



CHAPTER 76.

An Act relating to the Corporation of the City of Victoria.

[Assented to 2nd April, 1921.]

WHEREAS the Corporation of the City of Victoria has by its Preamble.
petition represented that the said city is a municipality within the meaning of the "Municipal Act" and "Local Improvement Act," and that it is necessary, in the interest of the inhabitants and ratepayers of the said municipality, to enact the provisions hereinafter contained, and has prayed that the same may be enacted accordingly:

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, enacts as follows:—

PART I.

TITLE AND INTERPRETATION.

1. This Act may be cited as the "Victoria City Act, 1921." Short title.

2. In the construction of this Act the following words or expressions shall have the following meanings respectively, unless the context shall require a different meaning:— Interpretation of terms.

"Corporation" shall mean the Corporation of the City of Victoria.

"Municipality" shall mean the Municipality of the City of Victoria.

"Council" shall mean the Municipal Council of the Corporation of the City of Victoria.

In defining any word or expression used in this Act not by this Act expressly defined, reference may be had to the provisions of the "Municipal Act," the "Local Improvement Act," the "Municipal

Elections Act," and the "Victoria City Relief Act, 1918 (No. 2)," as amended by the "Victoria City Act, 1919."

PART II.

AMENDING "VICTORIA CITY RELIEF ACT, 1918 (No. 2)," "VICTORIA CITY ACT, 1919," AND "VICTORIA CITY ACT, 1920."

Amending par. (c),
subsec. (2), s. 5,
"Victoria City
Relief Act, 1918
(No. 2)."

3. Notwithstanding any Statute or law to the contrary, no parcel of land shall be sold at tax sale in any year in respect of which parcel all instalments (if any) of capital sum or of soldiers' capital sum due and payable to the Corporation at the date of the tax sale in any current year, and all amounts of general and local improvement taxes due and payable to the Corporation prior to the first day of January of the said current year, shall have been paid before the date of the tax sale in the said current year.

Amending s. 20,
"Victoria City
Act, 1919."

4. (1.) Subsection (1) of Section 20 of the "Victoria City Act, 1919," is hereby repealed, and the following inserted in lieu thereof:—

"(1.) Notwithstanding anything contained in the 'War Relief Act' or any other Act, in any case where land or real property of a soldier (as defined by this Act) has been or may have been sold for taxes prior to the thirty-first day of December, 1921, and has not or may not have been redeemed, but no tax-sale deed or certificate issued therefor, it shall be lawful for the Council, by resolution, at any time before delivery of the said tax-sale deed or certificate to cancel the sale of such land or real property, and refund to the purchaser the amount paid therefor, with interest thereon at the rate of eight per centum per annum from the time of such sale, and also to refund any municipal taxes subsequently paid by such purchaser or those claiming through or under him in respect of such land or real property, with interest on the amount of such taxes at the said rate from the time or respective times of payment thereof."

(2.) Section 20 of the "Victoria City Act, 1919," is hereby further amended by adding thereto subsection (3), as follows:—

"(3.) Subsections (1) and (2) of this section shall relate back to and be deemed to have been in force and effect from and after the 29th day of March, 1919."

Amending s. 22,
"Victoria City
Act, 1920."

5. Section 22 of the "Victoria City Act, 1920," is hereby amended by striking out the words "in lieu of" where they appear therein, and inserting in lieu thereof the words "for the whole or any part of the moneys to be raised upon"; and the foregoing provisions of this section shall relate back to and be deemed to be in force and effect from and after the seventeenth day of April, 1920.

6. Section 28 of the "Victoria City Act, 1920," is hereby amended by adding thereto the following as subsection (4) :—

Amending s. 28,
"Victoria City
Act, 1920."

"(4.) The assessment and taxation of the lands referred to in this section shall take effect from the date of the agreement for sale, grant or conveyance thereof, whether such agreement for sale, grant, or conveyance is registered in the Land Registry Office or not, and the said lands shall become charged from and after the said date with all general, local improvement, and other taxes and liens to as full an extent and with the like incidents as the said lands would have been charged if owned or occupied other than by the municipality, except that the taxes imposed thereon for the current year in which the sale, grant, or conveyance may be made shall be in the proportion which the unexpired portion of the said current year bears to the whole current year, and the said Assessor and the said Collector shall have power to correct their respective rolls for the purposes herein referred to, and the said rolls when so corrected shall be and continue to be as valid for all purposes as if the assessment roll as corrected had been passed by the Court of Revision for the said current year; and the foregoing provisions of this subsection shall relate back to and be deemed to be in force and effect from and after the first day of January, 1921."

