

OCTOBER 1, 1973

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, October 1, 1973 at 7:00 p.m.

PRESENT: Mayor T. W. Constable, in the Chair
Alderman E. L. Burnham
Alderman M. M. Gordon
Alderman B. M. Gunn
Alderman W. A. Lewarne
Alderman G. H. F. McLean
Alderman J. L. Mercier

ABSENT: Alderman D. A. Lawson
Alderman V. V. Stusiak

STAFF PRESENT: Mr. M. J. Shelley, Municipal Manager
Mr. E. E. Olson, Municipal Engineer
Mr. A. L. Parr, Planning Director
Mr. E. A. J. Ward, Deputy Municipal Clerk
Mr. J. Plesha, Administrative Assistant
Mr. B. D. Leche, Municipal Clerk's Assistant

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN LEWARNE:
"That the Minutes of the Council meeting held on September 24, 1973 and the Public Hearing on the same date be adopted as written and confirmed."

CARRIED UNANIMOUSLY

P R O C L A M A T I O N

HIS WORSHIP, MAYOR CONSTABLE, then proclaimed the period between October 7th and October 13, 1973 as Fire Prevention Week.

P R E S E N T A T I O N

Mr. G. W. Ramsell, President, 1973 Canada Summer Games Society, was present and introduced Mr. Warren R. Clark of the Society who would be formally presenting to the Municipality the sports equipment which was used by the participants in the Summer Games that were held last August.

Mr. Clark then spoke and made the following remarks:

- (a) The equipment listed below is being left to the Municipality to ensure its use by community and scholastic sports interest groups:

<u>SPORT:</u>	<u>NO:</u>	<u>DESCRIPTION:</u>
Canoeing	75	-Stretchers
	8	-Wooden Oar Racks
	2	-Metal Boat Racks
	10	-Metal Marker Floats
	3	-Starting Guns, with Blanks
Rowing	1	-Electric Bell
	1	-Bell, Hand, School Type
	4	-Air Horns & Cannisters
Tennis	6	-Boxes for placement under judges stands
	8	-Squeegees & 12 single sticks
	5	-Nets
	2	-Centre Bands
	288	-Balls, used
	6	-Nets & Anchors
	11	-Court Signs
	6	-Easels
	1 set	-screens
	6	Judges stands

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Athletics

1	-Arc & scratch for javelin
14	-Baskets, tote
6	-Bats, relay
10	-crossbars, fibreglass
6	-crossbars, plain triangular
1	-High jump Standard-Cantabrian L-170
1	-High Jump Height Indicator
90	-Hurdles - Cantabrian Olympic
1	-Hurdle-steeple chase, installed on site
4	-Hurdles, steeple chase
8	-Lane Indicators
1	-Lap scoreboard, Cantabrian
1	-Long jump indicator
3	-Plasticine Boards
8 boxes	-Plasticine
1 pr.	-POLE VAULT Standards, Cantabrian #L-171
1	-Pole Vault Height Indicator
1	-Track Flag Pole & Flag
1	-Pole Vault, Vertical height indicator #361W
12	-Starting Blocks - Crystal Palace
1	-Windgauge - Cantabrian
1	-Yard Guard - Hammer Cage
4	-Red Metal Marker Signs
18	-red Sector Flags
17	-White Sector Flags
1	-Red Flag
1	-Green Flag
11	-Red Corner Flags
9	-Green Corner Flags

- (b) In addition, the improvements which were made at Burnaby Lake, the refurbished tennis courts and sophisticated electrical timing equipment were being left to the Municipality.
- (c) There is now a legacy of trained people capable of administering regional, national and international sports events.
- (d) The 1973 Canada Summer Games stimulated enthusiasm throughout the country for amateur sport; it familiarized Canadians with the environment of a major competition; it strengthened mutual understanding and friendship among athletes from different areas in Canada and increased actual participation in sports that are considered in the stage of development in some areas of Canada. The Canadian Coaching Association and The Canadian Officials' Association were able to make a timely assessment of progress being made in the development of some olympic sports.
- (e) The staff of the Canada Summer Games Society, and Mr. Mel Hughes of the Society, are to be thanked for their contributions.
- (f) The Municipal Manager, Mr. M. J. Shelley, is to be commended for his efforts and contribution in regard to the Summer Games.

MAYOR CONSTABLE stated that he had personally received a great deal of pleasure working with the Executive of the Canada Summer Games Society, particularly Mr. Clark and Mr. Hughes. He added that Burnaby received a national identity as a result of the Summer Games.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:

"That the sports equipment listed above be transferred to the Parks and Recreation Commission for administration of its use by the citizens of the Municipality."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

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

- (a) Mr. F. M. Burlin re Lane Between Allman Street and Stanley Street;
- (b) Mr. A. S. Gregson re Lot 82, D.L. 92, Plan 1146 and the Lane East of Brantford Avenue in the Vicinity of Stanley Street (S.D. #122/73);
- (c) Mr. Norman S. Jones, Architect re RZ #73/72 - 9235 Lougheed Highway;
- (d) Mr. D. A. Wattie, Barrister and Solicitor, re Davies Chimney and Roofing Company Limited;
- (e) Mr. Arnold F. C. Hean, Q.C., re Taxi Cabs;
- (f) Mr. R. E. Hunt, Executive Secretary, Automotive Transport Association of B.C., re Taxi Cabs;
- (g) Mr. Arnold F. C. Hean, Q.C., re Condominiums;
- (h) Mr. Arnold F. C. Hean, Q.C., re Application for Condominium Approval - 6715 Burlington Avenue;

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MERCIER:

"That all of the delegations be heard."

CARRIED UNANIMOUSLY

(a) Mr. Burlin then appeared and, when it was drawn to his attention that Item #21 of the Municipal Manager's Report No. 73, 1973 dealt with the subject of concern to him, he asked for the opportunity to peruse that report before making his presentation.

(b) Mr. Gregson then spoke and made the following points:

- (i) An application has been received to subdivide the above described Lot 82 and preliminary approval has been given to a plan that would result in lane access to the rear of his property and others in the same block being denied.
- (ii) The Approving Officer was requiring the dedication of land from the subject Lot 82, for some municipal purpose, but has indicated that the land concerned could be dedicated for lane at any time in the future.
- (iii) Neither the Approving Officer, Officials of the Parks and Recreation Commission, or the Council can establish a policy committing future Councils.
- (iv) Many of the present owners dedicated land for lane in the past on the understanding that the facility would be constructed when the complete allowance was available.
- (v) If the portion of Lot 82 was dedicated for lane purposes at this time, it could be used for park purposes until it was required for a lane.

- (vi) The Council was being asked to have the Approving Officer require the dedication of the land mentioned earlier for lane purposes.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:

"That Item #10 of the Municipal Manager's Report No. 73, 1973, which deals with the subject of the request from Mr. Gregson, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of that report:

(10) (a) Lot 82, D.L. 92, Plan 1146

SUBDIVISION REFERENCE NO. 122/73

(b) Lane East of Brantford Avenue in the Vicinity of Stanley Street

In certain instances, some of the owners have fenced, and are using, portions of the undeveloped lane allowance at the rear of their properties.

The construction of the lane would be pursuant to the provisions of the Local Improvement sections of the Municipal Act and the costs^{would} be charged to the property owners.

If it is decided that provision for a lane from the Lot 82 in question should be made, approval of the subject subdivision would not negate this possibility because the portion acquired for park purposes would be in the name of the Corporation.

It was recommended that:

- (i) Council endorse the position of the Approving Officer in respect of the subdivision in question that it would be unreasonable to withhold approval of the subdivision for the reasons stated in a letter from the Approving Officer to Mr. Gregson dated September 20, 1973;
- (ii) the Planning Department send a letter to the affected residents advising them of the implications of developing the lane and soliciting their opinions on the merits of the matter;
- (iii) if the residents wish a lane developed as a Local Improvement immediately, the necessary survey and dedication take place as a condition of subdivision.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:

"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

ALDERMAN LEWARNE LEFT THE MEETING.

(a) Mr. Burlin returned and made the following points:

- (i) There were two more owners in the area who wished to advise that they want the lane in question built, they being the owners of Lots 105 and 173 respectively.
- (ii) It should be stressed that many of the owners involved require lane access since, in some cases, they are unable to gain access to the street in front because of the grade of their properties.
- (iii) The B. C. Hydro and Power Authority require a lane so that it can provide services to the properties; the Telephone Company needs the lane as well and the television concerns require a lane so that they can provide their services.

