

2001 AUGUST 16

**TO:** CITY MANAGER  
**FROM:** DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES  
**SUBJECT:** AGREEMENT FOR THE RESTORATION AND HOUSING OF INTERURBAN #1223  
**PURPOSE:** To request Council's approval to establish an agreement between the City of Burnaby and the Friends of Interurban #1223 Society for the restoration and housing of tram car Interurban #1223.

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**RECOMMENDATION:**

1. THAT approval be given to establish an agreement between the City of Burnaby and the Friends of Interurban #1223 Society for the restoration and housing of tram car Interurban #1223.

**REPORT**

At its meeting of 2001 August 15, the Parks, Recreation and Culture Commission received the above noted report and adopted the three recommendations contained therein.



Kate Friars  
DIRECTOR PARKS, RECREATION  
AND CULTURAL SERVICES

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Attachment  
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cc. Director Finance  
City Solicitor

**SUBJECT: AGREEMENT FOR THE RESTORATION AND HOUSING OF  
INTERURBAN #1223**

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**RECOMMENDATIONS:**

1. THAT approval be given to establish an agreement between the City of Burnaby and the Friends of Interurban #1223 Society for the restoration and housing of tram car Interurban #1223.
2. THAT Council be requested to concur.
3. THAT a copy of this report be sent to Ms. Pixie McGeachie, President, Friends of Interurban #1223 Society.

**REPORT**

**BACKGROUND**

At its meeting of 2001 April 11, Commission authorized staff to proceed with the establishment of an agreement between the City of Burnaby and the Friends of Interurban #1223 Society for the restoration and housing of tram car Interurban #1223. The purpose of the agreement is to clearly articulate the duties and responsibilities of each party in the joint project to ensure the proper and complete restoration of the valuable historic artifact, owned by the City, and the appropriate housing and display of the restored vehicle at the Burnaby Village Museum.

A draft agreement has been prepared and reviewed by the City Solicitor and several drafts have been exchanged with the Friends of Interurban #1223 Society. The agreement includes the following points listed below:

**Ownership**

- It is acknowledged that Interurban #1223 is the property of the City of Burnaby and part of the permanent collection of artifacts at the Burnaby Village Museum.

**Restoration**

- The Friends of Interurban #1223 Society (FOI) shall restore the vehicle at their expense to its 1925 appearance under the direction of the Museum Conservator and/or designate as Project Manager. The FOI will provide all necessary restoration materials, tools, supplies, volunteer labour, and special services for the restoration. All relevant research materials will be shared by the parties, the process document and all documents and files to be stored at the Burnaby Village Museum's archives at project's end.

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Temporary Housing

- The City will provide to FOI the use of a City-owned warehouse at 6857 Royal Oak Avenue in Burnaby for the restoration work. The City will pay the cost of heat and light, alarm system, water, building maintenance, waste material removal, property insurance for the vehicle and the warehouse and parking lot and grounds care at the warehouse. The City will install a gated fence at the warehouse parking lot.
- The FOI will have use of the warehouse including the parking lot, kitchen, office spaces, washrooms, storage areas and work spaces for the restoration work, meeting, administration and support services. FOI will ensure the building is properly locked, and the City will maintain right of access at all times.

Length of Term

- The agreement is for five years from the date the Interurban #1223 is delivered to the warehouse, or until the restoration of Interurban #1223 is completed, whichever comes first.

Permanent Housing

- The City will manage and finance the cost of concept planning, detailed design and construction of a tram barn at the Burnaby Village Museum for the permanent housing, display and interpretation of the restored Interurban #1223.

Insurance and Indemnity

- FOI agrees to indemnify and hold the City harmless for any actions or claims against the City arising from or relating in any way to the activities of FOI in the restoration of the Interurban at the warehouse and any related promotional or fundraising activities at the warehouse or elsewhere.
- The City agrees to indemnify and hold FOI harmless for any actions or claims against FOI arising from or relating in any way to the activities of the City in the restoration of Interurban #1223 at the warehouse.
- The FOI will maintain general liability insurance which will be written on a per occurrence basis and have limits of not less than \$2,000,000 per occurrence, name the City as additional insured, and contain a waiver of subrogation against the City. FOI will maintain property insurance on its equipment, tools, wares and supplies and those of its members and volunteers, in or about the Warehouse.

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Additional Terms

- The City will finance the cost of moving Interurban #1223 to the warehouse and back to the Burnaby Village Museum at project's end. The City will finance an official opening ceremony for the restored tram in the tram barn.
- FOI is responsible for volunteer recruitment and management, fundraising, equipment, supplies, materials, interior cleaning and labour for the restoration project and all associated costs.
- FOI will maintain Workers Compensation Board coverage in respect of its activities and comply with all orders and directives of the WCB.
- Any disputes arising regarding the interpretation and implementation of the agreement must be referred to the City Manager's office, and should no resolution be found, the dispute will be advanced to a mutually agreeable third party.

CONCLUSION

It is recommended that approval be given to establish an agreement between the City of Burnaby and the Friends of Interurban #1223 Society for the restoration and housing of Interurban #1223 in Burnaby, and that Council be requested to concur.

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cc: Director Finance  
City Solicitor