

FEBRUARY 16, 1976

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C., on Monday, February 16, 1976 commencing at 7:00 P.M.

**PRESENT:**  
Mayor T.W. Constable, In the Chair  
Alderman G.D. Ast  
Alderman D.P. Drummond  
Alderman A.H. Emmott  
Alderman B.M. Gunn  
Alderman D.A. Lawson  
Alderman G.H.F. McLean  
Alderman F.G. Randall

**ABSENT:** Alderman V.V. Stusiak

**STAFF:**  
Mr. M.J. Shelley, Municipal Manager  
Mr. E.E. Olson, Municipal Engineer  
Mr. A.L. Parr, Director of Planning  
Mr. J. Plesha, Administrative Assistant to Manager  
Mr. J. Hudson, Municipal Clerk  
Mr. R.W. Watson, Deputy Municipal Clerk

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

Mayor Constable presented Certificates of Merit to Sergeant E.W. Hodge of the Vancouver Police Department, son Steven Hodge and a friend, David Newton, who as witnesses at the scene of an accident apprehended a person fleeing from the scene. It was indicated that the person had been a culprit in ten armed robberies, five of which were committed in the Burnaby area. Superintendent C.L. Thomas of the Burnaby Royal Canadian Mounted Police Detachment presented the three persons to receive the Certificates of Merit from His Worship the Mayor.

Mayor Constable advised that two exchange school students from Ferndale, Washington, U.S.A. were in the public gallery along with a McPherson Park Junior Secondary School Teacher.

M I N U T E S

The minutes of the Council meeting held on February 9, 1976 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LAWSON:

"That the minutes of the Council meeting held on February 9, 1976 be now adopted".

CARRIED UNANIMOUSLY

B Y - L A W S

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN GUNN:

"That:

BURNABY SECURITY ISSUING BY-LAW NO. 5, 1975,  
REPEAL BY-LAW 1976'

- #6818

BURNABY STREET AND TRAFFIC BY-LAW 1961,  
AMENDMENT BY-LAW NO. 1, 1976'

- #6819

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN GUNN:

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

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN AST:  
SECONDED BY ALDERMAN GUNN:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:  
SECONDED BY ALDERMAN GUNN:

"That:

BURNABY SECURITY ISSUING BY-LAW NO. 5, 1975,  
REPEAL BY-LAW 1976' - #6818

BURNABY STREET AND TRAFFIC BY-LAW 1961,  
AMENDMENT BY-LAW NO. 1, 1976' - #6819

be now read three times!

CARRIED UNANIMOUSLY

The Municipal Manager advised that

BURNABY ZONING BY-LAW 1965,  
AMENDMENT BY-LAW NO. 57, 1975' had been withdrawn. - #6781

MOVED BY ALDERMAN McLEAN:  
SECONDED BY ALDERMAN GUNN:

That:

BURNABY SECURITY ISSUING BY-LAW NO. 1, 1976' - #6803

BURNABY SECURITY ISSUING BY-LAW NO. 2, 1976' - #6804

BURNABY SECURITY ISSUING BY-LAW NO. 3, 1976' - #6805

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

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 McLEAN:  
SECONDED BY ALDERMAN AST:

"That the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 10, 1976 which pertain thereto be brought forward for consideration at this time.

CARRIED UNANIMOUSLY

- (a) Union of British Columbia Municipalities,  
Re: Provincial Revenue Transfers in 1976

Correspondence under date of February 2, 1976 was received in regard to Provincial Revenue Transfers in 1976. It was indicated that the Minister of Municipal Affairs had agreed that on an overall basis the Province would :

(a) Assure local governments that collectively they would receive not less in 1976 than was transferred in 1975;

(b) Review the distribution mechanism which applied in 1975 but would make no commitments as to the amounts of Provincial assistance to individual Municipalities

until this review is completed;

(c) advise the Union of British Columbia Municipalities by letter of the foregoing two matters.

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN LAWSON:

"That the Municipal Manager contact the U.B.C.M. office and report back on the reasoning for the difference between the \$95,000,000.00 transfer sum and the requested \$140,000,000.00 sum indicated as a 1976 requirement.

CARRIED UNANIMOUSLY

(b) Mr. T.H. Johns,  
Re: Appreciation for prompt inhalator arrival

A letter under date of February 5, 1976 was received conveying Mr. Johns' appreciation for the prompt inhalator arrival on January 23. It was indicated that the service was instrumental in his wife's recovery and subsequent treatment at Royal Columbian Hospital.

(c) Mr. and Mrs. S. Anderson,  
Re: Neighbourhood Improvement Programme

The Municipal Manager provided the following report of the Director of Planning:

With reference to the letter from Mr. and Mrs. S. Anderson dated February 6, 1976, addressed to the Mayor and Members of Council, several points of clarification should be made regarding N.I.P. and R.R.A.P.

#### N.I.P. AREA DESIGNATION

A neighbourhood is not designated as a N.I.P. area until the end of the municipal site selection period (Stage I) of the programme, that is, upon Council approval of an actual N.I.P. area boundary.

