

1982 AUGUST 24

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1982 August 24 at 19:30 h.

PRESENT

Acting Mayor D.A. Lawson, In the Chair
Alderman D.P. Drummond
Alderman A.H. Emmott (19:45 h)
Alderman G.H.F. McLean
Alderman E. Nikolai
Alderman V.V. Stusiak

ABSENT

Mayor W.A. Lewarne
Alderman D.N. Brown
Alderman T.W. Constable

STAFF

Mr. D.G. Stenson, Assistant Director-Current Planning
Mr. P.D. Sanderson, Planner II
Mr. C.A. Turpin, Municipal Clerk's Assistant

The Public Hearing was called to order at 19:30 h.

1. FROM RESIDENTIAL DISTRICT (R5) TO RESIDENTIAL DISTRICT (R9)

Rezoning Reference #21/81

Lot 73, Blk. 16, D.L. 116 N 1/2, Plan 64451

3751 Frances Street - located on the north side of Frances Street between Esmond Avenue and Boundary Road.

The intent of the proposed rezoning bylaw is to permit the subdivision of the site into two parcels, maintain the existing residence on one lot and construct a new single family home on the other lot.

Mr. Sidney Allison, 3751 Frances Street, then addressed the members of Council and advised that he was the owner of the subject property and as such was in favour of this rezoning application.

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN MCLEAN:

"THAT this Public Hearing relating to Rezoning Reference #21/81 be now terminated."

CARRIED UNANIMOUSLY

2. FROM RESIDENTIAL DISTRICT (R4) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD), BASED ON THE P5 COMMUNITY INSTITUTIONAL DISTRICT

Rezoning Reference #183/81

Portion Lot 216, D.L. 79/80, Group 1, Plan 34884

4151 Norland Avenue - located on the south side of Kincaid Street between Norland Avenue and Godwin Avenue.

The intent of the proposed rezoning bylaw is to allow the construction of a sanctuary and parsonage for The Danish Evangelical Lutheran Church.

Mr. Achilles Foufoulas, 6362 Royal Oak Avenue, then addressed the members of Council and read several items of correspondence between the residents of the area and the Burnaby Municipal Planning Department.

The letters were dated in late 1975 and early 1976 and concerned a request from area residents that the lot size requirements for duplex dwellings be reduced in their area while the response from the Planning Department advised that such a change could not be supported. The speaker then enquired of Council as to why proposed zoning changes were not permitted in 1975 and yet are now being proposed by this rezoning application. Mr. Fouloulas advised that he was not in favour of spot rezoning though had no objection to this rezoning application and the establishment of a sanctuary and parsonage for The Danish Evangelical Lutheran Church in the neighbourhood.

19:45 h - Alderman A.H. Emmott entered the Council Chamber and took his place at the Council table.

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN NIKOLAI:

"THAT this Public Hearing relating to Rezoning Reference #183/81 be now terminated."

CARRIED UNANIMOUSLY

3. FROM RESIDENTIAL DISTRICT (R3) TO RESIDENTIAL DISTRICT (R9)

Rezoning Reference #25/82

Lot 19, Block 38, D.L. 25, Plan 14524

7861 Cumberland Street - located at the southwest corner of Cumberland Street and 11th Avenue.

The intent of the proposed rezoning bylaw is to permit subdivision of the site into two parcels, maintain the existing dwelling on one lot and construct a new single family dwelling on the other lot.

Mrs. Elizabeth A. Ryan, 8470 - 11th Avenue, then addressed the members of Council and advised that she was opposed to this rezoning application. Mrs. Ryan stated that the adjacent lots are all large lots and she did not wish to see two small lots created as proposed by this rezoning application.

Mr. Marijan M. Glavina, 7861 Cumberland Street, then addressed the members of Council and advised that he was the owner of the subject property and the applicant of this rezoning application. Mr. Glavina described the dimensions of the lots adjacent to his property and advised that if the proposed rezoning were to proceed the other surrounding properties would not be devalued in any way. Mr. Glavina advised that he was in favour of this rezoning application and upon concluding his presentation he presented a series of photographs to the members of Council illustrating the surrounding homes in the area and the location of those homes in relation to the existing setbacks from property lines and the appearances of the surrounding homes as viewed from the adjacent streets.

