

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

PRESENT:

Mayor R. W. Prittie in the Chair;
Alderman W. A. Blair (7:08 p.m.);
Alderman W. R. Clark;
Alderman T. W. Constable;
Alderman J. Dailly;
Alderman G. M. Dowding;
Alderman J. D. Drummond (7:12 p.m.);
Alderman H. G. Ladner;
Alderman D. A. Lawson;

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 DOWDING:

"That the Minutes of the Council Meeting held on January 31, 1972 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

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DELEGATIONS

The following wrote requesting an audience with Council:

- (a) The Playhouse Theatre Company re grant
- (b) Greater Vancouver Apartment Owners' Association re landlord/tenant relations

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:

"That both of the delegations be heard."

CARRIED UNANIMOUSLY

(a) Mr. Jeffrey Andrew appeared on behalf of the Playhouse Theatre Company and stated that the following were the reasons why the Company is seeking a grant in the amount of \$7,500.00:

- (a) The Playhouse Theatre Company is providing an important cultural activity to the citizens in the Lower Mainland Area and features Canadian talent and script writing.

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- (b) The Company is concentrating on the production of first editions of plays.
- (c) Admission prices range from \$1.00 for senior citizens to \$4.75 for other persons on Friday and Saturday evenings, all of which is slightly below the national average.
- (d) The grant would be applied to the current 1971/72 Season.
- (e) Production costs have accelerated and subscription income revenue has declined.

As a result of being asked by Council, Mr. Ellison of the Playhouse Theatre Company stated that the Company has received grants from the Cultural Fund of the Canada Council and a number of municipalities in the Lower Mainland Area. He added that the City of Vancouver abates the rent on the building used by the Playhouse Theatre Company, the value of which is \$29,000.00.

ALDERMAN BLAIR ARRIVED AT THE MEETING.

MOVED BY ALDERMAN DOWDING, SECONDED BY ALDERMAN CONSTABLE:
"That the application of the Playhouse Theatre Company for a grant in the amount of \$7,500.00 be referred to the Grants and Publicity Committee for consideration and recommendation."

CARRIED UNANIMOUSLY

(b) Mr. Oliver A. Kuys appeared on behalf of the Greater Vancouver Apartment Owners' Association and presented a Brief on the subject of landlord/tenant relations.

ALDERMAN DRUMMOND ARRIVED AT THE MEETING.

Mr. Kuys then made the following comments regarding the subject of his submission:

- (a) The vacancy rate in apartments is much higher now than it was three years ago.
- (b) Whenever there is a pronounced vacancy rate, this is a healthy situation and reduces the problems concerning tenants in apartments.
- (c) The housing stock in the Lower Mainland Area has doubled in the last year.
- (d) One way of improving the situation for tenants is for them to seek longer leases - perhaps for as much as twelve months.
- (e) It is not fair, as is contended by the Burnaby Tenants' Association in its submission to Council, to relate operating costs of apartments to tax increases. A major factor that should be taken into account by apartment owners is replacement costs. In that regard, a prudent owner will establish a sinking fund so that money will be available when it is time to replace

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things connected with the apartment. In addition, the owner should make provision for escalating increases.

Rents must therefore reflect the situation just explained.

- (f) The interest on mortgage rates has fluctuated and this compounds the problem for apartment owners.
- (g) The rental delinquency clause in the proposed By-law of the Burnaby Tenants' Association is not acceptable.
- (h) The By-law of the Association would, if passed by Council, result in throwing the costs to apartment owners due to irresponsible tenants (who number about 1% of the total) onto the remaining 99%, who are responsible people.
- (i) A Rental Grievance Board should be advisory in nature.

It was mentioned to Mr. Kays that Council was scheduled to consider a motion being advanced by Alderman Constable in connection with landlord/tenant relations later in the evening.

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ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:

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

CARRIED UNANIMOUSLY

Miss R. Martin submitted a letter expressing appreciation to the members of the Fire Department who attended to her mother after she had a fall in her home.

