

SEPTEMBER 17, 1962

An Adjourned meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Monday, September 17, 1962 at 7:30 p.m.

PRESENT: Reeve Emmott in the Chair;  
Councillors Blair, Edwards,  
Harper, Hicks, Kaiyk, MacSorley  
and Prittie

ABSENT: Councillor Clark

Reeve Emmott welcomed a number of members of the Burnaby Southview Scouts Troop and delivered a short address on the role of Government, particularly at the local level, in our society.

Executive Secretary, Burnaby Chamber of Commerce, wrote forwarding a number of copies of a submission in regard to zoning procedures.

The Executive Secretary also advised that, after due consideration, the Chamber has decided to not proceed further with its submission in connection with the development of Burnaby Lake.

Reeve Emmott mentioned that a delegate from the Chamber was present to address Council on the matter of zoning procedures.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR HICKS:

"That the delegate from the Chamber  
of Commerce be heard."

CARRIED UNANIMOUSLY

Mr. Arnold F. C. Hean appeared on behalf of the Burnaby Chamber of Commerce and read the Brief which accompanied the letter of the Executive Secretary relative to zoning procedures.

In the Brief, it was stressed that though the Chamber approves of the objective of the Planning Committee in attempting to clarify rezoning procedures, the Chamber nevertheless felt that the report of the said Committee, if implemented in toto, would unfairly restrict the ratepayer applicant.

The Brief also made reference to a recent amendment whereby Section 704(2) was deleted from the Municipal Act and the opinion was offered that this amendment merely means that Council is not required to consider an application to rezone as one to amend. It was further contended that the intent of the Provincial Government in removing this subsection was merely to simplify the procedure for Council and not to remove the right of the individual to apply for consideration of a possible zoning change or to remove from Council the responsibility of considering the desires and wishes of individual ratepayers.

The following recommendations were presented in the Brief:

- (1) That requests for rezoning be submitted to Council at the meeting immediately following the date of submission when Council can either:
  - (a) summarily reject the request;
  - (b) refer it to staff for report;
  - (c) refer it to the next Public Hearing as an application for rezoning.

It was pointed out that, under this procedure, an applicant is made aware immediately of the disposition of his request and further, staff would not be required to waste its time on requests which Council might, in any event, summarily reject. On the point made by the Planning Committee that most applicants seem to understand the undesirability of constant by-law amendments and the consequent need for numerous Public Hearings, the Chamber submitted that its recommendations will in no way compel Council to make constant amendments since these cannot be made until after a Public Hearings has been held.

- (2) That Public Hearings be regularly scheduled, with the possibility (in cases deemed to be special by Council) that additional Public Hearings may be held.
- (3) That all persons, including the applicant, deemed by Council to be involved with a possible rezoning be given full information in sufficient time before the Public Hearing.
- (4) That the applicant, if his application should be rejected without benefit of a Public Hearing, be given all information and be granted the right of appeal to Council.

It was submitted that an applicant may not be aware of all facts available to the Municipal employees and that therefore this information plus that which he may possess himself, may cause Council to place a different interpretation on the application.

- (5) That the pamphlet recommended by the Committee be prepared and made available for distribution to the general public.

MOVED BY COUNCILLOR MacSORLEY,  
SECONDED BY COUNCILLOR BLAIR:

"That the submission of the Burnaby Chamber of Commerce be received and a decision on the recommendations contained therein be deferred pending consideration of the report of the Planning Committee on rezoning procedures."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTE,  
SECONDED BY COUNCILLOR EDWARDS:

"That all of the below listed correspondence be received."

CARRIED UNANIMOUSLY

Secretary, Lower Mainland Parks Advisory Association, submitted a circular letter soliciting the opinion of Council on the question of whether or not it favours the establishment of a Regional Park Authority.

MOVED BY COUNCILLOR KALYK,  
SECONDED BY COUNCILLOR PRITTE:

"That this question be referred to the Parks and Recreation Commission for its comment."

CARRIED UNANIMOUSLY

Chairman, Industrial Development Commission of Greater Vancouver, submitted a circular letter outlining the industrial growth that has taken place in the Lower Mainland area and inviting enquiries from industrialists as to the prospects in establishing in this region.

