

September 17, 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, September 17, 1973 at 7:00 p.m.

PRESENT: Mayor T. W. Constable, in the Chair
Alderman E. L. Burnham
Alderman D. A. Lawson
Alderman W. A. Lewarne
Alderman G. H. F. McLean (7:02 p.m.)
Alderman V. V. Stusiak (7:07 p.m.)
Alderman M. M. Gordon

ABSENT: Alderman B. M. Gunn
Alderman J. L. Mercier

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. Leche, Municipal Clerk's Assistant

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN GORDON:
"That the Minutes of the Council meeting held on September 10, 1973 be adopted as written and confirmed."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- (a) Mr. R. A. Wattie, Barrister and Solicitor, re Trades Licence for Davies Chimney and Roofing Co. Ltd.;
- (b) Mr. E. A. Armstrong re Lane Between Allman and Stanley Streets.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN LEWARNE:
"That all of the delegations be heard."

CARRIED UNANIMOUSLY

ALDERMAN MCLEAN ARRIVED AT THE MEETING.

(a) *MAYOR CONSTABLE pointed out that Item #17 of the Municipal Manager's Report No. 69, 1973, which relates to the subject of the letter from Mr. Wattie, was on the Agenda for consideration later in the evening.*

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN LAWSON:
"That Item #17 of the Municipal Manager's Report No. 69, 1973 be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

(17) Davies Chimney and Roofing Co. Ltd.

The Licence Department will be able to provide Council on September 24th with a report on the subject of the letter from Mr. Wattie.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN LAWSON:
"That the report of the Manager be received and the request of Mr. Wattie to appeal a decision of the Chief Licence Inspector to not issue a Trades Licence to Davies Chimney and Roofing Co. Ltd. be deferred until the October 1st Council meeting."

CARRIED UNANIMOUSLY

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

- (1) He has just been notified, in a letter from the Deputy Municipal Clerk dated September 10th, that Council has passed a By-Law authorizing the expropriation of a portion of his property for a lane between Allman and Stanley Streets.
- (2) The only other communication he has received from municipal staff in regard to the matter was a telephone call around April from Mr. Drayton, who requested views on the opening of the lane plus a telephone inquiry of the Municipal Manager in August and a chance meeting between his wife and a surveyor.
- (3) The Corporation's handling of the matter has been done in a regrettable manner because his views and those of his neighbours should have been solicited long before now.
- (4) The construction of the lane and the expropriation of a part of this property was considered about three years ago when a proposal to expropriate was not approved. Evidently, a policy decision of long standing was confirmed that no land for lane construction would be expropriated by the municipality.
- (5) He was dumbfounded to learn, during his vacation this summer, that municipal staff were once again taking steps to expropriate a portion of his property in order that the lane could be constructed.
- (6) A storm drain was installed in the 10-foot wide lane allowance at Sixth Street in June, 1973. The area was restored at considerable expense to those subdividing, and they were told that the lane would never be built. Consequently, it was necessary for them to pay for the restoration of the attractively landscaped area. Yet, on July 3rd (barely one month later), the construction of the lane was recommended by staff for approval.
- (7) The original copy of a petition signed by several of the affected property owners, all of whom are strongly opposed to the construction of the lane, was being enclosed. The Council has already received letters from Mr. and Mrs. Lucas and Mr. and Mrs. McGhee, who own property on the North side of Sixth Street, expressing disapproval of the development of the lane. Their properties will be injuriously affected since they will be required to look at the entrance to the lane.
- (8) The following are the reasons for opposing the construction of the lane:
 - (i) Lanes are an anachronism today and are not found in better subdivisions, such as Buckingham Heights, Burnfield, Buffalo Street Subdivision, British Properties and Kitimat.
 - (ii) Lanes are usually untidy, dusty, and garbage cans are readily visible. An example is the lane between Allman and Nursery Streets a half block to the West.
 - (iii) The carports of the houses on the East side of Allman Street are all oriented to Allman Street and the lane is therefore not essential to them. By the same token, all the carports of the houses on the West side of Stanley Street are oriented to that street.

