

OCTOBER 4, 1971

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, October 4, 1971 at 7:00 p.m.

PRESENT: Acting Mayor Dailly in the Chair;
 Aldermen Blair (7:04 p.m.); Clark;
 Drummond; Emmott; Mercier and McLean;

ABSENT: His Worship, Mayor R. W. Prittie;
 Alderman Ladner;

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN McLEAN:
"That the Minutes of the Council meeting held on September 20, 1971 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

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ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN MERCIER:
"That all of the below listed Original Communications be received."

CARRIED UNANIMOUSLY

Executive Secretary, Royal Canadian Legion, South Burnaby Branch
No. 83, submitted a letter requesting:

- (a) Permission to sell poppy wreaths during the week of November 1st to November 10, 1971.
- (b) That the Mayor proclaim this period of time as "Poppy Week".
- (c) Permission to hold tag days on November 4th and 5, 1971 in the evenings and all day on November 6, 1971.
- (d) Permission to hold a Remembrance Day Parade on November 11, 1971 commencing at 10:15 a.m. from the Simpsons-Sears parking lot and proceeding East along Kingsway to the premises of the Branch.

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Vice President, Burnaby Schools Concert Band, wrote to request permission to hold a Candy Sale on October 12th to 14, 1971 inclusive instead of September 27th to 29, 1971.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That permission be granted to both the Legion and the Burnaby Schools Concert Band to conduct their respective activities, as outlined above, on the dates indicated, with the Remembrance Day Parade being subject to:

- (a) The approval of the R.C.M.P.
- (b) The Provincial Department of Highways having no objection to the use of any arterial highway in the municipality that may be involved."

CARRIED UNANIMOUSLY

Secretary, Local 23, Burnaby Civic Employees Union, submitted a letter in which he served formal notice that the Union wishes to reopen the collective agreements between the Corporation and the Union.

He also mentioned that the Union's representative will be Mr. Ronald G. Magill of the Canadian Union of Public Employees, who will be responsible for presenting the points the Union wishes to negotiate.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN MERCIER:
"That the letter from the Union be acknowledged."

CARRIED UNANIMOUSLY

President, Pacific Loader Service (1965) Ltd., wrote to provide reasons why he is opposed to the proposed rezoning of property at 5883 Byrne Road from M3 to M2.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That consideration of the subject of the letter from the Company be deferred until Council deals with the subject of land use in the Big Bend Area later in the evening."

CARRIED UNANIMOUSLY

ALDERMAN BLAIR ARRIVED AT THE MEETING.

Research Officer for the Director of Planning, Greater Vancouver Regional District, submitted a letter forwarding another one pertaining to a report entitled "Space for Industry" that his Department produced for municipalities in the Greater Vancouver Regional District.

It was understood by Council that the Municipal Clerk would arrange to supply each member of Council with a copy of the report "Space for Industry".

Director of Regional Parks, Vancouver-Fraser Park District, wrote to forward a copy of a plan entitled "Regional Park Series - Burnaby Lake".

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the plan "Regional Park Series - Burnaby Lake" be referred to the Burnaby Lake Development Committee for its information."

CARRIED UNANIMOUSLY

Mr. Richard A. Hare submitted a letter expressing opposition to the proposed rezoning of properties covered by RZ #46/71 to Residential District Six (R6).

Mr. and Mrs. T. E. R. Bolster submitted a letter in which they provided reasons why they felt properties covered by RZ #38/71 should not be rezoned to Neighbourhood Institutional District (PI).

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN MERCIER:
"That the above two letters be referred for consideration when the appropriate amendments to the Zoning By-law pertaining to each rezoning proposal are to be considered."

CARRIED UNANIMOUSLY

Mr. Frank Linke Jr. of Melchin Auto Transport Ltd. submitted a letter requesting that the Company be allowed to use the "Canron" property, which is located at the foot of Byrne Road, for the parking and storage of automobiles for a period of between thirty to sixty days, on the understanding that the Company may wish to renew the permit if circumstances do not allow it to vacate the land by the time specified.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN MERCIER:
"That Item 24 of the Municipal Manager's Report No. 63, 1971, which deals with the subject of the letter from Melchin Auto Transport Ltd., be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

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

(24) Melchin Auto Transport Ltd.

In its letter, Melchin Auto Transport Ltd. indicates that Nissan Automobile Company does not require its entire site. This is the part Melchin wishes to occupy.

As the dock strike in the United States is still in progress, car storage continues to be a problem. As this use is already taking place on the Nissan site, a transfer of approval from one Company to another should not cause any complications.

The Council may wish to reflect on the question of granting Melchin's request for a thirty or sixty day permit and also the adequacy of the \$5,000.00 bond that the Corporation has from the Company respecting the site it presently occupies.

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It was being recommended that Malchin's Auto Transport Ltd. be authorized to temporarily use the "Canron" property until November 30, 1971 for automobile storage, subject to the Company posting a certified cheque for an additional \$2,500.00.