7. (a.) Section 32 of the "Victoria City Act, 1920," is hereby amended by inserting therein after the words "capital sum" wherever they appear in the said section the words "or soldier's capital sum."

Amending s. 32,
"Victoria City Act,
1920."

(b.) Subsection (a) of this section shall relate back to and be deemed to have been in force and effect from and after the seventeenth day of April, 1920.

PART III.

MISCELLANEOUS.

8. Notwithstanding the provisions of any Statute or law to the contrary, when the Corporation has acquired and become the owner of lands by tax sale thereof, and has subsequently sold the said lands to any purchaser under an agreement for sale, the said lands may again be sold at tax sale by the Collector of the Corporation under and pursuant to the "Municipal Act" or the "Victoria City Acts," and the upset price at which the said lands may be sold for the purposes of this section shall be the total amount of general and local improvement taxes levied and imposed on the said lands, together with interest due and accruing due in respect thereof since the date of the said agreement for sale, together with the balance of the principal money and interest remaining unpaid under the said agreement at the date of the tax sale; and in the event of the Corpora-

Tax sale of reverted
lands sold by
Corporation under
agreement.

tion again becoming the owner of the said lands after the expiration of the year for redemption thereof, the filing in the Land Registry Office of the usual certificate of the Collector of the Corporation, accompanied by his application to register and the required fee, shall revert the said lands in the Corporation.

9. Notwithstanding any Statute or law to the contrary, it shall be lawful for the Council to make, alter, and repeal by-laws for the following purposes:—

By-laws for registration of bicycles.

(a.) For requiring the owner, resident in the City of Victoria, of every bicycle used on the streets of the city to cause such bicycle to be registered in the owner's name with the Collector of the Corporation annually, upon written application to the owner, according to a form satisfactory to the Collector, and to procure from the said Collector a numbered licence and a corresponding numbered tag or number-plate, which tag or number-plate shall remain the property of the Corporation and shall be kept attached and displayed on the bicycle at all times while the bicycle is used on any street in the city during the year for which the licence is issued, or to have stamped upon the frame of the bicycle by the Collector, or other employee of the Corporation, under the supervision of the Collector, a number corresponding to the numbered licence procured by the said owner; for requiring any such owner to give to the Collector written notice of the transfer or sale of the said bicycle, the date of the transfer or sale, and the name and address of the purchaser thereof; for requiring the said purchaser to cause registration thereof to be made immediately after the purchase thereof and in the same manner as required to be made by the owner from whom the said bicycle was purchased; for fixing, collecting, and regulating the payment of reasonable charges for such registration, but not exceeding the sum of one dollar (\$1) for registration in any one name; and for imposing fines or penalties for any infraction or breach of any such by-law, recoverable in the manner provided by the "Summary Convictions Act":

Cabarets, etc.

(b.) For prohibiting or regulating amusements and entertainments commonly known as cabarets and buffets, and for defining or declaring what shall constitute a cabaret or buffet, and for limiting or prohibiting all or any amusements carried on in such cabarets or buffets:

Daylight saving.

(c.) For prescribing a period in each year in which the time for all purposes in the City of Victoria shall be seven (7) hours behind Greenwich time; and for imposing fines or penalties for any infraction or breach of any such by-law,

recoverable in the manner provided by the "Summary Convictions Act":

Provided further that the Lieutenant-Governor in Council, upon the request of the Municipal Council of the Corporation, may make regulations varying the reckoning of standard time, as defined by clause 43 of section 26 of the "Interpretation Act," within the municipality, and may prescribe the period in each year in which the regulations so made shall be in force for all purposes within the Municipality:

- (d.) For limiting the speed of motor-vehicles when passing on, over, or across any bridge in the municipality to any rate of speed not less than eight (8) miles per hour. Speed of motor-vehicles on bridges.

