



CHAPTER 41.

An Act to establish the Greater Nanaimo Water District.

[Assented to 17th October, 1953.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short Title.

Short title

1. This Act may be cited as the "Greater Nanaimo Water District Act."

Interpretation.

Expressions interpreted

2. In this Act, unless the context otherwise requires:—

"Board" means the Administration Board constituted under this Act:

"Corporation" means the Greater Nanaimo Water District incorporated under this Act:

"District" means the area included in the Greater Nanaimo Water District constituted under this Act:

"Community" means every municipality, village municipality, or improvement district under the "Water Act" within the Greater Nanaimo Water District.

Incorporation.

Incorporation

3. There is hereby created a body corporate and politic under the name of the "Greater Nanaimo Water District," with the objects, powers, and mode of management as set forth in this Act

Seal and membership.

4. The Corporation and its successors shall have perpetual succession and also a common seal, with power to modify and alter the same at will; and the members thereof shall be the respective communities forming the district under this Act.

Special powers.

5. The Corporation shall have the rights and shall be subject to all liabilities of a corporation, and shall have full power to acquire, hold, and alienate real and personal property for all its purposes; and may acquire, hold, own, manage, design, construct, build, purchase and improve, lease, and generally maintain, manage, equip, and conduct waterworks and general waterworks systems throughout the district, with power to hold, manage, buy, sell, lease, let, mortgage, and deal in real and personal property; and, generally, to acquire, maintain, manage, and conduct all lands, water, buildings, matters, plant, mains, pipes, distributing system, machinery, or appliances therewith connected or necessary or incidental thereto, including all plant and equipment deemed necessary for furnishing power for the operation of such waterworks; and, in addition thereto, to exercise and carry out all the powers and rights in and conferred by this Act, and, as well expressly as by necessary implication and intendment, hereby created and conferred.

General powers.

6. The Corporation shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, and suits at law and in equity whatsoever; and it shall be in law capable of receiving by donation, or acquiring, holding, or disposing of and conveying, any property (real or movable) for the use of the Corporation, and of becoming a party to any contracts or agreements necessary or incidental to the management of the affairs of the Corporation; and, generally, to do all things necessary to attain the objects of the Corporation.

*Area.**Area of district*

7. The area of the Greater Nanaimo Water District shall be the respective areas within the territorial limits of the following communities, that is to say:—

- (a) The Corporation of the City of Nanaimo;
- (b) The Harewood Fire Protection District;
- (c) The Chase River Fire Protection District;
- (d) The Departure Bay Fire Protection District;
- (e) Such other communities as may from time to time be added to such district pursuant to the provisions of this Act.

*Objects.**Corporation may acquire and supply water*

8. The objects of the Corporation shall be to provide a supply of water in bulk to the several communities within the district for distribution by them to the inhabitants thereof. It shall be within the corporate authority of the Corporation to extend its operations and to exercise its powers outside the limits of the district to any point or points within the Province where it deems it expedient so to do in the interest and business of the Corporation.

Power to acquire water rights.

9. The Corporation shall have power to acquire water licences, and, in carrying out its objects, may divert, store, convey, distribute, sell, and

use any water authorized to be diverted or stored under any water licence held by it, and every such water licence shall be exempt from cancellation.

Special powers.

10. The Corporation shall be vested with all the powers, rights, and privileges which the City of Nanaimo possessed or enjoyed on the date this Act is brought into operation, whether conferred by private Act or otherwise, in so far as such powers, rights, and privileges can be applied to or are affected by or are necessary to the acquisition and supply of water by the Board under powers conferred upon it by this Act.

Organization and management.

11. (1) The powers and functions of the Corporation shall be exercised and discharged by an Administration Board of five members which shall consist of three representatives appointed by resolution of the Council of the City of Nanaimo, one representative appointed by the trustees of the Harewood Fire Protection District, and one representative appointed jointly by the trustees or other governing bodies of the other communities forming the Board in the manner hereinafter provided. The representatives to be appointed jointly (unless the trustees or ruling bodies of the communities affected unanimously agree otherwise) shall be appointed in rotation from each community jointly represented in accordance with the alphabetical listing of the district name of each community. The trustees or other governing body of the community from which a representative is to be appointed for that year shall be responsible for calling the meeting for the purpose of making such appointment, of which each community shall be given reasonable notice in writing, and the appointment shall be decided by a majority vote of those attending; and in the event that no decision can be arrived at, the trustees or governing body of the community from which a representative is to be appointed for that year shall make the appointment of the joint representative for that year. All such appointments shall be made annually on or before the first day of February: Provided that the first representatives to be appointed to the Board after the formation of the Corporation shall be appointed within sixty days after the date this Act comes into operation; and provided further that after the expiration of five years from the date this Act comes into operation, on petition of any member of the Corporation, the method of appointing representatives prescribed by this subsection shall be reconsidered by the Legislature.

(2) Representatives appointed to the Board shall serve without remuneration.

(3) (a) Any person appointed as a representative upon the Board shall, before assuming office as a member of the Board, make the following declaration before a Judge of the Supreme Court or a Judge of the County Court or a Justice of the Peace, and shall procure a certificate that the same has been made and subscribed, and such certificate shall be filed with the Secretary of the Board:—

I, [name of appointee], do declare that I am a British subject, possessing the qualifications by law required, and that I am not in any way disqualified from holding office as a member of the Board of the Greater Nanaimo Water District, and I have not, nor will have while holding office, any interest, directly or indirectly, in any contract or services connected with the Corporation, except such as I may lawfully have under the provisions of the "Greater Nanaimo Water District Act" in that behalf. I have not, by myself or any other person, knowingly employed any bribery, corruption, or intimidation to gain my appointment, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at
this day of , 19 }

(Official position.)

(b) Any person appointed as a representative upon the Board shall also, before assuming office as a member of the Board, take an oath of allegiance in the following form, namely:—

I, [name of appointee], do swear that I will be faithful and will bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors. So help me God.

(c) Any person who has been properly appointed as a representative to the Board and who has complied with this subsection shall be deemed to have then assumed office as a member of the Board.

(4) No person shall be appointed a representative, nor shall he continue to sit as a member, of the Board who is not a resident in the community or in one of the communities which he is appointed to represent and unless he possesses in all respects the same qualifications in the community in which he resides as an Alderman is required to possess in a city municipality.

(5) In case of illness or absence or disability of any such representative, another representative may be appointed for the time being to act in the place of such representative, subject to the provisions of this Act. In case of any vacancy in the representation upon the Board of any member of the Corporation, another representative may by resolution be appointed to fill the vacancy.

(6) In the event of any representative becoming disqualified, the actions and proceedings of the Board notwithstanding such disqualification shall be as valid and effectual as if such disqualification had not taken place. The existence of any vacancy in the representation upon the Board shall not render any act or proceeding of the Board invalid so long as there are three members of the Board remaining.

