

FEBRUARY 3, 1975

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, February 3, 1975, at 7:00 P.M.

PRESENT:

Mayor T. W. Constable, in the Chair
Alderman G. D. Ast
Alderman B. M. Gunn
Alderman A. H. Emmott (7:25 P.M.)
Alderman D. A. Lawson
Alderman W. A. Lewarne
Alderman V. V. Stusiak

ABSENT:

Alderman J. L. Mercier
Alderman G. H. F. McLean

STAFF:

Mr. B. McCafferty, Acting-Municipal Manager
Mr. E. E. Olson, Municipal Engineer
Mr. A. L. Parr, Director of Planning
Mr. J. Hudson, Municipal Clerk
Mr. J. Plesha, Administrative Assistant to Manager
Mr. B. D. Leche, Municipal Clerk's Assistant

M I N U T E S

The Minutes of the Council Meeting held on January 27, 1975 and the Minutes of the Special Council Meeting held on January 29, 1975 came forward for adoption.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"That the Minutes of the Council Meeting held on January 27, 1975 and the Minutes of the Special Council Meeting held on January 29, 1975 be now adopted."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- (a) Mr. Alan Levinson, North American Labor Party, re debt moratorium, support of the development of fusion power, and expanded agricultural and related industrial production.
- (b) Mr. E. S. Hoult, Jubilee Billiards (1973) Limited, re By-Law #6616 - "Burnaby Pool Room Regulation By-Law 1975"

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN AST:

"That the delegations be heard."

CARRIED UNANIMOUSLY

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Mr. Andre Doucette, speaking on behalf of the North American Labor Party, then addressed Council requesting endorsement of several resolutions proposed by the North American Labor Party, concerning debt moratorium, support of the development of fusion power, and expanded agricultural and related industrial production.

His Worship, Mayor Constable, thanked Mr. Doucette for his presentation.

Mr. E. S. Hoult, Jubilee Billiards (1973) Limited, then addressed Council on the subject of By-Law #6616 "Burnaby Pool Room Regulation By-Law 1975" which received three readings by Council on January 27, 1975, and which will be coming forward for final adoption later this evening. Mr. Hoult was of the opinion that the regulations proposed by the By-Law would create a definite hardship on himself and his family and could conceivably force him out of business. Approximately one-half of his revenue from the operation is derived from his after midnight operations. Mr. Hoult noted that the business had been purchased in 1973 by himself, his wife, his daughter, and son-in-law and was operated as a family enterprise. On purchasing the business, the premises had been completely renovated and cleaned up and every effort was expended to ensure that the establishment was run in a manner compatible with that of a family recreation centre. The majority of the patrons utilizing the facilities after midnight are shift workers and other people who require relaxation and recreation during the early morning hours. Mr. Hoult stated that it was a house rule that no one under the age of 17 was permitted on the premises after 11:00 P.M. Mr. Hoult stated that to the best of his knowledge no complaints concerning the operation of his establishment had been received and that the use of drugs on the premises was strictly prohibited.

BY - LAWS

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"That Item 18, Municipal Manager's Report No. 7, 1975, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in that Report:

"That by-laws be brought down to permit borrowing to a maximum of eight million dollars, repayable on or before 15 July 1975, and that for the period 1 January to 31 December 1975, borrowing to a maximum of one million dollars be permitted, repayable 31 December 1975."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

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MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That:

"Burnaby Road Closing By-Law No. 2, 1975" (#6624)
"Burnaby Temporary Borrowing By-Law No. 1, 1975" (#6625)
"Burnaby Temporary Borrowing By-Law No. 2, 1975" (#6626)

be now introduced and Council resolve itself into a Committee of the Whole to consider and report on the By-Laws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

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

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That:

"Burnaby Road Closing By-Law No. 2, 1975" (#6624)
"Burnaby Temporary Borrowing By-Law No. 1, 1975" (#6625)
"Burnaby Temporary Borrowing By-Law No. 2, 1975" (#6626)

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN LAWSON:

"That:

"Burnaby Zoning By-Law 1975, Amendment By-Law No. 23, 1974" (#6468)

Rezoning Reference #55/73

- (a) Block 2, Part South of Highway on Plan 4800 Except Part on Plan 17642, D.L. 130, Plan 3071
- (b) Lot "A" Except Part on Plan 2112, Block 2, D.L. 130, Plan 17642

5750 and 6150 Lougheed Highway. 95

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FROM: General Industrial District (M2) and Residential District (R2)
TO: Comprehensive Development District (CD)

The Planning Department reported that the prerequisites previously established by Council in connection with this rezoning proposal have been satisfied.

"Burnaby Zoning By-Law 1965, Amendment By-Law No. 56, 1974" (#6545)
"Burnaby Comprehensive Loan Authorization By-Law No. 1, 1975" (#6605)
"Burnaby Security Issuing By-Law No. 1, 1975" (#6606)
"Burnaby Security Issuing By-Law No. 2, 1975" (#6607)

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN EMMOTT:

"That 'Burnaby Pool Room Regulation By-Law 1975' (#6616) be now tabled."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN AST:

"That a copy of 'Burnaby Pool Room Regulation By-Law 1975' (#6616) together with a copy of Item No. 1, Municipal Manager's Report No. 5, 1975, be forwarded to all operators of billiard establishments in Burnaby with a request that they submit their comments to Council for consideration prior to final adoption of this By-Law."

CARRIED UNANIMOUSLY

C O R R E S P O N D E N C E A N D P E T I T I O N S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN GUNN:

"That all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 7, 1975, which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

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Mr. Gordon McKenzie, Project Manager, Canadian Freehold Properties Limited, submitted a letter requesting that Rezoning Reference #28/74 (Proposed Condominium Apartment, Erickson Drive/Bartlett Court/Cameron Street, Community Plan Area "G") be reconsidered by Council as soon as possible in order that his Company will not incur any additional expense due to further delay.

Item 17, Municipal Manager's Report No. 7, 1975, was brought forward for consideration at this time:

It was recommended that Rezoning Reference #28/74 (tabled July 22, 1974) be now lifted from the table and that First and Second Readings of the By-Law be given.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN EMMOTT:

"That Rezoning Reference #28/74 be now lifted from the table and that the covering By-Law be brought forward for consideration for First and Second Readings on February 10, 1975."

CARRIED

AGAINST: ALDERMAN GUNN

Alderman Lewarne absented himself from the Council Chamber.

Mr. A. G. LaCroix, Director, Action Line Children's Village Society, wrote to advise that the Society operates four children's group homes in Burnaby, the fourth of which was acquired on September 1, 1974, at 4751 Sardis Street. On behalf of the Society, Mr. LaCroix appealed to Council for special consideration in approving a grant in lieu of taxes to the Society for 1974 and 1975. The Society has no source of income whatsoever other than the mortgage funds which are acquired from time to time to purchase new facilities with these mortgage funds coming from Central Mortgage and Housing Corporation. In addition to this, a monthly grant is received from the Department of Human Resources to cover operating expenses but these do not include taxes.

Item No. 11, Municipal Manager's Report No. 7, 1975, was brought forward for consideration at this time. The following is the substance of that report:

"On October 15, 1974, Council directed that the Municipal Manager bring forward a report outlining current procedures and policies relating to grants equal to taxes and properties exempted from taxes. Further, that he bring forward recommendations regarding future policies on the subject matter and the feasibility of dealing with grants and exemptions in the future at one time once a year. A report was placed before Council on November 18, 1974, with respect to tax exemptions and grants in lieu of taxes to elderly citizens' homes. Council refused grants and tax exemptions to certain of the organizations and directed that tax exemptions for others be phased out over five years. The report listed a number of other organizations enjoying tax exemption by action of Council. However, their circumstances are diverse and there was not enough time to thoroughly examine them. As a consequence, Council granted tax exemptions to this group for the year 1975. Three Action Line Children's Village properties were among them.

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Further time is required for the preparation of this second report, possibly six weeks."

It was recommended that Mr. LaCroix be advised that his request for a grant in lieu of taxes will be considered in approximately six weeks when a detailed staff report on the matter of tax exemptions is submitted to Council.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

Alderman Lewarne returned to the Council Chamber.

Mrs. Frances Dockerill, 6264 Thorne Avenue, and

Mrs. Emily Oguss, 6267 Thorne Avenue

submitted letters expressing concern with Council's action to date insofar as the Dominion Bridge Relocation Proposal to the Big Bend area was concerned.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN STUSIAK:

"That the correspondence received from Mrs. Frances Dockerill and Mrs. Emily Oguss be referred to the Director of Planning for reply which would outline the policy and the background of this proposal."

CARRIED UNANIMOUSLY

Mr. C. J. Cornwall, Secretary, South Burnaby Lodge No. 438, B.P.O. Elks, wrote to request permission for that organization to hold a Tag Day in Burnaby on Saturday May 10, 1975, or Saturday May 24, 1975, in aid of their Purple Cross Fund for Needy Children.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That permission be granted to the South Burnaby Lodge No. 438, B.P.O. Elks, to hold their campaign on May 24, 1975.

