ITEM	(Suppl.)	14
MANAGER'S REPORT NO.		35
COUNCIL MEETING	93/05/25	

SUPPLEMENTARY

TO: **CITY MANAGER** **DATE:** **MAY 24, 1993**

FROM: **CITY SOLICITOR**

PURPOSE: **TO ADVISE COUNCIL OF THE STATUS OF A LEGAL PROCEEDING AGAINST THE CITY**

RE: **ROYAL OAK COLLEGE V. CITY OF BURNABY**

RECOMMENDATION

1. **THAT** this Report is for the information of Council.

REPORT

On May 4, 1993 Royal Oak College applied to the Supreme Court of B.C. for an order setting aside Bylaw 9865, the second Aircare Site rezoning bylaw.

The Petition that originated the proceedings contained various allegations that the City had acted unreasonably, unfairly and arbitrarily and that a Councillor had a conflict of interest and suffered from bias.

There were no Affidavits served with the Petition, and thus no evidence of the truth of the allegations. On May 17, 1993 the City applied for an Order to set aside the Petition for failure to comply with the Rules of Court by filing and serving Affidavits.

Royal Oak College discontinued the Petition before Burnaby's Motion to set it aside was heard.

Patricia W. Flieger
City Solicitor

PWF:bi