

AUGUST 20, 1973

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, August 20, 1973 at 7:00 p.m.

**PRESENT:**

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

**STAFF PRESENT:**

Mr. B. McCafferty, Acting Municipal Manager  
Mr. A. L. Parr, Planning Director  
Mr. E. E. Olson, Municipal Engineer  
Mr. J. Plesha, Administrative Assistant  
Mr. B. D. Leche, Municipal Clerk's Assistant  
Mr. R. F. Norcliffe, Municipal Clerk's Assistant

**MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:**

"That the Minutes of the Council meeting held on August 13, 1973 be adopted as read and confirmed."

CARRIED UNANIMOUSLY

DELEGATIONS

Mr. F. R. Winter, 4154 Hastings Street, wrote requesting permission to appear before the Council on the matter of the proposed plebiscite on Shops Closing Hours.

**MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:**

"That Mr. Winter be heard."

CARRIED UNANIMOUSLY

Mr. F. R. Winter then spoke and stated that he was the owner of three Men's and Boys' Wear Shops in the Lower Mainland one of which was located at 4154 Hastings Street. His purpose in appearing before Council was to express his opposition to the proposed plebiscite on Shops Closing Hours which would be held in conjunction with the November elections. Mr. Winter stated that unless the wording of the plebiscite was very carefully considered, unlimited shopping hours would undoubtedly be approved by the electorate. He was convinced that this would not be in the interest of the small business man and noted that it would be beyond the capabilities of small business men to mount an effective campaign to defeat the plebiscite should it be held. He was of the opinion that longer shopping hours did not guarantee a larger volume of business or a greater margin of profit for small merchants but would definitely adversely affect the cost of carrying on a small business. Unregulated shopping hours would benefit the large department stores and shopping centres but not necessarily the individual small merchant in the shopping centre who is tightly bound by the terms of his lease. Mr. Winter concluded his remarks with an urgent appeal to Council that a plebiscite on Shops Closing Hours not be presented to the electorate in November, 1975.

Mr. Allan Coleman wrote to request permission to address Council concerning an appeal for reconsideration of Council's decision to allow Barber Shops in the Municipality to observe the same hours as other classes of shops.

**MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN GUNN:**

"That Mr. Coleman be heard."

CARRIED

AGAINST -- ALDERMEN BURNHAM, GORDON AND  
MERCIER

Mr. ~~Alley~~ Coleman then spoke and urgently requested that Council reconsider its previous decision to allow Barber Shops to observe the same hours as other classes of shops in the Municipality. He reiterated the remarks made to Council in his previous submission on August 6, 1973, and once more stressed that he was representing a very large majority of the independent barbers in the Municipality who were unanimous in their opposition to any change in the hours of operation of Barber Shops from that presently allowed by the Shops Closing By-Law. Mr. Coleman pointed out that the average number of hours worked by the average independent barber was approximately 50 hours per week and the institution of longer hours would only add to this burden. Mr. Coleman was of the opinion that Council had disregarded the wishes of the majority in this particular instance and recommended that Council's previous decision be reconsidered.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LAWSON:

"That the motion of Council on August 6, 1973 whereby: "The Shops Closing By-Law be amended to allow Barber Shops to remain open for the same hours as other classes of shops in the Municipality" be reconsidered."

CARRIED

AGAINST -- ALDERMEN MERCIER AND STUSIAK

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LAWSON:

"That the previous motion of Council as outlined above be rescinded and that no changes be made to Shops Closing By-Law insofar as the operation of Barber Shops in the Municipality is concerned."

CARRIED

AGAINST -- ALDERMEN MERCIER AND STUSIAK

ORIGINAL COMMUNICATION RE DELEGATION

Mr. W. Yorston, 1111 Yorston Court, submitted a letter in which he questioned the value of Council spending a whole evening debating the hours of closing of Barber Shops and other businesses operating in the Municipality as reported in the Vancouver Sun on August 7, 1973.

Alderman Gordon stated that he did not concur with the remarks contained in Mr. Yorston's letter and suggested that a suitable reply should be sent to him outlining Council's position.

The Mayor stated that he would be personally replying to Mr. Yorston and would make Council's position in this matter quite clear.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:

"That the question of extended Shops Closing Hours be put to referendum in the November, 1973, Burnaby Municipal Election, with specific wording of the referendum to be approved by Council as soon as it is available."

IN FAVOUR -- ALDERMEN MERCIER, STUSIAK AND BURNHAM

AGAINST -- ALDERMEN GORDON, GUNN, LAWSON, LEWARNE AND MCLEAN

MOTION LOST.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN STUSIAK:

"That Item #19 of the Municipal Manager's Report No. 62, 1973 which relates to Council's previous decision to allow unregulated shopping hours in the Municipality for the 14 days immediately preceding Christmas be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of this report:

(19) Shops Closing By-Law

On 6th August, 1973 Council directed that the Shops Closing bylaw be amended to permit stores to remain open (later than 6 p.m.) for the 14 days immediately preceding Christmas on the same basis as is currently allowed for seven days preceding Christmas.

The Municipal Solicitor has looked into this matter and reports as follows:

"Apparently a by-law amendment is required to permit shops to remain open until 9:00 p.m. for the serving of customers during the fourteen days immediately preceding Christmas Day. Section 862 of the Municipal Act presently provides for shops to remain open for the seven business days immediately preceding Christmas Day. Section 861(1) provides that Council may by by-law completely exempt from the shops closing provisions of the Act any defined class or classes of shops. I do not believe this section can be used to permit the enactment of the amendment sought by Council. The power is to exempt completely and the purpose of the amendment is not to exempt completely. Further, this section requires that classes of shops be defined, and I have had no instructions about the classification of shops. Section 865(1) provides that the provision of a by-law adopted under section 851(1) may be made applicable to one or more months of the year as specified in the by-law. This section indicates to me that a by-law under section 861(1) can be applied to one month of the year but not part of a month. Therefore, I doubt if the amending by-law sought by Council would be valid. Whether it would be classified or not, if enacted, is of course another matter."

It is quite apparent that Council has only two options open to them:

- (1) to permit shops to remain open seven days preceding Christmas as at present;
- (2) to permit shops to remain open later than 6 p.m. for the whole month of December.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN STUSIAK:

"That the previous motion of Council in this respect: "That Burnsby Shops Closing By-Law 1958 be amended so as to permit stores to remain open for the 14 days immediately preceding Christmas on the same basis as is presently allowed for 7 days preceding Christmas" be reconsidered."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN STUSIAK:

"That the previous motion of Council as outlined above be rescinded and that the Burnsby Shops Closing By-Law 1958 be amended to permit stores to remain open for the 7th of December on the same basis that is presently allowed for the 7 days preceding Christmas."

CARRIED

AGAINST -- ALDERMEN LAWSON AND BURNHAM

ORIGINAL COMMUNICATIONS

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LAWSON:

"That all of the below listed original communications be received and those items of the Municipal Manager's Report No. 62, 1973, which relate thereto be brought forward for consideration at the appropriate time."

CARRIED UNANIMOUSLY

Young Men's Christian Association of Greater Vancouver, submitted a circular reporting that the Youth Employment Service - 1973, had had a very successful year due largely to the tremendous response from the Community.

