

CHAPTER 77

An Act to Incorporate the Greater Campbell River
Water District

[Assented to 29th March, 1962.]

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

Short title.

1. This Act may be cited as the *Greater Campbell River Water District Act*.

Interpretation

Interpretation.

2. In this Act, unless the context otherwise requires,
- “area of the Corporation” means the area comprising the areas of the communities which are members of the Corporation;
 - “Board” means the Administration Board constituted under this Act;
 - “charge” means a charge as defined in the *Land Registry Act*;
 - “Commissioner” means the Commissioner holding office pursuant to appointment under section 20;
 - “community” means a municipality or improvement district that is a member of the Corporation;
 - “Corporation” means the Greater Campbell River Water 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;
 - “facility” means any work or service, except major facilities, required by a community to distribute water within the community, and includes real and personal property incidental and necessary therefor;
 - “improvement district” means, in accordance with the context, either
 - (a) an area incorporated as an improvement district under the *Water Act*; or
 - (b) the corporation into which the residents of the area have been incorporated as an improvement district;
 - “major facilities” means the reservoirs, dams, headworks, and main trunk lines comprising the works necessary for the storage and transport of water in bulk to the distribution systems of the communities;
 - “municipality” means a municipality as defined by the *Municipal Act* for the purposes of the *Municipal Act*;

- "owner" means an owner as defined in the *Land Registry Act*;
"owner-elect" has the meaning given to it by the *Municipal Act*;
"stream" means a stream as defined by the *Water Act*;
"street" includes any public highway, road, lane, alley, boulevard, bridge, square, mew, court, 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.

Incorporation

Incorporation. 3. (1) There is hereby created and constituted a body corporate and politic under the name of the "Greater Campbell River Water District," with the objects, powers, duties, obligations, and liabilities set forth in this Act.

(2) The Corporation has all the rights and is subject to all the liabilities of a corporation.

Seal

Seal. 4. (1) The Corporation and its successors have perpetual succession and a common seal approved by the Board.

(2) The Board may alter the seal.

Membership

Membership. 5. The following are members of the Corporation:—

- (a) The Corporation of the Village of Campbell River;
- (b) The Willow Point Waterworks District;
- (c) The Quinsam Heights Water Works District;
- (d) Such other communities as may from time to time be made members of the Corporation.

New members. 6. (1) The Lieutenant-Governor in Council may, upon the request of the Corporation and a municipality or improvement district, order the municipality or improvement district to be a member of the Corporation.

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

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

Objects and Powers

Objects. 7. The objects of the Corporation are to provide water in bulk to the communities and for that purpose to design, construct, reconstruct, maintain, and operate major facilities.

Powers.

8. (1) The Corporation may

- (a) acquire, hold, use, alienate, and dispose of real and personal property, including easements and rights-of-way, for any of the purposes of its objects; and
- (b) enter into agreements or contracts with any person, firm, partnership, corporation, or community; and,
- (c) without limiting the generality of the foregoing, do all things necessary to attain the objects of the Corporation; and
- (d) prescribe the uses to which its facilities may be put and by whom they may be used.

(2) In addition to exercising the powers conferred by subsection (1), the Corporation may finance, construct, maintain, operate, and administer facilities for Canada or the Province within or without the area of the Corporation, or for supplying water to persons without the area of the Corporation.

Further
powers

9. (1) The Corporation may finance, design, and construct a facility for a community.

(2) The cost of a facility financed, designed, and constructed by the Corporation for a community is a liability and debt of that community due and payable to the Corporation.

(3) The Corporation shall not finance, design, and construct any facility for a community, nor borrow moneys therefor, unless that community has authorized the construction by the Corporation of the said facilities.

(4) If the liability and debt of the community under subsection (2) is not repayable within the current year, it shall be repaid, together with interest, by annual payments during a term not exceeding thirty years, and ranks as a debenture debt of the community.

(5) The provisions of the *Municipal Act* and the *Water Act*, as the case may be, apply to a community under this section.

(6) The powers conferred upon the Corporation and its member communities respectively by this section for financing, designing, and constructing facilities may be exercised all together, separately, or one with another.

*Administration and Management*Administra-
tion and
management

10. (1) There shall be an Administration Board, which shall exercise, administer, and control the powers, functions, duties, and obligations of the Corporation.

(2) The Board shall comprise

- (a) two members of the Council of The Corporation of the Village of Campbell River appointed by such Council; and
- (b) one Trustee or member of Council of each other community that is a member of the Corporation appointed by its Council or Board of Trustees, as the case may be;

and those appointments shall be made annually in the month of February, but any member may be reappointed if still a member of Council or Board of Trustees.

(3) Each member of the Board shall receive fifteen dollars for each meeting attended by him, but the total amount which a member may receive in any year under this Act shall not exceed three hundred dollars, and section 50 of the *Municipal Act* does not apply in respect of the remuneration received.

(4) In the event of any one or more of its members becoming disqualified from holding office, the actions and proceedings of the Board are as valid and effectual as if such disqualification had not taken place.

(5) The existence of a vacancy in the membership of the Board does not render invalid any act or proceeding authorized by a quorum of the Board.

Continuance
of Board.

11. (1) The Board is always continuing and existing.

(2) The members of the Board shall hold office until their successors are duly appointed and have assumed office.

(3) It is not necessary to consider or begin anew any by-law, proceeding, report, matter, or thing entertained by the Board subsequent or prior to an annual or other appointment as aforesaid.

Head office.

12. (1) The head office of the Corporation shall be within the area of the Corporation.

(2) All meetings of the Corporation shall be held at the head office of the Corporation.

Chairman and
procedures
of Board.

13. (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.

(2) In the absence of the Chairman from a meeting of the Board, the other members of the Board present shall elect a member of the Board to preside at that meeting.

(3) The Chairman, or other presiding officer, as well as each other member of the Board, is entitled to one vote.

(4) The quorum necessary for the transaction of the business of the Board is three members of the Board in office at the time.

(5) When the votes of the members of the Board, including the vote of the presiding officer, are equal upon a question, the question is resolved in the negative, and the presiding officer shall so declare.

(6) A member present at any meeting of the Board who abstains from voting shall be deemed to have voted in the affirmative.

Meetings.

14. (1) The first meeting of the Board shall be arranged and called by the Chairman of The Corporation of the Village of Campbell River by written notice served upon the members of the Board.

(2) Thereafter, meetings of the Board, other than meetings adjourned to a specific time and date, shall be called by the Secretary on instructions of the Chairman, or of the Commissioner, or any two of the members of the Board, by written notice addressed to each member and sent by prepaid registered post or by personal delivery, at least two days before the day of the meeting.

(3) A notice under this section shall state the general purpose of the meeting and the time at which it is to be held.

Emergency meetings.

15. With the consent of all its members, an emergency meeting of the Board may be called in the manner prescribed in section 14 on less than two days' notice.

Procedures.

16. (1) Where required to do so by this Act, the Board shall proceed by by-law, otherwise it may proceed by by-law or resolution.

(2) At a meeting of the Board, no proposed by-law or resolution put to the vote of the meeting shall, unless otherwise expressly provided by this Act, be adopted, carried, or ordered except by a majority of the votes of the members of the Board present.

(3) The Board may from time to time enact, make, alter, repeal, amend, vary, and re-enact by-laws or resolutions as the Board may consider necessary or expedient for the carrying-on, management, and regulation of the facilities, business, and affairs of the Corporation for the carrying-out of its objects, in accordance with and subject to the provisions of this Act.

(4) Every by-law of the Corporation shall receive three readings prior to adoption, two of which may be by title only.

(5) A by-law may be read once, twice, or thrice in one day.

Effective date of by-law.

17. Every by-law shall name a day when it is to take effect; but if no day is named, the same shall nevertheless take effect on the day of the adoption thereof.

Authentication of by-law.

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

Certification of by-law.

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

Commissioner.

20. (1) Subject to the control of the Board, the affairs and business of the Corporation shall be under the management of a Commissioner.

(2) The Commissioner shall be appointed by the Board.

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

(4) The Commissioner may be paid out of the funds of the Corporation such remuneration as the Board may from time to time determine.

Delegation
of powers.

21. For the purpose of facilitating the conduct of the affairs of the Corporation, and subject to the provisions of this Act, the Board may, by by-law, delegate to the Commissioner any of its powers and functions, not exercisable by by-law, pertaining to the administration and conduct of the affairs of the Corporation.

Secretary.

22. The Board shall appoint a Secretary, 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.

Treasurer and
other officials.

23. The Board shall appoint a Treasurer and may from time to time appoint one or more engineers, solicitors, or counsel of the Corporation who shall hold office at the pleasure of the Board.

