

CAPITAL REGION WATER SUPPLY AND SOOKE HILLS PROTECTION ACT

CHAPTER 5

Assented to May 26, 1997

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

Definitions

- 1** In this Act:
- “**participating area**” means a participating area defined in Part 24 of the *Municipal Act*;
 - “**regional district**” means the Capital Regional District;
 - “**water district**” means the Greater Victoria Water District.

Water supply local service established

- 2** (1) A water supply local service of the regional district is established with the initial participating areas listed in subsection (8), until the regional district designates the participating areas by bylaw under subsection (2).
- (2) On or before a date specified by regulation, the regional district must adopt for the water supply local service established under subsection (1) a bylaw that
- (a) meets all the requirements for a bylaw under section 806 (1) and (2) of the *Municipal Act*, and

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- (b) includes all or part of each of the initial participating areas.
- (3) The bylaw adopted under subsection (2) must be approved by the minister and for that purpose section 257 (3) of the *Municipal Act* applies.
- (4) Section 807 (1) (b) and (2) of the *Municipal Act* does not apply to the bylaw adopted under subsection (2) of this section.
- (5) The bylaw adopted under subsection (2) is deemed to be a service establishment bylaw under the *Municipal Act*.
- (6) If the bylaw adopted under subsection (2) is amended to change the service area, the amendment must be approved by the minister.
- (7) Subject to this Act and the regulations, Part 24 of the *Municipal Act* applies to the water supply local service established under this section.
- (8) Until the regional district adopts the bylaw under subsection (2), the water supply local service is comprised of the following initial participating areas:

The Corporation of the City of Victoria
The Corporation of the District of Oak Bay
The Corporation of the District of Saanich
Corporation of the Township of Esquimalt
The Corporation of the District of Central Saanich
Town of Sidney
District of North Saanich
District of Metchosin
City of Colwood
Town of View Royal
District of Langford
Sooke Electoral Area.

Water distribution local service established

- 3 (1) A water distribution local service of the regional district is established with the initial participating areas listed in subsection (8), until the regional district designates the participating areas by bylaw under subsection (2).
- (2) On or before a date specified by regulation, the regional district must adopt for the water distribution local service established under subsection (1) a bylaw that
- (a) meets all the requirements for a bylaw under section 806 (1) and (2) of the *Municipal Act*, and
- (b) includes all or part of each of the initial participating areas.
- (3) The bylaw adopted under subsection (2) must be approved by the minister and for that purpose section 257 (3) of the *Municipal Act* applies..

- (4) Sections 6 and 7 apply to every record and trust in respect of which an appointment is made under subsection (2).
- (5) Despite subsection (1) (c), this Act applies to trusts relating to moneys received by Central Guaranty Trust Company for guaranteed investment and any real or personal property held in trust by Central Guaranty Trust Company with respect to any registered home ownership savings plan, registered retirement savings plan, retirement income fund, deferred profit sharing plan or income averaging annuity contract, as those terms are defined in the *Income Tax Act* (Canada), or other registered or unregistered deferred income or employee benefit plan.

Successor trustee

- 4. (1) Subject to section 3, Central Guaranty Trust Company is removed as trustee and TD Trust Company is appointed as successor trustee in or in respect of every trust, trust deed, trust agreement, instrument of creation, deed of appointment, settlement, assignment, will, codicil or other testamentary record, and every letters testamentary, letters probate, letters of administration, judgment, decree, order, direction, pension plan, benefit plan trust, investment management and investment administration account, agreement, contract, appointment of any court, judge or other constituted authority, and every other record or trust however created, including every incomplete, inchoate or bare trust, and in every conveyance, mortgage, assignment, appointment or other writing, in, by or of which Central Guaranty Trust Company is named as executor, administrator, trustee, personal representative, bailee, committee, tutor, assignee, liquidator, receiver, custodian, guardian, curator or agent, or is named to any other office or position whatsoever in which any property, interest, possibility, or right is vested in, administered or managed by or put in charge of Central Guaranty Trust Company in trust, or in the custody, care or control of Central Guaranty Trust Company, for or for the benefit of any person or purpose.
- (2) Subsection (1) applies to every record and trust described in that subsection even if the real or personal property held by Central Guaranty Trust Company under the record or trust is situate outside British Columbia.
- (3) If a record or an instrument referred to in subsection (1) names Central Guaranty Trust Company to any office or position described in that subsection and the instrument takes effect after TD Trust Company is appointed successor trustee to Central Guaranty Trust Company, TD Trust Company is deemed to be named to the office or position in that record or instrument in the place of Central Guaranty Trust Company.

