

Re: LETTER FROM MR. GLENN S. HARA WHICH APPEARED ON THE AGENDA
FOR THE COUNCIL MEETING OF 1981 AUGUST 10 (Item 2e)
REZONING REFERENCES #55/81 AND #56/81
(Item 8, Report No. 37, 1981 August 10)
(Item 28, Report No. 38, 1981 August 24)

During Council's discussion on Item 8, Report No. 37, 1981 August 10, Council requested a further report from the Director of Planning with a request that the Municipal Solicitor's opinion also be obtained. The Director of Planning submitted a further report which Council received on 1981 August 24 (Item 28, Report No. 38) Unfortunately, the Solicitor's opinion had not been obtained.

Following is the report from the Municipal Solicitor as requested by Council on 1981 August 24.

MUNICIPAL MANAGER'S RECOMMENDATIONS:

1. THAT the report of the Municipal Solicitor be received for information purposes.
2. THAT a copy of Item 28, Report No. 38, 1981 August 24 be sent to Mr. Glenn F. Hara, Thomas H. Hara & Company, Suite 303, 190 Alexander Street, Vancouver, B. C., V6A 1B5.

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September 1, 1981

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL SOLICITOR
SUBJECT: REZONING REFERENCES NO.55/81 and NO.56/81
4259 VICTORY STREET AND 5163 PATTERSON AVENUE
PROPOSED REZONING TO R9

RECOMMENDATION:

1. THAT this report be received for the information of Council.

R E P O R T

In view of subsection 716(2) of the Municipal Act and section 2 of Burnaby Zoning By-Law 1965, it appears that Council is required to have due regard to certain factors like the "character of the zone" when considering an application for rezoning.

It follows that Council has the authority to reject an application even though, as in this instance, the technical requirements respecting lot size are met.

MUNICIPAL SOLICITOR

BY: *P. W. Flieger*
P. W. FLIEGER