A letter dated 1982 June 14 was received from Mrs. Helen Osborne, 8476 - 11th Avenue, expressing opposition to this rezoning application.

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing relating to Rezoning Reference #25/82 be now terminated."

CARRIED UNANIMOUSLY

4. FROM RESIDENTIAL DISTRICT (R5) TO GENERAL INDUSTRIAL DISTRICT (M2)

Rezoning Reference #29/82

Lot 1, Block 2, D.L. 69, Plan 1558

3754 Still Creek Avenue - located at the southeast corner of Still Creek Avenue and Esmond Avenue.

The intent of the proposed rezoning bylaw is to consolidate the site with a portion of the property to the immediate east in order to construct an office/warehouse facility.

A letter dated 1982 August 06 was received from Mr. K.R. Beedie, President, Kebet Holdings Limited, 5367 Kingsway, advising that as owners of the ten acres immediately north of the subject property, they have no objection to the rezoning contemplated and would, in fact, welcome it.

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN NIKOLAI:

"THAT this Public Hearing relating to Rezoning Reference #29/82 be now terminated."

CARRIED UNANIMOUSLY

5. FROM RESIDENTIAL DISTRICT (R4) TO RESIDENTIAL DISTRICT (R9)

Rezoning Reference #30/82

Lot 162, D.L. 127, Plan 64286

240 South Howard Avenue - located on the east side of Howard Avenue between Pandora Street and Capitol Drive.

The intent of the proposed rezoning bylaw is to subdivide the site into two lots, demolish the existing house and construct two new single family homes.

There were no submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing relating to Rezoning Reference #30/82 be now terminated."

CARRIED UNANIMOUSLY

6. FROM RESIDENTIAL DISTRICT (R5) TO RESIDENTIAL DISTRICT (R9)

Rezoning Reference #31/82

Lot 3, Block 40, D.L. 35, Plan 1563

4892 Smith Avenue - located at the northeast corner of Smith Avenue and Price Street.

The intent of the proposed rezoning bylaw is to subdivide the site into two lots, maintain the existing dwelling on one lot and construct a new single family dwelling on the other lot.

A letter dated 1982 August 21 was received from Mr. Cam MacDonald, 3845 Price Street, expressing opposition to this rezoning application.

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing relating to Rezoning Reference #31/82 be now terminated."

CARRIED UNANIMOUSLY

7. FROM SMALL HOLDINGS DISTRICT (A2) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD), BASED ON RML AND BURNABY 200 COMMUNITY PLAN GUIDELINES

Rezoning Reference #32/82

Lot 81, D.L. 143 and 148, Plan 51478

8700 Maple Grove Crescent - located on the south slope of Burnaby Mountain and consists of Enclave 9 of the Burnaby 200 Plan.

The intent of the proposed rezoning bylaw is to accommodate the development of low density multiple family housing in accordance with the adopted Community Plan.

There were no submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing relating to Rezoning Reference #32/82 be now terminated."

CARRIED UNANIMOUSLY

8. FROM COMPREHENSIVE DEVELOPMENT DISTRICT (CD), BASED ON THE RM5 AND C3 GUIDELINES, TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD), BASED UPON THE P2, P6 AND RM5 GUIDELINES

Rezoning Reference #35/82

Lot 36, Group 1, D.L. 120, Plan 25111 N.W.D.

4455 Halifax Street - located at the northwest corner of Willingdon Avenue and Halifax Street.

The intent of the proposed rezoning bylaw is in order to construct a three phased development with the first two phases being three storey training school office buildings for B.C. Telephone Co. and the third phase being a high rise point block residential tower of 24 storeys situated at the westerly end of the site.

There were no submissions received in connection with this rezoning application

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing relating to Rezoning Reference #32/82 be now terminated."

