

JULY 16, 1973

A regular meeting of the Municipal Council was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, July 16, 1973 at 7:00 p.m.

PRESENT:

Acting Mayor J. L. Mercier, in the Chair
Alderman E. L. Burnham
Alderman M. H. Gordon
Alderman B. H. Gunn
Alderman W. A. Lewarne
Alderman G. H. P. McLean
Alderman V. V. Stusiak

ABSENT:

Mayor T. W. Constable
Alderman D. A. Lawson

STAFF PRESENT:

Mr. M. J. Shelley, Municipal Manager
Mr. E. E. Olson, Municipal Engineer
Mr. D. Stenson, Assistant Director-Current Planning
Mr. E. A. J. Ward, Deputy Municipal Clerk
Mr. R. F. Norcliffe, Municipal Clerk's Assistant

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN STUSIAK:

"That the Minutes of the Council meeting held on July 9, 1973 and the Public Hearing on the same date be adopted as written and confirmed."

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN BURHAM:

"That the second resolution on Page 4 of the July 9th Council Minutes be amended by deleting all the words after "indicating" in the second line and substituting therefor the following words "why the statements in the submission from Mr. Hean regarding staff of the Planning Department were not confirmed in writing"."

CARRIED UNANIMOUSLY

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

ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:

"That all of the below listed original communications be received and those items of the Municipal Manager's Report No. 53, 1973 which relate thereto be brought forward for consideration at the appropriate times."

CARRIED UNANIMOUSLY

Mr. D. C. Macintyre, President, Burnaby Safety Council, wrote to express appreciation for the financial assistance rendered and interest shown by Council in the programme of promoting safety in Burnaby.

Mr. Herb Phillips, President, Burnaby Big Brothers, wrote to express thanks to Council for its financial support of the organization.

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The Honourable James G. Lorimer, Minister of Municipal Affairs, submitted a letter advising that he thinks the suggestion of Council concerning Voters' Privileges is a good one and that his Department will give the proposal consideration as it proceeds with its review of, and amendments to, the Municipal Act.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:

"That the submission from the Minister of Municipal Affairs be referred to the Election Procedures Committee for consideration in conjunction with its review of matters relating to legislation involving Elections and the procedures which are instituted for the conduct of Elections in the municipality."

CARRIED UNANIMOUSLY

The Honourable James G. Lorimer, Minister of Municipal Affairs, wrote to advise that the Provincial Government has need for the site on the which the Willingdon School for Girls is located and that therefore the property will not be transferred to the municipality at this time.

Alderman McLean drew attention to the fact the Parks and Recreation Commission had received a letter from the Minister of Education indicating that consideration would be given the proposal that the Willingdon School for Girls site be used for community recreational purposes.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN STUSIAK:

"That Council respectfully enquire of the Minister of Municipal Affairs as to the use the Provincial Government intends to make of the Willingdon School for Girls property and ask why this land cannot be used for community recreational purposes."

CARRIED UNANIMOUSLY

It was suggested that the subject of the municipality being allowed to use the Willingdon School for Girls' site be discussed at the meeting the Minister of Municipal Affairs will be having later this month with Mayor Constable.

Mr. R. F. Schmid, Technical Director, Canada Summer Games Society, wrote to request permission to hold a 60 Mile Road Race on August 5th commencing at 9:00 a.m. and completing by 12:30 p.m. along a route outlined on an accompanying map.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN BURNHAM:

"That permission be granted to the Society to conduct its activity at the time and along the route indicated, subject to the approvals of the Municipal Engineer, the Burnaby Detachment of the R.C.M.P. and the Provincial Department of Highways."

CARRIED UNANIMOUSLY

Mrs. Carie Taylor, Vancouver Co-Ordinator, B.C.I.T. Student Association, submitted a letter requesting permission to hold Shinerama '73 for the purpose of raising funds with which to aid in Cystic Fibrosis research.

MOVED BY ALDERMAN LEHARNE, SECONDED BY ALDERMAN GORDON:

"That permission be granted to the B.C.I.T. Student Association to conduct the campaign mentioned; and further, Council express its appreciation for the efforts of the Association in campaigning for funds for a very worthwhile purpose."

CARRIED UNANIMOUSLY

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Mr. Otto J. Koppe submitted a letter requesting that Council do something about a dog at 8005 15th Avenue which was causing the residents there some concern.

Item #15 of the Municipal Manager's Report No. 53, 1973, which relates to the subject of the letter from Mr. Koppe, was brought forward for consideration at this time. The following is the substance of that report:

(15) Dog - 8005 15th Avenue

The dog in question is confined to the owners' property by means of a chain or is kept in the house. The location of the chain allows the dog to occupy the driveway area serving the adjacent property at 8011 15th Avenue. The owner of the dog, Mr. F. Hryciw, agreed to move the dog to the rear yard to eliminate the nuisance to the neighbours. Mr. Hryciw stated that the dog only barked when someone comes onto the property and he is prepared to take steps to reduce this problem.

On April 4th, the Hryciw dog was alleged to have attacked the small daughter of another neighbour. Investigation revealed the incident took place on the Hryciw property and the dog was on its chain at the time. The child did not suffer any puncture or broken skin and the parents did not report the incident; therefore, the action of the Pound was limited to a warning.

