

No such guarantee has ever been considered by this municipality, nor to our knowledge, by any other city or municipality anywhere in the country. Therefore, the position of the Municipality at this time is that those who own property are directly responsible for those taxes that are assessed against that property.

4. "What proportion of its annual budget does this Council spend on litigation that could result in old age pensioners losing their homes because of their inability to keep up with the rat race being imposed upon them by the ever increasing demands for more and more taxes?"

No municipal funds are spent for this purpose.

5. "In view of the millions of dollars spent by the Municipality on the enlargement of this building over the past year, would it not be possible, now that this work is nearing completion, to divert some of the taxpayers money to such projects as #76021 and thus take some of the heavy load off their backs?"

The policy pertaining to local improvements and how they are to be funded is clearly established and has no relationship to the Municipal Hall renovations.

6. "With all due respect to the Canadian Bar Association and its code of ethics, "WHY SHOULD AN ORDINARY TAX PAYING CITIZEN BE REFUSED AN INTERVIEW WITH THE MUNICIPAL SOLICITOR, WHO FREELY ADMITS THAT HIS SALARY IS BEING PAID BY THESE SAME TAXPAYERS?"

Mr. Buckley telephoned the Solicitor to get an appointment, and during the discussion, told the Solicitor that he had written a letter which the Solicitor had at that time not yet received. The Solicitor advised him that he would read the letter and then get in touch with him. Mr. Buckley agreed. The letter arrived in that morning's mail and after having read it, the Solicitor proceeded to discuss the contents with those members of staff who had been referred to in it. As a result of having conferred with staff, the Solicitor formed an opinion that Mr. Buckley had been fully informed by staff about the local improvement and how it would affect him. When the Solicitor subsequently telephoned him, Mr. Buckley advised that he was in a hurry as he was rushing off to court to get an injunction against the Municipality. The Solicitor said that he must then have a lawyer and he said that he had. He refused, however, to divulge his lawyer's name. The Solicitor told Mr. Buckley that he would be pleased to discuss his problems with his lawyer at any time, but was not prepared to talk to him because he was being represented by a lawyer.

Mr. Buckley had previously asked our Solicitor to act for him and was told that this could not be done.

7. "The Real Property Deferment Act, as suggested by Mr. Hudson as a solution to this problem faced by our old people, is just another means of putting a mortgage on our property, and as such offers no just solution to the problem as a whole. Could Council in its wisdom perhaps come up with some other solution that would be more acceptable to all concerned?"

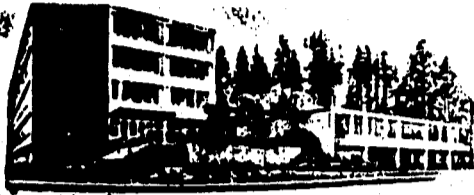
The Act referred to above make financial assistance available to persons who are sixty-five years and older, and to other persons who qualify as well, by allowing them to defer payment on real property taxes. We know of no existing authority under which Council can improve upon this form of assistance to persons in need.

RECOMMENDATIONS:

1. THAT a vehicle crossing over the proposed curb walk be denied for the reasons as stated in the Engineer's Report; and
2. THAT a copy of this report be sent to Mr. I. and Buckley.

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THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL HALL
4949 CANADA WAY
BURNABY B.C. V5G 1M2

3 May, 1976

THE OFFICE OF THE ENGINEERMr. E. Buckley
5770 Spruce Street
Burnaby, B.C.

Dear Sir:

In reply to your letter of 27 April, we made a field check of your property, at which time a member of our Department met with you. At this meeting he informed you that you would not be getting a sidewalk and/or curb crossing to service your front driveway, as this driveway leads to an illegal parking area, as defined under Section 800.6(1) of the Burnaby Zoning By-law. This By-law states in part:

"No parking area shall be located within a required front yard..."

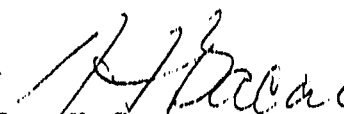
Your property is located within a Residential District (R2) which requires a front yard of 25 feet in depth (Section 102.5). Parking spaces are required to be 18 feet in length (Section 800.7), therefore, you would require a minimum of 43 feet between your front property line and your dwelling before you would be permitted to park a vehicle in the front yard of your house.

Legal access to your property should be via your rear lane.

In your letter you mentioned widening your existing driveway to accommodate two cars. Obviously, if your present parking area is in violation of existing By-laws, any widening of same will also be illegal.

As to your problem of access to your present illegal driveway being blocked by service vehicles, public utility and Municipal vehicles are exempt from the Section of the By-law covering parking in front of driveways, as long as they are engaged in works of necessity. Cablevision is not exempt as they are not a public utility. Notifying the police at the time of occurrence of violation by non-exempt vehicles is the only way to remedy this situation.

Yours truly,

E. E. Olson, P. Eng.
MUNICIPAL ENGINEER
By: H. Bacon
TRAFFIC SUPERVISORDE:cmg
c.c. () Mayor T. Constable
() Traffic Supervisor

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May 3, 1976

File No. 2112

Mr. Edward Buckley,
5770 Spruce Street,
Burnaby, B.C.
V5G 1Y9

Dear Sir:

Local Improvement Project Number 76-021
28' Pavement with 5' Curb Sidewalks on
both sides - Spruce Street from Royal
Oak to Canada Way

This will acknowledge with thanks, your letter of April 20, 1976 addressed to the Municipal Clerk and your undated memorandum received on May 3, 1976 and addressed to Mayor Tom Constable, Municipal Clerk, James Hudson, and Engineering Administrator, Mr. Townsend.

I have delayed responding to your correspondence of April 20 until the deadline had passed for the receipt of petitions against the proposed work (Monday, midnight, April 26, 1976) and I was in a position to forward the Municipal Clerk's Certificate of Sufficiency to the Municipal Council. This Certificate will be going to this evening's meeting - May 3, 1976.

The status of Local Improvement Project Number 76-021 is as follows:

Number of owners - 74;
51% required to defeat project - 38;
Number of objections - 9;
Total assessed value of land - \$778,455.00;
50% required - \$389,227.00;
Total petitioners' assessment - \$90,070.00.

The petitions against Project Number 76-021 do not represent a majority of

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Mr. Edward Buckley,
May 3, 1976
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the owners, nor do they represent at least one-half of the value of the parcels which are liable to be specially charged, all as required under the provisions of Section 589(1) of the "Municipal Act", as amended.

With reference to the second last paragraph of your letter of April 20, 1976, I enclose herewith for your information and retention, a copy of an "Application for Full Deferment of Property Taxes" - "Real Property Tax Deferment Act".

Yours truly,

James Hudson
Municipal Clerk

JH/sdh

cc. Mayor T.W. Constable
Municipal Manager
Supervisor - Engineering
Administration
Municipal Solicitor