CARRIED UNANIMOUSLY

9. PROPOSED TEXT AMENDMENT TO ZONING BYLAW FOR PROVISION OF INLAW SUITES IN R9, R4 AND R5 RESIDENTIAL DISTRICTS

It is proposed that the existing inlaw suite regulations as set out in Section 3 (Definitions) of the Burnaby Zoning Bylaw under Clause (3) "Accessory Use" designation be changed as follows:

- "(3) Any accessory use in an R1, R2, R3, R4, R5 or R9 District may include an inlaw suite, subject to the following conditions:
- (a) Such an accessory use shall be permitted only within a dwelling unit occupied by the owner or his tenant.
 - (b) Not more than one inlaw suite shall be permitted in any dwelling unit.
 - (c) The keeping of boarders or lodgers shall not be permitted in a dwelling unit in which an inlaw suite has been provided.
 - (d) An owner or his tenant who intends to construct an inlaw suite shall obtain a building permit from the Building Department and the said inlaw suite shall comply with the requirements of all applicable bylaws and statutes.
 - (e) The owner of an inlaw suite, whether already constructed or not, shall obtain an inlaw suite licence from the Building Department and submit a sworn statutory declaration that the said inlaw suite is or shall be occupied only by his parents, grandparents, sons or daughters (including their spouses and dependent children, or those of his tenant) and shall pay a fee of \$30.00 for the said licence.
 - (f) The number of adults accommodated by an inlaw suite shall not exceed two.
 - (g) The owner of an inlaw suite or his tenant occupying an inlaw suite shall renew annually the said inlaw suite licence, paying a renewal fee of \$30.00.
 - (h) When applying for a renewal inlaw suite licence, the owner or his tenant shall submit a sworn statutory declaration that the said inlaw suite continues to be used in accordance with the provisions of this bylaw.
 - (i) The owner of an inlaw suite shall enter into a restrictive covenant with the municipality registrable in the Land Title Office against his land to use the said land, including the inlaw suite constructed thereon in accordance with the provisions of this bylaw, and to discontinue the use of the inlaw suite whenever it shall no longer be occupied or shall no longer be occupied in accordance with the provisions of this bylaw, and thereafter to use his principal building (without the inlaw suite) in accordance with the provisions of this bylaw.

Mrs. Gerd Evans, 6541 - 12th Avenue, then addressed the members of Council and advised that she was not happy with the proposed amendments to the zoning bylaw. Mrs. Evans currently has an inlaw suite in her home that is occupied by her mother. The suite has been in use for some 21 years. The speaker questioned whether it would be contravening the bylaw if her mother were to vacate the suite and it then became occupied by her daughter who is divorced and has two young children. Mrs. Evans was also opposed

to the proposed \$30.00 renewal fee and the required yearly inspection. The speaker felt that these were items that will be unfairly imposed upon her and not on those people who own a dwelling containing an illegal suite that is being rented in contravention of the bylaw. Mrs. Evans also requested clarification of Item (i) in the proposed amendments which state in part "...and to discontinue the use of the inlaw suite whenever it shall no longer be occupied or shall no longer be occupied in accordance with the provisions of this bylaw, and thereafter to use his principal building (without the inlaw suite) in accordance with the provisions of this bylaw". Upon reading this section it was Mrs. Evan's understanding that the owners of the dwelling will no longer be able to use the inlaw suite for their own personal use once vacated by the inlaw.

Alderman Stusiak advised Mrs. Evans that all that would be required would be the removal of the kitchen facilities and then the home would be classified as a single family dwelling. The cooking facilities are the determining factor in classifying the home as having an inlaw suite contained within.

In summary, Mrs. Evans stated that she felt the municipality, if these amendments are approved, is penalizing those people with inlaw suites and allowing the existence of illegal suites where the owners are deriving considerable revenue therefrom. Mrs. Evans is also opposed to paying the extra water and sewerage costs that accompany the registered inlaw suite.

In response to a question from Council, Mrs. Evans advised that she was not opposed to inlaw suites only the mechanics of administering the bylaw as proposed.

Mr. Edward L. Burnham, 7988 Kaymar Drive, then addressed the members of Council and advised that he was speaking as a Director of the Real Estate Board of Greater Vancouver. Mr. Burnham advised that he had no objection to Sections (a), (b) and (c) of the proposed amendments. In concurring with Item (d) Mr. Burnham felt there should be some method of notifying the adjacent owners of the fact that an inlaw suite is going to be constructed within a dwelling adjacent to their property. Mr. Burnham concurred with Item (e) though he felt that this Section would be completely unenforceable. With respect to Item (f), the speaker felt that the number of adults should be restricted to the square footage of the suite or the number of bedrooms rather than stating that the number of adults accommodate that inlaw suite shall not exceed two. The speaker felt that the renewal fee of \$30.00 as required in Section (g) of the proposed amendments to the bylaw is too low and should be adjusted as a percentage of annual rent derived from the suite. This percentage should be between 5 and 10 percent. Mr. Burnham concurred completely with item (h) though he felt that the statutory declaration is virtually unenforceable. Mr. Burnham concurred with Item (i) and in closing, stated that if the bylaw amendments are adopted, 90 percent of the existing suites will remain illegal.