Mr. D. E. Smith, Chairman, Fund Raising Committee, Burnaby Minor Hockey Association, wrote to request permission to hold a Walkathon on March 5th commencing at 9:00 a.m. and finishing at approximately noon along a route outlined on an accompanying map.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:

"That permission be granted to the Association to conduct its activity at the time and along the route indicated, subject to:

- (a) The approval of the R.C.M.P.
- (b) The Provincial Department of Highways having no objection to the use of the arterial highways which the Association plans to use for its Walkathon."

CARRIED UNANIMOUSLY

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Chairman, Sponsoring Committee and Commanding Officer No. 759 Eagle Squadron, Royal Canadian Air Cadets, submitted a letter requesting permission for the Air Cadets in the Squadron to use the R.C.M.P. small arms firing range.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:
"That consideration of the request from the Air Cadets be deferred until receipt of Item 21 of the Municipal Manager's Report No. 9, 1972 later in the evening."

CARRIED UNANIMOUSLY

Mr. T. M. Youngberg, C.M.C., Chief Administrative Officer, The Corporation of the Township of Richmond, wrote to forward a copy of a communication he received from the B. C. Hydro and Power Authority, together with a copy of his reply, relating to a proposal of the Authority to cross a 217 acre nature park in Richmond.

Irene J. and Arthur T. Lavers and Mabel and Walter T. Allemann wrote to protest the keeping of horses in the 7400 Block Government Street and asking that the municipality take such steps as are necessary to rectify the problems caused by the presence of the horses.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:
"That consideration of the complaint from Mr. and Mrs. Lavers and Mr. and Mrs. Allemann be deferred until receipt of Item (17) of the Municipal Manager's Report No. 9, 1972 later in the evening."

CARRIED UNANIMOUSLY

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T A B L E D I T E M S

The following matters were then lifted from the table:

(a) Vancouver - Fraser Park District Levy

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LADNER:
"That Council go on record as being opposed to an increase the Parks Committee of the Greater Vancouver Regional District proposes to make in the levy on member municipalities, for 1972, from .35 to .5 mill.

MOVED BY ALDERMAN DAILLY, SECONDED BY ALDERMAN CONSTABLE:
"That action on the previous motion be deferred until it can be ascertained what the difference in dollar value is between the .35 and .5 mill."

CARRIED UNANIMOUSLY

(b) Abandoned Vehicles

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"That consideration of this matter be deferred until receipt of Item (6) of the Municipal Manager's Report No. 9, 1972 later in the evening."

CARRIED UNANIMOUSLY

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ENQUIRIES

ALDERMAN DAILLY asked for a progress report on the redevelopment proposal for the 3800 and 3900 Blocks Hastings Street.

Planning Director stated that a meeting had been held with representatives of the Federal and Provincial Governments to discuss the new proposal call for the Redevelopment Project mentioned by Alderman Dailly, and he explained that this new call should be made within the next three or four weeks.

MOVED BY ALDERMAN CONSTABLE, SECONDED BY ALDERMAN DAILLY:

"That the Municipal Solicitor be instructed to draw up a By-law covering the Landlord and Tenant Relations based on the Draft By-law presented by the Burnaby Tenant's Association to the Council on January 24, 1972, but to leave out any reference to certification of units for bargaining purposes."

MAYOR PRITTIE stated that he expected to be reporting to Council on February 14th on the matter of the three appointees to the Landlord/Tenant Advisory Bureau.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DRUMMOND:

"That all the words in the above motion after "Relations" be deleted and the Municipal Solicitor, in preparing the By-law in question, ensure that landlords are given the same treatment as tenants in the provisions of the By-law."

CARRIED

AGAINST -- MAYOR PRITTIE, ALDERMEN
LADNER, LAWSON AND DAILLY

A vote was then taken on the Original Motion, as amended, with the following results:

IN FAVOUR -- ALDERMEN CONSTABLE, DOWDING, DRUMMOND AND CLARK

AGAINST -- MAYOR PRITTIE, ALDERMEN LAWSON, LADNER, DAILLY
AND BLAIR

MOTION LOST

ALDERMAN DAILLY served a Notice of Motion that he would be returning, for reconsideration, at the February 14th Council Meeting the matter of a By-Law being enacted to cover Landlord and Tenant Relations.

