



CHAPTER 59.

**An Act to incorporate the Greater Vancouver
Sewerage and Drainage District.**

[Assented to 2nd March, 1956.]

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 Vancouver Sewerage and Drainage District Act."

Interpretation.

Interpretation.

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

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

"Chairman" means the Chairman of the Board:

"Corporation" means the Greater Vancouver Sewerage and Drainage District constituted under this Act:

"Debenture-year" means any twelve-month period calculated from the date of the debenture or other security of the Corporation:

"Facilities" includes drains, ditches, sewers, intercepting-sewers, sewage treatment and disposal plants and works, pumping-stations, and other works necessary thereto, and outlets for carrying off, treating, and disposing of drainage and sewage, and any other and all works, structures, lands, and conveniences incidental and necessary to the completion of a sewerage or drainage system:

"Member municipality" means a municipality that is a member of the Corporation:

"Street" shall include any highway, and any public bridge, and any boulevard, square, mew, court, road, lane, alley, or passage, whether a thoroughfare or not:

"Temporary security" means any debenture or other security of the Corporation, the entire principal amount of which is payable at a fixed date not more than five years from the date thereof:

"Watercourse" shall include any river, stream, creek, or lake, whether ordinarily carrying or containing water or not.

Incorporation.

Incorporation.

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

Seal.

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.

Area.

Area and membership.

5. (1) The area of the Corporation shall include the respective areas within the territorial limits of the following municipalities, which municipalities shall be the members of the Corporation, that is to say:—

(a) City of Vancouver:

(b) The Corporation of the District of Burnaby.

(2) The University Endowment Lands as defined in the "University Endowment Lands Administration Act Amendment Act, 1950," being chapter 76 of the Statutes of 1950, shall also be deemed to be a part of the said area, subject to the limitations set out in this Act.

Objects.

Objects.

6. (1) The objects of the Corporation shall be the construction, maintenance, operation, and administration of the major sewerage and drainage facilities of the Corporation in substantial accordance with the report of a board of engineers comprised of Charles Gilman Hyde, John Oliver, and A. M. Rawn submitted to the Chairman and members of the Vancouver and Districts Joint Sewerage and Drainage Board established by the "Vancouver and Districts Joint Sewerage and Drainage Act," by letter dated the sixteenth day of September, 1953, a copy of which report has been filed in the office of the Provincial Secretary, and which, for the purpose of identification, has been signed by T. V. Berry, Chairman of the said Vancouver and Districts Joint Sewerage and Drainage Board, at the time of the said submission, in so far as it relates to the area of the Corporation.

(2) The Corporation shall have the right to perform work requisite to its function but not included in the report referred to in subsection (1) of this section and to amend or vary any of the projects recommended in the said report in a manner which is not inconsistent with the objects

of the said report, but only with the sanction of a by-law of the Board passed by a majority of not less than two-thirds of its members.

(3) The Corporation may authorize a member municipality to provide facilities which are consistent with the intent of this Act at any time at the cost of the municipality concerned.

(4) The Corporation and the Minister of Lands and Forests may enter into agreements for the carrying-out of the objects of the Corporation within the University Endowment Lands, and for the sharing of apportioned costs. Any such agreements shall be subject to the approval of the Lieutenant-Governor in Council.

Powers.

Powers.

7. (1) The Corporation shall have all the rights and shall be subject to all the liabilities of a corporation; and shall have power to sue and be sued, and to acquire, hold, use, alienate, and dispose of in any manner whatsoever any property of any nature whatsoever within or without its area for any of the purposes of its objects, and to enter into agreements or contracts with any person, and to exercise, carry out, fulfil, and give effect to all the powers, rights, duties, and obligations in and conferred by this Act, and, as well expressly as by necessary implication and intendment, hereby created and conferred, and generally, in nowise limited by the foregoing, to do all things necessary to attain the objects of the Corporation.

(2) In addition to its other powers, the Corporation shall have the following powers:—

- (a) To finance, design, and construct sewerage and drainage facilities in addition to those requisite for its function for any member municipality at the sole and exclusive cost of such municipality and upon the request of such municipality; and
- (b) To finance, construct, maintain, operate, and administer sewerage and drainage facilities for the Province within or without the area of the Corporation; and
- (c) To establish the uses to which its facilities may be put and by whom they may be used.

Administration and Management.

Administration Board.

8. (1) The powers and functions of the Corporation shall be administered and controlled by an Administration Board consisting of representatives appointed annually, on or before the first day of February, by resolutions of the respective Councils of the member municipalities. The City of Vancouver shall appoint three representatives, The Corporation of the District of Burnaby two representatives, and each other member municipality one representative. The representatives appointed by the member municipalities shall be the members of and constitute the Board.

(2) Any representative appointed to the Board by a member municipality shall be a member of its Council.

(3) The Minister of Lands and Forests shall appoint a member to the Board to represent the University Endowment Lands, and such member shall be deemed to be a municipal representative, and the provisions of subsections (4) and (5) shall apply mutatis mutandis to this subsection.