CARRIED UNANIMOUSLY

E N Q U I R I E S

Alderman Gunn inquired as to the present status of the report on High Rises and Densities and when same could be expected.

The Director of Planning advised that he anticipated this report would be included in the third part of the Apartment Study presently underway and estimated that it would be approximately six months before this report was presented to Council.

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Alderman Ast noted that demolition material was apparently being used for fill on the Goodwin Johnson property on Burrard Inlet. Alderman Ast inquired from the Municipal Engineer if he had obtained any results from his discussions with the National Harbours Board on this subject.

The Municipal Engineer reported that his Department was working towards having a representative from each body such as the Engineering Department and the National Harbours Board who can meet and resolve this type of problem. The Municipal Engineer stated that he hoped to have a report on this subject available for Council on February 10, 1975. This report will outline the agreement which his Department should have by then with the Vancouver Port Authority. In this particular instance, the Engineer reported that he had been in touch with the Port Authority earlier today. The Port Authority agreed to investigate this matter immediately and agreed that there should be some control on the type of material that is dumped on the Burrard Inlet foreshore.

Alderman Stusiak requested an interim report on how Cariboo Road will connect with the Gagliardi Way extension of the Stormont interchange.

Alderman Stusiak requested an interim report on agreements which may have been reached between the Municipality and the Provincial Government with respect to the Broadway extension.

Mayor Constable advised that the Municipal Manager, the Director of Planning, and the Municipal Engineer had discussed this matter in Victoria on January 30, 1975, and that the Municipal Manager would be reporting on this subject in the near future.

Alderman Stusiak requested a report on the present status of the Stormont, Newcombe Street, McBride Boulevard connection.

Mayor Constable advised that it was his recollection that the Province had no intention of proceeding with this project but that he would take follow-up action in this respect.

Alderman Lawson inquired as to the present status of the Wildlife Sanctuary Report for Burnaby Lake.

The Director of Planning advised that this report was in its final stage and should be available within two weeks.

Alderman Lawson inquired if the Parks and Recreation Commission had carried out any planning in regards to the provision of access through Confederation Park to the three-acre site which will be acquired by the Municipality on Burrard Inlet.

It was agreed that the Parks and Recreation Commission should be requested to report on this subject.

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R E P O R T S

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

The Grants and Publicity Committee submitted a report in which it was recommended that the following grants be authorized by Council:

1. B. C. Institute of Technology Student Association: \$110.00

For several years the Municipality of Burnaby has taken one-half page in the Student Association Year Book. This takes the form of an advertisement and assists them in the production of the book. Your Committee recommends \$110.00 for 1975.

2. MacPherson Park Junior Secondary School: \$50.00

Your Committee recommends that an advertisement be placed in the MacPherson Park Junior Secondary School Year Book as has been done in previous years. Last Year this Year Book earned merit across Canada. One half-page advertisement amounts to \$50.00.

3. Burnaby Big Brothers: \$8,000.00

This organization's request for 1975 is \$11,500.00 to assist with the financing of their service. They currently have 70 active relationships in Burnaby with 70 fatherless boys who have encountered difficulties in their growth towards responsible adult life. Burnaby Big Brothers currently have a waiting list of over 60 boys still urgently in need of friendship and encouragement. The major cost of the operation in Burnaby is the salary of a professional counsellor and executive director. The grant for 1973 and 1974 was \$8,000.00. Your Committee recommends a grant of \$8,000.00 for 1975.

4. Canadian Paraplegic Association: \$1,500.00

This Association is active in the area of community planning for the physically disabled, particularly to persons who are permanently confined to wheel-chairs. This organization covers all of the Province of British Columbia by having six rehabilitation counsellors who themselves are paraplegic or quadraplegics and travel throughout the Province on field trips. Grants for 1973 and 1974 were \$1,500.00. Your Committee recommends \$1,500.00 for 1975.

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5. Burnaby Information Centres: \$4,642.00

The Burnaby Centres are sponsored by the Advisory Committee of the Burnaby Division of the United Way. The main function of the Centres is to provide accurate information about community resources and to help people make use of these services. During 1974, 11,041 telephone requests were received and 2,936 people went to the Centres for assistance. The majority of the requests were for day care, housing, employment, advice and assistance in completing forms for senior citizens, financial assistance, legal aid, physical and mental health services information. In 1974 the grant was for \$4,642.00. For 1975, your Committee recommends \$4,642.00 to be allotted to the two centres by the Information Centres Advisory Committee.

