

1. Re: Hastings Street Ornamental Tubs. (Cont'd)

Summary: Traffic specialists consider hanging flower baskets from lamp posts along Hastings Street a detriment to existing traffic control devices. The Provincial Government who control Hastings Street would not approve such an arrangement. When control of this street is transferred to Burnaby, approval might still be difficult to obtain because the hazard would still be present. In the event approval could be obtained eventually, provision would have to be made in the Capital Budget for \$6,500 and the Annual Budget for \$1,700 to cater for this project."

2. Re: Burnaby Employment Preparation Project.

We have been advised by the Parks and Recreation Commission that the Commission at its meeting of April 7, 1971, has approved of the Department's participation in this project. This is for Council's information.

3. Re: Street Lighting -
Kingsway from Edmonds Street to 10th Avenue.

A suggestion was made in Council on February 8th that mercury vapour street lights be "scabbed" to the utility poles on one side of the above portion of Kingsway so as to better illuminate the street.

The Engineer was asked to submit a report on this matter. The B.C. Hydro has been contacted and requested to supply an estimate of what it would cost to upgrade the present 300W mercury vapor interim lighting.

The Hydro suggest that the overhead lighting could be improved to provide 1.2 foot-candles average illumination which meets the Illuminating Engineering Society and the Canadian Standards Association recommended level for a major intermediate roadway. They have recommended a staggered spacing which will provide a more uniform light distribution than one side mounting. A new pole has been recommended near 16th Avenue to eliminate a dark area where there is no suitable distribution pole.

Estimated cost to do this work is in the neighbourhood of \$8,000; but because Hydro's overhead street lighting rates include provision for cost of supplying and mounting the lights, less salvage on old equipment, and less 4 year's revenue allowance on new lighting, this job can be done at no capital cost to Burnaby. However, the annual operating cost increase after the installation will be \$1,251.60.

If we go to ornamental street lighting, within 7- to 10-year of this upgrading then of course we will be liable for a capital cost at that time because the same type of formula is used. Since no such work is proposed in our 6-year Capital Improvement Program, this may not be a problem.

In view of the above, it is recommended that the existing street lighting on Kingsway between Edmonds Street and 10th Avenue be upgraded as suggested by B.C. Hydro.

4. Re: Chevron Canada Limited Refinery
Catalytic Reformer Installation.

Attached is the following material relative to the environmental aspects of the Chevron Canada Limited Burnaby Refinery modernization project:

1. Letter dated April 16, 1971, from Mr. T.S. Bremner, Refinery Manager, addressed to Mr. George Armeson, Chief Public Health Inspector.
2. Letter dated November 3, 1970, from Mr. T.S. Bremner to Mr. B. Leche, Secretary, Pollution Committee, District of Burnaby.
3. Letter dated October 19, 1970, from Mr. P.G. Snyder, Chief Engineer, Chevron Oil Company, Salt Lake City, Utah, to Mr. J.A. Robinson, Standard Oil Company of British Columbia, Vancouver, B.C.
4. Noise Control Specification No. E-2791-B of Standard Oil Company of California, San Francisco, California.

Continued...

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0.00*

CASH 25.00+

WAGES 60.00+

MOWER 160.00+

INS. 35.00+

LOAN 219.00+

LOAN 417.46+

006

916.46*

7.00

~~923.46~~

942.0

4. Re: Chevron Canada Limited Refinery
Catalytic Reformer Installation. (Cont'd)

This material is for Council's information. Additional data regarding the precise location of tanks will be submitted in due course by the Planning Director as outlined in Item 8, Manager's Report No. 25, at the Council meeting of April 13, 1971. This additional report will be comprehensive in coverage and will not only cover expansion of tankage but will also outline a proposed land exchange as well as future road requirements in the area. The Chief Public Health Inspector will also be submitting a report in due course to the Planning Director.

5. Re: Mobile Home Park Standards.

Attached for the information of Council regarding the above is the following material:

1. Article entitled "Guidelines for Mobile Home Park Development" written by John O. Starr and taken from the January 1971 issue of The Appraisal Journal.
2. Article entitled "Study of a Proposed Mobile Home Park" taken from the January 1971 issue of The Appraisal Journal.
3. Article entitled "Mobile Home Park Mortgage Financing", written by T.R. Alton and taken from the March 1971 issue of the Canadian Realtor (supplied by Gordon & Gordon Realty Limited, 5569 Dunbar Street, Vancouver 13).

Mr. Parr advises that he is also going to try to obtain copies of Bylaws from some United States cities which might be of assistance in debating this subject.

