



CHAPTER 72.

An Act to amend “Vancouver Incorporation Act, 1886,”
and Amendments thereto.

[20th April, 1891.]

WHEREAS a petition has been presented praying for the amend- Preamble.
ment of the “Vancouver Incorporation Act, 1886,” and amend-
ments thereto:

And whereas it is deemed expedient to grant the prayer of such
petition:

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

1. Section 3 of the “Vancouver Incorporation Act Amendment Act, Amends section 3.
1889,” is hereby amended by striking out the word “three” in the
8th line thereof, and inserting the word “one” in lieu thereof, and by
striking out the letter “s” in the word “months” in the 8th line
thereof; and by striking out all the words after the word “in” in
the 12th line thereof to the word “nominated” in the 16th line
thereof, inclusive, and inserting in lieu thereof the words “to the
value of \$500, all of which shall be in the ward for which he is
nominated,” and by striking out the word “five” in the 18th line
thereof and inserting in lieu thereof the word “three.”

2. Section 3 of the “Vancouver Incorporation Act, 1886,” is hereby Ditto.
amended by inserting after the word “sub-division” in the second
line thereof the words “and to increase the number of wards.”

3. Section 4 of the “Vancouver Incorporation Act Amendment Act, Amends section 4
1889,” is hereby amended by striking out all the words and figures
after the word “city” in the 4th line thereof, and by adding thereto
the following words: “and has paid all rates and taxes due to the
city by him or her.”

Repeals section 5. **4.** Section 5 of the "Vancouver Incorporation Act, 1886," is hereby repealed.

Repeals sections 9, 10, 11, 12, and 13. **5.** Sections 9, 10, 11, 12 and, 13, of the "Vancouver Incorporation Act, 1886," are hereby repealed.

Amends section 14. **6.** Section 14 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "Monday" and "December," in the third line thereof, and inserting in lieu thereof the words "Thursday" and "January."

Amends section 15. **7.** Section 15 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "Monday" and "December" in the thirteenth line thereof and inserting in lieu thereof the words "Thursday" and "January," and by inserting the word "officer" after the word "returning" in the 8th line thereof.

Amends section 16. **8.** Sub-section (1) of section 16 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto the following words,
Form of declaration. "which shall be in the following form :—I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of Deputy Returning Officer to which I have been appointed in this City of Vancouver, 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, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation."

Amends section 17 sub-section 17. **9.** Sub-section (17) of section 17 of the "Vancouver Incorporation Act, 1886," is hereby amended by inserting after the word "state" in the 6th line thereof, the words "his or her," and by striking out the word "is" in the said 6th line.

10. The following section, to be known as 17A, shall be added immediately after section 17 of the "Vancouver Incorporation Act, 1886":—

First annual meeting **"17A.** The members of the Council shall hold their first meeting at 12 o'clock noon of the first Monday after the second Thursday in January on which they are elected."

Amends section 20. **11.** Section 20 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto a sub-section, to be known as sub-section (2), as follows:—

"(2.) The Returning Officers and Deputy Returning Officers shall hold the new election at furthest twenty-five days after receiving the warrant, and the Clerk shall appoint a day and place for the nomination of candidates, and the election shall



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in respect to notices and other matters be conducted in the same manner as the annual election."

12. Sub-section (7) of section 21 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "Clerk of the Council" in the 8th and 9th lines thereof, and inserting in lieu thereof the words "City Clerk." Amends sub-section 7 of section 21.

13. Sub-section (8) of section 21 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "Clerk of the Council" in the 4th and 5th lines thereof, and inserting in lieu thereof the words "City Clerk." Amends sub-section 8 of section 21.

14. Section 31 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "and not more than three" in the second line thereof, and by inserting after the word "paid" in the seventh line thereof, the following words: "and duties to be performed by," and by adding to the said section the following words: "and the Assessment Commissioners shall be subject to the directions of the Council in the matter of assessments, and the mode of assessing land as distinct from the improvements thereon." Amends section 31.

15. Section 33 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "first day of November" in the first line, and by inserting in lieu thereof the words "first day of October." Amends section 33.

16. The following section, to be known as 34A, shall be added immediately after section 34, of the "Vancouver Incorporation Act, 1886":— Addition to section 34.

"34A. All rateable property both real and personal, shall be estimated at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor, the value of the improvements, if any, being estimated separately from the value of the land on which they are situate." Property to be assessed at actual value.

17. Sub-section (1) of section 35 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "first day of February," in the fifth line thereof, and inserting in lieu thereof the words "the thirty-first day of December." Amends sub-section 1 of section 35.

18. The following section, to be known as 40A, shall be added immediately after section 40 of the "Vancouver Incorporation Act, 1886":— Addition to section 40.