Miss Maureen Duggan, Manager of the Burnaby Office of the Youth Employment Services - 1973, wrote to express appreciation for Council's continued support and interest in the Y.E.S. program.

Mr. John C. Lee, 3744 Pandora Street, wrote to complain about vandalism and burglaries which had occurred on his property and to inquire as to what steps were being taken to curb such instances. Mr. Lee submitted a further letter in which he advised that, following a visit by a representative of the R.C.M.P., Burnaby Detachment, he was satisfied with his explanations and progress and with his suggestion to protect his property.

*Item #12 of the Municipal Manager's Report No. 62, 1973, which relates to the letters from Mr. Lee, was brought forward at this time. The following is the substance of that report:*

(12) Vandalism - 3744 Pandora Street

LEE

The premises involved are located at 3744 Pandora Avenue and have been burglarized on two occasions. First, during the night of May 1/2, 1973, someone forcibly entered Mr. Lee's garage while he was home, jacked up his vehicle, and stole his wheels and tires. On the second occasion, July 25/29, 1973 while he was away from his home for the weekend, someone broke a rear window and ransacked his home and stole \$20.00 in silver.

This home is actually not in a high-crime area. However, the house is situated in an area with the rear of the building completely surrounded by trees and shrubbery. These trees and shrubbery provide excellent cover for anyone considering breaking into the dwelling.

The methods of attack in both instances are indicative of juvenile involvement, and our investigators have two youths suspected although they are unable to prove this at this time.

The intensity of our patrols in marked cars in this area is in direct relation to the occurrences reported. These are an effort to prevent burglaries by the police presence. In addition, a plain clothes detail collects information and conducts follow-up investigations when offences occur.

As a result of this complaint, we have now discussed our methods of policing with Mr. Lee and his family. He has already taken excellent precautions to discourage further burglaries and has a better appreciation of our efforts.

Our uniform members intend to step up prevention patrols in that area, and our plain clothes investigators are hopeful of being able to apprehend those responsible for these burglaries or at least catch the culprit(s) committing other offences.

When the overall situation was discussed with Mr. Lee and his family, he appeared somewhat relieved and indicated he intended to write Council modifying the tone of his previous letter to His Worship, the Mayor."

In his letter of August 2, 1973, Mr. Lee also enquires as to whether or not street and lane lighting can be improved, particularly that provided for lanes. The Municipal Engineer advises that the present standard of lighting for the 3700 block Pandora consists of two 300 W. mercury vapour lease lights on B.C. Hydro poles, with one light located at Boundary and Pandora and the second at Esmond and Pandora.

The Municipal Engineer also advises that no additional lighting is possible at this time as all Hydro poles in the immediate area are situated in the lanes. The Engineer does not recommend installing lighting in lanes as this would set a precedent for such installations throughout the Municipality. The Engineer is also of the opinion that because of the typical backyard development of garages and trees, very little light would reach the home where, presumably, Mr. Lee wishes lighting.

With regard to installation of ornamental street lighting on Pandora Street, the Engineer advises that a program for such is not scheduled for 1973.

RECOMMENDATION:

THAT a copy of this report be provided to Mr. John C. Lee.

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

CARRIED UNANIMOUSLY

The Honourable James G. Lorimer, Minister of Municipal Affairs, wrote to advise of the planning being carried on by the Bureau of Transit Services with respect to the extension and upgrading of bus service in the Greater Vancouver area with specific reference to charges and additions to existing bus service in Burnaby. He requested Council's close co-operation in obtaining passenger terminal facilities on the sites of both the Lougheed Mall and the Brentwood Shopping Centre.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN MCLEAN:

"That the Director of Planning and the Municipal Engineer be directed to work very closely with the Bureau of Transit Services in the provision of passenger terminal facilities with particular reference on the effect such terminals may have on the existing parking requirements at both the Lougheed Mall and the Brentwood Shopping Centre."

CARRIED UNANIMOUSLY

The Honourable David Barrett, Minister of Finance, wrote to explain the difference between the grants in lieu of taxes between the City of Victoria and the Municipality of Burnaby. The Minister noted that Provincial Government owned land in the City of Victoria is located in the downtown area, current market values reflect in higher assessed values for this land.

Item #2 of the Municipal Manager's Report No. 62, 1973, which relates to the above subject, was brought forward at this time. The following is the substance of that report:

(2) Grants to Municipalities in Lieu of Taxes

The Municipalities Aid Act which provides for grants to municipalities, currently at the rate of \$32.00 per head, was amended in 1963 to provide 15 mills of taxation on specified properties owned by the Province. While the Act does not specify, by letter the Government informed the municipalities that 15 mills represented the provincial average of supplying sanitation, police and fire protection.

The Act provides that the 15 mills shall apply to all provincially owned land except land

- (a) that is or forms part of an undertaking for the conservation, irrigation, reclamation, rehabilitation, or reforestation of land;
- (b) that is or forms part of a park, monument, or archaeological or historic site as defined under the "Archaeological and Historic Sites Protection Act";

- (c) under the control, management, or administration of
  - (i) the British Columbia Hydro and Power Authority;
  - (ii) the British Columbia Toll Highways and Bridges Authority;
  - (iii) the Pacific Great Eastern Railway Company;
  - (iv) the Workmen's Compensation Board; or
  - (v) any other corporation, company, commission, board, or agency specified by the Lieutenant-Governor in Council;
- (d) that is or forms part of a highway within the meaning of the "Highway Act", or a road, street, lane, or right-of-way designed or intended for use by the general public, or a place or passage-way to which the public has access or is invited, or gravel-pit or quarry;
- (e) leased or occupied by a person from whom, by reason of his interest in or occupation of the land or improvements thereon, a municipality may levy and collect real-property taxes;
- (f) that is vacant, except where designated for use or used for a specific purpose by a department of the Government of British Columbia;
- (g) that is or forms part of a forest nursery, tree-farm licence, or access road; or
- (h) specifically exempted from this definition by Order of the Lieutenant-Governor in Council."

Of particular note is the prohibition of taxation on lands that are vacant.

The Act further provides that the fifteen mills of taxation shall be on assessments determined by the Assessment Commissioner of the Province.

Currently, the following Provincial properties are being taxed at the 15 mill rate:

- Oakalla Prison Farm
- Borstal Home (New Haven)
- Girls' Industrial School
- Health Clinic, Mental
- Public Works Yard (Highways)
- Maintenance Building
- Youth Development Centre
- Dairy Laboratory
- Motor Vehicle Testing Station
- Duplex (3908 Regent)
- Offices (2801 Ingleton)
- Residence (3739 Regent)
- R.C.M.P. office and Government office (9048, 9060 Stormont)
- Residence (3793 Regent)

The 1973 assessments are: land - \$2,938,410, improvements - \$6,028,800, taxable - \$7,460,010. 15 mills on this will realize \$111,901.

It should be noted that there are three Provincial institutions not included in the grant in lieu of taxes:

- Simon Fraser University
- B.C. Institute of Technology
- B.C. Vocational School

Simon Fraser University is exempt from taxation under its own Act. The other two are schools and are exempt from taxation under the Municipal Act.

By way of comparison, the City Treasurer of the City of Victoria advises that the gross taxable assessment of taxable government properties in that City is \$20,402,000 which at 15 mills realizes \$306,030 in Provincial grants in lieu of taxes. He has given us a complete list of the properties involved.

