

DECEMBER 11, 1972

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B.C. on Monday, December 11, 1972 at 7.05 p.m.

PRESENT: Mayor R.W. Prittie, in the Chair;  
Alderman J.D. Drummond;  
Alderman W.A. Blair (7.15 p.m.)  
Alderman W.R. Clark;  
Alderman T.W. Constable;  
Alderman D.A. Lawson;  
Alderman H.G. Ladner (7.07 p.m.)  
Alderman G.M. Dowding;

ABSENT: Alderman J. Dailly

STAFF PRESENT: Mr. M.J. Shelley, Municipal Manager;  
Mr. J.H. Shaw, Municipal Clerk;  
Mr. E.A.J. Ward, Deputy Municipal Clerk;  
Mr. E.E. Olson, Municipal Engineer;  
Mr. A.L. Parr, Planning Director;

Mayor Prittie congratulated Aldermen Drummond and Clark on their re-election and also Mr. G.H.F. McLean, Mr. J. Mercier and Mr. M. Gordon on their election to office.

Mayor Prittie also commended the other candidates who sought office for their participation.

Mayor Prittie also expressed thanks to the members of Council for having assumed his duties during his absence.

#### DELEGATIONS

It was mentioned to Council that the Legal Counsel for Johnson & Franklin Wholesale Distributors Limited was present to present arguments against the proposed revocation of the Company's trades licence.

MOVED BY ALDERMAN CONSTABLE, SECONDED BY ALDERMAN LAWSON:  
"That the Legal Counsel for Johnson & Franklin Wholesale Distributors Ltd. be heard."

CARRIED UNANIMOUSLY.

Alderman Ladner arrived at the Meeting.

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Mr. D.K. Pigeon, Barrister and Solicitor, appeared and advised he was the Legal Counsel for the Company in question and that he wished additional time to study material that he had just received in connection with the matter.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:  
"That consideration of the presentation to be made by Mr. Pigeon be deferred until later in the evening."

CARRIED UNANIMOUSLY

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ORIGINAL COMMUNICATIONS

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

CARRIED UNANIMOUSLY

Alderman Ladner left the Meeting

Miss Catherine Whitelegg, President, Marian High School for Girls, wrote to request permission to hold a fund-raising drive, in the form of selling chocolate bars, during the week commencing December 8, 1972.

MOVED BY ALDERMAN DOWDING, SECONDED BY ALDERMAN CONSTABLE:  
"That permission be granted to the Marian High School for Girls for its campaign at the time indicated."

CARRIED UNANIMOUSLY

The Honourable James G. Lorimer, Minister of Municipal Affairs, submitted a letter advising that Burnaby will receive a Cultural Fund grant in the amount of \$12,181.00 to encourage and develop cultural activities in the Municipality.

Mr. Wilf J. Desmarais submitted a letter in which he expressed appreciation to all concerned, especially the R.C.M.P., for the action taken in connection with his complaints concerning disorderly conduct at and near 7111 Randolph Avenue.

Mr. D. Clark submitted a petition signed by himself and a number of other residents of Lozells Avenue between Government Street and Winston Street requesting that this portion of Lozells Avenue be improved in a certain fashion.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DRUMMOND:  
"That the petition be referred to the Municipal Engineer for consideration and report."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

Alderman Ladner returned to the Meeting.

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R E P O R T S

MUNICIPAL MANAGER submitted Report No. 81, 1972 on the matters listed below as Items (1) to (21), either providing the information shown or recommending the courses of action indicated for the reasons given:

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- (1) Blk. 5, Exc. Pt. on Plan 21334, D.L. 212, Plan 3080  
(Bestwood Industries Limited)  
PRELIMINARY PLAN APPROVAL #1939

It was recommended that the above Preliminary Plan Approval, which is for an extension to the offices of Bestwood Industries Limited by the addition of 265 square feet of extra office area, be issued, subject to the Company being made aware again of the fact that it is not the intention of Council to renew the lease the Company enjoys from the Corporation after it expires in December 1974.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DRUMMOND:

"That, before acting on the application for the Preliminary Plan Approval, the Council ask Bestwood Industries Limited for a letter indicating that the Company understands the lease in question will not be renewed after December, 1974.

CARRIED UNANIMOUSLY

Alderman Blair arrived at the Meeting.

