

MAY 5, 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, May 5, 1969 at 7:00 p.m.

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

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:  
"That the Minutes of November 18th and 25th, 1968 be adopted as written and confirmed."

CARRIED

ABSTAINING - MAYOR PRITTIE, ALDERMEN  
CLARK AND LADNER

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:  
"That the Minutes of the meeting of April 21, 1969 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

PROCLAMATION

The Burnaby Rhododendron and Spring Flower Show Society wrote asking that the Council proclaim the week May 3rd to May 11th, 1969 as Rhododendron Week and drew attention to the fact that the 1969 Rhododendron Show would be held on May 9th, 10th, and 11th, at the Burnaby Municipal Rink.

The Mayor read a Proclamation proclaiming the period May 3rd to 11th as Rhododendron Week.

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

CARRIED UNANIMOUSLY

CORRESPONDENCE

The Board of Directors, Nasaika Lodge Society wrote requesting permission to hold a Tag Day in Burnaby on Saturday, June 14th for the purpose of raising funds to aid the operation of a Rehabilitative Home for Indian girls.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:  
"That permission be granted as requested."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LADNER:  
"That a report be presented to the Council showing the number of requests received for tag days during the year 1968 and up to date in the current year."

CARRIED UNANIMOUSLY

Mr. J. Rickert wrote with reference to his prior complaint about a parking problem caused by patrons of the Branch 83, Royal Canadian Legion on Grimmer Street complaining of the nuisance emanating therefrom.

The complainant also referred to the band practices taking place on Sundays from 11:00 a.m. to 1:00 p.m. and requested information on who gave such permission.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:  
"That this letter be referred to the Traffic Safety Committee for a report on the request for a prohibition of parking on Grimmer Street in the vicinity of the Branch 83 Royal Canadian Legion."

CARRIED UNANIMOUSLY

It was submitted that the Branch 83 Royal Canadian Legion should be given a copy of the report of the Traffic Safety Committee on this subject.

The Society for Pollution and Environment Control wrote expressing concern over the use of pesticide/herbicide chemicals being applied to lawns by spraying and pointed out the damage being done to insects such as bees and the potential damage to pets and young children because of the toxic nature of these chemicals.

The Society noted that tenders were being called in many areas for mosquito larvae spraying and suggested that if such spraying was to be undertaken in this area their Society be informed of the type of chemicals to be used and in what quantities.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN HERD:  
"That this letter be received and referred to the Health and Sanitation Departments for report to the Council."

CARRIED UNANIMOUSLY

ALDERMAN HERD mentioned that the Fraser Valley Mosquito Control Board was now operating with a paid Business Manager and it was his suggestion that a letter of appreciation should go to the Chairman and the Secretary-Treasurer of the Board who had gone beyond their line of duty in a managerial capacity over the years that the Board has been in operation.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:  
"That a letter of thanks be forwarded on behalf of the Council to Mayor Jenewein and to the Secretary-Treasurer for their volunteer work performed on the Mosquito Control Board on behalf of the members thereof during past years."

The Secretary-Treasurer, Board of School Trustees wrote submitting a copy of School District #41 (Burnaby) Tax Rate By-law No. 2 pursuant to Section 197/7 of the Public Schools Act together with a statement of the amount to be raised by taxation and to be requisitioned from the Burnaby District Municipality. It was noted that in accordance with Section 195(2) of the Public Schools Act the sum of \$27,590.00 being Canada Grants in lieu of Taxes received by Burnaby in the calendar year 1968 is incorporated into the mill rate calculated. This sum was to be paid to the Board in addition to the \$9,661,719.00 to be raised by taxation.

May/5/1969

The Board of School Trustees wrote with reference to a request by the Council to examine the pedestrian walk in the 6500 Block Georgia Street which commences from a cul-de-sac and provides access to the Kensington Shopping Plaza, an area frequented by hundreds of students daily. The report from the Board indicated that a serious problem obviously existed and commented on the Council's request concerning the Board's jurisdiction in coping with problems emanating from students lingering in areas and causing a nuisance including the responsibilities of Principals in such matters. The report quoted a section from Division (3) of the Rules of the Council of Public Instruction which was obviously aimed at individual students who were not conforming to proper discipline and gave rules for suspension or dismissal of such students. It had been interpreted that this Section could not be applied to the situation involving the use of a public walkway by both Kensington and Burnaby North High students. Placing the area out of bounds as a school regulation would establish an unenforceable ruling.

The report indicated that the Board was of the opinion there was nothing that the School Board could do to correct the situation as it now exists and that while the elimination of the pathway would cause some people a disservice, it would be the lesser of two evils.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DRUMMOND:  
"That a letter be forwarded to the School Board and the Principals of the two schools involved and advised that if this nuisance problem did not cease the Council will have no alternative but to close the path, and further that the Principals be asked to notify the students and their parents."

