

ITEM 6  
MANAGER'S REPORT NO. 40  
COUNCIL MEETING 1981 09 08

RE: APPLICATION FOR PLANS CANCELLATION INVOLVING SEVERAL ROAD AND  
LANE ALLOWANCES IN DISTRICT LOT 124

MUNICIPAL MANAGER'S RECOMMENDATION:

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

\* \* \* \* \*

September 1, 1981

TO: MANAGER  
FROM: SOLICITOR  
SUBJECT: APPLICATION FOR PLANS CANCELLATION INVOLVING SEVERAL  
ROAD AND LANE ALLOWANCES IN DISTRICT LOT 124

RECOMMENDATION:

1. THAT the Attorney General be requested to oppose this application for plans cancellation for the reasons stated in this report.

R E P O R T

BACKGROUND:

1. The owners of certain lands fronting on the Loughheed Highway have applied to the Registrar of Land Titles by way of petition to have the lane and road allowances abutting their lands closed and the lands vested in the various adjacent land owners.
2. The legal descriptions of the land included in the petition are as follows:
  - (a) Lots A and B, Block 74, District Lot 124, Group 1, Plan 10956, New Westminster District, Except part thereof on Plan 21113, AND
  - (b) Lots 6 and 7, Block 75 of District Lot 124, Group 1, Plan 1543, New Westminster District, Except part thereof on Plan 21113, AND

TO: MANAGER  
APPLICATION FOR PLANS CANCELLATION, D.L. 124

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- (c) Lot A, Block 75 of District Lot 124, Group 1, Plan 13941, New Westminster District, Except part thereof of Plan 21113, AND
  - (d) Lots 2 to 9 inclusive, Block 78 of District Lot 124, Group 1, Plan 1543, New Westminster District, and as to Lots 3 to 6, inclusive, Except part thereof on Plan 21113, AND a portion of roads and lanes dedicated by Plan 1543, New Westminster District, adjoining the above referenced lots.
3. The petitioners and registered owners of the lands are as follows:
- JOHN EZAK is the owner of the lands described in 2(b) above.
  - M A Q HOLDINGS LTD. is the owner of the lands described in 2(a) and (c) above.
  - ALICE MON YEE SUNG and KEEFER FOOD DISTRIBUTORS LTD., severally, are the owners of the lands described in 2(d) above.
4. The Registrar of Land Titles will hear the petition on the 2nd day of October 1981.
5. The Attorney General has authority under section 129 of the Land Title Act to prohibit a cancellation.

REASONS TO OPPOSE PETITION:

- 1. The Municipality owns some 17 lots in the area that would be affected by any closure. See attached sketch marked "Sketch No. 1".
- 2. Community Plan Nine (see attached sketch marked "Sketch No.2") includes the area in question. The Plan indicates that much of the road allowance that is the subject of this Petition would be required for a "Frontage Road".
- 3. The Planning Department advises that the area is currently under review and it would be premature to close roads and preclude possible land use and traffic circulation options at this time.
- 4. The Planning Department suggests that the requested cancellations do not reveal a rational plan for development of the site.
- 5. The provisions of the proposed new Planning Act indicate that the Ministry of Municipal Affairs has recognized the inequity of allowing adjacent landowners to acquire road allowances without cost. The draft legislation (see paragraph 125(1)(f)) would allow the approving officer to order payment of compensation at current market value to the Crown or local government for the land acquired as a result of a plans cancellation.

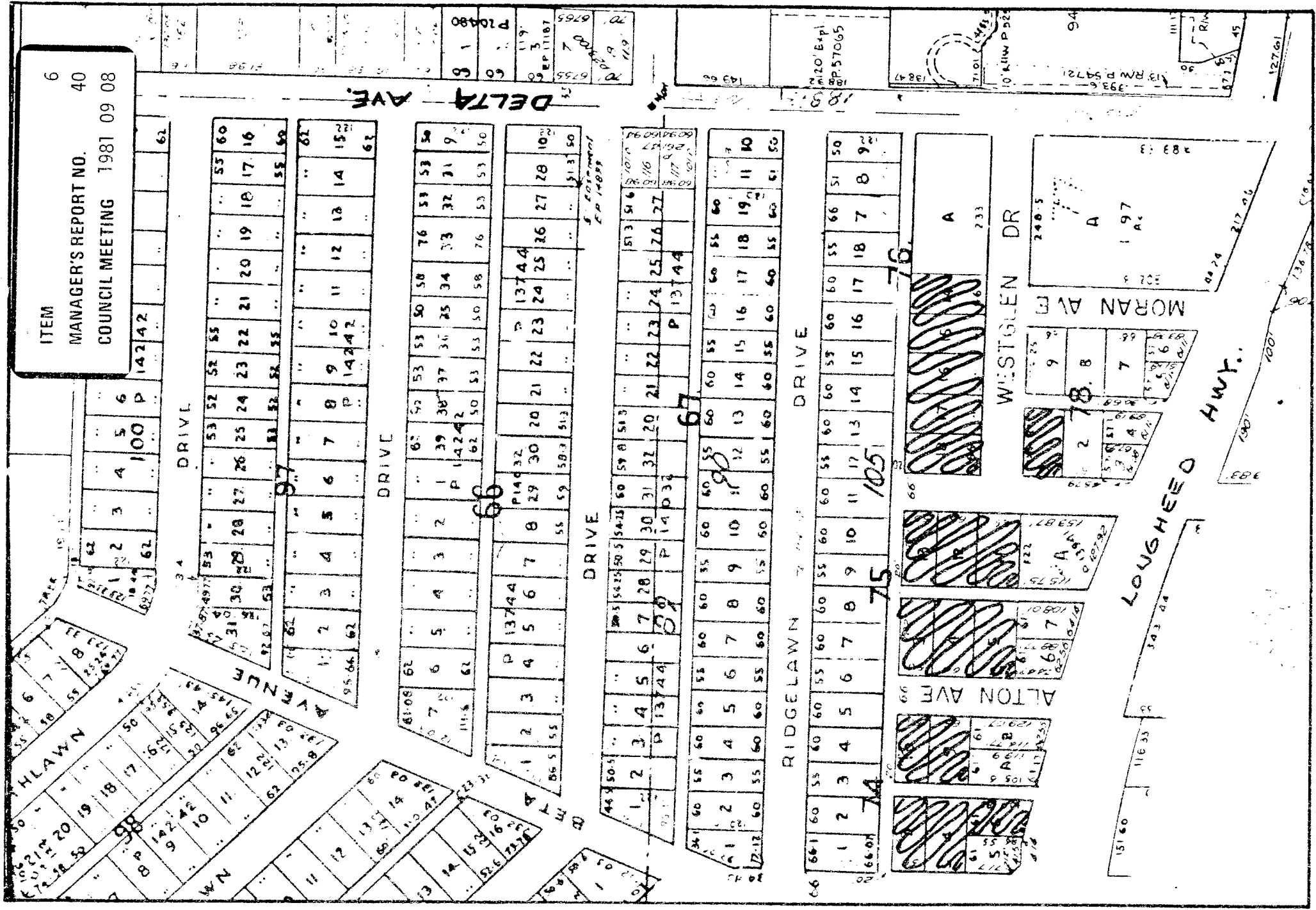
PWF:gmc

MUNICIPAL SOLICITOR

BY:



P.W. FLIEGER



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Date 1981 AUG.  
 Scale 1" = 200'  
 Drawn By G.W.



Burnaby Planning Department



MUNICIPAL OWNERSHIP

SKETCH #1

