

ITEM	19 (SUPPLEMENTARY)
MANAGER'S REPORT NO.	38
COUNCIL MEETING	1979 05 14

RE: U.B.C.M. RESOLUTIONS  
(ITEM 9, REPORT NO. 34, 1979 APRIL 30)

On 1979 April 30, Council passed a motion which resulted in the referral of five resolutions to the U.B.C.M. for consideration. The following additional resolution has been prepared by the Engineering Department:

"WHEREAS Section 714 (k) of the Municipal Act permits an occupancy permit to be withheld until the building or part thereof complies with the health and safety requirements of Municipal Bylaws or of any statute;

AND WHEREAS Section 714 (f) of the Municipal Act prescribes conditions generally respecting the issuance and validity of permits and the inspection of works and things, buildings and structures;

AND WHEREAS private roads within a comprehensive development have not been construed as "things" relative to Section 714(f);

AND WHEREAS private roads are a condition of comprehensive development;

AND WHEREAS roads play an important part in the safety of a comprehensive development:

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to permit, as a condition for the issuance of occupancy permits, the satisfactory compliance with Municipal specifications for the construction of private roads in comprehensive developments."

Background information on the proposed resolution is contained in the attachment.

This resolution was rejected by the delegates when it was voted upon at the U.B.C.M. convention last year. The version that is now before Council has been reworded, and in the opinion of staff, more adequately expresses the intent of what is being recommended.

RECOMMENDATIONS:

1. THAT Council approve the subject resolution; and
2. THAT this resolution be referred to the General Membership Meeting of the Lower Mainland Municipal Association for endorsement and submitted to the U.B.C.M.

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ITEM 19 (SUPPLEMENTARY)

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Following is background information on the resolution requesting amended legislation to permit the issuance of occupancy permits to be made dependent on satisfactory compliance with municipal specifications for the construction of private roads in comprehensive developments.

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There are many means at the disposal of a municipality to require satisfactory completion of servicing requirements on dedicated road and lane allowances and on easements granted in its favour; these works are owned by a municipality upon satisfactory completion to municipal standards and specifications, and are thereafter maintained by the municipality. These types of works are generally referred to in comprehensive developments as "external servicing". The most common forms of control available for use in these situations are Land Use Agreements, Subdivision Servicing Agreements and the provision of adequate bonding to cover provision of those services, usually (at least currently) in the form of an irrevocable letter of credit.

As opposed to "external servicing" in comprehensive (Strata Title) developments, there are what are commonly referred to as "internal servicing" requirements. These works (roads, sewers, water, lighting, hydrants, and so on) do not exist on road or lane allowances, nor on Corporation easements, but rather, form an integral part of complete internal servicing in the same way that a driveway, a water connection and a sewer connection provide internal servicing to a single family residence. The scale (i.e. size of pipes, etc.) are larger because of the considerably greater number of living units being served. There are several problems with "internal servicing", at least two of which are internal to any given municipality and can be solved "in house"; these are the establishment of reasonable standards and specifications for internal work and the question of which department is going to inspect these works for adherence to those chosen standards and specifications. There is however, a more basic problem than this, and that is the apparent lack of "teeth" in the Municipal Act to back-up the Municipalities' requests with respect to internal servicing; Burnaby's Municipal Solicitor has advised that authority for enforcement of standards and specifications for internal servicing is not presently contained within the Municipal Act and it is Burnaby's recommendation that the most feasible way of achieving the desired authority is to make the satisfactory internal servicing a condition before issuance of the occupancy permit.

ATTACHMENT