

ITEM 17

MANAGER'S REPORT NO. 17

COUNCIL MEETING Mar. 5/73

17. Re: Letter from E. W. Whitlam, 4990 Canada Way
Burnaby Winter Club

Appearing on the Agenda for the March 5, 1973 meeting of Council is a letter dated February 21, 1973 from Mr. E. W. Whitlam, President of the Burnaby Winter Club, regarding taxes and the late receipt of monies due from the Municipality.

The Parks & Recreation Administrator has investigated the matter and advises as follows:

"Mr. Whitlam's statements regarding the Winter Club's Agreement with the Corporation wherein the Corporation was to pay the Burnaby Winter Club \$3,072.91 on September 1st, 1972 is correct. This payment was for the calendar year 1971. The grant was received by the Winter Club on November 27, 1972.

Two factors resulted in the delay of approximately three months:

1. The Corporation's authority to make the payment before execution of the new agreement was questioned by the Treasurer. This matter had to be resolved.
2. The difference of opinion between the Winter Club and the Parks & Recreation Department over the hourly rate for lacrosse rental had to be resolved. This issue was resolved at a meeting attended by the Chairman of the Parks & Recreation Commission, the Administrator and the Recreation Director of the Parks & Recreation Department, and the Manager and a Director of the Burnaby Winter Club in November.

It was decided that the \$9.00 per hour would prevail but that the higher rate of \$10.00 per hour would be recommended for 1973.

Following resolution of these two points, the invoice was processed and payment was made at the \$9.00 per hour rate. This explains the difference between the \$3,360 mentioned by Mr. Whitlam and the \$3,024 which was paid.

One very pertinent point has been overlooked. Until November 1971 the Burnaby Winter Club could not accommodate lacrosse activities because the Rink had no floor. For this reason the agreement with the Burnaby Winter Club made no reference to lacrosse rentals and this fact led to the dispute over the rental rate. The Parks & Recreation Department contended that the \$9.00 per hour rental rate in effect at the McPherson Winter Club should apply, and all discussions related to this amount.

In November of 1971, the Corporation of Burnaby paid the Norburn Lacrosse Association the sum of \$6,500. This being the cost of installing a wooden floor in the Burnaby Winter Club Rink to render it suitable for Lacrosse. Following this expenditure by the Corporation of Burnaby, the Burnaby Winter Club found itself able to rent the space to the Parks & Recreation Department."

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COUNCIL MEETING Mar. 5/72

17. Re: Letter from E. W. Whitlam, 4990 Canada Way
Burnaby Winter Club - Cont'd.

In summary the Municipality cannot be held entirely responsible for the delays that were encountered with regard to the payment of the grant and rental. The fact that the Municipality allocated \$6,500 which was used to construct a floor in the Winter Club's arena, and therefore allowed rental opportunities that previously had not existed, cannot be overlooked in this matter. When the \$6,500 Municipal expenditure for a floor is considered in relation to the \$803.17 that accrued to the Winter Club in the form of penalties for nonpayment of taxes, and that reasons beyond the Municipality's control also contributed to the delays, it appears appropriate to recommend that the Winter Club should be held fully responsible for the entire tax assessment plus penalties in the amount of \$8,559.49.

Should Council feel favorably disposed to approve of the Club's request, it must be kept in mind that Council is not empowered to write off the penalty and if assistance is to be given to the Club it must be by way of a grant.

RECOMMENDATION:

THAT the Burnaby Winter Club be required to pay the total amount due for taxes and penalties in the amount of \$8,559.49.