

October 22, 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, October 22, 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 J. L. Mercier
Alderman V. V. Stusiak

ABSENT: Alderman G. H. F. McLean

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. B. D. Leche, Municipal Clerk's Assistant

MAYOR CONSTABLE welcomed a number of students from Social Studies classes at the Burnaby North High School.

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. 79, 1973 which relate thereto be brought forward for consideration at the appropriate times."

CARRIED UNANIMOUSLY

The Honourable James G. Lorimer, Minister of Municipal Affairs, wrote to advise that his Department will consider a request of Council to amend the Municipal Act to permit Municipalities to charge a trades licence fee for taxis that reflects the market value of the taxi licence.

Item #13 of the Municipal Manager's Report No. 79, 1973, which relates to the subject of the letter from The Honourable James G. Lorimer, was brought forward for consideration at this time. The following is the substance of that report:

(13) Taxi Licences

Section 440 of the Municipal Act empowers Council, by By-Law, to require the owner or operator of a business to hold a valid and subsisting licence for the carrying on of the business; to fix and impose licence fees; and to provide for the collection of licence fees, etc.

Section 450 of the Act empowers Council, by By-Law, to classify businesses, and one method of classification is by the number of machines, appliances or things used in the carrying on of the business. In the case of a taxi business, the Burnaby Cab and Commercial Vehicle By-Law fixes the licence fee at \$40.00 per annum for each taxi used in the business.

Section 452 of the Act provides that Council may not impose, in respect of any one period, any one operation, or any one premise, a licence fee greater than \$1,500.00. The Council may therefore increase the annual fee for each taxi cab for a taxi business from \$40.00 to \$500.00 (as suggested at the Council meeting on October 1st) providing the licence fee does not exceed the maximum established by the aforementioned Section 452. It would appear on the surface that the three Taxi Companies referred to in the October 1st report of the Manager to Council are Companies incorporated under the provisions of the Companies' Act and that the business of each is one operation. However, closer investigation may determine that each is a multiple operation under a single Corporate designation. In other words,

each taxi operator may be carrying on a separate operation under the Corporate banner.

The Council must, in fixing a licence fee, be careful not to prohibit, by imposing an exorbitant fee, the carrying on of any business.

The following is the number of taxis licenced, the annual fees payable by them and the ratio of cabs to population in adjoining Municipalities:

	No. of Cabs (Licenced)	Annual Licence Fees	Ratio of Cabs to Population
BURNABY - Actual	64	\$ 40	1 - 2,000
- Available	2		
VANCOUVER	363	80	1 - 1,600
NEW WESTMINSTER	31	40	1 - 1,350 - No maximum
New licences issued by resolution of Council on the basis of demonstrated need.			
COQUITLAM	24	30	1 - 1,800 - Guideline only
New licences issued by resolution of Council on the basis of demonstrated need and granting of a P.U.C. licence.			
RICHMOND	38	30	1 - 1,675
New licences issued on basis of demonstrated need. Council amends by-law to show specific number of taxi cabs.			
CITY OF NORTH VANCOUVER	53	50	No maximum - no control Population 34,000
WEST VANCOUVER	55	40 Average	No maximum - no control Population 38,500
DISTRICT OF NORTH VANCOUVER	29	1-2 persons 40 3-5 " 80 6-10 " 120 11-20 " 200	
Plus \$40 for every 10 persons to a maximum of \$2,000 annually			
			No maximum - no control Population 63,500

There are three Taxi Companies operating on the North Shore and some of them are licenced in two or more of the Municipalities.

In Burnaby, the resale of a licenced taxi cab is between \$15,000.00 and \$20,000.00. In Vancouver, it ranges to \$30,000.00. These high prices have been attributed to the restriction in the number of licences issued. On the North Shore, a buyer of an existing licenced taxi cab must pay between \$9,000.00 and \$15,000.00 even though the number of licences is not controlled in any of the three Municipalities.

The experience since 1970 when the North Shore Municipalities abandoned the restriction on the number of licences to be issued has been that all licencees have operated through one or other of three Cab Companies there.

Most of the taxi cabs bearing names of the Cab Companies in Burnaby are owned by individual operators. An individual selling his cab sells his rights to dispatch service in the Company under whose name he operates. It is understood that in Vancouver some of the Companies own buildings and repair facilities as well as dispatching equipment, and a buyer of a cab receives shares in the Company as part of the consideration.

The chief danger, which is not borne out on the North Shore, of issuing cab licences unrestrictively is that one or more of the larger Cab Companies may decide to operate in Burnaby without establishing dispatch facilities here. This would be to the detriment of the Burnaby Companies. Whether the Vancouver Companies would be allowed to operate in Burnaby would depend on whether the Motor Carrier Branch of the Provincial Government allowed this.

