

ITEM	5
MANAGER'S REPORT NO.	25
COUNCIL MEETING	88/04/05

RE: LETTER FROM MR. AND MRS. F. MARANDO, 6715 BRANTFORD AVENUE,  
BURNABY, B.C., V5E 2R9  
REZONING REFERENCE NO. 6/88 - 6715 BRANTFORD AVENUE

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1988 MARCH 30

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

SUBJECT: REZONING REFERENCE #6/88  
6715 BRANTFORD AVENUE

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RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. and Mrs. F. Marando, 6715 Brantford Avenue, Burnaby, B.C., V5E 2R9.

REPORT

1.0 BACKGROUND INFORMATION:

1.1 On 1988 March 21, Council received a delegation regarding an application to rezone the property at 6715 Brantford Avenue (R.Z. #6/88) from R5 Residential District to R9 Residential District. The delegation (Mr. and Mrs. Marando) appeared before Council to request that Council reconsider their 1988 February 15 decision directing staff not to process applications to the R9 Residential District received since 1988 January 01 and that Council deal with this application in a similar manner to the applications received before 1988 January 01. Arising out of this presentation, Council directed the Planning and Building Inspection Department to ascertain the particulars of the delegation's circumstances and report back on the possibility of dealing with this application as an exception to the policy. This report is in response to that request.

2.0 GENERAL DISCUSSION:

2.1 Further discussion with Mrs. Marando has revealed that there was an electrical fire in the single-family dwelling on the subject property in November 1987 which resulted in substantial damage to the inside of the walls throughout the dwelling and the kitchen, the bedrooms and the roof. Mrs Marando has informed this Department that contractors have estimated the costs of repairs to the house at \$20,000.00 to \$30,000.00. Upon the review of the case by the Marando's insurance company, the Marando's decided to accept a cash settlement rather than having the insurance company pay for the repairs to the house.

2.2 With regard to the adopted policy of Council on new applications for R9 zoning, it will be recalled that on 1988 February 15 Council decided that it would not consider new applications that had not previously been dealt with, pending completion of the review of small lot subdivision in Burnaby. Staff accordingly informed Mr. and Mrs. Marando by letter on 1988 February 18 of the status of their application which is the same as that of all others in this category, all of whom have been informed that their application will not be advanced until Council has concluded its review.

It is not unlikely that various other applicants or prospective applicants would feel that special consideration for their applications is justified for different but, in their minds, possibly equally compelling reasons and would expect the same privilege requested by Mr. and Mrs. Marando.

2.3 While Mr. and Mrs. Marando's circumstances are unfortunate, this Department would not consider it prudent for Council to deviate from its adopted decision on the basis of this appeal and instead, would recommend that the policy continue to be applied in a uniform manner, thereby avoiding stimulation of future requests for special consideration of pending rezoning applications to the R9 District, and seemingly encouraging other future applicants to apply expecting similar special consideration. The Municipal Solicitor advises that advancing an application contrary to the adopted policy of Council might give rise to claims of discrimination from other applicants.

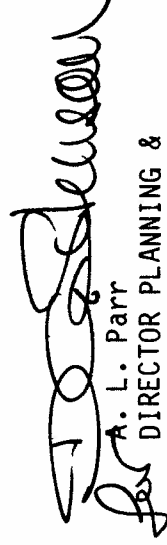
In light of the foregoing, it is felt that it would be inappropriate to evaluate individual new applications under the previous criteria that would have applied had Council not directed otherwise, or to comment on what the recommendation for this or other new applications might have been.

3.0 CONCLUSION:

While one may sympathize with Mr. and Mrs. Marando's circumstances, the established Council policy regarding the processing of R9 rezoning applications must be applied in a uniform manner in order to be equitable to all the applicants involved, and to avoid charges of discrimination.

This report is for the information of Council.

*AWP*  
BW:sj

  
A. L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION