

THE CORPORATION OF THE DISTRICT OF BURNABY

April 3, 1970.

MANAGER'S REPORT NO. 22, 1970.

His Worship, the Mayor,  
and Members of the Council

Gentlemen:

Your Manager reports as follows:

1. Re: Proposed Road Abandonment - D.L. 59.

The Planning Dept. and the Western Pacific Company have been collaborating in a plan to close a part of Broadway and make it possible to create some Lots. This has already been to Council and the following is a summary of how the matter now stands:

- "1. Council has approved the abandonment of the roads marked "E", "F", "G" and "H" on the attached plan. This has been through Victoria and we have an order ready to file. Under this order, Parcels "E" and "F" vest with the Corporation and Parcels "G" and "H" vest with the applicant. This road, incidentally, was created on Plan 3050 filed in 1915.
2. We have checked into your comments on the dedication of Block 13 for road, and find that this parcel of land was dedicated by Bylaw in 1959. In order to complete our transaction with the applicant, it will be necessary for Council to revoke Bylaw No. 4053, being Burnaby Road Dedication Bylaw No. 2, 1959.
3. Once the bylaw has been revoked, conveyances will be drawn which will result in the Corporation owning the new Lots 85, 84 and 82, and Western Pacific owning Lots 81 and 83.
4. As there are Hydro, B.C. Telephone and G.V.S. & D.D. installations in the former allowances, easements must be provided. The applicant's Surveyor is in the process of preparing these plans. The provision of easements for the B.C. Telephone Company and Hydro is an interim step as we will want the installation removed subsequently.
5. The cost of relocating the surface installations has been re-examined and updated. The new costs are as follows:

B.C. Telephone.....\$4,125  
B.C. Hydro & Power Authority.... 990  
\$5,115

Cost sharing is proposed on a benefitted frontage basis and the apportionment works out to:

Corporation	-	61.4%	or	\$3,143
Western Pacific	-	38.5%	or	1,972

Council concurrence is necessary on:

1. Repeal of the Road Dedication Bylaw.
2. Agreements on easements as shown on sketch.
3. Agreement on the cost sharing.

Sketch is provided herewith.

It is recommended that Council concurrence be granted.

Continued - -

*Tables  
1 week.*

2. Re: Sale of Land.

The Corporation owns Lot 11, Block 26, D.L. 121, Gp. 1, Plan 1054, which is located on the south side of Union Street adjacent to 4248 Union Street. The west  $\frac{1}{2}$  of the lot has been leased to the owner of the adjacent property who now wishes to purchase.

The lot is 33' wide and there is a storm sewer through the middle of the lot which must be protected by a 20 foot wide easement.

It is recommended that

- (a) The west  $\frac{1}{2}$  and the east  $\frac{1}{2}$  of the said Lot 11 be placed in a sale position subject to
- (i) The West  $\frac{1}{2}$  being consolidated with the adjacent property on the West and the East  $\frac{1}{2}$  being consolidated with the adjacent property on the East.
  - (ii) An easement being retained over the East 10' of the West  $\frac{1}{2}$  and the West 10' of the East  $\frac{1}{2}$ .
  - (iii) A minimum price of \$1,725.00 being required for each half lot.
  - (iv) The purchaser to pay the costs connected with the consolidation.

See attached sketch.

3. Sale of Land.

The Corporation owns portions of Lots 27, 28 and 29, Block 93, D.L. 122, Gp. 1, Plan 4953, as shown on the attached sketch.

The owners of the adjacent Lot 26 are interested in acquiring the Corporation property.

It is recommended that the portions of Lot 27, 28 and 29, Block 93, D.L. 122, Gp. 1, Plan 4953, be placed in a sale position subject to

- (a) Being consolidated with Lot 26, Block 93, D.L. 122, Gp. 1, Plan 4953.
- (b) A minimum price of \$3,500.00.
- (c) The purchasers paying the survey and legal costs of the consolidation.