#### N.I.P. AND R.R.A.P. FUNDING

The Neighbourhood Improvement Programme funding and the Residential Rehabilitation Assistance Programme (R.R.A.P.) funding are entirely separate. The two programmes have in common a geographical neighbourhood, the designated N.I.P. area. Home repairs would be handled by R.R.A.P. grants and loans directly through Central Mortgage and Housing Corporation. There is no fixed ceiling on the total R.R.A.P. funds available in a designated N.I.P. area, or the number of homeowners who may apply for these funds. On the other hand, N.I.P. funds for Burnaby are fixed at \$1.5 million. In terms of timing, R.R.A.P. funds become available following the municipal designation of the N.I.P. area and ratification by C.M.H.C.

Any improvements to facilities such as Richmond Park would come under the terms of the Federal-Provincial N.I.P. agreement and would not have an adverse effect upon homeowners interested in R.R.A.P.

Should Council deem it appropriate to include Richmond Park within the designated N.I.P. boundary, any decisions about the improvements to the neighbourhood through the expenditure of N.I.P. funds would be made by Council in conjunction with the N.I.P. area residents, municipal staff and related municipal boards, commissions and committees. The recommendations as to what would be done under N.I.P. would be prepared during the Planning and Implementation stages of the programme.

It was recommended that Mr. and Mrs. Anderson be sent a copy of this report.

MOVED BY ALDERMAN MACLEAN  
SECONDED BY ALDERMAN LAWSON:

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

CARRIED UNANIMOUSLY

- (d) Mr. and Mrs. W.J. Thomson,  
Re: Support of Proposed Neighbourhood Improvement Programme

A letter under date of February 6, 1976 was received indicating support for the proposed Neighbourhood designation as a Neighbourhood Improvement Programme Area.

- (e) Willingdon Park Soccer Association, Mrs. N. Kuhn and Mr. R. Norton  
Re: Tag Days - Friday and Saturday, February 27 and 28, 1976

A letter was received under date of February 9, 1976 requesting permission to hold a tag day on February 27 and 28, 1976 for raising money for the air fare and traveling expenses for the Seventh Centennial Soccer Team when they travel to California for a tournament exchange at the end of March."

MOVED BY ALDERMAN MACLEAN  
SECONDED BY ALDERMAN AST:

"That the request of the Willingdon Park Soccer Association to hold a tag day on Friday and Saturday, February 27 and 28, 1976 be approved."

CARRIED UNANIMOUSLY

- (f) The Board of School Trustees of School District No. 41 (Burnaby)  
Re: Neighbourhood Improvement Programme

A letter under date of February 11, 1976 was received indicating receipt of a letter of February 3rd. It was indicated the matter was placed before the Board at its meeting of February 9th as part of the Secretary - Treasurer's report. In summary the Board has no comments to make at this time but it wishes to be kept informed as developments occur.

T A B L E D M A T T E R S

- (a) Letter dated January 22, 1976 from Public Freightways Ltd.,  
Post Office Box 5300, Vancouver - Preliminary Plan Approval  
Application #3505 - Proposal to enclose portion of Still Creek  
Watercourse.

MOVED BY ALDERMAN DRUMMOND:  
SECONDED BY ALDERMAN GUNN:

"That the subject matter be lifted from the table."

CARRIED UNANIMOUSLY

The three following recommendations from Item 19, Manager's Report No. 6, 1976 - Council Meeting February 2, 1976 were then before the Council:

1. THAT Council reaffirm its previously-expressed position of preserving the Still Creek waterway in an open condition; and
2. THAT the present request for enclosing a further 240-foot section of creek in conjunction with PPA #3505 not be approved; and
3. THAT the Planning and Engineering Departments be authorized to work out with the applicant a single bridge crossing only, in the Westerly portion of the site, which will provide adequate access to this portion of the property, if the applicant so desires.

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN EMMOTT:

"That recommendation No. 1 be amended so as to add the following: ' except from Boundary Road to Willingdon Avenue'."

FOR: Aldermen Emmott and McLean.

OPPOSED: Mayor Constable, Aldermen Ast, Drummond, Gunn, Lawson and Randall.

MOTION DEFEATED

The vote was then taken on the original motion and same was CARRIED.

OPPOSED: Alderman Emmott

MOVED BY ALDERMAN DRUMMOND:

SECONDED BY ALDERMAN LAWSON:

"That the Planning Department implement the following action and proceed with a planning and environmental report in order to:

- (1) Upgrade and landscape industrial properties adjacent to Still Creek.
- (2) This, of course, would include a meeting with representatives of the industries.
- (3) Pursue a policy of developing the trail system along the length of Still Creek."

CARRIED UNANIMOUSLY

(b) Mayor T.W. Constable  
Re: Annual Municipal Appreciation Dinner

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN AST:

"That the subject matter be lifted from the table."

CARRIED UNANIMOUSLY

The following recommendation from the Council meeting of February 9, 1976 was then before Council:

"It was recommended that Council authorize the payment of the amount it will probably cost, which is estimated to be \$3,700.00."

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

"That the recommendation of Mayor Constable be adopted."

CARRIED UNANIMOUSLY

Mayor Constable reported that dates were available at the Sheraton-Villa Inn on April 23rd and April 30th both Fridays and also at the Burnaby Lake Pavillion on July 9th - Friday and on August 21st - Saturday.

