

MAY 25, 1959

A Regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Monday, May 25, 1959 at 7:30 p.m.

PRESENT: Reeve Emmott was absent.  
Acting Reeve McLean in the Chair;  
Councillors Brown, Edwards, Jamieson,  
MacSorley, Mather, Prittie and Seifner

Councillor Jamieson led in the Lord's Prayer.

Moved by Councillor Edwards, Seconded by Councillor Mather: "That the Minutes of the previous meeting be adopted as written and confirmed."

CARRIED UNANIMOUSLY

Mr. W. C. Mainwaring, President, Vancouver Festival Society, wrote requesting financial support to assist them in ensuring that the Vancouver International Festival can be carried on annually. The President also requested that he be given an opportunity to address Council on this matter.

Moved by Councillor Seifner, Seconded by Councillor Jamieson: "That Mr. Mainwaring be heard."

CARRIED UNANIMOUSLY

Neither Mr. Mainwaring nor any other representative from the Vancouver Festival Society were present at this time.

Moved by Councillor Brown, Seconded by Councillor Jamieson: "That this matter be deferred until such time as the delegation from the Festival Society appears."

CARRIED UNANIMOUSLY

Moved by Councillor Jamieson, Seconded by Councillor MacSorley: "That the remaining delegations be heard in the order in which they are shown on the Agenda."

CARRIED UNANIMOUSLY

Mr. Gordon A. McLeod appeared on behalf of a number of residents in the East Burnaby area and advised that they were representing the Connie Mac Baseball League. Mr. McLeod requested that consideration be given by Council to the provision of suitable facilities in the Eastern section of the Municipality for the playing of baseball. He added that at the present time, the members of the league whom he represents were required to use the Central Park grounds and that since this Park is a considerable distance from East Burnaby, the teams found it rather inconvenient to play there. Mr. McLeod mentioned that they had approached the Parks and Recreation Commission to obtain their reaction to the use of Cariboo Park and that they had been informed by the Commission that the Park could not be reasonably adapted for the purpose of playing the calibre of baseball played by the members of the Connie Mac Baseball League and further, that use of the Park for this purpose would disfigure it or hinder the intended development plans.

Moved by Councillor Jamieson, Seconded by Councillor MacSorley: "That this request be referred to the Parks and Recreation Commission through its representative on the Council for consideration."

CARRIED UNANIMOUSLY

Councillor Edwards absented himself from the meeting.

Mr. R. Edwards, then appeared and requested that Council give further consideration to an application of Mr. Allinger for the rezoning of a portion of his lot described as Lot 17, Blocks 1/4 and 6, D.L. 25 from Auto Court to Gasoline Service Station. Mr. Edwards contended that certain factors were not made known when Council previously considered this application and that they had therefore treated it in a unilateral manner. He also claimed that development of a Gasoline Service Station on the subject site would improve the sight distance for motorists in that the bush which presently exists would be removed and a generous setback would be observed by the developer. Mr. Edwards pointed out that the Holdom - Lougheed intersection (where this property is located) is controlled by a flasher signal and that therefore approaching traffic is obliged to exercise caution. He contended that because of this situation, both merging and demerging traffic resulting from the presence of a Gas Station would not present a serious problem. Mr. Edwards added that it was the intention of the developer to create a "buffer" to protect residences on Broadway and to take all steps that may be necessary to ensure that the site is made attractive and aesthetically compatible with adjacent residential development. Mr. Edwards concluded by advising that the property has been conditionally optioned to McColl-Frontenac Oil Company and that this firm has conducted market surveys to determine the practicability

of establishing a Service Station at this particular location which revealed that it would be economically sound for them to construct a Station.

Moved by Councillor Prittie, Seconded by Councillor Jamieson: "That this application be referred back to the Planning Director for review of the arguments advanced by the Solicitor for the applicant and for a report next Monday evening."

CARRIED UNANIMOUSLY

Mr. W. E. Beasley then appeared and requested that Council reconsider its decision of May 4th to deny his application for approval of an Easement arrangement for the provision of water service to a lot which he proposed to create from Lots 8 and 9, Block 13, D.L. 99. Mr. Beasley asked that he be accorded the same treatment as that given previously to the owners of Lots 10 and 11 in the same block, which was by means of an Easement. He advised that he felt it unreasonable for the Corporation to expect him to pay the cost of extending the water main to the lot which he desires to create. The Municipal Manager commented on this matter and explained the situation as it affected the Municipality and its water service policy.

Moved by Councillor Edwards, Seconded by Councillor Brown: "That this matter be tabled for a further period of one week."

CARRIED UNANIMOUSLY

The Acting Clerk reported he had just been informed that Mr. Mainwaring of the Vancouver Festival Society was unable to attend to-night but that a Mr. Shakespeare was present and wished to address Council. Mr. Shakespeare then spoke and proceeded to describe the function and objectives of the Vancouver Festival Society. In this connection, he mentioned that the Society is endeavouring to promote appreciation of Art in all its forms and also to offer opportunities to young artists, including those from British Columbia. He added that the Society was requesting grants from all of the Lower Mainland municipalities and that this money was needed to assist them in establishing a working capital fund which will enable them to carry on the Vancouver International Festival on an annual basis. He also mentioned that the Society provides scholarships at the University of B. C. for aspiring artists.

Moved by Councillor Prittie, Seconded by Councillor Mather: "That this request be referred to the Committee on Grants for consideration and recommendation."

CARRIED UNANIMOUSLY

The Acting Clerk reported that a further delegation was present to address Council with respect to the proposed installation of a transmission line by the B. C. Electric Company in the Government Road area. He added that he had received a number of letters in connection with this matter.

Moved by Councillor Prittie, Seconded by Councillor Brown: "That all the letters received in regard to this matter be read."

CARRIED UNANIMOUSLY

Letters from the following persons protesting against the proposed installation of the transmission line were then read:

Mr. Elspeth Drew, 3865 Keswick Avenue, R.R.#8, New Westminster, B. C.  
 Mr. and Mrs. J. A. Olund, 3853 Keswick Avenue  
 Mr. Fred Gale, 3809 Keswick Avenue  
 Mr. Bert Hobbis, 8839 Government Street  
 Mrs. J. A. Pontious, 8877 Government Street

Moved by Councillor Prittie, Seconded by Councillor Mather: "That the correspondence be received."

CARRIED UNANIMOUSLY

The Municipal Manager reported verbally that discussions have taken place between the Municipality and the B. C. Electric Company during the last six months in an attempt to have the Company give consideration to the installation of underground transmission facilities rather than overhead. The Manager added that the Municipality was, for the present, concerned chiefly with new installations, especially those where the placing of overhead facilities would be a detriment to the properties through which the lines ran. He pointed out that the Company seemed to acknowledge the fact that overhead installations were unsightly but that the decided difference in cost between overhead and underground installations was the determining factor.

Moved by Councillor Mather, Seconded by Councillor Jamieson: "That the delegation be heard."

CARRIED UNANIMOUSLY

Mr. Drew appeared as spokesman for the delegation and advised that the residents affected by this proposed installation were apprehensive that it would destroy the residential amenities of this area and impair possible future development. In this latter respect, he mentioned that the route to be followed by the Company would effectively destroy the development potential of the lands over which it will cross by bisecting these lands. He asked that an effort be made to have the Company consider an alternate route and, in this regard, suggested that they utilize the Easement territory 300 feet west of the proposed line which the Company presently control. Mr. Drew also suggested that perhaps the Railway spur or the Creek could be used to accommodate the transmission lines. He requested that Council support the affected owners in opposing the proposal of the B. C. Electric Company.

Moved by Councillor Edwards, Seconded by Councillor Mather: "That the Municipal Manager be directed to negotiate with the B. C. Electric Company Limited in an attempt to have the Company select a route other than the one which they presently contemplate obtaining which would be least objectionable to the residents of the Government Road - Keswick area and to the Municipality and further, that the Manager advise as to the legal position of Council in respect of this matter."

CARRIED UNANIMOUSLY

Moved by Councillor Prittie, Seconded by Councillor Jamieson: "That all delegations be thanked for their respective presentations."

CARRIED UNANIMOUSLY

The Acting Reeve then declared a recess at 9:25 p.m.

The Council reconvened at 9:40 p.m.

Secretary-Treasurer, Burnaby School Board, submitted a letter inviting the Council to attend the Official Opening of the new School Board Administration Building as a platform guest on Wednesday, June 3rd at 2:30 p.m.

Moved by Councillor Brown, Seconded by Councillor Edwards: "That the invitation be accepted."

CARRIED UNANIMOUSLY

Township of Langley submitted an invitation to the Reeve and member of the Council to attend the Official Opening of the new Municipal Hall at Murrayville on Saturday, June 13th at 2:30 p.m.

Moved by Councillor Mather, Seconded by Councillor Seifner: "That the invitation be accepted and as many as possible attend this function."

CARRIED UNANIMOUSLY

Secretary, B. C. Division, Canadian Cancer Society, wrote thanking Council for its grant of \$200.00 to their Society.

Moved by Councillor Edwards, Seconded by Councillor Brown: "That this letter be received

CARRIED UNANIMOUSLY

Honorary Treasurer, Board of Control, United Church Home for Girls, wrote thanking Council for its grant of \$500.00 to their Organization.

Moved by Councillor Jamieson, Seconded by Councillor Prittie: "That the letter be received

CARRIED UNANIMOUSLY

Secretary, Canada Day Committee, wrote thanking Council for its grant of \$750.00 to their Committee and requesting that Council give further consideration to making the same financial contribution as last year.

Moved by Councillor MacSorley, Seconded by Councillor Seifner: "That the letter be received and the request for additional financial assistance be denied since sufficient consideration was given at the time the initial application was received."

CARRIED UNANIMOUSLY

Mrs. Anne Costley submitted a letter requesting reassurance that the residents in the 4500 Block Venables Street will receive sewer service this year. She also added her regrets that the Sewer Financing By-Law was defeated.

Moved by Councillor Edwards, Seconded by Councillor Brown: "That this request be tabled until a decision has been reached on a future sewer financing policy."

CARRIED UNANIMOUSLY

Deputy Minister, Department of Municipal Affairs, submitted a letter enclosing a copy of a report made in connection with an audit of the Board of Debt Retirement Fund Trustees accounts for the year ended December 31, 1958.

Moved by Councillor MacSorley, Seconded by Councillor Jamieson: "That the correspondence be received."

CARRIED UNANIMOUSLY

Chairman, Pension Committee, wrote requesting that this Municipality lend its support to a proposal to provide volunteer firemen in this Province with coverage under the Municipal Superannuation Fund.

Moved by Councillor Prittie, Seconded by Councillor Mather: "That the letter be received."

CARRIED UNANIMOUSLY

Chairman, Accommodation Committee, U.B.C.M. Convention, submitted a circular letter advising that the 56th Annual Convention of the Union of B. C. Municipalities will be held on September 16th to 18th inclusive in the City of Kelowna. He requested that accommodation arrangements be made as soon as possible.

Moved by Councillor Brown, Seconded by Councillor Edwards: "That the letter be received and the Municipal Manager be directed to make the necessary arrangements for registration and accommodation for this Convention and that he take precautions to ensure that suitable accommodation is obtained as early as possible."

CARRIED UNANIMOUSLY

Corresponding Secretary, Brentwood Park Parent-Teacher Association, submitted a letter expressing the opinion of the Association that any entrances to or exits from the proposed shopping centre at Lougheed Highway and Willingdon Avenue from Brentwood Park streets would create a hazard for children in the Brentwood district and suggesting that Council give some consideration to the safety of these children.

Moved by Councillor Mather, Seconded by Councillor Edwards: "That the letter be received and the Parent-Teacher Association advised that the question of traffic circulation at this particular shopping centre will receive detailed study during future discussions on this project."

CARRIED UNANIMOUSLY

Secretary, Burnaby Political Action Committee for Labour, wrote requesting that morning and evening parking prohibitions be instituted in the 3800 to 4000 Blocks Hastings Street and also on that section of Hastings Street between the Admiral Hotel and the Safeway.

