

AUGUST 24, 1970

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, August 24, 1970 at 7:00 p.m.

PRESENT: Acting Mayor Drummond in the Chair;  
Aldermen Blair, (7:05 p.m.); Clark,  
Herd, Ladner, Mercier and McLean;  
Mayor R. W. Prittie (7:40 p.m.)

ABSENT: Alderman Dailly

DELEGATIONS

The following wrote requesting an audience with Council:

- (a) Mr. W. A. Street, Barrister and Solicitor, re application from Inter-City Express (1955) Ltd., British Pacific Transport Limited and Overland Freight Lines Ltd. for trades licence.
- (b) Mr. M. F. Bartlett re operations of Inter-City Express (1955) Ltd., British Pacific Transport Ltd. and Overland Freight Lines Limited.
- (c) Mr. J. R. Buzzelle, Architect, re proposed 7-Eleven Food Store

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN HERD:  
"That the above three delegations be heard."

CARRIED UNANIMOUSLY

(a) Mr. Street then spoke and made the following comments:

- (1) He was appearing on behalf of the three companies mentioned above.
- (2) His appearance this evening was precipitated by the companies receiving letters indicating that Council had ordered the companies to cease their business operations from property known as 7976 Winston Street.
- (3) All three companies have complied with the pertinent by-laws of the municipality pertaining to operations of their kind.

- (4) Between 60 and 70 Teamsters are employed by the companies, and they would naturally be no longer so engaged if the companies were not allowed to operate.
- (5) The companies will likely face damage suits for non-performance of contracts if they are not allowed to continue operating, and therefore these companies will likely attempt to recover such costs from the municipality.
- (6) Application has been made for the trades licence now being sought, and this was a few weeks ago.

ALDERMAN BLAIR ARRIVED AT THE MEETING.

- (7) The Municipal Act requires that Council either grant a trades licence or indicate its reasons for refusal.
- (8) He has, since the last Council meeting, obtained copies of the reports and letters relating to the matter at hand.
- (9) All companies involved consider themselves good corporate citizens.
- (10) It is appreciated that the use being made of the property in question by the three companies is perhaps not too compatible with neighbouring residential land, but this will be minimized by the companies providing forms of buffering.
- (11) The total value of the business conducted by the three companies amounts to between \$1,000,000.00 and one and one half million dollars.
- (12) The question of the licence being issued should be resolved before the companies embark on a programme of improvements designed to minimize the conflict between their use of the property known as 7976 Winston Street and the adjacent residential land.
- (13) The companies did commence their business before receiving their trades licence but it was felt that the most important thing prior to that time was the development of the site for the purposes desired by the companies.
- (14) Even if the companies are prosecuted by the municipality for operating without a trades licence, the fine which would be imposed is rather insignificant.
- (15) The operations of the companies cannot be classed as truck terminals; rather, they are cartage and express offices.
- (16) The companies formerly operated from premises in the City of Vancouver.
- (17) There are only two diesel trucks used by the companies.

- (18) There are many trains nearby which emit much more diesel fumes than the two trucks just mentioned.
- (19) Many of the points made in the petition Council received from the residential property owners in the area at the last meeting are not valid.
- (20) The trucks of the companies stay on the property overnight, they are fueled and serviced on the site, and changing facilities for the men are provided there as well.
- (21) The companies have undertaken some preliminary work on the property in an effort to improve the appearance of the site.
- (22) The current zoning situation insofar as the subject property and adjoining residential land are concerned was, of course, created by a past Council which, recognizing the degree of incompatibility between the two uses, provided for the creation of extraordinarily deep lots for the residential development and made provision for a truck route in the area.
- (23) The trucks are parked on the portion of the site near the railway tracks furthest from the residential development.

The following comments were made in Council as a result of Mr. Street's presentation:

- (1) The municipality was not aware, until recently, that Inter-City Express (1951) Ltd. had the two subsidiary companies referred to above operating from the subject site; therefore, the company or companies had not revealed the full extent of their planned operation.
- (2) It is doubtful that the uses being made of the property in question are, in every instance, conforming to the zoning enjoyed by the property.
- (3) Staff from the Licence Department are continuously inspecting business operations to determine whether they have trades licences. It is appreciated that, in theory, businesses should first obtain such a licence before commencing operation but this usually does not happen.

In the case at hand, the Licence Department heard that the companies were operating and therefore gave them an application for a trades licence.

This is the usual way trades licences are obtained and is not regarded as being an unsatisfactory arrangement because in virtually all cases the businesses are at all times prepared to obtain the licence.

- (b) Mr. Bartlett then spoke on behalf of the residents of the Kentwood Development and made the following comments:

- (1) The operation being conducted by the three companies of concern constitutes a truck terminal.

- (2) Observations have been made which disclose, in addition to the classes of vehicle being used, that certain merchandise is being trans-shipped, including heavy equipment.
- (3) The noise generated by the activities on the site has a high decibal rating and, of course, is most aggravating to the nearby residents. This, in itself, violates Section 402.2(2) of the Zoning By-law.
- (4) Now that Burnaby-New Westminster will be hosting the Canada Summer Games, the Council should rezone all land North of Warner Loat Park for park and ancillary uses. In the case of the property at 7976 Winston Street, this could be designated for parking purposes.

During the discussion which took place following Mr. Bartlett's submission, it was emphasized in Council that the situation which is the subject of the presentations by Messrs. Street and Bartlett is the result of poor planning practices in the past.

Another point made was that Council should obtain a legal opinion on the type of operation being conducted by the companies, including the consequences to the municipality if the trades licence being sought is withheld.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:  
"That:

- (a) The Municipal Manager obtain the opinion of the Municipal Solicitor on whether the use(s) being made of the property at 7976 Winston Street by Inter-City Express (1955) Ltd., British Pacific Transport Ltd. and Overland Freight Lines Ltd. can be regarded as legally conforming with the zoning enjoyed by the property, with the Solicitor also indicating whether the operation in question should be more properly classified as a truck terminal rather than a cartage and express service.
- (b) A special committee consisting of three members of Council be appointed to receive and consider submissions from the three companies involved, the residents of the area concerned about the operations of the companies from the property in question, and staff from the municipality who are involved with the matter, pertaining to the subject at hand, with it being understood that the special committee will indicate in its report the opinion offered by the Solicitor pursuant to the instruction contained in part (a) of this resolution."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:  
"That action on the question of issuing the trades licences being sought by Inter-City Express (1955) Ltd., British Pacific Transport Ltd. and Overland Freight Lines Ltd., including any possible prosecution by the municipality arising from the fact the companies are operating without a trades licence, be deferred until a report is received from the special committee mentioned in the previous resolution."

CARRIED UNANIMOUSLY

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HIS WORSHIP, MAYOR PRITTIE, ARRIVED AT THE MEETING AND ASSUMED THE CHAIR.

ALDERMAN DRUMMOND RELINQUISHED THE CHAIR AND TOOK HIS SEAT AS A MEMBER OF COUNCIL.

(c) Mr. J. R. Buzzelle, Architect, appeared on behalf of Southland Corporation (Canada) Ltd. relative to the matter of the Company operating a retail food store, to be known as a 7-Eleven Food Store, on property described as Lot 19, Block 2, D.L. 29, Plan 3035.

