

**MINUTES OF REGULAR MEETING OF CITY COUNCIL HELD WITHIN THE COUNCIL CHAMBER ON MONDAY THE 2nd DAY OF OCTOBER 1911 AT 8 O'CLOCK P.M.**

Present: His Worship Mayor McNeish, presiding  
Alderman McRae  
Alderman Henderson  
Alderman Dick  
Alderman Smith  
Alderman Biss  
Alderman Kittson

The minutes of the Regular meeting of the 25<sup>th</sup> September, copies of which had been previously furnished to each member of the Council were taken as read and on motion of Alderman Henderson and Alderman Biss adopted.

Communications were received, read and dealt with as follows:

From Herbert Day again requesting sidewalk to be laid on 18<sup>th</sup> Street between Jones and Mahon Avenues. Referred to Board of Works.

From W.A. Tolmie making application for sidewalk to be laid on north side of 14<sup>th</sup> street East between Lonsdale Avenue and St. George's Avenue. Referred to Board of Works.

From Louis English making application for sidewalk to be laid on 11<sup>th</sup> Street and Sutherland Avenue. Referred to Board of Works.

From R.T. Blackburn requesting permission to take one or two loads of turf from foot of Bewicke or some nearby street end. On motion of Alderman Dick and Alderman Henderson resolved that permission be granted.

From Sydney Jefferd making application for permission to connect premises, corner Forbes and 15<sup>th</sup> with sewer. On motion of Alderman Henderson seconded by Alderman Dick resolved that City Engineer be empowered to submit estimated to all owners making application for sewer connections and if satisfactory and provided owners deposit estimated cost of work with City Treasurer the City Engineer be and is hereby empowered to proceed with the work.

From R. McMilland and Hugh A. MacDonald requesting grades to be established for Lots 17 and 18, Block 105, D.L. 550 both on Keith Road and Lyon Place. On motion the City Engineer was instructed to give temporary grade as near as possible as may be to permanent grade.

Claim received from S. Hardman for \$50.00 cost of moving cottage at foot of St. David's Avenue was on motion of Alderman Henderson and Alderman Kittson authorized to be paid.

From C. Gardiner Johnson & Co. giving notice that they would claim a lien for \$352.00 price of sewer pipe supplied to R.E. Lee. Referred to City Engineer for report.

From McDougall & Co. claiming \$125 for replacing box culverts on Mahon Avenue with new timber made necessary in order to successfully carry out Mahon Avenue storm sewer contract. Referred to City Engineer for report.

From Geo. D. Hoyland making application for 1 ½" water service to be laid to apartment house being erected on Lot 21, Block 130, D.L. 274, 3<sup>rd</sup> Street. Referred to Water Committee for report.

From A.R. Gibson making application for 30 days extension of time in which to complete 2<sup>nd</sup> Street grading contract. On motion of Alderman Dick seconded by Alderman Smith resolved that extension be allowed.

From W.L. Keene making application for sewer connection to St. John's Rectory situated on Lot 6, Block 111, D.L. 548. Referred to City Engineer.

From McDougall, Jenkins Engineers Ltd. directing Council's attention to fact that owing to the level of the street being several feet higher than the floor of their works a considerable quantity of water finds its way down under their machine shop and would in time cause danger to life in their foundry. Referred to City Engineer for report.

From London & British North America Co. Ltd. with reference to claims for broken glass and defective drainage in the building belonging to Balfour Ker on the Esplanade. The Board of Works reported result of investigation.

It was found that a certain amount of inconvenience had been caused by seepage from sub soil drain. It was also found that the actual damage to furniture and ceiling of the building had been caused by what Committee considered defective plumbing. Alderman Dick concurred in the Committee's finding. He considered that if the plumbing had been properly constructed in the first place damage would have never occurred. The pipes were not of sufficient size to carry away water from the upper floor. There was no septic tank connected with the building.

Council refused to recognize liability in this matter. With reference to claims for broken glass, Alderman Dick moved that bill for replacement of transoms be allowed. Motion was seconded by Alderman Henderson and agreed to.

From City Engineer with statement of meter readings for quantity of water used by District of North Vancouver for quarter ending September 30<sup>th</sup>, 1911. Engineer reported that 12 meters out of 18 were out of order including practically all the large ones. The readings accounted for amounted to 17310 cubic feet, representing an income for the last three months of \$17.31. The District had not yet repaired the meters as requested to do so by City Council. Alderman Smith favored water supply being cut off. Alderman Dick was of opinion that City Council should repair the meters and recover cost from the District. It was ultimately referred to the Water Committee with full power to act and to report to the Council Thursday evening.