6. Re: Canadian Association of Chiefs of Police, Inc.

The Canadian Association of Chiefs of Police, Inc. is a highly respected organization of some years standing. The Chief Constables of most of the well organized police departments are members of the association. The organization is committed to the research and study of various police problems and the law. The association has an annual meeting at which

At the 65th Annual Conference, which was held in London, Ontario in the fall of 1970, the following amendment was made to Section 10(1)(f) of the General Bylaws of the association, which outlines the eligibility for membership: "The commissioned officer in charge of a municipal police detachment as designated by the Commissioner of the Royal Canadian Mounted Police, the Commissioner of the Ontario Provincial Police, or the Director General of the Quebec Police Force". As a result of the above amendment, the Officer in Charge of Burnaby Detachment is among those now eligible for membership in the association. The Force has agreed to this membership, provided that the municipality is prepared to underwrite annual membership fees and costs incurred for the attendance at annual conferences. The annual dues amount to \$20.00. The annual conferences are held at varying locations across the country, with the 1971 conference to be held at Calgary during the month of September.

It is the opinion of Inspector Simmonds and it is shared by the Municipal Manager that there is merit in having the Officer in Charge of the police force meet as an equal with the Chiefs of other Canadian police departments to discuss matters of mutual concern.

It is recommended that the Municipality henceforth (commencing with 1971) underwrite the annual membership fees and costs incurred for the attendance at (1971 and future) annual conferences of the Canadian Association of Chiefs of Police, Inc. for the Officer in Charge of the Burnaby Detachment or his designate; and that this be on the same understanding as for conferences for all staff whereby individual approval of Council is required for attendance at all those conferences out of B.C.

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7. Re: Valuation of remainder of "B", Sketch 2645, Parcel "A",
Sketch 10015, Block 1E½, D.L. 162, Plan 5452.
Mr. F. Nestel, communication No. 5(h) on Council Agenda, April 19, 1971.

The above subject was tabled at the last Council meeting and a report was requested from the Planning Director and the Land Agent.

1. The Planning Director advises that the attached sketch "C" shows the area involved in the proposed South Burnaby Sports Complex, with the subject property outlined.

The acquisition of this parcel, with the exception of the portion abutting Marine Drive, was recommended to the Parks and Recreation Commission under letter dated November 2, 1970, from the Planning Director, which read as follows:

"An application has been received for approval to subdivide the above described parcels of land (S.D. Ref. #135/70), which are situated on the south side of Marine Drive west of Royal Oak Avenue.

These parcels are located within an area which forms a part of the projected South Burnaby Sports Complex. In the proposed park acquisition program, which has been recently updated, acquisitions in this area have been given a high priority and tentatively scheduled for 1972. The development of this complex has also been included in the C.I.P. for 1972 and 1973.

The subject properties are outlined on the attached sketch "A". The large parcel to the west (Lot 2) was purchased for future park purposes in 1968, while Lot "C" on Royal Oak Avenue was acquired this year.

The proposed subdivision is shown on sketch "B". This will include the creation of two residential lots (proposed lots 1 and 2) to accommodate the existing dwellings and the consolidation of the remaining area into one large industrial parcel (proposed Lot 3). The owner plans to construct a new equipment shed on the larger property.

The acquisition of parcels "A" and "B", with the exception of the two proposed residential lots, is recommended."

Because of its location in relation to the rest of the projected Sports Complex area, the acquisition of the rear portion of this property is of considerable importance.

The Land Agent disagrees with Mr. Nestel's statement that his asking price of \$20,000 per acre is reasonable and that he is unable to find a suitable substitute for his present property at the \$10,000 per acre offered by the Municipality.

Our negotiations and value were based on comparable land in the vicinity and to this effect we were advised on April 5, 1971, by Progressive Enterprises Limited (with whom we have also been negotiating), that they value their land (cross-hatched on sketch "D" attached) at \$9,500 per acre. Progressive Enterprises Limited advise that "this price was established after considerable investigation as to the value of the land in the adjoining area...". Furthermore, we would point out that in November 1968 the Municipality purchased the 6.664 acres, boldly outlined on attached sketch "D", next to Mr. Nestel for the sum of \$34,250, or approximately \$5,100 per acre.

The Land Agent states that the part of Mr. Nestel's letter where he claims that according to an Engineer, the way the land has been filled, there will be no pilings required for buildings, does not satisfy, as in our opinion the fill placed on the property is highly suspect.

