

APRIL 12, 1977

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, April 12, 1977 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 D.A. Lawson  
Alderman W.A. Lewarne  
Alderman F.G. Randall  
Alderman R.D. Stewart  
Alderman V.V. Stusiak

**STAFF:**

Mr. M.J. Shelley, Municipal Manager  
Mr. V.D. Kennedy, Deputy Municipal Engineer  
Mr. A.L. Parr, Director of Planning  
Mr. James Hudson, Municipal Clerk  
Mr. J.G. Plesha, Administrative Assistant  
Mr. B.D. Leche, Municipal Clerk's Assistant

MOVED BY ALDERMAN EMMOTT:

SECONDED BY ALDERMAN RANDALL:

"THAT this Council send a letter of congratulations to Deputy Commissioner R.H. Simmonds, Royal Canadian Mounted Police, on his appointment to the position of Commissioner of the Royal Canadian Mounted Police effective September 1, 1977. (Deputy Commissioner Simmonds was formerly a member of the Burnaby Detachment, Royal Canadian Mounted Police.)

CARRIED UNANIMOUSLY

MINUTES

The Minutes of the Council Meeting held on April 4, 1977 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LEWARNE:

"THAT the Minutes of the Council Meeting held on April 4, 1977 be now adopted."

Alderman Stewart noted that on Page 3 of the Minutes of the Meeting of April 4, 1977 he was shown as being opposed to the Motion concerning the endorsement of a resolution submitted by the City of Castlegar when, in fact, he had seconded the Motion and was in favour.

Alderman Randall noted he had been opposed to the resolution but that his vote was not recorded and requested that his name be substituted for that of Alderman Stewart in the Minutes.

A vote was then taken on the original Motion "THAT the Minutes of the Meeting of April 4, 1977 be now adopted", as amended, and same was CARRIED UNANIMOUSLY.

DELEGATIONS

The following wrote requesting an audience with Council:

- a) Mr. Phillip C. Yacht, Globe Properties Ltd. Re: Closed down Service Station at 5961 Hastings Street

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b) Mr. R.F. West Re: Lots at 662 and 668 Burnwood Avenue

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STEWART:

"THAT the delegations be heard."

CARRIED UNANIMOUSLY

b) Mr. R.F. West then addressed Council on the matter of the sale of his properties at 662 and 668 Burnwood Avenue. The following is the text of Mr. West's submission:

"We the owners of 2 lots, addresses being 662 and 682 Burnwood Avenue on Burnaby Mountain in Burnaby, wish to bring to the attention of the members of the Burnaby Council our request to the Corporation of Burnaby for compensation in the amount of \$20,000.00 per lot, being that value attached to same by us related to present market value of similar Burnaby lots, for the purchase by them of the above lots, necessitated by Burnaby Council's placing these lots in a conservation area restricting all future building or development of same except for park use.

We have taken this approach after nearly two years of continued and fruitless verbal and written contacts with Burnaby's Land Department's Land Agent during which time we have not been offered a settlement price anywhere near the requested amount which is acceptable by us.

We also allege discrimination on the part of the Land Agent against us in the fact that other owners of larger numbers of lots have been paid earlier and larger prices for their lots than those offered us. Other individuals have also been offered exchange lots which we requested but were denied.

Burnaby's Land Agent has refused to recognize the appraisal which we have submitted and which he had indicated was required. This appraisal was prepared by the same appraiser who had appraised those lots recently acquired by Burnaby all of which appraisals were accepted and set purchase price.

Preferred treatment seems to have been given to those vendors who were represented by a realtor.

PRESENTATION IN SUPPORT OF ASKED COMPENSATION PRICE

1) Actual present day values of lots in question were arrived at by using sales price of serviced lots in the same general area of Burnaby being in: Duthie Place and an area off the 1200 block Philips Avenue which are in the \$45,000.00 to \$48,000.00 bracket. From these individual values proposed development costs of \$20,000.00 were deducted, these costs were made up of lot development costs projected in the planned D.L. 138 subdivision adjacent to the 7400 and 7500 blocks Aubrey Street on the south slope of Burnaby Mountain and adding \$4,000.00 as the per capita lot cost of a pumping unit to supply those lots above the 525 ft. elevation on the West Slope of Burnaby Mountain. Some consideration has to be given to the fact that the lots in question are on a developed street whereas those in the above subdivision require new streets to be installed.

Past sales of lots on Burnwood Avenue show in 1972, purchases by individuals re lots at 562 and 622 Burnwood Avenue, purchase price of each being \$10,000.00. One purchase was made in 1975 of a lot and 60 year old house in unliveable condition for \$39,000.00.

