

Re: Letters dated June 11 and June 15, 1974 from Messrs. Curtis and Willis Allsup
7072 Cariboo Road
(Item 15, Report No. 31, April 22, 1974)
(Item 20, Report No. 35, May 6, 1974)

Appearing on the Agenda for the June 24, 1974 meeting of Council is a request from Mr. Curtis Allsup for permission to appear before Council for the purpose of discussing the rental of Municipally-owned property at 7072 Cariboo Road. Also on the Agenda is a letter from Mr. Willis Allsup regarding the same matter.

Messrs. Curtis and Willis Allsup appeared before Council on May 27, 1974 to request that the Municipality delay eviction proceedings against the tenant who is presently occupying the subject dwelling. Council directed that such proceedings be delayed for one month and, in the meantime, the following information be provided in an attempt to determine whether the Allsups have violated the arrangement that was made at the time the Municipality agreed to rent the property in question to them:

1. Who were the owners of the property at the time the land was sold to the Municipality?

The owners of the property at the time the land was sold to the Municipality were Curtis Raymond Allsup and Willis Morris Allsup, Joint Tenants.

2. Did Curtis Allsup sublet the house at 7072 Cariboo Road?

It is the opinion of the Lands Department that Mr. Allsup did, in fact, sublet the house at 7072 Cariboo Road. This opinion is based on the following facts:

A. FIRST CONTRAVENTION

- (a) According to Item 35, Report No. 49, which Council received on August 9, 1971, "The Municipality acquired the above described property ... the former owner, Mr. C.R. Allsup, was allowed to use the dwelling on the property for 3 months, rent-free, and then at \$50.00 per month thereafter."
- (b) During the early part of August 1970, Messrs. Austin and Drayton of the Lands Department visited the subject premises and were surprised to find two persons unknown to the Department living in the house. When asked by whose authority they had moved into the residence, Messrs. Austin and Drayton were informed that the two persons were renting the property as a result of answering an advertisement that appeared in the *Columbian* on August 1 and 3, 1970. The advertisement to which they made reference is as follows:

"Small house for rent in Burnaby, suitable for 1 person or quiet couple. Acreage and barn available for 1 horse, 521-8373."

The occupants were asked at that time if they had been informed that this was a Municipally-owned house. The parties answered that they had been led to believe that it was privately owned, and that if they did some renovations, consisting of new 220V wiring, new water heater, new electrical outlets to accommodate heaters, plus new wood wall panels, plaster and paint, they would be allowed to rent the property for an agreed amount "later set at \$100.00 per month".

After these two persons were informed that the property belonged to the Municipality, they informed us that they were shocked, and that they would be contacting Mr. Curtis Allsup to recover all or part of approximately \$1,000.00 which they estimated it had cost them to perform the aforementioned repairs and renovations. We do not know if they ever recovered any of this money because they vacated the premises sometime in September of the same year, and we have had no contact with them since that time.

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2. Continued

(c) In any event, the Lands Department served a letter on Mr. Allsup terminating rental arrangements. Mr. Allsup appeared at the January 18, 1971 meeting for the purpose of requesting a review of the decision by the Lands Department to terminate the lease on the property. After consideration of the various points made at the meeting, Council passed the following resolutions in connection with the matter:

1. That the land concerned be leased to Mr. Allsup, for the use of himself, his mother, or his sister, at a rental of \$50.00 per month on a month-to-month basis, with this arrangement to be secured by a formal agreement with the Municipality and be on the condition that he will not be allowed to sublet or assign the property or the dwelling on it without the consent of the Council. (The underlining is ours).
2. That the rent charged be reviewed in six months time to determine whether some change should be made in the amount.
3. That Mr. Allsup be informed that the use of the barn on the property is in violation of Municipal Regulations.

B. SECOND CONTRAVENTION (This was after the original lease terms had been modified as a direct result of the first contravention).

Since 1970, the Lands Department periodically checked the premises to determine if the renters were in compliance with the terms of the agreement. Evidence of a second contravention was revealed in March of this year when Messrs. Austin and McKellar of the Lands Department visited the site and met a person who identified himself as Mr. C. Allsup's nephew. This person stated that he was residing in the house. There were no indications that either Mr. Allsup, his sister or his mother were co-occupying the premises at the time. It will be recalled that occupancy by the nephew was confirmed by statements that were made by the Allsups at the May 27, 1974 meeting of Council.

To summarize, Messrs. C. and W. Allsup have on two separate occasions sub-let the property in a manner which clearly violates not only the terms of the original agreement but also the terms of the subsequent amended agreement (made after the first violation in 1970) which reads as follows:

"That the land concerned be leased to Mr. Allsup, for use of himself, his mother or his sister ...".

Further, he attempted to sublet without the consent of Council and at a rate which was double what he was paying.

3. Since there was some doubt as to whether a barn is located on the property known as 7072 Cariboo Road or 7030 Cariboo Road, which parcel is the barn located on?

A site plan which was prepared by the Municipal Surveyor (see attachment) definitely shows that the barn has never been situated on the subject property, but is, in fact, situated on property known as Lot 9, Block 1, D.L. 14, Plan 3047, which was purchased by the Municipality from a Mr. Walter Long in August 1968.

It is noted that the barn was referred to in the August 1970 ad as being available for rent. So Mr. Allsup not only attempted to sublease the house in contravention to the agreement but he also attempted to lease the barn which was not his to lease.

Continued ...

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Council on April 22 ratified an action which would result in the rental of the subject property to a person or persons other than Mr. C. Allsup. In the opinion of staff, there has been no disclosure of additional information to suggest that Council should now pursue an amending or alternative course of action (one letter appearing on the Agenda, however, does advise that Mr. Allsup is prepared to introduce "additional evidence" at the June 24th meeting of Council).

On the basis of the information that has been presented to date, it is recommended that the notice to vacate the premises at 7072 Cariboo Road be made effective as of July 31, 1974. This extension would give the present occupant sufficient time to find other suitable accommodation.

Consideration has been given to the feasibility of recommending that the nephew be allowed to remain as a tenant in the dwelling. No recommendation to this effect is being made, however, because of the prior contraventions noted above, and because under existing policy, the accommodation at 7072 Cariboo Road would be rented to a low income family who desperately need housing in this area.

The Municipal Solicitor advises that the rental agreement has, in his opinion, been contravened.

RECOMMENDATIONS:

THAT the previous decision of Council to rent the subject property to a person or persons other than Mr. C. Allsup be reaffirmed; and

THAT the notice to vacate the subject property be made effective as of July 31, 1974; and

THAT a copy of this report be sent to Messrs. Curtis and Willis Allsup.

ITEM 11
MANAGER'S REPORT NO. 47
COUNCIL MEETING June 24/74

PLAN SHOWING LOCATION OF
BUILDINGS ON REM. LOT 10,
BLK. 1, D.L. 12, GP. 1, N.W.D., PLAN 3047

Scale: 1 in. = 40 ft.