A review of Pound records for the period between April 1st and July 10, 1973 revealed that approximately 50 dogs have been impounded and 45 written warning notices issued throughout an area of six square blocks surrounding the subject property.

The only authority to order the removal of a dog is through the Courts under the provision of the Animal Act. In the case at hand, the parents of the child did not lodge the complaint and apparently did not wish to initiate any action.

Mr. Hryciw's response indicates a co-operative attitude and the relocation of the dog to the rear yard should serve to reduce the barking. In any event, a letter of warning has been forwarded to Mr. Hryciw for the purpose of documenting the complaint about barking.

The Pound Enforcement Officers will continue with patrols throughout the area but no further action is possible if the Hryciw dog is confined to the property and the barking is controlled.

It was recommended that Mr. Koppe and the residents of 8011 15th Avenue be sent a copy of the report at hand and that the latter be invited to contact the Municipal Animal Shelter at 299-4545 if they have further need for their services.

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

CARRIED UNANIMOUSLY

Miss Janet Thompson submitted a letter:

- (a) drawing attention to an article which appeared in the Vancouver Sun indicating that a policy of giving the public 48 hours to claim impounded dogs before they are sold to the University of British Columbia has been reaffirmed;

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- (b) enquiring as to whether Simon Fraser University is permitted to purchase unclaimed dogs, for research, from the Burnaby Pound;
- (c) asking for the most recent report on what is being done to control the over population of dogs and cats in Burnaby.

Item #18 of the Municipal Manager's Report No. 53, 1973, which relates to the subject of the letter from Miss Thompson, was brought forward for consideration at this time. The following is the substance of that report:

(18) Animals (Thompson)

The Burnaby Animal Shelter has never supplied animals, dead or alive, for medical or scientific research. The S.P.C.A. contract covering the operation of the Pound provides that the S.P.C.A. shall become the owner of any dog which is not redeemed by the lawful owner within 72 hours of impounding. The Regional Office of the S.P.C.A. has advised that this regulation is stangently adhered to.

In Vancouver, the City operates its own dog catching service and Pound whereas the S.P.C.A. operates Burnaby's.

It was recommended that a copy of the report at hand plus Item #6 of Report No. 51, 1973 be sent to Miss Thompson.

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

CARRIED UNANIMOUSLY

Mr. H. W. Balfour, Chairman, Protocol and Ceremonies Committee, Canada Summer Games Society submitted a letter in which he extended an invitation to the members of Council and their wives or husbands to attend the Official Opening of the Burnaby Lake Rowing and Canoeing Course on July 21, 1973 commencing at 2:00 p.m.

Acting Mayor Mercier stated that the Mayor of New Westminster would participate in a Canoe Race against the Burnaby Municipal Council following the Opening Ceremonies for the Burnaby Lake Rowing and Canoeing Course.

T A B L E D I T E M S

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN GUNN:
"That the following matters be lifted from the table:

(a) Business Tax

- (b) 1973 Amendments to Assessment Equalization Act (Bill 71)
(See Items #24 and #25, Municipal Manager's Report No. 51, 1973)

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GUNN:
"That the Municipal Assessor, Mr. H. J. Goode, be allowed to speak on the two foregoing items."

CARRIED UNANIMOUSLY

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Mr. Goode then spoke and stated that the effect of the Supreme Court decision detailed in his report will not apply to the situation in 1973 regarding the Business Tax and will therefore take effect next year.

He added that he did not feel the owner of a business could apply for a refund of a portion of the business tax he paid this year because the time for appeal against the business tax has lapsed.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:

"That the recommendation in Item #24 of the Municipal Manager's Report No. 51, 1973, which Council received on July 9, 1973, be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN GORDON:

"That further consideration of the proposal of the Municipal Assessor in regard to the two value system of assessments outlined in Item #25 of the Municipal Manager's Report No. 51, 1973 be given after a reply is received from the Department of Municipal Affairs concerning the situation involving the business tax."

CARRIED UNANIMOUSLY

ENQUIRIES

Alderman McLean drew attention to a recent newspaper article in which it was announced that the City of Victoria would be receiving \$355,000.00 from the Provincial Government as a grant in lieu of taxes on Provincial lands whereas the Municipality of Burnaby would only be receiving \$125,000.00.

He suggested that, since there is more land in Burnaby which is owned by the Province of British Columbia than there is in the City of Victoria, Burnaby should receive a larger grant than has been reported.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:

"That the Provincial Minister of Finance be requested to provide information indicating the basis the Provincial Government used for calculating the grants in lieu of taxes on Provincial land."

CARRIED UNANIMOUSLY

When Alderman Gordon asked whether a recent newspaper article indicating that Acting Mayor Mercier endorsed the N.D.P. housing plan was correct, Acting Mayor Mercier replied that it was essentially right. Acting Mayor Mercier added that he had stated that whatever was done should involve the Council at the outset. He commented that he felt the majority of Council members would support the proposal to develop Provincial land on Burnaby Mountain for housing purposes.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN LEWARNE:

"That Council request the Honourable Lorne Nicholson, the Provincial Minister responsible for Housing, to apprise and consult Council on the housing proposal for Provincial land on Burnaby Mountain before issuing any further news releases to ensure that there will be no conflict between the development plans of the Government and those of the municipality."