6. Muscular Dystrophy Association: \$100.00

The aim of the Association is primarily to assist in finding a cure for Muscular Dystrophy and to assist children who are suffering from the incurable paralysis of limbs. Our own Burnaby Fire Department assists on an annual basis to raise funds for this group. The grant for 1974 was \$100.00. Your Committee recommends \$100.00 for 1975.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

"That Recommendation No. 1, aforementioned, be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

"That Recommendation No. 2, aforementioned, be adopted."

CARRIED
AGAINST: ALDERMAN LEWARNE

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

"That Recommendation No. 3, aforementioned, be adopted."

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MOVED BY ALDERMAN EMMOTT:
SECONDED BY ALDERMAN STUSIAK:

"That the aforementioned motion be amended to provide a grant in the amount of \$9,000.00 to the Burnaby Big Brothers."

FOR: ALDERMEN EMMOTT AND GUNN.
AGAINST: MAYOR CONSTABLE, ALDERMEN AS
LAWSON, LEWARNE AND STUSIAK.
MOTION LOST.

A vote was then taken on the original motion as moved by Alderman Lawson, Seconded by Alderman Ast "That Recommendation No. 3, aforementioned, be adopted" and same was CARRIED UNANIMOUSLY.

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN AST:

"That Recommendation No. 4, aforementioned, be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN AST:

"That Recommendation No. 5, aforementioned, be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LAWSON:
SECONDED BY ALDERMAN AST:

"That Recommendation No. 6, aforementioned, be adopted."

CARRIED UNANIMOUSLY

At this point in the meeting, His Worship, Mayor Constable, introduced The Honourable Eileen E. Dailly, Minister of Education for the Province of British Columbia and invited The Honourable Minister to address Council.

The Honourable Minister then addressed Council and stated that it was her pleasure to present to the Municipality of Burnaby, on behalf of the Government of the Province of British Columbia, a cheque in the amount of \$620,000.00 which represents the Government's share in the purchase of the Kapoor property. The Honourable Minister considered that this was a very poignant moment for all those who worked for many, many years to try and make the first start on developing the North Burnaby section of Burrard Inlet. It is just a start to what should become a very beautiful marine and recreation site. The Honourable Minister expressed her appreciation to His Worship, The Mayor, and members of Council for their cooperation in making this possible and again expressed her pleasure at being able to make this presentation this evening.

His Worship, Mayor Constable, then expressed his appreciation and that of Council and the people of Burnaby to The Honourable Minister. Mayor Constable considered that this was a milestone in the lengthy attempts by many people to convert this portion of the Burrard Inlet Foreshore into a marine park and recreation area. His Worship thanked The Honourable Minister for taking time from her busy schedule to deliver the cheque personally.

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His Worship, Mayor Constable, then drew Council's attention to a letter received by him earlier today from The Honourable Gordon H. Dowding, M.L.A., Burnaby - Edmonds, enclosing a cheque in the amount of \$180,000.00 which represents the provincial contribution toward the preservation of the Big Bend Area below Marine Drive which Green Belt objective has been a common goal of many south slope citizens of Burnaby for several years.

The Honourable Mr. Dowding apologized for not being able to deliver this cheque in person but he was extremely busy preparing for the forthcoming legislative session on February 18, 1975.

The Municipal Manager submitted Report No. 7, 1975, on the matters listed below as Items (1) to (21) either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) Boating Restrictions on Burnaby and Deer Lakes

On May 1, 1974, Burnaby and Deer Lakes, under Federal Order-In-Council, SOR/DORS/74-282, were included in Schedule "B" of the Federal Government's Boating Restriction Regulations.

The Municipal Manager has now been advised by the Provincial Department of Recreation and Conservation that consultants and contractors are exempted from the restrictions on Burnaby and Deer Lakes when they are in the process of carrying out official duties for the Municipality. Also exempted from Burnaby Lake are persons who are engaged in rowing and sculling activities, with the understanding that the operations of boats by such persons is limited to 10 horsepower or less.

The Royal Canadian Mounted Police and agencies of the Government are automatically exempted from the restrictions of Section 6(6) which states that a power-driven vessel can be operated in restricted water by peace officers and employees of a province or a municipality when acting within the scope of their employment. This section also exempts persons who are engaged in rescue operations and in attempts to prevent damage to property.

Enforcement of the boating regulations will be administered by the Royal Canadian Mounted Police. Conservation officers will be concerned principally with enforcement of those restrictions that involve the protection of fisheries and game.

The Parks and Recreation Department will post and maintain all signs that are required for public notice of the restrictions. It was recommended that a copy of this report be sent to the Parks and Recreation Commission for information purposes.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

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(2) Police Reports

Council on January 20, 1975, in connection with consideration of a monthly report from the Royal Canadian Mounted Police, requested information on the feasibility of having the Royal Canadian Mounted Police prepare a comprehensive report similar to the one that Vancouver Council recently received on the operations of the Vancouver City Police Department. Comments on the Vancouver report were made on the basis of information contained in an article from The Province dated January 17, 1975.