In the matter of a licence fee, \$500.00 is out of line with the fees chargeable in adjoining communities. There are other businesses in Burnaby that have resale values in excess of the value of the assets of the Company. This excess is generally attributable to good will involving the name and clientele of the Company. These factors have no bearing on the licence fees payable by the Companies concerned.

There is presently no record of any complaint from the public of inadequacy of service by the Taxi Companies due to the lack of available cabs. The ratio of one cab per 2,000 people seems to adequately serve the Municipality. This matter is reviewed annually by staff.

As for the question of parcel delivery, the Solicitor advises that the Motor Carrier Act and the regulations passed pursuant thereto only apply if vehicles operate across Municipal boundaries. Such vehicles must be licenced under Statute. The Council can authorize or prohibit taxi operators to carry parcels solely within the Municipality. For parcels being taken out of the Municipality or being brought in, a By-Law of Council would not apply since the Motor Carrier Act takes precedence. Any By-Law that may be considered to control the problem of taxis carrying parcels should be patterned after the decision made the Motor Carrier Commission or it will be virtually impossible to enforce or administer. It is expected that this decision will be made within the next month.

It is not felt that taxis should be prohibited from carrying parcels but there may be merit in limiting the weight of the parcel.

It is not felt that the wording of the Vancouver By-Law relating to taxis is considered to be such that it is easy to administer or enforce. This By-Law permits the transportation of personal items, portable by nature, at any time and restricts others to being transported from 7:00 p.m. to 7:00 a.m.

It was recommended that:

- (a) the existing ratio of one taxi cab per 2,000 population be maintained;
- (b) the taxi licence fee be increased from \$40.00 to \$80.00 per vehicle effective January 1, 1974, and the Cab and Commercial Vehicle By-Law be amended accordingly;
- (c) two additional taxi licences be authorized immediately;
- (d) the By-Law in question not be altered with respect to the matter of carrying chattels;
- (e) a copy of the report at hand be sent to the Automotive Transport Association of B. C., Mr. Arnold F. C. Hean, and the Motor Carrier Commission.

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

CARRIED

AGAINST -- ALDERMAN MERCIER

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

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN MERCIER:

"That the figure "\$80.00" mentioned in the report of the Manager under (b) be changed to \$135.00."

IN FAVOUR -- ALDERMEN BURNHAM AND MERCIER

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

MOTION LOST

A vote was then taken on the original Motion and it was Carried with Alderman Stusiak Against.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN BURNHAM:

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

CARRIED

AGAINST -- ALDERMEN GUNN AND MERCIER

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN STUSIAK:

"That the fourth recommendation of the Manager be tabled until advice is received from the Motor Carrier Commission as to its decision on an application of the taxi operators in the Municipality for authority to increase the weight of chattels taxis can carry from 25 lbs. to 75 lbs."

CARRIED

AGAINST -- ALDERMEN GUNN AND LEWARNE

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GORDON:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN MERCIER:

"That the transfer fee for taxi licences be increased to \$80.00 per vehicle, the same as the proposed taxi licence fee."

IN FAVOUR -- ALDERMEN BURNHAM AND MERCIER

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

MOTION LOST

E. Manthey Developments Ltd. submitted a copy of a letter addressed to the Burnaby Fire Department in which the Company expressed concern regarding the manner it was notified by that Department of a requirement that the Company correct a test pipe and flow alarm system in the building it owns at 6622 Willingdon Avenue.

Mr. S. B. Wilson, Chief Fire Prevention Officer, submitted a copy of a letter addressed to E. Manthey Developments Ltd. outlining the reasons for the action he took in connection with the matter concerning the Company.

He also provided copies of notices which had been sent to Manufacturers Life Insurance Company, which has an interest in the subject property, and to the subject Company itself.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN BURNHAM:

"That Council accept the explanations detailed in the letter from the Chief Fire Prevention Officer and concur with the action he took in regard to the matter of concern to E. Manthey Developments Ltd."

CARRIED UNANIMOUSLY

Mr. E.W.T. Hnatiuk, P. Eng., Project Manager, Dawson Developments Ltd., submitted a letter requesting clarification of the standard required by the Municipality for the installation of curbs on roadways and around parking areas in the Green Tree Village development.

Item #17 of the Municipal Manager's Report No. 79, 1973, which relates to the letter from Mr. Hnatiuk, was brought forward at this time. The following is the substance of that report:

- (17) (a) Green Tree Village
- (b) Curb Design in Condominium Areas

As a result of the Municipal Engineer considering the subject of concern to Dawson Developments Ltd., it was recommended that Council establish the following Municipal standards for curbs in condominium areas:

- (a) Curbs and gutter and/or curb walks be required on all internal Strata Title streets, with standard drop sections where necessary to gain access to the adjoining parking areas.
- (b) An extruded concrete curb be provided on asphalt to the specifications of the Engineering Department for the perimeter of the Strata Title parking areas.

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

CARRIED UNANIMOUSLY

Mrs. Pauline Moore submitted a letter relating to the Eastern Burrard Inlet Development Concept.

Ms. Kathleen McBurnie also submitted a letter about one aspect of the same matter.

Item #7 of the Municipal Manager's Report No. 79, 1973, which relates to the letters from Mrs. Moore and Ms. McBurnie, was brought forward at this time. The following is the substance of that report:

- (7) Eastern Burrard Inlet Development Concept

The Parks and Recreation Commission:

- (a) Approved in principle the Development Plan Concept for the subject area described in the report the Council received from the Planning Department on October 9, 1973.
- (b) Adopted the Development Plan proposal outlined in that report and summarized in Appendix I of that report.
- (c) Approved in principle the generalized implementation schedule outlined in Appendix II of that report.

The Commission also directed that the recommendations in a Brief from the Burnaby-Burrard Inlet Parks Committee be referred to its Staff for a report as to how they could be incorporated as an extension to the Development Plan Concept.

The points made in the letters from Mrs. Moore and Ms. McBurnie will be covered in the report the Commission receives from its Staff on the Burnaby-Burrard Inlet Committee's submission.

It was recommended that:

- (a) Council concur with the Parks and Recreation Commission insofar as Points (a), (b) and (c) above are concerned.
- (b) A copy of the report at hand be sent to the Commission, Mrs. Moore, Ms. McBurnie and the Burnaby-Burrard Inlet Parks Committee.
- (c) The National Harbours Board and the Greater Vancouver Regional District be informed that the subject Development Concept Report has been adopted.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

Secretary, Landlord and Tenant Advisory Bureau, submitted a copy of a Brief it presented to the Law Reform Commission of B. C. concerning Landlord and Tenant relationships.

Some concern was expressed in Council that the Law Reform Commission might construe the recommendations in the Brief from the Landlord and Tenant Advisory Bureau as representing the position of Council on the subject matter.

Because of this, the Council directed the Bureau to write the Commission to clearly indicate that the Brief only represents the views of the Bureau on the question of Landlord and Tenant relationships.

The Bureau was also asked to not use the letterhead of the Corporation when corresponding in the future on matters concerning the Bureau.

The Council also asked to be informed as to the percentage of complaints/enquiries that have been received by the Bureau between December, 1972, and September, 1973, from landlords vis-a-vis tenants.

Mr. C.S.J. McKelvey, Executive Director, Union of British Columbia Municipalities, submitted a circular in which he provided a brief summary of the major sections of the Labour Code of British Columbia Act. He also indicated the action which has been taken by the Provincial Government as a result of its considerations of the Act.

Mr. G. P. Garcia, President, Pacific Coast Maritime Council, forwarded a copy of a letter addressed to the Minister of Transport for Canada with which he forwarded a copy of a Brief containing the views of the Maritime Council on the development of the Port of Vancouver.

Premier Barrett, Attorney-General Macdonald and the Minister of Labour submitted letters relating to a Resolution from the District of Saanich, which the Burnaby Council endorsed, regarding essential emergency services.

The Hon. James G. Lorimer, Minister of Municipal Affairs, submitted an invitation to the members of Council to attend the formal opening of new transit services by Premier Barrett at the Lougheed Mall Transit Interchange on Saturday, October 27, 1973, at 2:30 p.m.

ENQUIRIES

Alderman Gordon served a Notice that he would be introducing a Motion to Council aimed at changing the hours of opening for the Advance Poll from "9:00 a.m. to 5:00 p.m." to "8:00 a.m. to 8:00 p.m."

The Municipal Manager was asked, as a result of Alderman Lawson enquiring, to provide a report explaining why the Playing Field at Swangard Stadium has been flooding recently.

It was understood by Council, as a result of a discussion, that the matter of meeting with the Minister of Highways to discuss a number of situations involving Burnaby would be left in the hands of Mayor Constable to arrange.

Alderman Lewarne mentioned that his attention had been drawn to a number of situations where boulevards had not been readied for the placement of topsoil thereon in the manner required by the Corporation.

It was understood by Council that Alderman Lewarne would provide the Municipal Engineer with the specific locations where this has occurred.

Mayor Constable stated that he had had a meeting with the Honourable Robert Strachan, Minister of Commercial/Transport and Communication, had asked him to pass on to the Board of Directors of the British Columbia Insurance Corporation a request that that Corporation construct its building in Burnaby.

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

CARRIED UNANIMOUSLY

MUNICIPAL MANAGER submitted Report No. 79, 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) Monthly Report of Building Department

A report of the Chief Building Inspector covering the operations of his Department from September 10th to October 5, 1973 was being submitted herewith.

(2) R.C.M.P. Monthly Report - September, 1973

The report Council received from the R.C.M.P. on October 15, 1973 covering police activities during the month of September, 1973 in the Municipality had exactly the same information as is in all of the R.C.M.P.'s Monthly Reports except that the word "normal" was not entered in the space covering the "liquor" situation.

The form used is basically designed for much smaller Municipalities than Burnaby and therefore really does not fit the polices' needs too well but it is required for the Provincial Headquarters of the R.C.M.P. Superintendent Lambert of the Burnaby Detachment can add additional information to his report that is submitted to Council. He is also investigating the matter of compiling a different form that would be of more benefit to Council.

It was recommended that the report of the R.C.M.P. covering policing activities in the Municipality during September, 1973, which was submitted to Council on October 15, 1973, be received.

(3) Ornamental Street Lighting - Simon Fraser Hills Between 8804 and 8910 Centaurus Circle (Strata Plan N.W. 97)

It was recommended that the following cost report, which was prepared pursuant to Section 601 of the Municipal Act, covering the proposed installation of ornamental street lights at the above location, be received:

Total estimated cost	\$ 3,000.00
Number of lights	3
Number of properties	74
Owners' share of the cost	\$ 3,000.00
Actual foot frontage	219.96'
Taxable foot frontage	370.00'
Estimated lifetime of work	20 years
Annual levy per taxable front foot	\$ 0.99

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LAWSON:

"That the report of the Building Department be received and the recommendations in the other two reports be adopted."

CARRIED UNANIMOUSLY

(4) Landscape Covenant - Subdivision Reference No. 173/73

It was recommended that Council authorize the execution of a Covenant Agreement, pursuant to Section 24A of the Land Registry Act, in order to ensure retention of the planting materials in the 40-foot landscaped buffer at the rear of the properties covered by the above subdivision.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:

"That Item #9 of the Municipal Manager's Report No. 79, 1973, which relates to the same subdivision covered by Item #4, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of that report:

(9) Subdivision Servicing Agreement - Subdivision Reference No. 173/73

It was recommended that Council authorize the execution of a Servicing Agreement for the above subdivision.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LAWSON:

"That the recommendation of the Manager under Item #4 above be adopted."

CARRIED UNANIMOUSLY

It was suggested, when considering the above Item #9, that, because there is a lane allowance to the West of the property mentioned in that report, this facility should be extended Eastward past the subject property so that those who will be residing there can enjoy the same right of rear access as those to the West.

A question was also asked as to whether the lane allowance to the West, which extends to Royal Oak Avenue, is actually constructed.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LEWARNE:

"That action on Item #9 of the Municipal Manager's Report No. 79, 1973 be deferred until the October 29th Council meeting and the Planning Department submit a report then on the above two matters and any other points that may be deemed relevant."

CARRIED
AGAINST -- ALDERMAN BURNHAM

(5) Subdivision Servicing Agreement
SUBDIVISION REFERENCE NO. 105/73

It was recommended that Council authorize the execution of a Servicing Agreement for the above subdivision.

(6) Subdivision Servicing Agreement
SUBDIVISION REFERENCE NO. 184/72

It was recommended that Council authorize the execution of a Servicing Agreement for the above subdivision.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LAWSON:

"That Items #5 and #6 of the above Municipal Manager's report be tabled until the October 29th Council meeting and a plan be submitted then showing the location of the properties involved in both subdivisions.

(7) Eastern Burrard Inlet Development Concept

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

(8) Temporary Transit Terminals - Lougheed Mall

When Council received a letter on August 20, 1973, from the Minister of Municipal Affairs relating to an extension and upgrading of bus service in the Greater Vancouver area, it directed the Planning Department to work in close co-operation with the Bureau of Transit Services concerning the provision of passenger terminal facilities on the sites of both the Lougheed Mall and the Brentwood Shopping Centre in order to facilitate new bus services that were proposed by the Bureau. The Council was particularly concerned with the effect these terminals may have on the existing parking arrangements at each Mall.

At the present time, there are no constructed terminal areas in Burnaby other than the one being used on an experimental basis at the Lougheed Mall.

The Planning Department is offering the following on the matter:

- (a) The service has only been in operation at the Lougheed Mall for slightly more than one month.
- (b) The construction of the bus passenger loading platform in the eastern parking lot of the Mall has resulted in 40 customer parking spaces being removed.
- (c) Inspection of surrounding spaces indicates between 35 and 40 additional spaces were being used by "all-day" parkers. This is evidence of a form of "park and ride" scheme and has prompted the owner of the shopping centre to erect signs advising that "Parking for Lougheed Mall shoppers only. Vehicles parked longer than four hours may be towed away."
- (d) The bus travel pattern entering and leaving the temporary terminal area did not conform to that proposed by the Bureau of Transit Services in that all new service buses entered and departed via the eastern driveway from Austin Street. In the terminal area, all buses entered eastbound along the northern side of the passenger loading platform and departed westbound along the southern side of the platform.
- (e) It is understood the Bureau is looking toward the use of land to the south of the current bus passenger loading platform area for the same purpose. The shopping centre owner will not agree with this proposal until the ramifications of the current facility and bus service, as related to benefits accruing to the Lougheed Mall, has been evaluated.

