

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 7388

A BY-LAW to authorize the entering into of an agreement respecting financing between the Municipality and the Regional District of Greater Vancouver.

WHEREAS the Council intends to finance the local improvement works undertaken pursuant to the local improvement construction by-laws numbered 6982, 6983, 6984, 6985, 6988, 7022, 7105, 7200, 7201, 7202, 7204, 7207, 7351, 7352, 7353, 7354, 7355, 7356, 7357, 7358, 7359, 7360 and 7361.

AND WHEREAS for the purpose of a security issuing by-law under Part VI of the Municipal Act, a construction by-law is by subsection (2) of section 603 thereof deemed to be a loan authorization by-law.

AND WHEREAS The Corporation of the District of Burnaby (the "Municipality") is a member municipality of the Regional District of Greater Vancouver (the "Regional District").

AND WHEREAS the Regional District may from time to time finance at the request, cost and on behalf of the Municipality pursuant to the provisions of section 787 of the "Municipal Act", the works to be financed pursuant to the loan authorization by-laws hereinbefore described.

AND WHEREAS the amount of borrowing authorized by the above by-laws, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder and the amount being issued under the authority thereof by this by-law is as shown on Schedules "B" and "C" annexed hereto.

AND WHEREAS such requested financing shall be undertaken through the Municipal Finance Authority of British Columbia by the Regional District.

NOW THEREFORE the Council of The Corporation of the District of Burnaby in open meeting assembled enacts as follows:

1. The Regional District is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Municipality up to but not exceeding Two Million One Hundred and Fourteen Thousand Dollars (\$2,114,000.00) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in United States of America dollars or United Kingdom sterling but the aggregate amount in lawful money of Canada and in Canadian dollar equivalents so borrowed shall not exceed \$2,114,000.00 in Canadian dollars) at such interest and with such discounts or premiums and expenses as the Municipal Finance Authority of British Columbia may deem appropriate in consideration of the market and economic conditions pertaining.

2. Upon completion by the Regional District of financing undertaken pursuant hereto, the Mayor and Treasurer of the Municipality and under its seal shall at such time or times as the Regional District may direct, enter into and deliver to the Regional District one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule "A" and made part of this by-law (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "agreement") providing for payment by the Municipality to the Regional District of the amounts required to meet the obligations of the Regional District with respect to its borrowings undertaken pursuant hereto, provided that the principal amount of the agreement shall not exceed the amount referred to in Section 1.

3. The agreement shall be dated and payable in the principal amount or amounts of monies and in such currency or currencies as shall be borrowed by the Regional District pursuant to Section 1, and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Regional District so as to be consistent with the repayment of monies being borrowed by the Regional District in order to finance the said undertakings of the Municipality as authorized by this by-law.

4. The obligation incurred under the said agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Regional District, and shall bear interest at a rate to be determined by the Treasurer of the Regional District so as to be consistent with the

rate of interest payable on moneys raised by the Regional District in order to finance the said undertakings in the amounts as authorized by this by-law.

5. The agreement shall be sealed with the seal of the Municipality and shall bear the signatures of the Mayor and Treasurer.

6. The obligation incurred under the said agreement as to both principal and interest shall be payable at the principal office of the Regional District and at such time or times as shall be determined by the Regional District so as to be consistent with the repayment of principal together with interest on unpaid amounts of money being borrowed by the Regional District in order to finance the undertakings of the Municipality as authorized by this by-law.

7. During the currency of the agreement issued hereunder to secure the aforesaid borrowings, the annual instalments of principal and interest referred to in section 3 shall be provided in the manner following:

(a) In each of the years one to fifteen inclusive, set out in Schedule "B" annexed hereto, the Municipality's share thereof shall be levied and raised by a special rate sufficient therefor over and above all other rates and taxes on all the taxable land and improvements subject to taxation for general municipal purposes within the Municipality.

(b) In each of the years one to fifteen inclusive, set out in Schedule "B" annexed hereto, the owners' portion thereof shall be levied and raised by a frontage-tax sufficient therefor, over and above all other rates and taxes, upon all the parcels of land benefiting from or abutting upon the works constructed under the provisions of By-Laws numbered 6982, 6983, 6985, 6988, 7022, 7200, 7201, 7202, 7204, 7207, 7351, 7352, 7353, 7354, 7355, 7356, 7357, 7358, 7359, 7360 and 7361, according to the taxable foot-frontage thereof.

(c) In each of the years one to ten inclusive, set out in Schedule "C" annexed hereto, the Municipality's share thereof shall be levied and raised by a special rate sufficient therefor over and above all other rates and taxes on all the taxable land and improvements subject to taxation for general municipal purposes within the Municipality.

