| ITEM                 | 8     |
|----------------------|-------|
| MANAGER'S REPORT NO. | 11    |
| COUNCIL MEETING Feb. | 14/77 |

Re: LETTER FROM CARLTON PRIVATE HOSPITAL AND NURSING HOME WHICH APPEARED ON THE AGENDA FOR THE FEBRUARY 7, 1977 MEETING OF COUNCIL (Item 4g) SUBDIVISION REFERENCE #157/76 AND REZONING APPLICATION #30/76

Appearing on last week's agenda was a letter from Mr. John R. Becher

regarding the amount of compensation that has been established for the sale of a redundant portion of Carlton Avenue. Following are reports from the Land Agent and the Director of Planning regarding this matter.

#### **RECOMMENDATION:**

1. THAT the applicant's request for title to the redundant lane allowance without payment of compensation for same be denied.

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| 観察    |                         |                                                 |                                                                                                                                                                                                                                               |                   |                   | N Yay Yu Aya |                  | : 우리 가지 한        |               |                                         | (- e - )- <del>4</del>                 | an a |             |                                       | and the second                           |                        |                   | 1920               |           |
|-------|-------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|--------------|------------------|------------------|---------------|-----------------------------------------|----------------------------------------|------------------------------------------|-------------|---------------------------------------|------------------------------------------|------------------------|-------------------|--------------------|-----------|
|       | Basile                  | 15.44                                           | : CC ( ) : :                                                                                                                                                                                                                                  | 신한 감탄가            |                   |              |                  |                  | a anar        | 연물 관람                                   |                                        | 8 H.C. H.                                | 집안 같이       | 5.7 M M                               |                                          | 总统管理                   | 222               |                    | 88        |
| 899   | .TO:                    | 建议结果                                            |                                                                                                                                                                                                                                               | MUNI              | CIPAL             | MAN          | AGER             | 아파 말음            |               |                                         | 아파 아파                                  | 귀나가는                                     | Feb         | ruai                                  | y 4                                      | <u>, 1</u>             | 977               |                    | 1692      |
| 17. A | The Free Land           |                                                 |                                                                                                                                                                                                                                               |                   |                   |              |                  |                  |               |                                         | o 74 - Antonio II.<br>O Maria Maria IV | 신문화한                                     |             | e e e e e e e e e e e e e e e e e e e |                                          | S (7) ( 199)           |                   |                    |           |
|       |                         |                                                 |                                                                                                                                                                                                                                               |                   |                   |              | <u>1100 (</u> .) |                  |               |                                         |                                        |                                          |             |                                       |                                          | 174 G S                | 6.500             |                    | 533       |
|       | FRC                     | )M :                                            |                                                                                                                                                                                                                                               | LAND              | SDEF              | ARTM         | ENT              | Sec. Stano       |               | San |                                        |                                          | 7.12.20     |                                       | Carlos de Cel                            | 683,004                | 1.01              | 1712               | $[X_{i}]$ |
| 11.0  |                         |                                                 |                                                                                                                                                                                                                                               |                   |                   |              |                  |                  |               |                                         |                                        |                                          |             |                                       | 경험사망                                     | 1.19                   |                   | 8 g (              | 3         |
|       | Cherry Mary             |                                                 |                                                                                                                                                                                                                                               | light find at the |                   |              | na nyangan ng    |                  |               |                                         |                                        | 11.1.1.1.1.1.                            |             |                                       |                                          |                        |                   |                    | 1         |
| 5.4   | SUE                     | JEC                                             |                                                                                                                                                                                                                                               |                   | IVISI             |              |                  |                  |               |                                         | 6 AI                                   | л С                                      | an anns i   | ويقارب مراجع                          | a an | WAY STATE              | 2009-02<br>100-02 | Wheeler<br>Mary In | \$ 18 B   |
| 1     | r e statevi             | ې د د ورغنه کې وله د د<br>د د د د د کې وله د سا | in the second                                                                                                                                                                                                                                 | REZO              | NING              | APPL         | ICAT             | ION              | #30           | 176                                     | e<br>enerstaard                        | h grieg standige                         | 77783219    | ehr.) (Seller                         | delerent.                                | d with and             | 919193            | 1446               | shir      |
|       | a<br>Marina ya ya wa wa | s Beginning ang Shi                             | and the second second                                                                                                                                                                                                                         | 10,0000           | ang malangan ka k | 2000 - 1 C   | 1 Pallagen en de | Believeler Bases | S. Landstoort | and a training                          | siyar NAB de                           |                                          | and the set | بالمون إلوالتان                       | S. Bert Sugar                            | i de la de la de la de | ಕಾಲ್              |                    | See.      |
|       |                         |                                                 | (1997)<br>1997 - Starley Starley<br>1997 - Starley St | 영양감독 영상           | 말 같은 것을 할 수 있다.   | 이 안 안 많아요    | li shetin        |                  | 안 갔는데         |                                         |                                        |                                          | 이야 한 것이 같아. | 영화 성공을                                | an an an Arian<br>Carl an Arian an Arian | 52.5229                | 11 18 19          |                    | 111       |

With reference to the letter dated January 25, 1977, from Carlton Private Hospital relative to their negotiations to acquire the redundant portion of Carlton Avenue which was authorized by Council on August 30, 1976 (Item 18, Manager's Report No. 58).

The opinion of value expressed by the applicant is, in our opinion, not a valid one. The value of \$65,000.00 placed thereon can be adequately supported. The addition of this area (66' x 203'), when consolidated with adjacent property owned by the hospital, could provide site area to provide for building which would accommodate an additional twenty-two (22) patients. Their statement to the effect that a fair market value has not been set cannot be supported in fact.

The area of the sewer easement of which they complain has been allowed for in arriving at the value. The argument advanced that the R5 zoning does not support this value is rather weak when you take into consideration the purpose for which tentative approval has already been given for the ultimate use of the land is for institutional purposes.

Taking these points into consideration, I am unable to recommend any reduction in value with regard to the redundant portion of Carlton Avenue.

I would point out that, owing to the fact that the hospital has now acquired land on both sides of the road allowance, there is a possibility they might proceed to acquire the road allowance through plans cancellation proceedings. However, as this matter has proceeded to this point under road abandonment procedure and if this procedure is successful, then the Municipality has no alternative other than to sell the area involved at a fair market value.



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I believe this opinion is adequately supported in directives dated February 20, 1973 and January 7, 1974, addressed to all Municipal Clerks in the Province of British Columbia, re high-way abandonment procedures, from W. K. Smith, Deputy Minister of Municipal Affairs, copies of which I <u>attach</u> hereto.

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E. W. Grist Land Agent

EWG/jce Encl.

cc: Clerk Mayor Director of Planning 

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ITEM 8 11 MANAGER'S REPORT NO. COUNCIL MEETING Feb. 14/77

February 20, 1973.

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## TO: All Municipal Clerks, Province of British Columbia

#### Bighway Abandonment Procedures Re:

In addition to the nighway Abandonment Procedures set cut on page 49 of our "Guide to Municipal Management" it is confirmed that the present policy of the Department requires that when the portion of highway being stopped up and closed is to be abandoned and vested in the name of the adjoining owner or owners, or subsequently is to be conveyed by the municipality to another party for development purposes, such conveyance or vesting should not be completed without compensation first being received by the municipality.

The amount of compensation received by the municipality is to be confirmed at the time of submission of the petition to this office for consideration by the Lieutenant-Governor in Council.

Another practice that is not specifically covered in the Guide and requires clarification, concerns the vesting of those lands created by the abandonment. When an application is made by an incorporated company vesting will only be in the name of the municipality. Subsequent to the vesting in the name of the municipality a sale may then be arranged pursuant to the provisions of the Municipal Act. If the conditions are such that vesting is to be made in the name of an individual this may still be accomplished by way of the Order-in-Council.

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Yours truly, W. K. Smith, ----

Deputy Minister.

LRC/OS 72:34

|                              | ITEM 8<br>MANAGER'S REPORT NO. 11 17.3<br>COUNCIL MEETING Feb. 14/77.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 19 million                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| (D)                          | EPARTIMENT OF MUUNICUPAL AFFAURS<br>Province of British Columbia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                              | January 7, 1974<br>DEREIVED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                              | Province of British Columbia                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                              | Re: ( <u>Highway Abandonment Procedures</u> ) Corporation of Burnaby                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                              | In a circular letter dated February 20, 1973, the<br>policy of the Department was outlined in respect to compensation<br>being received by a municipality in return for conveyance of a<br>portion of highway abandoned pursuant to section 508 of the<br>Municipal Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                              | Some clarification in determining the amount of compensation to be received by the municipality would appear to be necessary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                              | Whether the compensation is by way of a cash payment<br>or exchange of land, the value received by the municipality should<br>represent a fair market value of the portion of closed road being<br>vested in the adjoining owner or owners. In arriving at a fair<br>market value, consideration should be given to such factors as:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Ý                            | (a) is the conveyance of the closed road to be a simple addition - to a residential lot or lots;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                              | (b) will the addition of the closed road enable a subdivision to be performed which would create an extra lot, or lots;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                              | (c) will the addition of the closed road permit a possible re-<br>zoning with an increased potential value for industrial<br>or commercial use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                              | At the time the Petition for abandonment is presented<br>to the Department, information relating to the compensation and<br>the means of arriving at the evaluation should be included with<br>the submission. Any deviation from this principle should be fully<br>explained.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                              | TREASURY g/1C- Yours truly,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| landar<br>Alisari<br>Alisari | AETER FILE OLARY AND III 1: Marine                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                              | JAN-91974 W. K. Smith,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                              | COVCH CALLARY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| ITEM |         |       |       | 8     |
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PLANN ING DEPARTMENT February 10, 1977