The Land Agent further advises that these facts, combined with the report of the Appraiser for Mr. Nestel, where he states that the final estimate of loss of value for the approximate 4 acres required by the Municipality is \$59,000 (approximately \$15,000 per acre) further strengthens our opinion that we are correct in our stand and that Mr. Nestel's value of his property is not acceptable to the Land Department.

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8. Re: Dogs.

The Council received a letter on March 22, 1971, expressing concern regarding dogs fouling places like Burnaby Mountain where children play. The complaint was referred to (a) the Chief License Inspector for comment from the S.P.C.A., (b) the Parks and Recreation Commission for its views on the subject as it concerns park areas.

1. The Chief License Inspector advises that specifically in connection with Burnaby Mountain Park, the problem is not caused by stray dogs but by dogs taken there by their owners and, leashed or not, as the complainant stated, they must heed the call of nature.

It is the opinion of the Chief License Inspector that there is no solution to this problem other than imposing a complete ban on dogs in parks.

The comments of the Humane Society in this connection are outlined in the attached copy of a letter dated March 25, 1971, from Mr. R.A. Hosegood, Secretary-Manager, B.C. S.P.C.A., addressed to Mr. Buckley.

The S.P.C.A. also advised that the big problem seems to take place on weekends and they just have not got sufficient staff to cope with the problem. Additional staff would mean an additional request for more monies.

2. The Secretary of the Parks and Recreation Commission advises that at its meeting of April 7, 1971, the Parks and Recreation Commission received the attached report from the Parks and Recreation Administrator and directed that this be forwarded to Council with the request that the S.P.C.A. be asked to enforce the "Leash Law" with regard to dogs in public parks. Apparently the Parks and Recreation staff have been alerted to the importance of enforcing this regulation.

Your Municipal Manager advises that our Dog Tax and Pound Bylaw is not a "Leash Bylaw". It merely requires that a dog must be "under the control of a competent person". The Parks Department has posted parks to the effect that dogs must be maintained on a leash but according to the Solicitor there is no means of enforcing this because the Parks Bylaw No. 1802 does not give the Commission authority to do this. It is therefore recommended that Clause 17 of the said Bylaw be amended accordingly.

Nutley, N.J.: This metropolitan area of New Jersey has a population totalling 30,000 humans and some 1,800 registered dogs, has passed a dog ordinance.

Its four clauses covering canines state:

- A dog may have a call of nature only in the street off the curb.
- A person walking a dog must carry a shovel and plastic bag to pick up and contain the dog's droppings.
- The person after bagging the droppings must deposit them in a garbage pail.
- A dog may be declared vicious if it worries a person."

Just how far does Council wish to go as far as this annual problem is concerned?

9. Re: Royal Visit, 7 May 1971.
Itinerary, Building Closure, Parking.

1. Itinerary.

As Council are aware, Her Majesty Queen Elizabeth II, accompanied by His Royal Highness Prince Philip and Her Royal Highness Princess Anne, will be visiting Burnaby on Friday, 7 May, 1971, 1:25 - 3:45 p.m.

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9. Re: Royal Visit, 7 May 1971.
Itinerary, Building Closure, Parking. (Cont'd)

1. Itinerary. (Cont'd)

The itinerary, in brief, is as follows:

- Royal party leave New Westminster, travel Canada Way, arrive driveway front of Municipal Hall 3:25 p.m.
- Party welcomed by Acting Mayor H.G. Ladner and wife, and Chairman Centennial Committee, Mr. J.A. Barrington and wife.
- Party proceed on foot along driveway east side of Municipal Hall to dais on upper plaza of Justice Building.
- Royal family sign official guest book.
- Party proceed to Gilpin Street to embark 3:45 p.m. for return to New Westminster. (See attached plan of route.)

Proceedings are being kept as simple as possible with opportunity for the Queen to meet various representative groups from our community including school children, Scouts, Guides, the Municipal Council, members of local boards and other organizations, and a number of our senior citizens and war veterans. There will be no formal introductions other than to the Welcoming Party.

Weather, unless unusually inclement, will not cancel the event.

2. Closure of Municipal Hall and Justice Building.

We will, for security reasons at the request of the R.C.M.P., have to close the Municipal Hall and the Justice Building (with the exception of Police offices) for normal business at 2:30 p.m. for the remainder of the work day.

Staff who normally work in the Municipal Hall and the Justice Building, except staff attached to R.C.M.P., will be required to vacate buildings by 2:30 p.m. but will suffer no loss in pay as a direct result of building closure.

3. Employee Parking.

Parking space in close proximity to the Hall will be required for a number of invited guests and the general public. From 1:00 p.m. on, of 7 May, 1971, staff will be requested to avoid parking in the main Employee parking lot, the area between the Municipal Hall and the Municipal Fleet Compound (reserved for the general public).