2) Appraisal value of \$18,117.00 per lot as arrived at on appraisal by Mr. A. Jones of Western Realsearch Corp. Ltd. of Vancouver, B.C. has been presented to and rejected by Burnaby's Land Agent. This appraisal was done by the same appraiser whose submitted appraisals have already been accepted and used as the basis for prices paid by Burnaby on previous recent lot purchases on Burnaby Mountain.

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3) While Burnaby has purchased lots in the same conservation area on Burnaby Mountain for the price of \$15,000.00 none of these purchases have taken place on Burnwood Avenue, all of which, except for two, have been in inaccessible areas on the Mountain.

Due to the fact that our lots are on Burnwood which is the only developed street in that area, and on which are established residences which have some services, we attach a larger value to same than could be attached to those without such access or services.

These lots are also within a block or two of the end of sewer and water lines putting them in what would have been an easier and earlier possible future development area as compared to those higher up the mountain or farther from such service ends.

A proposed subdivision development north of Curtis and east of Duthie now in planning stages brings development to within about one block of our lot sites.

We have on two occasions being 1968 and 1970 carried out clearing on these lots and planted apple, pear and cherry trees on same.

4) These lots were purchased by us in 1966 after we had consulted with the Planning and other Departments of Burnaby regarding their status. We were aware then of their zoning of agricultural small holding, but were assured at that time that Burnaby then had a plan in proposal stages of development within two years; i.e., single family dwelling.

We made contact with the Planning Department about every six months to ascertain possibilities of building and were made aware of several different plans and proposals for that West Slope area.

We were never told that Burnaby planned to put that slope of the Mountain in a Conservation or Park Preservation Area. Even up to and including the date of Council's approval of such a use for the area in question, no public advertisement of such intent was ever made and no property owners within the area were notified.

5) Burnaby's lack of servicing of the lots on the West Slope of Burnaby Mountain where they were for the past 15 to 20 years major owners has resulted in much escalated development costs and left us in a position where it will cost us, to get the equivalent lots to replace those we now cannot use, almost ten times what it would have cost us that many years ago. Building costs have also multiplied many times. Burnaby's delay in negotiating with us that price paid to other owners has cost us hundreds in loan payments alone on monies borrowed while we have been waiting for them to come to an agreeable payment amount."

- b) Mr. Phillip C. Yacht, Globe Properties Ltd. then addressed Council on the subject of the redevelopment of the closed down service station at 5961 Hastings Street as a retail tire shop. The following is the text of Mr. Yacht's submission:

"Our Company is the owner of one of the closed down gas stations at 5961 Hastings Street. We had the pleasure of attending the Burnaby Council meeting on Monday, March 21 and after the meeting we met informally with His Worship, Tom Constable, Mr. Tony Parr, Alderman Vic Stusiak and Alderman Doug Drummond. We expressed our interest in changing the present eyesore of a boarded up service station into an attractive UNIROYAL tire franchise store. The Burnaby Planning Department has initially indicated that they are not anxious to change a C2 zoning which is primarily for use as a retail store or service station, to be rezoned to C6 which would allow the sale of automobile accessories.

The surrounding areas are not built up enough to support a retail establishment such as a bank, barbershop, shoe repair shop as outlined in the C2.

The neighbours of our property are a MAZDA car dealership which is on

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land zoned C2 but they are operating as a legally non-conforming land use. Another neighbour is a motel on land zoned C2 but we understand that motels, motor hotels and auto courts should also be C4, subject to the regulations of the C5 district.

Our prospective tenant is anxious to begin the remodelling of the empty building in time to be ready for his busy tire selling season which is approaching quickly."

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN AST:

"THAT Item 27, Municipal Manager's Report No. 27, 1977 be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in that report:

"THAT Mr. Yacht be encouraged to utilize the subject site under the prevailing C2 zoning regulations, but should he wish to pursue the use of the site as requested, that he be advised to submit a formal rezoning application to the Planning Department which will be advanced to Council for consideration on May 24, 1977 along with the normal series of applications."

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN LEWARNE:

"THAT the Planning Department be instructed that an application for rezoning of the subject property be accepted and that the rezoning of the subject property be accepted and that the rezoning be advanced to a Public Hearing on May 24, 1977."

MOVED BY ALDERMAN DRUMMOND:  
SECONDED BY ALDERMAN LAWSON:

"THAT further consideration of this matter be tabled pending receipt of a further report from the Planning Department concerning the number of similar dealerships along Hastings Street in this area."

