

1981 AUGUST 24

A regular meeting of the Municipal Council was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1981 August 24 at 19:00 h.

PRESENT: Acting Mayor D.P. Drummond, In the Chair
 Alderman G.D. Ast
 Alderman D.N. Brown
 Alderman W.A. Lewarne
 Alderman V.V. Stusiak

ABSENT: Mayor D.M. Mercier
 Alderman A.H. Emmott
 Alderman D.A. Lawson
 Alderman F.G. Randall

STAFF: Mr. M.J. Shelley, Municipal Manager
 Mr. E.E. Olson, Municipal Engineer
 Mr. D.G. Stenson, Assistant Director, Current Planning
 Mr. J.G. Plesha, Administrative Assistant to Manager
 Mr. B.D. Leche, Deputy Municipal Clerk
 Mr. C.A. Turpin, Municipal Clerk's Assistant

M I N U T E S

- (a) The Minutes of the Regular Council Meeting and Caucus Meeting "In Camera" held on 1981 August 10 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Minutes of the regular Council Meeting and Caucus Meeting "In Camera" held on 1981 August 10 be now adopted."

CARRIED UNANIMOUSLY

- (b) The Minutes of the Public Hearing (Zoning) held on 1981 August 11 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Minutes of the Public Hearing (Zoning) held on 1981 August 11 be now adopted."

CARRIED UNANIMOUSLY

- (c) The Minutes of the Special Meeting of Council held on 1981 August 12 came forward for adoption.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Minutes of the Special Meeting of Council held on 1981 August 12 be now adopted."

CARRIED UNANIMOUSLY

D E L E G A T I O N S

The following wrote requesting an audience with Council:

- (a) Burnaby Residents Joint Council, 1981 August 11,
 Chairman, Re: Impact of B.C. Place, particularly
 on traffic in Greater Vancouver Regional District
 is being alarmingly clear to many citizens groups
 in Lower Mainland.
 Spokesman - Mr. A.D. Turner

- (b) Property Owners on Malvern Avenue, 1981 August 05,
Re: Rezoning of Malvern Avenue from Residential
District (R5) to Residential District (R3).
Spokesman - Denis Ottewell
- (c) Sidney Allison, 1981 August 17, Re: Municipality
move existing boundary line on the West side of
the 16'8" lot over 16'4".
Spokesman - Sidney Allison
- (d) Mrs. R. Wise, 1981 August 18, Re: Easement
Rights at 4025 Norland Avenue, Burnaby, B.C.
Spokesperson - Mrs. R. Wise
- (e) Warner Holdings Limited, 1981 August 18, Re:
Parkcrest Shopping Plaza - 5901 East Broadway.
Spokesman - H.M. Singer
- (f) Burnaby Chamber of Commerce, Manager, 1981 August
10, Re: Holiday Shopping.
Spokesman - Mr. B.R. Street

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN BROWN:

"THAT the Delegations be heard."

CARRIED UNANIMOUSLY

- (a) Mr. Ole Johnson, 7628 - 2nd Street, then addressed Council on the
impact of B.C. Place, particularly on traffic in the Greater
Vancouver Regional District. Mr. Johnson noted that Mr. A.D. Turner
was not able to be present at the Council Meeting this evening and
that he was speaking on his behalf. The following is the substance
of Mr. Johnson's submission:

"The Burnaby Residents Joint Council, on 1981 July 22, had put in
a submission to the Vancouver City Council concerning B.C. Place.
Not that the Joint Council was in opposition to B.C. Place, but
the Council was a little concerned with the lack of information that
was coming out of that organization. Burnaby Council was already
aware of the brief that was submitted by the Burnaby Residents Joint
Council and he was here this evening to speak in support of that
brief. The Joint Council considered that members of the Municipal
Council might have some questions on the brief on B.C. Place. The
Burnaby Citizens Joint Council would request that the Municipal Council
take an active interest in the development of B.C. Place because it
is going to affect Burnaby quite seriously. The Burnaby Citizens
Joint Council was not aware of this when they first started out with
their brief but as they listened to what was going on they became more
concerned. It would appear that some of the major arterials such as
Kingsway and Highway 401 will experience real trouble.

Mr. Johnson concluded his presentation by requesting that Council
appoint someone to keep a close eye on the development of B.C. Place
in order that the traffic problems arising therefrom can be identified
as early as possible.

- (b) Mr. Denis Ottewell, speaking on behalf of the property owners on
Malvern Avenue then addressed Council regarding the rezoning of Malvern
Avenue from Residential District (R5) to Residential District (R3). The
following is the substance of Mr. Ottewell's submission:

"I was informed by Alderman Lewarne a couple hours ago that a staff
report on the subject of the requested rezoning on Malvern Avenue
would be available for Council's consideration on 1981 September 08.
I would request that myself or some other spokesman on behalf of the
residents of Malvern Avenue be permitted to appear as a Delegation
at the time the report in question is received.