Banking.

24. Except as is otherwise provided by this Act, all funds belonging to or received by the Corporation shall be deposited to its credit in a chartered bank, and may, under authority of the Board, be drawn upon by cheque of the Corporation signed by the Commissioner and the Treasurer, or such other person or persons as the Board may from time to time appoint.

Service of
process.

25. A process against the Corporation may be served upon the Chairman or the Commissioner or the Secretary.

Contracts.

26. Except as is otherwise provided by this Act, 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 by the Secretary.

Further Powers of the Corporation

Further
powers.

27. The Corporation may, by its officers, engineers, superintendent, agents, workmen, or servants, within or without the area of the Corporation, at any time enter upon any lands, streets, or streams, 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.

Alteration of
facilities.

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

Expropriation. **29.** (1) Subject to the *Water Act*, the Corporation may by by-law expropriate any land, stream, or facility, or any estate or interest therein, within or without its area, and upon the adoption of the by-law the estate or interest in the land, stream, or facility expropriated vests in the Corporation.

(2) There shall be set forth in each by-law adopted under subsection (1) a description of the expropriated land, stream, or facility sufficiently accurate for identification, and a statement of the estate or interest therein expropriated.

(3) Within thirty days after the adoption of the by-law under subsection (1), the Corporation shall deliver a certified copy of the by-law to the Registrar of Titles of the land registration district in which the expropriated land, stream, or facility is situate, and the Registrar of Titles shall thereupon cause the same to be recorded in the records of the Land Registry Office for that district.

(4) Unless compensation has been agreed to in writing by the owner or owners of the land, stream, or facility, notice shall be served forthwith by the Secretary on each such owner setting forth the compensation which the Corporation is ready to pay, together with the description recorded under subsection (3).

(5) The notice is well and sufficiently served under subsection (4)

(a) if sent to each such owner by registered mail, postage prepaid, at his address as shown by the records of the Land Registry Office; or

(b) where, to the knowledge of the Secretary, the registered owner or holder of an encumbrance is deceased or an infant, lunatic, or other person under disability, if sent by registered mail to his personal representative or guardian, tutor, curator, or trustee, as the case may be; or

(c) where no address is shown on the records, or where the address of the personal representative or the guardian, tutor, curator, or trustee of an owner under disability cannot be readily ascertained by the Corporation, then by publishing the notice once a week for four consecutive weeks in a newspaper of general circulation in the locality in which such land, stream, or facility is situate.

(6) Where the Corporation, within one month from the date of mailing or of the last publication of the notice, does not receive a notice in writing from an owner, or from the guardian, tutor, curator, or trustee of an owner under disability, setting forth

(a) his dissatisfaction with the amount of compensation set forth in the notice from the Corporation; and

(b) the amount which he claims by way of compensation; and

(c) a full statement of the facts in support of his claim; and

(d) his full postal address,

that owner, and where the owner is under disability, that guardian, tutor, curator, or trustee, shall be deemed to be satisfied with and to have accepted the amount of compensation set forth in the notice from the Corporation and is forever barred from claiming any further compensation in respect of that expropriation.

(7) No compensation is payable by the Corporation to or for any person other than an owner or the guardian, tutor, curator, or trustee of an owner under disability from whom it does not, within one month from the date of mailing or of the last publication of the notice given under subsections (4) and (5), receive a notice in writing setting forth the information mentioned in clauses (a), (b), (c), and (d) of subsection (6).

(8) Where a claim is made for compensation differing in amount from that set forth in the notice served or published by the Secretary under subsections (4) and (5), the Corporation shall consider the claim and shall notify the claimant of its decision in respect thereof by registered letter addressed to the postal address set forth by the claimant in his notice.

(9) The claimant, if dissatisfied with the decision of the Corporation, may, within sixty days after the date of mailing of the letter setting forth the decision of the Corporation, give notice in writing to the Corporation, which may be by registered letter, that he desires the claim to be referred to arbitration, and the claim shall thereupon be referred to three arbitrators, one to be appointed by the claimant and one by the Corporation, and the third to be appointed by such two arbitrators, and the *Arbitration Act* applies.

(10) If no notice under subsection (9) is received from the claimant by the Corporation within sixty days after the date of mailing of the letter setting forth the decision of the Corporation, the claimant shall be deemed to be satisfied with and to have accepted the decision of the Corporation and is forever barred from claiming any further compensation in respect of that expropriation.

(11) The compensation money agreed upon or determined by arbitration for any land, stream, or facility, or any estate or interest therein, stands in the stead of the land, stream, or facility, or the estate or interest therein; and any claim to or encumbrance upon such land, stream, or facility is, as respects the Corporation, converted into a claim to the compensation money or to a proportionate amount thereof and is void as respects any land, stream, or facility, estate or interest therein, so expropriated, which, by the fact of the expropriation thereof, becomes and is absolutely vested in the Corporation.

(12) Any compensation money agreed upon or determined by arbitration is, upon the date of agreement or determination, a debt of the Corporation owing to the owner, registered encumbrance-holder, or other entitled person, and payment thereof may be enforced in any Court of competent jurisdiction.

(13) Every person who has any estate or interest in any land, stream, or facility expropriated under this Act, or who represents any such person, shall, upon demand therefor made by or on behalf of the Corporation, furnish to the Corporation a true statement showing the particulars of such estate and interest and of every charge to which the same is subject.

Use of streets.

30. (1) The Corporation may carry any facility 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 facilities or other works and of maintaining, repairing, and renewing the same.

(2) In entering upon and digging up any street, the Corporation is subject to reasonable regulations made by the lawful authority charged with the responsibility of maintaining the part of the street so entered upon.

(3) Before entering upon any street for the purpose of laying a facility or other works, the Corporation shall give at least thirty days' notice of its contemplated action to the authority charged with the responsibility of maintaining the part of the street so entered upon, but the authority may waive the giving of such notice or shorten the period thereof.

(4) Whenever the Corporation digs up any street, it shall, so far as is practicable, restore it to as good a condition as it was in before the digging began, and the Corporation shall

(a) at all times indemnify and save harmless the lawful authority charged with the responsibility of maintaining the part of the street so entered upon against all damages that may be recovered against it by reason of anything done or omitted by the Corporation; and

(b) reimburse it for all expenses which it may incur by reason of any defect or want of repair of any street caused by

- (i) the construction of any facility or other works; or
- (ii) the maintaining or repairing of the same.

(5) 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.

Compensation rule.

31. In determining the amount of compensation to be awarded to a claimant under this Act, property shall be valued as at the time of the taking thereof or damage thereto, and not as at the time of the making of the award.

Watercourses.

32. Subject to the provisions of the *Water Act*, the Corporation may close or may change the width, depth, grade, or direction of any stream.

Area Control

Restriction. **33.** The Corporation shall not construct facilities or acquire land without the recommendation of the Commissioner or, alternatively, the unanimous consent of all members of the Board.

Control of facilities. **34.** (1) No new facility shall be constructed in the area of the Corporation, and no facility in the area of the Corporation shall be altered, extended, or connected to the facilities of the Corporation until plans and particulars as required by the Corporation have been approved by the Corporation.

(2) No new facilities that

(a) are designed to be connected to facilities of the Corporation;
or

(b) may affect those facilities
shall be constructed in the area of the Corporation, and no facilities that are connected to or affect facilities of the Corporation shall be altered, connected to, or extended until plans and particulars as required by the Corporation have been approved by the Corporation.

(3) Subject to the direction and regulation of the Corporation, every community shall connect each of its facilities with a facility of the Corporation.

Violation. **35.** If a community or person violates by act or omission any provision of the last preceding section, the Corporation may give notice in writing to the community or person responsible for the violation requiring the community or person to carry out, within the time limited in the notice, the works that the Corporation may deem necessary as a consequence of the violation; and if the notice is not complied with, the Corporation may do the works at the expense of the community or person in default, and may recover from the community or person the expense thereof in any Court of competent jurisdiction.

Inspection. **36.** The Corporation may inspect any facilities of any community or person to ascertain whether or not they are in accordance with its requirements.

Contracts and tenders. **37.** (1) Except when in the opinion of the Board advertising for tenders is not required in the public interest, no contract shall be made for any work or for the supply of any goods or material the value or price of which exceeds or is estimated to exceed the sum of one thousand dollars, unless the Commissioner first, by notice published in a daily newspaper circulating in the area of the Corporation, calls for tenders to be sent to the Corporation for the performance of the work or the supply of the goods or materials at a price to be named by the tenderer.

