

ITEM (SUPPLEMENTARY)	14
MANAGER'S REPORT NO.	19
COUNCIL MEETING	80 03 10

RE: CAMERON LIBRARY AND RECREATION CENTRE
PROPERTY BELONGING TO MRS. LILLIAN MANN
9637 CAMERON STREET

RECOMMENDATION:

1. THAT the following report be received for information purposes.

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REPORT

In a Supreme Court action in respect of the Mann property at 9637 Cameron Street, Burnaby sought two declaratory orders. The action was heard by Mr. Justice Toy on 1980 February 04 and he has on March 06 handed down his decision. He has ruled that:

1. Title to the property is now and has been vested in the Corporation of the District of Burnaby since 1979 August 16; and
2. The respondent (Mrs. Mann) is to deliver up possession of the property to the Corporation immediately.

There is an appeal process which, if initiated by Mrs. Mann, would require her to file notice of appeal within 45 days.

The judgment by the Honourable Mr. Toy has legally established the fact that title to the property resides in the name of the Municipality. The next step, barring an appeal, is to reach and finalize an agreement on compensation, i.e., how much money is to be paid for the property. This may be done in accordance with the legally established arbitration procedure, or alternatively, as the result of negotiations between the respective parties.

Mrs. Mann and the Municipality have each already appointed one arbitrator to represent their interests, and these two are in the process of selecting a third member, who is to act as chairman of the arbitration committee. However, the Municipal Manager is prepared and most willing to continue negotiations with Mrs. Mann and her solicitor and will be contacting them immediately to discuss not only compensation, but the orderly transition of the property as well.

In conclusion, we now have a legal decision which vests title of the subject property in the Municipality, and also an order that this property be delivered up to the possession of the Municipality. The matter of compensation is presently advancing to arbitration but every reasonable effort will be made simultaneously by staff to negotiate an agreement with Mrs. Mann with respect to both price and the change in possession. We are still hopeful that a mutually satisfactory compensation figure can be negotiated.

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