

ITEM 4  
MANAGER'S REPORT NO. 81  
COUNCIL MEETING Dec. 15/75

Re: NOISE FROM CAR RALLIES ON THE B.C.I.T. PARKING LOT  
(Item 16, Report No. 61, September 29, 1975)

On September 29, 1975, Council was advised that the Health Department was investigating a complaint from Mr. S. D. McLarty regarding the emissions of noise from car rallies that were being conducted on the B.C.I.T. parking lot. Council during discussion of the matter requested information on what action the Municipality could take with respect to enforcement under the Burnaby Noise or Sound Abatement By-law in view of the fact that the land involved is owned by the Provincial Government.

The Municipal Solicitor advises that the subject By-law does apply to Provincial Government owned lands. Furthermore, the By-law provides for the prosecution of persons who allow their land to be used contrary to the By-law, and it doesn't make any difference whether that person is the Crown Provincial or not (Section 13 of the Interpretation Act provides that unless otherwise specifically provided, every Act, and every enactment made thereunder, is binding on Her Majesty, and the Burnaby By-law is such an enactment).

We have, incidentally, been advised by the Student Activities Chairman at B.C.I.T. that the Motor Transport Club of B.C.I.T. has ceased its car rally activities at the institution.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. S. D. McLarty  
4701 Cedar Glen Place, Burnaby.