Mr. Buzzelle made the following remarks:

- (1) He was seeking permission for the Company to operate the 7-Eleven Food Store according to the definition of "Corner Store" in Burnaby Shops Closing By-law 1958.
- (2) It is planned to construct a building with a gross area of 1,200 square feet, and a net area of 750 square feet, although this could be changed so that the gross area was 1,000 square feet so as to comply with the "corner store" definition in the By-law mentioned earlier.
- (3) It is planned to establish some 500 such stores in British Columbia.
- (4) The stores would operate between 7:00 a.m. and 11:00 p.m.
- (5) Anywhere between 6 and 10 people would be employed in each store. Because of the length of time the store would be open, half of the number would work at one time.
- (6) Each store would cost approximately \$130,000.00.
- (7) No food would be consumed in the building, although there would be some "takeout" service.
- (8) The complication, as he understood it, was that the 7-Eleven Food Store, to qualify as a "Corner Store", would not only need to be no larger than 1,000 square feet in area but would need to be operated by a family which could employ not more than one other person.
- (9) His problem could be resolved by amending the by-law in question to allow the name of the store owner to be shown on the trades licence which, in the case at hand, would be Southland Corporation (Canada) Ltd.
- (10) Plans illustrating the proposed store were being displayed this evening.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DRUMMOND:  
"That action on the request of Mr. Buzzelle be tabled until the September 8th meeting of Council and the Licence and Planning Departments submit their opinions then on the precise pertinent points made by him relating to his request, with it being understood that the views of the two departments are not being sought on the broad question of shops closing hours."

CARRIED

AGAINST -- ALDERMAN LADNER

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ORIGINAL COMMUNICATIONS

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

CARRIED UNANIMOUSLY

President, Burnaby Y.M.C.A., submitted a letter expressing appreciation for the grant Council made to the Association toward the Capital cost of the new "Y" facility and for submitting a recommendation to the 1971 and 1972 Councils that similar treatment be accorded the Association.

Jim, Madge and Jim Junior Lovett submitted a copy of a letter addressed to the Fire Chief in which they expressed the sincere thanks of their family for the courteous and expeditious service rendered by Burnaby Firemen to one of the members of the family, Terry, on August 5, 1970.

Chairman, Burnaby Centennial '71 Committee, wrote to request that Council reserve the Universal Life Foundation Buildings and property for the use of the Burnaby Centennial '71 Committee as a permanent commemorative project until a more detailed report in connection with the matter is prepared and submitted.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DRUMMOND:  
"That the request of the Committee be granted."

CARRIED UNANIMOUSLY

Secretary-Treasurer, Stride Amateur Athletic and Community Association, wrote to advise that the Stride Athletic Club has been registered under the Societies Act as the Stride Amateur Athletic and Community Association and that the prime objective of the Association is to ensure that the park at 13th Avenue and 15th Street is developed as quickly as possible.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:  
"That the letter from the Association be forwarded to the Parks and Recreation Commission for its information."

CARRIED UNANIMOUSLY

Mr. Thomas Farrington submitted a letter offering his views on the practices being followed now in regard to the matter of Social Assistance.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:  
"That the letter from Mr. Farrington be forwarded to the Social Service Administrator for a reply."

CARRIED UNANIMOUSLY

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Mr. R. Gage-Cole wrote to ask that the lane at the rear of his property at 6364 Walker Avenue be improved so that he can use it to gain adequate access to his properties.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:

"That Item (16) of the Manager's Report No. 47, 1970, which deals with the subject of the letter from Mr. Gage-Cole, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of the report from the Manager:

(16) Lane at rear of 6364 Walker Avenue  
(Gage-Cole)

The lane allowance at the rear of the subject property is unconstructed and, in order to consider building it, a widening strip of 8 feet would need to be donated by three property owners.

A Local Improvement Paving Programme would need to be approved by the abutting property owners. In addition, at least that section of the watercourse parallel to the lane would need to be enclosed by the School Board.

The watercourse is situated on the Morley Street School grounds and it seems that, in the process of developing the playing field on the grounds, the watercourse has been "shoved" onto the lane allowance. There is considerable evidence of erosion resulting from the new location of the watercourse.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That staff from the municipality attempt to negotiate the acquisition of the land required for lane purposes (as alluded to in the report of the Manager), on the understanding that, if this can be done with reasonable ease, the Corporation will embark on a Local Improvement Paving of the total lane allowance which extends from Stanley Street to Morley Street."

CARRIED UNANIMOUSLY

Mr. R. Coblentz submitted a letter requesting that the appearance of the 6000 Block Wilson Avenue be improved.

He also made reference to certain traffic situations in the area.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN McLEAN:

"That the letter from Mr. Coblentz be referred to the Municipal Engineer and the Traffic Safety Committee for consideration and report."

CARRIED UNANIMOUSLY

Mrs. R. B. L'Estrange wrote to urge that Council investigate all forms of pollution discharge from oil refineries.

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MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:  
"That the letter from Mrs. L'Estrange be referred to the Pollution Committee for consideration and reply direct to her."

CARRIED UNANIMOUSLY

Mrs. G. Stelp submitted a letter enquiring as to whether the Municipality has any by-laws for the control of various forms of air pollution.

*It was understood by Council that the Municipal Clerk would furnish Mrs. Stelp with answers to her question.*

Secretary, Community Planning Association of Canada (B. C. Division) submitted a circular letter advising that the Annual Planning Conference of the Association will be held between September 27th and October 1st in Winnipeg.

*It was understood by Council that Alderman Ladner, as the Liaison with the Planning Department, would indicate whether he felt the Conference would have any value to any Council or staff members.*

Secretary, Lower Mainland Municipal Association, submitted a Notice advising that the next meeting of the Association would be held at the Municipal Hall in Delta on August 27th commencing at 8:00 p.m.

President, Burnaby Tenants' Association, wrote to advise that the Association is prepared to assist the municipality in encouraging the registration of Resident-Electors.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:  
"That action on the letter from the Association be deferred until consideration of the report from the Election Procedures Committee later this evening."

CARRIED UNANIMOUSLY

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TABLED ITEMS

The following matters were then lifted from the table:

- (a) Application to rezone the North 165.5 feet of Lot 2, Except the North 125 feet, Block 5, D.L. 32, Plan 6123 (Reference RZ #24/70)

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:  
"That Item 10 of the Municipal Manager's Report No. 47, 1970, which deals with the matter at hand, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY



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The following is the report from the Manager:

- (10) Application to rezone the North 165.5 feet of Lot 2, Except the North 123 feet, Block 5, D.L. 32, Plan 6123 (Reference RZ #24/70)

The address of the property is 4875 Kingsway and the application is to rezone the property in question to Multiple Family Residential District Five (RM5).

On August 10, 1970, the Council instructed the Planning Department to continue discussions with the applicant for the purpose of exploring the possibility of the site being developed for high-density residential purposes without a further land assembly and to arrive at a mutually acceptable development scheme which would reflect the objectives of the "McMurray Community Plan".

At the meeting with the owner and a representative of the applicant, the following was established:

- (a) The applicant is not prepared to expand the site by further land assembly.
- (b) The applicant will instruct his architect to work with the Planning Department toward the preparation of an acceptable plan of development reflecting the concepts set out in the "McMurray Community Plan".