(4) In case of illness or absence or disability of any such representative, the Council of the member municipality may appoint another representative to act for the time being in the place of such representative.

(5) In case of any vacancy in the representation upon the Board of a member municipality, the Council of the member municipality may, by resolution, appoint a representative to fill the vacancy.

(6) In the event of any of its members 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 membership of the Board shall not render any act or proceeding of the Board invalid so long as there is a quorum of the Board remaining.

Head office.

9. The head office of the Corporation shall be in the City of Vancouver, British Columbia, where all meetings of the Board shall be held.

**Chairman and
quorum of Board.**

10. (1) The Chairman of the Board shall be elected annually by the Board from amongst its members, 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 as well as each other member of the Board shall be entitled to one vote. The quorum necessary for the transaction of the business of the Board shall be a majority of the Board.

(2) Each member of the Board shall receive fifteen dollars for each meeting attended by him.

Meetings.

11. A meeting of the Board shall be called (by the Secretary or Assistant Secretary, on instructions from the Chairman, the Commissioner, or any two of its members, or may be called by the Chairman, the Commissioner, or any two of its members) by written notice addressed to each member and sent by prepaid registered post at least two days before the time of meeting. Such notice shall state the general purpose of the meeting and the day, hour, and place at which it is to be held. For the purpose of this section, the address of a member shall be at the City or Municipal Hall of the municipality of which he is the representative.

Emergency meetings.

12. With the consent of all its members, an emergency meeting of the Board may be called in the manner prescribed by section 11 on less than two days' notice.

**Continuance
of Board.**

13. 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 upon the appointment of such

successors the Board may 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 de novo any by-law, proceeding, report, matter, or thing entertained by the Board subsequent or prior to any annual or other appointment as aforesaid.

Board procedure.

14. (1) In cases specially so required by this Act, the Board shall proceed by by-law, otherwise it may proceed by by-law, resolution, or order. At any meeting of the Board a by-law, resolution, or order put to the vote of the meeting shall, except as otherwise particularly provided herein, be decided, carried, or passed by a majority of the members of the Board present. The Board may from time to time enact, make, alter, repeal, amend, vary, and re-enact such by-laws, resolutions, or orders as the Board may consider necessary or expedient for the carrying-on, management, and regulation of the business and affairs of the Corporation, and the carrying-out of its objects, in accordance with and subject to the provisions of this Act.

(2) Every by-law of the Corporation shall receive three separate readings previous to its being passed, and any by-law may be read once, twice, or thrice and passed in one day.

Authentication of by-law.

15. 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 or Assistant Secretary.

Certification of by-law.

16. A copy of any by-law, resolution, or order written or printed, and under the seal of the Corporation, and certified by the Secretary or Assistant 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.

The Commissioner.

17. (1) Subject to the control of the Board, the affairs and business of the Corporation shall be under the management of a Commissioner (herein referred to as the "Commissioner").

(2) The first Commissioner shall be the person holding at the time of the coming into force of this Act the office of Chairman of the Vancouver and Districts Joint Sewerage and Drainage Board established by the "Vancouver and Districts Joint Sewerage and Drainage Act," and shall hold office until removed by the Board. Each succeeding Commissioner shall be appointed by the Board.

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

(4) The 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.

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

The Secretary.

18. The Board shall appoint the Secretary of the Corporation, who shall keep a full and complete record of the proceedings of the Board, and who shall hold office at the pleasure of the Board.

The Counsel and Treasurer.

19. The Board may from time to time appoint a Solicitor, Counsel, and a Treasurer, an Assistant Treasurer, and an Assistant Secretary of the Corporation, each of whom shall hold office at the pleasure of the Board.

Deposit of Funds.

20. Except as herein otherwise particularly provided, all funds belonging to or received by the Corporation shall be deposited to its credit in a chartered bank of Canada, and may be drawn upon by cheque of the Corporation signed by the Commissioner or the Secretary or Assistant Secretary and the Treasurer or Assistant Treasurer.

Service of process.

21. A process against the Corporation shall be served upon the Chairman or the Commissioner or the Secretary of the Corporation.

Execution of contracts.

22. Except as otherwise particularly provided herein, all contracts of the Corporation requiring formal execution shall be under the seal of the Corporation and be signed by the Chairman or the Commissioner and the Secretary or Assistant Secretary.

Servants of the Corporation.

23. The Commissioner may retain, employ, and prescribe the duties and remuneration of such servants as the Corporation requires, each of whom shall hold office at the pleasure of the Commissioner.

Further Powers of the Corporation.

Further powers.

24. The Corporation shall have power, within or without its area, at any time to enter upon any lands, streets, waters, or watercourses, without the consent of the owner thereof, for the purpose of making surveys and other examinations to determine whether or not the same are required in the carrying-out of its objects.

Sewers and drains.