- (2) Kingsway Senior Citizens' Recreation Centre

The Architect retained for the above project has advised that the \$5,000 general contingency fund, which was established under the Contract to cover unanticipated expenditures, has been exceeded by \$80.57. The following are the additional contingency items that staff recommend be approved before the building is completed:

<u>Amount</u>	<u>Contingency Item</u>
\$1,053.90	Change in the design of the insulation system in the building to avoid future problems of a serious nature.
\$1,045.00(Est)	Waterproofing of the concrete slab which is designed to provide protection to the roof-top parking and outdoor lounge areas.
\$ 866.00	Cost required to close in the building. Enclosure will allow security against trespass and the containment of heat which is required for finishing purposes. Installation of windows has been delayed (they will be installed during the last week in December instead of the second week in November) because the Architect was given approval to investigate the effect of drafts on the type of windows that were designed.
\$3,755.00(Est)	Completion of an additional hobby room in the basement to accommodate craft activities. (Desirable to have a craft room in basement with a sink and 220 volt power for a pottery dry kiln and room. Contract did not include this.)
\$ 600.00(Est)	Provision of rod and shelving to coat storage area for hall room No.6.
\$ 112.50(Est)	Cost involved in increasing notice board space.
\$7,432.40	
\$ 80.57	Current overexpenditure of the contingency fund.
\$7,512.97	Known costs for items in excess of the contractually approved amount.
\$ 592.53	Projected cost for unknown future contingency items.
\$8,105.50	Total cost for additional items approved by the Architect and the Chief Building Inspector.

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Although Council approved a tender in the amount of \$337,860.50, because the cost of work to complete the mechanical system for the entire building (including the basement area) plus a change in roof trusses was less than estimated, the actual amount contracted to Shopland Construction Company Limited was \$334,255.00. If the \$3,605.50 difference is applied to expenditures that will be required for the additional contingency items, the total additional amount to be allocated for contingencies should be \$4,500.00.

The Parks and Recreation Commission was made aware of the foregoing at its meeting on December 6, 1972.

It was recommended that:

- a) Council authorize an additional \$4,500 for the items noted above that will be required on the project, with the total cost being charged to the Senior Citizens' Housing Reserve Account;
- b) Council authorize an adjustment in the Contract to \$342,360.50 (\$337,860.50 plus \$4,500.00).

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the first three items listed in the report of the Municipal Manager (which total \$2,364.19) be deleted and be referred back to him for a further report after consultation with the Architect in order to determine the justification for the Corporation assuming the costs of the three items in as much as it is felt the first two items should be the responsibility of the Architect and the third one should be the responsibility of the Contractor since the work involved should have been anticipated when the project was being designed and constructed."

CARRIED

AGAINST ALDERMEN DRUMMOND  
AND CLARK

MOVED BY ALDERMAN CONSTABLE, SECONDED BY ALDERMAN DOWDING:

"That the recommendations of the Manager, as just been amended, be adopted"

CARRIED

AGAINST ALDERMEN DRUMMOND  
AND CLARK

(3) Walkway - Still Creek

The following aspects in connection with the above matter are being examined:

- a) Existing ownership pattern
- b) Existing land use pattern
- c) Existing legal rights through existing easements
- d) Alternative methods of achieving public access
- e) Possible staging of a walkway
- f) Review of the water quality

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Some work has been done and it is expected that a report can be submitted to Council by the end of January 1973.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN DOWDING:  
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

- (4) Parcel "B", Ref. Pl. 9342 except Pcl. 1, Expl. 10507 and except Parcel 2 and Road Ref. Plan 12333 and except West 33 feet of Parcel "B", Blk. 4N½, D.L. 4, Plan 845  
REFERENCE REZONING NO. 73/72

On November 20, 1972, the Council approved the above rezoning proposal in principle.

A suitable plan of development has been received by the Planning Department which has marginally changed from the proposal which was originally approved in principle by Council. In that regard, the 43 - unit four-storey masonry apartment is now a 42-unit three-storey apartment. The revised lower building offers an improved environmental relationship to the Loughheed Highway. The site coverage remains unchanged and the F.A.R. has been reduced from 1.41 to 1.34.

This medium density residential project is consistent with the adopted Community Plan for the area.

The site comprises 2.32 acres.

A fifteen storey, 188 unit Senior Citizens Tower comprised of 147 Bachelor and 41 1-bedroom units and an adjacent 3-storey, 42 unit Commercial Apartment comprised of 6 1-bedroom, 31 2-bedroom and 5 3-bedroom units are planned.

Extensive landscaping and leisure facilities for Senior Citizens are to be provided.

An acceptable parking ratio of 1:0.25 (47 stalls) for the Senior Citizens Tower and 1:1.33 (57 stalls) for the 3-storey Apartment are provided. 90% of the parking is provided in underground garages.

Possible subdivision of the site into two projects is allowed for within an overall integrated concept.