Real and personal property held in trust by Central Guaranty Trust Company

- 5. (1) In this section, “**Central Guaranty Trust Property**” means all real and personal property and every interest in real and personal property that is granted to, or held by or vested in Central Guaranty Trust Company, whether by way of security or

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otherwise, in trust, or in the custody, care or control of Central Guaranty Trust Company, for or for the benefit of any other person or purpose, under or in respect of every record and trust to which section 4 applies, and whether in the form in which it was originally acquired by Central Guaranty Trust Company or otherwise.

- (2) Subject to section 3, all Central Guaranty Trust Property is vested as of January 1, 1993 in TD Trust Company
 - (a) according to the tenor of the record or trust referred to in subsection (1),
 - (b) at the time indicated or intended by that record or trust, and
 - (c) on the same trusts and with the same powers, rights, immunities and privileges, and subject to the same obligations and duties as are provided, granted or imposed by that record or trust.
- (3) Subject to subsection (4) and section 8, for the purposes of every enactment affecting the title to property, both real and personal, the vesting of title in TD Trust Company of every property referred to in subsection (2) is effective without the registration or filing of this Act, or any further or other instrument or record showing the change of title in any public office of the government.
- (4) Provided TD Trust Company files a copy of this Act in the applicable land title office, TD Trust Company may, under section 187 of the *Land Title Act*, make an application in respect of any registered estate or interest in the same manner as if this Act effected an amalgamation of Central Guaranty Trust Company and TD Trust Company.
- (5) An application contemplated under subsection (4) must contain a description of the titles or charges affected by the application that is sufficient for the registrar to identify them in the records.
- (6) Nothing in subsections (4) and (5) affects the operation of subsections (1), (2), (3) or any other provision of this Act.

Legal proceedings

6.
 - (1) Subject to section 7 (2) and 7 (3) nothing in this Act requires or permits the discontinuance or abatement of a proceeding being carried on or a power or remedy being exercised by or against Central Guaranty Trust Company as executor, administrator, trustee, personal representative or in any other capacity referred to in section 4 (1) in any British Columbia court or before any tribunal or agency, under or in respect of a record or trust to which section 4 applies.
 - (2) Despite the Rules of Court applicable to the Supreme Court, a proceeding, power or remedy referred to in subsection (1) may be continued in the name of TD Trust Company, and, in that event, TD Trust Company has the same rights and may receive the same costs and awards as if the proceeding had been commenced or defended in the name of TD Trust Company.

- (g) imposing additional responsibilities and requirements in relation to a service established under this Act;
- (h) requiring the regional district to appoint a committee under Part 24 of the *Municipal Act*;
- (i) in relation to a committee required to be appointed under paragraph (h) or the regional water supply commission,
 - (i) setting a date on or before which the regional district must establish a committee or the regional water supply commission,
 - (ii) establishing the manner in which the members of a committee or the commission are to be appointed,
 - (iii) establishing who is eligible to be a member of a committee or the commission,
 - (iv) establishing the voting rules for decisions of a committee or the commission, or
 - (v) establishing duties for a committee or the commission and setting deadlines for the completion of those duties;
- (j) correcting a description of land in the Schedule or in section 5 (8).

Transfer of assets, liabilities and authority to CRD

- 7 (1) On the coming into force of this section,
- (a) the Greater Victoria Water District is dissolved,
 - (b) the appointment of each member of the Administration Board of the water district is terminated,
 - (c) all of the rights, property and assets of the water district, other than properties listed in the Schedule, are transferred to and vested in the regional district, and
 - (d) the regional district assumes all obligations and liabilities of the water district.
- (2) A reference to the water district in a contract, lease, licence, permit or other document, the rights and obligations under which have been transferred to, vested in or assumed by the regional district, is deemed to be a reference to the regional district.

Transitional – water district bylaws deemed to be bylaws of regional district

- 8 The bylaws of the water district in force on the day section 7 comes into force are deemed to be bylaws of the regional district and may be amended or repealed by the regional district in the same manner as other bylaws of the regional district.

Transitional – restrictions on disposition of land owned by water district

- 9 (1) Commencing April 25, 1997 and until the amendment of the official regional park plan of the regional district to include that land, the land identified in the Schedule may not be used for a purpose other than a park or be disposed of by

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the regional district without the approval of the Minister of Environment, Lands and Parks.

