

**VANCOUVER CHARTER AMENDMENT ACT, 1988****CHAPTER 67***Assented to June 29, 1988.***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:

1. Section 302 of the *Vancouver Charter*, S.B.C. 1953, c. 55, is amended by adding the following paragraph:
  - (o) for the construction and maintenance of dykes or embankments and ancillary facilities to prevent the flooding of land.
2. Section 306 is amended
  - (a) by adding "and for providing that the cost of such demolition or removal may be recovered from the owner in any Court of competent jurisdiction or by entering the amount of such cost in the real property roll with respect to such parcel;" at the end of paragraph (q), and
  - (b) in paragraphs (r) and (s) by striking out "of any building" and substituting "or change of use of any building or portion thereof".
3. Sections 333 and 334 are repealed and the following substituted:

**Fines and penalties**

**333.** For the purposes of enforcing its by-laws, the Council may by by-law

- (a) impose fines, imprisonment or both,
- (b) in cases where the offence is of a continuing nature, impose a fine not exceeding \$50 for each day such offence is continued, and
- (c) provide for a minimum fine for an offence under any by-law.

**Remedy of injunction**

**334.** Without limiting the right to enforce any proprietary, contractual or other rights, where an offence is committed against any by-law passed in the exercise of the powers of the Council or the Board of Parks and Recreation, in addition to any other remedy provided or penalty imposed, the continuance of such offence may be restrained by action of the city or the Board of Parks and Recreation as the case may be, or by action at the instance of an owner-elect.

4. Section 333A is repealed.
5. Section 396 (c) is amended by adding the following paragraph:
  - (vi) occupied by Simon Fraser University in the building commonly known as the Sears Harbour Centre and specifically described as Block 13, District Lot 541, Plan 15728 but this exemption shall be limited to the portion of the real property actually occupied by the University.

6. Section 398 is amended
  - (a) in subsection (1) by striking out "telephone," , and
  - (b) by repealing subsection (2) (a).
7. Section 483 (4) is amended by striking out "nine" and substituting "6".
8. Section 485 is amended by adding the following at the end:

The Board has the legal capacity to exercise the powers bestowed on it and to enforce those powers and the exercise thereof by actions, proceeding or prosecution.
9. Section 488 is amended by adding the following subsection:

(7) Exclusive jurisdiction and control of parks and the property comprising them also includes the power to prohibit the selling of anything, and the provision of services or performances of any type without the permission of the Board. In granting permission, the Board may impose such terms and conditions as it deems appropriate.
10. Section 489 is amended by adding the following paragraph:

(r) organizing and conducting, and contracting with others to organize and conduct, recreational programs of all kinds, either in parks or in such other locations as may be approved by the Board or any of its employees designated for this purpose, and for fixing and collecting fees for such programs.
11. Section 559 is amended by adding the following definition:

"conditional approval use" means a use of land or a building which is permitted in a district or zone at the discretion of Council or an official or board to whom the discretion is delegated; .
12. Section 565A (e) is repealed and the following substituted:

(e) providing for relaxation of the provisions of a zoning by-law or a by-law prescribing requirements for buildings where
  - (i) enforcement would result in unnecessary hardship,
  - (ii) Council determines that the proposed development would make a contribution to conserving a building of heritage significance,
  - (iii) Council determines that the proposed development makes provision for public space or activities, or
  - (iv) Council determines that the proposed development makes provision for low cost housing for persons receiving assistance.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 subsection (d). The power to relax the provisions of a zoning by-law shall not be used to permit construction to provide for multiple occupancy in a one family dwelling district nor to permit the use or occupancy of a dwelling as a multiple dwelling in such district unless it was so used or occupied as at April 1, 1977; provided however, that the occupancy of a suite authorized by a by-law passed pursuant to section 565C shall not constitute a multiple occupancy.

**13.** The following sections are added:

**565B.** The Council may in the exercise of its powers under this Part

- (a) define what constitutes a family and what constitutes a household support person and may, for the purpose of regulating the occupancy of suites, adopt different definitions of family and household support persons from those adopted to regulate the occupancy of the principal dwelling unit, and
- (b) define what constitutes a principal dwelling unit and what constitutes a suite.

**565C.** (1) The Council may in the exercise of its powers under this Part permit, as a conditional approval use, the occupancy of a suite or suites by members of the family of, or household support persons employed by, the owner or occupant of the principal dwelling unit.

(2) The Council may as a condition of permitting the use of suites as authorized under subsection (1), require

- (a) that a development permit, limited in time, be obtained authorizing such use, and such permit may limit use to occupancy by persons named in the permit, and
- (b) that security, in a form, amount and for a period of time set out in the by-law, be posted to ensure that the suite is not occupied other than by persons authorized as occupants by the development permit.

(3) A development permit authorizing any use of a suite shall expire and become void on a change of ownership or occupancy of the principal dwelling unit or a sale of the premises in which the suite is situate.

(4) The granting of the specific powers in this section shall not be taken in any way to diminish the general power to regulate the use or occupancy of land conferred by section 565.

**565D.** (1) In this section, "phase out suite" means a suite which was in existence on October 22, 1986 and which suite or the use or occupancy thereof was on that date not permitted by by-law.

(2) Council may, by by-law, permit the retention of one or more phase out suites for a limited period of time and on such conditions as may be prescribed in the by-law.

**565E.** When a development permit which is limited in time expires, then notwithstanding section 568, any use permitted by such permit becomes unlawful.

**14.** Section 578 (1) is repealed and the following substituted:

(1) Sections 25, 237, 273.1, 274, 514 to 523, 617, 618, 619, 766 to 805 and 988 (5) of the *Municipal Act* shall apply so far as applicable to the city and shall be the only sections that apply to the city, anything to the contrary contained in the *Municipal Act* notwithstanding.

**Commencement**

**15.** Section 6 comes into force on January 1, 1989.