

ITEM 15
MANAGER'S REPORT NO. 35
COUNCIL MEETING May 9/77

Re: LETTER FROM MR. GILBERT KILLICK
5949 HARDWICK STREET, BURNABY
PAVING OF LANE - BETWEEN FULWELL STREET AND HARDWICK STREET
EAST FROM GODWIN AVENUE TO THE EASTERN PROPERTY LINE,
LOT 15, BLOCK 5, DISTRICT LOT 76, PLAN 1885

Appearing on the agenda for the May 9, 1977 meeting of Council is a letter from Mr. Gilbert Killick regarding his opposition to construction of the subject lane.

Mr. Killick made reference to a visit to the municipal hall where, he advises, he was told that "...unless more than two-thirds of the vote was in favour the lane would not go through." For the record, Mr. Killick during his visit made this same statement to an employee of the Clerk's Office who corrected him by pointing out that a favourable vote by two-thirds of the affected property owners, not more than two-thirds, is required for a work to proceed. Although this correction was given to Mr. Killick verbally at the hall, the error pertaining to the number of required petitioners appears again in his correspondence.

RECOMMENDATIONS:

1. THAT the paving of the lane between Fulwell Street and Hardwick Street East from Godwin Avenue to the Eastern Property Line, Lot 15, Block 5, District Lot 76, Plan 1885, be proceeded with as originally authorized:
2. THAT a copy of this report be forwarded to Mr. Gilbert Killick, 5949 Hardwick Street, Burnaby, B. C. V5G 1R5.
* * * * *

TO: MUNICIPAL MANAGER DATE: May 3, 1977
FROM: MUNICIPAL CLERK File: 2112
RE: Paving of Lane - Between Fulwell Street B/L#7040
and Hardwick Street East from Godwin Avenue
to the Eastern Property Line, Lot 15, Block 5,
District Lot 76, Plan 1885

Appearing on the Agenda for the Council Meeting of Monday, May 9, 1977, is correspondence from Mr. Gilbert Killick, 5949 Hardwick Street, Burnaby, B.C. V5G 1R5 requesting that Council not proceed with the paving of the subject lane on the grounds that the petition which was received requesting the lane be paved was misrepresented.

The Municipal Council on April 4, 1977, received the Municipal Clerk's Certificate of Sufficiency which certified that the petition received was sufficient and the Council subsequently authorized a Construction By-Law covering the paving of this lane to be brought forward. By-Law No. 7040 cited as "Burnaby Local Improvement Construction By-Law No. 9, 1977" was reconsidered and adopted on the Twenty-fifth day of April, 1977.

The relevant section of the "Municipal Act" concerning the submission of petitions for local improvement works reads as follows:

"Section 591(1) - A petition for a work is not valid unless it is signed by two-thirds of the owners of the parcels liable to be specially charged, and unless the signatories are the owners of parcels having a value of at least one-half of the value of all parcels liable to be specially charged; and a description of the parcel owned by each petitioner shall be set out therein."

Following receipt of Mr. Killick's letter, the petition in question was re-examined and the total number of owners affected reduced by one (1) to bring the total number of affected owners down to five (5). This was accomplished by classing "A. Meda and D. Nassey" owners of the property at 5969 Hardwick Street and "A. Meda and D.C. Meda" owners of the property at 5929 Hardwick Street as one owner for the purposes of the petition.

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The property at 5909 Hardwick Street, owned by Delta Masonry Ltd. is entitled to be classed as an owner and to petition regardless of whether the signing officer of that Company is also an owner of other property affected by the proposed project. The corrected list of owners would then be as follows:

5909 Hardwick Street	Delta Masonry Ltd.
5929 Hardwick Street)	A. & D.C. Meda
5969 Hardwick Street)	
5949 Hardwick Street	S.G. & D.E. Killick
5989 Hardwick Street	L.J. & L.A. Falk
6009 Hardwick Street	(D. Maurice, Lessee,
	(c/o B.C. Housing Management
	(Commission, 1975 West Broadway,
	(Vancouver, B.C.

With reference to 6009 Hardwick Street, Section 415 (7) of the "Municipal Act" which is quoted below applies:

"Where land is held or occupied under Section 335 or 336, the frontage tax on such lands is collectable and shall be paid by the person who so holds or occupies the land."

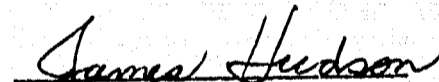
Section 335 deals with taxation of lands the fee of which is in the Crown.

Four (4) out of five (5) of the affected owners have signed the petition requesting the paving of the subject lane who, in turn represent at least one-half of the value of the parcels liable to be specially charged and the sufficiency of the petition remains unchanged.

A copy of the original petition received is attached to this report for the information of Council.

RECOMMENDATIONS:

1. THAT the paving of the lane between Fulwell Street and Hardwick Street East from Godwin Avenue to the Eastern Property Line, Lot 15, Block 5, District Lot 76, Plan 1885, be proceeded with as originally authorized:
2. THAT a copy of this report be forwarded to Mr. Gilbert Killick, 5949 Hardwick Street, Burnaby, B.C. V5G 1R5


James Hudson,
MUNICIPAL CLERK.

JH/dew
Attach.

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

RECEIVED FROM MR. A. MEDA.

CORRESPONDENCE AND PETITIONS
Regular Council Meeting
April 4, 1977

P E T I T I O N

We, the undersigned, hereby petition the Municipal Council to construct and pave the lane described hereunder as a Local Improvement.

Lane between Fulwell Street and Hardwick Street east from Godwin Avenue to E.P.L. Lot 15, Blk 5, D.L. 76, Plan 1885

Paving to a maximum width of fourteen (14) feet and to a depth of not more than two (2) inches.

The annual charge per taxable front foot of property is \$.57

The number of years for which annual charges are to be imposed is five (5) years.

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COUNCIL MEETING May 9/77

DESCRIPTION OF PROPERTY	REGISTERED OWNERS	SIGNATURE OF OWNER(S)
6064 Trans Canada Way \$ 600.	Corporation	(1) _____
5910 Fulwell Street \$ 13,460.	Corporation	(1) _____
5930 Fulwell Street \$ 13,460.	Corporation	(1) _____
5950 Fulwell Street \$ 13,460.	Corporation	(1) _____
5970 Fulwell Street \$ 13,460.	Corporation	(1) _____
5990 Fulwell Street \$ 12,350.	Corporation	(1) _____
5909 Hardwick Street \$ 7,995.	Delta Masonry Ltd.,	(1) <u>A. Meda</u>
5929 Hardwick Street \$ 7,600	A & D C Meda 5951 Woodsworth Street, BURNABY, B.C.	(1) <u>A. C. Meda</u> (2) <u>A. C. Meda</u>
5949 Hardwick Street \$ 7,600.	S G & D E Killick	(1) _____ (2) _____
5969 Hardwick Street \$ 7,600.	A Meda & D Nassey	(1) <u>A. Meda</u> (Maurice) (2) <u>D. Nassey</u>
5989 Hardwick Street \$ 7,600.	L J & L A Falk	(1) <u>L. J. Falk</u> (2) <u>L. A. Falk</u>

6009 Hardwick Street \$ 5,160.	<u>6</u>	E Maurice, Lessee
2/3 Req'd to <u>CARRY</u>	<u>4</u>	c/o B.C. Housing Management Commission, 1927 West Broadway, Vancouver, B.C.
No. of Petitioners	<u>5</u>	
Total Assessment	\$ <u>43,555</u>	- AGENDA (APRIL 4)
50% Required	\$ <u>21,777</u>	- COPY-MANAGER
Total Petitioner Assessment	\$ <u>35,955</u>	- ENGINEER
		- TREASURER