In response to a question from Council, Mr. Burnham advised that he was not opposed to the principle of creating inlaw suites within single family dwellings but was opposed to the these amendments as he felt they would only be compounding an original error.

Mrs. Elsie C. Walls, 7122 Edmonds Street, then addressed the members of Council and questioned the status of the suite in her home that is occupied by her mother who also is part owner of the house. Mrs. Walls also stated that she was all for helping inlaws but was aware of infractions of the current bylaw continuing throughout the municipality. The speaker also stated that a tenant should not be permitted the advantage of having an inlaw suite in a dwelling they are renting.

In response to a question from Council, Mrs. Walls advised that there may be extenuating circumstances surrounding the occupancy of inlaw suites which could be dealt with by the Board of Variance.

Mrs. Doris M. Owen, 5755 Monarch Street, then addressed the members of Council and advised that she was opposed to Items (e) and (i) as contained in the proposed amendments to the bylaw. Mrs. Owen advised that she was in agreement with a previous speaker, Mrs. Evans, that Item (i) should be clarified. The speaker also stated that the fee as described in Item (e) is too high. Mrs. Owen felt that senior citizens and handicapped people should be allowed to occupy vacated inlaw suites.

Alderman V.V. Stusiak requested that the Director Planning and Building Inspection report to Council on the matter of charges for extra utility hookups where inlaw suites are concerned and in the same report, provide a response with respect to clarification of Item (i) as contained in the proposed bylaw amendments.

Ms. Barbara Gudmundson, c/o 7729 - 16th Avenue, then addressed the members of Council and advised that she had concerns over Sections (a), (e), (h) and (i) of the proposed text amendment. Ms. Gudmundson questioned how the amendments will assist those who are currently residing in an illegal suite.

Mr. Jack Smith, 4242 Gilpin Street, then addressed the members of Council and advised that he has an existing illegal suite in his home which he had rented out to a bible student. Mr. Smith then advised that he had been forced to evict the bible student and he was very much opposed to having taken this action. The speaker then stated that he had written B.C.I.T. advising that he would be happy to rent accommodation to a student if the Burnaby Municipal Council would permit such. Mr. Smith then advised that he was opposed to the proposed text amendment.

Mr. Loyle N. Johnson, 7628 Second Street, then addressed the members of Council and advised that he felt that there were some things that were right and some things that were wrong with respect to the amendments as proposed. Mr. Johnson suggested that the amendments be reconsidered by all concerned. The speaker stated that off street parking has to be a consideration that should be studied carefully along with the tenant provision as contained in the amendments. Mr. Johnson advised that he was opposed to the amendments as presented but was not opposed to the principle of inlaw suites.

Mr. Max A. Jacobson, 6190 Winch Street, then addressed the members of Council and advised that he was neither for or against inlaw suites but was in attendance tonight to obtain more information on the matter. Mr. Jacobson had a number of questions which are listed below:

- (a) How many prosecutions took place under the present bylaw over the past year?
- (b) How will the new bylaw be enforced if any differently than the existing bylaw? Will it, for example, require additional municipal staff?
- (c) What effect do inlaw suites have upon the relative assessed value of the residences both having them and the neighbouring residences that do not have them?

Acting Mayor Alderman Lawson advised Mr. Jacobson that these questions can be asked of staff when the bylaw next comes before Council.

Mr. Peter H. Madden, 7007 Willingdon Avenue, then addressed the members of Council and advised that Council had not considered several situations that may arise and are not covered by the proposed amendments. Mr. Madden advised that he and his wife are both required to work and therefore they sponsored an 'au pair'

to look after their children while both parents are at work. Mr. Madden advised that many of the 'au pairs' working in Canada come from Europe and the Canadian Government requires that they be provided a separate living accommodation or a living allowance of \$200.00 per month. Mr. Madden advised that the \$200.00 a month living allowance is not sufficient and therefore those sponsoring 'au pairs' have to provide inhouse separate living accommodation. Mr. Madden advised that his father-in-law had a suite in his basement which he has consented to allow to be occupied by Mr. Madden's au pair though, under the definition of inlaw, there is no provision for such a situation. Mr. Madden also advised that he was opposed to Items (e) and (i) as contained in the proposed amendments to the bylaw.

Alderman V.V. Stusiak invited Mr. Madden to make a presentation to the Housing Committee in connection with his concerns as expressed tonight.

In response to a question from Council, Mr. Madden advised that he was not opposed to the principle of inlaw suites.

Mr. Alma S. Gregson, 6376 Burns Street, then addressed the members of Council and advised that he did not feel there should be a bylaw to control inlaw suites. Mr. Gregson felt that each person who wishes to apply for an inlaw suite should appear before the Board of Variance and should support their reasons for wishing such a suite. That way people residing adjacent to the dwelling in which it is proposed to construct an inlaw suite, will be informed of such action and will have an opportunity to voice their concerns or support. Mr. Gregson also indicated that he felt illegal suites should be forced to be licenced and taxes collected in proportion to the rent received from these accommodations.

Mr. Alan J. Vidler, 4444 Imperial Street, then addressed the members of Council and advised that he was not in favour of Section (e) or Section (i) of the proposed amendments. Mr. Vidler requested clarification of the definition of inlaw as it was his opinion that a brother should qualify as an inlaw. The speaker was also concerned with Item (i) as he felt that no one should be able to have the right to tell him what he can do in his own home. Mr. Vidler also questioned as to what is going to be done with all those people who are now occupying illegal suites.

Alderman V.V. Stusiak invited Mr. Vidler to make representation before the Housing Committee.

Mrs. Miriam Helter, 3746 Triumph Street, then addressed the members of Council and advised that she was opposed to the proposed Text Amendments. Mrs. Helter felt that the changes in the bylaw will no longer protect the owner in residence. The speaker felt that block busting would occur as absentee landlords will rent their houses to one family and inlaw suites to another individual or individuals. Mrs. Helter felt that this would lead to the deterioration of single family dwelling districts. The speaker also felt there would be an extra burden placed on all municipal services. In districts where there are already duplexes, these amendments will encourage the conversion of these duplexes to four-plexes. Mrs. Helter referred to bylaws in existence in New Westminster, Vancouver and North Vancouver and quoted sections of the North Vancouver Bylaw to Council.

Council requested that the Director Planning and Building Inspection prepare a report providing details of the number of registered inlaw suites that are currently in existence in Burnaby and also the recent census figures indicating whether or not Burnaby has had a decrease or increase in population according to that recent census.

Mrs. Beverley M. Alder, 5614 Sardis Crescent, then addressed the members of Council and advised that she enjoys the current status of her neighbourhood and did not wish to see any changes made.

The speaker advised that she was concerned with rental activities that may be generated from the proposed amendments and requested that Council take a look at the North Vancouver bylaw that was referred to earlier this evening. In summary, Mrs. Adler requested that Council take a very careful look at the impact on the residents that the proposed Text Amendment may have.

Mr. Walter Mielke, 7072 Dunblane Avenue, then addressed the members of Council and advised that he felt very strongly that people who reside in two family dwellings were being discriminated against. Mr. Mielke advised that he was in favour of the amendments and definitely in favour of allowing inlaw suites in two family dwellings.

Mrs. Edeltraut Mielke, 7072 Dunblane Avenue, then addressed the members of Council and advised that she was in support of the proposed text amendments and that she was also in support of allowing inlaw suites in two family dwellings.

Mrs. Tannis A. Jacobson, 6190 Winch Street, then addressed the members of Council and advised that she was concerned that the proposed amendments would create further illegal suites in her area. Mrs. Jacobson felt that those renting property should have to pay an extra fee or tax for that privilege. Mrs. Jacobson advised that she was against the proposed amendments.

Mr. Achilles Foufoulas, 6362 Royal Oak Avenue, then addressed the members of Council and advised he was opposed to any further legislation and requested that no controls be imposed and that everything be left as it is.

Mr. Ralph Wolloschuk, 5985 Sumas Street, then addressed the members of Council and questioned as to what ever happened to summer kitchens in Burnaby. Mr. Wolloschuk advised that he was opposed to Item (i) in particular and opposed to the amendments in general. The speaker advised that he was not opposed to the principle of inlaw suites but requested that Council table this matter to allow for further consideration of the affect these amendments would have on the residents of Burnaby.

A letter dated 1982 August 23 was received from Joseph P. West, 5950 Clinton Street expressing opposition to these proposed Text Amendments.

A letter dated 1982 August 20 was received from Mrs. C.N. Reynolds, 7566 Mary Avenue, advising that she was against the creation of inlaw suites in her district.

A letter dated 1982 August 20 was received from Mrs. H.M. Smith, 6 North Fell Avenue, advising that she was opposed to more basement suites.

A letter dated 1982 August 19 was received from G.G. Greening, 4434 Smith Avenue, advising that the writer wished to go on record as objecting to the licencing of family suites.

A letter dated 1982 August 17 was received from Mrs. Joyce Norton, 5785 Monarch Street, requesting clarification of Item (i) as contained in the proposed amendments and also opposed to the \$30.00 renewal fee as required by the Text Amendment.

A letter dated 1982 August 08 was received from Mr. Harold H. Hickenbotham and Beverley F. Hickenbotham, 6361 Denbigh Avenue, advising that they were opposed to the proposed bylaw text amendments.

A letter dated 1982 August 09 was received from Shiraz Virani, 8513 Armstrong Avenue, advising that the restriction as contained in Clause (3)(e) restricting inlaw suites to only being occupiable by parents, grandparents, sons or daughters, are not realistic. The writer suggested that most of the inlaw suites are occupied by non relatives and therefore the restriction is not necessary.

A letter dated 1982 August 10 was received from Mr. Crawford Simpson and Mrs. Dorothy Simpson, 6715 Randolph Avenue, expressing opposition to the proposed Text Amendments.

A letter dated 1982 August 06 was received from Mr. James E. Warren, 4264 Union Street, expressing opposition to the proposed Text Amendments.

An undated letter was received from Mr. John Arnold, 4794 Willowdale Place, advising that he was opposed to the approval of inlaw suites in his community.

A letter dated 1982 August 16 was received from Mr. Don S. Stubbert, 8075 Government Street, in which the writer strongly objected to the proposed changes to the Burnby Zoning Bylaw.

A letter dated 1982 July 28 was received from Mr. Svend J. Robinson MP, House of Commons, Canada, advising that he was in favour and supported the proposal of allowing the residents of the community to build inlaw suites in their homes.

A letter dated 1982 August 16 was received from Mr. J.E. Allan, 8910 15th Avenue, in which he advised he could support the proposed text amendments if three conditions were met. Those three conditions were:

1. Off street parking be provided on the same basis as apartments.
2. Boarder off street parking be enforced.
3. The yearly licence for inlaw suites be increased to offset the already overburdened single family home owner.

A letter dated 1982 August 16 was received from Mrs. A. Owen, 5755 Monarch Street, in which the writer advised that she was opposed to the proposed renewal fee and also to Item (i) where the owner must enter into a restrictive covenant with the municipality. Mrs. Owen was in favour of the principle of inlaw suites.

A letter dated 1982 August 13 was received from Mrs. A.L. Brown, 6349 Elgin Avenue, expressing opposition to the proposed Text Amendments.

A letter dated 1982 August 12 was received from Mr. Hoarse and Mrs. Margaret James, 1740 Sperling Avenue, requesting that the bylaw remain unchanged.

A petition was received from Mrs. Eldetraut Mielke containing the signatures of 106 Burnaby residents and the text of this petition is contained hereunder:

"We, the undersigned wish to advise that we 'support' Edeltraut Mielke of 7072 Dunblane Avenue, Burnaby have the right to finish both of her inlaw suites for the following reasons:

1. Present city bylaws discriminate against quadraplegics, paraplegics, tenants, owners, old family members, children, inlaws, and families in duplex zoned properties; and
2. Her son, Richard A. Mielke, is a quadraplegic:
 - (a) who is difficult to carry up the stairs since he is big and heavy; and
 - (b) who requires constant twenty-four hour attention; and
 - (c) who therefore requires to live in a finished basement;
3. It will benefit the family presently renting 7070 Dunblane Avenue; and
4. For the fact that only one family will live on each side of the duplex. The resulting effect of the inlaw suites on the neighbourhood is:
 - (a) The population density of the property in relation to the neighbourhood will remain the same; and
 - (b) The land use will remain the same; and
 - (c) The value of surrounding property will increase; and
 - (d) There will be no increase in street parking demands; and
 - (e) The municipal service demand will remain constant; and
 - (f) Traffic and noise will continue to remain at minimum levels as at the present time on Dunblane Avenue, Burnaby."

There were no further submissions received in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing relating to the proposed Text Amendment be now terminated."

CARRIED UNANIMOUSLY

All petitions, letters and prepared texts submitted in connection with the rezoning applications appearing on the agenda for tonight's Hearing are on file in the office of the Municipal Clerk.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN DRUMMOND:

"THAT the Public Hearing (Zoning) do now adjourn."

CARRIED UNANIMOUSLY

The Hearing adjourned at 21:50 h.

Confirmed:

Certified Correct:


MAYOR



MUNICIPAL CLERK'S ASSISTANT

Records Clerk

THE CORPORATION OF THE DISTRICT OF BURNABY
ZONING BYLAW AMENDMENTS
PUBLIC HEARING

The Council of The Corporation of the District of Burnaby hereby gives notice that it will hold a Public Hearing on

TUESDAY, 1982 AUGUST 24 at 19:30 h

in the Municipal Hall, 4949 Canada Way, Burnaby, B.C. V5G 1M2 to receive representation in connection with the following proposed amendments to "Burnaby Zoning Bylaw 1965":

1. FROM RESIDENTIAL DISTRICT (R5) TO RESIDENTIAL DISTRICT (R9)

"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 42, 1982" - BYLAW NO. 7941

Rezoning Reference #21/81

Lot 73, Block 16, D.L. 116 N 1/2, Plan 64451

3751 Frances Street - located on the north side of Frances Street between Esmond Avenue and Boundary Road.

The intent of the proposed rezoning bylaw is to permit the subdivision of the site into two parcels, maintain the existing residence on one lot and construct a new single family home on the other lot.

2. FROM RESIDENTIAL DISTRICT (R4) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD), BASED ON THE P5 COMMUNITY INSTITUTIONAL DISTRICT

"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 43, 1982" - BYLAW NO. 7942

Rezoning Reference #183/81

Portion Lot 216, D.L. 79/80, Group 1, Plan 34884

4151 Norland Avenue - located on the south side of Kincaid Street between Norland Avenue and Godwin Avenue.

The intent of the proposed rezoning bylaw is to allow the construction of a sanctuary and parsonage for The Danish Evangelical Lutheran Church.

3. FROM RESIDENTIAL DISTRICT (R3) TO RESIDENTIAL DISTRICT (R9)

"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 37, 1982" - BYLAW NO. 7932

Rezoning Reference #25/82

Lot 19, Block 38, D.L. 25, Plan 14524

7861 Cumberland Street - located at the southwest corner of Cumberland Street and 11th Avenue.

The intent of the proposed rezoning bylaw is to permit subdivision of the site into two parcels, maintain the existing dwelling on one lot and construct a new single family dwelling on the other lot.

4. FROM RESIDENTIAL DISTRICT (R5) TO GENERAL INDUSTRIAL DISTRICT (M2)

"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 44, 1982" - BYLAW NO. 7943

Rezoning Reference #29/82

Lot 1, Block 2, D.L. 69, Plan 1558

3754 Still Creek Avenue - located at the southeast corner of Still Creek Avenue and Esmond Avenue.

The intent of the proposed rezoning bylaw is to consolidate the site with a portion of the property to the immediate east in order to construct an office/warehouse facility.