| 13.4          |     | Q.,                               | 火竹             | 14   | $\delta (C)$   | 63    | 28                                                               | 1.5   | à.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 6                 | Ω.                | 2                     | 34                      | 82                        | 20                          | 10                            | 92.                             | 34                                | 1                                  | 20                                    | 89                                   | Ċ.,                                     | 4.                                       | 12                                         | 20                                            | 14                                             | W                                               |                                                    | 2                                                   | wi i                                                  | 1                                                       |                                                          | 1                                                           | 13                                                           | ĊŶ                                                            |                                                                | 10                                                              | -3                                                               |                                                                  | 15                                                               | 76                                                                 | Ň.                                                                  | 975                                                                  | 16                                                                    | 10                                                                     | 954                                                                     | 925                                                                      | 123                                                                      | d d                                                                        | 10                                                                          | -                                                                            | 392                                                                           | ÷.,                                                                            | <u>96</u>                                                                       | 12                                                                              | M                                                                                 | с. af                                                                              | 32                                                                                  | 1.6                                                                                 | Ċ()                                                                                 | 10                         |                                                                                     |
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| 2.2           | -   |                                   | 21             | 65   | 2.5            | 8     |                                                                  | £.    | (in the second s | 69                | 1957              | 69                    | Ċ?                      |                           | 34                          | ¥.))                          | С,                              | 22                                | 9                                  | Ű,                                    |                                      |                                         | 10                                       | 93                                         | 1                                             | R)                                             | 44                                              | Ο,                                                 | ŧΫ                                                  | 99                                                    | 4                                                       | 8.                                                       | 4                                                           | 22                                                           | 83                                                            | ŝ,                                                             | đ,                                                              | 1                                                                | 191                                                              | 5                                                                |                                                                    | (2)                                                                 | 1                                                                    | 1                                                                     | 2                                                                      | 17.                                                                     | N.                                                                       | 10                                                                       | 31                                                                         |                                                                             | Ť.                                                                           | 14                                                                            |                                                                                | 12                                                                              | 5. j.                                                                           |                                                                                   | 1.1                                                                                | 55                                                                                  |                                                                                     |                                                                                     | 19                         |                                                                                     |
| See.          | 1   | . С                               | ):             | 1    |                | 94    | 197                                                              | 2.8   | λ.,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 17                | М                 | U                     | N                       | Τ                         | 6                           | 1                             | []                              | D/                                | A 1                                | T٧                                    | 0                                    | M                                       | IΔ                                       | N                                          | 31                                            | ۸,                                             | 'n,                                             | F                                                  | R                                                   | 147                                                   |                                                         | 100                                                      | $\mathbf{w}_{i}^{i}$                                        | 1                                                            | 14                                                            | 20                                                             | \$ 64                                                           | 1                                                                | rψ                                                               | 겉                                                                | 20                                                                 | 64                                                                  | Č.                                                                   | 10                                                                    |                                                                        | 1                                                                       |                                                                          | 1.5                                                                      | 1                                                                          | 13                                                                          | ÷.,                                                                          | ¢Q                                                                            | 1                                                                              |                                                                                 | 1                                                                               | illa.                                                                             |                                                                                    |                                                                                     | 1                                                                                   |                                                                                     | in de                      |                                                                                     |
| 1             | 1.2 | 311                               | SI.            | 161  |                |       |                                                                  | 1.1   | -74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1                 | 184               | <u>,</u>              |                         | 5                         |                             |                               | 2.                              | а., -                             |                                    |                                       | 11                                   |                                         | 1.1                                      |                                            | 10                                            |                                                | -                                               | 1                                                  | 4                                                   |                                                       |                                                         | ÷.                                                       |                                                             | 12                                                           | 12                                                            | 14                                                             | Q.,                                                             | 12                                                               |                                                                  | 55                                                               | in.                                                                | ¥е,                                                                 | . A.,                                                                |                                                                       |                                                                        | 12                                                                      | 6.0                                                                      |                                                                          | 90                                                                         | 30                                                                          |                                                                              | 12                                                                            |                                                                                | ÷.,                                                                             | 61                                                                              | 12                                                                                | 2.7                                                                                | 24                                                                                  | 69                                                                                  | 1                                                                                   | digit.                     |                                                                                     |
| 66.)          |     | (                                 | April .        | 6.14 | ÷.,            | 10    |                                                                  |       | 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                   | 11.               | ÷.,                   | 14                      | 2                         | 10                          | 10 N<br>20 M                  | 95                              | 26                                | 25                                 | 1                                     | 3.                                   | 16                                      | 3                                        | \$7                                        | 23                                            | 83                                             |                                                 | 1.25                                               | 43                                                  | 1                                                     | 22                                                      | 4                                                        | i.                                                          | ja.                                                          | 16                                                            | di)                                                            | dia.                                                            | 5                                                                | 4                                                                | Ľ,                                                               |                                                                    | 45,                                                                 | μ,                                                                   | 23                                                                    | 19                                                                     | 15                                                                      | 2.                                                                       | 26                                                                       | άx                                                                         | 82                                                                          | ., f                                                                         | 22                                                                            | άę.                                                                            | al i                                                                            | la de                                                                           | ç.                                                                                |                                                                                    | 5                                                                                   |                                                                                     |                                                                                     | بالمراسم                   | i                                                                                   |
| 34            | T   | םי                                | 0              | M    |                |       | 15                                                               | 07    | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1                 | n                 | Ŧ                     | T                       |                           | 7                           | •                             | 1                               |                                   | 14                                 | 144                                   | <u>.</u>                             | 100                                     | 4                                        | <u>}</u> **                                | 1                                             | 순                                              | 2761                                            |                                                    | 997                                                 | -                                                     | 1                                                       |                                                          | 68                                                          | 13                                                           | 11                                                            | 1.5                                                            | 2                                                               | 1                                                                | 5                                                                | ЪÅ,                                                              | 21                                                                 | 8                                                                   | 27                                                                   | - 1                                                                   |                                                                        | 39                                                                      | N.                                                                       | -24                                                                      | Ş. (                                                                       | Ma                                                                          | ÷.,                                                                          |                                                                               | 23                                                                             | 124                                                                             |                                                                                 | 1                                                                                 | 6.4                                                                                | 600                                                                                 | 1                                                                                   | 24                                                                                  | 92                         | i                                                                                   |
|               |     | -                                 | 9              | IAI  |                | 4     |                                                                  | 20    | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                   | υ                 | T.                    | ĸ                       | Ľ                         | L                           | 1                             | Ľ,                              | ני                                | τ                                  |                                       | υ                                    | r                                       | $\mathcal{A}_{1}^{\dagger}$              |                                            | 2                                             | j.                                             | 4                                               | N                                                  | N                                                   | 1                                                     | N                                                       | IC                                                       | ì                                                           |                                                              |                                                               | ъÈ                                                             | sà,                                                             | 20                                                               | 12                                                               | 4                                                                |                                                                    | d,                                                                  | 19.                                                                  | Sec.                                                                  | 25                                                                     |                                                                         |                                                                          | N.                                                                       | ÷.,                                                                        | 114                                                                         | sel.                                                                         | 新鮮                                                                            | 205                                                                            |                                                                                 | 1                                                                               | M 1                                                                               |                                                                                    | 1                                                                                   | <u>.</u>                                                                            | 1                                                                                   | 10.1                       |                                                                                     |
| 1             |     | e 19-18                           |                | 2.20 | 13             | o.,   | - Andrewski (* 1945)<br>Andrewski (* 1945)<br>Andrewski (* 1945) | 8     | ťγ                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 49                | 7                 | 11                    | е <i>ч</i> л            | 1                         | 2                           | 14                            | y çe                            | S.A                               | e jik                              | 1                                     | 1                                    | ÷,                                      | зę                                       | ζ, n                                       | ese.                                          | 07                                             | ê. 18                                           | 14                                                 | Ξų.                                                 | çen                                                   | -7                                                      | 2 p                                                      | 1.11                                                        | 10                                                           | h., 1                                                         | 17                                                             | 1                                                               | 19                                                               | 19                                                               | 营                                                                | 17 C                                                               | 8.1                                                                 | 10                                                                   | έr η                                                                  | ew.                                                                    | (PA)                                                                    | 37                                                                       |                                                                          | 8 V.                                                                       | (j.).                                                                       | $\sum_{i=1}^{n} \  f_i \ _{L^2}$                                             | N.                                                                            | $\chi_{ij}$                                                                    | 1.04                                                                            | - 4                                                                             | 1                                                                                 |                                                                                    | ितृज                                                                                |                                                                                     | 231                                                                                 | $q_{ij}$                   | ĺ                                                                                   |
| $ 0\rangle r$ | ÷., | $\mathcal{L}^{(1)}_{\mathcal{T}}$ | <i>illi</i> ti | 32-  | erga           | 47.   | i w                                                              | i'mi  | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 22                | 19                | ξÂΫ; 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| ×.,           | 21  | 745                               | 2.5            | 24   |                | 2122  | 595                                                              | 1.2   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 25                | 1.2               | 6.5                   | 22.                     | Md.)                      |                             | 17                            |                                 | <u> a</u>                         |                                    |                                       |                                      | 16.5                                    | Гa                                       |                                            | 1.1                                           |                                                | 1.1                                             | - 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and Rezoning Reference #30/76