It was then agreed that the Annual Municipal Appreciation Dinner would be held at the Sheraton-Villa Inn on Friday, April 23, 1976.

(c) Neighbourhood Improvement Programme (N.I.P.)

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN AST:

"That the subject matter be lifted from the table."

CARRIED UNANIMOUSLY

The two following recommendations from Item 8, Manager's Report No. 8, 1976 - Council Meeting February 9, 1976 were then before the Council:

- "1. THAT Council approve the proposed Neighbourhood Improvement Programme boundaries as outlined in the attached map.
- 2. THAT authorization be given to the Director of Planning to apply for a Certificate of Eligibility for Stage II(Planning) and subsequently Stage II (Implementation) of the Neighbourhood Improvement Programme, as outlined in Section (X of the Planner's Report.

MOVED BY ALDERMAN GUNN:

SECONDED BY ALDERMAN DRUMMOND:

"That recommendation No. 1 be amended to add ' Subject to the expansion of the boundary to include Richmond Park and the area bounded by Elwell Street, Canada Way and the Lane between Fulton and Humphries Avenues '(which separates the single family residential area from the apartment area.)"

CARRIED UNANIMOUSLY

The vote was tne taken on recommendation No. 1 as amended.

CARRIED UNANIMOUSLY

The vote was then taken on recommendation No. 2 and CARRIED.

OPPOSED: Alderman Emmott

ENQUIRIES

Alderman Gunn

On a question of Alderman Gunn, Mayor Constable advised that he had been in attendance at a meeting of the Canadian Federation of Mayors and Municipalities in Ottawa recently and Solicitor General Warren Allmand had not been in attendance so that he was not able to bring up the subject matter of Federal intent to increase Royal Canadian Mounted Police cost sharing to the municipality over the next five years. Mayor Constable advised that he did have the opportunity of bringing up the the question of the Federal Wage and Price guidelines as they related to these costs to be passed onto the municipalities with the Honourable John Chretien who had been in attendance to give a talk on urban transportation. In a short time the Provincial Government representatives will be making a presentation to the Federal Government and the Province of British Columbia has been asked to prepare the brief.

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

- (a) Youth Advisory Committee  
Re: Need for Juvenile Care Facilities in Burnaby

A report of the Youth Advisory Committee was received which included the following recommendation :

"It is recommended that Council:

- (1) Receive this report of the Youth Advisory Committee and
- (2) Endorse the recommendation of the Committee that the Council make every effort to cause to be established the following facilities for Burnaby children:
  - (1) A remand centre for young persons (boys and girls).
  - (2) An intermediate care facility for young persons (boys and girls).
  - (3) An extended care facility for young persons (boys and girls).
- (3) Resolve to enter into discussions with the appropriate Department of the Provincial Government to achieve these facilities."

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN DRUMMOND:

"That the recommendations of the Youth Advisory Committee be adopted."

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN AST:

"That the Council receive the report of the Youth Advisory Committee and His Worship, The Mayor and the Municipal Manager discuss same with the Attorney General of the Province of British Columbia and report back theron to the Municipal Council."

CARRIED UNANIMOUSLY

(b) Enquiry Commission on Assessment and Taxation

Mayor Constable advised that the previously adopted Council report on the above subject matter was presented at the Commission hearing last Wednesday and was one of 117 briefs received. Mayor Constable also advised that the Commission had commended the Municipality on the well presented brief. It was indicated that the Municipal Treasurer had answered questions on the brief for approximately a two and one-half hour period.

MOVED ALDERMAN EMMOTT:  
SECONDED BY ALDERMAN GUNN:

"That Mayor Constable officially commend the Municipal Manager and the Municipal Treasurer on their work done on the brief in question."

CARRIED UNANIMOUSLY

(c) The Municipal Manager presented Report No. 10, 1976, on the matters listed following as Items (1) to (21) either providing the information shown or recommending the courses of action indicated for the reasons given:

(1) G.V.R.D. Take-over of a Portion of Burnaby's Lozells Trunk Sewer

The Municipal Manager reported as follows:

"Following is a report from the Municipal Engineer regarding a proposal by the G.V.R.D. to acquire a portion of a trunk sewer from the Municipality.

The proposed acquisition of the trunk by the G.V.R.D. would relieve the Municipality of the debt on an outstanding loan while at the same time providing a revenue in the amount of almost \$32,000. The G.V.R.D., on the other hand, would benefit by not having to construct a line at some considerable cost through the area in question; the existing line could simply be used by the G.V.R.D. as a link in its sewer line which extends from the Burrard Inlet to Annacis Island. (Should Council not approve the acquisition, the G.V.R.D. would be required to proceed with construction of a connecting link alongside of our existing sewer line.) It would therefore be advantageous to both the Municipality and the G.V.R.D. to proceed with the transaction as proposed, and it is recommended accordingly.

The Lozells trunk sewer is of sufficient capacity to handle the sewage generated from the tributary area of the Municipality plus the sewage that would be pumped through it from the outfall on the Inlet."

It was recommended:

- (1) THAT the attached Agreement be executed to sell that section of the Corporation owned Lozells Trunk between Broadway and Kitchener to the G.V.R.D. in accordance with the terms as drafted in the Agreement; and
- (2) THAT the Corporation grant an easement to the G.V.R.D. 20 feet in width, to contain the section of trunk sewer being acquired by the G.V.R.D. as detailed on the attached Schedule "A".

