

ITEM 5
MANAGER'S REPORT NO. 57
COUNCIL MEETING 1981 11 16

RE: LETTER FROM MR. DAVID B. FAIREY WHICH APPEARED ON THE AGENDA FOR THE
1981 NOVEMBER 09 MEETING OF COUNCIL (ITEM 5a)
1981 ASSESSMENT APPEAL OF MR. D. B. FAIREY

MUNICIPAL MANAGER'S RECOMMENDATION

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

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TO: MUNICIPAL MANAGER

November 12, 1981

FROM: MUNICIPAL SOLICITOR

RE: 1981 Assessment Appeal of Mr. D. B. Fairey

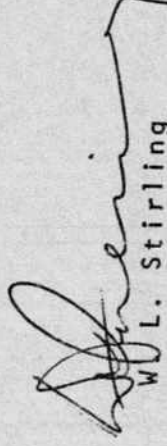
RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. D.B. Fairey.

REPORT

Council at its meeting of November 9 passed the following resolution "that the municipal staff work with Mr. D. B. Fairey in preparing his information and help on his 1981 assessment appeals subject to the advice of the Municipal Solicitor with respect to the legalities, timing, etc." I take it that the resolution means that I am to advise Council whether or not the municipality has the authority to assist Mr. Fairey in this manner. In my opinion, it has not. Mr. Fairey's is a private appeal. It is not Burnaby which has appealed the assessments of the three oil refineries. Further, even if Burnaby had the authority to assist Mr. Fairey, it does not have the staff to undertake the work required. The assessment of the oil refineries is a very technical subject and requires the assistance of experts. In any event, Mr. Fairey's appeals are set down for hearing on November 25 (Gulf), December 1 (Shell) and December 8 (Chevron) and even with experts available there is not sufficient time to prepare a case. Mr. Fairey, of course, has had almost ten months since the decision of the Court of Revision in February to prepare his appeals.

Since we do not have the authority to assist Mr. Fairey, we are precluded from acting in this respect.


W.L. Stirling
MUNICIPAL SOLICITOR

WLS:mc