

RE: LETTER FROM SVEND J. ROBINSON, MP WHICH APPEARED ON THE AGENDA FOR
THE 1984 AUGUST 27 MEETING OF COUNCIL (ITEM 5(a))
ALLEGATIONS OF LIABILITY AT 2360 SPERLING AVENUE (MRS. E. C. MILES)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Administrative & Community Services be adopted.

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1984 August 27

TO: MUNICIPAL MANAGER

FROM: DIRECTOR ADMINISTRATIVE & COMMUNITY SERVICES

RE: ALLEGATIONS OF LIABILITY AT 2360 SPERLING AVENUE
(MRS. E.C. MILES)

RECOMMENDATION:

1. That this report be received for information purposes and a copy of this report be forwarded to Mr. Svend Robinson, MP (Burnaby).

R E P O R T

Over the past three years, there has been extensive correspondence between Mrs. E.C. Miles, 2360 Sperling Avenue in Burnaby, and the Corporation, respecting both a storm sewer easement across the property in question, and allegations on the part of Mrs. Miles that settling in the storm sewer right-of-way had caused a large crack in the foundation and wall of her house rendering her fireplace unusable.

The matter respecting the easement was concluded in August of 1983, on an amicable basis.

Unfortunately, Mrs. Miles is not yet satisfied with respect to the allegations of liability respecting the cracking in the foundation. The Corporation has consistently denied any liability for this damage since November of 1981. That opinion has been supported by the insurance adjusters on behalf of the company carrying the Corporation's liability insurance, and by an independent contractor called in for an appraisal of the damage. Mrs. Miles, her lawyer and the Federal Member for Burnaby, have all been advised in the past of the Corporation's denial of responsibility. Nothing has occurred in the interval which would result in any change to that position.

The above is submitted for the information of Council.


J. E. Fleming
DIRECTOR