

JANUARY 21, 1963

An Adjourned meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, on Monday, January 21, 1963 at 7:30 p.m.

PRESENT: Reeve Emmott in the Chair;
Councillors Blair, Cafferky,
Clark, Drummond, Harper, Kalyk,
MacSorley and Wells

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR HARPER:

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

CARRIED UNANIMOUSLY

Director, Department of University Extension, The University of British Columbia, submitted a letter inviting participation in a programme on The Future of Agriculture in the Lower Mainland that is being arranged in co-operation with the B. C. Federation of Agriculture.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR KALYK:

"That Reeve Emmott be delegated to attend the programme mentioned."

CARRIED UNANIMOUSLY

Fraser Valley Municipal Association submitted a notice of a meeting to be held in the Surrey Municipal Hall on January 23rd at 8:00 p.m.

Executive Secretary, Burnaby Chamber of Commerce, wrote advising that the cost of producing the Industrial brochure of which Council was apprized last July is \$3,391.54. The Executive Secretary requested that, in view of the commitment made by Council on July 9, 1962 to accept one-half of the cost, the Corporation remit the sum of \$1,695.77.

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR BLAIR:

"That authority be granted to pay the Burnaby Chamber of Commerce the sum of \$1,695.77, as requested."

CARRIED UNANIMOUSLY

Guardian Secretary, Bethel No. 15, International Order of Job's Daughters, submitted a letter requesting permission to conduct a Candy Drive between February 11th and 13th, 1963 inclusive.

MOVED BY COUNCILLOR BLAIR,
SECONDED BY COUNCILLOR HARPER;

"That permission be granted to the Order to conduct its campaign on the dates mentioned."

CARRIED UNANIMOUSLY

Mr. F. A. Buckley submitted a letter relating certain background information respecting plans to provide sewer service to that area south of Hastings Street between Delta Avenue and Springer Avenue. He also requested that since this service will likely not be available in the immediate future, Council consider exchanging Municipal land for the lot which he owns in the subject area.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR DRUMMOND;

"That the Land Agent contact Mr. Buckley to investigate the possibility of effecting an exchange, as requested by Mr. Buckley."

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR MacSORLEY;

"That the previous Motion be tabled until consideration is given to the future sewerage programme."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR KALYK;

"That the previous Motion be rescinded."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR KALYK;

"That the request of Mr. Buckley be referred to the Policy Committee for further consideration."

CARRIED UNANIMOUSLY

The Clerk announced that a letter had been received from the Chairman of the Burnaby Parks and Recreation Commission relative to certain allegations made against the Commission at a Council meeting on January 14, 1963.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR MacSORLEY:

"That the letter be read."

CARRIED UNANIMOUSLY

In his letter, the Chairman requested that the allegations mentioned, which concerned the operations of the Parks and Recreation Commission, be investigated by an impartial body.

Councillor Kalyk replied to the charges levelled by the Chairman of the Parks and Recreation Commission, stressing that the statements made by her on January 14th were based on information received as a result of scrutinizing the Minutes and other records of the Parks and Recreation Commission.

Councillor Kalyk also made reference to the motion which she made at the last meeting of Council calling for a Committee of Council to investigate the entire proposed budget of the Commission.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR CLARK:

"That a meeting be arranged between the Parks and Recreation Commission and Council to discuss the matters which gave rise to the allegations against the Commission."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR MacSORLEY:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR DRUMMOND,
SECONDED BY COUNCILLOR CLARK:

"That the report of the Parks and Recreation Commission concerning recreation activities outside the Municipality be brought forward for consideration."

CARRIED UNANIMOUSLY

The Commission pointed out in its report that some types of activities which are considered to be an important part of a public recreation programme must, of necessity, be conducted outside the boundaries of the Municipality. They advised that these activities include tours, hikes, sporting events, inter-municipal events, and other similar activities

which are a natural outgrowth of the summer playground programme; an example being the camping programme conducted at Cultus Lake. On this matter, the Commission advised that a desire for this activity was expressed by children on the playgrounds and, as a result, it was developed and arranged by the Commission staff, using a private camp area at the south end of Cultus Lake.