Moved by Councillor Brown, Seconded by Councillor Edwards: "That the letter be received and the Committee advised of the recent action taken by Council in regard to parking on Hastings Street."

CARRIED UNANIMOUSLY

Secretary, Burnaby Political Action Committee for Labour submitted a further letter advising that they support the view recently taken by Councillor Mather in regard to Civil Defence.

Moved by Councillor Mather, Seconded by Councillor Prittie: "That the letter be received."

CARRIED UNANIMOUSLY

Superintendent, St. John's Ambulance Brigade, wrote requesting permission to conduct an inspection parade on June 1st commencing at 8:00 p.m. on Albert Street between Gilmore Avenue and Confederation Park.

Moved by Councillor Seifner, Seconded by Councillor Brown: "That permission be granted."

CARRIED UNANIMOUSLY

The Council was advised that a Mrs. J. A. Roberts was in attendance and wished to address the Council on the matter of the Municipality acquiring her property.

Moved by Councillor Prittie, Seconded by Councillor MacSorley: "That Mrs. Roberts be heard."

CARRIED UNANIMOUSLY

Mrs. Roberts advised that she has received three offers during the past year for her property and that all of the prospective purchasers were reluctant and apprehensive to conclude any purchase transaction when they discovered that there was a possibility of a road traversing the land in question. Mrs. Roberts advised that she felt the value placed on the land not required for road purposes was reasonable but that she did not feel she was receiving a fair value for the part to be designated as road. Mrs. Roberts added that it is not her intention to subdivide the property at this time or at any time in the foreseeable future and that instead, she desires to dispose of it as an estate - type holding.

The Municipal Manager explained that because of the complications arising in connection with the road proposal, negotiations were commenced with a view to the purchase of Mrs. Roberts' property. He added that an appraisal by the Property Manager (and confirmed by Municipal Assessment appraisers) established a value of \$38,375.00 for the subject property; which amount is not acceptable to Mrs. Roberts since she feels she is entitled to the full amount offered her by a private prospective purchaser of \$45,000.00. The Manager pointed out that under the subdivision process, an owner of property could be required to dedicate up to 66 feet of road whereas with the offer of the Municipality to Mrs. Roberts, we could possibly find ourself in the position of actually paying for the road allowance plus its construction. The Manager concluded by advising that he was unable to recommend a purchase price higher than the evaluation of \$38,375.00 and that a stalemate had been reached by virtue of Mrs. Roberts refusing to accept this offer and instead holding out for \$45,000.00.

Moved by Councillor Prittie, Seconded by Councillor Jamieson: "That the offer of \$38,375.00 for that property owned by Mrs. Roberts in the vicinity of Deer Lake be reaffirmed."

CARRIED  
COUNCILLOR EDWARDS  
AGAINST

The Acting Clerk brought forward the matter of granting a licence to Myer-Franks Limited to operate a barrel reconditioning plant in the Municipality.

Moved by Councillor Jamieson, Seconded by Councillor Edwards: "That the advice of the Municipal Solicitor be sought to determine the validity of requiring the posting of a Performance Bond by this Company to ensure that they will observe Municipal regulations pertinent to their operations."

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 20, 1959

1. Submitting the monthly report of the Chief Building Inspector covering the operations of his Department for the period between April 20th and May 15, 1959.
2. The Manager also submitted the monthly report of the Medical Health Officer covering the operations of his Department for the month of April, 1959.

Moved by Councillor Mather, Seconded by Councillor MacSorley: "That these reports be received."

CARRIED UNANIMOUSLY

3. The Manager submitted a statement of expenditures for the period ended May 15, 1959 in the total amount of \$394,010.78 recommending that the Municipal Treasurer's expenditures be approved.
4. The Municipal Manager also submitted a Statement of expenditures for the Parks Board for the two week period ended May 15, 1959 in the total amount of \$12,577.74 recommending that they, too, be approved.

Moved by Councillor Brown, Seconded by Councillor Jamieson: "That both these expenditure be approved."

CARRIED UNANIMOUSLY

5. Supplementary Grant to Burnaby Debt Refunding Trustees

The Manager reported that the sum of \$100,000.00 was included in the 1958 Budget and also \$50,000.00 was included in the 1959 Budget for the purposes of Debt Retirement recommending that the sum total of \$150,000.00 be paid to the Board of Debt Refunding Trustees as a supplementary payment.

