

JULY 22, 1960.

An Adjourned meeting of the Municipal Council was held in the Committee Room, Municipal Hall, 4545 East Grandview Douglas Highway on Friday, July 22, 1960 at 4:10 P.M.

PRESENT: Reeve A. H. Emmott in the Chair;
Councillors MacSorley, Mather, Prittie,
Drummond and Harper.

ABSENT - Councillors Edwards and Jamieson.

**MOVED BY COUNCILLOR MATHER,
SECONDED BY COUNCILLOR HARPER:**

"That Council now resolve itself into
Committee of the Whole."

CARRIED UNANIMOUSLY.

Councillor Prittie advised that the Lower Mainland Regional Planning Board had discussed the matter of the City of Vancouver's contribution to the Board and, since such contribution is not compulsory for Vancouver, the Board was desirous of seeking an amendment to the Municipal Act which would compel Vancouver to make a per capita contribution, as is required of all other municipalities comprising the Board.

Councillor Prittie explained that until this year, the City of Vancouver had always paid its share of the cost of the Board's operation but that this year it only granted the same amount as paid last year, and not the amount which would be payable when calculated on a per capita basis.

Councillor Prittie urged that Council endorse the following resolution:

"WHEREAS the Lower Mainland Regional Planning Board has been established pursuant to the "Town Planning Act" of 1948.

AND WHEREAS the City of Vancouver is included within the area gazetted in June, 1949, as the Lower Mainland Region under the authority of the said Act.

AND WHEREAS the "Municipal Act" of 1957 required the municipalities of this region to contribute to the cost of the Board's operation on a population basis.

AND WHEREAS by an apparent oversight the City of Vancouver was not included in Division VI, Part 21, of the "Municipal Act" of 1957.

THEREFORE BE IT RESOLVED that the U. B. C. M. urge the Provincial Government to amend Division VI, Part 21 of the "Municipal Act" to include the City of Vancouver."

**MOVED BY COUNCILLOR PRITTIE,
SECONDED BY COUNCILLOR MATHER:**

"That the foregoing Resolution be endorsed."

CARRIED UNANIMOUSLY.

Municipal Clerk advised that he had received an inquiry as to whether this Council desired to reintroduce the resolution submitted last year to the U.B.C.M. Convention granting municipalities the power to borrow money for essential services

without the assent of electors. The Clerk further advised that last year this resolution had been referred to the Executive of the U.B.C.M.

Councillor Edwards arrived at the meeting.

MOVED BY COUNCILLOR PRITTE,
SECONDED BY COUNCILLOR EDWARDS:

"That the resolution submitted to the U.B.C.M. Convention last year concerning borrowing powers of municipalities, as explained above, be endorsed."

IN FAVOUR: Reeve Emmott
Councillors Prittie,
Harper and Edwards,
AGAINST: Councillors Mather,
Drummond and MacSorley.
MOTION CARRIED

Municipal Solicitor submitted a report in connection with the Hill Avenue - Barnard Substation Transmission Line advising that he had examined the files and Council minutes on this matter. In his report, the Solicitor outlined the facts which had been established as a result of his examination and from which he had concluded:

1. That the B. C. Electric first proposed to construct its transmission line in a right-of-way 125 feet wide adjoining and on the south-east side of its presently existing right-of-way.
2. That the B. C. Electric was subsequently persuaded by the Municipality, and other interested parties, to change the route of its transmission line.
3. That the route brings the transmission line through the ravine adjoining Sullivan Heights Subdivision on the west and is opposed by the Ratepayers in that area.
4. That Council approved the new route on February 22, 1960.
5. That Council, at the urging of the Sullivan Heights Ratepayers, has attempted to have the Public Utilities Commission hold a Public Hearing.
6. That the Public Utilities Commission is prepared to hold a Public Hearing, but it wishes to have an understandable application before it.
7. That the Public Utilities Commission is not prepared to review its approval unless Burnaby submits a definite proposal and indicates what contribution (if any) it is willing to make to the costs of any change of location.
8. That Lake City Industrial Corporation, in co-operation with the B. C. Electric Company Limited, is prepared to spend \$18,000.00 landscaping the right-of-way area.
9. That the B. C. Electric has acted in good faith, it has a construction schedule to meet and delays will prove costly.

The Solicitor advised that it was his opinion, based on the foregoing conclusion, that the Public Utilities Commission would not order the B. C. Electric to relocate its transmission line because:

- (a) The proposed route has the prior approval of Municipal Departments and of the Council.
- (b) The Commission in the Saanich case and in the Boundary Road case has given little weight to the property depreciation argument of the ratepayers.
- (c) Time is important and a relocation would result in costly delays.
- (d) The Municipality is not prepared to pay any part of the cost of relocation.