10. Notwithstanding the provisions of the "Motor-vehicle Act" or amendments thereto, or any regulations made pursuant thereto, it shall be lawful for the Council to make, alter, and repeal by-laws for determining the streets within the city on which it shall not be required during the period from one-half hour after sunset to one-half hour before sunrise to keep burning lights mounted on any motor-vehicle or trailer standing on the said streets, and complying with the rules and regulations of the city's by-laws: Provided, however, that the foregoing powers of this section shall be exercised by the Council in relation to motor-vehicles only on those streets that are lighted by the cluster-lighting system in use in the city, and only during the time the said streets are kept lighted thereby. By-laws relating to lights on motor-vehicles on cluster-lighted streets.

11. Notwithstanding any of the provisions of the "Municipal Act" or of the "Municipal Elections Act" or amendments thereto, in the Municipality of the City of Victoria the list of voters for the next current year shall be closed at five o'clock in the afternoon of the thirty-first day of October in each year, or if the thirty-first day of October shall be Sunday, then on Monday following: Close of voters' list
October 31st.

- (a.) The list so prepared, or a copy thereof, shall, on the fifteenth day of November of that year, be posted upon the notice-board or usual place for public notifications at the Municipal Hall, and remain so posted until the sitting of the Court of Revision:
- (b.) The Council shall, on or before the said fifteenth day of November, by resolution, appoint two Aldermen who, with the Mayor, shall form a Court of Revision, and such Court shall sit on the twentieth day of November of that year (or if that day is a Sunday or a public holiday, then on the next following week-day not being a public holiday), and shall continue to sit, if requisite, from day to day. Ten days' notice of the sitting of such Court shall be given by posting as aforesaid, and such notice shall be advertised for five consecutive days in one week in some daily news-

paper published in the said municipality, or in three consecutive issues of a weekly or semi-weekly newspaper published in the municipality if there is no daily paper published therein :

- (c.) The Court of Revision shall correct and revise the said voters' list, and shall have power to hear and (by a majority vote) to determine any application to strike out the name of any person which has been improperly placed thereon, or to place on such list the name of any person improperly omitted from such list. All alterations made in the list shall be shown in red ink, and the list so corrected, revised, and altered by the said Court shall be certified by the Mayor as correct, showing the Court's determination thereupon, and forthwith printed as to certified, showing such certificate :
- (d.) Three copies at least of the voters' list so printed as afore-said shall be posted up in each of three conspicuous public places in the said municipality and at the Municipal Hall, and shall remain posted up until the day of election :
- (e.) The municipal voters' list as revised and used at the annual municipal election held in the month of December in the City of Victoria shall be the list of qualified voters for that and for any subsequent municipal election until the next annual municipal voters' list has been prepared and revised :
- (f.) The Municipal Council shall, in the month of November in each year, appoint, by by-law or by resolution :—
 - (1.) The places for holding the nominations :
 - (2.) A Returning Officer :
 - (3.) The places at which polls will be opened in the municipality in case a poll is required, which shall be held at such place or places as may be designated by the Council :
 - (4.) The Deputy Returning Officers who will preside at the respective polling places ;
 and shall, before the day of nomination, furnish the Returning Officer and each deputy with a printed copy of the list of voters, and otherwise arrange for the holding of the coming election.

What to be list of
qualified voters.

Certain house-
holders not required
to make declaration.

12. (1.) Notwithstanding anything contained in subsection (2) of section 8 of the "Municipal Elections Act," a householder whose name has been, or shall have been, entered on the annual voters' list of the municipality for any year pursuant to a statutory declaration in that behalf as required by the said subsection shall thereafter from year to year, and without making a fresh declaration in that behalf, be entitled to have his name entered on such voters' list, but so long only as he shall continue to be a householder within the

meaning of the said "Municipal Elections Act" and has paid his road-tax for the current year on or before the thirty-first day of October in the said current year, unless exempted from payment thereof by the provisions of any Statute, and shall be in all other respects qualified to have his name entered as a voter on such list.

(2.) In the event of the name of any person entitled to vote at any municipal election being omitted from the municipal voters' list, as revised by the Court of Revision, through the negligence or mistake of an official or employee of the Corporation, the said person shall have the right, and shall be permitted, to vote at any municipal election upon his presenting to the Returning Officer a certificate signed by the Clerk of the Municipal Council and the City Assessor to the effect that the name of such person was improperly omitted from the said list, and that at the close of the list he was qualified to have his name entered therein as a voter for municipal purposes; and the word "person" as used in this subsection shall be deemed to mean and include a firm or corporation acting through its duly authorized agent.

13. (1.) Notwithstanding the provisions of the "Municipal Act" or of the "Municipal Elections Act," the nomination for Mayor and Aldermen shall be held on the first Wednesday in the month of December in each year, from twelve o'clock noon to two o'clock p.m. on that day, and the polling (if any) shall be held on the second Wednesday in the month of December in each year from nine o'clock a.m. to seven o'clock p.m. Nomination and polling dates.

(2.) The first meeting of the members of the Council shall be held on the first Monday in January after the annual municipal election in December. Statutory meeting.

(3.) The nomination of School Trustees and Police Commissioners shall be held and conducted at the same time, in the same manner, and by the same Returning Officer or Officers, when possible and convenient, as the nomination and election of Mayor and Aldermen pursuant to subsection (1) of this section.

14. Notwithstanding the provisions of any other Statute or law to the contrary, the term during which each Alderman, when elected, shall hold the office of Alderman shall be the period of two years: Provided, however, that of those Aldermen who shall be elected at the annual municipal election next held after the passing of this Act, the five Aldermen receiving the highest number of votes shall hold office for a period of two years, and the remaining five Aldermen shall hold office only for a period of one year: Provided further that a vacancy caused by the death, resignation, or disqualification of any Alderman when elected and holding office pursuant to this section may be filled in the manner provided by the "Municipal Act" or the "Municipal Elections Act." Two-year term for Aldermen.

By-laws for substituting securities for partially destroyed debentures.

15. (1.) It shall be lawful for the Council to make, alter, and repeal by-laws for the following purposes:—

(a.) For substituting securities in exchange for ninety (90) partially destroyed debentures of the face value of five hundred dollars each, bearing date the first day of December, 1902, payable on the first day of December, 1952, and numbered A.M. 139 to 146 (inclusive), 217, 218, 228 to 235 (inclusive), 253 to 266 (inclusive), 273, 274, 275, 277 to 289 (inclusive), 317 to 357 (inclusive), and 380, which said debentures were issued by the Corporation under By-law No. 702 of the Corporation, entitled "The Sewer Guarantee By-law, 1902," and are now held by the Equitable Life Assurance Society of the United States.

(2.) The said partially destroyed debentures when received by the Corporation shall be cancelled and the said substituted securities shall be evidence of the original debt created by the issue of the said partially destroyed debentures; and the said substituted securities shall be subject to the same rights and liabilities of the holders thereof and of the Corporation respectively as were the said partially destroyed debentures before cancellation: Provided, however, that the substitution and exchange herein referred to shall be subject to the approval in writing of the Inspector of Municipalities for the Province.

Interest on special assessments to accrue from due dates of instalments.

16. Notwithstanding any Statute or law to the contrary, instalments of local improvement taxes expressed to be due and payable by the provisions of any assessment by-law which imposes special assessments upon the lands liable for the cost of local improvements shall be deemed to be in arrears after the respective dates named in such by-law for the payment of annual instalments of the special assessments thereunder.

"Greater Food Production Act" to apply to Victoria.

17. Notwithstanding anything contained in chapter 58 of the Statutes of British Columbia, 1918, entitled the "Greater Food Production Act," the provisions of sections 1 to 14, inclusive, and of section 16 of the said Act are hereby declared to be and shall continue in force and effect within the Municipality of the City of Victoria during the years 1921 and 1922.

Cancellation of tax sale of Part Lot 11, Blk. A, Sec. 31, Map 549.

18. (1.) It shall be lawful for the Council by resolution to cancel the sale of the land known and described as N. Part of Lot 11, Block A, Section 31, Victoria West, Map 549, which was sold for taxes by the Collector of the Corporation at tax sale on the twenty-fourth day of June, 1919, and to refund to the purchaser thereof the amount paid therefor, with interest thereon at the rate of eight per centum per annum from the time of the said sale, and also to refund any municipal taxes subsequently paid by the said purchaser, or those claiming through or under him, in respect of the said land, with

interest on the amount of the said taxes at the said rate from the time or respective times of payment thereof.

