

Re: BY-LAW NO. 6998, BEING THE "BURNABY TRADES LICENCE BY-LAW 1950,  
AMENDMENT BY-LAW NO. 1, 1977" - REGULATION OF TAXBUYERS  
(Item 21, Manager's Report No. 7, January 31, 1977)

Following is a report from the Municipal Solicitor regarding the subject  
By-law which was reconsidered and finally adopted on February 7, 1977.

This is for the information of Council.

\*\*\*\*\*

TO: MUNICIPAL MANAGER February 18, 1977  
FROM: MUNICIPAL SOLICITOR  
RE: BY-LAW NO. 6998, BEING THE "BURNABY TRADES LICENCE BY-  
LAW 1950, AMENDMENT BY-LAW NO. 1, 1977" - REGULATION OF  
TAXBUYERS

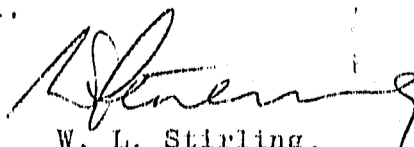
Sam's Tax Company, Bavern Enterprises Ltd. and Pieper Holdings Ltd.,  
all carrying on business in the 3700 Block East Hastings Street,  
have commenced proceedings to quash By-Law No. 6998, being the  
"Burnaby Trades Licence By-Law 1950, Amendment By-Law No. 1, 1977".  
This is the by-law which deals with taxbuyers. The petition alleges  
that the by-law is

- (a) prohibitive and not regulatory
- (b) inconsistent with and repugnant to legislation  
of the Province of British Columbia and of the  
Government of Canada and alternatively comes  
within the exclusive legislative jurisdiction  
of the Government of Canada, and
- (c) discriminatory and is in effect price-fixing  
legislation passed under authority to regulate  
business and is therefore passed in bad faith.

The Vancouver by-law (and Burnaby's is a copy of that by-law) was  
challenged unsuccessfully before Mr. Justice Schultz in the Supreme  
Court last year. On that hearing, the only ground argued was that  
the by-law was prohibitive rather than regulatory. Other grounds for  
quashing the by-law set out in the application were abandoned on the  
hearing. Presumably on this application, the other grounds will be  
argued.

I will enter an Appearance and it is likely that the hearing will  
take place early in March. The New Westminster by-law is also being  
challenged.

This is for the information of Council.

  
W. L. Stirling,  
MUNICIPAL SOLICITOR

WLS:mc