CARRIED

AGAINST - ALDERMEN MERCIER, LADNER  
AND CLARK

The New Westminster Chamber of Commerce submitted advice of their regular quarterly meeting to be held on Thursday, May 15th when the guest speaker would be the Honourable D. Campbell, Minister of Municipal Affairs whose subject would be Regional Government and all its implications with regard to this particular area.

The Manager of the Chamber of Commerce extended an invitation to the members of the Council to attend this luncheon meeting at the Royal Towers Hotel.

The Union of B. C. Municipalities gave official notice of the 1969 Annual Convention to be held in Kamloops from September 17th to 19th. The Council were entitled to eight voting delegates and the deadline for submission of resolutions was Friday, July 18, 1969.

The Executive-Director, Union of B. C. Municipalities submitted some information on the split mill rate in use in the Province of Ontario in answer to a query from the Council on the use of this method in Ontario. The Executive-Director advised that the split mill rate was first introduced into Ontario in 1957 and was an attempt to ease the burden of municipal taxation on residential and farm taxpayers by ensuring that the Provinces unconditional grant payments were given for the exclusive benefit of these types of taxpayers. The split mill rate has continued,

with some legislative changes and although there are some differential variations it is generally considered to amount on the average to approximately 11%. In addition there is a fixed differential of 10% in school mill rates payable by residential and farm properties. The Executive-Director attached an excerpt from the report of the Ontario Committee on Taxation which commented on the split mill rate. It was pointed out that the Ontario Committee on Taxation and the Select Committee of the Legislature on the report of the Ontario Committee on Taxation had recommended against its continuance. In addition the Ontario Government, in a white paper on the reform of taxation and Government structure in Ontario issued in March of this year, expressed the opinion that in view of the recommendations contained in the Smith Committee and the Select Committee on Taxation that the split mill rate be abolished. They were also in favour of such abolition. The Province was not contemplating such a change however, until reassessment had been completed and the impact on municipal finances could be carefully examined.

ALDERMAN DAILLY advised it was his hope to obtain a copy of the Smith Report and bring back a report on this subject to the Council. It was also felt that the Council should bring forward some resolutions on vital issues to the forthcoming Union of B. C. Municipalities Convention and that there should be a Special Meeting of the Council for this purpose.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LADNER:  
 "That the Council resolve itself into a Committee of the Whole (7:40 p.m.)."

CARRIED UNANIMOUSLY

TABLED ITEMS

(a)  
 The following Motion relative to the Proposed Kingsway-Patterson-Olive Avenue Area Community Plan tabled from the meeting of April 28th was brought forward for consideration

"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, be advanced to a Public Hearing."

It was pointed out that the Community Plan hinged to a certain extent on a rezoning application now pending for the change in classification of the property immediately South of a service station at the corner of Kingsway and Olive Avenue for the purpose of enlarging the service station. It was not known whether or not 16½ feet had been taken from the service station property or whether it would be taken from it. The service station had been in existence for a long time and it was felt this matter should be clarified before any further steps are taken with regard to the Community Plan generally.

A further comment was made that there was a prime concern as well over the existence of RM3 apartments already in the area and what effect these apartments would have upon the Community Plan which was to be predominately for high-rise development.

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

CARRIED UNANIMOUSLY

This action was taken in view of the impending Public Hearing to be held on Tuesday, May 6th when the property South of the service station at Kingsway and Olive Avenue was to be considered for rezoning for enlargement of the service station property.

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(b) The Rezoning Application No. 99/68 re 1325 Holdom Avenue (R2 to R4)

The status of this application was questioned and the Planner advised that a report had been brought forward in November 1968 recommending against the rezoning of the property to RM4 and it was decided to forward the matter to a Public Hearing which was done and a By-law brought forward for initial reading. The matter was being brought forward at this time so that the By-law could be disposed of.

In discussion it was felt that it was somewhat wrong to insist that this property should be confined to a Single Family category when the trend was to Multiple Family and there was a duplex already constructed on the opposite side of the road. To maintain a Single Family zoning would be a waste of land unless the property was allowed to be split for two Single Family homes. (Lot width 94 feet)

It was further suggested that in spite of the policy that this area remain a Single Family area a 94 foot lot should be allowed something with greater density than Single Family zoning would allow. The policy should not be changed but where odd situations such as this occur special provision should be made.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN McLEAN:

"That the Council not proceed with the By-law to rezone this property from Residential District Two (R2) to Residential District Four (R4)."

IN FAVOUR - ALDERMEN BLAIR, McLEAN,  
AND HERD

AGAINST - ALDERMEN DRUMMOND,  
MERCIER, CLARK, DAILLY  
AND LADNER

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MOTION LOST

(c)

ALDERMAN MERCIER presented the following Motion having given Notice during considerations of the Capital Improvement Programme re: the Willingdon Avenue Underpass.