It was also being recommended that the matter be reviewed again at the expiry date.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN MERCIER:

"That Council approve the temporary use of the "Canron" property by Melchin Auto Transport Ltd. until November 30, 1971 for automobile storage, on the basis that the certified cheque for \$5,000.00 that the Corporation has in its possession to ensure the removal of this type of activity by the Company on the property known as the former Byrne Road Peat Farm will be applicable as well to the part of the "Canron" property the Company will be occupying; and further, the matter be reviewed by Council upon the expiry of the time for the temporary use."

CARRIED UNANIMOUSLY

The North Fraser Harbour Commissioners submitted a copy of the 1970 Annual Report of the Commission.

It was drawn to the attention of Council that there are frequently dead-heads and logs in the Fraser River which have proven to be hazards to marine traffic.

MOVED BY ALDERMAN ENMOTT, SECONDED BY ALDERMAN DRUMMOND:

"That the North Fraser Harbour Commission be asked for advice as to how dead-heads and logs in the Fraser River can be prevented from entering the River."

CARRIED UNANIMOUSLY

Centennial Co-Ordinator wrote to invite members of Council to attend a performance of Les Feux-Follets at the Burnaby Central Senior Secondary School on October 14, 1971 at 8:30 p.m.

* * * *

TABLED MATTERS

The following items were then lifted from the table:

- (a) Request of Western Sleep Products Ltd. for shortening of median on Alaska Street

Mr. W. C. Hughes of Western Sleep Products Ltd. submitted a letter containing the following points in connection with the matter at hand:

- (a) Brentwood Dodge has leased space in the building of Western Sleep Products Ltd. for a number of years (even before the Company purchased the building) so there has been no essential change in the use or occupancy of the building, or in the access to or egress from the portion of the building now occupied

by the Company.

- (b) A foundry type operation was housed in the building formerly and it can be said with some certainty that there must have been huge trucks travelling to and from the property.
- (c) The point made by the Engineer that a change in the length of the median would only cause the use of larger vehicles is specious. For example, a tractor trailer truck with an overall length of some 60 feet was recently observed trying to back into the loading bay (which was apparently approved by the Engineering Department) at the Eastern end of the new addition, and the truck was "hung-up" on the raised median for some ten to 15 minutes. This truck, when parked on the property, was well within the property line but the part in the median is very awkward to manoeuver around.
- (d) By far the largest traffic is at the Westerly end of the building where loading doors one, two and three are located. If even a small truck was pulling out of Door 3 and there was another small truck in Door 2, it would be impossible to make a right turn onto Alaska Street in a Westerly direction without crossing over the median and consequently causing damage to the truck.
- (e) If there are abuses of traffic by-laws, then these can be stopped, but it is not intended to encourage even larger trucks to break the law - only to relieve a serious problem of damage and inconvenience to the trucks and vehicles of customers.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN McLEAN:
 "That the request of Western Sleep Products Ltd. be tabled until the October 12th meeting in order to allow the members of Council an opportunity to inspect the situation."

CARRIED UNANIMOUSLY

(b) Social Assistance Recipients

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN MERCIER:
 "That the motion of Alderman Ladner concerning the above matter be retabled until the October 12th meeting."

CARRIED UNANIMOUSLY

(c) Proposed A3 Zone for Big Bend Area

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BLAIR:
 "That further consideration of the land use situation for the Big Bend Area be deferred until the Planning Department is in a position to report, in totality, on all aspects of the proposals involving land in the area, with it being understood the Planning Director will exercise discretion as to when the entire matter should be returned to Council for further deliberation."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That Council recognize Saturday, October 30, 1971 as Halloween because the normal day (October 31, 1971) is a Sunday."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN EMMOTT:
"That Mayor Prittie and Alderman Ladner be granted leave of absence from this meeting."

CARRIED UNANIMOUSLY

* * *

QUESTION AND ANSWER
PERIOD

ALDERMAN EMMOTT pointed out that an owner of property in the Big Bend Area was not able to obtain a power connection to his building because the land it occupies is located in the Big Bend Area.

He suggested that Council should authorize the issuance of the Permit.

Upon being asked, the Municipal Manager mentioned that the situation referred to by Alderman Emmott involved the Dayton Towing and Storage Limited property at 5689 Byrne Road.

He also mentioned that the property of the Company is currently being considered for rezoning from M3 to M2.

The Manager read a letter from the Chief Building Inspector to Dayton Towing and Storage Limited in connection with the matter, which indicated the following:

- (a) The subject property, as well as other lands in the Big Bend Area, has been under study by the Planning Department with a view to possibly changing the zoning.

This matter has been considered by Council for some time and as of this date has not been resolved.

- (b) The Planning Department should be contacted for information regarding the application of the Company for Preliminary Plan Approval and for details concerning the study being made of the Big Bend Area.