FOR: Aldermen Drummond and Lawson  
OPPOSED: Mayor Constable, Aldermen Ast,  
Emmott, Lewarne, Randall, Stewart  
and Stusiak

MOTION DEFEATED

A vote was then taken on the Motion as moved by Alderman Stusiak and seconded by Alderman Stewart "THAT the Planning Department be instructed that an application for rezoning of the subject property be accepted and that the rezoning be advanced to a Public Hearing on May 24, 1977 with the following results:

FOR: Aldermen Emmott, Lewarne, Stewart  
and Stusiak  
OPPOSED: Mayor Constable, Aldermen Ast,  
Drummond, Lawson and Randall

MOTION DEFEATED

MOVED BY ALDERMAN RANDALL:  
SECONDED BY ALDERMAN LAWSON:

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

FOR: Mayor Constable, Aldermen Ast, Drummond,  
Lawson and Randall

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OPPOSED: Aldermen Emmott, Lewarne,  
Stewart and Stusiak

MOTION CARRIED

BY - LAWS

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN STEWART:

"THAT:

'BURNABY TAX SALE LANDS MONIES EXPENDITURE  
BY-LAW NO. 5, 1956, AMENDMENT BY-LAW 1977'

- #7039

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN STEWART:

"THAT the Committee now rise and report the By-law complete."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN STEWART:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN STEWART:

"THAT:

'BURNABY TAX SALE LANDS MONIES EXPENDITURE  
BY-LAW NO. 5, 1956, AMENDMENT BY-LAW 1977'

- #7039

be now read three times."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:  
SECONDED BY ALDERMAN RANDALL:

"THAT:

'BURNABY LOCAL IMPROVEMENT CHARGES BY-LAW 1976,  
AMENDMENT BY-LAW 1977'

- #7038

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

CARRIED UNANIMOUSLY

CORRESPONDENCE AND PETITIONS

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN LEWARNE:

"THAT all of the following listed items of correspondence be received and

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those items of the Municipal Manager's Report No. 27, 1977 which pertain thereto be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

a) Vancouver Symphony Society re 1977 Grant

A letter of appreciation was received dated March 30, 1977, from the Vancouver Symphony Association expressing appreciation for the grant in the amount of \$6,000.00 received from The Corporation of the District of Burnaby.

b) Killarney Champlain Citizens for Action - Petition re opposition to proposal to close Champlain Crescent (54th Avenue to Rumble Street Connector or Tyne Street to Rumble Street Connector) to vehicular traffic

An undated petition was received from the Killarney Champlain Citizens for Action protesting the closing of the subject streets.

c) New Westminster and District Chamber of Commerce Re: Fourth Crossing of Fraser River

Correspondence under date of April 1, 1977 was received expressing the concern of the New Westminster Chamber of Commerce regarding a fourth crossing of the Fraser River. It was hoped any new crossing would be such as to facilitate all modes of traffic from private, commercial and a rapid transit system. The Chamber of Commerce suggested that a Committee of the affected Municipalities be formed to study the programming of this necessary fourth crossing.

The Municipal Manager was requested to furnish Council with a status report on the proposed Annacis Island crossing of the Fraser River.

d) Royal Commission, British Columbia Railway Re Opening Statement of Commission Council

Correspondence dated March 30, 1977 enclosing a copy of the Opening Statement by Commission Council at the initial sitting of the Commission on March 24, 1977 was received. In the event that Council should wish to make a submission to the Commission advice should be forwarded as soon as possible. The precise dates for each presentation will be settled later as the sittings proceed. The Commission's present plans are to sit in Vancouver throughout the month of May and to sit in the Interior Communities on the Railway Line during June.

MOVED BY ALDERMAN LEWARNE:  
SECONDED BY ALDERMAN EMMOTT:

"THAT the Municipal Manager prepare a submission on behalf of The Corporation of the District of Burnaby for presentation to The Royal Commission, British Columbia Railway and that this presentation be submitted to Council for review prior to forwarding to The Royal Commission."

CARRIED UNANIMOUSLY

e) Hean, Wylie, Prentice & Company Re: Kask Bros. Ready Mixed Concrete Ltd. - Underground Gravel Conveyor

Correspondence dated April 4, 1977 was received from Arnold F.C. Hean, Esq. reviewing the events that have transpired with regard to the proposed rezoning of the properties owned by Kask Bros. Ready Mixed Concrete Ltd. Mr. Hean suggested that the careless and possibly irresponsible disregard for the economic facts of life on the part of

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members of the Municipal Staff, on a number of Members of Council and a majority of the Parks and Recreation Commission can be totally destructive of job and business development within Burnaby. Mr. Hean advised that his clients have reluctantly come to the conclusion that Municipal restrictions and demands, which have cost them very heavily, require them to withdraw their application for the underground conveyor system unless a way can be found to obtain approval for the conveyor without prejudicing the business of the Kask family.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN LAWSON:

"THAT the correspondence from Hean, Wylie, Prentice & Company be referred to the Special Committee of Council established by the Mayor to consider this subject."

