MAY 11, 1959

A Regular meeting of the Council was held at the Municipal Hall on Monday, May II, 1959 at 7:30 p.m.

PRESENT:

Reeve Alan H. Emmott in the Chair; Councillors Brown, Prittie, McLean, MacSorley, Jamieson, Seifner and Mather

The meeting opened with Prayers by Reverend Percy Mallett.

Moved by Councillor Brown, Seconded by Councillor Frittle: "That leave of absence be granted to Councillor Edwards."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor Brown: "That the minutes of the meetings of April 2/th and May 4th be adopted as written and confirmed."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That leave be given to introduce "BURNABY HIGHWAY EXCHANGE BY-LAW NO. 1, 1959" and that it be read a first time."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the "Burnaby Highway Exchange By-Law No. I, 1953" be now read a second time."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the Council do now resolve into a Committee of the whole with the Reeve in the Chair to consider the By-Law."

CARRIED UNANIMOUSLY

In pursuance of an advertisement to the effect that persons who deemed themselves affected by the By-Law the Reeve invited any such persons to express their opinion of the By-law.

No one appeared.

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the Committee do now rise and report the By-Law complete."

CARRIED UNANIMOUSLY

Council reconvened.

Moved by Councillor Jamleson, Seconded by Councillor Brown: "That the report of the Committee of the $3\hbar$ nole be adopted."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor Brown: "That the "Burnaby Highway Exchange By-Law No. 1, 1959" be now read a Third Time."

CARRIED UNANIMOUSLY

Moved by Councillor Mather, Seconded by Councillor MacSorley: ${}^{\circ}$ That delegations in attendance be now heard."

CARRIED UNANIMOUSLY

Mr. G. H. Fatterson addressed the Council with reference to an alleged overpayment of taxes on property described as Lot "C", Block 16, D.L. 99 due to the lot being assessed as a lot having a width of 96.5 feet whereas the said lot was only 93.5 feet. Mr. Fatterson stated that he had interviewed the Department of Municipal Affairs who had advised him that if the Council of the Corporation would apply pursuant to Section 214 of the Municipal Act authority could be given to rebate the overpayments made.

Moved by Councillor Brown, Seconded by Councillor Prittie: "That this matter be referred to the Municipal Manager and Solicitor for further report."

CARRIED UNANIMOUSLY

Mr. J. H. Currie addressed the Council on the matter of the shooting of rifles and spring guns in the area bounded by the Fraser River, Boundary Road, Marine Drive and Millard Avenue, requesting that as the firing of this type of firearm was contrary to the Burnaby Fire Arms Regulation By-Law further steps should be taken to enforce the By-Law, and he suggested that suitable signs be erected and that steps be taken to educate the public that such shooting of rifles is illegal.

Mr. R. S. King - Game Warden - also addressed the Council on this matter expressing the opinion that the principal offenders were children of the residents of the South Slope area and he felt that the matter of educating the said children in this matter was one for the parents concerned. He advised that his department was doing all in their power to eliminate such shooting and in several cases had confiscated rifles used.

Moved by Councillor Jamieson, Seconded by Councillor MacSorley: "That suitable signs as suggested be erected at various points and that no change be made in the present Fire Arms Regulation By-Law."

CARRIED UNANIMOUSLY

Mrs. J. A. Roberts addressed the Council on the matter of the purchase of certain land owned by her in the Deer Lake area stating that as she had had an offer of \$45,000.00 for the said land from a private party who had declined to purchase the property if the projected road through the property was required, the Corporation should acquire her property at this price instead of the price of \$38,375.00 offered her.

Moved by Councillor Prittie, Seconded by Councillor MacSorley: "That this matter be brought up at the next meeting when the Municipal Manager is present."

CARRIED UNANIMOUSLY

Moved by Councillor McLean, Seconded by Councillor Seifner: "That the letter from Mr. R. Edwards of Edwards, Edwards and Edwards relative to application of a Mr. Allinger for rezoning certain property in D. L. 125 be tabled until the meeting to be held on May 25th."