CARRIED UNANIMOUSLY

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Alderman Gordon stated that the Burnaby Mental Health Advisory Committee was arranging to accommodate 25 in-bed patients to be treated immediately in the building at Canada Way and Willingdon Avenue. He added that there was no other such rehabilitative programme for mental patients in Canada. Alderman Gordon also commented that the "Maples" facilities would continue and that approximately \$60,000.00 would be spent in renovating the building where the in-bed patients mentioned are to be accommodated.

When Alderman McLean asked whether the "tin" chimneys being provided in the Green Tree Village development were approved by the Planning or Building Departments, Mr. Stenson stated that this type of chimney was approved as being suitable for the purpose.

When Alderman Gunn asked when a report would be submitted on the study that has been made of the future development of land on Burrard Inlet, the Manager replied that he should have a report for Council on the matter in one or two weeks time.

Alderman Burnham enquired as to the possibility of installing air conditioning units in the Council Chambers.

The Manager replied that it was considered five small window units, at a cost of \$130.00 each, would be required to keep the Council Chambers cool. He added that some modifications would be required to the electrical system in the Council Chambers if the units were to be provided. The Manager also commented that the noise from the units might interfere with the microphones in the Council Chambers.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GORDON:

"That a presentation be made to the Provincial Government requesting the 11.38-acre site in the 7400 Block Euller Avenue now leased by Canadian Auto Carriers Ltd. from the B. C. Hydro and Power Authority be designated as a "park and ride" terminal because the location makes it ideal for this type of use and the eventual connection for a rapid transit system on the Central Park line."

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN BURNHAM:

"That the proposal embodied in the above motion be referred to the Planning Department for consideration and report to Council on July 30th, including an indication as to the desirability of establishing "park and ride" facilities in various parts of the municipality."

CARRIED

AGAINST -- ALDERMEN LEWARNE AND STUSIAK

R E P O R T S

DEPUTY MUNICIPAL CLERK submitted a Certificate of Sufficiency covering the paving of the lane South of and parallel to Hastings Street from Duncan Avenue to Invergarry Avenue and Invergarry Avenue from Hastings Street South to the lane, as a Local Improvement, by the petition method.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN STUSIAK:

"That the Certificate be received and a Local Improvement Construction By-Law be prepared to authorize the work covered by the Certificate."

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MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:

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

MUNICIPAL MANAGER submitted Report No. 53, 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) R.C.M.P. Detachment Strength

As a result of a request of the Officer-in-Charge of the Burnaby Detachment of the R.C.M.P., it was recommended that Council approve an increase in the complement of the Detachment by 2 positions for the fiscal year 1974/75.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

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

A report of the R.C.M.P. covering the policing of the municipality during the month of June, 1973 was being submitted herewith.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:

"That the report be received."

CARRIED UNANIMOUSLY

(3) Sign on Municipal Property - 6400 Beresford Street

An advertisement has appeared in the newspapers recently offering for sale a municipal property at 6498 Beresford Street. The property has a building on it and the Municipal Act requires that, in such cases, the sale be advertised in a newspaper.

The Block Bros. sign is on privately-owned land in the area approximately 100 feet from the municipal property. If and when the proposed land exchange and lot sale is completed, which was the subject of a report to Council a short time ago, then the Block Bros. sign would be on the road allowance that will be created.

MUNICIPAL MANAGER assured Council that the municipal property in the area that is being offered for sale is not listed with Block Bros. or any other real estate firm.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN STUSIAK:

"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(4) Senior Citizens' Housing - 9235 Loughheed Highway

Mr. Frank Way, President of the Federated Legislative Council, stated at the July 9th Council meeting that he had written a letter to the municipality about the above subject and it had never been acknowledged.

The Deputy Municipal Clerk has checked his files and has found a letter dated January 29, 1973 signed by Mr. Way and addressed "To Whom it May Concern" relating to the subject matter. This letter was handed to the Deputy Clerk by Mrs. Anita Morris, President of the Loughheed Town Community Association, at the Council meeting on

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January 29, 1973. It was intended to supplement the presentation she made at that meeting and, as the Deputy Clerk acknowledged receipt of it in his letter of January 30, 1973 to Mrs. Morris, he naturally assumed that she would convey that action to Mr. Way. Had Mr. Way's letter been addressed to Council, then he would have received a direct reply from the municipality.

The Deputy Municipal Clerk, in a letter dated July 10, 1973, has advised Mr. Way of the foregoing.

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

CARRIED UNANIMOUSLY

(5) Spur Line - Eastlake Drive and Production Way

The Engineer has received an application from Richfield Development Company for permission to construct a spur line crossing in the vicinity of Eastlake Drive and Production Way. This crossing is to serve a proposed warehouse development at the Northeast corner of these two streets.

Numerous meetings have been held between the applicants and representatives of the Planning and Engineering Departments and the Canadian National Railway to determine the most suitable location for the proposed spur line. The municipal interest in this regard is the question of rail service in the area on a long-term basis and the protection of the arterial street function of Production Way.

Although alternate routes would be superior from a long-range point of view, the proposed location is recommended on the basis that adjacent private property owners have refused permission to allow the construction of the spur over a portion of their land and because anticipated high costs for longer trackage, retaining walls and an underpass cannot be supported by the development that is proposed for the East side of Production Way North of Eastlake Drive.

It is anticipated that increased rail and street traffic activity in this area over the next 20 years could require additional measures to control the frequency and duration of delays to street traffic as a result of rail operations on the spur line.

Considering the possibility of a limited amount of traffic movement when cars^{are} on the spur track and recognizing that it should be a requirement that the applicant construct a traffic signal at the intersection which can be actuated by railway movement on the spur line, it was recommended that Council approve the construction of the spur line across Eastlake Drive and Production Way, as shown more particularly on an accompanying sketch, subject to the following conditions:

- (a) That the entire cost of the spur line and all related work be borne by the developer and/or the Burlington Northern Railway.
- (b) That the developer be required to construct, at his expense, full traffic signalization at the intersection of Production Way and Eastlake Drive at the same time as constructing the spur line, with the traffic signal to be automatically adjusted to turn red in all directions when rail traffic is in the process of crossing the intersection.

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- (c) That the developer be responsible for the full cost of the traffic signal and any automatic connections to the railway line.
- (d) That the crossing be built with flange and header rails, including asphaltic concrete surfacing throughout, to match the existing pavement grade on Eastlake Drive and Production Way.
- (e) That the developer and/or Railway Company be responsible, in perpetuity, for the cost of maintaining the spur line and also be responsible for the maintenance of all the automatic equipment related to controlling the traffic signals during rail operations.
- (f) That the developer and Railway Company agree that the municipality may, if in its sole opinion it deems necessary, at any time limit the operation of rail service on the spur line to or during specific times of the night or day.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:

"That consideration of the foregoing report be deferred until later in the evening after the Municipal Engineer produces a larger map of the area in question."

CARRIED UNANIMOUSLY

See after Item #11 below for the decision on the spur line proposed for Eastlake Drive and Production Way.

(6) Community Recreational Facilities Fund Act

At the last session of the Legislature, the Provincial Government enacted Bill 76 which establishes a fund of \$10,000,000.00 from which grants may be paid up to 1/3 of the first million dollars or less for any community recreational facility sponsored by a municipality or a non-profit, cultural, ethnic or religious group.

The following are considered to be available projects that could qualify for such a grant:

Burnaby Centre Library	\$183,801 - approximate grant	\$ 61,267
Kensington Rink	835,000 - approximate grant	278,333
Tennis Courts - Charles Rummel Park	27,000 - approximate grant	9,000
Lacrosse Box - East Burnaby Park	27,000 - approximate grant	9,000

No assurance could be given by staff in the Department of Recreation and Conservation that the Kensington Ice Arena will qualify in view of the fact a contract for the project was awarded on January 15, 1973, which was before the legislation was passed. Bill 76 is retroactive to August, 1972.

It was recommended that:

- (a) applications be made to the Provincial Government for the grants shown above;
- (b) the Municipal Treasurer be named as the authorized signing officer for the applications;
- (c) a copy of the report at hand be sent to the Parks and Recreation Commission and the Library Board.

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

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:
"That the Bonsor Pool project and any others which are considered appropriate be included in the applications which are submitted to the Provincial Government."

CARRIED UNANIMOUSLY

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

- (7) (a) Lot 22, D.L. 173, Plan 28236
(b) Lease Part Remainder of D.L. 155, Plan 3037
PRELIMINARY PLAN APPROVAL APPLICATION NO. 2253

It was recommended that Council authorize the issuance of Preliminary Plan Approval for the addition of an office annex on the above described properties, subject to agreement on a suitable overall development plan.

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

CARRIED UNANIMOUSLY

(8) Estimates

It was recommended that the Special Estimates of Work of the Municipal Engineer in the total amount of \$4,200.00 be approved.

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

CARRIED UNANIMOUSLY

(9) Signing Officers - Current Account

It was recommended that Council pass the following resolution in order to provide for signing officers for the Corporation's current account: _____

(1) That Bart McCafferty the ~~XXXXX~~ Treasurer/Treasurer
of the Corporation of the District of Burnaby
(Insert name of City, Town, Village, Municipality or School District)

(hereinafter called the "corporation"), be and is hereby authorized for and on behalf of the corporation to negotiate with, deposit with, or transfer to THE ROYAL BANK OF CANADA (but for credit of the corporation's account only) all or any cheques and other orders for the payment of money, and for the said purpose to endorse the same or any of them on behalf of the corporation either in writing or by rubber stamp.

current account of the
(2) That all cheques of the corporation be drawn in the name of the corporation and be signed on its behalf by
T.W. Constable, Mayor, or the appointed Acting Mayor
(Insert name of officer and indicate whether he is Mayor, Reeve, Warden, Overseer, Chairman, Trustee, Clerk, Treasurer or Secretary-Treasurer)
Bart McCafferty, Treasurer or H.B. Karras, Deputy Treasurer or
E.A. Watkinson, Assistant Municipal Accountant.
and ~~XXXX~~ countersigned by
(Insert name of officer and indicate whether he is Mayor, Reeve, Warden, Overseer, Chairman, Trustee, Clerk, Treasurer or Secretary-Treasurer)

(3) That Bart McCafferty, Treasurer be and is/are
(Insert name of officer(s) and indicate title of his office)
hereby authorized for and on behalf of the corporation from time to time to receive from the said Bank a statement of the account of the corporation together with all relative vouchers and all unpaid bills lodged for collection by the corporation and all items returned unpaid and charged to the account of the corporation, and to sign and deliver to the said Bank the Bank's form of verification, settlement of balance and release.

(4) That Bart McCafferty, Treasurer be and is/are
(Insert name of officer(s) and indicate title of his office)
hereby authorized for and on behalf of the corporation to obtain delivery from the said Bank of all or any stocks, bonds and other securities held by the said Bank in safekeeping or otherwise for the account of the corporation and to give valid and binding receipts therefor.

(5) That this resolution be communicated to the said Bank and remain in force until written notice to the contrary shall have been given to the Manager for the time being of the branch of the said Bank at which the account of the corporation is kept, and receipt of such notice duly acknowledged in writing.

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

CARRIED UNANIMOUSLY

(10) Proposed Addition of "Offices" to the M5 (Light Industrial)
District Zone

Under the current Zoning By-Law regulations, certain types of office uses which are closely related to industrial development are permitted in all of the industrial zones. These include Architectural, Data Processing, Drafting, Engineering and Surveying Offices. The amendment to the Zoning By-Law which provided for the addition of these industry-servicing types of offices to the Industrial Districts was passed by Council in 1966.

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Offices are permitted as accessory uses in all of the industrial zoning categories in recognition of the necessary ancillary role they play in a wide variety of industrial operations, including manufacturers, distributors and the truck transportation industry.

Among the text amendments to the Zoning By-Law which accompanied the "Big Bend Area" rezoning proposals was the addition of certain industrial zoning categories, including the M5 designation, to the Comprehensive Development District. This amendment, plus the addition of Business and Professional Offices to the M5 District, will permit the development of industrial/office park projects in the proposed CD sections of the Big Bend Area as well as in the M5 Districts. It would also allow for the implementation of the current rezoning proposal involving land at Lougheed Highway and Beta Avenue (RZ #22/73).

With regard to the amendments proposed by the Burnaby Chamber of Commerce, it is felt these would be open to a wide degree of interpretation since it could well be argued that a considerable variety of offices, in one way or another, conduct trade with or provide services for manufacturers, distributors or the truck transportation industry. Aside from the legal implications involved in interpreting the By-Law, the proposed additions by the Chamber of Commerce could very well result in the large scale intrusion of office uses, most of which are clearly of a commercial character, into all industry zoned areas.

The proposed Zoning By-Law Amendment permitting the addition of Business and Professional Offices to the M5 zone will permit sufficient flexibility to allow offices to select a much wider range of locations than formerly. Although this may require rezoning in certain areas, it will provide an additional measure of control over any large scale pre-emption of industrially-zoned land by offices in those instances where an office is the principal use on a particular site.

The Planning Department would be opposed to the broadening of the zoning regulations to permit additional types of offices in other Industrial Districts. Such a policy could detract from the concept of encouraging the location of higher density office buildings within commercial cores, which has been approved by Council in its adoption of the Apartment Study Reports of 1966 and 1969. The danger of taking such an approach is further emphasized by the absence of a building height limitation in either the M2 or M3 Districts.

It was recommended that Council approve the proposed amendment to the Zoning By-Law which would allow for the addition of Business and Professional Offices to the "Uses Permitted" section in the M5 District of the Zoning By-Law.

It was also recommended that a copy of the report at hand be sent to the Burnaby Chamber of Commerce.

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

CARRIED UNANIMOUSLY

(11) Gasoline Service Stations

A recent proposal to operate a retail outlet for soft drinks by the case from an existing service station was rejected because it was determined to be a principal use on a service station site in a C4 zone. The sale of soft drinks is definitely permitted as an

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accessory use at service stations under the regulations of the Zoning By-Law. As a principal use, this type of operation is considered as a retail outlet that would be permitted in some of the other Commercial Districts. Such a use could also be carried on in almost all of the Industrial Districts where the retail sale of the products produced on the premises is an accepted part of the operation.

All gasoline service stations, regardless of zoning location, are governed by the regulations of the C6 District but these are physical requirements only and are designed to control such factors as lot area, coverage, setbacks, screening, landscaping, etc.

A distinction is made in the Zoning By-Law with respect to merchandising activities at gasoline service stations. In the C6 zone where the service station is the only principal use permitted, merchandising is confined on a primary level to those items specified under the definition of "Gasoline Service Station". In the C2 and C4 Districts where service stations and a variety of other uses are permitted, a site can be developed with one, two or a number of these as principal uses. Under these circumstances, the service station portion of a site developed for multi-purposes must still comply with the physical standards prescribed in the C6 District.

A number of service stations in the municipality sell a variety of items in addition to the primary sale of gasoline and oil. These are considered as accessory uses.

In the C2 and C4 Districts, other permitted principal uses in these zones could locate on the same site as a service station provided they met the additional area requirement.

It has been concluded that the existing Zoning By-Law regulations provide sufficient latitude for the development of service stations which wish to include other activities in their operations. To relax these regulations would "open the door" to the multi-purpose development of minimum-sized service station sites. Such a policy could also have a detrimental effect on the standard retail outlets for the particular products involved as well as undermining the existing high standards which are considered necessary for good service station development.

It was recommended that Council:

- (a) not amend the specific By-Laws relating to service stations to broaden their usage;
- (b) reaffirm the existing Zoning By-Law regulations which govern the development and operation of service stations in the municipality.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:
"That Item #5 of the Municipal Manager's Report No. 53, 1973, which Council received earlier in the evening, be lifted from the table."