Two years ago there was a petition done on Malvern Avenue and it was kind of rushed because it was a reaction petition to a Mr. Mackey who had built a side-by-side detached duplex at 6116 and 6118 Malvern Avenue. Since then four of us have got together and decided we should probably do a very comprehensive type of survey. There are 75 properties including 2 adjacent properties which would be affected. As you can see, we have had an excellent turnout. Seventy-three of the seventy-five people have responded. Of those, 58 of the 75 properties are in support. In other words, 77 percent of the property owners support the rezoning upwards from R5 to R3. We are pleased because we think this is one of the more comprehensive petitions to come before Council, particularly when the Director of Planning, two years ago, felt that they needed more information. I will just draw that to your attention and invite any of you who wish to have a tour of Malvern Avenue to please contact myself or any of the other three people whose names and phone numbers are included with our submission. We would be pleased to appear before Council as a Delegation on September 08."

It was agreed that Mr. Ottewell would be placed on the Agenda for the Council Meeting on 1981 September 08 to speak as a Delegation on this subject at that time.

- (c) Mr. Sidney Allison, 3751 Frances Street, then addressed Council on the subject of the rezoning of his property at the above address. The following is the substance of Mr. Allison's submission:

"I am presuming that you have had a copy of the petition circulated amongst the property owners in the 3700 Block Frances Street. I was sold what was purported to be a 66 foot lot in April 1949 when I arrived in this Country. In June of the same year when I got my first tax notice I was surprised to find that I had two parcels of land, one parcel of land, a 50 foot lot, and the other a 16 foot 8 inch lot. I immediately approached Council to find out how this could happen. They explained to me that the owner, during the depression years, fell delinquent in taxes and the then Council seized 33 feet 4 inches of the eastern lot as settlement of his taxes leaving the 16 foot 8 inch portion. I wish to emphasize that right up to the moment the Municipality seized this 33 foot 4 inch property, that owner was the owner of two legal 50 foot lots. The action of seizing this 33 foot 4 inch lot and leaving the 16 foot 8 inch parcel completely messed things up. Later when the Council sold that 33 foot 4 inch parcel, they made it impossible to apply for that property to revert to its original status. Now my authority for this reversion is your own Planning Department because I queried certain 66 foot lots being split when I was being refused. The Planning Department advised me that when the 50 foot lot came into being the then Council included protection for existing lots that predated the bylaw. The lots that are being queried were originally 33 foot lots which were consolidated into a 66 foot lot. The people that bought these lots were all speculative builders. The Municipality could not refuse their request for reversion. By reverting the lots, the lots were still legal though they could apply for a Building Permit to build upon them despite of the 50 foot provision in the Zoning Bylaw because they were legal lots and providing the structures, met with the Building Code, the Municipality had no option but to grant a Building Permit.

For 30 years I have been paying taxes on this valueless land and I have been unable to do a thing because they weren't 33 foot lots originally. They were legal building lots. Now I am asking that these two lots revert to their original status as legal building lots. The Municipality has recently passed a bylaw that allows 33 foot lots and that is what I am asking you to do. Please restore these lots to their original legal status. It is merely the matter of moving the boundary line on the west 16 feet 4 inches and I am back to square one. Two legal building lots which existed before the Municipality seized the land. Now, I am not alleging anything wrong about that seizing of the land. I am just saying that it was a mistake and the side affects are obvious. I ask you in your deliberations to add a little humanity. I am an old man, I have a family I want to help and I could then sell a 33 foot lot. I would request that you grant my request for a reversion to its original status as two legal lots."

MOVED BY ALDERMAN LEWARNE:
SECONDED BY ALDERMAN BROWN:

"THAT Item 10, Municipal Manager's Report No. 38, 1981 pertaining to this subject be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in that report:

1. THAT a copy of this report be sent to Mr. S. Allison, 3751 Frances Street, Burnaby, B.C.

MOVED BY ALDERMAN LEWARNE:
SECONDED BY ALDERMAN AST:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

The Assistant Director, Current Planning, advised Council that the Planning Department and the Municipal Solicitor were attempting at the present time to arrive at a solution to the problems being encountered by Mr. Allison and that a report on this subject should be available for the Council Meeting on September 08.

- (d) Mrs. R. Wise, 403 - 1345 West 15th Avenue, Vancouver, B.C., then addressed Council on the subject of easement rights on her property at 4025 Norland Avenue. The following is the text of Mrs. Wise's submission:

"It would appear that Council is not prepared to act on this issue. I want to respond to the statement Mr. Lewarne made at Council Meeting August Tenth 1981. I was not given the opportunity to speak at that time.

I quote, "I read the whole file, it was about one inch thick, there was nothing I could do." end of quotation. This is not one Alderman's decision.

The thickness of the file proves more than ever the fact that the flooding problem has been under discussion for almost four years, with absolutely no endeavour made to solve it.