CARRIED UNANIMOUSLY

Correspondence was received and dealt with as follows:-

Union of B. C. Municipalities - Executive Director - advising that the 1959 Convention would be held at Kelowna on September 16th, 17th and 18th and that resolutions to be dealt with at such Convention must be in his hands not later than July 17, 1959.

Moved by Councillor Brown, Seconded by Councillor McLean: "That the letter be received and that the contents be noted."

CARRIED UNANIMOUSLY

Commissioner, Greater Vancouver Water District advising that the District were unable to accept the proposals of this Corporation relative to cost sharing of the installation of the North Burnaby main and submitting a counter proposal by the District which would divide the cost of installation between Burnaby and the District as follows:

Burnaby District \$469,000. 598,000.

Total: \$1,067,000.

Moved by Councillor Scifner, Seconded by Councillor McLean: "That this proposal be referred to the Municipal Manager for report and recommendation."

CARRIED UNANIMOUSLY

Canada May Day Committee - requesting permission to hold a parade on July 1st from 10:30 a.m. commencing at Oxford and Ingleton, following Ingleton, Hastings and Alpha to Confederation Park.

Moved by Councillor Brown, Seconded by Councillor MacSorley: "That permission be granted subject to approval of the R.C.M.P."

CARRIED UNANIMOUSLY

<u>Directors of Astor Hotel</u> - submitting copy of a brief being submitted to the Liquor Control Board protesting against the approval of any additional hotel in the vicinity of the Astor Hotel, and requesting information as to the attitude of the Council and its intentions in this matter.

Moved by Councillor Brown, Seconded by Councillor Mather: "That the letter and brief be received and filed and that the Astor Hotel be advised that as this Council has already approved of the site for use as an Hotel site it is unable to interfere in the matter of granting licence by the Liquor Control Board in any way."

CARRIED UNANIMOUSLY

P. M. Papove - requesting information as to the delay in obtaining approval of subdivision of certain land owned by him in the vicinity of Broadway and Melrose Avenue.

Moved by Councillor McLean, Seconded by Councillor MacSorley: "That this matter be referred to the Municipal Manager for full report."

CARRIED UNANIMOUSLY

Moved by Councillor McLean, Seconded by Councillor Prittie: "That the Council do now resolve into a Committee of the Whole with the Reeve in the Chair to consider the Municipal Manager's Report No. 19, 1959"

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 19, 1959

- Submitting monthly report of the Chief Licence Inspector covering the operations of his Department for the month of April, 1959.
- 2. Submitting monthly report of the Fire Chief covering the operations of his Department for the month of April, 1959.

Moved by Councillor McLean, Seconded by Councillor frittie: "That Items I and 2 in the report be received and filed."

CARRIED UNANIMOUSLY

- 3. Submitting Parks Board Expenditures for the two week period ended 17th April 1959 in the total amount of \$12,597.13 and recommending these expenditures be approved.
- Submitting Parks Expenditures for the two week period ended 1st May 1959 in the total amount of \$11,494.52 and recommending they be approved.
- 5. Submitting Municipal Treasurer's report of Expenditures for the period ended 1st May 1959 in the total amount of \$301,593.24 and recommending they be approved.
- 6. Engineer's Estimates of Work covering the construction of sidewalks for the 1959 Sidewalk Construction programme in the total amount of \$89,854.20 and recommending these estimates be approved.

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That recommendations as per Items 3, 4, 5 and 6 be adopted."

CARRIED UNANIMOUSLY

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7. Re: American Mater Works Convention-Vancouver- April 23 and 24, 1959.

Submitting report of the Materworks Engineer on his attendance at the American Materworks Convention held in Vancouver April 23rd to $24 {\rm th}$.

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That the report be received and filed."

CARRIED UNANIMOUSLY

δ. Re: Easement - Lot 9 E 2/3, D.L. 83

The Manager recommended than an Easement be acquired over the westerly 5 feet of Lot 1, being created by subdivision of Lot 9 E 2/3, D.L. 83 from D. H. Knowlson. No consideration payable for this drainage Easement.