CARRIED UNANIMOUSLY

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MUNICIPAL ENGINEER displayed a large map showing the location of the proposed spur line that is mentioned in the report of the Manager.

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

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN BURNHAM:
"That the following clause be added to the list of conditions detailed in the report of the Manager: "that the municipality retain the right to demand the maintenance of the facilities in question if such maintenance is neglected by the developer and/or Railway Company"."

CARRIED

AGAINST --- ALDERMAN LEWIS

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN STUSIAK:
"That the proposal in the report of the Manager be referred back to the Municipal Engineer for a further report to Council on July 30th indicating whether there are any alternate routings for the proposed spur line."

CARRIED

AGAINST --- ALDERMAN BURNHAM

(12) Subdivision Servicing Agreement
SUBDIVISION REFERENCE NOS. 89/73 AND 127/73

It was recommended that Council authorize the preparation and execution of a Servicing Agreement for the above subdivisions, particulars of which are as follows:

Subdivider

Name: New Horizon Investments Ltd.,
Address: 2160 Springer Avenue, Burnaby 2. B.C.

Legal Description of all properties within the subdivision:

Lot 164, D.L.135, Plan 28722

3. Description of Services to be installed by the subdivider:

According to Schedule "A" attached
(Note: this schedule is prepared by the Engineering
Department based on the approved Engineering Design
Drawing #720949)

4. Completion date:

The First day of October, 1973

6. Contractor:

Name: Harvey Construction
Address: 7050 Greenwood Street, Burnaby. B.C.

Contract Price:

Full Amount: \$ 14,500.00

8. Insurance:

Copies of all insurance policies as required in the
body of the servicing agreement are in the Legal
Department. (Note: these cover Comprehensive
General Liability, Subdivider's Contingency Liability,
Completed Operations Liability, Contractual
Liability and Automobile Liability. The contractor's
insurance policies are acceptable if he is doing the
work for the subdivider).

9. Inspection Fee:

4% of full contract price: \$ 580.00

10. Irrevocable Letter of Credit posted with Municipality

\$ 14,500.00

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

CARRIED UNANIMOUSLY

(13) Burnaby Lake Public Facility

It was recommended that Council authorize the payment of \$106,181.72
to the Canada Summer Games Society to cover the servicing costs for
the above facility and that a copy of the report be sent to the Society,
the Parks and Recreation Commission and the City of New Westminster.

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

CARRIED UNANIMOUSLY

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(14) 5429 Lougheed Highway (Totem Motel)
REFERENCE REZONING NO. 53/70

The Planning Department has reported as follows on a number of statements Mr. Arnold F. C. Hean made at the July 9th Council meeting regarding information allegedly released by the Department about the proposed rezoning of the above property to CMI:

- (a) A thorough search of the files revealed absolutely no record of a request from the previous owner of the property, or from any other person, that the rezoning proposal be withdrawn, other than the request of Mr. Hean himself subsequent to his being engaged, and a note after an October meeting with Mr. Lallarsh to the effect a check with the Clerk's Office verified the By-Law had not been abandoned.
- (b) Staff in the Planning Department who handled the application, including one who no longer is with the Department, has revealed no recollection whatever of any withdrawal of the application.
- (c) It is apparent that factual answers were given to the questions concerning the current zoning of the property and the uses permitted under that zoning. Mr. Hean's source fails to mention the further information that was given on the same occasion regarding the rezoning application which was in effect and the position of the Planning Department with respect to C5 redevelopment of the site.
- (d) It is the policy of the Planning Department to expect written instructions in matters such as withdrawal of rezoning applications rather than casual, oral advice. When a rezoning proposal is to be abandoned, the Municipal Clerk advises the applicant as a matter of course. It is neither customary nor practically possible to confirm every item of information transmitted during the day in writing but instructions or items of information as significant as those involved in the case at hand would be formalized in a letter or at least a record memorandum.
- (e) In summary, the allegations made by Mr. Hean cannot be corroborated but the statements concerning enquiries as to the current zoning are undoubtedly true but not necessarily complete.
- (f) It must be concluded that there was a misunderstanding at some point.
- (g) There is no reason to believe that staff in the Department acted less than properly in discharging their duties in connection with the matter.

It was recommended that a copy of the report at hand be sent to Mr. Hean.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN BURNHAM:

"That, to ensure as best as possible that the type of development outlined to Council on July 9th for property known as 5429 Lougheed Highway takes place, the Council consider the rezoning of the property to Comprehensive Development District (CD) for development under the C5 regulations of the Zoning By-law."

CARRIED

AGAINST --- ALDERMEN STUSIAK, LEVATNE
AND MCLEAN

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

CARRIED UNANIMOUSLY

(15) Dog - 8005 15th Avenue

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

(16) Contract #5 (1973 Storm Drainage)
ARTHOX CONSTRUCTION COMPANY LIMITED

It was recommended that Council authorize an extension of the completion date for the above contract to July 27, 1973 without implementation of the \$100.00 per day liquidated damages clause therein and that the performance bond relating to the contract be extended for the same period of time.

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

CARRIED UNANIMOUSLY

(17) Municipal Houses

The municipality has for approximately 25 years operated on a system whereby tenants of municipal houses are encouraged to assume responsibility for maintenance of a minor nature with related costs reflected in the rentals that are charged for residency.