4. Sale of Land.

The Corporation owns Lots 13 and 19, Block 51, D.L. 189, Gp. 1, Plan 4953. See attached sketch. The lots were the site of the Capitol Hill water tower and can be sold.

It is recommended that the said lots be offered for sale by public tender subject to

- (a) The purchaser being required to consolidate the two lots into one parcel.
- (b) The deposit of \$270.00 for blacktopping the lane at the rear of the lots.
- (c) The purchaser being informed that the Corporation will not replace the wooden retaining wall along the south boundary of Lot 18.

Continued - -

5. Re: Retirement of Mr. E. A. Fountain.

Mr. Fountain will be 60 on 12th April, 1970, and he has applied for retirement at minimum retirement age as of 1st June, 1970.

*Decide 6/14/70*  
Mr. Fountain has been with the Corporation of the District of Burnaby since December, 1949, and has served as Chief License Inspector, Personnel Director, Executive Assistant to the Municipal Manager, and more recently as Assistant Municipal Manager. His contributions have been many and as a result of his work on Municipal Pensions he is being made a Life Member of the Municipal Officers' Association in May of this year.

6. Re: 1970 Annual Budget.

Submitted herewith is the 1970 Annual Budget for the Corporation of the District of Burnaby as prepared by the Municipal Manager in accordance with the Municipal Act.

*Decide*  
Section 198(1) of the Municipal Act requires that the Annual Budget be prepared on or before the 15th day of April in each year for the current year. The Annual Budget shall by bylaw be adopted on or before the 15th of May in each year.

7. Re: Frontage Requirements.  
S.D. Reference No. 12/70  
Remainder of Lot 2, S.D. 1, Blocks "A" & "B",  
D.L. 167, Plan 18016.

Subdivision No. 12/70 is located west of Wiggins Avenue and south of Thorn Street.

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.

*Adopted 6/14/70*  
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. 12/70.

8. Re: Complaint from Mr. K. Stewart Shearman  
225 North Carleton Avenue, Burnaby 2.

Council is in receipt of a letter from Mr. Shearman which refers to certain parts of the Burnaby Fire Prevention Bylaw 1968 as amended by Bylaw No. 2, 1969.

The parts of the bylaw referred to are quoted hereunder:

- Refer to Pollution Committee for investigation report*
- "2.1.4.11.(1) Except as hereinafter provided, no person shall light, ignite or start or allow or cause to be lighted, ignited, or started a fire of any kind whatsoever in the open air.
- (2) (i) The Fire Chief may issue a special permit for open air burning of brush, stumps, slash and like materials resulting from the clearing of land.
- (ii) No person to whom a special permit has been issued under this clause shall on or in any fire use rubber tires, oil, tar, asphalt shingles, battery boxes, plastic material, or any similar materials which may produce heavy black smoke.
- (iii) Every person to whom a special permit has been issued under this clause shall place and keep a competent person at all times in charge of such fire while burning or smouldering and shall provide that person with efficient appliances

Continued - -

8. Re: Complaint from Mr. K. Stewart Shearman  
225 North Carleton Avenue, Burnaby 2. (Cont'd)

- (iii) continued  
and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous.  
(iv) The Fire Chief may refuse to issue a special permit whenever burning, having regard to all the prevailing circumstances, would likely be hazardous or create a nuisance.

The answer to the three questions contained in the letter is that the Standard Oil Company has not been issued a special fire permit.

The Fire Chief advises that no complaints were received on March 25, 1970, regarding emissions of a smokey nature from the plant.

9. Re: Supply of Asphalt - 1970.

At the 31st March meeting of Council, His Worship, Acting Mayor Mercier, returned for consideration an action taken by Council on March 16th to accept an offer of Jack Cewe Limited for the supply and laying of the Municipality's paving requirements for 1970.

The reason given for returning the decision to Council was that information had been received that there are other suppliers who are interested in bidding on Burnaby's asphalt requirements if they are given the opportunity.