The Superintendent, Officer-in-Charge, Burnaby Detachment, Royal Canadian Mounted Police has examined the Vancouver report and advises as follows:

" The study compares the workload of the Vancouver Police with other major city police forces in Canada and shows the consequences of having insufficient manpower. The yardstick used is the number of police per 1,000 crimes, which is considered reasonably accurate for comparison purposes now offences are uniformly reported to Statistics Canada. There may be some slight variations between the number of crimes reported and those committed, depending on variations in the percentage of total crimes actually reported by the populace city by city, and possibly in the accuracy of recording by some police departments. It is doubtful if these variances would be so widely different they would make any appreciable impact on the total picture.

The comparison statistics quoted for police per 1,000 crimes in 1973 are: Montreal 46.6, Toronto 31.0, Ottawa 23.1, Calgary 21.9, Winnipeg 21.5, Hamilton 19.6, and Vancouver 17.6. In the same year Burnaby had only 15.1, and with the large increase in crimes reported in 1974, that ratio has been reduced to 12.5 police per 1,000 crimes. I am currently preparing my annual report on policing the Municipality in 1974, which will detail problem areas and show a need for a fairly substantial increase in manpower for Burnaby.

The "Province" report reveals the Vancouver Police, because of manpower shortages and increased crime, were only able to follow up a small number of 1,176 strongarmings and purse-snatchings in 1973. Similarly only half the small store hold-ups, 80% of the more than 700 assaults causing bodily harm, half the number of burglaries, very few of the 20,000 thefts and 3½% of property damage offences were followed up. We do not have readily available statistics on how many cases received follow-up investigation in Burnaby. Many do not because the need is often obviated by a thorough initial investigation, or the circumstances do not warrant it. Certainly in none of the more serious offences have we been unable to follow-up initial investigations because of shortages of manpower.

With respect to the reported stacking of calls for police assistance due to the lack of available police units to attend, this does occur on occasions in Burnaby. It has rarely presented a serious problem because many of the calls are not of an urgent nature and do not require immediate police attendance. We are able to attend all calls for assistance, but at times it is on a priority basis rather than in order of receipt.

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The report also indicates there are many occasions when a district has no available police units. This often occurs in our zones as only two or three cars are assigned to each of the eight zones, but on those occasions when a further call for assistance is received from that zone, it is answered by a car from a neighbouring zone or a unit from another Section.

In summary then, although the problems being experienced in Vancouver have not yet become acute in Burnaby, one of the serious consequences has been a reduction in the amount of time which can be utilized in crime prevention; and where crime prevention programs are neglected, they invariably result in further increases in crime. "

We feel at this time that there is no need for a report that is as comprehensive in scope as Vancouver's, but will wait until we receive the R.C.M.P., Burnaby Detachment's Annual Report before commenting further on this matter.

This is for the information of Council.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

(3) Liability Arising from Damage by Trees

On January 20, 1975, Council upon consideration of a report on the removal of trees from a certain lot in D.L. 91 requested a statement on our legal position in reference to liability if trees that the Municipality requires to be retained should subsequently fall.

The Municipal Solicitor's opinion on this matter is as follows:

"The land owner is liable if a tree on his land falls causing damage to another, provided he knew or reasonably could be expected to know that the tree was decayed or dangerous and likely to fall. If a tree fell owing to a latent defect not discovered on reasonable examination, he would not be liable.

In D.L. 86 and D.L. 91, some land owners have covenanted with the Municipality, and such covenant is registered against the land, not to cut down certain trees without the consent of the Municipality. The land owner is primarily responsible for these trees. The Municipality has no right to enter upon his land to inspect the trees. Therefore, if a tree falls and the land owner is liable in damages, or himself suffers damages, he could recover from the Municipality, in my opinion, only if the Municipality had refused him permission to cut down an apparently decayed or dangerous tree.

This is not to say, however, that upon the particular facts of a particular case a court might not find the Municipality liable."

This is for the information of Council.

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MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN LAWSON:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

(4) U.B.C.M. Circular dated December 10, 1974
Laws Declaratory Act, Section 44

On December 30, 1974, the following motion was passed in connection with consideration of a Union of British Columbia Municipalities circular pertaining to the Laws Declaratory Act:

"That a legal interpretation be provided of the changes as far as Burnaby is concerned in connection with the past Section 44 and present Section 44 of the Laws Declaratory Act, plus what the Act is in the Federal Government and the effect on Burnaby before and now and other sections relating to the right of the Municipality being overridden by the Provincial Government and any Federal Section that relates to the same problem or situation."

