

ITEM	4
MANAGER'S REPORT NO.	9
COUNCIL MEETING	1982 02 08

RE: BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION
REQUEST FOR LEASE

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. *THAT the recommendations as contained in the report of the Director Recreation & Cultural Services be adopted.*

* * * * *

1982 February 03

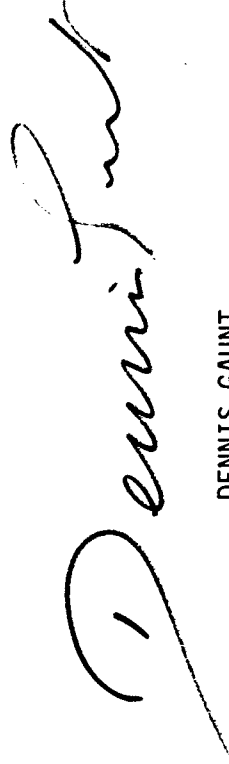
TO : MUNICIPAL MANAGER
FROM: DIRECTOR RECREATION & CULTURAL SERVICES
RE : BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION

RECOMMENDATIONS:

1. THAT Municipal Council place the property outlined on Figure I (attached), under the jurisdiction of the Parks & Recreation Commission for a period of time to coincide with the life of the allotment gardens program.
2. THAT Council request the Municipal Solicitor to execute a licence agreement between the Burnaby and Region Allotment Gardens Association and the Municipality under the terms and conditions outlined in this report.

REPORT

At its meeting of 1982 February 03 the Parks & Recreation Commission received the attached report on the above subject and approved the recommendations contained therein.



DENNIS GAUNT
DIRECTOR RECREATION &
CULTURAL SERVICES

PAL:ps
Attach.

RE: BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION

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RECOMMENDATIONS:

1. THAT the Parks and Recreation Commission recommend to Council the preparation and execution of a license agreement with the Burnaby and Region Allotment Gardens Association for the use of the subject properties as described in this report on the following basis:-

- a) The term to be for a period of five years from 1981 December 01 to 1986 November 30 inclusive.
 - b) The license fee to be a nominal rate of \$1.00 per annum.
 - c) The Association in the allocation of available garden plots will make every effort, including public advertisements, to ensure that these plots are filled by Burnaby residents.
 - d) The Association to absolve the Municipality from all public liability and to arrange for its own public liability insurance.
 - e) The Association to be responsible for the supervision, maintenance and needed improvements associated with the administration, funding and operation of their garden plot program.
 - f) The question of a possible renewal in the rental agreement be assessed in the final year of the agreement in light of the experiences and performance associated with both the program and the Association.
2. THAT the Commission request Municipal Council to place the property outlined on Figure 1(attached), under the jurisdiction of the Parks and Recreation Commission for a period of time to coincide with the life of the allotment gardens program.

REPORT

In response to a direct request from the Burnaby and Region Allotment Gardens Association for continuing use of the property outlined on figure 1, the Planning Department has prepared the attached background and supporting documents.

Your staff supports the concept of continuing with the allotment garden program in Burnaby and recommends that Commission endorse the necessary steps to have the administration of the allotment garden program assumed by the Commission and thus ensure its continuation.

If at some future date the program is discontinued, the property concerned would be returned to Municipal Council's land bank under its continuing agricultural zoning. The Planning Department had advised that the allotment garden program conforms to the agricultural objectives of the adopted Big Bend development area.

As a recreation program under the Commission's jurisdiction, the Association would be permitted a license to occupy the land for the stated purpose without the payment of taxes.

Attach.

DG:hh

C.C.

Director Planning & Building Inspection
Municipal Solicitor

PLANNING DEPARTMENT
RE: REQUEST FOR LEASE - BURNABY AND REGION
ALLOTMENT GARDENS ASSOCIATION
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SUMMARY:

A request has been received from the Burnaby and Region Allotment Gardens Association to lease certain Municipal lands for allotment garden purposes. The land in question has been previously used for this purpose under a now terminated program sponsored by the Provincial Government. This report reviews the request to lease and recommends the preparation and execution of a 5 year rental agreement on the basis of terms outlined below.

REPORT

A. BACKGROUND

The Municipality has received a letter from the Burnaby and Region Allotment Gardens Association (see attached) requesting a lease of those Municipal lands in the Big Bend area as shown on the attached Figure 1.

The Municipal lands in question have been used for allotment garden purposes since 1975 with the program being administered by the Provincial Ministry of Agriculture. In the fall of 1981, the Ministry announced the termination of the program, while at the same time encouraging those involved to continue the allotment gardening where possible. As a result the Burnaby and Region Allotment Gardens Association, comprised of the existing plottolders, was formed in 1981 December with the intent of securing a lease from the Municipality for the continued allotment garden use of the subject Municipal lands.