With the constant flow of dirt and water during heavy rainfall along the lateral connection for the house probably this is the cause of the condition of the drain tiles now, but that was not the case three-and-one-half years back. Great deterioration has taken its toll. We do not have any doors, windows or inside walls, for that matter, but I assure you that these conditions did not exist four years back and that is what we are talking about.

I was doing everything in my power to bring this to the attention of the municipality and Manager. At first, by telephone, then numerous letters, one in particular which was rather caustic. This only brought a reprimand - that I had the audacity to try to protect my property, I was treated with scorn as though I was the invader.

This easement is a legal binding document for the grantee and the grantor, just as legal as the deed to this land. It spells out the terms of the contract, your rights and your obligations to the damages your storm sewer has done to my property. I did not violate the contract, you did, see Page 4 Para. 3 of the indenture (right of way).

- No. 1 - There was no flooding problem until after the storm sewer was installed.
- No. 2 - The municipality was notified many times of this problem before a great degree of damage was done. There was no mention made of claim for damages at this point.
- No. 3 - Our only claim was to have the flooding rectified then, to prevent further damage.

- No. 4 - If the flooding had been corrected in the beginning, the house would have remained rented. Therefore, no loss of revenue, no total destruction, no claims.
- No. 5 - The house was completely painted outside, new eavestroughs and downpipes.
- No. 6 - The problem was first seen in the yard, it became impossible to cut the grass, the mower would bog down in the wet soft earth. I have been there since 1974, we never had that problem before, or the people before us.
- No. 7 - We had the drain tiles tested, we were satisfied that the drain tiles were not the cause of the basement flooding and that there was a great force of water entering from other sources. This proved to be correct. The Engineering Survey showing water flowing one to two gallons per minute and this occurred after four days of dry weather.

We lodged what we believe to be an honest and reasonable complaint. If there was any doubt in the mind of the municipality it had every opportunity to do its own test by digging test-pits, not forcing this additional expense on me. Instead, the municipality sent an employee around the side of the house. I believe the municipality did some cleaning up of the ditch on Norland, there was slight relief but nothing of any significance. As we did not find a gushing well in the back yard there was no further response from the municipality. The water pressure was coming from underneath and not just from rainfall off the roof.

The mildew was up to the basement ceiling by the end of 1978 and 1979, yet the Council chooses to treat this problem as though it only originated May 20, 1981, when the Engineering Survey was done. This is like closing the gate after the horse got away. I was forced to act. The house was deteriorating. Now the house is completely destroyed.

The Municipality was quick, without notifying me, to exercise it's authority to give permission to the contractor to enter my property to install the municipality's storm sewer. The municipality had the same authority to enter my property to rectify the damage the storm sewer has created for me. Privileges are always accompanied by obligations, however, the municipality with its legislative powers chooses to accept only the part of the easement contract that suits their purpose.

It would appear that the municipality was bent on destroying my property and me. Is this the Council's aim to get that 15,000 square feet of roadway for free, by destroying my property, depriving me of my rental income? I have my life's savings there. I will protect them with whatever means available to me.

I have been accused because I am an agent, that I bought this property for an investment at that time nothing could be farther from the truth.

Furthermore, I thought this a strange accusation, especially, three to four years after I purchased this property. The municipality bought all the surrounding land over one-half a million dollars, with our tax dollars, causing further inflation and higher taxes. Then relocating Ledger Avenue so that it would line up to pass through my property instead of dividing the municipal land holdings in half and demanding over one-third of my property. That's equal to three city lots, 'for free'. This is the purpose of relocating Ledger Avenue? This is like the pot calling the kettle back!

I mean to find out the cause of this gross discrimination. Why in this over one-half of a million dollar purchase am I expected to give land away free. As I pointed out at the May 20 1980 Delegation before Council, I lost numerous good offers on this property because of the municipality's unreasonable demands. Fifteen thousand square feet for road dedication. Sales always collapsed because of this. Now with todays high interest rates the municipality has placed me in an uncompromising position. Plus the flooding of my land, destroying the house, therefore, depriving me of my rightful income from my rentals.

By ignoring this problem, it only multiplied. It did not go away, nor will I. I always regretted that I was manipulated into buying this property. I was putting a land assembly together and doing what had to be done at that time. I would have done better in the past eight years with the money I have tied up here and also would not have had to put up with this embarrassment, harassment and having to beg for my rights as a citizen and taxpayer. It is affecting my health now, just to protect my life savings.

I am a widow, a woman alone, I have worked hard, raised two responsible children, one has a responsible position with the Government and the other is studying law. My husband was a fighter pilot for four years overseas and like many others defending our democratic rights. Many died defending them, and I intend to defend my rights now on this issue!"

