

## INTER-OFFICE MEMORANDUM

TO: CHAIR AND MEMBERS  
PUBLIC SAFETY COMMITTEE

DATE: 2018 JUNE 12

FROM: CITY CLERK

FILE: 02410-01

**SUBJECT: HIGHGATE GREENWAY CONCERNS**  
(ITEM NO. 7(3), MANAGER'S REPORTS, COUNCIL 2018 JUNE 11)

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Burnaby City Council, at the Open Council meeting held on 2018 June 11, received the above noted report and adopted the following recommendations contained therein:

1. **THAT** this report be received for information purposes.
2. **THAT** a copy of this report be provided to the Public Safety Committee for information purposes.
3. **THAT** a copy of this report be sent to:
  - a) Diane Pesic, 302-7063 Hall Ave., Burnaby, BC, V5E 0A5
  - b) Bea Weal, 502-7063 Hall Ave., Burnaby, BC, V5E 0A5

In accordance with Recommendation No. 2, a copy of the report is attached for your information.



Kate O'Connell  
City Clerk

KO:rj

Copied to: Director Public Safety and Community Services

**TO:** CITY MANAGER**DATE:** 2018 June 5**FROM:** DIRECTOR PUBLIC SAFETY AND  
COMMUNITY SERVICES**SUBJECT: HIGHGATE GREENWAY CONCERNS****PURPOSE:** To respond to issues raised by a delegation regarding the safety of residents in the Highgate Greenway area.

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**RECOMMENDATIONS:**

1. **THAT** this report be received for information purposes.
2. **THAT** a copy of this report be provided to the Public Safety Committee for information purposes.
3. **THAT** a copy of this report be sent to:
  - A. Diane Pesic, 302-7063 Hall Ave., Burnaby, BC, V5E 0A5
  - B. Bea Weal, 502-7063 Hall Ave., Burnaby, BC, V5E 0A5

**REPORT****1.0 INTRODUCTION**

Council at its meeting on 2018 May 28 received a delegation which presented a petition containing 359 signatures of residents from five buildings surrounding the Highgate Greenway. The petition stated:

We, the undersigned, petition the City of Burnaby, the ongoing gathering of disorderly persons gathering at 7150 Arcola Way (the Green space to the north of the B.C. Liquor Store).

The petition is submitted due to public drinking and drug use at the mentioned site, leading to loud swearing and at times rowdy partying particularly during the afternoon and evening hours. Residents, being the children and adults in the surrounding buildings should not have to be exposed to such activities. Many residents are afraid of their safety being compromised by walking through the public access, and will take other routes to reach the shopping centre.

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We, the residents of all five buildings surrounding the Strata, with a sum of 800 units, request Council to take initiatives to have the police attend the area more frequently and attempt to quell the issues mentioned.

Arising from the delegation presentation, Council requested staff to report back on the issues raised by the delegation and forward a copy of the report to all delegates.

## **2.0 POLICY SECTION**

The review of concerns raised by the delegation at Highgate Greenway is aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the plan:

### **A Safe Community**

- Crime prevention and reduction
- Community amenity safety

### **An Inclusive Community**

- Create a sense of community

### **A Healthy Community**

- Healthy environment

## **3.0 HIGHGATE GREENWAY**

Highgate Greenway was established in 1998 March as a result of rezoning #63/97. It was due to the development's significant size and location within the Highgate Town Centre Core that public amenities were included as part of the development. These amenities consist of an urban trail/access drive through the site on the Arcola street alignment, as well as a Town Square and a public garden area (Highgate Greenway) of approximately 13,000 sq. ft. north of the urban trail connecting to a landscaped public pathway linking to Salisbury and Hall Avenues at the Balmoral Street intersections.

A Statutory Right of Way was required for the maintenance by the private owner and public use of the urban trail and adjacent access road through the site. Public rights-of-way were also required for the public open spaces and other pedestrian pathways on site. A covenant was registered to guarantee future provisions for the site and states "The Grantor further covenants and agrees with the Grantee to do no act nor construct anything in upon, above or under the Right of Way Area to impede the free and uninterrupted passage of the public or the Grantee".

The Greenway and the surrounding buildings contain design elements required by the covenant which include fencing, pathways, vegetation, access points and public art. The Greenway is very popular and well attended by both residents in the area and the public

due to the parklike setting and pathways to amenities such as shopping, dining and fitness studios. The Greenway public access (Attachment 1) area has four benches located immediately north of Arcola Way at the entrance of the Greenway.

#### **4.0 RESPONSE TO ISSUES RAISED BY DELEGATION**

The delegation raised concerns of public consumption of alcohol and drugs, non-residents loitering around the Greenway during the late afternoon and into the evening hours, raucous activity, property damage along with public urination and defecation. These activities in turn detract from the quality of life for the residents in the buildings surrounding the Greenway and at times cause the residents to fear for their safety as they walk through the Greenway to access nearby facilities. The delegation spoke specifically as to how the benches in the Greenway are used by individuals to congregate and loiter as they consume alcohol or drugs. The delegation enquired as to the ability to have the benches removed from the Greenway to deter unwanted activity.

