Avenues and between Canada Way and Sixth Street referring to previous considerations of this proposed lane construction by the Council and the costs relating thereto should the lane be constructed to Sixth Street or a point immediately South-West of Sixth Street. In view of the Council's denial of either of these plans Mr. Evans was proposing that the lane be constructed as a dead-end lane ending at Lot 30B at a estimated cost of \$8,000.00.

This item was covered by Item 6 on the Manager's Report and was deferred for consideration in conjunction with that item.

Mr. J. C. Orr wrote requesting information on the manner in which he might obtain road and water service to his property legally described as Lot "D", Sketch 2441, Block 15, D.L. 98, Plan 2127. (7258 Royal Oak Avenue).

The Engineer reported verbally that services go to the dead-end of Sidley Street and that should the property be subdivided the servicing costs would amount to \$5,000.00.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN MERCIER:

"That the letter be received and the writer be informed that the servicing costs requested could be obtained from the Engineering Department."

CARRIED UNANIMOUSLY

April/28/1969

President, Burnaby Chamber of Commerce referred to the recent passage of Bill 10 by the B. C. Legislature which resulted in a per capita grant of \$3.00 to B. C. Municipalities from the Provincial Government to be applied towards the provision of ambulance services, the promotion of tourism and the development of Industry.

The Chamber of Commerce were asking that the sum of \$12,000.00 be set aside so that the Chamber of Commerce could assist the municipality to increase its efforts in the field of industrial promotion. This request was being made prior to the finalization of the budget and the Chamber submitted that it would be applying formally for support and would outline in detail where and how it expects to use these funds.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

"That this matter be returned to Council when a formal application is received from the Chamber of Commerce."

CARRIED UNANIMOUSLY

It was suggested that the Chamber should be advised that the budget is virtually set at this time and it would be difficult to make changes of this sort during final consideration of the budget.

The Secretary of the Greater Vancouver Water District wrote re amalgamation of the Water and Sewerage Districts into the Regional District.

The Secretary's letter was accompanied by a resolution. The letter was also accompanied by a special report to the Administrative Boards by Mr. F. R. Bunnell, Commissioner. The Council dealt directly with the recommendation portion of Mr. Bunnell's report. Mr. Bunnell's recommendation was in three parts and was prefaced with the following words "to maintain the advantage to the inhabitants of the region inherent in the present Water and Sewerage District Acts; to centralize the control for the determination of priorities for regional undertakings; and to reduce the cost, labour, and time involved in decision making; the following is recommended:

- (1) That the Sewerage District and the Water District be preserved as Corporations under the present legislation"

After some debate on the matter of whether or not this recommendation should be endorsed the Council is of the opinion that while the two Districts remain as Corporations under their present legislation the combining of the functions under the Greater Vancouver Sewerage and Drainage District was somewhat premature and should not be undertaken at the present time in view of the administrative load which would be imposed upon the Greater Vancouver Regional District, and that the move should be undertaken more slowly.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:

"That Item 1 of the recommendation portion of Mr. Bunnell's report be approved and that the Council approve in principle the separate functions being combined in the future under the Greater Vancouver Regional District."

CARRIED

AGAINST -- ALDERMEN CLARK
AND DRUMMOND

April/28/1969

- (2) "That the two Acts be amended to have the Regional District Act as the administration Board for the two Districts subject to say, the approval of sixty percent of the member municipalities, of the current administration Boards, and of the Regional Board. This would require suitable provision for non-district members not to have a vote, for members other than those in the Greater Vancouver Regional District to have a vote, and for substitution of Board members to give the greater flexibility to the member municipalities."

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That Item No. 2 be adopted."

CARRIED

AGAINST -- ALDERMEN DRUMMOND

- (3) "That the two Acts be amended to allow the Water and Sewerage District to perform other wholesale functions for municipalities in the Regional District, subject to the obtaining of appropriate approvals."

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
"That no further action be taken with respect to Item 3."

CARRIED

AGAINST -- ALDERMAN McLEAN & HERD

It was felt that this paragraph was not specific enough insofar as the term "wholesale functions" was concerned. It was felt that if the Board wished to place before the membership the inclusion of a specific function this should be spelled out.