- (e) Mr. H.M. Singer, due to personal circumstances, was not able to be present to address Council this evening on the subject of the Parkcrest Shopping Plaza at 5901 East Broadway. Mr. Singer had requested that his appearance as a Delegation on this subject be deferred until 1981 September 08.
- (f) Mr. B.R. Street, President, Burnaby Chamber of Commerce, then addressed Council on the subject of holiday shopping. The following is the substance of Mr. Street's submission:

"We appear before you tonight in support of our brief which requests a referendum with respect to the holiday shopping. We have researched our members, we have given you our findings as well as information with respect to the attitudes of the population of this area particularly as it applies to do-it-yourself stores. Perhaps it is advisable to state the Chamber's position and the reasons we request a two-pronged approach to this situation. Now, philosophically, the Chamber believes that every business should be able to respond to the customer's demands and the yard stick of these demands is going to be the customer's dollars as reflected in the sales. We are aware, however, that there is some hesitation on the part of some people with respect to wide open Sunday shopping and in recognition of this, we are suggesting that a second question be put that will allow certain stores to be open on Sundays. Now, our research indicates that there is overwhelming support for do-it-yourself stores and tourist oriented facilities to be open on Sundays and holidays. The Gallup British Columbia Omnibus Survey indicates an overwhelming support for do-it-yourself stores in the Lower Mainland. In our research, it came to our attention that prior to being required to close on Sundays, the do-it-yourself stores did over 25 percent of their weekly business on Sundays. At present, their sales are down approximately 10 percent from that same period. Now this loss in sales represents a corresponding loss in the jobs that are lost to this community. I think this is a backward step as far as the community is concerned. In our opinion, the residents of Burnaby should be given an opportunity to clearly express whether they desire all stores or just certain stores to be open on holidays and Sundays. We would ask that Council give this consideration and hopefully prepare a referendum."

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

"THAT this matter be referred to the Municipal Manager for a report from the Municipal Solicitor with respect to the technical legal response to the presentation made this evening by the Burnaby Chamber of Commerce with respect to Sunday and holiday shopping."

CARRIED UNANIMOUSLY

B Y L A W S

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT

- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 100, 1981' #7760
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 101, 1981' #7761
- 'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 102, 1981' #7762

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'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 103, 1981' #7763
be now introduced and that Council resolve itself into a Committee of the Whole
to consider and report on the Bylaws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN DRUMMOND:

"THAT the Committee now rise and report progress on the Bylaws."

CARRIED

OPPOSED: Alderman Brown to #7761 and #7762
Acting-Mayor Drummond to #7760, #7761
and #7762

The Council reconvened.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT the report of the Committee be now adopted."

CARRIED

OPPOSED: Alderman Brown to #7761 and #7762
Acting-Mayor Drummond to #7760, #7761
and #7762

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 100, 1981'	#7760
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 101, 1981'	#7761
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 102, 1981'	#7762
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 103, 1981'	#7763

be now read a First Time."

CARRIED

OPPOSED: Alderman Brown to #7761 and #7762
Acting-Mayor Drummond to #7760, #7761
and #7762

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT Item 8, Municipal Manager's Report No. 38, 1981 pertaining to

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 74, 1981' #7730

be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

The following is the recommendation contained in this report:

1. THAT this report be received for information purposes.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 69, 1981'	#7725
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 70, 1981'	#7726
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 71, 1981'	#7727
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 72, 1981'	#7728
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 73, 1981'	#7729
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 74, 1981'	#7730
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 75, 1981'	#7731
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 76, 1981'	#7732
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 77, 1981'	#7733
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 78, 1981'	#7734
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 79, 1981'	#7735
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 80, 1981'	#7736
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 81, 1981'	#7737
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 82, 1981'	#7738
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 83, 1981'	#7739
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 85, 1981'	#7741

be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the Bylaws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT the Committee now rise and report progress on the Bylaws."

CARRIED

OPPOSED: Alderman Brown to #7727 and #7730
Alderman Ast to #7725, #7726, #7727, #7729,
#7732, #7734 and #7735.

The Council reconvened.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT the report of the Committee be now adopted."

CARRIED

OPPOSED: Alderman Brwon to #7727 and #7730
Alderman Ast to #7725, #7726, #7727, #7729,
#7732, #7734 and #7735.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 69, 1981'	#7725
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 70, 1981'	#7726
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 71, 1981'	#7727
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 72, 1981'	#7728
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 73, 1981'	#7729
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 74, 1981'	#7730

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 75, 1981'	#7731
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 76, 1981'	#7732
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 77, 1981'	#7733
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 78, 1981'	#7734
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 79, 1981'	#7735
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 80, 1981'	#7736
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 81, 1981'	#7737
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 82, 1981'	#7738
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 83, 1981'	#7739
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 85, 1981'	#7741

be now read a Second Time."

CARRIED

OPPOSED: Alderman Brown to #7727 and #7730
Alderman Ast to #7725, #7726, #7727, #7729
#7732, #7734 and #7735.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 68, 1981'	#7721
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 84, 1981'	#7740

be now introduced and that Council resolve itself into a Committee of the Whole to consider and report on the Bylaws."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the Committee now rise and report the Bylaws complete."