At the Council meeting of March 22, 1971, Mr. Balfour suggested that a budget of \$2,600 should be provided for the Visit, and subsequently \$2,500 was set aside under Account No. 1001-59, Civic Receptions and Miscellaneous, Mayor and Council Budget.

A recap of the anticipated expenditures is as follows:

| | |
|--|----------------|
| 1. Pageantry Contractors (Dais, decorations, etc.) | \$2,150 |
| 2. Flags (600), School Children | 228 * |
| 3. Transport, School Children (9 buses) | 200 |
| 4. Invitations, Official Guests | 40 |
| 5. Newspaper Advertisements | 250 |
| 6. Parks Dept. Assistance - Transport and placement of chairs (250) for official guests | 75 |
| 7. Engineering Dept. Assistance - Transport, placement of barricades, preparation of signs | 50 |
| Total | <u>\$2,993</u> |

* Actual cost. All other costs approximate.

We do not anticipate additional items of expenditure but in that most of the costs noted above are approximate it is suggested that a minimum budget of \$3,000 be provided - \$500 more than originally anticipated.

It is recommended that Council approve of the closure of the building and the expenditure of the budget as suggested.

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10. Re: Local Improvement Cost Report per Section 601 Municipal Act - Lane west of Canada Way, north from 16th Avenue to one foot south of the north property line Lot 1, Block 30, S.D. "A", D.L. 30, Plan 11252 and the north property line Lot 3, Block 30, S.D. "A", D.L. 30, Plan 11232.

A sufficient petition for the construction and pavement of the above mentioned lane has been filed with Council by the Municipal Clerk. The following is the Cost Report of the Treasurer required under Section 601 of the Municipal Act:

| | |
|---------------------------------------|---|
| Length of work | 98' |
| Estimated total cost of work | \$696.00 |
| Actual frontage | 196.00' |
| Taxable frontage | 164.00' |
| Owner's share of the cost of the work | \$164.00 |
| Estimated lifetime of work | 10 years |
| Frontage tax levy | 5 annual installments of \$.257 per taxable front foot |

It is recommended that the Cost Report be received and a construction Bylaw be authorized.

11. Re: Burnaby Lake Regional Park.

Attached is a key map showing existing land ownership and detailed sketches of privately-owned properties within the proposed Burnaby Lake Regional Park which are being provided in response to the request made by Alderman Mercier at the April 19, 1971 Council meeting.

12. Re: Mobile Home Park Fee Act.

Under date of 16 April 1971 the Assistant Deputy Minister of Municipal Affairs has written as follows:

"Re: Repeal of Section 458LL, Municipal Act.

Section 37 of Bill 100, being An Act to Amend the Municipal Act, repeals section 458LL under which municipalities were empowered to impose mobile home occupancy fees. The effective date of repeal is April 2 and in the Department's view any bylaw imposing occupancy fees is unenforceable

Session of the Legislature but this Act has not as yet been proclaimed and is therefore not in force at this time.

Some question has arisen with respect to the fees paid for the month of April. It is recommended that no fees be charged for the month of April and that the municipal Collector advise each mobile home park operator within the Municipality to refund to the tenant any fee actually collected for that month.

You will be advised in due course when the Mobile Home Park Fee Act is to become effective."

We haven't any choice but to discontinue charging fees under Bylaw No. 5764, Burnaby Mobile Buildings Occupancy Fee Bylaw 1970. Section 458LL of the Municipal Act which gives authority to Bylaw No. 5764 has been repealed and as stated above, Bill No. 78, Mobile Home Park Fee Act has not yet been proclaimed.

Continued.....

12. Re: Mobile Home Park Fee Act. (Cont'd)

The schedule of rates contained in Section 458LL was as follows:

| <u>Area of Mobile Building</u> | <u>Monthly Occupancy Fee</u> |
|---|--------------------------------------|
| 900 square feet or more | \$10.00 |
| 800 square feet or more but less than 900 sq. ft. | 9.00 |
| 700 square feet or more but less than 800 sq. ft. | 8.00 |
| 600 square feet or more but less than 700 sq. ft. | 7.00 |
| 500 square feet or more but less than 600 sq. ft. | 6.00 |
| 400 square feet or more but less than 500 sq. ft. | 5.00 |
| 300 square feet or more but less than 400 sq. ft. | 4.00 |
| Less than 300 square feet | nil |

The rates shown in Bill 78 are:

| <u>Class</u> | <u>Area Occupied By Mobile Home</u> | <u>Rate</u> |
|--------------|--|------------------|
| 1 | 1,000 square feet or more | \$8.00 per month |
| 2 | 500 square feet and less than 1,000 square feet | 5.00 per month |
| 3 | Less than 500 square feet | 3.00 per month |

In Burnaby's case this charge, as and when Bill 78 is proclaimed, will result in more, not less, revenue for the reason it will permit the taxing of units that currently are exempt because of small floor area. Currently 81 trailers pay a total of \$443.00 per month. Under Bill 78, 153 trailers will pay \$537.00. In the meantime, of course, we are losing \$443.00 in revenue for each month Bill 78 remains unproclaimed.

