

Re: LETTER FROM CONSE-C ENTERPRISES LTD. THAT APPEARED ON THE AGENDA FOR THE  
SEPTEMBER 26, 1977 MEETING OF COUNCIL (ITEM 3c)  
SUTLIFF STREET CUL-DE-SAC AND ADJACENT BUFFER AREA  
STRATA PLAN N. W. 86 (LOT 191, PLAN 42161)

Appearing on last week's agenda was a letter from Mr. J. P. Daem, President of Conse-C Enterprises Ltd., regarding matters of concern relative to the area within and adjacent to the Sutliff cul-de-sac. Following is a report from the Municipal Engineer on this matter. A further report from the Chief Public Health Inspector is attached.

It will be recalled that this matter was the subject of a previous report which Council considered on August 2, 1977 (See Attached Item 3, Report No. 53).

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. J. P. Daem.

\* \* \* \* \*

28 September, 1977.

TO: MUNICIPAL MANAGER  
FROM: MUNICIPAL ENGINEER  
SUBJECT: PROPOSED SUTLIFF CUL-DE-SAC CLOSURE/CANCELLATION.

In response to the letter of September 8, 1977 from Conse-C Enterprises Ltd., regarding Sutliff cul-de-sac, we would advise that on August 2, 1977 Council adopted the recommendation, "that:

Council approve the request of the Owners Strata Plan NW 86 to obtain the redundant portion of the Sutliff cul-de-sac for consolidation with Lot 191, Plan 42161 at no cost to the Owners of Strata Plan NW 86 by means of a Road Closing By-law or, if applicable, through Plans Cancellation procedures subject to:

- a) the Owners of Strata Plan NW 86 to be responsible for any legal and survey work involved in closing this area and consolidating it with Lot 191, and
- b) all landscape planting and maintenance on the closed portion of cul-de-sac to be the responsibility of the Owners of Strata Plan NW 86."

Mr. J. P. Daem states in his letter that the area in question requires fill, top soil and seeding. We would reiterate our comment of August 2, 1977 wherein we stated that the open area has been cleaned and grubbed and top soil placed, and this is the normal extent of improvement to boulevards arising out of Local Improvement street works.

The adjacent buffer area referred to by Mr. Daem is an unopened 33' road right-of-way. The area is undeveloped and currently exists in a native vegetation state. It acts as a buffer zone between the Strata Corporation and the adjacent residential properties and in our opinion does not represent a detriment to the natural setting of the area.

We would recommend that no action be taken at this time other than to restate the adoption of August 2, 1977.

ITEM	8
MANAGER'S REPORT NO.	67
COUNCIL MEETING	Oct. 3/77

RECOMMENDATION:

THAT a copy of this report be forwarded to Mr. J. P. Daem,  
M.Sc., Conse-C Enterprises Ltd.



MUNICIPAL ENGINEER

WCS:cj

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MANAGER'S REPORT NO.	67
COUNCIL MEETING	Oct. 3/77

September 21, 1977.

Mr. M.J. Shelley  
Municipal Manager  
Corporation of Burnaby

Dear Sir:

Re: LETTER FROM J.P. DAEM, M.Sc., CONSE-C ENTERPRISES LTD.  
SUTLIFF CUL-DE-SAC AND ADJACENT BUFFER AREA

Relevant to a letter as forwarded by J.P. Daem, copy of which was received by this Department on September 16, 1977, we would submit the following report.

The subject property was inspected by this Department on September 19, 1977. The area of concern, Sutliff Street Cul-de-sac and adjacent buffer area, is situated between the Montecito 2000 Condominium Complex and residential housing and in dimension approximately 33' x 327'. The section of buffer area at the end of Sutliff Street has been cleared, but the remainder is covered by trees, bush and undergrowth. Several small footpaths and clearings were observed in the buffer area.

No evidence of a rodent infestation was observed during our inspection, however, as a precautionary measure we have since placed baiting stations in this area. These stations were placed on September 20, 1977, will remain for a period up to two weeks, and will be regularly serviced.