As regards the skiing programme on Mount Seymour, this is conducted in co-operation with the Mount Seymour Ski School. The Commission advertises the lessons, assists in the distribution of the required materials and arranges the transportation from Burnaby to the Mountain.

The Commission also stressed that the participants in any of the activities mentioned contribute financially but, at times, the Commission subsidizes these activities. It added that these activities are an accepted part of most public recreation programmes and they have been conducted for many years by Parks and Recreation agencies in not only this area but in North America.

The Commission reported that it was recently brought to its attention that, in conducting a programme outside the Municipality, the approval of Council should be obtained, as required under Section 631(2) of the Municipal Act.

The Commission recommended that By-Law No. 4001 be amended to permit the Commission to conduct activities of the kind mentioned earlier outside the boundaries of this Municipality.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR CLARK;

"That the report of the Parks and
Recreation Commission be received."

CARRIED UNANIMOUSLY

Municipal Manager reported verbally that the Municipal Solicitor had indicated that Section 631(2) of the Municipal Act permits Council to authorize a Recreation Commission to conduct part of its programme outside the Municipality. He added that Council did not appoint such a Commission under this Section 631(2), and instead it empowered the Parks Commission, which was established under Section 632, to organize and conduct a recreation programme, etc.

The Manager further stated that the Solicitor had pointed out that, for some reason, Section 632 does not contain the same subsection as appears under Section 631, a matter that it is hoped will be rectified by the Department of Municipal Affairs.

Because of Section 631(2), the Solicitor stated that he was of the opinion the Recreation Commission could not conduct any of its programme outside the Municipality without the express approval of Council but, on examining Section 632 by itself, the opinion might be reached that no such restriction could be placed on the Parks Commission exercising recreation functions under that Section. The Manager added that the Solicitor believed it was the intention of the Legislature that no Commission should conduct any part of its programme outside the Municipality without express authority.

The Manager concluded by advising that the Solicitor felt that while Section 632 does not expressly forbid the Burnaby Joint Commission from exercising recreational functions outside the Municipality, it should not do so without the express approval of Council.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR CLARK:

"That the matter of granting approval to the Parks and Recreation Commission to conduct activities outside the Municipality be held in abeyance until the meeting is held between it and the Council."

CARRIED UNANIMOUSLY

Reeve Emmott submitted a report dealing with the following appointments:

(a) Burnaby Board of Debt Retirement Fund Trustees

The Reeve advised that two vacancies exist on this Board because of the death of Mr. R. Bolton and the resignation of Mr. G. A. Grant.

He recommended that Mr. S. N. Noble, 3776 Pandora Street, Burnaby 2, B. C. (who will be the Municipal appointee), be appointed to replace Mr. Grant and that the name of Mr. George Westover, 7491 Government Street, Burnaby 2, B. C., be suggested to the Chief Justice of the Province of B. C. as a replacement for the late Mr. Bolton.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Reeve be adopted."

CARRIED UNANIMOUSLY

(b) Library Board

The Reeve reported that Mr. D. S. Collings, Mrs. Winnifred Denny and Mrs. Caroline Prior have all completed their first term on the Library Board and he recommended that they be reappointed.

The Reeve also recommended that he be reappointed to the Board as a representative of Council for the term ending January, 31, 1964.

MOVED BY COUNCILLOR BLAIR,
SECONDED BY COUNCILLOR HARPER:

"That the recommendations of the Reeve be adopted."

CARRIED UNANIMOUSLY

(c) Parks and Recreation Commission

The Reeve reported that Mr. H. A. Hodgson, Mr. G.H.F. McLean and Mrs. P. Wilks are eligible for reappointment to the Commission.

He added that the following additional names have been submitted for consideration:

Mr. James P. R. Mason, 7110 Inlet Drive, Burnaby 2
Mr. James Massey, 7216 Second Street, Burnaby 3
Mr. Paul Seifner, 5350 Parker Street, Burnaby 2

Reeve Emmott recommended that serious consideration be given to the reappointment of the three incumbents in recognition of the competent service provided by these citizens.

A vote, by secret ballot, was then taken on the appointment of three Commissioners to the Parks and Recreation Commission, with the candidates being those six persons mentioned in the report of the Reeve.

The result of this vote was that Messrs. Mason, Massey and Seifner were appointed to serve on the Parks and Recreation Commission for the term ending January 31, 1965.

MUNICIPAL MANAGER -- REPORT NO. 3, 1963.

(1) Lane adjacent Richmond Park (Burnett).

The Manager submitted a further report on the matter of those residents of Holly Street adjacent Richmond Park being granted the lane allowance at the rear of their properties.

He pointed out that the last time Council dealt with this subject (September 17, 1962), Council reaffirmed 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 have it added to the respective properties.

He advised that this decision of Council was transmitted to all of the affected property owners by letter dated September 20, 1962 but, for some reason, Mr. Burnett has now written indicating that the residents concerned have heard nothing officially from Council regarding the lane allowance.

The Manager pointed out that when Council rendered its decision on September 17, 1962, it stipulated that if the Plans Cancellation procedures are not complete within three months, steps would be taken to remove any obstructions on the subject lane allowance.

He concluded by advising that, in view of the foregoing, it is not understood how the residents can claim they have heard nothing officially from Council.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR HARPER:

"That Council reaffirm its previous decision to not oppose an application by the property owners concerned under the Plans Cancellation Act to cancel the lane allowance in question and have it added to the respective private abutting properties and further, if no action along these lines is taken by the owners involved, they be given three months in which to remove all obstructions from the subject lane allowance."

CARRIED UNANIMOUSLY

(2) Insurance Protection for Councillors.

The Manager submitted a report on an enquiry as to whether members of Council could be covered by the provisions of the Workmen's Compensation Act advising that this is not possible since Councillors do not come within the definition of workmen, as set out in the said Act.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR CLARK:

"That the report of the Manager be received."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR CAFFERKY:

"That an effort be made to ascertain the best means by which Councillors can be insured while acting in that capacity on behalf of the Municipality and any coverage which could be obtained in this regard include all members of other public bodies in the Municipality, such as the Parks and Recreation Commission, Library Board, etc."

CARRIED UNANIMOUSLY

A statement was made that the Burnaby School Board has insurance coverage of the kind desired, and it was suggested that the Board be contacted to determine the nature and extent of the coverage given its members.

(3) Annual Membership Dues - Union of B. C. Municipalities and B. C. Safety Council.

The Manager submitted accounts from each of the above noted Organizations in the following amounts:

Union of D. C. Municipalities -	\$ 900.00
D. C. Safety Council -	25.00

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR BLAIR;

"That authority be granted to pay
these accounts."

CARRIED UNANIMOUSLY

(4) Adair Street Drainage (Hopper).

The Manager reported that certain drainage from Adair Street and the contiguous area to the north is directed by culvert under Adair Street into what was considered a natural watercourse. He advised that an application was commenced for an injunction to prevent the Corporation from permitting such water into this watercourse, which is located on property owned by a Mrs. Hopper. He pointed out that the Municipal Solicitor, in his investigation of the situation, concluded that it would be practically impossible for the Corporation to prove that a natural watercourse does exist on the "Hopper" property within the serious limitations of the definition "watercourse" has received in court decisions that have been studied.

The Manager reported that methods of overcoming the physical problem of directing and containing the drainage were examined and Council subsequently approved the acquisition by expropriation of an easement between Adair Street and Broadway for the purpose mentioned, and negotiations have been conducted for the acquisition without final expropriation procedures.