Moved by Councillor MacSorley, Seconded by Councillor Seifner: "That authority be granted to execute the indenture of Easement covering the westerly 5 feet of Lot 1 being created by subdivision of Lot 9 E 2/3, D.L. 83"

CARRIED UNANIMOUSLY

9. Re: Myer-Franks Limited

The Manager reviewed the problem arising out of this Company's barrel reconditioning plant at 2930 Lozells Avenue and without a Trade's Licence submitting that attempts had been made to reach a settlement of the matter since the Company had been prosecuted for operating without a licence and that no successful conclusion had been reached to date. The Manager reported having received a letter from the Solicitors for the Company wherein the Company agreed to:

- (1) Restrict the piling of its drums to a height of 12 rows subject to the obtaining from the Municipality of a temporary permit for the piling of drums to a greater height for a stipulated period of time.
- (2) Erect a board fence along the boundary of their property fronting on Lozells Avenue and some other satisfactory type of industrial fencing around that portion of its property from time to time used for the storage of drums. Fencing of the boundaries of the property other than on Lozells Avenue would be altered as the circumstances of the use of the property require.

It was submitted the property was recommended for rezoning from Heavy Industry to Light Industry in the recent planning study of the Government Road area. The Manager concurred in a recommendation of the Licence Inspector that the Trades Licence be granted subject to Council's satisfaction regarding fencing arrangements and reimbursement to the Municipality of an amount equal to the Trades licences due since commencement of the operation.

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That an injunction be sought to restrain the Company from further operation in the Municipality subject to advice from the Municipal Solicitor."

Moved by Councillor Prittie, Seconded by Councillor Seifner: "That the Motion dealing with the securing of an injunction against operations of Myer-Franks Limited be tabled for a period of one week."

IN FAVOUR - COUNCILLORS
PRITTIE AND SEIFNER
AGAINST - COUNCILLORS
MATHER, McLEAN,
MacSORLEY, JAMIESON
AND BRO.'N
MOTION WAS DECLARED LOST.

Vote on original Motion.

IN FAVOUR - COUNCILLORS
BROWN, JAMIESON AND
MCLEAN
AGAINST - COUNCILLORS MATHER
SEIFNER, MacSORLEY AND
PRITTIE
ORIGINAL MOTION DECLARED LOST.

Moved by Councillor Mather, Seconded by Councillor MacSorley: "That the recommendation of the Manager with respect to the operation of Myer-Franks Limited be concurred with."

Moved by Councillor Prittie, Seconded by Councillor Seifner: "That the Motion of concurrence re Myer-Franks Limited operation be tabled for a period of one week."

IN FAVOUR - COUNCILLORS
MCLEAN, SEIFNER,
JAMIESON AND PRITTIE
AGAINST - COUNCILLORS BROWN,
MATHER AND MACSORLEY
MOTION DECLARED CARRIED

10. Re: 1959 Budget.

The Manager submitted the 1959 Budget as approved by the Minister of Municipal Affairs.

Moved by Councillor MacSorley, Seconded by Councillor Jamieson: "That the report be received and the Budget as approved by the Minister of Municipal Affairs be approved by this Council."

CARRIED UNANIMOUSLY

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MUNICIPAL MANAGER'S REPORT NO. 19, 1959 (CONTINUED)

11. Water Metering Policy - Swimming Pools

The Manager reported on an application by Beedie Enterprises Limited for relief from the necessity of installing water meters to properties equipped with excavated swimming pools. It was reported that swimming pools were becoming increasingly popular and installations varied in size, type of construction and auxiliary equipment to the extent that it was becoming difficult to apply a standard set of regulations. The Manager submitted a report of the Engineer with respect to the metering policy and its application to swimming pools and it was submitted that because of the necessity of control and the potential water consumption created by the existence of swimming pools that it was desirable to maintain the existing policy of installing meters to pool equipped properties. It was also pointed out that the installation of a meter would not establish a hardship financially but would guarantee complete water consumption control. It was recommended the present policy regarding meters be continued.

