

## CHAPTER 63

1956, c. 59;  
1959, c. 101,  
1960, c. 71;  
1963, c. 42,  
1965, c. 60,  
1966, c. 45,  
1967, c. 57.

**An Act to Amend the Greater Vancouver Sewerage  
and Drainage District Act**

[Assented to 6th April, 1968.]

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

Short title.

1. This Act may be cited as the *Greater Vancouver Sewerage and Drainage District (Amendment) Act, 1968*.

Amends s. 26.

2. Section 26 of the *Greater Vancouver Sewerage and Drainage District Act*, being chapter 59 of the Statutes of 1956, is amended by striking out subsection (4) and substituting the following:—

"(4) (a) The Corporation shall make to owners or occupiers of, or other persons interested in, real property entered upon, taken, expropriated, or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of any of its powers, under this section, due compensation for any deprivation or damage (including interest upon the compensation at the rate of six per centum per annum from the time the real property was entered upon, taken, or used) necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive as a consequence thereof or from a contemplated work; and a claim for compensation, if not mutually agreed upon, shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely: The Corporation shall appoint one, the owner or occupier or other person making the claim, or his agent, shall appoint another, and such two arbitrators shall appoint a third arbitrator within ten days after their appointment, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court shall, on application of either party, of which due notice shall be given to the other party, appoint such third arbitrator. If any doubt arises as to procedure under this section, the *Arbitration Act* applies.

"(b) The parties to the reference may agree to submit the matter to one arbitrator, whose award shall be as binding and conclusive as that of two or three arbitrators, or with consent of the parties any Judge of the Supreme or County Court may decide the matter in dispute, and his decision shall be as binding as the award of an arbitrator or arbitrators.

"(c) In case such owner, occupier, or other person is an infant or insane or otherwise legally incompetent or absent from the Province, or whose whereabouts are unknown, or in case either party shall refuse to

appoint an arbitrator on his behalf, then a Judge of the Supreme Court, on application being made to him for that purpose by either party, shall nominate and appoint three disinterested persons to be arbitrators."

Amends s. 36. 3. Section 36 of the Act is amended by striking out subsection (3) and substituting the following:—

"(3) (a) Notwithstanding anything in this Act contained, every debt incurred and every debenture or other security issued by the Corporation under this Act is and shall be a direct, joint, and several obligation and liability of the Corporation and each and every member municipality, recoverable and enforceable at the suit of any creditor or holder of any debenture or other security in any Court of competent jurisdiction; provided that nothing in this subsection shall affect the rights of the Corporation and the member municipalities respectively as between themselves.

"(b) Nothing contained in clause (a) hereof shall affect the rights of any creditor or holder of any debenture or other security of the Corporation in respect of debts incurred by the Corporation before the thirty-first day of March, 1968."

Amends s. 39. 4. Subsection (2) of section 39 is amended

- (a) by striking out the word "four" in the twelfth line and substituting the word "five";
- (b) by striking out the words and comma "where debentures or other securities are issued payable in a currency other than lawful money of Canada," in the thirteenth and fourteenth lines; and
- (c) by striking out the words "from year to" in the fifteenth line and substituting the words "in each".