- (iv) In conclusion, the Municipality has approximately \$5,000.00 worth of storm sewers in the lane and that there was almost \$10,000.00 on deposit with the Municipality for the construction of the lane.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:

"That Item #21 of the Municipal Manager's Report No. 73, 1973, which relates to the subject of the presentation by Mr. Burlin, be brought forward for consideration."

CARRIED UNANIMOUSLY

The following is the substance of that report:

(21) Lane Between Allman and Stanley Streets

The following is a chronology of the actions which have been taken by Council with respect to the subject matter:

- (a) July 3rd - The Council approved the opening of the lane to Sixth Street; authorized negotiations for the acquisition of the rear 10 feet of Lot 3 Explanatory Plan 14265, Block 2, D.L. 87 (Armstrong) and directed that the matter of opening the lane at Allman Street be deferred until the aforescribed Lot 3 is subdivided.
- (b) July 23rd - The Council authorized the preparation of a By-Law to expropriate the rear 10 feet of the said Lot 3 but directed that negotiations for the acquisition of the parcel by the normal means be continued.
- (c) August 27th - The Council received a letter from Mr. and Mrs. Bruce Lucas objecting to the proposed opening of the lane.
- (d) September 4th - The Council received a letter from Mr. and Mrs. E. McGhee opposing the opening of the lane, two from Mr. W. J. Burrell and Mr. and Mrs. M. Burlin supporting the opening of the lane and a petition also supporting the opening of the lane. A report was also submitted by staff on the matter.

The Council, at that meeting, reaffirmed its previous decision to proceed with the construction of the lane and gave Three Readings to the by-law expropriating the rear 10 feet of the Lot 3 described above.
- (e) September 10th - The Expropriation By-Law was Finally Adopted.
- (f) September 17th - The Council received a letter from Mr. F. A. Armstrong, owner of the Lot 3, plus a petition opposing the lane. Mr. Armstrong addressed Council then to express his opposition to the construction of the lane.
- (g) September 24th - The Council received a further letter from Mr. F. M. Burlin and a petition supporting construction of the lane.
- (h) October 1st - Mr. F. M. Burlin is on the Agenda under "Delegations" to urge that the lane be constructed at this time.

The Council has already received reports from the Municipal Engineer and the Planning Director setting forth their positions with respect to the matter. The Engineer recommends that the lane be opened but the Planning Director is of the opinion that the lane is not necessary and recommends that the matter be resolved by a majority of the property owners concerned. The Municipality has continued to demand the dedication of land for the lane everytime a subdivision occurs.

The petition Council received on September 24th favouring the construction of the lane was signed by a majority of the affected property owners whose land abuts the lane.

The Manager feels the Council should be ruled by the wishes of the majority in regard to the matter.

A check with the Building Department has revealed that, at the time of issuing a building permit to construct a home at 7856 Allman Street, the owner was required to provide access to the street and he was also informed that the lane at the rear was unconstructed. Mr. Burlin sited his carport in such a manner as to provide him with access to the street but still retained the possibility of gaining lane access if that facility was ever developed.

Investigation discloses that no municipal employee, on any occasion, told any property owner that the lane in question would never be built.

It was recommended that Council:

- (i) reaffirm its decision to proceed with the construction of the subject lane;
- (ii) proceed with the expropriation of the rear 10 feet of the aforedescribed Lot 3, for lane purposes;
- (iii) direct that its decision regarding the lane be conveyed to those persons who have expressed an interest in the matter.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:
"That the recommendations of the Manager be adopted."

ADDENDUM - See Page 30

CARRIED UNANIMOUSLY

ALDERMAN LEWARNE RETURNED TO THE MEETING.

(c) Mr. Norman S. Jones, Architect, then spoke and made the following points:

- (i) The development proposal which was presented to Council earlier when the property in question was in the process of being rezoned was for the construction of a senior citizens' high-rise apartment and a commercial 42-suite frame building, both of which are under construction at the moment.
- (ii) He wishes Council to approve a Strata Title Plan for the said 42-suite frame building.
- (iii) At that time, the difference between an apartment development and the condominium regulations was not fully appreciated.
- (iv) He was endeavouring to meet all of the proposed guidelines for condominium conversions in the plan of development for the 42-suite building. Partly in that regard, the parking ratio is 1.52, with 60 spaces underground and four on the surface. The site coverage is 20%.
- (v) The senior citizens' building next to the subject development has a very high parking ratio and perhaps an arrangement could be effected whereby those parking facilities could be made available to the occupants of the 42-suite building. The guidelines for condominiums requires a higher parking ratio than that being provided but there is no space left on the site that could be used for parking purposes.
- (vi) In addition to the problem concerning parking, the only other situation that is at variance with the condominium guidelines is the provision of concrete curbs on the roads in the development. Another point, the production of a prospectus, can be arranged with no difficulty.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:

"That Item #20 of the Municipal Manager's Report No. 73, 1973, which relates to the subject of the presentation by Mr. Jones, be brought forward for consideration."

CARRIED UNANIMOUSLY

The following is the substance of that report:

(20) REZONING REFERENCE NO. 73/72

Parcel "B", Reference Plan 9342 except Parcel 1, Explanatory Plan 10507 and Except Parcel 2 and Road Reference Plan 12333 and except West 33 feet of Parcel "B", Block 4N $\frac{1}{2}$, D.L. 4, Plan 845

The application of Mr. Jones has brought into focus a small but significant number (5 to 10 projects) of multiple housing projects which require the consideration of Council. This group is composed of multiple housing projects (townhouse, three storey apartments, and high-rises) which have been received and processed for preliminary plan approval by the Planning Department but either not yet been built or they have been but are not yet occupied. In addition, there are a few multiple housing projects which have been rezoned according to a suitable plan of development but have not yet received preliminary plan approval. Therefore, this group of approved but essentially unoccupied projects, if submitted to Council for approval of a Strata Plan, would be classed as new condominiums and not conversions.

As regards the approved but unoccupied projects, the position of the Planning Department has been that if any de facto recognition has been given to a residential project as a condominium at the time of preliminary plan approval for rezoning, then that Department has been willing to support the approval of the requisite Strata Plan according to the approved suitable plan of development so that any condominium guidelines will not be unfairly retroactive.

Any developer of a residential project for which no de facto recognition as a condominium has been given at the time of preliminary plan approval or rezoning has been informed that he will be expected to adhere to any condominium guidelines ultimately passed by Council.

Concerning municipal Strata Plan approvals, the Corporation is at the present time in a transitional period between the time of the enactment of the recent amendments to the Strata Titles Act on April 18, 1973 and July 23, 1973 when the first general report on condominiums was submitted to Council.

The following proposals were being submitted in order to handle the transitional residential projects (approved but essentially unoccupied) in an appropriate manner:

- (a) Any application for preliminary plan approval for a residential project prior to July 23, 1973 and in which the applicant requests approval of a Strata Plan would be evaluated on its own merit by Council in terms of a suitable plan of development.

The Planning Department would continue to provide background information concerning such approvals. Any applicant would be expected to strictly adhere to any required operational guidelines.

- (b) No applications for preliminary plan approval have been received by the Planning Department after July 23, 1973 in which the applicant requests approval as a condominium. Applications for preliminary plan approval of condominiums will not be accepted from the present date until the final condominium guidelines are established by Council.

- (c) Requests for approval of Strata Plans of comprehensive development rezoning residential projects completed prior to July 23, 1973 would be evaluated on their own merits by Council in terms of a suitable plan of development. (These are the projects which are completed but not yet occupied.)

The Planning Department would continue to provide background information concerning Strata Plan approvals. Any applicant would be expected to adhere to any required operational guidelines.

- (d) Residential rezoning proposals now in progress are being clearly approved by Council as either rental or a condominium project.

The rezoning of the subject property was approved by Council on March 19, 1973 as a comprehensive development project. It consists of a senior citizens' high-rise building and a three storey frame apartment.

The overall site area is 2.32 acres, the overall site coverage is 20% and the overall F.A.R. is 1.35.

There are 188 units in the senior citizens' tower and 42 in the three storey building. In that latter building, there are six one-bedroom suites, 30 two-bedroom suites and six three-bedroom suites. Sixty parking spaces have been provided underground plus four on the surface. One point five two parking spaces per unit has been provided. There is an indoor games room also provided.