CARRIED UNANIMOUSLY

His Worship, The Mayor, advised that he had appointed Alderman Stusiak, Alderman Randall and himself, to the Special Committee of Council to deal with the foregoing subject.

f) Mr. and Mrs. G.R. Mackie Re: Petition requesting closing of Howard Avenue at Meadedale Drive

A petition signed by Mr. and Mrs. G.R. Mackie and others, requesting the permanent closure of Howard Avenue at Meadedale Drive and the institution of some form of traffic control and enforcement was received.

Council was advised that a Staff report on this subject would be available for consideration on April 18, 1977 and further consideration of the matter was deferred until that time.

#### ENQUIRIES

Alderman Ast noted that Members of Council had received a letter dated April 5, 1977 from residents along Madison Avenue north of Albert Street regarding the condition of boulevards on this street following the completion of Local Improvements.

His Worship, The Mayor, advised that he had discussed this matter with the Municipal Engineer and a report would be forthcoming in the near future.

Alderman Ast further enquired as to whether a list of the membership of the Kensington Home Owners Association was available to Council.

It was left to the discretion of the Kensington Home Owners Association to determine if they wished to provide Council with a list of the membership of the Association.

Alderman Lewarne noted that Mayor J.J. Volrich of the City of Vancouver has made some statements about the Bay Area Rapid Transit System in San Francisco. Alderman Lewarne suggested that it was very pertinent to a Lower Mainland system insofar as costs, etc., are concerned. Alderman Lewarne suggested that Mayor Volrich be requested to supply this Council with his comments regarding the Bay Area Rapid Transit System.

Mayor Constable informed Council that he would request the Greater Vancouver Regional District to follow up on Mayor Volrich's comments on the Bay Area Rapid Transit System and to provide additional information in this regard.

Alderman Stusiak enquired as to the present status of the report on the Brentwood area poll re barricades.

The Director of Planning advised that he expected that a report on this subject would be available in approximately a month.

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Alderman Stusiak reported that he had received complaints regarding vandalism and drinking in the vicinity of Beecher Park and requested the Municipal Manager provide information on this subject when available.

Alderman Drummond reported that he had received a complaint from a Mr. DeFazio in the 9800 block Broadway who is apparently having problems with siting of his home due to the proposed widening of Broadway to four lanes at this point. Alderman Drummond requested the Director of Planning to look into this matter and to submit a report.

NOTICE OF MOTION

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN RANDALL:

"WHEREAS the proposed changes in the Municipal Act will infringe on the jurisdiction of Municipal Councils, democratically elected by the citizens of that Municipality; and

WHEREAS the public interest is better served by decisions made at the local level because the general public has easier access to elected representatives; and

WHEREAS elected people at Municipal level are closer to and more familiar with local situations and must answer to the electorate at election time;

THEREFORE BE IT RESOLVED that this Council register opposition to the proposed change in Section 879 of the Municipal Act that allows the Minister of Municipal Affairs to overrule zoning or planning by-laws approved by Council, and so notify the Minister, the Burnaby Members of the Legislative Assembly and the Union of British Columbia Municipalities."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT the Election portions of Bill 42 - 'Municipal Amendment Act, 1977' be referred to the Election Procedures Committee and the Zoning portions be referred to the Housing Committee."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN STUSIAK:

"WHEREAS there is an ever increasing work load on Burnaby Aldermen as the Municipality grows; and

WHEREAS the position of Alderman in Burnaby is a part-time position; and

WHEREAS the current situation allows professional or business people or persons with flexible hours to function properly as Alderman; and

WHEREAS a full time Alderman may be in a better position to do a proper job for the taxpayers of Burnaby;

THEREFORE BE IT RESOLVED that the Election Procedures Committee carry out a comprehensive study regarding the advantages or disadvantages of full time Aldermen in Burnaby. The study should include a look at whether all Council members should be full-time or whether only a part of Council should be full-time. Salary structures for full-time Aldermen should also be part of the study."

CARRIED UNANIMOUSLY



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REPORTS

MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

His Worship, Mayor Constable, submitted a report in which it was noted that the 40th Annual Conference of the Federation of Canadian Municipalities will be held May 15 to May 18, 1977. His Worship recommended that as a majority of Aldermen will be in attendance at this Conference, the Council Meeting scheduled for May 16, 1977, be cancelled.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN STEWART:

"THAT the recommendation of the Mayor be adopted."

