

JULY 28, 1969

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, July 28, 1969 at 7:00 p.m.

PRESENT: Acting Mayor Herd In the Chair;
Aldermen Blair, Clark, Drummond,
Ladner, Mercier and McLean;

ABSENT: Alderman Dailly and
Mayor Prittie

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the Minutes of the Public Hearing held on July 21, 1969 be adopted as written and circulated."

CARRIED UNANIMOUSLY

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ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That all of the below listed original communications be received."

CARRIED UNANIMOUSLY

Secretary, Burnaby Minor Hockey Association, submitted a letter requesting permission to hold a Tag Day on the evening of October 3rd and all of October 4, 1969 at various locations in the municipality.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That permission be granted to the Association to conduct its campaign at the times and in the areas indicated in its letter."

CARRIED UNANIMOUSLY

President, Motion Picture Theatre Association of British Columbia, wrote requesting that Council present a plebiscite to the electorate of the municipality to determine their views on the question of Sunday sports and entertainment.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN CLARK:
"That the Legal Department offer advice as to the procedure which must be followed in complying with Section 210A of the Municipal Act, which deals with the subject of Sunday sports and entertainment, and prepare the necessary By-law enabling Council to submit the question of Sunday sports and entertainment to the electorate."

CARRIED UNANIMOUSLY

Mrs. H. J. E. Bonson, submitted a letter lodging complaints regarding:

- (a) The condition of streets in the East Burnaby Area,
- (b) The alleged presence of rodents at the Edmonds Bus Loop.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That Item 16 of Report No. 50, 1969 of the Municipal Manager, which relates to the subject of the complaints from Mrs. Bonson, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

(16) Complaint - Bonson

The Manager reported that the Municipal Engineer had indicated the following as regards the complaint involving the condition of streets in the East Burnaby Area:

- (a) The general condition of 17th Avenue (the main street under complaint) is average in terms of cleanliness. The usual debris (e.g. small pebbles, gum wrappers, cigarette packages etc.) are found alongside the gutter.

Conditions are likely worsened because the street borders Second Street School, where a number of people tend to congregate.

- (b) Though streets in the municipality are fairly well kept, in terms of sweeping and flushing, they could stand some improvement. Toward that end, it is proposed to purchase a second street sweeper very shortly.
- (c) The problem of pebbles and rocks being spewed from gravel lanes onto paved roads is a common one in all parts of the municipality. The only solution is to hand-sweep the streets involved, which would be very time-consuming and costly.
- (d) The ultimate solution lies in the paving of lanes.
- (e) Procedures are now available for such work and the problem mentioned should resolve itself as the Lane Paving Programme proceeds.

The Municipal Manager indicated that the Chief Public Health Inspector has advised that a Rodent Control Abatement Programme has been in effect at the Edmonds Bus Loop since July 15, 1969.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the information contained in the report of the Manager be accepted as being a satisfactory explanation of the situations about which Mrs. Bonson complained and she be advised accordingly."

CARRIED UNANIMOUSLY

Pastor, New Westminster Evangelical Free Church, submitted a letter expressing concern regarding the payment of taxes on that part of property known as 7895 Canada Way that is used as a parking lot and the use of this parking lot by the municipality for the storage of equipment and gravel.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That action on the subject of the letter from the New Westminster Evangelical Free Church be deferred until receipt of Item 8 of the Municipal Manager's Report later this evening."

CARRIED UNANIMOUSLY

Secretary, Parks and Recreation Commission, submitted a letter pertaining to the question of motorcyclists disturbing horse riders on bridled paths in the municipality, advising as follows:

- (a) The trails presently developed in the parks system are not exclusive to horseback riding, although such use is permitted on some of the trails.
- (b) The use of these trails is governed by the regulations in the Parks By-law. One of these regulations prohibits the operation of motor vehicles in parks, except on roads and parking lots.
- (c) The Parks and Recreation Commission endeavours to control the matter with its Park Patrol unit. Sometimes the R.C.M.P. is asked to assist with this control.
- (d) There are some trails, particularly in the North-East section of Burnaby, which are on road allowances, pipeline easements etc. These are outside the jurisdiction of the Commission.
- (e) The Commission will continue to do all that is possible to control the use of the trails within the Parks system.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the information contained in the letter from the Parks and Recreation Commission be conveyed to the Burnaby Horsemen's Association, which is the organization that lodged the complaint concerning motorcyclists disturbing horse riders on bridled paths."

CARRIED UNANIMOUSLY

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Chief Administrative Officer, The Corporation of the Township of Richmond, submitted a letter addressed jointly to the City of Vancouver and the District of Burnaby advising that the Council of Richmond has expressed a desire to meet with representatives of Vancouver and Burnaby to discuss the general transportation problem which may arise as a result of a new bridge crossing being constructed over the North Arm of the Fraser River at Knight Road.

He indicated that it has been suggested the meeting be held at the Richmond Municipal Offices on Wednesday, August 20, 1969 commencing at 7:30 p.m.