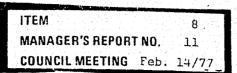
## 1.0 INTRODUCTION

Appearing on the February 7, 1977 Council Agenda was a letter from Dr. J. R. Becher of the Carlton Private Hospital regarding the compensation set for the purchase of the subject redundant road allowance.

# 2.0 BACKGROUND

- 2.1 On August 30, 1976, Council authorized the introduction of the subject road closure for the purposes of consolidating the redundant portion of Carlton Avenue between Canada Way and Norfolk Street with the Carlton Private Hospital site to the immediate west in order to gain sufficient area for expansion of the existing hospital facility. Completion of the road closing bylaw was subject to the following prerequisites:
  - 1. Consolidation of the road allowance with the hospital site to the immediate west.
  - 2. Payment of compensation to the Municipality in the amount of \$65,000. for the 66' x 203.9' area, as determined by the Municipal Land Agent.
  - 3. Protection of existing sewer and water mains by the granting of an easement in favor of Burnaby sub-sequent to final consolidation.

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- 4. Rentention of an existing access across the allowance to 4205 Canada Way until redevelopment occurs on this property in conjunction with abutting owners.
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- 5. Written consent to the closure from all abutting owners on the east side of the allowance.

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- 6. Submission of all survey plans necessary for the closure and subsequent consolidation.
- 2.2 On September 20, 1976, Council gave favourable consideration to the rezoning of the east half of the subject road allowance in order to accommodate the proposed hospital expansion under the appropriate P5 zoning designation.
- 2.3 The rezoning by-law amendment received Three Readings on October 25, 1976. The road closing by-law received Final Adoption on January 17, 1977. The Municipality is presently petitioning the Lt. Governor in Council for title to the subject lands in order to consumate the requisite sale and consolidation.

### 3.0 GENERAL DISCUSSION

- 3.1 Upon initial contact with representatives of the Carlton Private Hospital regarding their proposed facility expansion, the Plauning Department advised that the subject road allowance required closure and consolidation with the site to the immediate west as well as rezoning of its east half from R5 to P5. At that time, lots 1 and 8 which abut the east side of the subject road allowance (see sketch #1) were owned by a Mr. P. T. Doolan. Acknowledging these requirements, the applicant obtained the necessary consent of Mr. Doolan to close the road allowance, thereby relinquishing his rights, title and interest thereof (see attached letter).
- 3.2 On the basis of the foregoing circumstances, the Planning Department initiated the necessary road closure which specifically outlined as a requisite condition, the payment of compensation to the Municipality in the amount of \$65,000. for the 66' x 203.9' road allowance as determined by the Municipal Land Agent.
- 3.3 Not until after the Road Closing By-Law and Rezoning had been initiated did the applicant proceed to purchase lots 1 and 8.