The Honourable, The Minister of Social Welfare, wrote advising of a Socio-Economic Input-Output Model for Welfare Planning in the Greater Vancouver Area to be held on May 6th in the Centennial Auditorium, Vancouver Centennial Museum and H. R. McMillan Planetarium, 1100 Chestnut Street, Vancouver.

The letter was accompanied by an Agenda for this meeting. The Minister expressed the wish that members of the Council and Welfare Administration would be able to attend because of the many changes that may be expected in Social Welfare and development of programmes.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That any member of Council and any of the Welfare staff who would find this meeting of value, be authorized to attend."

CARRIED UNANIMOUSLY

Municipal Manager, of the Corporation of the District of Coquitlam, wrote on behalf of the Councils of the City of Port Moody and the District of Coquitlam advising of the joint sponsorship of an advertisement inviting proposals from persons who might be interested in replacing a service to be discontinued on or about May 15th, 1969 by Columbia Stage Ltd.

The Coquitlam Manager felt that the Burnaby Council may feel that this action should be brought to their attention in case an interest had been expressed in the progress of the matter, previously.

April/28/1969

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That this Council take no action in regard to the discontinuation of the Pacific Stage Lines and the advertisement planned."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:
"That the B. C. Hydro be asked if any plans are current for the extension of transit routes to the new Loughheed Mall Shopping Centre, particularly in view of the discontinuation of the Columbia Stage Line buses."

CARRIED UNANIMOUSLY

* * *

TABLED ITEM

Recommendation of Grants Committee re United Community Services

Mr. Coughlin reported on the referral by the Council of a recommendation of the Grants Committee that the United Community Services be granted an additional \$2,000.00 toward the establishment of a full-time office in Burnaby and to the comments made to Council on April 21st by Mr. Don Copan, member of the Burnaby Branch, United Community Services when he expanded on the services and the need for the full-time offices and consequently the additional grant.

Mr. Coughlin submitted that the United Community Service Organization in Burnaby was performing a necessary service which was complimentary to his own Social Service Department. It was submitted that the Department was dependent upon volunteer services such as this and pointed to the East and West Burnaby areas where specific service was given by the United Community Services and it was understood that there was to be an expansion of these services to the North Burnaby area.

Mr. Coughlin submitted that he felt it timely to consider inclusion of office space for the U.C.S. within the proposed Health and Welfare Building under the Capital Works Programme. Welfare in its broadest sense was considered far too fragmentized and there was an opportunity here to provide a viable meaningful unit. Mr. Coughlin recommended that the additional grant of \$2,000.00 be made to the U.C.S. for this purpose.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of the Grants Committee that the additional \$2,000.00 requested by the United Community Services, Burnaby Division, be approved and that the Social Welfare Administrator be complemented for his clear and concise report."

* * *

R E P O R T S

HIS WORSHIP, MAYOR PRITTIE, submitted a recommendation that Alderman J. D. Drummond be appointed Acting Mayor for the months of May and June, 1969.

April/28/1969

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:
"That the recommendations of the Mayor be adopted."

CARRIED UNANIMOUSLY

ALDERMAN DAILLY spoke verbally and advised he would like the opportunity to make a progress report on the activities of the Housing Committee.

Alderman Dailly advised that the Committee had been operating for the past two years and was not too happy with the progress made.

It was submitted that the blame for for the slow accomplishment of the Committee lay with the Senior Governments who it was submitted were delaying plans of the Committee.

Alderman Dailly submitted that Burnaby was in need of a Housing Authority to handle all housing matters within the municipality. Such an Authority could act independently and would not have to await for approvals of housing projects and housing matters by the Senior Governments.

It was moved by Alderman Dailly that the Council create a Burnaby Housing Authority, and that a senior member of the Planning Department be assigned to deal solely with housing for the aged and with low rental housing.

Alderman Dailly read a letter recently received from Mr. L.J. Wallace, Provincial Secretary, wherein approval had been granted to the plans by the Central Architect, subject to minor change, and advising that it would now be in order for the Council to proceed to the working drawings stage by the Architect for the Project.