Once the P.P.A. has been obtained, a building permit would need to be taken out for the use of the 12 by 20 foot building on the property. This will be necessary because the building was placed on the property in January, 1968, under a temporary building permit which authorized its use for a period not exceeding 6 months.

- (c) In the meantime, the application of the Company for a business licence and an electrical permit will be held in abeyance.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN CLARK:

"That Dayton Towing and Storage Limited be issued an electrical permit so that the building on its property at 5689 Byrne Road can have a power connection, on the understanding that in no way can this be considered as Council's disposition of the zoning matter currently affecting the property in the Big Bend Area."

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

"That the above motion be tabled for one week until Council deals with the matter of land use in the Big Bend Area."

IN FAVOUR --ALDERMEN BLAIR,
MERCIER AND DAILLY

AGAINST -- ALDERMEN CLARK,
DRUMMOND, EMMOTT AND
McLEAN

MOTION LOST

A vote was then taken on the original motion, and it was Carried with Alderman Blair Against.

ALDERMAN EMMOTT mentioned that the Minister of Education had announced that, next year, large school districts would be permitted to increase their budgets for basic programmes by 8% whereas other school districts can increase theirs by 10%.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN DRUMMOND:

"That the Burnaby School Board be asked for its opinion on the apparent policy that was announced by the Minister of Education, as detailed above."

CARRIED UNANIMOUSLY

As a result of ALDERMAN DAILLY introducing a question involving parking on Cameron Street, he was asked by Council to contact the Traffic Safety Committee to ask that it review the traffic situation on the Street by the Loughheed Mall for the purpose of determining whether parking restrictions are justified.

ALDERMAN CLARK suggested that Council should contact the G.N.R. and the C.N.R. in regard to their trains blocking vehicular traffic on Sperling Avenue.

He pointed out that there have been occasions when the train is stationary on the tracks at the location mentioned, and it seemed to him that the train could park further along where it would not obstruct traffic on Sperling Avenue.

ALDERMAN DRUMMOND drew attention to the fact that, under the Railway Act, railroads are only allowed to block vehicular traffic for no more than five minutes.

R E P O R T S

MUNICIPAL MANAGER submitted Report No. 63, 1971 on the matters listed below as Items (1) to (26) either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) No. 2 Supplementary Business Tax Assessment Roll (1971)

The above Roll has been completed and notices pertaining thereto have been mailed.

The Roll consists of 125 accounts with a total annual rental value of \$796,530.00.

Additional revenue receivable for 1971 as a result of the Supplementary Roll will be approximately \$26,000.00.

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

CARRIED UNANIMOUSLY

(2) Easement - Lot 2, D.L. 85, Plan 9845
(6650 Deer Lake Drive - Jensen)

It was being recommended that Council authorize the acceptance of an easement over a portion of the above described property, for sewer purposes, for a consideration of \$1.00 and the execution of the document required in connection therewith.

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

CARRIED UNANIMOUSLY

(3) Fire Hall No. 6 (Government Street and Brighton Avenue)

Alderman Clark has suggested that Council reappoint the Committee which was established for the No. 1 Fire Hall to work with staff during the captioned project.

Though it is felt the project was relatively small and therefore did not require a Special Committee, the Manager is certainly prepared to work with a Committee if this is the wish of Council.

The members of the Committee for the No. 1 Fire Hall were Alderman Clark, as Chairman, and Aldermen Dailly and Emmott.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DRUMMOND:
"That a Special Committee of Council be established to work with staff in connection with the construction of the No. 6 Fire Hall."

CARRIED UNANIMOUSLY

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An enquiry was made as to whether a member of Council will be asked to serve on the Committee of the Parks and Recreation Commission dealing with the construction of Swimming Pool No. 2.

(4) Monthly Report of Personnel Department

A report of the Personnel Director covering the activities of his Department as of August 29, 1971 was being submitted.

(5) Revenue and Expenditures

It was being recommended that the expenditures itemized in the Municipal Treasurer's Financial Report for the period between January 1st and September 12, 1971 be approved.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:
"That the report of the Personnel Department be received and the expenditures under Item (5) of the Manager's Report be approved."

CARRIED UNANIMOUSLY

- (6) (a) Lot 84, D.L. 10, Plan 38258 - REFERENCE REZONING #67/71
(b) (i) Lots 2 to 9 inclusive, Block 7, D.L. 79S, Plan 2547
(ii) Lot 10 except Plan 28539, Block 7, D.L. 79S, Plan 2547
(iii) Parcel "H", Expt. Pl. 30169, D.L. 79S, Plan 2547
REFERENCE REZONING #68/71

It was being recommended that Council approve for further consideration the rezoning of the above described properties to Administration and Assembly District (P2).

The Lot 84 indicated is the site of Fire Hall No. 6 and the other lots are those occupied by the Justice Building.

It was also being recommended that the rezoning proposals be advanced to the Public Hearing that will be held on October 26, 1971.