- (2) Despite subsection (1), if, on the date referred to in subsection (1), land identified in the Schedule is being used for a purpose not consistent with park use, that use, but only that use, may be continued.
- (3) Despite subsection (1), between the date referred to in subsection (1) and the amendment of the official regional park plan the land identified in the Schedule may be used for a purpose related to the water supply without approval of the Minister of Environment, Lands and Parks.

Transitional – power to grant certain powers under repealed Act

- 10 (1) Without limiting section 6, the Lieutenant Governor in Council may make regulations giving to the regional district for the purposes of this Act powers within the scope of the powers that the water district had under the *Greater Victoria Water District Act* before its repeal.
- (2) Subsection (1) is repealed on September 30, 1999.
- (3) Despite the repeal of subsection (1), the following continue in force:
 - (a) powers granted to the regional district under that subsection;
 - (b) any bylaws enacted under powers granted to the regional district under that subsection.
- (4) A power or bylaw continued under subsection (3) may be repealed.

Consequential Amendments***Municipal Finance Authority Act***

- 11 *Section 1 of the Municipal Finance Authority Act, R.S.B.C. 1996, c. 325, is amended by repealing the definition of “regional district” and substituting the following:*

“regional district” means

- (a) a regional district as defined for the purposes of Part 24 of the *Municipal Act*, and
- (b) except for the purposes of sections 2 and 7, the Greater Nanaimo Water District, the Greater Vancouver Water District and the Greater Vancouver Sewerage and Drainage District, if a notice of intention has been given under section 25.

- 12 *Section 25 is repealed and the following substituted:*

Notice of intention

- 25 Despite section 22,

- (a) the City of Vancouver,
- (b) the Greater Nanaimo Water District,
- (c) the Greater Vancouver Water District, or
- (d) the Greater Vancouver Sewerage and Drainage District

may give written notice to the authority and the inspector of municipalities that, on and after a date specified in the notice, it intends to finance its capital requirements through the authority, and after that sections 23 and 24 apply.

Water Act

13 *Section 7 (f) of the Water Act, R.S.B.C. 1996, c. 483, is repealed and the following substituted:*

- (f) the Greater Vancouver Water District or the Greater Nanaimo Water District, or any other water district incorporated by an Act of the Legislature; .

Repeal

14 *The Greater Victoria Water District Act, S.B.C. 1922, c. 28, is repealed.*

Commencement

- 15** (1) This Act comes into force by regulation of the Lieutenant Governor in Council.
- (2) When brought into force by regulation, section 9 is retroactive to the extent necessary to give it effect on and after the date referred to in that section.

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All those parcels of land situate lying and being in the Malahat and Goldstream Land Districts which said parcels may be more particularly described thus:

- 1 That part of District Lot 11, Malahat District shown on Plan 682.
- 2 That part of District Lot 19, Malahat District, Plan 682.
- 3 Section 27, Goldstream District.
- 4 Sections 44, 45 and 47, Goldstream District.
- 5 District Lots 42 and 43, Goldstream District.
- 6 Section 41, Goldstream District.
- 7 Section 17, Goldstream District (being shown on Plan 682).
- 8 Section 33, Goldstream District.
- 9 Section 32, Goldstream District.

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- 10 Section 31, Goldstream District.
- 11 Section 18, Goldstream District.
- 12 Section 19, Goldstream District.
- 13 Section 20, Goldstream District.
- 14 The northeast 1/4 of Section 21, Goldstream District except those parts on Plan DD27844^I.
- 15 That part of the northeast 1/4 of Section 21, Goldstream District, shown coloured red on plan deposited under DD 27844^I.
- 16 That part of the northeast 1/4 of Section 21, Goldstream District, containing thirty-one one hundredths (.31) of an acre as shown coloured red on plan deposited under DD 27844^I.
- 17 The northwest 1/4 of Section 21, Goldstream District.
- 18 Fractional southeast 1/4 of Section 21, Goldstream District except parts in Plans DD48525^I and DD27689^I.
- 19 That part of the Fractional southeast quarter, Section 21, Goldstream District shown coloured red on plan deposited under DD 48525^I.
- 20 That part of the Fractional southeast quarter, Section 21, Goldstream District, as shown uncoloured on plan deposited under DD 27689^I.
- 21 The southwest 1/4 of Section 21, Goldstream District.
- 22 Section 22, Goldstream District.
- 23 Section 68, Goldstream District.
- 24 Section 15, Goldstream District (being shown on Plan 682).
- 25 Section 9, Goldstream District.
- 26 District Lot 71, Goldstream District except part in Plan 12326.
- 27 Section 70, Goldstream District except part in Plan 12326.
- 28 Section 7, Goldstream District except part in Plan 12326.
- 29 That portion of that part of District Lot 38, Malahat District shown on Plan 682 lying within the watershed of Niagara Creek.
- 30 That portion of that part of District Lot 20, Malahat District shown on Plan 682 lying within the watershed of Waugh Creek except that part lying to the West of a straight line drawn parallel to and perpendicularly distant 600 metres East from the most westerly boundary of said District Lot 20, and the said straight line produced.
- 31 That portion of that part of District Lot 10, Malahat District shown on Plan 682 lying within the watershed of Waugh Creek.
- 32 Those portions of that part of District Lot 22, Malahat District shown on Plan 682 which said portions lie:
 - Firstly: within the watershed of Waugh Creek, save and except the bed of the reservoir and the dam structure located therein, and
 - Secondly: within the watershed of Niagara Creek, and