25. The Corporation may from time to time enlarge, lessen, alter the course of, cover in, or otherwise improve any sewer or drain of the Corporation, and may discontinue, close up, or destroy any such sewer or drain that has, in the opinion of the Corporation, become unnecessary; but in such case compensation, or a sewer or drain as effectual, shall be provided for any municipality having a sewer or drain connected with the sewer or drain so discontinued, closed up, or destroyed.

Expropriation powers.

26. (1) The Corporation shall have power to expropriate any land, watercourse, sewer, or drain within its area or without its area with the consent of the Lieutenant-Governor in Council after notice has been given to the municipality in which the land is situate for any of the purposes of its objects. Within thirty days after the Corporation has determined to expropriate any land, watercourse, sewer, or drain, it shall cause to be recorded in the Land Registry Office of the land registration

district in which such land, watercourse, sewer, or drain is situated a description thereof sufficiently accurate for identification, with a statement of the estate or interest therein required by the Corporation, and such description and statement shall be signed by the Chairman, or the Commissioner, or, in the absence of such officer, by any person acting in his place under the authority of the Board, and an estate in fee-simple in such land, watercourse, sewer, or drain, or such lesser estate or interest therein as is set forth in such statement, shall thereupon vest in the Corporation.

(2) Notice of such expropriation shall forthwith be given to the owner as shown by the books of the said Land Registry Office of such land, watercourse, sewer, or drain and to the holder of any encumbrance registered against or recorded on the owner's certificate of title thereto.

(3) Any such notice shall be well and sufficiently given:—

- (a) If sent to such owner or registered encumbrance-holder by registered mail, postage prepaid, and addressed to such owner or registered encumbrance-holder at his address shown by the books of the said Land Registry Office; or
- (b) If no address is shown on the said books, then by publishing the notice once a week for four consecutive weeks in a newspaper of general circulation in the land registration district in which such land, watercourse, sewer, or drain is situate.

(4) If an owner or registered encumbrance-holder or any other person entitled to compensation because of such expropriation cannot agree with the Corporation as to the compensation to be paid to him by the Corporation because of such expropriation, the same shall be referred to the arbitration of three persons, one to be appointed by each party to the reference and the third to be appointed by such two persons before the reference is proceeded with, and the decision of any two of the arbitrators shall be binding, and such reference shall be deemed to be a submission to arbitration within the provisions of the "Arbitration Act."

(5) The compensation money agreed upon or determined by arbitration for any land, watercourse, sewer, or drain, or any estate or interest therein, shall stand in the stead of such land, watercourse, sewer, or drain, or the estate or interest therein; and any claim to or encumbrance upon such land, watercourse, sewer, or drain shall, as respects the Corporation, be converted into a claim to such compensation money or to a proportionate amount thereof and shall be void as respects any land, watercourse, sewer, or drain, or any estate or interest therein, so expropriated, which shall, by the fact of the expropriation thereof, become and be absolutely vested in the Corporation. Any compensation money agreed upon or determined by arbitration shall, upon the date of such agreement or such determination, be a debt of the Corporation owing to such owner, registered encumbrance-holder, or other entitled

person, and payment thereof may be enforced in any Court of competent jurisdiction.

Use of streets.

27. (1) The Corporation may carry any sewer, drain, or other works through, across, or under any street, in such manner as not unnecessarily to obstruct or impede travel thereon, and may enter upon and dig up any street for the purpose of laying sewers, drains, or other works and of maintaining, repairing, and renewing the same. In entering upon and digging up any street, the Corporation shall be subject to such reasonable regulations as may be made by the Council of the municipality wherein such street shall be situate. Before entering upon any street for the purpose of laying a sewer, drain, or other works, the Corporation shall give at least thirty days' notice of such contemplated action to such municipality, but it shall be lawful for such municipality to waive the giving of such notice or to shorten the period thereof.

(2) Whenever the Corporation shall dig up any street, it shall, so far as practicable, restore the same to as good a condition as the same was in before such digging began; and the Corporation shall at all times indemnify and save harmless the several municipalities within which such streets are situated against all damage which may be recovered against them respectively by reason of anything done or omitted by the Corporation, and shall reimburse them for all expenses which they may incur by reason of any defect or want of repair of any street caused by the construction of any of the sewers, drains, or other works, or by the maintaining or repairing of the same.

(3) No compensation other than as provided in this section shall be made by the Corporation in respect of anything done by the Corporation under this section.

Change of watercourse.

28. The Corporation may close or may change the width, depth, grade, or direction of any watercourse, subject to the provisions of the "Water Act."

Members' sewers and drains.

29. (1) A member municipality shall not construct a new sewer or drain or make any alteration, connection, or extension to an existing sewer or drain until it has submitted plans and particulars to the Corporation on forms supplied by the Corporation and the plans and particulars have been approved by the Corporation.

(2) Subject to the direction, control, and regulation of the Corporation, every member municipality shall connect its sewers and drains with a sewer or drain of the Corporation.

Control of members' sewers and drains.

30. If a member municipality constructs a new sewer or drain, or alters, connects, or extends an existing sewer or drain, without the approval of the Corporation, or fails to connect any of its sewers or drains with a sewer or drain of the Corporation, the Corporation may, at any time after such construction, alteration, connection, extension, or failure has been discovered by the Corporation, give notice in writing

to the municipality by whom such construction, alteration, connection, extension, or failure was made, requiring such municipality to carry out such works as the Corporation may deem necessary as a consequence of such construction, alteration, connection, extension, or failure; and if such notice is not complied with, the Corporation may do said works at the expense of the municipality in default, and may recover from such municipality the expense thereof in any Court of competent jurisdiction.

Sewerage and
drainage areas.

31. The Corporation may from time to time establish and fix the boundaries of the sewerage and drainage areas required to carry out its objects, and may from time to time disestablish or alter the boundaries of such sewerage and drainage areas.

Filing plan of
sewerage and
drainage areas.

32. The Corporation, on establishing a sewerage or drainage area, shall file in the Land Registry Office of the land registration district in which the lands comprised therein are situate a plan showing such sewerage or drainage area, and, on disestablishing or altering the boundaries of a sewerage or drainage area, shall in like manner file an amended plan showing the sewerage or drainage area as disestablished or altered. Each such plan or amended plan shall be sent to the member municipality in which the sewerage or drainage area is situate.

Recommendation of
the Commissioner.

33. No facilities of the Corporation shall be constructed, no land shall be acquired, and no sewerage or drainage area shall be established except on the recommendation of the Commissioner.

Advertising
for tenders.

34. Unless, in the opinion of the Board, advertising for tenders is unnecessary, no contract shall be made for any work or for the supply of any goods or material the value or price of which shall, or is estimated to, exceed the sum of ten thousand dollars, unless the Commissioner shall, by notice published in a daily newspaper circulating in the area of the Corporation, call for tenders to be sent to the Corporation 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 and shall be considered before such contract is made.

Financial.

Borrowing in antici-
pation of revenue.

35. 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 estimates for such year such sum 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 or the Commissioner and the Treasurer or Assistant Treasurer, or signed by some other person authorized by resolution or by-law to sign the same, and each such promissory note or other obligation or security shall be valid and binding upon the Corporation according to its tenor; and the Board may, by by-law, resolution, or agreement, designate what revenues or estimates of the Corporation

(if any) are charged with the repayment of such promissory notes or other form of obligation or security. Any promissory note or other form of obligation or security so issued may be in such form as the Corporation may from time to time adopt.

Financing of objects.

36. (1) Until it has reached the ultimate amount of the moneys the Corporation may borrow, fixed by subsection (2) of this section, the Corporation shall have power by by-law of the Board to borrow moneys and pay interest thereon for the purpose of carrying out the objects of the Corporation in such amounts and at such times as the Board may deem expedient by the issue and sale of debentures or other forms of security. but no issue of debentures or other securities shall be made without the recommendation of the Commissioner nor without the approval of the Lieutenant-Governor in Council.

(2) The aggregate of the principal amounts of the moneys borrowed by the Corporation (exclusive of any moneys borrowed under sections 35, 40, and 45) shall not exceed an amount equal to six per centum of the total assessed valuation of the gross taxable lands and improvements within the area of the Corporation as shown on the last revised assessment rolls of the several member municipalities at the time this ultimate borrowing power is reached.

(3) All money borrowed by the Corporation shall be upon its credit at large, and shall also constitute an indebtedness of its member municipalities, repayable by each municipality in the proportion and manner prescribed herein for the raising of the annual estimate.

Signing of debentures.

37. All debentures and other securities duly authorized to be issued by the Corporation shall, unless otherwise specially authorized or provided by by-law of the Board, be sealed with the seal of the Corporation and signed by the Chairman or the Commissioner. The signature of the Chairman or the Commissioner, or both, may be engraved, lithographed, or otherwise mechanically reproduced on all such debentures and other securities, and such engraved, lithographed, or otherwise mechanically reproduced signature shall be deemed for all purposes the signature of the Chairman or the Commissioner. as the case may be, and shall be binding upon the Corporation. All such debentures and other securities shall be signed also by the Treasurer or Assistant Treasurer or some other person or persons authorized by by-law to sign the same. All coupons attached to any such debentures or other securities shall bear the signatures of the officers or persons signing the debentures or other securities to which the coupon is attached, and the signature of any one or more of such officers or persons may be engraved, lithographed, or otherwise mechanically reproduced on the coupons, and such engraved, lithographed, or otherwise mechanically reproduced signature shall be deemed for all purposes to be the signature of such officer or person, and shall be binding upon the Corporation.

Taking effect
of by-law.

38 Every by-law shall name a day when it is to take effect; and if no day is named, the same shall take effect on the day of the final passage thereof.

Characteristics
and payment
of debentures.

39. (1) Any by-law providing for the incurring of debt under this Act may provide for the issue of debentures or other securities in such amount as will realize net the sum required for the purpose for which the debt is to be incurred, bearing such rate of interest, payable in such currency, in such manner, at such place, at such time, and in such form, all as the Board may deem expedient and provide for in such by-law, and such debentures or other securities may be sold for such sum, whether the same is the face value or less or more than the face value thereof, and on such terms and conditions as the Board by by-law or resolution may determine.

(2) Any such by-law shall provide for raising money in each debenture-year to pay the interest falling due from time to time on such debentures or other securities and for raising money in each debenture-year to pay instalments of principal or principal amounts as the same fall due or for establishing a sinking fund for the payment at maturity of debentures or other securities thereby authorized, the entire principal of which is payable at one fixed date: Provided that in the case of debentures or other securities the entire principal amount of which is payable at a fixed date not more than five years from the date thereof, no sinking fund need be set up; and provided further that in settling the sum to be raised annually for sinking fund the rate of interest on investments shall not be estimated at more than four per centum per annum, capitalized yearly, and that where debentures or other securities are issued payable in a currency other than lawful money of Canada, the Board shall from year to year review the sinking fund and determine whether or not additional moneys should be raised in the then current debenture-year to provide for payment in full of such debentures or other securities at maturity.

(3) Any such by-law may provide that the Corporation shall have the right, at its option, to redeem the whole or, at any time or from time to time, any part of the debentures or other securities thereby authorized on any date in advance of the maturity thereof upon and subject to such terms and conditions as may be set forth in the by-law, subject, however, to the following provisions:—

- (a) The by-law and every debenture or other security that is so redeemable shall specify the place of redemption and the price at which such debenture or other security may be so redeemed, which price may include such premium (if any) on redemption as the Board may determine:
- (b) The principal of every debenture or other security that is so redeemable shall become due and payable on the date set for redemption thereof, and, from and after such date, interest

shall cease to accrue thereon where provision is duly made for payment of the principal amount thereof, premium (if any), and interest to the date set for redemption:

- (c) Notice of intention so to redeem shall be mailed at least thirty days prior to the date set for such redemption to any person in whose name a debenture or other security to be redeemed is registered at his address recorded at the office of the Corporation: Provided that accidental failure to mail any notice as aforesaid shall not invalidate or otherwise prejudicially affect the redemption of the debentures or other securities:
- (d) At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in such manner and at such place as may be set out in the by-law.
- (4) The Corporation shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of its debentures or other securities are subject.

Refunding of securities.

40. In addition to the general borrowing powers provided for in section 36, the Corporation shall have power by by-law of the Board with the recommendation of the Commissioner and the approval of the Lieutenant-Governor in Council:—

- (a) To borrow such sum as may be required to repay or refund any temporary security issued by the Corporation, and for such purpose to authorize the issue and sale of new temporary securities in such amounts as will realize net the sum required for the purpose aforesaid:
- (b) To borrow such sum as may be required to repay or refund any temporary securities, and for such purpose to authorize the issue and sale of new debentures or other securities in such amounts as will realize net the sum required for the purpose aforesaid:
- (c) To borrow such sum as may be required to provide for the redemption before maturity of any debentures or other securities which are issued subject to redemption before maturity, and for such purpose to authorize the issue and sale of new debentures or other securities in such amounts as will realize net the sum required for the purpose aforesaid after applying the amount of sinking fund on hand, if any, available for the redemption of such debentures or other securities:

Provided that when debentures or other securities (including temporary securities) are repaid, refunded, or redeemed, they shall forthwith be cancelled and shall not be reissued.

Evidence of by-law.

41. A recital or declaration in a by-law authorized by this Act to the effect that the principal amount of the debentures or other securities authorized to be issued by such by-law is required to be borrowed to

realize net the sum required for the purpose for which the debt is to be incurred shall be conclusive evidence of that fact.

Validity of
debentures.

42. All debentures or other securities of the Corporation 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 or that the purpose for which they are issued is not in substantial accordance with the report particularly mentioned in section 6.

Validity of
debenture by-law.

43. All debentures or other securities sealed with the seal of the Corporation and signed as required by this Act and purporting to be issued in pursuance of any by-law of the Corporation shall, after the expiration of thirty days from the day such by-law takes effect, 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.

44. The certificate of the Secretary or Assistant Secretary of the Corporation, under the seal of the Corporation, that the issue of debentures or other securities has been authorized by by-law of the Board, and stating the date of the taking-effect of such by-law, shall be final and conclusive evidence of such authorization and the date of same, and it shall not be incumbent on any purchaser of the 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.

45. 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. The proceeds of every such loan shall be applied to the purposes for which the securities were authorized to be issued, but the lender shall not be bound to see to the application of such proceeds; and if the said debentures or other securities are subsequently sold, the proceeds from such sale shall be applied in the first instance in repaying the loan.

Deposit of proceeds
of debentures.

46. The proceeds of debentures or other securities shall be paid into a chartered bank to the credit of the Corporation, and shall be kept separate from other funds of the Corporation, and shall be used for the purpose intended by the by-law 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 Commissioner, with the approval of the Board, in any securities issued by Canada.

Provincial guarantee.

47. The Province may guarantee, in the form and manner that may from time to time be prescribed by the Lieutenant-Governor in Council, the payment of both interest and principal of all debentures or other securities issued by the Corporation.

Charging section.

48. (1) All works, plant, and property of every nature whatsoever of the Corporation shall be, and they are hereby, charged, mortgaged, and hypothecated for the repayment of any sum which may be borrowed by the Corporation, as well as for the due and punctual payment of the interest thereon, and each and every holder of the debentures or other securities of the Corporation shall have a preferential charge, pledge, mortgage, or lien on the said works, plant, and property for securing the repayment of the principal amount of such debentures or other securities and the interest thereon.

(2) The holders of any debentures or other securities issued by the Corporation 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 a Judge of the Supreme Court of British Columbia.

Indebtedness of
Corporation shall
not be recited in
a municipal by-law.

49. For greater certainty, it is hereby declared that any indebtedness incurred or created by the Corporation is not, and shall not be deemed to be, indebtedness of any municipality requiring recital in any municipal by-law for the creation of debts by the issue of debentures or otherwise, and no indebtedness of the Corporation shall be included in the general debt of a municipality for the purpose of determining its borrowing powers.

Sinking funds.

50. Every sum raised annually by the Corporation for the payment and retirement of the principal amount of any debt secured by its debentures or other securities and not required for the payment thereof in the debenture-year in which the same is raised shall be paid by the Corporation to the Minister of Finance, to be held by him in trust for the purpose of extinguishing the said debt at the maturity of the debentures or other securities securing the same. The moneys so held in trust by the Minister of Finance may be from time to time invested or reinvested by him in any securities of Great Britain or Canada or the Province, or in any securities the principal and interest of which are guaranteed by Canada or the Province, or in any such other securities as may from time to time be authorized by the Lieutenant-Governor in Council, or in the debentures or other securities of the Corporation securing the said debt, which debentures or other securities shall be cancelled by the said Minister when they are no longer required for the purpose of this section and shall not be reissued.

Investment of surplus.

51. The Corporation may from time to time invest any of its surplus in such securities as are authorized by section 50 for the investment of sinking funds.

Trustee investment.

52. 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, at their discretion, unless expressly forbidden by the instrument (if any) creating the trust, to invest.

*Annual Estimate.***Annual estimate.**

53. On or before the twenty-first day of March in each year the Corporation shall cause a detailed estimate to be prepared of the sums required to meet the total amount of all the expenditures and financial obligations that the Corporation will be required to make or meet during each year, including necessary and appropriate reserves and any deficit consequent upon the Corporation's estimate in any former year having been less than the actual amount of the expenditures and financial obligations of such year, herein called the "annual estimate."

Apportionment of annual estimate.

54. When its annual estimate is prepared, the Corporation shall forthwith apportion the sums required therefor amongst its member municipalities in accordance with their respective liabilities therefor as determined by the Corporation pursuant to this Act and issue and deliver to each member municipality a precept under its seal, signed by the Commissioner or the Chairman or other person acting in his place for such purpose under the authority of the Board, setting forth the amount determined to be paid by each member municipality to the Corporation.

Liability of member municipality for annual estimate.

55. (1) The respective liabilities of the member municipalities for the sums required for the purposes of the annual estimates shall be determined by the Corporation; that is to say, each portion of the amount required for the annual estimates relating to a sewerage or drainage area which lies wholly within one municipality shall be apportioned wholly to and shall be the liability of that municipality, and each portion relating to a sewerage or drainage area which includes a part of two or more municipalities shall be apportioned in the respective proportions that the valuation of the gross taxable lands and improvements of the part of each municipality included within the sewerage and drainage area bears to the valuation of the gross taxable lands and improvements in the sewerage or drainage area as a whole, and shall be the liability of each such municipality in such proportion: Provided, however, that if there is any item of expense in the annual estimate which cannot, in the opinion of the Board, be allocated equitably between the member municipalities by the above formulæ, the same shall be apportioned between the member municipalities as the Board shall determine.

(2) For all the purposes of this section, the valuation of the gross taxable lands and improvements shall be the assessed valuation of the

gross taxable lands and improvements shown on the last revised assessment rolls of the several member municipalities.

Date of payment of annual estimate.

56. The sums of money to be paid by the several member municipalities to the Corporation in any year pursuant to this Act shall be due and payable on the fifteenth day of August in such year, and, if not paid on the due date, shall bear interest therefrom until the date of payment at the rate of six per centum per annum.

Recovery of annual estimate.

57. (1) All money due and payable by a municipality to the Corporation pursuant to this Act shall, if not paid when due, be recoverable at the suit of the Corporation against the municipality in any Court of competent jurisdiction, and the Corporation may also enforce payment thereof by the appointment of a receiver of the rates, taxes, levies, and other revenues of the defaulting municipality. The powers conferred upon the Corporation by this section for the recovery and enforcement of payment of money due and payable to it by a municipality may be exercised separately or concurrently or cumulatively.

(2) Any such receiver may be appointed by a Judge of the Supreme Court of British Columbia upon the application of the Corporation made in a summary manner

Powers of receiver.

58. (1) Any receiver appointed pursuant to section 57 may, with the consent of the Lieutenant-Governor in Council, examine the assessment rolls of the defaulting municipality, and may, in like manner as rates are struck for general municipal purposes, but without limiting the amount of the rate, strike a rate in the dollar sufficient to cover the amount of money due and payable by the municipality to the Corporation, with such addition to same as the receiver deems sufficient to cover interest and his own fees and costs up to the time when such rate will probably be available.

(2) Such receiver shall thereupon issue a precept under his hand directed to the collector of the defaulting municipality, and shall annex to the precept the roll of such rate, and shall by such precept, after reciting his appointment and that the municipality has neglected to satisfy its indebtedness to the Corporation, and referring to the roll annexed to the precept, command said collector to levy such rate forthwith.

(3) In case at the time of levying such rate the said collector has a general rate roll delivered to him, he shall add a column thereto headed "Greater Vancouver Sewerage and Drainage District Arrears Rate," and shall insert therein the amount in such precept required to be levied on each person respectively, and shall levy the amount of such rate struck by the said receiver as aforesaid, and shall, with all reasonable expedition, return to the said receiver the precept with the amount levied thereon.

(4) The receiver shall, after satisfying all indebtedness of the defaulting municipality to the Corporation and all his own fees and costs, pay

any surplus within ten days after receiving same to the municipality for its general purposes.

(5) Any such rate struck and levied in pursuance of this Act shall be deemed to be delinquent at such time as it would become so if it were a tax levied by the defaulting municipality, and each person against whom such rate is levied shall be liable to pay the same in like manner as if the said rate were a tax levied by the municipality against such person, and the municipality shall enforce the collection of the said rate in the same manner as it may enforce the collection of its taxes, and for such purpose the said rate shall be deemed to be a tax levied by the municipality.

(6) The clerks, assessors, collectors, and other officers of the defaulting municipality shall, for all purposes connected with the carrying into effect, or permitting or assisting the receiver to carry into effect, the provisions of this Act with respect to the striking, levying, and collecting of the said rate, be deemed to be officers of the Court appointing the receiver, and as such shall be amenable to the Court, and may be proceeded against by attachment, or otherwise, to compel them to perform their duties hereby imposed upon them.

Appeal.

Right of appeal
of member.

59. (1) If at any time a member municipality is dissatisfied with any determination, decision, estimate, or apportionment of the Corporation, the Board, or the Commissioner, an appeal shall lie to the Lieutenant-Governor in Council, whose decision thereon shall be final and binding.

(2) Except as otherwise ordered by the Lieutenant-Governor in Council, no such appeal shall be heard unless notice of the appeal, stating the grounds on which the appeal is based, is served upon the Corporation within one month after the date of the decision, estimate, determination, or apportionment appealed from.

(3) In case of an appeal, the Lieutenant-Governor in Council may order any special investigation to be made. The Lieutenant-Governor in Council may award costs of the appeal, and may order the costs or any part thereof to be paid by the Corporation or by a member municipality, as may be deemed just.

Accounts.

Annual audit.

60. (1) An annual or more frequent audit shall be had by a chartered accountant to be named by the Board, whose remuneration shall be paid out of the funds of the Corporation.

(2) 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 annually, on or before the first day

of April in each year, cause to be prepared an audited statement of the affairs of the Corporation, showing in detail its revenues and expenditures 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 each member municipality and to the Minister of Municipal Affairs.

(3) The accounts and books of the Corporation shall be at all reasonable times open to inspection by the member municipalities.

Benefit contributions.

61. It shall be lawful for the Corporation, from its funds:—

- (a) 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; and
- (b) To contribute or pay the full amount or any portion of the premium arising under any contract for medical services provided on an employee group basis for employees or employees and their dependents.

General.

Limitation of liability.

62. No member of the Board nor the Commissioner or other salaried officer of the Corporation shall be personally liable for anything lawfully done in the course of carrying out the duties of his office.

Limitation of actions.

63. 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, suit, arbitration, or other proceeding shall have arisen, but not afterwards, and thereafter the same shall be absolutely barred.

No interest in contracts.

64. No member of the Board nor the Commissioner or other salaried officer of the Corporation shall be interested, either in his own name or in the name of or as agent for any other person, either directly or indirectly, in any contract entered into or work done for or materials supplied to the Corporation; and the Commissioner shall not derive any profit or emolument whatsoever from the funds of the Corporation except as herein specifically provided.

Tax exemption.

65. (1) All land and personal property owned by the Corporation, or held, occupied, or used by it, shall be exempt from taxation under the "Taxation Act."

(2) Notwithstanding anything to the contrary in any general, public, private, or special Act, all sewers, drains, plants, buildings, structures, and other works of the Corporation shall be exempt from taxation, either as land, improvements, personal property, or otherwise howsoever.

Additional members.

66. (1) The Lieutenant-Governor in Council shall have absolute power and authority, upon the request of a municipality which is not a member of the Corporation, to order or refuse to order such municipality to be a member of the Corporation.

(2) Any Order of the Lieutenant-Governor in Council made under this section shall fix the terms and conditions (if any), and shall name the day on which the municipality shall become and be a member of the Corporation.

(3) Upon a municipality becoming a member of the Corporation, the area of the Corporation shall ipso facto include the area within the territorial limits of such municipality.

Vesting of property.

67. All property of any nature whatsoever of the Vancouver and Districts Joint Sewerage and Drainage Board constituted by the "Vancouver and Districts Joint Sewerage and Drainage Act" is hereby, on the day upon which this Act comes into force, vested in the Corporation.

Superannuation.

68. (1) All employees of the Vancouver and Districts Joint Sewerage and Drainage Board established by the "Vancouver and Districts Joint Sewerage and Drainage Act" shall, on the day upon which this Act comes into force, become and be the employees of the Corporation.

(2) Notwithstanding the repeal of the "Vancouver and Districts Joint Sewerage and Drainage Act," the provisions of the "Municipal Superannuation Act" shall continue to apply to the said employees, and for the purposes of the "Municipal Superannuation Act" all obligations of the said Vancouver and Districts Joint Sewerage and Drainage Board in respect of the said Board and said employees shall be assumed by the Corporation.

(3) Except as particularly provided in section 17 of this Act, the "Municipal Superannuation Act" shall apply to the Commissioner and all employees of the Corporation other than its casual employees.

Saving Provisions.

Repeal of "Vancouver and Districts Joint Sewerage and Drainage Act" and saving provisions.

69. (1) In this section, unless the context otherwise requires:—

"Past Board" means the Vancouver and Districts Joint Sewerage and Drainage Board established under the repealed Act:

"Repealed Act" means the "Vancouver and Districts Joint Sewerage and Drainage Act" repealed by this Act:

"Sewerage district" means the sewerage district as it existed under the repealed Act on the day upon which this Act comes into force.

(2) On the day upon which this Act comes into force, all the rights of the past Board existing on that day against any person, known or unknown, are hereby vested in the Corporation, and the Corporation shall become and be liable for all the obligations of the past Board existing on that day, and any person having a right of action against the

past Board on that day shall have the right to proceed against the Corporation in the like manner, to the like extent, and within such time as he would have been able to proceed against the past Board.

(3) On the day upon which this Act comes into force, all the debentures and other securities of the past Board outstanding on that day shall be deemed to be debentures or securities of the Corporation, and the principal and interest secured thereby shall be payable by the Corporation according to their tenor, and shall also constitute an indebtedness of such of its member municipalities as were within the sewerage district on that day, repayable by each such municipality in the proportion and manner prescribed in the repealed Act, and the provisions of section 34A of the repealed Act shall continue to apply to such municipalities: Provided, however, that no works, plant, or property of any nature whatsoever of the Corporation which is constructed or acquired by the Corporation and is situate outside the territorial limits of the sewerage district shall be, or shall be deemed to be, charged, mortgaged, or hypothecated for the repayment of any of the moneys secured by the said debentures or other securities of the past Board; and provided further that no municipality that was not within the sewerage district shall have any liability for the payment of the moneys secured by the said debentures or other securities of the past Board. Until all moneys secured by the said debentures or other securities of the past Board have been paid in full, the Corporation and the municipalities that were in the sewerage district shall continue to and shall raise the money required for the payment of such moneys in the same manner as the past Board would have raised such money if it were in existence, and for such purpose the provisions of sections 35, 35A, 35B, 35C, 35D, 35E, 35F, 35G, 35H, 35I, and 35J of the repealed Act shall apply to the Corporation as if it were the past Board and to the municipalities that were in the sewerage district as if the said repealed Act had not been repealed; and any detailed or annual estimate prepared by the Corporation for the purposes of this section shall be apart and distinct from the annual estimate referred to in section 53 of this Act; and any money held by the Minister of Finance for the retirement of the past Board's debentures or other securities shall be kept apart from any money held by the Minister of Finance in trust for the retirement of the debentures and securities of the Corporation, and shall be used and administered by the said Minister in the same manner and for the same purposes as it would have been used and administered by the said Minister as if the repealed Act had not been repealed. Any guarantee given by the Province under the repealed Act for the payment of the principal and interest of the said debentures or other securities of the past Board shall remain in full force and effect as if the repealed Act had not been repealed.

(4) Until and only until the member municipalities have appointed their first representatives to the Board pursuant to the provisions of

section 8 of this Act, each of the municipalities that were in the sewerage district shall be represented on the Board by their respective representatives on the past Board, and the other member municipalities shall be represented on the Board by their respective Mayors or Reeves, as the case may be.

(5) The "Vancouver and Districts Joint Sewerage and Drainage Act" is repealed.

Day of coming into
force of Act.

70. This Act shall come into force on the first day of April, 1956.

VICTORIA, B C

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