CARRIED

OPPOSED: Acting-Mayor Drummond to #7721

The Council reconvened.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT the report of the Committee be now adopted."

CARRIED

OPPOSED: Acting-Mayor Dummond to #7721

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 68, 1981'	#7721
'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 84, 1981'	#7740

be now read a Second and Third Time."

CARRIED

OPPOSED: Acting-Mayor Drummond to #7721

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT Council do now resolve itself into a Committee of the Whole to consider and report on

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 27, 1981'

#7677."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT the Committee now rise and report the Bylaw complete."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 27, 1981'

#7677

be now read a Third Time."

CARRIED UNANIMOUSLY

MOVED BY ALDERMAN LEWARNE:
SECONDED BY ALDERMAN STUSIAK:

"THAT

'Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 23, 1980'

#7518

be now reconsidered and finally adopted, signed by the Mayor and Clerk and the Corporate Seal affixed thereto."

CARRIED UNANIMOUSLY

C O R R E S P O N D E N C E A N D P E T I T I O N S

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

"THAT all of the following listed items of correspondence be received and those items of the Municipal Manager's Report No. 38, 1981, which pertain thereto, be brought forward for consideration at this time."

CARRIED UNANIMOUSLY

- (a) James Duff,
Re: Seeking a restraining injunction prohibiting
the Corporation from taking any further action
of approval on Rezoning Reference #79/80

A letter dated 1981 August 06 was received advising that the writer, through legal counsel, is seeking a restraining injunction prohibiting the Corporation from taking any further action of approval regarding Rezoning Reference #79/80.

The Restraining Order will be in effect until the Corporation, through regular channels, abandons further action re Rezoning Reference #79/80, or amends Bylaw No. 7580 to accomodate what may be termed "gambits in block-busting" in order that the Corporation may confine itself within the terms of its own bylaws.

Action by Council to this date in processing Rezoning Reference #79/80 for approval, can only be honestly termed a "gambit in block-busting". The writer has been informed with reference to Section 109.3 of Bylaw No. 7580, Paragraph (2)(a) that such action is illegal.

Item 7, Municipal Manager's Report No. 38, 1981, pertaining to this subject, was brought forward for consideration at this time.

The following is the recommendation contained in this report:

1. THAT a copy of this report be sent to Mr. James Duff, 6570 Gilley Avenue, Burnaby, B.C. V5H 3W9.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (b) R.S. Leach,
Re: Use of one of the back lanes as a
thoroughfare to gain access and egress
from Car Wash at Ulster Street and
Canada Way.
-

A letter dated 1981 August 07 was received advising that several months ago the writer had sent a letter and a map to Council outlining a traffic problem on his street with regard to traffic using back lanes as thoroughfares to gain access to and egress from a car wash located at Ulster Street and Canada Way. The writer was referred to the Traffic Safety Committee, informed that they would look into the matter and contact him. No such contact has occurred, meanwhile the problem worsens and as he has pointed out before, so does the likelihood of a serious accident. To the writer's personal knowledge, the Traffic Safety Committee has been "Looking into" this matter for approximately 6 years and while he realises that their load is heavy, he did believe that that is ample time to draw a conclusion. If his former suggestions were impractical for some reason, perhaps the street can be barricaded at Canada Way at it is for those privileged souls who live in the Deer Lake Area.

It was agreed that the Municipal Engineer would check into this matter immediately and arrange to have it placed before the Traffic Safety Committee at the next meeting of that Committee.

- (c) Province of British Columbia, Ministry of Lands,
Parks and Housing, Regional Director, Lower Mainland
Re: New policies for Provincial Government Assistance
to Municipal Government in their acquisition of land
for parks purposes.
-

A letter dated 1981 August 07 was received advising that the Minister of Lands, Parks and Housing, The Honourable James R. Chabot, has recently approved new policies for the Ministry's assistance to Municipal Government in their acquisition of land for parks purposes.

Financial grants to assist in the acquisition of private property for "community park" purposes will now be available to incorporated cities, towns, districts, villages and regional districts having the community park function under the Municipal Act.

Financial grants for the acquisition of regional and community park land will now be limited to a maximum Provincial contribution of \$350,000.00 in any one park. There will be no development assistance grants in 1981 - 1982.

- (d) Greater Vancouver Regional District,
Commissioner - Regional Development
Re: Final Consideration of the G.V.R.D.'s Role
in Economic Development.
-

1981 August 24

A letter dated 1981 June 10 was received concerning final consideration of the G.V.R.D.'s role in Economic Development. The G.V.R.D. Planning Committee at its June Meeting had received a report on this subject and requested that:

1. The report be circulated to all member Councils for consideration.
2. All members of Council indicate by resolution, whether they support or oppose Option 3, in which the G.V.R.D. Planning Department will take on the key reactive role of collecting, organizing, printing and distributing region wide information.
3. The responses be forwarded to the G.V.R.D. early enough to allow the Committee to consider the proposal at its August Meeting.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT further consideration of this matter be tabled."