- (f) In addition to low profile ornamental light standards with spherical luminaires, the Lougheed Mall has provided some minimal landscaping in the form of tree planting along the passenger loading platform to enhance the waiting area for bus patrons. No shelter has been provided. The asphalt pavement adjacent to the loading platform is badly damaged as a result of failure in the subgrade material which is caused by the repetitive heavier axle loading of bus traffic.
- (g) Numerous pedestrians were observed walking between the shopping complex, the terminal area and the southeast corner of the shopping centre site where pedestrians proceeded to cross North Road with the traffic signals. This delayed the eastbound Austin Street to northbound North Road traffic movement.
- (h) Bus patronage for a very short period from approximately 3:15 to 3:30 p.m. on September 27, 1973, was very light, with less than 15 persons waiting for a particular bus. It appeared the majority of those waiting boarded the Clarke Road bus northbound.
- (i) The temporary terminal facility located in the Lougheed Mall has not only removed established parking spaces but could be placing the shopping centre in potential jeopardy by further reducing the available customer parking spaces through the unofficial creation of the aforementioned "park and ride" situation.
- (j) The concept of the Bureau of Transit Services for improving public transportation can be accepted for Burnaby persons and those in the region, and for concentrating needed transit service in commercial and employment "Town Centre" areas. The Provincial Government should prepare an early programme of land acquisition for terminal and parking facilities.
- (k) It was recommended that:

Council support the location of temporary terminals in the proposed transit focus areas conditional upon receiving a commitment from the Bureau of Transit Services to either:

- (i) Actively seek acquisition of suitable land for a permanent terminal and parking facility, or
- (ii) Actively pursue, with the owner of the shopping centre, the establishment of an integrated terminal and parking structure development for a longer-range parking replacement scheme compatible with the Lougheed Town Centre.

It was recommended that:

- (a) Council endorse the recommendations of the Planning Department.
- (b) The Bureau of Transit Services be asked to provide Council with comments on the report.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GORDON:

"That the ^{first} recommendation of the Manager be changed to read "That Council express support for the location of temporary terminals in proposed transit focus areas but indicate it is not interested in the further use of land for permanent terminals; and further, the Planning Department actively pursue, with the shopping centre owners, the matter of establishing an integrated terminal and parking structure development for a longer-range parking replacement scheme compatible with the Lougheed Town Centre area"."

CARRIED

AGAINST -- ALDERMEN MERCIER AND LEWARNE

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LAWSON:

"That the matter of temporary transit terminals be reviewed every six months."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That, whenever bus facilities of the nature described in the report are to be provided, the areas required be beautified and a shelter constructed along with restrooms."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN GORDON:

"That Premier Barrett be advised of the decision Council rendered this evening in connection with the subject of temporary transit terminals."

CARRIED UNANIMOUSLY

Mayor Constable was asked to submit a report indicating the status of the situation in respect of a proposal that municipalities assume the cost of providing transit services to the public.

MAYOR CONSTABLE DECLARED A RECESS AT 9:05 P.M.

THE COMMITTEE RECONVENED AT 9:30 P.M.

(9) Subdivision Servicing Agreement - Subdivision Reference No. 173/73

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

(10) Portion of Kincaid Street (Rezoning Application No. 54/73)

It was recommended that Council authorize the preparation of a By-Law to close that portion of Kincaid Street described in the report and agree to exchange this closed portion for the land to be dedicated by the applicant for the rezoning for the road flanking his property that the Corporation is requiring.

MOVED BY ALDERMAN GORDON, SECONDED BY ALDERMAN BURNHAM:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(11) Lot 9W $\frac{1}{2}$, Block 39, D.L.'s 151/153, Plan 2884
(6508 McKay Avenue)

It was recommended that the dwelling at the above location be demolished.

It was mentioned in Council that:

- (a) *The land which is the subject of the report at hand is not to be developed for park purposes for some time to come.*
- (b) *From observations, it does not appear the dwelling is in that bad a condition.*

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN LAWSON:

"That the Municipal Manager indicate the extent and cost of the work which would be needed to bring the building at 6508 McKay Avenue up to a habitable standard so that it could continue to be rented for a while longer."