"That all reference in the Capital Improvement Programme for the years 1970 to 1974 relating to the proposed Willingdon Avenue Underpass Project be deleted and the sums involved be reclassified as a contingency under the heading "Major Road Projects". "

Alderman Mercier asked that he be permitted to withdraw this Motion in favour of a different motion which would specifically protect the Willingdon Avenue Underpass proposal but at the same time establish priorities for this Project and another project covering the North-East Burnaby Area.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DRUMMOND:

"That the Motion as contained on the Agenda be withdrawn."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN CLARK:  
 "That the Council request a full report on the development of appropriate traffic patterns in the North-East Burnaby area, bearing in mind the Lougheed Mall Development and the generation of traffic which will result therefrom, and that such action proceed but not prejudice the Willingdon Avenue Underpass proposal.

CARRIED UNANIMOUSLY

It was felt that by introducing this motion, the Willingdon Avenue Underpass proposal would not be placed in jeopardy as a project and if items concerning the project arose they could be dealt with specifically by the Council. However, it was felt that the impending shopping centre in the North-East section of the municipality would create problems for handling the traffic which should take priority so that the motion was designed to establish a priority feature.

REPORTS

ALDEMAN LADNER submitted a report on Servicing Cost Sharing for Rezoning Proposals referring to a letter from Relan Enterprises dated February 13, 1969 requesting that some of the servicing costs that had already been paid, recovered from a later applicant for rezoning and returned to them. The question had been tabled pending a report from Alderman Ladner and he had conducted a survey into the possibility of recovering from an initial developer some of the servicing costs associated with his rezoning and the Planning Department had enquired of 11 other municipalities in the area on the question of retroactive cost sharing. The survey had shown that if the Council wished to institute a policy of cost sharing, further research into the legal and administrative methods of instituting such a policy would be required. Further consideration was being given to the subject with a view to a report coming to the Council in approximately two weeks time.

In the meanwhile it was recommended by Alderman Ladner that even if such a policy proved to be feasible, it should become effective at the date of establishing such a policy and it would therefore not affect the properties referred to in the letter from Relan Enterprises. There was therefore no reason to withhold final approval from rezoning property at the South-East corner of Barker Avenue and Sardis Street from R5 to RM3, all prerequisites for the rezoning having been satisfied.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:  
 "That the report be received and the recommendation be adopted."

CARRIED UNANIMOUSLY

Item 2 under Alderman Ladner's Report

Alderman Ladner advised verbally that he had given some thought to the function of the Advisory Planning Commission and particularly with reference to the items or lack of items which had been referred to the Commission in the past.

It was felt that the Commission had been formed for a good purpose and that sufficient items coming before the Council had not been referred to the Commission for their study and report to the Council. Reference was made to the Truck Routing By-law which it was felt the Commission could give some valuable comment upon. Reference of the report had been made to several organizations for comment

and it was felt that the Commission should have a similar opportunity. It may be advantageous to refer the current in-law suite matter to the Commission as well.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:  
"That the "Truck Routing By-law" and the subject of the "in-law Suites" presently before the Council be referred to the Advisory Planning Commission for consideration and report to the Council."

CARRIED UNANIMOUSLY

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ALDERMAN CLARK advised that the other organizations to whom the Truck Routing By-law had been submitted were expected to have their reports back to the Commission by May 13th and that it was his desire and that of the Traffic Safety Committee that this Truck Route By-law be promulgated as early as possible. It was hoped that the Advisory Planning Commission could meet in the near future and consider the By-law so that the objective of the Committee would not be upset.

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The Chairman of the Advisory Planning Commission asked for permission for two members of the Commission to attend the Fifteenth Annual Short Course in Community Planning to be held at the University of British Columbia from May 12th to 16th. Registration fees set for the Course was \$50.00 and it was requested that the Council authorize the attendance of these interested Commissioners and approve payment of their registration fees and reimbursement of necessary expenses incurred.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DRUMMOND:  
"That the request of the Advisory Planning Commission be granted and the registration fees and out-of-pocket expenses to be incurred be approved."

CARRIED UNANIMOUSLY

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ALDERMAN BLAIR advised of his having received a complaint from a Mr. G. E. McKnight against the noise emanating from rail traffic and truck traffic travelling along Rumble Street East from Gilley Avenue. A petition had been presented signed by seven people asking that the Council take some action to alleviate this problem.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CLARK:  
"That this petition be referred to the Traffic Safety Committee to investigate the complaint and report to the Council."

CARRIED UNANIMOUSLY

MANAGER'S REPORT NO. 32, 1969

(1) Rezoning Reference No. 25/69

This proposal, the subject rezoning from existing zoning to P3 (Park and Public Use) was presented by the Planner following a decision of Council with respect to a request by the Parks and Recreation Commission that all Corporation owned land surrounding and within the ravines in the South Slope Area be reserved for park purpose.