Following is the Solicitor's opinion on this matter:

"The present Provincial Government in 1974 enacted a new Interpretation Act. Section 13 of that Act provides as follows:

'Unless an enactment, otherwise specifically provides (underlining is our own), every Act, and every enactment made thereunder, is binding on Her Majesty.'

Before the enactment of Section 13, the Crown Provincial was not bound by any municipal bylaw. Section 44 of the Laws Declaratory Act provides that:

'An enactment that would, except for this Section, bind or affect the Crown in respect of
(a) the use or development of land, or
(b) the planning, construction, alteration, servicing maintenance or use of improvements as defined in the Assessment Act,
does not bind or affect the Crown.'

The enactment of Section 44 is an enactment which "otherwise specifically provides" and to that extent limits the application of Section 13 of the Interpretation Act. There is no similar Federal legislation so far as I am aware. The Municipality, of course, may not legislate in those areas reserved to the Federal Government under the BNA Act."

This is for the information of Council.

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MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

(5) Policy on Rental of Municipally Owned Housing

On January 13, 1974, Council requested information on the policy pertaining to the rental of Municipal housing, and more specifically, comments on whether such accommodation is rented to persons with families on a first priority basis.

Following is a report from the Land Agent on this matter:

"Our policy has always been to rent the Municipal houses to married persons in general, and wherever possible, to families. However, it is not always possible to give priority to families due to the fact that some of the houses which we purchase are too small to accommodate more than two people.

There are also occasions when we purchase a residence that is already rented to persons other than a family, and in these cases we allow the tenants to remain as such.

We also retain a list of persons waiting for rental accommodation. This list includes married persons, with or without families, as well as widows with one or two children, and elderly citizens who are finding it increasingly difficult to pay the private rents and required cheaper accommodation.

In all these cases we try to accommodate these people on a date of application basis.

There are many cases when some of the houses that we purchase are in such poor condition that the persons next in line for accommodation do not wish to do any work on the house to bring it to a reasonable rental condition, or the house is in a location where the persons next in line do not wish to live. In these cases we find persons on our list who are willing to save the Corporation money and spend their time and effort to improve the living conditions of these houses.

In summation, basically we try to rent our houses to persons with families wherever possible but, as has been explained, the circumstances do not always enable us to carry out this policy."

This is for the information of Council.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN LAWSON:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

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(6) Tenders for Air Handling Units and Return Air Blowers -
Municipal Hall Renovations

It was recommended that a Purchase Order be issued to Mark Hot Incorporated for the sum of \$22,995.00 plus applicable 5% Provincial Tax to include all the conditions of their tender of January 27, 1975, for the supply of five Air Handling Units and five Return Air Blowers.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LEWARNE:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(7) Local Court of Revision

It was recommended that the Local Court of Revision sit at 7:00 P.M., Thursday, May 1, 1975, to hear appeals against the Local Improvement and Sewer Assessment Rolls.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(8) Unightly Premises - 7117 MacPherson Avenue
Army & Navy Department Stores Limited

Following is a report from the Municipal Manager:

"The unsightly appearance of the Army & Navy Department Stores' warehouse at 7117 MacPherson Avenue was discussed at the January 13 and 20, 1975 meetings of Council. On January 20, Council was advised that the owners of the property were requested to present in writing a firm and satisfactory proposal of the method and time by which they will cause the property to be brought into conformity with the Burnaby Unightly Premises Bylaw.

The General Manager of the firm in a letter dated January 24, 1975 to the Health Department stated that shopland Construction Co. Ltd. has been retained to remove the subject building, and that the removal is to commence at once. A telephone conversation with the contractor disclosed that the removal is expected to be completed by the end of February (this estimated completion date presupposes that there will be no unforeseen delays in obtaining the necessary approvals for a new underground electrical system for the occupied buildings that will remain on the property).

Details of the removal are as follows:

1. The building, concrete floor and foundations under the building will be demolished and removed from the site; included is the removal of foundations immediately south of the building.

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2. The old boiler and boiler house will be removed, including all debris from the site and the lot will be rough-graded.
3. A chain link fence will be constructed along Beresford Street to join up with existing fence on MacPherson Avenue.
4. Cost for the work is estimated to be \$14,711."

This is for the information of Council.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"That the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

(9) Street Light Installations

It was recommended that Interim Street Lighting be installed at the following locations:

- (a) Denbigh Avenue - 6200 - 6300 Block - This light is required to improve mid-block lighting.
- (b) Linden Avenue - 6900 - 7000 Block - This light is required to improve mid-block lighting.
- (c) Dunblane Avenue - 6600 Block - Between Imperial Street and Grimmer Street. This light is required to provide mid-block lighting.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

(10) Dogs - "Operation Tattoo"

It was recommended that:

- (a) Council endorse in principle the Society for the Prevention of Cruelty to Animals program "Operation Tattoo" for voluntary participation by dog owners;
- (b) Council defer consideration of a grant towards the cost of an advertising campaign with respect to "Operation Tattoo" until a report on a spaying and neutering clinic is presented for Council consideration.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

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- (11) Letter dated January 24, 1975, from Mr. Allen G. LaCroix -
7375 Kingsway, Burnaby
Action Line Children's Village Society

This item was dealt with previously in the meeting as Item 5 (b)
under Correspondence and Petitions.

- (12) Inspection Services for Watermains in Big Bend Area (Phase I)

It was recommended that the services of Dayton and Knight Ltd. be retained for resident inspection and general supervision of the Big Bend Watermains (Phase I) installation in accordance with the proposal stipulated in Dayton and Knight's letter, dated January 22, 1975.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (13) Strata Title Approval on an Existing Duplex - STA #2/75
Lot 36, Blks 125, 128, 140, 143, D.L. 92, Plan 1810 -
6895/97 Bryant Street

It was recommended that the subject application for Strata Titling be granted approval by Council, subject to the fulfilling of Sections 6.1 through 6.7 of the Guidelines for Duplex Condominiums and Conversions.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (14) Trees in Lane at Rear of Donovan Avenue -
Letter from Mr. T. Pezzotti which appeared on the Agenda
for the January 20, 1975, Meeting of Council

It was recommended that:

(a) a tree service company be retained to prune the subject trees;

(b) Messrs. Pezzotti and Ganzaroli be advised of the action that is being taken with respect to this matter.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN STUSIAK:

"That the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

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(15) Financial Assistance under the Greenbelt Fund -
Kapoor Holdings and the Fraser River Park Strip

The Municipal Manager submitted a report as follows:

"On July 22, 1974, Council received a report that summarized the negotiations that had taken place as of that date with the B. C. Land Commission regarding acquisition of properties for development of park systems on Burrard Inlet and the Fraser River in the Big Bend Area. Council's consideration of the matter on that occasion resulted in adoption of the following two recommendations:

1. THAT the Municipal Manager be instructed to advise the B.C. Land Commission that the Municipality of Burnaby is not prepared to give the Commission outright ownership in 10 acres of Kapoor holdings, but that it is prepared to give Her Majesty the Queen on behalf of the B.C. Land Commission a 50 percent interest, in the form of tenancy-in-common, in the 10 acre portion of the Kapoor holdings, as shown on the attached sketch A, and Lot 21, D.L. 166A, Plan 45841 along the Fraser River foreshore, as shown on the attached sketch B, for the sum of \$800,000 subject to the development of a mutually acceptable management agreement covering both parcels; and
2. THAT a copy of this report item be forwarded to the Parks and Recreation Commission.

We are now in receipt of proposed Management Agreements for the properties in question."

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN STUSIAK:

"That Item 21, Municipal Manager's Report No. 7, 1975, be brought forward for consideration at this time and that this Report Item be now received."

CARRIED UNANIMOUSLY

The following is the substance of Item 21, Municipal Manager's Report No. 7, 1975:

"Appearing on the Agenda for the February 3, 1975, meeting of Council is a report pertaining to financial assistance for the development of the Kapoor property on Burrard Inlet (Item 15, Report No. 7). The following corrections should be made on Pages 124 and 126 of this report:

1. Page 124

The sketch on page 124 does not accurately reflect the current status of the proposal as it pertains to the Kapoor property and is to be replaced with the sketch attached to this report item.

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2. Page 126

The legal description for Kapoor Holdings Ltd., as stated in the second paragraph at the top of page 126 should be changed to read:

Lot 1 of District Lot 213, Group 1 and of adjoining tidal lands, Plan 47520, New Westminster District. "

It was recommended by the Municipal Manager that:

- (a) the Municipality's signing officers be authorized to execute the subject Management Agreements on behalf of the Corporation;
- (b) authority be granted to execute and register the Tenants-in-Common Agreements;
- (c) a copy of the executed Agreements be sent to the Provincial Land Commission;
- (d) the Parks and Recreation Commission be advised accordingly.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN EMMOTT:

"That the recommendations of the Municipal Manager as contained in Item 15 and as amended by Item 21 be adopted."