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REPORTS

MAYOR PRITTIE submitted a report recommending that Alderman Dailly be appointed as the Burnaby Representative on the Park Committee of the Greater Vancouver Regional District, with Alderman Dowding as the alternate.

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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HOUSING COMMITTEE submitted a report recommending that, before further consideration is given the matter of the municipality becoming involved in the field of mobile home park development, the proposed amendments to the Zoning By-law (including the accompanying regulations) covering mobile home parks be considered by Council and forwarded to a Public Hearing."

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:
"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

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MUNICIPAL MANAGER submitted Report No. 9, 1972 on the matters listed below as Items (1) to (23), either providing the information shown or recommending the courses of action indicated for the reasons given:

(21) R.C.M.P. Firing Range (Royal Canadian Air Cadets)

The following report was being submitted in connection with a request Council received earlier in the evening from Squadron #759 of the Royal Canadian Air Cadets to use the R.C.M.P. small arms firing range.

The R.C.M.P. has advised that the Range will be closed for renovations for about 1 month in the immediate future but, even so, there are the following reservations about granting the request of the Air Cadets:

- (a) The liability aspect in the event of an accident.
- (b) The insistence on strict safety measures and practice only when a Range Officer is present. Funds are not available for the appointment of a Range Officer to oversee the activities of non-R.C.M.P. affiliated groups at the firing range.
- (c) R.C.M.P. officers require the range for practice at all hours of the day and night.
- (d) The granting of the requests would establish a precedent for other similar groups to use the firing range.
- (e) Similar requests have been rejected in the past, including one from the #759 Eagle Squadron on October 6, 1970.

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It was recommended that the request of the Royal Canadian Air Cadets, Squadron #759, to use the R.C.M.P. small arms firing range be denied and that a copy of the foregoing report be forwarded to the representatives of the Air Cadets.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LAWSON:

"That the subject of the report from the Manager be referred back to him to explore the possibility of locating a building in the municipality in which the activity planned by the Air Cadets can be accommodated."

CARRIED

AGAINST -- ALDERMEN DAILLY,
CONSTABLE AND DOWDING

MAYOR PRITTIE DECLARED A RECESS AT 9:00 P.M.

THE COMMITTEE RECONVENED AT 9:15 P.M.

(1) Western Canadian Cities Labour Relations and Personnel Conference

It was recommended that Council authorize the Personnel Director to attend the above Conference in Edmonton, Alberta between February 15th and 18, 1972 inclusive.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN LAWSON:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(2) Monthly Report of Building Department

A report of the Chief Building Inspector covering the operations of his Department between January 3rd and January 28, 1972 was being submitted.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:

"That the report be received."

CARRIED UNANIMOUSLY

(3) Phase III of 1972/73 Local Improvement Programme

Subsequent to Council passing a By-law in the amount of \$1,470,000.00 to finance storm drainage works required in connection with Stages II and III of the Local Improvement Programme, the Department of Municipal Affairs found it possible to reallocate to Burnaby funds amounting to \$550,000.00 that had been returned by other municipalities.

This will reduce the total of the By-law mentioned earlier to \$900,000.00. A new By-law for this sum is being prepared for the consideration of Council.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:

"That the report of the Manager be received."

CARRIED UNANIMOUSLY

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(4) Contract #5 - Storm Drainage
FEDERAL-PROVINCIAL EMPLOYMENT LOANS PROGRAMME (Part 5)

It was recommended that Council accept the tender of Columbia Bitulithic for the supply and installation of the storm drainage materials mentioned in the report, in the amount of \$202,078.49, with final payment to be based on the actual quantities and the unit prices tendered for each item.

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

CARRIED UNANIMOUSLY

(5) Special Estimates

The Special Estimates of Work of the Municipal Engineer, detailed in the report, which total \$270,000.00, were being submitted for approval.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LADNER:
"That the Special Estimates of Work which are the subject of the report from the Manager be approved."