(2) All tenders received shall be opened in public and shall be considered by the Board before a contract is entered into.

Financial

Temporary
borrowing.

38. (1) The Corporation may borrow in the course of any year in anticipation of the collection of its revenue for that year the sum or sums of money that it requires 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 by the Treasurer, or signed by some other person or persons authorized in that behalf by the Board, and each promissory note or other obligation or security is valid and binding upon the Corporation according to its tenor.

(2) The Board may designate what revenues of the Corporation are charged with the repayment of a promissory note or other form of obligation or security.

(3) A promissory note or other form of obligation or security issued by the Corporation may be in such form as the Corporation may from time to time authorize.

Borrowing
for objects

39. (1) For the purpose of attaining the objects of the Corporation or exercising any power or powers conferred by section 9, or both, the Corporation may by by-law borrow moneys in such amounts and at such times as the Board may deem expedient by the issue and sale of debentures or other similar forms of security and pay interest thereon, but no issue of debentures or other securities shall be made without the approval of the Lieutenant-Governor in Council.

(2) In addition to the liability of the Corporation, each community is liable for the repayment of all moneys borrowed by the Corporation under this section and under sections 43 and 48, in the proportion to the consumption of water delivered in the preceding year by the Corporation.

(3) The aggregate of the outstanding principal amounts of the moneys borrowed by the Corporation (exclusive of the moneys borrowed under section 9 or sections 38, 43, and 48) shall not exceed an amount equal to six per centum of the total assessed valuation of the taxable lands and improvements for other than school purposes within the area of the Corporation as shown on the last revised assessment rolls of the communities.

Debenture
by-law.

40. (1) A by-law providing for the incurring of debt under this Act may provide for the issue of debentures or other similar securities in the total amount that will realize the sum required for the purpose for which the debt is to be incurred, bearing a rate of interest, and payable in a currency, in a manner, at a place, at a time, or times, and in a form, that may be provided in the by-law.

(2) The by-law shall provide for the raising of money in each debenture-year to pay the interest falling due from time to time on the

debentures or the other similar securities and for raising money in each debenture-year

- (a) to pay instalments of principal or principal amounts as the same fall due; or,
- (b) subject to subsection (4), for establishing a sinking fund for the payment at maturity of the entire principal of the debentures or the other similar securities thereby authorized.

(3) Where the entire principal amount of the debentures or the other similar securities is payable at a fixed date not more than five years from the date of issue thereof, a sinking fund need not be set up, but the annual sums required shall be deposited in an account with a chartered bank.

(4) In settling the sum to be raised annually for sinking funds, the rate of interest on investments shall not be calculated at a rate of more than four per centum per annum.

(5) Where debentures or other securities issued are payable in a currency other than lawful money of Canada, the Board shall in each debenture-year review the state of the sinking fund and determine whether or not additional moneys shall be raised in the then current debenture-year to provide for payment in full of such debenture or other securities at maturity.

(6) Any by-law may provide that the Corporation has the right, at its option, to redeem the whole 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 redeemable shall specify the place of redemption and the price at which such debenture or other security may be redeemed:
- (b) The principal of every debenture or other security that is 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 to redeem stating the date of redemption 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:
- (d) At least thirty days prior to the date set for redemption, notice of intention so to redeem shall be published in a newspaper published or circulating in the places where the debentures or securities are payable.

(7) The Corporation is not 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.

Debentures.

41. (1) All debentures and other similar securities duly authorized to be issued by the Corporation shall, unless otherwise expressly provided by by-law, be sealed with the seal of the Corporation and signed by the Chairman or the Commissioner and countersigned by the Treasurer, or signed and countersigned by some other person or persons authorized by by-law to sign and countersign the same.

(2) The signatures upon the coupons attached to a debenture or other similar security may be engraved, lithographed, or otherwise mechanically reproduced.

**Sale of
debentures.**

42. The debentures or other similar securities may be sold for par value or less or more than the par value thereof, on such terms and conditions as the Board determines.

Refunding.

43. (1) In addition to the general borrowing powers hereinbefore provided, the Corporation may, by by-law, upon the recommendation of the Commissioner, and with the approval of the Lieutenant-Governor in Council,

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

(2) When debentures or other securities are repaid, refunded, or redeemed, they shall forthwith be cancelled and shall not be reissued.