The three storey building is of a somewhat unusual configuration and is to be faced with a grey granite aggregate stucco.

The Planning Department had no knowledge that the three storey building would be a condominium at the time the property was being rezoned. If Council is prepared to approve the Strata Plan for the project, the Planning Department would be willing to submit the usual operational prerequisites.

The project does not conform to the preliminary guidelines for condominiums in the following ways:

- (i) The parking ratio of 1.7 is not met.
- (ii) Concrete curbs to municipal standards are not provided.
- (iii) The operational guidelines for condominiums have not been met.

It was recommended that:

- (1) the four general proposals listed as (a) to (d) above be approved as broad operational guidelines to handle the few residential projects which may be classed transitional (approved but not yet occupied);
- (2) Council approve the request of Mr. Jones because it very closely approximates the proposed guideline standards.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Manager be adopted."

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN BURNHAM:

"That Council defer a decision on the request of Mr. Jones, as detailed above, until after it deals with the question of establishing guidelines for Strata Title developments (condominiums)."

CARRIED

AGAINST -- ALDERMEN GORDON, MERCIER AND LEWARNE

(d) Mr. R. A. Wattie, Barrister and Solicitor, then spoke and made the following points:

- (1) So far as he knew, the Chief Licence Inspector was only recommending suspension of the trades licence for Davies Chimney and Roofing Company Ltd.
- (2) The complaint from Mr. Hamaguchi mentioned in the report of the Manager is not really valid.

- (3) A settlement of a claim out of Court is not an indication of guilt on the part of the Company involved.
- (4) The Company has been in business since 1922, although its present owner, Mr. Sawchuk, purchased the business in 1966.
- (5) The liens mentioned in the report have involved quantum for extras and holdbacks.
- (6) Often the reason for settlement out of Court of claims are the significant legal costs if the matter proceeded to Court.
- (7) The Company averages about three or four mechanic liens situations each year.
- (8) He was not aware of the situation with respect to the Better Business Bureau that is mentioned in the report.

MAYOR CONSTABLE VACATED THE CHAIR:

ACTING MAYOR GORDON ASSUMED THE CHAIR.

- (9) The Company had operated in the City of Vancouver with no problems.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN MCLEAN:

"That Item #15 of the Municipal Manager's Report No. 73, 1973, which deals with the subject of the presentation by Mr. Wattie, be brought forward for consideration."

CARRIED UNANIMOUSLY

The following is the substance of that report:

(15) Davies Chimney and Roofing Company Limited

In February, 1972, a complaint was received from Mr. Hamaguchi regarding the Company. He was negotiating for the renewal of eavestroughs and tile drains. The Company refused to supply him with a written estimate or contract but gave a verbal price of \$1,000.00. When the work was proceeding, a written contract was presented in the amount of \$2,200.00 and, upon completion, a bill for \$2,600.00 was rendered. Mr. Hamaguchi refused to pay this amount and sought the advice of a lawyer. A final settlement of between \$1,400.00 and \$1,500.00 was made. The Company did not have a business licence at the time and a charge was laid against it and its President, Mr. Sawchuk. Each was convicted and fined \$25.00.

In July, 1973, the Company was again discovered doing work in the Municipality without a licence. Another charge was laid which resulted in fines of \$50.00 each to the Company and Mr. Sawchuk. After receiving his summons for the case, Mr. Sawchuk applied for a licence but no decision was made until after the Court case was heard. With the conviction, he was denied a licence.

A perusal of the Better Business Bureau files reveals they have been receiving complaints about Mr. Sawchuk and his Company since 1966. Most concerned unsatisfactory and unfinished work, and only after a great deal of prodding did the customers achieve satisfaction. A couple of complaints were similar to Mr. Hamaguchi's and in each case the people engaged lawyers and achieved a considerable saving in costs.

Mr. Sawchuk applied for membership in the Better Business Bureau in January, 1972 but his request was denied.

People, when hiring contractors, should not be faced with having to obtain legal aid in order to get satisfaction. This and the fact Mr. Sawchuk and his Company have been convicted twice in two years for operating without a licence are the reasons the licence was refused. Section 458(5) of the Municipal Act gives a person who has failed to be granted a licence the right of appeal to Council, and Council may, pursuant to Section 455, refuse on the basis of a two-thirds majority of all members.

It was recommended that Council confirm the decision to refuse a business licence to Davies Chimney and Roofing Company Ltd.

In response to a number of questions, Mr. P. Kenzie, the Assistant Chief Licence Inspector, stated that:

- (1) When checking the records of the Better Business Bureau he found there were 25 complaints from citizens in Vancouver concerning Mr. Sawchuk's operations.
- (2) His Department always checks with the Bureau when asked for a licence to conduct a business such as that operated by Davies Chimney and Roofing Company Ltd. because of past experiences regarding dishonesty in that kind of work being done.
- (3) He always reviews cases after his Department has refused a business licence when another is subsequently sought.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(e) Mr. Hean then spoke and presented a Brief accompanied by a number of letters relating to the question of taxis providing deliveries of chattels.

MAYOR CONSTABLE RETURNED TO THE MEETING AND RESUMED THE CHAIR:

ACTING MAYOR GORDON RETURNED TO HIS ALDERMANIC SEAT.

Mr. Hean made the following points in his submission:

- (1) Late last year the Council amended the Cab and Commercial Vehicle By-Law to provide that a cab may be hired for the transportation or conveyance of chattels, without a passenger, at the same rates as apply for the transportation or conveyance of persons.
- (2) As a result of the Automotive Transport Association of B. C. requesting of Council on September 4, 1973 that the amendment made last year be repealed, the Council received a report from the Municipal Manager recommending that this action not be taken.
- (3) The Council deferred a decision on that recommendation in order to allow taxi operators an opportunity to offer their views on the proposal.
- (4) The Council was being thanked for having this opportunity extended to the taxi operators.
- (5) The A.T.A. has referred to the fact that two of the taxi firms in Burnaby have applied to the Motor Carrier Commission for certain authority. Though this is true, it has no relevance with respect to the subject under consideration at the present time because the application can only be decided upon by the Motor Carrier Commission.
- (6) In no instance does anyone of the taxi firms involved advertise the fact they are authorized to transport or convey chattels without a passenger. Neither do they solicit business of this kind. The public which has a need for speedy direct movement on certain goods and chattels can often only obtain such service from taxi companies.

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- (7) Regular delivery operators are generally not in a position to undertake direct deliveries on an immediate basis. Proof of this situation was being produced this evening in the form of 43 attestations, in writing, from users of taxi service for delivering chattels. In addition, British Columbia Television Broadcasting System Ltd. forwarded such a letter directly to Council.
 - (8) The A.T.A., can, unlike taxi companies, place as many vehicles as it wishes on the road but can still not supply the service demanded by the public.
 - (9) For the Council to accede to the request of the A.T.A. would be to prejudice businesses and the citizens of the Municipality.
 - (10) Taxis are providing an essential, often emergency, service which must be recognized.
- (f) Mr. R. E. Hunt, Secretary-Manager, Automotive Transport Association of B. C., then spoke and made the following points:
- (1) Mr. Hean made certain fallacious remarks concerning the involvement of the Motor Carrier Commission in the application to which he referred.
 - (2) All those mentioned by Mr. Hean who avail themselves of taxi service for delivery of chattels are operating illegally.
 - (3) The A.T.A. does not wish to strangle emergency services being provided by taxis.
 - (4) The A.T.A. would be prepared to consider a compromise with the taxi operators, as was suggested by Mayor Constable.
 - (5) One thousand and fifty men are involved in the operation of the 719 commercial cartage vehicles in the Lower Mainland.
 - (6) Though it is not the ultimate, the By-Law used by the City of Vancouver relating to deliveries by taxi cabs could be adopted by Burnaby.
 - (7) There are 9 delivery companies presently operating a night service, and they also provide special service when required and can compete effectively with taxis.

Mr. G. W. Lapthorne, Secretary, Burnaby Driver Owners' Association, submitted a letter requesting that Council not amend the Cab and Commercial Vehicles By-Law so as preclude taxis from transporting chattels.

