

C

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO.482

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

WESTMINSTER  
FEB 17 1925  
REGISTRY

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 those portions of the Municipality of Burnaby within the area contained in District Lots Thirty eight (38), Thirty nine (39) Sixty eight (68), Sixty nine (69), Seventy (70), Seventy one (71), Seventy two (72) Seventy three (73), Seventy four (74), Seventy five (75) Seventy six (76), Seventy seven (77), Seventy nine (79), Eighty (80), Eighty one (81), Eighty two (82), Eighty three (83), One hundred and eighteen (118), One hundred and nineteen (119), One hundred and twenty five (125), One hundred and thirty (130), that portion of District Lot Thirty five (35) north of Moscrop Street, and that portion of District Lot One hundred and twenty four (124) south of Douglas Road, and more particularly described as follows: Commencing at the intersection of Moscrop Street and Boundary Avenue; thence North along Boundary Avenue to the North west corner of District Lot One hundred and eighteen (118); thence Easterly along the north boundaries of District Lots One hundred and eighteen (118) and One hundred and nineteen (119) to the North East corner of District Lot One hundred and nineteen (119); thence South along Queens Avenue to the intersection of Douglas Road; thence in an Easterly direction along Douglas Road to the Easterly boundary of District Lot One hundred and twenty four (124); thence Northerly along the Easterly boundary of District Lot One hundred and twenty four (124) to the North east corner of District Lot One hundred and twenty four (124); thence Easterly along the

North boundary of District Lots One hundred and twenty five (125) and One hundred and thirty (130) to Kensington Avenue; thence Southerly on Kensington Avenue to the North Boundary of the Vancouver, ~~Westminster~~, Victoria and Eastern Railway and Navigation Company's right of way; thence in a south-easterly direction to the North boundary of District Lot Seventy seven (77); thence Easterly along the North boundary of District Lot Seventy seven (77) to Sperling Avenue; thence Southerly on Sperling Avenue to the North boundary of District Lot Seventy nine (79); thence Easterly along the North boundary of District Lot Seventy nine (79) to the shore of Burnaby Lake; thence in a southerly direction following the shore of Burnaby Lake to Deer Lake Creek; thence in a south westerly direction along Deer Lake Creek to Deer Lake; thence in a westerly direction along the north shore of Deer Lake to the South boundary of District Lot Eighty three (83) ; thence Westerly along the south boundary of District Lot Eighty three to Royal Oak Avenue; thence Southerly on Royal Oak Avenue to Glen Street; thence Westerly on Glen Street to the South west corner of District Lot Eighty two (82) thence Northerly along the Westerly boundary of District Lot Eighty two (82) to the North west corner of District Lot Eighty two (82); thence westerly along the south boundary of District Lot Seventy two to Mayne Avenue; thence Northerly on Mayne Avenue to Moscrop Street; thence westerly along Moscrop Street to Boundary Avenue; being the point of commencement, and shewn outlined in Blue on plan attached hereto and hereby incorporated herewith.

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 sub-

divisions 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 Lots Thirty eight (38), Thirty nine (39), Sixty eight (68), Sixty nine (69), Seventy (70), Seventy one (71), Seventy two (72) Seventy three (73), Seventy four (74), Seventy five (75), Seventy six (76), Seventy seven (77), Seventy nine (79), Eighty (80), Eighty one (81), Eighty two (82), Eighty three (83), One hundred and eighteen (118), One hundred and nineteen (119), One hundred and twenty five (125), One hundred and thirty (130), that portion of District Lot Thirty five (35) north of Meserop Street, and that portion of District Lot One hundred and twenty four (124) south of Douglas Road, and more particularly described as follows: Commencing at the intersection of Meserop Street and Boundary Avenue; thence North along Boundary Avenue to the North West corner of District Lot One hundred and eighteen (118); thence Easterly along the north boundaries of District Lots One hundred and eighteen (118) and One hundred and nineteen (119) to the North East corner of District Lot One hundred and nineteen (119); thence South along Queens Avenue to the intersection of Douglas Road; thence in an Easterly direction along Douglas Road to the Easterly boundary of District Lot one hundred and twenty four (124); thence Northerly along the Easterly boundary of District Lot One hundred and twenty four (124) to the North east corner of District Lot One hundred and twenty four (124); thence Easterly along the North boundary of District Lots One hundred and twenty five