#### **4.1 RCMP**

The delegation advised Council they have complained to the RCMP on multiple occasions with no results and have in effect been told there is nothing the Police can do. Of note, there is a Community Police Office (CPO) located in one of the buildings located at the edge of the Greenway (7161 Arcola).

The RCMP has reviewed calls for service specific to the Greenway area over the past year and advises the following:

- All calls or requests for service, including walk-ins to the CPO have been responded to including attendance by a police officer.
- During the summer months of 2017 there was specific increased attendance and enforcement by the RCMP due to the number of complaints received from local residents.
- The majority of complaints received by the RCMP have been for liquor related offences such as public consumption or intoxication.
- The majority of individuals committing these liquor related offences reside in the apartment buildings surrounding the Greenway.
- A large number of individuals involved in the liquor offences are in wheelchairs or have other mobility issues.
- There is an ongoing problem with residents (many of whom are seniors) from the buildings surrounding the Greenway, going into the Greenway to consume alcohol.
- There has been only one criminal complaint received, which was an assault and has resulted in charges being laid.

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In response to the ongoing issues at the Greenway, the RCMP has undertaken the following actions:

- Members of the delegation will be interviewed to ensure an accurate and complete understanding of the issues, specific to locations, suspected individuals, patterns, etc.
- Implemented a foot patrol occurring multiple times a day and into the evening specifically targeting liquor related offences in the Greenway.
- The RCMP has identified specific individuals who have offended on multiple occasions and will be targeted for increased enforcement.
- A Crime Prevention Through Environmental Design (CPTED) analysis will be initiated to determine what possible environmental and design elements of the Greenway could be addressed to reduce illegal activity.
- The Community Police Advisory Committee (CPAC) operating out of the neighboring CPO will liaise with the Strata's bordering the Greenway to seek out interested residents to join the CPAC to assist in identifying problems and subsequent solutions.

#### **4.2 City of Burnaby Services**

Although the Greenway is private property, there is a registered covenant for uninterrupted passage of the public which could result in complaints being received by the City in regards to the Greenway and neighboring areas of loitering, homelessness, littering, etc. A search was undertaken for any requests for City services in or around Highgate Greenway area with negative results.

As a result of the delegation, the Director of Public Safety and Community Services attended the Greenway and neighboring area and visually inspected the areas of concern. The inspection was conducted at noon on a weekday and confirmed several individuals seated on the benches whose behaviour appeared consistent with the concerns raised by the delegation. It is unknown if these individuals were residents in any of the neighboring buildings.

With the issues identified by the delegation and confirmed by the RCMP and City staff, the City Licence Department will undertake the following actions:

- Arrangements have been made to meet personally with the delegation at the Greenway to confirm problem areas and discuss mitigation strategies.
- Include the Greenway and neighboring areas in the patrol schedule of the City Bylaw Bike Patrol.
- Property Use Coordinators will include the Greenway and surrounding area in their routine inspections of locations known to be of concern for non-compliant property use.

- Meet with the BC Liquor Control and Licensing Branch regarding restricting the sale of single bottles of beer from the Highgate BC Liquor Store.

In consultation with the Planning Department, the removal of the benches in the public access area immediately north of Arcola Way would be supported. The removal would not be inconsistent with the registered covenant and would not materially affect the primary function of the Greenway which is to provide neighborhood connectivity.

#### **4.3 Strata – Management Companies**

There are currently four management companies contracted by the Stratas of the five buildings surrounding the Greenway. The Stratas contribute towards the overall maintenance of the Greenway and have significant responsibility and ownership of the issues brought forward by the delegation.

City staff from the Licence Department have been contacting the management companies and Stratas to ensure they are aware of the concerns raised by the delegation and confirmed by City staff and the RCMP. In addition, the Stratas and management companies will be instructed to have mitigation strategies in place to ensure compliant use of the Greenway.

#### **5.0 SUMMARY**

Although the Highgate Greenway is privately owned and maintained, there is a covenant in place that the public is to have unobstructed access. The majority of the concerns brought forward by the delegation, appear to be related to the activities of residents in the buildings surrounding the Greenway. That being said, due to the significant public access at the site, non-residents have at times also contributed to the ongoing issues identified by the delegation. Investigation and follow up will continue by the RCMP, City staff and Stratas to accurately identify the non-compliant activity, the status of the individuals involved (resident or non-resident) and the appropriate response to curb the activities.

The delegation who appeared before Council on 2018 May 28, has also requested to appear as a delegation before the Public Safety Committee (PSC) and has been placed on the PSC agenda for 2018 July 17. Additional information obtained by the RCMP and City staff resulting from the follow up mitigation activities outlined in this report, will be provided at the 2018 July 17 PSC.

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## 6.0 RECOMMENDATION

That a copy of this report be received for information purposes and a copy of this report be sent to Diane Pesic and Bea Weal who appeared as a delegation before Mayor & Council.



Dave Critchley  
DIRECTOR PUBLIC SAFETY AND COMMUNITY SERVICES

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Copied to: OIC Burnaby Detachment  
Director Planning  
Director Engineering



## Highgate Greenway - Public Access