The Planning Department was asking that the application be advanced to a Public Hearing to be held on Monday, December 18, 1972 and that the following be established as prerequisites to the rezoning being completed:

- (a) the submission of a subdivision plan dedicating the required right-of-way for the access road along the North property line of the site that is referred to in the report;
- (b) the granting of the walkway easement referred to in the report;
- (c) the provision of an undertaking that the developer will agree to the future closure of Bell Avenue between Loughheed Highway and the aforementioned access road;
- (d) the deposit of sufficient monies to cover the cost of constructing the access road and walkway and the cost of providing sanitary, storm sewer and water facilities to the site;
- (e) the granting of any easement that may be required for the installation of the sanitary sewer facility.

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(f) the submission of a suitable plan of development for the site.

It was recommended that Council concur with the request of the Planning Department.

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

CARRIED UNANIMOUSLY.

\* \* \* \*

Alderman Ladner left the meeting.

*The Planning Department was directed to indicate the type of leisure facilities that will be provided in the project covered by the previous report, as was mentioned broadly above.*

Alderman Ladner returned to the meeting.

(5) Bonsor Park Indoor Swimming Pool

The general contingency sum of \$2,500.00 that was included in the contract for the above project has been depleted.

The Architect involved, Mr. Peter Heiss, has recommended that an additional Contingency sum be provided in the same amount and has provided the following justifications for his recommendation:

- (a) Order No. 1 should be changed due to the need to increase footing depth caused by adverse soil conditions becoming apparent during excavation. The amount involved is \$1,456.00.
- (b) Order No. 2 should be changed to take care of revisions to diatomaceous settling tank requested by the Health Department in Victoria. This request was not received in time to be included in the contract. The amount involved is \$1,110.00.
- (c) Order No. 10 should be changed in order to provide for the removal of over-sized rocks. This will involve \$955.00.
- (d) \$1,479.00 should be included to take care of any additional expenses which might be required during the course of construction.

The Chief Building Inspector concurs that the changes in orders Nos. 1, 2 and 10 are justified and he was recommending that authority be granted to increase the contract price for the project from \$638,998.00 to \$641,498.00, as was requested by the Architect.

The Parks and Recreation Commission approved the increase mentioned at its meeting on December 6, 1972.

It was recommended that the contract with Mainland Construction Company Limited for the construction of the Bonsor Park Indoor Swimming Pool be increased from \$638,998.00 to \$641,498.00.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CLARK:  
"That Council authorize the addition of the changes listed in the report of the Manager as Orders Nos. 1, 2 and 10, which total \$3,521.00, and not the full amount requested.

CARRIED

AGAINST - ALDERMAN DRUMMOND

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(6) Burnaby Lake Sports Complex Playing Field -  
Holland Landscapers Ltd.

It was recommended that Council authorize the release of \$10,850.20 of the \$15,850.20 holdback money relating to a contract with the above Company for the project indicated in caption, subject to the approval of the bonding company involved.

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

CARRIED UNANIMOUSLY.

(7) Street Light - Ottman: (6955 Aubrey Street)

The street lighting in the above block of Aubrey Street meets the standard prescribed by the policy of Council so additional lighting was not being recommended.

The question of providing ornamental street lighting in the area is considered a low priority item because existing power poles provide an acceptable level of lighting.

It was recommended that an additional street light not be installed in the vicinity of 6955 Aubrey Street because the present standard of lighting in the area conforms to established standards.

It was also recommended that a copy of the report at hand be sent to Mrs. Ottman.

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

CARRIED UNANIMOUSLY.

(8) Burnaby Sewerage System Frontage Tax By-Law 1961

It was recommended that Council authorize the repeal of the above By-law and the introduction of a new one that will provide for a parcel tax of \$21.00 per annum against land capable of being served by a sewer except where any previous owner or present occupier of a parcel:

- (a) has constructed, at his own expense, any portion of the sewerage system of the Municipality;
- (b) has paid all debt and debt charges, including interest, in respect of that portion of the sewerage system that serves the property,

the parcel tax be \$3.00 for a period of twenty years from and including the year of construction of the said sewerage system, and, thereafter, the full parcel tax of \$21.00 be applied.

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

CARRIED UNANIMOUSLY.

(9) Metropolitan Ambulance Services Limited

It was recommended that:

- (a) the Municipal Treasurer be authorized to pay Metropolitan Ambulance Services Limited the sum of \$4,774.14 to meet Burnaby's share of the net deficit in the operations of the Company, in Burnaby, for the period between April 1, 1969 and March 31, 1972.
- (b) The contract with the Company be extended on a month to month basis on the same terms and conditions as prevailed during that period, except that the monthly payments for each of the months between April 1, 1972 and March 31, 1973 be at the rate of \$7,376.00 instead of \$5,320.00, with any deficit in the operation for the fiscal year ending March 31, 1973 attributable to Burnaby being made when the Municipal Treasurer is satisfied in accordance with the provisions of the said contract, on a cost-sharing formula to be arranged with the Cities of Vancouver and New Westminster.
- (c) The present user charge of \$20.00 per trip, as well as the \$12.00 morgue car fee, relating to the services provided under the contract be confirmed.