(2.) Upon the said sale being cancelled and the said purchase-money and subsequent taxes (if any) and interest being refunded as aforesaid, neither the said purchaser nor any person claiming through or under him shall have any further claim or demand against the Corporation or its officers, in debt, damage, or otherwise, in respect of the said sale or the cancellation thereof; and thereupon the amount for which the said land was so sold, and the amount of subsequent taxes so paid (if any), and the interest on the said amounts as aforesaid, shall ipso facto reattach as taxes against the said Lot 11, Block A, Section 31, Victoria West, Map 549, as of their former status and as of the respective dates when such sale was made or such subsequent taxes paid; and the said amounts and interest shall be and continue to be a lien upon the said Lot 11 as if the said sale had not been made or the said subsequent taxes had not been paid, and shall thereafter be deemed to be delinquent taxes or taxes in arrear or unpaid, as the case may be, according to such respective dates, and payment thereof shall be enforced by the Collector of the Corporation at the tax sale to be held in the year 1921 unless paid before the time of the said last mentioned tax sale.

19. Where lands revert to the municipality as the result of a tax sale, and are subsequently resold to any purchaser by agreement for sale whereby the unpaid balance of the purchase price of the said lands is to be paid at a future date or by future instalments, with interest, it shall be lawful for the Collector of the Corporation, upon default being made in the payment to the Corporation of any such instalment or interest when the same became due and payable, to send by registered mail to such purchaser at his address named in the agreement for sale, or to cause to be personally served upon such purchaser, a notice to the effect that if the amount of the instalment or instalments or interest so in default be not paid within ninety days from the date of the mailing of the said registered notice, all the right, title, and interest of the said purchaser, his heirs, executors, administrators, and assigns, in and to the said agreement for sale, the amount paid thereunder, and the lands referred to therein will cease and determine, and that the said amounts paid thereunder will be forfeited to the Corporation; and if the purchaser fails to pay or cause to be paid within the said period of ninety days the amount so in default, all the right, title, and interest of the said purchaser, his heirs, executors, administrators, and assigns, in and to the said agreement for sale, the amounts paid thereunder, and the lands referred to therein shall cease and determine, and the said lands shall immediately become revested in the Corporation, free from all encumbrances, and the said amounts paid under the said agreement shall be forfeited to the Corporation at the expiration of the said period of ninety days; and the Registrar-General of Titles,

Power to cancel agreements for sale of lands previously reverted to Corporation by tax sale.

upon the Collector filing with him a statutory declaration of the continuation of the said default until after the expiration of the said ninety days, and of the mailing, or personal service, of the notice herein required, shall, upon the expiration of the said period of ninety days referred to in the notice, cancel all charges or encumbrances of whatever nature appearing in the records of the Land Registry Office against the said lands: Provided, however, that the Registrar-General of Titles may require production of a returned registration receipt verified by statutory declaration; to satisfy himself of the sufficiency of service by registered mail, and if the Registrar-General of Titles is not satisfied with the sufficiency of service by registered mail, the service shall be effected in such manner as a Judge of the County Court or of the Supreme Court may direct upon an ex parte application on behalf of the Corporation; and the foregoing provisions of this section shall relate back to and be deemed to have been in force and effect from and after the first day of July, 1920.

Purchase price of municipal lands sold not to form basis of assessment and taxation.

20. Notwithstanding anything contained in the provisions of the "Municipal Act" or of any other Act, the consideration or purchase price named in any conveyance, agreement for sale, or other instrument by which lands or land and improvements the fee of which is in the municipality have been sold or disposed of by the Corporation shall not be deemed to be the actual value of such land or land and improvements for the purpose of assessment and taxation thereof, and shall not form the basis of or affect in way whatever the value of any other land or land and improvements within the municipality for assessment and taxation purposes; and the foregoing provisions of this section shall relate back to and be deemed to have been in force and effect from and after the first day of January, 1921.

Qualification of Police Commissioner.

21. No person shall be nominated or elected to hold the office of Police Commissioner unless such person shall have the qualifications by law then required by a person for nomination and election to hold the office of Alderman.

Enabling Assessor to apportion assessment and taxes in case land subdivided.

22. When any land in the municipality shall have been subdivided, the Assessor of the Corporation shall have full power and it shall be his duty to apportion in his discretion, in as equitable a manner as possible, the assessment of the said land among the various parcels into which the said land shall have been subdivided, and also to apportion in the same manner all amounts of general and local improvement rates and taxes unpaid or in arrears that may have been levied against the said land prior to the subdivision referred to, and also all unpaid balances of capital sum, or of soldier's capital sum, of consolidated arrears of taxes and interest thereon due and payable to the Corporation in respect of the said land. The Assessor shall likewise have the power and it shall be his duty to apportion among

the parcels forming the subdivided land the amount or amounts of the future instalments of special assessments with which the said land may have been charged by by-law of the Corporation.

The said Assessor shall have full power and it shall be his duty to record in red ink on his assessment roll all changes and corrections that may be required by such apportioning immediately after any such subdivision referred to has been made, and thereafter the Collector of the Corporation shall have the same rights and powers as to the collection of taxes so apportioned to the parcels of the subdivided land as if the assessments fixed by the said Assessor under this section had been made and passed by a duly authorized Court of Revision.

23. The Council may pass a by-law or may from time to time pass by-laws authorizing the borrowing, and in pursuance thereof may borrow, from any person or persons such sum or sums of money as may be requisite to do or perform on behalf of the British Columbia Electric Railway Company, Limited, that portion of the work of paving Government Street from the south side of Humboldt Street to the north side of Cormorant Street, in the City of Victoria, as a work of local improvement, which the said Railway Company has agreed to perform at its own expense: Provided, however, that such borrowing shall be effected under the following conditions:—

Power to borrow
and advance money
on behalf of B.C.
Electric Railway
Company, Limited.

- (a.) That the obligation given to the lender shall be in writing, signed by the Mayor and the Finance Committee and the Clerk of the Corporation, and shall bear the corporate seal:
- (b.) That the Council shall in the by-law name the amount to be so borrowed, the maximum rate of interest, the date on or before which principal and interest shall be payable and the form of obligation to be given as an acknowledgment of the liability:
- (c.) That the by-law shall not require the assent of the electors.

Provided further that the power to borrow herein contained shall not be exercised by the Council until the said Railway Company has deposited with the Treasurer of the Corporation of the City of Victoria a promissory note, made payable to the Corporation, in the sum of thirty-nine thousand dollars (\$39,000) (being the estimated cost of the work hereinbefore mentioned), payable at Victoria on the second day of July, 1921, without interest; the deposit of the said promissory note in the sum of the estimated cost of the work hereinbefore mentioned shall be by way of security only for the repayment to the Corporation of the amount that may be actually expended by the Corporation on behalf of the Railway Company in the said work, and which sum, when ascertained, shall be a debt due and payable by the Railway Company to the Corporation in accordance with the terms of the said promissory note, and in default of payment on the date mentioned the sum due shall bear interest at the rate of six per cent. per annum until paid.

Election of Police
Commissioners
validated.

24. The election of Police Commissioners for the City of Victoria which was held on the third day of March, 1921, is hereby confirmed and declared to be valid and binding upon all parties.

Changes and
corrections in
assessment roll
after revision.

25. (a.) Where real property has since the date of the revision of the assessment roll changed ownership as shown by the records of the Land Registry Office, the name or names of the new owner or owners, as defined by section 266 of the "Municipal Act," shall be substituted for the name or names appearing upon the said assessment roll.

(b.) Where any manifest error or misstatement in the name of a person assessed or in the description or particulars of the real property exists upon the said assessment roll, the correct name, description, or particulars may be inserted.

(c.) The alterations authorized by subsections (a) and (b) of this section shall be made by the Assessor of the Corporation, and there shall be noted by him in red ink in the margin of the assessment roll against every alteration the date of the making of the same; and the said assessment roll, when so corrected or altered, shall continue to be as valid as if the said roll had been so corrected or altered and passed by the Court of Revision for the current year.

VICTORIA, B.C.:

Printed by WILLIAM H. CULLIN, Printer to the King's Most Excellent Majesty.
1921.