

CHAPTER 72

An Act to Amend the Vancouver Charter

[Assented to 20th March, 1964.]

Preamble.

WHEREAS the City of Vancouver has presented a petition praying that the *Vancouver Charter* be amended:

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

Therefore, 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 *Vancouver Charter Amendment Act, 1964*.

Re-enacts
s. 161A.

2. Section 161A of the said Act is repealed and the following substituted:—

“161A. Any regulatory by-law may provide for regulation by the use of permits and may fix a fee therefor, and any official authorized by by-law to issue a permit may delegate that authority to any person under his control.”

Amends
s. 193A.

3. Section 193A is amended by striking out clause (e) and substituting the following:—

“(e) notwithstanding the provisions of section 190, hold, lease, sell, or otherwise dispose of such property on terms deemed advisable by Council without obtaining the assent of the electors; provided, however, that any lease in excess of thirty years shall contain a provision for revision of the annual rental at intervals not greater than ten years.”

Re-enacts
s. 196.

4. Section 196 is repealed and the following substituted:—

“196. The Council may provide for the monthly remuneration of its members, not to exceed in the aggregate sixteen thousand dollars per annum in the case of the Mayor and forty-eight hundred dollars per annum in the case of an Alderman.”

Re-enacts
s. 239.

5. Section 239 is repealed and the following substituted:—

“239. (1) In respect of a debt so contracted, and subject to subsection (2), the by-law may provide for the issue of

“(a) debentures or stock the entire principal of which is payable at one fixed date, and the interest is payable annually or semi-annually. The by-law shall provide

“(i) that a sum shall be levied and raised in each year by way of real-property taxes sufficient to pay interest on the debt during the currency of the debentures or stock;

"(ii) that a sum which, with the estimated interest on the investment thereof at a rate not exceeding four per centum per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or stock when due, shall be levied and raised in each year by way of real-property taxes;

"(b) debentures the interest on which is to be paid annually or semi-annually and the principal of which is to be met by the payment of a specific sum or instalment in each year during the currency of the debentures. The by-law shall provide that a sum shall be levied and raised by way of real-property taxes in each year during the currency of the debentures for the payment of the interest, and that a sum shall be so levied and raised in each such year for the payment of the instalments of principal as they become due.

"(2) Where all or part of the moneys required to be levied and raised in any year under subsection (1) have been provided in advance in accordance with sections 262 and 247A, or either section, then the moneys so provided need not be levied and raised in that year."

Enacts
s. 245A.

6. The said Act is further amended by adding the following as section 245A:—

"245A. When a question is submitted to the electors pursuant to the provisions of section 184 or 245, or a by-law requiring the assent of the electors is submitted to the electors pursuant to this Part, it shall be lawful for Council to expend funds for the purpose of providing the electors with information with respect to the question or the by-law."

Enacts
s. 247A

7. The said Act is further amended by inserting immediately after section 247 the following:—

"247A. Where for any cause it appears expedient to provide funds in advance of requirements for the retirement at maturity of outstanding debentures of the City and the annual interest payments thereon, or either of them, the Council may by by-law provide that all or part of any surplus moneys be set aside in a debt repayment fund. The moneys so set aside may be invested in the manner provided in section 260 and the interest thereon shall form part of the fund. The moneys so set aside, together with any interest thereon, shall be used only for the purpose of reducing the annual levy required to be made under section 239 for outstanding debentures."

Re-enacts
s. 260

8. Section 260 is repealed and the following substituted:—

"260. The Council may invest any sums set aside for sinking fund purposes

"(a) in securities of or guaranteed by the Government of Canada or of or guaranteed by a Province of Canada; or

"(b) in securities of the Greater Vancouver Water District; or

"(c) in securities of the Greater Vancouver Sewerage and Drainage District; or

"(d) in securities of the city; or

"(e) in such other manner as the Lieutenant-Governor in Council may direct,

with power to vary such investments from time to time as the Council may deem expedient."

Amends
s. 306.

9. Section 306 is amended by striking out clause (k).

Further
amends s. 306.

10. Section 306 is further amended by striking out clause (l) and substituting the following:—

"(l) (i) for regulating the installation or alteration of plumbing and heating facilities in and about buildings and premises, including the materials to be used and the drains, pipes, and all means of connections with sewers, water-mains, and chimneys and the fixtures and apparatus in connection therewith;

"(ii) for fixing standards for plumbing and heating facilities and for ordering the removal or repair of any such facilities that do not comply with that standard."

Enacts
s. 336A.

11. The said Act is further amended by inserting immediately after section 336 the following:—

"336A. Council may by by-law or resolution empower any board or tribunal constituted under this Act, or any inspector, official, or other person, to order or direct any person

"(a) to discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that is in contravention of any by-law or any terms or conditions prescribed by such board or tribunal; or

"(b) to carry out any work or do anything to bring any land or building into conformity with the by-law applicable thereto, or into conformity with any terms or conditions prescribed by any such board or tribunal.

Enacts
s. 336B.

"336B. (1) Whenever any such board or tribunal, or any such inspector or official is empowered, pursuant to a by-law, to require any person by order, direction or notice

"(a) to discontinue or refrain from proceeding with any work or using or occupying any land or building or doing anything that is in contravention of any by-law or any terms or conditions prescribed by such board or tribunal; or

"(b) to carry out any work or do anything necessary to bring any land or any building into conformity with the by-law applicable thereto or into conformity with any terms or conditions prescribed by any such board or tribunal,

the by-law may provide that failure on the part of the person to whom the order, direction, or notice is given to comply therewith within the time prescribed shall constitute a violation of the by-law.

"(2) The onus would be on the prosecution to prove that any order given under section 336A was a lawful order."

Re-enacts
s. 371.

12. Section 371 is repealed and the following substituted:—

"371. (1) Notwithstanding the provisions of section 369, the Assessment Commissioner may, with the approval of the Assessment Commissioner appointed pursuant to the provisions of the *Assessment Equalization Act*, correct a manifest error in the real-property assessment roll; provided, however, that the assessed owner shall be notified in writing by the Assessment Commissioner of any change in the assessment roll.

"(2) The person so notified may, within sixty days after the receipt of such notice, cause written notice to be given to the Assessment Commissioner setting out any complaint that may be made under section 363.

"(3) Any complaint made pursuant to subsection (2) shall be considered by the Real Property Court of Revision appointed for the year next following.

"(4) The provisions of this Act with respect to complaints and appeals to and from the Real Property Court of Revision shall, mutatis mutandis, apply to appeals under this section.

"(5) Whether any complaint has been made or not, the assessed owner shall be liable for the taxes levied on the corrected assessment, subject to any adjustment that may be made as the result of an appeal under subsection (2)."

Re-enacts
s. 385.

13. Section 385 is repealed and the following substituted:—

"385. (1) The City or any person dissatisfied with the decision of the Court of Revision constituted under the *Assessment Equalization Act, 1953*, may appeal therefrom to the Assessment Appeal Board as constituted under the said Act and in the manner therein set out.

"(2) The Assessment Commissioner may not appeal under subsection (1) except with consent of the Council.

"(3) The provisions of sections 45 to 48, inclusive, and section 51 of the *Assessment Equalization Act* apply, mutatis mutandis, to an appeal brought under this section."

14. Section 13 shall be deemed to have come into force and effect on the first day of January, 1964, and is retroactive to give full force and effect to the provisions thereof on and after that date.

Amends
s. 396.

15. Section 396 is amended by striking out clause (d) and substituting the following:—

"(d) An improvement designed, constructed, or installed for the purpose of providing emergency protection for persons or domestic animals in the event of a disaster or emergency within the meaning of those terms as used in the *Civil Defence Act*."

Amends
s. 559.

16. Section 559 is amended

(a) by inserting immediately after the definition of "building and construction" the following:—

" 'certificate of use and occupancy' means a certificate issued by the Director of Planning or such other persons as are author-

ized by Council, designating the authorized use or occupancy of any land or building;

“ ‘development’ means a change in the use of any land or building, including the carrying-out of any construction, engineering or other operations in, on, over, or under land or land covered by water.”

(b) by inserting immediately after the definition of “development plan” the following:—

“ ‘owner’ shall include the agent or representative of a person owning or in possession of real property or in receipt of the rents or profits therefrom whether on his own account or as agent or trustee for any other person.”

Re-enacts
s. 565.

17. Section 565 is repealed and the following substituted:—

“565. The Council may make by-laws

“(a) dividing the city or any portion thereof into districts or zones of such number, shape, or size as Council may deem fit;

“(b) regulating, within any designated district or zone, the use or occupancy of land and land covered by water for or except for such purposes as may be set out in the by-law;

“(c) regulating, within any designated district or zone, the construction, use, or occupancy of buildings for or except for such purposes as may be set out in the by-law;

“(d) regulating the height, bulk, location, size, floor area, spacing, and external design of buildings to be erected within the city or within designated districts or zones;

“(e) prescribing, in any district or zone, building lines and the area of yards, courts, and open spaces to be maintained; and regulating in any district or zone the maximum density of population or the maximum floor-space ratio permissible;

“(f) designating districts or zones in which there shall be no uniform regulations and in which any person wishing to carry out development must submit such plans and specifications as may be required by the Director of Planning and obtain the approval of Council to the form of development;

“(g) delegating to the Director of Planning or such other persons as are authorized by Council the authority to certify the authorized use or occupancy of any land or building;

“(h) providing for certificates of use or occupancy and providing that the use or occupancy of any land or building other than in accordance with the certificate of use or occupancy applicable to such land or building shall constitute a violation of the by-law and shall render the owner of the land or building liable to the penalties provided in the by-law;

“(i) authorizing the collection of a fee for a certificate of use or occupancy, which fee may vary according to the type of use

or occupancy or the value of the land or building used or occupied;

- “(j) describing the zones or districts by the use of maps or plans, and the information shown on such maps or plans shall form part of the by-law to the same extent as if included therein.”

Enacts
s. 565A.

18. The said Act is further amended by inserting immediately after section 565 the following:—

“565A. Council may make by-laws

- “(a) prohibiting any person from undertaking any development without having first obtained a permit therefor. Such permit shall hereinafter be referred to as a ‘development permit’;
- “(b) providing that a development permit may be limited in time and subject to conditions, and making it an offence for any person to fail to comply with such conditions;
- “(c) providing that no building permit shall be issued for the construction of any building until a development permit has first been obtained;
- “(d) delegating to any official of the city or to any board composed of such officials any of the executive or administrative powers relating to zoning matters which to Council seem appropriate;
- “(e) providing for the relaxation in any case where literal enforcement would result in unnecessary hardship of any provision of
 - “(i) a zoning by-law (provided, however, that such power to relax shall not be used to permit any construction to provide for multiple occupancy in a one-family dwelling district nor to permit in such a district the use or occupancy of a dwelling as a multiple occupancy dwelling unless it was so used or occupied as at April 1st, 1964),
 - “(ii) a by-law prescribing requirements for buildings.
 Such relaxation may be limited in time and may be subject to conditions. The by-law may authorize such relaxation by the Director of Planning or by any board constituted pursuant to clause (d);
- “(f) providing for the payment of a fee upon application for a development permit, which fee may vary accordingly to the value or type of development for which the permit is sought;
- “(g) providing that the use or occupancy of any land or building in contravention of the provisions of a zoning by-law or the conditions of a development permit shall constitute a violation of the zoning by-law and shall render the owner of the land or building liable to the penalties provided in the by-law;
- “(h) prohibiting the use or occupancy of any land or building on or in which a development has taken place since the eighteenth day of June, 1956, without a development permit;
- “(i) prohibiting the erection, use, or occupancy of any building or the use or occupancy of any land unless due provision is made

for public safety and amenity, sanitary facilities, water supply, and drainage."

Amends
s. 569.

19. Section 569 is amended by adding the words following: "or by reason of the exercise of any of the powers contained in this Part, either by Council or by any inspector or official of the city or by any board composed of officials of the city."

Amends
s. 573.

20. Section 573 is amended by inserting immediately after clause (d) of subsection (1) the following:—

"(e) by any person aggrieved by a decision by any board or tribunal to whom Council has delegated power to relax the provisions of a zoning by-law."

Further
amends s. 573.

21. Section 573 is further amended by adding the following:—

"(8) Council may by by-law provide that failure to comply with any restrictions, limitations, or conditions imposed by the Board pursuant to subsection (7) shall constitute an offence against the by-law."

22. Any by-law or resolution in force at the time this Act comes into operation shall be deemed to have been passed pursuant to the provisions of this Act.