

ITEM	38
MANAGER'S REPORT NO.	48
COUNCIL MEETING	July 19/76

Re: REZONING REFERENCE #15/75  
6483 TRAPP AVENUE (MRS. CHARLOTTE ROZMAN)  
(ITEM 16, MANAGER'S REPORT NO. 46, JULY 5, 1976)

When Item 16, Manager's Report No. 46 was considered at the Council meeting of July 5, 1976, as well as adopting the three recommendations contained therein, the Council gave consideration to the following motion:

"THAT the Council approve of Mrs. Rozman's property at 6483 Trapp Road being hooked up to the City of New Westminster sanitary sewer system providing all costs are paid by the property owner and providing the City of New Westminster agrees to the said sanitary sewer connection."

Following this action, a further motion was passed which was as follows:

"THAT this subject matter be referred to the staff for a report in reference to the foregoing motion."

It has previously been established that it is not possible for Mrs. Rozman to enter into an agreement with the City of New Westminster regarding the annual sewer charges, because the City, in the case of default of payment of such charges, would not be able to charge these payments as arrears against the property. It will be necessary for Burnaby and New Westminster to enter into an agreement to allow Mrs. Rozman to connect to the New Westminster sewer system. The procedure that will be followed is that the City of New Westminster would charge Burnaby a \$150.00 per year, based on their present sewer rates, for the parcel concerned and Burnaby in turn would have to collect from Mrs. Rozman. Council will be aware of the fact that the sewer charge in Burnaby is presently \$32.25 for Burnaby taxpayers.

The Municipal Solicitor has advised that the Sewer System Parcel Tax By-Law would not apply to the Rozman property if it were connected to the New Westminster system; in other words, it is possible to charge Mrs. Rozman the \$150.00, notwithstanding what our by-law says with respect to others that are connected to the Burnaby system. The Solicitor's feeling is that our by-law simply covers sewers or drains owned or controlled by Burnaby or ones in which we have some interest.

The Solicitor has also advised that we indeed could enter into an agreement with Mrs. Rozman in which she covenants to pay whatever charges are levied against Burnaby by New Westminster for the annual charges, but he does not feel that this agreement may be registered as a charge against the property in the Land Registry office. This means that we could have an agreement with Mrs. Rozman, but if the property were sold, the agreement would be null and void. It is for this reason, that the Municipal Manager cannot recommend that permission be granted to connect Mrs. Rozman's property at 6483 Trapp Road to the City of New Westminster sanitary sewer system.

RECOMMENDATION:

1. THAT this matter be tabled until the Planning Director brings forward the Community Plan that is to be completed by approximately the end of August, 1976.

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