- (iv) If garbage is collected from the proposed lane, the abutting owners will need to carry their cans about 125 feet to the lane compared to about 30 feet to Allman Street or Stanley Street.
 - (v) No indication has been given to he and his wife as to the effect the lane will have on their taxes, whether there will be local improvement charges to cover any over-run in the cost estimate of constructing the lane (particularly if expropriation proceedings are expensive), where the garbage cans will be collected and whether the weeds will be kept down. In all fairness, the Council must explain these points to all the property owners if it is intended to proceed with expropriation and construction of the lane.
 - (vi) The proposed lane will be open only on the Sixth Street end since it is understood no action has been taken to acquire the property on the upper end of Allman Street owned by Mrs. Graham. Consequently, lane traffic will be doubly severe in the vicinity of his property.
 - (vii) The reasoning advanced that those persons subdividing indicated their desire for a lane when they deposited funds in trust for construction is not correct because these parties were not given any choice by the Planning Department.
 - (viii) There will be serious loss in value to both his property and Mr. and Mrs. Gaetz' if the lane is constructed. Lane traffic will be about 20 feet from the Gaetz' house. The lane allowance adjoining the Gaetz' property and his is all planted in lawn, rockeries, and unmoveable 30-year old holly tree, birch trees, rhododendrons and a bamboo hedge.
 - (9) The petition presented to Council last week signed by those in favour of the lane being built contains signatures of property owners on the West side of Allman Street who obviously are not concerned with the problem. The location of these signatories should be determined to show the extent of their involvement.
 - (10) As an alternative to the lane perhaps those pressing for it could together provide a lane allowance or at least a jointly-owned driveway from the rear of their properties out to Allman Street. This is where the Planning Department should have located the lane in the first place to minimize traffic entrances onto Sixth Street.
 - (11) Members of Council should inspect the area and compare the condition of the lane between Nursery and Allman Streets and the landscaped portions of the Gaetz' property and his property which both wish to retain.
 - (12) The Expropriation By-Law mentioned earlier should be repealed in view of the circumstances outlined.
 - (13) He has been informed that this is the only case where land was being purchased or expropriated for lane purposes.
- ALDERMAN STUSIAK ARRIVED DURING THE PRESENTATION BY MR. ARMSTRONG.
- ALDERMAN LEWARNE LEFT DURING THE PRESENTATION.
- (14) He should have at least received a registered letter about the intention to expropriate.
 - (15) He will ^{lose} considerable privacy and requires all of his present backyard for a dog run.

(16) The Planning Department has indicated that there is \$9,350.00 in trust for the construction of the lane and that it would cost about \$13,000.00 to actually build it.

(17) Photos illustrating the situation were being circulated to Council this evening.

In response to a question, the Municipal Manager stated that the Corporation does not normally expropriate land for lane purposes. He added that owners whose properties abut lanes are required to pay approximately one-half of the cost of paving them. He also commented that any shortfall between the funds on hand "In Trust" for the construction of the lane and the actual cost of building it would be borne by the municipality.

He also commented that the Land Agent, in a memo dated July 13, 1973, indicated that more than one contact had been made with Mr. and/or Mrs. Armstrong about the subject matter.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN BURNHAM:

"That the submission from Mr. Armstrong be referred to staff for comment, especially on Points 2, 5, 6 and 7 on Page 2 of his letter plus the point made by him in the postscript to his letter."

CARRIED UNANIMOUSLY

ALDERMAN LEWARNE RETURNED TO THE MEETING

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. 69, 1973 which relate thereto be brought forward for consideration at the appropriate times."

CARRIED UNANIMOUSLY

Major Howard Moore, Public Relations Officer, The Salvation Army, wrote to request permission to place Christmas Cheer Kettles at various locations in the municipality on November 30th, December 1st, 4th, 7th and 8, 1973 plus December 13th to and including December 24, 1973, excluding Sundays.

Mr. W. J. Copeland, Secretary, Local 323, Burnaby Fire Fighters Association, submitted a letter requesting permission to conduct the Annual Muscular Dystrophy Campaign on November 16th and 17, 1973.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GORDON:

"That permission be granted to both The Salvation Army and the Fire Fighters Association to conduct their respective campaigns on the dates indicated by each."

CARRIED UNANIMOUSLY

Mrs. C. Peterson wrote to request that the ditches in the 5300 Block Hardwick Street be cleaned so as to prevent a recurrence of flooding.

Item #4 of the Municipal Manager's Report No. 69, 1973, which relates to the letter from Mrs. Peterson, was brought forward at this time. The following is the substance of that report:

(4) 5300 Block Hardwick Street
(Peterson)

The Engineer advises that his Department has no record of having received a letter from Mrs. Peterson addressed to the Works Yard concerning the subject matter.

The ditches have been inspected and the necessary maintenance work in connection with them will be carried out in the immediate future.

It was recommended that a copy of the report at hand be sent to Mrs. Peterson.

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

CARRIED UNANIMOUSLY

Mr. J. A. Gretzinger, President, Automotive Transport Association of B. C., submitted a letter requesting an audience with Council on the matter of the revenue lost by truckers to taxi operators delivering parcels in the municipality.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN STUSIAK:
 "That a spokesman for the Automotive Transport Association of B. C. be heard."

