

ITEM 1

MANAGER'S REPORT NO. 15

COUNCIL MEETING Mar. 3/75

Re: Lease from Crown Provincial to Burnaby
Lots 5096 and 5097, Group 1, N.W.D.
Comprising Burnaby Lake
(Item 38, Report No. 53, August 6, 1974)

Council has been made aware of the fact that Burnaby Lake and its shores are legally two District Lots held in the name of Crown Provincial. In view of the amount of work undertaken by the Municipality in connection with the Canada Summer Games, we felt that a lease should be negotiated. This was done, and the lease document that is before us at this time was presented to Council for consideration on August 6, 1974. The basic points in the lease are as follows:

1. The lease is for recreational purposes only.
2. The lease is for the comparatively short term of 20 years, and there is no right of renewal, although it is provided that if the Minister decides to re-lease the land and Burnaby is not in default, Burnaby shall have prior right to a further lease.
3. Any improvements that Burnaby has on the leased area must be removed at the expiration of the lease.
4. The lease is subject to all bylaws, rules and regulations of any authority which relate to or affect the leased lands.
5. Burnaby may not deposit any material on the leased lands without the consent of the Minister.
6. The rental rate is \$25.00 per annum for the first five years and thereafter the rent is subject to review and adjustment at the discretion of the Province for each successive five year period.
7. The term of the lease is for 20 years commencing July 20, 1973.

Staff attempted to obtain a longer lease period, but were advised by the Lands, Forests and Water Resources Department by telephone that it was doubtful if this could be achieved. It was on this basis that the lease document was presented to Council for approval, with the understanding that an attempt to revise the lease to a longer term would be made at some future date.

Council tabled Item 38 on August 6, and instructed the Mayor to confer with the three Burnaby Members of the Legislative Assembly in an effort to enlist their support in getting the subject area permanently dedicated for park purposes.

Attached is a letter dated February 17, 1975 from Mr. Norman Pearson, Associate Deputy Minister for the Department of Lands, Forests and Water Resources regarding this matter.

RECOMMENDATIONS:

1. THAT authority be granted to have the lease document executed on behalf of the Municipality, subject to deletion of the condition requiring the Municipality to remove any improvements on the leased land at the expiration of the lease; and
2. THAT a copy of this report be sent to the Parks and Recreation Commission.

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DEPARTMENT OF LANDS, FORESTS AND WATER RESOURCES
 OFFICE OF THE DEPUTY MINISTER OF LANDS

VICTORIA
 BRITISH COLUMBIA
 CANADA
 V8V 1X3

RECEIVED

February 17, 1975

FEB 21 1975 Our File: 01087A

Mayor Tom Constable,
 The Corporation of the
 District of Burnaby,
 4949 Canada Way,
 Burnaby 2, B. C.

MUNICIPAL MANAGER'S
 OFFICE

Dear Mayor Constable:

The Honourable the Minister has asked me to respond to your letters of November 29, 1974 and January 28, 1975, dealing with the leasing of Lots 5096 and 5097, Group 1, New Westminster District, comprising the bed of Burnaby Lake, for recreational purposes.

Although the points raised in your first letter have been given careful consideration it is felt that no special position should be given to Burnaby in dealing with the above lots for recreational purposes. The policy of the Department in dealing with lands required for park and recreational purposes by Regional Districts, Cities and Municipalities throughout the Province is to issue a 20 year lease at a nominal annual rental.

We anticipate that at the end of the 20 year term the Government of the day will renew for a further term and anticipate no difficulties since park use and development, including any improvements you may place on the lots in question, is certainly in the public interest and should provide for automatic renewal as long as the leasehold is used in the present manner.

With respect to your concern regarding the clause calling for the removal of any structures on expiration of the lease, we are prepared to delete this from the document.

Please return the lease documents so we can make the necessary amendments and then forward for your signature.

Yours sincerely,

W. R. Redel

FOR Norman Pearson
 Associate Deputy Minister