Mr. A. H. Collins, Vice-President, Finance, British Columbia Television Broadcasting System Limited, submitted a letter indicating that it would be a serious handicap to the Company's business operations if it was deprived of the right to use taxi cabs for transporting parcels.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GUNN:

"That His Worship, Mayor Constable, arrange a meeting between the Automotive Transport Association of B. C. and those represented by Mr. Arnold F. C. Hean for the purpose of determining whether a compromise can be effected in regard to the question of deliveries by vehicles for hire."

CARRIED

AGAINST -- ALDERMEN MERCIER AND LEWARNE

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN GORDON:
 "That the letters from the Burnaby Driver Owners' Association and the British Columbia Television Broadcasting System Limited be received."

CARRIED UNANIMOUSLY

MAYOR CONSTABLE DECLARED A RECESS AT 9:10 P.M.

THE COUNCIL RECONVENED AT 9:30 P.M.

(g) Mr. Arnold F. C. Hean, Q.C., then spoke on the general subject of Residential Condominiums and Condominium Conversions. Mr. Hean indicated that he wished to present a detailed submission later and that at this time he only wished to express certain philosophical thoughts about the matter.

Mr. Hean pointed out that he was a member of the Municipal Council for four years during which time he promoted the creation of a Planning Department. He added that he subsequently became a member, and Chairman, of the Advisory Planning Commission.

Mr. Hean asked that Council bear in mind the cost factors relating to condominiums and their conversions when considering the question of establishing guidelines for their development. He stressed that, if certain additional costs would be incurred by builders constructing condominiums, these expenses would naturally be passed on to the purchaser. Mr. Hean also commented that Council should only consider using the essential items in the guidelines.

The following submitted letters/Briefs on the subject of Guidelines for Condominiums and Condominium Conversions:

- (i) Community Builders Ltd.
- (ii) Real Estate Board of Greater Vancouver
- (iii) Pacific Apartment Management Association
- (iv) Greater Vancouver Regional District
- (v) Mr. Jean-Pierre Daem, M.Sc.
- (vi) Dunhill Management
- (vii) Dunhill Development Corporation
- (viii) Narod Developments Ltd.
- (ix) Dawson Developments Limited
- (x) Strataco Management Ltd.

The following is the substance of the submissions from the above ten organizations:

(A) Community Builders Ltd.

- The prospectus proposed in the guidelines should be on a provincial basis.
- When parking is taken into account, the transportation needs in the area should be considered. There are some instances where no parking space of any kind should be required when constructing condominiums.
- Children should not be controlled by legislation but by planning. Legislation will only encourage developers to disregard the needs of families.
- Council should consider separate zonings for condominiums and rental apartments as this would spot conversion of rental units after construction which would lower the price for rental units.

(B) Mr. A. L. Andrews, Chairman of the Strata Titles Committee, Real Estate Board of Greater Vancouver, then spoke and made the following points:

- The Real Estate Board has just conducted a comprehensive survey of condominium developments and ownership in the metropolitan Vancouver area, which included an analysis of responses from developers, managers and owners of strata units.
- The Board would like to challenge a premise which appears to pervade in the report Council received on the subject matter from the Advisory Planning Commission and that is,

that condominium development (whether new or converted) should be subject to special regulations or treatment. Both from the point of view of municipal administration and the industry, condominiums should be handled in the same way as apartment developments.

- In the past three years, the Vancouver metropolitan area has experienced a sharp increase in the number of strata projects with various price ranges being offered to the public for purchase. There is a greater acceptance of the principle of strata ownership as well as appealing to those desirous of a change in life style. It has been particularly popular to young couples, single persons, working mothers and those approaching retirement who no longer have their families at home. The majority of the buyers of condominiums have tended to be those with one or two children or none at all. Couples with adult children away from home have shown a preference for units with a spare bedroom. The trend toward condominiums is established and will continue.
- While a definite need exists for more rental accommodation, ownership continues to be the aspiration of a large segment of the population. Pride of ownership does result in better upkeep of the premises. Aside from its social impact, it is also an integral part of Western Canadian values. It is the one means by which Canadians feel they have a stake in the neighbourhood and the country in which they live.
- It would be a mistake for the Municipality to develop special procedures for the handling of condominium developments. The existing by-laws and regulations, or new ones to be introduced, should apply equally to rental accommodation and strata ownership.
- It is not considered practical to require the developer to supply each potential condominium owner with a prospectus but the developer, as under the Real Estate Act in connection with subdivisions, should be required to supply a prospectus to every buyer to signing an Agreement to Purchase, and a statement shall be signed that the purchaser has read the prospectus. A developer would not be able to comply with the suggested guidelines in respect of arranging the financing. It is considered to be adequate for the developer to supply information pursuant to the Mortgage Brokers' Act Disclosure Form.
- The developer can only give an estimate of annual taxes. If more information is stipulated in the guidelines, this should be provided in written form to the developer by the Municipality.
- One of the chief advantages of condominium ownership is the privacy of the owner. The Board strongly opposes any limits of individual control over a condominium's particular unit. It is considered that the sketch of the project should not only show the relationship of a particular unit to others and to adjacent common property but also, it should show units or facilities on common property - actual or projected at the time of application.
- The guidelines should not set out to discourage children in high-rise condominiums. There are many working mothers with teenagers or toddlers who may find this to be suitable accommodation. Bachelor units should be allowed. The market place tends to sort the potential buyer out without any municipal control being exercised.

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- The suggested stipulation under the report dealing with duplex condominiums that all landscaping be completed before occupancy of the project is quite unrealistic. Exterior maintenance should be covered in the strata organization by-laws rather in municipal guidelines.
- It should left to the developer to decide upon the amenities to be provided for a project because they will vary according to the clientele for whom he is building. The developer can then negotiate with the municipality on the details at the time he is seeking approval for the project. In addition, municipal approval of the prospectus and the strata subdivision development should be given at the time the building permit is issued.
- Provision should be made in the guidelines for single family detached condominiums because there is a trend toward such developments.
- Tenants affected by possible conversion of their rented premises have been protected under the recent amendments to the Landlord and Tenant Act in respect of termination and moving expenses if they do not choose to buy. Moreover, approval of conversion projects has been placed in the hands of the Municipality. It would not be practical in cases where the apartment project was constructed under by-laws not now in effect to treat the building as a new project and bring it up to the standards of the Building By-Law in effect at the time the conversion is being considered. An old structure, upon conversion, should be raised to an improved standard. In that regard, an Engineer's report dealing with the age and physical condition of the building should be obtained along with a statement of the renovations and refurbishings required. This information should be made available to the buyer at the time of purchase.
- From a municipal point of view, an apartment building converted to strata ownership can produce higher revenues. In most cases, the building is completely renovated and the conversion continues to provide stability to the neighbourhood. Under strata ownership, the residents will most likely be more identified with the interest of the community. Municipalities, when processing conversion applications, should approach the situation from a positive viewpoint providing they meet the required standards set by the Municipality.
- The current cost of constructing a single family home is approximately \$11.00 per square foot, while it costs about \$18.00 per square foot for condominiums.

(C) Pacific Apartment Management Association

- The Association has offered the Provincial Government a proposal to amend the Strata Titles Act and the Landlord and Tenant Act as they relate to condominiums
- The Association offered a proposal to the Provincial Government to amend the Strata Titles Act and the Landlord and Tenant Act as they relate to condominiums. The Government accepted the recommendations of the Association and amended the Acts accordingly.
- A few of the Association members who are directly involved in condominium conversions will be making independent comments to the Council on the subject matter.