CARRIED UNANIMOUSLY

His Worship, Mayor Constable, submitted a report on the question of restitutional sentencing in Burnaby with regard to vandalism. His Worship noted that a resolution was submitted by Campbell River to the 1976 Annual Convention of the Union of British Columbia Municipalities on this particular subject. His Worship further reported that he had discussed this with Mr. C.S.J. McKelvey, Executive Director of the Union of British Columbia Municipalities, and had been advised that this resolution, after endorsement by the Union of British Columbia Municipalities, was passed on to the appropriate Minister. As of this date, the Attorney-General's Office does not seem to have acted on this resolution and the Union of British Columbia Municipalities, through the Executive Committee, are still pursuing it actively along with many other resolutions.

On the question of the possibility of resubmission of this resolution to the Convention, Mr. McKelvey has advised that it is his intention to place this matter, along with many other unresolved items, before the Executive Committee for a blanket re-endorsement from the Committee to the Convention.

MOVED BY ALDERMAN LEWARNE:  
SECONDED BY ALDERMAN STEWART:

"THAT the Report of the Mayor be received."

CARRIED UNANIMOUSLY

The Municipal Manager submitted Report No. 27, 1977 on the matters listed following as Items 1 to 30 either providing the information shown or recommending the courses of action indicated for the reasons given:

1. Building Department Report

The Municipal Manager submitted the report of the Chief Building Inspector covering the period February 28, 1977 to March 25, 1977.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN RANDALL:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

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2. Proposed Demolition of Municipal Property - Lot 7, Ex. W.75',  
Blks. 1, 2 & 24, D.L. 6, Plan 4155 - 9753 Cameron Street

The Municipal Manager recommended that the subject buildings be demolished and the property on which they are situated be cleaned up.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

3. Letter from the Alma Mater Society of the University of British  
Columbia which appeared on the Agenda for the April 4, 1977 Meeting  
of Council - 25th Avenue Bus Service

The Municipal Manager submitted a report from the Municipal Engineer on the proposed 25th Avenue Bus Service. It was recommended:

- 1) That Burnaby Council support, in principle, the proposed 25th Avenue Bus Service; and
- 2) That Vancouver City Council be informed of Burnaby Council support; and
- 3) That British Columbia Hydro be forwarded a copy of this report and be requested to provide a status report on the 25th Avenue Bus Service; and
- 4) That the Alma Mater Society of the University of British Columbia be sent a copy of this report.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN STEWART:

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

CARRIED UNANIMOUSLY

4. Society for Prevention of Cruelty to Animals - Spay and Neuter  
Clinic

The Municipal Manager presented a report of the Chief Licence Inspector regarding the Society for Prevention of Cruelty to Animals low cost spay and neuter clinic which provides services to the public in the Greater Vancouver area.

MOVED BY ALDERMAN RANDALL:  
SECONDED BY ALDERMAN STUSIAK:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

5. Lower Mainland Regional Correctional Institute (Oakalla)

The Municipal Manager presented a report from the Officer-in-Charge, Burnaby Detachment, Royal Canadian Mounted Police, regarding the involvement of the force when prisoners escape from the Lower Mainland Correction Centre in Burnaby.

The number of escapes from the Correctional Centre will be reported on the Royal Canadian Mounted Police Monthly Report commencing in April and will continue to be shown on reports for the remainder of this year.

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MOVED BY ALDERMAN LEWARNE:  
SECONDED BY ALDERMAN STEWART:

"THAT the report of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

His Worship, Mayor Constable, was requested to arrange a tour of the Correctional Centre for those members of Council who are interested.

6. Co-ordinator of Volunteers - Health Department

The Municipal Manager presented a report from the Medical Health Officer concerning the co-ordination of a volunteer program within the Health Department.

The Municipal Manager recommended:

- 1) That authorization be given to implement the Volunteer Co-ordination Program as more specifically detailed in the Medical Health Officer's report, subject to the condition that a 50/50% cost sharing agreement can be reached with the Federal Government on the Co-ordinator of Volunteers position and the Clerk-Typist position; and
- 2) That the effective date for the subject program be June 1, 1977.

MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN RANDALL:

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

MOVED BY ALDERMAN STEWART:  
SECONDED BY ALDERMAN EMMOTT:

"THAT this matter be referred to the Liaison Alderman, Alderman W.A. Lewarne, to determine the reaction of the Health Department insofar as utilizing the services of the Burnaby Volunteer Bureau in this respect and to ensure as little duplication of services as possible."

CARRIED UNANIMOUSLY

7. Rezoning Reference #1/77  
Southwest Corner of Lougheed Highway and North Road

The Municipal Manager presented a report from the Director of Planning regarding the subject rezoning reference.

The Director of Planning reported that a design solution has now been reached which satisfactorily resolves all the concerns of the Department of Highways while maintaining the quality aspects of the project as outlined in the report and conforming to all By-law requirements. A three foot dedication will be required along a portion of the Lougheed Highway frontage. Other changes involve adjustments to access configurations.