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

CARRIED UNANIMOUSLY

6. Sewering of Schmidt Subdivision in D.L. 157

The Manager reported that he had received a proposition from the above noted developer whereby he would assume the full costs of providing sewer service to phases 2 and 3 of his subdivision and also pay the sum of \$9,000.00 toward the cost of installing 1400 feet of 18 inch diameter sewer pipe on Marine Drive, subject to the Municipality agreeing to accept the sewers as being fully paid and not assessing the property so served for future sewer charges. The Manager advised that he felt this condition was unacceptable in view of the present sewer situation and, in consultation with Mr. Schmidt, he agreed that the Municipality could only treat this particular installation in accordance with any policy in connection with sewer financing which might be established. The Manager recommended that Council accept the offer of J. Schmidt Construction Company to instal a sewer system to serve phases 2 and 3 of the subdivision and to contribute \$9,000.00 toward the cost of the 18 inch diameter sewer on Marine Drive, subject to the deposit by him of the sum of \$38,000.00 before commencement of the work, and further subject to the condition that this installation would be subject to whatever policy in respect of sewer financing is adopted by the Municipality.

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

CARRIED UNANIMOUSLY

7. Easement over Lot 34, S.D. "R", Blocks 27 and 28 and a portion of Lot "S" Blocks 51 to 53, D.L. 157

The Manager reported that the above lot is situated at the end of a cul-de-sac on Carson Place and that a sewer easement was required over the westerly 10 feet of this lot. The Manager added that the easement is to be acquired from the Schmidt Development Company and that no consideration was payable by the Municipality. The Manager recommended that Council authorize the acquisition of this easement.

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

CARRIED UNANIMOUSLY

8. Lane Allowance between 13th and 14th Avenues West of Wright Street.

The Manager reported that when the lane to serve the rear of Lots 35 and 36, Subdivision "F", Block 1, D.L. 35E was constructed it did not follow its designated alignment and instead was built on a 24 foot lot paralleling the south side of the lane; which lot is owned by the Municipality and is described as Lot 1N $\frac{1}{2}$ , S.D. 6, Blocks 2 and 3, D.L. 25E. The Manager further reported that he had received a proposal from the Solicitors for the owner of Lots 35 and 36 to cancel the portion of the lane allowance which abuts this property and add to it the northerly four feet of Lot 1N $\frac{1}{2}$  and then make this parcel available to the owner of the aforementioned Lots 35 and 36. The Manager advised that examination of this proposal indicated it is acceptable to the Municipality since it would serve no purpose to extend money constructing another lane on the dedicated allowance. He added that a value of \$700.00 had been established by the Property Manager for the land to be made available to the owner in question and that this valuation has been now accepted. The Manager recommended that Council authorize the exchange of that portion of the lane allowance which abuts lots 35 and 36 S.D. "F", Block 1, D.L. 25E, Plan 17703 in return for the southerly 20 feet of Lot 1N $\frac{1}{2}$ , S.D. 6, Blocks 2 and 3, D.L. 25E by means of a Highway Exchange By-Law, subject to payment by the owner of Lots 35 and 36 of \$700.00 for the parcel to be acquired by him (as above described), provided this parcel is consolidated with these two lots.

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

CARRIED UNANIMOUSLY

9. Sale of portions of Lots 20 to 35 inclusive, Block 65, D.L. 218 to the Shell Oil Company of Canada Limited.

The Manager reported that the above lots had been consolidated and subdivided into two parcels to enable one of them (0.644 acres in size) to be sold to the above noted Company to allow them to extend their holdings for a site to accommodate a sub-station. The Manager reported that this property was being sold for the

sum of \$7,500.00 and that the necessary conveyance has now been prepared. The Manager recommended that Council authorize the execution of this conveyance.

