					ITEM MANAGER'S REPORT NO COUNCIL MEETING 1	12 67 979 10 09
RE: SEC	TION 7.5 0	F BY-LAW NO.	4742, BEING	THE "BURNAB	Y ZONING BY-LAW 1965	11
			e Municipal S oning By-Law.		arding a proposed am	endment
ECOMMEN	IDATION:					
1.	THAT the	recommendat	tion of the M	unicipal Sol * * *	icitor be adopted.	
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OCTOBER 1, 1979

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FROM: MUNICIPAL SOLICITOR

RE : SECTION 7.5 OF BY-LAW NO. 4742, BEING THE "BURNABY ZONING BY-LAW 1965"

**RECOMMENDATION:** 

1 THAT section 7.5 of the "Burnaby Zoning By-Law 1965" be amended in the manner set out in this report.

## REPORT

This section provides as follows:

"The Chief Building Inspector, The Chief Licence Inspector, or any other official of the Corporation who may be appointed by Council, is hereby authorized to enter, at all reasonable times, upon any property or premises to ascertain whether the provisions of this by-law are obeyed."

This section is enacted pursuant to section 234 of the Municipal Act which provides that:

> "Whenever a Council has authority to direct, by by-law or otherwise, that any matter or thing be done by any person, or that regulations be observed, the Council may, in the same or some other by-law, authorize appointed officers to enter, at all reasonable times, upon any property subject to the regulations of the Council, in order to ascertain whether such regulations or directions are being obeyed."

Mr. Eastman of the Building Department staff has been endeavouring to inspect certain premises to ascertain if the sections of the Zoning By-law were being contravened. In some instances, he has been refused entry and has sought to charge the people concerned with refusing him entry. The crown prosecutor has properly pointed out that while the Zoning By-law provides authority for entry, it does not make it an offence to refuse entry. In

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order to correct this situation, it is recommended that the by-law be amended. Section 7.5 would become section 7.5(1) and the following would be added as section 7.5(2):

"It shall be unlawful for any person to prevent, obstruct, or hinder any official authorized by subsection (1) in the performance of any duty or authority therein granted to him."

¢ W. L. Selrling, MUNICIPAL SOLICITOR

WLS:mc

CC: CHIEF BUILDING INSPECTOR DIRECTOR OF PLANNING

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