As the Municipality is now in receipt of a suitable plan of development which satisfactorily resolves the concerns of the Department of Highways, it is appropriate to hold a Public Hearing for this rezoning proposal on April 19, 1977 as scheduled.

MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN STUSIAK:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

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8. Application for an addition to an existing House at  
1250 Willingdon Avenue

The Municipal Manager presented a report from the Director of Planning in which it was recommended that the application for an addition to an existing house at 1250 Willingdon Avenue be approved.

MOVED BY ALDERMAN STEWART:

SECONDED BY ALDERMAN STUSIAK:

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

CARRIED

OPPOSED: Alderman Stusiak

9. Tree Cutting at 5180 Glencarin Drive

The Municipal Manager presented a report from the Director of Planning in which it was indicated that a staff inspection of the subject property did not find any evidence of any large trees having been felled. The only cutting noted involved one large Alder tree which had five trunks, two of which had been trimmed.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN RANDALL:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

10. Application from the Holy Spirit Association to conduct a  
Fund Raising Campaign

The Municipal Manager presented a report from the Chief Licence Inspector as follows:

"This report deals with the application of the Holy Spirit Association. The question of the Corporation's extent of authority to restrict door to door soliciting will be the subject of another report (See Item 11 on page 129).

At the time of the application, representatives of the organization were not available locally. Following their arrival, Linda Christensen was requested to provide information on the objectives of the organization and their methods of operation. To date, no reply has been received.

In the meantime, the Department of Immigration advises that three members of the organization have been deported. The remaining members have vacated the Carrigan Court address and are reported to have left the Greater Vancouver area. Therefore, the application of the Holy Spirit Association for permission to conduct a fund raising campaign may be considered to be abandoned."

MOVED BY ALDERMAN STEWART:

SECONDED BY ALDERMAN LEWARNE:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

11. Soliciting and Tag Days

The Municipal Manager presented a report from the Chief Licence Inspector on the above subject. The Chief Licence Inspector outlined the relevant

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sections of the "Burnaby Street and Traffic By-law" and the Municipal Act, giving authority for Council to grant permission for a person to conduct tag days and to solicit for funds.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

12. Restrictive covenant for Subdivision #158/76

The Municipal Manager recommended that authorization be given to prepare and execute a restrictive covenant under Section 24A of the Land Registry Act as more particularly described in the Director of Planning's Report.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

13. Application for Strata Title approval on an existing Duplex - Lot 26, Block 21, D.L. 74, Plan 2603 - 4989/91 Dominion Street

The Municipal Manager 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 LEWARNE:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

14. Rebates of Penalty Additions under Section 411 of The Municipal Act

An application for abatement of percentage additions to Section 411 of the Municipal Act has been made on the following property:

A.J.Code	Lot 4, Block 2, N 1/2 of	1977 interest \$4.25
7342 Willingdon Ave.,	SW 1/4 of D.L. 149, Plan	
Burnaby, B.C.	1373	

1977 abatements to date, including the above sum, total \$4.25.

It was recommended by the Municipal Manager that the above rebate be approved by Council.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

15. Engineer's Special Estimates

It was recommended that the Special Estimates of the Municipal Engineer in the total amount of \$63,100.00 as more particularly detailed in the report received be approved.

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MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN STUSIAK:

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

CARRIED UNANIMOUSLY

16. Changes to The Municipal Act

The Municipal Manager submitted a report enclosing copies of Bill 42 incorporating changes to The Municipal Act. The Municipal Manager noted that the Bill will presumably come forward for adoption when the Legislature reconvenes.

MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN STEWART:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

17. Pedestrian Overpass at the Intersection of Canada Way  
and Douglas Road

The Municipal Manager submitted a report from the Municipal Engineer containing information on the cost and design of the Overpass. The Municipal Manager also provided a report from the Municipal Treasurer which defines the catchment area and provides detailed information on how the Overpass could be financed.

It was recommended by the Municipal Manager that:

- 1) Alternative road patterns be pursued by the Director of Planning as requested by the Traffic Safety Committee;
- 2) A pedestrian Overpass be held in abeyance at least until:
  - a. An evaluation of the benefits of the proposed signal changes is completed; and/or
  - b. The possibilities of an alternative road pattern have been resolved;
- 3) If Council authorizes construction of the pedestrian Overpass, the method of financing as outlined in the Treasurer's report be adopted;
- 4) A report be submitted to Council on the question of warrants for building Overpasses for possible use by Burnaby when sufficient information has been obtained from other areas;
- 5) A copy of this report be forwarded to the "Committee for a Safer Triangle".

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN AST:

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

It was agreed that each of five aforementioned recommendations would be considered separately.

Recommendation No. 1 - CARRIED UNANIMOUSLY

Recommendation No. 2 -

MOVED BY ALDERMAN STEWART:  
SECONDED BY ALDERMAN LAWSON:

"THAT an additional Item 2(c) be added to the aforementioned Recommendation

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No. 2, as follows:

'That the Director of Planning and the Municipal Engineer bring down a report in one month's time providing details of the proposed design and costs of the overpass.'

CARRIED UNANIMOUSLY

A vote was then taken on Recommendation No. 2, as amended, and it was CARRIED UNANIMOUSLY.

Recommendation No. 3 - CARRIED

OPPOSED: Aldermen Drummond and Randall

Recommendation No. 4 - CARRIED UNANIMOUSLY

Recommendation No. 5 - CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN STEWART:

"THAT the Municipal Hall Capital Improvement Committee be revitalized to look at the proposed Overpass crossing Canada Way at Ledger Avenue."

CARRIED UNANIMOUSLY

Council recessed at 9:20 P.M.

Council reconvened at 9:35 P.M. with all members of Council in attendance.

18. Changes in Liquor Policy

The Municipal Manager submitted a report on proposed changes to the Provincial Government Liquor Policy. Attached to the report was a copy of a News Release announcing the proposed changes.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN STEWART:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

19. Stride Avenue Dump and Still Creek Filling Operations

The Municipal Manager submitted a report indicating that members of Staff and the Union have met to discuss the ramifications of the subject matter. Deliberations will be continued, however, before a report can be made to Council. The Municipal Manager anticipated that a report will be available for a referral to Council in about three or four weeks.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STEWART:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

20. Proposed replacement of a Foot Bridge in Charles Rummel Park

The Municipal Manager recommended that Council approve the expenditure of \$1,000.00 from the 1977 Parks and Recreation Capital Improvement Program Minor Development Account for the replacement of the foot bridge in Charles Rummel Park prior to the approval of the 1977 Annual Budget.

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MOVED BY ALDERMAN LEWARNE:  
SECONDED BY ALDERMAN STEWART:

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

CARRIED UNANIMOUSLY

21. Tax Buyers and Discounters

The Municipal Manager presented a report from the Chief Licence Inspector concerning Tax Buyers and Discounters as follows:

"On 25 March 1977, Section 37 of Bill 28, being the Provincial Consumer Protection Act was proclaimed law. This section provides that no tax discounter, including tax broker, shall acquire a refund from a tax payer unless the discounter pays the tax payer an amount which is not less than 85% of the refund. This legislation is applicable to refunds under the Income Tax Act, Unemployment Insurance Act, Canada Pension Act, renters tax credit under the Income Tax Act and a claim as a grant or refund under a Provincial or Federal Act.

It will be recalled that on 7 February 1977, Council adopted By-law No. 6998, which provides that the amount a tax buyer shall pay to a person for the assignment of an income tax refund shall not be less than 85% thereof when the refund exceeds \$100.00, and when such refund is less than \$100.00, the amount of refund less \$15.00. Also, on 14 March, 1977, Council gave first, second and third readings to By-law No. 7013 to include tax brokers under the regulations of tax buyers.

The Municipal Solicitor advises that no further action is necessary on our part.

MOVED BY ALDERMAN LEWARNE:  
SECONDED BY ALDERMAN RANDALL:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN STEWART:

"THAT:

- 1) By-law No. 6998 - 'BURNABY TRADES LICENCE BY-LAW 1950,  
AMENDMENT BY-LAW NO. 1, 1977'  
be repealed;
- 2) By-law No. 7013 - 'BURNABY TRADES LICENCE BY-LAW 1950,  
AMENDMENT BY-LAW NO. 2, 1977'  
be abandoned."

CARRIED UNANIMOUSLY

22. Lane between Fulwell Street and Hardwick Street East from  
Godwin Avenue to Eastern Property Line - Lot 15, Block 5, D.L. 76,  
Plan 1885

The Municipal Manager presented the Cost Report covering the paving of the subject lane prepared in accordance with Section 601 of the Municipal Act.

It was recommended by the Municipal Manager that:

- 1) The Cost Report be received; and
- 2) A Construction By-law be brought forward.



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MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STEWART:

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

CARRIED UNANIMOUSLY

23. Rezoning Reference #45/76  
Delta Avenue/ Halifax Street/ Woodway

The Municipal Manager submitted a report from the Director of Planning containing additional information requested by Council on the subject rezoning pertaining to the availability of space in nearby schools, data concerning the size of the park immediately north of this project and a site cross section showing the contour and height relationships between the proposed 3½ storey condominium the trees within the park and the nearby single family dwellings on Halifax Street.

MOVED BY ALDERMAN LAWSON:

SECONDED BY ALDERMAN LEWARNE:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

24. Apparent 22% reduction in Assessments to Condominiums in Burnaby

The Municipal Manager presented a report of the Municipal Treasurer concerning an apparent 22% reduction in assessments to condominiums in Burnaby as follows:

"I am advised by the Regional Essessor that the 1977 Court of Revision did indeed make a downward revision in the assessments of highrise condominiums only. This type of condominium appeared on the assessment rolls for the first time in 1976, at which time few sales had taken place. The Assessor placed a value on the apartments which later proved to be too high. There were 800 appeals at the 1977 Court of Revision.

There were 1,200 strata parcels in all affected by the decision of the Court to lower the improvement assessments thereon by an average of \$5,000. each, or a total of approximately \$6,000. At the 1976 general purposes mill rate this represents a reduction in taxes of \$78,192. School and other rates would be affected proportionately."

MOVED BY ALDERMAN RANDALL:

SECONDED BY ALDERMAN STEWART:

"THAT the report of the Municipal Manager be received."

CARRIED UNANIMOUSLY

25. Letter from the Central Mortgage and Housing Corporation which was on the Agenda for the April 4, 1977 Meeting of Council Re: Residential Rehabilitation Assistance Program

The Municipal Manager presented a report from the Director of Planning concerning the subject Program and the budgeting arrangements for 1977.

The Municipal Manager recommended that a copy of this report be sent to Mr. T. Green, Central Mortgage and Housing Corporation.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STEWART:

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

CARRIED UNANIMOUSLY

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26. MacInnis Place Housing Development

The Municipal Manager presented a further report from the Chief Building Inspector concerning the MacInnis Place Housing Development with particular reference to 9218 Gildwood Drive.

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN RANDALL:

"THAT the report of the Municipal Manager be received."

MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN AST:

"THAT this subject matter be tabled for one week."

CARRIED UNANIMOUSLY

27. Letter from Globe Properties, 789 Burrard Street, Vancouver, B.C.  
Use of property at 5961 Hastings Street

This Item was dealt with previously in the Meeting as Item 2(a) - Delegations.

28. Letter from Mrs. F.A. DeBrunner which appeared on the Agenda for the April 4, 1977 Meeting of Council Re: Bus Stops

The Municipal Manager submitted a report from the Municipal Engineer regarding the bus stops and street lighting that are of concern to Mrs. DeBrunner. The Municipal Engineer will be requesting the Traffic Safety Committee, at its meeting on April 19, 1977, to consider the relocation of the bus stop in question to a bus zone on the northeast corner of Patterson Avenue and Imperial Street. The street lighting on Patterson Avenue consists of 400 watt lease lights mounted approximately 30 feet above the pavement and spaced about 300 feet apart. The 300 foot spacing exceeds our minimum requirement of 700 feet apart for lease lighting.

The Municipal Manager recommended that a copy of this report be sent to Mrs. F.A. DeBrunner.

MOVED BY ALDERMAN LAWSON:  
SECONDED BY ALDERMAN RANDALL:

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

CARRIED UNANIMOUSLY

29. Boulevard Tree Planting

On April 4, 1977 Council received a report advising that the Burnaby Beautification Committee has expressed strong support for the inclusion of a tree planting program in the 1977 C.I.P. and that such a program is currently being prepared by staff for inclusion in this year's C.I.P.

The Municipal Manager is concerned that the wording used could easily imply that the planting program will definitely be included in the 1977 C.I.P. The Council should be made aware that a tree planting program was not provided for in the 1977 Provisional C.I.P. which Council has already received and approved. It does not appear likely that such a program could be included in the final 1977 C.I.P. unless something else is deleted, especially when one considers the extra demands on the budget because of the joint Parks and Recreation/Library complex for Northeast Burnaby and the Kensington Overpass.

Upon reflection, it would have been better to point out in Item 8,

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April 4, 1977, that the Planning Department is in the process of preparing a tree planting plan for the Municipality and when adopted by the Parks and Recreation Commission and Council, we hope that some way will be found of making a start on this program in 1977, although this cannot be guaranteed.

In conclusion, it is still too early to say what the final staff recommendation will be with regard to inclusion of the tree planting program in the C.I.P.

It was recommended by the Municipal Manager that a copy of this report be forwarded to Burnaby Beautification Committee.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

30. Tenders for Fertilizer

The Municipal Manager recommended that Council approve the execution of two contracts for the purchase of fertilizer as more particularly outlined in the Purchasing Agent's report.

MOVED BY ALDERMAN STEWART:

SECONDED BY ALDERMAN LEWARNE:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN STEWART:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN STEWART:

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

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN STEWART:

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

CARRIED UNANIMOUSLY