CARRIED UNANIMOUSLY

Mr. Ray Hunt, Secretary of the Association, then spoke and presented a Brief on the subject matter containing the following points:

- (a) During the autumn of 1972, representations were made to Council by another Association urging that the parcel and light freight illegal delivery activities by taxis in the municipality be stopped and that this class of traffic be reserved for the cartage operators who have historically provided this service by truck. At that time, reference was made also to the extra-municipal movement of this class of freight by taxis and the adverse effect on cartage revenues that this was producing.
- (b) Cartage operators were completely dismayed and frustrated by Council's subsequent action in amending its By-Law in such a manner as to completely legalize the operations which were the basis of opposing the representations.
- (c) The net effect of Council's action has been the exact opposite of what had been anticipated. Taxi companies have been emboldened to the extent they are actively soliciting this class of freight and the erosion of cartage companies' revenues has increased drastically.
- (d) Historically, the local distribution of parcels and merchandise has rightly been the exclusive field of the cartage operator because of the nature of the goods he handles.
- (e) The motor car is a vehicle for moving people. This is evidenced in the growth in the number of taxis.
- (f) Provincial licencing authorities recognize the inherent difference in that one cannot licence a truck as a car or vice versa.
- (g) The trend toward extensive use of taxis for delivering light freight (including parcels) has been accelerating. Apparently the prime reason has been the desire of cab owners to get greater use of their equipment so as to make it more productive. The acts of solicitation of traffic by cab companies has intensified and has resulted in seriously eroding the type of business normally performed by cartage trucks.
- (i) A viable cartage service committed to the handling of various types of traffic, regardless of weight or size, is an important part of the everyday business life of the community. If revenues of this segment of the transport industry continue to be seriously depleted, then the business community and Council should be concerned.
- (j) The taxi companies are being very selective in their handling of the freight delivery service. The established, ethical, cartage operator is rarely afforded that option because he is expected to provide reasonable delivery service regardless of the character of the merchandise tendered.

- (k) Since taxi operations cannot fully service the cartage demands of the community, they should restrict themselves to operating within the sphere for which they are ideally equipped and which they are best able to serve. In qualification of this contention, the cartage operators recognize that delivery services are sometimes required in the late evening and during the night as well as in outright emergencies. There is no objection to provision being made for such situations. The City of Vancouver By-Law legalizes the delivery of this class of traffic between 7:00 p.m. and 7:00 a.m.
- (l) Due consideration should be given by Council to the impact of its decision last November (which allowed taxis to deliver freight) on the revenue of truck operators.
- (m) Council exercises jurisdiction over the scale of passenger fares, in an advisory manner, which may be charged by taxis. In view of the new source of revenue which legally is available to taxi companies as a result of the aforementioned action last November, it logically follows that Council should be actively considering the lowering of passenger fares to compensate for the buckshee additional source of revenue now available to cab companies. The amendment mentioned, which legalized an operation that had been previously carried on illegally, also created a very important precedent. The action undoubtedly emboldened the two major taxi companies in Burnaby to apply to the Motor Carrier Commission for authority to cross municipal boundaries in the Greater Vancouver area. Their original identical applications requested authority to carry freight up to 25 pounds within a 25 mile radius of their operations centre. These applications were made in May, 1973 and two weeks^{ago} the two companies entered revised applications to permit 75 pounds instead of 25 pounds. While the Motor Carrier Commission has not rendered a decision on these applications, the operations Proposed are being carried out at the present time. The two companies are actually operating illegally and in open defiance of the law. The cartage industry has conducted a recent investigation of these offences and the results are being provided to Council this evening as prima facie evidence.
- (n) The Council cannot adopt a "do-nothing" stance because its By-Law Amendment last November provided a very large part of the impetus for the applications of the two companies to the Commission.
- (o) Approximately 400 employees of cartage companies are affected by the activities of the taxi companies. Since a large proportion of these people are members of the Teamsters Union, that Union has indicated its support of the request at hand. Taxi company employees are not unionized. Unless some action is taken soon to curb the taxi-freight operations, layoffs of cartage company employees will increase.
- (p) It was recommended that Section 15 of the subject By-Law dealing with the operation of cabs, which was amended in November, 1972, be amended by deleting the last sentence therein, which reads:
- "provided, however, 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."
- (q) The cartage companies might pool their facilities in order to be able to provide a 24 hour service.

Item #12 of the Municipal Manager's Report No. 69, 1973, which relates to the presentation by Mr. Hunt, was brought forward at this time. The following is the substance of that report:

(12) Cartage Deliveries By Taxis

The Cab and Commercial By-Law was amended by Council last November to permit the delivery of chattels by taxi cabs. This action evolved from considerations which were given a submission from the Transport Labour Relations and the International Brotherhood of Teamsters.

The use of taxi cabs for transporting chattels involves service of a personal nature to individuals requiring home delivery of such things as drug prescriptions, liquor and food orders, etc. and service to the business community for transporting goods which must be moved on an emergency or special order basis. This service to the business community by taxis has been practiced for many years.

