

RE: MUNICIPAL HOUSE - 2726 BAINBRIDGE AVENUE  
LOT 297, D.L. 59, GROUP 1, PLAN 52887  
(ITEM 13, REPORT NO. 50, 1983 JULY 25)

ITEM	12
MANAGER'S REPORT NO.	19
COUNCIL MEETING	1984 03 12

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Finance be adopted.

\* \* \* \* \*

TO: MUNICIPAL MANAGER

1984 March 07

FROM: DIRECTOR FINANCE

RE: MUNICIPAL HOUSE - 2726 BAINBRIDGE AVENUE  
LOT 297, D.L. 59, GROUP 1, PLAN 52887  
(ITEM 2, REPORT #24, 1977 MARCH 28)  
(ITEM 13, REPORT #50, 1983 JULY 25)

RECOMMENDATION

1. THAT Council approve renting the residence at 2726 Bainbridge Avenue for the sum of \$250 per month to Twin Eagle Holdings Ltd., Belton Holdings and Progeny Holdings Ltd., subject to the terms and conditions as set out in this report.

SUMMARY

The property located at 2726 Bainbridge Avenue was purchased in 1977 for road relocation. At the time of purchase the road allowance was created by subdivision, which resulted in the new property line running diagonally through the dwelling located on the original parcel. This came to light in 1983, at which time Council approved the sale for removal of the building; failing that, demolition.

Advertisements to move the building failed to attract any offers. However, the owners of the property, Lot 297, on which the dwelling encroaches, have now forwarded a proposal to rent it. The monthly rental rate of \$250 is in consideration that approximately half the building is on their property. They propose to rent it "as is" and be responsible for all maintenance and repairs. They will vacate the premises on receipt of 90 days written notice at such time as the property is required for road construction, and indemnify and save the Corporation harmless.

REPORT

The subject property was purchased by the Corporation in 1977 for the sum of \$85,000 as part of the Bainbridge/Phillips road connector project. The purchase was accomplished by way of subdivision of Lot 4, Blocks 3 and 4, D.L. 59, Group 1, Plan 14985 (Report #24 - 1977). The road allowance was dedicated and a new lot (297) was created (Sketch #1 attached) and retained by the original owner, Mrs. Kuzyk. It was agreed at the time of purchase that Mrs. Kuzyk would continue as a Municipal tenant. She vacated the premises in 1980 April. In the meantime, Lot 297 was sold to new owners. We continued to rent this dwelling to various tenants until we received a letter from the solicitors for the new owners of Lot 297 claiming that the dwelling at 2726 Bainbridge Avenue does not sit wholly on the road allowance but was in fact half on the road allowance and half on their Lot 297. At the same time they submitted a claim for a portion of the rental earnings from the dwelling.

Examination of this claim involved a survey of the property and preparation of a site plan (Sketch #2 attached). This determined that the dwelling does encroach onto Lot 297.

The revised status of the dwelling was reported to Council (Report #50 - 1983), and it was resolved that the tenant of the dwelling be given four months to vacate, and that the building, because it is in sound condition, be sold for removal and if it could not be sold, it be demolished. A notice to vacate by 1983 December 31 was served to the tenant. The dwelling was vacated early in 1983 December.

On 1983 December 19, an advertisement was placed in the newspaper for the sale and removal of the subject dwelling, with closing date for bids to be 1984 January 13. There were no bids received as a result of this advertisement and we were in the process of implementing the demolition phase of Council's directive when we received a proposal from the owners of Lot 297, the lot on which approximately half the dwelling sits, that they be allowed to rent it from the Corporation for \$250 per month.

The rental proposal is on behalf of Mrs. R. Brandt, mother-in-law of one of the principals of the companies which are the owners of Lot 297. They are prepared to enter into a written agreement on the following basis:

1. To pay rent of \$250 per month to The Corporation of the District of Burnaby for a one year period, said one year period to expire 12 months after the first month's payment of rent, and the monthly rate shall be subject to an annual adjustment, if the adjustment is warranted.
2. To rent the residence as is.
3. To be responsible for all maintenance on the residence and property, provided that repairs of a major expense (\$500 or more) shall not be undertaken without the approval of the Municipality of Burnaby, and to keep the yards and shrubs in a neat and tidy condition.
4. To give the Municipality 30 days notice or 30 days rent in lieu of notice in the eventuality that the tenancy is no longer required.
5. To pay all utility costs.
6. To be allowed to sub-rent to Mrs. R. Brandt at an amount not exceeding the monthly rental paid to the Municipality of Burnaby.
7. That The Corporation of the District of Burnaby give 90 days written notice to vacate the premises at such time as the property is required for development or the residence becomes unsatisfactory for habitable purposes.
8. That any claims for rent received by The Corporation of the District of Burnaby on the subject residence from 1981 March 30 to 1983 November 30 be waived.
9. That The Corporation of the District of Burnaby or its agents shall have access to the property for inspection as may be warranted, and access onto Lot 297 for demolition purposes as required.
10. That Twin Eagle Holdings Ltd., Belton Holdings and Progeny Holdings Ltd. shall indemnify and save harmless The Corporation of the District of Burnaby against any claim, liability, or action of any kind arising from this tenancy.
11. That the foregoing items shall constitute a rental agreement between The Corporation of the District of Burnaby and the owners of Lot 297.

The Municipal Solicitor raises no objections to the proposed agreement.

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The Director Engineering advises that the Bainbridge/Phillips road connector will not be constructed within the next twelve months.

