

CHAPTER 82

An Act to Amend the Vancouver Charter

[Assented to 29th March, 1962.]

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, 1962*.

Amends s. 7.

2. Section 7 is amended by striking out the word "May" wherever it appears and substituting "June".

Amends s. 8.

3. Section 8 is amended by striking out the word "May" in the third and eighth lines of clause (a) and the second line of clause (b) and substituting "June".

Amends s. 16.

4. Section 16 is amended by striking out the word "May" in the second line and substituting "June".

Repeals
s. 175.

5. Section 173 is hereby repealed.

Amends
s. 234.

6. Section 234 is amended by striking out the words "City Comptroller" in the eighth line and substituting "Board of Administration".

Amends
s. 272.

7. Section 272 is amended by striking out the word "his" in the second line of clause (e) and substituting "any".

Enacts s. 294.

8. The said Act is further amended by inserting the following:—

"294. (1) All actions against the city for the unlawful doing of anything purporting to have been done by the city under the powers conferred by any Act of the Legislature, and which might have been lawfully done by the city if acting in the manner prescribed by law, shall be commenced within six months after the cause of such action shall have first arisen, or within such further period of time as may be designated by the Council in any particular case, but not afterwards.

"(2) All actions against the city, other than those mentioned in subsection (1), shall be commenced within one year after the cause of such action shall have first arisen, or within such further period of time as may be designated by the Council in any particular case, but not afterwards.

"(3) The city is in no case liable for damages unless notice in writing, setting forth the time, place, and manner in which such damage has been sustained, shall be left and filed with the City Clerk within two months

from and after the date on which such damage was sustained; provided that in case of the death of a person injured the want of a notice required by this subsection is not a bar to the maintenance of the action. The want or insufficiency of the notice required by this subsection is not a bar to the maintenance of an action if the Court or Judge before whom such action is tried or, in case of an appeal, the Court of Appeal is of opinion that there was reasonable excuse for the want or insufficiency and that the city has not been thereby prejudiced in its defence."

Enacts
s. 294A.

9. Section 294A is enacted as follows:—

"294A. Notwithstanding anything in this Act contained, any action or other proceeding wherein a person seeks to recover from the city indemnity against or contribution in respect of any claim made against such person shall be commenced within six months after such person first became entitled to bring such action or other proceeding."

Amends
s. 302

10 Section 302 is amended by striking out clause (h) and substituting the following:—

"(h) That when a new sewer or drain is installed in any street, a connection from the sewer or drain to the street-line shall then be installed opposite each taxable parcel of real property abutting on such street and having thereon any building, and that any work upon the said parcel necessary to join such connection effectively to any building shall be done as part of the work of installing the said connection and for providing that the fee for such connection as prescribed by by-law shall be charged against the parcel so served by inserting in the real-property tax roll as a charge imposed with respect to such parcel such annual amounts as the by-law may provide."

Amends
s. 306.

11. Section 306 is amended by inserting immediately after the word "issue" in the second line of clause (f) the words "cancel or suspend".

Further
amends
s. 306

12. Section 306 is further amended by inserting immediately after the word "building" in the third line of clause (k) the words "or designated part thereof".

Amends
s. 307.

13. Section 307 is amended by striking out the words "in the circumstances" in the fourth line.

Amends
s. 342.

14. Section 342 is amended by renumbering the present section as subsection (1) and adding the following as subsections (2) and (3):—

"(2) The words 'actual value' used in subsection (1) shall be deemed to mean the assessed values determined pursuant to the provisions of the *Assessment Equalization Act, 1953*.

"(3) The provisions of this section shall apply to the assessment roll prepared by the Assessor for the purpose of levying taxes for the year 1962 and shall apply to all subsequent assessment rolls."

Amends
s. 493.

15. Section 493 is amended by renumbering the present section as subsection (1) and adding the following as subsection (2):—

“(2) The Board may, for periods of not more than twelve months at a time, give authorization in advance to the Superintendent of Parks and Public Recreation to draw warrants for payment prior to approval of the Board, but every warrant for a payment so authorized in advance shall be reported in writing by the Superintendent of Parks and Public Recreation to the Board within fifteen days after the end of the month in which the warrant is drawn.”

Amends
s. 566.

16. Section 566 is amended by adding the following as subsections (6) and (7):—

“(6) Notwithstanding the provisions of this section, where any street or part thereof has been stopped up under the provisions of any Act and the ownership thereof is transferred to the owner of an adjoining parcel of land, then the land formerly comprising the street or part thereof so stopped up shall be deemed to be zoned for the same purpose for which the parcel of which it has become a part is already zoned unless the Council by resolution shall otherwise direct.

“(7) Notwithstanding the provisions of this section, where any land zoned pursuant to this Part has been transferred to the city for street purposes, whether such street is established or opened up by the city or not, such land shall be deemed not to be zoned unless the Council by resolution shall otherwise direct.”

Amends
s. 578

17. Section 578 is hereby amended by deleting in the first and second lines the words “sections 735 to 737, inclusive, and”, and substituting the words and figures “section 177 and”.