A random survey of local business firms which make use of taxis for transporting goods confirmed that such use is undertaken on an emergency basis only. The size of a shipment is usually very limited and generally consists of a small parcel readily handled by the driver which can be carried in the trunk or on the seat of the taxi.

Examination of the examples provided to Council this evening by the A.T.A. confirm that taxis are called when regular delivery arrangements are not available. In almost all cases, the consignor is an industrial operation, the destination of the taxi is the airport or bus depot and the time is generally late afternoon or early evening.

It is considered that the service provided by taxi cabs is very necessary to the business community.

It does not appear that truck operators are prepared to provide a community service equal to that provided by taxi cabs.

It has been concluded that an amendment to the By-Law to prohibit taxi cabs from transporting goods or chattels could create a serious hardship to residents, particularly shutins or handicapped persons, and would be of serious concern to the business community who find the service provided in emergency situations vital to their customers.

It was recommended that the Cab and Commercial Vehicle By-Law not be amended, as requested by the Automotive Transport Association of B. C., and that a copy of the report at hand be sent to the Association.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN GORDON:

"That a decision on the request of the Automotive Transport Association of B. C. be deferred until the October 1st Council meeting in order to allow the taxi operators in the municipality an opportunity to express their views on the request; and further, the Licence Department provide Council with an indication as to the number of taxi cabs which are operating in the municipality at the present time."

CARRIED

AGAINST -- ALDERMAN MCLEAN

Mr. Roy McLean and 44 others submitted a petition requesting that the Residential District Four (R4) zoning on property known as 5361, 5381 and 5395 Hastings Street, 5470 Empire Drive and 5360 Capitol Drive be retained and not rezoned to the RM3 category as has been requested under RZ #33/73.

The Council asked that the Planning Department plot the locations of the petitioners on a map.

Mr. N. B. Kelsey, Chairman, Advisory Planning Commission, wrote to suggest that the Minutes of the August 20, 1973 Council meeting should be amended to specifically exclude the Brief Mr. Jean-Pierre Daem attempted to present then on the subject of Residential Condominiums and Conversions because Mr. Daem was not granted an audience with Council at that time.

MAYOR CONSTABLE explained that the reason for the inclusion of Mr. Daem's submission in the Minutes was that the members of Council had already received a copy of it prior to the meeting. He added that the decision of Council at the meeting was to send a copy of the submissions from the Advisory Planning Commission, the Planning Department and Mr. Daem to anyone who wished to offer comments on the subject matter.

Mr. Leo R. Maki, Manager, Brentwood House, submitted a letter requesting that steps be taken to prevent trucks from parking on the vacant lot at Buchanan Street and Rosser Avenue.

Item #15 of the Municipal Manager's Report No. 69, 1973, which relates to the letter from Mr. Maki, was brought forward at this time. The following is the substance of that report:

(15) Truck Parking at Buchanan Street and Rosser Avenue

The property in question, which is at the Southeast corner of the streets mentioned above, is owned by the Loughheed Hotel. The management of the Hotel was contacted about the truck parking situation and they agreed to post a sign on the property reading "Absolutely No Truck Parking" in an attempt to improve the situation. The management of the Hotel indicated that they might, in the future, apply to rezone the property to Parking District (P8) but that, as an alternative, they may dispose of the property. They would also consider the matter of having trucks towed away if found parked on the property.

Should the owner of the property fail to prohibit the parking of trucks, legal action to enforce the provisions of the Zoning By-Law will be initiated. The land is presently zoned R5.

It was recommended that a copy of the report be sent to Brentwood House.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:

"That the Loughheed Hotel be asked to erect signs on the property at the Southeast corner of Rosser Avenue and Buchanan Street reading "Absolutely No Truck Parking - Trucks Will Be Towed Away"."

CARRIED UNANIMOUSLY

ENQUIRIES

Alderman Lewarne indicated that he was distressed to learn, via a news broadcast, that the Provincial Government intends to use the Willingdon School for Girls as a site for B.C.I.T. student housing.

Alderman Lewarne advised that a Mr. and Mrs. Elmer Bertelsen had lost a son in a motor vehicle accident in Petaluma, California last month.

He pointed out that the citizens of that community had performed many acts of kindness when responding to the bereavement of Mr. and Mrs. Bertelsen.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LAWSON:

"That Mayor Constable write to the Mayor of Petaluma, California to acknowledge the acts of kindness shown by the members of that community who responded to the bereavement of Mr. and Mrs. Elmer Bertelsen when one of their children was killed in a motor vehicle accident in the City last August."

CARRIED UNANIMOUSLY

When Alderman McLean enquired as to the progress being made in connection with the provision of Local Improvement works on Avondale Street between Boundary Road and Smith Avenue, the Municipal Engineer replied that the work has not yet commenced.

When Alderman Stusiak enquired as to whether the Deputy Municipal Clerk had received a reply from the Prime Minister concerning the George Derby Health and Occupational Centre, the Deputy Municipal Clerk stated that he had received only an acknowledgment of the telegram that was sent.