Other than the odd piece of paper, no litter was evident at the time of inspection. This condition could, as in any area, change from time-to-time. We will keep the situation under surveillance during our bait station servicing period.

Mr. Zen Buczewski, Assistant Property Manager, Conse-C Enterprises Limited, has been advised of our action and has stated that he will so advise the Strata Council of Montecito 2000.

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Mr. M.J. Shelley

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September 21, 1977

RECOMMENDATION

THAT a copy of this report be forwarded to Mr. J.P. Daem,  
M. Sc., Conse-C Enterprises Limited.

Respectfully submitted,

GHA/pm

  
G.H. Armson, C.P.H.I. (C)  
CHIEF PUBLIC HEALTH INSPECTOR

ITEM	3
MANAGER'S REPORT NO.	53
COUNCIL MEETING	Aug. 2/77

Re: PROPOSED SUTLIFF CUL-DE-SAC CANCELLATION  
STRATA PLAN NW 86 (LOT 191, PLAN 42161)

Following is a report from the Director of Planning regarding a proposal to close and consolidate a parcel of redundant land adjacent to the subject development as shown on the attached sketch.

RECOMMENDATIONS:

1. THAT Council approve the request of the Owners Strata Plan NW 86 to obtain the redundant portion of the Sutliff cul-de-sac for consolidation with Lot 191, Plan 42161 at no cost to the Owners of Strata Plan NW 86 by means of a Road Closing By-law or, if applicable, through Plans Cancellation procedures subject to:
  - a) the Owners of Strata Plan NW 86 to be responsible for any legal and survey work involved in closing this area and consolidating it with Lot 191, and
  - b) all landscape planting and maintenance on the closed portion of cul-de-sac to be the responsibility of the Owners of Strata Plan NW 86.

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COUNCIL MEETING	Oct. 3/77

PLANNING DEPARTMENT  
JULY 22, 1977

**TO:** MUNICIPAL MANAGER  
**FROM:** DIRECTOR OF PLANNING  
**SUBJECT:** PROPOSED SUTLIFF CUL-DE-SAC CANCELLATION  
STRATA PLAN NW 86 (LOT 191, PLAN 42161)

**1.0 BACKGROUND**

The subject of landscaping in the area of the Sutliff cul-de-sac has been raised by residents and the strata corporation manager for NW 86 (Villa Montecito - Phase II).

For the information of Council, the cul-de-sac was moved back at the request of the Montecito owners and thus the open space which is now a concern to the owners was created at their request. The open area has been cleaned and grubbed and top soil placed, and this is the normal extent of improvement to boulevards arising out of local improvement.

In response to the resident enquiries, the Planning Department has indicated that if the residents of Montecito wish further improvements to this cul-de-sac area, one proposal is to deed the redundant area to them for their development and use. This Department indicated its willingness to recommend this proposal to Council contingent upon the residents being responsible for any legal and survey work involved in closing this area and consolidating it with the Montecito property. All landscape planting and maintenance would then be a responsibility of the residents of Montecito.

**2.0 LEGAL AND SURVEYING COSTS**

- 2.1 Conso-C Enterprises Ltd., the management firm for Strata Plan NW 86 requested that the Municipality consider bearing the legal and surveying costs necessary to close the Sutliff cul-de-sac. The Planning Department replied that in cases where the Municipality is relinquishing its right to a portion of property in favour of a private owner, there is no policy for the Municipality to further subsidize the situation by bearing legal and surveying costs.

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2.2 Prior to submitting a report to Council, a further indication of the position of the Owners Strata Plan NW 86 was requested on this matter. The Planning Department agreed to present the point of view of the residents as represented by Conse-C Enterprises on the matter of legal and survey costs for the information of Council within the context of this further report.

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A copy of the reply received from Conse-C Enterprises is attached for the information and consideration of Council. The following are comments on the points outlined in the letter:

Point a) - No comment.

