

THE CORPORATION OF THE DISTRICT OF BURBARY

REPORT NO. 49, 1967.

11 August 1967.

His Worship, the Reeve,
and Members of the Council.

Gentlemen:

Your Manager reports as follows:

1. Re: Sale of Land.

The Corporation owns the west ten feet of Lot 16, Block 1, D. L. 39 E $\frac{1}{2}$, Group 1, Plan 1436. There is a storm and sanitary sewer on the property.

The property is located on the north side of Spruce Street, immediately east of 4049 Spruce Street.

It is recommended that the property be offered for sale by public tender subject to it being consolidated with either Lot 16 or Lot 17, Block 1, D. L. 39 E $\frac{1}{2}$, Group 1, Plan 1436. It is understood that the Corporation will have the right to reject any or all tenders. The Corporation will retain an easement over the property to contain the storm and sanitary sewers.

2. Re: Land Acquisition.

A small portion of land is required from Lot 12, Block 1, D. L. 58, Group 1, Plan 4338, to complete the intersection of Hunter Street and Hunter Court.

The property is located at 7933 Government Road. The consideration is \$1.00.

It is recommended that the portion of property be acquired and the Reeve and Clerk be authorized to sign the necessary documents.

3. Re: Sale of Land.

A portion of Watling Street west of Buller Avenue has been cancelled and can now be placed in a sale position.

The size of the parcel created has a 33' frontage on Buller Avenue and is 194.91' long. There is a storm sewer, manhole, catchbasin and a sanitary sewer on the property.

It is recommended that the property be offered for sale by public tender subject to the Corporation retaining a 20' wide easement. The Corporation to have the right to reject any or all tenders received.

4. Re: Rosewood-Wedgewood Lane - 6th St. to Grandview Highway.

Council has received requests for the opening of the above-mentioned. Representations opposing the opening have also been received.

Council considers that perhaps some lane pattern should be developed for the area that would be mutually satisfactory to all concerned.

The Municipal Engineer and the Planning Director were requested to consider and report on the problem.

Herewith is the report of the Planning Director which is concurred in by the Municipal Engineer:

"We have examined the status of the above lane, with particular reference to its location and to the amount of dedicated lane allowance.

Both the Engineering and Planning Departments agree that the lane should not be constructed out to Grandview and this Department would therefore recommend that a 20' lane allowance be obtained along the south-west boundary of Lot 96, Plan 30016, D.L.90 in order to replace the southerly 127.36 feet of existing lane allowance which should be closed and returned to the adjacent owners.

(.....2)

(Item 4....re Rosewood-Wedgewood Lane....continued)

In recommending lane acquisition from Lot 96, it should be appreciated that this particular lot was the subject of an approved subdivision in August, 1966, and that the acquisition of the lane allowance will prevent the creation of a future 50' residential lot.

In examining the general availability of lane allowance it is apparent that unless we follow our normal procedure of awaiting the completion of lane allowances through land subdivision, the Corporation will be involved in expropriating property from owners in order to install a lane which they do not desire.

In addition to this, a brief look at the two blocks on each side of the Rosewood-Wedgewood block shows that they also have incompleted lane allowances and might well expect the Corporation to undertake land acquisition and construction.

I would therefore recommend in addition to the lane relocation that lane construction await the completion of the remainder of the lane allowance, through land subdivision procedures."

5. Re: Subdivision Reference #57/67.

The subdivision of Lot "A", Plan 18315, Block 20, D. L. 34, Group 1, Plan 14532, Reference No. 57/67 creates a lot that cannot conform to Section 712(a) of the Municipal Act which requires that the frontage of a lot must not be less than 10% of the perimeter.

Section 712B of the Act empowers Council to waive the provisions of Section 712A.

It is recommended that Council waive the provisions of Section 712A as it applies to subdivision reference no. 57/67.

6. Re: Dumping - east side of Nelson Avenue between Carson Street and Marine Drive.

Council directed that an investigation be made of property on the east side of Nelson Avenue between Carson Street and Marine Drive being used as a dumping site.

The Health Department first dealt with this problem in December 1966 when it advised J. Schmidt Construction Co. Ltd. that it had contravened the Burnaby Unsightly Premises By-law and ordering correction of the situation. Correction was achieved.

At 9.30 a.m. on 9th August 1967, the day the matter was brought to Council, the Health Department advised Mr. Schmidt that justifiable complaints had been received concerning further dumping and that the situation had to be rectified. This conversation was immediately followed up by a Notice by Registered Mail ordering that the lot be cleaned, levelled off, and maintained in a neat and tidy condition within 14 days of receipt of the letter. This Notice was mailed prior to the Department being aware of Council action.

If the condition is not rectified in accordance with the Notice, the Department will commence action under the appropriate By-law and Mr. Schmidt has subsequently been advised that if there are any further infractions action will be commenced without benefit of Notice.

7. Re: Owner Authorization on Rezoning Application.

With reference to the application to rezone the property known as 6561 Parkdale Drive the request of the Planning Department that the applicant obtain written authorization from the owner of the property for the application was noted and questioned by Council.

Council required information on:

- (a) the source of the Policy;
- (b) when and why it was introduced.

(.....3)

(Item 7....re Owner Authorization on Rezoning Applications....continued)

Procedures adopted by the Municipal Council were summarized by Mr. C. B. Brown, the Municipal Clerk, early in 1958 and the information was passed to the Planning Department by letter dated 27th May, 1958.

Item 6 in the letter reads as follows:

"No application will be entertained unless application is made by the owner or by his Solicitor or Agent, and no application will be considered that has been the subject of a similar application within the previous six months."

In addition to the above Policy of Council, Section 7.8(3) of the Burnaby Zoning By-law states:

"Any person applying to have this By-law amended shall apply in writing to the Municipal Clerk describing the proposed change and furnishing reasons in support of the application. In addition, if such application is for an amendment to the Official Zoning Map, it shall include a legal description and the location of the property sought to be rezoned, name and address of the owners of the property, and if the applicant is not the owner, a statement as to the applicant's interest in the property to be reclassified."

An authorization form was prepared by the Legal Department which implements administratively the Council Policy of 1958, a copy of which is appended hereto.

This long-established Policy has many advantages such as:

1. It protects the owner's interest in his property by preventing the submission of speculative applications by agents or others without the owner's consent.
2. It prepares the owner for the necessary site inspections that are made by municipal staff in order to report to Council on the rezoning request.
3. Where several owners are involved they are able to appoint one Agent or spokesman as their applicant and as their contact with municipal hall for the purpose of discussion, correspondence, etc.

8. Re: Appointment of Magistrate.

For the information of Council the Provincial Government has by Order-in-Council established a salary of \$17,500. per annum payable by the Corporation of the District of Burnaby to Magistrate Lawrence Stephen Goulet, pursuant to the provisions of the Magistrate's Act and the Family and Children's Court Act, effective 2nd August 1967.

9. Re: Rezoning Application # 90/67.

Submitted herewith is the Municipal Planner's report covering the above application for rezoning.

Respectfully submitted,



H. W. Balfour,
MUNICIPAL MANAGER.

HE:EB
ATTACH.