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

(2) Contract #7603 Storm Sewers - 1975

The Municipal Manager provided a report of the Purchasing Agent indicating tenders for this project were received up to 3:00 p.m. local time, Tuesday, February 10, 1976.

The work includes the installation of approximately 11,000 lineal feet of storm sewer in pipe sizes ranging from 8 inch diameter to 24 inch diameter, as well as all necessary appurtenances, house connections and other related work.

It was recommended that the lowest tender in the amount of \$379,720.90 submitted by Gosal Bros. Contracting Ltd. be accepted with final payment to be based on actual quantities and the unit prices tendered.

MOVED BY ALDERMAN AST:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

- (3) Application for Strata Title approval on an existing Duplex  
Lot B, Blk. 135, D.L. 132, Plan 20678  
1792/94 Sperling Avenue

The Municipal Manager provided a report from the Director of Planning regarding a request for Strata Title approval on a duplex at 1792/94 Sperling Avenue.

It was recommended that the subject Strata Title be approved subject to the fulfillment of Sections 6.1 through 6.7 of the Guidelines for Duplex Condominiums and Conversions.

MOVED BY ALDERMAN AST:  
SECONDED BY ALDERMAN EMMOTT:

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

CARRIED UNANIMOUSLY

- (4) Local Court of Revision

The Municipal Manager provided a report of the Area Assessor regarding the need to establish a meeting date for the Local Court of Revision.

It was recommended that the Local Court of Revision sit at 7:00 p.m. on April 29, 1976.

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

- (5) Stormont Interchange

The Municipal Manager provided the following report of the Municipal Engineer:

"At the Council meeting of the 8th of December 1975 there was an enquiry relative to a "mess being created on the undeveloped portion of the Stormont Interchange, apparently by the Department of Highways."

The Engineering Department wrote to the Department of Highways making them aware of Council's concern and enumerating the components of the mess as revealed in an investigation by the Engineering Department. Our letter also asked them if the area could be cleaned up.

The Department of Highways has replied to the Engineering Department's letter. Their letter states that they have taken note of our suggestion to clean up the area. The Engineering Department has, since receiving the Department of Highways' letter, inspected the subject area. We are please to report that Highways has taken remedial action and the Engineering Department will continue to monitor the situation."

MOVED BY ALPERMAN LAWSON:  
SECONDED BY ALDERMAN AST:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY





It was recommended that the estimates of the Municipal Engineer be approved as submitted.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

(8) Finnish Canadian Rest Home Association Assessment Appeal

The Municipal Manager reported as follows:

Attached are two reports which Council has previously received regarding a ruling by the Court of Revision regarding taxability on property that is owned by the Finnish Canadian Rest Home Association (Item 11, Report No. 17, March 10, 1975 and Item 12, Report No. 70, November 3, 1975). Council adopted the recommendations that are contained in the reports.

The Assessor has again exempted certain lands and improvements belonging to the Association from taxation (as noted in the attached reports, it is our view that the Association is not entitled to any exemptions under the provisions of the Municipal Act). The Court of Revision this week heard our appeal and dismissed it - the Court had reached the same decision last year and our appeal before the Courts from that decision has not yet been finalized. It would be in our best interests to appeal the Court of Revision's latest decision to the Assessment Appeal Board pursuant to Section 60 of the Assessment Act, and it is so recommended.

It was recommended:

1. THAT the decision of the 1976 Court of Revision be appealed to the Assessment Appeal Board of the Province of British Columbia; and
2. THAT Council authorize the Municipal Solicitor to commence a Supreme Court action at the appropriate time for a declaration that the lands and improvements of the Finnish Canadian Rest Home Association were fully taxable in 1975 and are fully taxable in 1976.

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN MCLEAN:

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

CARRIED UNANIMOUSLY

(9) Proposed Amendment to the Truck Route Section of the Burnaby Street and Traffic By-law No. 4299-Overload Permit Fees

The Municipal Manager provided the following report of the Municipal Engineer:

"Section 49 of the Burnaby Street and Traffic By-law No. 4299 sets the rates for Overload Permits at:

- For each single trip permit .....\$ 3.00
- For each yearly permit .....\$15.00 per vehicle
- For each duplicate permit .....\$ 3.00

The above fee structure was set at the time we introduced the Truck Route section of our Street and Traffic By-law in 1969. This fee structure and permit system was, for uniformity, set along the lines of the Vancouver system, which had fees of \$2.00, \$15.00 and \$2.00 respectively.

It has been brought to our attention that commencing 1 March, 1976, the Vancouver fee structure will be \$5.00, \$35.00 and \$5.00.

As the cost of administering the permit system has risen considerably since 1969, and also to continue the uniformity of fee structure with Vancouver, we are suggesting that our fees be adjusted accordingly, effective 1 March, 1976.

It was recommended that:

Permit fees for overload permits be set at:

- For each single trip permit .....\$5.00
- For each yearly permit .....\$35.00 per vehicle
- For each duplicate permit .....\$5.00

effective 1 March, 1976.