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

CARRIED UNANIMOUSLY

(7) B. C. Tenants Organization

Mr. Stewart L. Chambers, Prosecutor, has reported as follows on a complaint from the above that he and the Police Department had not

accepted an information to swear out a charge against a landlord for what was considered to be an illegal increase in rent:

- (a) Shortly before the Prosecutor left on his holidays in August, the Tenant's Organization saw him and indicated they wished to lay a charge of illegally increasing rent.
- (b) The facts which were alleged were that an apartment owner had replaced the laundry equipment in his apartment with coin-operated laundry equipment and the Tenant's Organization wanted to make a test case as to whether or not this action was an increase in rent.
- (c) The complainant was advised to proceed by civil rather than criminal process but they preferred criminal process because it would be less expensive.
- (d) As this was an unusual proceeding, it was felt the Municipal Solicitor, Mr. W. L. Stirling, should be asked for his approval before any action was initiated.

Mr. Stirling had also indicated that he would be doing a good deal of the Prosecutor's work when the latter was away.

- (e) After returning from vacation, the Prosecutor asked Mr. Stirling if he had heard from the Tenant's Organization, and he advised he had not. Shortly after Mr. Stirling departed on his vacation, the Prosecutor had a telephone call from the Tenant's Organization advising that they could not see Mr. Stirling because he was now on vacation.
- (f) There had been a period of approximately three weeks from the return from vacation of the Prosecutor to the time of Mr. Stirling's leaving and there is no knowledge of what attempts, if any, they made to communicate with Mr. Stirling during that period.
- (g) There is no objection to prosecuting the charge if one is laid but the Solicitor's views should be ascertained because of the unusual nature of the charge.

The R.C.M.P. has also written to indicate its implication in the matter, as follows:

- (a) The referral of the complaint to the Municipal Prosecutor was normal procedure because police investigation was not required.
- (b) In this particular case, the Prosecutor apparently felt the circumstances did not warrant the laying of a charge and indicated the matter should be dealt with by civil procedure.
- (c) Since there did not appear to be any police action required, the matter was not pursued by Police beyond referring the complainant to the Prosecutor.

Mr. Stirling is away on vacation until October 13, 1971 but, during his absence, Mr. Brown has advised that, as nearly as he can determine, Mr. Whaley of the B. C. Tenant's Organization was informed that Mr. Stirling would be unable to see him at that time.

On September 29, 1971, Mr. Brough advised Mr. Chambers that he could see no reason why a charge could not be laid under Sections 51 and 62 of the Landlord and Tenant Act.

It was being recommended that a copy of the foregoing report be forwarded to both the Department of the Attorney General and the B. C. Tenant's Organization.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN MERCIER:
"That the report of the Manager be tabled until the Municipal Solicitor returns from vacation so that he can provide an indication as to what transpired in the intervening period between the time the complainant saw Mr. Chambers, the Prosecutor, and the date the Tenant's Organization wrote to the Department of the Attorney General."

CARRIED

AGAINST -- ALDERMEN CLARK
AND McLEAN

(8) Senior Citizens' Recreation Center - Kingsway and Edmonds Street

The Manager, Planning Director, Chief Building Inspector and the Recreation Director have met with the Architect to review the changes proposed for the above project.

The Architect requires time to review the various suggestions made and, once his report is received, it is proposed to arrange a staff meeting with the Parks and Recreation Commission.

After that, another meeting will be held with the Architect with a view to producing some firm suggestions for review by Council.

It is tentatively planned to submit a further report to Council at the October 25, 1971 meeting.

It was being recommended that a copy of the foregoing report be sent to the Parks and Recreation Commission for its information.

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

CARRIED UNANIMOUSLY

(9) Local Improvement Ornamental Street Lights

The following projects require initiation immediately to complete servicing of municipal subdivisions and private subdivisions with underground power:

- (a) D.L. 86, Stage 3, Phase I,
Dwg. 710069, Sheets 1 and 2 - Cost = \$7,200.00
- (b) Wilberforce - Sapperton Ave. to
Cariboo Road - Dwg. 680065 - Cost = \$4,800.00
- (c) Shelby Court and Dawn Ave. -
Dwg. 710092 - Cost = \$4,000.00
- (d) Trudy Court Extension - Dwg.
690519 - Cost = \$1,600.00

(e) Carrigan Court - Dwg 710096 - Cost = \$1,600.00

It was being recommended that authority be granted to initiate these projects as Local Improvements.

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

CARRIED UNANIMOUSLY

- (10) (a) Grimmer Street from Dunblane Avenue to Marlborough Avenue
- (b) Parkwood Avenue from Gilpin Crescent to Parkwood Crescent

Local Improvement Projects proposed for the above streets were defeated in 1971.

Grimmer Street has a practical problem, in terms of elevation, at its juncture with Marlborough Avenue and Dunblane Avenue.

The property on the North side of Grimmer Street is a park and the two properties on the South side, which were responsible for the defeat of the project, would contribute nothing to the financing for the work because they are exempt due to the fact they are paying for Local Improvements on their front street.

