

ITEM 20
MANAGER'S REPORT NO. 70
COUNCIL MEETING Nov. 3/75

Re: PUBLIC HEARING FOR RZ #37/75 AND #41/75

Following is a report from the Director of Planning regarding the proposed deferral of a Public Hearing relative to rezoning references #35/75 and #41/75.

RECOMMENDATIONS:

1. THAT Council approve of the distribution of letters of notification in connection with the scheduled November 18 Public Hearing to be delivered by courier service, subject to all the expenses incurred being borne by the respective applicants on a pro-rata basis; and
2. THAT Council authorize the Municipality to receive the deposit in trust of funds sufficient to cover the costs involved.

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PLANNING DEPARTMENT
OCTOBER 31, 1975

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: PUBLIC HEARING SCHEDULED FOR NOVEMBER 18, 1975
REZONING REFERENCE #35/75 AND
REZONING REFERENCE #41/75

As a result of the current post office work stoppage, a certain amount of interference is being experienced in carrying out the Municipality's business.

One area in which the Corporation is dependent on the postal system involves the fulfillment of its obligations to provide written notice of a Public Hearing to the owners and occupiers of properties affected by rezoning, and within 100 feet of the properties affected.

The Council's policy requires that three weeks' clear notice in writing be given all those required to be notified, and the Clerk's Office has carried this out through the mail system. In the case of the next approved Public Hearing, November 18, 1975, a total of 244 notices must be delivered, and these have been prepared and readied for mailing. However, due to the present strike situation, it has not been possible to meet the normal time schedule. The Municipal Clerk does not have the manpower necessary to hand-deliver all the letters of notification to local owners, and further, several of the owners reside outside Burnaby, including one in the interior of B.C., with a post office box mailing address.

With the backlog of mail that will need to be cleared once the strike is settled, it is evident that even if settlement were reached by the date of the Council meeting, there would be no chance of giving reasonable notice using the mails.

As an alternative to deferring the Public Hearing to a later date in view of the circumstances, our staff have contacted the respective applicants to inquire whether they would consider bearing the expenses involved in having delivery arranged by a courier service or similar means. Both applicants have expressed their willingness to share the costs on a pro-rata basis, such that the Municipality will not be required to bear any unusual expense.

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By this means, it is proposed to fulfill the requirements of the Municipal Act, Section 703 (2a), although the normal three-week notification period defined by Council policy will not be satisfied.

The approach described would appear to be the most direct and expeditious method of giving reasonable notice to the occupiers, and Council's approval is requested. For information, Section 703 (2b) of the Municipal Act provides as follows:

"No by-law shall be quashed on the grounds that some occupiers did not receive the notice required under subsection (2a) where the court having jurisdiction in the matter is satisfied that the municipality made all reasonable efforts to mail or otherwise deliver the notice to the occupiers."

Recommendation:

It is recommended that:

1. Council approve of the distribution of letters of notification in connection with the scheduled November 18 Public Hearing to be delivered by courier service, subject to all the expenses incurred being borne by the respective applicants on a pro-rata basis, and
2. Council authorize the Municipality to receive the deposit in trust of funds sufficient to cover the costs involved.

ADL
DGS:cm

c.c. Municipal Treasurer
Municipal Solicitor
Municipal Clerk

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