The City Engineer reported that he had inquired into the bill presented by Mr. J.J. Doran for moving City blacksmith shop. The work had not been authorized by the Board of Works Foreman and as far as he could ascertain Doran had been sent to move the waterworks blacksmith shop by the Cartage Company and had already been paid for the work.

On motion of Alderman Henderson resolved that Mr. Doran and Works Foreman be requested to attend the Board of Works meeting on Thursday Evening.

From City Engineer reporting that B.C. Electric Railway Co. wish to put pole line on 22<sup>nd</sup> Street between Lonsdale & Chesterfield Avenue. That the present street was only 38' in width and it had been suggested that the School Board should give 28' off the School grounds to make the street allowance 66' in width. The City Clerk was directed to communicate with the School Board and ascertain if it was their intention to give this extra strip of land to make 22<sup>nd</sup> Street the required width.

From City Engineer reporting that the planks from the old sidewalk which existed on the West side of Lonsdale avenue from 22<sup>nd</sup> to 25<sup>th</sup> Streets were too old to be re-laid and he recommended that a new wooden walk be constructed on the West side from 22<sup>nd</sup> to 25<sup>th</sup> Street. From 21<sup>st</sup> to 22<sup>nd</sup> and from 25<sup>th</sup> to City Limits he had re-laid the old plank walk which was not wide enough to accommodate traffic. He was of the opinion that 6' sidewalk should be constructed. Referred to Board of Works.

From City Engineer reporting that he had inquired into the question raised by Mr. Fawcett as to whether the Contractor was making slopes of one to one on the south side of 2<sup>nd</sup> Street opposite Mr. Fawcett's house. He found that the Contractor had graded the street the full width and that the owner of the property in question had made private arrangements with the Contractor to make a slope of one to one on his own property. On motion of Alderman Kittson, Mr. Fawcett to be advised of the circumstances.

From City Engineer with report regarding the storm sewer contracts carried out by Messrs. Romano, Pinto & Company.

Re Chesterfield Avenue storm sewer, the Contractors claimed a balance of \$153.45. The City Engineer had issued a certificate for \$92.45 which had been passed by the Council.

Re St. George's Avenue storm sewer, the Contractors claimed a balance of \$11.35 certificate had been issued and passed by the Council for \$13.00.

Re St. Andrew's Avenue storm sewer, the contractors claimed a balance of \$180.70. The Engineer had issued a certificate for \$138.70 which had been passed by the Council.

Re St. Patrick's Avenue storm sewer, the contractors claimed a balance of \$988.65. The City Engineer had deducted \$450.00 for 15 days over time and issued the certificate for \$132.00 for extras which together with \$144 for lumber retained by Contractor left a balance of \$242.65 in dispute and for which the City Engineer had already allowed \$40.00.

Alderman Dick was in favor of upholding the Engineer's estimates. Alderman Henderson favored differences between Engineer and Contractor being referred to independent expert for arbitration. He thought Council should remit the penalties for over time. Alderman Smith thought course suggested by Alderman Henderson a wise and fair one. It would save both trouble and expense. Alderman Kittson and Alderman Biss thought matter should be left entirely in the hands of City Engineer.

A further letter was read from the City Engineer with statement showing the amount of money which would be due to Romano, Pinto & Company on their 3<sup>rd</sup> Street sewer contract and the sewer in the lane East of Lonsdale Avenue provided they were adhering to the terms of their contract which he considered they were not doing. The work on the sewer in the lane East of Lonsdale Avenue was being proceeded with in the same manner as that on the 3<sup>rd</sup> Street sewer. Romano, Pinto & Co. had not been working on 2nd Street sewer since September 19<sup>th</sup>, although the injunction obtained against them would not prevent them from proceeding to finish the contract according to specifications. A few heavy rains would do considerable damage to the sewer trenches as very few had any timber to support the sides.

After some further discussion it was decided to leave this matter in abeyance pending decision of Judge in matter of application for injunction.

From H.E. Kemp, Secretary-Treasurer, North Vancouver City Ferries, Limited with financial statements of the Company from July 1<sup>st</sup>, 1909 to July 31<sup>st</sup>, 1911 and report from Company's auditor. The Clerk was directed to furnish each member of the Council with a copy.

From North Vancouver City Ferries limited with statement of traffic receipts for the month of September, 1911. The total receipts amounted to \$11,917.05; comparative figures were September 1909, \$5,357.25; September 1910, \$8,812.25.

A plan of subdivision of Lot 8, Block 4, D.L. 616, approved of by the City Engineer was not approved of by the Council on ground that access was not provided to lane or street on either side of the property. The Clerk was directed to obtain the Solicitors opinion as to Council's power to withhold approval in such cases.

