

RE: PLANS CANCELLATION APPLICATION - ROBERT CALLENDER LTD

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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October 5, 1981

TO: MUNICIPAL MANAGER  
FROM: MUNICIPAL SOLICITOR  
SUBJECT: PLANS CANCELLATION APPLICATION  
ROBERT CALLENDER LTD.

RECOMMENDATION:

1. THAT Council, in view of the anticipated change in planning legislation, request the Attorney General to oppose this application.

R E P O R T

Petitioner for  
Plans Cancellation:

Robert Callender Ltd.  
750 West Pender Street, Vancouver, B.C.

Legal Descriptions:

- Bk "C", Bl 4, D.L. 117, Gp 1, Plan 18395, NWD
- Lot B, Bl 4, D.L. 117, Gp 1, Plan 15747, NWD
- Lots 1 and 2, Bl 4, D.L. 117, Gp 1, Plan 1008, NWD
- Lots 9 and 11, Bl 4, D.L. 117, Gp 1, Plan 1008, NWD

Hearing:

October 16, 1981

Background:

1. By letter dated June 27, 1980 the President of Robert Callender Ltd. applied to consolidate the lands described together with the lane, which he agreed to purchase from the Municipality.
2. The application was processed and given tentative approval by the Director of Planning with compensation set at \$10.50 per square foot. The President of Robert Callender Ltd. indicated the Company's concurrence with the conditions for consolidation and sale.
3. On January 26, 1981 Council authorized a road closing by-law for the lane and the applicant was requested to submit the necessary plans for preparation of the by-law. Plans were not submitted and the by-law was not advanced.
4. In the past, the Registrar has not accepted the arguments of the Municipality that adjoining landowners should not enjoy a windfall project at the expense of the remainder of the taxpayers but should be required to pay for land vested in them as a result of land closures.
5. Section 229 of the Land Title Act prohibits a cancellation that is opposed by the Attorney General.

MUNICIPAL SOLICITOR

BY:



P. W. FLIEGER