Your Municipal Manager asked for an opportunity to consider the Corporation's legal situation in the event that the March 16th decision is reversed by Council.

The circumstances briefly are -

1. Council was dealing with an offer - not a bid.
2. J. Cewe Limited have not been officially advised in writing of the acceptance of their offer.
3. No form of contract has been entered into by either party.
4. There has been no performance under the terms of the offer.

The Municipal Solicitor has given the verbal opinion that there would be no basis of claim against the Corporation by J. Cewe Limited if Council does decide to, in essence, now reject the offer. The only possible liability that Council should consider is a moral one.

It is reiterated that in the opinion of the Municipal Engineer there are only three suppliers of asphalt in the Lower Mainland who are capable of supplying and laying the anticipated quantity of asphalt within any reasonable time limit set by the Corporation. These are J. Cewe Limited, Columbia Bitulithic Limited and Standard-General Construction Company Limited. Before any recommendation was made to Council, Mr. Olson contacted representatives of the latter two firms and explained that he was investigating asphalt prices for 1970 and asked for approximate prices for the quantities required. In both cases these prices were given on an approximate basis. Both Companies are aware of Burnaby's specifications.

The recommendation was then made to Council to accept the J. Cewe Limited offer. It was pointed out that the apparent saving was about \$50,000 without consideration of any saving on testing needs, which were valued at 30¢ per ton approximately.

Both Companies, Columbia Bitulithic and Standard-General have again been contacted by Mr. Olson. Columbia Bitulithic have given him a price of \$8.78 per ton. Standard-General have only been able so far to determine

Continued - -

9. Re: Supply of Asphalt - 1970. (Cont'd)

that their price will be near \$9.00. Both Companies have agreed to supply their prices in writing.

The comparative price by J. Cewe Limited is \$7.85. All prices quoted are for the major requirement - namely - surface course mix.

10. Re: Estimates.

*aff'd 6/14/70*  
Submitted herewith for your approval is the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$14,100.

11. Re: Revenue & Expenditures.

*aff'd 6/14/70*  
Submitted herewith for your approval is the Municipal Treasurer's report covering Revenue and Expenditures for the period 1 January to 15 March 1970.

12. Re: Building Department.

*Rec'd*  
Submitted herewith for your information is the report of the Chief Building Inspector covering the operations of his Department for the period from March 2nd - 26th, 1970.

13. Re: Medical Health.

*Rec'd*  
Submitted herewith for your information is the report of the Medical Health Officer covering the activities of his Department for the month of February 1970.

14. Re: Personnel Department.

*Rec'd*  
Submitted herewith is the report of the Personnel Department for the period January 1st to March 15, 1970.

Respectfully submitted,

*H. W. Balfour*

H. W. Balfour,  
MUNICIPAL MANAGER

HB:ep

Attach.

15. Re: Sanitary Sewers - Claude-Rayside Area.

Your Municipal Manager reported to Council that the cost of providing sanitary sewers to this area is estimated at \$46,000. It was also reported that the request of the residents was completely justified and that it should be possible to accommodate this construction by an amendment to the Capital Improvement Program by bringing this project into 1970 from 1971.

This can be done, it is considered, without changing the total fund requirements for sewers because it is now possible to foresee a hold-over until 1971 of some of the proposed 1970 costs.

The actual amendment required would be: to Schedule E - page 34, as follows:

For 1970 - (a) reduce requirement for the renewal of trunk from Boundary to Thurston to \$204,000 from \$250,000.

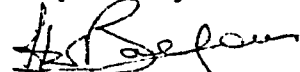
(b) Add an Item 5 - Claude Area #3 - \$46,000.

For 1971 - (a) Delete Item 2 - Claude Area #3 - \$46,000.

(b) Add new Item 2 - Balance of renewal of trunk from Boundary to Thurston - \$46,000.

No change is required to Page 1 as the total cash requirements are not altered.

Respectfully submitted,



H. W. Enifour  
MUNICIPAL MANAGER

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*Rae'd.*