He pointed out that the method of containing the water has had a decided effect on the attitude of the owners during negotiation in that an open watercourse on the easement over two building lots would seriously affect the building potential of the lots. He advised that it has been estimated that the cost of acquiring the easement over the two lots mentioned would be at least \$1,500.00 each and possibly higher if the open ditch method was used.

The Manager reported that it is felt that the Corporation would be well advised to consider enclosed drainage throughout the entire easement and, in this regard, it has been estimated to cost \$10,600.00 for piping of the easement.

He pointed out that this expenditure would ensure that all easements except that over the "Hopper" property could be obtained at nominal cost and, with respect to the "Hopper" property, the Solicitor feels this owner would not be awarded any large sum if the Corporation was obliged to go to arbitration to establish compensation for the easement. He added that the advantage in enclosing the watercourse is that it will be the final solution to the drainage problem.

The Manager recommended that Council approve the piping of the easement between Adair Street and Broadway at an estimated cost of \$10,600.00.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR CLARK:

"That the recommendation of the
Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR KALYK:

"That the Municipal Solicitor prepare
a proper definition of a 'natural
watercourse' and submit it to
appropriate officials in the Provincial
Government with a request that they
introduce an amendment to the Municipal
Act incorporating the definition and
further, should this procedure not
bring satisfactory results, the matter
of defining 'natural watercourse' be
brought before the next Convention of
the U.D.C.M. by way of resolution."

CARRIED UNANIMOUSLY

(5) Easement - Portion of Lot "C", D. L. 85, Plan 23999
(MacCarthy).

The Manager recommended that Council authorize the acquisition
of an easement over the above described property for a
consideration of \$1.00 plus restoration of the easement area.

He also recommended that Council authorize the execution of the
necessary documents.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR CAFFERKY:

"That the recommendation of the Manager
be adopted."

CARRIED UNANIMOUSLY

(6) Lot 1, S.D. "E", Block 1, D. L. 25, Plan 1341 (Hagen and
MacInnes).

The Manager reported that the above described property was sold
at the 1962 Tax Sale to the Municipality for an upset price of
\$547.71, the owner of the property being Albert J. Hagen and
Verle M. Hagen.

He advised that by letter dated January 10, 1963, Mr. W. H.
MacInnes, the holder of the first mortgage, requested that the
Corporation sell the subject property to him for the upset
price plus interest to date.

The Manager pointed out that in the past Council has refused
to consider the sale of a certificate after the Tax Sale except
in cases where a person can establish that he has a mortgage on
the property or title to it. In the case at hand, there are

other interested parties and, in the event Council approves the sale as requested, the other parties would still retain their right to redeem the property in the names of Mr. and Mrs. Hagen up to and including October 1, 1963. The same right of redemption also applies to Mr. MacInnes should Council refuse to sell him the Tax Sale Certificate.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR BLAIR;

"That the report of the Municipal Manager be received and the subject matter of it referred to the Policy Committee for further consideration, with information respecting the value of the property in question to be furnished to the Committee."

CARRIED UNANIMOUSLY

(7) Relocation of Still Creek in the vicinity of Willingdon Avenue.

The Manager reported that the Department of Highways has found it necessary to relocate Still Creek in the Willingdon Avenue area to provide for the construction of the Trans-Canada Highway. He advised that the Department is prepared to convey the land through which the Still Creek Diversion is located (3.113 acres more or less) to the Municipality in exchange for that portion of property in which Still Creek was formerly located (2.69 acres more or less) with the Department paying all survey and registration costs.