Moved by Councillor McLean, Seconded by Councillor Jamieson: "That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

12. Swimming Pool Regulations.

The Manager reported that the 1958 Council had established a set of regulations with respect to swimming pools but that now due to the increased popularity and marketing of portable or demountable type swimming pools, the Municipality was faced with the problem of whether the swimming pool regulations should apply in the case of such portable pools due to the varying sizes and depths and the ease of handling of such pools. It was submitted the administrative difficulties created by any attempt to apply swimming pool regulations to these pools are a matter of concern requiring considerable time and expense to administer. It was suggested that portable or demountable pools be exempt from the established swimming pool regulations but that permanent pools installed within an excavation or an embankment to which water supply or waste discharge fixtures are used the previously adopted regulations apply.

Moved by Councillor Jamieson, Seconded by Councillor Frittie: That the report of the Manager be received and the contents confirmed."

CARRIED UNANIMOUSLY

13. Municipal Finance Officers' Association Conference and Civil Defence Course.

The Manager reported on a proposal to send the Municipal Treasurer to Arnprior, Ontario for an administrative course in Civil Defence from May 24th to May 29th and that in addition the Treasurer would attend the 1959 Conference of the Municipal Finance Officers' Association in Montreal from June 7th to 11th. During the intervening time between meetings the Treasurer would interview investment companies and dealers in the Toronto - Montreal area. The Manager recommended that the Council approve of the Municipal Treasurer's attendance at the Civil Defence Course, transportation for which would be paid by the Government of Canada, and his attendance at the Municipal Finance Officers' Association Conference and his visit to investment companies and dealers in the Toronto - Montreal areas between the two events.

Moved by Councillor McLean, Seconded by Councillor Jamieson: "That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

Item No. 14 The Manager recommended that expropriation proceedings commenced by By-Law No. 3723 to acquire an Easement over the South ten feet of Lot 3, Block 82, D.L. 127, Plan 4953 be completed by acceptance of an offer from the owners, Anthony Crncich and Katherine Crncich to execute the indenture of Easement in return for compensation of \$200.00.

CARRIED UNANIMOUSLY

His Norship the Reeve declared a ten minute recess at 9:00 p.m.

15. Re: Acquisition of Lots 46, 47, 48 of Lot "O", Blocks 6 to 8, D.L. 96 Owner - Jas. A. Cooper. Location - North side of Beresford Street, 462' east of Gilley

The Manager reported further pursuant to Item No. 19 of his report No. 17, 1959 regarding the above advising that the offer to convey these lots to the Municipality in exchange for the South 170 feet of Lot 52, except Sketch 14587E and except Sketch 6916, Block 2, D.L. 95 Plan 927, Plus the sum of \$3,000.00 have been accepted by Mr. Cooper. The Manager recommended Council authorize

finalization of the exchange on the terms quoted.

Moved by Councillor Prittie, Seconded by Councillor Jamieson: "That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

16. Re: J. Schmidt Construction Company Limited.

The Manager reported this Company had submitted a subdivision plan for the second stage of its development south of Portland Street and west of Nelson Avenue. Deposit of the plan in the Land Registry Office would result in the Municipality taking title to Lots 29 to 44 inclusive, subject to the Company's right to purchase and title to Lots 18 to 28 inclusive would be vested in the Company. To effect this the following Conveyances were required:

- (1) From the Company to Burnaby of those parcels outlined in red on the second plan attached to the Manager's Report and thereon numbered 1, 3 and 7.
- (2) From Eurnaby to the Company of those parcels numbered 2, 5 and 6 on the said plan.
- (3) From Ruth Evelyn Thober, Herman Thober and Pauline Victoria Thober to Burnaby of that parcel numbered 4 on the said plan.

The Manager recommended Council authorize the aforesaid acquisition and disposition of the subject parcels and that authority be granted to execute the conveyance from Burnaby to the Company.