It is interesting to note that the Federal Act permits a grant based on full mill rates taxation on assessed values prepared by a municipality, and examined and approved by them on all lands and improvements owned by Federal Government, irrespective of use or whether or not the land is occupied.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:

"That the Provincial Government be requested to amend the Municipalities' Aid Act to comply with Federal legislation which permits a grant based on full value revaluation on assessed values prepared by a municipality and examined and approved by them on all lands and improvements owned by the Federal Government, irrespective of whether or not the land is occupied."

CARRIED UNANIMOUSLY

Deputy Municipal Clerk, City of Vancouver, wrote to inquire if the Municipality of Burnaby would be interested in renting voting machines if the City of Vancouver was to obtain such devices and there was no conflict in voting days.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LAWSON:

"That this matter be referred to the Election Procedures Committee for comment."

CARRIED

AGAINST -- ALDERMEN MERCIER, NG, AND GORDON

Mr. and Mrs. M. Bodnariuk, 7840 Willard Street, submitted a letter complaining of the lack of action on their previous complaint received by Council on July 30th relating to a number of things of concern to them on Willard Street from Marine Drive to Trapp Road.

Item #15 of the Municipal Manager's Report No. 62, 1973, which relates to the subject of Mr. and Mrs. Bodnariuk's letter, was brought forward for consideration of the Council. The following is the substance of that report:

(1) Willard Street from Marine Drive to Trapp Road

If any monies remain in the current resurfacing budget at the end of this year's works, which should be completed in August, Council will be approached for approval to use this surplus to resurface in part or all of Willard Street. If there is no surplus, Willard Street will be placed on the 1974 list of resurfacing works.

The Municipal Engineer advised that he should be in a position to report to Council on this matter within two weeks.

Maintenance work on the sidewalk is in progress and should be completed by the next week.

The matter of a 20 m.p.h. speed limit on Willard Street for trucks will be the subject of a report to Council by the Traffic Safety Committee following its next meeting on September 18, 1973.

The Burnaby Detachment, R.C.M.P., had made several patrols of this area but had not observed anyone riding horses on the sidewalk in question. Horseback riders in the area had been made aware of the complaints received and had promised co-operation.

It was recommended that a copy of the report be sent to Mr. and Mrs. Bodnariuk.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:

"That the recommendation of the Manager be adopted and that signs expressly prohibiting the use of the sidewalk on Willard Street between Marine Drive and Trapp Road by horses and riders be erected immediately."

CARRIED UNANIMOUSLY

Mrs. V. M. Robertson and Mrs. H. K. Keeley submitted a letter appealing Council's decision of July 30, 1973, which denied them a sidewalk crossing at 4078 Burke Street.

Item #10 of the Municipal Manager's Report No. 62, 1973, which relates to the letter from Mrs. Robertson and Mrs. Keeley, was brought forward at this time. The following is the substance of that report:

(10) Sidewalk Crossing - 4078 Burke Street

The submission by Mrs. V. M. Robertson in appealing Council's decision to not provide access to an illegal front yard parking area is based on a number of observations. She claims are permitted violations. The six homes listed in her submission will be commented on in the order submitted.

1. 5242 Patterson (sidewalk and curb construction 1971)

The front of this home is situated 45' back from the front property line; the zoning is R.2 which gives a front yard allowance of 25'. The remaining 20' to the house is outside the legal front yard and, as such, can be used to park a vehicle. For this reason, a sidewalk crossing was provided to an existing asphalt driveway that extends right to the front of the house.

2. 5149 Patterson (sidewalk and curb construction 1971)

At the time of sidewalk construction, this home was refused a sidewalk crossing by staff as the owner was in the process of closing in the existing carport. The owner objected, claiming that he would open the carport up again and that he would then need the crossing. Taking the owner at his word, we provided a vehicle crossing to service the existing carport.

On a check on 14 August, 1973, we found that he has again closed off the carport and is parking in the front yard.

3. 4937 Patterson (sidewalk and curb construction 1971)

This property had a front yard asphalted parking area that would accommodate two vehicles in addition to a two-car garage served from the rear lane. As the front yard parking was a violation of the Zoning By-law, they were refused a vehicle crossing. They appealed the staff decision to Council. As the Council at that time were dealing with a number of appeals over similar refusals, they brought down a policy whereby a property with an illegal front yard parking area that had the ability to extend the driveway to the side or rear yard would be given a vehicle crossing.

To date no attempt has been made to extend this illegal parking slab and two vehicles are being parked in the front yard.

4. 4993 Patterson (sidewalk and curb construction 1971)

This property has a front yard asphalt slab but was not given a vehicle crossing.

5. 4961 Patterson (sidewalk and curb construction 1971)

This property was given a crossing to a front yard parking area under the same conditions as 4937 Patterson Avenue. They have since extended the slab into the side yard to create one legal parking stall.

4219 Burke

This property had an existing loop driveway with one crossing to Burke St. and one crossing to Barker Ave. As these crossings also serviced a legal attached garage, sidewalk crossings were provided.

As we have pointed out in previous reports, many people seek loop driveways as they provide additional on-site parking. The violation of front yard parking being pointed out by the complainant is difficult to control when the asphalted areas in the frontyard form part of the access to the legal parking area.



It was recommended that Council's resolution of July 30, 1973, to deny the request of Mrs. Keeley and Mrs. Robertson for a sidewalk crossing at 4078 Burke Street be upheld.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Manager be adopted and that the Municipal Engineer be directed to take the necessary action to have illegal front yard parking facilities removed from the properties at 5049 Patterson Avenue and 4937 Patterson Avenue."

CARRIED UNANIMOUSLY

Mr. T. B. Blake, 3991 Trinity Street, wrote to complain of a swimming pool which had been erected at 3985 Trinity Street and which was allegedly causing damage to Mr. Blake's property.

*Item #5 of the Municipal Manager's Report No. 62, 1973, which relates to the matter of concern to Mr. Blake, was brought forward at this time. The following is the substance of that report:*

(5) Swimming Pool - 3985 Trinity Street

A swimming pool was installed last year by Mr. J. C. Greenwood on his property at 3985 Trinity Street. The pool is of the prefabricated type with a vinyl liner set in a metal retainer, partially in excavation and partially backfilled, and with a surrounding pool deck of wood material joined to an existing concrete patio on grade.

In handling applications for swimming pool installations, the Chief Building Inspector does not interpret the Zoning By-Law as restricting the use of property for necessary movement around a swimming pool.

Hence, the Department does not seek to have the ancillary pool deck, patio, or yard area serving a swimming pool, observe a setback from the property line.

The matter of water from the Greenwood property being emptied onto the Blake property had been raised earlier to the Building Department and had been confused with water from an unfinished carport roof and from pool drain lines. A further inspection of this matter was made on August 13, 1973 and the following observations were noted:

Toward the rear of Mr. Blake's property, adjacent to the common property line, is a sidewalk constructed of paving blocks. The upper end of walk was observed to be overlain with an area of sand/silt deposit, the lower end of sidewalk, towards the lane, showed base erosion and some uneven settlement of paving blocks. The sand/silt deposited material on the sidewalk resembled the sand backfill material placed adjacent to the pool excavation on the Greenwood property.

