



CHAPTER 59.

An Act relating to the Corporation of the City of
Victoria.

[Assented to 14th March 1928.]

WHEREAS the Corporation of the City of Victoria has by its Preamble
petition represented that the said city is a municipality within
the meaning of the "Municipal Act" and "Local Improvement
Act," and that it is desirable, in the interests of the inhabitants and
ratepayers of the said municipality, to enact the provisions herein-
after contained, and has prayed that the same may be enacted
accordingly:

And whereas it is expedient to grant the prayer of the said
petition:

Therefore, His Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts as
follows:—

PART I.

TITLE AND INTERPRETATION.

1. This Act may be cited as the "Victoria City Act, 1928."

Short title

2. In the construction of this Act the following words or expres-
sions shall have the following meanings, respectively, unless the
context shall require a different meaning:—

Interpretation of
terms

"Corporation" shall mean the Corporation of the City of
Victoria:

"Municipality" shall mean the Municipality of the City of
Victoria:

"Council" shall mean the Municipal Council of the Corporation
of the City of Victoria.

In defining any word or expression used in this Act not by this
Act expressly defined, reference may be had to the provisions of the
"Municipal Act," the "Local Improvement Act," and the private
Acts of the Corporation of the City of Victoria heretofore enacted.

PART II.

MISCELLANEOUS.

S. 28, "Victoria City Act, 1920," repealed.

Amend s. 6 of "Victoria City Act, 1923."

3. Section 28 of the "Victoria City Act, 1920," is repealed.

4. (a.) Subsection (a) of section 19 of the "Victoria City Act, 1921," as enacted by section 6 of the "Victoria City Act, 1923," is amended by inserting after the word "days," in the twenty-eighth line thereof, the words "and notwithstanding the provisions of the 'Laws Declaratory Act' or any rule of law or equity to the contrary, the said purchaser, his heirs, executors, administrators, successors, or assigns, shall not have the right or be at liberty to commence or bring any suit or action against the Corporation for relief against the forfeiture or otherwise in respect of the cancellation of the agreement for sale or the retainer of the moneys paid to the Corporation under the agreement for sale."

(b.) Subsection (b) of section 19 of the "Victoria City Act, 1921," as enacted by section 6 of the "Victoria City Act, 1923," is amended by deleting the words "section 2 of the 'Municipal Act Amendment Act, 1919,' being chapter 63 of the Statutes of 1919," in the fifth and sixth lines thereof, and by inserting in lieu thereof the words "subsection (175) of section 54 of the 'Municipal Act,' being chapter 179 of the 'Revised Statutes of British Columbia, 1924,' and amendments thereto."

Amend s. 7 of "Victoria City Act, 1923."

5. Section 22 of the "Victoria City Act, 1921," as enacted by section 7 of the "Victoria City Act, 1923," is amended by adding after the word "land," where it first appears in the sixth, thirteenth, and sixteenth lines of said section, the words "or land and improvements."

Amend subses (4) and (5) of s. 17 of "Victoria City Act, 1922."

6. Section 17 of "Victoria City Act, 1922," is amended by deleting subsections (4) and (5) of said section, and inserting the following in lieu thereof:—

"(4.) In case of default in the due and full payment in or for any year of any of the amounts required by subsection (3) of this section to be paid in respect of any parcel of land therein referred to, and such default having continued for a period of twelve months, the Corporation shall not be bound to grant any further extension of time for the payment of the said principal sum except as hereinafter provided.

"(5.) (a.) Within ninety days after the expiration of the last mentioned period of twelve months the Collector of the Corporation shall send a notice by registered mail to every person who at the date of mailing said notice shall appear in the records of the Land Registry Office at the City of Victoria as owner of, or as holder of a registered charge on, or as owning an interest in, the said parcel of land, to the effect that if the whole balance of the principal sum with interest thereon to date of payment thereof, together with all taxes,

penalties, and interest accrued due and payable in the meantime in respect of the said parcel of land, be not paid to the Corporation within sixty days of the date of the mailing of the said registered notice, the said parcel of land shall become vested in the Corporation free from all encumbrances; the provisions and procedure for the mailing of the said registered notice shall be the same as set out in clauses (a), (b), and (c) of section 260 of the 'Municipal Act.'

"(b.) If the total amounts mentioned in paragraph (a) of this subsection be not paid to the Corporation before the expiration of the said period of sixty days from the mailing of the required notice, the said parcel of land shall become vested in the Corporation free from all encumbrances.

"(c.) The Registrar of Titles, upon the Collector filing with him a statutory declaration of the continuance of the default until after the expiration of the said period of sixty days and of the mailing of the registered notice herein referred to, shall cancel all charges or encumbrances of whatever nature then appearing in the records of the Land Registry Office against the said parcel of land, and shall cause the said parcel of land to be registered in indefeasible fee in the Corporation of the City of Victoria free from all encumbrances, and no action shall be brought to recover the land so vested and no action shall be brought against the Registrar of Titles under the 'Land Registry Act' or against the Collector of the Corporation in respect of the vesting of the said land or the issuance of a certificate of title thereto; nor shall any action be brought against the Corporation in respect of any loss or damage sustained by any person by reason of the vesting of said parcel of land in the Corporation or the issuance of a certificate of title thereto pursuant to this section, except on the following grounds:—

- "(1.) That said parcel of land was not liable to be taxed during the years in which the taxes included in the principal sum in respect of said parcel were imposed
- "(2.) That no default had occurred in any payment required by subsection (3) of this section:
- "(3.) That notice was not given as required by clause (a) of this subsection:

"Provided, however, that no action shall be brought to recover indemnity or compensation under this section for any such loss or damage after the expiration of one year from the date of the vesting of said parcel of land in the Corporation."

7. Section 17 of "Victoria City Act, 1922," is further amended by adding thereto the following subsection:

"(7.) Lands that become vested in the Corporation pursuant to the foregoing provisions of this section shall be deemed to be lands that have been acquired by the Corporation pursuant to tax-sale proceedings."

Lands vested in
Corporation become
tax sale properties

Notice in case of
twelve months'
default.

8. Where, prior to the passing of this Act, default in the due and full payment to the Corporation in or for any year of any of the amounts mentioned in subsection (3) of section 17 of the "Victoria City Act, 1922," in respect of any parcel of land therein referred to has continued for a period of twelve months or more, the notice required by clause (a) of subsection (5) of said section as amended by this Act shall be validly given if sent within sixty days after the passing of this Act.

Lands of Corpora-
tion subject to
assessment and
taxation

9. The assessment and taxation of lands and improvements thereon referred to in section 214 of the "Municipal Act" shall take effect from the date of the agreement for sale, grant, or conveyance thereof, whether such agreement for sale, grant, or conveyance is registered in the Land Registry Office or not, and the said lands and improvements shall become charged from and after the said date with all general, local improvement, and other taxes and liens to as full an extent and with the like incidents as the said lands and improvements would have been charged if owned or occupied other than by the municipality, except that the taxes imposed thereon for the current year in which the sale, grant, or conveyance may be made shall be in the proportion which the unexpired portion of the said current year bears to the whole current year, and the Assessor and the Collector of the Corporation shall have power to correct their respective rolls for the purposes herein referred to, and the said rolls when so corrected shall be and continue to be as valid for all purposes as if the assessment roll as corrected had been passed by the Court of Revision for the said current year.

VICTORIA, B C

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