(7) No person who by himself or through his partner has any contract whatever or interest in any contract, either directly or indirectly, with the Corporation shall be appointed to or serve on the Board: Provided, however, that no such person shall be disqualified from being

appointed to or serving on the Board by reason only that he is a shareholder in a company having a contract with the Corporation; but such representative shall not vote on any question affecting the company.

(8) Should any change take place in the status of any community included within the district, there shall nevertheless be no change in the representation to which that community is entitled, except such as may be made by Act of the Legislature.

Offices of Board.

12. The Board shall from time to time provide and maintain fit and convenient offices for holding the meetings of the Board and transacting the business of the Corporation, and may purchase, lease, rent, or otherwise acquire real property which the Board may deem necessary for such purposes. All meetings of the Board shall be held at the head office of the Corporation, which shall be established within the district.

Chairman elected
by Board.

13. The Chairman of the Board shall be elected annually by the Board, and shall be the convener of, and shall, when present, preside at, all meetings of the Board. In his absence the other members of the Board present shall elect a Chairman of the Board for the time being. The presiding officer shall be entitled to vote, but shall have no casting-vote. Three members of the Board at a meeting called on notice shall be a quorum, and shall at such meetings have power to transact the business of the Board: Provided that one of the quorum shall be a representative of a community other than the City of Nanaimo.

Notice of meeting.

14. The first meeting of the Board may be called by any two members thereof by written notice served on the other members, and thereafter meetings of the Board shall be called by the Secretary on instructions from the Chairman by written notice addressed to each member and mailed by prepaid post at least two days before the time of meeting. Such notice shall state the purpose of the meeting and the day, hour, and place at which it is to be held.

Special meeting.

15. The Secretary, on instructions of any two members of the Board or of any one of the Commissioners hereinafter referred to, shall, or any two members of the Board may, call a special meeting of the Board at any time by written notice given by post in accordance with the provisions of the last preceding section.

Term of office.

16. The Board shall be deemed and considered to be as always continuing and existing, and the members of the Board shall hold office until their successors are duly appointed and have assumed office as hereinbefore provided. The continuing Board may at any time take up and carry to completion all by-laws, reports, and other proceedings which had been taken up or had been under consideration by the Board; and it shall not be necessary to consider or begin anew any by-law, proceeding, report, matter, or thing entertained by the Board subsequent or prior to any annual or other appointment as aforesaid.

Board may enact
by-laws.

17. (1) The powers of the Board shall, in cases specially so required by this Act, be exercised by by-law, otherwise the Board may proceed by order or resolution. The Board may from time to time enact, make, alter, repeal, amend, vary, and re-enact by-laws for the carrying-on, management, and regulation of the undertakings of the Corporation, and for giving effect to the provisions of this Act, and for governing the proceedings of the Board, the conduct of its members, the appointment or calling of meetings of the Board, subject to the provisions of this Act, and, generally, such by-laws within its power as the Board may consider necessary or expedient in connection with the business and affairs of the Corporation.

(2) Whenever the Board desires to raise upon the credit of the Corporation any money not required for its ordinary expenditures and not payable within the current fiscal year, the powers so to do in that behalf shall be exercised by by-law.

(3) Every by-law of the Corporation shall receive three separate readings previous to its being passed, and any such by-law may be read once, twice, or thrice in one day, but no by-law shall be finally passed until reconsidered at least one clear day thereafter.

By-laws to be
under seal.

18. Every by-law shall be under the seal of the Corporation, and shall be signed by the Chairman, or by the person presiding at the meeting at which the by-law has been passed, and by the Secretary.

Certified copy of
by-law as evidence.

19. A copy of any by-law, written or printed and under the seal of the Corporation, and certified by the Secretary to be a true copy, shall be received as prima facie evidence in any Court of Justice without proof of the seal or signature.

Powers of
Commission

20. (1) Subject to the authority of the Board, the undertakings of the Corporation shall be under the management of a Commission consisting of not more than three Commissioners. Where only one Commissioner is appointed, such Commissioner shall be and shall constitute the Commission, and such Commissioner shall have and may exercise all the powers conferred, and shall discharge all the duties imposed by the provisions of this Act upon the Commission.

(2) The Commissioners shall be appointed from time to time by the Board.

(3) The Commissioners shall, as and when required by the Board, attend the meetings of the Board, and shall be entitled to take part in any discussion but not to vote.

(4) Each Commissioner shall hold office continuously until removed by the Board, notwithstanding anything to the contrary contained in the "Municipal Superannuation Act" or any other Act. The Board shall name one of the Commissioners as Chief Commissioner. If a sole Commissioner is appointed, the expression "Chief Commissioner" hereinafter used shall apply to him.

(5) The Commissioners shall receive out of the funds of the Corporation such salary or salaries respectively as the Board may from time to time determine.

(6) The Board may require that one or more of the Commissioners devote all of his or their time to the duties pertaining to the office.

(7) No Commissioner shall be interested, either in his own name or in the name of or as agent for any other person, company, or corporation, either directly or indirectly, in any contract entered into or work done for or materials supplied to the Corporation; and no Commissioner shall derive any profit or emolument whatsoever from the funds of the Corporation except as herein specifically provided.

Board may
delegate powers
to Commission.

21. For the purpose of facilitating the conduct of the affairs of the Corporation, and subject to the provisions of this Act, the Board may delegate by by-law to the Commission such of its powers and functions as to the administration and conduct of the affairs of the Corporation as the Board may deem expedient.

Appointment of
Secretary and
keeping of records.

22. The Board shall appoint the Secretary of the Corporation, who shall keep a full and complete record of the proceedings of the Board. The Commission shall cause to be kept a full and complete record of its proceedings, as well as all undertakings and financial and other transactions of the Corporation. The records of the Board and of the Commissioners shall be available at all reasonable times to the inspection of any member of the Board or any person authorized by the Board or any member thereof.

Appointment of
solicitor, counsel,
and Treasurer.

23. The Board shall appoint a Treasurer and may from time to time appoint a solicitor or counsel, or both, of the Corporation, but none of these offices shall be held by a Commissioner.

Acting officials.

24. Any Acting-Chairman, Acting-Secretary, or other acting-official duly appointed by resolution of the Board shall be for the time being fully authorized during his temporary tenure of office to do all acts legally devolving under this Act upon the regular official holding the position, and such acts shall be as binding upon the Corporation as if performed by the regular official.

Employees of
Commission.

25. For the purposes of this Act, the Commission may retain, employ, and prescribe the duties and remuneration of such engineers, accountants, and other skilled employees, secretaries, clerks, workmen, and servants as the undertakings of the Corporation shall require.