CARRIED

AGAINST -- ALDERMEN BURNHAM, GORDON AND STUSIAK

(12) Contract #12, 1973 - Sanitary Sewers
(Foundation Company of Canada Limited)

It was recommended that Council authorize an extension of the completion date in the above Contract from November 30, 1973, to December 31, 1973, and the Performance Bond relating thereto, without implementation of the \$100.00 per day liquidated damages clause therein, on the understanding that no further extension of time will 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 STUSIAK, SECONDED BY ALDERMAN LAWSON:

"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(13) Taxi Licences

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

(14) Rowdyism in Parks

The Parks and Recreation Commission has forwarded three letters, which will be found attached, regarding rowdyism in Kisbey Park. The Commission explained that efforts have recently been made to bring the problem under some measure of control but this, including increased surveillance by the police, has not discouraged some young people from engaging in anti-social behavior which is extremely offensive to residents in the area.

The Commission wishes Council to assist in finding a solution to the problem, and to present a recommendation to the Attorney-General for Legislation that would enable law enforcement officers to deal with young people who create problems in parks.

The Commission also wishes to apprise the M.L.A.'s representing Burnaby of the situation.

Both adults and juveniles are charged under the Criminal Code. The procedures involving the manner in which such charges are laid are significantly different for offenders who are under 17. In these cases, when minor violations occur, authorities must lay charges under Provincial Legislation that requires consultation with Probation Officers. This inhibits the summary disposition of offenses committed by juveniles.

The following resulted from a meeting attended by the Municipal Solicitor, the Juvenile Relations Officer for the School Board, the Senior Member of the Burnaby Probation Office and representatives from the Burnaby Detachment of the R.C.M.P. called for the purpose of achieving a better understanding of the problems related to the prosecution of juveniles in the Municipality:

- (a) At the present time, Section 16 of the Provincial Court Act requires that all cases in the Family Division involving a child within the meaning of the Juvenile Delinquents Act (below 17 years of age) must be referred to

a Probation Officer before a charge is laid and, if a charge has already been laid, before the trial proceeds.

- (b) All cases of this sort are taking between three to five weeks to process in Court. The Court can only impose a \$25.00 fine (there is no provision for collection of that fine), to make minor restitution or order the delinquent to be a ward of the Superintendent of Child Welfare. He can then place the delinquent in a foster home, on probation, or commit him to the Boys' Industrial School. There is no provision for the latter the case of females.

There is a provision under Section 869 of the Municipal Act for imposing a curfew but this only refers to the presence of children on streets.

Under 621(1)(b) of the Act, the Council may make regulations governing the control and use of public parks. The Council might enact a By-Law requiring that children under a certain age should not be in public parks after a specified hour. However, infractions of such a By-Law by a child would need to be prosecuted in the Juvenile Court under the Juvenile Delinquents Act. Prosecutions of that nature must first be approved by the Probation Office and, if a charge is laid, the penalty would likely be a fine not exceeding \$25.00 or, in an exceptional case, probation would be meted out.

It was recommended that:

- (a) The Attorney-General be requested to amend pertinent Provincial Legislation to allow authorities more latitude in dealing directly with juveniles on summary (minor) conviction offences, i.e. to streamline procedures so that charges can be more summarily laid against youthful offenders who are involved with minor offences or disturbances such as fighting, shouting, using insulting or obscene language, loitering in a public place, disturbing the peace and quite of occupants in a dwelling, etc.
- (b) A copy of the report at hand be sent to all Burnaby M.L.A.'s with a request that they introduce or support Legislation which would enable law enforcement officers to deal more effectively with young people who violate the law, together with Legislation which would allow for the application of more severe penalties for youthful offenders than is possible under the existing law.
- (c) The Parks and Recreation Commission be asked to advise if it feels a Curfew By-Law for parks should be enacted.
- (d) A copy of the report at hand be sent to the Council of Cumberland who, according to articles recently appearing in the Press, is striving to solve problems similar to those being experienced in Burnaby, together with a statement from the Burnaby Council indicating total support for Cumberland's efforts to amend existing laws to allow for more severe penalties for youthful offenders of the law.
- (e) A copy of the report also be sent to all persons who have corresponded with the Parks and Recreation Commission or Council regarding rowdyism in Kisbey Park.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GORDON:

"That the first recommendation of the Manager be amended by adding at the end "and restitutional sentences be considered as a penalty for any of the foregoing offences where public buildings and grounds are involved"."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN GORDON, ALDERMAN BY ALDERMAN MERCIER:

"That the following words be inserted after "offenders" in each of the first two recommendations of the Manager, "and/or parents or guardians of same"."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN GORDON:
"That the recommendations of the Manager, as amended by the previous two Resolutions, be adopted."