Because of the elevation problem, the park property across the street, continuity with the works on Dunblane and Marlborough Avenues, and no financial return from private owners, it behooves the Corporation to find other means of completing the street.

Parkwood Avenue is similar to Grimmer Street inasmuch as there is park property on the West side and there is very negligible return in the Local Improvement financing from the two private owners on the East side (one is entirely exempt while the other would contribute only for six feet of frontage).

The entire Garden Village Area is being improved and, for reasons of continuity and appearance, Parkwood Avenue should also be completed.

The Engineer was recommending that the two streets be completed, from funds out of the Special Roads Projects Budget Account, at estimated costs of:

- (a) Grimmer Street - \$9,000.00
- (b) Parkwood Avenue - \$6,000.00

With respect to Grimmer Street, the Council will recall that, on June 1, 1970, it favourably entertained the reduction of the Grimmer Street allowance from 66 feet to 33 feet so that Lots 13 and 14 on the Street could acquire the property in order that a site could be created which would be of suitable dimensions for R6 development. This site became an undevelopable apartment site when Council changed the area requirements for land which is zoned RM3.

The Parks and Recreation Commission only approved the reduction in the road allowance of Grimmer Street from 66 to 50 feet.

The matter went to a Public Hearing and the By-law covering the rezoning proposal was abandoned because of objections received.

If the road is developed, as proposed by the Engineer, then the two lots mentioned will be "locked in".

It was being recommended that:

- (a) The owners of the Lots 13 and 14 mentioned be advised of the action contemplated, as detailed above, and be requested to supply their comments to the Municipal Clerk by October 14, 1971.
- (b) The question of developing Grimmer Street to the standard indicated be tabled until the Council meeting which will be held on October 18, 1971.
- (c) The portion of Parkwood Avenue described be completed from the Special Roads Projects Budget Account at an estimated cost of \$6,000.00.

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

CARRIED UNANIMOUSLY

(11) 6557 Elgin Avenue (Reeves)

Mr. J. A. Ruddy, Barrister and Solicitor, has written to forward a statement of Mrs. Reeves' 1971 monthly revenue and expenses, as follows:

- (a) The statement takes into account a retroactive increase in the welfare payments for the four patients in the Rest Home on the property.
- (b) \$896.00 per month is received for the patients.
- (c) Expenses total \$ 914.62 for one month, which means there is a net loss of \$18.62.
- (d) During some months in 1971 the loss was even greater than \$18.62.
- (e) The statement does not include Mrs. Reeves' personal expenses for food, clothing, medicine and miscellaneous. In order to cover these personal expenses, she has had to use her savings.
- (f) An increase in the number of patients from 5 to 8 will actually increase her variable expenses accordingly but her large fixed expenses will remain more or less constant. For this reason, the increase of 3 patients and additional revenue of \$174.00 per patient per month will make Mrs. Reeves' operation economically feasible.
- (g) The Council was again being asked to allow the slight increase in patients to enable the necessary and commendable operation of Mrs. Reeves' to continue.

The Social Service Administrator has indicated he is in accord with the statement produced by Mr. Ruddy, except for furniture and appliance replacements (which he feels should be reduced from \$57.00 per month to \$30.00 per month) and for replacement of bedding, linen, and dishes (which he feels should be reduced from \$40.00 per month to \$20.00 per month).

Even with these reductions, the difference means very little is left for Mrs. Reeves' personal needs nor anything for her effort in providing an excellent program.

The addition of three more persons would, after deducting expenses resulting from their presence, leave a net profit of \$357.00 per month for Mrs. Reeves.

Notwithstanding, the position is still such that the administration cannot recommend an amendment to the by-law or recognize the argument set forth by Mr. Ruddy regarding the wording of the by-law.

There is, however, legislation to allow for appeal in the Regulation and Licensing of Community Care Facilities, 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."

It was being recommended that:

- (a) The municipality not vary the by-law or exempt the building on the property, and thereby refuse the request of the solicitor for Mrs. Reeves.
- (b) Mr. Ruddy be supplied with a copy of the foregoing report.
- (c) He also be advised of the appeal and arbitration procedure permitted under the legislation cited.

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

CARRIED .

AGAINST -- Aldermen Clark, Drummond

(12) Front Yard Parking

At its meeting on September 20th, the Council more or less set itself on record as opposing any sidewalk crossing to illegal front yard parking areas if it was not possible for that crossing to be extended to a legal parking area.

To assist the Engineering Department in determining who should receive crossings to existing illegal parking areas and to minimize the number of appeals to Council, a policy was being sought.

In that regard, the following was being suggested:

- (a) Where a parking area does not and cannot be extended or altered to conform to the requirements of the zoning by-law, vehicular crossings to the streets not be approved.
- (b) Where a parking area does not meet the requirements of the zoning by-law but can be extended or altered to conform to the said requirements, then a crossing be provided under the following conditions:

- (1) That the applicant submit an undertaking in writing that he/she is prepared to provide a parking area serviced by the crossing that conforms to the requirements of the Zoning By-law.
- (2) That the applicant be given 12 months in which to complete the required undertaking.
- (3) That, should the applicant fail to provide the legal parking area in the 12 month period, then the crossing be removed at the applicant's expense.