5. FROM RESIDENTIAL DISTRICT (R4) TO RESIDENTIAL DISTRICT (R9)
"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 45, 1982" - BYLAW NO. 7944
Rezoning Reference #30/82
Lot 2, Block 79, D.L. 127 and 218, Plan 4953
240 South Howard Avenue - located on the east side of Howard Avenue between Pandora Street and Capitol Drive.
The intent of the proposed rezoning bylaw is to subdivide the site into two lots, demolish the existing house and construct two new single family homes.
6. FROM RESIDENTIAL DISTRICT (R5) TO RESIDENTIAL DISTRICT (R9)
"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 46, 1982" - BYLAW NO. 7945
Rezoning Reference #31/82
Lot 3, Block 40, D.L. 35, Plan 1563
4892 Smith Avenue - located at the northeast corner of Smith Avenue and Price Street.
The intent of the proposed rezoning bylaw is to subdivide the site into two lots, maintain the existing dwelling on one lot and construct a new single family dwelling on the other lot.
7. FROM SMALL HOLDINGS DISTRICT (A2) TO COMPREHENSIVE
DEVELOPMENT DISTRICT (CD), BASED ON RMI AND BURNABY 200
COMMUNITY PLAN GUIDELINES
"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 47, 1982" - BYLAW NO. 7946
Rezoning Reference #32/82
Lot 81, D.L. 143 and 148, Plan 51478
8700 Maple Grove Crescent - located on the south slope of Burnaby Mountain and consists of Enclave 3 of the Burnaby 200 Plan.
The intent of the proposed rezoning bylaw is to accommodate the development of low density multiple family housing in accordance with the adopted Community Plan.
8. FROM COMPREHENSIVE DEVELOPMENT DISTRICT (CD), BASED ON THE
RM5 AND C3 GUIDELINES, TO COMPREHENSIVE DEVELOPMENT DISTRICT
(CD), BASED UPON THE P2, P6 AND RM5 GUIDELINES
"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 48, 1982" - BYLAW NO. 7947
Rezoning Reference #35/82
Lot 36, Group 1, D.L. 120, Plan 25111 N.W.D.
4455 Halifax Street - located at the northwest corner of Willingdon Avenue and Halifax Street.
The intent of the proposed rezoning bylaw is in order to construct a three phased development with the first two phases being three storey training school office buildings for B.C. Telephone Co. and the third phase being a high rise point block residential tower of 24 storeys situated at the westerly end of the site.

9. PROPOSED TEXT AMENDMENT TO ZONING BYLAW FOR PROVISION OF IN-LAW SUITES IN R9, R4 and R5 RESIDENTIAL DISTRICTS

"BURNABY ZONING BYLAW 1965, AMENDMENT BYLAW NO. 41, 1982" - BYLAW NO. 7938

It is proposed that the existing in-law suite regulations as set out in Section 3 (Definitions) of the Burnaby Zoning Bylaw under Clause (3) "Accessory Use" designation be changed as follows:

- "(3) Any accessory use in an R1, R2, R3, R4, R5 or R9 District may include an in-law suite, subject to the following conditions:
- (a) Such an accessory use shall be permitted only within a dwelling unit occupied by the owner or his tenant.
 - (b) Not more than one in-law suite shall be permitted in any dwelling unit.
 - (c) The keeping of boarders or lodgers shall not be permitted in a dwelling unit in which an in-law suite has been provided.
 - (d) An owner or his tenant who intends to construct an in-law suite shall obtain a building permit from the Building Department and the said in-law suite shall comply with the requirements of all applicable bylaws and statutes.
 - (e) The owner of an in-law suite, whether already constructed or not, shall obtain an in-law suite licence from the Building Department and submit a sworn statutory declaration that the said in-law suite is or shall be occupied only by his parents, grandparents, sons or daughters (including their spouses and dependent children, or those of his tenant) and shall pay a fee of \$30.00 for the said licence.
 - (f) The number of adults accommodated by an in-law suite shall not exceed two.
 - (g) The owner of an in-law suite or his tenant occupying an in-law suite shall renew annually the said in-law suite licence, paying a renewal fee of \$30.00.
 - (h) When applying for a renewal in-law suite licence, the owner or his tenant shall submit a sworn statutory declaration that the said in-law suite continues to be used in accordance with the provisions of this bylaw.
 - (i) The owner of an in-law suite shall enter into a restrictive covenant with the municipality registrable in the Land Title Office against his land to use the said land, including the in-law suite constructed thereon in accordance with the provisions of this bylaw, and to discontinue the use of the in-law suite whenever it shall no longer be occupied or shall no longer be occupied in accordance with the provisions of this bylaw, and thereafter to use his principal building (without the in-law suite) in accordance with the provisions of this bylaw."

All persons who deem their interest in property affected by the proposed bylaws and who wish to register an opinion may appear in person, by attorney or by petition at the said Hearing.

A copy of the proposed bylaws may be inspected in the office of the Municipal Clerk at 4949 Canada Way, Burnaby, B.C. during regular business hours from Friday, 1982 August 06 at 12:00 h up to 16:30 h on Tuesday, 1982 August 24.

JAMES HUDSON
MUNICIPAL CLERK