A tab was also attached asking for comment as to the effectiveness of the letter.

The only comment offered by Council was that the term "Municipality of Burnaby" rather than the "District of Burnaby" be used to describe our area in any literature the Commission may distribute.

MOVED BY COUNCILLOR HICKS,  
SECONDED BY COUNCILLOR HARPER:

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

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER -- REPORT NO. 49, 1962.

- (1) Easement - Portion of Lot 1, Parcel "A", D. L. 149 S.E., Plan 3353 (Spratt).

The Manager recommended that Council authorize the acquisition of an easement over that portion of the above described Lot 1 shown outlined in Red on Plan No. 24427 for a consideration of \$1.00.

He added that this easement is required in connection with Phase 3 of the South Slope Sewer Project and also recommended that Council authorize the execution of the necessary documents.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(2) 5088 Still Creek Avenue.

The Manager reported that the buildings on the above noted Municipal property should be demolished due to the deteriorated condition of the wooden foundation, obsolete wiring, incomplete plumbing, deterioration of the chimneys, and the general run-down condition.

He recommended that the buildings on the subject property be demolished by the Fire Department.

MOVED BY COUNCILLOR KALYK,  
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(3) Conference of B. C. Association of Assessors and also Assessment Commissioner's School for Assessors.

The Manager recommended that two members of the Assessment Department be authorized to attend both the above noted Conference and the School mentioned in Kamloops, B. C. between September 18th and September 21st, 1962.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(4) Lane - Richmond Park (Burnett).

The Manager reported that a petition has been received from the above noted person and five other residents of Holly Street adjacent Richmond Park requesting that Council abandon the lane allowance at the rear of their properties and return it to them.

The Manager pointed out that this is a matter which has been the subject of correspondence from these owners for two years. He advised that, originally, a petition was received from most of the owners requesting permission to fence and use the subject lane allowance, which had been acquired by the normal subdivision process. He added that one property at the east end was not included in the subdivision and therefore the lane allowance was not constructed through to Humphries Avenue.

The Manager advised that Council had denied the request on the grounds that:

- (a) the land to be fenced was a dedicated lane;
- (b) the Parks and Recreation Commission had seeded the land and constructed a ditch to prevent the private lands from receiving drainage from the Park.

He continued by advising that the owners then requested in February 1961 that the lane allowance be cancelled and the land returned to the owners but Council had ruled that it would not oppose an application by the affected property owners to cancel the lane allowance, under the Plans Cancellation Act, provided an easement was granted across the west end of the allowance to extend the easement previously acquired along the west side of Mr. Burnett's property.

He advised that a second request was made in August 1961 for Council to cancel the lane allowance and return it to the owners, the decision taken by Council then being to reaffirm its previous position to not oppose an application to cancel the lane.

The Manager reported that following this, the property owners included the lane allowance with their respective properties by extending their fences. He pointed out that the original ditch constructed by the Parks and Recreation Commission was destroyed by this action and it became necessary for the Corporation to build another ditch on the new line to prevent flooding of private lands. He reported that individual notice was mailed to each property owner informing them that even though the fences had been extended the lane still existed and was Crown land.

The Manager concluded by suggesting that the following three courses of action are open to Council with respect to the subject matter:

- (a) It could either reaffirm its previous stand to not oppose an application to cancel the lane allowance
- (b) It could accede to the request of the petitioners and the Corporation could make application under the Plans Cancellation Act
- (c) It could close the lane by By-law and apply for an Order-in-Council to abandon the lane, in which case title could be vested in the Corporation or the property owners.

MOVED BY COUNCILLOR PRITTIE,  
SECONDED BY COUNCILLOR BLAIR:

"That Council reaffirm its previous position to not oppose an application by the property owners involved, under the Plans Cancellation Act, to cancel the subject lane allowance and further, if this action under the said Act is not completed within three months, the fences or any obstruction on the lane allowance be removed."

CARRIED UNANIMOUSLY

(5) 1962 Local Improvement Paving Programme (Schedule B).

The Manager submitted a further list of Local Improvement Paving items selected from the original programme which was approved by both the property owners affected and Council, recommending that this list be approved.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager  
be adopted."