It is expected that preliminary sketches will be available within two weeks, at which time a report on the comprehensive development plan will be submitted to Council.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN CLARK:  
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

- (b) Application to rezone Lots 1 to 4 inclusive, Block 8, D.L.'s 116/186, Plan 1236 (Reference RZ #27/70)

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN HERD:  
"That no further action be taken on this application to rezone the properties described to Multiple Family Residential District Three (RM3) at this time due to the fact some of the points which have been made in connection with the proposal cannot be mutually resolved."

CARRIED UNANIMOUSLY

- (c) Seton Academy and Universal Life Foundation Properties

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:  
"That Item 9 of the Municipal Manager's Report No. 47, 1970, which deals with the subject at hand, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of the report from the Manager:

(9) Seton Academy

Following the Council meeting on July 27th, the Planning Department and the applicant endeavored to develop a scheme which was designed for senior citizens accommodation on the property in question. The objectives were to:

- (a) Devise a scheme which would reflect a lower density than originally planned to make the development more compatible with the physical criteria prevailing.
- (b) Make recreational facilities available to the great number of senior citizens who reside in the surrounding area.
- (c) Lessen the disadvantages occasioned by distance to shopping and the inconvenient public transit service.

Several meetings were held but no clearly acceptable plan of development was advanced.

When there was some apparent opposition to the original proposal advanced by the Action Line Society from residents in the area, members of the Society explained the proposal to the residents and the result was that these people accepted the development planned. However, it is not known how that proposal relates to the present plans of development.

The Society has made application to C.M.H.C. for funds to convert the mansion and the school on the site. C.M.H.C. will not process the application without a clear commitment from the municipality that the proposed use is acceptable to the Corporation.

The Planning Department has reported as follows on the matter:

- (a) The original proposal submitted to the Department was for a 19-storey structure with 216 self-contained units for both couples and individuals. This structure would accommodate 288 persons.
- (b) It was also planned to add another floor to the existing school and convert the two floors into hostel units to accommodate 64 persons.
- (c) The second floor of the Seton Mansion was to be converted into hostel units to accommodate 20 people.
- (d) The aggregate of the facilities mentioned would provide a total accommodation for 372 persons and a site coverage of 26.4% with a floor area ratio of 1.61.
- (e) A discussion took place with the applicant in regard to revising his scheme. The proposed revisions were a lower density of development and different forms of accommodation within the tower which would be more institutional in nature than apartments.
- (f) A discussion also took place on the density and type of zoning which should be considered appropriate. In that regard, it was proposed that the project be developed under Comprehensive Development (CD) zoning using a mixture of RM4 and P5 regulations.

- (g) Revised plans were submitted to the Department which proposed a 15-storey structure containing 168 hostel units (28 doubles and 140 singles) with common dining facilities on the ground floor and 84 self-contained units (28 couples and 56 singles). A total of 308 persons would be accommodated.

The proposed school and mansion alterations and additions would remain the same and would provide hostel accommodation for 84 persons.

The result of this proposal was that accommodation would be provided for 392 persons, and the site coverage would be 26.4% with a floor area ratio of 1.36.

- (h) The revised proposal would have a greater density than is permissible under RM4 regulations. Assuming a CD proposal under RM4 density regulations, the maximum permissible floor area ratio would be 1.20 if the coverage exceeds 25%. Therefore, using the same basic proposal, as submitted under the revised plans, a 12-storey tower could be developed. Assuming a mixture of hostel and self-contained units, it would accommodate 236 persons.

This, coupled with the aforementioned proposed school and mansion accommodation, would provide housing for 322 people, a site coverage of 26.4%, and a floor area ratio of 1.2, all of which would be more in line with RM4 regulations.

- (i) Another proposal was developed by the Department whereby the existing one-storey school structure, rather than having an additional floor and the two floors converted to hostel accommodations, would be replaced by the proposed tower. The two major benefits to this proposal are:

- (i) The introduction of the proposed tower, as located on the plans submitted by the architect, destroys much of the natural site amenities which made it a more acceptable site for senior citizens accommodation even though the locational factors were not favourable. If the tower replaced the one-storey school structure, the site amenities would remain virtually undisturbed. The gymnasium would still be retained and used as a recreational centre, and the mansion would be altered as proposed by the architect.

- (ii) By replacing the one-storey school structure with the tower, the site coverage would be reduced to 18.8%. Under the RM4 regulations, this would allow for a floor area ratio bonus of 0.20, which would bring the allowable floor area ratio up to 1.40. Using the same basic proposal submitted under the revised plans, a 17 storey tower could be developed. Assuming a mixture of hostel and self-contained units, it could accommodate 352 persons.

*It was drawn to the attention of Council that Mr. Emmet Cafferky of the Action Line Housing Society was present and desired an audience.*

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MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN MERCIER:  
"That Mr. Cafferky be heard."

CARRIED UNANIMOUSLY

Mr. Cafferky then spoke and made the following points:

- (1) At the meeting the Society had with the ratepayers in the area, the original drawings were displayed and no opposition was expressed by the executive of the Ratepayers Association.
- (2) Contrary to what is indicated in the report the Manager submitted this evening, public transit facilities are extremely close to the site in question.
- (3) The Provincial Government requested the Action Line Housing Society to implement its proposal in three stages.
- (4) The 19-storey structure was never desired by the Society, it was only arranged after consultation with the Provincial Government.
- (5) The Society wishes to provide different forms of accommodation in the planned tower and a variety of facilities in the area.
- (6) The Minister of Health Services suggested that the Society provide accommodation for spastic children.
- (7) It is hoped to provide occupational education for this type of child, although plans in that regard have not yet gelled.
- (8) Some points in the report the Council received this evening from the Planning Department have not been discussed between the Society and the Department.
- (9) The basic problem is to construct facilities that will make the entire proposition economic to operate.
- (10) The original proposal advanced by the Society has been abandoned.
- (11) If the Society cannot obtain the support from the majority of people in the area, it will not proceed with its plans.
- (12) The Society still has the deadline of September 15, 1970 to purchase the Seton Academy property and therefore is anxious to have Council support the scheme so that plans can proceed. If such approval can be obtained, the Society will continue to work with the Planning Department in the preparation of a mutually acceptable plan of development.
- (13) The Society does not really wish to remove the school or provide a second floor on it for the children, its main concern is the provision of accommodation for senior citizens.

ALDERMAN BLAIR LEFT THE MEETING.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN DRUMMOND:  
"That the application to rezone Lot "B", Block 30, D.L. 186, Plan 5371 (the Seton Academy Site) to Comprehensive Development District (CD) be approved for further consideration, with it being understood that the Action Line Housing Society and the Planning Department will endeavor to achieve a mutually acceptable plan of development for the site for the Public Hearing on the proposal when it is held."

CARRIED UNANIMOUSLY

HIS WORSHIP, MAYOR PRITTIE, DECLARED A RECESS AT 9:05 P.M.

THE COUNCIL RECONVENED AT 9:15 P.M.

(d) Universal Life Foundation Property

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:  
"That the part of Special Report No. 5, 1970 of the Municipal Manager pertaining to the Universal Life Foundation Property which was submitted to Council on August 10th, be received, on the understanding the Manager will be submitting a further report on the matter."

