

RE: LETTER FROM MR. AND MRS. PETER LUBACK WHICH APPEARED ON THE AGENDA  
FOR THE 1984 JUNE 11 MEETING OF COUNCIL (ITEM 5L)  
PARKING ON PRIVATE PROPERTY

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. and Mrs. Peter Luback, 564 Pineview Drive, RR #1, S4 C4, Kaleden, B.C., VOH 1K0

INTRODUCTION

In their correspondence to Council, Mr. and Mrs. Peter Luback stated that customers from an adjacently located business (Hastings Auto Parts) are parking without permission on their property (the Luback property). A person who rented and managed a business on the Luback property for a considerable period of time advises that this hasn't been a problem. If there is such a problem and if it needed to be addressed, it can be resolved by simply having improperly parked cars towed away. This is a private matter in which the Municipality has no authority to act.

REPORT

The properties in question are shown on the attached sketch. The property that is owned by Mr. and Mrs. Luback is 4523 Hastings Street.

Following are the salient observations that were made as a result of staff's review:

1. Since this involves vehicles parked on private property, the RCMP would not have acted as there is no jurisdiction for police to direct vehicles to be towed or removed from private property.
2. On the property owned by Mr. and Mrs. Luback are signs notifying motorists that parking is restricted to authorized vehicles only. The signage also identifies the towing companies that have been engaged to remove unauthorized vehicles at the owners' expense (although records maintained in the Licence Department indicate that one of these companies is now no longer in business).
3. In addition to parking behind the store, there is parking for customers on the street as well.
4. There is an apparently simple solution to this private matter: either the owners and/or their designated agent need only to call the towing company when parking violations are observed and authorize that the contravening vehicles be removed. The towing company which is identified on the signage would respond to such a call (This was confirmed by a telephone call to a company representative). Following, in this regard, is the applicable section of the Motor Vehicle Act:

"Parking on private property

193. (1) Where a motor vehicle or trailer is left without the occupier's consent on private property in a municipality or a period exceeding 72 hours on private property not in a municipality the owner of the motor vehicle or trailer shall be deemed to have authorized and empowered the occupier to be his agent for the purpose of towing it to a place of storage and of storing it.

(2) The agent has a lien against the motor vehicle or trailer for all reasonable advances made or charges incurred in connection with the towing and storing of it ... in the course of the agency.

(3) The procedure respecting enforcement of the lien shall be governed by the Warehouse Lien Act."

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5. The previous tenant, who rented the subject property from Mr. and Mrs. Luback for approximately fifteen years, has indicated that she personally has never had any parking problems involving customers from Hastings Auto Parts or any other neighbouring business establishment.

In conclusion, the previous tenant of the property is unaware of any parking problems at this site. The present tenant is acquainted with the procedure for towing away illegally parked vehicles, and he will presumably initiate this procedure if the need should arise in the future. In any event, the Municipality has no authority to take a direct action in this matter.

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cc: Officer-in-Charge, Burnaby Detachment, RCMP  
Director Planning & Building Inspection

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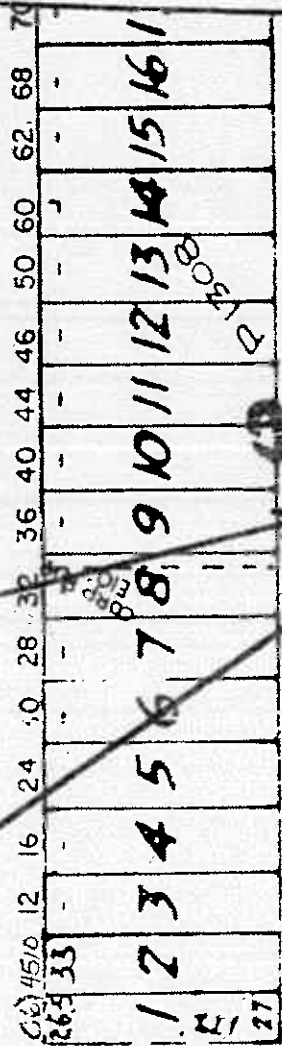
This property is not owned by either Hastings Auto Parts (4531) or Mr. & Mrs. Luback (4523).

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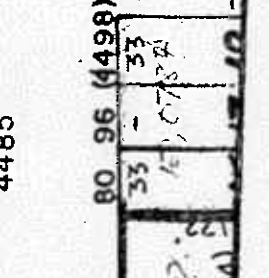
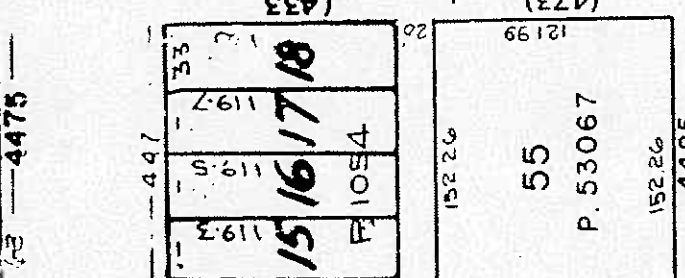
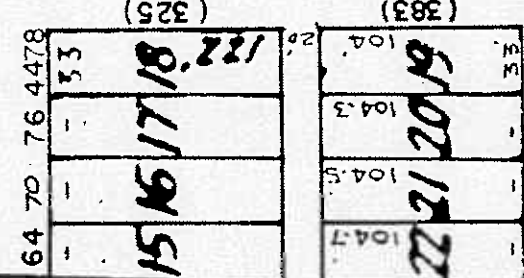
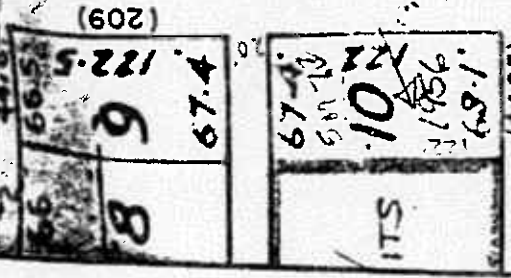
HASTINGS AUTO PARTS PROPERTY (4595)

(4585)



SUBJECT PROPERTY (4523)  
 HASTINGS ST.

WILLINGTON AVE



late 1984 JUNE 06  
 scale 1:100  
 drawn By

Burnaby Planning Department



PROPERTY AT 4523-25 E. HASTINGS ST.

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