The Chief Administrative Officer asked to be advised as to the number who will be attending the meeting from Burnaby.

CLERK'S NOTE: See the action taken by Council on the next item of business to determine the disposition of the invitation from the Township of Richmond.

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R E P O R T S

HIS WORSHIP, MAYOR PRITTIE, submitted a report recommending that Aldermen Ladner, Blair and Herd, with the first named as Chairman, be appointed as a Special Committee to discuss the ramifications of the general transportation system which will result from the construction of a new bridge crossing of the North Arm of the Fraser River at Knight Road.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of His Worship be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the question of attending the meeting in Richmond that was mentioned earlier this evening in the letter from the Chief Administrative Officer for Richmond be referred to the Special Committee just appointed for attention."

CARRIED UNANIMOUSLY

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ALDERMAN LADNER pointed out that Council had, on July 21st, directed the Housing Committee to report to Council on August 4, 1969 regarding the subject of the presentation received from the Burnaby Tenants' Association.

He suggested that, since Council will likely not meet on August 4th, the direction to the Housing Committee should be altered to indicate that the report expected by Council is to be submitted in time for the August 11, 1969 meeting.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the Housing Committee be informed that the report relating to the subject of the presentation from the Burnaby Tenants' Association, which Council ordered be presented on August 4, 1969, be instead submitted to Council at its August 11, 1969 meeting."

CARRIED UNANIMOUSLY

July 28/1969

B. C. Bantam Canadian Football Conference submitted an undated circular letter outlining the objects of the Conference and requesting that the municipality either purchase tickets or advertise in the programme which is produced for the Conference.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the request from the B. C. Bantam Canadian Football Conference be referred to the Grants and Publicity Committee for consideration and recommendation."

CARRIED UNANIMOUSLY

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At this juncture, the Council reconvened the Public Hearing which adjourned just prior to 7:00 p.m. this evening in order to receive representations relating to the subject of the Hearing.

It was explained that those wishing to speak arrived just after the Hearing adjourned.

CLERK'S NOTE: See Minutes of Public Hearing for details as to the presentation made in connection with the subject of the Hearing.

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the Council now resolve itself into a Committee of the Whole."

CARRIED UNANIMOUSLY

TRAFFIC SAFETY COMMITTEE submitted a report on the proposed Truck Routing By-law, providing a brief resume of the salient features of the By-law, which were:

- (a) The purpose of the By-law is to provide enforceable regulations which will confine the movement of commercial vehicles to pre-determined routes and thus protect the amenities of residential areas from uncontrolled commercial vehicular traffic. A commercial vehicle is defined as having a licenced gross weight in excess of 20,000 pounds. Vehicles having a licenced gross weight of 20,000 pounds or less will be exempted from the provisions of the By-law.
- (b) The By-law provides for the deviation from scheduled highways of commercial vehicles under certain circumstances, such as delivering to, or picking up from, a residence or place of business in the municipality.
- (c) In the case of Grange Street from Willingdon Avenue to Sussex Avenue and Sussex Avenue from Grange Street to Kingsway, they will only be classed as a scheduled highway between 7:00 a.m. and 9:00 p.m. on every day except Sundays and statutory holidays.

- (d) The By-law outlines the dimensions of vehicles to be permitted to use the various scheduled highways and provides the Municipal Engineer with the authority to vary the dimensions and load limits of commercial vehicles.
- (e) A speed limit of 20 m.p.h. is established for certain types of commercial vehicles, such as those equipped with a boom, crane or similar projection.
- (f) The operators of commercial vehicles exceeding any of the limitations prescribed by the By-law will be required to obtain a permit from the Engineer, which may be issued on a "single trip" or "term" basis. The Engineer may also require the applicant to post a bond or sum of money to cover possible damage to municipal property.
- (g) The responsibilities of the driver or operator of a commercial vehicle are defined in the By-law.
- (h) The Municipal Engineer is also empowered by the By-law to make orders on any of the matters set out therein.
- (i) The By-law provides for a maximum penalty of \$500.00 or, in default of payment, imprisonment for any period not exceeding 60 days, for offences committed against the By-law.

During the discussion which took place in Council on the subject of the report from the Committee, Alderman Clark (the Chairman of the Committee) made the following points:

- (1) Arterial highways, since they do not come under the direct jurisdiction of the municipality, will not be governed by the By-law. Notwithstanding, these roads are designed for the movement of commercial traffic and any restrictions that are deemed necessary have been, or will be, introduced by the Provincial Government.
- (2) Meetings were held with various groups concerned with the By-law, such as the Automotive Transport Association and the Burnaby Chamber of Commerce. The points made by these organizations were seriously considered by the Committee and this is reflected in the By-law.
- (3) The lack of an adequate North-South arterial road system in the municipality poses a problem insofar as the assigning of streets for truck traffic is concerned.
- (4) There will be very little conflict between the provisions of the By-law and regulations in the City of Vancouver and other municipalities in the Lower Mainland.

Alderman McLean stated that, in his opinion, the completion of the Stormont Interchange of the Freeway and the Clover Valley Road are imperative because they are needed to relieve residential streets in Burnaby and elsewhere from truck traffic.