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

CARRIED UNANIMOUSLY

10. Hastings Street Widening.

The Manager submitted a statement of revenue and expenditures covering the widening of that portion of Hastings Street between Gilmore Avenue and Willingdon Avenue which indicated a total revenue of \$101,700.00 and a total expenditure of \$119,202.00, with a consequent deficit of \$17,502.00. He also submitted an estimate of cost for the continuation of the widening programme between Willingdon Avenue and Gamma Avenue which amounted to \$65,500.00. The Manager recommended:

- (a) That Council authorize the extension of the widening programme between Willingdon Avenue and Gamma Avenue.
- (b) That Council authorize an appropriation of \$100,000.00 from the Tax Sale Account for the widening of Hastings Street, such sum to include the additional appropriation required to meet the deficit for the Gilmore - Willingdon section. The Manager pointed out that the Municipality will acquire two lots in the course of widening the portion between Willingdon and Gamma Avenues which will have a resale value of approximately \$20,000.00.

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

CARRIED UNANIMOUSLY

11. Lot 12, Block 9, D.L. 122

The Manager reported that the Northerly 20 feet of the above lot is required for the widening of Hastings Street and that its owner, a Mr. Stroppa, had accepted an offer of \$500.00 for this 20 foot strip. The Manager recommended that Council authorize the purchase of the 20 feet in question for the sum of \$500.00.

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

CARRIED UNANIMOUSLY

12. Easement over a portion of Lot 3, Blocks 39 and 40, D.L. 157, Plan 12963

The Manager reported that it is necessary to acquire an easement over the Easterly five feet of the above described lot for the purposes of installing a 10 inch drain. He added that the property is located on Marine Drive and that its owners, Richard Ernest Morgan and Elinor Vida Morgan had consented to the granting of the Easement. The Manager recommended that Council authorize the acquisition of this Easement.

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

CARRIED UNANIMOUSLY

13. Agreement with Fairmont Plating Limited.

The Manager reported that a Building Permit was issued to the above Company on the condition that it would agree as to the disposal and quality of liquid trade wastes from its establishment. The Manager advised that the following were the most salient points in the Agreement:

- (1) That industrial trade wastes have a maintained quality which will meet the requirements of both the Engineering and Health Departments.
- (2) That any trade waste effluent not disposed of by means of a Municipal Sanitary sewer be piped at the expense of the Company to the nearest storm sewer, or public drain, or major water course (whichever is the shortest) and that such piping be done on Crown Rights-of-way by Municipal crews.
- (3) That when Sanitary sewer facilities become available to the property owned by the Company that they cease to discharge trade, industrial or sanitary wastes to the public storm drains and instead divert them to the sanitary sewer in accordance with Municipal regulations and further, that the innocuous quality of all effluent will continue to be maintained. The Manager reported that the Agreement had been prepared by the Solicitor and executed by the Company and recommended that Council authorize the execution of the Agreement by the Corporation.

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

CARRIED UNANIMOUSLY

14. Subdivision Servicing Agreement covering Rigo Park Developments Ltd. In D.L. 56

The Manager submitted the above Servicing Agreement covering portions of Blocks 2 and 3 and a portion of Lot 3, D.L. 156, Plan 14380 for execution by Council.

Moved by Councillor Mather, Seconded by Councillor Jamieson: "That authority be granted to execute the agreement."

CARRIED UNANIMOUSLY

15. Special agreement with Rigo Park Developments Ltd. covering Lot 9 of Lots 2 and 3, D.L. 156.

The Manager reported that it has been considered desirable for the Municipality to protect its possible interest in the above lot and that accordingly an agreement had been prepared which requires that the subdivider give the Municipality 30 days notice of intent to sell this lot, including the price and terms of such proposed sale. The Manager advised that this agreement had been executed by the subdivider and recommended that Council authorize its execution by the appropriate Municipal officials.

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

CARRIED UNANIMOUSLY

16. Easement over a portion of Lot 3 and also portions of Lots 15 and 16, Blocks 2 and 3, D.L. 156

The Manager reported that Easements are required over the westerly 10 feet of the above noted lot 3 and also over the westerly 5 feet of lot 15 and the easterly 5 feet of lot 16 for drainage purposes. The Manager advised that the first was to be acquired from Norman Boxer and the other two from Rigo Park Developments Ltd. and that no consideration was payable for any of them. He recommended that Council authorize the acquisition of these Easements.