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN DRUMMOND:

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

CARRIED UNANIMOUSLY

(10) Automobile Fleet Insurance

The Municipal Manager provided a report from the Municipal Treasurer regarding insurance for Municipally owned vehicles.

It was recommended:

1. THAT Municipal vehicles be covered by insurance as follows:
  - \$1,000,000 public liability and property damage.
  - \$1,000 collision and \$150 comprehensive - for all fire units with an actual cash value of \$30,000 or more. There are no licensed Engineering vehicles with an actual cash value in excess of \$30,000.
  - \$500 collision and \$150 comprehensive - for all Municipal vehicles, except older and reserve units which only have a nominal actual cash value.
  - Fire and theft (Specified Perils) - for older and reserve units; and
2. THAT the reduction in premium resulting from the decrease in coverage be placed in a separate reserve account (with interest accruing to the account) to be used to pay the deductible portion of any accidents which may occur during the year.

MOVED BY ALDERMAN MCLEAN:  
SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

(11) Commercial Development proposal at the Northeast corner of Bainbridge Avenue and Loughheed Highway and its probable effects on the existing Community plans for the area (Rezoning Reference #48/70)

The Municipal Manager provided a report from the Director of Planning regarding proposed development of property at the northeast corner of Bainbridge Avenue and Loughheed Highway.

It is concluded from the foregoing analysis that the previously approved Montecito project plan area is the most suitable location for a community level shopping centre to serve the north-central section of the municipality.

In the report of October 2, 1975, on the subject of the Montecito Area Community Plan and the proposed Bainbridge - Loughheed commercial development, it was noted that:

"In the past in the Montecito area through Council adoptions of the community plan, conceptual road networks, acquisition of necessary road rights-of-way, and consideration of specific rezoning proposals--the effort of the municipality has been towards the development of a viable integrated smaller scale district centre compatible with the unique environmental characteristics of the subject area. An important part of the ultimate viability of the community plan rests on the establishment of a community level shopping centre of approximately 70,000 to 75,000 square feet of retail floor area as originally

The Montecito site is much more central to the area which needs to be served than the proposed Bainbridge/Lougheed location. In addition, the Montecito site is situated in closer proximity to the more heavily populated portions of this area and at a greater distance from existing commercial facilities. It is also well located to provide a focal point for the entire north-central section of the municipality and offers the opportunity of creating a closer link between Simon Fraser University and the surrounding community.

With regard to past enquiries concerning the development of the 8.2 acre Bainbridge/Lougheed site, the Planning Department has stated its willingness to submit residential proposals to the Council that would include a small convenience commercial facility having a maximum retail floor area of 12,000 square feet and occupying a site of approximately 1.2 acres, as shown on the attached Sketch #3. As part of the overall community plan, the remaining and larger portion of the site would be occupied by low density multiple housing (10 - 12 units per acre).

The convenience commercial facility would not be oriented to Bainbridge Avenue or Lougheed Highway as a form of "strip development" but, rather, would be completely integrated within the project and designed essentially to serve the local residents and those in the immediate vicinity. Such a proposal would, in our opinion, be in conformity with the objectives previously planned for this area as a residential neighbourhood.

It was recommended:

- (1) THAT the developer be advised that the shopping centre proposal for the development of the 3.2 acre site at the northeast corner of Bainbridge Avenue and Lougheed Highway is unacceptable; and
- (2) THAT the Council authorize the Planning Department to work with the applicant towards the development of a residential project on the subject site that would include an integrated local convenience commercial facility; and
- (3) THAT the Council reaffirm its past actions in adopting the Montecito Community Plan, which includes the establishment of a community level shopping centre to serve the surrounding area.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LAWSON:

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

CARRIED

OPPOSED: ALDERMEN EMMOTT and MCLEAN

- (12) Rental Apartment with an Ancillary Commercial facility  
Lake City East - Area 5  
9005 Centaurus Circle  
Rezoning Reference #51/75

The Municipal Manager provided a report from the Director of Planning regarding Rezoning Reference #51/75.

It was recommended by the Director of Planning:

- 1. THAT Council receive the report of the Planning Department and request that a rezoning bylaw be prepared, and that the rezoning be advanced to a Public Hearing on March 23, 1976 and that the following be established as prerequisites to the completion of the rezoning:
  - a) The submission of a suitable plan of development, including design of the park area to the satisfaction of the Parks and Recreation Department.

- b) The granting of any necessary easements.
- c) The deposit of sufficient monies to cover the costs of all services necessary to serve the site. One of the conditions for the release of occupancy permits will be the completion of all requisite services.
- d) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the development from existing services.
- e) The provision of a public pedestrian walkway easement through the site in an east-west alignment and the construction of a concrete walk to the approval of the Municipal Engineer.
- f) The retention of as many existing mature trees as possible on the site.
- g) The payment of full municipal taxes on this provincial housing development.
- h) The approval of the Department of Highways to the rezoning application.
- i) Applicant's schedule for the construction staging of the subject proposal.
- j) A firm written commitment to complete the development of the park as set out in the development plan.

It was recommended by the Municipal Manager that the Planner's recommendations be adopted.

MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN GUNN:

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

CARRIED UNANIMOUSLY

(13) Deleted.