It was being recommended that the policy outlined above be adopted by Council.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DRUMMOND:
"That the part of the Zoning By-law pertaining to front yard parking be left as it is and Council deal with each case for sidewalk crossings into illegal front yard parking areas as they arise.

CARRIED

AGAINST - ALDERMEN MERCIER,
BLAIR AND DAILLY

- (13) Easement - Portion of Lot 86, D.L. 136, Plan 26109
SUBDIVISION REFERENCE #100/71

It was being recommended that Council authorize the:

- (a) Acceptance of an easement over the above described property, for sewerage and drainage purposes, at no cost to the Corporation in order to finalize a subdivision of the property concerned.

- (b) Execution of the documents pertaining to the matter.

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

CARRIED UNANIMOUSLY

- (14) Lot 86, D.L. 136, Plan 26109
SUBDIVISION REFERENCE #100/71

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

- (15) Lot 4, D.L. 136, Plan 24072
SUBDIVISION REFERENCE #112/71

It was being recommended that Council waive the provisions of Section 712 (I) of the Municipal Act in respect of a subdivision involving the captioned property in order to exempt the subdivider of the parcels from being required to provide the amount of land prescribed by the Section mentioned as a highway.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN MERCIER:
"That the owner of Lot 86, D.L. 136, Plan 26109 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 Gordon E. McLaren and sworn the 27th day of August, 1971".

"That the owner of Lot 4, D.L. 136, Plan 24072 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 James Davidson and sworn the 20th day of September, 1971."

CARRIED UNANIMOUSLY

(16) Lane East of ^{and} Parallel to 18th Street from Edmonds Street to 19th Avenue

It was being recommended that the following cost report pertaining to the Local Improvement paving of the above lane be received and that a by-law authorizing the construction of the work be prepared:

Length of the work	190'
Estimated cost of the work	\$665.
Actual frontage	318'
Taxable frontage	225'
Owner's share of the cost of the work	\$225.
Estimated lifetime of the work	10 years
Frontage tax levy	5 annual instalments of \$.257 per taxable front foot.

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

CARRIED UNANIMOUSLY

(17) Lane Between 12th Avenue and 13th Avenue from 13th Street to 15th Street

It was being recommended that the following cost report pertaining to the paving of the above lane, as a local improvement, be received and that a by-law authorizing the construction of the work be prepared:

Length of the work	700'
Estimated cost of the work	\$8,000.
Actual frontage	1,314.68'
Taxable frontage	1,314.68'
Owner's share of the cost of the work	\$1,314.68
Estimated lifetime of the work	10 years
Frontage tax levy	5 annual instalments of \$.257 per taxable front foot.

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

CARRIED UNANIMOUSLY

(18) Burnaby Soil Deposit Bylaw 1971

The above by-law, which appears on the agenda this evening, is a mirror image of the Soil Removal By-Law.

It was being recommended that the Soil Deposit By-Law be considered by Council.

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

CARRIED UNANIMOUSLY

(19) Local Improvement Fund
BURNABY LOCAL IMPROVEMENT FINANCING BY-LAW NO.2, 1971

By special legislation, the Council is empowered to use monies in a Local Improvement Fund established pursuant to Section 305 of the Municipal Act to temporarily finance Local Improvement works.

From time to time, it is necessary to pass a by-law to permit the money to be used to finance specific works.

At the present time, the balance in the fund, including interest, is \$1,310,480.00. There is currently work in progress totalling \$2,445,696.00.

Under the circumstances, the Treasurer was recommending that the above by-law be passed by Council to permit the expenditure of \$1,310,480.00 to temporarily finance the works alluded to above.

It was being recommended that Council consider the by-law mentioned.

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

CARRIED UNANIMOUSLY

(20) Lots 7 to 10 Inclusive, Block Q, D.L. 127 W3/4 Plan 2303

It was being recommended that Council authorize the placing of the above described properties in a sale position, for a minimum price of \$23,275.00, on the condition that they be resubdivided in accordance with the plans for Subdivision References 18/71 and 165/71 and that the road allowance shown on the said plans be provided.

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

CARRIED UNANIMOUSLY

(21) Driveway Crossing to Lot 1 R.S.D. "C" S.D. 15/19, Block "G" D.L. 34, Plan 18311 (5222 Patterson Avenue - Fourchalk)

The following additional information was being submitted in regard to the request of the above noted for a driveway crossing:

- (a) The garage on the property has existed for many years near the back of the lot, with its doors facing the street and a driveway from the street servicing the garage with access in a completely conforming manner.
- (b) The driveway serving the garage, both conforming, was severed in 1967 as a result of the construction of an addition to the house and the portion of driveway remaining in the front yard became an illegal use of a front yard setback area.
- (c) There is presently no way for the old driveway to conform to the Zoning By-law or to the policy suggested under Item (12) of the Manager's Report that Council received earlier in the evening, where at least a potential conforming area could be serviced from such a driveway.