CARRIED UNANIMOUSLY

(e) Planning Department Work Programme

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:  
"That consideration of this matter be deferred until later in the evening."

CARRIED UNANIMOUSLY

(f) Work Order No. 36-197

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:  
"That Item (3) of the Municipal Manager's Report No. 47, 1970, which deals with the subject at hand, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of the report of the Manager:

(3) Proposed Sanitary Sewer Installation on Boundary Road between Burke and Thurston Streets (Work Order No. 36-197)

The installation is to partly serve the B. C. Christian Institute Rest Home property.

The Boundary-Thurston Area has been one of the small pockets lacking sanitary sewers and, in the past year or so, it has become a problem area.

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It was omitted from recent reports on unsewered areas because the installation of the sanitary sewer was part of the servicing requirements when the site was rezoned.

The B. C. Christian Institute recently invited tenders for the construction of its new 100-bed rest home. These tenders were significantly more than the estimates so the Institute was compelled to determine where savings could be made. Since the servicing deposit in connection with the rezoning was for \$16,000.00, the Institute appealed for possible relief from the servicing costs.

There was no possibility of removing any of the servicing costs, except possibly the sanitary sewer installation, because of the precedent which would be established.

It was only by the accident of time that the Corporation could avoid installing sanitary sewers in the area. In other words, if the B. C. Christian Institute Rest Home was delayed for any reason, the Corporation would need to install sanitary sewers. For that reason and the undoubted value to the community of a rest home of 100 beds of the calibre designed by the Institute, it was considered that some relief should be given by removing the sanitary sewer from the servicing requirements for the site.

The Institute has deposited the full \$16,000.00 with the Corporation and awarded a contract for the full servicing of the site. The purpose of Work Order 36-197 is to provide for payment by the Corporation of the sanitary sewer portion of the contract.

It was being recommended that Work Order 36-197, which amounts to \$5,000.00, be now approved.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN DRUMMOND:  
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

*The Municipal Engineer was instructed to indicate, in the future when submitting "Special Estimates of Work" reports, whether any item therein involves a deviation from a Council policy or whether there is any special or peculiar condition pertaining to the estimates.*

(g) Application to rezone Block 27, Explanatory Plan 19908, D.L. 29, Plan 4215, Lot 1, Block 26, D.L. 29, Plan 4900, and Block 26, Sketch 7868, D.L. 29, Plan 3035 (Reference RZ #20/70 )

*It was drawn to the attention of Council that the applicant wished this application tabled for a further two weeks.*

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN CLARK:  
"That the request of the applicant be granted."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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NOTICES OF MOTION

(a) Alderman McLean re truck traffic study

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:

"Whereas the entire Lower Mainland is dependent to varying degrees on service by trucks, and Burnaby, as the centre of the heavy populated area, is rapidly becoming the cross-roads for vehicles servicing Vancouver, the North Shore, New Westminster, Surrey, etc.,

And Whereas the Lower Mainland's anticipated population increase, and its inherent development and consumer requirements will add further

trucks to our already over-taxed arterials;

And Whereas the origin and destination of these vehicles indirectly affects each municipality and the Provincial Department of Highways;

Therefore be it resolved that Burnaby Council initiate, with the Regional Planning Board, a study of all Lower Mainland truck routes; the purpose of this study being to provide alternate roads servicing properly planned truck depots, e.g., a truck depot located in Lake City with access to the Lougheed Highway connecting with Vancouver and the North Shore, through Coquitlam to Port Mann Bridge to a completed Clover Valley Road, connecting the Pacific Highway to the U.S. Border, thus relieving local traffic;

And Be It Further Resolved that the possibility of creating new truck routes, such as the re-alignment of Marine Drive with a North-South connector at Kerr Road and the new Fraser River Crossing, be explored."

COMMENT: " The need for planning is NOW, while there is still some flexibility of land use. WE MUST BE PREPARED, along with the Provincial Department of Highways, to accept the challenge of providing direct truck routes, thereby lessening the noise and air pollution, as well as the everpresent traffic hazards."

CARRIED UNANIMOUSLY

(b) Alderman Mercier re business tax

Alderman Mercier stated that he required more time to discuss, with the Municipal Assessor, the notices which were being sent to business establishments seeking financial information that would be used in connection with the imposition of the business tax.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN DRUMMOND:

"That consideration of the matter mentioned by Alderman Mercier be deferred until the September 8th meeting of Council, with it being understood that Alderman Mercier will submit the formal text of his Motion on the matter at that time."

CARRIED UNANIMOUSLY

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QUESTION AND ANSWER  
PERIOD

ALDERMAN HERD indicated that the Planning Department would be submitting a report on the progress being made on plans for landscaping and screening in connection with the Columbia Trailers' Ltd. application to develop a portion of Lot 32, D.L. 40, Plan 28710 as a part of a proposal to rezone that land to Parking District (P8).

\* \*

ALDERMAN LADNER enquired as to what progress was being made in obtaining a reply from the Parks and Recreation Commission on the question of whether non-amateur and non-junior events were being allowed at the Swangard Stadium to the prejudice of amateur and junior events.

It was understood by Council that the Commission would be reminded that it has not yet furnished Council with an answer to the question posed.

\* \*

When Alderman Mercier asked to be apprized of the history pertaining to the B. C. Telephone Company and Canada Safeway Developments on 10th and 11th Avenues respectively, the Administrative Planner stated that he would furnish Alderman Mercier with the data desired.

\* \*

R E P O R T S

HIS WORSHIP, MAYOR PRITTIE, submitted a report recommending that Alderman W. R. Clark be appointed as Acting Mayor for the months of September and October, 1970.

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

CARRIED UNANIMOUSLY

\* \* \*

HIS WORSHIP, MAYOR PRITTIE, submitted a report advising that the New Westminster - Burnaby application for the 1973 Canada Summer Games was approved by the Federal Government last Friday.

He congratulated Mr. W. Ramsell and his Summer Games Committee for the excellent work they did in connection with the application. He also mentioned that Alderman Clark and Mrs. Doreen Lawson, Chairman of the Burnaby Parks and Recreation Commission, were members of the Committee. His Worship added that valuable assistance was supplied by Mr. Gordon Squire, Recreation Director for the municipality, and other staff members.

His Worship also pointed out that of particular interest to Burnaby is the possible development of Burnaby Lake for the rowing and canoeing events of the Games. In that regard, he indicated that a rowing course would need to be dredged so that these events could be held on Burnaby Lake. His Worship mentioned that an application has been made to the Pollution Control Board to allow the dredged materials to be piped via a sewer trunk line to the Fraser River.



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*Alderman Clark pointed out that His Worship, Mayor Prittie, had assisted in furthering the application of Burnaby and New Westminster for the 1973 Canada Summer Games as much as the other members of the Committee.*

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:  
"That the report of His Worship, Mayor Prittie, be received."

CARRIED UNANIMOUSLY

\* \* \*

ALDERMAN HERD submitted a report indicating that an all-star team from the East Burnaby Pony-Colt Baseball Association has won the right to represent British Columbia at the All-Canadian Play-Offs in Winnipeg on September 2, 1970.

He added that the Association has asked the municipality to financially assist in defraying the expenses involved in sending the Team to the Play-Offs, the sum desired being \$250.00.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN HERD:  
"That a grant in the amount of \$250.00 be made to the East Burnaby Pony-Colt Baseball Association for the purpose indicated in the report of Alderman Herd."