(D) Greater Vancouver Regional District

- The practice of converting existing rental housing to condominium ownership is a disturbing trend in light of the extremely low vacancy rate in the rental housing market (less than 1%, when 3% is considered a healthy minimum).
- The market factors of increasing costs, unmatched by increases in rent, changes to the Income Tax Act and changes to the Landlord and Tenant Act, have resulted in a dramatic slow down of rental starts. New rental investment is virtually restricted to large institutional groups which are investing strictly on a long-term basis.
- Given those market conditions, it is not surprising that local developers and builders have had to channel new construction to the condominium market (sales to individuals rather than to tax shelter investment groups). The practice of converting the existing rental accommodation into condominium ownership is a further reflection of the investment switch, operating on a short-term basis, and maximizing cash flows.
- Condominium ownership is also an attractive concept to young families priced out of the single market, and older families whose housing needs are scaled down.
- The change in the investment market is so marked that Vancouver, in 1972, experienced a net loss of rental units. However, despite the easier terms and attractiveness of condominium ownership, many families and individuals, because of financial and family circumstances, are restricted to the rental market. With the problems caused by the current low vacancy rate, it is imperative that the rental housing stock not be depleted further. The practice of conversion unnecessarily aggravates the situation.
- It was recommended that conversions of existing rental units only be considered when the rental vacancy rate is higher than 2%.
- If and when conversions are to be considered, the guidelines proposed by Council are generally acceptable.
- The fact that, in many cases, the units provide some of the lowest priced housing is not an excuse for inflated profits. Condominium conversions appear financially attractive to the developer. In today's tight rental situation, the converter is selling in something less than a free market as there is a partly captive market of existing tenants. As conversions are a relatively new dimension in the housing market, the market prices are still being established.
- Price controls need not be imposed on this particular form of housing but Victoria has a policy which may offset the effect of the rental vacancy rate on prices. This is not a deadline tied to the vacancy rate but instead is a proposal to extend the length of the notice period (beyond the statutory four months) to a time related to the vacancy rate and the size of the conversion.
- It was also recommended that some financial breakdown of the original acquisition costs, equity involved, conversion costs, and final selling prices be provided with every conversion application in order to deter excessive profit taking.
- There is particular concern for the provisions in the guidelines other than those related to zoning and development control. Further provisions which should be made are:
 - certification by qualified engineers/architects (possibly appointed by the Municipality at the owner's expense) that the building is structurally and mechanically sound. Such a statement should indicate the life expectancy of the major mechanical components. If the Municipality was to be responsible for inspection, it may face liability action in the future.
 - a statement of developer responsibilities for structural and cosmetic defects for a stated period (perhaps one year) after transfer of ownership.

- It is understood that a prospectus will be required under proposed Provincial Legislation. Though the level of required detail is not known, it should probably include all the requirements currently proposed.
 - The prohibition on conversion of bachelor/studio units may render many buildings ineligible for conversion as many of them have a proportion of these units. In any event, the Regional District cannot subscribe to the view that a small unit can be acceptable when rented but substandard when self-owned.
 - It was recommended that provision be made for existing and recent tenants to formally express their views to the approving body. The type of opinions which may be appropriate are the adequacy of the building (heating, sound-proofing, parking, etc.) and the intentions and ability of existing tenants to purchase or obtain alternate accommodation.
 - The question of hardship (particularly for elderly long-term tenants) and the possibility of allowing the tenants to continue renting has been justifiably raised in several municipalities. The developer reaction is generally that it is possible, providing an owner/investor (or the developer) buys the unit and rents it. Vancouver notes that a general prerequisite that long-term "hardship" tenants be allowed to remain is legally outside the meaning of the Strata Titles Act. However, in practical terms, the Council may still refuse to approve a conversion where hardship cases have not been adequately provided for.
 - Several municipalities have, in the past six months, developed guidelines for conversion applications. Some have placed moratoriums on conversions, which increase the pressure on neighbouring communities. All municipalities should standardize guidelines and regulations so as to prevent people from "shopping around" for areas where the regulations are most lenient.
- (E) Mr. Jean-Pierre Daem then spoke and presented a detailed submission containing the following recommendations:
- That the recommendations contained in the report Council received from the Advisory Planning Commission be supported in their entirety.
 - That, for new condominiums, development of hard surface play areas be required where there are fifty units or more.
 - That, for new condominiums, the inclusion of useable facilities be required rather than facilities used as a sale inducement.
 - That, for new condominiums, there be a designation of open space for specific use.
 - That, for new condominiums, cul-de-sacs be retained.
 - That, for new condominiums, common facilities be built to commercial standards.
 - That, for new condominiums, there be social integration within the condominium development.
 - That, for new condominiums, architectural specifications be included with the architectural drawings.
 - That condominium conversions not be allowed, but if they are, then further protection for tenants and prospective owners be required in the following manner:

- (1) longer notice, assurance that tenants have not been evicted prior to application, agreement to lease in special cases;
- (2) professional reports on the quality of the building, commitment to bring the building to required standards.

(F) Dunhill Management

- The recommendations of the Planning Department under Part II, Sections 2.1 and 2.2 and Part III, Sections 3.1 and 3.2 in the report of the Planning Department were endorsed whole heartedly.
- It was recommended that all amenities provided within a strata plan be required to meet a commercial standard of construction to apply to swimming pools, washrooms, saunas, recreation halls, etc.
It is evident that little consideration has gone into the planning and construction of the aforementioned facilities in relation to the extent and wear and tear and, on occasion, abuse which will be encountered.
- Greater consideration should be provided by those approving building plans and/or conversion plans with regard to the adequacy or ease in handling on-going maintenance of the common property and its associated fixtures.
- It was also recommended that very close control over the design, quality and materials used be exercised for the consumer's protection.
- Greater consideration must be given at the Municipal level to the approval of landscape plans presented by developers in relation to the type, quantity and desirability of plants used in relation to their ability to withstand the natural environment, particularly for family oriented complexes. The residential Plumbing Code does not adequately cover the water outlet requirements within a Strata Corporation as it concerns grounds maintenance needs.
- The Municipality should be prepared to enforce, at the request of the Strata Corporation, Municipal by-laws concerning noise, nuisance, etc.
- It has been forecast that 50% of the construction of residential housing in Canada will be of a condominium nature. It is therefore appropriate for major changes to be made with regard to the standard and quality of construction with more consideration given to the on-going cost of maintenance, use and density, yet bearing in mind its reflection in the developing and construction costs which could result in placing the availability of good quality housing further out of reach of prospective buyers.

(G) Dunhill Development Corporation Limited

Mr. A.R. Bain, Executive Vice-President of Dunhill Development Corporation, then spoke and made the following points:

- The company has built 1,200 Strata Title Housing Units since 1969 and its Property Management Division provides an after-sales property management service for Strata Plan developments.
- It is unfortunate that the Provincial Government has placed the responsibility and authority to approve all Strata Title Subdivisions under Municipal jurisdiction without specific guidance and regulations and without the right of appeal by an owner. This action will result in fragmented and contradictory regulations being created between municipalities thus placing a burden on uncertainty on developers and purchasers and an unwarranted workload and responsibility on Municipal staff. Abuses of the Strata Titles Act resulted in amendments to the Act but it is felt any Provincial Act and regulations thereto must be applied uniformly throughout the Province under the authority of the Provincial Government.

- The company accepts the recommendation of the Planning Department for a minimum 1.5 parking ratio per dwelling unit as being suitable for most townhouse family developments. This ratio might, however, be high for specific applications such as condominiums catering to senior citizens, those with a high proportion of single parents or those with low income families. The ratio may also be high for developments close to community/commercial facilities and public transit. The cost of parking spaces must ultimately be borne by the purchaser and to cause the provision of unnecessary spaces would obviously place a financial burden on those most unable to bear it.
- The term "development" in the report of the Advisory Planning Commission relating to long-stay parking for developments in excess of 100 units should be defined more clearly to mean single strata plans or one or more adjacent strata plans because each situation creates its own problems. If the intent relates to a single strata plan in excess of 100 units, then it must be recognized that the land, fencing, insurance, maintenance and potential liability become a cost to the original purchaser and a continuing cost of annual maintenance for all owners for the benefit for less than all owners. This facility can be a revenue generating asset but the liability and responsibility of ownership/operation may not be acceptable to non-users. If the intent relates to a common facility serving more than one Strata Corporation, then the facility should be on a separate lot appropriately zoned and jointly owned and operated by the benefitting members of the individual strata Corporations. If adjacent strata plans are created by more than one developer, the Council should consider the problems of administration caused by this situation.
- The term "driveway" in the report of the Advisory Planning Commission, as it relates to parking, should be clearly defined. The apron linking the main private roadway system with individual parking stalls is often of sufficient size and orientation to provide short-term guests or second car parking for the assignee of the parking spaces.
- It was recommended that, before empowering Municipal officials to enforce parking requirements within strata plans developments, a legal opinion be obtained concerning Municipal liability in the event of loss and subsequent litigation resulting from a condition attributable to failure to enforce the regulations.
- The recommendation regarding the provision of adequate open space and suitable communal facilities opens the question of definition of terms and value judgements.
- Driveways and concrete curbs to Municipal standards is in both instances an unnecessarily high standard, the cost of which must be borne by a purchaser. It is unclear what width a driveway is proposed, but normally a twenty foot driveway with suitable sub-grade, four inch crushed gravel and two inch asphalt is adequate for traffic. Concrete curbs while aesthetically pleasing, are an additional and unwarranted initial expense that must be borne by the purchaser and are a continuing maintenance expense due to the high incidence of damage by snow removal equipment.
- The recommendation regarding authorized representatives on premises, excepting townhouses and duplexes, causes concern. If the term "townhouse" is to be used as a definition for the establishment of regulations, it should be properly defined and clearly understood or another description should be more properly utilized. The proposal indicated would mean that a resident manager would be required for high rise condominiums and three-storey frame condominiums. This would mean that the full cost of the living accommodation for the Manager would need to be borne by the owners of the strata lots as part of the acquisition cost of their lots and the continuing cost of his salary would become a charge against the residents.
- If it becomes a requirement that the Strata Corporation By-laws must be submitted at the time of the strata plan application, it must be recognized that the by-laws which exist at that time have not been accepted by the proposed Strata Corporation because it would not exist then and the by-laws would not have been accepted by the Land Registry Office. Therefore, modifications may result between the time that the draft by-laws are submitted to the Municipality and the final adoption by the Strata Corporation and acceptance by the Land Registry Office. As the time