The Solicitor concluded by recommending that Council abandon its request that the Public Utilities Commission hold a Public Hearing on the subject matter.

Secretary, Public Utilities Commission, submitted a letter advising that because the delay in the construction of the Barnard - Hill Avenue Transmission Line will result in considerable increased cost to the B. C. Electric Company Limited, the Commission cannot accede to the request of Council to extend the date for a Public Hearing from July 22nd to August 12th, 1960, but that it will extend the time to July 29th. The Secretary further advised that if the Municipality still desired more time, the Commission would grant it provided the Municipality agrees to pay a portion of the increased cost which will result from the delay in the construction of the line in question.

Mr. J. H. Steede, Vice-President and Chief Engineer, B. C. Electric Company Limited, submitted a letter reviewing the situation in respect of the Barnard - Hill Avenue Transmission Line, as understood by the Company, emphasizing that time is of the essence in the construction of this line. Mr. Steede advised that the steel towers to be installed on the proposed right-of-way could not be utilized on the existing right-of-way in that two of the towers would have to be completely scrapped while the remainder would require modification. Mr. Steede advised that the additional cost of relocating the transmission line is estimated at \$172,000.00. He added that if the Company used the existing right-of-way and continued south on this right-of-way through to Hill Avenue, the existing easement territory would need to be widened south of the Lougheed Highway. He advised that the additional cost which would evolve from this sort of undertaking would be \$172,000.00. Mr. Steede further advised that he felt the proposal advanced by Lake City Industrial Corporation Limited regarding the creation of a park area is a sound one and offers a reasonable solution to the complaint of the residents of the Sullivan Heights area.

Mr. G. H. Dowding, Counsel for the Sullivan Heights Ratepayers, appeared and presented a brief in which it was contended that the existing right-of-way for the Barnard - Hill Avenue Transmission Line was part of the encumbrance for which Webb and Knapp bargained when they purchased their present holdings and, therefore, since the proposed relocation of the right-of-way will enhance the value of their property, Webb and Knapp should underwrite the cost involved in the relocation. He further contended that Webb and Knapp should advance an argument for eliminating a publicly approved and settled easement and show how the public interest is better served by changing the existing and settled rights which have been long-established in this particular area of the Municipality. Mr. Dowding pointed out that the height of the proposed towers, and their proximity to hundreds of valuable new houses, would, without statutory sanction, ordinarily be deemed a nuisance at common law since such towers would interfere with the light, view, and safety of many of these homes. Mr. Dowding stated that when the subject matter first arose, no opportunity was afforded the land owners affected to present their views or to oppose the relocation of the route in question and further, in the normally prudent search of land registration, the property owners would not have known of the proposed right-of-way. In conclusion, Mr. Dowding held that this confliction of interests should be assessed by a tribunal constituted for such purposes, namely; the Public Utilities Commission, and, in this regard, he urged that Council request the Public Utilities Commission to hold a Public Hearing to allow all interests to be advanced and the issue at hand resolved.

The Municipal Solicitor pointed out that there is no legal obligation on the part of the B. C. Electric Railway Company to seek approval from the Municipality for easements on private

property and that the only reason the Company approaches the Municipality on such matters is out of courtesy.

The Planning Director stated that when the first easement proposal was originally being examined by the Municipality, the main area of concern was that lying south of the Lougheed Highway, which part the Company proposed to widen from 80 feet to 200 feet. He added that at that time the part of the right-of way traversing the Lake City property did not pose much of a problem insofar as the Municipality was concerned.

In response to a question posed by the Public Utilities Commission in a letter concerning the matter of the Municipality contributing to the cost of relocating the transmission line, Mr. Dowding replied that the Commission had no authority to assess such costs against the Municipality. He suggested that the Municipality could offer additional right-of-way for the portion of the line south of the Lougheed Highway so that this section would conform in width to that part lying north of the Lougheed Highway.

A point was raised as to the terms and conditions of the agreement under which the Corporation sold the property in question to the Lake City Industrial Corporation.

An explanation was given that on this point the agreement provided that Council would use its best endeavours to facilitate the rezoning of the land being conveyed to industrial use.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That the matter of the Barnard - Hill Avenue Transmission Line be tabled until the next regular meeting of the Council to be held Monday, July 25th."

CARRIED UNANIMOUSLY.

The Planning Director was instructed to prepare a submission setting out the planning aspects of the subject matter.

MOVED BY COUNCILLOR MATHER,
SECONDED BY COUNCILLOR PRITTIE:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY.

The Council reconvened.


MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:


"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY.

The meeting then adjourned.

Confirmed:


REEVE


CLERK