



## CHAPTER 78.

## An Act to amend the "Vancouver Incorporation Act, 1921."

[Assented to 1st April, 1931.]

**W**HEREAS a petition has been presented by the City of Van Preamble.  
couver, praying that the "Vancouver Incorporation Act, 1921,"  
be amended:

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

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Vancouver Incorporation Act, Short title.  
1921, Amendment Act, 1931."

2. The "Vancouver Incorporation Act, 1921," being chapter 55 Enacts s. 12A  
of the Statutes of British Columbia, 1921 (Second Session), is  
amended by inserting therein the following as section 12A:—

"12A. Whenever any candidate for any office for which he has been nominated dies after being nominated and before the closing of the polls, the Returning Officer shall, upon being satisfied of the fact of such death, declare all proceedings for the filling of such office null and void, and the Council shall, by resolution, fix another day for the nomination of candidates for such office, and also a day for taking the vote of the electors in respect thereof, as in this Act provided; and all proceedings in respect to the nomination and election for such office shall apply, mutatis mutandis, in respect thereto: Provided, however, that nothing herein contained shall be deemed to apply or shall apply to the election of any candidate or candidates nominated for any other office or offices, save and except only the specific and particular election for the specific and particular office for which such deceased candidate was nominated."

Enacts s. 39A.

3. Said chapter 55 is amended by inserting therein the following as section 39A:—

"39A. (1.) The poles, conduits, cables, and wires of any telephone, electric light, or electric power company; the mains of any gas company; the rails, poles, and wires of any street-railway or tramway company; and the plant and machinery, being fixtures appurtenant thereto and used in any way in connection therewith by any such company when situate on any street or public place, shall be deemed to be rateable property and shall be liable to taxation as provided in subsection (2) hereof.

"(2.) The several companies aforesaid shall be taxed annually at the rate of one per cent. per annum (a) in the case of every telephone company on the gross rentals actually annually received from its subscribers for telephones situate within the city, including inter-exchange tolls for calls between exchanges within the city; (b) in the case of every gas company, electric lighting company, and electric power company on the amount annually received by such company for gas, electric light, or electric power consumed within the city; (c) in the case of every street railway company on the amount of fares annually received upon its street-cars within the city. The foregoing rates of taxation shall be in force from the first day of January, 1932, until the year 1936, inclusive and thereafter until amended by Statute. The taxation imposed shall be in lieu of all taxes otherwise imposed and payable to the city upon the aforesaid property after the said first day of January, 1932.

"(3.) Every company to which this section applies shall annually, without any notice or demand, make a return of its revenue which forms the basis of the taxation hereunder, and shall file a return with the City Assessor on or before the thirty first day of January in each year.

"(4.) For the purposes of recording on the assessment roll the property represented in this section, the Assessor shall, in respect to each and every one of the several companies aforesaid, set out on the assessment roll an amount which as a capital sum would yield on the basis of the taxation of improvements for rateable property within the city for the previous year an amount equivalent to the taxes payable under this section based on the revenues of the said companies as herein prescribed at the rate of one per cent. per annum."

Amends s. 40

4. Section 40 of said chapter 55 is amended by striking out the word "fifteen" in the third line of subsection (6), and inserting the word "thirty" in lieu thereof.

Enacts subsec. (10)  
s. 40

5. Section 40 of said chapter 55 is further amended by adding at the end thereof the following as subsection (10):—

"(10.) The Assessor, for the purposes of information and record, shall in every year enter upon the assessment roll, in addition to each and every rateable parcel of land, every exempt parcel of land within the city, the fee of which is in the Crown either in the right of the Province or of the Dominion, or which may be otherwise exempt from taxation under the provisions of this Act, and shall set down with respect to each such parcel of land so exempt the particulars required herein in respect to every rateable parcel of land."

6. Section 49 of said chapter 55 is amended by striking out the word "seven" in the second line of subsection (a) thereof, and substituting the word "fourteen" in lieu thereof. Amends s. 49.