element is very critical to the developer, when he is in a position to submit a strata plan for Council approval, it would appear to be more appropriate to permit submission of draft by-laws to the Municipality in advance of the date of filing strata plans.

- The requirement for disclosure to prospective owners of most of the details envisioned in the proposed prospectus can be accepted, except that it is impossible on new Strata Corporations for the developer to define with any degree of certainty the taxation structure because assessed values have not yet been established. Moreover, developers are unable to control interest rates charged for mortgages and any commitments regarding the financing arrangement can only be valid for the specific term which has been committed.
- Prospective purchasers are often in contact with the developer from the early stages of construction and it is therefore impossible to provide certain information such as the accurate extent of the legal lot encompassing the particular Strata Corporation because at that time the strata plan is not registered in the Land Registry Office.
- The recommendation that a density of 10 to 12 units per acre should apply to all townhouse condominiums is unnecessarily restrictive. There are presently acceptable developments of this nature with densities of 15 to 18 units or more per acre. Restricting any condominium development to 10 to 12 units per acre will dictate a land component cost of \$6,000 to \$9,000 per unit in the present market in Burnaby.
- The recommendation of minimum size units of 2 bedroom at 900 square feet and 3 bedroom at 1100 square feet would normally be acceptable for the normal family type condominium development. However, there are existing developments, particularly those assisted by Federal funds under various incentive programs and catering to lower income families, where 800 square foot family units, if well designed, are adequate and meet a social need.
- The Landlord and Tenant Act specifies a minimum notice of four months and payment of necessary moving expenses, or \$300.00 whichever is less, as compensation for tenants who are caused to be moved as a result of conversions under the Strata Titles Act. These provisions are generous and it was recommended that the the regulations relating to Provincial Statutes be uniform and that, if provisions are felt to be inadequate, they become a matter of Provincial Legislation rather than individual Municipal control.
- The Council should become involved in control of leasing in individual and special cases where tenants are unable to purchase suites. The establishment of criteria to determine who is unable becomes a most difficult responsibility for Council to assume.
- The recommendation that the structural and mechanical standards of a proposed conversion should compare favourably with those set by the Central Mortgage and Housing Corporation again opens the question of discretionary judgement and specific guidelines are required. A great many of the apartment buildings now in existence have not been built to Central Mortgage and Housing Corporation standards but do provide adequate and suitable rental accommodation and could provide adequate and suitable strata title homes.
- The Council was being urged to carefully analyze all factors involved before proceeding to implement fundamental policies relating to condominiums, particularly in the specific areas of parking, unit size, density, amenity and service standards, to avoid the establishment of unnecessarily high standards, thus placing housing beyond the financial resources of even more citizens.

- There are reservations regarding the desirability of establishing different standards for rental and self-owned accommodation which the proposed guidelines would surely do.
- Any new regulations such as those proposed should be applied without retroactivity on property presently zoned, including those which are subject to existing community development plans.
- It was recommended that the policy changes suggested be implemented only after participation by a Joint Review Committee, with representatives of the Municipality, the development industry, consumer's associations and Provincial and Federal governments who are dominant influences in legislative and financial aspects of the shelter industry.

(H) Strataco Management Limited

- The majority of areas in both new condominiums and conversions have been well covered in the submissions from the Planning Department, the Advisory Planning Commission and the B. C. Association of Strata Corporations. From experience in the administration of condominium properties and working with the owners who subsequently occupy these units the following items will be brought to the attention of Council because they are of major concern:
 - the existing policy regarding the provision of parking facilities has proven to be totally inadequate in strata title properties. Consideration should be given the matter of a minimum of two parking spaces per strata lot.
 - the provision of adequate funds to properly operate a development. In that regard, many condominiums have developed serious financial problems in the first year of operation due to the developer selling the units with a low monthly maintenance payment to assist in providing an attractive sales program. The problems which are created by the lack of adequate funds in a new condominium could be avoided by proper financial planning on the part of the developer. This will be especially true in a conversion situation whereby the developer has not provided a substantial reserve for the repair and/or replacement of such items as heating systems, roofing, etc. The provision of adequate reserves by the developer in a conversion would protect the subsequent purchasers in the development.
 - Many new condominiums are sold by the developer prior to the completion of the total development. A prospectus outlining all amenities and some guarantee that they will be provided would once again eliminate a major problem facing new purchasers of condominiums. In addition, a certificate guaranteeing the roofing and heating systems would protect owners against unscrupulous sub-trades. At the present time the inspections required do not seem to be sufficient to guarantee these items.
 - With the current cost of housing and the continual increase in the cost of supplying this, consideration should be given the items that will protect the owners who subsequently live in condominium developments. Care should be taken in establishing the policies concerning the approval of developments under the Strata Titles Act as any requirements imposed that increase the cost to the developer will subsequently be passed on to new purchasers.
- (I) Mr. Propinsky then spoke and referred to the submission Narod Developments had presented in connection with the matter.

Mr. Propinsky stated that he took exception to the reference in the submission from the Greater Vancouver Regional District to "profit-taking".

The letter from Narod Developments contained the following points:

- The guidelines proposed for condominium developments are, in general, satisfactory. Two areas of major disagreement with them are:
 - The provision of the bachelor/studio type of unit in high and low density condominium apartment projects. Those persons who desire such accommodation constitute a valid portion of the market and should not be discriminated against.
 - the parking recommendations, which are considered excessive and unjustified and will result in a significant increase in the cost of condominium housing, particularly in instances where underground parking is mandatory.

(J) Dawson Developments Limited

- The company has had extensive experience in the field of condominium construction.
- The recommendations in the report of the Planning Department are based on studies which were inadequate, ill-advised or simply poorly researched. For instance, it is difficult to understand how any survey of condominium living in the Lower Mainland could be made without reference to data available only to those people who deal directly with the condominium buyer. Virtually every conclusion of the Planning Department is based on the assumption that the single family dwelling is the ideal standard shelter for families, which is not the case. Another point which is considered unacceptable is the conclusion of the Planning Department that low and high-rise condominiums be declared legally "off-limits" for families with children.
- The company has a large body of information based on direct contact with condominium owners along with other pertinent information that could be made available to Council if desired.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN MCLEAN:

"That all submissions received by Council this evening be referred to the Planning Department for consideration and report to Council on October 15th or, if time does not permit consideration to be given the report at that time, the Council meet on October 16, 1973 to deal with the subject."

CARRIED UNANIMOUSLY

- (h) Mr. Arnold F. C. Hean, Q.C., then spoke and requested that Council approve an application of Henry Harder Construction Limited to convert an apartment being built at 6715 Burlington Avenue to a condominium.

Mr. Hean presented a lengthy submission in support of his request.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:

"That the submission from Mr. Hean be referred to the Planning Department for consideration and report."

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN BURNHAM:

"That the request of Mr. Hean be deferred until after Council renders a decision on the question of guidelines for condominiums."

IN FAVOUR -- ALDERMEN GUNN, BURNHAM

AGAINST -- MAYOR CONSTABLE, ALDERMEN
GORDON, LEWARNE, MCLEAN,
AND MERCIER.

