

ITEM	9
MANAGER'S REPORT NO.	29
COUNCIL MEETING	1981 06 22

RE: NORTHEAST BURNABY RECREATION/LIBRARY COMPLEX  
 AND EXPROPRIATION OF MRS. L. E. MANN'S PROPERTY, 9637 CAMERON  
 LETTER FROM MINISTER OF MUNICIPAL AFFAIRS DATED 1981 MAY 27

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

The Municipal Council on 1981 June 01 received a letter dated May 27 from the Minister of Municipal Affairs enclosing a copy of a report prepared by the Inspector of Municipalities relative to the expropriation of the Mann Property. During the consideration of the Minister's letter, the Council raised several questions concerning the authority of the Minister under the circumstances. This report answers those questions.

It is our opinion that the Minister has no statutory authority to conduct, by his Inspector of Municipalities, an informal or unofficial investigation into the Mann expropriation. The Inspector is authorized to conduct a public inquiry subject to the provisions of Section 745 of the Municipal Act. This, however, was not such a public inquiry.

The Inspector is appointed by the Lieutenant Governor in Council and "has the powers and duties, in addition to those prescribed under this Act, that may be assigned to him. He shall be attached to the office of the Minister and be under his control." (Section 742).

This section is ambiguous, but we do not believe it empowers the Minister to do what he did in this case.

The Minister in our view has no statutory power to impose the Inspectors' proposed settlement upon the municipality. The Minister cannot change the existing legislation by order-in-council. The Act must be amended by the legislature. It can enact retroactive legislation but that is unlikely. If such legislation is passed, it obviously should be made to apply to all expropriations by municipalities, not simply the Mann case.

\* \* \* \* \*