CARRIED UNANIMOUSLY

\* \* \*

GRANTS AND PUBLICITY COMMITTEE submitted a report indicating that a group headed by Mr. Harold Merilees, M.L.A., with the full co-operation of the Minister of Highways, has proposed to beautify the median of Highway 401 (The Freeway) between Vancouver and Chilliwack with flowers.

The Committee pointed out that municipalities traversed by the highway have been asked to contribute toward the purchase of bulbs and shrubs.

The Committee recommended that Council grant \$500.00 for the purpose mentioned and that the group in charge of the project be asked to plant rhododendrons in the Burnaby section of the median.

*During the discussion on the report of the Committee, some Aldermen suggested that trees should be planted in the median of the Freeway rather than rhododendrons.*

*It was understood that His Worship would convey this suggestion to the Committee headed by Mr. Merilees.*

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN HERD:  
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

\* \* \*

MUNICIPAL CLERK submitted Certificates of Sufficiency for the:

(a) Paving of the:

(i) Rumble Street - Neville Street "T" Lane from  
Buller Avenue to the E.P.L. of Lot 6, S.D. 2,  
Block 36, D.L. 159, Plan 13416

(ii) Lane East of and Parallel to Douglas Road from  
Laurel Street to Fulwell Street,

as Local Improvements by the Petition method.

(b) Installation of ornamental street lights on Monroe  
Avenue from Cariboo Road to Cascade Avenue, as a  
Local Improvement under the Initiative Plan.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:  
"That the Certificates of Sufficiency from the Municipal Clerk  
be received and appropriate Local Improvement Construction  
By-laws be prepared and submitted to Council."

CARRIED UNANIMOUSLY

ALDERMAN BLAIR RETURNED TO THE MEETING.

\* \* \*

ELECTION PROCEDURES COMMITTEE submitted a report advising as  
follows:

(a) Invitations were extended to the Burnaby Citizens'  
Association and the Burnaby Voters' Association to  
submit their views on the proposals advanced in  
March this year by Alderman Clark, the Municipal  
Clerk and the Municipal Manager.

(b) These views were received and considered at a  
meeting on August 14, 1970.

(c) As a result of these considerations, the following  
recommendations were being made:

(i) That registration booths be established at the  
following five locations, subject to approval  
being obtained from the Management of the  
establishments at these locations:

- Lougheed Mall
- Gilmore Avenue School
- Brentwood Shopping Centre
- Middlegate Shopping Centre
- Simpsons Sears

During Thursday and Friday afternoon and evening  
(for eight hours) and all day on Saturday, with  
the registration booths rotating amongst these  
establishments for a one-weekend stay at each of

them during all weekends in the month of September.

The Council will be asked to appoint persons to man the registration booths, as Deputy Municipal Clerks, for the purpose only of taking the declarations required.

The cost of the complete registration for the month would be around \$500.00 assuming space will be made available free of charge by the shopping centres and the School Board.

In addition, there will be the cost of a large banner or sign to attract registrants plus the expense of publicizing the Programme.

It was being recommended that this programme be approved.

- (ii) That, in order that complete coverage can be given all resident businesses who can qualify either as Tenant-Electors or, if they own property, as Corporation Owner-Electors, the Municipal Manager arrange for the preparation of an appropriate notice, accompanied by the requisite appointment forms, to be mailed with the business tax and trades licence notices in December each year.
- (iii) That the proposal advanced earlier this year by Alderman Clark regarding the terms of office for elected officials be pursued through the Union of B. C. Municipalities or the Provincial Government, or both, with a view to the promulgation of the required amendments to the Municipal Act.
- (iv) That the Municipal Manager arrange for a study of the polling division situation by the Municipal Clerk, in conjunction with the Planning Department, so that additional polling divisions can be introduced and changes made to the List of Electors in time for the December 1971 Election.
- (v) That the procedures followed at the present time regarding election returns being reported on Election night be continued but that the Returning Officer endeavor to improve procedures so that such returns are received at Headquarters as quickly as possible.
- (vi) That students be hired to work on the Election, as was done in prior years.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LADNER:

"That the first recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN MERCIER:

"That the second recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN CLARK:

"That the third recommendation of the Committee be adopted."

CARRIED

AGAINST -- HIS WORSHIP, MAYOR  
PRITTIE, ALDERMEN MERCIER  
AND LADNER

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN McLEAN:

"That the fourth recommendation of the Committee be adopted."

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That the fourth recommendation of the Committee be amended by deleting the words "so that additional divisions can be introduced and changes made to the List of Electors in time for the December 1971 Election"."

CARRIED

AGAINST -- ALDERMAN CLARK

A vote was then taken on the original motion respecting recommendation number four, as just amended, and it was Carried Unanimously

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:

"That the fifth and sixth recommendations of the Committee be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:

"That the Burnaby Tenants' Association, who submitted a letter to Council earlier this evening, be advised of the foregoing actions of Council in respect of election procedures."

CARRIED UNANIMOUSLY

\* \* \*

NOISE POLLUTION COMMITTEE submitted a report advising as follows:

(a) The objectives of a Noise Control By-law would be to:

(i) prevent and reduce all noises in or on public or private places or premises which disturb the quiet, peace, rest and enjoyment of the neighbourhood or the comfort and convenience of individuals or the public.

- (ii) reduce noise levels within the community.
  - (iii) establish standards which are reasonable and enforceable, limiting the amount of noise which may be created.
  - (iv) require those creating unnecessary, unwarranted and excessive noise levels to control them or limit the use of such noise-producing devices to such times as are acceptable.
- (b) The equipment required to minimize the incidence of noise pollution must be simple to operate, accurate, reliable, easy to calibrate and inexpensive.
- (c) The actual noise produced should be the criterion of violations and not the noise capability of the machine.
- (d) All noise levels will be measured on a sound level metre in decibels on the "A" scale.
- (e) The enforcement of the regulations will likely reveal problems which in all probability will require correction.
- (f) While persons may receive sound from multiple sources, they generally will be far enough away from such sources that a fifteen foot criteria should be an adequate safeguard.

It was being recommended that the maximum number of motorcycles in clusters be limited to three and that the spacing between these clusters be limited to 300 yards.

- (g) The regulations are not intended to control noise produced by aircraft because it is felt this is best handled by airports. This subject is under careful study at the moment.

As commercial aircraft fly over Burnaby at a considerable altitude, there would appear to be little cause for complaint at this time.

- (h) The regulations should include a general clause which would allow a constituted court to adjudicate in the case of a noise nuisance which might not be in excess of the allowable level but which, by its nature and circumstances, might be very objectionable.

- (i) The following proposals were being advanced:

- (i) That all sound levels be determined with a sound level metre on the "A" scale and "slow" metre reading.
- (ii) That no person shall be allowed to make or continue any loud, unnecessary or unusual noise which disturbs the comfort and repose of other persons within the municipality, except to the extent permitted by the By-law.