CARRIED UNANIMOUSLY

(6) Abandoned vehicles

It was recommended that:

- (a) Mr. R. A. Hadfield, Superintendent of Motor Vehicles, Motor Vehicle Branch, Victoria, B. C., be appointed to represent the municipality in all matters pertaining to the disposal of condemned vehicles that are left unclaimed at the Motor Vehicle Inspection Station in Burnaby.
- (b) The Purchasing Agent for the municipality, Mr. K. F. Williams, be authorized to dispose of abandoned vehicles which are found in all parts of the municipality except on the premises of the Motor Vehicle Inspection Station.

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

CARRIED UNANIMOUSLY

(7) Part I of 1972/73 Local Improvement Programme - Second Stage

It was recommended that Council authorize the execution of an agreement with McElhinney Surveying and Engineering Ltd. for the engineering 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 \$10,360.00.

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

CARRIED UNANIMOUSLY

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(8) Burnaby Cab and Commercial Vehicle By-law 1951

It was recommended that the:

- (a) rates pertaining to limousines, as contained in Section 20 of the above By-law, be deleted,
- (b) references to limousines in Section 21 of the By-law also be deleted,

because of the vast difference in the rates between limousines and taxi cabs mentioned in the By-law.

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

CARRIED UNANIMOUSLY

(9) Easement - Portion of Lot 6, D.L. 126, Plan 3473
SUBDIVISION REFERENCE NO. 197/71

It was recommended that Council authorize the:

- (a) acquisition of an easement, for sewerage purposes, at no cost to the Corporation over a portion of the above described property.
- (b) execution of the documents attending the transaction.

(10) Easement - Portion of Blocks 7 and 8, D.L. 126, Plan 3473
SUBDIVISION REFERENCE NO. 88/71

It was recommended that Council authorize the:

- (a) acquisition of an easement, for drainage purposes, at no cost to the Corporation over a portion of the above described property.
- (b) execution of the documents associated with the transaction.

(11) Easement - Portion of Lot 138, D.L. 132, Plan 1493
SUBDIVISION REFERENCE No. 35/71

It was recommended that Council authorize the:

- (a) acquisition of an easement, for sewerage and drainage purposes, at no cost to the Corporation over a portion of the above described property.
- (b) execution of the document connected with the transaction.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DOWDING:
"That the recommendations of the Manager under items (9) to (11) inclusive be adopted."

CARRIED UNANIMOUSLY

(12) Contract No. 6 - Storm Drainage
FEDERAL-PROVINCIAL EMPLOYMENT LOANS PROGRAMME (Part 6)

It was recommended that Council accept the tender of Donmac Contractors Ltd. for the supply and installation of the storm drainage materials mentioned in the report, in the amount of \$218,559.75, with final payment to be based on the actual quantities and the unit prices tendered for each item.

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

CARRIED UNANIMOUSLY

(13) Swimming Pool No. 2 (Bonsor Park)

It was recommended that Council authorize an amendment to the Client/Architect Agreement pertaining to the above project in order to increase the cost of the work to \$680,000.00.

It was also recommended that Council authorize the invitation of tenders for the construction of the swimming pool.

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

CARRIED UNANIMOUSLY

(14) Part III of 1972/73 Local Improvement Programme - First Stage

It was recommended that Council authorize the execution of an agreement with Vector Engineering Ltd. for the 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 \$9,480.00.

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

CARRIED UNANIMOUSLY

(15) Kingsway Town Centre Between Willingdon And Barker Avenues

It was recommended that the following proposals of the Planning Department in regard to the above matter be adopted:

- (a) Confirmation of the established area concept of integrated development of mixed residential and commercial uses, as more particularly described in the report at hand.
- (b) Rezoning of the area on the North side of Kingsway between the Burnaby Centre and the existing high-rise apartment to Comprehensive Development District (CD) in order to protect the implementation of the aforementioned area concept, and the advancing of this rezoning to a Public Hearing.

