



CHAPTER 72.

An Act to amend the "Vancouver Incorporation Act, 1900."

[6th March, 1915.]

WHEREAS a petition has been presented by the City of Van- Preamble.
couver praying that the "Vancouver Incorporation Act, 1900,"
be amended:

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, declares and enacts as follows:—

1. This Act may be cited as the "Vancouver Incorporation Act, Short title.
1900, Amendment Act, 1915."

2. Subsection (2) of section 4 of the "Vancouver Incorporation Act, 1900" (hereinafter called "the principal Act"), is hereby repealed, and the following is enacted in lieu thereof:—

"(2.) No person shall be qualified to be elected Mayor or Alderman unless such person resides within the city, or within two miles thereof, and is a natural-born or naturalized subject of His Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has been for six months next preceding the day of nomination the registered owner in fee-simple in the Land Registry Office of real property within the city limits of the assessed value over and above all charges, liens, and encumbrances affecting the same, in the case of Mayor of one thousand dollars (\$1,000), and in the case of an Alderman to the value of five hundred dollars (\$500), or the registered owner for six months preceding the day of

Qualification of
Mayor and
Aldermen.

nomination of leasehold property for a term of three years to the assessed value of three thousand dollars (\$3,000) over and above all charges, liens, and encumbrances affecting the same, and which lease must extend over the whole term of his office, and being otherwise qualified as a voter. In the case where two or more persons are registered owners as joint tenants or tenants in common of real property, the value of the share or interest in the case of Mayor must be over and above all encumbrances one thousand dollars (\$1,000), and in the case of Alderman five hundred dollars (\$500)."

Where joint owners or tenants in common.

Amends subsec. (2) of s. 5. 3. Subsection (2) of section 5 of the principal Act is amended by inserting after the word "as," in the first line thereof, the word "sole."

Amends s. 6. 4. Section 6 of the principal Act is amended by striking out the word "jointly" in the first line thereof.

Re-enacts s. 10. 5. The principal Act is amended by repealing section 10 thereof, and enacting the following in lieu thereof:—

Candidate to deliver certificates to Returning Officer at time of nomination.

"10. A candidate for Mayor or Alderman shall, at the time of his nomination, deliver to the Returning Officer a certificate signed by the District Registrar of Titles—

"(a.) Certifying that the candidate is, and has been continuously for six months next preceding, the registered owner in fee-simple of land in the City of Vancouver, and setting out the description of the land and all encumbrances and charges registered against the land at any time during such period of six months; or

"(b.) Certifying that the candidate is, and has been continuously for six months next preceding, the registered leaseholder of land in the City of Vancouver, and setting out the description of the land and all encumbrances and charges registered against the leasehold property at any time during such period of six months, and also setting out the term over which the lease extends and the date of its commencement;

and the candidate shall also deliver to the Returning Officer a certificate signed by the Treasurer of the city setting out the assessed value on the last revised assessment roll of the city of the land or leasehold property described in the Registrar's certificate aforesaid."

6. The principal Act is amended by adding after section 43 thereof the following section 43A:—

When owner by agreement.

"43A. Where the Assessor or Assessors, after the passing of the 'Vancouver Incorporation Act, 1900, Amendment Act, 1915,' shall enter the name of any person upon the assessment roll as 'owner'

by reason of such person being the holder of an agreement to purchase lands, or the assignee of such agreement as provided in section 229A hereof, such Assessor or Assessors shall designate such person on such roll as 'owner by agreement.'"

7. The principal Act is amended by adding after section 53 the s. 53A added. following section 53A:—

"53A. Notwithstanding anything to the contrary in this Act contained or any resolution of the Court of Revision, the Court of Revision shall continue and be deemed to be in existence contemporaneously with the Council, and in case any decision of the Court of Revision shall be reversed or varied by the judgment or order of any Court or Judge having jurisdiction in that behalf, from which judgment or order no appeal or further appeal shall, by law, lie or be taken within the time by law allowed for so doing, then and in any such case the Mayor shall summon a meeting of the Court of Revision so soon as may be after such judgment or order shall have been served upon the city, and the Court of Revision shall thereupon meet for the purpose of considering such judgment or order and shall vary or amend the assessment roll according to, and so as to give effect to, such judgment or order."