When Alderman Lewarne asked about the status of a proposed exemption for municipalities from the payment of Federal and Provincial sales taxes, Mayor Constable stated that this subject has been referred by the U.B.C.M. to the Provincial Government for consideration.

When Alderman Lawson asked about the use of paramedics in the Fire Department, Mayor Constable replied that the Ambulance Committee of Council would be meeting soon to discuss this and ^{related} other situations.

When Alderman Stusiak asked about a letter he had received from the Simon Fraser Hills Group concerning ornamental street lighting in their area, the Deputy Municipal Clerk replied that he had received the same letter and had referred it for a report, through the Manager, to Council.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

R E P O R T S

HIS WORSHIP, MAYOR CONSTABLE, submitted a report advising that a vacancy exists on the Advisory Planning Commission due to the resignation of Mr. Fred K. McKenzie, who has moved recently to the Interior.

HIS WORSHIP recommended that Mr. C. B. Pritchard, 8003 Hunter Street, Burnaby 3, B. C., be appointed to fill this vacancy for the term ending January 31, 1974.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN LEWARNE:

"That the recommendation of the Mayor be adopted."

CARRIED UNANIMOUSLY

GRANTS AND PUBLICITY COMMITTEE submitted a report recommending that a grant in the amount of \$500.00 be made to the South Burnaby Men's Club to help defray its costs in holding the Western Canadian Pony Baseball Finals.

Alderman Lewarne mentioned that the Burnaby Team entry in the Pony Baseball Finals won the Championship.

MAYOR CONSTABLE was asked to write to the Team and the South Burnaby Men's Club to express the congratulations of Council for the victory.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:

"That the recommendation of the Committee be adopted."

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER submitted Report No. 69, 1973, on the matters listed below as Items (1) to (20), either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Monthly Report of Building Department

A report of the Chief Building Inspector covering the operations of his Department from August 13th to September 7, 1973 was being submitted herewith.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:

"That the report be received."

CARRIED UNANIMOUSLY

(2) Rear Portion of Lot 111 Explanatory Plan 40401, D.L.'s 157/163, Plan 26519 (4616 Marine Drive)

It was recommended that the above described property be leased for \$200.00 per acre per year, plus applicable taxes, for the period between December 1, 1973 and November 30, 1974, subject to the condition that either party can terminate the lease on six months notice.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LAWSON:

"That the report of the Manager be referred to the Parks and Recreation Commission for comment."

CARRIED UNANIMOUSLY

**(3) Kensington Park Ice Rink
(Coyne Construction Company Ltd.)**

The Council, on September 10th, approved an extension of the contract with the above Company from August 31st to September 30, 1973.

The Chief Building Inspector has determined from the Contractor that it would be impossible to complete the project by September 30, 1973.

In view of that, it was recommended that:

- (a) Council rescind its September 10th decision in respect of the contract.
- (b) Council instead authorize an extension of the completion date in the contract in question to October 26, 1973 without implementation of the liquidated damages clause therein and direct that the performance bond relating to the contract be extended for the same period of time, subject to the approval of the Parks and Recreation Commission.
- (c) A copy of the report at hand be sent to the Commission for consideration at its meeting on September 19, 1973.

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

CARRIED UNANIMOUSLY

**(4) 5300 Block Hardwick Street
(Peterson)**

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

**(5) Lot 12, Block 7, D.L. 173, Plan 1036
(6117 Thorne Avenue)**

It was recommended that Council authorize the demolition of the dwelling and garage on the above described property when the dwelling becomes vacant.

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

CARRIED UNANIMOUSLY

(6) Public Meetings - Future of Municipality

The Planning Department has scheduled the following meetings in connection with the above subject for the week of September 17th to 21, 1973:

- (a) Lake City East Executive Committee on Tuesday, September 18, 1973 at 7:30 p.m. in the 4th Floor Committee Room
- (b) Capitol Hill Community Hall Association on Wednesday, September 19, 1973 at 8:00 p.m. at the Capitol Hill Community Hall
- (c) Burrard Inlet Parks Committee on Thursday, September 20, 1973 at 7:30 p.m. in the 4th Floor Committee Room

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

CARRIED UNANIMOUSLY

(7) Burnaby Tax Sale Monies Expenditure By-Law 1970

The balance of \$14,500.32 from the above By-Law has been returned to the Tax Sale Reserve following the final accounting for the project covered by the By-Law, which was the Main Municipal Fire Hall.

