

ITEM	13
MANAGER'S REPORT NO.	50
COUNCIL MEETING	1983 07 25

RE: MUNICIPAL HOUSE RENTAL
2726 BAINBRIDGE AVENUE
ROAD ALLOWANCE AND LOT 297
D.L. 59 GROUP 1, PLAN 52887

MUNICIPAL MANAGER'S RECOMMENDATION:

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

* * * * *

July 19, 1983

TO: MUNICIPAL MANAGER
FROM: SOLICITOR
RE: MUNICIPAL HOUSE RENTAL 2726 BAINBRIDGE AVENUE -
ROAD ALLOWANCE AND LOT 297 D.L. 59 GROUP 1 PLAN 52887

RECOMMENDATION:

1. THAT Council approve the giving of four (4) months notice to vacate to the present tenants at 2726 Bainbridge Avenue and the building sold for removal or if no sale is concluded the building demolished.

R E P O R T

The subject road allowance and residence (sketch No. 1 attached) was purchased by The Corporation of the District of Burnaby in August 1977 for the sum of \$85,000. At that time the residence was situated on Lot 4 Blocks 3 and 4 D.L. 59 Group 1 Plan 14985, (sketch No. 2 attached), and was the subject of the Planning Department's report to Council, Item 2, Manager's Report No. 20, Council Meeting of March 14, 1977. It was eventually purchased as part of the realignment of Bainbridge Avenue Road Acquisition, westerly portion of Lot 4, (see report to Council Item No. 1, Manager's Report No. 24, Council Meeting of March 28, 1977), which has a description of the residence in paragraph 3.

The purchase was accomplished by way of subdivision, wherein the road allowance was dedicated, and a new Lot 297 created, (see sketch No. 1 attached), which was retained by the former owner Mrs. Kuzyk. It was agreed at the time of purchase that Mrs. Kuzyk who was living in the residence would continue to do so as a Municipal tenant and Mrs. Kuzyk continued to rent this residence until she vacated in April 1980. In November 1978 believing that this residence was located on the road allowance, we wrote to the Director Planning and Building Inspection requesting advice on how long they anticipated the residence would remain in this location as we did not relish the thought of placing a new tenant in same and then having to give them a notice to vacate in six (6) months or thereabouts.

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At that time we were advised by our Director Planning and Building Inspection that the construction of the Loughheed Bainbridge connection was not contained in the major roads program for period 1977 to 1983 and they recommended that the house at 2726 Bainbridge Avenue be rented on a continuing basis, which we have done.

It appears that on the 1st of April, 1981 Mrs. Kuzyk sold Lot 297, D.L. 59 Group 1 Plan 52887 NWD to new owners who have recently informed this department that the residence at 2726 Bainbridge Avenue does not sit wholly on the road allowance, but is in fact half on the road allowance and half on Lot 297 which they now own. With this information to hand, our Engineering Department Survey Division was requested to prepare a site plan, (see sketch No. 1 showing the location of this house in relation to the road and Lot 297), and as a result of this survey it appears that the owners of Lot 297 are correct in that the house straddles the road allowance and their property.

We are now in receipt of a letter (copy attached) from the solicitors for the owners of Lot 297 regarding compensation on the encroachment. The owners have also indicated verbally that they would be more than interested in purchasing this house for removal onto their Lot 297. It is the opinion of this department that as this house is in such good condition, consideration should be given to the sale for removal of same, even though the age of this building is 32 years old and not in line with the Building Department's regulation for removal.

April 1, 1977 this department requested our Engineering Department to prepare the necessary subdivision plans to effect this subdivision, however, we can find no record of a request being made for a site plan showing the location of this house in relation to the road allowance. It would appear that had a site plan been requested at that time this problem would not have arisen and the residence would have been demolished at the time of acquisition.

It is now Land Department procedure to request a site plan on all properties being purchased for road allowance acquisitions wherein a building is situated on the property being acquired and we doubt whether the problem associated with the subject residence could occur again in the future.

We therefore request Council approval to serve the tenants with a four (4) months notice to vacate and the building sold for removal or if no sale is concluded the building demolished.



W. H. Stirling
MUNICIPAL SOLICITOR

RPA:gmc
Attach.

cc: Director Planning & Building Inspection
Chief Building Inspector
Director Engineering



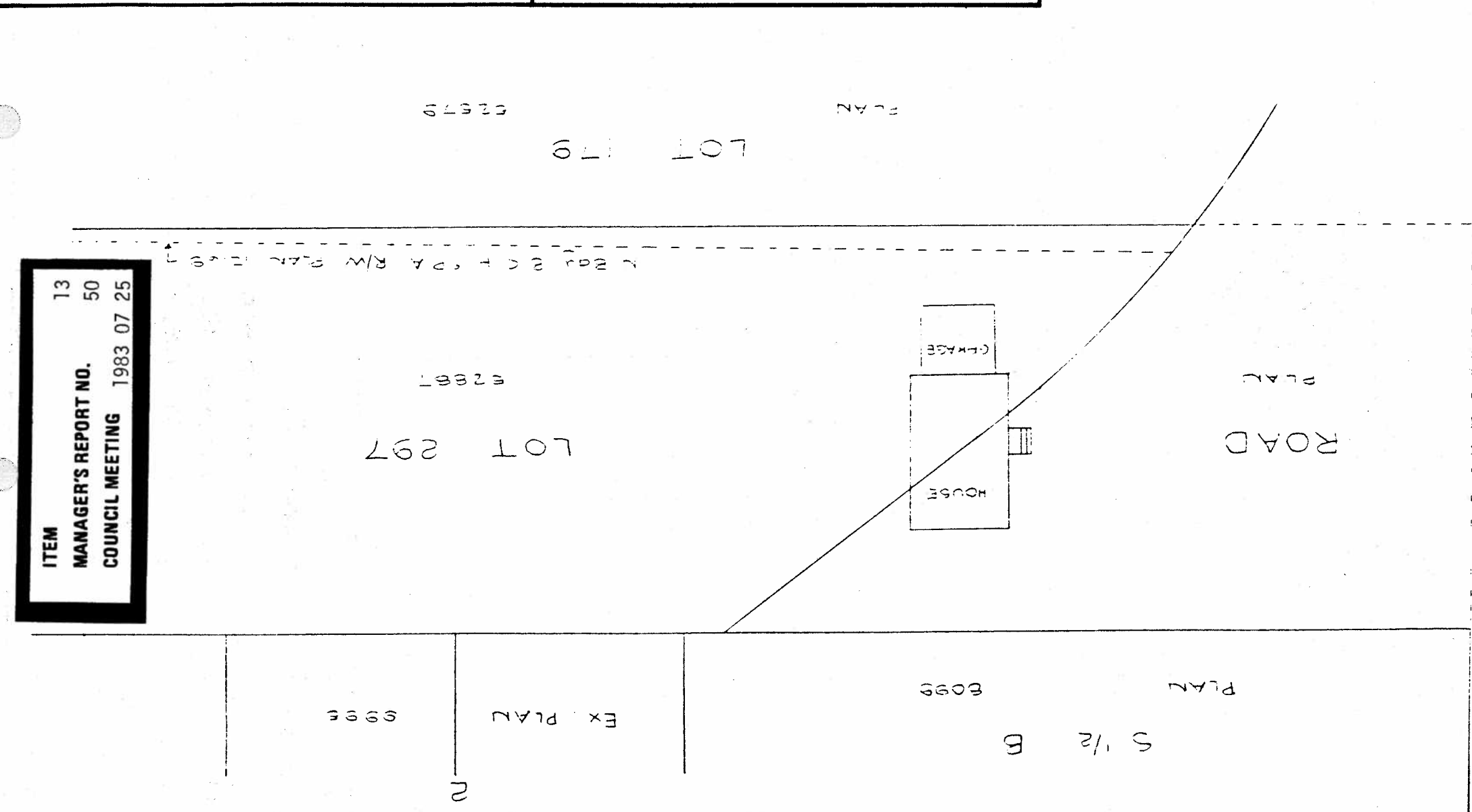
BAINBRIDGE AVE.

SKETCH # 1

REVISION APPRVD.

PLAN SHOWING HOUSE
LOCATION ON LOT 297
PLAN 52887 AND A
PORTION OF ROAD
PLAN 52887, DL 59, GFI,
N.W.D.