The Manager recommended that:

- (a) the land exchange described above be approved
- (b) the following described lands be accepted from the Provincial Government for a consideration of \$1.00:

That part of Lot 4, Block "D", D. L. 70
East half, Plan 13400 shown outlined in
red on Plan 24749 containing 2.017 acres

That part of Lot 1, Block "A", D. L. 70,
Plan 4328 shown outlined in red on Plan
24749 containing 1.096 acres

- (c) authority be granted to execute the necessary documents.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR CAFFERKY:

"That the recommendations of the Manager
be adopted."

CARRIED UNANIMOUSLY

(8) Culvert - Burris Street and Buckingham Avenue.

The Manager submitted a further report in connection with the above noted matter advising that he was presenting two reports

prepared by the Sewers Engineer dated January 11 and 14, 1963 plus one submitted by the Municipal Engineer to him under date of January 17, 1963.

He pointed out that the two major facets of the case involving the subject culvert are:

- (a) The decisions which were made prior to and in the course of this project.
- (b) What remains to be done to satisfy the Manwarings.

Regarding the first point, the Manager advised that the selection of the project in the first instance was unfortunate considering all factors now known, such as encroachment, weather, traffic, et cetera. He reported that the decision to proceed without an easement also proved unwise even though the ultimate construction problem would not have been any different with an easement.

The Manager added that there was no doubt there is an obligation upon the Corporation to undertake restoration work to the satisfaction of the Manwarings, the estimated cost of which is \$2,800.00.

The Manager recommended that Council approve this expenditure.

He further recommended that the problem of encroachment by the Municipal facility upon private property be regularized by the acquisition of an easement from the owners of the property involved.

MOVED BY COUNCILLOR DRUMMOND,
SECONDED BY COUNCILLOR CLARK:

"That this report be received and the subject matter of it tabled for a period of one week."

CARRIED
COUNCILLOR WELLS -
AGAINST

(9) Estimates.

The Manager submitted a report of the Municipal Engineer covering Special Estimates of Work in the total amount of \$7,500.00 recommending that they be approved.

MOVED BY COUNCILLOR HARPER,
SECONDED BY COUNCILLOR BLAIR:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR KALYK,
SECONDED BY COUNCILLOR MacSORLEY:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR CLARK;

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

CARRIED UNANIMOUSLY

THE REEVE DECLARED A RECESS AT 9:25 P.M.

THE COUNCIL RECONVENED AT 9:35 P.M.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR MacSORLEY;

"That the 1963 Provisional Budget be
approved as presented on the under-
standing that authority is granted
for expenditure of funds for normal
maintenance and payroll, pending
consideration and adoption of the
Annual Budget and that all extraordinary
expenditures be subject to additional
approval of the Council."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR;

"That leave be given to introduce
"BURNABY ROAD ACQUISITION & DEDICATION
BY-LAW NO. 1, 1963"
and that it be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR;

"That the By-law be now read a Second
Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR;

"That the Council do now resolve into
Committee of the Whole to consider the
By-law."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR:

"That the Committee do now rise and
report the By-law complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR CAFFERKY:

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

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR BLAIR:

"That "BURNABY ROAD ACQUISITION &
DEDICATION BY-LAW NO. 1, 1963"
be now read a Third Time."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR DRUMMOND,
SECONDED BY COUNCILLOR MacSORLEY:

"That "BURNABY ROAD ACQUISITION &
DEDICATION BY-LAW NO. 12, 1962"
"BURNABY TAX ABATEMENT BY-LAW, 1962"
be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR DRUMMOND,
SECONDED BY COUNCILLOR CAFFERKY:

"That "BURNABY ROAD ACQUISITION &
DEDICATION BY-LAW NO. 12, 1962"
"BURNABY TAX ABATEMENT BY-LAW, 1962"
be now finally adopted, signed by the
Reeve and Clerk and the Corporate Seal
be affixed thereto."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR KALYK:

"That "BURNABY TOWN PLANNING BY-LAW
1948, AMENDMENT BY-LAW NO. 1, 1963"
"BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 2, 1963"
be now reconsidered."