CARRIED UNANIMOUSLY

17. Re: Land Acquisition proposal involving the properties owned by Messrs. Hawkins, Brown, DeGear and Bone.

The Manager reported that pursuant to Item No. 8 of his Report No. 18, 1959 offers had been made for properties for a combined Jestridge School - Park site as follows:

Legal		<u>Owner</u>	Market Value
Westerly portion of L Westerly portion of L Westerly portion of L Westerly portion of L	ot l ot 2	DeGear Hawkins Brown Bone	\$ 3,080.00 3,567.00 4,620.00 12,760.00

It was reported acceptances of all offers had now been received and the Manager recommended Council authorize the acquisition of these properties at the prices quoted.

Moved by Councillor Prittie, Seconded by Councillor MacSorley: "That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

18. Re: Estimates - Sidewalk Repairs - Period May 11, 1959 to 30th September, 1959.

The Manager submitted Municipal Engineer's Estimates of Aork covering Sidewalk repairs in the amount of \$4,000.00 recommending approval of the Estimates.

Moved by Councillor McLean, Seconded by Councillor Brown: "That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

19. Re: Estimates - Construction - Engineering Department Offices.

The Manager submitted Engineer's Estimates of Nork covering construction necessary in the Engineering Department offices in the total amount of \$1,680.00 recommending approval of these Estimates.

Moved by Councillor Seifner, Seconded by Councillor Mather: "That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

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The Manager submitted a comprehensive review of events which had occurred over a period of time in the Chancellor Subdivision since its inception. The Manager reviewed the circumstances surrounding the installation of road surfaces to the reviewed the circumstances surrounding the installation of road surfaces to the area where difficulties had been encountered by the insistence of the developer that work be hastened during wet weather with the resultant robbing of the estimates leaving insufficient funds for the construction of the frontage road from the lane toward Holdom Avenue a distance of 1500 feet. Additional appropriations were made during 1350 and 1959 to complete this portion of the servicing. The existing road was of extraordinary width being only 33 feet since the road being situated between the private properties on Lougheed Highway only served access to one side of the street. The present parking and passing difficulties on the street were aggravated by the fact that the Lougheed Highway allowance was widened cutting into and increasing the grade of the land between the frontage road and the Highway. The Manager further reported on the opening of dead-end streets to serve the area when Manager further reported on the opening of dead-end streets to serve the area when development proceeds and further on the provision of an outlet from the eastern end of the frontage road to Broadway. The Manager drew attention to a previous offer made by the Corporation to enclose the drain on the north side of the frontage road would have committed itself to the sum of \$5600.00 provided the residents paid \$2.00 fer lineal foot as their share of the cost of this work. This offer had been rejected and no provision was made in the 1959 Budget for the Corporation's share of this work. The Manager submitted that the acceptance of this work would have resulted in a standard created by the expenditure of general funds which would be of much higher order than that set as acceptable in other subdivisions and further a precedent would have been created wherein the Corporation gave improvements to roads free of charge for the exercizing of a drainage policy.

It was further reported that complete assurance could be given to a number of service requirements conducive to good order of a subdivision and further that it was

considered unwise to consider the opening of Kensington Avenue between Broadway and the frontage road as had been requested due to high cost and the effect of traffic which would be led onto the frontage road.

Finally, the Manager reported having received a form signed by the owners of Lots 32 to 41 inclusive and Lot 49 in which agreement to the payment of \$2.00 per foot for the installation of the culvert had been signified.

Mr. Currie of the Chancellor Subdivision area was present and requested an opportunity to be heard.

Moved by Councillor McLean, Seconded by Councillor MacSorley: "That Mr. Currie be heard.

CARRIED UNANIMOUSLY

Mr. Currie submitted that there was complete understanding of the requirements with respect to the erection of retaining walls to contain private land prior to the installation of the enclosed culvert and that two owners had constructed walls which were in the correct location and not encroaching on the road allowance.

Moved by Councillor McLean, Seconded by Councillor Frittie: "That the report of the Manager be received."

CARRIED UNANIMOUSLY

Moved by Councillor Brown, Seconded by Councillor MacSorley: "That the Engineer be requested to contact the property owners affected in the Chancellor Subdivision and outline the procedure to be adopted in the installation of drainage services including the responsibilities of the owners to pay their portion at the rate of \$2.00 per foot and to contain their land with retaining facilities and that a report be brought to the Council at a later date which would include costs and methods of financing the section of enclosed culvert to be installed past vacant lands.