(125) and One hundred and thirty (130) to Kensington Avenue; thence Southerly on Kensington Avenue to the North boundary of the Vancouver, Victoria and Eastern Railway and Navigation Company's right of way; thence in a south easterly direction to the North boundary of District Lot Seventy seven (77); thence Easterly along the North boundary of District Lot Seventy seven(77) to Sperling Avenue; thence Southerly on Sperling Avenue to the North boundary of District Lot Seventy nine (79); thence Easterly along the North boundary of District Lot Seventy nine (79) to the shore of Burnaby Lake; thence in a southerly direction following the shore of Burnaby Lake to Deer Lake Creek; thence in a south westerly direction along Deer Lake Creek to Deer Lake; thence in a westerly direction along the north shore of Deer Lake to the South boundary of District Lot Eighty three (83); thence Westerly along the south boundary of District Lot Eighty three (83) to Royal Oak Avenue; thence Southerly on Royal Oak Avenue to Glen Street; thence Westerly on Glen Street to the South west corner of District Lot Eighty two (82) thence Northerly along the Westerly boundary of District Lot Eighty two (82) to the North west corner of District Lot Eighty two (82); thence westerly along the south boundary of District Lot Seventy two (72) to Mayne Avenue; thence Northerly on Mayne Avenue to Moscrop Street; thence westerly along Moscrop Street to Boundary Avenue; being the point of commencement and shown outlined in Blue on plan attached hereto and hereby incorporated herewith, 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 or YELLOW 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.

(c) "INDUSTRIAL AREAS" which are those portions of said Municipality shown colored "YELLOW" on said plan.

3. The said areas are hereby declared, established and defined as "RESIDENTIAL", "COMMERCIAL" and "INDUSTRIAL" 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 garage, coach house, greenhouses and necessary outbuildings 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, Greenhouse, Barn or a club (other than a club 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 the 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 the other, 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 less distance than Twenty (20) feet from the street or road upon which such parcel fronts.

8. In the case of corner lots within a residential 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. Provided that the provisions of this section shall not apply to any parcel of land having an area of One(1) acre or more and provided also that no building used for the purpose of keeping poultry on any parcel of land having an area of one (1) acre or more shall be erected at a less distance than Fifty (50) feet from any street or road or from any dwelling house other than a dwelling house belonging to the owner of such parcel of land.

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, provided that the provisions of this section shall not apply to any lot having an area of more than Six thousand (6000) square feet.

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 residential 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 structures.

15. No Cemetery or Burying Ground shall be established or operated within any of the said Residential areas.

16. No person shall erect within any of the said residential areas any close board fence more than five (5) feet in height above the level of the ground.

17. No Veterinary Hospital shall be erected, maintained or operated within any of the said residential areas.

18. No sign-board, bill-board or hoarding shall be erected or maintained within any of the said residential areas of a greater measurement than 36" by 24" and not more than one (1) such sign-board, bill-board, or hoarding shall be erected or placed on any one parcel in any of the said Residential areas and the top of such sign-board, bill-board or hoarding shall not be more than eight (8) feet above the ground level.

19. 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 the 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. Provided that the provisions of this section shall not apply to buildings used for the purpose of keeping poultry situate on parcels of land having an area of One (1) acre or more.

20. The Council may at any time by 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 the Council may by similar vote on good cause being shown revoke any waiver so given in accordance with the provisions of this section.

21. 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.

22. 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 situated, 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, loan, 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.

23. The Municipal Engineer or his duly authorised representative is 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.

24. This By-law may be cited as "Burnaby Town Planning By-law No.5. 1925.

DONE AND PASSED in Open Council this Second (2nd) day of March, 1925.

RECONSIDERED and FINALLY PASSED this Twenty-sixth (26th) day of October, 1925.



*W. McNamee*  
REEVE

*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-sixth (26th) day of October, 1925.

*Arthur G. Moore*  
Clerk: