

11. Re: Land Expropriated by a Senior Government
George Derby Health and Occupational Centre

On August 13, 1973, an inquiry was made at Council regarding the rights of the Municipality to repurchase land which is expropriated by a senior government when such land is no longer needed by that government. Following is the opinion of the Solicitor regarding this matter.

"As far as I am aware, there is presently no Federal or Provincial (i.e. British Columbia) legislation giving any special rights to the owner of lands which have been expropriated and which, after the expropriation has been completed and compensation paid, are no longer required by the expropriating authority. There is such provision in the Statutes of Ontario and Manitoba. An interesting discussion on this matter is contained in the working paper on expropriation prepared by the Law Reform Commission of British Columbia. The relevant portion of this paper and Section 43 of the Ontario Statutes can be obtained from the Legal Department.

In the case of the George Derby lands, if Council is so disposed, I think representation should be made to the Federal Government to reconvey the lands to Burnaby. The disposition of the Jericho lands in Vancouver, while not a parallel case, could be cited in support of Burnaby's case. However, if after these lands were reconveyed to Burnaby they were to be expropriated by the Provincial Government, the whole exercise would have accomplished nothing."

The Clerk on August 16, 1973 wrote the attached letter to the Federal and Provincial Governments requesting that disposition of the subject property not be allowed to proceed until Council is given an opportunity to offer an opinion on the matter.

This is for the information of Council.

ITEM 11

MANAGER'S REPORT NO. 64

COUNCIL MEETING Aug. 27/73

THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADIAN WAY
BURNABY B.C.

TELEPHONE 299-2111

August 16, 1973

File: 2027

The Hon. D. J. Macdonald
Minister of Veterans' Affairs
Billings Bridge Plaza
Riverside Drive and Bank Street
Ottawa, Ontario KIA 0P4

The Hon. D. G. Cocke
Minister of Health Services and
Hospital Insurance
Parliament Buildings
Victoria, British Columbia

Dear Sirs:

Re: George Derby Health and Occupational Centre

The Council of this Municipality was given to understand at its meeting on August 13th that the Provincial Government has offered to purchase property in Burnaby occupied by the George Derby Health and Occupational Centre, for the sum of \$5,000,000.00, to be developed for housing and/or other purposes.

The Municipality has, for many years, felt that the land in question should, whenever it was no longer needed by the Federal Government, be developed for some Municipal purpose.

The Council was concerned that the land may be conveyed to the Provincial Government without prior consultation with Council and directed me to write to you stating, in urgent terms, that it considers the development of the subject property to be primarily of interest to the Municipality and that any discussions concerning its disposition should not proceed until Council has had an opportunity to offer its opinion on the proposal.

The Council would appreciate being informed as to the position of the Federal and Provincial Governments in regard to the subject matter.

Yours truly,


E. Ward
DEPUTY MUNICIPAL CLERK

EW:mbl

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MANAGER'S REPORT NO. 64

COUNCIL MEETING Aug. 27/73

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cc: PLANNING DIRECTOR
PARKS AND RECREATION COMMISSION
MANAGER ✓

MR. E. NELSON, M.P.
Burnaby-Seymour
Parliament Buildings
Ottawa, Ontario

MR. S. LEGGATT, M.P.
New Westminster
Parliament Buildings
Ottawa, Ontario

MR. J. REYNOLDS, M.P.
Burnaby-Richmond
Parliament Buildings
Ottawa, Ontario

MRS. E. DAILLY, M.L.A.
Burnaby-North
Parliament Buildings
Victoria, B. C.

MR. J. LORIMER, M.L.A.
Burnaby-Willingdon
Parliament Buildings
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MR. G. DOWDING, M.L.A.
Burnaby-Edmonds
Parliament Buildings
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