It was concluded, after inspection of the properties, that the pool installation has resulted in diversion of the former flow of storm water on the Greenwood property with the result that a heavier flow of water is now forced past the end of the swimming pool, beside a concrete curb at the common property line to the termination of the curb where the flow can escape, due to cross-grade of the properties from the Greenwood property onto the Blake property. This flow of water could result from natural rainfall, or from irrigation or hosing and cleansing of the patio area on the Greenwood property.

At the time of inspection of August 13th, it was noted that ground preparation had been commenced for the installation of a sump behind the pool. It was pointed out that drainage from the concrete patio area and oversplash from the pool could be collected and led to the sump to overcome the flow which now appears to escape onto the Blake property. Mr. Greenwood is being informed of the correct procedures to be followed for the installation of the sump. It is anticipated that Mr. Greenwood and/or his plumbing contractor will have no difficulty in abating the apparent flow of surface water onto Mr. Blake's property.

It was recommended that a copy of this report item be forwarded to Mr. Blake.

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

CARRIED UNANIMOUSLY

Mr. A. W. Laughlin, President, Laughlin Development Ltd., wrote to advise that he no longer wished to appear as a Delegation before Council on August 20, 1973 in connection with the Loughheed Estates.

Mr. R. Flynn Marr, Barrister and Solicitor, also submitted a Letter on the same subject advising Council of possible legal action which may shortly be taken in such a way as to tie up the land presently being developed as Phase II on the Loughheed Estates.

### I N Q U I R I E S

Alderman Gordon requested information as to the hours of work currently in force in the Municipality of West Vancouver and the effect of such hours on the Municipality's Sick Plan.

Alderman Mercier noted that a tender has been called for 12 compact automobiles and inquired if this was to be an addition to the Municipal fleet.

The Acting Manager advised that the 12 cars in question were replacements for 1969 automobiles and would not increase the number of vehicles in the Municipal fleet.

Alderman Mercier inquired as to the current status of a report requested by Council on a revised method of charging for Ornamental Street Lightings as a Local Improvement.

The Acting Manager advised that this report should be available in approximately one month.

Alderman Mercier inquired as to the responsibility for re-seeding boulevard areas following the installation of curbs or curb sidewalks as a Local Improvement. He reported that there seemed to be some doubt as to whether the Municipality or the abutting owner was responsible in this respect. He also suggested that the possibility of the Municipality providing grass seed to the owner be investigated.

Alderman Stusiak inquired as to the present status of negotiations with the Provincial Government concerning the removal of Oakalla Prison Farm.

Mayor Constable advised that he expected to hold a meeting on this subject in the very near future with the Minister of Municipal Affairs and that he would attempt to arrange a meeting with the Minister and the Council immediately following that.

Alderman Levarne requested information on the advantages and disadvantages of establishing a system whereby Municipal taxes would be collected on a semi-annual basis rather than on an annual basis as the case now.

### R E P O R T S

MAYOR T. W. CONSTABLE advised that it was necessary for Council to appoint two of its members, on or before the 31st day of August in each year who, with the Mayor, shall form a Court of Revision, which shall hear all complaints and correct and revise the List of Electors.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LAWSON:  
"That Alderman Stusiak and Alderman Burnham be appointed to the Court of Revision for 1973 to correct and revise the List of Electors."

CARRIED UNANIMOUSLY

THE ADVISORY PLANNING COMMISSION submitted a report on Residential Condominiums and Conversions. The Commission recommended that the guidelines set out below under Part II, Sections 2.1 and 2.2, regarding new residential condominiums, and Part III, sections 3.1 and 3.2, regarding residential condominium conversions, be adopted by Council as guidelines in the future consideration of requests for approval of Strata Plans for residential purposes under the Strata Titles Act.

The Advisory Planning Commission further recommended that Council review its policy with regards to parking for residential accommodation with a view to bringing this up to the same standard for condominium development.

## 2.0 Guidelines

### 2.1 General Condominium Guidelines

1. (a) A minimum parking ratio of 1.5 parking stalls per unit should be maintained.
- (b) A parking ratio of .2 (one parking space for every 5 units) be provided for visitor parking.
- (c) In developments in excess of 100 units provision be made for long stay parking; that is, for recreational vehicles, boats, trailers, etc.

2. (a) 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.

3. A suitable plan of development for condominiums should specifically include provisions for adequate open space and suitable communal facilities.
4. Driveways and concrete curbs to the municipal standard shall be required in condominium projects.
5. Excepting townhouses and duplexes, a readily accessible resident representative of the Strata Corporation and the authorized Management Company is to be given authority to grant entry to the premises to the Municipal Departments of Building, Health, Assessment and Fire for emergency or inspection purposes.

This requirement is to be included in the Strata Corporation Bylaws.

6. 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.

7. Any condominium previously approved by Council through the rezoning process shall be governed by the applicable approved suitable plan of development. In particular it is recommended that any new parking requirement approved by Council not be retroactive to include these previously approved condominium plans.

8. 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 owner.
- (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) A suitable plan of development detailing any revisions or improvements to the existing structures shall be provided.
- (o) Details as to whether a caretaker's suite is to be provided as part of the common property.

## 2.2 Specific Condominium Guidelines

### 2.2.1 High Rise Apartment Condominiums

1. In general, the zoning requirements of RM4 and RM5 - Multiple Family Residential Districts are utilized as guidelines within the specific zoning designation of the Comprehensive Development District.
2. The preceding condominium guidelines outlined apply.
3. Children should be discouraged in high rise condominiums.
4. Bachelor/Studio suites should only be considered under exceptional circumstances where extensive communal facilities and usable open space are provided in the project.

### 2.2.2 Low Rise Apartment Condominiums

1. In general, the zoning requirements of RM2 and RM3 - Multiple Family Residential Districts are utilized as guidelines within the specific zoning designation of the Comprehensive Development District.
2. The preceding general condominium guidelines outlined apply.
3. Children should not be encouraged in the typical corridor/elevator low rise apartment condominium.
4. Bachelor/Studio suites should only be considered under exceptional circumstances where extensive communal facilities and usable open space are provided in the project.

### 2.2.3 Townhouse Condominiums

1. In general, the zoning requirements of RM1 - Multiple Family Residential District are utilized as guidelines within the specific zoning designation of the Comprehensive Development District.
2. The preceding general condominium guidelines outlined apply.
3. The Community Plan guideline for low density multiple family housing of 10 - 12 units per acre should apply to all townhouse condominiums.
4. Play facilities for older children (paved court, basketball net, backboards, etc.) should be considered in addition to the usual play facilities provided for small children.
5. Underground wiring is to be provided. Ornamental lighting (morality lights) should be provided in larger townhouse condominium projects.
6. The following minimum suite sizes should be used as a guideline:

- 2 - Bedroom Unit - 900 sq.ft.
- 3 - Bedroom Unit - 1100 sq.ft.

For information, the recently adopted R8 (Group Housing) District which is actually a condominium category intended for the accommodation of families with children requires that each suite have a minimum size of 1200 sq. ft.

### 7.2.4 Duplex Condominiums

1. In general, the zoning requirements of the R4 and R5 - Residential Districts shall apply.
2. A suitable plan of development should be required. The developer shall complete the project landscaping before occupancy.
3. Separate water, sewer, hydro and gas (where applicable) connections shall be provided to each unit.
4. The maintenance of the exterior of the building and any accessory development shall be the joint responsibility of both owners.