B. THE PROPOSAL

The proposal as put forward by the Burnaby and Region Allotment Gardens Association is contained in their submitted brief. Their proposal is summarized in the following points:

- The subject Municipal properties to be leased for an initial period of five years with an option to renew for the purposes of operating 372 allotment garden plots.
- The Association to accept members from the Region, some of whom may not be residents of Burnaby. If desired by the Municipality, preference will be given to Burnaby residents in the allocation of plots.
- The running of the garden plot program is to be self-administered by the Association. Supervision will be done by voluntary working committees to ensure that plottolders conform to standards and bylaws of the Association. Maintenance of the grounds and arrangements for garbage disposal, sanitation facilities and similar services will be the responsibility of the Association.
- The Association to absolve the Municipality from all public liability associated with the use of this property and to arrange for its own public liability insurance.
- The Association is requesting a lease which provides for no more than a nominal rental fee and which includes provision for exemption from Municipal taxes.
- C. PROPOSAL ASSESSMENT
The attitude of staff relative to the allotment garden proposal is generally very favourable. This program has not only been very successful since its introduction in 1975 for a large number of plottolders, but as well been supportive of furthering agricultural uses in this sector of the Big Bend area. The subject property is zoned A1 (General Agricultural) and as well is situated within the Agricultural Land Reserve. In addition, the continued use of these lands for the garden plot program would provide an additional recreational/leisure time opportunity within the Municipality with Municipal expenditures being kept to a minimum.

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The possibility of the Parks and Recreation Department taking on the administration and operational aspects of this program as an extension of their recreational services was discussed. The administration of the Association's license to occupy the land is the recommended approach. The Association's program would be self governing. The Parks and Recreation Department concur, in principle, with the Association that this facility does fulfill a valuable recreational outlet and as such supports its continued operation.

The principal issues relative to this request that need addressing are as follows:

1. Association Membership

As indicated, the subject lands are comprised of 372 garden plots. Therefore unless there is some shared use of individual plots, the number of active members would be limited by the number of plots available. It is the opinion of staff that the proposed use of these lands should be conditional to preference being given to Burnaby residents in the allocation of plots. This recognizes the fact that the proposed continued use of these Municipal lands is in part being rationalized by the fact that the program offers a recreational opportunity that should firstly be made available to Burnaby residents. This is considered particularly appropriate if a nominal lease rate is assigned to the use of this property.

It is recognized that many of the plotoholders have been associated with the program for some time and have expended considerable energy and some expense in preparing their assigned garden plot. As such, it is felt that an effort should be made by the Association to attract members from this Municipality to fill vacancies as they become available. At the present time, out of the 372 plots, there are 64 definite vacancies with final confirmation to renew to be obtained from the remaining 304. Of these 304, 105 (35 percent) are Burnaby residents while the remaining 199 (65 percent) reside outside of the Municipality. Only 5 out of the 32 persons on the current waiting list are Burnaby residents. It would be expected that the Association make every effort, including public advertisements to ensure that these vacancies are filled by Burnaby residents.

2. Rental Rate and Payment of Taxes

Given the past success of the program and the belief that the use of these Municipal lands offers a valuable recreational/leisure time service to a significant number of people, it is the opinion of staff that a nominal rental rate of \$1.00 per annum should be assigned. It is noted that the Solicitor has advised that the renting of the subject lands to a commercial truck garden farmer could potentially yield as high as \$21,000 per annum. This, of course, assumes that the lands could be successfully leased and should this occur the garden plot program and the associated site and soil preparation work previously undertaken for this use would be lost.

The 1982 tax roll was closed on 1981 November 30. As such, the subject lands are not taxable for 1982. If the property were rented to the Allotment Gardens Association, their taxes would have to be paid, unless an exemption were granted, commencing in 1983 and successive years that the property was being occupied by the Association. Taxes in 1981 would have been \$5,525 or about \$15.00 per plot.

Section 400 (1)(b) of the Municipal Act indicates that prior to November 30 in any year, the Council could for the next calendar year, exempt an Association from the payment of taxes. In that 1982 taxes are not payable, the question of tax exemption should be deferred until 1982 November. At that time, Council can consider the taxation exemption request for 1983 in the light of the experiences of the program during the 1982 growing season.