"40A. The Council may by by-law exempt from taxation, wholly or in part, any improvements, erections and buildings erected on any land within the city, notwithstanding that they may be part of the real estate." Power to exempt improvements.

Repeals sub-section 3 of section 41. **19.** Sub-section (3) of section 41 of the "Vancouver Incorporation Act, 1886," is hereby repealed.

Repeals section 42. **20.** Section 42 of the "Vancouver Incorporation Act, 1886," is hereby repealed.

Amends section 58. **21.** Section 58 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the word "two" in the first line thereof, and inserting in lieu thereof the word "one."

Amends section 90. **22.** Section 90 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding after the word "City" in the fifth line thereof the words "or of the City Clerk."

Amends section 93. **23.** Section 93 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding after the word "voter" in the first line thereof the words "or the City Clerk," and by adding to the said section a new sub-section, to be known as sub-section (4), immediately after sub-section (3) as follows:—

Judge may retain on voters' list name of person entitled under any qualification.

"(4.) If on a complaint or appeal to strike out of the list the name of any person entered thereon as a voter, the Judge or person appointed as aforesaid from the evidence produced and given before him is of opinion that the person is entitled to be entered on the list in any character, or because of qualifications other than that in which he is so already entered in the list, the Judge or other person so appointed shall not strike the name of the person from the list, but shall make such corrections in the list with respect to the right, character and qualification of the person as may be just;"

And by adding thereto the following sub-section, to be known as sub-section (5), immediately after sub-section (4):—

"(5.) In all proceedings before the Judge, or other person so appointed as aforesaid under this Act, he shall have with reference to the matters herein contained, all the powers which belong to or might be exercised by a Judge of the County Court."

Amends section 129. **24.** Section 129 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto the words "and every such by-law and the debentures issued thereunder shall be absolutely valid and binding upon the municipality according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless upon application to some Court of competent jurisdiction made within one month after the passing the third reading thereof.

Addition to section 141. **25.** That a new section, to be known as 141A, be added immediately after section 141 of the "Vancouver Incorporation Act, 1886:—

"141A. Notwithstanding anything now contained in the by-laws, ^{Power to substitute new debentures in place of others.} passed in pursuance of the powers contained in the preceding sections, it shall be lawful for the Council, by resolution, at any time, or from time to time, to provide for the issue of new debentures for the purchase of the whole or any portion of the debentures issued under any by-law as aforesaid, at such rate or rates of interest respectively, not greater than five per cent., as they may think fit, and to make the same and interest thereon payable at such place or places respectively as they may think fit, and to make and enter into any agreement or agreements with the purchaser or purchasers of the said debentures, or any of them, for the repurchase or redemption of them, or any of them, in such manner and upon such terms and conditions as may be agreed upon with any such purchaser or purchasers."

26. Section 27 of the "Vancouver Incorporation Act Amendment Act, 1889," is hereby amended by inserting after the word "plan" in the fifth line thereof, the words "elevation and specifications for the construction." ^{Amends section 27 of Amendment Act.}

27. The following new sub-section, to be known as sub-section (74A), shall be added to section 142 of the "Vancouver Incorporation Act, 1886," immediately after sub-section (74): "For regulating and licensing plumbers." ^{Amends sub-section (74) of section 142.}

28. Sub-section (111) of section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by inserting after the word "for" in the second line thereof the following words, "or for preventing and prohibiting within the city limits," and by striking out all the words after "abattoirs" in the fifth line thereof. ^{Amends sub-section (111) of section 142.}

29. The following new section, to be known as section 143B shall be added immediately after section 143 of the "Vancouver Incorporation Act, 1886:"— ^{New section.}

"143B. Whenever the Council has authority to direct by by-law or otherwise that any matter or thing should be done by any person or Corporation, the Council may also by resolution direct that in default of its being done by the person or Corporation, such matter or thing shall be done at the expense of the person or Corporation in default; and may recover the expense thereof with costs, by action or distress, and in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes."

30. The following new sub-section, to be known as sub-section (6), shall be added immediately after sub-section (5) of section 142B, "Vancouver Incorporation Act Amendment Act, 1889:"— ^{New clause.}

"(6.) Any person who is adjudged guilty of any offence within the meaning of the foregoing sub-sections, shall be liable to a ^{Penalty for offence within the meaning of foregoing sections}

penalty of not more than fifty dollars, or in default of payment thereof, not more than two months' imprisonment, with or without hard labour."

Repeals certain sub-sections of section 199, and substitutes: **31.** Sub-sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, of section 199, of the "Vancouver Incorporation Act, 1886," are hereby repealed and the following sub-sections, to be known as sub-sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, substituted therefor:

Compensation for damages. "(2.) The Council shall make to the owners or occupiers of, or other persons interested in, real property, entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of any of its powers, due compensation for any damages (including the cost of fencing when required), necessarily resulting from the exercise of such powers, and any claim for such compensation if not mutually agreed upon shall be determined by arbitration under the following sub-sections:

Appointment of arbitrators to be in writing. "(3.) The appointment of all arbitrators shall be in writing under the hand of the appointers and under the Corporate Seal of the Corporation:

Either party may appoint arbitrator. "(4.) Either party may appoint an arbitrator and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given; the notice to be given to the Council shall be given to the City Clerk:

Third arbitrator. "(5.) The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators, appoint in writing a third arbitrator:

In default of appointment of third arbitrator Judge to appoint. "(6.) If for twenty days after having received a notice to appoint an arbitrator, the party notified omits to appoint an arbitrator, or if for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, the Judge of the County Court having jurisdiction in the city, may appoint an arbitrator for the party in default, or a third arbitrator, as the case may require:

Arbitrators' award. "(7.) The arbitrators shall make their award in writing within one month after the appointment of the third arbitrator, or within such further time as a Judge of the Supreme Court on cause shown may decide:

Who may be arbitrators. "(8.) No officer or person in the employment of the city, nor any person interested, shall be appointed or act as arbitrator under this Act:

Meeting of arbitrators. "(9.) The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may

agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing :

- “(10.) The arbitrators shall have power, by writing, signed by any one of them, to summon before them any witness or witnesses which either party to the said reference may desire to call, and to examine the said witnesses upon oath or solemn affirmation to be administered by any of the said arbitrators, and to order the production before them of any books, documents, accounts, vouchers, papers and memoranda of any description which they may deem necessary for the purposes of the said reference : Power to summon witnesses.
- “(11.) The arbitrators shall have the power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of any fixed sum, or that the costs should be taxed on either the scale of the County Court or Supreme Court of British Columbia : Costs.
- “(12.) In case of a difference between the arbitrators the decision of the majority of them shall be conclusive : Decision of majority final.
- “(13.) Upon payment or legal tender of the amount so awarded or agreed upon to the person entitled to receive the same or upon payment into the Supreme Court of British Columbia of the amount of such compensation the award or agreement shall vest in the Corporation power forthwith to take possession of the lands, the subject of the award or agreement, and if any resistance or forcible opposition is made by any person to its so doing, a Judge of the Supreme Court of British Columbia or County Court having jurisdiction in Vancouver may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district to put down such resistance and to put the Corporation in possession : Legal tender of amount of award entitles Corporation to possession.
- “(14.) If the Council has reason to fear any claims or incumbrances, or if any person to whom the compensation is payable refuses to execute the proper conveyance, or if the person entitled to claim the same cannot be found, or if for any other reason the Council deem it advisable, the Council may pay such compensation in to the Registrar of the Supreme Court of British Columbia or County Court, and may deliver to such Registrar an authentic copy of the conveyance, or award, or agreement, and such award or agreement shall thereafter be deemed to be the title of the Corporation to the land therein mentioned.” Award to be deemed the title of the Corporation.

32. Section 200 of the “Vancouver Incorporation Act, 1886,” is hereby amended by striking out sub-section (2) thereof, and inserting

in lieu thereof a new sub-section, to be known as sub-section (2), as follows:—

Special rate for cer- “(2.) For assessing and levying by means of a special rate the cost
tain purposes. of deepening any stream, creek or water-course, and draining
any locality, or making, enlarging or prolonging, or altering,
macadamizing, grading, levelling, paving or planking any street,
lane, alley, public way or place, or any sidewalks, or any
bridge forming part of a highway therein, or curbing, sodding
or planking any street, lane, alley, square or other public place,
or re-constructing as well as constructing any work hereby
provided for;”

And by adding a new sub-section, to be known as sub-section (2A),
as follows:—

Corporation to keep “(2A.) Nothing contained in the preceding sub-section shall be
works in repair. construed to apply to any work of ordinary repair or mainten-
ance, but all works constructed under the said preceding sub-
section shall thereafter be kept in a good and sufficient state of
repair at the expense of the Corporation;”

And by adding to section 200, of the “Vancouver Incorporation
Act, 1886,” a new sub-section, to be known as sub-section (4), im-
mediately after sub-section (3), as follows:—

Special rate. “(4.) The special rate to be so assessed and levied shall be an annual
rate according to the frontage thereof, upon the real property
fronting or abutting upon the street or place whereon or
wherein such improvements or work is proposed to be done or
made, and subject to the provisions following, namely:—

“That not more than two-thirds of the total costs of such improve-
ments be assessed and levied on the real property so fronting,
and the remainder of the cost thereof be borne and paid by the
city;”

By adding a new sub-section, to be known as sub-section (6), as
follows:—

Power to make “(6.) If in any case the first assessment for any local improvement
second assessment. proves insufficient, the Council shall make a second in the same
manner, and so on until sufficient moneys have been realized to
pay for such improvements or works. If too large a sum shall
at any time be raised, the excess shall be refunded rateably to
those by whom it was paid;”

And by adding new sub-sections, to be known as sub-sections 7, 8,
9, 10, 11, 12, 13:—

By-law for borrow- “(7.) Every by-law for borrowing money for improvements as in
ing money must pro- the preceding sub-sections provided, shall provide for the repay-
vide for repayment. ment of the loan and the maturing of debentures to be issued
pursuant to such by-law within the probable life of the work
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or improvements for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the Council for that purpose :

- “(8) No by-law passed by the Council under the provisions of section 200 of the Act, shall be required to be advertised or published by the said Council in any newspaper, but a written or printed, or partly written or partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment, shall be given to the owners, lessees and occupants, or the agents of the owners, lessees and occupants, of each parcel of real estate affected by such by-law :
- “(9.) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, the time and manner in which the same is payable, and shall be signed by the Clerk, or the Assessment Commissioner, or other officer to be appointed by the Council for that purpose, and be mailed to the address of the person entitled to notice, at least fifteen days before the day appointed for the sittings of the said Court, and ten days’ notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said Court, which notice shall specify generally what such assessment is to be for, and the total amount to be assessed :
- “(10.) Where a by-law passed under the provisions of section 200 of this Act provides, or is intended to provide, that the special rate assessed thereunder shall be a frontage rate, it shall not be necessary to comply with the provisions of sections 127 to 141, inclusive, of the ‘Vancouver Incorporation Act, 1886,’ or to advertise or publish the by-law, but it shall be sufficient if the by-law describe the street or place or part thereof, whereon or wherein the local improvement is to be made, by general description thereof, stating the points between which it is to be made; and it shall not be necessary for such by-law to state the value of the real property rateable thereunder, or to impose a rate upon such real property, by any description other than that hereinbefore mentioned :
- “(11.) In cases to which the next preceding sub-section applies, the Council shall procure a measurement of the frontage liable to the rate mentioned therein, and of the frontages exempt from taxation, and of the frontages of the several lots or parcels of land liable to such rate, and shall keep a statement of the same open for inspection in the office of the City Clerk for at least ten days before the final passing of the by-law, and the

By-law need not be published.

What notice must contain.

Requisites of by-law providing for a frontage rate.

Council to procure measurement of frontage.

Council shall also cause to be inserted in a public newspaper published within the city once a week for two successive weeks, a notice in the form following or to the like effect :—

Form of notice.

“Take notice that a by-law is intended to be passed by the City Council for levying a frontage rate to pay for the [*describing the work*] constructed (*or made*) or to be constructed (*or made, as the case may be*) on street between [*describing the points between which the work has been or is to be made or constructed*] and that a statement shewing the lands liable to pay the said rate and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the City Clerk, and is open for inspection during office hours. The estimated cost of the work is \$, of which \$ is to be provided out of the general funds of the City. A Court of Revision will be held on , at , for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurement or any other complaint which persons interested may desire to make, and which is by law cognizable by the Court.

City Clerk.

Dated,

By-laws for raising money.

“(12.) The Council may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works on the credit of the city, and it shall not be necessary to obtain the assent of the electors of the city to the passing of any such by-law under the provisions of the Act, any special or private Act in that behalf to the contrary notwithstanding : Provided always, that nothing in this section contained shall be construed as authorizing an extension of the general debt of the city, beyond the limits thereof fixed by any Act limiting the same :

Local improvement debentures.

“(13.) It is hereby declared that the debentures issued under the Local Improvement By-Laws on the security of special assessments therefor shall form no part of the general debt of the city within the meaning of the sections 127 to 144, both inclusive, of the Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the city as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special Acts, rates or assessments.”

33. Section 7 of the "Vancouver Incorporation Act, 1886, Amendment Act, 1890," is hereby amended by striking out all the words from the word "the" in the 6th line thereof, to the word "of" in the 8th line thereof, and by inserting in lieu thereof the following: "five members, of whom the Mayor, or acting Mayor, shall be one; two persons, who shall be elected by the voters in accordance with the provisions contained and in the manner directed in the Act for the election of Mayor; and two persons who shall be appointed by the Lieutenant-Governor in Council, on or before the 1st day of February in each year."

Amends section 7 of Amendment Act, 1890.

34. Section 7 of the "Vancouver Incorporation Act Amendment Act, 1890," is hereby amended by striking out the words "by by-law" in the first line thereof, and inserting in lieu thereof, the words "by resolution."

Amends section 7 of Amendment Act, 1890.

VICTORIA, B. C. :

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