- (iii) That, except as otherwise provided, no person shall allow property belonging to him, or under his control, to be used so that any loud, unnecessary or unusual noise which originates from the property disturbs the comfort or the repose of other persons in the vicinity.
- (iv) That, when the courts are satisfied that the noise should be abated, the fact it is within the dbA rating shall not be deemed to prevent a finding under this section that abatement is required.
- (v) That a sound level in a residential area be measured at the propertyline of the property from which the sound is emanating and, unless otherwise specified in the By-law, shall not exceed 55 dbA during the daytime hours or 45 dbA during the night time hours.
- (vi) The regulations should not apply to the operation of essential municipal services.
- (vii) That the operation of any noise-producing device at levels greater than permitted in the By-law be prohibited, except when written permission has been obtained from the municipality.
- (viii) That the municipality be permitted to exercise discretion in requiring the provision of sound dampening barriers to reduce sound levels emanating from any source.
- (ix) That the maximum total permissible power for public address systems be limited to 150 watts, with applications for the use of systems with higher powers to be considered on their individual merits for such special occasions as Council shall deem fit.
- (x) That no industrial or commercial operation produce a continuous sound level greater than 55 dbA during the day and 45dbA at night measured at the property line or at a distance of 150 feet (whichever is nearer) to the sound source.
- (xi) That the production of intermittent sound greater than 80 dbA by an industrial or commercial operation outside of a building be limited to day time hours and, at other times, only with the written approval of Council.
- (xii) That the sound level of any vehicle with a licenced gross weight in excess of 6,000 lbs. not exceed 87 db in a 30 mile per hour zone and 92 db in higher speed zones, measured at a distance of not less than 15 feet from the vehicle exhaust.
- (xiii) That the sound level of vehicles with a licenced weight less than 6,000 lbs. not exceed 77 db in 30 m.p.h. zones and 87 db in higher speed zones, measured at a distance of not less than 15 feet from the vehicle exhaust.

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- (xiv) That the unnecessary use of motor vehicle horns or other legal warning devices be prohibited, although such horns or devices will be permitted to be used to avoid an accident.
- (xv) That the screeching of tires perceptible above the normal background traffic noise be prohibited.
- (xvi) That the use of power lawn mowers and power gradening equipment be limited to day time hours, with the maximum noise level not to exceed 80 db, measured at a distance of not less than 15 feet from the sound source; and further, that this equipment not be operated on Saturdays, Sundays and Statutory Holidays, except between the hours of 10:00 a.m. and 8:00 p.m.
- (xvii) That the sound level of model airplanes and noisy hobbies be limited to day time hours and not exceed 70 db, measured at a distance of not less than 15 feet from the sound source, with the operation of model airplanes being limited to park and public recreational areas; and further, that model airplanes and noisy hobbies not be permitted on Saturdays, Sundays, or Statutory Holidays, except between the hours of 10:00 a.m. and 8:00 p.m.
- (xviii) That the commercial construction or demolition of buildings be limited to day time hours and be prohibited on Sundays, except where written permission has been obtained from Council, with construction or demolition by individuals on their own property or on projects for their own use being limited to day time hours and on Sundays between 10:00 a.m. and 8:00 p.m.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN CLARK:  
"That the report of the Committee be received and be forwarded to the Municipal Solicitor for examination and opinion."

CARRIED UNANIMOUSLY

\* \* \*

MUNICIPAL MANAGER submitted Report No. 47, 1970 on the matters listed below as Items (1) to (23) either providing the information shown or recommending the courses of action indicated for the reasons given:

- (1) Lot 39 except Parcel "A", Explanatory Plan 16876, D.L. 86, Plan 1203 (Lesosky)

The spokesman for the above noted has requested a further deferment of Council's consideration of Mr. Lesosky's attempt to subdivide the captioned property because Mr. Lesosky is still away.

It was being recommended that this request be approved.

As Instructed by Council, the Planning Department will meet with Mr. Lesosky to discuss the matter.

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

CARRIED UNANIMOUSLY

(2) Lot 38, D.L. 59, Plan 28938  
SUBDIVISION REFERENCE NO. 118/70

It was being recommended that Council waive the provisions of Section 712(1) of the Municipal Act insofar as they apply to a subdivision of the above described property in order to exempt the subdivider from being required to provide the amount of land prescribed by the said Section as a highway.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:  
"That the owner of D.L. 59, Lot 38, Plan 28938, be exempted from the provisions of Section 712 of the Municipal Act, R.S.B.C. 1960, Chapter 255 in respect of a subdivision of the property described as shown on a survey plan prepared by David H. Burnett and Associates and sworn the 28th day of April, 1970."

CARRIED UNANIMOUSLY

(3) Sanitary Sewers - Boundary Road between Burke and Thurston  
Streets (Work Order No. 36-197)

(This item was dealt with previously in the meeting.)

(4) Double "M" Sales Company

An application has been received from the above Company for a licence to operate an office for the sale and promotion of "Cashchek" discount cards.

This card entitles the holder to receive a 10% discount from any participating merchant on a cash sales basis. Cards cost \$12.00 annually and the purchaser is considered to be a member of Savex Cashcard Ltd., the promoters of Cashchek. A booklet is provided as a directory of all participating merchants.

The apparent theory behind this part of the operation is that any person purchasing merchandise for cash should receive a discount equal to the cost a merchant incurs if the purchase was to be handled on a credit basis.

The area of concern is not with the use of the cards by the members but rather with the organization for selling memberships. This is a pyramid, or stacking, organization. Below the company operation there is a four-level distribution system which requires investment by the participating individual and this ranges from \$48.00 to \$5,000.00. The four levels are directors, managers, senior distributors and distributors.

It is at the director's level that the applicants are connected with the current company, and at which they intend to carry on the business of attracting investors at subsequent levels as well as promoting sales of discount cards. Any person wishing to become a representative pays a fee in accordance with the level at which they wish to operate. Fees are divided between the company and the sponsoring member.



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An investor receives a given number of cards which he may sell to the public at \$12.00 each, or distribute as a discount to any person that they may be successful in recruiting at a lower level of distributorship. With the exception of the distributors level, the number of cards provided with initial investments appears to offset the investment if sold at \$12.00 each.

At all levels, the applicant signs an agreement that he is an independent contractor and at no time may commit the company or any other person. The main aim of this operation appears to be the promotion of representatives for the investments which are required, rather than for the sale of the discount cards.

The entire method of operation follows very closely that of the Nu-Way Merchandising, except that the sale of the discount cards completes the transaction.

A further service is offered to card holders by way of a comparative pricing service which operates under the name of Computer Buying Service (C.B.S.). Any card holder wishing to purchase a specific item may contact the office and C.B.S. will provide them with the best price and location of the item.

The Better Business Bureau has been investigating this operation in all its aspects and has written to the Attorney-General with respect to the operation. Savex Cashcard Ltd. began business in Vancouver in 1968 but it is only in recent months that there has been a great increase in activity with regard to selling distributorships.

In view of the referral of this type of pyramid selling to the Attorney-General by the Better Business Bureau, it was being recommended that the issuance of a licence to the Double "M" Sales Company be withheld pending further information.

Savex Cashcard Ltd. is licenced to operate in Vancouver.

If Council agrees with the recommendation, the applicants for the licence should be given an opportunity to be heard before a decision is actually made by Council.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:  
"That the Attorney-General be requested to provide Council with a reply as soon as possible to the subject referred to him by the Better Business Bureau; and further, the applicant for the licence be given an opportunity to address Council on the matter, if he so wishes."

