

ITEM 10
MANAGER'S REPORT NO. 67
COUNCIL MEETING 1979 10 09

RE: CIRCULAR FROM THE UNION OF BRITISH COLUMBIA MUNICIPALITIES
204 - 604 BLACKFORD STREET, NEW WESTMINSTER, B.C. V3M 1R6
MISCELLANEOUS STATUTES AMENDMENT ACT

Appearing on the agenda for the 1979 October 09 meeting of Council is a circular from the U.B.C.M. regarding the Miscellaneous Statutes Amendment Act. Attached is a related circular from the Ministry of Municipal Affairs:

Following is a report from the Director of Planning on amendments to Sections 35 and 36 of the Municipal Act. Comments on an amendment to Section 33 of the Municipal Act are contained in the attached report from the Municipal Treasurer.

RECOMMENDATION:

1. THAT the recommendations of the Director of Planning be adopted.

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TO: MUNICIPAL MANAGER 1979 OCTOBER 02
FROM: DIRECTOR OF PLANNING
SUBJECT: MISCELLANEOUS STATUTES AMENDMENT ACT, 1979
MUNICIPAL ACT AMENDMENTS — INFORMATION CIRCULAR
RECEIVED FROM MINISTRY OF MUNICIPAL AFFAIRS DATED
1979 SEPTEMBER 26 AND FROM THE UBCM DATED
1979 SEPTEMBER 26

RECOMMENDATION

1. THAT Council approve the amendment of Section 2(a) of the Burnaby Development Cost Charges By-law 1979, by striking out "for any purpose other than the creation of three (3) or less lots to provide sites for a total of three (3) or less self-contained dwelling units"; and
2. THAT the Municipal Solicitor be authorized to prepare an amendment to the Burnaby Development Cost Charges By-law 1979 for the approval of Council.

REPORT

The Planning Department has been requested to report on information circulars which indicate the effective date of proclamation for various amendments to the Municipal Act. The Municipal Treasurer has indicated that he will comment on Section 33 of the Miscellaneous Statutes Amendment Act 1979 mentioned in the Ministry of Municipal Affairs' circular.

Section 35 -
Effective 1979 September 24

The Ministry notes that Clause (a) removes the limitation of the right to impose development cost charges with respect to subdivisions creating three or less lots and suggests that municipalities amend their by-law to parallel the provisions of Section 702C(1)(a) as amended.

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AMENDMENT ACT, 1979
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In order to comply with this section, it is recommended that Council approve the amendment of Section 2(a) of the Burnaby Development Cost Charges By-law 1979 by striking out "for any purpose other than the creation of three (3) or less lots to provide sites for a total of three (3) or less self-contained dwelling units".

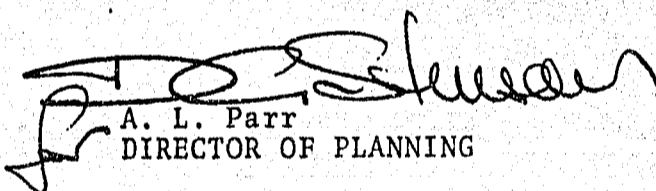
It is noted that this amendment applies to subdivided lots only. The charge exemption for the construction of a project with three or less self-contained dwelling units remains.

The Ministry advises that Clause (b) of Section 35 has the effect of exempting churches from development cost charges. The Municipality of Burnaby is not affected by this amendment in that none of the three charges established by Burnaby is applicable to churches.

Section 36 -
Effective 1979 October 20

The Ministry advises that after the date of proclamation, rezoning notices must be sent to owners as well as the occupiers.

This has been an established Burnaby Council policy for some time. All owner/occupants, occupants of rental property, and absentee owners of property within the area of notification of Public Hearing for a given rezoning project are sent rezoning notices by the Municipal Clerk. This amendment reaffirms current Municipal policy.


