

ITEM 25

MANAGER'S REPORT NO. 35

COUNCIL MEETING MAY 7/73

25. Re: S.D. and E.G.M. McLeod, 4626 East Pender Street, Burnaby
Drainage Complaint
(Item 17, Report 31, April 24, 1973)

Council on April 24, 1973 received the above-noted report concerning a claimed drainage problem in the lane behind the captioned property. Council directed that levels be taken on the lane to determine the slope of the lane, and that a report be provided at its meeting of May 7, 1973.

The Municipal Engineer reports that staff have taken levels in the lane at the problem area (see attached sketch) and find that the lane slopes from north to south, i.e. across the lane, at the rate of 4 3/4" in 14' of paving. Water falling on the paved lane in this area must run toward the ditch on the south side of the lane and not toward the McLeod property as alleged.

With the above-noted report to Council your Municipal Manager advised that on April 17, 1973 a letter dated April 12, 1973 from Mr. H.L. Dean, Solicitor for the McLeods, was acknowledged by the Manager, and Mr. Dean was advised that the Manager would be away on vacation until April 30, 1973, but that in the meanwhile the Municipal Engineer would be preparing a response to Mr. Dean's correspondence.

Council at its meeting of April 24, 1973 received with the Agenda a copy of Mr. Dean's letter of April 12, 1973 as "Attachment to Delegation (b). Pages 12, 13, 14." Attached is a copy of the Manager's reply, dated May 4, 1973 to Mr. Dean.

RECOMMENDATIONS:

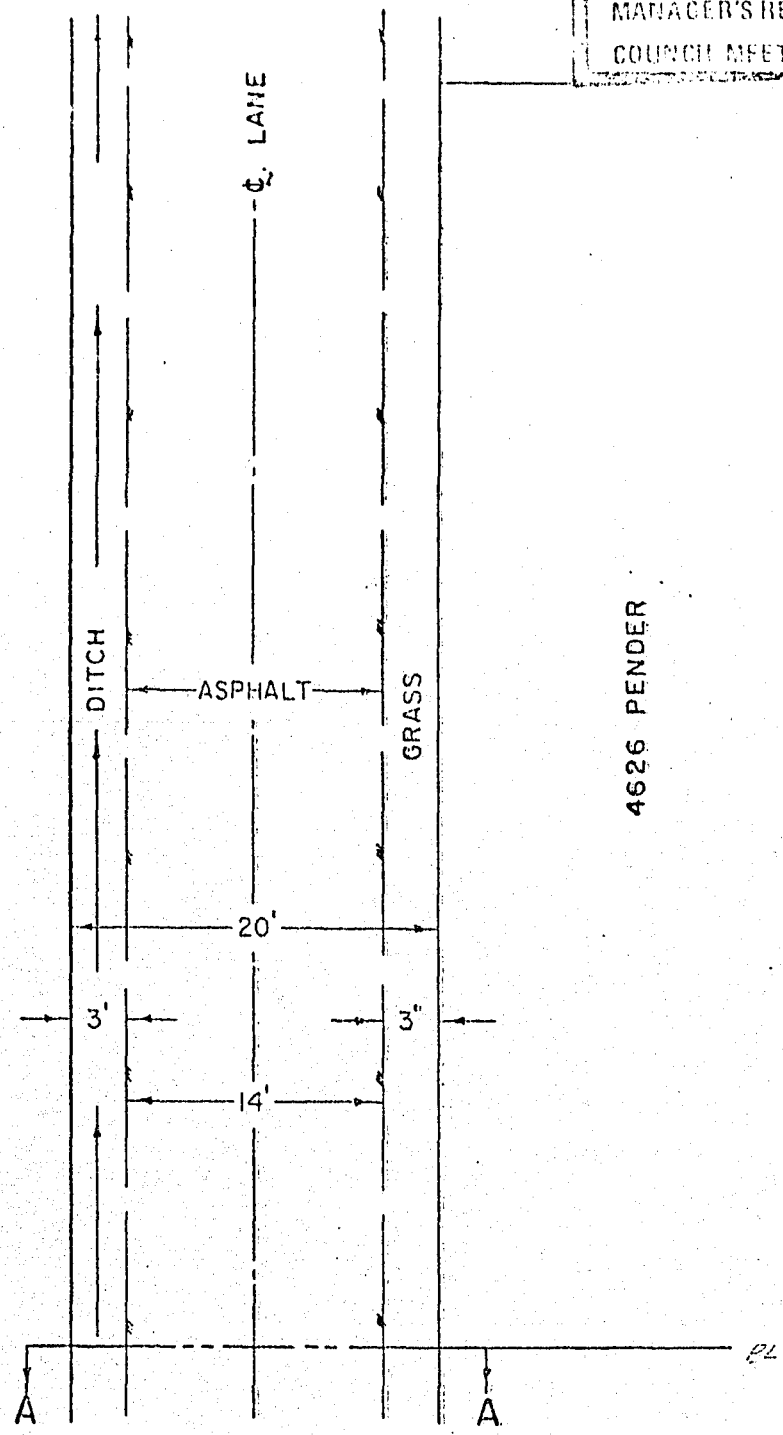
THAT the Corporation deny the claim of S.D. and E.G.M. McLeod; and

THAT a copy of this report be provided to S.D. and E.G.M. McLeod and Mr. H. L. Dean, Solicitor for S.D. and E.G.M. McLeod.