CARRIED UNANIMOUSLY

(5) Wayburne Way (Dominion Construction Ltd.)

At the time the Dominion Construction Industrial site South of Canada Way was subdivided (1966), it was agreed by Council that the Corporation would pay the Company for the extra width of the Wayburne Drive road allowance. Wayburne Drive is 86 feet wide and the subdivider was only required to donate 66 feet so the Corporation agreed to pay for the additional 20 feet at a price equal to the Company's cost of acquiring the property. The calculated value was \$11,650.00.

The Company has now billed the Corporation and, in view of the time lapse, the information is being forwarded to Council.

Since provision for this cost was not included in the Capital Improvement Programme, the bill will be charged to the Right-of-way Acquisition Account rather than to the Major Roads Account where it more properly belongs.

*During consideration of the report in Council, it was mentioned that the Company in question had indicated at the time the rezoning was active that the sum of \$2,000.00 would be deposited to cover landscaping and buffer requirements imposed by Council at that time in connection with the rezoning proposal.*

*It was suggested that possibly, if the Company had been required to pay the amount mentioned and did not, the amount now being sought for the extra width of Wayburne Drive could be reduced by \$2,000.00.*

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN McLEAN:

"That the subject of the report from the Manager be tabled until the September 8th meeting and it be indicated then whether the situation in regard to the \$2,000.00 was correct."

CARRIED UNANIMOUSLY

(6) Miscellaneous "Problem Lanes"

As a result of a re-statement of Council policy respecting incomplete lane allowances, it was necessary to review the situation with respect to certain problem lanes.

These are:

- (a) The Allman - Canada Way Lane, the construction of which is essential in order to avoid a development of access from the street through high embankments and to avoid increased costs to the municipality in future Local Improvement Projects on Allman Street in driveway restoration and retaining wall construction.
- (b) The Frances - Georgia Lane between Delta Avenue and Springer Avenue, where the municipality is committed, to all intents and purposes, to its construction. Land is required to complete the lane allowance from only one property, and acquisition costs through expropriation would be less than the cost of avoiding it. Some of the property owners abutting the lane allowance who have donated parts of their properties for lane purposes are demanding their land back if construction does not proceed.
- (c) Mary Avenue Lane between 11th and 12th Avenues, which has actually been constructed for many years, although a part of it is on private property. The owner of this property is now interfering with traffic in the lane. In addition to that property, there is one other from which land will be required for the lane.

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It was being recommended that, in view of the circumstances, the above three lanes be treated outside the policy.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN LADNER:  
"That the report of the Manager be tabled until the "In Camera" session later this evening."

CARRIED UNANIMOUSLY

(7) Subdivision Reference #28/70

The property covered by the above subdivision application is located 130 feet North of Kincaid Street on Royal Oak Avenue.

An easement 15 feet wide is required for sanitary and storm sewer purposes over a portion of the property.

It was being recommended that Council authorize the acceptance of the easement, which would be done at no cost to the Corporation.

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

CARRIED UNANIMOUSLY

(8) Historical files

Simon Fraser University, through the University Archivists, has offered to store and administer Burnaby's Archives.

These records are presently a real concern to the Municipal Clerk as there is no proper space available for their storage and upkeep.

S.F.U. has such space and is willing and able to take care of them for the municipality. It is proposed that they be for reference purposes only and non-circulating. An agreement would be entered into with the Corporation respecting any arrangement which would include an indication as to those records to be transferred, the conditions of public use of the materials and the conditions applying to any restricted documents.

The actual care and maintenance of the records is the only aspect to be considered. If this was the only criteria, possibly the Burnaby Historical Society could serve the purpose. However, the availability of the documents for examination and study by those interested in them, together with the possible care, maintenance and cataloguing under a trained Archivist, is very appealing.

Nothing further will be done about the matter without the consent of Council.

It was therefore being strongly recommended that further examination of the offer from S.F.U. be made with the view in mind of entering into an agreement with the University respecting the storage and service of the documents in question.

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

CARRIED UNANIMOUSLY

(9) Seton Academy (Reference RZ #36/70)

(This item was dealt with previously in the meeting.)

(10) North 165.5 feet of Lot 2, Except the Northerly 123 feet,  
Block 5, D.L. 32, Plan 6123 (Reference RZ #24/70)

(This item was dealt with previously in the meeting.)

(11) Lot 6, S.D. 2, Blocks 1 and 3, D.L. 43, Plan 11257 (3497  
Lozells Avenue)  
SUBDIVISION REFERENCE NO. 22/70

On April 7, 1970, the Approving Officer gave Preliminary Approval for the subdivision of the above described property.

Since then, the Planning Department received a petition protesting the subdivision on the grounds that it would eliminate a walkway used for access to Charles Rummel Park and the Seaforth Elementary School. The petitioners requested that the subdivision not be allowed to proceed or that the municipality purchase the Southernmost ten feet of the parcel to accommodate the walkway.

Those protesting are presently served by a ten foot walkway which extends from Colleen Street to Government Street and connects these residents to the park and school. The Planning Department felt that, when considering the subject subdivision, this walkway was sufficient for the residents needs.

The applicant, Mr. P. J. Alexander, was contacted by letter dated July 3, 1970 and asked for his comments on the petition. His reply was that he was opposed to the provision of a walkway, as requested by the petitioners.

The following two alternative courses of action are open:

- (i) Negotiate with Mr. Alexander in order to obtain the ten foot walkway desired by the petitioners.
- (ii) Declare the present walkway as being sufficient.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:  
"That the Planning Department, in concert with the Engineering Department, investigate the matter of accommodating a walkway in a location near or on the subject Lot 6 to determine the most suitable place for it, including the possibility of using a portion of the ravine part of the Lot 6."

CARRIED UNANIMOUSLY

(12) Subdivision Reference No. 89/70

An easement is required for storm and sanitary sewer purposes over a portion of the property covered by the above subdivision, which is located on property between Greenwood Street and Loughheed Highway.

There will be no cost to the Corporation in acquiring this easement.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That authority be granted to acquire the easement which is the subject of the report from the Manager and to execute the requisite documents."

CARRIED UNANIMOUSLY

(13) Lots 212 and 213, D.L. 86, Plan 36959 (Chan)

Dr. Chan submitted a tender to purchase both of the above lots.

He later asked to be excused from his bid on Lot 213, with the money he deposited at the time of tendering to be applied against the price of Lot 212.

The Council refused to grant this request but offered Dr. Chan an extension of two months to complete his commitment with respect to Lot 213, including the possibility of a further extension if necessary.

Dr. Chan has now decided to keep Lot 213 and to relinquish Lot 212 with his bid deposit of \$927.50 being forfeited to the Corporation. He still wishes to take advantage of the time extension granted by Council for the purchase of Lot 213.

It was being recommended that:

- (a) Dr. Chan's latest decision be accepted by Council.
- (b) Lot 212 be withheld from sale until the next tender call for the sale of municipally-owned properties, at which time it be readvertised and tenders invited for its purchase.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:

"That Council reaffirm its past decision in regard to the subject Lots 212 and 213 and, if Dr. Chan chooses to not avail himself of the opportunity resulting from that decision, the normal policy respecting the disposal of municipal property be followed."

