

ITEM 6

MANAGER'S REPORT NO. 90

COUNCIL MEETING Dec. 3/73

6. Re: Letter dated October 23, 1973 from Mr. W. Karpinsky,
L.N.K. Holdings Limited,
7850 Edmonds Street, Burnaby
Vandalism at 7840 - 7850 Edmonds Street

Appearing on the Agenda for the December 3, 1973 meeting of Council is a letter from Mr. W. Karpinsky claiming loss of and damage to trees and shrubs at 7840 - 7850 Edmonds Street, and stating that "broken glass is laying around all over the area". Mr. Karpinsky's letter concludes with "We feel that if vandalism cannot be curbed then we will not be responsible for the re-planting of the trees and shrubs".

Attached is a copy of an Offence Report dated November 8, 1973 from the Officer in Charge, R.C.M.P. Superintendent Lambert advises that, by means of increased patrols, the subject property will be given special attention to prevent any further incidents which are the subject of Mr. Karpinsky's complaint.

Attached, also, is a copy of a letter dated November 29, 1973 to Mr. Karpinsky from the Manager which defines the responsibility of a property owner as regards maintenance of landscape. It will be noted from the letter that we have advised Mr. Karpinsky of increased R.C.M.P. patrol. We have also advised him to consult with a Landscape Architect, and that the Planning Director would be most pleased to meet with Mr. Karpinsky and/or his chosen Architect to work out a landscape plan acceptable to all concerned.

RECOMMENDATION:

THAT Mr. W. Karpinsky be provided with a copy of this report.

ITEM 6
 MANAGER'S REPORT NO. 90
 COUNCIL MEETING Dec. 3/73

BURNABY DETACHMENT R.C.M.P.
 OFFENCE REPORT

BURNABY FILE NO.
 25260/73

1. OFFENCE Wilful Damage Sec. 388(1) C.C.		2. WATCH		3. DATE AND TIME OF POLICE ATTENDANCE 8 Nov 73 9:00 a.m.				
4. PLACE OF OCCURRENCE 7850 Edmonds, Burnaby, B.C.				PATROL AREA Zone 5				
5. TIME OF OCCURRENCE DAY MONTH YEAR July/Oct 73		6. VICTIM (IF FIRM, NAME AND TYPE OF BUSINESS) L N K HOLDINGS LTD		7. HOME ADDRESS 8. HOME PHONE				
9. BUSINESS ADDRESS 7850 Edmonds, Bby		10. BUS. PHONE 526-7313		11. DESCRIPTION OF VICTIM SEX AGE OCCUPATION MARITAL STATUS				
12. REPORTED BY (NAME AND RELATIONSHIP TO VICTIM) William KARPINSKY President		ADDRESS a/n		PHONE a/n				
13. TYPE OF PREMISES (PREMISES USED FOR) business			14. HOW ATTACKED (HOW COMMITTED - HOW ENTRANCE GAINED) plants uprooted					
15. MEANS OF ATTACK (WEAPONS - TOOLS USED)			16. OBJECT OF ATTACK (MOTIVE - TYPE OF PROPERTY STOLEN) vandalism					
17. SAFE ATTACKED YES <input type="checkbox"/> NO <input type="checkbox"/>		EXPLOSIVES	TORCH	PUNCH	PEEL	WORKED COMB	CARRIED AWAY	OTHER (DESCRIBE)

DESC. OF VEHICLE USED	YEAR	MAKE	MODEL	COLOR	LICENSE	UNUSUAL FEATURES
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DETAILS AND WITNESSES (GIVE M.O. & ANY OTHER PERTINENT DETAILS)

L & K HOLDINGS LTD--Complaint of Wilful Damage Sec. 388(1) C.C.
 Burnaby, B.C. July/October 73
 BURNABY DETACHMENT CASE (ORG)

This date 8 November 73 I attended at L & K HOLDINGS and interviewed Mr. KARPINSKY, regarding his complaint of wilful damage. The area in question which has been subjected to the damage is a large planter area in front of the building, which runs up to the sidewalk. The planter consists of a bark-mulch bed with various forms of shrubs and trees planted throughout. Mr. KARPINSKY advised that since completion of the planter towards the end of July at a cost of approximately \$1100.00, he has suffered the loss of two small trees and one or two shrubs. This has happened over a period of about three months. In some cases, the plants were merely pulled up while others were removed completely. He advised that he could not give an estimate of the value of the shrubs, however felt that they would be minimal, and as such he has never bothered to report the incident to the police.

Mr. KARPINSKY advised that his letter to the Municipality was not meant as a criticism of the police as he realized that an offence of this nature is most difficult to prevent or investigate. He advised that he himself had worked during the evenings on the premise and failed to notice who was responsible. He advised that although he has never actually seen anyone doing the damage, he assumed that the youths from the

IDENT. MEMBER ATTENDING (NAME)	O.I.B. PERSONNEL IN ATTENDANCE (NAME)
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(I.C.O. //C WATCH-

(DATE)

(INVESTIGATING MEMBER)

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COUNCIL MEETING Dec. 3/73

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Re: L & K HOLDINGS LTD--Complaint of Wilful Damage

neighbouring pool hall were responsible. The reason why this is the belief is that the area is all commercial, and as such closed at night except for the pool hall. The complainant has also found the odd broken pop bottle in the area, and the pool hall would appear to be the most likely outlet.