CARRIED UNANIMOUSLY

(15) Proposed Temporary Walkway - Camrose Park Subdivision

It was recommended that Council:

- (a) Accept the arrangement detailed in the report for the provision of a temporary gravelled walkway in the Camrose Park area.
- (b) Agree to maintain the walkway until the extension of Lawrence Drive is constructed and to indemnify the owner of the property involved against damages for injury arising from the use of the walkway, with the documentation required in that regard to be prepared by the Municipal Solicitor and executed.

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

CARRIED UNANIMOUSLY

(16) Area bounded by Boundary Road, Grandview Highway and Highway 401
(Rezoning Reference No. 67/72)

Consideration has been given the matter of the development of a motor hotel in the above area.

It has been concluded that the proposal should not be approved and that Council should reaffirm its position established in 1971 that the property concerned should be developed for M5 purposes on the following bases:

- (a) That the lots in the area be assembled and resubdivided into larger parcels because of the varying needs of industry.
- (b) That sufficient money be deposited to cover the costs of servicing the various sites.
- (c) That an undertaking be given that all existing improvements on the properties will be removed.
- (d) That any roads or lanes considered necessary to create suitable sized and accessible sites be closed.
- (e) That the necessary road requirements be dedicated and the necessary easements be provided.
- (f) That a suitable plan of development for the sites be submitted.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:
"That the report of the Manager be tabled until the October 29th meeting to permit the members of Council additional time to study it."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN STUSIAK:
"That a report be submitted to Council indicating the approximate value which could be expected if land in the area which is the subject of the previous

report was rezoned to M5 as opposed to C4."

IN FAVOUR -- ALDERMEN LEWARNE, STUSIAK AND GUNN

AGAINST -- ALDERMEN GORDON, BURNHAM, LAWSON AND MERCIER

MOTION LOST

- (17) (a) Green Tree Village
- (b) Curb Design in Condominium Areas

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

- (18) Simpsons-Sears Parking Lot

The following was being provided in response to suggestions that were made by Council on October 15th concerning the above matter:

- (a) Brief Street between Bonsor Avenue and Fern Avenue is constructed to a pavement standard 36 feet wide with curbs and gutters on both sides. No further widening is intended because the standard in effect is appropriate. Moreover, Bonsor Avenue between Brief and Beresford Streets has been designed to the same standard and will be constructed that way in the near future. In each case, the paved roadway lies partially within the dedicated road allowance and partially on adjacent Corporation land. The siting of the Bonsor Pool was determined with this condition in mind and accommodates the necessary setbacks from the streets.
- (b) As for the matter of additional curb parking, a maximum of safe, convenience onsite parking is being encouraged in the area for the benefit of patrons of the recreational facilities as well as those using the commercial developments. It is considered most suitable to concentrate on such onsite parking where a relatively higher degree of safety and control can be maintained as well as assuring greater operational efficiency for the parking lot and less interference with traffic movements on the streets. The existing standard does accommodate two lanes of curb parking plus two lanes for moving traffic but parking may be subject to control in the future in order to provide for adequate vision, clearance, turning movements and the like.
- (c) Inasmuch as the principal traffic volumes using the Fern Diversion are expected to be generated by vehicles destined for, or originating from, the Simpsons-Sears parking lot, the suggestion that the Company bear the sole responsibility for costs of any future signalization at the proposed intersection of the Fern Diversion and Nelson Avenue has merit and has been conveyed to the Company's representative. The signal's phasing will be required to synchronize with the signal at Kingsway and Nelson Avenue.
- (d) The easterly extension of Brief Street is planned as a later/^{stage}in the development of the area. This will involve further property acquisition and consolidations and will make possible the closure of those portions of Fern Avenue and Lily Avenue north of the Brief Street allowance. At this time, a key property on the east side of Fern Avenue is in private ownership so the road extension cannot be created now.

It was recommended that the current agreement to effect the major immediate consolidation and road improvement be completed with further action to achieve the completion of Brief Street to follow.

- (e) It was recommended that the recommendations in the report Council received on October 15, 1973, in connection with the subject matter be accepted and that, in addition, Simpsons-Sears bear the full costs of a traffic signal at the proposed Fern Diversion/Nelson Avenue intersection as and when warrants for such control are met.