## 4.0 CONCLUSION

In light of the foregoing information, the Planning Department advises that prior to the completion of rezoning and consolidation of the subject road allowance with the adjacent hospital site, all of the requisite conditions must be satisfied in full, thereby including the appropriate compensation to be paid to the Municipality for the subject road allowance.

Council is advised that pursuant to the Municipal Act and a specific directive from the Provincial Government, closure and conveyance of redundant road allowances to another party for development purposes cannot be completed without compensation first being received by the Municipality. These conditions had been conveyed to the applicant upon initial consideration of their expansion proposal and in advance of their purchase of the abutting properties.

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This Department submits that the subject request would contradict the existing legislation and the adopted policy of Council on this matter. Furthermore, approval of this request would set an unwarranted precedent for similar requests within the Municipality.

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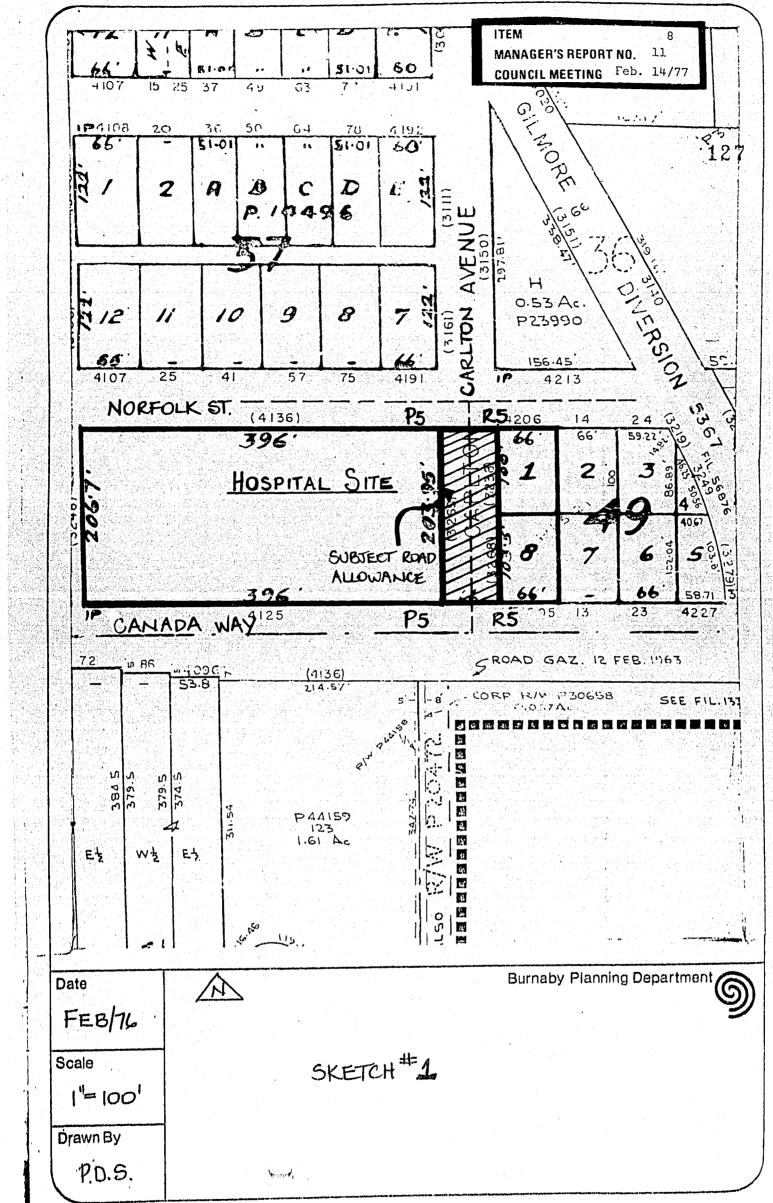
# 5.0 RECOMMENDATION

It is recommended THAT Council receive the report of the Planning Department and not give favourable consideration to the applicant's request for conveyance of the subject road allowance without charge.

A. L. Parr DIRECTOR OF PLANNING

PDS/hr Atts.

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