KARPINSKY advised that the main reason for the letter was to advise the Municipal Hall of the problem. Apparently the complainant has had differences of opinion with the Hall previously regarding the By-Law regarding landscaping. In the previous incident at another site a similar situation had occurred where he had landscaped the grounds after which the shrubs were damaged. On that occasion the Municipality had insisted that he improve the landscaping after it had fallen below the Municipal standards. KARPINSKY advised that his feelings are that once he has landscaped the area to Municipal standards, and the area is degraded by theft or vandalism, he should no longer be held responsible or be expected to invest more money in more shrubs.

KARPINSKY was found to be most co-operative and understanding and as previously stated realized that there is no easy solution to the problem. He was advised that we would try to increase the patrols whenever possible. Although these acts of vandalism have only occurred occasionally over a long period of time, it was requested that he report them to us on each and every occasion as this is the only way we will be aware of them. He was further advised that should the situation then warrant it, special measures could be taken.

The interview was terminated on this note, the complainant advising that he was most satisfied with this. A copy of this report is being placed on the Zone Bulletin Board for the attention of all zone members for their information and special attention.

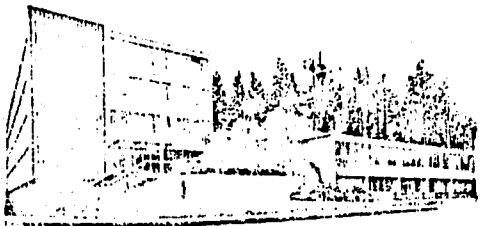
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c.c.--O.I.C. BURNABY DETACHMENT

STATION NCO

8 November 73

(H. STENGERT)Cst.
Zone 6



THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY,
BURNABY 2, B.C.

TELEPHONE 299-7211

File: 12-1-73

November 29, 1973.

Office of the Manager

Mr. W. Karpinsky,
L.N.K. Holdings Ltd.,
7850 Edmonds Street,
Burnaby 3, B. C.

Dear Mr. Karpinsky:

Re: 7840 - 7850 Edmonds Street

With reference to your letter of October 23, 1973, addressed to the Municipal Manager and Council, claiming loss of and damage to trees and shrubs at 7840 - 7850 Edmonds Street as a result of vandalism and stating that "broken glass is laying around all over the area", the following history is provided for record purposes:

1. November 5, 1973 - Matter referred to R.C.M.P., Chief Building Inspector, and Planning Director for investigation and for report.
2. November 5, 1973 - Letter sent to you from Municipal Manager acknowledging your letter of October 23, 1973 and advising that we had referred your complaint to the R.C.M.P. for investigation. We also proposed that, should you then wish, we would refer your letter to Council.
3. November 9, 1973 - You telephoned Mr. Hughes of my office to request that your letter of October 23, 1973 be placed before Council on November 13, 1973; the reason being that you felt that Council should now be made fully aware of your problem in trying to protect your landscaping in the event that, at some future date, the Municipality may attempt to enforce maintenance of landscaping at 7840 - 7850 Edmonds Street.

When Mr. Hughes advised you that staff in-put was still required and that, with receipt of such we would then advise you by letter, you withdrew your request to refer your letter to Council on November 13, 1973.

4. November 28, 1973 - You visited my offices and requested that your letter be placed on the Council Agenda for December 3, 1973.

We now have staff in-put and, as you were advised by R.C.M.P. when one of its members met with you on-site on November 8, 1973, and subsequently confirmed by the Officer in Charge, Burnaby Detachment, the R.C.M.P. is prepared to give the property special attention to prevent any further incidents by means of increased patrols.

As regards landscaping maintenance, we would advise that Section 6-15(1)(b) of the Burnaby Zoning By-Law reads as follows:



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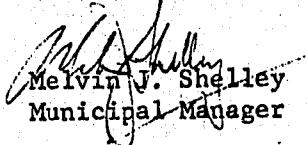
November 29, 1973.

"In C1, C4 and M Districts all those portions of a required front yard not used for permitted parking or display areas shall be fully and suitably landscaped and properly maintained."

It is the owner of the property who is responsible for maintenance of the landscaped areas around any private development. In strict interpretation as it relates to 7840 - 7850 Edmonds Street, this would mean that you, not the Municipality of Burnaby, carries the responsibility for replacing shrubs and trees lost through dehydration, disease or vandalism, and for maintaining ground-cover areas within the 20 foot section of property from front building line to front property line.

Recognizing that you have apparently experienced a problem of damage due to vandalism, and that for this reason you have been unable to adequately maintain landscaping in accordance with the approved scheme, the Planning Director suggests that a revised scheme be designed. Such a scheme could incorporate planting and ground-cover treatment that would be less susceptible to vandalism (i.e. large trees with anchored roots, hardy ground-covers such as seeded lawn, etc.). To obtain a landscape scheme at the front of your building that is both less susceptible to damage from vandalism and would be an attractive element in the community, you should contact a qualified Landscape Architect. The Planning Director advises that, should you wish, he or a member of his staff would be most pleased to meet with you and/or your chosen Architect to work out a plan acceptable to all concerned.

Yours very truly,


Melvin J. Shelley
Municipal Manager

OH:MJS:ln

cc: O/i.c. R.C.M.P., Burnaby
Chief Building Inspector
Planning Director
Deputy Municipal Clerk