

ITEM	14
MANAGER'S REPORT NO.	46
COUNCIL MEETING	1978 06 19

Re: LETTER FROM WESTERN SWAP MEET LTD. WHICH APPEARED ON THE
AGENDA FOR THE 1978 JUNE 12 MEETING OF COUNCIL (ITEM 4 1)
SWAP MEET SALES

Appearing on last week's agenda was a letter from Mr. Norman Howard, President of Western Swap Meet Ltd., regarding a change in the category of a licence.

Although the Chief Licence Inspector has met with Mr. Howard, it is still not perfectly clear as to what is being requested. As far as can be determined, Mr. Howard wants to have his business licence changed so as to permit the Swap Meet at the Lougheed Drive-In Theatre to be operated in the same way as the Swaper-ama in Vancouver. Regulations governing these two operations are, however, essentially the same, e.g., both exclude participation of commercial dealers from this type of merchandising operation, etc.

In summary, the by-law which sets out the conditions for the manner in which a swap meet is to be operated in Burnaby is not basically different from the regulations which govern such operations in Vancouver. Mr. Howard is not being deprived of a privilege which is enjoyed by counterparts in Vancouver and there is consequently no justification for an alteration to his business licence, as has been presumably requested.

RECOMMENDATIONS:

1. THAT the business licence of Western Swap Meet Ltd. not be changed; and
2. THAT a copy of this report be sent to Mr. Norman Howard.

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TO: MUNICIPAL MANAGER

1978 June 14

FROM: CHIEF LICENCE INSPECTOR

SUBJECT: SWAP MEET SALES

At the meeting of 1978 January 12 Council received a letter from Mr. N. Howard, President, Western Swap Meet Ltd., requesting a change in the category of their licence to permit sale of miscellaneous items such as is now offered at the Swaper-ama which is operating at the P.N.E. facilities in Vancouver.

Western Swap Meet Ltd. is licenced to provide facilities for individuals to sell or otherwise dispose of surplus personal items at 4200 Lougheed Highway, the Lougheed Drive-in Theatre. In accordance with their original proposal, commercial dealers are not eligible to participate as vendors in the swap meet. Also, due to Provincial and Municipal Health regulations, manufactured, processed or prepared foodstuffs are not offered for sale. In practice the swap meet operators provide, for a fee, a designated area from which each vendor displays and sells their items. Additionally, every buyer entering the grounds is required to pay an entrance fee.

A broad range of goods, including household and personal effects, hobby crafts, sporting equipment, automotive parts and accessories, radio and entertainment equipment, collectors' items such as old bottles, small pets (dogs, cats, rabbits, and gerbils etc.) and virtually every imaginable item is offered for sale at the swap meet. There is no restriction applicable to vendors if the goods offered are surplus personal items or hobby crafts.

As previously stated, commercial dealers, that is persons with a regular place of business or persons purchasing goods for the sole purpose of resale, do not qualify as vendors. From time-to-time it has been necessary to cause the swap meet operator to control or deny participation by such vendors.

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In a recent meeting with staff, Mr. Howard indicated that a proposed redevelopment of the Lougheed Drive-in Theatre site necessitated that they consider alternate locations for the operation of the swap meet. Additionally, he expressed interest in the classification of vendors, presumably to include commercial dealers. Staff suggested that he make a written submission detailing proposed changes in the classification of vendors, and possible relocation sites. Mr. Howard has previously inquired concerning the use of the parking lot of the Brentwood Shopping Centre and the requirements for a Farmers' Market, and is therefore aware that the Zoning By-law regulates use of land and sets out standards for development.

If it is Mr. Howard's intention to introduce commercial dealer participation, I must advise that this is not a permitted activity. The Lougheed Drive-in Theatre is situated in an M-1 Manufacturing District, a zoning category which does not permit general retail sales functions. In my opinion, disposal of surplus personal items, whether it is from an individual's home or some other location, does not constitute the operation of a business, therefore such individual vendors do not require a licence. On the other hand, each commercial vendor does require a licence. However, pursuant to the Zoning By-law, general retail sales must be conducted on premises situated in commercial zones.

In reference to the Swaper-ama operating at the P.N.E., City of Vancouver staff advise that it is classified as a public market, and that the development permit issued by the City excludes participation by commercial dealers. Nevertheless, participation by such dealers has required initial enforcement action.

In summary, Western Swap Meet's licence entitles them to accommodate vendors selling miscellaneous items, but excludes participation by commercial dealers and sales of foodstuffs. This is similar to the Swaper-ama licenced by the City of Vancouver.

The Director of Planning concurs with the contents of this report.

RECOMMENDATIONS:

1. THAT the business licence of Western Swap Meet Ltd. not be changed, and;
2. THAT Mr. N. Howard, Western Swap Meet Ltd., receive a copy of this report.


P. Kenzie
CHIEF LICENCE INSPECTOR

PK:cw

cc: Municipal Treasurer
Director of Planning
Chief Public Health Inspector