

Re: PROPOSED ASSIGNMENT OF LEASE TO ACTION LINE CHILDREN'S VILLAGE SOCIETY
4503 INMAN AVENUE

Following is a report from the Land Agent regarding the proposed assignment of a lease involving Municipal property at 4503 Inman Avenue.

The Municipal Solicitor and the Director of Planning have no objections to the assignment as proposed.

The Provincial Department of Human Resources advises that this home by fulfilling a very critical need in our community is promoting the public welfare, and furthermore, that the Elizabeth Fry Society of British Columbia is qualified to undertake the management of this operation.

The Municipal Solicitor has provided Miss Fairweather of Bull, Housser & Tupper the information requested in her letter dated March 29, 1977 to Mr. Rasmussen of the Provincial Department of Human Resources.

It will be recalled that Council on January 17, 1977 authorized the assignment of a similar lease from Burnaby Children's Village Society to the Lower Mainland St. Leonard's Society (Item 6, Report No. 3).

RECOMMENDATION:

1. THAT the Municipality's signing officers be authorized to execute the assignment of lease.

TO: MUNICIPAL MANAGER April 18, 1977
FROM: LANDS DEPARTMENT
SUBJECT: LEASE FROM BURNABY TO ACTION LINE CHILDREN'S VILLAGE SOCIETY - 4503 INMAN AVENUE

Attached is a copy of a letter from Miss M. C. Fairweather of Bull, Housser & Tupper, Solicitors for the Elizabeth Fry Society of B. C., regarding the proposed assignment of a lease involving Municipal property at 4503 Inman Avenue. Also attached is copy of our letter to the Municipal Solicitor in this regard. This action is required under Clause 1(m) and (n) of By-Law No. 5576 which is "a by-law to authorize the granting of a lease of certain municipally-owned lands to Action Line Children's Village Society". This clause reads as follows:

- "(m) Not to assign or sublet without leave.
- (n) When applying to the Lessor for consent to a proposed assignment or subletting to furnish the Lessor with a statutory declaration in form acceptable to the Lessor and shall also furnish such additional information by way of statutory declaration or otherwise, or material as the Lessor may request for this purpose. All assignments and subleases shall be in a form acceptable to the Lessor, and same shall not be valid and binding until co-executed by the Lessor. A true copy of all such agreements shall be furnished to the Lessor forthwith after execution by the Lessor and Lessee."

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We have no objection to the assignment of the subject lease provided the conditions outlined in the original lease are adhered to, particularly Clause 1, section (j), and further, that a reasonable quality of maintenance, upkeep and supervision is maintained. Clause 1, section (j) reads as follows:

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"(j) To use the premises for a group family dwelling only."


As noted on the original assignment of lease, the term is for sixty (60) years commencing in October, 1969. This unusually long term was agreed upon and approved by Council because, without this type of commitment for use of the land, the Burnaby Children's Village Society could not have obtained a mortgage from C.H.M.C., i.e.: the long term commitment was needed to obtain financing for construction of a group home on the property in question. The lease agreement does provide for the rental rate to be re-negotiated after ten years from date of inception and every five years thereafter.

Taxes in the amount of \$1,626.61 were paid on the property in 1976.

The home at 4503 Inman Avenue, which is occupied at this time, provides accommodation for up to eight children (boys and girls) and at the present time is handling five.

Recommendation:

That the assignment be granted subject to the conditions previously outlined in this report.


E. W. Grist
Land Agent

EWG/jce
Encl.

cc: Municipal Solicitor
Clerk

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Bull, Housser & Tupper
Barristers & Solicitors

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REPLY ATTENTION OF M.C. Fairweather

March 29, 1977

The Corporation of the District
of Burnaby
4949 Canada Way
Burnaby, B.C. V5G 1M2

BY HAND

Attention: Mr. Rasmussen

Dear Sirs:

Re: Lease by Action Line Children's Village Society
of 5430 Inman, Burnaby, B.C.

We are solicitors for the Elizabeth Fry Society of British
Columbia.

Our client wishes to take an assignment of the lease dated
October 1, 1969 between you and Action Line. We enclose a copy
of that lease for your reference. We also enclose a photocopy of
the proposed form of assignment.

Would you please advise us of the following:

- a) Is the lease in good standing?
- b) What are the contents of the statutory declaration which you
require pursuant to paragraph 1(n) of the lease?
- c) What requirements do you have with respect to the consent to
the assignment which we must obtain from you?

We would advise you that our client is assuming a mortgage of the
lease granted by Action Line to Central Mortgage and Housing
Corporation and that we are in the process of obtaining consent
to the assumption from CMHC.

As this matter is urgent, we would be most grateful for your
immediate attention.

Yours faithfully,

BULL, HOUSSER & TUPPER

Per:

(Miss) M.C. Fairweather

MCF:ems
enclosures

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c.c. Mr. Leonard Koola, 1 - 6035 Sussex Avenue, Burnaby, B.C. V5H 3C1

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Municipal Solicitor

March 31/77

Land Agent

Lease by Action Line Children's Village
Society of 4503 Inman, Burnaby, B. C.

Please find attached hereto correspondence received by this department in connection with the above-noted lease. I am forwarding this material to you as I feel the questions raised by the Solicitor for the Elizabeth Fry Society should be answered by the Legal Department.

This lease is in good standing and this department would have no objection to the assignment of the lease provided the Society will guarantee the home will be used for the purpose for which it was originally intended and is stated in the lease document in Clause 1, Section (j) and further, that a reasonable quality of maintenance, up-keep and supervision is maintained.

E. W. Grist
Land Agent

EWG:cg

cc: Municipal Manager
Planning Director
W. Rasmussen, Dept. of Human Resources