7. Section 55 of said chapter 55 is repealed, and the following substituted therefor:— Re enacts s. 55.

"55. The assessment roll as revised or confirmed and passed by the Court of Revision shall, except in so far as the same may be further amended on appeal to the Board of Assessment Appeals, be valid, final, and binding on all parties concerned, notwithstanding any defect, error, or misstatement in the notice required, or the omission to deliver or transmit any notice required by this Act; and such roll shall for all purposes be conclusively taken and held to be the assessment roll of the city (subject, however, to such alterations, if any, as are made on appeal to the Board of Assessment Appeals or to the Court of Appeal, as the case may be, until a new roll shall have been revised, confirmed, or passed by the Court of Revision."

8. Section 56 of said chapter 55 is repealed, and the following substituted therefor: Re enacts s. 56.

"56. (1.) A Board of Assessment Appeals (hereinafter called the 'Board') is constituted for the purpose of hearing and determining any appeal by any person dissatisfied with the decision of the Court of Revision. Such Board shall be known as the 'Vancouver Board of Assessment Appeals,' and shall be composed of three members, two of whom shall be experienced valuers, and the third member thereof shall be a barrister at law of not less than ten years' standing at the Bar, who shall be Chairman of such Board. All appointments to the Board which are from time to time required to be made shall be made on or before the first day of February in each year.

"(2.) All appointments to such Board, including any vacancy or vacancies occurring thereon, shall be made by order of a Judge of the Supreme Court on the application of the city made in that behalf, selected from a list of names of qualified persons submitted and recommended by the Council. Such list submitted for the consideration of the Judge as aforesaid shall contain the names of at least two barristers and four experienced valuers, from which such

list the full complement of such Board shall be selected as herein provided.

"(3.) The Chairman of the Board shall be appointed for three years, and from the list of experienced valuers one shall be appointed for two years and one for one year. In each succeeding year, as and when any vacancy occurs through the expiration of time, a Judge of the Supreme Court, on application of the city, shall make such appointment or appointments as may be required to fill such vacancy or vacancies in the membership of such Board, and each such appointment thereafter shall be for the full term of three years.

"(4.) In case any of the members of said Board shall fail or refuse to act, or in case any vacancy shall occur in said Board owing to the death, resignation, illness, absence, inability, or incapacity to act of any of the members thereof, or for any other reason, the selection and appointment to fill any such vacancy shall be made as herein provided in respect of the appointment of the members of said Board in the first instance. Any person so appointed to fill any such vacancy shall remain in office for the remainder of the term for which his predecessor was appointed and no longer.

"(5.) In case any member of such Board shall be temporarily unable to serve owing to illness or absence, or for any other reason whatsoever, such temporary vacancy or vacancies shall be filled by an appointment made by a Judge of the Supreme Court on application of the city as occasion may from time to time require, and the term of such appointment shall be only for such limited time as the Judge may from time to time in that behalf order and determine. The provisions of this section in respect to qualifications and procedure for appointment of the permanent members of such Board shall apply to any such temporary appointment.

"(6.) No member of the Council, nor any person holding any elective or appointive public office, nor any salaried official or employee of the city, nor any person who has continuously served three years as a member of such Board until after the expiry of three years from the date of his retirement therefrom, shall be eligible for appointment or reappointment as a member of such Board: Provided, however, that, notwithstanding anything herein contained, either of the members of such Board appointed in the first instance for such one year or two-year term as aforesaid shall be eligible to be reappointed and to serve for a further term of three years.

"(7.) Each member of such Board shall make and subscribe an oath of office before sitting as a member of the Board of Assessment Appeals, which oath shall be in the following form:--

"I, \_\_\_\_\_, do solemnly swear that I will truly, faithfully, and impartially, to the best of my knowledge and ability, carry out and discharge the duties of the office of member of the Board of Assessment Appeals for the City of Vancouver to which I have been

appointed; and that I have not received and will not receive, any payment or reward for the exercise of any partiality or favouritism in respect to the execution of any of the duties pertaining to said office, nor will I allow any private interest to affect my conduct in discharging my duties as a member of such Board of Assessment Appeals; and I will in good faith do right to all manner of people according to law, to the best of my said knowledge and ability, without fear or favour, affection or ill-will, so help me God.'

