

## CHAPTER 104

## Vancouver Charter Amendment Act, 1974

[Assented to 20th June, 1974.]

## 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:

Amends  
s. 7.

1. Clause (a) of section 7 of the said Act is amended by striking out the word "August" and substituting the word "July".

Further  
amends  
s. 7.

2. Sentence (D) of article (ii) of clause (a) of section 7 is amended by striking out the word "August" and substituting the word "July".

Repeals  
clause (b)  
of s. 7.

3. Clause (b) of section 7 is repealed.

Repeals  
s. 8.

4. Section 8 is repealed.

Amends  
s. 14.

5. Section 14 is amended by striking out the words "or tenant-electors" in the first and fifth lines, and by striking out the words "or tenant" in the fourth line.

Amends  
s. 16.

6. Section 16 is amended by striking out the word "August" in the second line thereof and substituting the word "July".

Amends  
s. 17.

7. Section 17 is amended by striking out the words "or tenant-electors" in the third line.

Amends  
s. 19.

8. Section 19 is amended by striking out the word "September" in the first line thereof and substituting the word "August".

Further  
amends  
s. 19.

9. Section 19 is further amended by deleting the words "tenant-electors" in the fifth line thereof.

Amends  
s. 22.

10. Section 22 is amended by striking out the word "September" wherever it appears and substituting the word "August".

Amends  
s. 23.

11. Section 23 is amended by striking out the word "September" in the second line thereof and substituting the word "August".

- Amends  
s. 24. 12. Section 24 is amended by striking out the word "August" in the second line thereof and substituting the word "July".
- Re-enacts  
s. 25. 13. Section 25 is repealed and the following substituted therefor:  
25. The Revising Judge shall appoint a place and time when he will begin the revision of the register of electors. Except with the approval of Council, such time shall not be earlier than the twenty-second day of August nor later than the thirtieth day of August in an election year.
- Amends  
s. 26. 14. Section 26 is amended by striking out the word "September" and substituting the word "August".
- Amends  
s. 27. 15. Section 27 is amended by striking out the words "statutory declarations" in the fifth line thereof and substituting the words "statements in writing".
- Further  
amends  
s. 27. 16. Section 27 is further amended by striking out the word "October" in the last line thereof and substituting the word "September".
- Re-enacts  
s. 30. 17. Section 30 is repealed and the following substituted therefor:  
30. The City Clerk shall then cause to be printed a reasonable number of books containing every name and address in the register of electors as corrected. In such book the names shall be grouped in polling districts in accordance with those established by by-law, and owner-electors and resident-electors shall be suitably designated.
- Amends  
s. 31. 18. Section 31 is amended by deleting the words "tenant-electors" in clause 4 of the statutory declaration.
- Amends  
s. 33. 19. Section 33 is amended by striking out the word "November" in the second line thereof and substituting the word "October".
- Amends  
s. 34A. 20. Section 34A is amended by striking out the word "September" in the first line and substituting the word "August".
- Further  
amends  
s. 34A. 21. Section 34A is further amended by changing the comma to a period after the word "by-law" in the thirteenth line and deleting the phrase "and the names of the voting agents of corporations shall be shown".
- Amends  
s. 36. 22. Section 36 is amended by striking out the words "Two copies" in the first line thereof and substituting the words "One copy".
- Further  
amends  
s. 36. 23. Section 36 is further amended by deleting the words "a fee of ten dollars per copy, or" in clause (d).