MOTION LOST

A vote was then taken on the original motion, and it was carried with Alderman Mercier against.

ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:

"That all of the below listed original communications be received and those items of the Municipal Managers Report No. 73, 1973 which relate thereto be brought forward for consideration at the appropriate times."

CARRIED UNANIMOUSLY

Centre for Continuing Education, The University of British Columbia, submitted a circular inviting the members of Council to attend a lecture on "Land Banking - Investment in the Future" at the Hyatt Regency Hotel in Vancouver on October 5th between 9:00 A.M. and 6:00 P.M.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:

"That any member of Council wishing to attend the lecture be authorized to do so."

CARRIED UNANIMOUSLY

Mr. C. B. Pritchard wrote to express his thanks for Council appointing him to the Advisory Planning Commission.

Mr. G. Hayward, Municipal Clerk, The Corporation of the District of Saanich, submitted a letter requesting that Council endorse the following resolution which asks that the Provincial Government introduce legislation and take such other measures as may be fair and equitable to both employers and employees to avoid the unfortunate consequences of a strike of employees supplying essential emergency services to the public:

"WHEREAS the B.C. Ferries Strike and the Canadian Railways Strike provided to every citizen clear evidence of the serious and crippling effect of strikes in industries providing essential services;

AND WHEREAS under the laws of British Columbia, employees providing essential emergency services, such as fire fighters, nurses and ambulance drivers, are permitted to strike;

AND WHEREAS a strike of such employees would be a serious threat to the health, safety and protection of ordinary citizens and their property;

THEREFORE BE IT RESOLVED that the Government of the Province of British Columbia be requested to introduce such legislation and take such other measures as may be fair and equitable to both employers and employees to avoid the unfortunate consequences of a strike of employees providing essential emergency services to the public."

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GORDON:

"That the above Resolution be endorsed and the Premier, the Attorney-General and the Minister of Labour for the Province be so advised."

CARRIED --

AGAINST -- MAYOR CONSTABLE, ALDERMAN GUNN

Mr. C. S. J. McKelvey, Executive Director, Union of British Columbia Municipalities, submitted a circular containing details as to the disposition of all resolutions which were considered at the 1973 Convention of the U.B.C.M. in Prince George.

Mr. J. S. Alsbury, Chairman, The North Fraser Harbour Commissioners, wrote to advise that the Municipal leases of Water Lots on the North Arm of the Fraser River expired on August 20, 1972. He requested that the Municipality apply to re-lease the areas concerned which would be on the terms and conditions that have been stipulated by the Provincial Government.

Item #7 of the Municipal Manager's Report No. 73, 1973, which relates to the letter from Mr. Alsbury, was brought forward at this time. The following is the substance of that report:

(7) Water Lot Leases (The North Fraser Harbour Commissioners)

The Municipality was asked earlier this year by the Provincial Government to offer its views on a proposed new agreement between the Province and the Harbour Commission covering the administration of the Provincially-owned foreshore land in the North Fraser Harbour. The Municipality responded by referring to the Big Bend Development Plan and requesting that Municipal control be exercised over the Water Lots adjacent to the proposed foreshore park, either by transfer of ownership of the Water Lots to the Municipality or by direct Municipal involvement in the leasing process administered by the North Fraser Harbour Commissioners.

Vancouver and Richmond expressed a similar view and, although we have not heard from the Province directly, in a letter dated September 18, 1973 a brief outline of the terms and conditions of the new Agreement are provided.

It was understood last August that the new Agreement recognized Burnaby's foreshore park in some special way by shortening the length of lease in that area unless the lease was to be for recreational purposes and by making the leases subject to Municipal approval.

The submission at hand from the North Fraser Harbour Commissioners does not provide a copy of the new Agreement.

In view of the foregoing, it was recommended that Council:

- (a) obtain a copy of the new head lease which has been agreed to in principle between the Provincial Government and the North Fraser Harbour Commissioners;
- (b) obtain a list of the Water Lot leases lying within Burnaby that are currently being renegotiated;
- (c) apply for a lease, for recreational purposes, of the Water Lots fronting the foreshore park shown in the "Big Bend Development Plan" and, if this is not possible immediately, then indicate that Council wishes to give notice of its intention to apply for such leases in two years time, as provided for in the head lease;
- (d) apply to renew the current leases the Municipality enjoys.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

Mr. James A. Smith wrote to outline a problem being experienced by the residents on Elwell Street in the 6900 block as a result of speeding traffic and people parking in front of the residences there who do not occupy such residences.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:
"That the submission from Mr. Smith be referred to the Municipal Engineer for consideration and report."

CARRIED UNANIMOUSLY

ENQUIRIES

Alderman Gunn served a Notice that he proposed to introduce a Motion at the October 9th Council Meeting dealing with electoral reform.

The Planning Director indicated that, as a result of an inquiry by Alderman Gunn, he would be submitting a report to Council shortly on a request in a letter from Mr. Jean-Pierre Daem concerning the provision of a park in the Simon Fraser Hills area.

Alderman Gunn stated that there was a sign on the Kapoor property inviting its development for warehouses.

The Planning Director was asked to provide Council with a report indicating the extent to which the owner of the property intends to develop it for warehouse purposes.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GUNN:

"That the political parties in Burnaby be granted permission to erect temporary signs pertaining to the forthcoming Municipal Election on November 17th upon or over public property, except those lands dedicated as parks or schools, pursuant to Clause 9 of Schedule 1 of Burnaby Sign By-law 1972, on the condition that any such signs will be removed within three days after the Election."

CARRIED

AGAINST -- ALDERMAN MCLEAN

When Alderman Lewarne enquired as to when a report could be expected on the Major Road Study, the Manager replied that the consultant engaged for the Study will not be completed until the end of this year.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER submitted Report No. 73, 1973, 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:

(1) Monthly Report of Health Department

A report of the Medical Health Officer covering the activities in his Department during the month of August, 1973 was being submitted herewith.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN MERCIER:

"That the report be received."

CARRIED UNANIMOUSLY

(2) Roof for Municipal Rink

It was recommended that Council ratify the alterations in the contract with Totem Roofing and Insulation Limited relating to the replacement of the roof of the Municipal Rink which are detailed in the report, and that a copy of the report be sent to the Parks and Recreation Commission.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(3) Financial Report

A report of the Municipal Treasurer covering the financial situation of the Corporation between January 1st and September 9, 1973 was being submitted herewith.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:

"That the report be received."

CARRIED UNANIMOUSLY

(4) Engineering Services - 1974 Local Improvement Program

It was recommended that Council authorize the execution of a contract with the following firms for the projects indicated in the amounts shown:

October/1/1973

(a) R. F. Binnie Ltd.	Project 1	\$17,402.00)
(b) R. F. Binnie Ltd.	Project 2	\$15,986.00) excluding
(c) Vector Engineering Services Ltd.	Project 3	\$15,650.00) disbursements
(d) R. F. Binnie Ltd.	Project 4	\$13,706.00)
(e) Vector Engineering Services Ltd.	Project 5	\$15,200.00)

with actual payment to be based on the scale of minimum fees of the Association of B. C. Professional Engineers.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN GUNN:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (5) REZONING REFERENCE NO. 37/73
Lots 1, 2E½, 2W½, 11 and 12, Block 10,
D.L. 69, Plan 1321

It was recommended that Council authorize an expenditure of approximately \$88,100.00 for the preservicing of the above described properties in place of the original estimate of \$64,600.00.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (6) Lot 1, Block 19, D. L. 6, Plan 6105 (9237 Cameron Street)

It was recommended that Council authorize the demolition of the dwelling on the above described property.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MERCIER:
"That the previous motion be amended by adding "subject to it first being determined whether the Corporation can claim on its insurance policy for the damage which was caused the dwelling by vandals."

CARRIED UNANIMOUSLY

A vote was then taken on the original motion, as amended, and it was carried unanimously.

Council directed that a report be submitted outlining methods which could be used to prevent vandalism to unoccupied Municipal houses.