The Manager referred to a report of the Planner dated 23rd, January 1969 showing the subject area divided into five areas, four of which related to the ravines between Boundary and Buller and were recommended for park purposes whereas Area 5 covered the ravine area from Gilley to 20th Avenue which was recommended be held in abeyance until the proposed route of the Edmonds-Marine Drive connection and plans for development for the adjoining Stride Avenue

Area had been finalized.

The Manager submitted a further report of the Planner recommending rezoning of the properties effected. The properties covered Area #1 (West of Patterson Avenue) and listed the properties to be rezoned from R2 Residential to P3 (Park and Public Use).

Area #2 (West of Nelson Avenue) rezoning from R2 Residential to P3 Park and Public Use.

Area #3 (East of Nelson Avenue) rezoning from R2 Residential to P3 Park and Public Use.

Area #4 (McPherson Avenue to Buller Avenue) rezoning from R2 Residential to P3 Park and Public Use.

As with Area #1, Areas #2 to #4 listed the properties which it was recommending be rezoned according to the recommendation of the Planner.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DRUMMOND:  
"That the report be received and referred to the Advisory Planning Commission for consideration and report to the Council.

CARRIED

AGAINST - ALDERMAN MERCIER

(2) Reference RZ #26/69  
Zoning By-law - Proposed Text Amendments

The Manager submitted a report from the Planner recommending amendments to the text of the Zoning By-law concerning:

(1) Underground Parking Structures

Previously a bonus was given to apartment developers on their floor area ratio where provision was made for parking underground which did not extend above the adjacent finished grade. Experience had shown that in some instances it was necessary that the underground parking space extend above the finished grade slightly to make possible connections to the public sewers.

Pumping facilities might be installed but these are not considered as reliable a method of sewage disposal as normal gravity flow and there is always the possibility of breakdown.

Aside from the sewer problem it may be argued that since the By-law permits a number of features to project into required yards such as porches, steps, patios, etc there should be no objection to the location of parking beneath them. In addition permitting underground parking structures to extend the short distance above finished grade would provide opportunities for natural ventilation and lighting for underground parking area, by reducing gradients, it would improve access to underground parking areas and encourage greater use and furthermore it would make the development of underground parking easier thereby increasing the incentive to provide these facilities in apartment projects.

It was recommended that:

- (1) the bonus clauses in the floor area ratio sections of the By-law be amended to permit bonuses to be attained where underground parking structures extend to a maximum height of 2½ feet above the adjacent finished grade.



- (b) Clause (1) of Section 6.12 (Projections into Required Yards) of the By-law be amended to allow for the addition of underground parking structures to the list of items which are permitted to project into required yards, subject to suitable landscaping or architectural treatment and proper maintenance and provided that in the case of front yards, such projections be limited to 10 feet.

(2) Screening of Parking Areas Adjacent to Lanes

The By-law provides for certain screening requirements the purpose for which was to screen residential properties from adjacent parking areas. The screening was to a height of six feet where an outside parking <sup>lot</sup> abuts a lot in a Residential zone or where such parking area is separated from a lot in a Residential District by a street or lane.

The provision of six foot high screening along the lane in many instances creates a definite traffic hazard as the sight distance is extremely short.

It was recommended that amendment of Section 6.15 be undertaken to permit the addition to clause (3)(c)i of the following:

"Except, however, that where a parking area abuts a lane, the screening along the lane shall be not less than 2½ feet nor more than 3½ feet in height for a distance of not less than 20 feet from all points of ingress and egress to and from such parking area".

(3) Senior Citizen's Housing in P5 (Community Institutional) Districts

The Planner made reference to the difference between self contained dwelling units provided for Senior Citizens under an R6 designation giving a scheme composed of apartment type units.

<sup>a</sup>  
Where/Senior Citizens housing project consists of dormitory or hostel accommodation with common dining facilities, P5 (Community Institutional) zoning would be the applicable category.

The Planner advised there had been some recent interest in developing projects consisting of self-contained dwelling unit accommodation under the P5 zoning classification. The P5 provides for smaller space requirements and the Planner gave an explanation that in his view there would be little difficulty in providing this type of accommodation for Senior Citizens with smaller square foot area standards.

It was recommended that:

- (a) the requirement that Senior Citizens housing projects include common dining facilities be removed from Section 505.1 of the By-law.
- (b) provision be made in Section 505.1 (Uses Permitted in P5 Districts) for Senior Citizen accommodation standards of 350 square feet for bachelor units, and 500 square feet for one-bedroom units.