Moved by Councillor McLean, Seconded by Councillor Seifner: "That the Committee do now rise and report."

CARRIED UNANIMOUSLY

Council reconvened.

Moved by Councillor Seifner, Seconded by Councillor Jamieson: "That the report of the Committee be adopted."

CARRIED UNANIMOUSLY

The Transportation Committee reported on a letter received from the B. C. Electric Company concerning proposed bus routes and adjustments in schedule and frequency changes, submitting that the Committee was opposed to a change of status quo while negotiations were in progress for transportation adjustments. The Committee expressed approval to the combination of the Burnaby - Edmonds with the Edmonds Fraser Mill routes and the Burnaby Stride with the 6th Street - Edmonds route, suggesting that these combinations assist in welding portions of the area to the in that it accommodates the transit riders to a greater degree. Reluctance to the support of adjustments in frequency was expressed. In the absence of any

agreement with the Company the Committee suggested it was impossible to take any action to prevent changes proposed. It was recommended the letter from the Company, dated April 30th, be filed. In so recommending the Committee advised that some improvements to the transportation problems were anticipated through negotiations currently being conducted.

Moved by Councillor MacSorley, Seconded by Councillor McLean: "That the report of the Committee be received and a copy be forwarded to the B. C. Electric

CARRIED UNANIMOUSLY

Moved by Councillor Brown, Seconded by Councillor McLean: "That

"BURNABY LOCAL IMPROVEMENT DEBENTURE BY-LAW NO. 1, 1959"

"BURNABY LOCAL IMPROVEMENT DEBENTURE BY-LAW NO. 2, 1959"

"BURNABY BUDGET AUTHORIZATION BY-LAW, 1959"

"BURNABY RATING BY-LAW, 1959"

be now reconsidered."

CARRIED UNANIMOUSLY

Moved by Councillor Brown, Seconded by Councillor McLean: "That

"BURNABY LOCAL IMPROVEMENT DEBENTURE BY-LAW NO. 1, 1959"
"BURNABY LOCAL IMPROVEMENT DEBENTURE BY-LAW NO. 2, 1959"
"BURNABY BUDGET AUTHORIZATION BY-LAW, 1959"

"BURNABY RATING BY-LAW, 1959"

be now finally adopted and signed by the Reeve and Clerk and that the Corporate Seal be affixed thereto."

CARRIED UNANIMOUSLY

"BURNABY TOWN PLANNING BY-LAW, 1948, AMENDMENT BY-LAW NO. 4, 1959"

RECONSIDERATION AND FINAL PASSAGE

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That "Burnaby Town Planning By-Law 1948, Amendment By-Law No. 4, 1959" be now reconsidered."

> CARRIED COUNCILLOR PRITTIE ABSTAINING

Mr. Zunti, Solicitor for a number of opposing residents was present and requested an opportunity to be heard.

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That Mr. Zunti be heard."

CARRIED COUNCILLOR PRITTIE ABSTAINING

Mr. Zuntí submitted that late developments had occurred which assisted in bringing about agreement between the developers and the opposing residents. An agreement had been developed which formalized the relinquishment of objectionable features of the project and afforded sufficient protection to the residents.

Moved by Councillor Mather, Seconded by Councillor Brown: "That "Burnaby Town Flanning By-Law, 1948, Amendment By-Law No. 4, 1959" be now finally adopted, and signed by the Reeve and Clerk and that the Corporate Seal be affixed thereto."

CARRIED COUNCILLOR PRITTLE ABSTAINING

Moved by Councillor Jamieson, Seconded by Councillor McLean: "That a Public Hearing be held on May 25th at 7:00 p.m. to consider amendments to the "Burnaby Town Planning By-Law 1948".

CARRIED UNANIMOUSLY

The meeting adjourned to 7:00 p.m. May 20, 1959.

Confirmed:

REEVE

CLERK