- (d) It is apparent the garage is now used as a work shop with the doors still facing to the front of the lot and no provision has been made for vehicular access to the garage from the lane.
- (e) The ability exists to take access from any point across the frontage of the lane. At the present time, there is a gravel area behind the garage measuring approximately 10 feet by 22 feet where a car has been parked from time to time.

It was being recommended that Council uphold the decision of the Municipal Engineer to not permit the crossing in question because Mr. Fourchalk is not able to provide access to a parking area on his property at 5222 Patterson Avenue that conforms with the Zoning By-law.

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

CARRIED

AGAINST -- ALDERMAN EMMOTT

(22) Tenders for the Supply of Tires and Retreads

It was being recommended the Council accept the tender of Butler Tires Ltd. in the net amount of \$20,157.39 for the supply of tires, tubes, retreads, and repairs to them, including servicing, for one year from October 5, 1971, all as more particularly described in the report.

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

CARRIED UNANIMOUSLY

(23) Lot "C", Except the Southerly 125 feet parallel to Kingsway, Blocks 1/2, D.L. 97, Plan 15308
 REFERENCE REZONING #47/71

The Planning Department has reviewed the general question of secondary access being provided to the above property and still feels that this is most desirable and has therefore recommended that the prerequisite concerning the dedication of the North 20 feet of the property for lane purposes be confirmed.

Recognizing that:

- (a) The extension of zoning is not that great;
- (b) The proposed extension of the motel on the property is modest;
- (c) A building reportedly encroaches on the proposed lane area;

the Planning Department is prepared to accept an undertaking that at

such time as a lane is dedicated on either of the sites to the East or West, the applicant dedicate the twenty-foot wide lane allowance across the rear of his property.

It was being recommended that the applicant for the subject rezoning proposal provide an undertaking to dedicate, free of charge, a lane allowance from the North twenty feet of the property at such time in the future as a lane is dedicated on either of the sites to the East or West.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That the applicant for the rezoning proposal which is the subject of the report from the Manager be asked for his comments on the recommendation contained therein."

CARRIED UNANIMOUSLY

(24) Melchin Auto Transport Ltd.

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

(25) Strata Plan N. W. 27

The Chief Building Inspector has reported as follows on the question of progress being made toward remedying defects or completing work in the above project:

- (a) Substantial progress has been made by the developer, particularly in remedying the serious defect of dampness in some building basements.
- (b) Much of the wet condition in the buildings the developer found was caused by sediment and material in parts of the underground drainage system.
- (c) Some of the material stopping the drainage system was from construction activity while other material was doubtless dropped into the drains by children.
- (d) Some wet floor conditions in laundry rooms, caused by normal drainage from release valves on hot water tanks, has been overcome by piping the discharge from the valves directly to floor drains.
- (e) Ventilation of locker rooms has been improved and will assist in combatting the dampness conditions.
- (f) Condensate lagging of water services has commenced in the main buildings and is continuing to be done.
- (g) A letter was received on September 30th from the developer, Rotary Construction Ltd., advising that construction repairs will be ready for inspection by October 4, 1971.

Advice was also given that shrubs ordered from Clay's Nursery have not yet been received.

Both of these matters relate to work which was the subject of Council consideration on August 30th and for which completion has been promised by the developers by September 30, 1971.

- (h) From inspection, it has been observed that repair work is proceeding in a capable fashion.
- (i) The delay in completing the landscaping on the berm has been due to the fact Clay's Nurseries have not delivered the shrubs. This was confirmed in a telephone conversation with the Nursery.

(j) It was being recommended that:

- (1) In view of construction progress and in the interests of all concerned, the developer be allowed until October 4th to complete repairs to the building.
- (ii) Because the landscape plan for the project is schematic and its translation to an accomplished planting job could be widely interpreted, the developer be given the necessary time to receive and plant the material on order and thereafter, the Corporation Inspection staff together with the Strata Owner's representative and the developer will assess the planting for acceptance or further improvements as the case may be.

Other matters have been raised by the Condominium Council directly with the Chief Building Inspector, who is actively following up on them within the limits of his authority.

It was being recommended that the entire matter be left in the hands of the Chief Building Inspector to conclude and that the Condominium Council and Mr. L. deVerheyen be provided with a copy of the foregoing report and advised of Council's decision.

