

19. Re: 6557 Elgin
Mrs. Helen Reeves
(Item No. 44, Manager's Report No. 49, Council Meeting Aug. 9, 1971).

On August 9th, Council again dealt with the above topic and directed that the Manager and the Mayor examine this problem and advise Council of a legal means of granting this permission requested.

As requested, we have considered this matter and would set out the three means previously discussed:

1. Bylaw Amendment.

The use could be permitted with an amendment to the minimum frontage requirements in the P5 zoning district. This possibility was discussed in the earlier report but was not recommended.

2. Non-Conforming Use.

The applicants' Solicitor has suggested that if this use were considered to be a legal non-conforming use at the time of the passage of the bylaw in 1965, with the permission of the Board of Variance, the use could be extended throughout the structure under Section 705 (3) of the Municipal Act. Municipal records indicate that this site has never been approved or licensed contrary to the bylaw and the legal non-conforming use did not, therefore, exist.

3. Clause 505.4(1) and (2).

The applicants' Solicitor suggested that there was an ambiguity in wording in these sections which could result in his client not having to provide the minimum frontage described in the Bylaw. We have discussed this matter with the Legal Department and it is the Corporation's position that ambiguity does not exist and that both the minimum frontage and minimum area requirements apply.

Since considering each of the above alternatives, we have reviewed with the Legal Department the Provincial Legislation with respect to the Regulation and Licensing of Community Care Facilities. This legislation appears to cover the present situation, particularly Section 8(1) (a) (b) which reads as follows:

- "8. (1) If the building or structure, for which an application for a licence as a community care facility is made under section 7,
- (a) does not comply with the applicable municipal bylaws referred to in clause (b) of subsection (1) of that section; but
- (b) complies with the regulations made under this act and all other regulations under any other Act respecting those matters referred to in clause (b) of subsection (1) of that section,
- and if the municipality, upon application for a variation of the by-law or for an exemption therefrom, refuses the application, the applicant for a licence may notify the Minister of Social Welfare and the municipality in writing that he requires the matter to be determined by arbitration."

We have also checked with the Social Service Department regarding the economic viability of the home and the following rates have been paid by the Department:

As of Oct. 1970 rate was	\$135.00 per month
As of Nov. 1, 1970, rate increased to	150.00 per month
As of May 1, 1971, rate increased to	174.00 per month.

Continued

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An accounting error in the Social Service Department failed to increase 2 of 3 welfare patients to \$174.00 May 1 and did increase only 1 person. We found this error this week and Mrs. Reeves was notified she will receive a retroactive increase to May 1 for the 2 omitted patients. There are at this date 2 private and 3 welfare patients.

In that Mrs. Reeves' home is a programmed rehabilitative venture (mostly younger Riverview patients) the maximum rate of \$174.00 is granted as differing from standard (aged) Rest Home care for other Burnaby Homes at the rate of \$165.00 or less to \$150.00 (depending on standard of service).

In reviewing correspondence on her re-zoning application, the point in her solicitor's presentation is that Mrs. Reeves requires more money and patients to make this a sound economic venture. It would appear appropriate in light of the above that consideration should be given to pursuing through her solicitor, a statement of her financial status, with emphasis on the day to day and monthly current upkeep costs.

RECOMMENDATION:

THAT Mrs. Reeves' solicitor be requested to furnish a statement of her financial status taking into consideration the increases made in the monthly rates, the correction of the error made by the Social Services Department, and giving particular emphasis to the day to day and monthly current upkeep costs.