

Monday - June 26th 1950

An adjourned meeting of the Council was held at the Municipal Hall, Edmonds on Monday, June 26th 1950 at 7:35 P.M.

Present: Reeve Beamish in the Chair, Crs: Wilks, Philps, Isherwood, MacSorley, Armstrong, Stephens and Drummond.

Secretary, Treasurer, Burnaby School Board wrote advising the sum of \$3,028.00 had been released from the sale of the former Barnet School, against which there was no debenture debt outstanding, which sum was being held in trust by the Corporation. The writer requested that the Council give approval to the expenditure of this money, advising that pursuant to the provisions of Clause "D", Sub-section I of Section 46 of the Public Schools Act, representations had been made to the Council of Public Instruction, from which body authority for this expenditure had been received.

The Board proposed to spend the money as follows:-

Lots 30, 31, 32 of Block 21, D.L. 68	
Full purchase price -	\$1,200.00
Lot 11, Block 21, D.L. 68 - full purchase price	250.00
Lots 28, 29, Block 21, D.L. 68 - full purchase price	600.00
Lot 51, D.L. 132 adjoining the Lochdale school site - purchase price	600.00
	<u>\$2,650.00</u>
Heating of Sperling School Playroom	\$756.00
Gess: 50% Dept. of Education	<u>378.00</u>
TOTAL	<u>\$3,028.00</u>

Moved by Cr. Philps, Seconded by Cr. Isherwood: "That authority be granted for the expenditure of \$3,028.00 released from the sale of the old Barnet School, in the manner as set out by the Board of School Trustees."

Carried Unanimously

Moved by Cr. Isherwood, Seconded by Cr. Stephens: "That authority be granted to execute agreement with the Commissioner, B.C. Provincial Police, respecting policing of the Municipality for the year 1950, that the Reeve and Clerk be authorized to sign the said agreement, and the Corporate Seal be affixed thereto."

Carried Unanimously

Special Committee appointed to consider the report of the Clerk with respect to Antrim Avenue, and Lot "B", Block 24, D.L. 98, submitted recommendation that the said Lot "B" be conveyed to the Burnaby School Board for school purposes, advising that as the School Board was the owners of part of Block 25, D.L. 98 which property was divided from said Lot "B" by Antrim Avenue, it would be possible for the School Board to take proceedings under the Plans Cancellation Act to cancel the road allowance, upon which no road had been constructed, thereby consolidating the part of Block 25 and Lot "B" into one parcel, recommending further that no objection be entered against the cancellation of the road allowance of Antrim Avenue.

Moved by Cr. Philps, Seconded by Cr. Isherwood: "That the recommendation of the Committee be adopted."

Carried Unanimously

Special Committee appointed to consider the matter of disposition of the building situate on Blocks 19&20, D.L. 126 reported having inspected the premises, advising that in the opinion of the Committee the building was not suitable for conversion to a Community Hall, due to the depreciation and non compliance of the foundation and super structure, with the building regulations was evident, and recommending that the building be completely demolished and that tenders be invited for the complete removal of all the buildings on the property.

Moved by Cr. Armstrong, Seconded by Cr. MacSorley: "That the recommendations of the Committee be adopted."

Carried Unanimously

Committee of the Whole Report

Your Committee met on Monday, June 19th 1950 and recommend that the following resolutions be submitted to the Union of B.C. Municipalities Convention.

1. That the provisions of Sections 477 and 478 of the Municipal Act be made applicable to any Municipality who may desire to adopt same. (Provisions of these sections apply at present only to the City of New Westminster)
2. Whereas Section 87 of the Municipal Elections Act - paragraph (2) as enacted at the 1950 session reads in part:
"In case of the death or resignation of a Mayor, Reeve, Alderman, or Councillor, or upon his ceasing to hold the qualification prerequisite to nomination as a candidate ----- his office shall ipso facto be deemed to be vacant."

And Whereas some doubt exists as to what constitutes "ceasing to hold the qualifications prerequisite to nomination. Therefore be it resolved that the Provincial Government be requested to clarify this section.

Note: A person qualifies for Municipal office on certain property, and during the term of office he disposes of his property and acquires other property of sufficient value to qualify him or her to hold office but under the provisions of Sections 17, 18, 20 and 21 it is a requirement

that the property upon which a person may qualify must be registered in the Land Registry Office for six months prior to date of nomination. In the circumstances above referred to the person would not be able to qualify as he would not have held the new property long enough to meet the requirements of the Act.