Alderman Ladner in discussion felt that the Council should proceed under Section 350 of the National Housing Act and set up a separate Burnaby Housing Authority, however, there should be some delineation of the term 'Housing Authority' in the first instance.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERCIER:
"That the proposal of Alderman Dailly be tabled for a period of one week."

This motion was withdrawn subsequently in favour of a motion,

MOVED BY ALDERMAN HERCIER, SECONDED BY ALDERMAN LADNER:
"That the proposal of Alderman Dailly be referred to the Housing Committee for examination and consideration and that a report be brought back to the Council as soon as possible."

CARRIED UNANIMOUSLY

In connection with the Housing Committee matter, Alderman Dailly presented a brief outline of matters dealt with by the Housing Committee during the past two years. The Committee indicated that there had been activity in the fields of Public Housing, Senior Citizen Housing, Land Assembly, Mobile Homesites, Low Rental Housing, Limited Dividend Housing, Landlord/Tenant Relationship and Rent Control, Zoning By-law Amendments with reference to the land requirements for Row Housing, and other reports and briefs on studies made both outside and inside the municipality.

Apr/28/1969

MUNICIPAL MANAGER'S REPORT NO. 30, 1969

(1) Miscellaneous Sanitary Sewer Easement - D.L. 151/3

The Manager recommended that authority be granted to acquire an easement for sewer purposes from Ivan Tomasic over property legally described as Lot "D", Block 5, D.L. 151/3, Plan 16459, for a consideration of \$1.00 plus restoration of the easement area.

(2) Stanley Street Sewer Project

The Manager recommended that an easement be acquired from property at 7823 Morley Street, over a 0.031 acre portion of Lot 1 of part of Lot 4, Block 4, D.L. 37, Group 1, Plan 13403 for a consideration of \$1.00 and that the Mayor and Clerk be authorized to sign the necessary documents.

In both these easements:

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:

"That the recommendations of the Manager concerning the acquisition of the easements over properties in D.L. 151/3 and D.L. 37 be adopted."

(3) Burnaby Road Closing By-law No. 2, 1963, By-Law No. 5471 (Lenkurt Electric Co. of Canada)

The Manager recommended that the following resolution be passed in connection with this road closing by-law,

"That a Petition be presented to the Lieutenant-Governor in Council praying for the abandonment of that portion of road described in By-law 5471 and the vesting of the said portion of road in Lenkurt Electric Company of Canada Ltd."

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN HERD:

"That the recommendation of the Manager be adopted."

(4) Rezoning Reference No. 99/63

The Manager reported on this application for rezoning from R2 Residential to R4 Residential, the property being located on Holdom Avenue and having a 94' frontage. A previous application for this rezoning had been considered last fall when the Council advanced the application for further consideration, contrary to the recommendation of the Planning Director. The purpose of rezoning is for the construction of a duplex and primary arguments are that duplex zoning exists on the opposite side of Holdom Avenue and the site is somewhat larger than the minimum allowed under R2 zoning. No re-subdivision is possible as a 60' frontage is required for duplexes and properties north and south are occupied by single family dwellings. The Planning Department again confirmed its earlier recommendation that the existing zoning was adequate and should be retained. A copy of the report of November 4, 1968, submitted by the Planning Director, was attached for reference.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DRUMMOND:

"That this item be tabled for one week to provide an opportunity for members of the Council to view this property."

CARRIED UNANIMOUSLY

(5) Proposed Burnaby Building By-Law

The Manager returned for consideration a draft of the above by-law, the original draft having been submitted with the Manager's Report No. 15, 1969 and the Chamber of Commerce having had the opportunity to review the by-law and make its reply to the Council.

Apr/20/69

MOVED BY ALDERMAN CLAIR, SECONDED BY ALDERMAN HERD:
"That the new Burnaby Building By-Law incorporating the 1965
National Building Code be adopted."

CARRIED UNANIMOUSLY

The Chief Building Inspector was present to answer any questions concerning the new by-law.

The Manager submitted that Burnaby had adopted the National Building Code some nine years ago and this by-law was to bring the by-law up to date with the new 1965 National Building Code. The Government had set a policy of updating the code every five years and a new code was due in 1970.