CARRIED UNANIMOUSLY

- (e) Greater Vancouver Regional District, Chairman,
G.V.R.D. Planning Committee
Re: Proposed amendments to the Official Regional Plan.

A letter dated 1981 August 10 was received concerning proposed amendments to the Official Regional Plan. In October of last year the G.V.R.D. adopted an Official Regional Plan. Copies of the Plan will be printed and distributed shortly to all members of Council. It is also intended to hold a workshop to acquaint interested Municipal Staff who are not involved through the technical Planning Committee in the preparation of the updated O.R.P. with the new provisions.

The major area of change is to be Transportation Network Provisions contained in the updated plan. The net result of this change would be to remove the detailed specifications of road widths for roads shown on the O.R.P. Network Map. The O.R.P. would simply indicate the agreed upon network of regionally significant roads and would not indicate the width or number of lanes of these roads.

Briefly, the other substandard changes proposed in the bylaw are to:

1. Provide for extension of Urban-2 Areas (This provision applies only to Surrey and will overcome the need for site specific text amendments).
2. Provide use and subdivision policies for parcels of less than two acres that are within the Agricultural Land Reserve (these parcels are not subject to Land Commission Regulations).
3. Provide the same flexibility for rezoning and infill developments in Urban-2 areas that are given to urban areas without services.

It was agreed that the proposed amendments to the Official Regional Plan would be reviewed by staff to determine what action, if any, is required by Council.

- (f) City of Vancouver, City Clerk,
Re: Short-Term Remedial Measures - Cassiar
Street Corridor.

A letter dated 1981 June 26 was received outlining short term remedial measures for the Cassiar Street Corridor which had been considered by the City Council of the City of Vancouver.

Of particular interest to the Burnaby Council was the following recommendation of the Vancouver Standing Committee on Environment and Traffic:

"THAT Burnaby Council be requested to consider extending peak hour parking prohibitions further east on Hastings Street."

Item 13, Municipal Manager's Report No. 38, 1981, pertaining to this subject, was brought forward for consideration at this time.

The Municipal Manager provided a report from the Municipal Engineer on the question of extending peak hour parking prohibitions further east on Hastings Street.

The Municipal Engineer noted that the City of Vancouver Standing Committee on Environment and Traffic recommended as part of its report on the captioned subject, the extension of peak hour parking restrictions on Hastings Street into Burnaby. This topic is currently under review by both the Municipal Engineer and the Director of Planning. Recent developments which have considerable bearing on the implementation of any traffic management schemes for the Hastings Corridor, include the G.V.R.D. proposed trolley bus extension into Burnaby and the suggestion of a "Parking Commission". Both of these factors combined with the concern of the Hastings Street Merchants, as expressed in response to our circular letter of 1981 July 31, and the well documented concern of the adjacent residential areas are being considered in the aforementioned review.

The Municipal Manager recommended:

1. THAT the City of Vancouver be sent a copy of this report.

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

- (g) British Columbia Recreation Association,
Executive Director,
Re: Provincial Recreation Conference.

A letter dated 1981 July 13 was received advising that the British Columbia Recreation Association conducts its annual conference in May of each year.

In 1982, the Conference will be held at the Peach Bowl Convention Centre, in Penticton, from May 08 to May 11.

The Executive Board is interested in exposing the activities of the Association to as many communities as possible and would be pleased to receive proposals to host the 1983 and 1984 Conferences.

The Municipal Manager noted that this report will be considered by the Parks and Recreation Commission on 1981 September 02. A report will subsequently be referred to Council if it is appropriate to do so.

R E P O R T S

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT Council do now resolve itself into a Committee of the Whole."

CARRIED UNANIMOUSLY

The Municipal Manager presented Report No. 38, 1981 on the matters listed following as items 1 to 13, either providing the information shown or recommending the courses of action indicated for the reasons given:

1. 1980 Financial Statements

The Municipal Manager provided the audited financial statements and the Treasurer's Financial Report for the year ended 1980 December 31.

The Municipal Manager recommended:

1. THAT this report be received for information purposes.

MOVED BY ALDERMAN BROWN:

SECONDED BY ALDERMAN STUSIAK:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

2. Senior Management Training Program for the Burnaby Fire Department

The Municipal Manager provided a report from the Director - Fire Services concerning the Senior Management Training Program for the Burnaby Fire Department. Included in a Memorandum of Agreement dated 1979 August 03 and forming part of the 1979/1980 Collective Agreement between The Corporation and the Burnaby Firefighter's Union, Local 323, was the need to establish, as soon as possible, and hopefully by 1979 December 31, a mutually satisfactory blueprint for implementing a Senior Management Training Program in the Burnaby Fire Department. This date was extended to 1981 June 01 under the new Collective Agreement by reason of the need to carry out extensive research and evaluation of the departmental training needs.

The introduction and ready acceptance of the Officer Training Program is most opportune as it parallels the projected retirement of several senior officers in 1982.