The responsibility for the maintenance of the grounds may be divided by the two owners along an imaginary line extending and projected along the common wall of the duplex.

5. Points 6 and 7 of Section 2.1 - General Condominium Guidelines shall apply.

## PART III RESIDENTIAL CONDOMINIUM CONVERSIONS

### 3.0 General Comments

1. Condominium conversions appear to be financially attractive to developers. It had been mentioned previously that the value of a condominium unit tends to be substantially higher than the value of the same unit as a rental unit. The upgrading of an apartment conversion at the time of sale appears to emphasize cosmetic changes.
2. Condominium conversions do not increase the aggregate amount of housing available. It is noted that apartment condominium conversions would not be entirely suitable for families with children. Also, tying older persons (former tenants) into long term mortgage commitments in addition to water, hydro, and heating costs, tax payments and monthly maintenance costs, does not appear entirely reasonable. It appears that the aggregate monthly costs and payments may be substantially higher than for renting an apartment - although a long run equity position is developed.
3. Condominium apartment conversions probably constitute the lowest priced housing available for ownership.
4. It is suggested that overcrowding in inexpensive condominium conversions may be a potential problem. Existing rental apartments usually have limits on the number of permanent residents allowed in each unit. Some density limitation standard (i.e. persons per bedroom) may be eventually necessary regarding apartment conversions.
5. At the June 25, 1973 Council meeting, it had been mentioned that perhaps the vacancy rate in Burnaby could be used as one criterion for approving Strata Title conversions. We would advise that the vacancy rate is subject to continuous fluctuation. This approval procedure would appear subject to abuse as developers attempt to convert before deadlines pegged to the vacancy rate.

6. A long range problem is the potential difficulty in redeveloping condominiums and in particular condominium conversions. The assent of many individual owners would be required to redevelop a dilapidated condominium.
7. It appears that the sale of Bachelor or Studio units is not reasonable except in exceptional circumstances where extensive communal facilities are provided. The encouragement of one-room "homes" would appear to promote substandard housing.
8. It appears that the conversion of apartments built prior to 1964 may be unsuitable due to inadequate parking provided (parking ratio of 0.75 parking stalls per unit or lower).
9. A minimum parking ratio of 1.5 parking stalls per unit appears necessary. A few recent condominium rezonings have provided parking ratios of between 1.25 and 2.0 parking stalls per unit with a ratio of 1.5 emerging as a workable guideline. (See Section 2.1.1).

However, to insist upon the upgraded parking ratio would appear to eliminate almost all conversions of, in particular, three-storey apartments which at present require a parking ratio of 1.0. Most three-storey apartments have limited potential to add additional parking spaces easily (i.e. limited site size, existing underground parking). However, to approve three-storey apartment conversions without requiring an upgrading of the parking ratio to present day condominium standards may encourage developers to provide rental apartments now at a lower parking ratio with the intent of converting at some future date to condominium. In addition to approve conversions without requiring an upgrading of standards would appear to be at variance with the attempts of the Municipality to maintain a high level of standards in new condominiums. This situation could be justified if condominium conversions were shown to fill an important social need.

For information, it is noted that a few new condominiums have been approved by Council based on a parking ratio of the existing RM2 and RM3 Zoning regulations. It would appear difficult to go back on those decisions based on the recommended upgraded parking standards.

If the recommended parking standards are not adopted, the Strata Corporation shall provide a rebate and lease arrangement to achieve the optimum utilization of the available parking spaces.

### 2.1 General Conversion Guidelines

1. Points 1, 2, 3, 5, 6, 7 & 8 in the General Condominium Guidelines outlined in Section 2.1 of this report should apply to condominium conversions.
2. It is recommended that an independent health consultant be retained and that a certificate guaranteeing that the premises are free of any infestation is to be obtained by the developer.
3. Bachelor/Studio units should not be approved for conversion to condominium except under unique circumstances.

4. A suitable plan of development should be requested of all applicants for conversions, detailing any proposed revisions or improvements to the project.
5. The developer shall submit a complete explanation of the provisions which have been established to protect the rights of tenants in the project and to relocate tenants who do not wish to buy.
6. In cases where the apartment project was constructed under bylaws not now in effect, the building should be treated as a new project and brought up to the standards of the Building Department in effect at the time conversion is being considered.
7. A standard form on each Strata Title conversion will be circulated to the Engineering, Building, Health and Fire Departments for comment.

### 3.2 Specific Conversion Guidelines

#### 3.2.1 High Rise Apartment Conversions

1. The preceding outlined general conversion guidelines apply.

#### 3.2.2 Low Rise Apartment Conversions

1. The preceding outlined general conversion guidelines apply. (See, in particular, Point 9 of Section 3.0 - General Comments for references to parking.)

#### 3.2.3 Townhouse Conversions

1. The preceding outlined general conversion guidelines apply.
2. Concrete curbs and driveways to the municipal standard shall be required in condominium projects.
3. Servicing of sites shall conform to the requirements of the Burnaby Subdivision Control Bylaw.

#### 3.2.4 Duplex Conversions

1. The points outlined in Section 2.2.4 - Duplex Condominium shall apply.
2. Points 2, 4, 5, 6 & 8 of Section 3.1 - General Conversion Guidelines shall apply.

Mr. Jean-Pierre Daem, 3018 Carina Place, Simon Fraser Hills, requested an opportunity to address Council on this subject and to present a further brief. Details of Mr. Daem's presentation follows:



## GENERAL REPORT ON RESIDENTIAL CONDOMINIUMS AND CONVERSIONS

## PART III

## 3.1 General Conversion Guidelines

6. The applicant shall be required to give the tenants written notice of not less than four months plus one month for each year of occupancy of the intention to convert to Strata Title and to terminate the tenancy agreement and shall provide evidence that he has done so, this shall include the posting of notices in conspicuous places in the building affected, advising the tenants that the application is being made. A suitable declaration shall be supplied to the Municipal Planner by the applicant advising the date the notice was given and the percent of occupancy of suites at that time.

If, at the date of any form of notice, the occupancy of the building has been reduced by the owner to a level substantially below the normal occupancy rate for the building, the application shall not be approved, unless the applicant can provide proof that the reduction occurred for legitimate reasons unrelated to the planned conversion.

Where any tenant is required to move as a result of a conversion the applicant shall be required to pay a tenant an additional amount not exceeding \$200.00 in addition to the maximum of \$300.00 moving expenses now provided by the Landlord and Tenant Act, and the tenants shall be so advised.

The Municipal Council shall require a written statement of agreement to lease, incorporating a form of lease which would be a registerable form except for the legal description, in individual and special cases where in the opinion of the Municipal Council, tenants are unable to purchase suites.

The Municipal Council may require the names and addresses of tenants who have vacated the building in the year prior to the application, and will provide for a public hearing of the proposed conversion.

## RATIONALE

While the present report requires the developer to make provision for the relocation of tenants, it does not specify how this is to be done. The above will not only do this, but will also ensure that tenants are not evicted prior to a conversion application so that the developer may avoid paying the moving expenses of the displaced tenants.

Further, the above regulations to replace the present paragraph 6 on page 10 of the Planners' report would ensure that those tenants who for reasons of physical disability or otherwise may retain possession of their suite on a lease basis until such time as their tenancy is terminated by themselves.