Officers to
give security.

26 All officers shall give security in such manner as the Board shall determine for the due performance of their duties, and shall, before entering on the duties of their office, make and subscribe before a Judge of the Supreme Court, a Judge of the County Court, or a Justice of the Peace a solemn declaration to the effect following:—

I, _____, do solemnly promise and declare that I will truly, faithfully, and impartially, to the best of my knowledge and ability, execute the office of _____ of the Greater Nanaimo Water District, and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation, or other undue execution of the said office.

Oath of allegiance.

27. All officers and employees of the Board presently or hereafter employed shall take and subscribe an oath of allegiance in the form following:—

OATH OF ALLEGIANCE.

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors. So help me God.

Funds to be deposited in chartered bank

28. All funds belonging to or received by the Corporation shall be deposited to its credit in a chartered bank of Canada, and may, under authority of the Board, be drawn upon by cheque of the Corporation signed by the Chief Commissioner and the Treasurer. For the purpose of such deposit, bills and cheques payable to the Corporation may be endorsed by the Treasurer.

Annual audit.

29. An annual or more frequent audit shall be made by a chartered accountant to be named by the Board, whose remuneration shall be paid out of the funds of the Corporation.

Books of account and annual report.

30. The Corporation shall keep, or cause to be kept, books of account of the receipts and disbursements for and on account of the business of the Corporation, and, generally, such information as may be required in order that all accounts relating to the Corporation may be properly audited; and the Corporation shall, on or before the first day of March in each year, cause to be prepared an audited statement of the affairs of the Corporation, showing in detail its revenue and expenditure for the preceding fiscal year, and its assets and liabilities, a copy of which, together with a copy of the auditor's report, shall be forwarded to the Inspector of Municipalities and to each of the communities included in the district, and shall be open to inspection by any ratepayer within the district.

Service of process on Corporation.

31. Process against the Corporation shall be served upon the Chairman of the Board or the Secretary of the Corporation.

Contracts to be under seal.

32. All contracts of the Corporation requiring formal execution shall be under the seal of the Corporation and signed by the Chairman of the Board and the Secretary of the Corporation.

Employee benefits.

33. The Corporation is hereby authorized and empowered, from its funds:—

(a) To aid and assist by annual money grant or otherwise, as the Corporation may deem expedient, the establishment and main-

tenance of superannuation or benefit funds for employees of the Corporation for providing pensions, gratuities, or retiring allowances to such employees; and for that purpose, if the Corporation thinks fit, to deduct from the salaries of the employees such amounts as the Corporation may deem necessary or expedient:

- (b) To contribute or pay the full amount or any portion of any premium in respect of any benefit, accident, or sickness or life insurance policy, or scheme of group insurance for the purpose of insuring all or any employees of the Corporation against sickness, accident, or death, as the case may be.

Employer under
"Municipal Super-
annuation Act."

33A. Notwithstanding the provisions of the "Municipal Superannuation Act," the Corporation shall be deemed to be an employer for all purposes of the "Municipal Superannuation Act."

Board to acquire part
of City of Nanaimo
waterworks system.

34. (1) The Corporation shall acquire from The Corporation of the City of Nanaimo and the said city shall dispose of to the Corporation that part of the waterworks system of the said city as may be necessary for the purposes of the Corporation, including all or any rights, privileges, records, property, or easements in respect thereof or incidental thereto or in respect of the acquisition, supply, or diversion of water from whatever source within or without the district from which water is or can be conveniently supplied to any part of the district.

(2) The amount which The Corporation of the City of Nanaimo shall receive from the Corporation for that part of its waterworks system which the Corporation is to acquire from the said city shall be the sum of five hundred and seventy-five thousand dollars.

(3) The amount which The Corporation of the City of Nanaimo is to receive as aforesaid shall be secured by debentures of the Corporation. The payments in respect of such debentures shall be so regulated that the principal and interest payments together in each year shall be as uniform as possible, depending upon the type of debentures used for the purpose. The principal shall be repaid in twenty-five annual instalments, with interest at the rate of four per centum per annum.

(4) If the Municipal Council of the said city and the Board fail to agree mutually upon any matter arising from the transaction provided for in this section for which no definite provision has been made, the matter shall be decided by arbitration in the manner provided for in this Act.

Application of
proceeds of sale
to Corporation.

35. All moneys received by the said city by reason of the disposition to the Corporation of works or property shall be regarded as revenue of the waterworks department of the city.

Acquisition of rights
outside district.

36. The Corporation shall not have power to acquire, except by mutual agreement, any municipal waterworks, undertaking, plant, or system situate wholly or mainly outside the district.

Power to
construct works.

37. The Corporation is hereby authorized and empowered to erect, construct, operate, and maintain, in, on, under, or upon any lands within or without the district taken or acquired by it, all reservoirs, dams, storage-basins, conduits, pipes, flumes, waterworks, plant, and machinery, including power plant and all equipment requisite or convenient for the said undertakings, and to convey and distribute water thereto and therefrom, and, by means thereof, in, on, under, and upon or through any of the lands or property, or sea or tidal waters, lying intermediate between such reservoirs, plants, and works and the springs, streams, rivers, lakes, or other sources from which such waters are procured and the district and points of distribution and sale thereof, by one or more lines of pipes, tunnels, aqueducts, or conduits as may from time to time be deemed necessary.

Power to enter upon
land or streets.

38. The Corporation, its agents, servants, and employees, is hereby authorized and empowered to enter and pass over, under, and upon any lands and property, or sea or tidal waters, situate intermediate as aforesaid; and the same to repair, cut, dig up, open, and fill in when and wherever necessary; and to construct, erect, or lay down said pipes, water, and system; and to install said plant and equipment through the same, and through, in, under, upon, and over highways, railways, roads, streets, lanes, and public thoroughfares or other places in and through the district, and in, upon, through, over, and under the lands, properties, and premises of any person or persons, bodies corporate, politic, or collegiate whatsoever situate within or without the area of the district wherever the same is requisite and necessary so to do; and to set out, ascertain, use, enjoy, and occupy such portion or portions thereof as the Corporation shall deem expedient, necessary, or proper for the installing, making, equipping, maintaining, or operating of the said works, plant, equipment, and system for the purposes of the Corporation; and to purchase, acquire, or lease, or compulsorily take any land or property, real or movable, within or without the district, required or necessary for the establishment, use, or protection of the said works, plant, undertaking, equipment, and system, or any part thereof, or any district or area contiguous thereto, including islands or of the proprietors or occupiers of land or properties through or near which the same may pass; and for any of the foregoing purposes to establish, make, sink, or lay down pipes, trunk lines, reservoirs, containing-basins, receptacles, or other conveniences; and from time to time to remove or alter all or any of the said works, plant, equipment, or system, or any part thereof as the Corporation may deem expedient, including the location or position of any part of the said system.