Point b) - As noted by the Municipal Engineer, the normal extent of improvement to boulevards arising out of local improvement is the cleaning and grubbing of the area with the placement of top soil. As is true of any right-of-way boulevard adjacent to private property, the private owner is at liberty to maintain the boulevard area in a neat condition. However, should the owner wish to provide further landscape improvements on the redundant cul-de-sac area with which there is no conceptual objection, Council may wish to relinquish the ownership of this area at no cost to the private abutting owner (NW 86).

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Point c) - No objection.

Point d) - The funds received from Dawson Development Corporation in the sum of \$6,000 was obtained by the Municipality with some effort and is based on a September 1974 estimate. This deposit of \$6,000 was applied to the Local Improvement By-law as a prepayment of charges for the Sutliff Street road improvements. The Local Improvement Program is a general one and no final unit breakdowns are usually made for individual construction items within the program. It is often the case that certain construction items are greater than and certain items less than the preliminary cost estimates due to a wide range of operational factors. It is emphasized that deposits made into the Local Improvement road improvement program are designated for roads and not for any special landscape work.

2.3 The subject portion of land would be closed through a Road Closing Bylaw or possibly through Plans Cancellation procedures. The onus is on the abutting interested owners (Strata Plan NW 86) to determine whether Plans Cancellation procedures are acceptable to the Land Registry Office in this situation. Should Plans Cancellation procedures be applicable, the involvement of the Municipality in this cancellation would be minimal.

3.0 RECOMMENDATION

It is recommended THAT Council approve the request of the Owners Strata Plan NW 86 to obtain the redundant portion of the Sutliff cul-de-sac for consolidation with Lot 191, Plan 42161 at no cost to the Owners Strata Plan NW 86 by means of a Road Closing Bylaw or, if applicable, through Plans Cancellation procedures subject to:

- 1) The Owners Strata Plan NW 86 being responsible for any legal and survey work involved in closing this area and consolidating it with Lot 191.

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- ii) All landscape planting and maintenance on the closed portion of cul-de-sac being the responsibility of the Owners Strata Plan NW 86.

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*A. L. Parr*  
A. L. Parr,  
DIRECTOR OF PLANNING.

KI:cm  
Attached - letter and sketch

c.c. Land Agent  
Municipal Engineer



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Mr. Tony Parr  
Director of Planning  
Municipality of Burnaby

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- c) The proposal originated as a result of our knowledge of the Municipal policy that undeveloped land such as the one abutting the Sutliff hammerhead, is not usually landscaped by the Municipality and indeed, it would be an ongoing cost item if the Municipality had to landscape the area and then maintain it. It is of little cost to ourselves if our landscape maintenance crews must maintain this additional small area during their ongoing maintenance programs.
- d) I can fully appreciate the possible implications of any precedent being set by the Municipality in transferring lands over to private ownership however, I would suggest that in this case it is somewhat different as the developer did provide some funds for the completion of the cul-de-sac and inasmuch as the cul-de-sac is now of a reduced scale, we would assume that the funds which were provided by Dawson Development Corporation at the time of sub-division, were more than adequate and probably in excess of what was actually spent to complete the hammerhead. If indeed, the previous statement is correct, then possibly some of these surplus funds could be used to offset the surveying costs and legal costs involved.
- e) Any acquisition of additional common property, or even the entering into a lease agreement on land would require a special resolution by the Strata Corporation involved, and we would certainly ensure that the legal documentation would be completed from our end. I should mention that this again would be a cost factor to the Owners as they would be required to pay for the organization, preparation, and charges related to such a general meeting.

In light of the foregoing, I would trust that you would see fit to present to the Municipal Council in your report the view that the Municipality concur with the road closing and/or cancellation of the existing plan for this area and that any legal and surveying costs incurred to dedicate, sell or lease this property to the Strata Corporations of Villa Montecito would be absorbed by the Municipality subject to our improving the area as outlined above and maintaining it to the standards of the adjacent areas.

Should you require any further information, or if I can be of any further assistance, please do not hesitate to contact me at your convenience and in the meantime, I remain,

Sincerely yours,

CONSE-C ENTERPRISES LTD

J.P. Daom, M.Sc.,  
President  
JPD/jjc