

ITEM	11
MANAGER'S REPORT NO.	24
COUNCIL MEETING	1978 03 28

Re: LETTER FROM ROBERT GARDNER & ASSOCIATES  
831 HELMCKEN STREET, VANCOUVER  
PROPERTY OWNED BY MRS. LILLIAN MANN AT 9637 CAMERON STREET  
NORTH-EAST BURNABY LIBRARY/RECREATION CENTRE  
COMMUNITY PLANNED AREA "G"

Mr. Robert C. Gardner is scheduled to appear before Council on 1978 March 28 to discuss the position of his client, Mrs. Lillian Mann, with respect to the latter's property on Cameron Street which is required for the development of the first phase of the North-East Burnaby Library/Recreation Centre.

Mr. Gardner has requested that Council be given copies of all correspondence relative to this matter. This has been done. One of the items is a letter dated 1978 March 05 from Mrs. Mann to the Director of the Veterans' Land Act. Comments on the points made by Mrs. Mann in this letter are contained in the attached report from the Director of Planning and the attached memo dated 1978 January 18 to the Municipal Manager from the Land Agent.

With respect to Mrs. Mann's contention regarding harassment in item 7 which appears at the top of the second page of her letter to the Director of the Veterans' Land Act, staff wishes to advise that it knows of no harassment ever having taken place. Also, in the following item 8, she refers to a letter which she received from the Mayor and which she has taken as an act of attempted intimidation. A copy of this letter is attached.

As a point of further clarification, Mrs. Mann, in Item 2 on page 1 of her letter, states that "...he arrived at dinnertime 7:00 p.m. and I suggested he could return in half hour but he did not arrive until 9:15 p.m., January 10/78."

While it was obviously Mrs. Mann's understanding that our employee would return in about half hour, our employee does not recall Mrs. Mann having made this suggestion, and in fact upon leaving Mrs. Mann's residence he proceeded to carry out negotiations with a neighbour under the impression that Mrs. Mann would be free to see him sometime later in the evening when his other business was finished.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Robert Gardner.

\* \* \* \* \*

PLANNING DEPARTMENT  
1978 MARCH 21

TO: MUNICIPAL MANAGER

FROM: DIRECTOR OF PLANNING

SUBJECT: EXPROPRIATION DISCUSSION - PROPERTY AT  
9637 CAMERON STREET OWNED BY MRS. LILLIAN MANN  
NORTH-EAST BURNABY LIBRARY/RECREATION CENTRE 133-  
SITE - PHASE I  
COMMUNITY PLAN AREA "G"

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The Planning Department has been requested to reply to a submission by Robert Gardner and Associates on behalf of Mrs. Lillian Mann. Our comments relate to community planning matters, discussed in a letter dated 1978 March 05 sent by Mrs. Mann to the Director, The Veterans' Land Act and specifically to two sub-sections of her letter entitled "Improper use of municipal power" and "Lack of need for my property".

Sub-section "Improper use of municipal power"

Point 1 - A referendum to permit the Library Board to borrow sufficient funds to pursue a comprehensive capital development program was not passed by the electorate in 1977 November. The overall library expansion program remains as adopted and its pursuance is subject to the availability of capital funds. The North-East Burnaby Library was a component of the borrowing initiative. However, due to the high priority aspect of this branch library, sufficient funds have been provided for the pursuance of this component. Also, the branch Library is a smaller cost component of the overall library-recreation centre complex.

Point 2 - The Community Plan Area "G" dated 1970 July 13 remains adopted unless revised or rescinded in whole or in part by a motion of Council. Various minor adjustments have been passed by Council over the years and is reflected in the attached updated Sketch. Council on 1976 October 04 ratified the designation of the Cameron-Reese Site for the North-East Burnaby

Library/Recreation Complex as an effective amendment to the Community Plan Area "G". Further possible revisions are being pursued for the sub-area of Area "G" between Sullivan Street and Cameron Street, but as related to Mrs. Mann in a telephone discussion of 1978 February 23, the report referred by Council to the Advisory Planning Commission for comment is still under consideration. The essential sub-area revisions concern the matter of the Beaverbrook Drive Extension and the land use of the sub-area west of the library/recreation centre complex but does not affect other established components such as the location of the library/recreation complex site itself.

We understand that the Sullivan Heights Ratepayers Association with which the Municipality has had an extensive continuing dialogue over the years, intends to appear before the Advisory Planning Commission as a delegation in order to submit further comments.

Point 3 - The municipality has, through due process, pursued the development of the adopted Community Plan Area "G". We would note that as a result of significant resident opposition at a townhouse proposal rezoning public hearing (RZ #47/72) for a site within the sub-area between Cameron and Sullivan the applicant withdrew his application. Since that time various studies of alternative alignments for the Beaverbrook Drive Extension have been pursued by the Planning Department at the direction of Council.

Point 4 - Over the years since 1970, the Council has approved a number of amendments to Community Plan Areas "G" and "H", to respond to changing conditions. However, these amendments are essentially reasonable refinements which have maintained the basic community plan concept and, in fact, have enriched and strengthened the concept plan.