CARRIED UNANIMOUSLY

(14) Mobile Buildings Occupancy Fee

Excluding the three percent collection fee payable to Auto Court operators, the first month's revenue from 77 trailers, which resulted from Council passing Burnaby Mobile Buildings Occupancy Fee By-law, amounts to \$399.54.

However, the following two problems have arisen:

- (a) Section 458 L.L. of the Municipal Act prescribes that no occupancy fee may be charged on trailers containing less than 300 square feet. There are 69 trailers smaller than this in permanent residences in seven of the nine auto courts which cater to trailers and mobile homes. Many of the occupants liable for the fee have expressed resentment. This situation is being drawn to the attention of the Department of Municipal Affairs. Since the definition of "occupant" under the aforementioned Section 458 L.L. excludes "a bona fide tourist whose occupancy or use does not exceed two months", there appears to be no reason to

exempt trailers or mobile homes of a size less than 300 square feet.

- (b) It was intended in the By-law to assess and collect occupancy fees from residentially-occupied mobile homes. Section 617 of the Zoning By-law permits temporary buildings or structures for use other than housing. The Chief Building Inspector may grant a permit for such buildings for a six month period extendable to one year. Some of these buildings are mobile by nature. There are 14 such trailers under Permit at the present time which are being used for commercial and industrial purposes. Business Tax on them is being collected but no realty tax or occupancy fee. If subjected to an occupancy fee, the calculated annual revenue would be \$612.00. Section 458 L.L. of the Municipal Act permits a municipality by by-law to levy an occupancy fee against such trailers.

Permission was being sought to introduce an amendment to Burnaby Mobile Buildings Occupancy By-law to cover the situations described above.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN MERCIER:  
"That the request in the report of the Manager be granted."

CARRIED UNANIMOUSLY

(15) Rezoning Reference RZ #84/69

The School Board requires a 10 foot wide sanitary sewer easement over a portion of the property covered by the above rezoning to serve the Cameron School.

The owners of the property have indicated they are prepared to grant the easement, provided this coincides with a road dedication along the Easterly boundary of the school site.

The developer of the parcel of land covered by the rezoning application is prepared to replace the land required from Cameron School for road purposes with an equivalent amount of land to the West of Cameron School.

The Council and School Board have approved this exchange.

It was being recommended that Council now authorize the acceptance and execution of the easement mentioned, which is over property described as Block 2S $\frac{1}{2}$ , D.L. 4, Plan 845.

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

CARRIED UNANIMOUSLY

(16) 6364 Walker Avenue (Gage-Cole)

(This item was dealt with previously in the meeting)

(17) Slugs

The Health Department has reported that a heavy infestation of slugs may be checked by the use of a chemical called metaldehyde. This chemical is fairly toxic and should not be left open to children, dogs or cats. No other chemical is known which would give satisfactory results. Cultivation is the safest and best way to control these pests.

While no actual complaints have been recorded, the Public Health Inspectors have observed fairly heavy slug infestation where vegetation, particularly grasses, are not well controlled.

The Engineering Department has been requested to survey the ditch in the 5500 Block Oakglan Drive, which was the subject of a complaint from Mr. W. E. Reid a few weeks ago.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN HERD:

"That the report of the Manager be received and the substance of it be conveyed to Mr. W. E. Reid, 5575 Oakglan Drive, Burnaby 1, B. C."

CARRIED UNANIMOUSLY

(18) Estimates

It was being recommended that the Municipal Engineer's Special Estimates of Work shown in the attached report, which total \$77,450.00, be approved.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(19) Revenue and Expenditures

It was being recommended that the Expenditures listed in the attached report of the Municipal Treasurer be approved.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN BLAIR:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(20) Building Department

A report of the Chief Building Inspector covering the operations of his Department for the period between July 20th and August 14, 1970 was being submitted.

(21) Fire Department

A report of the Fire Chief covering the activities of his Department for the month of July was being submitted.

(22) Health Department

A report of the Medical Health Officer covering the activities of his Department for the month of July was being submitted.

(23) Personnel Department

A report of the Personnel Director covering the activities of his Department as of August 2, 1970 was being submitted.

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN BLAIR:  
"That the above four reports be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:  
"That the Medical Health Officer submit a report indicating the progress being made in implementing the German Measles Immunization Programme, especially for children between the ages of 1 and 5."

CARRIED UNANIMOUSLY

ALDERMAN CLARK pointed out that one of the standards required in the installation of the traffic light at Hastings Street and Holdom Avenue was located in the middle of the travelled portion of the road, thus representing a potential hazard.

It was understood by Council that the Municipal Engineer would endeavor to have the Department of Highways identify the situation described by Alderman Clark by installing flashers or some similar device so as to minimize the traffic hazards.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN HERD:  
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

\* \* \*

BY - LAWS

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:  
"That leave be given to introduce:

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 23, 1970" #5758  
"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 5, 1970" #5757  
and that they now be read a First Time."

CARRIED UNANIMOUSLY



Aug/24/1970

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:  
"That the By-laws 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-laws."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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 LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 23, 1970"  
"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 5, 1970"  
be now read a Third Time."

CARRIED UNANIMOUSLY

\* \* \*

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:  
"That leave be given to introduce "BURNABY ZONING BY-LAW 1965,  
AMENDMENT BY-LAW NO. 43, 1970" #5756 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

This By-law provides for the following proposed rezoning:

Reference RZ #37/70

FROM RESIDENTIAL DISTRICT TWO (R2) AND HEAVY INDUSTRIAL  
DISTRICT (M3) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Aug/24/1970

SouthWesterly 10.92 acre portion of Lot 67, D.L.'s 6/10/56/148, Plan 31569  
North Westerly portions of Lot 69, D.L.'s 4/6, Plan 31569 and Parcel 1, Reference Plan 22345, S.D. Parcel "A", Block 17, D.L. 6, Plan 748 having a combined area of 10.57 acres

(The total area described is located North of the Loughheed Highway between the B. C. Hydro and Power Authority right-of-way along the West of the Ravine Area West of Noel Drive and Bell Avenue, and the Railway Right-of-way East of Gagliardi Way Road Allowance)

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

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

CARRIED UNANIMOUSLY

\* \* \*

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:

"That:

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 2, 1970" #5742

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 19, 1970, AMENDMENT BY-LAW NO. 1, 1970" #5754

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 33, 1970 #5743

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 36, 1970 #5746

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 37, 1970 #5747

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 38, 1970 #5748

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 39, 1970 #5749

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 41, 1970 #5751

be now reconsidered."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:

"That:

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 2, 1970"

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 19, 1970, AMENDMENT BY-LAW NO. 1, 1970"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 33, 1970"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 36, 1970"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 37, 1970"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 38, 1970"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 39, 1970"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 41, 1970"

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

CARRIED UNANIMOUSLY

\* \* \*

Aug/24/1970

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:  
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 42,  
1970" #5752 be now reconsidered."

CARRIED

AGAINST -- ALDERMAN McLEAN

MOVED BY ALDERMAN HERD, SECONDED BY ALDERMAN LADNER:  
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 42,  
1970" be now finally adopted, signed by the Mayor and Clerk and  
the Corporate Seal affixed thereto."

CARRIED

AGAINST -- ALDERMAN McLEAN

\* \* \*

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

CARRIED UNANIMOUSLY