Timber and lands
may be compulsorily
acquired

39. (1) The Corporation is hereby empowered to acquire, purchase, or compulsorily take and expropriate lands and timber, within or without the district, contiguous or adjacent to the source or sources of supply of water, or within the watershed area or source or sources of the supply

of water, used or intended to be used by the Corporation for part of its waterworks and system or for the purpose of protecting or preserving such source or sources of water-supply; and the Corporation may thereafter sell or lease or dispose of so much of such lands and timber so acquired, purchased, taken, or expropriated as aforesaid as shall afterwards be found or deemed not to be required for the purposes of the Corporation.

Special
compensation.

(2) In the event of the Corporation compulsorily taking or expropriating any lands or timber under subsection (1), the amount of compensation which shall be payable in respect thereof shall include not only the value of the lands or timber, but also any loss or damage thereby occasioned to the owner or holder of the lands or timber in respect of expenditures theretofore made in the construction, equipment, and placing of works and equipment for the cutting, removal, and shipment of timber.

Settlement of
damages

40. In exercising any of the powers conferred upon it by this Act, the Corporation shall make reasonable compensation to any community or owner of property or occupier of any such lands and property so used, enjoyed, or entered upon for any damage done or suffered thereby; and in the event of failure to agree on the amount of such damage, the same shall be ascertained by arbitration in the manner provided for in this Act.

Power of entry and
settlement of claims
resulting therefrom

41. (1) The Corporation, its agents, servants, or workmen, from time to time, and at such times hereafter as the Corporation shall deem fit, is hereby authorized and empowered to enter into, on, and upon the lands of any person or persons, bodies corporate or politic, within or without the district, and to survey, set out, and ascertain and take such parts thereof as the Corporation may require for the purpose of waterworks or catchment areas, or for the purpose of any part of a waterworks system, or for the purpose of conveying electric motive force or other power for the operation of any such waterworks system, and also to divert and appropriate any spring, stream, river, lake, or body of water, whether natural or artificial, as the Corporation shall judge suitable or proper or deem expedient.

(2) The Corporation shall pay to the owners or occupiers of the said lands, water, or works, and those having an interest or right in the same, reasonable compensation for any lands or any privileges that may be taken or acquired for the purpose of the said waterworks or for conveying electric motive power or force.

(3) Any disagreement between the Corporation and the owners or occupiers of such lands or works, or any person having an interest in the said water or its distribution or the natural flow thereof, or any such privileges as aforesaid, respecting the value thereof, or as to the damage such diversion and appropriation shall cause to them, shall be decided by arbitration in the manner provided for in this Act.

(4) (a) Notwithstanding anything contained in this Act, whenever from time to time or at any time before the compensation money has been actually paid, the acquisition of any parcel of land or real property, or any estate, right, title, or interest therein, is found to be unnecessary, or if the Corporation shall determine to abandon the work, purpose, or undertaking in respect of which such land, real property, estate, right, title, or interest has been so taken or expropriated, the Corporation may, by resolution duly passed, declare that such land or real property or portion thereof, or such estate, right, title, or interest therein, is not required and is abandoned by the Corporation.

(b) Upon a certified copy of such resolution being filed in the Land Registry Office for the land registration district in which such land or property is situate, such land or real property so declared to be abandoned shall revert in the person from whom it was taken or expropriated or in those entitled to claim under him.

(c) In the event of a limited estate or interest therein being retained by the Corporation, the land shall so revert subject to the estate or interest so retained.

(d) The effect of such abandonment or reversion shall be taken into account along with all other circumstances of the case in estimating or assessing the amount to be paid to any person claiming compensation for the land or real property in consequence of such taking or expropriation.

(e) The compensation made or awarded under this section or section 42 shall be in lieu of any compensation that would otherwise be payable, and payment thereof shall constitute full satisfaction and discharge of all demands by the claimant in relation to the expropriation or said taking by the Corporation of said land, right, title, or interest.

(5) Upon payment by the Corporation to the person entitled thereto of the amount of compensation agreed upon or awarded as aforesaid, or in case the Corporation has reason to fear any claims or encumbrances, or any person to whom compensation is payable refuses to execute a proper conveyance or cannot be found, or for any other reason the Corporation may deem advisable, upon payment thereof to the Registrar of the Supreme Court at the City of Nanaimo, accompanied by a copy of the agreement or award the Corporation may take possession of and hold such lands, rights, or property. Where payment has been made to the Registrar, the Supreme Court, or any Judge thereof, may, upon an ex parte application of the Corporation, order that title to the lands, rights, or property comprehended in such agreement or award be vested in the Corporation; and upon application by the Corporation to the Registrar of Titles pursuant to the "Land Registry Act" accompanied by such order, the Registrar shall register such title.

Arbitration

42. Whenever, under this Act, any matter is to be decided by arbitration, the matter shall be decided by submission of such matter to three arbitrators under the "Arbitration Act," one to be appointed by each

party concerned, and the third to be appointed by such two arbitrators; and the award of a majority of the arbitrators shall be binding upon all parties concerned.

**Limitations
of actions.**

43. All actions or suits or arbitrations or other proceedings against the Corporation for indemnity, compensation, or damages, or otherwise, whether continuous or not, or for any statutory compensation, or upon any ground, or for any cause or reason whatsoever, shall be commenced within twelve months after the cause of such action has arisen, but not afterwards, and thereafter the same shall be absolutely barred.

Authority to inspect.

44. It shall be lawful for the Corporation, its officers and every person duly authorized by it for that purpose, to have free access, at all reasonable hours of the day and upon reasonable notice given and request made for such purpose, to all buildings or premises into which water is delivered or distributed under this Act, other than those situated within a community to which water is supplied in bulk by the Corporation.

**Property vested
in Corporation.**

45. The lands, works, plant, system, water records, privileges, rights, easements, and water that shall be acquired, ascertained, set out, taken, or appropriated by the Corporation shall be vested in the Corporation, and the Registrar of Titles at Victoria, British Columbia, shall forthwith register the Corporation as owner thereof. Registration fees payable to the Registrar shall not exceed the sum of fifty dollars for applications to register submitted at any one time.

**Corporation not
obliged to
purchase works.**

46. Except as otherwise specifically provided to the contrary herein, nothing herein contained shall render obligatory upon the Corporation the acquirement of any particular waterworks property, and no scheme of water-supply or extension of mains shall be adopted, or contract for the purchase of land, or arbitration, or other proceedings towards the acquisition thereof entered into, nor shall the construction of any works or purchase of plant or machinery be undertaken by the Corporation without the direction and approval of the Board and a majority of the Commissioners.