Positive factors emerging from the Steering Committee's activities is the recognition and response by all ranks for the need to upgrade their operational and administrative skills and to keep abreast of the technological and increasingly complex regulatory requirements that face today's fire officer.

Management and Local 323 will maintain the current level of enthusiasm and desire by working together to expand the existing training programmes in recognition that such action will improve the opportunities for advancement, and as importantly, will identify those qualifications and qualities that are necessary for the delivery of optimum service to the citizens of Burnaby.

The Municipal Manager recommended:

1. THAT the report of the Director - Fire Services be received for information proposes.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN BROWN:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

3. Police/Community Relations Conference Toronto, Ontario on 1981 October 3, 4, 5 and 6.

The Municipal Manager provided a report concerning the attendance of the Officer-In-Charge, Burnaby Detachment, R.C.M.P. at the Police/Community Relations Conference in Toronto, Ontario on 1981 October 3, 4, 5 and 6.

The Municipal Manager recommended:

1. THAT the Officer-In-Charge, Burnaby Detachment, R.C.M.P., be authorized to attend the Police/Community Relations Conference in Toronto, Ontario on 1981 October 3, 4, 5 and 6.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN BROWN:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

4. Retirement - Mr. D'Arcy Edwards

The Municipal Manager provided a report from the Personnel Director concerning the retirement of Mr. D'Arcy Edwards after 25 years of service with The Corporation.

The Municipal Manager recommended:

1. THAT the Mayor, on behalf of Council, send to Mr. Edwards a letter of appreciation for his many years of loyal and dedicated service to the Municipality.

MOVED BY ALDERMAN LEWARNE:
SECONDED BY ALDERMAN AST:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

5. Engineer's Special Estimate

The Municipal Manager provided a report from the Municipal Engineer concerning a special estimate of work for his Department in the total amount of \$5,500.00.

The Municipal Manager recommended:

1. THAT the estimate as submitted by the Municipal Engineer be approved.

MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN BROWN:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

6. Taxi Service Centers

The Municipal Manager provided a report from the Director of Planning concerning the feasibility of allowing taxi service centers to locate and operate in Industrial Districts in Burnaby.

The Municipal Manager recommended:

1. THAT the Council request the preparation of a bylaw to be advanced to First Reading on 1981 September 14 to permit the introduction of the proposed amendments, as described in Section "D" into the Burnaby Zoning Bylaw, and that these amendments be advanced to a Public Hearing on 1981 October 06 at 20:00 h.
2. THAT a copy of this report be sent to Mr. John C. Huffman, Director, Bonny's Taxi Limited at 5525 Imperial Street, Burnaby, B.C. V5J 1E8.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

"THAT the recommendations of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

7. Letter from Mr. James Duff,
6570 Gilley Avenue, Burnaby, B.C. V5H 3W9
Rezoning Reference #79/80

This item was dealt with previously in the meeting in conjunction with Item 4(a) under Correspondence and Petitions.

8. Rezoning Reference #29/81
129 North Stratford Avenue
Lot "C", Block 58, D.L. 218, Plan 11818

This item was dealt with previously in the meeting in conjunction with Item 3(j) "Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 74, 1981", Bylaw No. 7730.

9. Contract #8112 - Repair and Maintenance of Ornamental Street Lighting Systems and Traffic Signal Systems

The Municipal Manager provided a report from the Purchasing Agent concerning tenders for Contract #8112 - Repair and Maintenance of Ornamental Street Lighting Systems and Traffic Signal Systems.

The Municipal Manager recommended:

1. THAT a contract be awarded for the one year period extending from 1981 September 01 to 1982 August 31 to United Power Limited for the sum of \$96,392.00 with payments for services to be based on units services at unit prices tendered.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN BROWN:

"THAT the recommendation of the Municipal Manager be adopted."

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT further consideration of this item be referred to the 'In Camera' portion of the Council Meeting later this evening."

CARRIED

OPPOSED: Alderman Lewarne

10. Letter from Mr. S. Allison
3751 Frances Street, Burnaby, B.C. V5C 2N9
Rezoning Reference #21/81
Lot 15 and 16'8" of Lot 14, Block 16, D.L. 116 N½, Plan 1236
3751 Frances Street

This item was dealt with previously in the meeting in conjunction with Item 2(c) under Delegations.

11. Mrs. Glenn S. Hara's Appearance Before Council as a
Delegation on 1981 August 10
Rezoning References #55/81 and #56/81
4259 Victory Street and 5163 Patterson Avenue
Proposed Rezoning to the R9 Residential District

The Municipal Manager provided a report from the Director of Planning on Rezoning References #55/81 and #56/81.

The Director of Planning reported that upon review of Mr. Hara's Delegation and the items raised therein, the Planning Department advises that the evaluations conducted on the subject rezoning applications are consistent with the R9 Zoning District and the purpose and intent of the Burnaby Zoning Bylaw.