MOVED BY ALDERMAN CONSTABLE, SECONDED BY ALDERMAN LAWSON:  
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY.

(10) Easement - Lot 34, E $\frac{1}{2}$  of N $\frac{1}{2}$  Exc. W3', D.L. 28, Plan 632  
(7860 Edmonds Street - J.K. Cooper Ltd.)

It was recommended that Council authorize the acquisition of a ten foot wide easement over a portion of the above described property, which is required for the installation of a sewer to a proposed Shell Oil Car Wash/Service Station development on the lot, for a consideration of \$1.00 plus restoration of the area involved.

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

CARRIED UNANIMOUSLY.

(11) 1973 Storm Drainage Program - Engineering Part I

It was recommended that Council authorize the execution of an agreement with Web Engineering Limited for the provision of the design services indicated in the report, with:

- (a) payment to be based on the scale of minimum fees of the Association of B.C. Professional Engineers, but not to exceed \$4,260.00 except for specified out-of-pocket expenses;
- (b) The work to be completed by January 19, 1973.

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

CARRIED UNANIMOUSLY.

(12) Setback Requirements

The Planning Department has studied the possibility of flexibility in setback requirements and recommends that no adjustments be made for the following reasons:

- (a) Any variable adjustment in yard distances will become a new minimum standard.
- (b) The expensive nature of semi-urban subdivision land suggests that developers will continue to provide the minimum legal lot sizes with large simple block dwellings.
- (c) House developers should be encouraged to prepare designs that are compatible with lots in the sense that they recognize existing landscaping and topographical features

Many developers demonstrate a significant lack of planning imagination in selecting a design for a particular lot. A relaxation of setback requirements would encourage this undesirable practice.

- (d) The Council, through Comprehensive Development Zoning, already possesses the authority to make significant relaxations in yard requirements for single-family dwellings as part of a large housing project with an overall acceptable site plan and planning concept and stringent architectural design control.

The Chief Building Inspector concurs with the views of the Planning Department.

It was recommended that no change be made in existing setback requirements under the Zoning By-Law.

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

CARRIED

AGAINST- ALDERMAN CLARK.

(13) Monthly Report of Building Department

A report of the Chief Building Inspector covering the operations of his Department from November 6, 1972 to December 1, 1972 was being submitted herewith.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CONSTABLE:  
"That the report be received."

CARRIED UNANIMOUSLY.

(14) Expiration of Zoning By-Laws

It was recommended that the actions indicated below in a submission from the Planning Department pertaining to the captioned matter be adopted:

CATEGORY I: By-laws to be abandoned.

REF. NO.	ADDRESS	FROM	TO	EXPIRY DATE
46/71	4678/4578 Smith Avenue	R4	R6	Sept. 27, 1972
	No action has been taken by the applicant.			
49/71	5276 Kingsway	C4	C2	Sept. 27, 1972
	The applicant has abandoned this proposal.			
48/71	270,290,330 Ellesmere Avenue	R4	RM3	Sept. 27, 1972
	This rezoning application was combined with another rezoning application. The by-law attached to the rezoning 48/71 should be abandoned.			

CATEGORY II: Extensions are recommended for the following application.

35/71	6917 Loughheed, 2756 Ellerslie	A2	RM1	Sept. 27, 1972
	The applicant has made some progress towards the fulfilment of the prerequisites. The Department would recommend an extension of 90 days.			

CATEGORY III: The following By-laws were given 90 day extensions by Council.  
The extension has now expired. A further extension is recommended

37/65	N.E. corner of the Loughheed and Delta	R2	RM5	May 28, 1972
	The applicant has submitted a statement to this Department indicating that he is proceeding with development plans for the apartment complex. A further extension is therefore recommended.			
62/68	6650 Canada Way	R2	P5	Aug. 26, 1971
	The applicant has indicated a desire to continue with rezoning. The Department would therefore recommend an extension.			
107/68	6450 Telford	M4	RM3	Nov. 28, 1972
	One prerequisite remains to be fulfilled. A further extension is recommended.			
18/69	5909 and 5945 Pioneer	R5	C3	Nov. 28, 1972
	Progress has been in evidence, therefore a further extension is recommended.			
24/70	Nelson - North of Kingsway	R5	RM5	Nov. 28, 1972
	The applicant has submitted a set of preliminary drawings to the Planning Department. A further extension is therefore recommended.			
55/70	Imperial and Waltham	C4 & R5	C4	May 28, 1972
	Action is presently being taken to bring the use and development standards on this site into conformity with Municipal regulations. The Department would recommend that a further extension be granted.			
59/70	Northwest corner of Kitchener/ Augusta	R4	P1	Nov. 28, 1972
	The rezoning of this Corporation-owned site is nearing completion. A further extension is therefore recommended.			

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MANAGER'S REPORT NO. 81
COUNCIL MEETING Dec. 11/72

REF. NO.	ADDRESS	FROM	TO	EXPIRY DATE
22/71	1410 Delta	R2	P1	Nov. 28, 1972
The applicant has created the site by registering the subdivision plan. An extension is therefore recommended.				
26/71	5736 & 5708 Chaffey	R5	RM3	Nov. 28, 1972
Progress is being made towards fulfilment of the prerequisites. Therefore, a further extension is recommended.				

MOVED BY ALDERMAN CONSTABLE, SECONDED BY ALDERMAN DOWDING:  
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY.

(15) Railway Crossing - Sperling Avenue  
Burlington Northern Railway

The Engineering Department has been observing conditions at the above location to determine if there are any violations of Section 251 of the Railway Act. This section of the Act reads as follows:

"251. Whenever any railway crosses any highway at rail level, the Company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting, to obstruct public traffic for a longer period than five minutes at one time, or in the opinion of the Commission, unnecessarily interfere therewith. R.S., c.234, s.314."

In the many observations which have been made, there have been no observable cases of a train stopped or shunting. As all trains are now on a 10 m.p.h. slow order because of a recent derailment, it has been found that some of the longer freights take up to six minutes to cross Sperling Avenue.

Should Council wish to try a test case, the Municipality would need to establish the exact date and time the train passed. The time the crossing gates went down until they went up again would need to be checked by a reliable time piece (a stop watch). In addition, the engines and caboose would need to be identified as to serial number and Railway Company. The exact length of the train would need to be established to determine if the train was complying with the 10 m.p.h. speed limit. If it was travelling at a slower speed, there might be a case.

We would need to station an observer at the crossing until we were able to check a train that exceeded the five minute limit.

As the Engineering Department intends to keep observing and recording events at the crossing; the information now being presented was only on an interim basis.

MOVED BY ALDERMAN LAWSON. SECONDED BY ALDERMAN LADNER:  
"That the report of the Manager be received."

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MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN BLAIR:

"That the Municipal Engineer institute a system for compiling evidence in regard to possible violations of the type mentioned in the report submitted so that this can be used in the event the municipality wishes to prosecute the railway company."

CARRIED UNANIMOUSLY.

(16) Contract #24, 1972 - Kany Construction & Engineering Limited (Storm Drainage)

It was recommended that Council authorize an extension of the completion date in the above Contract until January 15, 1973, without implementation of the liquidated damages clause therein and direct that the performance bond pertaining thereto be extended for the same length of time.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN LAWSON:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY.

(17) Topsoil Contract - V.C. Land Contractors Limited

It was recommended that Council authorize an amendment to the above Contract to include a price of \$3.00 per cubic yard for sand fill and \$3.45 for top grade fill, supplied and placed at any location in Burnaby, for the reasons noted in the report.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That the recommendation of the Manager be adopted."

CARRIED

AGAINST - ALDERMAN BLAIR.

(18) Lot 460, D.L. 126, Plan 40198  
REZONING REFERENCE #56/72

The Planning Department has reported as follows on the question of means being employed to limit the resthome proposed to be built on the captioned property to only 8 guests:

- (a) The applicant has submitted an agreement to the Legal Department which was to be registered against the land ensuring that the land would be used only for a Rest Home for a maximum of eight persons. This agreement was acceptable to the Legal Department but has not yet been registered in the Land Registry Office.
- (b) In consulting with the Social Service Administrator, no definite answer can be given as to whether a shortage of Rest Home accommodation actually exists in Burnaby or in this particular area. To be fully utilized, Rest Homes require a relatively large population base and should provide a service for the Lower Mainland Area rather than just a local area.

- (c) All Rest Homes in Burnaby are care facilities for senior citizens in which food, lodging and care are furnished, with or without charge, and no ambulatory cases are permitted. Two general types of facilities are offered, those which function as a boarding home and those where a little more personal care is supplied.
- (d) Accommodation in the larger Homes is in demand. These Homes provide room and board at a reasonable price which most elderly citizens can afford. Other boarding Homes, which are smaller and more intimate generally, have more vacancies.
- (e) There are approximately 25 smaller Homes in Burnaby. In the northern part of the Municipality, there are 9 Rest Homes with an average of eight senior citizens per Home. All of these smaller Rest Homes are located in single and two-family residential areas. Regardless of where sited, these Homes provide a regional service for those families wishing to place parents or relatives in a smaller home giving good care with a "homey" atmosphere. No objections have been received by the Social Service Department from areas where these various Rest Homes are located.
- (f) Public transit does not immediately serve the block where the proposed Rest Home is planned, but this does not appear to be a problem. The majority of other Rest Homes in the northern part of the Municipality are not directly serviced by public transit.
- (g) The Home planned is two-storeys high and, at present, a balcony extends around the top floor in the east, north and west. The balcony in the back of the house, facing west, is exposed to adjacent housing. The balcony in the front is screened by trees. It is felt that use of the balcony will not be extensive, but the applicant could provide screening (extending upward), lower the balcony to the level of the back porch or remove the balcony.
- (h) The proposed Rest Home would serve a definite and useful function for senior citizens in the region, and its proposed location is:
  - (i) in accordance with the siting of other Rest Homes
  - (ii) favourable due to its proximity to parkland
  - (iii) is accessible to public transit facilities
- (j) If Council is disposed to passing the amendment to the Zoning By-Law covering the rezoning proposal at hand, direction could be given in regard to the provision of a degree of privacy desired by the abutting owner, and the applicant could be requested to establish that the agreement mentioned earlier is acceptable to the Land Registry Office.

It was recommended that, if Council is disposed to passing the subject amendment By-Law:

- (a) the applicant be requested to establish that the agreement mentioned is acceptable to the Land Registry Office.

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- (b) discussions be held between the intending developer of the property, the Planning and Building Departments, and those property owners abutting the subject sites, in order to determine the most desirable method of ensuring privacy to the abutting owners.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DOWDING:  
"That the recommendations of the Manager be adopted."

CARRIED

AGAINST - ALDERMAN CLARK &  
ALDERMAN CONSTABLE

Mayor Prittie declared a recess at 9.08 p.m.

The Committee reconvened at 9.25 p.m.

(19) Federal-Provincial Winter Job Expansion Plan 1973

It was recommended that Council designate the Municipal Treasurer as the officer of the Corporation authorized to sign applications which are to be sent to the Provincial Government covering the financing of the programs, under the Federal-Provincial Winter Job Expansion Plan, that are detailed in the report and which total \$6,921,500.00.

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

CARRIED UNANIMOUSLY.

(20) Burnaby Emergency Depot Society

The Assistant Social Service Administrator has reported as follows on a situation involving the operation of the Burnaby Emergency Depot Society:

- (a) The local Canada Manpower Office advised that there is no concern with the operations of the Society in that the books are audited regularly and no problems have been noted.
- (b) Mrs. Backman was contacted and confirmed that she had paid \$15.00 for a bed purchased from the Society.
- (c) The Depot was visited on December 6, 1972 and its work was most impressive. The "Berard" situation was discussed and Mr. Girody, President and Manager of the Depot, promised a brief report on the matter and other allegations that were reported in the November 30 - December 7, 1972 edition of the Burnaby Mirror.

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- (d) The information in the report concerning the disposition of food from the Tag Day proceeds and the references to Rev. Lance Stevens of St. Albans Anglican Church are correct.
- (e) The allegations made against the Burnaby Emergency Depot Society are considered unfounded.

It was recommended that Lot 20, D.L. 166A, Plan 42769 be leased to the Burnaby Emergency Depot Society for the sum of \$1.00 per annum, subject to:

- (a) The Society's compliance with the M3 zoning regulations and Sections 336 and 477 of the Municipal Act.
- (b) The details of the lease being approved by Council when more information is known.

*Mrs. D. Giroday of the Burnaby Emergency Depot Society was present and, in response to a query concerning her letter that was scheduled for consideration at the "in camera" meeting later in the evening, stated that she felt there is no need to address Council at that time in view of the recommendation of the Manager..*

MOVED BY ALDERMAN CONSTABLE, SECONDED BY ALDERMAN DOWDING:  
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the Council next meet on December 18th and, unless there are special reasons to the contrary, not meet again until January 2, 1973."

CARRIED UNANIMOUSLY

(21) Big Bend Area

The Planning Department has reported as follows on the above subject as a result of a Council resolution on November 14, 1972 concerning the land use situation in the Big Bend Area:

- (a) A letter was sent to all property owners whose land is presently zoned Heavy Industrial and is being considered for rezoning to Agricultural relative to a proposal of Council that consideration would be given the question of exchanging their lands for other municipally-owned industrial properties.
- (b) In all, 71 notices were sent and 16 responses have been received. Of these, 8 owners in the area expressed an interest in pursuing the exchange concept. The properties concerned are located at 8755 and 8708 Royal Oak Avenue, 5420 and 5462 Marine Drive, 7450, 7509, 7529, 7549 and 7569 Meadow Avenue, 7647 Willard Street, and 6230, 6250 and 6270 - 15th Avenue.
- (c) In addition, others restated their opposition or support for the proposed rezonings.
- (d) In considering the significance of possible exchanges with industrially undeveloped or untreated properties, there would appear to be no advantage in delaying the finalization of the proposed area rezonings pending the outcome of possible exchange discussions with interested parties. In these instances, any further action would be focused solely on the question of land ownership and not to alleviate any specific land use anomaly.
- (e) Special Implementation or conformity difficulties are likely to be encountered in the cases where industrially developed or filled properties are involved. For that reason, it is proposed that the industrially filled or developed parcels which are involved in previous or current acquisition or exchange considerations be deleted at this time from the proposed area rezonings. These will form the basis of a subsequent specific Council report item seeking to resolve or minimize existing or potential land use conflicts characteristic to each site. The properties concerned are located at 5420 and 5462 Marine Drive, 7625 and 7450 Meadow Avenue and 7647 Willard Street. They are owned, respectively, by Conboy Machinery Ltd., Meadowland Peat Limited, Leslie Forest Products Ltd. and Globe Foundry Limited.
- (f) It was recommended that:
  - (1) The above four properties listed under (e) be deleted from the proposed area rezonings to form the basis of a subsequent report that will seek to resolve or minimize existing or potential land use conflicts characteristic to each site.

- (2) Council finalize the amendments to the Zoning By-law covering the rezonings in the Big Bend Area and related text amendments.

It was recommended that:

- (a) Council endorse recommendations of the Planning Department.
- (b) The five industrially undeveloped or untreated holdings mentioned in the report of the Planning Department not be exchanged.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:  
"That the recommendations involving the Conboy Machinery Ltd., Meadowland Peat Limited, Globe Foundry Ltd. and Leslie Forest Products Limited properties be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:  
"That no action be taken with respect to the five industrially undeveloped or untreated holdings mentioned in the report, at this time, and a further report be submitted on the question of either exchanging these lands or purchasing them.".

CARRIED

AGAINST -- ALDERMAN CONSTABLE

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN LAWSON:  
"That the recommendation of the Manager concerning the passage of the amendments to the Zoning By-law pertaining to the Big Bend Area be adopted."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CONSTABLE:  
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MAYOR PRITTIE LEFT THE MEETING.

ACTING MAYOR DRUMMOND ASSUMED THE CHAIR.

\* \*

#### DELEGATION

Mr. D. Pigeon, Barrister and Solicitor, was present and indicated he was in a position now to address Council on the situation involving

the Johnson & Franklin Wholesale Distributors Ltd. matter that was mentioned earlier in the meeting. Mr. Pigeon made the following comments:

- (a) He was the Legal Counsel for the Company involved.
- (b) He considered the action of Council to be what was termed reverse onus.
- (c) He has just recently determined the reason Council wishes to revoke the Trades Licence of the Company.
- (d) The Company is engaged in the wholesale distribution of pocket novels, magazines, and other similar literary material. It distributes such material from a warehouse and its products are sold on consignment.
- (e) Information pertaining to the sales of the Company between August and November, 1972 was being furnished herewith.
- (f) The Company leases property known as 3335 - 7 Ardingley Avenue for \$900.00 per month, and its lease does not expire until May, 1977. The Company has spent some \$8,000.00 on the premises which it rents.
- (g) The Company employs 17 persons, five of whom reside in Burnaby.
- (h) It was understood that the cause being cited by Council for considering the revocation of the Trades Licence of the Company was based on a conviction concerning the distribution of obscene literature.
- (i) There is a movie censor but none for novels or magazines. The three novels which were used as evidence for the obscenity charge came from the United States and were allowed across the border by Customs officials. There is no one in B. C. who has the authority to not accept any material which passes customs. The Council should not act as a censor.
- (j) Some novels and other magazines that the Company distributes were being circulated this evening.
- (k) Reference was being made to a letter sent to Mr. Deverell, Barrister and Solicitor, on August 11, 1971 concerning the operations of the Company.
- (l) If the Trades Licence of the Company is revoked and the Company is therefore prevented from operating, this will impose a financial hardship on both the Company and its employees. The Company cannot be considered as being sleazy.
- (m) Johnson and Franklin Wholesale Distributors Limited has different directors than West Coast News, although Johnson and Franklin did purchase stock and the trade from West Coast News.
- (n) The Company selects material it wishes to distribute, by title, and accepts the screening which is done by the Customs officials as being sufficient. The Company has also broadened its base of business in that it has reduced the number of pocket books distributed and increased the number of novels.