- Thirdly: within that part of the watershed of Goldstream River which does not contribute water to the Japan Gulch reservoir located in Section 8, Goldstream District.
- 33 Those portions of District Lot 85, Malahat District except part included within the Right of Way of the Esquimalt and Nanaimo Railway Company, and except that part lying to the East of the Right of Way of the Esquimalt and Nanaimo Railway Company, which said portions lie:
- Firstly: within the watershed of Niagara Creek, and
- Secondly: within that part of the watershed of Goldstream River which does not contribute water to the Japan Gulch reservoir located in Section 8, Goldstream District.
- 34 That portion of that part of Section 16, Goldstream District (being shown on Plan 682) lying within the watershed of Waugh Creek.
- 35 That portion of that part of Section 14, Goldstream District (being shown on Plan 682) lying within the watershed of Waugh Creek.
- 36 That portion of Section 23, Goldstream District except part in Plan 12326 which said portion lies within that part of the watershed of Goldstream River which does not contribute water to the Japan Gulch reservoir located in Section 8, Goldstream District.
- 37 Parcel A (DD 88622^I) of Section 30, Goldstream District.
- 38 That part of Section 30, Goldstream District described as commencing at the northeasterly corner of said Section thence southerly along the easterly boundary of said Section a distance of 10 chains, thence westerly and parallel to the northerly boundary of said Section a distance of 20 chains, thence northerly and parallel to the said easterly boundary to an intersection with the said northerly boundary, thence easterly along the said northerly boundary to the point of commencement, except part in Plan DD 14200F.
- 39 That part of Section 30, Goldstream District in Plan DD 13286^I.
- 40 That part of Section 30, Goldstream District in Plan DD14200F.
- 41 That part of Section 4, Goldstream District described as commencing at the north east corner of Section 30 of said District, thence north 19° 30' East, a distance of 6 chains, thence westerly and parallel to the southerly boundary of said Section 4, a distance of 13.83 chains, more or less, to an intersection with the easterly boundary of Goldstream and Sooke Cross Road, thence southerly along the said easterly boundary of the said Cross Road a distance of 6.20 chains, more or less, to an intersection with the said southerly boundary of said Section 4, thence easterly along the said boundary of said Section 4, to the point of commencement, except parts in Plan DD 14200F.
- 42 Lot 1, Section 4, Goldstream District, Plan 26999.
- 43 That part of Section 4, Goldstream District in Plan DD 14200F except part in Plan 8956.
- 44 That part of Section 4, Goldstream District in Plan DD 13275^I except part in Plan 26999.
- 45 Parcel A (DD 51801^I) of Section 4, Goldstream District.
- 46 That part of Section 4, Goldstream District shown coloured red on Plan DD 15774.
- 47 That part of Section 4, Goldstream District, described as follows: commencing at the southwest corner of said Section; thence northerly along the westerly boundary of said Section to intersect the southwesterly corner of Parcel A (DD 51801^I); thence easterly at right angles a distance of

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1285.9 feet, more or less, to intersect the westerly boundary of the Humpback Road, as said road is shown on Plan DD 13281¹; thence southerly along the said westerly boundary of Humpback Road to intersect the northeasterly corner of that part of said Section shown on Plan DD 15774; thence westerly and southerly along the northerly and westerly boundaries of said part of said Section, shown on Plan DD 15744 to intersect the southerly boundary of said Section; thence westerly along the said southerly boundary of said Section to the point of commencement.

As the above described lands are shown on the plan deposited in the Crown Land Registry under Number 32Tube1744.

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