It is recommended that Council authorize the discontinuance of charging of fees under Bylaw No. 5764, Burnaby Mobile Buildings Occupancy Fee Bylaw 1970. It is to be hoped that the Bill will be proclaimed momentarily.

13. Re: Opportunities for Youth.

The Parks and Recreation Administrator advises that on April 20, 1971, he received a telephone call from Mr. Ian Munroe of the Secretary of State Department in Ottawa. Mr. Munroe called in reply to Mr. Wilkinson's letter of April 1st. Mr. Munroe has advised him that no payments will be made

to organizations employing young people with disabilities. It is Mr. Wilkinson's understanding from his conversation that payment will be made directly to such organizations.

Mr. Munroe did indicate that they are open to negotiation and he suggested that the submission which Burnaby has made might well form the basis for projects provided they were undertaken, organized, administered, and supervised by the young people themselves. Mr. Wilkinson is now of the opinion that there is little or no chance of us obtaining direct financial help through this programme although there is some possibility that volunteer agencies might be encouraged to do work of value to the municipality.

14. Re: 6600 Block Halifax Street.

At the Council meeting of March 29, 1971, Alderman McLean raised the question of the elevation of the sidewalks in relation to the pavement and surroundings in the above block and requested a report on this design from the Engineer.

The Engineer advises that prior to engineering design proceeding for upgrading this street from a 20' interim strip standard of pavement to a finished standard of 36' pavement with curb sidewalks, it was established by Benkelman Beam readings that the existing pavement and road base were satisfactory without further excavation and compaction being required.

Continued....

14. Re: 6600 Block Halifax Street. (Cont'd)

Designing to this existing pavement with an overlay of 3" of asphalt laid on the existing pavement, brought the proposed curb sidewalk face approximately 9" above the former asphalt grade.

Although the sidewalks are at an elevation that may appear high, this method of improvement was chosen so as to improve the street in the most economical method possible.

With boulevard levelling and clean-up completed, we are sure the street will be satisfactory in appearance and function.

For Council's information, we attach a cross-section sketch of this street detailing the alterations in elevations.

15. Re: Subdivision Reference No. 20/70 - Friesen.

On April 19, 1971, Council agreed to share in the servicing costs of the above referenced subdivision to the extent of \$1,000.00 towards road and water installation on Morley Street. In addition it was agreed that Mr. Friesen would gain title to the portions of the Sixth Street R/W that form part of lots 6 and 7 indicated on the attached Sketch 1.

Mr. Friesen has now advised us that he wishes to proceed with the subdivision on this basis and the Planning Department are today providing him with an up-to-date preliminary approval based on the Sketch 1 layout.

In order to achieve this subdivision and the future subdivision of Corporation land to the east it will be necessary to cancel a portion of the unconstructed Sixth Street right-of-way and a fraction of Berkley Street as outlined on the attached Sketch 2. The preparation of the necessary survey plan to accompany a road closing bylaw will be the developer's responsibility. That portion of the cancelled right-of-way that will not form part of lots 6 and 7 will be consolidated with Corporation lot 286, D.L. 87 and 90, Plan 35983.

In addition it will be necessary to acquire a small dedication from Corporation property Block "F", D.L. 90, Plan 3244 to achieve the approved re-alignment of Berkley Street shown on attached Sketch 3.

It is therefore recommended that Council give authority for:

2. The dedication of the portion of Block "F" for the Berkley Street re-alignment shown on Sketch 3.
3. The consolidation of a portion of the cancelled Sixth Street right-of-way with Corporation lot 286 as indicated on Sketch 1.