- Amends s. 36A.** 24. Subsection (2) of section 36A is amended by striking out the word "November" in the last line and substituting the word "October".
- Amends s. 40.** 25. Section 40 is amended by striking out the first line and substituting the words "Commencing in the year 1974, the last Wednesday of October".
- Amends s. 55.** 26. Section 55 is amended by striking out the word "two" in the second line thereof and substituting the word "three".
- Amends s. 58.** 27. Clause (b) of section 58 is repealed and the following substituted therefor:  
(b) once only for as many candidates for the office of Alderman as there are offices to be filled and once only for each of them;.
- Enacts s. 64A.** 28. The said Act is further amended by inserting immediately after section 64 the following as section 64A:  
**64A.** The Council may make by-laws for providing that the ballot-papers to be used in an election for the office of Mayor, Alderman, Park Commissioner, or School Trustee shall indicate what, if any, political party or interest each candidate is nominated to represent. Such by-law may provide the terms and conditions upon which such designation may be made and indicated on the ballot.
- Provision for party affiliation.**
- Amends s. 128.** 29. Section 128 is amended by striking out the word "five" in the third line of subsection (1) thereof and substituting the word "eight".
- Amends s. 137.** 30. Section 137 is amended by the addition of the following to subsection (1):  
Without limiting the generality of the foregoing, and subject to any express limitation in this Act, the City has full power to engage in any commercial, industrial or business undertaking.
- Repeals ss. 230-235 and enacts ss. 230-235B.** 31. Sections 230 to 235, both inclusive, of the said Act are repealed and the following substituted therefor:  
**230.** (1) The Council shall, not later than the first Council meeting in each year, appoint a firm of chartered accountants to audit the accounts and transactions of the city and of every other administrative body.  
(2) No firm of chartered accountants shall be appointed as auditors, any member of which is or was, during the year previous to the appointment, employed by, or is or was a party to, any contract with the city or other administrative body other than as auditor or as a consultant in respect of any of the affairs of the city.
- Appointment of Auditor.**
- Limitations of appointment.**

Removal of  
auditors.

(3) The auditors' appointment may be terminated at any time for cause upon a vote of two-thirds of all the members of the Council.

Remuneration to  
be paid  
auditors.

(4) The auditors so appointed shall be paid such fee as shall be agreed upon.

Duties and  
powers of  
auditors.

231. The duties and powers of the auditors are as follows:

- (a) the auditors shall make such examination as is consistent with good auditing practice of the records, including the books, documents, accounts, vouchers, receipts, investment securities, debentures, and matured debentures paid, of the city (including those of any sinking fund provided for under this Act) or relating to any matter or thing under the jurisdiction or control of the Council or of any other administrative body;
- (b) the auditors shall make a report to the Council on or before the thirtieth day of April in the next following year on the balance sheets and statements of revenue and expenditure of the city and of any other administrative body and such report shall state whether in their opinion the balance sheets and statements of revenue and expenditure of the city or other administrative body referred to in the report present fairly the financial position of the city or other administrative body as at the thirty-first day of December and the results of the operations of the city for the year then ended in accordance with accounting principles generally accepted for municipal financial reporting, applied on a basis consistent with that of the preceding year;
- (c) the auditors shall further report to the best of their knowledge and ability
  - (i) in what respect they find the books, documents, accounts, or vouchers incorrect, or lacking proper authority under this Act, or under any by-law or resolution adopted or passed hereunder;
  - (ii) in what respect any disbursement, expenditure, liability or transaction is without apparent authority.

Duty to  
report in  
certain  
cases.

232. The auditors shall, without delay, report in writing with particulars to the Mayor and the Board of Administration if, in their opinion,

- (a) any payment made or authorized by the city or other administrative body is without apparent authority;
- (b) any sum which ought to have been brought into account by any person or persons has not been brought into account;
- (c) any loss or deficiency has been incurred owing to the negligence or misconduct of any person;

and the Mayor shall cause such investigation to be made as he thinks necessary.

**Added  
duties.**

233. The duties of the auditors shall include

- (a) the examination, upon request of the Council, of the accounting arrangements and methods of the city or other administrative body, or of any proposed amendment thereof, and the submission of their recommendations as a result of such examination;
- (b) such other duties not inconsistent with those required of them by this Act as may from time to time be included in the terms of their appointment.

**Duty of  
Council and  
officers to  
assist  
auditors.**

234. Every member of Council, and every officer or employee of the city, and every member and servant of any other administrative body, shall make available all records, books, and documents necessary for the audit or required by the auditors, and shall give the auditors every reasonable facility and furnish full information and explanation concerning the affairs of the city or other administrative body necessary for the performance of their duties as auditors.

**Powers of  
auditors, call  
for books  
and documents.**

235. (1) For the purpose of, and in connection with, any audit under this Act, the auditors may, by summons in writing, require,

- (a) the production before them of all records, books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers;
- (b) the production before them of all moneys and securities;
- (c) any person holding or accountable for any such records, books, deeds, contracts, accounts, vouchers, receipts, documents, papers, money, or securities to appear before them at any such audit, and to make and sign a declaration as to the correctness of the same.

(2) A person who neglects or refuses to comply in any respect with a summons issued under subsection (1) is liable for each neglect or refusal, on summary conviction, to a penalty not exceeding one hundred dollars.

(3) A person who falsely or corruptly makes or signs any such declaration as aforesaid, knowing the same to be untrue in any material particular, is liable, on summary conviction, to a penalty not exceeding five hundred dollars.

**Restriction  
on removal of  
records, books, and  
other documents  
from city  
office.**

235A. (1) The auditors shall not, without the sanction of the Council or without an order of a Judge of the Supreme Court, remove or cause to be removed any records, books, deeds, contracts, accounts, vouchers, receipts, documents, papers, money, or securities from the office of the city or other place where the same may repose for safe-keeping.

(2) Nothing in this section prohibits the auditors from transferring records, books, deeds, contracts, accounts, vouchers, documents, or papers from one office of the city to another for the convenience of the audit.

**Rights of  
electors.**

235B. (1) Any elector of the city may, in writing, lodge with the auditors an objection to any item of account or other matter relating to an audit then in process.

(2) Upon receipt of any objection as provided for in subsection (1), the auditors shall appoint a time and place for dealing with the objection, and shall give notice thereof to such elector.

(3) The auditors shall consider the matters before them, and if in their opinion the objection comes within the scope of section 232, they shall forthwith proceed in the manner set out therein.

(4) Nothing in this Part shall be construed to prevent an elector, or a group of electors, from exercising any right to take action for recovery on behalf of the city.

Amends  
s. 245.

32. Subsection (2) of section 245 is amended by striking out the words "three-fifths" in the third line and substituting therefor the words "a majority".

Amends  
s. 268.

33. Section 268 is amended by striking out the words "three-fifths" in the sixth line and substituting therefor the words "a majority".

Amends  
s. 306.

34. Clause (i) of section 306 is amended by striking out the word "of" in the fourth line and by the addition of the following at the end thereof after changing the semi-colon to a comma:

and for providing (after the giving of notice as hereinafter provided) that in default of such conformation to such standards the city may by its workmen or others enter and effect such repairs, renovations or alterations as are necessary to make the wellings conform to such standards at the cost of the person so defaulting. No such work shall be undertaken by the city until the expiration of 60 days after the date of service of a notice to that effect has been given by registered mail to the owner or has been posted on the premises.

Amends  
s. 323.

35. Section 323 is amended by changing the period at the end of clause (u) to a semi-colon and by adding the following:

and, where the premises are not occupied by the owner thereof, for providing (after the giving of notice as hereinafter provided) that in default of such maintenance the city may, by its workmen or others, enter and effect such maintenance at the cost of the person so defaulting. No such work shall be undertaken by the City until the expiration of 60 days after the date of service of a notice to that effect has been given by registered mail to the owner or has been posted on the premises.

Repeals  
s. 408.

36. Section 408 is repealed.

Re-enacts  
s. 416.

37. Section 416 is repealed and the following substituted therefor:

416. (1) Notwithstanding any provision of this Part, the Council may, by by-law, provide for the payment of real-property taxes and other charges imposed, or to be imposed, pursuant to this Act, by monthly, quarterly, or twice-yearly instalments.

(2) A by-law passed pursuant to this section may provide for the collection of taxes and other charges in advance of the passing of the rating by-law or preparation of the real-property tax roll, and may provide for a penalty on any amounts unpaid on the date they become due and payable; provided, however, that any such penalty when combined with all other penalties imposed pursuant to section 376 shall not exceed the limitation set out in section 376.

(3) A by-law providing for the collection of taxes and other charges in advance of the preparation of the real-property tax roll shall provide that the amount of the instalment payable in respect of such parcel of real-property shall be a percentage of the amount of taxes and other charges payable on the real-property tax roll for the immediately preceding year.

(4) For the purposes of this section, real-property taxes and other charges shall include school taxes and all other taxes, levies and charges in respect of real property which the city is required to impose pursuant to any statute.

Enacts  
s. 473B.

38. The said Act is further amended by adding the following as section 473B:

Liability  
for acts  
of police  
officers.

473B. The City is liable in respect of torts committed by members of the Police Force, including special constables, in the performance or purported performance of their duties in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor.

Amends  
ss. 485, 493(2)  
and 497A.

39. Sections 485, 493 (2) and 497A are amended by striking out the word "Public" where the same appears in reference to the words "Parks and Public Recreation" in the sections aforesaid.

Amends  
s. 498.

40. Section 498 is amended by the addition of the following as clause (g) in the definition of "cost of the project":

(g) expenditures which, at the time of their authorization, were designated by Council to form part of the cost of an anticipated local improvement.

Amends  
s. 506.

41. Clause (b) of subsection (2) of section 506 is amended by striking out the words "and after the later publication of a general notice in at least two issues of a daily newspaper circulating in the city" in the third, fourth and fifth

lines; and the said clause is further amended by striking out the words "the last publication" in the seventh line and substituting the words "the mailing" in lieu thereof.

Further  
amends  
s. 506.

42. Section 506 is further amended by striking out the words "a series of light standards" in article (i) of clause (c) of subsection (3) and substituting the words "street lighting".

Further  
amends  
s. 506.

43. Section 506 is further amended by adding the following as clause (d) of subsection (3):

(d) the acquisition and development of parks where the Council deems such acquisition will specially benefit the real property in the area.

Amends  
s. 523B.

44. Subsection (2) of section 523B is amended by deleting the words "three-fifths" in the third line and substituting therefor the words "a majority".

Enacts  
s. 564A.

45. The said Act is further amended by inserting immediately after section 564 the following as section 564A:

Preservation  
of heritage  
buildings  
and sites.

564A. (1) The Council may, by by-law, designate any buildings, structures, or lands, in whole or in part, as heritage buildings, structures, or lands for the purpose of preserving evidences of the city's history, culture, and heritage for the education and enjoyment of present and future generations.

(2) A building, structure, or land designated by the Council shall not be demolished or built upon, as the case may be; nor shall the facade or exterior of the building or structure be altered, except with the approval of the Council.

(3) In exercising the power under this section, the Council shall have due regard to the following considerations:

- (a) the need for preserving heritage buildings, structures, or lands which collectively represent a cross-section of all periods and styles in the city's historic and cultural evolution;
- (b) the costs and benefits of the preservation;
- (c) the compatibility of preservation with other lawful uses of the buildings, structures, or lands.

(4) The Council may, by by-law adopted by an affirmative vote of at least two-thirds of all the members thereof, establish a Heritage Advisory Committee, whose members shall serve without remuneration and who shall advise the Council on those matters coming within the scope of this section as may from time to time be referred to the Heritage Advisory Committee by the Council and, in particular, may make recommendations to Council respecting designation of heritage buildings, structures, and lands and the demolition, preservation, alteration, or renovation of those buildings, structures, and lands.



(5) In the by-law establishing the Heritage Advisory Committee there shall be set out

(a) the composition of the Heritage Advisory Committee and the manner in which Council shall appoint the members; and

(b) the procedures governing the Heritage Advisory Committee.

(6) The Council shall include in its annual budget such sums as may be necessary to defray the expenses of the Heritage Advisory Committee.

(7) (a) Council may cause any permit application for demolition of any building to be withheld for a period not exceeding 90 days pending the enactment of a by-law under this section, and where any by-law is enacted within such period, such application shall stand refused. No compensation shall be payable with respect to any loss or damage suffered by such refusal.

(b) If no such by-law is enacted within the said period of 90 days, then such permit may be issued subject to compliance with the relevant provisions of the Act and any by-law, and the applicant shall be entitled to compensation for damages from the withholding of such permit. Such compensation shall be determined by arbitration pursuant to the *Arbitration Act*.

Amends  
s. 568.

46. Section 568 is amended by striking out the words "Technical Planning Board" in clause (b) of subsection (4) and in clause (b) of subsection (5) and substituting the words "Director of Planning".

Amends  
s. 142.

47. Section 142 is amended by inserting the words "odd-numbered" immediately after the word "each" in the first line thereof.

Amends  
s. 192.

48. Section 192 is amended by changing the semi-colon at the end of clause (a) to a comma and by adding the following:

including an agreement to borrow money in any case where the Act of the Dominion or Province authorizes or provides for the lending of money to municipalities.

Amends  
s. 242.

49. Section 242 is amended by adding the following as clause (e) of subsection (2):

(e) Borrowing under any agreement made pursuant to section 192 (a) for the purpose of the development or redevelopment of the False Creek Area or for creating housing. For the purposes of this subsection, the "False Creek Area" shall be generally all that area of land and land covered by water bounded by Cambie Street and Connaught Bridge on the East, the South side of Sixth Avenue on the South, Burrard Street and Burrard Bridge on the West, and the Harbour Headline on the North side of False Creek on the North.

Amends  
s. 79A.

50. Section 79A is amended by adding the following as subsection (12):  
(12) The provisions of section 73A shall, mutatis mutandis, apply to voting procedures under this section.

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