



## CHAPTER 66.

An Act respecting the Official Map of the City of Victoria, and Subdivisions of Lands within the boundaries of the said City.

[12th April, 1893.]

**W**HEREAS, on the 7th day of May, 1880, an Act entitled the “City Preamble.  
of Victoria Official Map Act, 1880,” was passed by the Legislative Assembly of this Province :

And whereas divers Acts have since been passed amending the “City of Victoria Official Map Act, 1880” :

And whereas it is desirable to further amend and consolidate the said Acts :

And whereas it is also desirable to provide for the preparation and filing of an official map of the extended limits of the City of Victoria :

And whereas it is desirable to enact provisions respecting plans of subdivisions of lands within the limits of the Corporation of the City of Victoria :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. In the construction of this Act the following expressions shall Interpretation.  
have the following meanings respectively :—

“The Corporation” shall mean the Corporation of the City of “The Corporation.”  
Victoria :

“The Council” shall mean the present or any future Council of the “The Council.”  
Corporation of the City of Victoria, as the same shall be constituted under the provisions of the “Municipal Act, 1892,” or any statute passed by the Legislative Assembly of this Province amending or as a substitution for the said Act :

"The Engineer."	"The Engineer" shall mean the person holding the position of City Engineer or City Surveyor for the Corporation of the City of Victoria, or such other person as shall from time to time, during any of the periods mentioned in this Act, hold a similar position or perform the like duties for the Corporation as is now held and are performed by the City Surveyor or the City Engineer:
"Registrar-General."	The expression "Registrar-General" shall mean the person for the time being occupying the office of the Registrar-General of Titles at the City of Victoria:
"The Court."	The expression "the Court" shall mean the Supreme Court of British Columbia:
"Judge."	The expression "Judge" shall mean any Judge of the said the Supreme Court of British Columbia:
"The Divisional Court."	The expression "the Divisional Court" shall mean the Divisional Court of the said the Supreme Court of British Columbia.

*Arbitration.*

How proceedings to be governed.	2. Whenever in this Act an arbitration is mentioned, the appointment, rights, powers, and duties of the Board of Arbitrators thereby provided for, the practice relating to, and the conduct of the reference, the award upon the said arbitration, and generally all proceedings relating thereto, shall be governed by the provisions of the "Arbitration Act, 1893."
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*Official Map of Original Limits.*

Official map and street boundaries.	3. The Official Map of the City of Victoria as it is now filed in the office of the Registrar-General, together with such amendments as may hereafter be made in pursuance of the provisions of this Act, shall, since the filing of the said map, be deemed to have been, and shall hereafter be taken, as final and conclusive evidence of the boundaries of all streets within the municipal limits of the Corporation which are laid out upon the said Official Map, or described in any amendments thereto, and all such street boundaries shall be ascertained and defined in accordance with the said map or plan, or amendments thereto as aforesaid; and all copies thereof, duly certified by the Registrar-General, shall be received in all Courts in British Columbia as true evidence of the original survey of such street boundaries or lines.
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Certified copies to be received in all Courts.

Permanent monuments.

4. The stone monuments now placed at the several governing points or centres of streets in accordance with the "City of Victoria Official Map Act, 1880," the "City of Victoria Official Map Amendment Act, 1881," the "City of Victoria Official Map Act, 1883," the "City of Victoria Official Map Amendment Act, 1888," and the "City of Victoria Official Map Amendment Act, 1889," shall, together with the monuments to be placed in accordance with the provisions of this present Act, be taken and considered to be the permanent monuments truly

and correctly indicating the several governing points and centres and side lines of streets aforesaid within the municipal limits of the Corporation.

*Stone monuments to be placed on certain streets.*

5. It shall be lawful for the Corporation, by resolution of the Council, to authorize the Engineer to place stone or other durable monuments in the position originally intended, according to the official map, for the following stone posts or monuments, that is to say :—

Power to place durable monuments for certain posts or monuments.

That on Government Street at or near Bastion Street; Chambers Street at or near Queen's Avenue; the west end of a street in Spring Ridge, lying parallel with and between Putnam and North Chatham Streets, commonly known as "Vining Street;" Pandora Street, opposite Lot 10, Block 15; Cook Street, at or near Pandora Avenue; Pembroke Street, in line with the eastern boundary of Lot 763; Broad Street, at or near Pandora Avenue; at the east end of Vining Street on Spring Ridge, where it joins Fernwood Road; at the east end of Putnam Street, Spring Ridge, where the said street joins Fernwood Road; at the west end of Alfred Street, Spring Ridge, where it joins Chambers Street; on Douglas Street, at or near Pembroke Street; Government Street, at or near Johnson Street; Store Street, at or near Constance Street; Store Street, at or near Cormorant Street; Johnson Street, near Wharf Street; Johnson Street, at west line of Government Street; Johnson Street, at east line of Government Street; Johnson Street west line of Douglas Street; Johnson Street east line of Douglas Street; on Fort Street, at or near Government Street; on Mears Street, at or near Cook Street.

Where monument to be placed.

6. The Engineer may locate the monuments referred to in the preceding section according to the positions shown by the reference measurements given on the Official Map as already filed, but if the said reference points have been removed, or cannot be located, then the Engineer, for the purpose of re-establishing the said monuments, may act upon the best evidence which he can obtain, and in the latter event it shall be the duty of the Engineer to re-reference each of the said monuments from some permanent object in the vicinity; and he is also, in the said latter event, hereby authorized to amend the present Official Map of the Corporation by marking such last-mentioned reference points thereon, and certifying the same over his signature on the said map.

How Engineer to locate reference points.

*Defining Street Lines in the Fort Property.*

7. The Corporation may, by resolution of the Council, authorize the Engineer to determine and establish upon the ground stone or other

Power to authorize Engineer to define street lines in Fort property.

monuments of a permanent description which shall be the governing points for the purpose of defining the centre and side lines of all streets within the area of the municipal limits of the Corporation, bounded by the following streets, namely:—On the north by the north side of Bastion Street, on the south by the south side of Humboldt Street, on the east by Government Street, and on the west by the west side of Wharf Street.

*Defining Street Lines in other portions of the City.*

Other street lines  
which may be de-  
fined.

8. The Corporation may also, by resolution of the Council, authorize the Engineer to determine and establish upon the ground stone or other monuments of a permanent nature, which shall be the governing points for the purpose of defining the centre and side lines of the streets to which the following names have been given, that is to say:—

Victoria Crescent; Burdette Avenue; Blanchard Street (extension); east portion of Churchway; Penwill Street; Princess Avenue and Queen's Avenue, between Douglas and Government Streets; Princess Avenue, from Blanchard Street to Spring Street; Market Street; Orchard Street; Ormond Street; Cornwall Street; Oscar Street; Howe Street; Snowden Street; Richardson Street, from Moss Street to the city limits, as defined by the Letters Patent issued on the 9th May, 1873; Belcher Street, from Cook Street to the said city limits; Pemberton Road, from Cadboro Bay Road to the said city limits; Fairfield Road, from Moss Street to the said city boundary; Cook Street, from Richardson Street to the Straits of Fuca; Packington Street; Southgate Street; Pendergast Street; Sutlej Street; Wallace Street; Mears Street, from Quadra Street to Vancouver Street; Coutts Street; Yates Street extension; Belville Street, from Menzies Street to Maclure Street; San Juan Avenue; Lewis Street; St. James Street; Corbary Street; Sylvia Street; Stafford Street; St. Andrew's Street; Clarence Street; Croft Street; Rendal Street; Battery Street; Boyd Street; Princess Street; Parry Street; Powell Street; Young Street; Avalon Street; Phoenix Street; extension of Rupert Street from Collinson to Maclure Streets; Edmonton Street; Bay Street; Spring Street; Cedar Hill Road and Queen's Avenue, where they cross Section 73, Spring Ridge; Camosan Street; North Pandora Street; South Pandora Street; Johnson Street; Stelly Street and North Park Street, on Spring Ridge; Caledonia Avenue; North Park Street, from Cook to Chambers Streets; Putnam Street, from Cook to Chambers Streets; Alfred Street, from Cook to Chambers Streets; Elizabeth and Rebecca Streets; east portion of Frederick Street; Green Street; Amelia Street; Herald Street west of Store Street; Telegraph Street; London

Road or North Road; North Pembroke Street; North Chatham Street; Vining Street; Bodwell Street; Alfred Street; Pandora Street North; Harrison Street; Stanley Avenue; Milne and Grant Streets on the Fernwood Estate; also 5th, 6th, 7th, and 8th Streets, Hill Street, Cook Street, and Bay Street, on the Work Estate; the north end of Pleasant Street, and the south end of Rock Bay Avenue and Short Street, on the Harbour Estate:

Provided, however, that the monuments mentioned in this section Proviso. shall be placed in such positions as that the centre and side lines of the said streets shall be identical with the said lines as they are now laid down upon the plans of the subdivisions of the lands comprising the said streets, as filed by the owners thereof.

*Provisions for further Monuments.*

9. It shall also be lawful for the Engineer from time to time, as he shall see fit, to establish upon the ground stone or other monuments of a durable nature, at such points as he may deem proper, for the purpose of facilitating the references to the centre and side lines of the streets in the city, as already located and marked upon the official map: Provided, however, that in no case shall any such monument be placed so as to interfere with, or vary in any manner, the centre or side line of any street as already established in the city. Power to establish other durable monuments for facilitating reference to street lines already located.

*Making alterations in the Official Map, in pursuance of the preceding sections.*

10. It shall be lawful for the Corporation, by resolution of the Council from time to time, to authorize the Engineer to amend the Official Map now deposited with the Registrar-General, by plotting the lines of the said streets referred to in section 7 of this Act, and by marking the positions of the stone monuments referred to in the four preceding sections of this Act, or any of them, and to certify to the said amendments and the date thereof over his signature on the said map. Power to amend official map.

*Official Map of Extended Limits.*

11. It shall be lawful for the Corporation, by resolution of the Council, to cause to be prepared, under the direction of the Engineer, an Official Map or Plan of the extended limits of the Corporation, which said extended limits, for the purposes of this section, shall be deemed to include all the lands described in section 16 of the "City of Victoria Act, 1892," which are not mentioned in the Letters Patent dated the 9th day of May, 1873. Authority for map of extended limits.

12. The said plan, when so prepared, shall be certified and signed by the Engineer, and shall be deposited in the office of the Registrar-General. Same to be certified and filed.

Said map to be official map and conclusive evidence of street boundaries in extended limits.

Certified copies to be received in all Courts.

Durable monuments to be placed in streets within extended limits.

Same to be permanent monuments.

Map on further extension of limits.

Durable monuments to be placed when amendments or new map made.

Monuments removed may be replaced.

**13.** The said map or plan, when so certified and deposited, and any or all new map or maps of any further extension of the limits, together with any amendments or additions thereto which may at any time hereafter be made under the authority of this Act, shall be deemed to be the Official Map of the area of the Corporation thereon described, and shall be taken as final and conclusive evidence of the boundaries of all streets in the said area, and all street boundaries in the said area shall thereafter be ascertained and defined in accordance with the said map or maps, and all copies of the said map or maps, duly certified by the Registrar-General, shall be received in all Courts in British Columbia as true evidence of the original survey of such street boundaries or lines.

**14.** Upon the completion of any of the said maps or plans, or of any amendments or additions thereto as aforesaid, stone monuments, or monuments of other durable material, shall be placed at the governing points and along the centre line of each street within the area shown upon the said Official Map or Maps, or amendments or additions thereto respectively.

**15.** The stone monuments finally placed at the governing points and centres of streets in the said area, in accordance with the map or maps, or amendments or additions thereto as aforesaid, shall be taken and shall be deemed to be the permanent monuments truly and correctly indicating the several governing points, centres and side lines of the streets aforesaid.

*Provision for Map of further Extension of Limits.*

**16.** In case at any time hereafter the boundaries of the municipal limits of the Corporation shall be further extended, it shall be lawful for the Corporation, by resolution of the Council, to cause, from time to time, the area of lands comprised in such extended limits to be surveyed by the Engineer and plotted and certified by him upon the map or plan deposited under the provisions of sections 11 and 12 of this Act by way of amendment thereto; or in the alternative, if the Council shall see fit, they may, by resolution, authorize an entirely new map or plan of such further extension or extensions of the municipal limits to be made and certified from time to time by the Engineer and deposited with the Registrar-General.

**17.** Whenever any such amendment or amendments, or new map or maps, is or are made, stone or other durable monuments shall be placed by the Engineer at the several governing points and centres of streets in the area comprised in such amended or new map or maps.

**18.** If at any time it shall be discovered that any such monuments shall not have been placed, or shall have been removed from the several governing points or centres of streets aforesaid, it shall be

lawful for the Council, by resolution, to authorize the Engineer to place, or replace, such monuments in the position shown by the said map or maps, or by any of the amendments or additions thereto, as aforesaid.

*Further Amendments to Official Maps.*

**19.** If at any time hereafter it shall be discovered that there has been an omission to mark upon any map or maps referred to in this Act the position of any stone or other monument referred to herein, it shall be lawful for the Council, by resolution, to authorize the Engineer from time to time to further amend any of such map or maps, by marking the position of such monument or monuments thereon; and when such further amendment or amendments are made and certified by the Engineer, with the date thereof, the provisions of this Act shall apply to such amendments in the same manner as if they had been shown on the said map or maps when the same was originally deposited.

How omissions to official maps rectified.

*Ascertaining the Boundaries of Lands abutting on Streets.*

**20.** Any person owning, or occupying, or having an interest of any kind in any land abutting upon any street within the municipal limits of the Corporation, or the agent of any such person, may at any time apply to the Corporation to cause the boundary line of that portion and side of the street upon which such land shall abut to be surveyed and marked out; and it shall thereupon be the duty of the Corporation to cause such boundary line to be surveyed and marked out in accordance with the Official Map or Plan of the area comprising the said street, the cost of such survey to be determined by the Engineer and to be paid in advance by the person so applying therefor.

Boundaries to be surveyed at expense of applicant for same.

*Encroachments upon Streets.*

**21.** Any land shown by any of the Official Map or Maps of the Corporation, or by any amendments or additions thereto, to be included within the limits of any street, shall be deemed to be a portion of such street, notwithstanding that the same may be, or at some previous time may have been, in the possession of any person or persons, or that there are any buildings or improvements thereon: and it shall be the duty of the tenant, owner, or other person interested in the land in front of which such street line shall be defined as aforesaid, upon receiving notice to that effect from the Corporation, and upon being paid the compensation hereinafter provided for, to remove from off the street all fences, buildings and other improvements which shall be shown by the said boundary line to be upon the street, and in default of compliance with such notice it shall be lawful for the Corporation to cause such fences, buildings and other improvements to be removed from such street as aforesaid, and the cost of effecting such

Person occupying land forming portion of street to remove fences, buildings, &c., on receiving notice and compensation.

In default of compliance Corporation may effect removal and recover cost.

Proviso that compensation be first paid.

Arbitration in case of dispute.

Requires compensation to be tendered.

And if amount not accepted and arbitration held, as to costs of arbitration.

removal may be recovered by the Corporation against the owner of such land, by action in any Court of competent jurisdiction: Provided, always, that any person, before he shall be required, under the provisions of this Act, to give up and surrender such land, or to remove any such fences, buildings, or other improvements from such land, shall be entitled to receive and shall be paid by the Corporation a reasonable compensation therefor, the amount of the compensation to be agreed upon between the said person and the Corporation, or in case of disagreement, to be referred to and decided by a board of arbitrators, to be appointed as hereinafter mentioned, namely: The Corporation shall appoint one, the owner, tenant or other person making the objection shall appoint another, and such two arbitrators shall appoint a third arbitrator, within twenty days after their appointment.

**22.** Whenever any person shall be entitled to compensation under this Act, it shall be the duty of the Corporation to tender to such person or his agent such sum of money as the Corporation shall consider the proper compensation for the damage sustained by such person, and in the event of such tender not being accepted and an arbitration being held under the provisions of this Act, then in case the arbitrators shall not award any greater sum than the amount tendered as aforesaid, the costs of the arbitration, including the costs of the Corporation, shall be in the discretion of the arbitrators; but in case the said arbitrators shall award to the said claimant a greater amount than that tendered as aforesaid, or in case no tender shall have been made and compensation shall have been awarded to the claimant, the costs of such arbitration, including the costs of the claimant, shall be borne by the Corporation.

*Subdivisions of Lands within the City Limits.*

Ss. to apply in addition to provisions of C.A. 1888, c. 67.

**23.** In addition to the provisions of the "Land Registry Act," the following sections shall apply to all subdivisions of land within the municipal limits of the Corporation:—

Preliminary proceedings on application to Supreme Court Judge for order to deposit plans with Registrar-General.

**24.** Whenever any person is desirous of depositing a plan of a subdivision of any land within the municipal limits of the Corporation, he shall cause the same, or a tracing or true copy thereof, to be delivered at the office of the City Clerk, together with a notice in writing stating that at a time and place to be specified in such notice (but which time shall not be less than four clear days from the service of such notice), the person desirous of depositing the said plan will apply to one of the Judges of the Court for an order allowing the applicant to deposit the same with the Registrar General.

Copies of affidavits and abstract of other evidence to be used to be delivered with notice.

**25.** There shall also be delivered with the said notice copies of all affidavits, and an abstract of such other evidence as is intended to be used by the applicant on the hearing of the motion mentioned in the notice.



**26.** At the expiration of the time mentioned in such notice, or upon such other day or hour as may be appointed by the Judge for that purpose, the person so desirous of depositing the said plan, or his solicitor or counsel, may apply to a Judge of the Court for an order allowing the said plan to be deposited.

At time fixed order may be applied for.

**27.** The Corporation shall be entitled to appear upon the hearing of such application by their solicitor or counsel, and to raise any objection to the filing of the said plan which they may deem proper.

Corporation to be heard on application.

**28.** The Corporation shall, before the return day of any such application, give to every applicant notice in writing of all objections intended to be raised against the deposit of any such plan.

Notice of objection against deposit of plan.

**29.** All proceedings upon the hearing of the said application and the costs thereof shall be governed, as far as possible, by the practice of the Court relating to motions generally.

How proceedings on hearing and costs to be governed.

**30.** The Judge may, upon the hearing of any such application, receive and act upon any evidence which is now received by the Court on a question of title, and any evidence which the practice of English conveyancers authorizes to be received on an investigation of a title out of Court, or any other evidence, whether the same is or is not receivable or sufficient in strict point of law, or according to the practice of the Court, provided the same satisfies the Judge of the truth of the facts intended to be made out thereby.

Evidence to be received by Judge on hearing.

**31.** All proofs required may be made by or in the form of affidavits, or certificates, or may be made *viva voce*, or may be in any other manner or form that, under the circumstances, is satisfactory to the Judge in regard to the matters to which the same may relate.

Proof to be by affidavit or *viva voce*.

**32.** If upon the hearing of the application the Judge is satisfied that the plan proposed is sufficiently definite as to boundaries, and that provision is made thereon for proper streets, not less than sixty feet in width, and is in other respects a fit and proper plan to be filed, he shall make an order allowing the said plan to be deposited with the Registrar-General; or the Judge may direct any amendment or amendments to be made to the said plan before allowing the same to be deposited, and for that purpose may adjourn the said application for such time, and from time to time, as he may deem expedient.

Order on hearing.

**33.** An appeal shall lie to the Divisional Court from the order of any Judge, made upon the hearing of any such application.

Appeal.

**34.** The Judge or Divisional Court, as the case may be, may make such order as to costs as such Judge or Divisional Court may see fit.

Costs.

**35.** Notwithstanding anything contained in the "Land Registry Act," or in any law in force in this Province, no plan or subdivision of

No plan to be deposited with Registrar-General, except by order of a Judge.

land within the area of the municipal limits of the Corporation shall be deposited with the Registrar-General, except under the authority of an order of a Judge obtained in the manner hereinbefore stated:

Amendment to plan. Provided, however, that any such plan, when so filed, may be afterwards altered or amended in the same manner and under the same conditions as if this Act had not been passed.

*Repealing clause.*

Acts repealed.

**36.** The “City of Victoria Official Map Act, 1880,” the “City of Victoria Official Map Amendment Act, 1881,” the “City of Victoria Official Map Act, 1883,” the “City of Victoria Official Map Amendment Act, 1888,” and the “City of Victoria Official Map Amendment Act, 1889,” are hereby repealed: Provided, always, that such repeal shall not invalidate any act or any right or privilege done or acquired under or in pursuance of the said repealed Acts, or any of them.

*Short Title.*

Short title.

**37.** This Act may be cited as the “City of Victoria Official Map Act, 1893.”

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VICTORIA, B. C. :

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