The Municipal Manager recommended:

1. THAT a copy of this report be sent to Mr. Glenn S. Hara, Thomas H. Hara and Company, Suite 303, 190 Alexander Street, Vancouver, B.C. V6A 1B5.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN LEWARNE:

"THAT the recommendation of the Municipal Manager be adopted."

MOVED BY ALDERMAN LEWARNE:

SECONDED BY ALDERMAN STUSIAK:

"THAT further consideration of this matter be postponed pending receipt of a further report from the Municipal Solicitor."

CARRIED UNANIMOUSLY

12. Letter from Warner Holdings Limited
602 - 525 Seymour Street, Vancouver, B.C. V6B 3J3
Parkcrest Plaza, 5901 East Broadway, Burnaby

The Municipal Manager provided a report from the Director of Planning concerning the possible redevelopment of the Parkcrest Plaza at 5901 East Broadway, Burnaby, B.C.

The Director of Planning noted that the Parkcrest Plaza which was constructed prior to the development of the Brentwood Mall has provided a local convenience shopping facility for a number of years and is presently zoned C1 Neighbourhood Commercial District. In view of the economic difficulties experienced by the owner, several methods of resolving these problems have been sought by the owners over the years. In this regard, Council considered several rezoning applications. Rezoning Reference #23/68 involved an RM3 proposal and Rezoning Reference #22/72 involved a RM4 proposal, on the westerly portion of the site adjacent to the existing single storey commercial plaza on what is presently vacant land. A further proposal, Rezoning Reference #77/72, involving a proposal to construct single and two-family units on the vacant portions of the site was submitted to Council. In consideration of these rezoning requests, it was concluded that medium and high density residential uses as proposed were inappropriate and further study would be necessary to examine the possibility of developing single and two-family or rowhouse units on the portion of the site in question. The owners have not pursued such development to date.

Inasmuch as the land in question has never been considered to be suitable for higher density residential development, and as the recent Residential Growth Management Study has confirmed that there is no justification for the introduction of apartment uses in this neighbourhood, it would be appropriate to inform Warner Holdings that the proposal could not be supported in the event that an application were made for rezoning to Multiple Family category.

However, it is felt that single and two-family or possibly rowhouse development potential exists relative to the vacant area at the westerly end of the site, in keeping with the prevailing R2 and R5 Zoning of the surrounding area. The Planning Department would be pleased to assist the owners in pursuing this approach if they so desire, through the rezoning and subdivision procedures, or with other development approaches involving the lands or the shopping plaza itself, subject to Council's adopted policies.

The Municipal Manager recommended:

1. THAT a copy of this report be sent to Mr. H.M. Singer of Warner Holdings Limited, 602 - 525 Seymour Street, Vancouver, B.C. V6B 3J3.

MOVED BY ALDERMAN LEWARNE:
SECONDED BY ALDERMAN AST:

"THAT the recommendation of the Municipal Manager be adopted."

CARRIED UNANIMOUSLY

13. City of Vancouver - Short Term Remedial Measures
Cassiar Street Corridor

This item was dealt with previously in the meeting as Item 3(f)
under Correspondence and Petitions.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"THAT the Committee now rise and report."

CARRIED UNANIMOUSLY

The Council reconvened.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"THAT the report of the Committee be now adopted."

CARRIED UNANIMOUSLY

N E W B U S I N E S S

His Worship, Acting-Mayor Drummond, provided a verbal report on the progress of the Kushiro Visit by the members of Council and other delegates. They are all doing fine after having run into a typhoon and being rained out of existence. The typhoon had upset their travel arrangements but that all is well now. They had a fabulous time in Kushiro and left our Sister City loaded down with gifts, including the Kimonos they had worn in a street dance.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN LEWARNE:

"THAT this Regular Council Meeting do now recess for the purpose of meeting In Caucus 'In Camera' following the completion of which the Regular Meeting of Council will then reconvene."

CARRIED UNANIMOUSLY

The Regular Council Meeting recessed at 20:30 h.

The Regular Council Meeting reconvened at 20:45 h.

Item 9, Municipal Manager's Report No. 38, 1981 concerning Contract #8112, referred from the "In Camera" portion of the Council Meeting was then before Council for consideration.

The following is the recommendation contained in that report:

1. THAT a contract be awarded for the one year period extending from 1981 September 01 to 1982 August 31 to United Power Limited for the sum of \$96,392.00 with payments for services to be based on units serviced at unit prices tendered.

The following motion as MOVED by Alderman Ast and SECONDED by Alderman Brown "THAT the recommendation of the Municipal Manager be adopted" was then before Council for consideration.

A vote was then taken on the aforementioned motion and same was CARRIED with Alderman Stusiak OPPOSED.

1981 August 24

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN LEWARNE:

"THAT this Regular Council Meeting do now adjourn."

CARRIED UNANIMOUSLY

The Regular Council Meeting adjourned at 20:45 h.

Confirmed:



MAYOR

Certified Correct:



DEPUTY MUNICIPAL CLERK