16. Re: Rezoning Bylaw Amendment Procedure.

The Planning Department is continuing the process of implementing Council's policy regarding long outstanding rezoning applications. The Department has now advised that the expiry date of a number of outstanding rezoning Bylaws has passed. Attached you will find the following:

1. A list of Bylaws which have expired and for which we have received no reply from the applicant to our letter informing him of the expiry date. It is recommended that these Bylaws be withdrawn.
2. A list of Bylaws which have been abandoned by the applicant since being notified of the expiry date. It is recommended that these Bylaws be withdrawn.
3. A list of Bylaws for which we have either received a request for extension or on which considerable progress has been made toward the completion of the prerequisites. It is recommended that extensions be granted to allow the prerequisites to be completed. It is felt that a review of the applications in this category after 90 days would be appropriate.

Continued.....

17. Re: Proposed Equestrian Centre at the east end of Burnaby Lake on property known as a Portion of Lot 4, Block 3, D.L. 14, Group 1, Plan 3047, N.W.D.
Item 17, Manager's Report No. 27, 1971 (Supplementary)
Council Meeting April 19, 1971.

The following requests were received in connection with the above:

- "1. That the Burnaby Parks and Recreation Commission request the Municipal Council (Engineering Department) to increase the water service along Avalon Avenue from 2" to 6" at no cost to the Commission or the Horsemen's Association.
2. That the Commission request the Municipal Council to set the taxes on the property in keeping with those set on other non-profit recreational developments.
3. That the Commission request the Engineering Department to rough grade a road on the Christie road allowance."

The following comments are made in connection with the above:

1. The Parks and Recreation Administrator advises that the water service should be increased from 2" to 6" because:
 - a) the long range plan for the facility calls for five - 20 horse stables, each with lavatory accommodation for horse owners, water for the maintenance of horses and the washing of the stable and a fire hose in each.
 - b) an isolation building to accommodate two or three horses with similar water service requirements is to be constructed.
 - c) a caretaker's cottage is to be constructed.
 - d) lavatory facilities for members and the public are to be constructed.
 - e) an indoor riding ring is to be constructed in the very long range plan which would require fairly elaborate fire fighting and lavatory equipment.
 - f) two fire hydrants are needed to protect these facilities.

This long term plan was worked out by the Park Planner in co-operation with the Burnaby Horsemen's Association and water requirements were determined in consultation with the Health and Fire Departments. Finally, discussion with the Municipal Engineer established the need for a 6 inch service to provide for the long term development as out-

main on Avalon Avenue from the existing 8" diameter main on Cariboo Road to the East property line of the site to be \$6,450.00 which includes the installation of two hydrants. The new main will replace approximately 400 feet of existing 2" diameter main on Avalon Avenue that presently serves approximately 6 houses and would not be required to just water the horses. It is required for the proper fire defence of the proposed development and the area.

Does Council wish to authorize this work and where is it to be charged?

2. The tax request is made by the Commission because it is concerned that enforcement of provisions of the Municipal Act which require the payment of taxes on leased property will result in the Horsemen's Association requesting an annual grant in lieu of taxes. The Parks and Recreation Administrator states that he is aware of a lease with a community association (Capitol Hill Ratepayers' Association) which does not pay taxes because their activities were construed to be an extension of the Municipality's recreation program. In checking with the Assessor it is found that the lease (of which incidentally he was never made aware) was for 1960 only and in his opinion was illegal then. Apparently no such lease exists today.

If Crown lands are held or occupied by persons or associations, they are liable to taxation (Section 335 and 336 of the Municipal Act). Council may, each year, pass bylaws to exempt certain properties from

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17. Re: Proposed Equestrian Centre at the east end of Burnaby Lake (Cont'd)

2. (Cont'd)

taxation under the authority of Section 328. Council may grant aid to certain organizations (Section 202).

There have been a number of staff discussions, by memo, of the interpretation of Section 328 respecting a number of different organizations. The best guide is one respecting "Boy Scouts and Y.M.C.A." written by W. Stirling, dated September 22, 1969. The Solicitor's view was that these two organizations could be given exemption if Council wished. (Council subsequently did agree to grant exemption to both organizations.)

It is difficult to include the Burnaby Horsemen's Association in the same class as the Y.M.C.A. and Boy Scouts; and so, to date, when assistance has been given to the Horsemen it has been through a grant under Section 202.

The Treasurer advises that the taxes for the last couple of years for the Horsemen's Association have not been paid but they have either been written off or a grant has been given. The Association did pay taxes at one time but the fact is that it has paid very little in rentals and taxes on the leases that it has had to date. In this respect the history is as follows:

"In October 1967 Council authorized the leasing of a portion of municipally-owned land together with a barn located on the southwest corner of Gilpin Street and Sperling Avenue. The area leased was 2.34 acres and the lease required payment of an amount equal to 1/12th of the annual taxes payable on the first day of each month.