8. Section 73 of the principal Act is amended by striking out the words "within sixty days" in the first line thereof, and by inserting after the word "roll," in the second line thereof, the words "on or before the first day of August." S. 73 amended

9. Section 74 of the principal Act is amended by inserting after the words "tenant (T.)," wherever same occur therein, the words "owner under agreement (O.A.)," and by adding at the end thereof the words "Provided that when any such owner is the holder of the last agreement to purchase the land or real property in respect of which his or her name is to be entered as a voter, or is the last assignee of said agreement, such owner shall not be entered by the Clerk upon said list as a voter unless he or she shall, within the time limited by section 73 of this Act for making such list, have filed with the City Clerk a statutory declaration proving that he or she is the holder of the last agreement to purchase such land or real property, or is the last assignee thereof, by the terms of which such holder or assignee is liable to pay the taxes, and is a British subject." Amends s. 74
Owner by agreement

10. Section 76 of the principal Act is amended by striking out the word "September" in the sixth line thereof, and inserting in lieu thereof the word "October." S. 76 amended

11. The principal Act is amended by adding after section 83 thereof the following section 85A: S. 85A added

"85A. Notwithstanding anything hereinbefore contained, the Revising Judge shall not place or enter upon the list any holder of an agreement." Proof by owner of agreement

of an agreement to purchase any land or real property or assignee thereof, unless such holder shall have filed with such Revising Judge or the City Clerk a statutory declaration, or affidavit, made before the Mayor, City Clerk, or a Commissioner for taking Affidavits, or adduced evidence under oath, proving that he or she is the holder of the last agreement to purchase such land or real property, or the last assignee thereof, by the terms of which such holder or assignee is liable to pay the taxes, and is a British subject."

S. 102A added.

12. The principal Act is amended by adding after section 102 thereof the following section 102A:—

Voters inadvertently left off list.

"102A. Notwithstanding anything in this Act contained, in case any person who appears by the assessment roll to be entitled to be entered upon the voters' list as a voter, but who has been inadvertently left off the voters' list by the City Clerk when making up the voters' list, and who shall on any election-day prove under oath to the satisfaction of the City Clerk that he or she is upon the assessment roll and was entitled to be entered upon such voters' list by the City Clerk as a voter, and that he or she is still entitled to be entered upon such voters' list as a voter, then the City Clerk may give a certificate under his hand to any Deputy Returning Officer, such certificate to state that the person therein named is entitled to vote and to be entered upon the voters' list as a voter in respect of property to be named in such certificate; and upon presentation of such certificate to the Deputy Returning Officer of the ward in which such property is situate, such voter shall be entitled to vote at such election in like manner as if he or she had been originally entered upon the voters' list by the City Clerk: Provided, however, that no such certificate shall be given to any person so as to entitle him or her to, nor shall any person be entitled to, vote more than once at such election for Mayor, members of the Licensing Board, members of the Park Board, or school trustees."

Certificate of Clerk.

S. 103 amended.

13. Section 103 of the principal Act is amended by adding at the end of the seventh line thereof the words following:—

Declaration by owner by agreement

"Provided that when any such owner is the holder of the last agreement to purchase such real property or the last assignee of said agreement, such owner shall not have such right of voting on any such by-law unless he or she shall have filed with the City Clerk, before the City Clerk shall have completed and closed the list of voters entitled to vote on such by-law, a statutory declaration proving that he or she is the holder of the last agreement to purchase such real property, or is the last assignee thereof, by the terms of which such holder or assignee is liable to pay the taxes, and is a British subject."

S. 123 amended.

14. Section 123 of the principal Act is amended by striking out the words "this section" in the second line thereof, and inserting in lieu thereof the words "the four next preceding sections hereof."

15. The principal Act is amended by adding after section 124F S. 124F added. thereof the following section 124G:—

"124G. Notwithstanding anything contained in this Act, whenever the City of Vancouver or the Council thereof has power to issue and sell bonds, debentures, or stock, and to borrow or raise money thereon or thereby, such bonds, debentures, or stock may be redeemable when, and to mature and become payable in such length of time as, the Council may determine, and may be issued and sold in series of such length of time and nature and extending over such number of years as the Council may determine, so that all debentures, bonds, or stock of any one series shall mature and become payable at the same time, but so that the whole or any part thereof shall be redeemable at any time prior thereto or at such time or times prior thereto as the Council may determine."

16. Section 125 of the principal Act is amended by adding after subsection (45a) thereof the following subsection (45b):—

"(45b.) For the charging of all persons who own or occupy property connected with any sewer or drain a reasonable rent or charge for the sewer or drain service given to such person or property by any or all sewers and drains of the city, and for providing for charging of any rent or charge upon such property, and for the recovery of same either from such persons or by sale of such property in the same manner and under the same regulations as in the case of overdue taxes: Provided that the basis, manner, and method of determining what is a reasonable rent or charge as aforesaid shall be in the discretion of the Council: Provided further that the powers in this subsection mentioned may be exercised by the Council either in addition to or in substitution for any powers of a like nature hereinbefore in this section set out."

17. Subsection (104) of section 125 of the principal Act, as amended by section 8 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1912," and subsection (105) of section 125 of the principal Act are repealed, and the following subsections are enacted in lieu thereof:—

"(104.) (a.) For preventing, regulating, and licensing exhibitions, shows, businesses, and occupations of any of the kinds or classes in subclause (b) of this subsection mentioned, held, kept, used, or carried on for hire or for profit, and persons, firms, and corporations owning, keeping, maintaining, or carrying on same, and buildings or places used for same or in which same are carried on:

"(b.) Common showmen, waxworks, menageries, circuses, hippodromes, wild-west shows, pony-shows, horse-shows, dog-shows, boxing, sparring, and wrestling bouts, shows, or exhibitions, natural or artificial curiosities, theatres and theatrical exhibitions, nickelodeum theatres and exhibits, moving-picture theatres, exhibitions or exhibits by means of mechanical devices for picture purposes or otherwise, dance-halls, skating-rinks, bowling-alleys, rifle-galleries, shooting-galleries, doll-racks, knife-racks, ring-throwing games, ball-throwing games, merry-go-rounds, ferris-wheels, swings, roller-coasters, scenic railways, aerial railways, hammer-striking machines, and any and all other shows, exhibitions, or amusements of a similar or like nature or of any nature whatsoever:

"(c.) For the purpose of this subsection, any one who appears, acts, or behaves as master or mistress of, or as the person having the care, government, or management of, any such exhibitions, shows, businesses, or occupations shall be deemed the owner thereof and liable hereunder:

Slot machines, etc.

"(105.) For preventing, licensing, and regulating slot-machines and slot-vending machines and machines and devices operated by the insertion of slots, slugs, or coins, and machines and devices operated mechanically for the purpose of selling or disposing of any goods, wares, merchandise, or articles, and the persons, firms, or corporations owning, keeping, or maintaining same."

Subsec. (110) of s 125 amended

18. Subsection (110) of section 125 of the principal Act is amended by inserting after the word "pedlars," in the first line thereof, the word "hucksters"; and by inserting after the word "force," in the ninth line thereof, the words "provided that without restricting the generality of any of the foregoing words or terms."

Subsecs. (130a) and (130b) of s 125 added.

Motor vehicles

19. Section 125 of the principal Act is amended by inserting after subsection (130) the following subsections (130a) and (130b):—

"(130a.) For inspecting, prohibiting, licensing, and regulating (1) motor-vehicles and the driving and operation thereof, and (2) drivers and chauffeurs thereof, and (3) the streets and routes upon which motor-vehicles may be driven or operated, and (4) the capacity of motor-vehicles and the number of persons and the quantity, weight, and number of freight and other things which may be carried in or upon motor-vehicles, and (5) the places in or upon motor-vehicles in which persons, freight, and things may be carried, and (6)

