

ITEM 21

MANAGER'S REPORT NO. 7

COUNCIL MEETING Jan. 28/74

21. Re: Rezoning Notification for Public Hearings
Proposed Zoning By-Law Text Amendment

Following is a report from the Director of Planning regarding notification of public hearings.

RECOMMENDATIONS:

THAT Council approve in principle and forward to a public hearing, to be held February 19, 1974, the following amendment to the text of the Burnaby Zoning By-Law #4742 by deleting the words "owners and" from Clause (7), Section 7.8, to read as follows:

"Notice of the public hearing shall be mailed to the occupiers of all real property within the area that is subject to the rezoning or land use contract and to the occupiers of all real property which abuts the area that is subject to the rezoning or land use contract"; and

THAT Council endorse the continuation of the current practice of sending written notification of a public hearing also the owners of such affected and abutting property.

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PLANNING DEPARTMENT

January 24, 1974.

SUBJECT: REZONING NOTIFICATION FOR PUBLIC HEARINGS
PROPOSED ZONING BYLAW TEXT AMENDMENT.

BACKGROUND:

The Municipal Act, Section 703 (2A), sets out the obligations of a Municipality with respect to provision of mailed notification of a Public Hearing to persons deemed to be affected by a proposed rezoning. During 1973, Section 703 was amended to make mandatory the mailing of notices of a hearing on a rezoning of land or land use contract to the owners and occupiers of property within the vicinity of the affected lot or area.

Consistent with this requirement, the Council on July 23, 1973 amended Section 7.8 (7) of the Burnaby Zoning Bylaw 1965 to read as follows:

"Notice of the Public Hearing shall be mailed to the owners and occupiers of all real property within the area that is subject to the rezoning or land use contract and to the owners and occupiers of all real property which abuts the area that is subject to the rezoning or land use contract."

RECENT AMENDMENT:

When Bill 96 was adopted by the Provincial Legislature on October 29, 1973, however, Section 703 (2A) was further amended to require that Council notify by mail the occupiers of all real property (the words "owners and" being thereby deleted from this subsection).

For many years, the only requirement of the Municipal Act in connection with public notification of public hearings had been the publication of legal notice in the local press.

In this Municipality, however, the Council has recognized the obvious legitimate interest of affected and abutting owners, and has as a matter of policy made a practice of notifying these owners by mail.

At this time, it seems rather extraordinary that the Legislation require that only the occupiers of property be notified, while removing the requirement that the owners be given notice.

In view of the recent amendment to the Provincial legislation, and the fact that difficulty is occasionally experienced in locating and notifying the de facto owner of a particular property, the text of the Zoning Bylaw should be amended to reflect the present wording of the Act and to relieve the Municipality of legal obligation to locate and notify the actual owner. However, in recognition of the obvious interests of property owners, it is recommended that Council at the same time agree to continue as a matter of policy the long-standing practice of furnishing such notification by mail to affected and abutting owners where practicable.

RECOMMENDATIONS:

It is recommended that:

1) The Council approve in principle and forward to a Public Hearing, to be held February 19, 1974, the following amendment to the text of the Burnaby Zoning Bylaw #4742 by deleting the words "owners and" from Clause (7), Section 7.8, to read as follows:

"Notice of the public hearing shall be mailed to the occupiers of all real property within the area that is subject to the rezoning or land use contract and to the occupiers of all real property which abuts the area that is subject to the rezoning or land use contract.", and

2) The Council endorse the continuation of the current practice of sending written notification of a public hearing also to the owners of such affected and abutting property.

Respectfully submitted,

AW
DGS:dp

A. L. Parr
A. L. Parr,
DIRECTOR OF PLANNING.

cc. Municipal Clerk
Municipal Solicitor