-11-

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

CARRIED UNANIMOUSLY

(8) Lane Between Humphries Court and Mary Avenue South from the N.P.L. of
 Lot 3, Block 24, D.L. 29, Plan 8499 to 14th Avenue

It was recommended that the following cost report, which was prepared pursuant to Section 601 of the Municipal Act, covering the paving of the above lane be received and that a By-Law be prepared to authorize the construction of the work:

Length of work	540.00'
Estimated cost of work	\$ 1,900.00
Actual frontage	1,039.98'
Taxable frontage	740.58'
Owners' share of the cost of the work	\$ 740.58
Estimated lifetime of the work in years	10
Frontage tax levy	5 instalments of \$.257 per taxable front foot

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

CARRIED UNANIMOUSLY

(9) Sand Spreaders

It was recommended that Council accept the tender of National Machinery Company Limited in the amount of \$25,714.50, including all applicable taxes, licence and registration fees, for five Dump Body Mounted Spreaders.

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

CARRIED

AGAINST -- ALDERMAN STUSIAK

(10) Ornamental Street Lighting Contract #8, 1973
 (United Power Limited)

It was recommended that Council authorize an extension of the completion date in the contract with the above Company from September 30th to November 15, 1973 without implementation of the liquidated damages clause therein and direct that the performance bond relating to the contract be extended for the same period of time.

It was also recommended that no further extension of time be approved, except for time lost because of impossible weather conditions or other factors that, in the opinion of the Municipal Engineer, are beyond the contractor's control.

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

CARRIED UNANIMOUSLY

(11) (a) Lots 9 and 12, Block 23, D.L. 117E $\frac{1}{2}$, Plan 1222
 (b) Charles Street Road Allowance

The proposal advanced at the Council meeting on September 4th concerning the development of the above property has been examined but it is still felt that

Scheme 2, which was recommended then, is the best one.

It was therefore recommended that Council authorize:

- (a) the provision of services to the parcels at an estimated cost of \$13,300.00, with this amount to be charged to the C.I.P. Land Assembly and Development Account;
- (b) a tender call for the sale of the three lots that were shown on the aforementioned Sketch 2.

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

CARRIED UNANIMOUSLY

(12) Cartage Deliveries by Taxis

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

(13) Strata Plan for Lot 39, D.L. 81, Plan 43519
GREENTREE VILLAGE - PHASE I (RZ #1/72)

The rezoning of the above described property to CD occurred on March 19, 1973. The project was approved as a condominium prior to the passage of recent amendments to the Strata Titles Act; however, is still necessary for Council to approve Strata Plans.

There are no points of deviation in the Plan that has been submitted from the guidelines outlined in the report on Residential Condominiums and Conversions.

It was therefore recommended that the subject Strata Plan be approved, subject to the following prerequisites:

1. No parking should be allowed within any condominium driveway or designated fire lane.

This requirement is to be included in the Strata Corporation Bylaws. Upon the advice of the Fire Department, the Burnaby parking control officer should be empowered to enforce this requirement.

2. At the time that the Strata Plans are submitted to the Municipality, the developer shall submit a complete copy of the requisite Strata Corporation Bylaws for perusal.
3. Each potential condominium owner shall be supplied with a complete prospectus of the project by the developer. The prospective buyer must acknowledge receipt of the prospectus in writing.

The prospectus shall fully explain:

- a) Where the developer is arranging the financing. Particulars of the terms and conditions upon which it is intended to sell the proposed condominium units, together with a full disclosure of all financing or bonusing showing true interest, and if any particular forms of contract are to be used, these shall be attached to the prospectus.
- b) The taxation situation including the relationship of the homeowner grant.
- c) Details of proposed management contracts, monthly servicing costs and any other servicing costs, to be borne by the proposed future owner.
- d) Particulars of arrangements to govern the handling of deposits and other monies received between the time of purchase by the prospective owners and that period during which the developer has retained title.
- e) Particulars of all encumbrances both existing and proposed and the provisions made or to be made for their discharge.
- f) Any other financial arrangements, including joint use contract, if any, affecting the individual condominium owners.
- g) The unit entitlement.
- h) The Strata Corporation By-laws and the Strata Titles Act, including any amendments thereto.
- i) Limits of individual control over a condominium owner's particular unit.
- j) Enumeration of communal facilities and any details of ownership concerning these facilities including responsibility of owner to contribute to costs of replacement.
- k) Enumeration of existing utility services and utility service arrangements made or proposed to be made for the strata plan, including water, sewerage, electricity, gas and telephone service, and particulars of access, roads, parking, sidewalks, street lighting, garbage collection, fire protection, police protection, school facilities and public transportation.

Particulars of utility services to individual suites, including water, sewerage, electricity, gas, telephone and cablevision services, as well as heating, including metering and payment therefore.
- l) Accurate sketch presentation outlining the relationship of a particular unit to other units and to adjacent common property.
- m) Accurate extent of the legal lot encompassing the particular Strata Corporation as outlined on the Strata Plan registered with the Land Registry.
- n) Details as to whether a caretaker's suite is to be provided as part of the common property.

