

FEBRUARY 14, 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, February 14, 1972 at 7:00 p.m.

PRESENT: Mayor R. W. Prittle in the Chair;
Alderman W. R. Clark;
Alderman J. Dailly (7:03 p.m.);
Alderman G. M. Dowding;
Alderman J. D. Drummond;
Alderman D. A. Lawson;
Alderman W. A. Blair;

ABSENT: Alderman T. W. Constable;
Alderman H. G. Ladner;

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

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:
"That the Minutes of the Council Meeting held on February 7, 1972 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

* * *

DELEGATIONS

The following wrote requesting an audience with Council on the matters indicated:

- (a) Burrard Brokerage Co. Ltd. re application to rezone Lots 5 to 9 inclusive, S.D. 6, Block 4, D.L. 206, Plan 1323 for apartment use.
- (b) Pacific Apartment Management Association re Landlord/Tenant Relations.
- (c) Dr. R. J. Claus re Proposed Sign By-law.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN DOWDING:
"That the delegations be heard."

CARRIED UNANIMOUSLY

(a) Mr. Scarlett appeared on behalf of Burrard Brokerage Company Ltd. to appeal a decision of Council to not rezone the properties described above to a Multiple Family category.

Mr. Scarlett made the following points in his submission:

- (1) The original application to rezone four of the lots involved was made by the former owner of the properties, J. and P. Holdings Ltd. At that time, the Planning Department indicated the prerequisites that would need to be satisfied if that rezoning proposal was to be advanced.
- (2) Burrard Brokerage Company Ltd. purchased the lots on December 28, 1971.

ALDERMAN DAILLY ARRIVED AT THE MEETING.

- (3) Following that, Burrard Brokerage Company Ltd. took options on the other lots involved in the block when the Planning Department suggested that they be included in the total rezoning proposal.
- (4) The next thing which occurred was the matter of Council considering R6 zoning for the properties concerned. The Public Hearing on this proposal was held on January 18, 1972.
- (5) Burrard Brokerage Company Ltd. found itself in a position of being faced with a different rezoning proposal than that which the Company desired, and thus it cannot proceed with its planned development.
- (6) The Company has canvassed the residents in the neighbourhood and a map, which was being displayed now, showed that the majority of these residents supported Multiple Family zoning for the subject properties.
- (7) The Company proposes to construct a low-density apartment development on the site.
- (8) R6 use of the properties is not economic, and the lots are not large enough to accommodate such development.
- (9) 16 units could be built under R6 zoning whereas 50 to 60 units could be built with RM2 zoning.
- (10) The Company wishes Council to either rezone the land concerned to a multiple family category (RM2) or leave the land zoned as industrial.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DOWDING:

"That the Municipal Manager provide Council with a history of the situation in regard to the proposed rezoning of the properties which were the subject of the submission from Mr. Scarlett this evening, including the R6 proposal which was considered, and the applicant also be invited to file a written submission on his appeal for consideration by Council in conjunction with the report being sought from the Manager."

CARRIED UNANIMOUSLY

(b) Mr. R. L. Richards, President, Pacific Apartment Management Association, then spoke and presented a Brief containing the views of the Association in regard to a proposed By-law to deal with landlord/tenant relations. The following are the points which were made in the Brief:

- (1) The Pacific Apartment Management Association is a non-profit organization founded in 1970 to promote a high degree of professional and ethical apartment management. Its members operate a substantial number of apartment units in Burnaby and therefore have a direct and continuing interest in maintaining good landlord/tenant relations in the municipality. PAMA is also interested in maintaining a suitable climate for private investment in rental housing accommodations throughout the Province so that the private business sector of the economy will continue to offer an adequate supply of rental accommodation. So far as development of new rental accommodations is concerned, it is important for individual municipalities to avoid becoming singled out as unattractive areas for investment because of any particularly onerous By-laws.
- (2) PAMA is not opposed to the establishment of a properly constituted Rental Grievance Board in the municipality, provided the terms of reference and powers of the Board are equally enforceable against landlords and tenants. The assumption behind some of the existing By-laws and the draft presented by the Burnaby Tenants' Association appears to be that landlords are bad and powerful and that tenants need protection from abuse by landlords. No mention is made about the percentage of tenants who abuse rented premises, fail to pay rent, etc., and there is no provision for the Rental Grievance Board to subpoena tenants, order and enforce the order to conform to a contract or law, or fine them for failing to adhere to their rental contract or the law.

With the introduction of Part II of the Landlord and Tenant Act in 1970, distress was removed and the taking of security deposits, except where specifically allowed by Municipal By-law, was prohibited. The combination of these two changes with others in the By-law that were made at the same time, has resulted in an increase in the abuse of rented premises and landlords are experiencing greater difficulty in collecting rent.

- (3) The great majority of tenants live up to their contracts in every way but changes in the law have made it possible for the minority to more easily break contracts and violate the law with comparative impunity.
- (4) PAMA is strongly in opposition to the draft By-law presented by the Burnaby Tenants' Association, particularly because of the following:

- (1) It is incongruous that a group of people who rent space and services from an owner of a building should have the right to bargain collectively on the cost of those services and space. The person who takes the risk, makes an investment, and pays taxes must have certain democratic rights. He should therefore be able to retain the rights to rent his space and services to whomever he pleases and, at the same time, ask a tenant to leave.

In the collective bargaining process, strikes often occur. In the case of rented accommodation, a tenant's strike against an owner means the tenant would withhold rents and, under the law, the owner must still supply the services or get fined. This is grossly inequitable for the man with the investment

and risk.

- (ii) The owner of an apartment is simply offering for rent an area of space in which his cost of operation is amortized over his number of apartments. There is no logical area where collective bargaining will change his rental structure. If rents become unacceptable to a tenant, he has a simple remedy, and that is to find less expensive accommodation.

It was drawn to the attention of Mr. Richards that the subject of landlord/tenant relations was scheduled for consideration by Council later in the evening.

(c) Dr. R. J. Claus, Department of Geography, University of British Columbia, then spoke and presented a Brief and a Pictorial Display pertaining to advertising signs and a proposal of the municipality to regulate them by By-law. The following is the substance of the Brief from Dr. Claus:

There are several prerequisites to writing a By-law which will create a more attractive, high-quality visual environment. The main requirements in that regard are as follows:

- (a) An attitude of co-operation from all parties. (No one should assume he knows more about what is best for the public than the citizens themselves.)
- (b) Accurate information about the landscape phenomena being controlled.
- (c) Goals which are attainable and will truly create quality in the visual environment.
- (d) A structure and format for the By-law which will ensure that the goals set by the community are attained.

Certain aspects of the proposed Sign By-law must be reconsidered if the above four requirements are to be met. The following are the points that should be given attention in that regard:

- (i) The predominant attitude of well-established sign companies toward civic improvement has been one of co-operation. They seek to contribute to a visually attractive landscape. The major obstacle they face in this effort is an inability to instrument many of the new technological innovations and improved standards which have been developed because of negative restrictions by municipal governments. Central to the problem is that whenever a visible structure is erected on the landscape, the structure remains in existence until time or costs have necessitated its modifications or removal. A By-law such as that proposed by Burnaby, which views existing non-conforming signs as necessary evils that cannot be changed in any way, prevent new developments in technology which could improve the existing signs from being applied.

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The attitude of the Planning Department toward first party on-premise signs is generally acceptable because, while the Department is still learning a great deal about signs and their functions, it does have some conception as to the importance of the communication function served by such signs. However, there seems to be a definite prejudice against third-party non-accessory signs even where there appears to be no reason for any objections to this use of the urban space, a situation that is reflected in the proposed By-law.

A second point that is found to be objectionable in the proposed By-law is that possible improvements to the quality of non-accessory signs or billboards can be ignored because they will be removed before too long.

Too often, because of a cultural bias, poor information or incomplete academic training, planners fail to recognize what a highly effective and valuable method of communication billboards are in society. In a mobile society, certain sites are uniquely suited to communicate a message to particular people. In the less valuable sites for non-accessory signs, their use may be discontinued because they will not justify the costs of rent and maintenance, but superior sites will probably remain viable for billboards for many years.

A By-law should be written by Burnaby which will allow the better sites for billboard use to be improved in design and structure. There could even be a programme of retirement for the signs on less desirable sites with the introduction of the new trio displays on a few superior sites. This would logically encourage better design in the economically viable signs while retiring those that will not generate sufficient income to justify their existence.

- (2) Because the sign industry faces a major problem in the information and planning processes as it only relatively recently has become a subject of study in planning and academic journals, the industry has generally had to rely on personal contact between signs-man and planner for the development of rational attitudes toward sign control. The general lack of concrete knowledge about the nature of the sign industry, from new technological developments to design applications, has been evident in conversations with the staff of the Planning Department. This, coupled with a bias against some types of signs, manifests itself clearly in certain parts of the proposed By-law and will therefore prevent the full range of possible improvements in the Burnaby sign environment
- (3) It has been noted that the Council has begun to encourage intelligent utilization of the various land use areas in the municipality but some parts of the proposed Sign By-law will not promote improvement in the quality of signs. In fact, they may actually work against the Sign Company which favours high design quality in signs. Some of the land use control restrictions on signs are illogical with regard to sign placement and discriminate against some land owners for no apparent reason.

- (4) The two sections of the proposed By-law that need immediate reconstruction are -

the stipulation of coverage area of a sign

the one-acre locational requirement for non-accessory signs or billboards.

One of the worst mistakes that can be made in codification of a by-law is incorrect or ambiguous use of terms. It seems extremely difficult for staff of the Planning Department to understand that copy area is the term that must be used to refer to the allowable area of a sign. This is the area used for the communication or message. Without such precise wording, the intentions of the legislation can be misinterpreted. The total area of a sign is one of the last areas in which a Planner should attempt to apply restrictions. It would be much like stipulating that all paintings in an art gallery can only have a one-inch pine frame. Without a degree of flexibility in frame size, a sign cannot be designed to fit into the surrounding environment or background. One of the most reasonable objections to many non-accessory signs has been the low quality of the frame and support structures on these signs. One of the major innovations in design and technology in the industry has been the introduction of means of improving the situation. If an overall dimension of 200 square feet, including the frame, were demanded, the use of nationally produced lithographed copy would be practically impossible. The only alternative would be a hand painted individual sign which would not be of the same high quality as those presently seen in the outdoor media. The high quality, low density trioboard programme would be thwarted completely if such restrictions were read as applicable to total sign area.

The term "coverage area" should be clearly defined to avoid significant misinterpretation.

The reasons for stipulating the one acre locational requirement, as mentioned above, seem non-existent. The reason for creating a land use zone should be that the uses in the area make sense from an economic-sociological point of view. The factors or variables which make for a superior outdoor communication device are well known.

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN LAWSON:

"That the submission made this evening by Dr. Claus pertaining to the proposed Sign By-law be referred to the Planning Department for comment."

CARRIED UNANIMOUSLY

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ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:

"That all of the below listed Original Communications be received."

CARRIED UNANIMOUSLY

Mrs. E. Roach, Secretary, Burnaby Minor Lacrosse Association, wrote to request permission to hold a Tag Day at various Shopping Centres in the municipality on the weekend of April 28th and 29, 1972.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:

"That permission be granted to the Association to conduct its campaign at the times and in the locations indicated."

CARRIED UNANIMOUSLY

Mrs. Margaret Mills submitted a letter requesting payment for costs she claimed to have incurred as a result of her water being discoloured and causing clothes she was washing to be soiled.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:

"That consideration of the request from Mrs. Mills be deferred until the "In Camera" session later in the evening."

CARRIED UNANIMOUSLY

Mr. Harold Harnett, Secretary-Treasurer, Fraser Valley Mosquito Control Board, submitted a circular letter advising that the Annual Meeting of the Board will be held in the Municipal Hall, Mission, B.C. on Thursday, February 24, 1972 commencing at 8:00 p.m.

Mr. N. D. Eastman, Port Manager, The North Fraser Harbour Commissioners, submitted a letter forwarding a copy of the financial statement of the Commission for the year ended December 31, 1971.

Irene J. and Arthur T. Lavers and Mabel B. and Walter T. Allemann wrote to request that Council arrange for the relocation of the skeet shooting activity in the central part of the municipality because of the noise caused by such shooting.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:

"That action on the request from Mr. and Mrs. Lavers and Mr. and Mrs. Allemann be deferred until consideration of Item (19) of the Municipal Manager's Report No. 11, 1972 later in the evening."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN CLARK:

"That Aldermen Constable and Ladner be granted Leave of Absence from this meeting."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

ALDERMAN BLAIR served the following Notice of Motion:

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"That a by-law be drawn up governing the placement and design of residential buildings where there is a view obstruction or an invasion of privacy to an existing building."

It was understood by Council that this proposal of Alderman Blair would be returned to Council on February 21st for consideration.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN DOWDING:
"Whereas apartment living in Burnaby is ever increasing;

And Whereas the Council has been approached on several occasions to establish a Landlord and Tenant By-law;

And Whereas the By-laws now in existence in other municipalities have not met with the approval of Council as of this date:

Therefore Be It Resolved that the Mayor be empowered to strike a Committee comprised of a representative of the Burnaby Tenants' Association, the Apartment Owners' Association, and one member of Council to draft a Landlord and Tenant By-law agreeable to both parties and that the By-law so drafted be brought forward to the Council on March 13, 1972."

IN FAVOUR -- ALDERMAN DAILLY

AGAINST -- MAYOR PRITTIE,
ALDERMEN BLAIR, CLARK,
DRUMMOND, DOWDING, AND
LAWSON

MOTION LOST

* * *

R E P O R T S

MAYOR PRITTIE submitted a Report recommending that the following persons be appointed to the Landlord and Tenant Advisory Bureau for the Year 1972:

- (1) Alderman W. A. Blair
- (2) Mr. Barney Johnsrude, 8009 Macpherson Avenue, Burnaby 1
(retired business manager)
- (3) Mr. David Halikowski, 5492 Clinton Street, Burnaby 1
(commercial telegrapher)

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

CARRIED UNANIMOUSLY

* * *

MUNICIPAL MANAGER submitted Report No. 11, 1972 on the matters listed below as Items (1) to (19), either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Proposed Chevron Refinery Expansion

Chevron Canada Ltd. has supplied a letter, a copy of which was being submitted this evening, advising of the situation with regard to

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potential problems of noise and odour connected with the expansion of facilities at its plant.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LAWSON:

"That the report, and the attachment to it, from the Manager be received."

CARRIED UNANIMOUSLY

(2) Proposed Levy of Park Committee of Greater Vancouver Regional District

In 1971, the .35 mill levy of the Vancouver-Fraser Park District yielded, in the case of Burnaby, \$125,338.00.

In 1972, this millage will yield \$133,157.00 and, if it was .50 mill, the amount would be \$190,224.00.

The 1972 Provisional Budget only allows for a levy of .35 mill.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:

"That the report of the Manager be received and the Council representatives on the Park Committee of the Greater Vancouver Regional District be advised that Council does not support an increase in the levy the Committee proposes to impose on member municipalities, for 1972, from .35 to .5 mill because it is felt the revenue which will be produced as a result of applying the .35 factor to the appropriate assessment for Burnaby this year will be sufficient to satisfy the financial requirements of the Committee for its operations."

CARRIED UNANIMOUSLY

(3) Monthly Report of R.C.M.P.

A report of the R.C.M.P. covering the policing of the municipality during the month of January, 1972 was being submitted.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN BLAIR:

"That the report be received."

CARRIED UNANIMOUSLY

(4) Burnaby Local Improvement Charges By-law 1971, Amendment By-law No. 1, 1972

It was recommended that Burnaby Local Improvement Charges By-law 1971 be amended to include the following categories of works:

- (a) pavement 23 feet wide with concrete curbs,
- (b) pavement 35 feet wide with concrete curbs,
- (c) pavement 36 feet wide with a concrete curb on one side of the street only,
- (d) pavement 28 feet wide with a concrete curb on one side of the street and a 4½ foot wide curb sidewalk on the opposite side of the street,

- (e) pavement 36 feet wide with a concrete curb on one side of the street and a six foot wide curb sidewalk on the opposite side of the street.

The corresponding levy for each of the above categories of work is:

- (a) 75¢ per taxable front foot, payable in 15 annual installments, except where a pavement is already in place for which Local Improvement charges are currently being paid, in which case the annual rate shall be reduced by 37¢ for the affected properties. Where a four foot wide sidewalk is already in place for which Local Improvement charges are currently being paid, the annual charge shall be reduced by a further 37¢ to the affected owners.
- (b) 75¢ per taxable front foot, payable in 15 annual installments, except where a pavement is already in place for which Local Improvement charges are currently being paid, in which case the annual rate shall be reduced by 37¢ for the affected properties. Where a four foot wide sidewalk is already in place for which Local Improvement Charges are currently being paid, the annual charge shall be reduced by a further 37¢ to the affected owners.
- (c) 15¢ per taxable front foot, payable in 15 annual installments to the properties abutting the asphaltic pavement only and 75¢ per taxable front foot, payable in 15 annual installments, to the properties abutting the asphaltic paving and curbs.
- (d) 75¢ per taxable front foot, payable in 15 annual installments, to properties abutting curbs only and 89¢ per taxable front foot, payable in 15 annual installments, to properties abutting curb sidewalks, except where a pavement is already in place for which Local Improvement charges are currently being paid, in which case the annual rate shall be reduced by 37¢ to the affected properties. Where a four foot wide sidewalk is already in place for which Local Improvement charges are currently being paid, the annual charge shall be reduced by a further 37¢ to the affected owners.
- (e) 75¢ per taxable front foot, payable in 15 annual installments, for the properties abutting the curbs, and 92¢ per taxable front foot, payable in 15 annual installments, to properties abutting the curb sidewalks, except where a pavement is already in place for which Local Improvement charges are currently being paid, in which case the annual rate shall be reduced by 37¢ for the affected properties. Where a four foot sidewalk is already in place for which Local Improvement charges are currently being paid, the annual charge shall be reduced by a further 37¢ for the affected owners.

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

CARRIED UNANIMOUSLY

ALDERMAN DAILLY LEFT THE MEETING.

(5) Cost Report - 1972/73 Local Improvement Initiative Programme

herewith
The Municipal Treasurer was filing the cost report that was prepared pursuant to Section 601 of the Municipal Act in respect of the works covered by Stage 1 of the above Programme.

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MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LAWSON:
"That the report of the Treasurer be received."

CARRIED UNANIMOUSLY

ALDERMAN DAILLY RETURNED TO THE MEETING.

(6) Stride Avenue Area

The Planning Department has reported as follows on the progress of development plans for land in the above area.

Any development by the B. C. Hydro and Power Authority is dependent firstly upon a suitable conclusion to the current land exchange negotiations and secondly upon the passage of a By-law rezoning the area concerned to an industrial zoning category. On the assumption Council approval will be forthcoming, the B. C. Hydro and Power Authority has carried out some preliminary studies to support its proposals, which are as follows:

- (a) The existing power line would be relocated along the railway and the land filled and regraded to a general slope falling from the 19th - 20th Diversion to the railway. The regraded land would then be serviced, provided with access from 14th Avenue and subdivided into approximately 6 rail-serviced sites for warehousing and office use or some non-polluting manufacturing uses acceptable to the municipality.
- (b) The area West of the railway would be graded and retained as one large site at the moment, with rail service and vehicular access from 14th Avenue.

Depending upon certain negotiations currently underway between the railways, the car carriers and the automobile manufacturers, the whole site would be used for new automobile storage for an interim period (ten to twenty years) with an accessory office building and maintenance shop located on the Stride Avenue frontage. Ultimate useage, with the relocation of the car storage, could be warehousing.

A complete report on land exchange, zoning, servicing, etc., will be presented to Council once the current series of meetings with officials from the B.C. Hydro and Power Authority have been concluded.

If Council is not receptive to the type of development that is being planned for the area, then this should be made known now.

It was recommended that staff continue to negotiate with the B. C. Hydro and Power Authority on the development of the Stride Avenue Area.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:
"That staff of the municipality continue to negotiate with the B. C. Hydro and Power Authority on the development of land in the Stride Avenue Area, but on the basis that a higher use of the land than

that indicated in the above report is achieved."

CARRIED UNANIMOUSLY

(7) Foreshore Park Strip - Big Bend Area

The Planning Department has submitted a report on the above matter, and it was recommended that the report be tabled until the Parks and Recreation Commission has offered its comments on the proposal of the Planning Department outlined in the report.

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

CARRIED UNANIMOUSLY

(8) Proposed Golf Course Driving Range Building

The Chief Building Inspector has discussed alternate roofing methods with Shopland Construction Ltd. and has indicated that a factory-made acoustic steel deck is not available and any site application of acoustic material to the underside of the deck would not be durable.

He was therefore recommending the retention of the four by eight purlins at five foot on centers, flush mounted on hangers to span between the beams, over which would be placed two inch tongue and groove cedar plank decking covered with roofing, as originally specified (Clase A). This form of roof covering will give the sound deadening effect which is desired as well as sufficient stiffness that the roof may be used in the future as a second teeing platform. This roof modification has been estimated by the Company to cost an additional \$1,200.00.

The total over-expenditure anticipated in connection with the project at hand will now be \$1,506.00, if Council accepts this \$1,200.00 change, but the funds required can be appropriated from the 1971 Capital Programme allocation to the Golf Course Improvements.

Since time was of the essence, the Manager authorized the extra \$1,200.00 expenditure.

It was recommended that Council ratify this action of the Manager to authorize the construction of a two inch wooden deck covered with a tar and gravel roofing composition costing \$1,200.00.

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

CARRIED UNANIMOUSLY

(9) Contract #7 - Storm Drainage
FEDERAL-PROVINCIAL EMPLOYMENT LOANS PROGRAMME (Part 7)

It was recommended that Council accept the tender of Standard General Construction Ltd. for the supply and installation of the storm drainage materials mentioned in the report, in the amount of \$208,171.65 with final payment to be based on the actual quantities and the unit prices tendered for each item.

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

CARRIED UNANIMOUSLY

(10) 1972/73 Local Improvement Programme - Part 2 of Second Stage

It was recommended that Council authorize the execution of an agreement with N. D. Lea and Associates Ltd. for the provision of the street design services indicated in the report, with payment to be based on the scale of minimum fees of the Association of B. C. Professional Engineers, with the maximum not to exceed \$9,390.00.

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

CARRIED UNANIMOUSLY

(11) 5926 Gilpin Street (Meldrum)

Because of the inspections which were made of the dwelling at the above location. It was again being recommended that the Corporation exercise its right to terminate the lease of the property and subsequently demolish the house.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LAWSON:
"That the recommendation of the Manager be adopted but, before Notice to Vacate is served on the tenants in the house, pictures be taken of the building so that there will be some pictorial evidence of its condition."

CARRIED UNANIMOUSLY

MAYOR PRITTIE DECLARED A RECESS AT 8:55 P.M.

THE COMMITTEE RECONVENED AT 9:10 P.M.

(12) 1971 Final Recast Budget

The statements pertaining to the above Budget were being submitted this evening and, because budgeted figures in some instances were overspent, it is necessary to amend the Budget By-law for 1971.

The Budget for the per capita welfare charge was close to the final actual cost and the Reserve for snow removal had to be used.

Excess of revenues over expenditures amounted to \$85,491.00.

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

CARRIED UNANIMOUSLY

(13) Burnaby Noise or Sound Abatement By-law 1972

The Legal Department has indicated that the Corporation cannot issue permits under the above By-law.

It has also advised that the use of vehicles for emergency purposes is covered by Provincial legislation.

If it is found, at a later date, that changes need to be made as a result of enforcing the By-law, then an amendment to the Municipal Act will need to be sought.

Because Clauses 24, 27, 30 and 31, as well as Schedules "A" and "B", of the By-law (which relate to the matters outlined above) are ultra vires, it was being recommended that these clauses and schedules be deleted.

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

CARRIED UNANIMOUSLY

(14) Contract #8 - Storm Drainage
FEDERAL-PROVINCIAL EMPLOYMENT LOANS PROGRAMME (Part 8)

It was recommended that Council accept the tender of Gosal Bros. Contracting Ltd. for the supply and installation of the storm drainage materials mentioned in the report, in the amount of \$213,156.40, with final payment to be based on the actual quantities and the unit prices tendered for each item.

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

CARRIED UNANIMOUSLY

(15) Reference RZ #57/71
6.28 and 7.56 acre parcels of Lot 67, D.L.'s 6 and 56, Plan 38574

It was recommended that Council establish the following prerequisites in connection with a proposal to rezone the above described properties to Comprehensive Development District (CD):

- (a) the submission of a suitable subdivision plan, which dedicates the rights-of-way deemed requisite;
- (b) the granting of the required walkway easements;
- (c) the deposit of monies to cover the costs of constructing roads, the pedestrian overpass and all other municipal services required;

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(d) the granting of the necessary easements to install the required services;

(e) the submission of a suitable plan of development.

all as more particularly explained in the report.

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

CARRIED UNANIMOUSLY

(16) Special Estimates

It was recommended that the Special Estimates of work of the Municipal Engineer, in the total amount of \$945,000.00, be approved.

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

CARRIED UNANIMOUSLY

(17) Contract - J. Cewe Ltd.

It was recommended that Council grant an extension of time to Jack Cewe Ltd. to complete the projects in Local Improvement Contract #1, 1971 until June 30, 1972 without the application of the liquidated damages clause in the Contract for the reasons provided in the report.

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

CARRIED UNANIMOUSLY

(18) Avalon Avenue (Burnaby Horsemen's Association)

The Burnaby Horsemen's Association has written to request that horses be allowed to use Avalon Avenue.

The Parks and Recreation Commission has advised that it will repair the condition of the riding trail between Cariboo Road and the site of the stable of the Association at 9080 Avalon Avenue in order to make it more suitable for use by horses. Once this work has been done, there will be no need for the horses to use Avalon Avenue.

It was recommended that the Burnaby Horsemen's Association be informed of the work that is to be done by the Parks and Recreation Commission to the riding trail in question.

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

CARRIED UNANIMOUSLY

ALDERMAN DRUMMOND LEFT THE MEETING.

(19) Skeet Shooting (Lavers and Allemann)

As a result of a request Council received earlier in the evening from the above noted that the skeet shooting activity in the central part of the municipality be relocated, the Health Department has investigated the matter and has indicated that a conclusion should be reached within one month, which will be by March 20, 1972.

A report on the findings will be submitted to Council at that time.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN DOWDING:
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

* *

BY - LAWS

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:
"That:

"BURNABY LOCAL IMPROVEMENT CHARGES BY-LAW 1971, AMENDMENT
BY-LAW NO. 1, 1972"

#6054

"BURNABY BUDGET AUTHORIZATION BY-LAW 1971, AMENDMENT
BY-LAW 1972"

#6053

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 CLARK, SECONDED BY ALDERMAN DAILLY:
"That the Committee now rise and report the By-laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:

"That:

"BURNABY LOCAL IMPROVEMENT CHARGES BY-LAW 1971, AMENDMENT
BY-LAW NO. 1, 1972"

"BURNABY BUDGET AUTHORIZATION BY-LAW 1971, AMENDMENT BY-LAW
1972"

be now read three times."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN DAILLY:

"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. 2, 1966" #4895

"BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1972" #6052

CARRIED UNANIMOUSLY

Burnaby Zoning By-law 1965, Amendment By-law No. 2, 1966 provides
for the following rezoning:

Reference RZ #5/65

FROM C5 TO RM1

Lot 1, Expl. Pl. 16419, R.S.D. "C", S.D. "B" and 20, Blks.
4 and 5, D.L. 125, Plans 3347 and 3520

5257 Loughheed Highway

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

Mayor Prittle mentioned that Mr. D. Mallard of S.P.E.C. was present
and desired an audience in connection with Burnaby Noise or
Sound Abatement By-law 1972.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:

"That Mr. Mallard be heard."

CARRIED UNANIMOUSLY

Mr. Mallard then spoke and made the following points in his submission:

- (a) The By-law should refer only to the word "sound", noise
and sound having the same meaning.
- (b) The word "decibals" should be redefined by replacing the
words "two amounts of power" with the words "two sound
pressure levels" in the second to last line.
- (c) Non-continuous sound should not be rated higher than
continuous sound, the former is considered a greater
nuisance than the latter.
- (d) Section 27 of the By-law should designate specified areas
in the municipality where permission will be granted to use
or operate a model airplane, rocket or noisy hobby.

- (e) No sound level measurements should be taken when the wind velocity is above 15 m.p.h.
- (f) The By-law should regulate noise from motorcycles, either emitted by one such vehicle or a group of them.
- (g) Sound levels should be established in the By-law for the playing of loud music such as amplified rock and roll, and bands playing such music should advertise in advance that the sound produced could cause temporary hearing impairments.
- (h) A clause should be inserted in the By-law requiring the municipality to act when three or more written complaints are received about noise.
- (i) The By-law should require that noise heard in a dwelling not exceed 45 dba during the day and 35 at night.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LAWSON:

"That the points made in the submission of Mr. Mallard this evening be referred to the Technical Sub-Committee dealing with the Noise By-law for consideration and report."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN CLARK:

"That Burnaby Noise or Sound Abatement By-law 1972 be amended by deleting Clauses 24, 27, 30 and 31, and Schedules "A" and "B" therefrom, as per the recommendation in Item 13 of the Municipal Manager's Report No. 11, 1972 which Council received earlier in the evening."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN BLAIR:

"That the Committee now rise and report Burnaby Zoning By-law 1965, Amendment By-law No. 2, 1966 complete and Burnaby Noise or Sound Abatement By-law 1972 complete, as amended."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LAWSON:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 2, 1966"

"BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1972"

be now read three times."

CARRIED UNANIMOUSLY

* * *

Feb/14/1972

Burnaby Zoning By-law 1965, Amendment By-law No. 6, 1972 #6032
came forward for Reconsideration and Final Adoption. This By-law
provides for the following proposed rezoning:

Reference RZ #69/71

FROM M2 TO Truck Terminal District (M6)

Lots 2 and 3, S.D. "C", Blk. 1, D.L. 75, Plan 4147

2822 and 2836 Norland Avenue

Planning Department submitted a memo explaining that the acquisition
of a portion of the above properties for a walkway adjacent to
Still Creek will not be necessary.

The Department added that the owner of the properties was being
asked for an undertaking regarding the protection of the Creek.

The Planning Department advised that the development plan
for the properties is acceptable, and therefore the By-law
can be Finally Adopted.

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 61, 1971 #6010
also came forward for Reconsideration and Final Adoption. This
By-law provides for the following proposed rezoning:

Reference RZ #13/71

From C3 and P8 to Comprehensive Development District (CD)

- (a) Lots 4 and 6, Block 26, D.L.'s 151/3, Plan 4798
- (b) Lot 5, Block 26, D.L. 152, Plan 4932
- (c) Lots 38 and 39, D.L.'s 32 and 152, Plan 24986
- (d) Lot "A", Block 26, D.L. 152, Plan 5847

(4989, 4969, 4949 Bennett Street, 4950 to 4956, 4980 and
5000 Kingsway)

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

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN BLAIR:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 6, 1972" #6032

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 61, 1971" #6010

"BURNABY LOAN AUTHORIZATION BY-LAW NO. 1, 1972" #6049

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

CARRIED UNANIMOUSLY

- 20 -

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The Council sat "In Camera" at 9:50 p.m.