

ITEM 11  
MANAGER'S REPORT NO. 43  
COUNCIL MEETING 1981 09 21

RE: LETTER FROM MR. ERICH KOEBERLING WHICH APPEARED ON THE 1981 SEPTEMBER 08  
COUNCIL AGENDA (ITEM 51)  
DAMAGE DEPOSIT AS REQUIRED UNDER BYLAW 6333

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Municipal Engineer be adopted.

\* \* \* \* \*

TO: MUNICIPAL MANAGER 81 09 15  
FROM: MUNICIPAL ENGINEER  
SUBJECT: DAMAGE DEPOSIT REQUIRED UNDER BYLAW 6333

RECOMMENDATIONS:

1. THAT no further amendments be made to Bylaw 6333 with regard to damage deposits.
2. THAT a copy of this report be sent to Mr. Koeberling of 4183 Boxer Street, Burnaby, B.C.

REPORT:

On the Council Agenda of 81 09 08 was a letter from Erich Koeberling with regard to the returnable damage deposits required on building permits.

This deposit is required on all building permits except in the case of renovations, additions, or enclosures which take place within the perimeter of an existing foundation. This exception was an amendment to the Bylaw and was made at the request of Council for relief on small projects where there is little likelihood of damage to Municipal utilities.

We would point out that any work carried out on a lot other than the exceptions mentioned in the preceding paragraph could require the use of heavy equipment such as ready mix concrete trucks and resulting damage to underground utilities, curbs and sidewalks is not uncommon.

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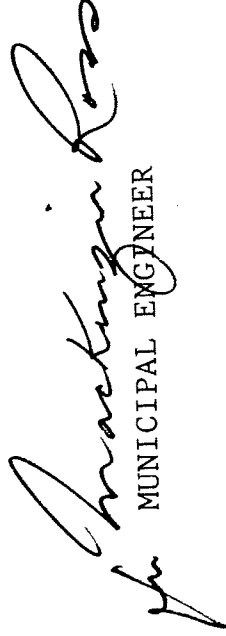
We feel that the use of discretion by the Claims and Bylaw Inspector would lead to complaints and charges of discriminations by those who were ordered to comply with the bylaw and therefore would recommend that a damage deposit be requested in all cases covered by Bylaw No. 6333. Further, we do not feel that the \$200.00 damage deposit causes financial hardship since the money is refunded as soon as the foundation work is complete and the materials are on the site. After the damage deposit has been refunded the owner may proceed with the remainder of the work. For Council's information we attach the appropriate sections of Bylaw No. 6333 as Appendix 1.

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Mr. Koeberling has discussed this matter on several occasions with several members of staff and each staff member has explained the Bylaw policy and the practice to Mr. Koeberling.

WMR:VMT:sp

cc: Chief Building Inspector

  
MUNICIPAL ENGINEER

APPENDIX I

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Sections 4(1) & (2) of Bylaw 6333

- \*4. (1) No person shall commence or continue construction of any building or structure or part thereof unless he is in possession of a valid and subsisting permit for the said construction issued by the Building Inspector.
- (2) The Building Inspector shall issue a construction permit when
- (a) an application for a construction permit has been made,
  - (b) the proposed construction described in the application is not contrary to this or any other By-law,
  - \*\* (c) the applicant has deposited with the Corporation a cash bond in the sum of \$200.00 to guarantee payment to the Corporation for all damage to municipal streets, works or property occasioned in any way by the construction described in the permit, including the removal of all debris from municipal streets but the applicant shall be liable notwithstanding for the full amount of all damage herein described.

Provided that the said cash bond shall not be required for internal renovations or external renovations contained within the existing foundations of any single-family or two-family dwelling.\*\*