The dwelling is in good condition: structurally sound. It is a three bedroom, partial basement home with an attached double carport. (Photographs are available in the Municipal Clerk's office.) Rental market value for comparable premises would be in the range of \$500 to \$550 per month. In consideration of the fact that approximately half the dwelling encroaches onto private property, and that the prospective tenant will be responsible for all maintenance and repairs, and that the Municipality will be indemnified as harmless, and that the only alternative is to demolish the dwelling, it is concluded that \$250 per month (\$3,000 annually) is a reasonable proposal which would be beneficial to the Municipality.

It is recommended that Council approve renting the residence at 2726 Bainbridge Avenue for the sum of \$250 per month to Twin Eagle Holdings Ltd., Belton Holdings and Progeny Holdings Ltd., subject to the terms and conditions as set out in this report.

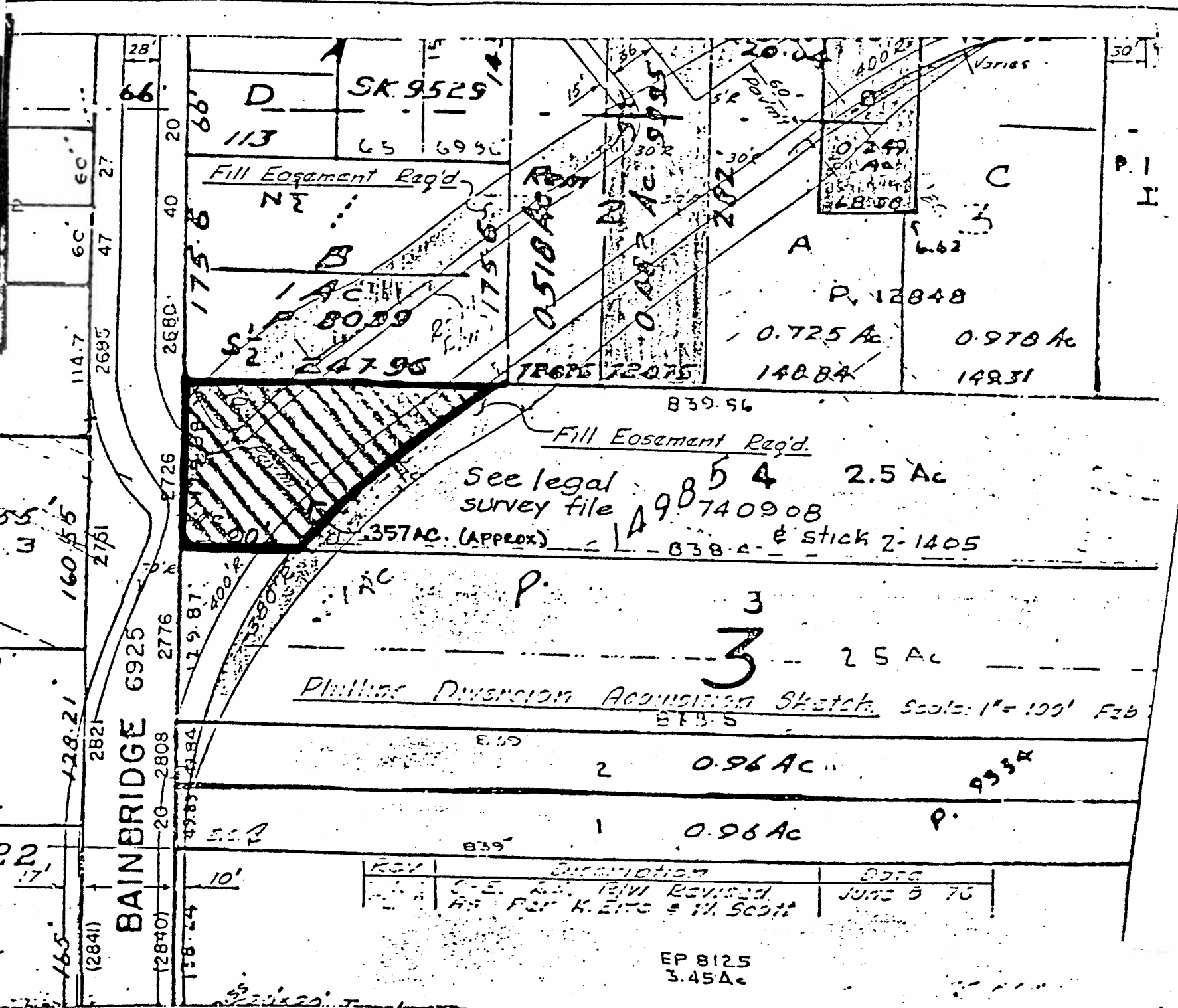


Howard Karras  
DIRECTOR FINANCE

Attach.

cc: Municipal Solicitor  
Director Engineering

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Burnaby Planning Department  
 NORTH

Date MAR. 77:  
 Scale 1" = 100'  
 Drawn By SJB & ENGINEERING

REQUIRED RT. OF WAY  
 for BAINBRIDGE/PHILLIPS CONNECTION.

↑ SUBJECT PROPERTY

BAINBRIDGE AVE.

S 1/2 E

PLAN

8099

Ex. PLAN

9999

2

ROAD

PLAN

HOUSE

Garage

LOT 297

52887

UBOL B C F P A R/W PLAN 12 99

LOT 179

PLAN

52879

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2726-BAINBRIDGE AVE.  
SKETCH # 2.

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

CORPORATION OF THE DISTRICT OF BURNA  
ENGINEERING DEPARTMENT  
SURVEY DIVISION

DESIGNED BY	
DRAWN BY	P T MASON
CHECKED BY	I C M
APPRV'D BY	I C M

SCALE	1/500
DATE	83-03-21
DRWG NO.	L

NO	DATE	REVISION	APPRV'D

