

ITEM 25
MANAGER'S REPORT NO. 75
COUNCIL MEETING 88/11/28

RE: DELEGATION FROM FRANCO FALSO
4231 PANDORA STREET, BURNABY
FALSO V. THE CORPORATION OF THE DISTRICT OF BURNABY

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER DATE: NOVEMBER 22, 1988
FROM: MUNICIPAL SOLICITOR
RE: 4231 PANDORA STREET, BURNABY
FALSO V. THE CORPORATION OF THE DISTRICT OF BURNABY

PURPOSE: To advise Council of the status of the above action

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RECOMMENDATION:


1. THAT this report be received for information purposes.

REPORT

At its meeting, September 26, 1988, Council declared the building located at 4231 Pandora Street a nuisance and ordered its removal. Mr. Falso subsequently commenced an action in County Court appealing Council's decision and seeking judicial review. The law firm of Guild Yule were retained to represent the Corporation. The matter was remitted to Supreme Court and Prowse J. dismissed Mr. Falso's application in a detailed written judgment.

Mr. Falso filed a notice of appeal to the B.C. Court of Appeal and brought an interim application for a stay of the demolition order pending the appeal. Counsel advised that it would take approximately six to nine months before such an appeal could be heard. Mr. Falso's application before a Justice of the Court of Appeal was dismissed and Mr. Falso has been advised that we are proceeding to demolish the subject property in accordance with Council's directions.

A tender has been let for demolition which is to be completed on or before November 27, 1988. Tendering for the backfilling phase is presently being processed with completion being called for on or before December 9, 1988.


Peter Devonshire
Solicitor

PD:sb