It has been found necessary to restrict the maintenance to the minor type and superficial things such as painting, repairing of fences, eavestroughs, downpipes, etc. In general, major repairs such as the replacement of roofs, plumbing, wiring repairs and steps are beyond the capacity of the tenant and it has been found necessary to have this work done either by municipal forces or by contract.

All material purchases are approved by the Land Department or the Building Maintenance Co-Ordinator who is assigned to the Building Department. The latter is in charge of house maintenance, is responsible for purchasing the quantities and quantities of materials used, and inspects the finished work.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GORDON:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:
"That the Municipal Manager investigate the feasibility of including a clause in the Lease Agreement covering the rental of municipal houses whereby the tenant will be wholly responsible for all maintenance and repairs for such premises."

CARRIED UNANIMOUSLY

(18) Animals (Thompson)

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

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(19) (a) Burlington Northern Railway - Tunnel Feasibility
(b) Kensington Overpass - Grade Crossing Fund

On August 7, 1972, the Council directed that a review be made of the various problems concerning traffic congestion, alignment and the need for an overpass of Sperling Avenue and Kensington Avenue between the Freeway and Lougheed Highway because of the critical problems being encountered.

At its meeting on November 20, 1972, the Council received a progress report on the matter.

On January 15, 1973, material was submitted to Council from the Canadian Federation of Mayors and Municipalities relative to the matter of assistance under the Grade Crossing Fund. Among other things, it was noted that there were proposed amendments to the Railway Act which would double the Federal grants under the Fund and for special grants on extra large projects. The status of these amendments is not known at this time.

Also at the January 15th meeting, it was suggested that the Burlington Northern Railway tracks be placed underground by means of a tunnel following the approximate alignment of the Lougheed Highway. It was considered that this might be more economical than the provision of overpasses at grade level crossings.

A report of the Municipal Engineer which sets out the terms of reference for a preliminary engineering study on the practicability of the tunnel proposal was being submitted to Council this evening. His report also covers the subject of the Kensington crossing.

It was recommended that the Corporation enter into an Engineering Agreement with FENCO to carry out Preliminary Study Phase I and Detail Design for Phase II, as outlined in the terms of reference, with payment to be as follows:

Phase I - In accordance with "Outline of Services and Scale of Minimum Fees" as published by the B. C. Association of Professional Engineers, Scale I, payroll cost plus 100% but not to exceed \$16,250.00, including disbursements.

Phase II - A fee of 3.7% of the lesser of either the final engineering estimate or the lowest acceptable tender price for construction, plus an estimated cost not to exceed \$8,000.00 for additional soil exploration, if needed.

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

IN FAVOUR -- ALDERMEN STUSIAK, BURNHAM,
AND LEHARNE

AGAINST -- ALDERMEN GORDON, GUNN,
MCLEAN AND ACTING MAYOR MERCIER

MOTION LOST

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- (20) Easements - Portions of Lots 185 and 186, D.L.'s 163/5, Plan 1050 and Lots 2, 3 and 5, Block 1, D.L.'s 166/7, Plan 2237 (BIG BEND FORCE MAIN)

It was recommended that Council:

- (a) authorize the acceptance and execution of perpetual easement documents over portions of the above described properties to accommodate a force main being installed by the Greater Vancouver Sewerage and Drainage District;
- (b) grant a request of the District for permission to do work in the designated areas in question on a temporary basis during the time the Main is being constructed.

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

CARRIED UNANIMOUSLY

(21) Proposed Additional Ice Rinks - Columbian 4Rinks Limited

At the time initial site planning was being done which led to the creation of the ice arena site of Columbian 4Rinks Limited, the Eastern and Western boundaries were established by reference to major circulation elements contained in the conceptual plans for the Central Valley Complex. More specifically, the Westerly boundary is defined by a proposed internal service road that is intended to serve the various sports facilities and to provide access to the peripheral parking areas serving the Complex. The Easterly boundary is a major pedestrian concourse extending in a North-South direction West of Kensington Avenue. The service road is to be located to the East of the present Ardingley right-of-way, to provide an improved intersection condition with Spratt Street proximately to the Freeway entrance ramp. It is felt the commitment of the proposed alignment to parking use supporting the 4Rinks complex would interfere with this objective. As for the Easterly boundary, the concourse location has limited flexibility due to the need to maintain adequate development sites for public sports and recreational uses between the concourse and Kensington Avenue. The North site boundary is the most Northerly location possible considering other elements of the circulation system in the concept for the area.

The present parking area (which is in an unfinished state, a condition that was allowed by Council for 36 months) is designed to accommodate roughly 320 cars. If another 4Rinks facility identical to the one presently in place was to be constructed on the present parking area, a total of 558 spaces would be needed, and this would require an area of approximately 3½ acres. In view of the longer range site planning constraints, it is doubtful that such an area could be made available without very major concessions.

The Zoning By-Law requires the provision of 1 parking space for each 500 square feet of gross floor area plus 1 parking space for each 10 spectator seats for a facility such as an ice rink. In the case of the 4Rinks development, it would need to provide space for 279 vehicles. The 750 seat spectator area planned for the building has not been completed and the building has not been used for a year yet so it is premature to assess the adequacy of the parking facilities.