**Evidence of
by-law.**

44. 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 the by-law is required to be borrowed to realize the sum required for the purpose for which the debt is to be incurred is conclusive evidence of that fact.

Validity of
debentures.

45. All debentures or other similar securities of the Corporation are 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 have not been complied with.

Validity of
debenture
by law

46. Where debentures or other similar securities are purportedly issued under a by-law of the Corporation and are signed and sealed in accordance with this Act, and thirty days have expired from the day upon which the by-law took effect,

- (a) the validity of the debenture or the other similar security and the obligation of the Corporation thereunder shall not be questioned or put in issue; and
- (b) the by-law shall not be quashed or set aside on any ground.

Certificate of
Secretary.

47. The certificate of the Chairman and the Secretary of the Corporation under the seal of the Corporation, setting forth that the issue of debentures or other similar securities has been authorized by by-law and the date of the taking effect of such by-law, is final and conclusive evidence of the authorization and date.

Hypothecation
of debentures

48. (1) Pending the sale of any of its debentures or other similar securities, or in lieu of the sale thereof, the Corporation may by by-law hypothecate or pledge the debentures or the other similar securities for the purpose of interim borrowing of moneys on the credit of the Corporation.

(2) The Corporation may make such agreement for the repayment of the interim borrowing and interest thereon as it may deem expedient, but not beyond the terms of the debentures or securities pledged or hypothecated.

(3) The proceeds of the interim borrowing shall be applied to the purposes for which the debentures or the other similar securities were authorized to be issued.

(4) When the debentures or the other similar securities are subsequently sold, the proceeds from the sale shall be applied in the first instance in repaying the amount borrowed under subsection (1) and interest thereon.

Proceeds of
debentures

49. (1) Subject to section 48, the proceeds from the sale of debentures or other similar securities shall be deposited with a bank to the credit of the Corporation.

(2) The proceeds deposited with the bank may, until they are required for the purpose or purposes stated in the by-law by which the debentures or the other similar securities were authorized, be invested or reinvested by the Board, upon the recommendations of the Commissioner and the Treasurer, in any securities issued by Canada or any Province thereof or in any securities the payment of principal and in-

terest of which is guaranteed by Canada or the Province of British Columbia.

(3) Subject to subsection (2), the proceeds deposited with the bank shall not be used except for the purpose or purposes stated in the by-law by which the debentures or the other similar securities were authorized.

Security for
debentures

50. (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 has 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) Part XXV of the *Municipal Act* applies, mutatis mutandis, to the Corporation, and

- (a) wherever therein a Council is referred to, the reference shall be deemed to be to the Board;
- (b) wherever therein a municipality is referred to, the reference shall be deemed to be to the Corporation;
- (c) wherever therein debentures are referred to, the reference shall be deemed to be to debentures and other similar securities issued by the Corporation; and
- (d) wherever therein officers of the municipality are referred to, the reference shall be deemed to include the Commissioner, the Secretary, and the Treasurer

Corporation
debt not debt
of community

51. Indebtedness incurred or created by the Corporation, or any indebtedness of a community in respect of property acquired by the Corporation, other than under section 9, is not, and shall not be deemed to be, indebtedness of any community requiring recital in any by-law of the community for the creation of debts by the issue of debentures or otherwise, and no such indebtedness of the Corporation shall be included in the general debt of any community for the purpose of calculating borrowing power.

Annual
estimates

52. (1) The amount of money necessary

- (a) to meet the requirements and obligations of the Corporation for interest on and repayment of borrowed moneys;
- (b) for maintenance and operation;
- (c) for necessary reserves, including reserve or allowance for rates that may not be collected in full;
- (d) for the provision of sinking funds; and
- (e) otherwise necessary to supplement the funds of the Corporation for ordinary expenditures

shall be ascertained, as near as may be, by the Commissioner at the beginning of each year, due allowance being made for moneys receivable for water sold outside the district. The amount shall be subject to the approval of the Board, and shall thereupon be raised in manner herein set out. The fiscal year shall commence with the first day of January and end with the thirty-first day of December in each year.

Fixing of
rates.

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

Rates payable
monthly.

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

Lien for rates

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

Payment of
indebtedness
to Corpo-
ration.

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

has been paid, when the balance (if any) of the moneys so set apart shall be available for the use of the community and the said trust account shall be closed.

Delivery
of water.