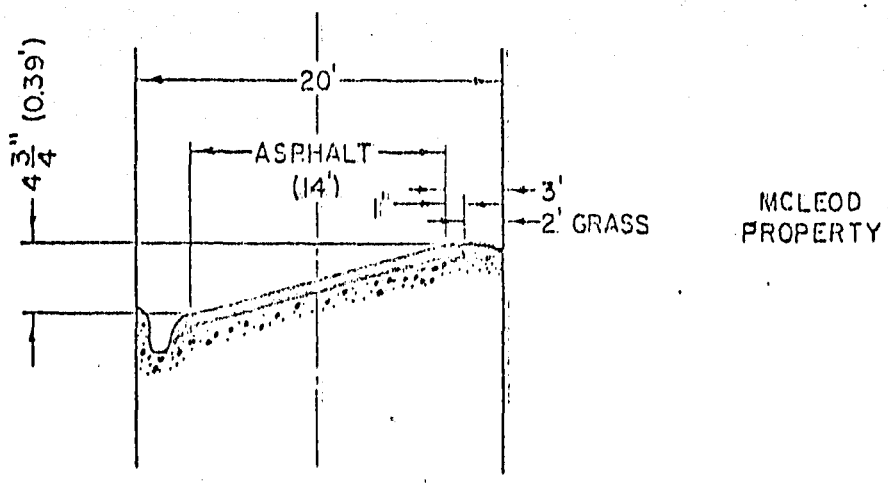
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 COUNCIL MEETING MAY 7/71



PLAN
 SCALE 1" = 10'



4626 PENDER



MCLEOD PROPERTY

CROSS SECTION
 A-A

TYPICAL CROSS SECTION OF
 LANE AT REAR OF OPPOSITE
 E.P.L. OF 4626 E. PENDER

No.	DATE	TO VERIFY
COMPLETION OF THE DISTRICT OF CURNAL ENGINEERING DEPARTMENT DESIGN DIVISION		
DESIGNED BY	CHECKED BY	
DRAWN BY H. SMITH	DATE	
CHECKED BY	DATE	

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COUNCIL MEETING May 7/73

THE CORPORATION OF THE DISTRICT OF BURNABY

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

TELEPHONE 299-7211

WITHOUT PREJUDICE

File #: 5-7-73

Office of the Manager

May 4, 1973

Mr. Harold L. Dean
Barrister & Solicitor
501 - 207 West Hastings Street
VANCOUVER 3, British Columbia

Dear Mr. Dean:

Re: S.D. and E.G.M. McLeod
4626 East Pender Street

This will acknowledge receipt of your letter of April 12, 1973 regarding the above.

I have discussed your letter with the Municipal Engineer and reply as follows in the order of points raised with your letter of April 12, 1973:

- (a) We confirm that there are culverts placed on the south side of the lane in the ditch in order to provide access to properties on that side.

As regards the statement that "the finished lane is a dike cutting off former drainage to the lane ditch and re-directing water from the east onto the McLeod property", a recent survey at the east property line of the McLeod property shows that the lane slopes away (to the south) from the property and therefore not "re-directing water from the east onto the McLeod property".

- (b) The rain of last Christmas day was inordinate but nevertheless we would refer you to (a), above, and our statement that the lane is sloped away from the McLeod property.

- (c) Again, we repeat that the lane is sloped away from the McLeod property and water must run toward the ditch on the south side of the lane.

- (d) The usual purpose of a retaining wall is to confine or contain soil or other materials and the Engineer confirms that a retaining wall is not required at the subject location.

It is not Municipal policy to construct culverts across lanes to resolve internal drainage problems. Mr. McLeod is in a combined sewer area and any drainage problems inside the McLeod property can be connected to the connection already provided by the Municipality.

Continued ...



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COUNCIL MEETING May 7/73

Mr. Harold L. Dean

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May 4, 1973

(e) With respect to the statement "he accepts fault by the Municipality of Burnaby", we can only direct you to my reply to you of April 9, 1973, item 8 in which was explained the meaning of the word "required".

(f) Although you refer to paragraph 9 of my letter, I believe that you are referring to paragraph 10.

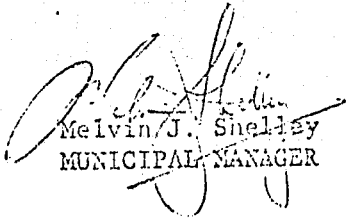
We can only repeat that we have no record of the McLeods having brought to our attention the concern which Mr. McLeod allegedly made before construction was carried out:

(g) Although you refer to paragraph 10 of my letter, I believe that you are referring to paragraph 11.

With regard to the possibility of using pit-run gravel in 1968, normal maintenance of lanes requires periodic application of gravel. When the lane was paved, no pit-run gravel was used.

(h) If "Mr. Scott" is the neighbour immediately east of the McLeod property we can only reiterate that the existing relative elevations of the lane and the garage do not indicate any appreciable filling.

Yours very truly,


Melvin J. Shelley
MUNICIPAL MANAGER

OH:MJS:lf