the number of motor-vehicles which may be driven or operated on any street or route, and (7) the number of hours and time in any day during which motor-vehicles may be operated or driven by any one person, and (8) the fitness of drivers and chauffeurs to drive and operate motor-vehicles, with power to the Council, or any committee, person, or persons whom the Council may for that purpose nominate, to examine any driver or chauffeur of any motor-vehicle as to such fitness, and for such purpose to impose and apply any test which the Council or such committee, person, or persons may designate; and for compelling any owner, driver, or chauffeur of any motor-vehicle to furnish such bond or security (and in such amount as the Council may designate) for and against any and all damages or compensation which such owner, driver, or chauffeur may be liable to pay to any person carried in or upon such motor-vehicle or to any pedestrian or other person who may be injured by reason of such motor-vehicle or the operation or driving thereof; provided that such bond or security shall be made and executed to the city as obligee and conditioned as aforesaid, and that, notwithstanding any law or Statute to the contrary, any such person or pedestrian to whom such owner, driver, or chauffeur shall so become liable shall have a right of action upon such bond or security against the surety or sureties in said bond or security for such damages or compensation; and for prohibiting the operation and driving of any motor-vehicle by any such owner, driver, or chauffeur who shall fail to furnish such bond or security. In and for the purposes of this subsection, the words "motor-vehicle" mean and shall include automobiles and locomobiles operated or driven for hire, gain, or profit, and all other vehicles propelled otherwise than by muscular power which are operated or driven for hire, gain, or profit, excepting the cars of electric and steam railways and other motor-vehicles running only upon rails or tracks:

"(130b.) For regulating and licensing messengers and messenger services operating or carrying on business for hire, gain, or profit, and persons, firms, and corporations owning, keeping, and maintaining or operating or carrying on same." Messengers.

20. Section 125 of the principal Act is amended by adding after subsection (133) the following subsection (133a):-- Subsec. (133a) of s. 125 added.

Suspension of
licence.

"(133a.) Wherever hereinbefore power is given or granted to cancel or revoke any licence, such power shall include the power to suspend such licence for any length of time."

Subsec. (149a) of
s. 125 amended.

21. Subsection (149a) of section 125 of the principal Act, as enacted by section 7 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1913," is amended by adding at the end thereof the following words, that is to say:—

Agreement with
owners

"Provided, however, that, notwithstanding anything in this Act contained, the Council may by resolution enter into agreements with owners of lands to enable the city, its officers, servants, or agents, to do and perform any clearing, cutting down, removing, burning, or destroying of trees, timber, logs, stumps, brush, and debris upon such terms as may be agreed upon, and such agreements may include provisions charging such owners with the cost and expense of so doing, and recovering such cost and expense, and making same a charge on such lands, with power to sell same in like manner as hereinbefore mentioned, and for the occupation and use of such lands by any person or persons whom the Council may designate."

Subsec added to
s. 133

22. Section 133 of the principal Act is amended by adding after subsection (15b) thereof the following subsections:—

Expropriation of
land and claims for
compensation
therefor

"(15c.) Whenever the Council is desirous of proceeding with any work or undertaking in the pursuance of which any real property may be entered upon, taken, or used by the city in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, the Council may file plans and specifications of the work or undertaking, or certified copies thereof, with the City Clerk, who shall, on receiving the same, issue a notice setting out the Council's intention to proceed with such work or undertaking, and to enter upon, take, or use the lands necessary therefor, and that such plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the said proposed work or undertaking must be filed with him within sixty days from the service of such notice, and that such owners, occupiers, or other persons must file with the said Clerk, within the said period of sixty days, their claims for damages for any of the causes aforesaid, showing the amount thereof, or that in default thereof any claim for such damages will be barred; and he shall cause such notice to be served upon the owners and occupiers or other

persons interested in the real property so to be taken, entered upon, or used as aforesaid, or which may be injuriously affected as aforesaid:

"(15d.) In case the person served as aforesaid is at the time of such service resident without the Province, a further period of thirty days shall be allowed such person to file his claim: Non-resident to have further time to file claim.

"(15e.) Service of any notice under this section, except in cases of expropriation of the land, shall be deemed to be made, and shall be effectual and binding upon all persons concerned or liable to be affected thereby, upon the city complying with the following requirements: By posting by registered mail such notice to all persons who at the time of the filing of the said plans and descriptions are registered in the Land Registry Office of the district as the owners of the land or as mortgagees, or as persons having or claiming by registration under the provisions of any Statute any charge or encumbrance upon the same addressed to such registered owners or encumbrancers at their usual or last-known place of abode; and in the case only of the registered owner or encumbrancer being dead, and no legal representative registered, or the persons registered being not sui juris, then by delivering such notice to the District Registrar of the said Land Registry Office for the district, who shall forthwith enter the said notice as a notice affecting the lands in question, and also by advertising five times such notice in some daily newspaper circulating in the city. Every such notice shall take effect as of the date of posting aforesaid or of last advertisement as aforesaid: Requirements for effective service.

"(15f.) Every claim under this section shall be made pursuant to the said notice, and unless made, in the case of persons resident within the Province, within sixty days after the service of such notice, or in case of persons resident outside of the Province, within the said further period of thirty days, shall be barred and extinguished, unless upon application to a Judge of the Supreme Court, or to a Judge of the County Court of the County of Vancouver, and upon giving to the said Council at least seven days' notice of such application, such Judge allows the claims to be made and served. Either party may appeal from the decision of the Judge to the Court of Appeal; but every such claim shall be absolutely barred and extinguished unless made within a period of one year from the service of the said notice: Claims barred unless made within certain time.

Arbitration to follow when claim not accepted.

"(15g.) If any claim is so filed within the time aforesaid, the same, unless accepted by the Council, shall forthwith be determined by arbitration under this section:

Owner may file claim within ten days.

"(15h.) If any real property is entered upon, taken, or used by the city or injuriously affected by the city in the exercise of any of its powers, and the Council does not give notice under subsection (15c) of this section, the owner may nevertheless file a claim, and the said claim shall, unless accepted by the Council within ten days thereafter, forthwith be determined by arbitration under this section:

Particulars of claim

"(15i.) The person making a claim shall deliver full particulars of the damages for which such claim is made, and the arbitrator or arbitrators, upon the hearing of the claim, shall have the same power as to the amendment generally, or to amend such claim or particulars, or any proceeding had or taken upon the hearing thereof, as a Judge would have in an action; and the arbitrator or arbitrators may, in his or their discretion, refuse at any time to hear, upon any matter or question, further evidence of a cumulative character."

s. 229A added.

23. The principal Act is amended by adding after section 229 thereof as section 229A thereof the following:—

"Owner."

"229A. The word 'owner,' wherever same occurs in subsection (1) of section 5 and sections 39, 43, 63, 74, 85, and 103 of this Act, means and shall include any person holding an estate for life or of inheritance (in possession) in lands or real property within the city, unless such holder has entered into an agreement for sale of such lands or real property by the terms of which the purchaser shall pay the taxes, in which case 'owner' shall mean and include the person holding the last agreement to purchase said lands or real property or the last assignee of such agreement under which such holder or assignee is liable to pay the taxes thereon."

Subsec. (1) of s. 23, 1907, amended.

24. Subsection (1) of section 23 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1907," is amended by inserting after the word "up," in the third line thereof, the words "widen, prolong."

Subsec. (2) of s. 23, 1907, amended.

25. Subsection (2) of section 23 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1907," is amended by inserting after the word "up," in the second line thereof, the words "widening, prolonging."

Subsec. (4) added to s. 23, 1907.

26. Section 23 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1907," is amended by adding at the end thereof the following subsection (4):—

"(4.) Notwithstanding anything in this Act contained, the Council, in the case of the opening-up, widening, prolonging, or

extending of any street, lane, alley, or highway, may by by-law provide that the proportion of the cost of such work chargeable against the property benefited thereby shall be assessed and levied by special rate on such property according to the assessed value thereof: Provided, however, that this subsection shall not prejudice or affect the rights and powers of the Council under subsection (4) of the preceding section 22 hereof."

27. Sections 2 and 5 of this Act shall come into force and effect Commencement on and from the first day of July, 1915, and, save as aforesaid, this Act shall come into force and take effect forthwith after the passing hereof.

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VICTORIA, B. C.

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