CARRIED UNANIMOUSLY

(6) Street Lights.

The Manager submitted the following list of proposed street light installations recommending that these installations be approved:

- At dead-end of Dunlop north of Charles
- At intersection of Halifax and Ellesmere
- At intersection of Halifax and Howard
- At dead-end of Howard north of Halifax
- At dead-end of Ellesmere north of Halifax

MOVED BY COUNCILLOR PRITTIE,  
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Manager  
be adopted."

CARRIED UNANIMOUSLY

(7) Estimates.

The Manager submitted a report of the Municipal Engineer covering estimates of work in the total amount of \$23,163.00 recommending that they be approved.

MOVED BY COUNCILLOR BLAIR,  
SECONDED BY COUNCILLOR HICKS:

"That the recommendation of the Manager  
be adopted."

CARRIED UNANIMOUSLY

(8) Easement - Portion of Lot 7, Block 33, D. L. 53, Plan 3037 (Davies).

The Manager recommended that Council authorize the acquisition of an easement over that portion of the above described Lot 7 shown outlined in Red on right-of-way plan number 23708 for a consideration of \$1.00 plus restoration of the easement area.

He added that this easement was required in connection with the "Stride" drainage project and also recommended that Council authorize the execution of the necessary documents.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That the recommendations of the Manager  
be adopted."

CARRIED UNANIMOUSLY

- (9) Lots 7, 8 and 9, Except Plan 15900, S.D. 1, Blocks 1 and 2, D. L. 207, Plan 4032 (MacMillan Motors).

The Manager advised that a truncation area of approximately 150 square feet is desired in connection with a proposed sidewalk and that negotiations for this acquisition have indicated that the owner is prepared to accept \$75.00 for it.

The Manager recommended that the said truncation, which is shown more particularly on Engineering Drawing L-180, be acquired for \$75.00.

MOVED BY COUNCILLOR BLAIR,  
SECONDED BY COUNCILLOR KALYK:

"That the recommendation of the Manager  
be adopted."

CARRIED UNANIMOUSLY

- (10) License Agreement - Dandy Caterers (1958) Ltd. (Centennial Pavilion).

The Manager reported that on September 5th, the Parks and Recreation Commission accepted the tender of the above noted Company for the provision of a catering service at the Centennial Pavilion.

He advised that the Agreement is in the form of a License and that the effective date of it is August 1, 1962 to December 31, 1964, with the consideration payable to the Corporation being \$350.00 per month.

He added that the Agreement contains a one month cancellation clause by the Corporation and, in addition to the monthly payment of \$350.00, the Caterer is required to assume the cost of heating and lighting the Pavilion, which has been valued by the Commission at \$100.00 per month.

The Manager recommended that Council authorize the execution of this Agreement.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager  
be adopted."

CARRIED UNANIMOUSLY

- (11) Lots "A" and 5, Blocks 35/36, D. L. 35 (Armstrong).

The Manager reported that a Mr. George Armstrong owns the above described Lot "A", which is located on the north side of Moscrop Street between Smith Avenue and Inman Avenue and that this property is poorly drained at the rear. He added that the Corporation owns adjacent property to the north and that Mr. Armstrong is prepared to convey a "redundant" 62.41 foot strip at the rear of his property to the Corporation for \$1.00.

He advised that the necessary documents and plans have been prepared and signed by the Armstrongs and, since it is

considered that it is in the interest of the Corporation to obtain the subject 62.41 foot strip, he recommended that Council authorize its acquisition for \$1.00.

He also recommended that Council authorize the execution of any documents which may be required to complete this transaction.

MOVED BY COUNCILLOR HARPER,  
SECONDED BY COUNCILLOR HICKS:

"That the recommendations of the Manager  
be adopted."

CARRIED UNANIMOUSLY

(12) Estimates.

The Manager submitted a report of the Municipal Engineer covering Special Estimates of Work in the total amount of \$16,000.00 recommending that they be approved.

MOVED BY COUNCILLOR HICKS,  
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Manager  
be adopted."

CARRIED UNANIMOUSLY

THE REEVE DECLARED A RECESS AT 9:10 P.M.

THE COUNCIL RECONVENED AT 9:25 P.M.