A plan of subdivision of Lots 1, 2, 3 and 4, Block 7, D.L. 616, previously certified correct by the City Engineer was on motion of Alderman Henderson and Alderman Smith approved by the Council.

The City Engineer submitted plan of proposed subway under CPR tracks at the Ferry crossing in the City of Vancouver. The City Engineer was instructed to prepare a descriptive specification of the work together with cost and the Clerk directed to forward copies of the plan and specification to the Board of Railway Commissioners. The Council of the City of Vancouver and the CPR Company interested parties in the undertaking.

Reports and recommendations by the Finance (General, Schools, Board of Health, Police), Board of Works, (Local Improvement), Waterworks, Fire and Light and Parks Committees on due accounts were submitted and read to the meeting and the Treasurer was authorized to pay the accounts to the amounts following:

Finance (General)	\$557.00
Finance (Schools)	4,960.00
Finance (Health)	222.00
Finance (Police)	640.00
Board of Works	576.32
Board of Works, Local Improvement	6,461.89
Waterworks	431.35
Fire and Light	806.79
Parks	92.00

The report of the Water Works Committee as contained in the Committees minutes of September 28<sup>th</sup>, as amended by the addition of Clause respecting flat water rates was on motion adopted. The report of the Fire & Light Committee as contained in the Committees minutes of 28<sup>th</sup> instant was read to and adopted by the Council.

The report of the Finance Committee as contained in the Committees minutes of the 28<sup>th</sup> instant was read to and adopted by the Council.

The Board of Works Committee submitted the following report:

“Your Board of Works reports that it met on Monday morning, October 2<sup>nd</sup>, on District Lot 552, to consider the reference from the Council on the application of the McAlpine, Robertson Construction Company for the permanent grading of those roads on this subdivision referred to in the petition received from the owners. There were present Alderman Henderson, Alderman McRae and Alderman Smith.

The Board went over the rough graded roads and bearing in mind Mr. Fell's previous application relative to this matter recommended that provided the owners of the property are willing to take the City Debentures at par of the Engineer's assessment of the actual cost of the works the Council deals with the application as early as possible under Clause 148A, Section 50, of the Municipal Clauses Act, provided such Debentures are held until maturity exclusively by the private owners, so as not to conflict with issues made by the Council through its Fiscal Agents.”

On motion of Alderman Dick seconded by Alderman Henderson resolved that report be adopted on condition that it apply only to either Fell or Hamilton Avenue. Alderman Kittson dissenting.

Alderman Dick reported that the Contractors for grading 1<sup>st</sup> Street East had on several occasions damaged the water main in filling in at the bridge. On motion of Alderman Henderson seconded by Alderman Smith resolved that Engineer be instructed to provide necessary men to prevent recurrence and charge expense to work of Local Improvement.

A letter was read from the City Solicitor in regard to the question of damage to property abutting on a street by reason of lowering of the grade stating that he was of the opinion that in such case the owner had a right to arbitration under section 257 of the Municipal Clauses Act on the ground that his property had been injuriously effected by the exercise by the City of its Corporate powers. This opinion was in accordance with a decision of Mr. Justice Clement in the case of the Bishop of New Westminster vs. City of Vancouver. The provision in the City of Vancouver Act of Incorporation was similar to Section 251 of the Municipal Clauses Act. As to whether the making of compensation for damage done could be thrown upon the Contractors where the injury was caused by blasting and might have been avoided if the work of lowering the grade had been carried out in some other way. He would give the matter further consideration before expressing a definite opinion.

From City Solicitor with letter received from Water Commissioner at New Westminster advising that the water records on Lynn Creek were as follows:

Moodyville Saw Mill Co. Record No. 42, dated 11<sup>th</sup> June, 1883, 300" of which was assigned to District of North Vancouver on 30<sup>th</sup> August 1904.

District of North Vancouver, Record No. 274, 1274", dated 15<sup>th</sup> June 1908.

From the Deputy Minister of Lands, Victoria advising that application had been made to the department by the Municipal Council of the District of North Vancouver for crown grants of Lots 1363 and 1413 and that in view of the provision of the Act of Incorporation of the City of North Vancouver passed by the legislature on the 12<sup>th</sup> March, 1906 the department was in doubt about the issuance of the Crown grants and would be pleased to hear if the City Council had any objections to the grants being issued to the Municipal Council of the District of North Vancouver.

On motion of Alderman Kittson seconded by Alderman Dick resolved that Council protest against Crown grants of Lots 1363 and 1413 being issued to the Council of the District of North Vancouver and that the Mayor be and is hereby authorized to take this question up with the Executive Council while in Victoria and if necessary to tender payment for purchase of the lots in question.

Council thereafter adjourned.

Signed: Wm. McNeish, Mayor