**Commissioners to
approve contracts.**

**Tenders to be called
for materials.**

47. Except for emergency repairs or alterations, no contract shall be made for any work or for the supply of any goods or material the value or price of which will or is estimated to exceed the sum of one thousand dollars unless the Commission calls for tenders to be sent to the Commission for the performance of such work, or the supply of such goods or material at a price to be named by the tenderer. All tenders received shall be opened in public at the hour to be specified in such notice, and shall be considered before such contract is made.

**Supply of water
in bulk.**

48. (1) The Corporation shall furnish an adequate supply of water to each of the communities within the district, but shall not sell or supply water to anyone else for use or consumption in such communities.

(2) The water which the Corporation supplies to communities within the district shall be supplied in bulk only at fair and equitable rates per unit of volume as may be determined by the Board upon the recommendation of the Commission in the manner hereinafter provided, and the rates so charged shall be the same to each community.

Supply of water to non-member users.

49. (1) The Corporation may sell or supply water to any community which is not a member of the Corporation or to corporations or persons for use or consumption outside the district.

(2) Rates for water supplied directly by the Corporation for use or consumption outside the district shall be determined by the Board upon the recommendation of the Commission, and shall at least be equal to the highest rate fixed as a charge for water supplied for a similar purpose by any of the communities within the district for water distributed by them.

Fixing rates to communities.

50. (1) The amount of money necessary to meet the requirements and obligations of the Corporation for interest on and repayment of borrowed moneys, and for maintenance and operation and for necessary reserves, including reserve or allowance for rates that may not be collected in full, and for the provision of sinking funds, or otherwise necessary to supplement the funds of the Corporation for ordinary expenditures, shall be ascertained, as near as may be, by the Commission at the beginning of each year, due allowance being made for moneys receivable for water sold for use or consumption outside the district. The amount shall be subject to the approval of the Board, and shall thereupon be raised in the manner herein set out. The fiscal year shall commence with the first day of January and end with the thirty-first day of December in each year.

(2) The amount ascertained and approved under subsection (1) shall be collected in and from the respective communities within the district; and the Board shall, on the recommendation of the Commission, fix and determine the rate or rates necessary to be charged for water against each community within the district respectively for the current year, under the provisions of this Act, in order to raise the amount: Provided that if it becomes apparent at any time or times during the currency of any fiscal year that the rates so fixed are higher or lower than are necessary to raise such amount, the Board shall thereupon revise and adjust such rates for the current fiscal year so that the total amount collected for the year shall, as near as possible, be equal to the amount required as aforesaid.

(3) If at the end of any fiscal year the Board finds there has been a deficit, and the rates imposed for water supplied by the Corporation for the previous year were not sufficient by reason of underestimate or delay or loss in collection to produce enough revenue to meet the financial requirements and obligations of the Corporation, the Board shall carry such deficit over to the succeeding year, and shall fix the rates so that

the estimated revenue shall meet the estimated expenditure for such succeeding year and absorb the amount of the deficit so carried forward.

(4) If at the end of any fiscal year the Board finds there has been a surplus, and the rates fixed for water supplied by the Corporation for the previous year were more than sufficient to produce enough revenue to meet the financial requirements and obligations of the Corporation, the Board shall carry such surplus over to the succeeding year, and shall, if expedient, revise the rates downward, but so that at all times they will be sufficient to make the revenue meet the necessary expenditure and financial obligations of the Corporation for such succeeding year.

Rates payable
monthly.

(5) The rates so fixed and determined by the Board shall be deemed to be due and payable monthly, unless otherwise expressly agreed upon between the Board and any community within the district. Accounts overdue for more than thirty days shall be subject to interest until paid at the rate of six per centum per annum.

Lien for rates.

(6) The said rates shall be a special charge or lien upon and against each community respectively, and the full taxing power thereof, and all the property and assets of the community within the district, and shall be recoverable at the suit of the Corporation against the community in any Court of competent jurisdiction.

(7) In case a community for any reason fails to pay the rates so fixed and determined by the Board within thirty days from the day upon which such rates become due and payable, and in case the Board has passed a resolution authorizing the giving of a notice to the community under this subsection, the Corporation may, in addition to all other powers conferred upon and remedies allowed to it by this section, and without the institution of any action, notify the community that its account with the Corporation has been overdue for more than thirty days, and thereupon, notwithstanding anything contained in any other Act of the Legislature, all moneys collected by that community, after the receipt of such notice, by way of charges for the water supplied by it to consumers from the supply furnished to the community by the Corporation shall, upon collection, be set apart by the community and kept in a separate trust account, and shall, first and in priority to all other uses except debt charges, be applied towards the payment of any and all indebtedness of the community to the Corporation so overdue until such indebtedness has been paid, when the balance (if any) of the moneys so set apart shall be available for the use of the community and the said trust account shall be closed.

Obligations of
communities.

51. No community which is a member of the Corporation shall withdraw from such Corporation without the consent of all the other members of the Corporation, nor shall any such community purchase water, other than in bulk from the Corporation.

Delivery of water.

52. The supply of water for each community shall be delivered and taken from the main conduits or pipes of the Corporation at the nearest

convenient point to or within the limits of such community, having due regard to the safety, efficiency, and convenience of the system as a whole.

Main conduits.

53. The Board shall have full power and authority to design and designate from time to time the mains or pipes of its system and the location and routes thereof, which shall be deemed to be, and shall be, main conduits.

Corporation may use community system.

54. The Corporation is empowered, subject to the provisions of this Act, to lease or purchase any part, section, or portion of any distribution system or existing distribution system, or of any future extension or extensions thereof, owned or belonging to or under the control of any community within the district for the purpose of using, designing, or designating the same as and for a main conduit or conduits in connection with the general system of the Corporation.

Compensation for community system used.

55. (1) The Corporation is empowered to make, grant, reimburse, or advance any sum or sums as an allowance or allowances to any community within the district that owns and enjoys a distribution system through which the supply of water of the Corporation may flow, for or towards the cost of expense of renewals, replacements, or betterments of certain pipes or mains, which the Board may designate as secondary conduits, as being conduits that are essential to the general system of the Corporation and that carry a principal supply or flow of water through them and are made use of by the Corporation as through-conduits, secondary only to its main conduits.

(2) The Corporation may make such allowance or allowances for betterments, replacements, or renewals of such secondary conduits in lieu of purchasing or expropriating the same as part of the Corporation's own system and works.

Water may be supplied through another community.

56. Where any community within the district is willing and able to convey to any other community within or without the district an adequate supply of water (supplied to it by the Corporation) on terms agreed upon between them, or, in case of disagreement, on terms determined by the Board (if and when such two communities refer such question to the Board), the Corporation shall not be required to construct a main conduit or any other conduits from its works or system to the community for which water supplied will be so available: Provided that unless, at a reasonable time before the termination of any such agreement, it appears that the provisions for water supplied in such manner are to be continued by like agreement on terms agreed upon or determined by like reference, the Corporation shall, on written notice by either of such communities, be required to construct a main so as to supply directly such community pursuant to the provisions of this Act.

