

Re: Letter dated April 29, 1975 from Mr. C.A.C. Venning  
6191 Brantford Avenue, Burnaby  
Local Improvement on Brantford Avenue

Appearing on the Agenda for the May 5, 1975 meeting of Council is a request from Mr. C.A.C. Venning for reinitiation of a local improvement on Brantford Avenue from Imperial to Oakland Street.

The Municipal Engineer, on the basis of the unusual circumstances surrounding the receipt of objections, concurs with the recommendation that the requested work be reinitiated.

Mr. Venning in his correspondence advises that citizens were misinformed when the first petition was signed. The reference in this regard is to the person (or persons) who initially circulated the petition for signature among the affected property owners on Brantford Avenue.

RECOMMENDATIONS:

1. THAT the works described as 28' Pavement with 5' Curb Sidewalks on both sides of Brantford Avenue from Imperial Street to Oakland Street be reinitiated as a Local Improvement work by the Council; and
2. THAT a copy of this report be forwarded to Mr. C.A.C. Venning, 6191 Brantford Avenue, Burnaby, B. C., V5E 2R8.

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TO: MUNICIPAL MANAGER

DATE: MAY 1, 1975

FROM: MUNICIPAL CLERK

FILE: 2112

SUBJECT: LOCAL IMPROVEMENT #74-025 - BRANTFORD AVENUE FROM IMPERIAL STREET TO OAKLAND STREET - 28' PAVEMENT WITH 5' CURB SIDEWALKS ON BOTH SIDES.

With reference to the correspondence dated April 29, 1975, received from Mr. C.A.C. Venning, 6191 Brantford Avenue we would advise as follows:

1. Number of owners - 61  
51% required to defeat project - 31  
Number of petitioners objecting - 37  
Total assessed value of land - \$812,095.  
50% required to defeat project - \$406,048.  
Total of petitioners assessment - \$512,460.

The foregoing information appeared in the report of the Municipal Clerk which was placed before Council at a regular meeting held on April 21, 1975 which report advised in part - "Petitions have been received against Local Improvement Projects numbered 74-025, --- in the attached schedule, and are certified as sufficient as these petitions represent a majority of the value of the parcels liable to be specially charged. The Council, therefore cannot proceed with any of these projects."

2. Results of Petition Against received on April 1, 1975:  
Number of petitioners objecting - 37  
Total of petitioners assessment - \$512,460.

As indicated in the penultimate paragraph of the Mr. C.A.C. Venning correspondence the original advice from the Clerk's Department to those enquiring was that anyone desiring to petition against the work had one month from the date of publication which was until 5:00 p.m. on Monday, April 7, 1975. This date was arrived at by taking the date of publication - March 5, - and extending that date for one month which was Saturday, April 5. At this point Section 4(2) of the "Municipal Act" came into play:

"Where the time limited or the date under this Act for any proceeding or for the doing of anything expires or falls upon a day on which the offices of the municipality are not open to the public, the time so limited shall extend to and such thing may be done on the day next following on which the offices are open to the public, but this subsection does not apply with respect to polling-day."

- which moved the deadline date to 5:00 p.m. on Monday, April 7, 1975.

A subsequent enquiry directed to the Municipal Solicitor determined that the "Interpretation Act" provides:

"Month means a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day", -

and on this basis the deadline date was established as 5:00 p.m. on Friday, April 4, 1975.

A Petition Against and a Yes Petition were both received on Monday, April 7, 1975 at 11:30 a.m.

3. Results of Petition Against the proposed works received on Monday April 7, 1975:

Number of petitioners objecting - 13  
 Total of petitioners assessment - \$170,095.

All 13 signatories to the Petition Against received on Monday, April 7, 1975 also appeared on the Petition Against received on Tuesday, April 1, 1975.

4. Results of Yes Petition received on Monday, April 7, 1975:

Number of petitioners in favour - 22  
 Total of petitioners assessment - \$300,802.

7 of the foregoing 22 petitioners signed the petition received on Tuesday, April 1, 1975 against the proposed work. If the two petitions received on Monday, April 7, 1975 had been received on or before 5:00 p.m. on Friday, April 5, 1975 and as such had been accepted the results would then have been:

Number of owners required to defeat project - 31  
 Number of petitioners objecting - 30  
 50% required to defeat project - \$406,048.  
 Total of petitioners assessment - \$390,290.

It is noted that two local improvement projects on Joffre Avenue being Rumble Street to Southwood Street and Southwood Street to the lane North of Marine Drive were withdrawn from the project list prior to Council initiation and due to a typographical error the local improvement proposed for Chaffey Avenue from Burke Street to Sardis Street has been authorized by Council to be reinitiated. These three works are presently being processed but are not yet beyond the stage where an additional work could not also be processed with them at the same time.

RECOMMENDATION:

It is recommended that:

1. The works described as 28' Pavement with 5' Curb Sidewalks on both sides of Brantford Avenue from Imperial Street to Oakland Street be reinitiated as a Local Improvement work by the Council;
2. A copy of this report be forwarded to Mr. C.A.C. Venning, 6191 Brantford Avenue, Burnaby, B.C. V5E 2R8.

*James Hudson*  
MUNICIPAL CLERK

JH/sb