A. L. Parr
DIRECTOR OF PLANNING

KI/ds

cc Municipal Treasurer
Municipal Solicitor
Municipal Clerk

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Province of
British Columbia

Ministry of
Municipal Affairs

CIRCULAR

Municipal Clerks and
Regional District Secretaries

RECEIVED
1979 OCT 01

September 26, 1979.

Re: Municipal Act Amendments

Certain amendments to the Municipal Act by the Miscellaneous Statutes Amendment Act, 1979, have been proclaimed as follows:-

Section 33 - effective October 20, 1979. After this date, by-laws entering into agreements under Section 247(4) will require the approval of the Inspector of Municipalities under Section 255 in a similar manner to a Loan Authorization By-law.

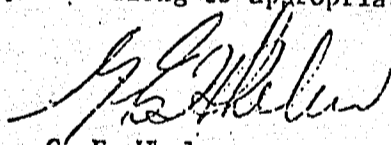
Section 35 - effective September 24, 1979. Clause (a) removes the limitation of the right to impose development cost charges with respect to subdivisions creating three or less lots. It is suggested that municipalities amend their by-law to parallel the provisions of Section 702C(1)(a) as amended.

Clause (b) of Section 35 has the effect of exempting churches from development cost charges.

Section 36 - effective October 20, 1979. After this date, rezoning notices must be sent to the owners as well as the occupiers.

I have attached a copy of the sections of the amending Act which are referred to above.

I recommend that this circular be passed along to appropriate Staff.


G. E. Whelen,
Executive Officer.

GEW/gf
Attached.

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MISCELLANEOUS STATUTES AMENDMENT ACT, 1979

Municipal Act Amendments

33. Section 247 of the Municipal Act, R.S.B.C. 1960, c. 255, is amended by adding the following subsection:
(8) Sections 255 and 256 apply to a bylaw referred to in subsection (4).
35. Section 702C is amended
(a) in subsection (1) (a) by striking out "for any purpose other than the creation of 3 or less lots to provide sites for a total of 3 or less self-contained dwelling units", and
(b) by adding the following as subsection (1.1):
(1.1) Subsection (1) (b) and (c) do not apply where a building permit authorizes construction, alteration or extension of a building or part of a building that is, or will after the construction, alteration or extension be exempt from taxes under section 327 (1) (h).
36. Section 703 (2a) is amended by inserting "owners and" before "occupiers".

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RE: MUNICIPAL ACT AMENDMENTS

The following is a report from the Municipal Treasurer re the above.

RECOMMENDATION

1. THAT the report of the Municipal Treasurer be received for information purposes.

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TO: MUNICIPAL MANAGER
FROM: MUNICIPAL TREASURER
RE: MUNICIPAL ACT AMENDMENTS

1979 October 02

RECOMMENDATION

1. THAT this report be received for information purposes.

REPORT

You have asked me to comment on Section 33 of the Municipal Act mentioned in the Circular dated 1979 September 26 from the Ministry of Municipal Affairs.

Section 247(4) of the Municipal Act permits Council under certain circumstances to acquire by lease or otherwise, real property and related personal property, and by by-law to enter into a lease or other agreement for that purpose, and may by by-law enter into a mortgage or other obligation for the payment to secure any amount owing under the lease or other agreement, without the assent of electors if the duration or other obligation is for ten years or less, and with the assent of the electors where the duration of the lease or other agreement, mortgage or other obligation exceeds ten years, except that under certain special circumstances no assent is required if the term exceeds ten years.

The amendment to the Act referred to above now makes it requisite that such by-laws require approval of the Inspector of Municipalities.

Burnaby has made use of this Section in the leasing of the Central Burnaby Library and some water lots and road ends.

In future, such agreements would require approval of the Inspector of Municipalities, which in itself should not be an impediment insofar as Burnaby is concerned. I gather that problems have occurred in one or more municipalities, which have caused the Ministry to take this precautionary step.

Submitted for the information of Council.

Bart McLaughlin
MUNICIPAL TREASURER

BM:gw
cc: Director of Planning
Municipal Solicitor