Corporation may share costs of extension.

57. The Corporation, with a view to avoiding the cost of direct mains from its works or system to any community and for the purpose of obtain-

ing the advantage of the provisions of the foregoing section, may bear a proportion of the cost of extending the existing main of a community to the boundary of another community for which provision may be made as aforesaid. The cost to the Corporation of such extension may be considered as part of the cost of the general system.

One community may supply water to another community.

58. Any community within the district having or possessing a distribution system of water-mains of its own may assume the duty of delivering water in bulk (supplied to it by the Corporation) to any other community or area within or without the district upon such terms and for such period of time as is arranged between the community and the other community or parties interested, subject always to the approval of the Board.

Agreement in case of common boundaries.

59. Subject to the approval of the Board, in any case where two adjoining communities have a common boundary, they may by agreement arrange that either one of them shall serve any or all of the properties contiguous to such boundary.

Community responsible for distribution.

60. Every community within the district shall be responsible for the distribution to its inhabitants of the water purchased by it in bulk from the Corporation.

Joint administration and control by communities.

61. Any two or more communities in the district may arrange by agreement for joint administration and control of any of the following matters in respect to a supply of water to the inhabitants thereof:—

- (a) Collection of water rates and rentals:
- (b) Installation and maintenance of water services:
- (c) Maintenance and operation of the distribution system:
- (d) Purchase of supplies.

Emergency conditions.

62. In case of a breakdown of the system or any of the works or plant of the Corporation due to accident or otherwise, or in the event of conditions arising whereby an emergency is created, the Board shall have absolute authority and power to apportion the quantity of water that shall be distributed to or receivable by any of the communities within the district, or by any community, corporation, or person to whom water is supplied by the Corporation inside or outside the district, irrespective of any obligation imposed by this Act, or of any contracts or agreements to supply quantities different from those fixed by the Board in such emergency.

Financial.

Borrowing in anticipation of revenue.

63. The Corporation may, by resolution or by-law, borrow in the course of any year in anticipation of the collection of its revenue or its rates for such year such sum or sums of money as it may require to meet its lawful expenditures by the issue of promissory notes or any similar form of obligation or security under the seal of the Corporation and signed by the Chairman of the Board and the Treasurer, or signed or

countersigned by some other person or persons authorized by by-law to sign and countersign the same, and each such promissory note or other obligation shall be valid and binding upon the Corporation according to its tenor; and the Board, by by-law, resolution, or agreement, may designate what revenues of the Corporation (if any) are charged with the repayment of such promissory notes or other form of obligation or security.

Short-term obligations

64. Any promissory note or other form of obligation or security so issued may be in such form as the Board from time to time may adopt.

Powers to pass by laws to incur debts and to pledge assets and credit of the Corporation

65. (1) For the purpose of the undertakings hereby authorized or for the purpose of discharging the payment of any matter or thing contemplated or authorized by this Act, the Board shall have power by by-law to incur debts and to pledge the assets and credit of the Corporation by borrowing moneys by means of the issue and sale of debentures or other securities of the Corporation, and the Corporation may make such agreement for the repayment of any loan or loans, with interest thereon, as it may deem expedient, and may issue for any moneys so borrowed and interest thereon treasury notes or bills, debentures, or other form of obligation, but no issue of debentures or other securities shall be made without the recommendation of the Commission, nor without the approval of the Lieutenant-Governor in Council: Provided, however, that any debentures or other securities issued to incur a debt to meet a deficit incurred by the Corporation in the year next preceding shall provide for payment of the whole of such debt in the year in which it is incurred.

(2) Notwithstanding anything in this Act contained, every debt incurred or that may be hereafter incurred and every debenture or other security issued or that may hereafter be issued by the Corporation under this Act is and shall be a direct, joint, and several obligation and liability of the Corporation and each community within the district, recoverable and enforceable at the suit of any creditor or holder of any debenture or other security in any Court of competent jurisdiction; but nothing in this subsection shall affect the rights of the Corporation and the communities respectively as between themselves.

Debentures and other securities to bear seal

66. All debentures and other securities duly authorized to be executed on behalf of the Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation and signed by the Chairman of the Board and countersigned by the Treasurer or signed and countersigned by some other person or persons authorized by by-law to sign or countersign the same, otherwise the same shall not be valid: Provided that the signatures on debentures and coupons attached thereto for the payment of interest may be written, stamped, printed, or lithographed.

Effective date of
by-law.

67. The by-law shall name a day in the fiscal year in which the same is passed when such by-law is to take effect, and if no day is named, the same shall take effect on the day of the final passing thereof by the Board.

Types of debentures.

68. (1) The by-law may authorize the issuance of:—

- (a) Debentures, the principal and interest of which are combined into one sum and made payable in equal annual or semi-annual payments during the currency of such debentures. In such case the by-law shall settle a certain specific sum to be provided and set aside annually or semi-annually during the currency of the debentures for each payment as it becomes due:
- (b) Debentures, the interest on which is to be paid annually or semi-annually, and the principal of which is to be met by the payment of a certain specific sum in each year during the currency of the debentures. In such case the by-law shall settle a certain specific sum to be provided and set aside in each year during the currency of the debentures for the payment of the interest, and a certain specific sum to be provided and set aside in each such year for the payment of the instalment of the principal as it becomes due:
- (c) An issue of instalment or serial debentures maturing in different years and bearing interest payable annually or semi-annually. In such case the by-law shall settle the sum to be provided and set aside in each year for the payment of interest and the sum to be provided and set aside in each year for the payment of the debentures as they severally become due:
- (d) Debentures to be issued of such one of the said several classes as the Board shall thereafter by by-law or resolution determine, and the debentures to be issued shall accordingly be of such one of the said classes as the Board shall thereafter by by-law or resolution determine in that behalf:
- (e) Treasury bills or notes or temporary debentures, the entire principal amount of which is payable not more than five years from the date thereof, and no sinking fund shall be required in respect thereof.

(2) For the purposes of clauses (a), (b), (c), and (e) of subsection (1), debentures or other securities shall be deemed to be current from and after the date thereof.

Purposes of
borrowing.