It further provides for compensation for long time tenants whose life styles and habits will be disrupted by the conversion over which they have no control.

For the information of Council, discussions regarding the above were held with the Municipality of Oak Bay and subsequently guidelines much similar to the above were passed by that Council on August 1, 1973.

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It is suggested that the following paragraphs be added to section 3.1 of PART III :

9. The applicant shall be required to file at his expense a declaration by a qualified consultant, who is acceptable to the Municipal Planner, that the building is structurally sound. In this regard structurally sound would include that state of repair, general workmanship of the operating equipment, plumbing, heating, electrical, roofing, soundproofing, insulation and fixtures of both the common and fee simple property.

The above should compare favorably with the standards as set by the Central Mortgage and Housing Corporation.

The consultant's report shall then be reviewed and inspected by the Inspection staff of the Building Inspector, Health Inspector and Fire Department to ensure that it complies with all Municipal By-Laws and regulations and is suitable for condominium use.

In the case where a deficiency list is established as a result of the above report, the convertor shall be required to bring these matters to required standard at his expense. Particulars of costs of installation and details of any other expenditures, and the posting of performance bonds or similar securities shall be required prior to approval of the application.

Subject to approval of the above, Paragraph 2 of Section 3 should then be amended to include in the prospectus the following :

- The complete reports, lists of deficiencies and work to be performed shall be appended to the prospectus.

## RATIONALE

While it may be argued that the jurisdiction for such matters should in fact lie in the hands of senior governments, at present they rest with the Municipal Council and therefore the Municipal Council (while it may try to convince the Provincial Government to amend its present legislation) have the responsibility to ensure that the Strata Corporations within its boundaries are viable.

In order to protect both the developer and the future owners it is therefore in the interest of both parties to ensure that the building is indeed sound and suitable for self-ownership. The costs incurred to ensure this should not be borne by the community and it is therefore not reasonable to demand that Municipal staff carry out the detailed work, rather their role is one of control.

Furthermore, while the concept of ownership is self explanatory in terms of the responsibilities which it entails, it is much more complex in a Strata Corporation. Because the physical environment prior to, and after ownership has been attained, is identical, and because the financial outlay during tenancy and under ownership appear similar (if not identical), the new owners do not identify with the concept of shared costs of common property. The writer therefore believes that it is paramount that the Municipal Council, at least ensure that the information regarding the potential costs of a used facility to the new owners is explicitly stated.

Respectfully submitted,



Jean-Pierre Daem, M.Sc.  
Chairman, B.C. Association of  
Strata Corporations.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:  
"That Mr. Jean-Pierre Daem not be heard."

CARRIED

AGAINST -- ALDERMAN GORDON

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN LEWARNE:

"That the report of the Advisory Planning Commission on Residential Condominiums and Conversions be received and referred to the Director of Planning for comment."

CARRIED

AGAINST -- ALDERMAN MERCIER

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That the report of the Advisory Planning Commission on Residential Condominiums and Conversions, together with the report of the Planning Department and Mr. Jean-Pierre Daem, of the same subject, be referred to all interested individuals or groups to obtain as broad an input as possible on this subject. All interested individuals or groups are to be requested to submit their comments to Council not later than September 30, 1973, following which Council will hold a Special Meeting to consider all submissions received."

CARRIED

AGAINST -- ALDERMAN MERCIER

THE DEPUTY MUNICIPAL CLERK submitted a Certificate of Sufficiency covering the paving of the lane West of, and parallel to, Cliff Avenue, South from Adair Street to S.P.L. Lot "C", R.S.D. "B", S.D. 2, Block 2, D.L. 131, Plan 20195.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN BURNHAM:

"That the Certificate of Sufficiency be received and by-laws prepared to authorize the construction of the works detailed in the Certificate."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER submitted Report No. 62, 1973, on the matters listed below as Items (1) to (19), either providing the information shown or recommending the courses of action indicated for the reasons given.

(1) Lease of Liquor Store - 4552 Hastings Street

The Municipal Manager reported that he had been advised by the Provincial Department of Public Works that the former Government Liquor Store at 4552 Hastings Street would be used by the Department of Travel Industry and would not be available for other uses.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN STUSIAK:

"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(2) Grants to Municipalities in Lieu of Taxes

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

(3) Signing Officers - Trust, Agency and Capital Account

It was recommended that the officers of the Corporation's Trust, Agency and Capital Savings Account N.P. 15 be:

The Treasurer, the Deputy Treasurer, or the Assistant Municipal Accountant, any one of them; and

The Manager, Clerk, Deputy Clerk, Mayor or Acting Mayor, or any one of them.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

**(4) Statutory Duties of the Municipal Clerk**

It was recommended that pursuant to Section 183 of the Municipal Act, Council appoint the Municipal Manager, or in his absence the Acting Municipal Manager, to perform the statutory duties as required during the absence from duty of the Municipal Clerk and the Deputy Municipal Clerk.

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

CARRIED UNANIMOUSLY

**(5) Construction of Swimming Pool - 3985 Trinity Street**

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

**(6) Restrictive Covenants for Retention of Trees in D.L. 86**

It was recommended that restrictive covenants be attached to lots offered for sale in D.L. 86 in order to preserve retainable trees on these lots after they are sold. The procedures to be followed are indicated below:

- |  |    |   |
|--|----|---|
| Covenant<br>stipulation                                | 1) | A restrictive covenant pursuant to Section 24A of the Land Registry Act will specify that no trees may be removed other than those authorized for removal by the municipality following site plan approval.   |
| PPA<br>approval  | 2) | All properties within the subdivision to be subject to PPA approval. This will be specified in the covenant.  |
| Reference to<br>Parks and<br>Recreation<br>Department  | 3) | Each application for site plan approval through PPA to be referred to the Parks and Recreation Department.  |
| Onsite<br>inspection and<br>siting<br>adjustments      | 4) | A Parks and Recreation Department employee will conduct an onsite inspection of each lot, with the site plan proposed by the builder. By site inspection, examination of retainable trees, and discussion with the builder, a satisfactory siting will be agreed upon with a view to minimizing tree destruction. The Parks and Recreation Department employee undertaking this work will be an individual knowledgeable about trees and landscaping. Further assistance will be provided where required by the Parks and Recreation Department to do any slashing of undergrowth necessary to locate and identify the retainable trees. Trees which are going to become isolated or undermined by building in accordance with the agreed-upon site plan, will not be earmarked for retention. Trees will be marked for retention by paint and where necessary, a stake will be placed adjacent to the tree trunk so that natural grade can be determined if excavated material is dumped around the tree; such excavated material will then be removed by the builder when this is required by the Parks and Recreation Department employee. |
| Avoidance of<br>root damage<br>and tree<br>suffocation |    |   |
| Trees for<br>retention                                 | 5) | All trees painted for retention will thereon be subject to the restrictions of the covenant, but it is realized that in time some of these trees which were marked for retention may become unstable and dangerous, or perhaps the owner wishes to make a structural addition to his house or garage. Under such circumstances, the owner will then make application through PPA procedure and the request to remove the trees will be decided upon following an onsite inspection by a member of the Parks and Recreation Department. If the reasons are valid, permission will be given for removal of the tree or trees.   |
| Exceptions<br>for special<br>circumstances             |    |   |

It was emphasized that these covenants will be applied in a spirit of encouragement to retain trees, rather than in a spirit of rigorous and unyielding enforcement. The owners and builders will be given as much freedom as possible in the siting of their houses. The International Land Company indicate they have not had to lay a charge against anyone covered by their restrictions. On the contrary, the restrictions have been welcomed and respected by the owners. With the current upsurge in interest in conservation of natural features to protect the environment, support is expected from future owners of Municipal lots and enforcement difficulties or litigation problems are not expected.

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

CARRIED UNANIMOUSLY

(7) Roof for the Municipal Rink

It was recommended that Totem Roofing and Insulation Ltd. be authorized to replace the roof on the Municipal Rink with red cedar shakes for the revised bid of \$34,723.29 and that the overexpenditure in the amount of \$4,723.29 be charged to the Rink Maintenance Account and provided for in the 1973 Recast Budget.

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

CARRIED UNANIMOUSLY

(8) Non-Compliance with Burnaby Zoning By-Law - Provincial Government Land in D.L. 73 Between Wayburne Drive and Willingdon Avenue North of Moscrop Street

It was reported that paving operations on the internal "Perimeter" roads in the Southern part of Provincial Government Land in D.L. 72 between Wayburne Drive and Willingdon Avenue North of Moscrop Street had recently been completed by the Provincial Department of Public Works. Of particular concern is the non-compliance with Burnaby Zoning By-Law requirements.

The Provincial Government land is currently entirely within a P6 Zoning District (Sec. 506 Burnaby Zoning By-Law). Further, because the holdings are extensive and are circumscribed with Municipal streets, all sides of the site adjacent a street are considered to be "front yards". With regard to the front yard requirements of a P6 Zoning District, Section 507.7 requires a front yard no less than 30 feet in depth. The widened perimeter road with right angle parking permitted up and overhanging the front property line violates the front yard requirement in addition to precluding the setback, screening and landscaping requirements of Section 6.15 of the Burnaby Zoning By-Law. Compliance with the By-Law is particularly important in this instance due to the proximity of residential development (Greentree Village) and the special efforts being made to retain natural vegetation.

It was recommended that:

- (1) The Minister of Public Works be advised of the Burnaby Zoning By-Law requirements as they pertain to the Provincial land in D.L.'s 71 and 72 and of the violation observed in connection with development of the perimeter road within the Provincial site.
- (2) That the Minister of Public Works be urgently requested to have the widened portion of the perimeter road removed and in its place to provide appropriate landscaping vegetation.
- (3) That the Minister of Public Works be advised that in order to prevent similar situations from arising in the future that the Burnaby Planning Department is ready to assist Provincial Staff with any site development and By-Law requirement details or interpretation.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LAWSON:  
"That the report of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

**(9) Landscaping - Kingsway Senior Citizens' Development**

It was reported that landscape work was not carried out immediately upon completion and occupancy of the buildings as a result of delays in construction, the seasonal situation, and other reasons. Therefore, a comprehensive landscape plan for the senior citizens' tower and the recreation centre (including planting, paths, fences, lighting and outdoor furniture) has been in preparation by the project architects and consultants, and the plans are now considered to be suitable.

The Chief Building Inspector advises that all plans, specifications, and documents are in order, and that advertising for tenders for the work will be done shortly. Planting is intended to be completed in the fall planting session.

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

CARRIED UNANIMOUSLY

**(10) Sidewalk Crossing - 4078 Burke Street**

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

**(11) Tenders for Trucks**

It was recommended that:

- (1) the lowest tender, meeting the specifications, for International Harvester Company of Canada Ltd. for three 1974 Lodestar, Model 1600 trucks, in the amount of \$21,683.55 to include all applicable taxes, licence and registration fees, be accepted;
- (2) the lowest tender, meeting the specifications, from Fog, Motor Ltd. for two 1974 Model F350 trucks in the amount of \$8,509.50, to include all applicable taxes, licence and registration fees, be accepted;
- (3) the lowest tender, meeting the specifications, from Pacific G.M.C. Ltd. for one 1974 G.M.C. Model T.P. 31442 Van, in the amount of \$6,472.02, to include all applicable taxes, licence and registration fees, be accepted.

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

CARRIED

AGREED BY ALDERMAN LEWARN

**(12) Vandalism - 3744 Pandora Street**

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

**(13) Building and Plumbing By-Laws**

On June 20, 1973, Mr. W.K. Smith, Deputy Minister of Municipal Affairs circulated to all Municipal Clerks and Secretary Treasurers of Regional Districts the advice that Provincial Building Regulations and Provincial Plumbing Regulations would come into force and effect throughout the Province of British Columbia on September 1, 1973. In actual fact the Provincial Government has proclaimed by Order-in-Council Regulations to be cited as "Building Regulations of British Columbia", providing for the adoption in all Municipalities and Regional Districts of B.C., Parts 2 to 6 inclusive and Parts 8 and 9 of the National Building Code of Canada 1970; and similarly for the adoption of The British Columbia Plumbing Code 1972. Also circulated by Mr. Smith on June 20 was a draft Building By-law suggesting for Municipalities administrative clauses necessary for the application of the National Building Code, as well as a scale of permit fees, local climatic data, and other matters for local decision.

The Municipal Solicitor, Mr. Stirling, has reviewed the Provincial Legislation and has drawn the necessary By-laws to accompany the said Provincial Regulations to place in effect within the Municipality of Burnaby the Regulations, the National Building Code of Canada 1970 and the British Columbia Plumbing Code 1972.

Both by-laws follow closely the administrative Sections of our current By-laws and will facilitate the transition to the respective Provincial Codes.

It was recommended that the subject By-Laws be adopted.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN LAWSON:  
"That the report of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(14) Air Pollution

Regarding a complaint received by Council from Mr. E. L. Stevens on August 6, 1973, the Manager reported that due to the complexity of the problem, a report on this subject would not be available for a further period of two to three weeks.

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

CARRIED UNANIMOUSLY

(15) Complaints - Willard Street, Marine Drive to Trapp Road

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

(16) Sale of Municipal Property

- (1) Lot 2, Block 10, D.L. 40, Plan 3048  
8042 Winston Street (Formerly Rolco Pipe Supply Ltd.)
- (2)  $W\frac{1}{2}$  of Lot 2, Block 9, D.L. 40, Plan 3048  
7976 Winston Street (Formerly Inter-City Express)

Due to a change in zoning, the operations of Rolco Pipe Supply Ltd. and Inter-City Express were rendered non-conforming and required re-location from the above-noted properties. Consequently, the Municipality acquired these properties, both of which are located within an M5 zone. They are now vacant.

Lot 2 (8042 Winston Street) contains 1.66 acres, and the  $W\frac{1}{2}$  of Lot 2 (7976 Winston Street) contains 2.78 acres.

Both properties have buildings located thereon. The building on the  $W\frac{1}{2}$  of Lot 2 (7976 Winston Street) has been offered to the Burnaby Horsemen's Association for removal to the site of their barns on Avalon Avenue to serve as Caretaker quarters. The Parks and Recreation Commission is presently negotiating relocation of the building, with negotiations expected to be concluded in the near future.

The Municipal Engineer advises that two storm sewers will be required to service the two properties at an estimated cost of \$73,000 for both sewers and, further, that a 20' easement will be required adjacent to the west property line of each property.

