



CHAPTER 73.

An Act to amend the Greater Victoria
Water District Act.

[Assented to 18th March, 1960.]

1922, c. 28;
1937, c. 36;
1938, c. 21;
1940, c. 17;
1948, c. 102;
1949, c. 68;
1950, c. 83;
1951, c. 112;
1953, c. 48;
1955, c. 98;
1959, c. 77.

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

Short title.

1. This Act may be cited as the *Greater Victoria Water District Act Amendment Act, 1960*.

Amends s. 38.

2. Section 38 of the *Greater Victoria Water District Act*, being chapter 28 of the Statutes of 1922, as enacted by chapter 102 of the Statutes of 1948, is amended as follows:—

(a) By striking out subsection (1) and substituting and adding the following as subsections (1), (1a), (1b), and (1c):—

“(1) The Corporation, its agents or servants may, whenever the Corporation deems fit, enter into and upon the lands of any person within or without the district, and survey, set out, ascertain, and take and enter into possession of the whole or such parts of the lands as the Corporation may require for the purpose of

“(a) waterworks or catchment areas;

“(b) any part of a waterworks system; or

“(c) conveying electric motive force or other power for the operation of same;

and divert and appropriate any spring, stream, river, lake, or body of water, whether natural or artificial, as the Corporation judges suitable or proper or deems expedient.

“(1a) Forthwith after the taking and whether or not the Corporation has entered into possession, the Corporation shall cause to be filed in the Land Registry Office for the land registration district in which the

land is situate a notice of the taking, accompanied by a sufficient description or plan of the lands taken to enable the accurate determination of the area taken.

“(1b) After deposit of notice under subsection (1a), the Corporation shall cause to be published a copy of the notice in at least one issue of a newspaper published or circulated in the district in which the lands are situate.

“(1c) The deposit of a notice under subsection (1a) and the publication thereof under subsection (1b) is deemed to be notice to all owners and occupiers of or persons having any interest or right in the lands.”

(b) By striking out subsection (5) and substituting the following:—

“(5) The arbitrators shall determine, adjudge, award, and order the respective sums of money which the Corporation shall pay to the persons entitled, or as provided in subsection (11).”

(c) By striking out subsection (7) and substituting the following:—

“(7) Any award under this Act may be set aside on application to the Supreme Court of British Columbia in the same manner and on the same grounds as in arbitrations under the *Arbitration Act*, in which event a reference may again be made to arbitration, as hereinbefore provided.”

(d) By striking out clause (e) of subsection (9) and substituting the following:—

“(e) The compensation made or awarded under these subsections is in lieu of any compensation that would otherwise be payable, and payment thereof constitutes full satisfaction and discharge of all demands by a claimant in relation to the taking or expropriation by the Corporation.”

(e) By striking out subsection (11) and substituting and adding the following as subsections (11) and (12):—

“(11) In case the Corporation has reason to fear any claims or encumbrances on the lands, or against the compensation to be paid, or in case any person to whom compensation is payable cannot be found, or for any other reason, the Corporation may make payment of the amount of compensation agreed or awarded to the District Registrar of the Supreme Court at the City of Victoria, accompanied by a copy of the agreement or award, whereupon

“(a) the Supreme Court or any Judge thereof may, upon ex parte application by the Corporation, order that title to the lands, rights, or property comprehended in the agreement or award be vested in the Corporation; and,

“(b) upon application by the Corporation to the Registrar of Titles pursuant to the *Land Registry Act*, accompanied by the order, the Registrar of Titles shall register title in the name of the Corporation.

“(12) Where any land covered by the agreement or award is a part only of one or more parcels or tracts of land designated in the Land

Registry Office for the land registration district in which the land is situated by number, letter, or description, then the Registrar of Titles may require, before completion of registration, deposit of a subdivision plan or right-of-way plan in proper form with the seal of the Corporation duly impressed thereon, but notwithstanding the provisions of any other statute shall not require the signature or approval thereof by any other person or official."

Amends s. 86. **3.** Section 86, as amended by chapter 77 of the Statutes of 1959, is amended by striking out subsection (1) and substituting the following:—
“(1) The Corporation, and any property owned by the Corporation, is exempt from taxation under the *Municipal Act*, the *Public Schools Act*, and the *Taxation Act*.”