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3. Term of Rental Agreement

The Association has requested a 5 year lease with an option to renew. Part of the reason behind this request is that the Association is proposing to apply for a one time grant from the Ministry of Agriculture for drainage improvements and to cover administrative transfer costs. They believe their application for a grant will be better received if the Association has at least a 5 year rental arrangement. In considering this staff have no objection to the granting of a five year rental agreement with the question of tax exemption provision being the subject of an annual review prior to the November 30 deadline. It is proposed that the question of a rental renewal be assessed in the final year of the agreement in light of the experiences and performance associated both with the program and the Association.

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A. L. Parr
Director Planning &
Building Inspection

JSB/tgg
attachments

c.c. Director Recreation &
Cultural Services
Municipal Solicitor

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BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION

1295 Whitsell Avenue
Burnaby, B.C.
V5C 5E5

Telephone: 294-5602

Mr. A. L. Parr
Director of Planning
Municipality of Burnaby
4949 Canada Way
Burnaby, B.C.
V5G 1M2

Dear Mr. Parr,

Following a conversation some three weeks ago between Mr. Bellhouse and Dr. Kelsey of this Association, I am writing to ask that you bring before Council our request for a lease to be drawn up between us and the Municipality of Burnaby in respect of the 14.2 acre parcel of land formerly leased to the Minister of Agriculture and designated as Block 6, District Lot 155A, Plan 1249, Group 1 NWD.

I enclose a detailed submission which gives the rationale for, and desired terms of a lease. I should perhaps note that the present allotment garden plotters voted unanimously on December 7th to form our Association and that we are currently in the process of applying for incorporation as a Society under the Societies Act.

In view of the fact that the former lease for this land lapsed in 1978 and has never been renegotiated, and in view of our urgent need for some settlement of the question of tenure, I hope that you will be able to bring the request before Council as soon as possible.

I would very much appreciate it if, having examined the attached submission, you would advise me of any further details which, in your view, will be necessary for Council's understanding. Should I not be available, you would find either Leona Robinson (294-5602) or Graham Kelsey (228-5512) able to answer questions.

Yours sincerely,



Daniel P. Pearase
Chairman

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BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION

1295 Whitsell Avenue
Burnaby, B.C.
V5C 5E5

Telephone
294 5602

TO: MUNICIPALITY OF BURNABY

FROM: BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION

DATE: DECEMBER 17th 1981

**RE: REQUEST FOR A LEASE RESPECTING THE 14.2 ACRE SITE DESIGNATED
BLOCK 6, DISTRICT LOT 155A, PLAN 1249, GROUP 1 NWD.**

The Burnaby and Region Allotment Gardens Association wishes to lease the above-mentioned land from the Municipality of Burnaby for an initial period of five years for the purpose of operating approximately 370 allotment gardens.

In order that this request may be fully understood, the following paragraphs describe the background to the request, details of the proposed use of the land, questions of liability and finance, and a justification for the length of lease requested. Supporting documents are appended.

BACKGROUND

The background to this request begins in 1974 when the Minister of Agriculture announced a provincial allotment gardens programme. Garden sites in Victoria, Richmond and Burnaby were acquired and have been managed and operated by the Ministry. The Burnaby site, located on the land described above, contains 372 plots, each of 1,000 square feet and all plots have been leased to plot-holders each year since the programme began. In the Fall of 1981 the Minister announced the termination of the allotment garden programme, but noted that he wished to encourage the continuation of allotment gardening and that his Ministry would still provide horticultural assistance to those groups who wished to maintain their existence, operating and managing their own sites. The Burnaby and Region Allotment Gardens Association was created at a meeting of the plot-holders of the Burnaby site on December 7th 1981. The meeting was unanimous in desiring the continuation of the gardens and instructed its newly-elected Directors to undertake the work necessary to continue the operation.

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The regularization of the arrangements whereby the land can be available for these gardens is necessarily the first priority of the Association. In 1974 a lease was drawn up between the Municipality of Burnaby and the Minister of Agriculture in respect of the allotment garden site.¹ That lease expired in 1978 and has not been renewed, although its terms have been observed since that time as if it were still in existence. In order to carry out needed improvements to the site and to be able to engage in the short and intermediate term planning necessary to ensure a healthy continuation of the gardens, it is urgent that the matter of a lease be resolved as soon as possible.

THE USE OF THE LAND

General points concerning the use of the land refer to its social value and to the people who will be served. Specific points have to do with the provision of supervision, maintenance and needed improvements. Each is dealt with under a separate heading below.

