

THE CORPORATION OF THE DISTRICT OF BURBARY

January 16, 1970.

MANAGER'S REPORT NO. 3, 1970

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

Gentlemen:

Your Manager reports as follows:

1. Re: Proposed Central Fire Hall

Tenders were called for the construction of the proposed new Central Fire Hall. Thirteen bids were received and opened by the Purchasing Agent in the presence of Alderman Clark, M. J. Jones, Chief Auvache, and representatives of the firms tendering. Tenders were opened at 4:00 p.m. local time, 14th January, 1970.

Submitted herewith is a tabulation of the bids received.

By a report dated 5th December, 1969 Council was advised by the Fire Hall Committee that the estimated cost of the new building was calculated to be \$335,000. The report further advised Council that this figure had been reached by changes in the Building design and specifications by the Committee amounting to \$39,000.

In view of the favourable tender received your Committee again reviewed these changes made in the Building design and specifications and decided to recommend to Council:

- a) That the tender of Royal City Construction Ltd. in the sum of \$326,557. be accepted.
- b) That certain items previously deleted be re-instated to the amount of \$5,718. - making a total cost of the building \$332,275.

Site preparation was previously completed at a cost of \$27,460.

It is now possible to construct a new estimate of the total cost of this project as follows:

Site Work -	\$ 27,460.
Building -	332,275.
Architect and Consultant Fees -	25,000.
Services -	1,280.
Landscaping -	1,500.
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	\$ 387,515.
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The sum of \$291,398 was provided in the 1969 and 1970 Capital Improvement Program. It is further recommended that these provisions be adjusted to reflect a total estimated cost of \$388,000.

(Continued...)

2. Re: Gilmore - Ardley Diversion

In November 1967 Council approved a land exchange whereby the Corporation acquired a 1.418 acre right-of-way through D.L. 69. See attached sketch.

Part of the exchange included the small area shown in red on the attached sketch. This portion of land, owned by the Corporation and forming part of the Clydesdale Street right-of-way was to be conveyed to the owner of the 1.418 acre parcel.

It is recommended that the portion of Clydesdale Street shown in red on the attached sketch be abandoned and consolidated with Lot "E", D.L. 69, Group 1, Plan 23177. The owner of Lot "E" is responsible for the legal and survey costs.

3. Re: Acquisition of Easement - Remainder Lot 285, D.L. 87, Plan 35983
Subdivision Reference No. 287/68

An easement is required, in order to finalize a subdivision, over a portion of Rem. Lot 285, D.L. 87, Group 1, Plan 35983 from Jacob Land Developments Ltd., 1090 West 33rd Avenue, Vancouver, 13, B. C. The property is located at the east end of Burnfield Crescent. The easement is required for sewerage and drainage purposes.

There is no consideration payable by the Corporation.

It is recommended that authority be granted to acquire the above easement and that the Mayor and Clerk be authorized to execute the easement documents on behalf of the Corporation.

4. Re: Acquisition of Easement - Lot 54, 56 & 57, D.L. 149 (Plan
number to be assigned) - S. D. Ref. #274/68

An easement is required, in order to finalize a subdivision, over a portion of Lot 54, 56 & 57, D.L. 149, Plan number to be assigned at time of registration of subdivision) from the following:

Lot 54, D.L. 149 - Margaret Elsie Clarke, - Housewife
7387 Dow Avenue,
Burnaby, B. C.

Lot 56, D.L. 149 - Gladys May Standen, - Housewife
4552 Imperial Street,
Burnaby, B. C.

and Peter Arthur Wiles and - Estimator
Joyce Doreen Wiles, - Wife of Peter Wiles
7041 Sussex Avenue,
Burnaby, B. C.

Lot 57, D.L. 149 - Louise O'Brien, - Employee of B.C. Packers Ltd.
7010 Sussex Avenue,
Burnaby, B. C.

and Herman Thiessen and - Millworker
Ellen Thiessen, - Wife of Herman Thiessen
4386 Hurst Street,
Burnaby, B. C.

The properties are located at 7041 Sussex Avenue, 7010 Sussex Avenue and 4386 Hurst Street. The easement is required for sewers.

There is no consideration payable by the Corporation.

(Continued....)

4. Re: Acquisition of Easement - Lot 54, 56 & 57, D.L. 149 (Plan
number to be assigned) - S. D. Ref. #274/68 ---continued---

It is recommended that authority be granted to acquire the above easement and that the Mayor and Clerk be authorized to execute the easement documents on behalf of the Corporation.

✓ 5. Re: Proposed Road Abandonment

Report Item No. 9, Manager's Report No. 1, 1970, dated January 9th, 1970, which reads as follows was tabled because copies of the plan referred to had been omitted from some of the reports.