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

CARRIED UNANIMOUSLY

(16) Hazel Street from McKercher Avenue to Nelson Avenue

A report of the Planning Department indicating the situation with regard to the development of the above portion of Hazel Street was being submitted.

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

CARRIED UNANIMOUSLY

(17) Keeping of Horses -7400 Block Government Street

The following report was being submitted as a result of a protest from Mr. and Mrs. A. Lavers and Mrs. and Mrs. W. Allemann, which Council received earlier in the evening, concerning the keeping of horses in the above area.

Horses are being kept on properties known as 7455 Government Street (Unger - one horse), 7468 Government Street (Mollica - 2 horses), and 7508 Government Street (Lowe - 2 horses).

The pasture area of each property ranges from approximately one and one-quarter acres to three and one-half acres. The parcels are adjacent to each other and have been in use as a pasture for horses or other species of livestock for some years.

The area is zoned R1 and the keeping of horses or livestock is not a permitted use under the current zoning regulations.

The pasture area of 7454 and 7468 Government Street is rented to absentee horse owners, whereas the other property is used by the owner to pasture his own horses.

The fences around the property at 7468 Government Street are in need of repair, some of which has recently been undertaken. The general condition of all fences is such that some attention is necessary but the properties are currently involved in subdivision development - hence there is a certain reluctance to proceed with major repairs. In any case, the municipality has no authority to order such repairs.

The owner of each property has been verbally informed as to the possible non-conforming misuse of his parcel. This information, together with a warning that any recurrence of the complaints may necessitate action to enforce the Zoning By-law, has been served in written form.

It would appear that it is the absentee horse owners who are the major cause of complaint. The fact they are not readily available to capture the animal when it escapes and the possibility the animal may not receive adequate attention (particularly during inclement weather) is often the reason residents become aggravated.

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Should it become necessary to pursue legal action to enforce the By-law, it may be difficult to obtain a conviction. It is believed the horses were being housed on the properties prior to the passage of Burnaby Zoning By-law 1965. Section 9(j) of the former Zoning By-law permitted the keeping of horses; therefore, information must be obtained to prove that the animals were not on the property prior to the passage of the Zoning By-law on June 7, 1965.

Unless the property owners are violating some other municipal by-law, the only action the Corporation may take would be to apprehend the animals while running at large or lay charges for running at large under the provisions of Burnaby Pound By-law 1921.

If the animals are causing damage to private property, this would be a civil matter which must be pursued by the complainants.

In view of the possible legal non-conforming use of the properties and taking into account the nature of the complaints, no further action can be taken at this time. Any future incidents will be investigated under the provisions of the aforementioned Pound By-law.

The Health Department is conducting a separate study of the complaint and, if its findings are significant, Council will receive a report on the matter in approximately two weeks.

It was recommended that:

- (a) No further action be taken at this time in regard to the subject of the report.
- (b) Further complaints concerning the matter be investigated under Burnaby Pound By-law 1921.
- (c) Copies of the report be sent to the complainant and the owners of the horses and properties.

MOVED BY ALDERMAN DOWDING, SECONDED BY ALDERMAN DAILLY:

"That the recommendations of the Manager be adopted but he submit a further report on all aspects of the matter at hand in the event more problems develop."

CARRIED UNANIMOUSLY

(18) Golf Course Driving Range Shed

It was recommended that:

- (a) Council accept the tender of Shopland Construction Ltd. in the amount of \$46,756.00 for the construction of the Golf Course Driving Range Shed.
- (b) Drawings for the Project be revised to reflect the changes mentioned in the report that have been negotiated.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN DOWDING:

"That the recommendations of the Manager be adopted but, before implementation of the action that flows therefrom, he reconsider the question of replacing the three inch wood decking and built up roofing with one and one-half inch profile galvanized steel deck supported on purlins that is referred to in his report."

CARRIED UNANIMOUSLY

(19) Burnaby Noise or Sound Abatement By-law 1971

The Greater Vancouver Regional District has written to comment on the above By-law and has indicated that there is basically no major conflict between that By-law and the one drafted by the Regional District.