53. The supply of water for each community shall be delivered and taken from the main trunk lines of the Corporation at the nearest convenient point to or within the limits of such community, having due regard to the safety, efficiency, and convenience of the system as a whole.

Deficit to be
carried
forward.

54. If at the end of any fiscal year the Board finds there has been a deficit and the rates imposed for water supplied by the Corporation for the previous year were not sufficient by reason of underestimate or delay or loss in collection to produce enough revenue to meet the financial requirement and obligations of the Corporation, the Board shall carry such deficit over to the succeeding year, and, if necessary, shall revise the rates so that the estimated revenue shall meet the estimated expenditure for such succeeding year and absorb the amount of the deficit so carried forward.

Scale of rates
may be
revised.

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

Investment
of surplus.

56. The Corporation may from time to time invest any of its general revenue surplus in any securities issued by Canada or any Province thereof or in any securities the principal and interest of which are guaranteed by Canada or the Province of British Columbia.

Annual Estimate

Annual
Estimate.

57. On or before the last day of December in each year the Board shall cause to be prepared an estimate (herein called the "Annual Estimate") of the sums required to meet the total amount of all expenditures and financial obligations that the Corporation will be required to make or meet during the next year, including necessary and appropriate reserves and any deficits consequent upon the Corporation's operation in that or any preceding year.

Liability for
payment.

58. Liability for payment of the amount required to meet the capital cost of facilities undertaken under section 9 by the Corporation for a community shall be apportioned to and discharged by that community.

Recovery from
community
in default.

59. (1) All money due and payable by a community to the Corporation for a liability incurred under section 9 is, if not paid when due,

recoverable at the suit of the Corporation against the community 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 community.

(2) The powers conferred upon the Corporation by subsection (1) may be exercised separately or concurrently, or cumulatively.

(3) A receiver may be appointed by a Judge of the Supreme Court of British Columbia upon the application of the Corporation made in summary manner.

Receiver.

60. (1) The receiver may, with the consent of the Lieutenant-Governor in Council, examine the assessment roll of the defaulting municipality or, if the defaulting community is not a municipality, of the assessment district in which the defaulting community is situate, and may, in like manner as rates are struck for general taxes under the *Municipal Act* or for Provincial purposes under the *Taxation Act*, as the case may be, but without limiting the amount of the rate, strike a rate on the dollar sufficient for the payment of the amount of money due and payable by the defaulting community to the Corporation, together with the amount deemed necessary by the receiver for the payment of interest and the fees and costs of the receiver up to the time when those amounts will be received from the defaulting community.

(2) The receiver shall thereupon issue a precept under his hand directed to the Collector of the defaulting municipality or of the assessment district in which the defaulting community is situate, and shall by the precept, after reciting his appointment and that the community has neglected to satisfy its indebtedness to the Corporation, demand that the Collector levy the rate.

(3) After receiving the precept, the Collector shall levy the amount of such rate struck by the said receiver as aforesaid, and accordingly shall, before issuing any tax demand notice or taxation notice, add a column to the real-property tax roll or taxation roll headed "Greater Campbell River Water District Arrears Rate," and shall insert therein the amount of tax levied as derived from the application of the rate set forth in the precept, 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 community to the Corporation and all of his own fees and costs, pay any surplus within ten days after receiving same to the community for its general purposes.

(5) Any such rate struck and levied in pursuance of this Act in respect of a community that is a municipality shall be deemed to be delinquent at such time as it would become so if it were a tax levied by the defaulting municipality under the *Municipal Act*, and each person against whom the rate is levied is liable to pay the same in like manner as if the rate were a tax levied by the municipality, and the municipality

shall enforce the collection of the rate in the same manner as it may enforce the collection of its taxes, and for such purpose the rate shall be deemed to be a tax levied by the municipality.

(6) Any such rate struck and levied in pursuance of this Act in respect of a community that is not a municipality shall be deemed to be delinquent at such time as it would become so if it were a tax levied under the *Taxation Act*, and each person against whom the rate is levied is liable to pay the same in like manner as if the rate were a tax levied under the *Taxation Act* against such person, and the Collector shall enforce the collection of the said rate in the same manner as he may enforce the collection of taxes levied under the *Taxation Act*, and for such purpose the said rate shall be deemed to be a tax levied under the *Taxation Act*.

