

## CHAPTER 29

## Resort Municipality of Whistler Amendment Act, 1979

[Assented to July 31, 1979.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. The Resort Municipality of Whistler Act, S.B.C. 1975, c. 67, is amended by adding the following sections:

Interpretation

14. In sections 14 to 22,
  - "association"
    - means the association incorporated under section 15;
  - "bylaws"
    - means the bylaws of the association;
  - "owner"
    - means
      - (a) the owner of an estate in fee simple registered, or
      - (b) the holder of an agreement for sale last registered under the Land Registry Act and includes the holders of Crown leases and rights of way described in Schedule B;
  - "registrar"
    - means a registrar as defined in the Land Registry Act;
  - "resort land"
    - means the land described in Schedule B and land deemed to be resort land under section 17 (2) or a lot, strata lot or other parcel into which the land is subdivided.

Corporation established

15. There is established a corporation known as the Whistler Resort Association.

Purpose and powers

16. (1) The purpose of the association is to promote, facilitate and encourage the development, maintenance and operation of the resort land.  
(2) The association may acquire and dispose of real and personal property.

Membership

17. (1) The owners of resort land and persons admitted under subsection (2) constitute the members of the association.

(2) A person who

(a) owns or carries on business on the resort land,

(b) is an occupier of resort land, or

(c) is an agent of an owner of resort land

may in accordance with the bylaws become a member of the association.

(3) An owner of land in the municipality that is not described in Schedule B may in accordance with the bylaws become a member of the association and on becoming a member his land shall be deemed to be resort land.

Application of Acts

18. (1) The Companies Act does not apply to the association.

(2) The Lieutenant Governor in Council may order that specified provisions of the Companies Act and Societies Act apply to the association.

(3) The association shall be deemed to be a reporting society under the Societies Act in respect of those provisions specified under subsection (2).

Bylaws

19. (1) The association may make bylaws that may include provisions for

(a) classes of membership,

(b) admission of members under section 17 (2) and (3),

(c) voting rights of members, and

(d) levying of assessments on members.

(2) The first bylaws of the association shall be those recommended by the municipality and approved by the Lieutenant Governor in Council and shall be filed under the Societies Act.

(3) The bylaws may only be added to, amended or repealed in accordance with their provisions and with the approval of the municipality and the Lieutenant Governor in Council.

(4) The bylaws bind the association and its members to the same extent as if the bylaws had been signed and sealed by the association and each member and contained covenants on the part of the association with each member and on the part of each member with every other member and with the association to observe and perform all the provisions of the bylaws.

Oppressive acts

20. Where a member of the association alleges

(a) that the affairs of the association are being conducted or the powers of the association are being exercised in a manner oppressive to one or more members, including himself, or

(b) that an act of the association has been done or is proposed or that a resolution of the members has been passed or is proposed that is unfairly prejudicial to one or more members, including himself,  
the member may apply to the Supreme Court for relief.

Notation on title

21. In addition to the exceptions, reservations or limitations set out in section 38 (1) of the Land Registry Act, the resort land is on the coming into force of this Act subject to sections 14 to 22 of this Act and the bylaws without special endorsement on the certificate of title; and the registrar may, and on application of the association shall, make the following notation on every certificate of title of resort land issued on or after the coming into force of this Act:

This land may be subject to sections 14 to 22 of the  
Resort Municipality of Whistler Act and the bylaws of  
the Whistler Resort Association filed under the Societies Act.

Levies

22. (1) An assessment levied under the bylaws constitutes a debt.

(2) Where an owner of resort land defaults in the payment of an assessment levied against him under the bylaws, the association may,

- (a) in respect of the Crown leases and rights of way described in Schedule B, file with the Ministry of Lands, Parks and Housing a certificate showing the amount owing, and
- (b) in respect of other resort land, register in the land registry office a certificate showing the amount owing and the legal description.

(3) Where a certificate is filed or registered under subsection (2) it is a charge for the amount owing in favour of the association, in priority to every other lien or charge of whatever kind except those created under the Mechanics' Lien Act and those of the Crown, other than mortgages in favour of the Crown.

(4) The association shall, on satisfaction of the debt, file with the registrar a release in a form acceptable to him.

(5) An owner or other person claiming an estate or interest in or charge on resort land may apply to the Supreme Court to require the association to show cause why a certificate filed or registered under subsection (2) should not be removed.

(6) On an application under subsection (5) the court may make any order the court considers appropriate.

2. The following is added as Schedule B:

## SCHEDULE B

## RESORT LAND

1. District Lots 3866 and 3903  
Group 1  
New Westminster District
2. All land formerly described as or formerly included in:  
Block B  
District Lot 3020 and District Lots 1902 and 3865  
All of Group 1  
New Westminster District
3. Block A  
District Lot 5316  
Group 1  
New Westminster District
4. District Lot 4751 except parts included in:  
Plans 5608, 6495, 10785 and 17369  
Group 1  
New Westminster District
5. The lands leased under Crown leases issued under the Land Act  
and recorded with the Ministry of Lands, Parks and Housing un-  
der numbers 27918, 29848 and 30473
6. The lands within Crown rights of way issued under the Land Act  
and recorded with the Ministry of Lands, Parks and Housing un-  
der numbers 1290, 643, 1957, 1868, 771, 1941, 2339, 2505