(4) Two Dwellings on a Lot In RI (Single Family Residential) Districts

Under Section 101.1 of the Zoning By-law, a second dwelling may be located on a lot which exceeds an area of 24,000 square feet in RI Districts, provided that each dwelling shall be sited as required by the Subdivision Approving Officer in order to facilitate the future subdivision of the parcel or adjacent parcels of land.

There may be instances, however, where a lot of this size is, because of its shape or topographical conditions, incapable of further subdivision. There would, under such circumstances, be no potential for the creation of two lots from such a property.

This was found to be the case in a recent expropriation proceeding involving a lot on Deer Lake, a portion of which had been designated for future park development.

In order to tie the granting of a second building permit to the possibility of subdivision, it is recommended that the words "and can" be inserted after the word "shall" in clause (1) of Section 101.1 of the By-law (Uses Permitted in RI Districts).

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:  
"That this report be received and the recommendations contained therein be referred to a Public Hearing."

CARRIED UNANIMOUSLY

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Some discussion ensued on the problem of parking in apartment areas. It was felt that the curb side parking in the vicinity of apartments was becoming critical in some areas and it would be advisable to seek ways and means of forcing some of the apartment dwellers to utilize parking spaces provided by the landlord, the problem being that extra charges are made by the landlord for such parking accommodation.

The Planning Director advised that he had been commissioned by the Council to draft regulations as a result of this problem, some time ago and that he had undertaken a rather extensive study through a survey of a number of apartment managers and that he would be ready to report on his findings in the not too distant future.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:  
"That this problem be referred to the Traffic Safety Committee to study the parking situation as it applies in the vicinity of apartment dwelling and to include consideration of some manner in which off-street parking might be discouraged for use by tenants of apartments."

CARRIED

AGAINST -- ALDERMAN BLAIR

The Planner was asked to supply a copy of his survey to the Traffic Safety Committee for their information in relation to their study of this problem.

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(3) Petition concerning surface water - Burnfield Crescent area

A petition has been received in the Mayor's Office concerning surface water run-off in the Burnfield Crescent area in D.L. 87 below Canada Way, and asking Council to take action to rectify the situation.

The purpose of this Report Item is chiefly to acquaint Council of the Petition.

Engineering will be making a full investigation for report to the Manager and thence to Council but the general observation can be made that Burnfield Crescent is in a very wet and difficult area with underground springs. There is a tentative approval issued for subdivision of the upland portion of D.L. 87 but no final approval has been given pending submission of Engineering plans.

The petition would indicate that clearing is taking place on the proposed subdivision property.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN McLEAN:  
"That this report be received."

CARRIED UNANIMOUSLY

(4) Local Improvements

The Manager reported on the Capital Improvement Programme for 1969 which refers to Local Improvements on Pages 37 and 38 to 42 inclusive of the Capital Improvement Programme document.

Authority for construction of the balance of the previously initiated Local Improvement Programme totalling \$1,129,300.00 expires on the 31st of May, 1969 unless approved construction action has been taken with respect to the projects included.

The net result of the recent debenture issue by the Greater Vancouver Regional District has been to free \$957,814.89 in Local Improvement funds for further works.

Financially, the Local Improvement picture, exclusive of the recent bond sales indicated that there was a balance to be financed by general revenue of \$715,315.00. Creation of debt to be financed from borrowing is controlled by the Inspector of Municipalities. Burnaby has on hand authorities to borrow \$4,182,000. Subtracted from this were a debenture issue dated November 19, 1967 under By-law 5181 Regional District financing and the programme on hand leaving a balance of authority at \$32,685.00. The Manager reported that the Department of Municipal Affairs had given verbal authority to proceed with the suggested programme.

It was proposed by the Manager to take all necessary steps to ensure protection of the construction authority with respect to the projects included in the \$1,129,300.00 and to complete the entire programme in 1969 if conditions permit.

It was recommended that Council authorize the initiation of an ornamental street lighting programme totalling approximately 123 units in 14 projects at an estimated cost of \$86,100.00. At this time these are the projects on hand.

Finally the Manager referred to the amount of \$715,315.00 to be financed by General Revenue pending sale of debentures. It was calculated this can be managed when a sum of \$780,869.00 presently spent from General Revenue on sewerage and drainage works is covered by the anticipated sale of Greater Vancouver Sewerage and Drainage District debentures on Burnaby's behalf in the amount of \$899,831.00.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN BLAIR:  
"That the entire programme of General Local Improvement works plus the Ornamental Street Lighting Programme be approved as recommended by the Manager."

CARRIED UNANIMOUSLY

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

THE COUNCIL RECONVENED AT 9:10 P.M. WITH HIS WORSHIP, THE MAYOR, IN THE CHAIR AND ALL ALDERMAN PRESENT.

(5) Re: Drainage Complaint - William J. Sim, 3926 Spruce Street

The Manager referred to Mr. Sim's appearance before the Council concerning drainage to his property by flooding on the 17th of April, 1969 on which day there had been a heavy rain.

Mr. Sim contended the municipality had controlled his building level and that the municipal catch-basin was improperly placed and constructed.

Drainage from the property is by means of a drain tile to a lane ditch, the water in turn flows West a matter of some two lots and then South to Fir Street through pipe located on easement.

The catch-basin at the end of the enclosed pipe did not take the run-off from the Sim's ditch fast enough to prevent the build up of water in the Sim's ditch to the East to the Sim's drain tile outlet. It was assumed then that the Sim's basement was flooded from their own roof drainage which was unable to get through the drain tile because of the elevation of the water in the ditch at that critical time.

The Manager reported that Burnaby has never accepted liability for the use of ditches by private property owners for disposal of drainage. Such ditches are constructed and maintained for the purpose of protecting road ways and intercepting water which generally flows on the surface.

The Manager explained that private drainage is accepted by means of tiles to the ditches but no reasonable guarantee can be given as to the effect/functioning of any ditch. Where a storm sewer is constructed the Corporation requires a proper sump and back-water valve. An examination has been made by the Engineer of the catch-basin installation in question and has confirmed that it is located in the proper position related to the ditch and the enclosed storm sewer. No special notation regarding foundation elevation is contained in the Building Department records and it is the daily objective of that Department to require that the foundation elevation for houses is adequate and it is quite possible that Mr. Sim was required to deepen his foundation elevation in order to achieve this objective. Following this requirement it is the builders responsibility to ensure proper drainage.

The Manager reported finally that without acceptance of any liability, it was possible to improve the situation somewhat by deepening the ditch and lowering two culverts which lead Westward from the Sim's property toward the catch-basin. It was considered this is as far as the municipality should go in attempting to resolve a condition which was not created in the first place by the Municipality or its employees.

The Municipal Solicitor has confirmed the Corporation's legal position has been stated correctly.

The claim in the amount of \$703.00 has been submitted by Mr. Sim which would have normally been rejected by the Solicitor but having regard to the circumstances that the case was brought to Council prior to submission of the claim, no action has been taken with respect to it.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:  
"That the position of the Corporation as related by the Municipal Manager, the Engineer and the Solicitor be confirmed and that this Corporation deny any liability for the claim submitted by Mr. Sim."

(6) Estimates

It was being recommended that the Municipal Engineer's Special Estimates of Work in the total amount of \$162,352.00 be approved.

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

CARRIED UNANIMOUSLY

(7) Revenue and Expenditures

It was being recommended that the Municipal Treasurer's report covering Revenue and Expenditures for the period between January 1, 1969 and April 13, 1969, be approved.

(8) Allowances

It was being recommended that the applications for allowances listed on an attached report under Section 711 of the Municipal Act for rebates of percentage additions on properties be granted.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN BLAIR:  
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(9) Monthly Report of Building Department

A report from the Chief Building Inspector covering the operations of his Department for the period between March 31st and April 25, 1969, was being submitted.

(10) Fire Department

A report from the Fire Chief covering the activities of his Department for the month of March, was being submitted.

(11) Monthly Report of Medical Health Officer

A report from the Medical Health Officer covering the activities of his Department for the month of March, was submitted.

(12) Report of Social Service Administrator

A report from the Social Service Administrator indicating Social Allowance Disbursements and Caseloads for select months in 1969, as compared to the same months in 1968, was being submitted.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DRUMMOND:  
"That the reports be received."

CARRIED UNANIMOUSLY

(13) Tenders for the Supply and Delivery of Gasoline, Diesel Fuel, Oil and Lubricating Oils

The Manager reported that tenders were called for the supply and delivery of 200,000 Imperial Gallons Regular Gasoline, 45,000 Imperial Gallons #1 Diesel Fuel Oil, 36,000 Imperial Gallons SAE 20 Engine Oil, 15,000 Imperial Gallons Industrial Oil.

Nine bids had been received and the lowest bids were from Shell Canada Ltd. at \$.2800 per gallon regular gasoline; Standard Oil of B. C. Ltd. at \$.1592 per gallon #1 Diesel Fuel Oil; Imperial Oil at \$.98 per gallon SAE 20 Engine Oil; and Home Oil Distributors Ltd. at \$.8190 per gallon Industrial Oil.

It was recommended that two year contracts be awarded the lowest bidders as indicated above commencing on June 1, 1969 and that the Mayor and Clerk be authorized to execute the documents.

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

CARRIED UNANIMOUSLY

(14) Re: Subdivision Reference #129/68 and #43/69

The Manager reported that the above subdivision application concerns the subdivision of Lot 1, S.D. 2, Blocks 1 and 3, D.L. 58, Group 1 located at the South-East corner of Lakedale Avenue and Government Road.