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

CARRIED

AGAINST -- ALDERMAN MCLEAN

(14) Lot 2, Block 1, D.L. 116S½, Plan 1439
(3721 Georgia Street)

A request was received this past Spring for permission to construction a triplex on the above property. The request was denied because the R5 zoning on the property does not allow for this type of structure. The owner was advised that he could apply for a duplex development or seek a rezoning of the property to permit the construction of a triplex. He was further advised that, should he exercise the latter alternative, staff would not support the rezoning because the area is not within the recognized apartment zone provided in the Apartment Study.

A lane parallels the North and West sides of the property. Because the turning radius for vehicular traffic at the Northwest corner is inadequate, the Engineering Department wishes a truncation. Efforts to negotiate the acquisition of the truncation have not been successful.

The owner has proposed a settlement whereby the municipality, in exchange for the truncation, would approve an application to construct a triplex on the property. He was informed that these terms are not acceptable.

The owner has also called attention to the presence of a municipal catchbasin which encroaches approximately 1½ feet onto the property. Municipal work crews are taking action to have this basin removed.

The property must be truncated to provide a suitable turning radius in the lane at the Northwest corner of it.

In view of the foregoing, it was recommended that Council expropriate the land required for the truncation.

In response to a question, the Municipal Manager replied that it would cost approximately \$16,500.00 to build the lane which is the subject of his report.

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

IN FAVOUR -- ALDERMAN MCLEAN

AGAINST -- ALDERMEN BURNHAM, GORDON,
 LAWSON, LEWARNE AND STUSIAK

MOTION LOST

(15) Truck Parking at Buchanan Street and Rosser Avenue

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

(16) REZONING REFERENCE NO. 33/73
 Lots 5, 6, 7, 8 and 9, Block 85, D.L.'s 127/218, Plan 4953
(5361, 5381 Hastings Street; 5470 Empire Drive; 5395 Hastings Street
and 5360 Capitol Drive)

On July 30, 1973, the Council added the following prerequisite to the rezoning of the above described properties to RM3:

"The development planned to be built on the site be restricted to a height of no more than two storeys or 30 feet, visible from the Empire Drive elevation."

The applicant's current proposal, a three storey structure, at some places exposes more than two storeys to Empire Drive and as such does not entirely meet the above prerequisite. However, that exposure is less than the 30-foot height restriction which was also expressed in the prerequisite. Because of this, the applicant has

submitted a plan delineating the height of the building relative to its neighbours to the North and East, and the effect of the building on those neighbours' Southern line of vision. This indicates that, even under the present design configuration, the horizontal view of those people will essentially not be impaired, although this does not completely hold true for the view into the valley below. The applicant has indicated that the project would not be economically feasible if decreased in floor area without turning to Strata Title condominium development.

It was recommended that Council consider the proposal advanced by the applicant, indicate whether or not it is acceptable and direct the Planning Department accordingly.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN STUSIAK:

"That Council accept the proposal now being advanced by the applicant and direct the Planning Department accordingly."

CARRIED UNANIMOUSLY

(17) Davies Chimney and Roofing Company Ltd.

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

- (18) (a) Burnaby F2 Apartment
- (b) South Burnaby Senior Citizens' Recreation Centre

It was recommended that Council:

- (i) accept the tender of Jack's Landscaping in the amount of \$36,900.00 for landscaping at both of the above sites;
- (ii) approve an expenditure of \$13,263.00 covering the landscaping at the subject Recreation Centre;
- (iii) direct that the funds required for landscaping the F2 Apartment Project (which amount to \$20,621.00) be obtained from the Central Mortgage and Housing Corporation;
- (iv) send a copy of the report at hand to the said Housing Corporation.

MUNICIPAL MANAGER stated that his first recommendation should be amended by adding the word "revised" before the word "tender" and by changing the figure "\$36,900.00" to "\$33,884.00".

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN GORDON:

"That the recommendations of the Manager, as amended, be adopted."

CARRIED UNANIMOUSLY

(19) Meeting with Representatives of the Provincial Government

It was recommended that:

- (a) the Agenda for the meeting with the Ministers of Municipal Affairs and Education which has been scheduled for 9:00 a.m. on September 24, 1973 be limited to the following four items:
 - (i) Oakalla Prison
 - (ii) Stormont Interchange
 - (iii) Marine Way
 - (iv) Willingdon School for Girls
- (b) Council achieve maximum advantage from the meeting by reaching a consensus on the objectives for each topic and identifying the specific points which should be discussed on each topic.

During the considerations given the report at hand, Mayor Constable, in response to questions, stated that a meeting would be held with the Minister Without Portfolio (Housing), Mr. Nicholson, regarding the proposed Housing Development Plan of the Provincial Government for land in Burnaby. He added that he has had a discussion with the Minister of Municipal Affairs, Mr. Lorimer, concerning the subject of City Status for Burnaby, pointing out that Mr. Lorimer stated that it would be acceptable to him if Burnaby became a City anytime. Mayor Constable also mentioned that

Mr. Lorimer had advised that there would be no additional costs incurred by the municipality if it became a City.