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

CARRIED UNANIMOUSLY

17. Application by S. Olin & Company for removal of top soil.

The Manager reported that the Municipal Engineer had advised him that the lot from which the applicant wishes to remove the top soil (Lot 21, Block 29, D.L. 124 - 2270 Alpha Avenue) slopes and therefore any removal of top soil would result in surface erosion which would have obvious consequences on property situated below the applicant's property. The Manager recommended that in view of this situation the application be denied.

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

CARRIED UNANIMOUSLY

18. Assessment Appeal of J. Douglas Pipe

The Manager reported that the above appeal was against the valuation of land and improvements set by the Municipal Assessor and that it had been heard by the Assessment Appeal Board who dismissed the appeal. He further reported that the 1959 Assessment for improvements was based on certain anticipated demolition or removal which, in fact, did not take place and that the Assessor had argued before the Board that the assessment on improvements should be increased accordingly. The Manager added that the Board took the stand that it could not do so because no cross appeal had been filed by the Assessor but that it was the opinion of the Municipality that the Board, once an appeal has been filed, should weigh all evidence submitted to it and set the assessment at the correct amount no matter what the relationship is between that amount and the amount initially appealed. The Manager reported that the Assessment Appeal Board has been asked to submit the points of law to the Supreme Court by way of stated case for a decision and he pointed out that Section 51 of the Assessment Equalization Act requires that such a request be supported by a resolution of Council. The Manager advised that the principle involved in this matter is important to the Municipality and recommended that the following resolution be passed by Council so that the points of law in question can be properly resolved:

"THAT the Reeve and Clerk for and on behalf of The Corporation of the District of Burnaby be and are hereby authorized and empowered to require the Assessment Appeal Board to submit to the Supreme Court by way of Stated Case a question of law arising in connection with the appeal of John Douglas Pipe wherein the Municipality of Burnaby was named as the Respondent."



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

CARRIED UNANIMOUSLY

19. Easement over portions of Lot "L" and "M", S.D. 13 to 16 and Lots "D" and "E", Block 41 to 43, D.L. 33.

The Manager reported that an Easement is required for drainage purposes over the southerly 5 feet of Lot "L" and the northerly 5 feet of Lot "M". The Manager added that the Easement would be acquired from a J. L. Menzie and that it would be piped at the subdivider's expense. The Manager recommended that Council authorize the acquisition of this Easement.

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

CARRIED UNANIMOUSLY

20. Application of Mrs. Berna MacKay to use dwelling at 2495 Acacia Avenue for public wedding receptions.

The Manager reported that the site is in a residential zone and that it would only be possible to consider such use as a "home occupation" but that it was his opinion to allow such use would:

- (1) Be unfair competition to properly licenced and controlled business establishments.
- (2) Result in neighbours being disturbed by the festivities which often accompany the receptions.
- (3) Result in the loss of privacy by adjoining residents.
- (4) Result in the street being used for parking purposes due to insufficient parking space being available on the subject property.
- (5) Result in the depreciation in value of adjoining property.

The Manager added that the Health Department had notified him it could not countenance such an operation from the standpoint of public health since it would involve the preparation and handling of food. The Manager recommended that the application be refused.

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

CARRIED UNANIMOUSLY

21. Investments.

The Manager advised that the Treasurer had made the following investments of Idle Funds of the Municipality:

Par Value	Security	Cost incl. Interest incl. Int.	Fund
\$52,000.00	Burnaby School District 3½% 1st June 1960 @ 97.92	\$51,705.52	Hospital By-law Right-of-way Reserve
			\$38,000. 14,000.
\$28,000.00	New Westminster School District 4½% - 1st October 1960 @ 98.65	27,781.75	Right-of-way Reserve

The yield on these investments is 5.25%

The Manager recommended that Council confirm the action taken by the Municipal Treasurer.

