

DECEMBER 3, 1962

A Regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, Burnaby, on Monday, December 3, 1962 at 7:30 p.m.

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

Reverend T. H. Hipp led in Opening Prayer.

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

"That the Minutes of the meetings held
November 5th, 13th and 19th, 1962 be
adopted as written and confirmed."

CARRIED UNANIMOUSLY

Capitol Hill Businessmen's Association wrote requesting an opportunity to appear before the Council in connection with a request submitted by the Association previously for a change in the bus route serving the Capitol Hill area.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR BLAIR:

"That the delegation be heard."

CARRIED UNANIMOUSLY

Mr. Malcolm F. Green submitted that it was the Association's desire to seek an extension of better transportation facilities eastward from Willingdon Avenue into the Capitol Hill area and also further east to the Westridge area. It was submitted that at the present time the bus service is designed to take people away from these business areas and it was the request of the Association that overtures be made to the Authority, to improve transportation facilities travelling from Kootenay Loop to the eastern part of Hastings Street.

Members of the Public Utilities Committee who had considered the request of the Capitol Hill Businessmen's Association for a change in the looping of the bus in the Capitol Hill area submitted that the suggestions made by the Businessmen's Association were somewhat impractical in that there were no facilities for return transportation. Furthermore, road grades in the area were very steep and buses would find it impractical to operate over the route suggested by the Capitol Hill Businessmen's Association.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR KALYK:

"That this matter be referred back to the Public Utilities Committee and that the Committee be asked to extend an invitation to the Capitol Hill Businessmen's Association for the purpose of discussing further the problems involved in the change in transit service in the area and possibly arrive at an amicable solution."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR BLAIR:

"That the original communications be received."

CARRIED UNANIMOUSLY

Burnaby Y.M.C.A. wrote making application for permission to hold a door-to-door sale of ball point pens for the purpose of raising funds for their needed equipment and development programme. The canvass was planned for the area around Nelson Avenue School, Douglas Road School and Kensington Avenue School on December 15th from 10:00 a.m. to 2:00 p.m.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR KALYK:

"That permission be granted the Burnaby Y.M.C.A. to hold a door-to-door canvass on December 15th from 10:00 a.m. to 2:00 p.m. in the areas outlined."

CARRIED UNANIMOUSLY

THE COUNCIL RESOLVED INTO COMMITTEE OF THE WHOLE AT 7:45 P.M.

MUNICIPAL MANAGER -- REPORT NO. 66, 1962.

(1) Acquisition of Easement - South Slope Sewer Project Phase 3.

The Manager reported that an easement was required over Lot 16, Block 1, D. L. 149 North $\frac{1}{2}$ of S.W. $\frac{1}{4}$, Plan 1373 from Arthur Stefan Oddsson and June Evelyn Oddsson, 7275 Willingdon Avenue. Consideration payable by the Corporation is \$75.00 including compensation for three fruit trees, one lilac tree and miscellaneous plants and flowers.

RECOMMENDATION: That authority be granted to acquire this easement and that the Reeve and Clerk be authorized to sign the easement document on behalf of the Corporation.

MOVED BY COUNCILLOR CLARK,
 SECONDED BY COUNCILLOR HICKS:

"That the recommendation of the Manager
 be adopted."

CARRIED UNANIMOUSLY

(2) Sale of Lands.

The Manager reported that Council previously authorized the sale of the following described lands located in the vicinity of 16th Avenue and Endersby Street:

Lot 20 - D. L. 11, Group 1, Plan 16871 -	\$ 3,800.00
Lot 73 - D. L. 11, Group 1, Plan 21666 -	4,075.00
Lot 74 - D. L. 11, Group 1, Plan 21666 -	3,825.00
Lot 75 - D. L. 11, Group 1, Plan 21666 -	3,825.00
Lot 76 - D. L. 11, Group 1, Plan 21666 -	3,625.00
Lot 77 - D. L. 11, Group 1, Plan 21666 -	3,660.00
Lot 78 - D. L. 11, Group 1, Plan 21666 -	3,660.00
Lot 79 - D. L. 11, Group 1, Plan 21666 -	3,800.00
Lot 80 - D. L. 11, Group 1, Plan 21666 -	3,800.00
Lot 81 - D. L. 11, Group 1, Plan 21666 -	4,075.00
Lot 82 - D. L. 11, Group 1, Plan 21666 -	3,960.00
Lot 83 - D. L. 11, Group 1, Plan 21666 -	3,960.00

Sale of Lot 48, S.D. 13/18, Blocks 1 - 36, D. L. 129, Plan 21281 was authorized also (located on the south side of Curtis Street west of Kensington Avenue) at a minimum price of \$3,800.00.

The properties were advertised with the following offers having been received. Lot 79 was inadvertently omitted from the advertisement and will be advertised by the paper free of cost to the Municipality.

Robert L. Grant - Lot 48, D. L. 129, Plan 21281 - \$ 3,800.00

*C. & H. Steele - Lot 20, D.L. 11, Grp. 1, Pl. 16871 - 3,850.00

~~*(The cheque for 5% of the offer was not certified as required in the advertisement & therefore offer should not be considered)~~

Coastal Construction	- Lot 20, D. L. 11, Group 1, Plan 16871 -	3,810.00
	Lot 73, D.L. 11, Group 1, Plan 21666 -	4,085.00
	Lot 74, D.L. 11, Group 1, Plan 21666 -	3,835.00
	Lot 75, D. L. 11, Group 1, Plan 21666 -	3,835.00
	Lot 76, D.L. 11, Group 1, Plan 21666 -	3,635.00
	Lot 77, D. L. 11, Group 1, Plan 21666 -	3,670.00
	Lot 78, D.L. 11, Group 1, Plan 21666 -	3,670.00
	Lot 80, D. L. 11, Group 1, Plan 21666 -	3,810.00
	Lot 81, D.L. 11, Group 1, Plan 21666 -	4,085.00
	Lot 82, D. L. 11, Group 1, Plan 21666 -	3,970.00
	Lot 83, D. L. 11, Group 1, Plan 21666 -	3,970.00

RECOMMENDATION: That the offers of Robert L. Grant and Coastal Construction be accepted.

MOVED BY COUNCILLOR HARPER,
 SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager
 be adopted."

CARRIED UNANIMOUSLY

(3) Burnaby Municipal Welfare Society

The Manager submitted a copy of the Annual Report of the Society. Total cash reserves of the Society at the end of the last fiscal year (August 1962) after six years of operation was \$192,334.07. Reserve at present is in excess of \$210,000.00.

It was further reported the Directors were successful in having the Provincial Government amend the Insurance Act and Societies Act removing a prior confliction in the two statutes relating to the operation of the Society. The Society is now considered to be financially and actuarially sound.

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR BLAIR:

"That the report of the Manager, together with the Annual Report of the Burnaby Municipal Welfare Society, be received."

CARRIED UNANIMOUSLY

(4) Street Lights

The Manager submitted the Municipal Engineer's request for consideration of installation of the following street lights:

- (a) Laurel Street east of House No. 6212
- (b) Beresford Street and Hawthorne Avenue
- (c) Dead-end of Mission South of Beresford Street
- (d) Lakeview and Burns
- (e) Dead-end of Hawthorne South from Beresford

RECOMMENDATION: That the installations be approved.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR EDWARDS:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(5) Estimates

The Manager submitted the Municipal Engineer's Special Estimates of Work totalling \$12,940.00.

RECOMMENDATION: That the estimates be approved.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR BLAIR:

"That tenders be called for Job No. 2-744 covering construction of the parking lot at the rear of the R.C.M.P. Building and Burnaby Public Library Headquarters Building on Kingsway."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR HICKS:

"That Job No. 2-744, in the total amount of \$12,000.00 be deleted from the Engineer's report on Estimates."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager, as amended by the previous motion, be adopted."

CARRIED UNANIMOUSLY

- (6) The Manager submitted the report of the Medical Health Officer covering activities of his Department for the month of October, 1962.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR BLAIR:

"That the report be received."

CARRIED UNANIMOUSLY

Councillor Kalyk drew attention to the fact that there were 380 persons who had taken X-rays in the Municipal Hall since such service became available recently.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR BLAIR:

"That the Committee do now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR EDWARDS:

"That the report of the Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

"That "BURNABY TOWN PLANNING BY-LAW 1948, AMENDMENT BY-LAW NO. 25, 1962; being By-law No. 4424 be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR BLAIR:

"That the delegations be heard."

CARRIED UNANIMOUSLY

Mr. Lawrence S. Goulet, Barrister and Solicitor, representing the firms Walker Bros. Limited, Weiser Lock Company of Canada Limited, Donn Dean Collision Ltd., and other interested parties presented a Brief in which a review of facts presented by the Planning Department to the Council in support of the proposed rezoning was made together with a review of facts presented by other proponents, to residents of the subject area. Mr. Goulet made observations on suitability of the area for residential purposes as to cost and injury. In summary, Mr. Goulet submitted that while zoning and rezoning inevitably hurts somebody large scale rezoning which hurts a large number as is the case here, that does not carry with it a substantial and compensating benefit to the community, is not justifiable. Neither the Planning Department or anyone else has yet shown that any such substantial long term benefit will result from this measure. It was further submitted that in its earlier Hearings of the proposal Council was supplied information which was misleading and which deprived it of giving "due regard" to the six basic considerations specified in Section 702(2) of the Municipal Act. Accordingly, it was respectfully requested that the Council should refuse to adopt the zoning recommendation.

MOVED BY COUNCILLOR HICKS,
SECONDED BY COUNCILLOR EDWARDS:

"That the submission of Mr. Goulet be tabled for a period of one week."

A discussion then ensued on the effects of such a tabling motion.

It was submitted by His Worship the Reeve that to table this submission would in effect mean tabling the By-law.

The Brief of Mr. Goulet was then read clause by clause and comment and corrections were presented by the Director of Planning on the statements made in the Brief.

