

ITEM	5
MANAGER'S REPORT NO.	56
COUNCIL MEETING	1980 09 08

RE: PROPOSED AMENDMENT TO BY-LAW NO. 5533
"BURNABY UNSIGHTLY PREMISES BY-LAW 1969"

Following is a report from the Municipal Solicitor on a proposed amendment to the subject By-Law.

RECOMMENDATION:

1. THAT the recommendation of the Municipal Solicitor be adopted.

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TO: MUNICIPAL MANAGER SEPTEMBER 2, 1980
FROM: MUNICIPAL SOLICITOR
RE: By-Law No. 5533 - "Burnaby Unsightly Premises
By-Law 1969"

RECOMMENDATION:

1. THAT the amendment as outlined in the attached report be brought forward.

REPORT

Section 2 of By-Law No. 5533 presently provides that "no owner or occupier of real property shall allow the said real property to become untidy or unsightly". A prosecution based on this section of the by-law was dismissed by a Provincial Court judge on the ground that while the property in question was certainly unsightly, the prosecution had not proved that it was the defendant who had permitted it to become unsightly. Following this decision, we recommended an amendment to the then section 870(h) of the Municipal Act empowering Council to prohibit owners or occupiers of real property from allowing property to remain untidy or unsightly. This recommended amendment received the support of the U.B.C.M. and it was included in Bill 54, the Municipal Amendment Act, 1980, which received Royal Assent on August 22, 1980. It is recommended that Council adopt the proposed amendment, now authorized by section 932(h) of the Municipal Act, that "no owner or occupier of real property shall allow the said real property to become or to remain untidy or unsightly".

W. L. Stirling,
MUNICIPAL SOLICITOR

WLS:mc

cc: Chief Public Health Inspector