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MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN McLEAN:
"That Council proceed with consideration of the Truck Routing
By-law."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That Alderman Dailly be granted leave of absence from this
meeting."

CARRIED UNANIMOUSLY

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MUNICIPAL MANAGER submitted Report No. 50, 1969 on the matters
listed below as Items (1) to (16), either providing the
information shown or recommending the courses of action indicated
for the reasons given:

(1) Garbage Disposal - Terra Nova Development Ltd.

The Council has directed that firms other than Terra Nova
Development Ltd. be given an opportunity to make a proposition
for the disposal of garbage in the municipality. Only one
other firm showed any interest but its proposition has not
been forthcoming.

Terra Nova Development Ltd., on July 21, 1969, served notice
that the scale fee of \$2.50 per ton which had been the basis
for negotiations could not be maintained due to increases in
the cost of operations, and therefore it was being increased
to \$3.50 per ton. The Company also indicated that it was
negotiating with the City of New Westminster and the District
of Coquitlam for the rate of \$3.50 per ton.

This 40% increase in disposal costs has a great effect on the
economics which have been developed in support of a proposal
to use Terra Nova Development Ltd. for refuse disposal.

The Municipal Engineer has been directed to reassess the
economics and to bring forward his opinion together with any
alternative disposal method which is deemed acceptable.

In the meantime, it was being recommended that no further action
be taken with respect to the matter of entering into an agreement
with Terra Nova Development Ltd. regarding the disposal of
refuse in the municipality pending a review of the refuse disposal
situation.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DRUMMOND:
"That the recommendation of the Engineer be adopted and
the report the Engineer submits include reference to the past
considerations that have been given the subject matter by Council,
with it being understood that this will be done for the August
18, 1969 Council Meeting."

CARRIED UNANIMOUSLY

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(2) Easements - South 10 feet of Lots "D" and "E", S.D. 7,
Blocks 1/3, D.L. 43, Plan 18964

It was being recommended that Council authorize the:

(a) acquisition of easements, which are required to provide for the installation of a sanitary sewer to serve properties on Colleen Street, over the above described properties for a consideration of \$1.00 plus restoration of the easement areas.

(b) execution of the documents attending the transactions.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(3) Municipal Cafeteria

It was being recommended that Council authorize an extension of the agreement between the Corporation and Mrs. Lillian Hurley for the operation of the Municipal Cafeteria for the period ending May 31, 1970.

It was being further recommended that authority be granted to execute the documents.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

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(4) Technical Planning Committee of the Greater Vancouver Regional District

The Planning Director has reported as follows on the above matter:

- (a) Liaison and professional input from local governments was accomplished under the Lower Mainland Regional Planning Board by the establishment of two staff committees. They were:
 - (i) A Liaison Committee to which every member municipality appointed a staff person.
 - (ii) A Technical Planning Committee to which all the municipalities having planning staffs appointed their Planning Directors.
- (b) These two committees are to be replaced by a Regional District Technical Planning Committee established by Supplementary Letters Patent under Section 798 B of the Municipal Act.
- (c) The duties of the Committee, as spelt out in the Municipal Act, are to:
 - (i) Advise the Regional Board on Planning matters.
 - (ii) Act as liaison between the administration of the Regional Board and the Departments of Government, and the member municipalities.
 - (iii) Review all planning matters requiring legislative action by the Regional Board (e.g. amendments to the Official Regional Plan).
- (d) In Burnaby's case, the Planning Director was the Municipality's staff appointee to both committees.
- (e) The letter from the Administrator for the Greater Vancouver Regional District indicates that the following is the proposed membership of the Technical Planning Committee:
 - (i) The Regional District Director of Planning.
 - (ii) Three members from Vancouver and Burnaby.
 - (iii) One member from North Vancouver City, North Vancouver District and West Vancouver.
 - (iv) One member from Richmond, Delta, Surrey and White Rock.
 - (v) One member from New Westminster, Coquitlam, Port Coquitlam, Port Moody and Fraser Mills.
 - (vi) Eight members from the Provincial Government.
 - (vii) One member from the Greater Vancouver Sewerage and Drainage District and the Greater Vancouver Water District.
 - (viii) One member from the Vancouver - Fraser Park District

- (e) An examination of this proposal brings to light its unsuitability for the Greater Vancouver Regional District because:
- (i) Each component municipality is not represented, resulting in a lack of communication and the creation of a feeling of not belonging.
 - (ii) The impracticability of a member from one municipality acting as a liaison for two or three neighbouring municipalities, even if those municipalities could agree on the selection of the one representative.
 - (iii) The high proportion of provincial representatives who could hold a majority position on the Committee. This is a potentially undesirable situation for a metropolitan urban area.
- (f) The current proposal has been discussed with staff members from other municipalities, with Provincial representatives (including the Minister of Municipal Affairs), and with the Acting Director of Planning for the Greater Vancouver Regional District.

The Planning Director concluded by recommending that Council:

- (a) Not appoint a staff member to the Technical Planning Committee, as currently proposed.
- (b) Advise the Regional District Board that Council wishes to see one staff member from each component municipality appointed to the Technical Planning Committee and this arrangement reflected in the Supplementary Letters Patent.
- (c) Providing (b) is accepted, appoint the Planning Director to the Technical Planning Committee.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
"That recommendations (b) and (c) of the Planning Director be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN LADNER:
"That the Greater Vancouver Regional District be requested to favourably consider recommending a change in the Letters Patent to reduce the Provincial Government representation on the Technical Planning Committee from eight to one because it is felt the interests of the Provincial Government would be just as well protected with one representative as with eight."

CARRIED

AGAINST -- ALDERMAN BLAIR

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the City of North Vancouver and all other members of the Greater Vancouver Regional District be advised of the foregoing actions of Council in regard to the proposed Technical Planning Committee of the said District."

CARRIED UNANIMOUSLY

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- (5) Parcel "A", Explanatory Plan 9160 except Plan 25736 the
East 498 feet, D.L. 85, (Egler)
DEER LAKE PARK

The Planning Department has reported as follows in connection with the possible acquisition of a portion of the above described property for the future Deer Lake Park complex:

- (a) The Department is in the process of preparing an Official Community Plan covering the lands required for Deer Lake Park.
- (b) The subject property is located within the future park area and an application for a permit to erect a second dwelling on the portion required for park purposes to some extent was responsible for the decision to proceed with the preparation of the Official Community Plan.
- (c) A letter was sent to Mr. J. H. Edwards, Barrister and Solicitor, advising him that the Planning Department could not grant siting approval for the second dwelling in the location proposed because of the Council's decision that the area to be occupied by the dwelling was required for park purposes. It was also suggested to him that his client relocate the dwelling outside the area required for park purposes.
- (d) The current position is that the owner of the property concerned, Karl W. and Annelas Egler, is again requesting the issuance of a building permit for the site lying within the designated park area.
- (e) The Municipal Solicitor has offered the opinion that the passage of an Official Community Plan would not necessarily prevent Mr. Egler from building his second dwelling. The Solicitor added that an amendment to the Zoning By-law permitting only one dwelling per lot in R1 areas is what is required to achieve that end. This was one of the alternatives advanced to Council by the Planning Department.
- (f) The Planning Director can continue to refuse siting approval for the second dwelling desired by the Egler's but it appears Council will sooner or later be required to decide upon one or more of the following alternatives:
 - (i) Proceed to expropriate that portion of the property concerned required for park purposes and adjust the park acquisition programme accordingly.
 - (ii) Forward to a Public Hearing a By-law amendment to permit only one dwelling per lot in an R1 zone.
 - (iii) Allow Mr. and Mrs. Egler to proceed with their second dwelling, recognizing that in the future the Corporation will be faced with an extremely large expense to purchase not only Mr. Egler's dwelling but possibly dwellings erected by other owners who will follow the example set by Mr. Egler.

The Planning Director concluded by recommending that Council initiate alternatives (I) and (II).

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DRUMMOND:
"That the first alternative advanced by the Planning Director be adopted."

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the foregoing motion be tabled until Council receives a report from the Parks and Recreation Commission indicating its opinion on the question of expropriating the portion of the subject Parcel "A" mentioned in the submission from the Planning Department."

CARRIED

AGAINST -- ALDERMAN CLARK.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That alternative (b) in the report of the Planning Director be endorsed."

CARRIED UNANIMOUSLY

(6) Walkway Connecting Cliff Avenue with Paulus Crescent

On May 29th, the Council received a letter from Mr. R. G. McDonald, 2080 Cliff Avenue, complaining about the above walkway and requesting that it be closed.

The Planning Director has reported that a field check of the walkway has led to the following observations:

- (a) As it stands now, the possibility exists for cars or motorcycles to use the portion of the walkway between Cliff Avenue and the lane because there are no barriers to prevent such movements. The situation is aggravated by the lack of a rear access to the Lot 4 shown on the attached plan.
- (b) The owners of Lots 4 and 11 augmented and supported Mr. McDonald's complaints, which are mainly concerned with the conduct of the young people who use the walkway. They all maintained that the area is used for playing and not for its intended purpose of providing access to and from Cliff Avenue. The owner of Lot 4 particularly mentioned the destruction of garden plants and the owners of Lot 11 drew attention the teasing of their dog.
- (c) Since the walkway was built, further subdivision has taken place to the South that has provided a lane from Paulus Crescent to Cliff Avenue which offers access between Cliff Avenue and Paulus Crescent.
- (d) It is understandable that the owners involved are upset by the misuse of the walkway and the conduct of the people using it. These are not the factors which determine whether the walkway should be eliminated. If this or any other walkway is still providing a necessary pedestrian access, it should be retained. It is still the policy to provide such access in a subdivision wherever it is considered essential.

- (e) In view of the further subdivision mentioned under (c) above, it was being recommended that the subject walkway be eliminated because this would not create undue hardship on the owners East of Paulus Crescent who require access to Cliff Avenue.

In the event Council considers closing the walkway, it was being recommended that the opinion of the residents affected by solicited.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN LADNER:
"That the recommendations contained in the report of the Manager be adopted and, if a majority of the owners solicited on the question of closing the walkway agree to this course of action, the necessary steps be taken to achieve the desired end."

CARRIED UNANIMOUSLY

(7) Drainage facilities (Micholls)

The Municipal Engineer has reported as follows on a complaint from the above noted concerning the flooding of his property:

- (a) The original ditches surrounding Mr. Micholls property were constructed at his expense and upon his own initiative. This is important because there is no limit on the amount of funds that could be spent by the municipality in the Big Bend Area to improve drainage, particularly if the municipality was to attempt to provide adequate drainage on all sides of each property.
- (b) The Municipality has a general obligation to provide reasonable drainage outlets to the area. With this in mind, the Engineering Department has ordered the construction of a suitable ditch along the alignment of Keith Street from Greenall Avenue Easterly to one of the main North-South watercourses traversing the Big Bend Area. This ditch can be used by the owners of all the properties surrounding Mr. Micholls.
- (c) It should be the responsibility of each owner to conduct the drainage from his own property to the most convenient and available point of outlet which, in this case, would be the ditch now being built on Keith Street.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN LADNER:
"That Council concur with the action taken by the Municipal Engineer in arranging for the construction of the ditch mentioned in the report."

CARRIED UNANIMOUSLY

(8) Evangelical Free Church (7895 Canada Way)

(The letter from the Pastor of the New Westminster Evangelical Free Church, which was received earlier in the evening, was brought forward).

The Municipal Engineer has reported as follows on the complaint from the Church:

- (a) The municipality stored two sewer drag machines and an ornamental street light standard on the edge of the parking lot of the Church during an emergency situation which transpired approximately one month ago.
- (b) It has been determined that a contractor (Jack Cewe Ltd.), in carrying out road construction work for the municipality in the area, placed some crushed gravel on the parking lot with the intention of removing it when required for street reconstruction.
- (c) Strict instructions have been issued to Municipal work forces to not use the property again, in any manner, for the storage of materials of any kind.
- (d) The aforementioned contractor has levelled the pile of crushed gravel and has arranged to provide sufficient crushed rock material to further improve the parking lot for the Church.

As regards the request for a tax exemption:

- (i) The Church did not make formal application for the exemption prior to November 30, 1968 and therefore normal taxes were levied for the year 1969.
- (ii) 1969 taxes on the parking lot were \$453.97. On June 9, 1969, the Assessment Commissioner deleted, for taxation purposes, the improvements on the property. This resulted in the taxes being reduced to \$155.92.

It was being recommended that Council make a grant of \$155.92 to pay the 1969 taxes on the parking lot property and that the said property be included in a tax exemption by-law for the year 1970.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN McLEAN:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(9) Metropolitan Ambulance Services Ltd.

The contract with the above Company calls for payments to the Company on the first day of each and every month from and including the first day of April, 1969 to and including the first day of March, 1970, in the amount of \$4,774.00 and \$5,320.00 per month on the first day of April, 1970 to and including the first day of March, 1971.

In addition, the Corporation agreed to underwrite any deficits which may occur in the Company's operations in the municipality.

Despite the fact Burnaby, Vancouver and New Westminster are paying at the beginning rather than at the end of each month, the Company is experiencing a working capital deficit. As a consequence, the Company has asked the three municipalities to consider advancing the last monthly retainer of the first year of the agreement. This would, in effect, give the Company two months retainer in advance. Both Cities have agreed to do this.

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The Company provides the Municipal Treasurer with annual financial statements and operating statistics, as audited by a chartered accountant. In addition, the Internal Audit Department of the City of Vancouver makes an examination of the Company's books periodically and keeps the Burnaby Treasurer advised of the findings.

Under the circumstances, it was being recommended that the Corporation pay Metropolitan Ambulance Services Ltd. as soon as possible a payment which ordinarily would fall due on the first day of March, 1970. (\$4,774.00).

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(10) Noise Prevention Regulations

At its meeting on July 14th, the Council discussed the above matter as a result of receiving a complaint from Mr. J. A. Smith of 6922 Elwell Street.

The adequacy of the By-law involved (Burnaby Noise Prevention By-law 1947) was questioned and the Municipal Solicitor was asked for an opinion on the matter.

He has reported as follows:

- (a) When the By-law was passed in 1947, the Council had power to regulate or prohibit in or on public or private places or premises noises liable to disturb the quiet, peace, rest or enjoyment of the neighbourhood or the comfort or convenience of individuals or the public, or that, in the opinion or discretion of Council that which may be deemed objectionable or liable to disturb the quiet, peace, rest or enjoyment of the neighbourhood or the comfort or convenience of individuals or the public.
- (b) This By-law merely recited, in part, the general words of the authority.
- (c) The present power of Council to regulate or prohibit noises is substantially the same and is set out in Section 870(c) of the Municipal Act.
- (d) The By-law passed in 1947 is not ineffective merely because it is general in scope. A By-law is only effective if enforced.
- (e) Persons who are disturbed by noise must be prepared to lay charges and give evidence in Court, but action in the Magistrate's Court is not always an effective remedy. Sometimes, it is cheaper for the offender to pay a fine and to continue the noise. Some noises can only be effectively stopped by a Supreme Court injunction.

- (f) The 1947 By-law could be made more specific and Council may wish to prohibit those noises which, in its opinion, are objectionable.
- (g) The By-law could prohibit the noises of which Mr. Smith complained; namely, construction noises in a residential area during the early morning or late at night when the neighbourhood is generally asleep or trying to sleep.
- (h) There have not been, to my knowledge, many prosecutions for violations of the 1947 By-law; however, there have been some convictions.
- (i) If there is sufficient evidence to support the charge, in the case of Mr. Smith an information could be laid and prosecuted.
- (j) Since the By-law refers to the neighbourhood and individuals, it is likely there would not be a conviction on his evidence alone.

The above opinion has been interpreted by the Municipal Manager to mean that, under the present By-law, the onus is almost completely upon the citizens affected. In a fairly recent situation, two attempts by the Corporation failed. In one instance, the case was dismissed because it was claimed the official who laid the information was not affected by the alleged offence. When a new charge was laid by affected citizens, it too failed for lack of corroborating evidence at the trial.

The Municipal Solicitor is suggesting that certain things, such as times of starting and finishing construction work, could be specified clearly in the By-law so the police or Corporation inspectors could initiate charges, rather than the affected citizens. This has a great deal of merit as it would still retain the "peaceful enjoyment" right of the citizens while, at the same time, regulate certain operations in a manner the Corporation could enforce.

The major difficulty would be in selecting the specific items for regulation under the By-law.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN LADNER:
"That His Worship, Mayor Prittie, appoint a Special Committee of three members of Council to study the question of the municipality introducing regulations for the control of noise."

CARRIED UNANIMOUSLY

(11) Estimates

It was being recommended that the Special Estimates of Work in the accompanying report of the Municipal Engineer, which total \$53,860.00, be approved.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(12) Revenue and Expenditures

It was being recommended that the expenditures shown in the attached report of the Municipal Treasurer, which cover the period between January 1st and July 6th, 1969, be approved.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(13) Monthly Report of the Building Department

A report of the Chief Building Inspector covering the operations of his Department for the period between June 23rd and July 18, 1969 was being submitted.

(14) Monthly Report of the Medical Health Department

A report of the Medical Health Officer covering the activities of his Department during the month of June, 1969 was being submitted.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the above two reports be received."

CARRIED UNANIMOUSLY

(15) Lots 1 and 2, Block 3, D.L. 13, Plan 3046

The Cumberland Community Hall was located on the above property before being demolished.

The Land Agent has received an enquiry regarding the purchase of the property.

It has been assumed that this was park property, but a thorough check of the records has disclosed that the land was never dedicated or reserved for park purposes.

The Parks and Recreation Commission was asked to express its interest in the property. In that regard, the Commission has indicated that, at the present time, it has no plans to develop the area but it wishes Council to retain ownership.

The Commission also suggested that it would have no objection to the land being leased for approximately 25 to 30 years.

It is unlikely a lease of this short duration would appeal to anyone wanting to build. There may be a possibility that some proposed use, where a short-term lease could be used, might be offered.

In the meantime, it was being recommended that the property in question be set aside for future park purposes, subject to it being understood that consideration will be given the matter of leasing the lots if a satisfactory proposition is received.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(16) Complaint - Bonson

This item was dealt with previously in the meeting.)

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As a result of an enquiry being made, Alderman McLean was designated as the representative of Council to participate in the Mayors Race at the 12th Annual Provincial Championship Swimming and Diving Meet on August 23, 1969 at 5:30 p.m. at the Empire Pool on the grounds of the University of British Columbia, with Alderman Mercier as the alternate.

His Worship, Acting Mayor Herd, declared a recess at 9:05 p.m.

The Committee reconvened at 9:15 p.m.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

B Y - L A W S

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That leave be given to introduce "BURNABY ROAD CLOSING BY-LAW NO. 5, 1970" #5548 and that it now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the By-law be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the Council do now resolve into a Committee of the Whole to consider and report on the By-law."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the Committee do now rise and report the By-law complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

July/28/1969

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That "BURNABY ROAD CLOSING BY-LAW NO. 5, 1969" #5548 be
now read a Third Time."

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That leave be given to introduce "BURNABY STREET AND TRAFFIC
BY-LAW 1961, AMENDMENT BY-LAW NO. 4, 1969" #5534 and that it
now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That the By-law be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That the Council do now resolve into a Committee of the Whole
to consider and report on the By-law."

CARRIED UNANIMOUSLY

During consideration of this By-law in Council, it was
directed that a copy of the By-law be sent to all those
who have corresponded with the Traffic Safety Committee
on the matter.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That the Committee do now rise and report the By-law complete."