For some reason, the Assessor was not informed of the lease and the property was not placed on the assessment and tax rolls in the years 1967 and 1968. Notwithstanding, the lease was unreasonable in any event, for we could scarcely hope to collect from such an organization, full property taxes plus a similar sum in rental.

During 1968 and 1969 the Corporation made grants to the Society totalling \$677.00 and they paid rentals totalling \$743.04 to the Corporation.

On 7th July, 1970, Council authorized a Notice of Termination of the lease to be sent to the Association for the reason that the Head-

Site, located with a view to building a Fire Hall site.

The taxes they should have paid in the years 1969 and 1970 were \$259.53 and \$297.75 respectively.

The rental ledger was closed on 20 July, 1969.

In total, they have paid the Corporation out of their own pockets, the sum of \$66.04 for approximately 3½ years tenancy."

The question would appear to be, "Is Council prepared to consider an annual grant to this Association?" There is not much indication that the Association can or will pay taxes and it would appear that the Commission is suggesting that it should not be required to do so. There is no doubt that it is taxable and this will have to be one of the terms of the lease. It would be desirable to let the Association know where it stands in this respect as far as the future is concerned. Council's direction is requested in this respect.

3. As for the opening of Christie Road Allowance, the Commission has been subjected to a good deal of pressure by the residents of the Avaton Avenue area who have opposed the establishment of the equestrian facility in this area. The Commission has made a sincere attempt to develop a compromise which would permit the facility to be operated with the

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17. Re: Proposed Equestrian Centre at the east end of Burnaby Lake (Cont'd)

3. (Cont'd)

minimum inconvenience to the Avalon residents. One of the points of objection has been the probability of increased horse traffic on Avalon and at the Commission's request horse traffic has now been prohibited on Avalon. In order for the horsemen to ride from the stable site to the trail system east of Cariboo Road, it will be necessary to provide a "bridle path" along the Christie Street road allowance. Opening of Christie Street to a minimum standard would allow access to the stable site away from Avalon Avenue and would simplify the problem of access to the building site for the Horsemen's Association. Once the Parks Department's long range land acquisition programme in the area is complete we anticipate that the Christie Street road allowance will be cancelled and incorporated in the overall site. At this time a new access driveway will be provided.

The Engineer advises that a bridle path built on a gravel base approximately 20' in width with a surface of hog fuel would cost approximately \$6,900 (assuming some clearing and attempting to spare evergreens).

Does Council wish to authorize this work, and if so, where is it to be charged?

18. Re: Local Improvement Surface Works - Government Road
Between Piper Avenue and Brighton Avenue.

1. At the meeting of Council last Monday the question was asked if the three components of the Local Improvement could be put as one work, i.e.
 - a) Pavement widening to 36 feet.
 - b) Curbs both sides (and presumably gutters).
 - c) A 5½-foot sidewalk - 2/3's of the cost shareable by abutting owners, 1/3 shareable by owners on the opposite side of the street.

Section 579 of the Municipal Act contains the following definition of a curb:

"Curbing" includes a curbing of any material in or along a street whether constructed in connection with or apart from the laying down of a pavement or a sidewalk, or with or without a projection for the purpose of a gutter.

(We presume from this that if a curbing is formed by a curb sidewalk then the sidewalk and curb can be considered as one, but if a curb and gutter is laid and a separate sidewalk alongside then this must be considered two works.)

Section 581 (1) provides that:

"Any other works hereinafter mentioned may be undertaken by bylaw by the Council of a City, Town or District municipality on the initiative of the Council, or by petition, as a Local Improvement, that is to say,

- (e) constructing a curbing or a sidewalk in, upon, or along a street or streets, including retaining walls incidental thereto;"

Both these authorities in the opinion of the Clerk and Manager indicate that a sidewalk must be initiated as a separate work (unless it be curb sidewalk) and cannot be grouped with other surface works. Furthermore, the shareable feature of these particular works would indicate that a sidewalk should be initiated as a separate work. The Solicitor shares this view in this respect.

18. Re: Local Improvement Surface Works - Government Road (Cont'd)

2. The description of the work on Government Street between Piper and Brighton would be: Curb and gutters both sides with widening to 36' of pavement and a 5½' concrete walk abutting the north curb and gutter. The length of the work is 3,900 feet. Drainage costs - \$36,000.00, Surface works costs - \$117,000.00, for a total of \$153,000.00

In addition to the above-named costs, which are directly related to the proposed local improvement, there is a \$7,000.00 estimate of the cost of constructing a storm drainage outlet on Brighton Street from Government Street to Winston.