The Approving Officer had approved the subdivision on the basis that in the public interest, the storm and sanitary sewer should be constructed on Government Road from Lakedale Avenue to and along a ten foot easement over Lot 3 created by the subdivision. Estimated cost of servicing the subdivision for the three lots was \$4,650.00. The Manager included in full a letter received from Brentwood Realty of Burnaby Ltd. proposing that:

- (a) The Municipal Planner be authorized to permit the sewer system to be constructed on the rear of the property. Or
- (b) The sewer system on Government Street be subsidized in the amount of \$2,350.00 by the Municipality of Burnaby. (The \$2,350.00 being the difference between the construction as required on Government Road and that proposed by the subdivider.)

The Manager pointed out that the letter was appealing the decision of the Approving Officer and also that Section 98, Subsection (1) of the Land Registry Act provided the procedure for appealing the decision of the Approving Officer was to a Judge of the Supreme Court In Chambers.

Mr. Hall of Brentwood Realty Ltd. appeared and asked for an opportunity to address the Council.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:  
"That Mr. Hall be heard."

CARRIED UNANIMOUSLY

Mr. Hall submitted that since his letter was written he became aware that he was probably not in order and that he should be before the Courts. However he outlined that on October 22nd approval had been given to the subdivision on condition that the storm sewer would be installed on Government Road in the sanitary sewer on Lakedale Avenue.

A meeting had been held with the Planning Director and he had been asked if the storm sewer might be placed in the rear of the subdivision to tie in with an existing easement to the East.

Mr. Hall advised he was told to seek advice on this request from the Engineer and his understanding was that the Engineer concurred that this was a reasonable alternative. The property was sold on this basis and application was made for an easement at a cost of \$500.00.

The subdivision was delayed owing to the winter weather and now that the purchaser was able to proceed. Changes in the requirements had now been made upon formal application being submitted for approval of the subdivision.

Mr. Hall advised he could not understand why it was necessary to proceed along the costly route as it would not improve the value of the property but would only be of value to the municipality. It was submitted that the original cost estimate of \$4,650.00 had ended up at a cost of \$7,085.00. The Planning Director advised that if the applicant was allowed to proceed in the manner in which he had suggested, it would cost the Corporation \$1,500.00 per lot. Furthermore a precedent would be set and could cost the Corporation large sums of money on other subdivisions. The Planner advised also that a ten lot subdivision to the East had similar requirements to place the storm sewer along Government Road and had complied with this requirement and that to deviate with this subdivision would be unfair under the circumstances.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DAILLY:  
"That this matter be tabled for a period of one week to give the Aldermen a chance to further consider the application and determine whether or not the cost sharing should be on the basis of that laid out by the Administration or by the applicants."

CARRIED UNANIMOUSLY

(15) Re: Tenders for Supply and Delivery of Gravel, Sand and Aggregates

The Manager advised four tenders were received for the supply and delivery of gravel, sand and aggregates.

A tabulation of the tenders was attached which indicated a delivered price for each of the twelve zones in the municipality and for each of the 17 items. Also shown was a price per ton loaded at the stock pile. The Contract would be for a period of one year to commence during the month of May, 1969.

The Municipal Engineer recommended that the Contract be awarded to Deeks Lafarge Ltd. 1051 Main Street, Vancouver. This Company had submitted the lowest prices for the codes which formed the bulk of the Corporation's purchases.

It was recommended that the Contract be awarded to Deeks Lafarge Ltd.

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

CARRIED UNANIMOUSLY

(16) Subdivision Sidewalk Policy

The Manager reviewed this policy where a combined curb and walk are constructed advising that under such circumstances the developer is required to absorb 20% of the cost and the Corporation pays 80% with the developer being responsible for sidewalk crossing costs. Those percentages were applicable to the difference between the total cost of an integrated walk, curb and gutter and the cost of curb and gutter alone. At the time the policy was adopted the Council was advised that the difference in cost was \$1.50 per lineal foot and the Corporation's contribution would be limited to \$1.20 per lineal foot. The new situation which has arisen indicates that the difference in cost has now risen to \$2.20 per lineal foot which would require \$1.26 per lineal foot for an 80% contribution.

This was considered to be fair and equitable and it was recommended that Council approve of extension of the policy on the same percentage sharing as previously but with the establishment of a new ceiling on the Corporation's share of \$1.80 per lineal foot.

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

CARRIED UNANIMOUSLY

(17) Applications for Attendance at Conferences

The Manager reported that applications had been received for attendance at conferences in May:

- (a) Mr. McCafferty - Municipal Treasurer

Municipal Finance Officers Association of U. S. and Canada - to be held in Toronto, May 25th - 29th

Estimated cost - \$468.50

- (b) Dr. W. Sunderland - Medical Health Officer

60th Annual Meeting of the Canadian Public Health Association - to be held in Halifax, Nova Scotia  
May 20th - 23rd

Estimated cost - \$636.00



It was recommended these Officials be authorized to attend subject to the exigencies of their Departments.