Point 5 - To our knowledge the single-family dwelling subdivision orientation to which Mrs. Mann refers is with respect to a situation prior to the adoption of the major policy report, Apartment Study 1969.

Point 6 - Many enquiries have been made by Mrs. Mann over the years to the Planning Department, and she has been advised as accurately as possible as to the current status of planning in this area.

With respect to a telephone enquiry by Mrs. Mann in 1977 late summer, we would note that Mrs. Mann was aware that her property was within the confines of the overall Cameron/Reese Library/Recreation Centre Site, but could not be told of the timing of acquisition of her property until Council had finalized the site (School Board notice dated 1977 October 26) and finalized the phasing of initial land acquisition to accommodate the Phase I development (1977 December 12). No definite steps had been taken at that time to acquire her property for the Phase I site due also to continuing staff discussions on the size of the Phase I library/recreation centre development.

In a further telephone call of 1978 January 11 Mrs. Mann indicated that she had been contacted by the Land Agent's department. She was informed of Council's action in authorizing the pursuance of the acquisition of the Phase I site which included her property.

Sub-Section "Lack of Need for my property"

Point 1 - The Cameron/Reese site for the North-East Burnaby Library/Recreation Centre complex was established in accordance with carefully determined locational criteria and a comprehensive analysis of alternative sites. The Cameron/Reese site is confirmed as the optimum site.

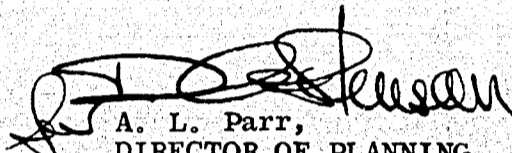
Point 2 - We understand this reference to mean the site of Rezoning #47/72 which was acquired by the Municipality in order to protect the various Beaverbrook Drive Extension options. We would reiterate the point that the Cameron/Reese site is confirmed as the optimum site.

Point 3 - The proposed library/recreation centre complex has from inception been considered to be a building of at least 1 858 m<sup>2</sup> (20,000 sq.ft.) to 2 322 m<sup>2</sup> (25,000 sq.ft.) in size. However, with the refinement of the recreation program to include a sports hall in the Phase I development, the size of the proposed Phase I building is 4 312 m<sup>2</sup> (46,412 sq.ft.). To accommodate this complex and its required parking, a Phase I site of 1.7 ha (4.2 acres) is required. The Library Board has already acquired 0.83 ha (2.04 acres) of the Phase I site.

Point 4 - The proposed community plan will not open up any more land for development than outlined in the 1970 adopted Community Plan Area "G". In fact, with the designated Cameron/Reese site, less land is available for residential use.

Point 5 - We refer to the previous comments in explanation of this point.

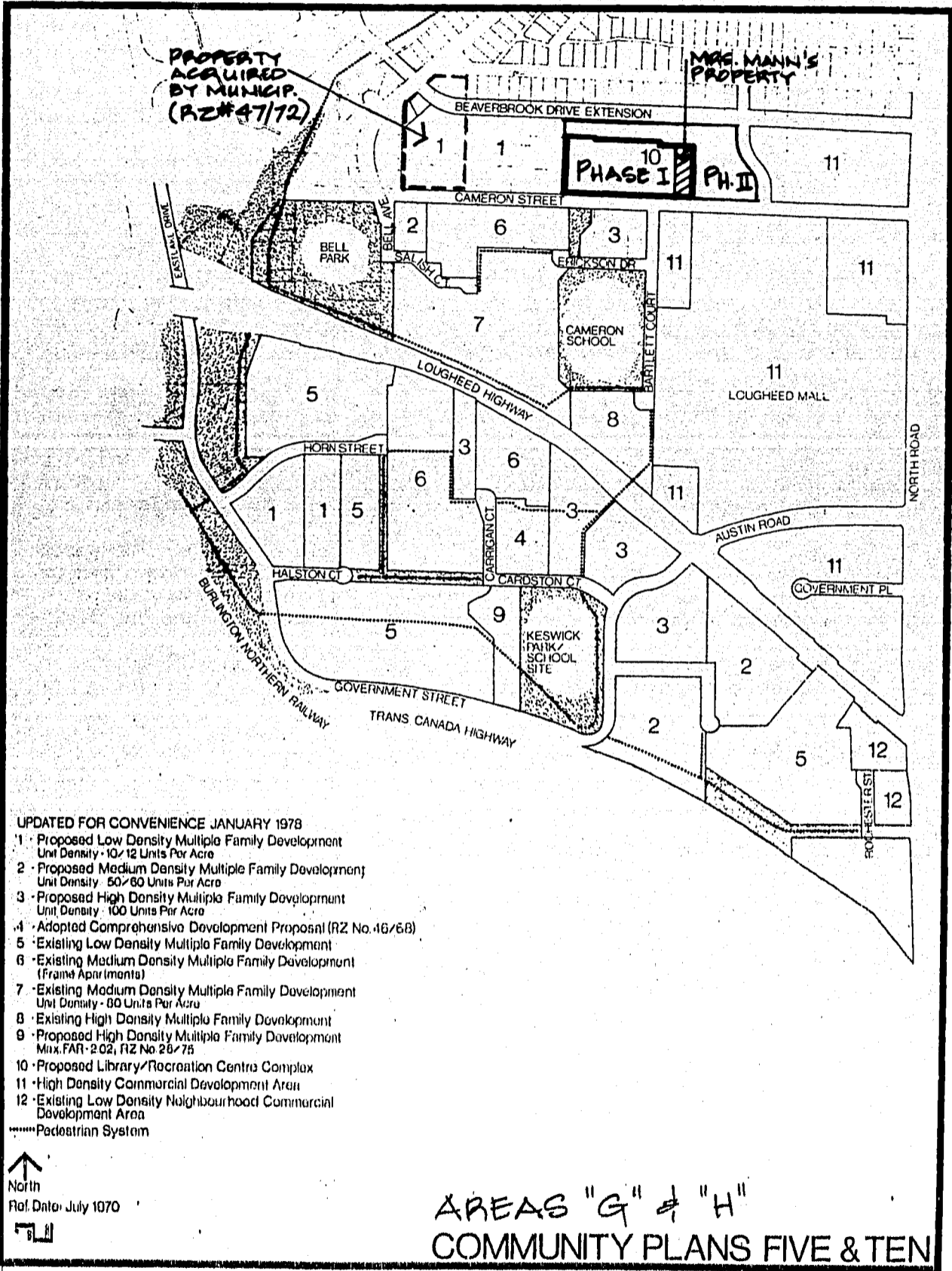
This is for the information of Council.