(d) In each of the years one to ten inclusive, set out in Schedule "C" annexed hereto, the owners' portion thereof shall be levied and raised by a frontage-tax sufficient therefor, over and above all other rates and taxes, upon all the parcels of land benefiting from or abutting upon the works constructed under the provisions of By-Law numbered 7105, according to the taxable foot-frontage thereof.

8. The Municipality shall provide and pay over to the Regional District such sums as are required to discharge its obligations in accordance with the terms of the agreement, provided however that if the sums provided for in the agreement are not sufficient to meet the obligations of the Municipality, such deficiency shall be a liability of the Municipality to the Regional District and the Council of the Municipality shall make due provision to discharge such liability.

9. The Municipality shall pay over to the Regional District at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to Section 14 of the Municipal Finance Authority of British Columbia Act, to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Regional District on behalf of the Municipality pursuant to the agreement.

10. This By-law may be cited as "BURNABY SECURITY ISSUING BY-LAW NO. 3, 1979".

Read a first time this 3rd day of July, 1979.

Read a second time this 3rd day of July, 1979.

Read a third time this 16th day of July, 1979.

Received the approval of the Inspector of Municipalities this 24th day of July, 1979.

Reconsidered and adopted this 30th day of July, 1979.



*[Handwritten Signature]*  
MAYOR

*[Handwritten Signature]*  
CLERK

SCHEDULE "A"

(By-Law No. 7388)

C A N A D A  
PROVINCE OF BRITISH COLUMBIA

Dollars

A G R E E M E N T

THE CORPORATION OF THE DISTRICT OF BURNABY

The Corporation of the District of Burnaby (the "Municipality") hereby promises to pay to the Regional District of Greater Vancouver (the "Regional District") the sum of

in lawful money of Canada, United States of America or United Kingdom together with interest thereon from the            day of            19            at the rate of            per centum per annum, calculated (annually/semi-annually) in each and every year during the currency of this agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the day of            19            , provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Regional District undertaken on behalf of the Municipality, the Municipality shall pay over to the Regional District such further sums as are sufficient to discharge the obligations of the Municipality to the Regional District.

IN TESTIMONY WHEREOF and under the authority of By-Law No. 7388, cited as "Security Issuing By-Law No.3, 1979", this agreement is sealed with the Corporate Seal of The Corporation of the District of Burnaby and signed by the Mayor and Treasurer thereof.

In pursuance of the "Municipal Act", I hereby certify that the within agreement has been lawfully and validly made and issued and that its validity is not open to be questioned on any ground whatever in any of the Courts of the Province of British Columbia.

\_\_\_\_\_  
MAYOR

DATED this            day of            1979.

\_\_\_\_\_  
TREASURER

\_\_\_\_\_  
Inspector of Municipalities of British Columbia

SCHEDULE "B"

<u>By-law No.</u>	<u>Amount of Borrowing Authorized</u>	<u>Amount Already Borrowed</u>	<u>Borrowing Authority Remaining</u>	<u>Term of Issue</u>	<u>Amount of Issue</u>
6982	\$ 121,807.00	\$ 105,336.00	\$ 16,471	15 yrs.	\$ 16,471
6983	188,786.00	164,808.00	23,978	15 yrs.	23,978
6984	91,818.00	65,520.00	26,298	15 yrs.	26,298
6985	74,618.00	66,400.00	8,218	15 yrs.	8,218
6988	146,162.00	133,952.00	12,210	15 yrs.	12,210
7022	49,250.00	38,984.00	10,266	15 yrs.	10,266
7200	51,067.00	50,880.00	187	15 yrs.	187
7201	170,062.00	158,592.00	11,470	15 yrs.	11,470
7202	48,830.00	32,480.00	16,350	15 yrs.	16,350
7204	145,820.00	145,600.00	220	15 yrs.	220
7207	2,784.00	2,004.00	780	15 yrs.	780
7351	131,430.00	nil	131,430	15 yrs.	105,144
7352	70,350.00	nil	70,350	15 yrs.	56,280
7353	45,200.00	nil	45,200	15 yrs.	36,160
7354	218,860.00	nil	218,860	15 yrs.	175,088
7355	241,630.00	nil	241,630	15 yrs.	193,304
7356	186,700.00	nil	186,700	15 yrs.	149,360
7357	30,250.00	nil	30,250	15 yrs.	24,200
7358	77,220.00	nil	77,220	15 yrs.	61,776
7359	750,100.00	nil	750,100	15 yrs.	600,338
7360	629,500.00	nil	629,500	15 yrs.	503,600
7361	81,312.00	nil	81,312	15 yrs.	65,050
	<u>3,553,556.00</u>	<u>964,556.00</u>	<u>2,589,000</u>		<u>2,096,748</u>

SCHEDULE "C"

7105	<u>321,966.85</u>	<u>304,714.85</u>	<u>17,252</u>	10 yrs.	<u>17,252</u>
					<u>\$2,114,000</u>