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- (o) There are charges pending in the Burnaby Court, which will be heard on January 23rd and 24, 1973, on a case which arose in 1970.
- (p) No books of the nature involved in the charge are published in Canada.
- (q) Johnson & Franklin Wholesale Distributors Ltd. distributes its literary material to 20 stores in Western Canada, and has 17 accounts in Burnaby.

*Alderman Ladner pointed out that Mr. William J. Deverell, when he appeared before Council in August, 1971, gave an assurance that Johnson & Franklin Wholesale Distributors Ltd. would itself screen literary material before it was distributed.*

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:

"That action on the matter of revoking the Trades Licence of Johnson and Franklin Wholesale Distributors Ltd. be deferred until the December 18th meeting of Council and Mr. Pigeon be asked to indicate then the nature of a commitment which was reputedly made by Mr. William H. Deverell, Barrister and Solicitor, on behalf of the Company at a Council Meeting on August 9, 1971 regarding the Company instituting a procedure for screening of all literary material planned to be distributed by the Company as a means of eliminating publications that might be considered by the Courts as obscene."

CARRIED UNANIMOUSLY

ALDERMAN LADNER LEFT THE MEETING.

\* \* \*

BY - LAWS

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DOWDING:

"That:

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAWS NOS.  
22 TO 26 INCLUSIVE, 1972"

#6206 to  
6209 & #6216

"BURNABY LOCAL IMPROVEMENT FINANCING BY-LAW NO. 1, 1972"

#6213

be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the By-laws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CONSTABLE:

"That the Committee now rise and report the By-laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CONSTABLE:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CONSTABLE:

"That:

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAWS NOS.  
22 TO 26 INCLUSIVE, 1972"

"BURNABY LOCAL IMPROVEMENT FINANCING BY-LAW NO. 1, 1972"  
be now read three times."

CARRIED UNANIMOUSLY

\* \* \*

ALDERMAN LADNER RETURNED TO THE MEETING.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LAWSON:

"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. 52, 1971" #5960

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 39, 1972" #6117

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 53, 1972" #6162 "

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That "Burnaby Zoning By-law 1965, Amendment By-law No. 53, 1972"  
be amended to reflect the decisions of Council earlier in the  
evening relative to the Big Bend Area."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the industrially developed properties in the "Byrne Road"  
Area that were covered by Burnaby Zoning By-law 1965, Amendment  
By-law No. 52, 1971" and are included in Burnaby Zoning By-law  
1965, Amendment By-law No. 53, 1972 be deleted from that Amendment  
By-law No. 53, 1972 and further, M3 zoning be retained for  
the parcels in the Byrne Road Area on which there is presently  
an industrial use, with further expansion of such development  
to conform to M2 standards."

CARRIED

AGAINST -- ALDERMEN  
DOWDING, DRUMMOND AND  
CONSTABLE

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the Committee now rise and report the By-laws complete, as  
amended."

CARRIED

THE COUNCIL RECONVENED.

AGAINST -- ALDERMAN DRUMMOND

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

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

CARRIED

AGAINST -- ALDERMAN DRUMMOND

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 52, 1971"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 39, 1972"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 53, 1972"

be now read three times."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

\* \* \* \*

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That a letter be sent to all owners of the properties in the  
"Byrne Road" Area that are being rezoned to M3 to suggest that they  
attempt to meet the M2 standards at the earliest possible time."

CARRIED

AGAINST -- ALDERMAN DRUMMOND

\* \*

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 "Burnaby Zoning By-law 1965, Amendment  
By-law No. 62, 1972" #6174"

CARRIED UNANIMOUSLY

This By-law provides for the following proposed rezoning:

Reference RZ #57/72

9850 Austin Road

From A2 to C3

Municipal Clerk stated that the Planning Department has reported  
that the prerequisites established by Council in connection with  
this rezoning proposal have been satisfied.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That the Committee now rise and report the By-law 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 Zoning By-law 1965, Amendment By-law No. 62, 1972"  
be now read three times."

CARRIED UNANIMOUSLY

\* \* \*

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That:

"BURNABY CAB AND COMMERCIAL VEHICLES BY-LAW 1951, AMENDMENT  
BY-LAW NO. 3, 1972"

#6197

"BURNABY LOCAL IMPROVEMENTS CHARGES BY-LAW 1971, AMENDMENT  
BY-LAW NO. 4, 1972"

#6214

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 18, 1972"

#6055

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

CARRIED UNANIMOUSLY

\* \* \*

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CLARK:

"That the Council now resolve itself into a Committee of the Whole  
"In Camera"."

CARRIED UNANIMOUSLY