

7. Re: Complaint by B. C. Tenants Organization.

On September 20, 1971, Mr. L. Whaley, Secretary-Treasurer, B.C. Tenants Organization, wrote to Mr. Di Castri, Inspector of Legal Offices, Department of the Attorney General, Victoria, complaining that the Burnaby Prosecutor and the Police Department had not accepted an information which Mr. Whaley had attempted to swear out. A copy of this letter was sent to all members of Council.

Attached you will find a copy of a report dated September 27, 1971, from Mr. Stewart L. Chambers, Prosecutor, outlining the position he had taken. Also attached is a copy of a letter dated September 29, 1971, from Superintendent W.G. Lambert, Officer in Charge, Burnaby Detachment of the R.C.M.P., commenting on the position taken by the R.C.M.P.

Mr. W. Stirling, Municipal Solicitor, is away on vacation until October 13, 1971, and in his absence Mr. R.W. Brough advises that as nearly as he can determine, Mr. Whaley 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, R.S.B.C. 1960, Chapter 207.

RECOMMENDATION:

THAT a copy of this report be forwarded to Mr. Di Castri and Mr. Whaley.

September 27th, 1971

MEMO TO MUNICIPAL MANAGER

From: Stewart L. Chambers Esq.

Re: Burnaby Tenant's League complaint

Shortly before I left on my holidays in August the Tenant League saw me and wished to lay a charge of illegally increasing rent. The facts he alleged for this charge were that an apartment owner had replaced the laundry equipment with coin operated laundry equipment and the Tenant League wanted to make a test case as to whether or not this was an increase in rent.

I told them that if I were their lawyer that I would advise proceeding by civil rather than criminal process and they replied that they preferred criminal process as it would be less expensive to them. I then advised them that as this was an unusual proceeding that I thought that the Department Head, Mr. W. L. Stirling should be asked for his approval before any action was initiated and that as he had indicated that he would be doing a good deal of my work when I was away they should consult him.

On my return from vacation I asked Mr. Stirling if he had heard from them and he advised me that he had not. Shortly after Mr. Stirling departed on his vacation, I had a telephone call from this league advising that they could not see him because he was now on vacation. There had been a period of approximately three weeks from my return to the time of Mr. Stirling's leaving and I have no knowledge of what attempts, if any, they made to communicate with Mr. Stirling during that period.

I have no objection to prosecuting this charge if in fact laid but I do think that the municipal Solicitor's views should be ascertained because of the unusual nature of the charge.

*Stewart L. Chambers*  
Esq.



ITEM 7  
MANAGER'S REPORT NO. 63  
COUNCIL MEETING Oct. 4/71

Royal Canadian Mounted Police,  
Burnaby Detachment,  
6355 Gilpin Street,  
Burnaby 2, B.C.,  
September 29, 1971.

YOUR NO. \_\_\_\_\_  
VOTRE N° \_\_\_\_\_

OUR NO. \_\_\_\_\_  
NOTRE N° \_\_\_\_\_

Mr. Melvin J. Shelley,  
Municipal Manager,  
Corporation of the District of Burnaby,  
4949 Canada Way,  
Burnaby 2, B.C.

Dear Sir:

Re: B.C. Tenants Organization

This will acknowledge your letter of September 28, 1971 forwarding a copy of letter from Mr. L. Whaley addressed to Mr. Di Castri, Inspector of Legal Offices, Department of Attorney General.

As indicated in the correspondence received, Mr. Whaley and Mr. Jantzen were referred to the Municipal Prosecutor's office regarding the laying of a charge under the Landlord and Tenant Act. This is normal procedure where police investigation is not required as was the case in this instance.

When a citizen wishes to lay a charge and there has been no police involvement in the matter, he is usually referred to the Municipal Prosecutor for guidance as to the exact charge. He then appears before a Justice of the Peace or Judge and swears out an Information. In this particular case, the prosecutors apparently felt that circumstances did not warrant the laying of a charge and indicated that the matter should be dealt with by civil procedures.

Since there did not appear to be any police action required, the matter was not pursued by police beyond referring the complainant to the Municipal Prosecutor.

Yours truly,

*W. G. Lambert*  
(W.G. Lambert) Supt.  
Officer in Charge  
Burnaby Detachment