The Manager reported that he had received a submission from the Municipal Solicitor in connection with the operation of the Parks and Recreation Commission in which the opinion was expressed that Council, having created the Commission and given it wide powers, could not interfere with the Commission provided it was acting within the scope of its delegated authority but Council could always make inquiries and request reports and information from the Commission since Council has the right and duty to see that its delegated powers are being properly carried out.

The Solicitor further reported that he felt Councillor Kalyk should have first directed her questions to the Commission and, if dissatisfied with the answers, could have reported the matter to Council.

The Solicitor repeated that so long as the Commission is acting within the scope of its delegated authority, Council could not direct its policies even if individual members, or Council as a whole, did not agree with these policies.

Councillor Kalyk then rose and stated that she felt every Councillor should be able to question any member of a body duly appointed by Council on any facet pertaining to the operation of that body. She reiterated that her previous remarks to Council were not improper, emphasizing that it is the elected representatives who must answer to the people and not the appointed ones.



Councillor Kalyk also stated that she had further questions in connection with the summer camp at Cultus Lake which she would be submitting to the Parks and Recreation Commission. She added that she did not plan to attend the meeting of the Commission when her submission was received.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR PRITTIE:

"That the report of the Solicitor be received and copies of it be circulated to each Councillor."

CARRIED UNANIMOUSLY

The report of the Planning Committee on:

- (a) A single authority proposal for Burnaby Lake
- (b) Zoning procedures

was then lifted from the table for further consideration.

(a) Single Authority Proposal for Burnaby Lake.

The Committee reported that it had met with a delegation from the Burnaby Chamber of Commerce to consider its proposal that Burnaby Lake and surrounding lands be placed under a single authority for the purpose of laying a foundation for the eventual development of the Lake.

The Committee pointed out that the Chamber had submitted its proposal in the interests of eliminating what they feel is a triple authority having jurisdiction over the Lake and because, in the interest of fostering the use and development of the Lake, there should be one authority in which all lands surrounding the Lake would be vested and to which any interested groups could apply for use of the Lake.

The Committee also pointed out that the Chamber did not suggest that this proposed authority have jurisdiction over the development of the Lake but that such development proceed as public resources and demand warranted.

The Committee advised that the delegation from the Chamber was informed of the position of this Corporation in regard to the lands surrounding the Lake and, in this connection, it was pointed out to the delegation that concerted efforts have been made over past years to obtain the remaining private lands around the Lake. The Committee reported that the delegation was also advised that with the exception of a fairly large private holding at the east end of the Lake and another forming part of the George Derby Health and Occupational Centre, practically all lands were now under Municipal ownership.

The Committee reported that, pursuant to the report of the Lower Mainland Regional Planning Board entitled: "Land for Leisure", consideration was being given to the formation of a regional park authority which would be responsible for major parks in the Lower Mainland and Fraser Valley regions. It suggested that this single authority for Burnaby Lake would

somewhat jeopardize the function of the proposed regional authority.

The Committee reported that it felt there should be no divergence from the proposals set out in the "Land for Leisure" report relative to the establishment of a regional park authority.

They recommended:

- (a) That Council go on record as endorsing the proposal of the Lower Mainland Regional Planning Board to establish a regional park authority for the purpose of fostering the development of regional parks within the Fraser Valley - Lower Mainland region (including Burnaby Lake), and that the proposal of the Burnaby Chamber of Commerce to establish a separate authority for the Lake area be not entertained.
- (b) That application be made to the Federal Government for the desired land, being the site occupied by the George Derby Health and Occupational Centre, as a further major step toward completion by the Corporation of land ownership around the Lake.

Since Council received a letter this evening from the Lower Mainland Parks Advisory Commission relative to the creation of a regional park authority, it was felt that a decision on the recommendations of the Committee should be deferred pending receipt of an expression of opinion from the Parks and Recreation Commission, as was directed at this meeting.

MOVED BY COUNCILLOR BLAIR,  
SECONDED BY COUNCILLOR MacSORLEY:

"That the Federal Government be requested to contact the Municipality in the event a proposal is being contemplated to dispose of that land occupied by the George Derby Health and Occupational Centre."