(14) Restrictive Covenant  
Lots 100 and 101, D.L. 94, Plan 48700  
5280/82 and 5322/24 Irving Street - Rezoning Reference #56/75

The Municipal Manager provided the following report of the Director of Planning:

Upon First and Second Readings of the Bylaw amending the zoning of the above referenced site from Residential District Five (R5) to Parking District (P8) on December 29, 1975, the Council considered the following motion:

"That a suggested restrictive covenant on Bylaw No. 6780 to permit parking at grade or below grade be made a condition of zoning."

Subsequently, Council passed the following motion:

"That the matter of a restrictive covenant relating to parking be tabled pending a legal response to the question as to what steps a future Council would have to make to remove this type of restrictive covenant."

GENERAL DISCUSSION:

The Planning Department has been working with the Municipal Solicitor regarding the legal implications of the subject restrictive covenant and it has been determined that a covenant of this type can be registered against the title of the land under Section 24A of the Land Registry Act. However, the covenant may be discharged through an action in the Supreme Court if the conditions set out are found to be in conflict with the provisions of a zoning bylaw.

In reference to the steps involved for a future Council to remove this type of restrictive covenant it has been determined that as this covenant is not part of the rezoning bylaw itself, it can be discharged at any time through an appropriate resolution made (by majority vote) by the Municipal Council.

The applicant has been informed of the subject restrictive covenant and agrees to its intent and implementation.

In the light of the foregoing and Council's expressed desire to preclude the development of a parking structure above grade level on this site, the subject covenant may be registered against the title of the subject properties in pursuance of Section 24A of the Land Registry Act. The preparation and execution of such a covenant should be established as a prerequisite to the completion of rezoning. It is therefore necessary for Council to lift from the table the matter of the restrictive covenant, establish the covenant as a further prerequisite condition, and authorize its preparation and execution.

It was recommended:

1. THAT Council lift from the table the matter of the restrictive covenant and authorize its preparation and execution pursuant to Section 24A of the Land Registry Act; and
2. THAT the subject covenant be established as a prerequisite to the completion of rezoning.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

(15) Columbian Four Rinks Limited

The Municipal Manager provided the following report of the Parks & Recreation Administrator.

The Parks and Recreation Commission, at its meeting of December 17, 1975, received a request from Columbian 4-Rinks Limited for support of their application for tax relief benefits under Bill 15, Recreational Land Green Belt Encouragement Act.

A staff report was requested by the Commission and received at the Commission meeting of January 28, 1976.

The purpose of the Recreational Land Green Belt Encouragement Act is to enable the owner of recreational land to enter into an agreement with the Crown in the name of the Province whereby the Crown will reimburse the owner all or a portion of his property taxes. In return for this consideration the owner must dedicate his land in perpetuity for recreational purposes and offer the use of his facilities to the public as outlined in an agreement.

To date, no action has been taken under the Act; that is, tax relief has not been awarded to any golf course or other organization, and all applications are still under review. The Provincial Government has received requests from such groups as rod and gun clubs, ski clubs, boys and girls campsites and trailer sites for similar tax relief. As a result of this wide variety of applications, staff of the Provincial Department of Recreation and Conservation are considering changes to the regulations within the Act in order to accommodate a wider variety of recreational pursuits, most of which are oriented to the outdoors.

Although the Act is worded to allow full or partial relief from taxes, the intent had been that where the golf course applicant qualified, they would obtain full relief and regulations have been drawn up to that end. Provincial staff are now considering a system whereby applicants will have to meet certain criteria for which points will be awarded and depending upon the number of points they will receive a pro-rated tax relief. Under the circumstances, consideration is also being given to other recreational pursuits of an indoor nature, such as the 4-Rinks. It is our understanding that there is no change being contemplated to the legislation, only to the regulations within the existing legislation.

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Endorsation is being solicited for the support of the 4-Rinks application within the above framework.

The Commission concurred with the recommendation:

"THAT the Commission endorse the Columbian 4-Rinks application for tax easement under Bill 15."

They also directed that copies of the correspondence and report be forwarded to Council, for its consideration and possible support.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN RANDALL:

"That the report of the Municipal Manager be received for information purposes."

CARRIED UNANIMOUSLY

(16) Re-Allocation of funds from Winter Capital Projects funds  
Kensington Rink Project to the West Building, Municipal Hall Project

The Municipal Manager provided the following report of the Municipal Treasurer:

On 6 October 1975, item 7, Manager's Report No. 63, dealt with a transfer of borrowing authority of \$245,455 from the Kensington Rink project to the West Building project. Briefly, a Winter Capital Projects Fund loan of \$835,000 had been approved for the Kensington Rink project. However, subsequently the Community Recreational Facilities Fund Act was enacted and it became possible to obtain grants totalling \$278,333. In accordance with the terms of the Winter Capital Projects Fund, this sum had to be applied to the capital sum expended on the Rink, before the loan was taken out. This meant that \$245,455 of the loan would not be taken up. As the full sum had been advanced, permission was obtained to apply this loan to the West Building of the Municipal Hall. The interest rate involved is 7.2%.

To bring this about the following steps were necessary:

1. THAT Burnaby Loan Authorization By-law No. 6275 be amended to increase the borrowing authority for the West Building from \$1,000,000 to \$1,245,455; and
2. THAT consideration of a security issuing by-law for \$430,709.99 to secure the loan on the Kensington project be tabled pending receipt of required data from the Provincial Government; and
3. THAT a by-law be brought down to amend Burnaby Loan Authorization Referendum By-law 1971, By-law No. 6020 as amended by By-law No. 6245, to decrease the sum shown for Kensington Rink from \$800,000 to \$607,045, and increase the sum shown for land acquisition from \$3,310,500 to \$3,503,455; and
4. THAT a by-law be brought down to amend Burnaby Comprehensive Loan Authorization By-law No. 6246 to reduce the figure shown for Kensington Rink from \$800,000 to \$607,045, and add a provision for land acquisition of \$192,955; and
5. THAT a security issuing by-law to borrow \$245,455 be brought down and that the Municipal Treasurer be authorized to make application to the Greater Vancouver Regional District to borrow this sum on behalf of Burnaby.

While it is technically correct to amend By-law No. 6275 to increase the sum to be borrowed from \$1,000,000 to \$1,245,455, there will be a forgiveness of loan amounting to \$332,822 which, after adding the \$245,455 received from the loan for the Kensington Rink project, leaves a balance to be repaid over twenty years of \$912,633 and, therefore, the Department of Municipal Affairs has indicated that the amending by-law is not necessary. Consequently, Amending By-law No. 6715 was not given final reading. Council may wish to pass a motion to abandon passage of this By-law.

Further, it has been found that Security Issuing By-law No. 6718 has been drawn in an amount that is inconvenient for the Regional District and the M.F.A. It is drawn for \$245,455 whereas the Regional District and the M.F.A. prefer amounts in even thousands. This should have been caught earlier but it was not.

As the G.V.R.D. gave very short warning that an issue was pending, the \$245,000 was included in By-law No. 6805 as shown in item 19, Manager's Report No. 5 of 26 January 1976.

Under the circumstances, it will be necessary to pass a by-law to rescind Security Issuing By-law No. 6718.

It was recommended by the Municipal Manager:

- 1. THAT a by-law be passed to repeal Security Issuing By-law No. 6718; and
- 2. THAT By-law No. 6715, a by-law to increase the borrowing authority for the West Building from \$1,000,000 to \$1,245,455, be abandoned.

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN MCLEAN:

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

CARRIED UNANIMOUSLY

(17) Request for a Grant from the Metropolitan Board of Health

The Municipal Manager provided the following report of the Medical Health Officer:

"At the last meeting of the Metropolitan Board of Health of Greater Vancouver held on January 21, 1976 a resolution was passed - moved by Trustee Lynas and seconded by Trustee Blakey "That Member Municipalities and School Boards of the Metropolitan Board of Health of Greater Vancouver be requested to contribute \$50.00 each towards incidental expenses of the Board".

This sum of money is required to replenish funds of the Board for such items as stationery, printing, travel expenses etc. The last time such a request was made was in December 1967, when this Municipality made a similar grant."

It was recommended by the Municipal Manager:

- 1. THAT the request for a grant in the amount of \$50.00 from the Metropolitan Board of Health be approved, and that the amount be charged to Account No. 20-01-50.

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

(18) Municipal Lot Sale

Lots 340 to 355 inclusive, D.L. 91, Grp. 9, Plan 49263

The Municipal Manager provided a report of the Land Agent regarding the proposed sale of subject municipal lots.

The subject properties were offered for sale by public tender on January 23 and 24th, 1976, in The Vancouver Sun newspaper. Tenders were returnable up to 5:00 P.M., February 11th, 1976.

Attached is a tabulation of the tenders received.

I would recommend the following bids be accepted -

- 1. Bid #6 submitted by G. Owen in the amount of \$50,100. for Lot 345
- 2. Bid #7 " " Mavrovich Const. " " \$45,500. for Lot 341
- 3. Bid #11 " " D. Darling " " \$51,625. for Lot 354
- 4. Bid #23 " " Norlex Management " " \$53,355. for Lot 344
- 5. Bid #24 " " N. Chow " " \$46,110. for Lot 343
- 6. Bid #43 " " Lornie & M & B " " \$43,700. for Lot 342
- 7. Bid #48 " " H. Harder " 174 " \$52,000. for Lot 350
- 8. Bid #49 " " H. Harder " " \$44,000. for Lot 340



9.	Bid #50	"	"	K. Harder	"	"	"	\$56,000.	for Lot 349
10.	Bid #54	"	"	J. Wright	"	"	"	\$48,156.	for Lot 351
11.	Bid #60	"	"	R. Lovendahl	"	"	"	\$52,001.	for Lot 347
12.	Bid #61	"	"	R. Lovendahl	"	"	"	\$55,100.	for Lot 348
13.	Bid #62	"	"	R. Lovendahl	"	"	"	\$52,001.	for Lot 346
14.	Bid #77	"	"	P. Moeller	"	"	"	\$51,203.	for Lot 352
15.	Bid #79	"	"	H. Martens	"	"	"	\$56,000.	for Lot 353
16.	Bid #81	"	"	P. Preston	"	"	"	\$55,000.	for Lot 355

It was recommended by the Municipal Manager:

1. THAT the highest bid for each of the 16 lots as specifically noted in the Land Agent's report be accepted.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN EMMOTT:

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

CARRIED UNANIMOUSLY

- (19) Letter from Mr. Gordon R. Mackie that appeared on the Agenda for the February 2, 1976 meeting of Council (Item 5g)  
5342 Meadedale Drive Burnaby  
Erosion from a Watercourse

The Municipal Manager provided the following report of the Municipal Engineer:

Mr. Gordon R. Mackie of 5342 Meadedale Drive has written to the Municipal Council, in a letter dated 28 January, 1975, expressing his concern regarding flow in the creek behind his property.

