

THE CORPORATION OF THE DISTRICT OF BURNABY

May 15, 1970.

MANAGER'S REPORT NO. 34, 1970.

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

Gentlemen:

Your Manager reports as follows:

1. Re: Lougheed Mall Theatres.

This item is submitted with reference to a letter addressed to Council by Mrs. B. Nergaard.

The Chief Fire Prevention Officer reports that smoking in the rear portion of the three Lougheed Mall Theatres was approved by the Provincial Fire Marshal and the Burnaby Fire Department.

There has been no infraction of the permission granted evidenced by the Fire Prevention Bureau.

2. Re: Lot 141, D.L. 33, Plan 26891
Mr. F. E. Montemurro, 4562 Charlotte Ct.

The Corporation obtained an easement over the west 7.5' of this property for sewer purposes in 1964. This, together with a 7.5' easement over the easterly 7.5' of the adjoining property made a total easement of 15'.

After construction of the sewer it was found possible to relinquish the easement over the Montemurro property and the owner requested such a release in 1967. The Municipal Engineer so recommended.

Unfortunately, the request became confused with the cancellation of another easement over the Montemurro property and no action was taken to release the 7.5' easement referred to above.

It is now recommended that Council authorize the cancellation of the easement for sewer purposes over the easterly 7.5' of Lot 141, D.L. 33, Plan 26891.

3. Re: Juvenile Detention Home.

Burnaby has an agreement with the City of Vancouver for use of the Vancouver Juvenile Detention Home. The agreement expired on April 30, 1970 and provided a per diem rate of \$15.65.

Advice has now been received that the new per diem rate has been established at \$15.80 per inmate.

It is recommended that the agreement be renewed for the period May 1, 1970 to April 30, 1971, at a per diem rate of \$15.80 and that the Mayor and Clerk be authorized to sign the document.

4. Re: Per Capita Billing - Social Service.

The per capita billing by the Province for the month of April, 1970, was \$1.06 as compared with \$.90 up to 31st March, 1970. This is a very substantial increase and it reflects the increased Social Assistance rates, Boarding and Nursing Home rates effective 1st April, 1970, as well as greater numbers of persons requiring assistance.

Continued - -

4. Re: Per Capita Billing - Social Service. (Cont'd)

Burnaby's 1970 Budget anticipated a per capita rate of \$1.00 from 1st January, 1970. As the Province billed for the first three months at \$.90 per capita, the undercharge is reduced from \$60,484 to \$26,882.

It would be overly optimistic at this time to believe that even the new \$1.06 rate will carry the total program costs for the balance of the 1970 year. No adjustment billing for the Fiscal year ending 31st March, 1970 has been received as yet.

Burnaby's 1969 deficit was recovered by the Province by a special increment on the per capita basis during January, February, and March 1970.

5. Re: Witness Fees.

Mr. Stirling, the Municipal Solicitor, has now recommended that Burnaby cease paying witness fees as of 1st June, 1970, except in exceptional cases, viz. when a witness is brought from a long distance. He further suggests that in the latter case travelling and accommodation should be paid.

It is recommended that:

- Appd.*
- a) Burnaby cease paying witness fees as of 1st June, 1970.
 - b) In the case of witnesses required to be brought from a long distance, a policy of paying travel and accommodation be approved.
 - c) The Attorney-General be advised of this decision.
 - d) The Court Clerk be so advised.

6. Re: Garden Sprays.

It was the decision of Council that licensees for commercial garden spraying be required to supply a bond in the amount of \$500,000 to ensure financial ability to compensate any injury to a third party as a result of spraying.

This was referred to the Municipal Solicitor who advises:

Liability fees to be carried in the amount of \$500,000.

"I think the idea of a bond is not practicable. Before a person can recover on the bond, there would invariably be an action commenced. The same protection can be afforded the public if the requirement is that a specified amount of liability insurance be carried at all times by the license holder."

Since the objective is protection for a third party, the Solicitor's suggestion seems a practicable answer.

7. Re: Lyndhurst-Cameron Area Park Site
Burnaby Expropriation By-Law No. 7, 1968.

Burnaby Expropriation Bylaw No. 7, 1968, expropriated certain properties for pleasure, recreation, and community uses of the public.

Appd.

It would appear that there was some misunderstanding on the part of the legal department as to the exact needs of the Municipality and as a result the whole of certain lots was expropriated whereas the intention was to only expropriate part of these lots.

The expropriation was never proceeded with. Bylaw #5713 has now been prepared which removes from Burnaby Expropriation Bylaw #7, 1968, that portion

7. Re: Lyndhurst-Cameron Area Park Site
Burnaby Expropriation By-Law No. 7, 1968. (Cont'd)

of land it was never intended to expropriate.

The passage of this abandonment Bylaw will then permit the Corporation to proceed with the expropriation of the remainder of the property.

It is recommended that Bylaw #5713 be passed.

8. Re: Frontage Requirements -
S.D. Reference #38/70.
Remainder of Lot 235, D.L. 87, Plan 35983.

Subdivision No. 38/70 is located west of Sixth Street at the southern end of Burnfield Crescent. See attached sketch.

One of the lots created by the subdivision cannot meet the requirements of Section 712(1) of the Municipal Act which requires that a lot have a frontage of not less than 10% of its perimeter.

Section 712(2) of the Act empowers Council to waive the requirements of Section 712(1).

It is recommended that the requirements of Section 712(1) of the Act be waived as they apply to Subdivision No. 38/70.

9. Re: Acquisition of easements - S.D. Reference #38/70.
1. Remainder of Lot 235, D.L. 87, Plan 35983;
2. Lot 231, D.L. 87, Plan (to be assigned on registration);
3. Lots 236 & 237, D.L. 87, Plan (to be assigned on registration).

Easements are required, in order to finalize a subdivision, over portions of the above described properties, (see three sketches attached), from Jacob Land Developments Limited of 1090 West 33rd Avenue, Vancouver 13, B.C. The easements are located at the south end of Burnfield Crescent and are required for sewerage and drainage purposes.

There is no consideration payable by the Corporation.

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

10. Re: Tenders for Storm Drainage -
12th Avenue - 13th Avenue Watercourse - 1970.

Tenders were invited for the above storm sewer project up to 3:00 p.m. local time, Wednesday, 13th May, 1970.

Seven tenders were received and opened by the Purchasing Agent in the presence of Mr. V.D. Kennedy, Mr. C.R. Walters, Mr. R.J. Constable, and representatives of the firms bidding.

The work of this contract consists of the supply and installation of storm drainage materials. Quantities and sizes of pipe are approximately 1,554' of 30" diameter, and 205' of 10" diameter. There are 11 manholes, 9 catch basins, and 260' of 6" diameter house connections included.

A tabulation of the tenders received is submitted herewith.

The Engineer has reviewed the bids and recommends that the low bid be accepted.

It is recommended that the low bid submitted by Miller Cartage and Construction Ltd. be accepted in the amount of \$47,434.33, with final payment to be based on unit prices tendered.

Continued - -

attached

attached

*Accepted
19/5/70*

11. Re: Part of Lot "C" and the northerly 80 feet of Lot "C",
Block 4, D.L. 136, Plan 8977 - owners Grieve and Thompson
Subdivision Reference #182/69.

There is an existing twenty foot sewer easement across the two properties now being subdivided under Reference #182/69 and on the unsubdivided property to the north. The easement is registered under Plan 22242 in the Land Registry Office.

The easement with respect to this subdivision only is being replaced by a lane as shown on the attached print of the survey plan.

It is recommended that Council authorize the release of any ancillary rights held by the Corporation within the terms of the easement agreement with respect to the subject properties.

12. Re: Corporation Subdivision Reference #204/63, Stage I
Road and Lane Closure-D.L. 13, Wilberforce/Sapperton.

On October 20, 1969, Council authorized the preparation of a Bylaw to effect the cancellation of a portion of Crofton Street and the entire lane north of Wilberforce between Elford Avenue and Sapperton Street. This Bylaw, being Burnaby Road Closing Bylaw No. 12, was duly registered under No. E82346 in the Land Registry Office.

Subsequently one of the private owners refused his consent to the cancellation of the lane adjacent to his lot and it was decided to reduce the amount of lane to be cancelled, because of their refusal. Instead of closing the entire 622.83' of lane it is now proposed to close only the easterly 349.83' of the lane. The Crofton closure still remains.

Council approval of this revision is recommended and if so approved the necessary new Bylaw or amending Bylaw will be prepared and submitted to Council.

13. ✓ Re: Tabled Item -
Local Improvement - Gatenby Avenue.

The Municipal Engineer advises that his office has been in touch with the Bromleys regarding the extent of road improvement desired. The Bromley's are to canvass other residents on the street.

When the acceptable amount of work is known the Engineer will prepare and submit actual estimates for this and any requisite works.

14. Re: Estimates.

Submitted herewith for your approval is the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$168,400.00.

15. Re: Rezoning Applications.

Submitted herewith for your consideration are reports submitted by the Planning Director covering various rezoning applications, as itemized on the attached covering report.

Respectfully submitted,

H. W. Balfour
H. W. Balfour,
MUNICIPAL MANAGER.

MB:ep

Attach.

Page 1
 Manager's Report No. 34, 1970
 (Supplementary)
 May 19, 1970

16. Re: Advisory Planning Commission.

Upon receipt of Council's directive to the Municipal Solicitor to prepare an amendment to the "Burnaby Advisory Planning Commission 1963" to add certain clauses to the Duties of the Commission, Mr. Stirling wrote the Clerk as follows:

"I have your letter of April 15, 1970, in which you advise that Council has directed that an amendment to the Burnaby Advisory Planning Commission By-Law 1963 be prepared to add the clauses set out in your letter.

I do not think that such an amendment can properly be made. The power set out in your clause (a) is already contained in section 701(1) of the Municipal Act wherein it is provided that the Commission "shall advise the Council on such matters coming within the scope of this Part as may from time to time be referred to the Commission by the Council". Your clause, of course, omits the important words "coming within the scope of this Part". It is not every matter that Council may refer to the Commission. Clause (b), in my opinion, cannot be enacted since the Commission has no power to act on its own, but can only deal with such matters as are referred to it by Council. Clause (c) cannot be enacted because, in my view, section 701(2) sets out what may be contained in the by-law. The by-law contents are limited to the composition of the Commission, the manner of the appointment of Commission members and procedures governing the conduct of the Commission. In any event, I should think that it is implied that the Commission will have in mind the same consideration as Council shall have in mind when making zoning regulations. These considerations are set out in section 702(2) of the Act.

The suggested amendments, however, are rather innocuous, and if Council insists, I shall prepare the by-law desired."

When Mr. Stirling's opinion was received Mr. Shaw made the suggestion that the same result could be achieved by inviting the Commission to refer any subject which may come to the attention of the Commission which it wishes to consider. Council could then so direct the Commission and the purpose would be served while both bodies would still be functioning within the terms of the relevant sections of the Municipal Act.

17. Re: The X-Kalay Foundation Society.

As directed by Council the Municipal Solicitor has provided his opinion as to the legality or propriety of discussions between Burnaby and the X-Kalay Foundation regarding accommodation in view of the pending Court action taken by X-Kalay.

Mr. Stirling's opinion follows:

"I do not think Council should become involved in any discussions with The X-Kalay Foundation Society with respect to the Seton Academy property since there is an action pending in the Supreme Court. However, there can be no objection on that ground to discussions with respect to the Universal Life property. But I must point out that since Council acquired this latter property for park purposes, it should not now be considering using it for another purpose."

Respectfully submitted,

N. W. Balfour

N. W. Balfour,
 MUNICIPAL MANAGER.

HE:ep

*Follow
1 week*