

Re: Development Proposal - Lot C, D.L. 166A, Plan 7398
 Vancouver Art Metal Works Ltd.
 (Item 10, Report 7, January 29, 1973)

On January 15, 1973 the Municipal Council considered a request for a building permit to construct ways and piling that are required for the assembling and launching of barges planned to be built on the above described property. The Council authorized the issuance of the permit on the following understanding:

1. That all of the structures associated with, and including, the pilings proposed to be built be removed at the sole expense of the owner of the property by no later than one year from now, if required by the Municipality, and that this arrangement be guaranteed by the posting of a bond with the Municipality.
2. That in the meantime, discussions be held with the appropriate officials of the Municipality, and the Parks and Recreation Commission, in regard to the future intended use of the subject property, or any part of it, as a foreshore park strip, with the view in mind of resolving the matter in the time stipulated. At the same time, Council resolved to indicate its continued endorsement of the concept of providing continuous public access within the proposed foreshore strip along the Fraser River.

The attached Agreement dated January 26, 1973 between Vancouver Art Metal Works Ltd. and Dominion Bridge Company Limited of the First Part and The Corporation of the District of Burnaby of the Second Part formalizes the approval given by the Municipal Council. Since there is a possibility that these structures will have to be removed, we have chosen to use Section 6.7 "Temporary Buildings" of the Zoning Bylaw. This Section reads as follows:

- " (1) A temporary building or structure shall not be used as a dwelling, except in the case of a trailer when located in an authorized motel or auto court on a transitory basis.
- (2) A temporary building or structure may be erected for construction purposes on a lot being developed for a period not to exceed the duration of such construction.
- (3) In all other cases, temporary buildings or structures shall be subject to the following requirements:
- (a) Application shall be made in writing to the Chief Building Inspector for a permit to erect a temporary building or structure.
 - (b) If the Chief Building Inspector is satisfied that the proposed temporary building or structure would not constitute or cause a public hazard or public nuisance, nor obstruct unnecessarily any public right-of-way, he shall grant a permit for a period of not more than 6 months, provided, however, that such permit may be renewed, upon written application for a further period, not to exceed 6 months. (B/L #5042-28/11/66)
 - (c) At the expiration of a permit such temporary building or structure shall be removed and the site thereof restored as nearly as possible to its former condition. "

The Chief Building Inspector advises that the performance bond required was received on January 30, 1973 and approved as to form by the Municipal Solicitor on the same day. Later that day the Chief Building Inspector issued a building permit for the pilings and ways for the barges and for the portable shop buildings under authority of Section 6.7 of Bylaw No. 4742 being Burnaby Zoning Bylaw 1965.

The Planning Director has already had one meeting with Vancouver Art Metal Works Ltd. and its solicitor to discuss the various alternatives that could be considered in accordance with Council's request to pursue the concept of providing continuous public access within the proposed foreshore park strip along the Fraser River.

RECOMMENDATIONS:

THAT authority be granted to the Mayor and Clerk to execute the Agreement; and

THAT copy of this report item be forwarded to the Parks & Recreation Commission.

THIS AGREEMENT made this 26th day of January, A.D. 1973

BETWEEN:

VANCOUVER ART METAL WORKS LTD.
(hereinafter called "Company "A")

AND

DOMINION BRIDGE COMPANY LIMITED
(hereinafter called "Company "B")

OF THE FIRST PART

AND:

THE CORPORATION OF THE DISTRICT
OF BURNABY
(hereinafter called the "Corporation")

OF THE SECOND PART

WHEREAS Company "A" desires to build certain temporary structures on a portion of land owned by Company "A" known as Block "C", District Lot 166A, Group 1, Plan 7398, New Westminster District, in the Municipality of Burnaby, such temporary structures to be for the construction of ways and attendant pilings for barge assembly;

AND WHEREAS on the 15th day of January, 1973 the Council of the Corporation did authorize the issuance of a building permit for such temporary structures subject to the terms and conditions hereinafter set forth;

NOW IN CONSIDERATION of the authorization of the issuance of the aforesaid permit Company "A" and Company "B" hereby agree as follows:

1. It is agreed that such temporary structures will be constructed on the south west corner of the above-described property and measuring Four Hundred and Eighty Feet (480) in frontage along the Fraser River and Seven Hundred and Twenty-Five Feet (725) in depth and that no structure shall be erected on any other portion of the said property.

2. Company "A" hereby agrees to remove at its own cost and expense on or before the 15th day of January, 1974 if so requested to do so by the Corporation, all structures, including all pilings and ways associated with any barge assembly, and in particular, but without limiting the generality of the foregoing, all works connected with a contract of Company "B", which contract is numbered P1447E.

3. In the event that Company "A" fails to remove all structures, including all pilings and ways associated with any barge assembly or all works connected with said contract numbered P1447E, Company "B" shall effect such removal at its own cost and expense.

4. It is agreed by the parties hereto that the building permit for all buildings, ways and pilings for the above contract will be issued under authority of Section 6.7 of By-Law No. 4742, being Burnaby Zoning By-Law 1965, which said section deals with temporary buildings.

5. It is further agreed by the parties hereto that if the Chief Building Inspector of the Corporation is called upon pursuant to Section 6.7(3) (b) of said By-Law No. 4742 to extend a temporary building permit beyond a duration of six (6) months then such application for extension will be placed before the Council of the Corporation for approval of said Council.

6. Company "B" agrees not to commence work under said contract numbered P1447E until an occupancy permit has been issued pursuant to Section 8 (1) (e) of By-Law No. 5557, being Burnaby Building By-Law 1969, following the construction and installation of a workshop on the hereinbefore described property.

7. That a performance bond be posted in favour of the Corporation guaranteeing the performance of this Agreement by the undersigned Company "B" in the penal amount of not less than Fifty Thousand Dollars (\$50,000.00).

8. It is further understood and agreed between the parties hereto that Company "A" or Company "B" shall submit further plans describing the site and location of temporary buildings, work areas, parking areas, and electric and water services to the Chief Building Inspector of the Corporation for his examination and approval before any building permit is issued.

IN WITNESS WHEREOF the parties hereto have caused these presents to be executed as of the day and year first above written.

The Corporate Seal of VANCOUVER
ART METAL WORKS LTD. was hereunto
affixed in the presence of:

[Signature]

William Wood Walls.

[Signature]
PRES

The Corporate Seal of DOMINION
BRIDGE COMPANY LIMITED was hereunto
affixed in the presence of:

[Signature]

[Signature]

[Signature]
J. S. Prescott,
General Manager

The Corporate Seal of THE CORPORATION
OF THE DISTRICT OF BURNABY was
hereunto affixed in the presence of:

MAYOR

DEPUTY CLERK