CARRIED UNANIMOUSLY

Amendment By-Law No. 1, 1963 provides for the following proposed rezoning:

FROM RESIDENTIAL TWO FAMILY TO RESIDENTIAL MULTIPLE FAMILY TYPE I

- (a) Lot 1, Block 47, D. L.'s 151/3, Plan 11295
(Located at the south-east corner of Maywood Street and Willingdon Avenue)
- (b) Lot 2, Block 9, D. L.'s 151/3, Plan 2702.
(Located on the west side of Wilson Avenue approximately 225 feet south of Kingsway)
- (c) Block 54 except Plan 9220 and except the west 10 feet, D. L. 33, Plan 944
(Located at the north-west corner of Grange Street and Elsom Avenue)

Amendment By-Law No. 2, 1963 provides for the following proposed rezoning:

FROM RESIDENTIAL TWO-FAMILY AND COMMERCIAL TO RESIDENTIAL MULTIPLE FAMILY TYPE III.

Lots 2 to 5 inclusive and also Lots 7 and 8, Block 2, D. L. 205, Plan 3328.

(Lots 2 to 5 inclusive, as aforesaid, are located on the south side of Hastings Street between a point approximately 133 feet east of Holdom Avenue and a point approximately 660 feet east of Holdom Avenue)

(Lots 7 and 8, as aforesaid, are located at the south-west corner of Hastings Street and Fell Avenue and extend westward a distance of approximately 262 feet from Fell Avenue)

The Municipal Clerk advised that a letter had been received from Mr. John W. G. McKenzie confirming that, as owner of Lots 7 and 8, Block 2, D. L. 205, Plan 3328, he is prepared to dedicate the north 20 feet of these lots for the widening of Hastings Street and also the south 33 feet of Lot 7 and Lot 8 South half for an eventual 66 foot wide road allowance between his property and the park lying to the south.

The Clerk added that Mr. McKenzie also indicated he was prepared to make these dedications provided the properties owned by him are rezoned to Residential Multiple Family Type III.

MOVED BY COUNCILLOR MacSORLEY,
SECONDED BY COUNCILLOR KALYK:

"That "BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 1, 1963"
"BURNABY TOWN PLANNING BY-LAW 1948,
AMENDMENT BY-LAW NO. 2, 1963"

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

CARRIED UNANIMOUSLY

Councillor Clark then rose and stated that he felt the dual role performed by the Planner as Planning Director and Approving Officer could lead to bias in that planning ideologies might outweigh the practicalities of a situation when dealing with matters of subdivision. He suggested that possibly the position of Approving Officer should rest with some other person.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR MacSORLEY:

"That the matter of the Approving Officer be referred to the Planning Committee for further consideration and report."

CARRIED UNANIMOUSLY

Councillor Clark also reported verbally on the complaint of Mr. E. Jackson of Hemlock Realty Limited that their clients were dealt with unfairly in connection with an application for approval of a Private Hospital site on Grange Street west of Willingdon Avenue. Councillor Clark reported that he had attempted by investigation to prove or disprove whether an injustice had been done by approval having been granted to the latest applicant, Mr. Neil Cook, for a Private Hospital on the same property. It was submitted that the blame in this instance could be laid in three different places. It was understood that in reviewing the application with Mr. Armstrong of the Planning Department the applicants had been advised that the land in which they were interested was to be reduced in size to allow for the development of a joint school - part site in the immediate area. Due to the fact that the Provincial Government had indicated to Messrs. Itterman and Jackson of Hemlock Realty that it would be preferable that the Hospital site be two acres in extent, it was mutually agreed between the agents and Mr. Armstrong to leave the matter in abeyance pending a decision of the Council on the ultimate boundaries for the school - part site. It was understood Mr. Armstrong would advise the applicants when the Council had made a decision and according to the applicants, Mr. Armstrong had failed to do so. Some blame should be accepted by the agents themselves as it was the opinion they did not pursue the matter on behalf of their clients as diligently as they should have. It appears no advice was given to the applicants by the agents of the Council's position in the matter.