The Land Agent reports that considerable interest in these properties has been shown by industrial developers over the past several months, and it is his opinion that the market for the subject properties is favourable.



The Land Agent requests authority to offer the subject properties for sale by public tender, subject to the following conditions:

- (1) Retention by the Municipality of a 20' easement parallel to the west boundary of both properties to provide for storm sewer installation.
- (2) Installation of the storm sewers to be deferred until after sale of the properties; with monies for sewer installation recoverable from Corporation's Land Assembly and Development account.
- (3) Sale of Lot 2 (8042 Winston Street) to be subject to the purchaser demolishing the buildings thereon, with the understanding that conveyance of the property will be withheld until such time as the buildings are demolished.
- (4) Should the Burnaby Horsemen's Association wish to take possession of the buildings located on the W $\frac{1}{2}$  of Lot 2 (7976 Winston Street), that the Association undertake to remove the buildings within 30 days from the date of property sale and, in the event that this condition is not met, that the buildings be demolished by the purchaser prior to receiving a conveyance to the property.
- (5) That all bidders be required to submit a notice of intended development of property with their bids.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN MERCIER:

"That the report of the Municipal Manager be tabled and the Land Agent be directed to submit a report on the advantages and disadvantages of long term leasing of the subject property as opposed to the outright sale of same."

CARRIED UNANIMOUSLY

(17) Rezoning Reference No. 32/73

Lots 1, 2 and 3, S.D. 48/49, Blocks 1/3, D.L. 95N, Plan 1643

From Residential District Five (R5) to Special Institutional District (S17)  
Rehabilitation Centre for Alcoholic Women

Council, on July 16, 1973, during initial consideration of Burnaby Zoning By-Law 1965, Amendment By-Law No. 20, 1973, requested the following information:

1. The feasibility of providing smaller rehabilitation centres for alcoholic women in various parts of the Municipality, as opposed to the proposal to have a centre at one location.
2. Future plans regarding the use of the Municipal lots that are adjacent to the lots involved in the subject rezoning.
3. Whether other sites were considered.
4. A map showing the locations of community care facilities that are located in Burnaby.

Following is a reply from the Human Resources Administrator regarding item 1:

"It is my understanding the intent of the Board of the Alcoholic Home is to have a unit of 24 beds with two persons to a room and a centre core for dining and related services. Thus in essence, there would be 6 double rooms on each side of the centre core.

Presently, the current home has occupancy for 6 persons with a matron or manager, and staff, and is not a desirable economic unit when one considers greater occupancy could be handled in a larger unit without any undue increase in staff.

Thus to decentralize within the Municipality with a series of small units would not be economically advisable, and again each separate unit would also require a separate Board of Governors and community volunteers to serve on these Boards. It is very difficult to obtain these volunteers, and would be spreading to a very fine degree those willing to serve in these endeavours.

The demands and waiting lists for these Alcoholic Home services for women is considerable and it is my opinion other cities and/or municipalities will also be establishing similar homes in their respective areas. As a consequence I do not envision Burnaby will require more than the one unit, and a unit of 24 beds would seem desirable, and cannot be considered large in terms of 12 double rooms on a suitable land area.

If I may add one point, it is to emphasize the great value derived from the present home. During its operation over the past five years, we have never had a complaint from the community, and through our staff, only the highest praise for its service and operation.

In conclusion, I would recommend the one larger unit and not a series of smaller units throughout the Municipality, in the light of the foregoing."

With respect to Item 2, it was noted that current zoning of the Municipal properties allows single and two family dwellings. There is no intention to alter this use category at this time.

The Director of Planning reported on the matter of site selection and provided specific background information on the reasons for the selection of the site on 18th Avenue as the preferred location for the subject centre.

The Director of Planning also provided a list outlining the various types of community care facilities in Burnaby and provided a map showing the locations of such facilities.

It was recommended:

THAT the subject bylaw be given first and second readings subject to the following prerequisites:

1. the applicant to submit a suitable plan of development which effectively integrates the building with the surrounding residential environment, which screens the development from adjacent activities (varying setbacks) and which preserves and incorporates the existing natural vegetation into an overall development scheme;
2. the applicant to provide adequate on-site parking to accommodate residents and staff;
3. the cost of providing the site with adequate storm and water facilities, and the upgrading of 18th Avenue, to be borne by the Corporation;
4. the consolidation of the three parcels into one site, with costs to be borne by the Corporation.

Alderman Lewarne stated that it had come to his attention that the United Church of Canada Home for unwed mothers at 7401 Sussex Avenue was ceasing operations as of August 31, 1973, and the Church was most interested in finding another organization who would be willing to utilize these facilities for a related type of activity. Alderman Lewarne suggested that it would be worthwhile for the Charlford House Society for Women to investigate this matter fully with the United Church.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN BURNHAM:

"That this item of the Municipal Manager's report be tabled until after September 30, 1973, to allow the Charlford House Society for Women to determine whether the United Church facilities at 7401 Sussex Avenue could be adapted to the Society's requirements with the understanding that Council is prepared to consider the subject rezoning further should the premises prove unsuitable."

CARRIED UNANIMOUSLY

(18) Appointment of a Representative to a Grievance Arbitration Board

The Municipal Manager reported that he has appointed Mr. John Oliver as the Corporation's representative on a Grievance Arbitration Board in the case of Mr. G. R. Webb, a labourer in the Engineering Department, and recommended that Council ratify this appointment.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(19) Shops Closing By-Law

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

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

BY - L A W S

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

"That:

"BURNABY LEASE AUTHORIZATION BY-LAW NO. 8, 1973"

(#6334)

"BURNABY BUILDING BY-LAW 1973"

(#6333)

"BURNABY ELECTRICAL CONNECTION REGULATION BY-LAW 1973"

(#6336)

"BURNABY PLUMBING BY-LAW 1973"

(#6335)

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:

"That:

- "BURNABY LEASE AUTHORIZATION BY-LAW NO. 8, 1973" (#6334)
- "BURNABY BUILDING BY-LAW 1973" (#6333)
- "BURNABY ELECTRICAL CONNECTION REGULATION BY-LAW 1973" (#6326)
- "BURNABY PLUMBING BY-LAW 1973" (#5335)

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MCLEAN:

"That Council do now resolve itself into a Committee of the Whole to consider and report on "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 18, 1973" (#5301)."

CARRIED UNANIMOUSLY

This By-Law provides for the following proposed rezoning:

Reference RZ #19A/73

Approximately 6.3 acre portion Lot 1, D.L.'s 72/81, Plan 40648

(Located approximately 548 feet North of Moscrop Street East from Wayturne Drive to the Forest Lawn Memorial Cemetery)

FROM CEMETERY DISTRICT (P4) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

PLANNING DEPARTMENT reported that the prerequisites established by Council in connection with this rezoning proposal are now nearing completion.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN MCLEAN:

"That further consideration of this rezoning be tabled until such time as Phase 7 of the Greentree Village Project is completed."

IN FAVOUR -- ALDERMEN MERCIER, MCLEAN AND GUNN

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

MOTION LOST

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LAWSON:

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

CARRIED

AGAINST -- ALDERMAN MCLEAN

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GORDON:

"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 18, 1973" be now read three times."

CARRIED

AGAINST -- ALDERMAN MCLEAN