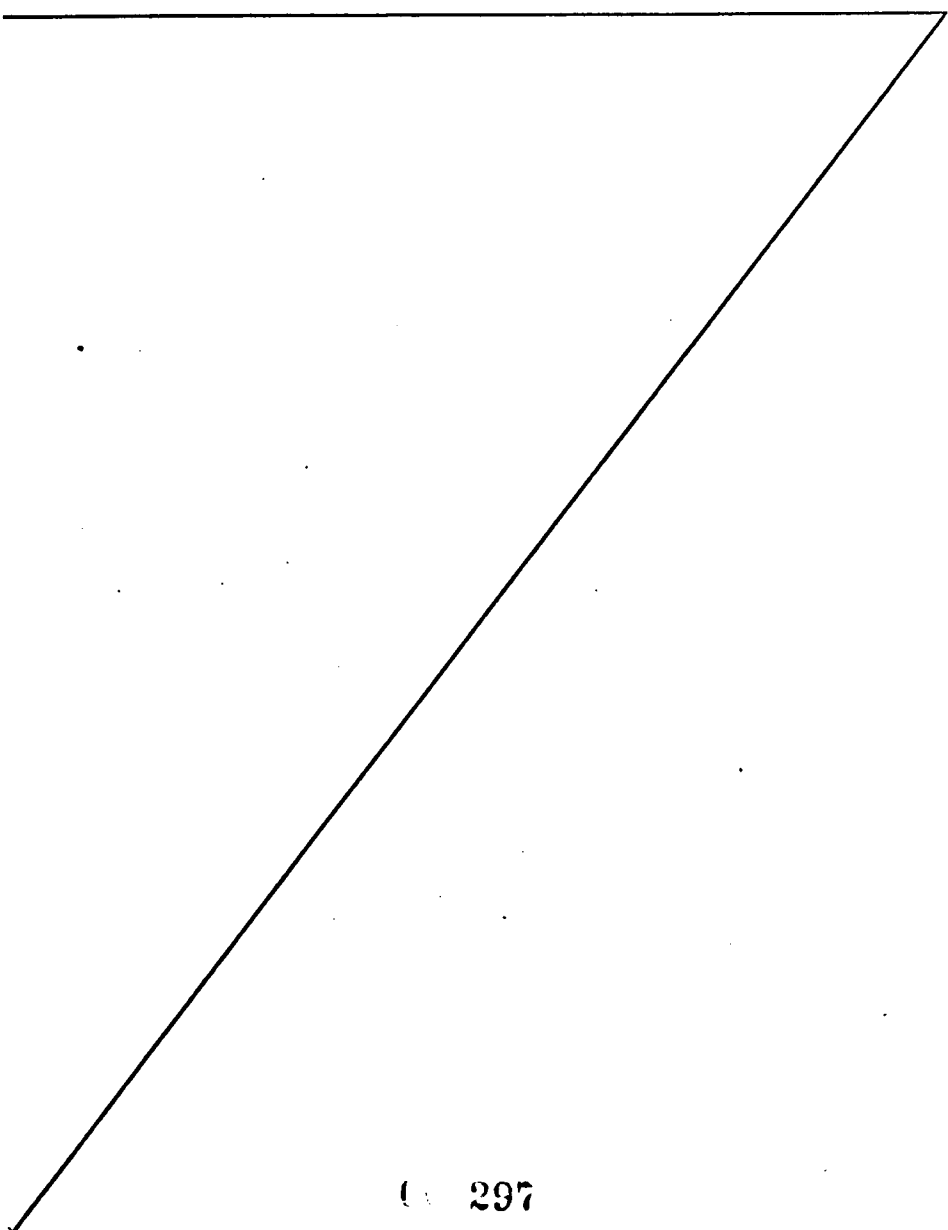
MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GORDON:
"That the recommendation in the report of the Manager be adopted."

CARRIED UNANIMOUSLY

(19) D.L. 135 Except Plans 4484 and 3234, Plan 3072 and Part of Lot "A",
D.L. 138, Plan 1256
REZONING REFERENCE NO. 58/73

As a result of considering a development plan for the above described properties, it was recommended that:

- (a) The revised Community Plan E for the Municipality be adopted as a guideline for the development of the area.
- (b) The Planning Department be authorized to work with the applicant toward the creation of a suitable plan of development for the site in accordance with the Comprehensive Development District (CD) Zone and the general considerations outlined in the report at hand on the understanding that a detailed report will be presented to Council once the major development criteria have been further clarified.



MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN LAWSON:
"That the report of the Manager be tabled until the October 29th meeting in order to permit further study of the subject matter by the members of Council."

CARRIED UNANIMOUSLY

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

THE COUNCIL RECONVENED

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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

"BURNABY ROAD CLOSING BY-LAW NO. 8, 1973" (#6370)

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. 37, 1973" (6358) came forward for Reconsideration and Final Adoption. This By-Law provides for the following proposed rezoning:

Reference RZ #57/73

7227 Kingsway - Located on the Southeast corner of Hall Avenue and Arcola Street.

FROM DRIVE-IN RESTAURANT DISTRICT (C7) TO GENERAL COMMERCIAL DISTRICT (C3)

PLANNING DEPARTMENT submitted a report indicating that there were no prerequisites to this rezoning proposal.

MOVED BY ALDERMAN BURNHAM, SECONDED BY ALDERMAN GORDON:
That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 37, 1973 (#6358)

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

CARRIED UNANIMOUSLY