CARRIED

AGAINST -- ACTING MAYOR
HERD AND
ALDERMAN BLAIR

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That the report of the Committee be now adopted."

CARRIED

AGAINST -- ACTING MAYOR
HERD AND
ALDERMAN BLAIR

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT
BY-LAW NO. 4, 1969 be now read a Third Time."

CARRIED

AGAINST -- ACTING MAYOR
HERD AND
ALDERMAN BLAIR

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BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 26, 1969, #5520
which deals with the question of In-Law Suites, was on the
Agenda for two readings.

It was pointed out that a report of the Planning Department
relating to the subject of In-Law Suites, which was received
by Council on July 11th, had not yet been considered.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN CLARK:
"That the By-law at hand be tabled until after consideration
of the report of the Planning Department relating to In-Law
Suites at the Council meeting on August 11, 1969."

CARRIED UNANIMOUSLY

*

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN McLEAN:

"That:

- "BURNABY LOCAL IMPROVEMENT CHARGES BY-LAW 1968, AMENDMENT
BY-LAW 1969" #5546
- "BURNABY ROAD CLOSING BY-LAW NO. 4, 1969" #5536
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 65,
1968" #5421

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN McLEAN:

"That:

- "BURNABY LOCAL IMPROVEMENT CHARGES BY-LAW 1968, AMENDMENT
BY-LAW 1969"
- "BURNABY ROAD CLOSING BY-LAW NO. 4, 1969"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 65,
1968" (RZ 87/68)

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

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That leave be given to introduce:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 34, 1969" #5537

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 35, 1969" #5538

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 37, 1969" #5540

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 38, 1969" #5541

and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That the Council do now resolve into a Committee of the Whole to consider and report on the By-laws."

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 34, 1969
provides for the following rezoning:

FROM RESIDENTIAL DISTRICT THREE (R3) TO PARKING DISTRICT (P8)

Reference RZ #38/69

Lot "D", Block 14, D.L. 150 NW $\frac{1}{4}$, Plan 15320

(3724 Imperial Street -- Located on the South side of Imperial Street, from a point 106 feet East of Boundary Road, Easterly a distance of 50 feet.

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 35, 1969
provides for the following rezoning:

FROM RESIDENTIAL DISTRICT FIVE (R5) AND MANUFACTURING DISTRICT (MI) TO MANUFACTURING DISTRICT (MI)

Reference RZ #33/69

Lot "A", S.D. 1, Block 3, D.L. 120, Plan 13545

(164) Douglas Rpad -- Located on the South-East corner of Douglas Road and Gilmore Avenue)

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 37, 1969
provides for the following rezoning:

FROM RESIDENTIAL DISTRICT FIVE (R5) TO COMMUNITY INSTITUTIONAL DISTRICT (P5)

Reference RZ #32/69

Lot "C", Block 13, D.L. 93, Plan 13137

(6725 Russell Avenue - Located on the West side of Russell Avenue, from a point approximately 134 feet North of Imperial Street Northward a distance of 159 feet.

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 38, 1969 provides for the following rezoning:

FROM GENERAL COMMERCIAL DISTRICT (C3) TO SERVICE COMMERCIAL DISTRICT (C4)

Reference RZ #37/69

- (a) Parcel "G", Reference Plan 14141, Block 32, D.L. 152, Plan 783
- (b) Parcel "F", Explanatory Plan 9114, Block 24, D.L. 32, Plan 812

(5019 Kingsway - Located on the North-West corner of Kingsway and Marlborough Avenue)

During consideration of Burnaby Zoning By-law 1965, Amendment By-law No. 38, 1969, it was suggested that the plan illustrating the development proposed for the property covered by the By-law should be produced for Council.

The Planning Department was directed to present this plan to Council.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the Committee do now rise and report progress on the By-laws."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

*

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That leave be given to introduce "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 36, 1969" #5539 and that it now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the By-law be now read a Second Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the Council do now resolve into a Committee of the
Whole to consider and report on the By-law."

CARRIED UNANIMOUSLY

This By-law provides for the following zoning:

FROM RESIDENTIAL DISTRICT FIVE (R5) TO GENERAL INDUSTRIAL
DISTRICT (M2)

Reference RZ #22/69

Lot 71, D.L. 171, Plan 34756

(Located on the North-West corner of the Dominion Glass
Company site bounded by Twentieth Avenue and Mission
Avenue)

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That the Committee do now rise and report the By-law complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 36,
1969" be now read a Third Time."

CARRIED UNANIMOUSLY

*

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That leave be given to introduce:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 39, 1969" #5542

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 40, 1969" #5543

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 41, 1969" #5544

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 42, 1969" #5545

and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:
"That the Council do now resolve into a Committee of the
Whole to consider and report on the By-laws."