I have personally inspected the site today during a heavy rainfall and note that the creek is in its natural location, which has obviously not changed since the houses were constructed on Meadedale Drive. The watercourse, for the most part, runs in a south/easterly direction along the unopened Nation Way right-of-way, however, behind the Mackie property it takes a natural diversion and swings into the Mackie property for a short distance and then back onto the Nation Way right-of-way. Where the sudden change of direction occurs at the rear of the Mackie property, there is evidence of some minor erosion which could be prevented from proceeding further by the placement of a deflection weir, which could most economically be constructed out of concrete filled sandbags. The estimated cost of such protection is approximately \$500 and could be charged to our Maintenance Account.

It was recommended by the Municipal Manager:

1. THAT Council approve an ex gratia expenditure fo approximately \$500 to construct a deflection weir at the rear of 5342 Meadedale Drive where the watercourse experiences a sharp change of direction, subject to the receipt of an appropriate release and subject to permission from Mr. Mackie to allow corporation crews to enter onto his property for the purpose of constructing the deflector weir.

MOVED BY ALDERMAN MCLEAN::

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

- (20) Letter from the Central Mortgage and Housing Corporation that was on the Agenda for the February 9, 1976 meeting of Council (Item 5b) Request for easement along east property line on Burnaby Public Library property, for Senior Citizens apartment - Rezoning Reference #20/74

The Municipal Manager provided the following report of the Director of Planning:

The Planning Department has been requested to submit a report with reference to a letter of January 29, 1976 from the Branch Engineer of Central Mortgage and Housing Corporation on the subject of the senior citizens housing project now under construction to the south of the Kingsway/Edmonds Branch Public Library. An easement over the Branch Library Site has been requested.

After further discussion, it has been determined that a five foot wide easement is desired along the east property line. The easement will accommodate a telephone conduit from an existing manhole source on Kingsway to the senior citizens apartment under construction to the south of the library site. Other possible alignments were examined but the one requested by CMHC appears to be a reasonable and least disruptive alignment. CMHC has undertaken to assure the municipality that any landscaped areas and asphalt driveways disturbed by the laying of the telephone conduit will be restored.

The Chief Librarian has been contacted on this matter. There is no basic objection to the granting of the easement, although it was requested that any construction work within the easement be completed quickly and that library parking or the driveway access on the east side of the library not be operationally disrupted by the construction work. The Planning Department will obtain the necessary commitment from CMHC to meet the expressed concerns of the Chief Librarian.

It is recommended by the Municipal Manager:

1. THAT Council approve the granting of a 5-foot wide easement to accommodate a telephone conduit over the Kingsway/Edmonds Library site; and
2. THAT a copy of this report be sent to the Burnaby Library Board.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

- (21) By-law No. 6816  
Burnaby Indemnification By-law 1976

The Municipal Manager reported as follows:

This report concerns a proposed bylaw under which indemnification would be provided for officers and employees of the Municipality in legal proceedings. The major clauses are as follows:

- "1. The Municipality will indemnify every officer and employee against any claim for damages arising out of the performance of his duties and in addition pay legal costs incurred in any Court proceeding arising out of the claim.
2. The Municipality will not seek indemnity against any officer or employee where the action of the said officer or employee results in a claim for damages against the Municipality by a third party unless the said officer or employee has been grossly negligent or has acted contrary to the terms and conditions of his employment or to an order given to him by a person in authority over him."

Authority for the Bylaw is contained in Section S.196, Municipal Amendment Act, 1975:

"S.196. 5. Section 196 is amended by renumbering it as subsection (1), and by adding the following:

(2) Notwithstanding the provisions of subsection (1), the Council may by bylaw provide that the municipality will indemnify its officers and employees against any claim for damages against an officer or employee arising out of the performance of his duties and, in addition, pay legal costs incurred in a court proceeding arising out of the claim.

(3) The Council may in a bylaw under subsection (2) provide that the municipality will not seek indemnity against its officers and employees where the actions of those officers or employees result in a claim for damages against the municipality by a third party unless the officer or employee has been grossly negligent or has acted contrary to the terms and conditions of his employment or to an order given to him by a person in authority over him."

The Bylaw as written would, in the opinion of the Municipal Solicitor, provide indemnification for ex-officers and employees who were employed by the Corporation when the cause of action arose.

It was recommended:

- 1. That the subject by-law be brought forward.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN MCLEAN:

"That the committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN MCLEAN:

SECONDED BY ALDERMAN AST:

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

CARRIED UNANIMOUSLY