

Re: Proposed Lane Exchange  
I.O.D.E. Senior Citizens High Rise  
Newton Street/Nelson Avenue  
RZ #50/73 and RZ #6/74  
(Item 16, Report No. 21, March 18, 1974)

ITEM 13  
MANAGER'S REPORT NO. 23  
COUNCIL MEETING Mar. 25/74

Council on March 18, 1974 tabled a report regarding the proposed closure and subsequent consolidation of a lane into the overall I.O.D.E. Senior Citizens site at Nelson Avenue and Newton Street. Comments on the points that were raised during discussion of the matter are contained in the following report from the Director of Planning.

The Manager has expressed the feeling before that there seems to be little justification in Burnaby giving up what it is rightly due in the sale of land (or receipt of taxes for that matter), when there are provisions in Federal and Provincial legislation to allow for such costs. If the rent structure is a problem, then subsidies should be asked for of all levels of government, with by far the larger amounts being provided by the senior levels of government.

RECOMMENDATIONS:

THAT Council approve the closure of the lane according to the pre-requisites outlined in Section 4.0 of the Planner's report that Council received on March 18, 1974, and authorize the introduction of the requisite lane exchange bylaw; and

THAT the applicant pay \$23,185 for the difference in value for the land exchange.

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PLANNING DEPARTMENT  
MARCH 21, 1974

SUBJECT: PROPOSED LANE EXCHANGE  
I.O.D.E. SENIOR CITIZENS HIGH RISE  
NEWTON STREET/NELSON AVENUE  
R.Z. #50/73 AND R.Z. #6/74

A road exchange bylaw with reference to Rezoning #50/73 and #6/74 was presented to Council on March 18, 1974. Due to the applicant's request for the transfer of the net closed portion of the lane (3,567 sq. ft.) to the I.O.D.E. Senior Citizens housing project at no cost, Council requested further information on the following enquiries.

1. Information was requested on whether Central Mortgage and Housing Corporation as the mortgagee had based their estimated project loan and project costs on a site which included the proposed cancelled portion of lane. Upon checking with CMHC it appears that their consideration of the project and the requisite mortgage was based on a consolidated site which included the closed portion of lane. The site for Rezoning #6/74 for landscaping (Lot 13) was not included in CMHC's calculations at that time.
2. The ownership status of the project at that time when the mortgage is paid out was queried. From the point of view of Central Mortgage and Housing Corporation, it is the mortgage itself which is subsidized. Once the mortgage is paid off, the applicant (mortgagor/owner) would, under usual circumstances, own the project in fee simple (including lane).
3. Council requested information as to any precedents for the gift of land (i.e. lane closures) for any similar developments. To our recall, the New Vista Society Senior Citizens complex is one similar project where redundant lanes or road right-of-ways were transferred to the applicant at no cost for inclusion in his site. As a procedure not necessarily related to non-profit projects, developers have in the past, where legally possible under the Plans Cancellation Act, initiated lane cancellation procedures of their own accord without requiring specific approval by the Municipality;

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thereby obtaining the portion of closed lane at no cost. The usual legal requirement for lane cancellation procedures is that the petitioner must control all properties adjacent to the lane to be cancelled and agree to consolidate the adjacent properties and the closed portion of lane.

In summary, it is general Municipal policy to sell any redundant lane or road rights-of-way to a given applicant for inclusion into a consolidated site at fair value as estimated by the Land Agent.

This report is submitted for the information of Council.

Respectfully submitted,

  
A. L. Parr,  
DIRECTOR OF PLANNING.

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