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

CARRIED UNANIMOUSLY

(26) Alaska Street (Western Sleep Products Limited)

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

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

BY - LAWS

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

"That leave be given to introduce:

- "BURNABY ROAD CLOSING BY-LAW NO. 12, 1971" #5969
- "BURNABY LOCAL IMPROVEMENT FINANCING BY-LAW NO. 2, 1971" #5972
- "BURNABY ROAD CLOSING BY-LAW NO. 13, 1971" #5973
- "BURNABY SOIL DEPOSIT BY-LAW 1971" #5974

and that they now be read a First Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, 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

The Council asked that a copy of Burnaby Soil Deposit By-law 1971 be circulated to each member.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:

"That the Committee do now rise and report progress on Burnaby Soil Deposit By-law 1971."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN MERCIER:

"That the Committee do now rise and report:

- "BURNABY ROAD CLOSING BY-LAW NO. 12, 1971"
- "BURNABY LOCAL IMPROVEMENT FINANCING BY-LAW NO. 2, 1971"
- "BURNABY ROAD CLOSING BY-LAW NO. 13, 1971"

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 ROAD CLOSING BY-LAW NO. 12, 1971"
"BURNABY LOCAL IMPROVEMENT FINANCING BY-LAW NO. 2, 1971"
"BURNABY ROAD CLOSING BY-LAW NO. 13, 1971"
be now read a Third Time."

CARRIED UNANIMOUSLY

* * *

ALDERMAN CLARK LEFT THE MEETING.

MOVED BY ALDERMAN McLEAN, SECONDED BY ALDERMAN MERCIER:

"That:
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 22, 1971" #5970
"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 21, 1971" #5967
"BURNABY SECURITY ISSUING BY-LAW NO. 1, 1971" #5963
"BURNABY SECURITY ISSUING BY-LAW NO. 2, 1971" #5964
"BURNABY SECURITY ISSUING BY-LAW NO. 3, 1971" #5965
"BURNABY LEASE AUTHORIZATION BY-LAW NO. 2, 1971" #5909
"BURNABY LEASE AUTHORIZATION BY-LAW NO. 5, 1971" #5928
"BURNABY STREET AND TRAFFIC BY-LAW 1961, AMENDMENT BY-LAW
NO. 2, 1971" #5968
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 46, 1971" #5954
be now reconsidered and finally adopted, signed by the Mayor and
Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN EMMOTT:

"That the Council do now resolve into a Committee of the Whole to
consider and report on:

- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 3, 1970" #5643
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 62, 1969" #5602
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 5, 1970" #5662
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 44, 1970" #5759"

CARRIED UNANIMOUSLY

(1) BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 3, 1970 #5868

Reference RZ #47/69

Lots 1 and 2, Block 49, D.L. 30, Plan 4497

(7480 - 7490 Kingsway)

FROM R5 TO RM3

(2) BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 62, 1969 #5862

Reference RZ #50/69

Lot 4, Blk. 52, D.L. 30, Plan 4098

Lots 5 and 6, Blks. 51/52, D.L. 30, Plan 4098

(7337 Hubert Street, 7425 and 7435 Kingsway)

FROM R5 TO RM3

(3) BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 5, 1970 #5862

Reference RZ #81/69

(a) Lots 1, 2 and 3, Blks. 51 and 52, D.L. 30, Plan 4098

(b) Lot 4 except Pol. "A", Ref. Pl. 7030, Blk. 53, D.L. 30, Plan 3036

(c) Lot 2 pt., Sk. 7090, Blk. 53, D.L. 30, Plan 3036

(d) Lot 3 except Pol. "A", Expl. Pl. 8646, Blk. 53, D.L. 30, Plan 3036

(e) Lot 3, Pol. "A", Expl. Pl. 8646, Blk. 53, D.L. 30, Plan 3036

(f) Lot 6, Sk. pts. 3021 and 3410, Blk. 53, D.L. 30, Plan 3036

(g) Lot 7, Blk. 53, D.L. 30, Plan 3036

(7465, 7475, 7415, 7430 Britton Street, 7351 Hubert Street and 7389, 7397 Kingsway)

FROM R5 TO RM3

(4) BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 66, 1970 #5862

Reference RZ #11/70

(a) South 127 feet of Lot 1, Block 2, Bl. 7030 and Block 2 Blk. 7030, D.L. 30, Blk. 5, D.L. 75, Plan 6177

(b) South 113 feet of Lot 2, Blk. 2, D.L. 75, Plan 6177

(c) North 101 feet of Lot 1, Blk. 2, D.L. 75, Plan 6177 including the property line between (a) and (b)

(7100, 7110 and 7080 Douglas Road)

FROM R5 TO RM3

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN McLEAN:
"That these By-laws be abandoned."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

* * *

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN McLEAN:
"That Mayor Prittle and Aldermen Mercier and Emmott, with Alderman Drummond as an alternate, be appointed as the Court of Revision to revise and correct the 1971/72 List of Electors on Monday, November 1, 1971 at 4:00 p.m."

CARRIED UNANIMOUSLY

ACTING MAYOR DAILLY DECLARED A RECESS AT 8:50 P.M.

THE COUNCIL RECONVENED AT 8:55 P.M.

The Council then resolved itself into a Committee of the Whole
"In Camera".