  
A. L. Parr,  
DIRECTOR OF PLANNING.

KI:cm  
Attach.

c.c. Land Agent  
Parks and Recreation Administrator

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MUNICIPAL MANAGER

78 01 18

LAND AGENT

Northeast Burnaby Recreation Complex  
Lot 1, ex. W80', D.L. 6, Blk. 23, Pl. 6991  
9637 Cameron Street - (LILLIAN E. MANN)

Reference Mrs. Mann's letter to Mayor T.W. Constable dated 1978 January 13.

During the afternoon of 1978 January 10 we left our business card with the son requesting him to advise Mrs. Mann that we would be calling that evening.

At 19:00h we had an appointment with the adjoining owner so we called on Mrs. Mann to arrange an appointment. Mrs. Mann said she was having supper and would be prepared to see us later. She was expecting us and advised us that she had a surprise waiting for us. Our appointment with the adjoining owner ended around 21:00h so we called back on Mrs. Mann as arranged, sat down in the kitchen and commenced negotiations.

The atmosphere was amicable. Having advised Mrs. Mann that her property was required by the Municipality, she came out with her surprise and requested the same price for her property as that paid by developers for property on the south side of Cameron Street. We advised her that due to the difference in zoning, the values were not comparable.

Mrs. Mann advised us that she would not accept less and would engage the services of a good Lawyer and fight the Municipality. This being to our advantage, we recommended this course of action.

We were then asked what would happen if she refused to sell the property to which we advised that we had the power of expropriation and mentioned this was under consideration by the Municipality but we wished to avoid such action and hoped that we could reach a reasonable settlement.

Mrs. Mann said she would sell if we paid her price or she would not move.

We do not feel that our approach was threatening. The information regarding her situation is available from the Land Registry Office or the Assessment Authority.

E.W. Grist  
LAND AGENT

FAE/mh

cc: Mayor Tom Constable

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OFFICE OF THE MAYOR

THOMAS W. CONSTABLE  
MAYOR

BURNABY  
BRITISH COLUMBIA  
V5G 1M2

1978 January 26

Mrs. Lillian E. Mann  
9637 Cameron Street,  
Burnaby, B. C.

Dear Mrs. Mann:

Further to my letter of 1978 January 18,  
please be advised that I have, in fact, inves-  
tigated your complaints as contained in your  
letter of 1978 January 13.

With reference to your comment that a repre-  
sentative from the Municipality's Land Acqui-  
sition Department arrived unannounced, Mr. Grist  
assures me that he left a business card with  
your son and advised that he would be calling  
on you that same evening. I am informed that  
when he, in fact, did arrive at your residence  
you advised him that you were having supper  
but would be prepared to see him later. In fact  
I am advised that you were expecting the two  
gentlemen and indeed a meeting did take place  
as arranged. The information that you refer to  
as being 'confidential' is easibly obtainable  
and available from the Land Registry Office or  
the Assessment Authority.

The question of relocation of one's family,  
of course, can be disturbing. However, it is  
my hope that we can resolve this matter to the  
satisfaction of both parties.

Yours truly,

Tom W. Constable,  
MAYOR.

BCC: Mun. Mgr.