69. Notwithstanding anything contained in this Act, by-laws of the Corporation may be passed from time to time by the Board for any or all of the following purposes:—

- (a) To borrow such sum or sums as may be required to repay, renew, or refund any treasury bills or notes, temporary debentures, or other forms of temporary obligation issued by the Corporation under the authority of this Act, and for such purpose to authorize the issue and sale of new treasury bills

or notes, temporary debentures, or other forms of temporary obligation in such amounts as will realize net the sum or sums required for the purpose aforesaid, and to hypothecate or pledge as security for such new treasury bills or notes, temporary debentures, or other forms of temporary obligation the debentures (if any) or any part thereof previously hypothecated or pledged as security for the said treasury bills or notes, temporary debentures, or other forms of temporary obligation so to be repaid, renewed, or refunded, together with any other or additional debentures of the Corporation as may be determined by the Board:

- (b) To borrow such sum or sums as may be required to repay, renew, or refund any treasury bills or notes, temporary debentures, or other forms of temporary obligation issued by the Corporation under the authority of this Act, and for such purpose to authorize the issue and sale of new debentures in such amounts as will realize net the sum or sums required for the purpose aforesaid. The said treasury bills or notes, temporary debentures, or other forms of temporary obligation so repaid, renewed, or refunded shall be forthwith cancelled.

Evidence of amounts
required to be
borrowed.

70. A recital or declaration in a by-law authorizing the issue and sale of securities as hereinbefore provided to the effect that the amount of the securities so authorized is required to be borrowed shall be conclusive evidence of that fact.

Rates of interest and
sale of debentures.

71. Debentures, temporary debentures, treasury bills or notes, or other securities issued hereunder shall bear such rate of interest, and shall be payable at such date or dates, and in such currency or currencies, and at such place or places, as the Board by by-law or resolution may determine. Such debentures, temporary debentures, treasury bills or notes, or other securities may be sold for such sum, whether the same is the par value or less or more than the par value thereof, and on such terms and conditions as the Board shall determine.

Validity of debentures.

72. (1) All debentures or other securities issued pursuant to the powers contained in this Act shall be valid and binding upon the Corporation when in the hands of a bona fide purchaser, notwithstanding that any of the prescribed formalities in connection with the issue thereof may not have been complied with.

(2) All debentures or other securities sealed with the seal of the Corporation and countersigned as required by the provisions of this Act and purporting to be issued in pursuance of any by-law of the Corporation shall, after the expiration of sixty days from the date of the authorization of the issue thereof by the Board, be valid and binding on the Corporation, and such by-law shall not be quashed or set aside on any ground whatsoever.

Certificate of
Secretary evidence.

73. The certificate of the Secretary of the Corporation, under the seal of the Corporation, that the issue of said debentures or other securities has been authorized, and showing the date of such authorization, shall be final and conclusive evidence of such authorization and the date of same; and it shall not be incumbent on any purchaser of said debentures or other securities, or any of them, or his assigns, to examine into the validity or otherwise of the proceedings leading to the issue of said debentures or other securities.

Hypothecation of
debentures.

74. Pending the sale of any of its debentures or other securities, or in lieu of the sale thereof, the Corporation may hypothecate or pledge such debentures or other securities for the purpose of borrowing moneys on the credit of the Corporation: Provided such hypothecation or pledging is duly authorized by by-law of the Board. The Corporation may make such agreement for the repayment of any such loan and interest thereon as it may deem expedient, and may issue for any sum or sums so borrowed, and interest thereon, treasury bills or notes, temporary debentures, or other similar forms of temporary securities, and each such treasury bill or note, temporary debenture, or other temporary security shall be valid and binding upon the Corporation according to its tenor, and shall constitute a charge upon any debenture or other securities pledged or hypothecated as aforesaid. The proceeds of every such loan shall be applied to the purposes for which the debentures or other securities were authorized to be issued, but the lender shall not be bound to see to the application of such proceeds, and if said debentures or other securities are subsequently sold, the proceeds from such sale shall be applied in the first instance in repaying the loan and the treasury bills or notes, temporary debentures, or other temporary securities issued in lieu of the sale thereof.

Proceeds of debentures
or other securities to
be paid into chartered
bank.

75. The proceeds of debentures or other securities shall be paid into a chartered bank or banks to the credit of the Corporation, and shall be kept separate from any other funds of the Corporation, and the same shall be used for the purpose or purposes intended by the by-law or by-laws authorizing the issue of such debentures or other securities. Until required for their intended purpose, the said proceeds may from time to time be invested or reinvested by the Board upon the recommendation of the Commission in any bonds, debentures, or other public funds of Canada. If the Board so decide, the said proceeds may be used for the payment of interest, principal, or sinking fund accruing due on the said debentures or other securities during the period of the erection and completion of any of the undertakings to be paid for out of the said proceeds.

Rates or charges to
be security for
indebtedness.

76. All rates or charges levied or imposed by the Corporation are charged as security for the repayment of every indebtedness incurred or created by the issue of debentures or other securities.

Undertakings may be mortgaged for the repayment of moneys

77. (1) All works, plant, and property (real or personal) erected, constructed, or acquired under this Act, and every matter or thing connected therewith, shall be, and they are hereby, especially charged, mortgaged, and hypothecated for the repayment of any sum or sums that may be borrowed by the Corporation for the purpose of any of the undertakings authorized by this Act, as well as for the due and punctual payment of the interest thereon, and every holder of the debentures of the Corporation shall have a preferential charge, pledge, mortgage, or lien on the said lands, works, plant, and property appertaining thereto for securing repayment of the principal amount of such debentures and the interest thereon.

(2) The holders of any debentures or other securities issued by the Corporation pursuant to the provisions of this Act may enforce payment of arrears of principal or interest by the appointment of a receiver, but in order to authorize the appointment of a receiver in respect to the arrears of principal, the total amount owing to the debenture-holders by whom the application for a receiver is made shall not be less than five thousand dollars.

(3) The application for the appointment of a receiver shall be made to the Supreme Court of British Columbia.

Indebtedness not considered municipal indebtedness

78. For greater certainty, it is declared that any indebtedness incurred or created by the Corporation is not, and shall not be deemed to be, municipal indebtedness of any municipality requiring recital in any municipal by-law for the creation of debts by the issue of debentures or otherwise.

Investment of surplus funds

79. The Board, upon the recommendation of the Commission, may from time to time invest any surplus funds derived from the carrying-on of the works and system in such securities of Great Britain or Canada or any Province thereof, or any securities the principal and interest of which are guaranteed by Canada or any Province thereof; or such moneys may be applied in the purchase of any of the debentures or other securities of the Corporation: Provided that such debentures or securities so purchased shall not be reissued or sold by the Corporation.

Securities of trustee investments

80. The debentures and other securities of the Corporation shall be deemed to be securities in which trustees having trust moneys in their hands, which it is their duty to invest at interest, shall be at liberty to invest at their discretion, unless expressly forbidden by the instrument (if any) creating the trust.

Corporation not concerned with trusts

81. No notice of any trust, express, implied, or constructive, in respect of any debenture or other security of the Corporation shall be included in any certificate or entry in respect thereof or be receivable by the Corporation so however than an owner may be described as a trustee or as possessing an official character.

