

CHAPTER 76

An Act to Amend the Vancouver Charter

[Assented to 27th March, 1961.]

Preamble.

WHEREAS the City of Vancouver has presented a petition praying that the Vancouver Charter be amended:

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

Therefore, 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 *Vancouver Charter Amendment Act, 1961*.

Re-enacts
s. 158.

2. Section 158 is repealed and the following substituted:—

"158. Notwithstanding that the city employs counsel or solicitors whose remuneration is wholly or partially payable by salary or retainer, the city shall have the right to recover and collect lawful costs in all actions, suits, arbitrations, and proceedings, in the same manner as if the counsel or solicitors were not so remunerated, whether such costs are by the terms of their employment payable to such counsel or solicitors as part of their remuneration in addition to their salary or retainer, or not."

Amends s. 201.

3. Section 201 is amended by striking out clause (a) and substituting the following:—

"(a) temporarily invest any moneys not immediately required to meet the lawful expenditures of the city, in securities of or guaranteed by the Government of Canada, or of or guaranteed by the Province of British Columbia, and thereafter to dispose of such securities as and when Council deems advisable;"

Amends s. 245.

4. Section 245 is further amended by adding the following:—

"(4) Notwithstanding the provisions of subsections (1) and (2), if any of the projects, or any part thereof, approved pursuant thereto, is delayed for any reason, the Council shall have the power to pass by-laws to borrow the funds necessary to carry out the said project without the assent of the electors at any time within two years after the last year mentioned in the question submitted to the electors."

Re-enacts
s. 259.

5. Section 259 is repealed and the following substituted:—

"259. Until such time as the proceeds from the sale of debentures are expended, the Council may

"(a) temporarily invest such funds or any part thereof in securities of or guaranteed by the Government of Canada, or of or guaranteed by the Province of British Columbia, and thereafter to dispose of such securities as and when Council deems advisable; or

"(b) temporarily use such funds or any part thereof for other expenditures of the city pending the collection of current taxes each year; provided, however, that the use of such funds shall be limited to the period from the first day of January to the fifteenth day of July in each year, and such funds shall be returned to Capital Account on or before the fifteenth day of July in the year so used."

Amends s. 314. **6.** Section 314 is amended by striking out clause (i) of subsection (1) and substituting the following:—

"(i) for the lighting of streets, squares, and other city property by the erection, construction, and installation of light standards or by any other means;

"(j) for contracting for the supply of electrical energy for the purpose of lighting streets, squares, and other city property."

Amends s. 396. **7.** Section 396 is amended by adding the following:—

"(d) An improvement consisting of a fallout shelter constructed in accordance with standard plans supplied by the Government of Canada; provided, however, that such exemption shall be limited to six hundred dollars."

Enacts s. 489A. **8.** The said Act is amended by inserting immediately after section 489 the following as section 489A:—

"489A. The Council may authorize the Board, and the Board when so authorized shall have power, to perform any works and provide any services with respect to real property not within the parks for any non-profit or charitable institution in any case where the Council deems such works or services to be to the general advantage of the city and that such institution is performing a work or service for the public benefit, and the city may enter into an agreement with such institution for the performance of such works or provision of such services if Council deems it expedient".

Amends s. 500. **9.** Section 500 is amended by striking out subsection (3).

Re-enacts s. 504. **10.** Section 504 is repealed and the following substituted:—

"504. (1) Every parcel of real property which is exempt from real-property taxation under Part XX, except Crown lands and real property vested in the city, shall nevertheless be liable to be specially assessed and to be taxed under this Part.

"(2) Notwithstanding the provisions of subsection (1), the following lands shall also be liable to be specially assessed and taxed under this Part:—

- "(a) Real property vested in the city by purchase at a tax sale:
- "(b) The right or interest of an occupier of Crown lands:
- "(c) Any parcel of real property vested in the city upon which the Council has by by-law levied and assessed local improvement charges pursuant to this Part."

Amends s. 506. **11.** Section 506 is amended by striking out subsection (3) and substituting the following:—

"(3) On special grounds: If the Council, by resolution passed by two-thirds of all its members, has declared that it is necessary in the public interest that in a *limited and determinable* area designated in the resolution any of the following works, improvements, or services should be undertaken or carried out:—

- "(a) The construction, enlargement, or extension of any system of sewerage or drainage which the Council deems will specially benefit the real property in the area; or
- "(b) An intervening gap between two sections of a work, improvement, or service upon any street should be closed by linking up, or by partially linking up, such sections, which linking up, or partial linking up, the Council deems will specially benefit the real property in the area. The said sections of works, improvements, or services may be on different streets provided they form part of a traffic route. The taxes to be levied against any parcel in the area pursuant to this clause shall not exceed twenty-five per centum of the assessed value of such parcel (exclusive of improvements); or
- "(c) The acquisition of real property for establishing or enlarging a lane where the Council deems that such acquisition will specially benefit the real property in the area; or
- "(d) Upon a street designated in the resolution,
 - "(i) a series of light standards should be installed, constructed, and equipped for the better lighting of such street which the Council deems will specially benefit the real property in the area; or
 - "(ii) a sidewalk of such materials and width as may be specified in the resolution should be constructed which the Council deems will specially benefit the real property in the area; or
 - "(iii) paving which the Council deems will specially benefit the real property in the area should be carried out on one side of such street in cases where the paving on the other side has already been carried out; or
 - "(iv) Repaving or resurfacing of such street or the widening of a pavement thereon should be carried out which the Council deems will specially benefit the real property in the area. The taxes to be levied against any parcel in the

area pursuant to this paragraph shall not exceed twenty-five per centum of the assessed value of such parcel (exclusive of improvements)."

Enacts s. 506A. **12.** The said Act is further amended by inserting the following as section 506A:—

"506A. (1) Where a collective parking project (hereinafter called 'the parking project') undertaken by Council as a local improvement pursuant to subsection (1) of section 506 has been completed, then the Council may pass a by-law annually to provide for any or all of the following:—

"(a) The cost of

"(i) cleaning, maintaining, and repairing the parking project;

"(ii) supplying electrical energy for the lighting of the parking project;

"(iii) supplying water for the parking project;

"(iv) public liability insurance covering the parking project, the amount of such insurance to be established by the Council:

"(b) A sum equal to real-property and local-improvement taxes which would be levied against the parking project but for the exemptions from such taxes allowed on real property vested in the city,

by a special assessment imposed upon the real property benefited by and specially assessed for the construction of the parking project sufficient to defray such costs and charges. A schedule shall be appended to the by-law establishing the amount of such costs and charges that is to be levied against each parcel of land specially assessed. The by-law shall set out the period to which such costs and charges apply.

"(2) The costs and charges levied against each parcel of land pursuant to subsection (1) shall be a sum which bears to the total costs and charges levied against all of the real property pursuant to subsection (1) the same ratio as the amount specially assessed against each such parcel of land for the cost of construction of the parking project bears to the total cost of the construction of the parking project.

"(3) The special assessment imposed pursuant to subsection (1) shall be deemed to be a tax and shall be collected by the city in the same manner and at the same time as the payment of real-property taxes within the city.

"(4) Subsections (2) and (3) of section 510 shall not apply to a special assessment imposed upon real property by a by-law passed pursuant to subsection (1).

"(5) This section shall be deemed to have come into force on the first day of January, 1957."

Amends s. 508. **13.** Section 508 is amended by striking out the word "ornamental" in the sixth line of clause (c).

Amends s. 568. **14.** Section 568 is amended by striking out subsection (4) and substituting the following:—

"(4) No additions or structural alterations except those required by Statute or by-law shall be made to a non-conforming building without

"(a) the approval of the Zoning Board of Appeal if the non-conformity is in respect of use;

"(b) the approval of the Technical Planning Board if the non-conformity is in respect of regulations only."