During discussion the following points were made and questions asked.

- (1) Does the updating of the by-law require the retraining of staff?

The Chief Building Inspector advised that a swift retraining of staff would be given as necessary, however, this will not be to any great extent. There are some technical differences to be brought up to date in the field.

- (2) Is there uniformity in the Lower Mainland Area, insofar as the adoption of the National Building Code is concerned?

In reply the Chief Building Inspector advised that the North shore generally had adopted the National Building Code, as had Burnaby, Richmond, and most of the valley municipalities, and it was thought that Delta also had adopted the code. Vancouver was one exception, and this was because there was some confliction of the fire limits in their own by-law with that of the code as it affects the downtown areas.

- (3) Has there been any problem of enforcement of the by-law since the last by-law was adopted?

The Chief Building Inspector advised that there were some small problems which had to be worked out. These were not serious and it was pointed out that the National Building Code is recognized across the country and is knowledgeable to those who are in the building trade.

- (4) The Chief Building Inspector commented on the architectural compatibility clause, which meant that the Chief Building Inspector had the power to withhold a permit for architectural incompatibility reasons, particularly where a home was being moved into an area where it might be felt that such home would be incompatible with other homes within the area. The Chamber of Commerce had raised the question and thought that this authority should not be put in the hands of the Chief Building Inspector, but rather a Design Panel should be formed to handle complaints of this kind. There is no legislation available for the Council to form a Design Panel and it was thought to be better in the hands of the Chief Building Inspector in the interim.

The Chamber of Commerce member felt that centering this authority in the hands of the Chief Building Inspector may be an infringement on the rights of an individual. Sooner or later however, the Council will be able to look into the possibility of the formation of a design panel.

- (5) Will any changes being made in the By-law cause an upward trend in the end price of buildings in the municipality.

The Chief Building Inspector advised that he could not think of anything in the By-law that would push up the end price of buildings.

- (6) Is there any flexibility in the By-law as presently promulgated.

The Chief Building Inspector advised that the By-law was subject to amendment by the Council at any time and in this respect was a flexible document.

The question was then put and the Motion Carried Unanimously

THE MAYOR DECLARED A RECESS AT 9:10 P.M.

THE COUNCIL RECONVENED AT 9:25 P.M. WITH ALL MEMBERS PRESENT.

(6) Requested Lane Construction - Rosewood-Elwell Lane from Canada Way to Sixth Street

This item was referred to earlier in these Minutes under Correspondence by way of a letter from Mr. K. L. Evans.

The Manager reported that the subject was discussed in October, 1968 at which time Council decided not to proceed with construction because of the:

- (a) expressed wish of the petitioners to not have a cul-de-sac lane.

- (b) cost of constructing the lane through to Sixth Street.

Mr. Evans proposal for partial construction is feasible and his estimate of \$8,000.00 is realistic. There was further merit to it in the fact that the remaining Parcels 31 to 33 inclusive may be assessed for lane construction as a subdivision requirement in the future. The one objection was that the lane would be deadended without a turning possibility causing encroachment on private property.

MOVED BY: ALDERMAN BLAIR, SECONDED ALDERMAN LADNER:

"That the matter be considered in conjunction with the Annual Budget and that if an allotment is arrived at for the construction of lane allowances this lane be considered for construction with the other necessary lanes in the municipality, and if it is found that funds are available for this lane then it be proceeded with."

CARRIED

AGAINST -- ALDERMEN MCLEAN AND
HERD

April/28/1969

The Manager suggested Council may choose to direct that complete exemption from Business Tax be granted to:

(a) Institutions licensed under the Community Care Facilities Licensing Act. and

(b) Private Hospitals licensed under the Hospital Act.

Under (a) above Kindergartens and Day Care Centres would be exempt and Boarding Homes, provided they are licensed.

The Amendment empowers Council to grant exemption from taxation on land and improvements.

It was suggested that no action be taken with respect to such exemptions for 1969.