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The Land Agent, the Planning Department and the Municipal Manager have reached similar conclusions to that of the Parks and Recreation Administrator in regard to the desirability of additional ice facilities in the Central Area at this time. It is felt the residents of Central Burnaby are well served by ice rink facilities at this time and that a further concentration should not be encouraged at the subject location; rather, new facilities should locate in other parts of the municipality which are not presently adequately served. It has been suggested that Columbian 4Rinks Limited and any other interested groups consider establishing in the Riverway Sports Complex and elsewhere.

The proposal advanced by Council on June 4th whereby construction of additional ice rinks be allowed on land that is located to the South of the Company's present facility is not considered to be in the best interests of the future development of the Central Area Sports Complex or the development of a balanced provision of ice facilities for the residents of other areas of the municipality because of the resulting commitment of additional land in the Central Valley location for the support of the Columbian 4Rinks facility (to the impediment of future, more diversified uses and necessary roads and pedestrian routes) and because of the resulting further concentration of specialized ice rink facilities in a single location.

It was recommended that Council reaffirm its decision to not sell any additional land for the further development of additional ice facilities in the Central Area at this time.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:
"That the words "or lease" be inserted after "sell" in the last paragraph of the Manager's report and his recommendation, with that change, be adopted."

IN FAVOUR -- ALDERMEN STUSIAK, GUNN
AND ACTING MAYOR MERCIER

AGAINST -- ALDERMEN LEWARNE, GORDON,
BURNHAM AND MCLEAN

MOTION LOST

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:
"That Columbian 4Rinks Limited be advised that, when it completes all of the things the Corporation has required in connection with the development of the land the Company presently occupies, the Council will be prepared to consider the leasing of additional land in the area to the Company for an additional two ice rinks."

CARRIED UNANIMOUSLY

ACTING MAYOR MERCIER DECLARED A RECESS AT 9:30 P.M.

THE COMMITTEE RECONVENED AT 9:45 P.M.

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

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E Y -- L A W S

MOVED BY ALDERMAN GORPON, SECONDED BY ALDERMAN MCLEAN:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 20, 1973" (#6319)
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 21, 1973" (#6320)

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

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 20, 1973
provides for the following proposed rezoning:

Reference RZ #32/73

Lots 1, 2 and 3, S.D.'s 48/49, Blocks 1/3, D.L. 95N, Plan 1643
7006, 7020 and 7030 - 18th Avenue

FROM R5 TO P7

Mrs. Thelma T. McPherson, President of the Charlford House Society for Women, submitted a letter expressing appreciation to Council for the considerations which have been given the rezoning of the property covered by RZ #32/73.

She also indicated that her group was a non-profit organization.

Mrs. McPherson also suggested that those who signed the petition opposing the rezoning proposal are really afraid of the unknown.

She also advised that the Society felt it would be an asset rather than a liability to the community.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN MCLEAN:

"That consideration of "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 20, 1973" be deferred until:

- (a) the Social Service Administrator submits a report indicating the desirability of providing the type of facility planned to be built on the property covered by RZ #32/73 (a home for alcoholic women) in various parts of the municipality, with a fewer number of people being accommodated, rather than concentrating these people in one location;
- (b) the Planning Department provides a map showing where facilities such as that planned to be built on the property are located throughout the municipality, and indicates the future intention with respect to the use of the four lots adjacent to the subject one and whether other sites besides the one in question were considered for the facility."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GORDON:

"That the applicant for the rezoning proposal covered by 32/73 and others who have shown an interest in it be informed when a report is to be submitted to Council on the matters covered by the previous resolution."

CARRIED UNANIMOUSLY

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BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 21, 1973 provides for the following proposed rezoning:

Reference RZ #18/73

Lot "A" Except South 122 feet and Except Explanatory Plan 14336, Block 36, D.L.'s 122/3/4, Plan 4912

1001 Delta Avenue

FROM P1 TO CD

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:
"That the Committee now rise and report progress on "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 21, 1973".

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 21, 1973" be now read two times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 22, 1973" (#6321) be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the By-Law."

CARRIED UNANIMOUSLY

This By-Law provides for the following proposed text amendment:

PROPOSED ADDITIONS AND CHANGES TO SECTION 7.8

- (a) The deletion of the existing Clause (4) and its replacement by:

"Every application for rezoning or a land use contract shall be accompanied by a fee of \$25.00 for the first 25,000 square feet or less of land included in such application, plus \$1.00 for each additional 1,000 square feet or part thereof."

- (b) The addition of Clause (7) to Section 7.8 to read:

"Notice of the Public Hearing shall be mailed to the owners and occupiers of all real property within the area that is subject to the rezoning or land use contract and to the owners and occupiers of all real property which abuts the area that is subject to the rezoning or land use contract."

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MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:

"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 22, 1973" be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN STUSIAK:

"That:

"BURNABY ROAD CLOSING BY-LAW NO. 6, 1973"

"BURNABY HIGHWAY EXPROPRIATION BY-LAW NO. 1, 1973"

"BURNABY AUTOMATIC VENDING MACHINE BY-LAW 1946, AMENDMENT BY-LAW 1973"

"BURNABY TAXATION EXEMPTION BY-LAW NO. 1, 1973"

"BURNABY BUILDING BY-LAW 1969, AMENDMENT BY-LAW 1973"

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

CARRIED UNANIMOUSLY