CARRIED UNANIMOUSLY

- (16) Request for Strata Title Approval on an Existing Duplex
Lot 300, Blocks 1 and 12, D.L. 87, Plan 44119 -
7856/58 Allman Street - STA #1/75

It was recommended that the subject application for Strata Titling be granted approval subject to the fulfillment of Sections 6.1 through 6.7 of the Guidelines for Duplex Condominiums and Conversions.

FOR: ALDERMEN LAWSON, LEWARNE
AND STUSIAK.

AGAINST: MAYOR CONSTABLE,
ALDERMEN AST, EMMOTT AND
GUNN.

MOTION LOST.

- (17) Letter dated January 30, 1975, from Mr. Gordon MacKenzie,
1770 Burrard Street, Vancouver
Rezoning Reference #28/74
Proposed Apartment Development -
Erickson Drive/Bartlett Court/Cameron Street

This item was dealt with previously in the meeting as Item 5(a) under Correspondence and Petitions.

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(18) Temporary Financing By-Laws

This item was dealt with previously in the meeting under By-Laws #6625 and #6626.

(19) Municipal Hall Renovations

1. Tenders for Supply of Ceiling Panels
2. Tenders for Supply and Installation of Carpet
3. Tenders for Supply and Installation of Glass Doors and Panels

It was recommended that:

1. A Purchase Order be issued to F. Drexel Co. Ltd. for \$15,567.30 for the supply of 63,000 square feet of ceiling panels being the best combination of delivery and price;
2. A Purchase Order be issued to Wright's Carpets Ltd. for \$57,250.00 for the supply and installation of 5,000 square yards of carpeting;
3. A Purchase Order be issued to North Shore - Haida Glass Ltd. for \$45,500.00 for the supply and installation of glass doors and fixed lights.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LAWSON:

"That Item 20, Municipal Manager's Report No. 7, 1975, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the substance of that report:

"Item 19, Report No. 7, on Page 136 of the Municipal Manager's Report for the February 3, 1975, meeting of Council pertains to three tenders for equipment that is needed for renovations to Municipal Hall. The second of the three recommendations is as follows:

'That a Purchase Order be issued to Wright's Carpets Ltd. for \$57,250.00 for the supply and installation of 5,000 square yards of carpeting.'

It will be noted on the tabulation on Page 138 of Item 19 that the lowest bid was from Don's Carpet Villa Ltd. in the amount of \$55,114.87. The following report from the Purchasing Agent and the Project Coordinator explains why the second highest bid is the one that has been recommended for acceptance:

'To support the recommendation for awarding the "Carpet Contract", it should be noted that during preliminary discussions concerning this project, Officials of this Municipality assured representatives of the Canadian Union of Public Employees that only union forces would be engaged, as we did not intend to use our Canadian Union of Public Employees trades people.

Don's Carpet Villa Ltd. is unable to quote on this installation using union workmen and has therefore withdrawn the offer.

The lowest bid to supply and install the carpet employing union labor is Wright's Carpets Ltd.'

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MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That Item 20, Municipal Manager's Report No. 7, 1975, be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That Recommendation No. 1, aforementioned, 'That a Purchase Order be issued to F. Drexel Co. Ltd. for \$15,567.30 for the supply of 63,000 square feet of ceiling panels being the best combination of delivery and price' be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That Recommendation No. 2, aforementioned, 'That a Purchase Order be issued to Wright's Carpets Ltd. for \$57,250.00 for the supply and installation of 5,000 square yards of carpeting' be tabled pending clarification of the agreement reached between the Municipality and Local 23 of the Canadian Union of Public Employees concerning the employment of union labour on the Municipal Hall renovation program."

CARRIED

AGAINST: ALDERMEN AST AND GUNN.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That Recommendation No. 3, aforementioned, 'That a Purchase Order be issued to North Shore-Haida Glass Ltd. for \$45,500.00 for the supply and installation of glass doors and fixed lights' be tabled pending clarification of the agreement reached between the Municipality and Local 23 of the Canadian Union of Public Employees concerning the employment of union labour on the Municipal Hall Renovation Program."

CARRIED

AGAINST: ALDERMAN GUNN

(20) Municipal Hall Renovations -
Tenders for Supply of Carpets

This item was dealt with previously in the meeting in conjunction with Item 19, Municipal Manager's Report No. 7, 1975.

(21) Financial Assistance under the Greenbelt Fund
Kapoor Holdings and the Fraser River Park Strip

This item was dealt with previously in the meeting in conjunction with Item 15, Municipal Manager's Report No. 7, 1975.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That the Committee now rise and report."

CARRIED UNANIMOUSLY

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The Council reconvened.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY