

February 4, 1974

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Monday, February 4, 1974 at 7:00 p.m.

PRESENT:

Mayor T. W. Constable, in the Chair
Alderman G. D. Ast
Alderman A. H. Emmott
Alderman B. M. Gunn
Alderman D. A. Lawson
Alderman W. A. Lewarne
Alderman G. H. F. McLean
Alderman J. L. Mercier (7:05 p.m.)
Alderman V. V. Stusiak

STAFF PRESENT:

Mr. M. J. Shelley, Municipal Manager
Mr. E. E. Olson, Municipal Engineer
Mr. A. L. Parr, Planning Director
Mr. E. A. J. Ward, Deputy Municipal Clerk
Mr. J. Plesha, Administrative Assistant
Mr. B. D. Leche, Municipal Clerk's Assistant

A Public Hearing was held in connection with Burnaby Highway Exchange By-Law No. 1, 1974, which involves a portion of Kincaid Street referred to under RZ #54/73.

No one appeared in regard to this By-Law.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:
"That the Hearing now adjourn."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- (a) Mr. Hugh G. Ladner, Barrister and Solicitor, re George Derby Health and Occupational Centre Site;
- (b) Messrs. M. Newbury, P. Carver, W. Robertson and A. Gowler re 6090/92 Canada Way.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN AST:
"That the delegations be heard."

CARRIED UNANIMOUSLY

ALDERMAN MERCIER ARRIVED AT THE MEETING.

(a) Mr. Ladner then spoke and made the following comments:

- (1) He was speaking on behalf of The Derby Land is Our Land Association.
- (2) Council is to be congratulated for the action it has taken to date to have the Federal Government return the subject site to the Municipality.
- (3) It is now known that the Provincial Government is not interested in the entire site, only about 23 acres currently occupied by the Occupational Centre itself.
- (4) Firm action still needs to be taken with the Federal Government in regard to the matter.
- (5) The Association has assisted, and will continue to do so, Council in its endeavours to obtain the property concerned.

- (6) The Mayor, in particular, is to be commended for his efforts.
- (7) The Association has made representations to all Councils in the Lower Mainland about the matter.
- (8) The Association has been responsible for obtaining the signatures of some 8,000 people on a petition supporting the matter of the Municipality obtaining the land from the Federal Government.
- (9) In addition, the 1,100-odd members of Branch No. 83 of the Royal Canadian Legion have signified their support for the proposal.
- (10) Copies of all submissions which the Association has received have been sent to the Prime Minister, the Minister of Veterans' Affairs, Mr. R. Baseford; Mr. D. Cocke; Mr. S. Leggatt; Mr. J. Reynolds and Mr. E. Nelson, the latter three as M.P.'s for Burnaby.

(b) Mr. W. Robertson then spoke and stated he was requesting, on behalf of the tenants in the building at 6090/92 Canada Way that they be allowed to remain in occupancy of their suites in that building for a longer period of time than the owner of the building has allowed.

Mr. Robertson made the following points in support of his request:

- (1) He has read Item #24 of the Municipal Manager's Report No. 9, 1974, which Council is scheduled to deal with later in the evening, about the subject matter.
- (2) It is within the power of Council to introduce interim regulations which would allow people to retain occupancy of their premises for longer than normal.
- (3) All tenants took occupancy of their dwellings within days of each other around August 1973, and all did so in good faith believing that the premises were allowed by law.
- (4) All realize that ignorance of the law is no excuse and are prevailing upon Council to exercise compassion in view of the circumstances.
- (5) There are five children involved in the four families concerned.
- (6) A letter containing a statement attesting to the fact the tenants will enter no further pleas or requests if Council grants the compassionate extension to June 30, 1974 was being left with Council this evening.
- (7) All the tenants have met with the owner concerned, Mr. O. E. Kiechle, and all have been disappointed with the treatment accorded them.
- (8) Mr. Kiechle wants \$475.00 for each half of the building and will require that the occupants pay both heat and electricity costs. At the moment, he is collecting a total of \$1,035.00 for the four dwelling units plus the cost of utilities from the tenants.
- (9) If one tenant leaves his premises then all the rest will do the same.
- (10) The landlord, Mr. Kiechle, has the right to evict tenants at his own caprice.
- (11) The landlord has indicated that he would allow the tenants to remain in occupancy if Council granted the extension.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN MERCIER:

"That the owner of property known as 6090/92 Canada Way, Mr. O. E. Kiechle, be informed that the effective date he must cease and desist from using the building on the property as a fourplex, which is contrary to the Zoning By-Law, is June 30, 1974."

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LAWSON:

"That the Municipal Manager submit a report to Council on February 11th indicating the best way(s) to resolve the problem outlined by Mr. Robertson which would allow the tenants concerned to remain in occupancy and also indicate the action that can be taken by Council against Mr. Kiechle if he evicted his tenants before the time decided by Council."

IN FAVOUR -- ALDERMEN STUSIAK, LAWSON
AND MCLEAN

AGAINST -- ALDERMEN LEWARNE, MERCIER,
GUNN, AST AND EMMOTT

MOTION LOST

The following questions arose during consideration of the foregoing matter:

- (a) *Are there any homes owned by the Municipality that could be rented to at least two of the families involved, or perhaps all four of them?*
- (b) *Has Mr. Kiechle another duplex somewhere in the North Burnaby area?*
- (c) *Can the Corporation prosecute the owner of the property concerned if he should proceed to evict his tenants despite Council to grant the extension to June 30, 1974.*

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LEWARNE:

"That the Municipal Manager submit a report answering the three questions outlined above."

CARRIED

AGAINST -- ALDERMAN LAWSON

A vote was then taken on the original motion and it was carried with Alderman Lawson against.

ORIGINAL COMMUNICATIONS

Mr. John Reynolds, Member of Parliament for Burnaby-Richmond-Delta, submitted a letter advising that he would be pleased to render any assistance to Council in its endeavour to have the Federal Government return the George Derby Health and Occupational Centre site to the Municipality.

The Honourable James G. Lorimer, Minister of Municipal Affairs, forwarded a copy of his Press Release dated January 29, 1974 relating to improvements to transit services in the Greater Vancouver area effective February 1, 1974.

Union of British Columbia Municipalities submitted a circular with which was forwarded a number of copies of the General Statement of Policies of the U.B.C.M., including amendments that were endorsed at the 1973 Convention.

Mr. Cary Morgard and Mr. Walter Parker, Co-Chairmen, Concerned Citizens Committee, submitted a letter in which they offered their views on the decision rendered by Council to allow the Chevron Refinery to expand its facilities.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN MCLEAN:

"That the Concerned Citizens' Committee be advised of the decision Council has rendered in connection with the Eastern Burrard Inlet Development Concept, and they be sent a copy of the report Council has received about the matter; and further, all others who have expressed an interest in the Eastern Burrard Inlet Development Concept be likewise informed."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN MERCIER:

"That the Concerned Citizens' Committee be asked to provide Council with an indication as to its legal status, including details of its constitution."

CARRIED

AGAINST -- ALDERMEN GUNN, AST AND
MCLEAN

MOVED BY ALDERMAN AST, SECONDED BY ALDERMAN GUNN:

"That if and when Shell Canada Limited applies for a permit to expand its facilities in Burnaby, the Council be notified at the meeting subsequent to the date when such an application is received."

CARRIED UNANIMOUSLY

Mrs. Hannah Noble submitted two letters and an accompanying petition asking that steps be taken by Council to resolve a situation where she has been harassed by students attending Kensington and Burnaby North High Schools.

Item #12 of the Municipal Manager's Report No. 9, 1974, which relates to the letter from Mrs. Noble, was brought forward at this time. The following is the substance of that report:

(12) Youth Harassment

Members of the R.C.M.P. have been aware for some time of complaints regarding thefts from autos, willful damage and harassment to businesses and customers' property at the Kensington Shopping Centre. Burnaby North and Kensington Junior Secondary Schools are nearby and some of the less responsible student loiter around the Shopping Centre during noon hours, making a nuisance of themselves.

To date, the victims have been unable or unwilling to identify any of the culprits and regular patrols in the area by the R.C.M.P. have not remedied the situation. Police have also tried to reason with the young people, without much success.

Mrs. Noble and many of the Kensington Shopping Centre merchants favour a By-Law to prohibit students from loitering around their premises; however, that action could adversely affect the larger number of law-abiding students.

The Police will continue to patrol the area during the noon hour and the Youth Detail will also deal with the problem.

The Human Resources Administrator and the Youth Officer for the School Board (who is also the newly-appointed Chairman of the Youth Advisory Committee) both indicate that matters such as that broached by Mrs. Noble will be given consideration by the Committee.

The Administrator also outlines the progress to date in forming the Youth Services Division in his Department, as per an attached report.

It was recommended that the letters and petition from Mrs. Noble be referred to the Youth Advisory Committee for comment and that a copy of the report at hand be sent to Mrs. Noble.

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN LEWARNE:

"That the subject matter of the submissions from Mrs. Noble be referred to the Burnaby School Board for action under the appropriate sections of the Public Schools' Act which allow the Board to control activities of pupils when travelling to and from schools."

CARRIED

AGAINST -- MAYOR CONSTABLE,
ALDERMEN GUNN, STUSIAK
AND AST

Mr. H. Niedzielski, Shamrock Drive Chairman, Columbus Charities Association, wrote to request permission to hold a Tag Day on March 14th, 15th and 16, 1974.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN MCLEAN:

"That permission be granted to the Association to conduct its campaign on the dates indicated."

CARRIED UNANIMOUSLY

Mrs. Dona Walton, Secretary, Norburn Lacrosse Club, wrote to request permission to hold the Annual Tag Day on either May 3rd and 4, 1974 or on May 10th and 11, 1974.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN AST:

"That permission be granted to the Club to conduct its campaign on May 3rd and 4, 1974."

CARRIED UNANIMOUSLY

Mr. Frank Outtrim and others submitted a petition requesting the provision of Local Improvements on Ridgelawn Drive between Beta Avenue and Delta Avenue.

Item #13 of the Municipal Manager's Report No. 9, 1974, which relates to the letter of Mr. Outtrim and others, was brought forward at this time. The following is the substance of that report:

(13) Ridgelawn Drive between Beta Avenue and Delta Avenue

The Local Improvement Programmes are already drafted to cover construction of works to the end of 1977. Inasmuch as the Programmes presently extend the limits of the Municipality's financing ability, it is felt the request of Mr. Outtrim and others should be reviewed after the results of the initiation of the 1974/75 Programme are known.

It was recommended that the subject portion of Ridgelawn Drive be included in some future Local Improvement Programme, when financing becomes available, on the understanding the matter will be reviewed after the results of the initiation of the Programme are known.

It was also recommended that a copy of the report at hand be sent to Mr. Outtrim.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

T A B L E D I T E M

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN GUNN:

"That Item #11 of Item #26 of the Municipal Manager's Report No. 5, 1974, which Council received on January 21st and which deals with the matter of rezoning and purchasing Lot 3 Except South 33 feet, D.L. 142, Plan 14043, be lifted from the table."

CARRIED UNANIMOUSLY

Item #22 of the Municipal Manager's Report No. 9, 1974, which relates to the above matter, was brought forward at this time. The following is the substance of that report:

- (22) Lot 3 Except South 33 feet, D.L. 142, Plan 14043
(2366 Underhill Avenue)
REZONING REFERENCE NO. 80/73

The Planning Department has been involved with the owners of the subject property as to its possible use for several years. The Department has indicated it is not in favour of industrial development extending North of Broadway and that the property in question should be intimately related to a decision as to the use of land on the South Slope of Burnaby Mountain.

It is only recently that it has been possible to formulate a recommendation for Council, this being precipitated by actions of the Provincial Government.

If the site was developed under the existing zoning classification, the following servicing criteria would apply:

- (a) Sanitary sewer services^{are} available from an existing main on Underhill Avenue just South of Broadway. Existing municipal facilities will only accommodate development on that area South of Elevation 400.
- (b) Access to the site could^{be} accomplished via Underhill Avenue, which is at an interim standard such that no street improvement could be required.
- (c) Storm sewer effluent could be drained via an existing watercourse on the site but Council would need to decide what action should be taken relative to this watercourse.
- (d) Water service could be provided to that portion of the site below Elevation 400. Because of water pressure zoning problems, it is not feasible at this time to provide water service to that portion of the site above Elevation 400.

The development of that portion of the site above elevation 400 is dependent upon the provision of water. To serve this portion would require an agreement between the Municipality and the Water District, a detailed study and a major expenditure of funds. It is also felt this process cannot be efficiently and effectively undertaken until the entire area is opened and provided with an appropriate infrastructure of services.

The Municipal Engineer has advised that, as near as he can determine, no agreement has been reached with Lake City Industrial Corporation Limited regarding the rerouting and enclosing of the watercourse in the ravine.

The pipe that is presently lying on the East of Underhill Avenue is being installed as a feeder watermain. It will not provide services to abutting property owners. The main in no way will affect the statements made by the Planning Department in its report regarding the possible area of service.

It was recommended that:

- (a) the proposal to rezone the subject property from its current industrial category be approved in principle;
- (b) the Planning Department be authorized to pursue the subject of rezoning or acquisition of the site with the owners and with the Provincial Government.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LAWSON:
"That the recommendations of the Manager be adopted."

CARRIED

AGAINST -- ALDERMEN EMMOTT,
MERCIER AND LEWARNE

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN GUNN:

"WHEREAS there is a need for a Park and Ride facility in South Burnaby; and

WHEREAS the B. C. Hydro will be the authority to conduct this system; and

WHEREAS the B. C. Hydro has ownership of the Canadian Auto Carriers' large site; and

WHEREAS this site is on the Central Park proposed rapid transit line; and

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WHEREAS this Council should protect this large blacktopped area;

THEREFORE BE IT RESOLVED that this Council rezone this site to ensure its available use as a Park and Ride site."

MOVED BY ALDERMAN EMMOTT, SECONDED BY ALDERMAN MERCIER:

"That the subject of the motion by Alderman Lewarne be referred to the appropriate authority in the Greater Vancouver Regional District for its views on the advisability of the matter."

IN FAVOUR -- ALDERMEN EMMOTT, MERCIER
AND MCLEAN

AGAINST -- ALDERMEN GUNN, STUSIAK, LEWARNE
LAWSON AND AST

MOTION LOST

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN EMMOTT:

"That the motion of Alderman Lewarne be referred to the Planning Department for comment, including consideration of the matter of developing a Park and Ride facility on that portion of the Central Park Line Right-of-Way in the vicinity of Patterson Avenue that has been mentioned at past Council meetings."

CARRIED

AGAINST -- ALDERMAN GUNN

ALDERMAN MERCIER LEFT THE MEETING.

ENQUIRIES

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN EMMOTT:

"That the Municipal Assessor submit a report to Council on February 11, 1974 outlining details of the practical implications of assessing land and improvements in the Municipality today in view of the apparent misunderstanding on the part of Assessors in the Province resulting from directives from the Provincial Government concerning the matter."

CARRIED UNANIMOUSLY

It was understood, as a result of a question, that Mayor Constable would take the Agendas for the February 18th Council meeting to the members of Council at Harrison Hot Springs when he leaves on the afternoon of February 15, 1974.

When Alderman Ast enquired as to whether the transcript of the January 14, 1974 Council meeting, which dealt with the Chevron Refinery Expansion proposal, was available, the Deputy Clerk replied that it was not yet completed.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN MCLEAN:

"That the Council now resolve into a Committee of the Whole."

CARRIED UNANIMOUSLY

ALDERMAN MERCIER RETURNED TO THE MEETING.

REPORTS

MAYOR CONSTABLE submitted a report recommending that the following be appointed to the Information Burnaby Committee:

Mr. John Dye, c/o Villa Motor Hotel, Burnaby 2
Mr. Fred Randall, 3430 Ardingley Street, Burnaby 2

Alderman Emmott suggested that Council should adhere to the past policy of requiring that appointees to various civic bodies be residents of the Municipality and that they also not be appointed to any more than one such body.

Mayor Constable suggested that the situation at hand was slightly different in that the Chairman of the Committee had been authorized by Council to make the appointments and he was merely submitting a recommendation to formalize the matter.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN STUSIAK:
 "That the recommendation of the Mayor be adopted."

CARRIED

AGAINST -- ALDERMEN EMMOTT, GUNN AND
 LEWARNE

HOUSING COMMITTEE submitted a report indicating that it, on January 29, 1974, passed the following resolution:

"WHEREAS this Committee considers that Co-Operative Housing is another form of home ownership such as title in fee simple, strata corporation, rental unit on public housing.

BE IT RESOLVED that a letter be forwarded to the Provincial Government from this Council advising that the co-operative concept of ownership of housing is acceptable provided that it meets all the requirements of the Zoning By-Law, building regulations and the Community Plan just as any other housing development programme."

Alderman Lawson, as Chairman of the Housing Committee, asked that the words "home ownership" in the second line of the above motion be changed to "residents accommodation".

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN LEWARNE:
 "That the above resolution of the Housing Committee, with the change requested, be endorsed."

CARRIED UNANIMOUSLY

MAYOR CONSTABLE DECLARED A RECESS AT 9:00 P.M.

THE COMMITTEE RECONVENED AT 9:15 P.M.

MUNICIPAL MANAGER submitted Report No. 9, 1974, on the matters listed below as Items (1) to (24), either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Monthly Report of Building Department

A report of the Chief Building Inspector covering the operations of his Department between January 2nd and January 25, 1974 was being submitted.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MCLEAN:
 "That the report be received."

CARRIED UNANIMOUSLY

(2) Stride Avenue Dump

It was recommended that:

- (a) in general, where the Municipality benefits by landfilling, no charge be applied for dumping waste material but, where the Municipality utilizes an area specifically as a dump without the essential benefit of landfilling to that area, a charge be levied for dumping;
- (b) the filling of the Stride Avenue Pits be continued without charge for dumping.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN EMMOTT:
 "That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(3) Gift Programmes for Parks and Recreation Purposes

It was recommended that Council approve the following motion that was passed by the Parks and Recreation Commission on January 23, 1974 relating to Foundations, Trusts, Endowments and Gift Programmes for Parks and Recreation purposes:

"WHEREAS Section 110(1)(a) of the Federal Income Tax Act provides that gifts made to certain organizations shown in the Act to the extent of not more than 20% of the income of a taxpayer in a calendar year are deductible in the calculation of taxable income;

AND WHEREAS municipalities are one of the organizations listed in Section 110(1)(a);

AND WHEREAS a municipality does not require to be registered as a charitable organization in order that the gifts be tax deductible;

AND WHEREAS recreation and community groups do from time to time make gifts to the municipality for parks and/or recreational purposes;

AND WHEREAS the donors of these gifts generally stipulate the purpose of the gift;

AND WHEREAS the granting of gifts by individuals and businesses as well as by the aforementioned non-profit organizations for parks and/or recreational purposes should be encouraged;

THEREFORE BE IT RESOLVED that the following steps be taken to encourage the flow of gifts for parks and/or recreational purposes:

1. That the Municipal Council be asked to support the Commission in this endeavour.
2. That the Municipal Treasurer be asked to establish a formal system for the acceptance of these gifts.
3. That due publicity be given of this plan including a suitable article in the next issue of the Commission's program brochure."

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(4) Domtar Roofing

The Greater Vancouver Regional District has advised that it is not possible for the equipment required to effectively measure and control emissions at the Domtar Roofing Plant to become operational earlier than August 1974, which was the scheduled date.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN MERCIER:
"That the report be received."

CARRIED UNANIMOUSLY

(5) Train Whistles

The matter of banning train whistles is more complicated than was first anticipated. As regards the Provincial Department of Transportation and Communications, their jurisdiction extends over the Central Park Line and the B. C. Hydro train operations in the Big Bend area. The Council would likely need to follow the same procedure in dealing with the Federal Department of Transport for those railways coming under their jurisdiction. Precise details of the rails and other pertinent data would need to be furnished in all cases. To date, most of the field work required to produce the plans has been done.

The By-Law in force in the City of North Vancouver only covers the Canadian National Railway line.

It is not expected that the study will be complete before the end of March 1974.

It was recommended that the Clerk's Office advise all persons who have corresponded with Council as to the status of the subject matter.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN AST:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(6) Quarterly Report of Human Resources Department

A report indicating Social Allowance disbursements and caseloads for select months in 1973 compared to the same months in 1972 was being submitted.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN LAWSON:
"That the report be received."

CARRIED UNANIMOUSLY

(7) Lease 7-17 (Water Lot 5772)

It was recommended that Council give its consent to allow the North Fraser Harbour Commission to lease ^{above} the Water Lot to MacMillan and Bloedell Industries Limited, for a period of two years commencing October 15, 1973, subject to:

- (a) the application of the fee structure of Council
- (b) the Municipality receiving the delinquent taxes owned by J. Harold Bumby Limited in the amounts detailed in the report;
- (c) MacMillan and Bloedell Industries Limited being advised that Council's consent is made without prejudice to the possible recreational use of the area at the termination of the lease.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:
"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

(8) Burnaby Provincial Courts

It was recommended that Council authorize the recruitment of two Court Clerks, to be assigned to the Court Clerk Sub-Department and direct that, effective April 1, 1974, the clerical functions performed by R.C.M.P. personnel be transferred to the civilian staff under the Court Clerk.

It was also recommended that a copy of the report at hand be sent to the Deputy Attorney-General.

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Manager be adopted; and further a copy of his report also be sent to the Burnaby Division of the Family Court Committee."

CARRIED UNANIMOUSLY

(9) Monthly Report of Health Department

A report of the Medical Health Officer covering the activities of his Department during the month of December 1973 was being submitted.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN GUNN:

"That the report be received."

CARRIED UNANIMOUSLY

- (10) (a) Lots 11 and 12, Blocks 9/10, D.L. 80N $\frac{1}{2}$, Plan 1831
 (b) Lot 13 Except Explanatory Plan 14745, Blocks 9/10, D.L. 80N $\frac{1}{2}$, Plan 1831
REZONING REFERENCE NO. 54/73

It was recommended that:

- (1) the amendment to the Zoning By-Law covering the rezoning of the above described properties to COMPREHENSIVE DEVELOPMENT DISTRICT (CD) be given Third Reading, with Final Adoption to follow when all of the prerequisites are completed;
- (2) the applicant for the rezoning deposit a Bank Letter of Credit in the amount of \$68,800.00 to cover servicing costs pertaining to the development planned to be built;
- (3) Council agree to contribute an amount not to exceed \$5,700.00 toward the cost of providing services along Sunset Street for the reason indicated in the report;
- (4) if Council accepts the second and third recommendations, it give Third Reading to the rezoning proposal based on the details set out in Part B of the report.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the recommendations of the Manager be adopted."

CARRIED UNANIMOUSLY

- (11) (a) Lots 1, 4, 5, 6, 7 and 8, Block 33, D.L. 34, Plan 1355
 (b) Lots "A", "B" and "C", S.D. 9, Block 33, D.L. 34, Plan 3979
 (c) Lots "A", "B", "C" and "D", S.D. 2/3, D.L. 34, Plan 1911
REZONING REFERENCE NO. 78/72

The applicant involved in the above rezoning proposal has written to explain the activities which have been carried out on the site. Essentially, they are as a result of a January 10, 1974 letter from the Health Department advising that the site was considered to be an unsightly condition. The applicant, in compliance with this letter, contracted to have the site brought into compliance with the regulations and, partly in that regard, a building permit was obtained to move the duplex that was on one of the properties.

The applicant has also removed any equipment and materials from an adjacent construction project which were placed on the site.

He has complied with all legal municipal requirements.

MOVED BY ALDERMAN GUNN, SECONDED BY ALDERMAN AST:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(12) Youth Harassment

(This item was dealt with previously in the meeting.)

(13) Ridgelawn Drive between Beta Avenue and Delta Avenue

(This item was dealt with previously in the meeting.)

(14) Strata Plans for Residential Duplex Condominiums and Conversions

It was recommended that:

- (a) Sections 5.0 and 6.0 set out in the report at hand pertaining to the captioned matter be adopted as guidelines to assist Council in considering duplex condominium and conversion strata plans under the Strata Titles Act;
- (b) the municipal approval process for the strata titling of duplex condominiums and conversions be reviewed by the Planning Department within one year of Council's adoption of the aforementioned guidelines in conjunction with the review of the General Report on Condominiums and Conversions.

The following are the details of the aforementioned Sections 5.0 and 6.0:

5.0 Duplex Condominium Guidelines.

- 5.1 Sanitary sewer, storm sewer, and water connections and basement storm drainage for duplexes shall be on a separate service to each unit in accordance with Municipal specifications and requirements. No septic tanks would be allowed for duplex condominiums or conversions.
- 5.2 All necessary utilities including electrical metering, gas, telephone and heating shall be on a separate service to each unit.
- 5.3 Particulars should be submitted by the applicant of all encumbrances both existing and proposed and the provisions made or to be made for their discharge.
- 5.4 The submission of any proposed amendments to the Strata Corporation Bylaws.
- 5.5 The requisite R4 and R5 Residential District zoning regulations shall be met.
- 5.6 Any changes to the exterior (including materials, colour, texture, accessory structures) of a project would require the consent of both owners and be so specified in the Strata Corporation Bylaws.

6.0 Duplex Conversion Guidelines.

- 6.1 Any developer wishing to convert an existing occupied residential duplex to condominium shall meet all applicable duplex condominium guidelines in force at the time of the conversion application.
- 6.2 Points 1, 2, 3, 4, 5 and 6 in the Duplex Condominium Guidelines outlined in Section 5.0 of this report should apply to condominium conversions.
- 6.3 An independent health consultant should be retained by the applicant and a certificate guaranteeing that the premises are free of any infestation is to be obtained by the developer.
- 6.4 Any revisions or improvements to the project should be detailed.
- 6.5 For every conversion, the certification by qualified engineer/architects (at the applicant's expense) that the building is structurally and mechanically sound is required. Such certification will include information as to the condition of the exterior and interior surfaces and details of the building. These certificates would, then, be processed by the Building Department.
- 6.6 Each application for approval of a Strata Plan for a duplex conversion be circulated to the Engineering, Building, Health and Fire Departments for comment.

Specified services shall be brought up to the requisite standard as required by the relevant Municipal Departments.

Some points made by members of Council in connection with the subject at hand were:

- (a) *Perhaps the matter of requiring the provision of separate services, such as water and sewer, to each duplex should be eliminated from the guidelines.*
- (b) *The requirements for "up and down" duplexes perhaps should be different than those for the usual type of duplex.*
- (c) *The Municipality should not impose requirements that create an unnecessary expense on the owners of duplex properties.*
- (d) *The owners of duplexes should be prepared to exercise joint responsibility for maintenance items relating to their duplexes.*
- (e) *If necessary, maybe the Landlord and Tenant Advisory Bureau could be empowered to arbitrate any dispute that may arise between owners of duplexes, under the Strata Titles legislation, concerning joint responsibility.*

MOVED BY ALDERMAN LAWSON, SECONDED BY ALDERMAN LEWARNE:

"That the report of the Manager be referred to the Advisory Planning Commission for study and comment."

CARRIED

AGAINST -- ALDERMEN GUNN AND MERCIER

(15) Local Court of Revision

It was recommended that Council sit as the Local Court of Revision on May 1, 1974 in the Council Chambers at 7:00 p.m.

MOVED BY ALDERMAN LEWARNE, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(16) Subdivision Servicing Agreement
SUBDIVISION REFERENCE NO. 130/73

It was recommended that Council authorize the preparation and execution of the Servicing Agreement for the above subdivision, particulars of which are as follows:

Subdivider

Name: Holden Construction Ltd.

Address: 4371 Fraser Street,
Vancouver, B.C.

Legal Description of all properties within
the subdivision:

D.L.42, Block 2, Lot 2 and the
west 112' of Lot 3, Plan 10871

3.

Description of Services to be installed by
the subdivider:

According to Schedule "A" attached
(Note: this schedule is prepared by the
Engineering Department based on the approved
Engineering Design Drawings).

4.

Completion date:

The 1st day of July, 1974.

6.

Contractor:

Name: Holden Construction Ltd.

Address: 4371 Fraser Street,
Vancouver, B.C.

Contract Price:

Full Amount: \$ 18,200.00

8.

Insurance:

Copies of all insurance policies as required
in the body of the servicing agreement are
forthcoming. (Note: these cover -
Comprehensive General Liability,
Subdivider's Contingency Liability,
Completed Operations Liability,
Contractual Liability and Automobile
Liability. The contractor's insurance
policies are acceptable if he is doing
the work for the subdivider).

9. Inspection Fee:
4% of full contract price: \$ 728.00
10. Irrevocable Letter of Credit posted with Municipality
\$ 18,200.00

During consideration of the subject of the above report, it was suggested in Council that the Planning Department should examine the question of the proposed walkway being built directly off the end of Jensen Place to the ravine rather than along the route shown on the sketch accompanying the report.

It was contended that the walkway would then only abut two properties rather than the 4 or 5 which will be affected.

MOVED BY ALDERMAN LANSON, SECONDED BY STUSIAK:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (17) SUBDIVISION 244/73
(a) Lot 4, Block 4, D.L. 87, Plan 1326
(b) Portion of Morley Street

It was recommended that Council authorize the exchange detailed in the report relating to the above property and road allowance, including the preparation of a By-Law to formalize the matter.

MOVED BY ALDERMAN LAWSON, SECONDED BY STUSIAK:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (18) FRASER VALLEY MOSQUITO CONTROL BOARD

Because the Greater Vancouver Regional District has been requested to adopt mosquito control as a function, it is necessary that Council decide whether it wishes to continue participation in that function and, if so, to what extent.

Details of the views of the Regional District, the Fraser Valley Mosquito Control Board and the Burnaby Medical Health Officer regarding the matter were being provided to Council this evening.

In view of the situation conveyed by those mentioned, it was recommended that the Greater Vancouver Regional District be advised that Council does not wish to participate on a Regional basis in the function of mosquito control.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:
"That the subject of the report from the Manager be tabled until the February 11th Council meeting in order to allow Alderman Emmott to discuss the matter with the Medical Health Officer."

CARRIED UNANIMOUSLY

- (19) 4976 Smith Avenue (Mahhe)

It was recommended that the request of Mrs. Gladys Mahhe, which was made by Mr. Scott Marshall, Barrister and Solicitor, that the Municipality remove certain materials from her property at 4976 Smith Avenue be denied for the reasons provided in the report.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN LAWSON:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

- (20) LANDLORD AND TENANT ADVISORY BUREAU

Advertisements advising of a scheduled January meeting of the Landlord and

Tenant Advisory Bureau appeared in the Columbian and the Vancouver Sun on January 25th and 26th, 1974.

As regard the policy respecting meetings of Committees, etc., this is not done by the Body itself in the form of newspaper advertisements.

With respect to the subject advertisement, the Deputy Clerk understood Alderman Gunn wished to publicize the meeting of the Bureau and that the Bureau either had asked this be done or funds were available in the Budget for the expenditure required.

When the Secretary of the Bureau was asked to have its January meeting advertised, he was unaware that such a Body was not authorized to do so and therefore did not advise Alderman Gunn accordingly.

The cost of the advertisements was \$422.40.

The Bureau does not have a budget and therefore has no authority to expend any funds without the prior approval of Council.

Alderman Gunn mentioned that he would, in the future, consult the Landlord and Tenant Advisory Bureau about advertising its meetings every three months or so and, if this practise was felt justified, the Bureau would seek Council authority to expend the sum(s) to pay for the advertisements.

Alderman Gunn also advised that approximately 40 people attended the subject meeting and most were surprised that such a Bureau existed. He added that he felt the Bureau could render considerable assistance to both landlords and tenants.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:
"That the report of the Manager be received."

CARRIED UNANIMOUSLY

(21) ESTIMATES

It was recommended that the estimates shown in the report be approved, subject to review by the Municipal Manager in accordance with the directions given by Council with respect to the 1974 Provisional Budget.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:
"That the recommendation of the Manager be adopted."

CARRIED UNANIMOUSLY

(22) Lot 3 Except South 33 feet, D.L. 142, Plan 14043
(2366 Underhill Avenue)
REZONING REFERENCE NO. 80/73

(This item was dealt with previously in the meeting.)

(23) SPEED BUMPS

The following is a list of those lanes on which speed bumps have been requested:

<u>Lane</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>How Received</u>	<u>Year</u>
North/Kitchener	Cliff Ave.	West	1200'	Lochdale P.T.A.	1973
South/Elwell	Griffiths	East	600'	Single Request	1973
West/Jubilee	Victory	Watling	1000'	Petition	1972
North/10th Ave.	Newcombe	East	1200'	Single Request	1973
East/Stride	15th Ave.	18th Ave.	1600'	Repeated Speed Complaints	1970
South/Union	Alpha	Gamma	1200'	Repeated Speed Complaints	1971
East/Royal Oak	Gilpin	Eglinton	700'	Repeated Speed Complaints	1972

Inasmuch as the Engineering Department has been unable to establish a speeding or accident problem in any of these lanes and in the absence of any other parameter it is difficult to justify the selection of any three lanes.

The following are particulars of speed bumps in existence at the locations indicated:

<u>Location</u>	<u>Width</u>	<u>Height</u>
Villa Hotel	1.50 feet	2 $\frac{1}{2}$ "
C. G. Brown Pool	1.45 feet	2"
Montecito	1.55 feet	2 $\frac{3}{4}$ "
Loughheed Mall	1.50 feet	2 $\frac{1}{4}$ "
Simon Fraser Village	1.85 feet	2 $\frac{3}{4}$ "

In placing speed bumps in lanes with a legal speed limit of 15 m.p.h., care must be taken that they are not placed too far apart or it will encourage speeding between bumps. A spacing of approximately 100 feet should discourage speeds in excess of 15 m.p.h.

As regards the possible liability aspect affecting Municipalities, a warning sign could be erected at the entrance to each lane to overcome this situation. Additionally each bump could be signed to warn motorists. The costs of the former would be about \$30.00 and the latter about \$40.00. As an example, the lane North of Kitchener Street referred to above would cost about \$530.00 plus an expense for overhead.

Affected residents should be advised prior to the installation of speed bumps in the lane at the rear of their properties in order that they will have an opportunity to provide their current reaction to the proposal.

The Municipal Solicitor for the District of North Vancouver, last December, reported that, under Common Law, a motorist has the right to expect unimpeded passage on a street. He added that, allowing bumps to remain would open the District to liability for any injury or loss incurred by the bumps.

The Council of the District, at that time, denied permission to development companies to retain speed bumps in lanes and streets serving the development.

Reference RZ #53/73

- (a) Lot 1, Block "N", D.L. 90, Plan 16923
- (b) Lot 4, Block "N", D.L. 90, Plan 16923

6630 and 6650 Canada Way

FROM RESIDENTIAL DISTRICT TWO (R2) TO RESIDENTIAL DISTRICT FIVE(R5)

PLANNING DEPARTMENT submitted a report indicating that most of the prerequisites established by Council in connection with this rezoning have been satisfied.

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 43, 1973 provides for the following proposed rezoning:

Reference RZ #54/73

- (a) Lots 11 and 12, Blocks 9/10, D.L. 80N $\frac{1}{2}$, Plan 1831
- (b) Lot 13 Except Explanatory Plan 14745, Blocks 9/10, D.L. 80N $\frac{1}{2}$, Plan 1831

5849 and 5825 Kincaid Street: 4868 Canada Way

FROM RESIDENTIAL DISTRICT FOUR (R4) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Item #10 of the Municipal Manager's Report No. 9, 1974, which relates to the above rezoning proposal, was brought forward for consideration at this time.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the Committee now rise and report the By-Laws complete."

CARRIED UNANIMOUSLY

THE COUNCIL RECONVENED.

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 36, 1973"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 43, 1973"

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MCLEAN:

"That:

"BURNABY HIGHWAY EXCHANGE BY-LAW NO. 1, 1974"

"BURNABY TEMPORARY LOAN AUTHORIZATION BY-LAW NO. 1, 1974"

"BURNABY TEMPORARY BORROWING BY-LAWS NOS. 1 AND 2, 1974"

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 14, 1973"

be now reconsidered and finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN AST:

"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 71, 1972" which relates to the property covered by the above Amendment By-Law No. 14, 1973, be abandoned because of a change in the subdivision of the property involved."

CARRIED UNANIMOUSLY

Both the Municipal Engineer and the Municipal Solicitor have, on several occasions, advised Council that the Municipality could be held liable for accidents resulting from the existence of Municipally-installed speed bumps on roadways. The Manager feels the same way, but if Council wishes to install speed bumps, it was being suggested that the standard be the same as was used on the internal road serving the C.G. Brown Pool and the Municipal Ice Rink.

Alderman Mercier stated that the City of Vancouver has recently installed a type of speed bump in a lane in that city (somewhere near Tyne Street), which caused considerable discomfort to the drivers of vehicles operating in excess of the 15 mph speed limit in lanes. He pointed out that he personally drove at that higher speed and experienced difficulty in retaining control of his car when driving over the bump.

Alderman Mercier explained that the type of bump mentioned rises to a height of 4 inches over a distance of 9 feet and then returns to lane level over about the same distance. He also mentioned that signs warning of the bump are also positioned at each end of the lane.

Alderman Mercier also reported that the City was not concerned with the legal liability aspect which might arise from accidents caused by the placing of bumps on Public Thoroughfares. He added that further information on these bumps is available from Mr. Keddy of the City of Vancouver Engineering Department.

Alderman Mercier also pointed out that both the Brentwood and Lougheed Malls have speed bumps on the parking lot serving those developments.

A suggestion was made in Council that the costs of installing speed bumps and other criteria governing their installation should be determined.

A proposal was advanced that the lane north of Kitchener Street, the lane west of Jubilee Avenue and the lane east of Stride Avenue,, as more particularly detailed in the report of the Manager, should be provided with speed bumps as an experiment.

MOVED BY ALDERMAN MERCIER, SECONDED BY ALDERMAN STUSIAK:

"That the Municipal Engineer submit a further report on the subject of installing speed bumps in lanes answering the above points and any others that may be pertinent."

CARRIED

AGAINST: ALDERMAN GUNN

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN EMMOTT:

"That the Committee now rise and report."

THE COUNCIL RECONVENED.

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN GUNN:

"That the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

BY - L A W S

MOVED BY ALDERMAN STUSIAK, SECONDED BY ALDERMAN MERCIER:

"That the Council do now resolve into a Committee of the Whole to consider and report on:

- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 36, 1973"
- "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 43, 1973".

CARRIED UNANIMOUSLY

BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 36, 1973 provides for the following proposed rezoning:

"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 44, 1973" came forward for Reconsideration and Final Adoption. This By-Law provides for the following proposed rezoning:

Reference RZ #42/73

- (a) Lots 7 and 8, Blocks 23/24, D.L. 32, Plan 1444
- (b) Parcel "F", Explanatory Plan 9114, Block 24, D.L. 32, Plan 812
- (c) Parcel "G", Reference Plan 14141, Block 32, D.L. 152, Plan 783

5034 and 5046 Newton Street; 5019 Kingsway

FROM RESIDENTIAL DISTRICT FIVE (R5) AND GENERAL COMMERCIAL DISTRICT (C3)
TO COMPREHENSIVE DEVELOPMENT DISTRICT

PLANNING DEPARTMENT reported that the prerequisites established by Council in connection with this rezoning proposal are complete.

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN LEWARNE:
"That "BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 44, 1973" be now reconsidered and finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN, SECONDED BY ALDERMAN STUSIAK:
"That the Council now resolve itself into a Committee of the Whole "In Camera"."

CARRIED UNANIMOUSLY