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

THE COMMITTEE RECONVENED AT 9:30 P.M.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN STUSIAK:
"That discussion on the subject of Oakalla be confined to the points listed below:

- (1) The general question of the municipality acquiring all of Oakalla at no cost to us, including the matter of whether ownership of the land will be vested in the municipality.
- (2) The timing for the removal of Oakalla facilities and the availability of the land there for other purposes.
- (3) The intentions with regard to existing structures, such as either demolition or retention of them."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN LEWARNE:
"That discussion on each of the following subjects be confined to the points listed below:

Stormont Interchange

- (1) The Provincial Government assuming responsibility for right-of-way acquisitions and construction of the facility.
- (2) The timing of construction.
- (3) The location of road links.
- (4) Design standards appropriate to adjacent residential areas.
- (5) Provincial classification of road links, followed by declassification (relief) of Canada Way.

Marine Way

- (1) The Provincial Government assuming responsibility for right-of-way acquisitions and construction of the facility.
- (2) The timing of construction.
- (3) Provincial classification of the road and extent thereof.
- (4) The status of the new Fraser River crossing studies and relationship to Marine Way.

Willington School for Girls

- (1) The availability of the facility for municipal Parks and Recreation Programmes.
- (2) The intended Provincial use of the facility and the timing of same."

CARRIED UNANIMOUSLY

(20) Ravine Stabilization - South Slope

Golder, Brawner and Associates has completed its study, and has prepared a Report being provided this evening to the members of Council, on methods of stabilizing the erosion problem in the Ravine on the South Slope between Gilley Avenue and Boundary Road.

The Municipal Engineer has commented on the points made in the Report from Golder, Brawner and Associates, and this was being provided to the members of Council as well in report form.

As regards the watercourse which caused a flooding problem on the property owned by Mr. Wing Wong, the Consultants recommend minimum treatment to reduce erosion problems in the watercourse. Any possible treatment of that portion of the watercourse on Mr. Wong's property must await the completion of the general Watercourse Study.

The Parks and Recreation Administrator concurs with the recommendations of the Municipal Engineer.

The Engineer suggests that the first phase of the work should be commenced this Fall, if possible. The Treasurer has advised that funds are not available for the work in 1973.

It was recommended that:

- (a) the recommendations of the Engineer be adopted;
- (b) Council's decision regarding the matter be conveyed to those persons who, in the past, have expressed an interest in stabilization of the erosion problem on the South Slope, including Mr. Wong.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:

"That the report of the Manager, including the attachments to it, be referred to the Parks and Recreation Commission for study and comment, particularly on the question of alternative treatments for the Kaymar-Suncrest Ravine such as partial piping of the watercourse there and leaving other parts in their natural condition."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GORDON:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

B Y - L A W S

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:

"That:

- "BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 25, 1973" (#6351)
- "BURNABY TEMPORARY LOAN AUTHORIZATION BY-LAW NO. 3, 1973" (#6350)

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCEAN:
"That:

"BURNABY LOCAL IMPROVEMENT CONSTRUCTION BY-LAW NO. 25, 1973"
"BURNABY TEMPORARY LOAN AUTHORIZATION BY-LAW NO. 3, 1973"

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCEAN, SECONDED BY ALDERMAN STUSIAK:
"That "BURNABY SECURITY ISSUING BY-LAW NO. 4, 1973" be now reconsidered and finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 24, 1973" (#6331) came forward for Reconsideration and Final Adoption. This By-Law provides for the following proposed rezoning:

Reference RZ #22/73

Lot "A" Except the West 150 feet, Block 81, D.L.'s 122/3/4, Plan 3348

4664 Lougheed Highway

FROM RESIDENTIAL DISTRICT THREE (R3) AND MANUFACTURING DISTRICT (M1)
TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

PLANNING DEPARTMENT reported that the prerequisites established by Council in connection with this rezoning proposal have been satisfied.

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 69, 1972" (#6205) came forward for Reconsideration and Final Adoption. This By-Law provides for the following proposed rezoning:

Reference RZ #55/72

Lot "B", S.D. L, Block 16, D.L. 79N, Plan 5294

4340 Ledger Avenue

FROM RESIDENTIAL DISTRICT FOUR (R4) TO PARKING DISTRICT (P8)

PLANNING DEPARTMENT reported that the prerequisites established by Council in connection with this rezoning proposal have been satisfied.

MOVED BY ALDERMAN MCEAN, SECONDED BY ALDERMAN STUSIAK:
"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 24, 1973"
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 69, 1972"

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

CARRIED UNANIMOUSLY