

RE: ROYAL OAK FUNERAL HOME
5152 KINGSWAY
(ITEM 12, REPORT NO. 62, 1980 OCTOBER 06)
(ITEM 6, REPORT NO. 72, 1980 NOVEMBER 24)
(ITEM 1, INCAMERA REPORT NO. 2, 1981 JANUARY 05)
WALES McCLELLAND DEVELOPMENT CO. LTD.

Following is a report from the Municipal Solicitor regarding the subject property (please see Item 6, Page 134 for a report from the Director of Planning on this same report).

RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER January 12, 1981
FROM: MUNICIPAL SOLICITOR
RE: WALES McCLELLAND DEVELOPMENT CO. LTD. V. BURNABY
ROYAL OAK FUNERAL HOME

RECOMMENDATION:

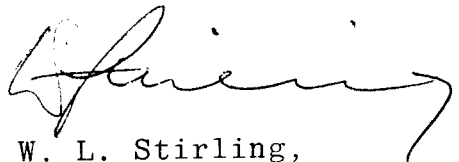
1. THAT a demolition permit be issued subject to the condition that no buildings or improvements be demolished until the applicant has become the registered owner of the property.

REPORT

The only reason why the building inspector has refused a demolition permit in this case is that the applicant is not the registered owner of the property, although it has a registered option to purchase the property and has therefore an interest in the property.

The only real issue in the proceedings brought by the applicant is whether or not the building inspector can refuse a demolition permit in these circumstances.

The applicant by its solicitor has agreed to accept a demolition permit subject to the condition that no buildings or improvements will be demolished until it has become the registered owner of the property. With this agreement, there is no necessity, in my opinion, to defend the legal proceedings. I would therefore recommend that a demolition permit be issued subject to the condition that no buildings or improvements be demolished until the applicant has become the registered owner of the property. In the meantime, the applicant's solicitor would have the legal proceedings adjourned generally.


W. L. Stirling,
MUNICIPAL SOLICITOR