(7) The Clerks, Assessors, Collectors, and other officials of the defaulting community and the Assessor and Collector of the assessment district in which a defaulting community which is not a municipality is situate 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 rate, be deemed to be officers of the Court appointing the receiver, and as such are 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

Appeal to
Lieut.-
Governor
in Council.

61. (1) If at any time a community is dissatisfied with any requirement, determination, decision, estimate, or apportionment of the Corporation, the Board, or the Commissioner, an appeal lies to the Lieutenant-Governor in Council, whose decision thereon is final and binding.

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

(3) In case of an appeal, the Lieutenant-Governor in Council may order a 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 the community involved, as may be deemed just.

Accounts

Audit.

62. (1) Part VIII of the *Municipal Act* applies, mutatis mutandis, to the Corporation, and

- (a) wherever therein a Council is referred to, the reference shall be deemed to be to the Board;
- (b) wherever therein a municipality is referred to, the reference shall be deemed to be to the Corporation;

- (c) wherever therein Clerk is referred to, the reference shall be deemed to be to the Commissioner;
 - (d) wherever therein Mayor, Reeve, or Chairman is referred to, the reference shall be deemed to be to the Chairman of the Board;
 - (e) wherever therein elector is referred to, the reference shall be deemed to be to the owner of real property within any community.
- (2) The accounts and books of the Corporation shall be at all reasonable times open to inspection by the communities.

*General*Employee
benefits

63. The Corporation may from its funds

- (a) 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) 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.

Superan-
nuation.

64. The *Municipal Superannuation Act* applies to the Corporation and its eligible employees thereunder.

Limitat on of
liability

65. No member of the Board nor the Commissioner or other salaried officer of the Corporation is personally liable for anything lawfully done or left undone in the course of carrying out the duties of his office.

Limitation
of actions.

66. 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 are absolutely barred.

No interest
in contracts.

67. (1) 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 for work done 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.

(2) Subsection (1) does not apply to a member of the Board, or to the Commissioner, or to any other salaried officer of the Corporation,

by reason only of the fact that he has an interest in an incorporated company, society, or association having any dealings or contract with the Corporation; provided that in the case of a member of the Board he does not vote on any question affecting the company, society, or association.

Tax exemption.

68. The Corporation and any real or personal property owned by the Corporation is exempt from taxation under the *Municipal Act*, the *Public Schools Act*, and the *Taxation Act*.

Penalties

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

69. If any person

- (a) commits any breach of or commits any fraud against this Act;
- (b) without lawful right or authority, hinders or interrupts, or causes or procures to be hindered or interrupted, the Corporation, its agents, servants, contractors, workmen, or any of them, in the exercise of any of the powers and authorities conferred by this Act;
- (c) wilfully or maliciously lets off or discharges any water so that the same runs waste or useless out of the said works or system; or
- (d) throws or deposits any injurious or offensive matter into the said water or waterworks, or upon the ice, or in any way fouls the same, or commits any wilful damage to the works, plant, equipment, pipes, or water, or encourages the same to be done,

he is liable, on summary conviction, to a fine not exceeding fifty dollars, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and the person so offending is, in addition to all penalties, liable to an action at law at the suit of the Corporation to make good or pay the amount of any damage done by him.

Penalty for interference with mains.

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

Commencement.

71. Sections 1 to 70, inclusive, shall come into force and effect upon Proclamation of the Lieutenant-Governor upon evidence of the consent of each community specified in section 5 to the formation of the District.

Consents.

72. The consent of each community shall be obtained by the submission of the question "Are you in favour of the creation of the Greater Campbell River Water District? "

Vote.

73. The said consent shall be deemed to have been obtained if the question is agreed to by an affirmative vote of the majority of the owner-electors of The Corporation of the Village of Campbell River and, in the case of the other communities,

- (a) of the majority of the persons who are owner-electors if the community is a municipality; or
- (b) of the majority of the persons who own land within the community and who would be entitled under section 57 of the *Water Act* to vote in an election of Trustees if the community is an improvement district.

Voting-day.

74. The day of voting shall be set by the Minister of Municipal Affairs.

Voting
procedures

75. The procedures for voting

- (a) within the municipality of the Village of Campbell River shall be the same as those required for the submission of a by-law for the borrowing of money; and
- (b) in each other community shall be as prescribed by the Minister of Municipal Affairs;

and the Council or the Board of Trustees, as the case may be, shall make all the arrangements necessary therefor.

Expense

76. The expense of taking the vote in each community shall be borne by that community.