"Council authorized the Planning Director to work with the owners of property at the East end of Lake City Industrial Park in the preparation of a comprehensive Development for a site containing approximately 70 acres.

As part of the development, it is necessary to abandon the portion of Sullivan Street which is shaded on the attached plan. This will allow the developer to consolidate the property to the West of the broken line and will allow the Corporation to create the park strip lying East of the broken line.

It is recommended that the portion of Sullivan Street be abandoned and that the Mayor and Clerk be authorized to sign any documents related to the closure."

✓ 6. Re: Garden Sprays

This subject arose as a result of an alleged killing-off of plants of Mr. J. A. Porterfield through spraying done on adjoining property by a firm licensed in Burnaby and controlled by a Mr. E. M. Zalinko.

Council was advised that all commercial sprayers must be certificated by the Provincial Government. Mr. Zalinko holds a valid Provincial Certification and therefore the Municipality has no basis for refusing a licence to Mr. Zalinko to operate in Burnaby.

Council was concerned that a person can apparently obtain Provincial Certification for using commercial weed killers and yet the Municipality in which such service is performed is unable to effect any control over problems that can develop by the misuse of commercial sprays.

The point at issue is one of Municipal control. The holding of a Provincial Certification is a prerequisite to a Municipal licence. Council has the right under the Municipal Act to either refuse or revoke a Municipal licence, even though the applicant or the operator may hold a Provincial Certificate. It becomes a question of justification for such action by the Council.

Section 455 of the Municipal Act provides that "the Council may, upon the affirmative vote of at least two-thirds of all the members, refuse in any particular case to grant the request of an applicant for a licence under this Division, but the granting of a licence shall not be unreasonably refused."

Section 450(3) states:

"Council may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard."

The above two sections give the Council ample power to act and deal with an applicant or a licensee if in the opinion of Council it has a sound basis on which to take such action.

All powers of a Council are contained in the Municipal Act.

(Continued....)

6. Re: Garden Sprays ---continued---

Granting of a licence by a Municipality is not a guarantee of quality of workmanship. This is a matter of contract between the licensee and the parties doing business with him. In the case of third parties affected they have the protection of civil law.

Quality of workmanship and careless operation affecting third parties could be grounds on which the Council could consider refusing or revoking a licence.

Council also has the right to prescribe conditions for the issuance of a licence and it might wish to consider for example, the production of evidence of third party insurance for garden sprayers to protect third parties. The same could be said for builders and other occupations and it is difficult to see how just one could be reasonably picked out for such treatment.

✓ 7. Re: Seton Academy Property and X-Kalay Foundation

Mr. William J. Morrison of 515 N. Esmond Avenue telephoned your Municipal Manager on the morning of Friday, 16th January, 1970, as spokesman for a number of residents of this area who were concerned about the possibility of the Seton Academy premises being used by the X-Kalay Foundation for its purposes. He stated that a letter had been distributed within the area bounded by Boundary Road, Hastings, Willingdon and Edinburgh and was enquiring about possibilities of a large delegation appearing before Council to oppose any such use of the Academy property.

The Academy site is Zoned Residential R5 and could not be put to Institutional use without rezoning.

No approach has been made to the Corporation with respect to this property by the X-Kalay Foundation. The Planning Department has received a sketchy possible development plan of the site as a Senior Citizens development by Action Line.

On Friday afternoon Mr. Morrison delivered a large bundle of the letters referred to above. Your Municipal Manager informed Mr. Morrison that the use the writers feared would require a rezoning of the property and if Council decided to advance any such an application for further consideration it was by law required to hold a Public Hearing at which any who wished could voice opinions for or against the suggested rezoning.

Until the Council may become seized with the question of rezoning the written objections were premature, and further that the Council has no control over the sale of private property.

Mr. Morrison appeared satisfied with this explanation, particularly the assurance that the people of the area would have an opportunity to be heard if there were to be any possibility that the X-Kalay would be permitted.

It is apparent from Mr. Morrison's remarks that a great many more letters can be expected. It is recommended that authority be given to deal with them as Council may now decide, rather than bring them all before Council.

8. Re: Community Plan #1 in the Kingsway - Olive - Patterson Area
Rezoning Reference #30/62

Submitted herewith is the report of the Planning Director, dated January 15, 1970, regarding the above-mentioned subject.

(Continued....)

*M.M. to report
on form of rezoning
2nd party insurance*

*He's in objection
with any application
going in from X-Kalay*

*conclusion
1/16/70*

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9. Re: Re: Rezoning Applications

Submitted herewith for your consideration are reports submitted by the Planning Director covering various rezoning applications, as itemized on the attached covering report.

Respectfully submitted,



H. W. Balfour,
MUNICIPAL MANAGER.

HWB:bp

Attachments