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

CARRIED UNANIMOUSLY

22. Dog Pound

The Manager reported that for many years the Municipality has contracted with the Edmond Dog and Cat Hospital on Kingsway for Dog Pound service and that its proprietor, G. O. Alsen, devotes most of his time to dog catching while his staff attends to the operation of the Pound. The Manager further advised that the property on which this "Hospital" is situated has now been sold and that as a result the Municipality has been exploring possibilities for the continuation of Pound service. He added that Mr. Alsen has expressed his willingness to continue his dog catching and Pound keeping activities on a contract basis, provided the Municipality supplied the necessary facilities. The Manager reported that at present Mr. Alsen is paid a retainer of \$50.00 per month and received additional fees for the handling and disposal of dogs and other animals plus mileage at the rate of 10¢ per mile. The Manager reported that a Committee consisting of the Treasurer, Chief Sanitary Inspector and Chief Licence Inspector has been studying the requirements and location of a Dog Pound and that they had reached the conclusion that it would not have to be of a large size, it could be kept at a high level of sanitary efficiency, and could be operated in a Commercial district without being offensive either

from the point of view of appearance or noise. In this connection, the Manager reported that the old Carpenter's shop on the site of the old Municipal Hall has been selected for use as a Dog Pound and that it has been approved by the Sanitary Inspector but will require certain structural alterations to adapt it for the purposes for which it is intended. The Manager reported that the Municipality has a reserve of \$3,000.00 for the purpose of providing Dog Pound facilities and that though construction estimates and other cost figures are not available at the present time, they are not expected to exceed this sum too greatly. The Manager recommended that Council:

- (1) Approve the use of the old Carpenter's shop on the Kingsway site as a Dog Pound
- (2) Authorize the letting of a contract with G.O. Alsen to operate the Dog Pound and perform dog catching duties at the following rates:

Impounded Dogs -	\$10.00 each
Dogs destroyed	1.50 each
Pick-up and disposal of dead dogs	4.00 each

- (3) Authorize the remodelling and reconstruction of the Carpenter's shop to the extent as may be required to adapt it for Dog Pound purposes.

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

Moved by Councillor Mather, Seconded by Councillor Prittie: "That the services of a Veterinarian to inspect the premises to be used as a Dog Pound and to investigate the operations of this Pound."

IN FAVOUR: COUNCILLORS  
MATHER AND PRITIE, EDWARDS  
AGAINST: COUNCILLORS  
JAMIESON,  
SEIFNER, BROWN AND  
MACSORLEY  
THE MOTION WAS DECLARED  
LOST

Vote on the original Motion.

CARRIED  
COUNCILLOR MATHER AGAINST

23. Request of G. H. Patterson for rebate of a portion of taxes

The Manager reported that the frontage measurement of the lot owned by the above noted and described as Lot "C", Sketch 11246, Block 16, D.L. 99 was shown on Municipal Maps as 98.5 feet whereas it should have read 93.5 feet and that, in 1958, an appeal was taken which disclosed this error and resulted in it being corrected and the land value being reduced. The Manager further reported that the owner has since been endeavouring to persuade the Municipality to rebate taxes paid on this 5 feet prior to the correction being made. He pointed out that section 214 of the Municipal Act provides Council with the authority to rebate taxes, subject to the consent of the Lieutenant-Governor in Council but that it is not considered that this section is particularly adapted for the purpose of making refunds of the type requested by Mr. Patterson and instead should be reserved for gross or manifest error. The Manager added that in the case at hand, Mr. Patterson neglected to appeal his assessment and therefore must assume responsibility for his oversight. The Manager added that the Municipal Solicitor concurs in this interpretation of section 214 and that the Department of Municipal Affairs has likewise adopted this interpretation. The Manager recommended that the request be denied.

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

CARRIED UNANIMOUSLY

Moved by Councillor Mather, Seconded by Councillor Jamieson: "That

"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 2, 1959"

"BURNABY UNPAID TAXES PENALTY BY-LAW 1959"

be now reconsidered."

CARRIED UNANIMOUSLY

Moved by Councillor Mather, Seconded by Councillor Jamieson: "That  
"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 2, 1959"  
"BURNABY UNPAID TAXES PENALTY BY-LAW 1959"  
Acting

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

CARRIED UNANIMOUSLY

The meeting then adjourned.

Confirmed:

*[Signature]*  
ACTING REEVE

*[Signature]*  
Acting CLERK