



CHAPTER 68.

An Act to amend the "Vancouver Incorporation Act, 1921."

[Assented to 1st April, 1936.]

WHEREAS a petition has been presented by the City of Van- ^{Preamble}
couver praying that the "Vancouver Incorporation Act,
1921," 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, enacts as follows:—

1. This Act may be cited as the "Vancouver Incorporation ^{Sho t title.}
Act, 1921, Amendment Act, 1936."

2. Section 3 of the "Vancouver Incorporation Act, 1921," ^{Amends 3}
being chapter 55 of the Statutes of British Columbia, 1921 (Second Session), is amended by striking out of the thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, and thirty-seventh lines thereof the words "Provided always that the said city shall not make or give any bond, bill, note, debenture, or other undertaking for the payment of a less sum than one hundred dollars, and any bond, bill, note, debenture, or other undertaking in contravention of this section shall be void."

3. Section 6 of said chapter 55 is repealed, and the following is ^{Re-enacts 6}
substituted therefor:—

"6. Notwithstanding anything in this or any other Act contained, the present several existing wards in the city shall from and after the first day of December, 1936, cease to exist, and the city shall be one ward and the Council shall be nominated and

elected from the city at large. The Aldermen holding office on the said first day of December, 1936, shall be deemed to represent such ward up to the hour of the day upon which their successors, duly elected and sworn in, shall hold their first meeting as provided by section 15 of this Act, at which time each of said Aldermen unless re-elected at the election to be held in the month of December, 1936, shall cease to hold office."

Amends s. 7

4. Section 7 of said chapter 55 is amended by striking out subsections (1), (2), and (3), and substituting therefor the following:—

"(1.) The powers of the city under this Act shall be exercised by the Council thereof, which shall be elected as hereinafter provided, and shall consist of a fit and proper person who shall be called the Mayor of the city, and also of eight fit and proper persons, who shall be called Aldermen thereof; provided that such powers shall continue to be exercised by the present Council up to the hour of the day upon which its successors in office, duly elected and sworn in, shall hold their first meeting as provided by section 15 of this Act. The Mayor shall hold office for two years from the date of his election, and from that time onward until his successor shall have been elected.

"(2.) Of the eight Aldermen elected at the election to be held in the month of December, 1936, the four receiving the highest number of votes at such election shall continue in office as Aldermen for the term of two years from the date of such election and from that time onward until their successors shall have been elected; and the other four so elected shall continue in office for one year from the date of such election and from that time onward until their successors shall have been elected.

"In each succeeding year after the said election there shall be elected as many Aldermen as shall be necessary to fill the places of the Aldermen whose term of office then expires so as to complete the full complement of eight Aldermen; and such Aldermen as are elected in each succeeding year shall hold office for two years and until their successors shall have been elected.

"(3.) The provisions of this Act applying to the nomination and election of Mayor and Aldermen annually shall, mutatis mutandis, apply to the nomination and election of Mayor and Aldermen biennially."

Amends s 11

5. Section 11 of said chapter 55 is amended by adding at the end thereof the word "thereon."

Amends s 20

6. Section 20 of said chapter 55 is amended by striking out of the fourth and fifth lines thereof the words "any offence against

the Criminal Code of Canada," and substituting therefor the following: "any indictable offence, unless he has been pardoned, or after serving his sentence has been at liberty for a period of five years preceding the election at which he presents himself as candidate for Mayor or Alderman."

7. (1.) Subsection (2) of section 39A of said chapter 55, as enacted by section 3 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1931," is amended by striking out the word "one" in the second line thereof, and substituting therefor the words "one and one-half"; and by striking out the words and figures "1932 until the year 1936" in the twelfth line thereof, and substituting therefor the words and figures "1937 until the year 1939"; and by striking out the figures "1932" in the last line thereof, and substituting therefor the figures "1937." Amends subsec (2), s 39A

(2.) Subsection (4) of said section 39A is amended by striking out the word "one" in the eighth line thereof, and substituting therefor the words "one and one-half." Amends subsec (4), s 39

(3.) Subsection (1) of this section shall come into force and take effect on the first day of January, 1937.

8. Section 40 of said chapter 55 is amended by striking out subsection (3), and substituting therefor the following:— Amends subsec (3), s 40

"(3.) For the purposes of clauses (a), (d), (e), and (j) of subsection (1) hereof, reference shall be had to the records of the Land Registry Office as of the twentieth day of November in each year."

9. Section 50 of said chapter 55 is amended by striking out the word "five" in the first line thereof, and substituting therefor the word "three." Amends s 50

10. Clause (e) of subsection (1) of section 59 of said chapter 55 is repealed, and the following substituted therefor:— Amends subsec (1), s 59

"(e.) The total amount for the current year of local improvement and special assessments and of all other sums (not being taxes) legally due for the current year on or in respect of such land."

11. Clause (f) of subsection (1) of section 59 of said chapter 55 is repealed, and the following substituted therefor:— Amends subsec (1), s 59

"(f.) The total amount delinquent or in arrears of taxes, local improvement and special assessments, and of all other sums delinquent or in arrears legally due on or in respect of such land."

Amends subsec. (1),
s. 59.

12. Said chapter 55 is amended by striking out clauses (g) and (h) of subsection (1) of section 59.

Amends subsec. (1),
s. 60.

13. Clause (e) of subsection (1) of section 60 of said chapter 55 is repealed, and the following substituted therefor:—

“(e.) The total amount for the current year of local improvements and special assessments and of all other sums (not being taxes) legally due for the current year on or in respect of such land.”

Amends subsec. (1),
s. 60.

14. Clause (f) of subsection (1) of section 60 of said chapter 55 is repealed, and the following substituted therefor:—

“(f.) The amount delinquent or in arrears of taxes, local improvement and special assessments, and of all other sums delinquent or in arrears legally due on or in respect of such land.”

Amends subsec. (1),
s. 60.

15. Said chapter 55 is amended by striking out clauses (g) and (h) of subsection (1) of section 60 and by relettering clause (i) as clause (g).

Amends subsec (7),
s. 60.

16. Subsection (7) of section 60 of said chapter 55 is amended by striking out the words “opposite the name of the person taxed” in the third and fourth lines thereof.

Amends s 61

17. Section 64 of said chapter 55 is amended by striking out the words “no such by-law shall authorize more than three instalments for any one year's taxes on any one lot, and that,” where they occur in the third, fourth, and fifth lines of said section.

Enacts s 64A and
64B.

18. Said chapter 55 is amended by inserting therein the following as sections 64A and 64B:—

“64A. If any parcel of land appears on the assessment roll to have been subdivided, and any arrears of taxes or delinquent taxes appear charged upon said parcel, the Collector, in placing such arrears or delinquent taxes upon the Collector's roll, shall apportion such arrears or delinquent taxes in the same proportion in money as the amount of the assessment of each subdivided parcel bears to the total amount of such assessment, and the amount of arrears or delinquent taxes so arrived at shall be placed upon said roll as the amount of arrears or delinquent taxes against such subdivided parcel.

“64B. If any plan has been cancelled, the amount (if any) of arrears or delinquent taxes against any parcel of land in the plan or subdivision cancelled shall be placed upon the Collector's roll

against the parcel of land in which the same is incorporated as the same appears after the cancellation of such plan."

19. The proviso to section 103 of said chapter 55 which was enacted by section 7 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1928," is struck out. and the following substituted therefor:— Amends s. 103.

"Provided, however, that an owner of real property in more than one district shall be entered on the voters' list in the district in which he has the largest amount of real property in value according to the last revised assessment roll; but any such owner may upon application to the City Clerk before the final revision of the voters' list have his name transferred to any other district in which he is the owner of real property; and where an owner is also a tenant he shall vote only as an owner."

20. Subsection (78) of section 163 of said chapter 55 is amended by inserting after the word "cellars" in the second, fifth, and twelfth lines thereof, respectively, the words "crossings, driveways, encroachments," and by striking out of the last three lines thereof the words "and for making the amount of any loss or damage occasioned to the city thereby a first lien or charge on the lands abutting such area, footings, foundations, cellar, or opening, or overhead covering." Amends subsec. (78), s. 163.

21. Section 163 of said chapter 55 is amended by inserting therein the following as subsection (139b):— Enacts subsec. (139b), s. 163.

"(139b.) For licensing, regulating, defining, and classifying the construction, installation, and maintenance of gasoline and oil-filling stations and of pumps and other measuring devices used or maintained for the purpose of supplying or delivering gasoline or other inflammable liquids."

22. Subsection (146) of section 163 of said chapter 55 is amended by adding at the end thereof the following words: Amends subsec. (146), s. 163.
"and for providing that such Licence Inspector may between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any week-day enter upon any licensed premises for the purpose of inspecting the same, and may apply to any person on such premises for such information as will enable such Inspector to determine whether or not such person is or is not liable to pay the said tax or licence, and to what extent, if any. It shall be the duty of every such person (or, if such person is a corporation, any director thereof) to deliver to the Inspector a statement in writing containing the information applied for."

Enacts subsec.
(199a), s. 163.

23. Section 163 of said chapter 55 is amended by inserting therein the following as subsection (199a):—

“(199a.) For allowing to the owners of any building, structure, or erection pulled down, removed, or demolished, pursuant to any of the provisions of this Act, such reduction as the Council may see fit in the amount of taxes levied thereon in the year in which such pulling down, removal, or demolition has taken place.”

Re-enacts subsec.
(240), s. 163.

24. Subsection (240) of section 163 of said chapter 55 is repealed, and the following substituted therefor:—

“(240.) For exempting from taxation any building set apart and in use for the public worship of God, including the land upon which such building stands, and also including such other land and buildings bona fide used in connection therewith as may be determined by the Court of Revision, subject to appeal to the Council, whose decision shall be final: Provided, however, that there shall be no exemption either of building or lands pursuant to this subsection unless the title to the lands is registered in a religious organization or in trustees for the use of such an organization.”

Amends s. 221.

25. Section 221 of said chapter 55 is amended by striking out the word “general” where it appears in the third and eighth lines thereof; and by striking out the words “this Act” where they appear in the fourth line thereof, and substituting therefor the following words: “any provision of this Act limiting the power to contract debts”; and by striking out in the fifth line the word “assured.” and substituting the word “secured.”

Re-enacts s. 320.

26. Section 320 of said chapter 55 is repealed, and the following is substituted therefor:—

“(1.) Every public street, road, lane, bridge, and highway of which the Council has the custody, care, and management shall be kept in reasonable repair by the city, and in case of default the city shall, subject to the provisions of the ‘Contributory Negligence Act,’ be liable for all damages sustained by any person by reason of such default.

“(2.) No action shall be brought against the city for the recovery of damages occasioned by such default, whether the want of repair was the result of misfeasance or nonfeasance, after the expiration of three months from the time when the damages were first sustained.

"(3.) Except in the case of gross negligence the city shall not be liable for a personal injury caused by snow or ice upon a street.

"(4.) No action shall be brought for the recovery of the damages mentioned in subsection (1) unless notice in writing setting forth the time, place, and manner in which such damage was sustained has been served upon or sent by registered post to the City Clerk within sixty days after the happening of the injury. If the injury was caused by snow or ice on the street, such notice shall be served within thirty days after the happening of the injury, otherwise the action shall be barred.

"(5.) In case of the death of the person injured, failure to give notice shall not be a bar to the action, and failure to give or insufficiency of the notice shall not be a bar to the action, if the Court or Judge before whom the action is tried, or, in case of appeal, the Court of Appeal, is of the opinion that there is reasonable excuse for the want or insufficiency of the notice, and that the city was not thereby prejudiced in its defence."

VICTORIA, B.C.

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