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

CARRIED UNANIMOUSLY

- (10) Application for Rezoning of D.L. 151/3, Block 7, Lot 33,
Plan 1895 From RM3 Multiple Family to C4 Service
Commercial
-

The Manager submitted a report of the Planner which dealt with a proposed Community Plan for an area bounded roughly by Kingsway, Olive Avenue and Patterson Avenue and referred specifically to the above property for which a separate rezoning application had been presented to permit the expansion of a Standard Oil Service Station at the corner of Kingsway and Olive Avenue.

In summarizing the Community Plan the Planner reported that:

- (1) The recommendation that the Community Plan area be principally considered for high-rise apartment development was confirmed by their Department.
- (2) That a development pattern was recommended for the area as were densities, changes in road pattern and services. Specific sites were defined for apartment development.
- (3) To implement the plan the future zoning and subdivision regulations should be in conformity with the plan and RM5 zoning was recommended.

The report of the Planner was accompanied by plans indicating the type of development existing and proposed in the area and also giving an indication of vehicular access to the Community Plan area.

The Planner recommended that the Municipal Council:

- (1) endorse the use of the Community Plan area as a high-rise apartment area.
- (2) grant approval to the concept of the Community Plan as proposed.
- (3) endorse the viewpoint that in order to implement the plan the future zoning and subdivision regulations should be in conformity with the plan (e.g. or changed to RM5 zoning).

(7) Canadian Public Health Annual Meeting

The Manager asked that this item be withdrawn pending his examination of the matter further and presentation of additional information.

(8) Stride Avenue Area

The Manager reported on a meeting when representatives of Burnaby and B. C. Hydro were present to discuss the Stride Avenue Area and a great deal of discussion took place on all aspects.

It was concluded that Council had agreed in principle with the industrial development of areas "A", "B", "C" and "D" as laid out in the Planner's Report subject to certain provisos, and that these provisos could best be investigated by:

- (1) In approximately 3 weeks, B. C. Hydro will make a proposal for land exchange and acquisition within Areas "A" and "B";
- (2) Mr. Bowes will obtain confirmation of Hydro's willingness to make such a proposal.
- (3) Mr. Walker will review his overall plan and in approximately two months time will advise the Corporation on the levels of terraces, and on the costs required to create these terraces.

The Manager further reported that after receipt of the information in (3) above the Corporation would assess the economics of the industrial development, weighing the pros and cons of a gradual development related to the use of material by this Corporation as opposed to immediate development of all terraces, requiring considerable expenditures.

The meeting generally favoured a gradual Municipal development of areas "C" and "D" as a means of reducing cost, and according to traffic conflicts, agreement was also expressed with the idea that Hydro become the sole land owner in Areas "A" and "B" so that these could be taken to development at an early date.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DAILLY:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(9) 1969 Amendment to the Municipal Act re Business Tax

The Manager reported that in 1968 the power to exempt certain classes of business from Business Tax in the municipality had been removed and consequently Burnaby's Business Tax By-law was amended and kindergartens, day care centres, and private hospitals, became taxable.

A 1969 Amendment to the Act gives the Council power to exempt an owner or operator of a private hospital licensed under the Hospital Act or an institution licensed under the Community Care Facilities Licensing Act from business tax under Section 427 of the Municipal Act. These exemptions may be applicable in 1969 if the necessary amending Business Tax By-law is passed prior to the 15th of May, 1969.

April/28/1969

- (4) authorize the Planning Department to work with applicants in the preparation of suitable plans of development based on the requirements provided in the Community Plan.
- (5) consider the Planning Department recommendation not to proceed with the rezoning of the lot South of the service station on Kingsway since the sites involved are of major importance for an orderly high density residential development of the area and rezoning will actually impede such development.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
"That the recommendation of the Planner contained in his report of April 28, 1969 that areas 1, 2, 3 and 4 be rezoned to RM5 Multiple Family Residential be advanced to a Public Hearing.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:
"That this Motion be tabled for a period of one week."

CARRIED UNANIMOUSLY

(11) Rezoning Fees

The Municipal Solicitor has provided the following opinion on the matter of Rezoning Fees:

"I have a copy of the Clerk's letter of April 22, 1969 concerning the action taken by Council at its meeting last Monday on Item 11 of your Report No. 28.

I wish to point out that I share your view that the fees collected have been collected in accordance with Council policy set out and confirmed by the Clerk's letter of May 25, 1967. That the official record was not corrected, is no more than an unfortunate clerical error, even if the fee structure was not properly enacted. Money voluntarily paid to the Municipality under a claim of right without fraud for an illegal tax or fee cannot ordinarily be recovered back, even though such tax or fee could not have been legally demanded or enforced."

A discussion ensued on the Motion of 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."

CARRIED UNANIMOUSLY

The question was called on the Motion of Alderman Drummond of April 21st.

IN FAVOUR -- ALDERMEN DRUMMOND AND CLARK

AGAINST -- ALDERMEN BLAIR, DAILLY, LADNER, HERD, MERCIER AND McLEAN

MOTION LOST

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN CLARK:
"That the Council reconfirm the fee structure for rezoning applications on the following basis:

- (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 25,000.00 square feet of land area \$25.00
- (c) for each additional 10,000.00 square feet of land area or part thereof \$1.00."

CARRIED

AGAINST -- ALDERMEN HERD AND
LADNER

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN DAILY:
"That Council proceed beyond the 10:00 p.m. deadline for Council meetings established by the Procedure By-law."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILY:
"That the report of the Committee be adopted."

CARRIED UNANIMOUSLY

* * *

BY - L A W S

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That leave be given to introduce:

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 1, 1969"

#5508

"BURNABY FRONTAGE TAX BY-LAW NOS. 1 to 5 incl., 1969"

#5503 to 5507

and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the By-laws be now read a Second Time."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

April 28/1969

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

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

CARRIED UNANIMOUSLY

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

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 1, 1969"

"BURNABY FRONTAGE TAX BY-LAW NOS. 1 to 5 Incl. 1969"
be now read a Third Time."

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN BLAIR, 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. 60, 1968" ."

CARRIED UNANIMOUSLY

It was reported that this was the By-law which had been the subject of a report of the Municipal Manager earlier in the Agenda and had been tabled for a period of one week.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:
"That the Committee now rise and report progress on the By-law."

CARRIED UNANIMOUSLY

The Council Reconvened.

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

CARRIED UNANIMOUSLY

* * *

On By-law No. 5258 for Consideration and Third Reading.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MCLEAN:
"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. 75, 1967" #5258."

CARRIED UNANIMOUSLY

Reference was made to a memo of the Planner dated April 25th, 1969 which indicated that the prerequisites on this rezoning had been met and that the By-law could now proceed to Third and Final Reading.

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

CARRIED UNANIMOUSLY

April/28/1969

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 75,
1967" be now read a Third Time."

CARRIED UNANIMOUSLY

* * *

On the Reconsideration and Final Adoption It was reported
that Alderman Ladner wished to report on the question of servicing
policy on rezoning applications and since this affected the
passage of Burnaby Zoning By-law 1965, Amendment By-law No. 5,
1969 (No. 5477) this By-law should be withdrawn and it was so
ordered.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:
"That" Burnaby Zoning By-law 1965, Amendment By-law No. 78, 1968"
be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:
"That the By-law be now adopted, signed by the Mayor and Clerk
and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

* * *

HIS WORSHIP, THE MAYOR, brought forward a letter from the Burnaby
Association for Retarded Children advising that an invitation
had been extended to hold the 1970 Annual Meeting of this Association
in Burnaby and asking that the Council underwrite the cost of
the Annual Dinner to be held in conjunction with the meeting.
The Annual Dinner was to be held at the Villa Motor Hotel and
it was expected the meal to be provided would cost in the
neighbourhood of \$5.00 per plate. There would be approximately
225 persons attending.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN HERD:
"That the Association for Retarded Children be advised that
this Council will recommend to the 1970 Council that a grant
be made to the Association to assist in underwriting the costs
of the Banquet to be held in conjunction with their Annual Meeting
up to a maximum of \$1,000.00."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the Council do now resolve into a "In Camera" session (10:40 p.m.)."

CARRIED UNANIMOUSLY