3. Whereas Section 87 (2) of the Municipal Elections Act as enacted at the 1950 Session now provides that a person shall not be deemed to "cease to hold the qualifications prerequisite to nomination of the property upon which he or she qualified is expropriated by competent authority":

And Whereas property upon which a Mayor, Reeve, Alderman or Councillor qualified may be expropriated by a competent authority within six months of the date of the next succeeding nomination day and although the provisions of the section would not permit of the disqualification for the balance of the term for which said office holder was elected it would not be possible for such office holder to qualify for the next term due to the provisions of Sections 17, 19, 20 and 21, as there would be sufficient time for him to acquire other property. Therefore be it resolved that the Provincial Government be requested to further clarify this situation.

4. Whereas there is no provision in the Municipal Act, whereby a Municipal Corporation has the right to tax companies operating busses within a Municipality other than the provisions of subsection 141 of Section 58 AND WHEREAS the provisions of sub-section (e) of Paragraph 2. of Section 239 provides for the taxation of Street Railway Companies on the basis of street-car fares collected. Therefore be it resolved that the Provincial Government be requested to enact legislation to provide for taxation on bus companies on the same basis.

5. Whereas from time to time clerical errors occur in the compilation of the Municipal Assessment Roll, the Collectors Roll or in making out Tax Notices. And whereas there is no provision in the Municipal Act whereby such errors can be corrected except by a petition under the provisions of Section 534 of the Municipal Act.

Therefore be it resolved that the Provincial Government be requested to enact legislation conferring upon a Municipal Council power to correct manifest or clerical errors.

6. Whereas under the provisions of paragraph (c) of Sub-section (1) of Section 22 of the Municipal Act a person is disqualified from holding the office of Mayor, or Alderman, Reeve or Councillor, or Controller of any Municipality if he has by himself or through his partner, any contract whatever or interest in any contract with or for the municipality, or the Board of School Trustees of the Municipal School District in which the municipality is comprised, either directly or indirectly, other than a contract entered into under the provisions of the "Better Housing Act" or a contract for the purchase of water, water-power, electric light, electric power or telephone service. And whereas the provisions of this section disqualifies a School Teacher employed by the School District from holding office in a Municipality which comprises the said School District.

Be it therefore resolved that the Provincial Government be requested to enact amending legislation to remove this disqualification.

7. re: Trades licenses:

Whereas sub-section 34 of Section 328 reads:

"From any person carrying on the business of a plumber, domestic, heating, or sanitary engineer, building contractor, or electrical contractor, a sum not exceeding twenty dollars for every six months"

And whereas it appears that this sub-section contains a clerical error in that a comma appears after the word "domestic" in the second line.

Be it therefore resolved that the Provincial Government be requested to amend this sub-section to eliminate the said comma.

Whereas sub-section 36 of said Section 328 reads as follows:

"From every person who carries on the business of a garage for the sale or storage of automobiles etc" And whereas this sub-section as worded conflicts with sub-section 16 and 17.

And whereas it appears that this section should read "From every person who carries on the business of a garage for the sale or storage of automobiles, etc."

Be it therefore resolved that the Provincial Government be requested to amend this section by changing the word "ee" in the second line to the word "ef".

Whereas sub-section 39 of said Section 328 provides for a special fee for trucks used for the delivery of gasoline and oils to service-stations, based on weight. And whereas numerous trucks are in use who deliver oil to domestic consumers where the weight of such truck is equal to or greater than the trucks used for delivery to service stations.

Be it therefore resolved that sub-section 39 be amended by striking out the words "to service stations" in the second line.

Be it further resolved that it be a recommendation to the Union of B.C. Municipalities that a committee be appointed to go into the whole matter of the Trades License section of the Municipal Act, said Committee to report to the Executive so that any recommendations that may be made may be brought before the next session of the Legislature.

8. Resolved: That the Provincial Government be requested to enact legislation to provide that a definite percentage of fire insurance premiums paid within the limits of an organized territory or municipality be paid by the Fire Insurance Companies to the Municipalities to defray part of the cost of Fire Protection.

9. Resolved: That the Provincial Government be requested to amend sub-section 4 of Section 236 of the Municipal Act to bring assessment of railways more in line with present day costs of constructing said railway lines.

10. Resolved: That the Provincial Government be again requested to eliminate the payment of the 70¢ per diem to the B. C. Hospital Insurance Service by Municipalities.