The Burnaby By-law has been redrafted to reflect a number of changes that were necessary. The original draft, which has received two readings, should be abandoned and replaced with the latest one.

Chevron Canada Ltd. has written to outline a suggested amendment to the By-law. Staff have briefly reviewed the suggestion and are not prepared to recommend its acceptance.

While the latest By-law may not be perfect, it is felt to be a good starting point. It is close to the proposal made by the Regional District.

The By-law has been most difficult to prepare because there are no precedents. Obviously there may be some problems and these should be reviewed as they arise. Staff feel that, prior to the implementation of the first reduction of sound levels on June 2, 1973, the By-law should definitely be reviewed.

Major problems will be of the type that will arise in the long term because no one can state what technology will be able to do in the future. There needs to be incentive to reach a realistic standard, one which is not only technologically possible but is also economically feasible. At the same time, recognition must be given the question of pressure for improvements.

Any variations in the standards set at this time cannot be recommended.

It was recommended that:

- (a) The By-law in question be brought forward for the consideration of Council.
- (b) The Staff Technical Committee be directed to review the By-law and report its conclusions as a result to Council no later than February 28, 1973.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN LADNER:

"That the report of the Manager be received and action on it be deferred until consideration of the By-law in question later in the evening."

CARRIED UNANIMOUSLY

(20) Lots 4 to 6 inclusive, Block 2, D.L. 161, Plan 1742 (8652 Joffre Avenue)
PRELIMINARY PLAN APPROVAL APPLICATION NO. 1685

It was recommended that the Planning Department be authorized to work with the applicant for the above P.P.A., which is to extend the existing machine shop and foundry operation on the captioned property, in developing a suitable plan that will conform to all bulk requirements which are set forth in the M5 zoning regulations and, when that has been done, the P.P.A. application be granted.

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

CARRIED UNANIMOUSLY

(21) R.C.M.P. Small Arms Firing Range (Royal Canadian Air Cadets)

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

(22) (a) 6621 and 6579 Lily Avenue
(b) 6607 Lily Avenue
BONSOR PARK

It was recommended that Council authorize the demolition of the houses on the properties listed under (a) above immediately and the one at the location indicated under (b) above as of February 29, 1972, so that plans for the development of the lots for park purposes can proceed.

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

CARRIED UNANIMOUSLY

(23) Landlord/Tenant By-law

The Municipal Solicitor has indicated, if Council has the power to pass the By-law, the following in regard to the proposal advanced by the Burnaby Tenants' Association:

- (a) The Grievance Board mentioned in the By-law would be constituted with full power to fix its own procedures. Presumably, evidence need not be on oath - hearsay may be acceptable - and there is no appeal from the Board's decisions.
- (b) Section 15 of the By-law provides that the Board may fine a landlord and these fines are to be kept and used by the Board. Such a fund-raising power could make the Board's decision suspect.
- (c) Sections 1 and 2 of Schedule "A" of the By-law are believed to be ultra vires. Section 2 illustrates the wide powers given to the Board. The Toronto Globe and Mail, in its June 29, 1970 edition, reported that the Ontario Tenants' Association was seeking amendments to the Ontario Act to make it compulsory for landlords to negotiate all rents and rent increases through collective bargaining. It is not known, at this time, whether the Ontario Act has been amended.
- (d) Some of the other sections in Schedule "A" relate to habitable premises, and Section 49 of the Landlord and Tenant Act makes a landlord responsible for maintaining the premises in a good state of repair, fit for habitation and operated in compliance with health and safety standards. The Council may, by By-law, regulate persons and their premises to further repair, protect, promote, and preserve the health of the inhabitants of the municipality.

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and may make regulations to prohibit the creation of
Insanitary conditions.

- (e) Section 13 of Schedule "A" seems to be a reproduction
of Section 39(1) of the Act.
- (f) Section 14 seems to be a reproduction of Section 46
of the Act.
- (g) Section 15 seems to be an extension of Section 58 of
the Act.

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

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BY - L A W S

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That "BURNABY LOAN AUTHORIZATION BY-LAW NO. 1, 1972" #6049 be now introduced
and that Council resolve itself into a Committee of the Whole to
consider and report on the By-law."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DAILLY:
"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 CLARK:
"That "BURNABY LOAN AUTHORIZATION BY-LAW NO. 1, 1972" be now read Three
Times."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN LAWSON:
"That the Council do now resolve into a Committee of the Whole to consider and report on "BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1971" #6003."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN DRUMMOND, SECONDED BY ALDERMAN CONSTABLE:
"That the recommendation under Item (19) of the Municipal Manager's Report No. 9, 1972, which Council received earlier in the evening, be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:
"That the first draft of Burnaby Noise Or Sound Abatement By-law 1971, which received two readings at the Council meeting on November 8, 1971, be abandoned."

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN DRUMMOND:
"That "BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1972" #6052 be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the By-law."

CARRIED UNANIMOUSLY

Municipal Manager stated that he would be reporting to Council on February 14th in connection with the question of permits being issued pursuant to the By-law.

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:
"That the Committee now rise and report progress on the By-law."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

Feb/7/1972

MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN CLARK:

"That "BURNABY NOISE OR SOUND ABATEMENT BY-LAW 1972" be now read two times."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN BLAIR, 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. 6, 1972" #6032."

CARRIED UNANIMOUSLY

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", Block I, D.L. 75, Plan 4147

(2822 and 2836 Norland Avenue)

Municipal Clerk stated that the Planning Department has reported that the prerequisites established by Council in connection with this rezoning proposal are now nearing completion.

It was noted by Council that the rear of the subject property abuts Still Creek. The view was expressed that there would be some merit in obtaining a portion of this rearage, either in the form of an easement or an outright acquisition, for a walkway adjacent to the Creek.

Though it was realized it is too late to require that the owner of the property make such a conveyance to the municipality, the Council directed the Planning Department to determine whether the owner of the property would be prepared to grant the land deemed necessary for the walkway.

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. 6, 1972" be now read Three Times."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN LADNER, SECONDED BY ALDERMAN BLAIR:

"That:

"BURNABY TEMPORARY BORROWING BY-LAW NO. 1, 1972" #6050

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 47, 1970" #5785
be now reconsidered and finally adopted, signed by the Mayor
and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 47, 1970 provides
for the following rezoning:

Reference RZ #42/70

FROM RI TO MULTIPLE FAMILY RESIDENTIAL DISTRICT ONE (RMI)

- (a) Pcl. "A", Ref. Pl. 4157, Pt. S. of Pl. 4829 Exc. Pcl.
1, Expl. Pl. 12354, Blks. 6 and 7, D.L. 4, Plan 845
- (b) Lot 3, Pcl. 1, Sk. 11653, Blk. 6, D.L. 4, Plan 845

(3687 and 3809 Keswick Avenue)

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

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MAYOR PRITTIE stated that he had received a request from the
Junior Chamber of Commerce that Council pay \$79.00 to cover the
expenses which will be incurred by Miss Burnaby in the course
of her attending the Lieutenant Governor's Ball at Government
House in Victoria on February 11, 1972.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN LADNER:

"That authority be granted to pay the amount being sought by the
Burnaby Junior Chamber of Commerce for the purpose explained by
the Mayor."

CARRIED UNANIMOUSLY

MAYOR PRITTIE reported verbally that the U.B.C.M., in conjunction
with the Centre for Continuing Education at the University of
British Columbia, was sponsoring an Orientation Programme for
Aldermen at the Harrison Hotel in Harrison Hot Springs between
March 3rd and 5, 1972 inclusive.

MOVED BY ALDERMAN CLARK, SECONDED BY ALDERMAN DAILLY:

"That authority be granted to any member of Council wishing to attend
the Orientation Programme mentioned by the Mayor to do so."

CARRIED UNANIMOUSLY

ALDERMAN DRUMMOND LEFT THE MEETING.

MOVED BY ALDERMAN BLAIR, SECONDED BY ALDERMAN DAILLY:

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

CARRIED UNANIMOUSLY