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CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 423.

A BY-LAW establishing areas and classifications for building restrictions, and fixing building lines.

WHEREAS it is expedient and in the interest of the public health, safety and convenience to establish areas and classifications for building restrictions and to fix building lines within the area contained in District Lot One Hundred and Twenty-three (123) and portions of District Lots One Hundred and Twenty-two (122) and One Hundred and Twenty-four (124) Group One (1), in the Municipality of Burnaby, and bounded on the North by Parker Street, on the East by Delta Avenue, on the South by Douglas Road, and on the West by Queens Avenue.

NOW THEREFORE the Municipal Council of the Corporation of the District of Burnaby enacts, as follows:-

1. In this By-law, unless the context otherwise requires:-

"BUILDING", shall not include the steps to a building.

"LOT", shall mean any one of the portions or subdivisions into which a block of land has been divided.

"CORNER LOT", shall mean a parcel of land at the intersection of two streets.

"PRIVATE GARAGE", shall mean one in which no business, service or industry connected directly or indirectly with motor vehicles, is carried on.

"PUBLIC GARAGE", shall mean any garage not included in the definition of "Private Garage".

2. For the purpose of this By-law that portion of the Municipality of Burnaby within the area contained in District Lot One Hundred and Twenty-three (123) and portions of District Lots One Hundred and Twenty-two (122) and One Hundred and Twenty-four (124), Group One (1), in the Municipality of Burnaby, and bounded

on the North by Parker Street, on the East by Delta Avenue, on the South by Douglas Road, and on the West by Queens Avenue, shall be considered to be and is hereby divided and classified into areas as follows:-

(a) "Residential Areas" are those portions of said Municipality not shown colored red on the plan attached hereto and hereby incorporated herewith.

(b) "Commercial Areas" which are those portions of said Municipality shown colored red on said plan.

3. The said areas are hereby declared, established and defined as "Residential" and "Commercial", respectively.

4. No person shall erect or maintain a building within any of said residential areas for any purpose other than that of a private dwelling house, with or without stables, private garages, coach houses, green houses and necessary out buildings or a building in which the occupant has an office as a Physician, Surgeon, Lawyer, Dentist, Artist or Musician, or a church, school, library, public museum, philanthropic or eleemosynary institution (other than a correctional institution) railway passenger station, nursery, green house, barn, or a club, (other than one where the chief activity is a service carried on as a business) or any other building the use of which is necessary, customary or incident to the use of any of the foregoing buildings.

5. No person shall erect, maintain or occupy a factory, or warehouse or a building, partly one and partly the other, within any of said Residential or Commercial areas.

6. No person shall erect a public garage, public stable, shop or store, or a building partly one and partly another, or any apartment or tenement-house within any of said Residential areas.

7. No person shall erect a building on any parcel of land within any of said Residential areas at a lesser distance from the street or road upon which said parcel fronts than twenty per cent of the depth of said parcel, except where such parcel exceeds One Hundred and Fifty (150) feet in depth, in which case the building

shall be not less than Thirty (30) feet from the street line.

8. In the case of corner lots within a residence area the building line, defined in Section Seven (7), shall be adhered to on the side of the lot known as the front, or smallest measurement of such lot in accordance with the original plan on file in the Land Registry Office on and prior to the coming in force of this By-law, provided that where any lot extends from one street to another street it shall be deemed to front on both streets.

9. No person shall keep or maintain within any of the said Residential areas more than One Hundred (100) head of poultry or more than one (1) cow or more than two (2) goats, and no person shall keep or maintain within any of the said Residential areas any ducks, geese, he-goats or swine.

10. No person shall within the said Residential areas, erect any private garage unless and until the location thereof has first been approved by the Municipal Engineer.

11. Not more than one residence with its appurtenant buildings shall be erected on any lot within any of the said Residential areas as shown on the plan attached to this By-law, or on any subdivision of any lot as shown on the plan attached to this By-law.

12. No person shall within the area defined by Section Two (2) of this By-law carry on any noxious or dangerous manufacture.

13. No person shall within the area defined by Section Two (2) of this By-law erect or use any building with inadequate sanitary arrangements.

14. Where any building other than a dwelling house has been heretofore erected within a residence district, the erection or construction of such building or structure other than a dwelling-house shall not alter such district, but such district and the building line shall be adhered to in all future buildings or structure.

15. In the Commercial area, where on the coming into force of this By-law, no stores are established, the building line shall

not be less than forty (40) feet back from the centre line of the street.

16. No existing building of a kind, type or use not permitted to be erected by this By-law in the area in which the same is located shall be enlarged, extended, reconstructed or structurally altered unless thereby such building is altered to a kind, type or use permitted by this By-law in the said area. If at any time any building now erected and not conforming to the requirements of this By-law as to the area in which it is situated shall be destroyed by fire, explosion, act of God or otherwise to the extent of more than Seventy-five (75) per cent of its assessed value such building shall not be repaired, reconstructed or rebuilt save only to be used for a purpose permitted by this By-law in said area.

17. The Council may at any time by a vote of two-thirds of the whole Council waive compliance with any of the provisions of this By-law on good cause being shown and shall have power with a like vote to determine any dispute arising out of the provisions of this By-law.

18. Any Justice of the Peace, Police Magistrate, or other Court before whom a prosecution is had for an offence against this By-law, may convict the offender on the oath or affirmation of any credible witness, and shall impose on the offender a penalty of an amount not exceeding One Hundred (\$100.00) Dollars and also the costs of the prosecution, and shall by his conviction after adjudging payment of such penalty and costs order and adjudge that in default of such payment forthwith, the same be levied by distress and sale of the goods and chattels of the offender, and, if sufficient distress cannot be found, that the offender be imprisoned in the common gaol for any period not exceeding one month and with or without hard labour, unless such penalty and costs, and also costs of the committal and conveyance to gaol are sooner paid.

19. If the owner shall fail to pull down and remove any building which shall have been constructed or placed in contravention of any of the provisions of this By-law after having been given five

(5) days' written notice thereto by the Municipal Engineer or Building Inspector, as the case may be, the said Engineer or Building Inspector is hereby authorised to pull down and remove said building at the expense of the owner of the real property upon which the same is situate, and all charges for such work shall in default of such payment, form a lien and charge upon the said real property, having preference over any claim, lien, privilege, or encumbrance of any party except the Crown, and shall be collectable with interest at the rate of Eight (8) per cent per annum in the same manner and with like remedies as ordinary taxes on real property are collectable under the "Municipal Act". This remedy shall be independent of and in addition to the remedy of prosecution as above provided.

20. The Municipal Engineer and the Building Inspector, their assistants and workmen are hereby authorised to enter at all reasonable hours upon any property which is subject to the restrictions and regulations contained in this By-law, for the purpose of ascertaining whether said restrictions and regulations have been or are being kept and obeyed and of carrying the same into effect, and also for the purpose of carrying out the work authorised in the next preceding section.

21. This By-law may be cited as "BURNABY TOWN PLANNING BY-LAW, NO. 2, 1924."

DONE AND PASSED in open Council this Eighteenth (18th) day of February, 1924.

RECONSIDERED and finally passed this Twenty-fourth (24th) day of March, 1924.



*A. McLean*  
REVE.

*Arthur G. Moore*  
CLERK.

I, Arthur G. Moore, Clerk to the Municipal Council of the Corporation of the District of Burnaby, hereby certify that the foregoing is a true copy of a By-law passed by the Municipal Council on the Twenty-fourth (24th) day of March, 1924.

*Arthur G. Moore*  
CLERK.