11. Whereas Section 250 of the Municipal Act provides that a copy of Section 252 shall be printed on each Notice of Assessment and whereas the said Section 252 is too lengthy to be intelligently read in the small print necessary to be used. Therefore be it resolved that Section 250 of the Municipal Act be amended by striking out the last line of paragraph one (1) and by substituting the following: "Take notice that the property as described above is assessed for the amount as specified for the year 1950 under the Act. If you deem yourself overcharged or otherwise improperly assessed, you or your agent may notify the City Clerk in

writing, stating the grounds of complaint at least Fourteen Clear Days previous to the first sitting of the Court of Revision, which will be held at the City Hall, Vancouver, B. C., on January 26th, 1950, at the hours of 10 a.m., and your complaint shall be tried in conformity with the provisions of the Municipal Act by the Court of Revision of the City of Vancouver. And that sub-section 3 of Section 252 be struck out and that sub-section 4 be renumbered 3.

12. Whereas Section 21 (1) of the Health Act provides that "Where the establishment of a system or the extension of any existing system of waterworks for the purpose of providing a public water-supply for domestic waterworks or mineral trading purposes is contemplated by the Municipal Council of any municipality, or by any person or corporation, it shall be the duty of the Municipal Council, person, or corporation, whether incorporated by special or private Act of the Legislature or otherwise howsoever, to submit the ~~to~~ Minister for approval the plans and specifications of the

proposed system of waterworks and an analysis of the water from the proposed source of supply, verified by affidavit stating that the plans and specifications so submitted are those to be used and followed in the construction of such proposed system, that the particulars set forth in the analysis are true, and that the water analysed was taken from the proposed source of supply.

And whereas in Municipalities served by the Greater Vancouver Water District, or the Greater Victoria Water District, the source of supply is controlled by the said water districts.

And whereas in such cases it does not seem reasonable to require plans and specifications and an analysis of the water to be submitted when an extension of such system is being made.

Therefore be it resolved: "That the Provincial Government be requested to enact legislation to exempt from the provisions of the said Section 21 (1) all Municipalities who are obtaining water through the channels such as the greater Vancouver Water District and the Greater Victoria Water District."

13. Resolved: "That the U. B. C.M. be advised that the Council of The Corporation of the District of Burnaby endorse in principle that a Municipality be required to contribute an amount equal to a given mill rate for school purposes and no more.

Moved by Cr. Isherwood, Seconded by Cr. Armstrong: "That the Report of the Committee of the Whole be endorsed."

Carried Unanimously

Moved by Cr. MacSorley, Seconded by Cr. Isherwood: "That the Burnaby Street Dedication By-law 1949, Amendment By-law 1950, be introduced and that the Council resolve into a Committee of the whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously

The Reeve then asks the question: "What is your pleasure with this By-law?"

Moved by Cr. MacSorley, Seconded by Cr. Armstrong: "That the By-law be read by short title only."

Carried Unanimously

Moved by Cr. MacSorley, Seconded by Cr. Isherwood: "That the Committee do now rise and report the By-law complete."

Carried Unanimously

The Council re-convened.

Moved by Cr. MacSorley, Seconded by Cr. Isherwood: "That the 'Burnaby Street Dedication By-law 1949, Amendment By-law 1950', be now passed."

Carried Unanimously

Moved by Cr. Philips, Seconded by Cr. Isherwood: "That Burnaby School Dedication By-law 1950 be introduced and that the Council resolve into a Committee of the whole with the Reeve in the Chair to consider the By-law."

Carried Unanimously

The Reeve then asks the QUESTION: "What is your pleasure with this By-law?"

Moved by Cr. Philips, Seconded by Cr. Isherwood: "That the Burnaby School Dedication By-law 1950 be read by short title only."

Carried Unanimously

Moved by Cr. Philips, Seconded by Cr. Isherwood: "That the Committee do now rise and report the By-law complete."

Carried Unanimously

The Council re-convened.

Moved by Cr. Philips, Seconded by Cr. Stephens: "That the Burnaby School Dedication By-law 1950, be now passed."

Carried Unanimously

Moved by Cr. MacSerley, Seconded by Cr. Stephens: "That Burnaby Land Sale By-law No. 10, 1950 be now reconsidered."

Carried Unanimously

Moved by Cr. MacSerley, Seconded by Cr. Stephens: "That Burnaby Land Sale By-law No. 10, 1950 be finally adopted, and that it be signed by the Reeve and Clerk and that the Corporate seal be affixed thereto."

Carried Unanimously

Moved by Cr. MacSerley, Seconded by Cr. Isherwood: "That Burnaby Land Sale By-law No. 11, 1950 be now reconsidered."

Carried Unanimously

Moved by Cr. MacSerley, Seconded by Cr. Isherwood: "That Burnaby Land Sale By-law No. 11, 1950 be finally adopted, and that it be signed by the Reeve and Clerk and that the Corporate seal be affixed thereto."

Carried Unanimously.

The meeting then adjourned.

Confirmed:

Charles B. Munn
Clerk

W. R. Beamish
Chairman