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

CARRIED UNANIMOUSLY

ALDERMAN HERD raised the question of the decision made last week of opposing a \$1.00 tarrif for 10,000 square feet over 25,000 square feet of land for rezoning applications. It was thought that Burnaby should obtain Infomation from surrounding municipalities on their experience and methods used in charging fees for zoning applications.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:  
"That the Planning Director be asked to obtain information from surrounding municipalities on:

- (1) methods used on imposing rezoning application fees
- (2) the fees charged

and that when such information is received that a tabulation be brought forward to the Council with comparative figures showing the situation as it exists in this regard in this municipality."

CARRIED

AGAINST -- ALDERMAN CLARK

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:  
"That the Council meeting proceed past the 10:00 p.m. deadline."

CARRIED

AGAINST - MAYOR PRITTIE, ALDERMEN  
BLAIR, CLARK AND DRUMMOND

\* \* \*

B Y - L A W S

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:  
"That leave be given to introduce "BURNABY CAPITAL EXEENDITURE PROGRAMME BY-LAW 1969" #5512 and that it now be read a First Time."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:  
"That "BURNABY CAPITAL EXPENDITURE PROGRAMME BY-LAW 1969"  
be now read a Third Time."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:

"That:

"BURNABY BUDGET AUTHORIZATION BY-LAW 1969"	#5510
"BURNABY RATING BY-LAW 1969"	5511
"BURNABY LEASE AUTHORIZATION BY-LAW NO. 1, 1969"	5508
"BURNABY FRONTAGE TAX BY-LAW NOS. 1 to 5 INCLUSIVE, 1969"	5503 to 7
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 75, 1967"	5258
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 5, 1969"	5477

be now reconsidered."

CARRIED UNANIMOUSLY

Alderman Mercier submitted the following points of interest  
in connection with "BURNABY BUDGET AUTHORIZATION BY-LAW 1969"  
and "BURNABY RATING BY-LAW 1969" :

- (a) General and Debt Rate expenditures are \$1,600,406.00 more than those incurred in 1968. This represents an increase of 9 1/2%, some of which will be shared with other taxation bodies.
- (b) The levy for school taxes is \$1,142,022.00 more than that applied in 1968. This represents an increase of 13.4%.
- (c) Excluding school costs, general and debt taxation is \$964,149.00 greater than this type of tax in 1968.
- (d) Taxation on assessments for new construction will yield \$333,112.00.
- (e) Taxpayers will pay \$631,037.00 more than they did in 1968. This represents an increase of 7.4%.
- (f) 629 properties will pay less, by approximately \$34.00 each, than they did in 1968 whereas 27177 properties will pay between \$22.00 and \$24.00 each more than they did last year.
- (g) The General Mill Rate has decreased from 16.125 in 1968 to 15.75 in 1969, or 2.32%.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN MERCIER:

"That:

- "BURNABY BUDGET AUTHORIZATION BY-LAW 1969"
- "BURNABY RATING BY-LAW 1969"
- "BURNABY LEASE AUTHORIZATION BY-LAW NO. 1, 1969"
- "BURNABY FRONTAGE TAX BY-LAW NOS. 1 TO 5 INCLUSIVE, 1969"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 75, 1967"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 5, 1969"

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

\* CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:

That the following resolutions, which were passed by Council on March 3, 1969, be rescinded:

- (a) "That "BURNABY RATIFICATION BY-LAW 1968" be now reconsidered."
- (b) "That "BURNABY RATIFICATION BY-LAW 1968" be now finally adopted, signed by the Mayor and Deputy Clerk and the Corporate Seal affixed thereto."

CARRIED

AGAINST -- ALDERMAN CLARK

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:

"That "BURNABY RATIFICATION BY-LAW 1968" #5462 be now reconsidered."

CARRIED

AGAINST -- ALDERMAN CLARK

Municipal Clerk stated that this By-law had received the approval of the Lieutenant-Governor in Council on April 24, 1969 and could therefore now be Finally Adopted.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:

"That BURNABY RATIFICATION BY-LAW 1968 be now finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED

AGAINST -- ALDERMAN CLARK

\*

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:

"That leave be given to introduce "BURNABY BUSINESS TAX BY-LAW 1965, AMENDMENT BY-LAW NO. 1, 1969 #5509 and that it now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:

"That the By-law be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:

"That the Council do now resolve into a Committee of the Whole to consider and report on the By-law."

CARRIED UNANIMOUSLY

May/5/1969

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN HERD:  
"That "BURNABY BUSINESS TAX BY-LAW 1965, AMENDMENT BY-LAW NO. 1, 1969"  
be now read a Third Time."

CARRIED UNANIMOUSLY