Mrs. Sharon Dean, representing Donn Dean Collision Ltd., 6919 Merritt Avenue, read a Brief presenting the following points:

- (1) Many people bought property in the area for business purposes and now see their businesses being driven to a slow death.
- (2) A special example was that of a man who purchased a lot and house planning to start a business with Navy gratuities and who would now be deprived of the opportunity under rezoning.
- (3) One owner purchased land in another area in Burnaby which had been rezoned and had been moved to this area with the object of financing a business and was now faced with a rezoning for the second time.

- (4) Another owner had built a cement block building and now finds that he is refused a licence to operate a business utilizing the building for which he had paid \$6,000.00 and there was now no recovery.
- (5) With regard to the Dean's Collision business it was submitted that their operation had continued over a period of five years in a cement block building. One end of the building has a plywood temporary wall for expansion purposes. The current rezoning proposal deprives them of security and it would be doubtful if they could go ahead with plans. The office quarters were also soon to be enlarged.

It was submitted that it takes time and money to develop these businesses. It was also submitted that a home had been built for their family of two sons over a period of 19 years and it was hoped to send the sons to University. The property was zoned Light Industrial and their business was allowed to develop and they were in hopes of full security. However, Mrs. Dean reiterated that the proposal to rezone would again deprive them of security.

- (6) It was submitted that one person in the area had become seriously disturbed mentally by the current situation.
- (7) Mis-information had been presented. The fact was that the rezoning would result in the area going from a higher to a lower economic climate. If both sides presented their cases honestly it would have been easier to make a decision. Referred to statements of the Council regarding actions of past Councils and suggested that there should be no change with Council changes.

It was further suggested there should be a community plan for the area and that its adoption would stabilize zoning in this district.

Finally, it was suggested that if changes were to be made there should be an arrangement for compensation to be payable to those affected and then people who were adversely affected would have the opportunity to relocate. It was suggested also that the Council consider very seriously the feelings of the people in the area.

Mr. William Street referred to statements made during discussions that the apartment development would gain benefit if the surrounding area was zoned residential. Mr. Street advised that his clients did not consider this a benefit. The developers were prepared to proceed whether or not the area surrounding the three acre apartment site was zoned industrial or residential. At the time the plans were presented and considered, it was pointed out by the Director of Planning that spot zoning of the three acre area should be resisted. Mr. Street submitted that he had been a member of the Town Planning Commission and Zoning Board in Vancouver and agreed with the Planner that the smaller area should not be spot zoned. However, it was repeated that his clients had not instructed that any area beyond the Kelly property should be involved in their application. Mr. Street deplored the scandalous statements that have been made in this whole affair and suggested that the entire matter had been blown out of proportion. At the Council meeting of November 26th, Mr. Street submitted, he had refrained from speaking to the matter as the submissions

considered that evening were very lengthy. However, it was pointed out at this meeting no contact had been made by his colleague regarding the Brief submitted to this meeting and that there should be an opportunity to receive the information and prepare a proper rebuttal.

Correspondence was then read from the following:

- (1) Frank Hall - expressing favour to the rezoning.
- (2) Mrs. E. Britski - expressing favour to the rezoning.
- (3) J. Stromel Ltd. - expressing favour to the rezoning on the grounds that the apartment development would provide winter employment.
- (4) C. A. and Jean M. Halverson - expressing favour to the proposed rezoning.
- (5) Nicholas G. and Gladys V. Wilson - expressing favour to the proposed rezoning.
- (6) Mrs. Donn Dean - expressing opposition to the rezoning.
- (7) The following expressed opposition to the rezoning by way of a petition:
 - (a) N. Ewen, Burnaby Garage, 7112 Kingsway
 - (b) John B. Curie, Burnaby Garage, 7112 Kingsway
 - (c) S. Rawling, 7769 Patterson Avenue
 - (d) J. and Heather Cameron, 8393 Buller Avenue
 - (e) V. Seveik, 7106 - 17th Avenue

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR BLAIR:

"That the correspondence be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR HARPER:

"That the By-law be tabled for a further period of one week."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That "BURNABY RATIFICATION BY-LAW 1962" be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR EDWARDS,
SECONDED BY COUNCILLOR MacSORLEY:

"That "BURNABY RATIFICATION BY-LAW 1962" be now finally adopted, signed by the Reeve and Clerk and the Corporate Seal be affixed thereto."

CARRIED UNANIMOUSLY

HIS WORSHIP THE REEVE DECLARED A RECESS AT 9:40 P.M.

THE COUNCIL RECONVENED AT 9:55 P.M. IN CAMERA

THE COUNCIL REVERTED TO AN OPEN MEETING

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR:

"That "BURNABY EXPROPRIATION BY-LAW NO. 4,
1962" (By-Law No. 4426) be now reconsidered."

CARRIED UNANIMOUSLY


MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR:

"That "BURNABY EXPROPRIATION BY-LAW NO. 4,
1962" (By-Law No. 4426) be now finally
adopted, signed by the Reeve and Clerk
and the Corporate Seal be affixed thereto."

CARRIED UNANIMOUSLY


The meeting adjourned to 7:30 p.m., Monday, December 10th, 1962.

Confirmed:



REEVE

Certified Correct:



CLERK