The Engineering Department has reviewed the problem of trees in this area and find that if we were to propose a 4 foot separated walk located on the north boulevard in the usual offset, 4 feet from the north property line, it would result in the destruction of approximately 35 quite large trees, plus numerous other trees along the property, which might suffer because of root disruption. The proposal to place the 5½' walk abutting the north curb would result in the disruption of approximately 11 trees.

In considering the possibility of putting the walk abutting the south curb, the Engineer advises we would become involved with the relocation of 28 poles to move them out of the sidewalk area, and there would also be a problem of approximately 16 ornamental trees in front of two houses, which would require moving. The existing separate walk between Phillips and Piper is already located on the north side of the street, the school is on the north side of the street and there is a severe problem of grades with driveways to the south side of the street, with some grades already at acceptable maximum with one as steep as 24%. To offset the street further to the south or place the walk abutting the south curb would further aggravate these driveway problems.

For the foregoing reasons, the Engineer has confirmed his recommendation that the 5½ foot walk be placed adjacent to the north curb and that the work be initiated as one unit with no possibility of the walk being approved and not the remainder of the project.

In conclusion, there is no way that the work can be re-advertised as one unit if the sidewalk is going to be shared from side to side. We could, however, re-advertise the portion from Piper to Brighton in 2 parts and make one contingent on the other. It is still recommended that no further action be taken on this work until later on in the year.

19. Re: Valuation of remainder of "B", Sketch 2645, Parcel "A",
Sketch 10015, Block 1E½, D.L. 162, Plan 5452.
Mr. F. Nestel, communication No. 5(h) on Council Agenda, April 19, 1971.

Further to Item 7 in this report, the following is the background information provided by the Planning Department:

"According to the Planning Department's records, Mr. Nestel made application for Preliminary Plan Approval for an equipment shed on Parcel "A", Explanatory Plan 10015, in December of 1967. As the property experiences dual zoning - R2 Residential and M3 Heavy Industrial and as the Zoning Bylaw prohibits the establishment of dual use on residentially-used properties in such cases, the application could not be approved, and was subsequently cancelled.

Mr. Nestel next applied for siting approval for a new equipment shed within the industrially-zoned area, on September 8, 1970, although there is no record of any application for a building permit as claimed in his letter. On September 17, application was received for subdivision of the properties to create two new residential lots and to segregate the residential portion of the site from the industrial portion, leaving an access to the industrial site from Marine Drive. On November 2, the applicant was notified that preliminary subdivision approval for the two residential lots had been granted, with the remainder of the site to be

Continued....

19. Re: Valuation of remainder of "B", Sketch 2645, Parcel "A",
Sketch 10015, Block 1E½, D.L. 162, Plan 5452. Mr. F. Nestel (Cont'd)

acquired by the Corporation for park use. Negotiations for the acquisition were subsequently commenced, and on November 17 the plans submitted in support of the application for siting approval were returned to Mr. Nestel, with a letter advising that, since the industrially-zoned land in question was being recommended for acquisition as reported in the earlier letter, the industrial plans were no longer required. A further letter from the Planning Department, dated December 16, 1970, confirmed the consideration of creating the residential lots, but noted the Department's understanding that negotiations for the acquisition of the balance of the property were still underway.

Subsequent to this, the Land Agent advised the applicant in a letter dated March 2, 1971, that negotiations would be temporarily suspended due to a lack of funds for land acquisition at that time."

20. Re: 1971 Mosquito Abatement Short Course.

In connection with the above, it is recommended that Mr. George Armson, Chief Public Health Inspector, and possibly one other delegate, be authorized to attend this Course.

21. Re: Estimates.

Submitted herewith for your approval is the Municipal Engineer's report covering Special Estimates of Work in the total amount of \$125,400.00.

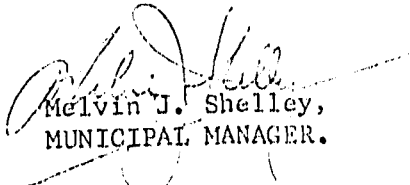
It is recommended that the estimates be approved as submitted.

22. Re: Temporary Quarters for Library Purposes.

Attached you will find a copy of a report dated April 22, 1971, from the Treasurer to the Manager regarding the above, contents of which are self-explanatory.

It is recommended that a lease be signed with Lake City Industrial Corporation Limited to rent the space outlined at the rate of \$1.92 per square foot for a 5 year period with an option to renew for a further 5 years at a rate to be negotiated.

Respectfully submitted,


Melvin J. Shelley,
MUNICIPAL MANAGER.

MJS:ep

Attachs.