General. The land will continue to be used as it has been since 1974. Allotment gardens provide unique opportunities for urban residents and the value of this particular form of land use is social and recreational as well as horticultural. It is in recognition of this that the Association has designed its statement of purposes as follows:

1. To provide opportunities for non-profit recreational fruit and vegetable gardening for residents of an urban area.
2. To provide horticultural advice and shared experience for the members, and to encourage those who wish to undertake such gardening for the first time.
3. To perpetuate, in an increasingly technological age, an awareness of the natural processes of food growing.

It is to be noted that senior citizens in particular are well served by the opportunity to cultivate an allotment garden and the sharing of their experience with younger or first-time gardeners does much to maintain in those senior citizens a sense of self-worth which can often be eroded in contemporary urban life. The Association is also considering, in response to recent interest, ways in which gardening facilities might be made available to handicapped people.

1. We understand that the documentation prepared for the meeting of Burnaby Council on November 18th 1974 contains full background details of this lease agreement.

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It is also to be noted that the Association will continue to accept members from the region, some of whom may not be residents of Burnaby. The terms of the original lease provided, however, that preference be given to Burnaby residents in the allocation of plots, and the Association is willing to continue to accept this provision in any new lease which is drawn up.

Supervision. The Association will undertake to provide supervision by means of voluntary working committees for plot inspection and the maintenance of reasonable standards of neat, orderly cultivation. This method has worked well in the past and all ploholders will be expected to conform to the standards laid down in the by-laws of the Association.²

Maintenance and Needed Improvements. The Association will arrange for necessary maintenance of the land, This will include the upkeep of bridges over existing dikes, maintenance of pathways, hedges and parking lot. Garbage disposal and sanitation arrangements will be attended to, the first by the use of a garbage collection agency, the second by means of rented portable toilets.

The site is badly in need of an improved drainage system, The Association has already acquired the report of a drainage survey and estimates for the installation of a sump and pump system, and a proposal is in preparation to the Ministry of Agriculture for a grant to cover the costs of installing such a system,

LIABILITIES

The Association will take out insurance which will absolve the Municipality from all public liability. The costs of any maintenance, other than that normally provided to any residents or tenants in the Municipality, will be borne by the Association.

FINANCES

The Association's budget estimates for 1982 are attached. It should be noted that the plot rental (formerly payable to the Ministry) has been at \$20

2. The relevant by-laws are essentially the regulations in use for the past six years. They are, of course, subject to the approval of the Registrar of Societies to whom application for incorporation has been made.

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for a number of years but is being increased to \$30. Revenue is also being generated by a membership fee of \$5. Estimates of expenditure are based on past experience, updated by specific inquiries in the last month. It is understood that the Minister of Agriculture has offered to consider applications for a one-time grant to cover administrative transfer costs and may entertain a proposal for the drainage project already referred to. These possible grants have been excluded from the operating budget, not only because their provision is not guaranteed, but also because they would pay for extra-ordinary expenditures.

It will be clear from an examination of the budget, that the Association will be working on a very, very small margin of carry-over. For this reason we request a lease which provides for no more than a nominal rental fee and which includes provision for exemption from municipal taxes. If further justification for such a request is needed, we would point to the value of the social service provided by the Association, and to the fact that we shall, by our operation, be maintaining and even enhancing the quality of this parcel of agricultural land.

LENGTH OF LEASE

This request is for a lease to cover an initial period of five years with an option to renew for a further period. A shorter term would probably not be feasible for the Association for two main reasons: first, the proposed improvements to the drainage of the land would not be worth undertaking for a short period; second, evidence from the Richmond and Victoria groups suggests that the Ministry is unlikely to provide grants if there is not some assurance of a reasonable length of tenure.