Finally, it was felt that the Provincial Government was partly to blame in that investigations had revealed that contact had been made with the respective officials in Victoria on four different occasions regarding standards and requirements for the Hospital site and different answers were obtained each time. It was submitted there should be rigid standards laid down by the authorities in Victoria to follow.

It was the opinion that as fault seemed to lie on all sides of this matter, no action should be taken by the Council with respect to the application by the Kirkpatrick Rest Home.

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR CAFFERKY:

"That no further action be taken regarding the complaint of Mr. Jackson of Hemlock Realty Limited with respect to his application for approval of a Private Hospital site on Grange Street west of Willingdon Avenue on behalf of his clients, Mr. and Mrs. Kirkpatrick, of the Kirkpatrick Rest Home."

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CLARK,
SECONDED BY COUNCILLOR KALYK:

"That the actions of Mr. Armstrong of the Planning Department in the matter of the application by Hemlock Realty Limited on behalf of Mr. and Mrs. Kirkpatrick for approval of a Private Hospital site on Grange Street west of Willingdon Avenue, be referred to the Planning Committee for review."

CARRIED UNANIMOUSLY

It was submitted that if the Planning Department made a commitment to advise the agents of any Council decision in this matter, and failed to do so, then appropriate action should be taken but if no commitment was made, then the Department acted properly.

Verbal Item No. 10

Municipal Manager reported verbally on the sale by the Corporation of certain properties in the vicinity of 16th Avenue and Endersby Street to Coastal Construction Company advising that during the interval between the approval by Council of this sale and the written notification of it, an official of the Company was informed verbally that his tender had been accepted. He pointed out that under the terms of the advertisement inviting bids, a fourteen day period was granted for the successful bidder to complete purchase arrangements, the fourteen days being calculated from the date of the Municipal Clerk's letter.

The Manager pointed out that this "fourteenth day" fell on December 26, 1962, which was a holiday and, as a result, the Land Agent contacted an official of the Company to ascertain whether arrangements to consummate the purchase transaction could be completed on December 27, 1962. The Land Agent was informed then that he had not yet received official notification but later on in the same day he did indicate that such a letter had been received that day. The official also informed the Land Agent that one of the signing authorities for the Company would not return until January 5th so therefore a cheque for the property in question could not be delivered until after that date. As a result, the official was informed that he had

until January 7, 1963 to produce the cheque for the balance of the down payment.

The Manager further reported that after January 7, 1963, an inspection was made of the properties in question and it was found that buildings had been commenced on six of the eleven lots, with clearing and excavations on the others. The Manager pointed out that subsequent contact was made with Coastal Construction Company on a daily basis in an attempt to obtain the balance of the down payment, without success.

The Manager reported that building permits have been issued on the following lots on the dates indicated:

- Lot 73 - December 10, 1962
- Lot 74 - January 4, 1963
- Lot 80 - December 17, 1962
- Lot 81 - December 17, 1962
- Lot 82 - December 17, 1962
- Lot 83 - December 14, 1962

and that applications were pending on Lots 20, 76, 77, and 78.

The Manager advised that on January 17th, the Building Department was directed to withhold any inspections on the permits which have already been issued and to also withhold the issuance of the pending building applications.

MOVED BY COUNCILLOR CAFFERKY,
SECONDED BY COUNCILLOR MacSORLEY:


"That the verbal information conveyed by the Manager be received and the Municipal Manager be instructed to withhold all pending applications for building permits on the subject lots plus inspections on those permits which have already been issued until the Company has satisfied the terms of the sale to it of the lands in question and further, that all other necessary steps be taken to arrest development on the subject lots."

CARRIED UNANIMOUSLY

The meeting then adjourned.

Confirmed:

Certified Correct:


REEVE


CLERK