- (7) Water Lots - North Arm of Fraser River

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

- (8) REZONING REFERENCE NO. 42/73
(a) Lots 7 and 8, Blocks 23/24, D.L. 32, Plan 1444
(b) Parcel "F" Explanatory Plan 9114, Block 24, D.L. 32, Plan 812
(c) Parcel "G" Reference Plan 14141, Block 32, D.L. 152, Plan 783

It was recommended that Council:

- (a) approve in principle the closure of Marlborough Avenue north of Irving Street, south of Newton Street to public traffic once the provision of an alternative traffic routing is achieved and a landscaped pedestrian concourse in accordance with an attached report has been created;

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- (b) reaffirm its approval in principle of the cul-de-sac of Newton Street east of Nelson Avenue once the alternative traffic routing is established;
- (c) establish the following prerequisites to the rezoning of the captioned property:
 - (1) the dedication of the easterly 33' of Parcel "G" for road widening purposes south of the centre line of Irving Street;
 - (2) the depositing of sufficient funds for the construction of a finished standard 46' foot wide street with concrete curbs and gutters and sidewalks on both sides together with ornamental street lighting on that portion between Irving Street and Kingsway;
 - (3) the acceptance of a suitable design of the landscaped pedestrian concourse within that portion of Marlborough Avenue that is to be closed, as a part of the comprehensive development scheme for the property, and the depositing of sufficient funds to construct the concourse after the street is closed;
 - (4) approve in principle the eventual signalization of the Marlborough-Kingsway intersection so as to accommodate the traffic pattern set out in the aforementioned study.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Manager be adopted."

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

"That the report of the Manager be tabled until the October 9th Council meeting."

CARRIED UNANIMOUSLY

(9) Subdivision Reference No. 40/73

It was recommended that Council authorize the sharing of the cost of constructing sanitary sewers to the land covered by the above subdivision, with the amount to be determined by an actual contract but not to exceed \$5,000.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN MCLEAN:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(10)-Lot 82, D.L. 92, Plan 1146 SUBDIVISION REFERENCE NO. 122/73
-Lane east of Brantford Avenue in the Vicinity of Stanley Street

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

(11) Municipal Hall - West Building

It was recommended that Council authorize the extension of the closing date for the receipt of tenders for the above project until October 17, 1973.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GUNN:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(12) Taxi Cabs

There are three companies licensed to operate a total of 64 taxi cabs in the Municipality.

Burnaby Cab and Commercial Vehicle By-law allows the Council to issue a Taxi Cab license for every 2,000 residents in the Municipality. Since there are approximately 131,200 people in Burnaby, the Council could issue two more Taxi Cab licences.

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It was recommended that two additional taxi license be made available and that the Chief License Inspector be authorized to accept applications for such licenses on forms prepared by him.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BURNHAM:
"That the recommendation of the Manager be adopted."

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN LEWARNE:
"That the previous motion be tabled until a report can be provided on the ramifications and technicalities involved in increasing the fee for taxi licenses from \$40.00 per year to \$500.00 per year."

CARRIED UNANIMOUSLY

It was pointed out that taxi licenses in Burnaby are selling for between \$16,000 and \$20,000. A suggestion was made that the trades license for taxis should be related to the "market" value of the license. The Council was informed that, under the Municipal Act, the maximum license fee that can be charged is \$1,500 for a licensing period.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN MERCIER:
"That the Minister of Municipal Affairs be asked whether it would be possible to amend the Municipal Act to permit municipalities to charge a trades license fee for taxis that reflects the market value of the taxi license."

CARRIED

AGAINST -- ALDERMEN GORDON, MCLEAN

(13) Camrose Park Subdivision and Municipal Property in D.L. 59

It was recommended that Council authorize the exchange of approximately 86,370 square feet of the land owned by North American Contractors Limited referred to in the report, which is required for park purposes, for the 25,585 square feet of Municipal land also mentioned in the report, subject to the necessary survey and legal costs being borne by the Company.

It was also recommended that a copy of the report be sent to the Parks and Recreation Commission:

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(14) Estimates

It was recommended that the Special Estimates of Work of the Municipal Engineer in the total amount of \$1,400.00 be approved.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(15) Davies Chimney & Roofing Co. Ltd.

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

(16) Burnaby Subdivision Control By-law 1971

It was recommended that the above By-law be amended, as follows:

(a) that Section 5 (a) read as follows:

"clear, drain and surface highways within the subdivision, including the construction of sidewalks and boulevards to the standard prescribed in Schedule "A" of this By-law"

(b) that Section 5 include a further clause to read:

"(f) install underground wiring to the standard prescribed in schedule "D" of this By-law"

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- (c) that Section 5 be further amended to include the following clause
"(g) install street lighting to the standard prescribed in
Schedule "E" of the By-law"
- (d) that Section 6 be deleted and Section 7 and 8 be renumbered as 6 and 7
respectively.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(17) Tax Exempt Properties

The Municipal Treasurer will be able to provide the information Council requested on September 24th relating to tax exempt properties in time for the October 9th Council meeting.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(18) Subdivision Reference #62/73

It was recommended that Council:

- (a) authorize the exchange arrangement detailed in the report relating to a situation involving the above subdivision;
- (b) approve the sale of the 35' parcel of land south of Carson Street shown on Sketch 3b accompanying the report for \$5,000, subject to consolidation with the parcel to the west;
- (c) forward a copy of the report to the Parks and Recreation Commission.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:
"That the recommendations of the Manager be adopted."

ALDERMAN LEWARNE LEFT THE MEETING.

CARRIED UNANIMOUSLY

(19) 6600 Block Willingdon Avenue and 6500 and 6600 Blocks Patterson Avenue
(Willingdon-Patterson Connection)

The Council approved the following actions at its meeting on November 14, 1972 relating to the above matter:

- (a) The Planning Department was authorized to investigate the cost of retaining a transportation consultant to develop a comprehensive major roads plan which will show travel demands and development patterns that will exist in the mid-1980's, using as a basis an earlier planning study entitled "Transportation Aspects of the Year 2000";
- (b) The matter of developing that portion of Willingdon Avenue south of the B.C. Hydro and Power Authority railway tracks as a major road, was deleted from the Capital Improvement Program, with this to be reviewed when the Major Roads Study mentioned under (a) above has been completed;
- (c) Land for the proposed extension was to be acquired only as a result of applications to rezone/subdivide land that would be affected by the road extension.

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There has been no further action on the part of Council since that time. The Study referred to above is still in progress and it is anticipated that a report on the matter will be available to Council in either February or March, 1974.

It was recommended that a copy of the report at hand be sent to those who signed the petition accompanying the letter from A. E. LePage Western Limited and the company itself.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (20) REZONING REFERENCE No. 73/72
Parcel "B", Reference Plan 9342 except Parcel 1,
Explanatory Plan 10507 and except Parcel 2 and
Road Reference Plan 12333 and except West 33 feet
of Parcel "B", Block 4N½, D.L. 4, Plan 845
(9235 Loughheed Highway -- Located on the Northeast
corner of Loughheed Highway and Bell Avenue)

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

- (21) Lane Between Allman Street and Stanley Street

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

ALDERMAN LEWARNE RETURNED TO THE MEETING.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:
"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

BY - LAWS

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN MCLEAN:
"That:

- | | |
|---|---------|
| "BURNABY SHOPS CLOSING BY-LAW 1958, AMENDMENT BY-LAW 1973" | (#6346) |
| "BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 6, 1973" | (#6354) |
| "BURNABY BUSINESS TAX BY-LAW 1965, AMENDMENT BY-LAW 1973" | (#6355) |
| "BURNABY SUBDIVISION CONTROL BY-LAW 1971, AMENDMENT BY-LAW NO. 2, 1973" | (#6356) |

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 MCLEAN, SECONDED BY ALDERMAN MERCIER:
"That the Committee now rise and report the By-Laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

"That:

"BURNABY SHOPS CLOSING BY-LAW 1958, AMENDMENT BY-LAW 1973"

"BURNABY ROAD ACQUISITION AND DEDICATION BY-LAW NO. 6, 1973"

"BURNABY BUSINESS TAX BY-LAW 1965, AMENDMENT BY-LAW 1973"

"BURNABY SUBDIVISION CONTROL BY-LAW 1971, AMENDMENT BY-LAW NO. 2, 1973"

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:

"That:

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 6, 1973"

"BURNABY LOCAL IMPROVEMENT CHARGES BY-LAW 1971, AMENDMENT BY-LAW NO. 3, 1973"

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

CARRIED UNANIMOUSLY

ADDENDUM - As per reference on Page 6

Mr. Don Bartley and others submitted a petition urging that a lane be built between Allman Street and Stanley Street.