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 39, 1969
provides for the following rezoning:

Reference RZ #25/69

FROM RESIDENTIAL DISTRICT TWO (R2) TO PARK AND PUBLIC
USE DISTRICT (P3)

Area #1 - Ravine Area West of Patterson Avenue

- (a) Lot 1 Ex. Explanatory Plan 17437 and Except Filing
A 26673, Block 2, D.L. 175, Plan 9315
- (b) Lot "H" Except Explanatory Plan 15714, Block 2,
D.L. 175N½, Plan 14241
- (c) Lots 3 and 4, East 220 feet, D.L. 175 S½ of NW¼,
Plan 588
- (d) Lot 3 E 187 feet, D.L. 175 N½ of SW¼ of SW¼, Plan
3668
- (e) Lot 1, S.D. 2, Block "B", D.L. 175, Plan 14572
- (f) Lots 6 to 23 inclusive, Block 1, D.L. 175 NW Pt. of
S. E. ¼, Plan 1332
- (g) Lot 6 Ex. Sketch 13018, Block 2, D.L. 175 NW Pt. of
S. E.¼, Plan 1332
- (h) Lot "A" Ex. Sketch 13018, Block 2, D.L. 175 NW Pt.
of S.E.¼, Plan 1332
- (i) Lot 3, S.D. 2, Block "B", D.L. 175, Plan 14572
- (j) 1.73 Ac. Pt. Except Explanatory Plan 4348 and Ex. Plans
27269 and 29174, Blocks 1, 2 and 3, D.L. 175 NE¼

(Ravine Area West of Patterson Avenue)

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 40, 1969
provides for following rezoning:

Reference RZ #25/69

FROM RESIDENTIAL DISTRICT TWO (R2) TO PARK AND PUBLIC
USE DISTRICT (P3)

Area #2 - Ravine Area West of Nelson Avenue

- (a) Lot 5, Except West 20 ft., Sketch 12911, S.D. "B"
and "C", Block "B", D.L. 157, Plan 4022
- (b) Lot "R", Except Reference Plan 15574, Blocks 27 and
28, D.L. 157, Plan 16073
- (c) Lot "C", Except Plan 20303 and 25844, D.L. 157,
Plan 18635

(Ravine West of Nelson Avenue)

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 41, 1969 provides for the following rezoning:

Reference RZ #25/69

FROM RESIDENTIAL DISTRICT TWO (R2) TO PARK AND PUBLIC USE DISTRICT (P3)

Area #3 - Ravine Area East of Nelson Avenue

- (a) Lots 28W½, 29W½, 30W½, Block 1, D.L. 158 NW¼ of N½ of SW¼, Plan 1273
- (b) Lots 17 and 18, R.S.D. 1, S.D. 19/27, Block 1, D.L. 158 NW¼ of N½ of SW¼, Plan 1882
- (c) Lot 1, R.S.D. 1, S.D. 19/27, Block 1, D.L. 158 NW¼ of N½ of SW¼, Plan 1882
- (d) Lots 14 S½, 15 and 16, Block 1, D.L. 158 NW¼ of N½ of SW¼, Plan 1273
- (e) Lots 17 and 18, Block 1, D.L. 158, Plan 1273
- (f) D.L. 158 S½ of SW¼, Ex. Part on Map 2044, Plan 2044

(Ravine Area East of Nelson Avenue)

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 42, 1969 provides for the following rezoning:

Reference RZ #25/69

FROM RESIDENTIAL DISTRICT TWO (R2) TO PARK AND PUBLIC USE DISTRICT (P3)

Area #4 - Ravine Area McPherson Avenue to Buller Avenue

- (a) Lot 23, Blocks 24 and 25, D.L. 159, Plan 1268
- (b) Lot 10, Blocks 11, 16 and 19, D.L. 159, Plan 2043
- (c) Lot 15, Block 10, D.L. 159, Plan 2103
- (d) Lot 19, Blocks 11, 16 and 19, D.L. 159, Plan 2043
- (e) Lot 15, Block 9, D.L. 159, Plan 2103
- (f) Block 8 W½ Ex. North 33 feet and Explanatory Plan 27749, D.L. 159, Plan 930
- (g) Lots 4, 5 and 6, Blocks 1 and 5, D.L. 159, Plan 1219
- (h) Lot 62, D.L. 159, Plan 27749

(Ravine Area from McPherson Avenue to Buller Avenue)

It was pointed out that, because a number of persons appeared at the Public Hearing which was held on the rezoning proposals covered by these By-laws and it was suggested that many other people who are on vacation might wish to make representations in connection with these proposals, further consideration of the By-laws should be deferred until the first meeting in September 1969.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN McLEAN:
"That the above four Zoning Amendment By-laws be placed on the Agenda for the September 2, 1969 Council Meeting for Third Reading."

CARRIED UNANIMOUSLY

July/28/1969

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

"That the Committee do now rise and report progress on the By-laws."

CARRIED

THE COUNCIL RECONVENED.

ACTING
AGAINST -- MAYOR HERD

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

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

CARRIED

ACTING
AGAINST -- MAYOR
HERD

*

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That the Council now resolve itself into a Committee of the Whole 'In Camera'."

CARRIED UNANIMOUSLY