

ITEM 5

MANAGER'S REPORT NO. 52

COUNCIL MEETING Aug. 28/72

5. Re: Repeal of Section 458LL, Municipal Act
And the Rescission of Bylaw No. 5764

On April 26, 1971, Council was advised that Section 458LL of the Municipal Act had been repealed, rendering Burnaby Mobile Buildings Occupancy Fee Bylaw 1970, Bylaw No. 5764, ultra vires. At that time Council was advised that Bill No. 78, the Mobile Home Park Fee Act which supplanted Section 458LL, had not been enacted.

Subsequently, Bill No. 78 was enacted and the Corporation's Licence Department carried out the directions outlined in the bill. The consequence was that \$2,989.00 was collected in 1971 as compared with \$2,524.92 in 1970. The reason for the increase is that Section 458LL exempted mobile homes with floor area below 300 square feet. This resulted in greater revenue even though Bill 78's rates are lower.

While Bylaw No. 5764 is completely invalid, it would be well to rescind it.

RECOMMENDATION:

THAT Bylaw No. 5764 be rescinded.