D. Pearson

Daniel P. Pearson
Chairman

J. G. T. Kelsey
J. G. T. Kelsey
Vice-chairman

Leona Robinson

Leona Robinson
Secretary

R. A. Morris
R. A. Morris
Treasurer

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BURNABY & REGION ALLOTMENT GARDENS
PROPOSED BUDGET FOR 1982

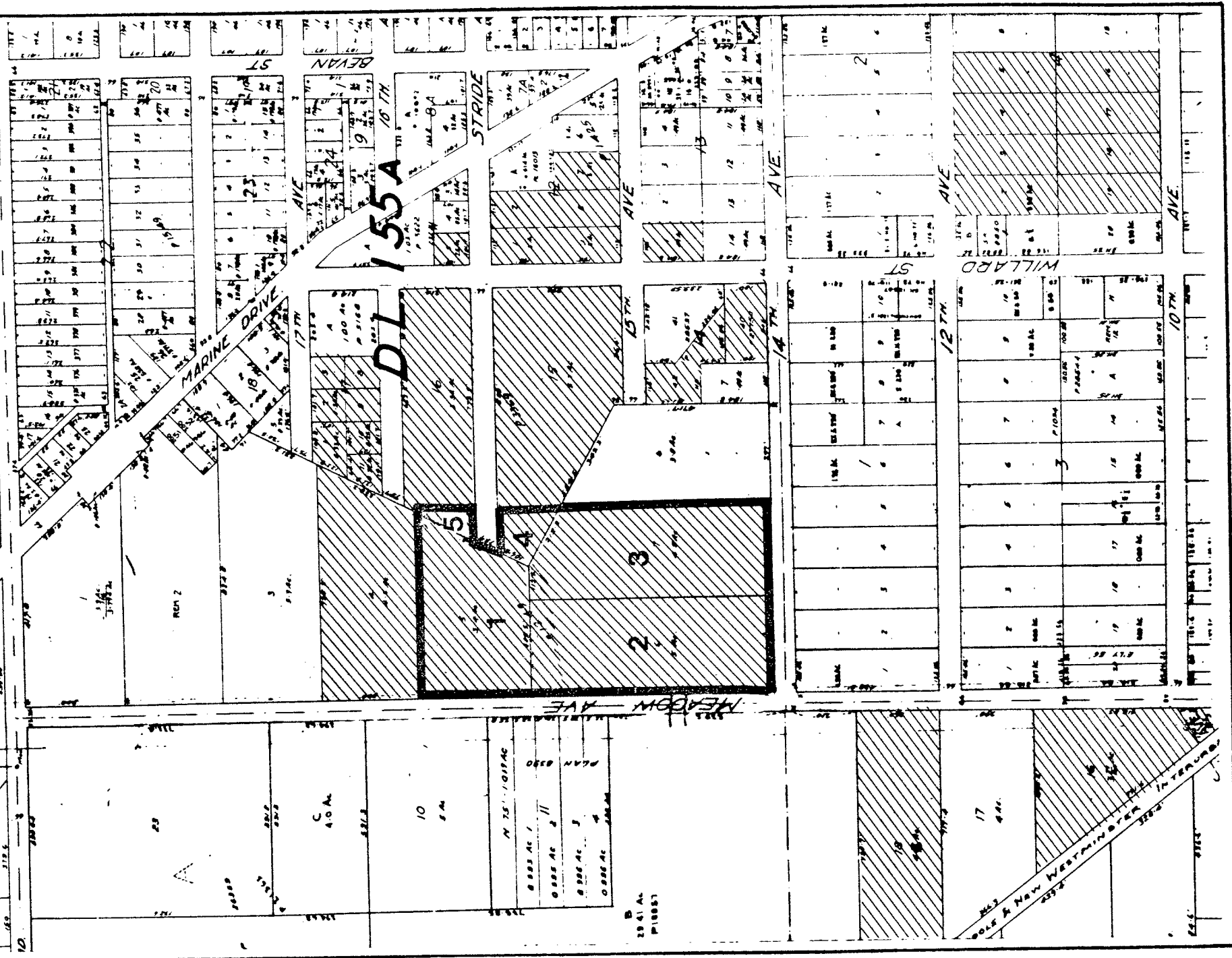
This budget is based on estimated expenses for the operation of the Burnaby & Region Allotment Gardens, for the 1982 season. Income is based on all available plots being rented and one membership fee for each plot.

	Expenses	Income
1. Water - April - October	\$ 588.00	
4 year average		\$ 11,160.00
2. Sanitation & Bin Rental 12 months	800.00	
3. Toilet Rentals	840.00	1,860.00
4. Stationary & Mail	3,000.00	100.00
5. Equipment Rental (Garden Tractor, Mowers)	2,000.00	
6. Casual Labor (Parking lot mtce., Lawn cutting, ditch & fence mtce.)	3,500.00	
7. Repairs & Maintenance (Fences, bridges and gates)	1,500.00	
8. Annual General Meeting	200.00	
9. PL & PD Insurance	250.00	
	<u>TOTAL</u>	<u>TOTAL</u>
	\$ 12,678.00	\$ 13,120.00
	<u><u>Balance</u></u>	<u><u>\$ 442.00</u></u>

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D.A. 159



Date

1982 JAN.

Scale

1" = 400'

Adjacent Municipal Properties

Proposed Rental Plot Site



1. Lot 5, D.L. 155A, Plan 1249
2. Lot 6, D.L. 155A, Plan 1249
3. Lot 7, D.L. 155A, Plan 1249
4. Portion Block 15, D.L. 155A, Plan 3369
5. Portion Block 16, D.L. 155A, Plan 3369



FIGURE 1