Liability of the members of the Board or of the Commission.

82. No member of the Board or of the Commission shall be personally liable for anything lawfully done in the course of carrying out the duties of his office.

Transfer of water rights.

83. All water records or licences authorizing the diversions or use or storage of water heretofore granted to or held by any community within the district, and all pending applications for licences for the diversion or use or storage of water made by any community within the district, are declared to be the property of the Corporation.

Tax exemption

84. (1) All land and personal property owned by the Corporation, and held, occupied, or used by it for the purposes of its undertakings, shall be exempt from taxation in the same manner and to the same extent as land and personal property of the Province of British Columbia are exempt from taxation.

Land registry fees not applicable

(2) Items 5 and 6 of the Second Schedule of the "Land Registry Act" shall not apply in respect of the registration of title to any lands acquired by the Corporation from any community under this Act.

Power to add other communities to district

85. (1) At any future date any municipality, village municipality, or improvement district under the "Water Act" not specified to be within the district by the provisions of this Act may be added to the district upon such terms and conditions as may be mutually agreed upon between the Board (on recommendation of the Commission) and the municipality, village municipality, or improvement district under the "Water Act."

(2) Before any such agreement or order becomes effective to add any such municipality, village municipality, or improvement district under the "Water Act" to the district, a by-law authorizing the same shall first be submitted to and sanctioned by the electors of the municipality, village municipality, or improvement district under the "Water Act," in the same manner and subject to the same provisions as are required by law in respect of the submission of matters requiring the assent of the electors in that municipality, village municipality, or improvement district under the "Water Act."

Communities empowered to carry out purposes of this Act

86. The respective Trustees of the improvement districts under the "Water Act," the respective Boards of Commissioners of village municipalities, and the respective Municipal Councils of the municipalities included or that may hereafter be included within the district, subject to the terms and conditions of this Act, are hereby authorized, without the assent of the electors, to enter into all the transactions, dealings, acts, matters, things, and operations necessary to effectuate and carry out the provisions of this Act, whether power so to do exists or not in any public, private, or special Act governing or applying to such improvement districts, village municipalities, or municipalities respectively, and notwithstanding any provision of any such Act to the contrary.

Penalties.

Penalties and recovery
of damages for wasting
water or injuring
system.

87. If any person commits any breach of or commits any fraud against this Act, or, without lawful right or authority, hinders or interrupts, or causes or procures to be hindered or interrupted, the Corporation, its agents, servants, contractors, workmen, or any of them, in the exercise of any of the powers and authorities conferred by this Act, or if any person wilfully or maliciously lets off or discharges any water so that the same runs waste or useless out of the said works or system, or if any person throws or deposits any injurious or offensive matter into the said water or waterworks, or upon the ice, or in any way fouls the same, or commits any wilful damage to the works, plant, equipment, pipes, or water, or encourages the same to be done, he shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars, or to imprisonment for a period not exceeding six months, with or without hard labour, or to both fine and imprisonment, and the person so offending shall, in addition to all penalties, be liable to an action at law at the suit of the Corporation to make good or pay the amount of any damage done by him

Penalties for polluting
water.

88. If any person bathes the person, or washes or cleanses any cloth, wool, leather, skin of animals, or places any nuisance or offensive thing within or near the source of supply of such waterworks in any lake, river, pond, source, or fountain, or reservoir from which the water of said waterworks is obtained, or conveys or casts, causes or throws, or puts filth, dirt, dead carcasses, or other offensive or objectionable, injurious, or deleterious thing or things therein, or causes, permits, or suffers the water of any sink, sewer, or drain to run or be conveyed into the same, or into any part of the system, or causes any other thing to be done whereby the water therein may in anywise be tainted or fouled or become contaminated, he shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars, or to imprisonment for a period not exceeding six months, with or without hard labour, or to both fine and imprisonment.

Penalty for interfer-
ence with mains

89. If any person or persons lays, or causes to be laid, any pipe or main to communicate with any pipe or main of the said waterworks or system, or in any way obtains or uses any water thereof, drawn or extracted from the said system, works, or any part thereof, without the consent of the Commissioners, such person shall forfeit and pay to the Corporation the sum of fifty dollars, and also the further sum of ten dollars for each day such pipe or main has been used or so remains, which said sum or sums, together with the costs and interest in that behalf, may be recovered, in addition to the value of the water taken, by civil action in any Court of competent jurisdiction in the Province.

Miscellaneous.

Appeal by leave to
Lieut.-Governor in
Council from
decision of Board.

90. (1) In case any community within the district is dissatisfied with any decision, act, or policy of the Board in respect of any matter wherein no appeal is otherwise provided for in this Act, such community, corporation, or person may apply for leave to appeal to the Lieutenant-Governor in Council on ten days' written notice thereof being first served on the Board of its intention so to do; and on the hearing of such application for leave to appeal, the Lieutenant-Governor in Council may grant or refuse such application.

(2) In case such application for leave to appeal is granted, the Order in Council granting the same shall set forth the time and place for the hearing of the appeal, and shall further specifically define the issue or issues upon which leave to appeal is granted. Upon the hearing of any such appeal, the decision of the Lieutenant-Governor in Council shall be final and binding on all parties concerned.

Application of
"Water Act."

91. Save as otherwise provided in this Act, the powers and rights conferred by this Act shall be subject to the provisions of the "Water Act."

Commencement
of Act

92. This Act shall come into operation upon Proclamation of the Lieutenant-Governor.

Protects holders
of community
debentures

93. Nothing in this Act shall impair or prejudicially affect the rights of the holders of any debentures or other securities of any community outstanding at the time the community becomes a member of the Corporation, issued in respect of any water system or part thereof acquired or taken over by the Corporation under this Act.

Protection against
mining and other
activities.

94. (1) All lands owned, leased, or otherwise held by the Corporation are reserved from being entered upon, prospected, mined, located, recorded, or acquired under the "Mineral Act," the "Placer-mining Act," and the "Natural Gas and Petroleum Act."

(2) The Minister of Mines and the Corporation may jointly appoint and employ a duly qualified geological or mining engineer to conduct a geological and mineralogical survey of any of the said lands.

(3) On the recommendation of the Minister of Mines, the Lieutenant-Governor in Council may cancel, in whole or in part, the reserve established under subsection (1), but no such cancellation shall be effective until notice thereof has been published in four issues of the Gazette and has been published at least twice a week for four weeks in a newspaper circulating in the district in which the land affected is situated.

(4) For the protection of the sources of water-supply used by the Corporation, the Lieutenant-Governor in Council may from time to time impose conditions under which mineral rights may be acquired, held, or exercised in any area to which the cancellation of the aforesaid reserve applies.

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