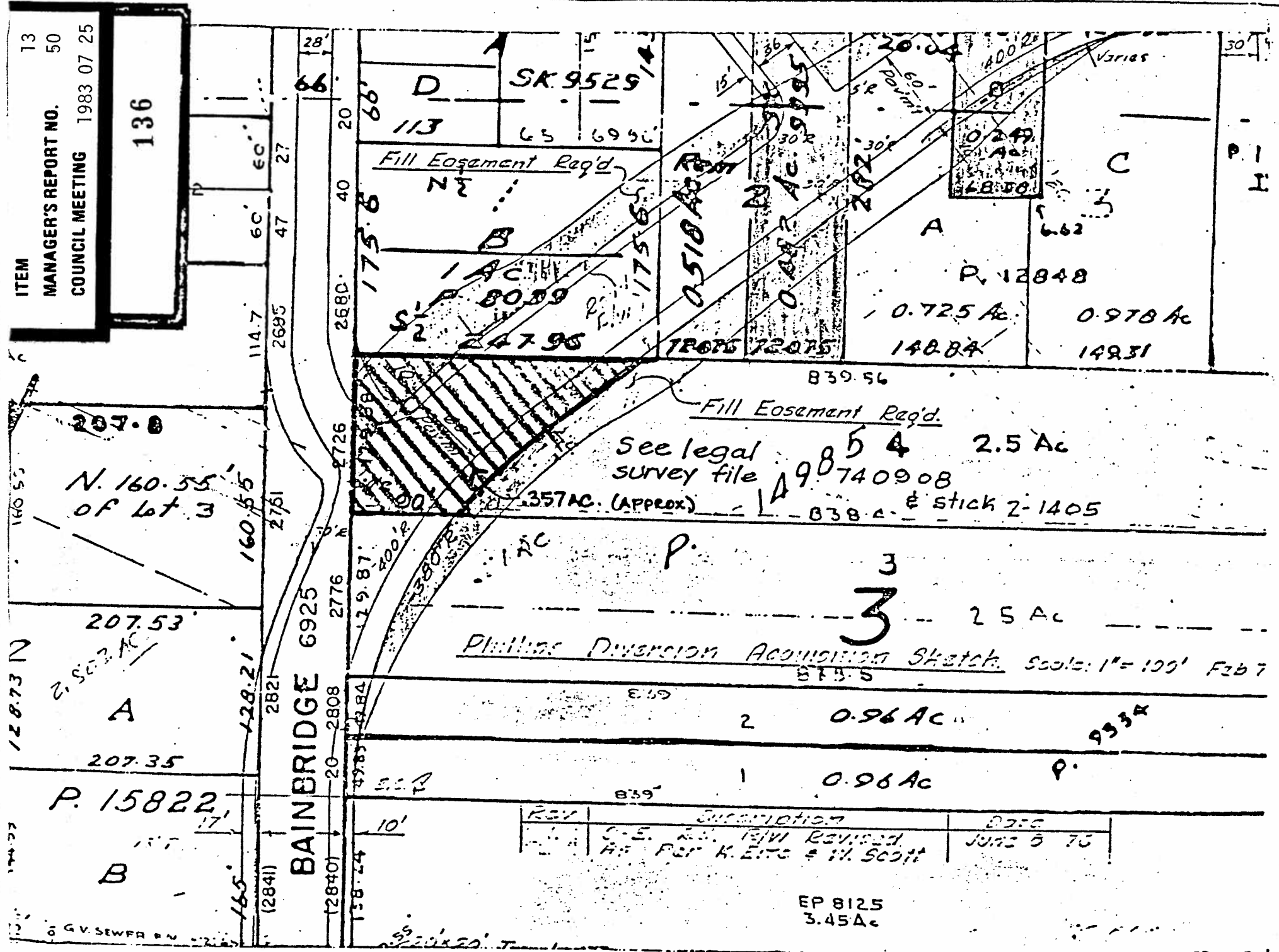
CORPORATION OF THE DISTRICT OF BURNABY
ENGINEERING DEPARTMENT
DIVISION SURVEY
DESIGNED BY P T MASON
CHECKED BY I C M
APPRVD BY I C M
SCALE 1 500
DATE 83-03-21
DRWG NO.



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Burnaby Planning Department
 NORTH

SKETCH ~~1~~ 2.

PROPOSED ACQUISITION OF SUBJECT PROPERTY
 AND REQUIRED RT. OF WAY (DETAILED)
 FOR BAINBRIDGE/PHILLIPS CONNECTION.

 SUBJECT PROPERTY
 MUNICIPAL PROPERTY

date W.A.R. 77.

scale 1" = 100'

drawn by SJB. & ENGINEERING DEPT.

EP 8125
 3.45 Ac

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DOIG, BAILY, MCLEAN, GREENBANK & MURDOCH

BARRISTERS • SOLICITORS

HARRISON DOIG
FRANK M. BAILY
BRENT A. MCLEAN
DAVID L. GREENBANK
WAYNE D. MURDOCH
ROBERT C. C. BARRATT
TERRY M. MULLEN

7297 KINGSWAY
BURNABY, B. C. V5E 1G6
521-6611

April 21st, 1983

REPLY ATTENTION Frank M. Baily

Municipality of Burnaby
4949 Canada Way
Burnaby, B.C.
V5G 1M2

ATTENTION Mr. Bill Sterling

Dear Sirs:

Re: 2726 Bainbridge, Burnaby, B.C.

We wish to advise that we act on behalf of Messrs. Belton, Greer, Strodl and B.G.S. Holdings Ltd. who are the owners of the piece of property more particularly known and described as Lot 297 of District Lot 59, Group 1, Plan 52887, N.W.D.

It appears that the building situate at 2726 Bainbridge Road is half on Municipal property and half on our client's property and that the Municipality has been collecting the rent since March 30, 1981.

We enclose herewith a copy of the survey plan prepared by Burnaby.

Our clients feel that it is only just and equitable that the rent received be split between the Municipality and our client.

We look forward to hearing your comments in this regard.

Yours very truly,

DOIG, BAILY & COMPANY

F. Baily

FRANK M. BAILY

FB:jg