CARRIED UNANIMOUSLY

(b) Zoning Procedures.

The Committee reported that it had conducted a review of the current procedures in respect of rezoning as a result of:

- (i) Dissatisfaction occasionally expressed by applicants over the present practice of "grouping" applications for periodic review.
- (ii) Previous remarks by individual Councillors that applicants do not have adequate opportunity to present their case, particularly when the Planning Department's recommendation is opposed to the application.

- (iii) The view of the Planning Department that Public Hearings, as conducted, do not adequately air a rezoning matter. The Committee amplified this point by adding that it is felt the public is not given a sufficient understanding of the subject rezoning and sometimes persons attending Public Hearings could gain the impression that Council has brought a rezoning to the Hearing on the basis of an unsubstantiated application or a recommendation from the Planning Department.
- (iv) An amendment to the Municipal Act in 1961 whereby Section 704(2) was deleted. The Committee suggested that the intention of this amendment was to remove the inference that there was an implied right to apply for rezoning. The Committee stressed that the Department of Municipal Affairs has on occasion expressed opposition to the view that rezoning requests should be entertained and, though the Committee does not entirely share this view, it nevertheless substantiates the feeling of the Planning Department that zoning changes, in most instances, should be initiated by Council. The Committee further submitted that any representation for zoning changes should be regarded as a symptom of the possible need for such change.

The Committee advised that the "grouping" arrangement has been practiced for some time and, though there has been some dissatisfaction expressed, this situation has occurred quite infrequently.

The Committee added that it felt some improvement in the amount of information being supplied to those affected by a proposed rezoning may be warranted so that a better understanding is portrayed and persons interested who attend the Hearing will be able to appreciate and discuss the proposals more fully.

The Committee suggested that persons notified of rezoning changes should receive a copy of the report of the Planning Department or an outline of arguments for the change, and both of these should be restated at the Public Hearing.

The Committee further advised that it felt handling of applications upon which a negative recommendation from the Planning Department is adopted, suggests a different approach. The Committee expressed the view that, because of the foregoing legislative amendment and the attitude of the Department of Municipal Affairs, opportunity for rebuttal need not necessarily be given since any party interested in a zoning change has the opportunity to make his case at the outset. The Committee suggested, however, that if there is incorrect information or a misstatement of the case, possibly rebuttal might be in order.

In conclusion, the Committee recommended:

- (1) That the grouping of rezoning applications be adopted as a formal procedure and that such groupings be scheduled for presentation to Council at the first meeting during February, May, August, and November.

- (2) That in the case of a positive recommendation of the Planning Department which is adopted by Council, the report of the said Department be forwarded to all affected land owners who are notified under the present policy or, if Council reverses a negative recommendation of the Planning Department, the reasons of Council and the report of the Planning Director be forwarded to the owners involved.
- (3) That no further action be taken in regard to negative recommendations of the Planning Department adopted by Council, or the negation of a positive recommendation of that Department by Council except to inform the applicant of the decision made.
- (4) That a pamphlet be prepared by the Planning Department setting out the zoning procedures followed by the Corporation, together with pertinent information on zoning legislation, to be available for distribution to the public.

MOVED BY COUNCILLOR PRITTIE,  
SECONDED BY COUNCILLOR BLAIR:

"That the grouping of rezoning applications be adopted as a formal procedure and that such groupings be scheduled for presentation to Council at the first meeting during February, May, August, and November."

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HARPER:

"That the motion be amended by deleting all the words after "Council" and inserting the words "every two months."

CARRIED  
COUNCILLORS PRITTIE,  
BLAIR & HICKS -AGAINST

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR KALYK:

"That the motion, as amended, be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HICKS,  
SECONDED BY COUNCILLOR HARPER:

"That recommendation Number (2) of the Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,  
SECONDED BY COUNCILLOR HICKS:

"That recommendation Number (3) of the Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR PRITTIE,  
SECONDED BY COUNCILLOR HARPER:

"That recommendation Number (4) of the  
Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR MacSORLEY:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR EDWARDS,  
SECONDED BY COUNCILLOR HICKS:


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

CARRIED UNANIMOUSLY

The meeting then adjourned.

Confirmed:

Certified Correct:

  
REEVE

  
CLERK