Such oath of office may be taken before the Mayor or City Clerk, who is authorized to administer the same, and shall be in writing, and shall be filed of record in the office of the City Clerk.

"(8.) If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom to the Board of Assessment Appeals, provided that he shall within one week after the decision of the Court of Revision, in person or by attorney, serve upon the City Clerk a written notice of such intention to appeal, setting out in such notice his grounds of appeal, and shall prosecute such appeal before the Board within ten days from the decision of the Court of Revision, or within such further time as such Board may determine. The City Clerk shall be the Clerk of said Board, and shall keep in his custody all documents and records of the Board.

"(9.) The Board shall appoint a day for hearing the appeal; such day shall be within ten days from the date the City Clerk received the notice of such appeal, and notice thereof shall be given by the appellant to the City Solicitor.

"(10.) The Board shall hear such appeal and the evidence adduced upon oath in a summary manner at the time and place so appointed, and may adjourn the hearing from time to time, and defer judgment thereon at pleasure but so that the judgment of the Board shall be delivered within one month from the final revision of the assessment roll; and if such appeal shall not be decided within the time herein limited, the decision of the Court of Revision shall stand. In case the members of said Board do not agree, the opinion of the majority of them shall prevail. The rules of evidence governing the practice in the Supreme Court shall as far as practicable be followed in the hearing of any such appeal.

"(11.) On the hearing of any such appeal the Board may vary, modify, or confirm the decision of the Court of Revision, or may raise or lower or otherwise correct the assessment on any property in respect to which an appeal is taken, subject to appeal to the Court of Appeal as hereinafter provided: Provided, however, that until the first day of January, 1934, any appeal from the decision of the Court of Revision shall be limited to the question whether the assessment in respect of which the appeal is taken is or is not equal and rateable with the assessment of other similar property in the city having equal advantage of situation.

"(12.) Either the appellant or the city may have the evidence and proceedings at the hearing and determination of any appeal before

such Board taken down and reported by an official stenographer of the Supreme Court or one of his deputies. The party so requiring the attendance of such stenographer shall, within one day at least before the hearing of such appeal, give notice to the official stenographer that he requires such proceedings to be reported, and shall at the time of giving such notice pay to such stenographer, in the first instance, such sum as may be fixed by the Rules of Court or the Lieutenant-Governor in Council, and shall pay such further or other sums from time to time as may be provided by such rules in that behalf. The expense of any attendance of the official stenographer as aforesaid shall be deemed to be costs in the cause of any such appeal.

"(13.) The City Clerk shall, on any appeal from the decision of the Court of Revision, produce before such Board at the time and place appointed for hearing such appeal the assessment roll and all papers and documents in his possession in any way affecting the matter.

"(14.) The costs of any appeal to such Board shall follow the event and the amount thereof shall be fixed by the Board, but the same shall not exceed, in any event, the total sum of seventy-five dollars in respect of any one appeal, exclusive of the costs of the attendance, if any, of the official stenographer incurred in reporting the evidence taken on any such appeal.

"(15.) There shall be an appeal from the decision of the Board of Assessment Appeals to the Court of Appeal by or on behalf of any ratepayer or of the city; provided that notice thereof shall be given within ten days from the date of the decision of such Board in respect of which such appeal is taken. Such appeal shall be determined and judgment given thereon within one month from the giving of the decision of the Board from which the appeal is taken, or at the sitting of the Court of Appeal next following the date on which such decision was given, and for which notice of appeal can be given under the Statute or rules governing appeals to the Court of Appeal, otherwise such decision shall stand as final and binding on all parties concerned. The rules as to appeals from the decision of the Supreme Court or a Judge thereof to the Court of Appeal shall apply to appeals under this section.

"(16.) On the hearing of any such appeal the Court of Appeal may vary, modify, or confirm the decision of such Board, or may raise or lower or otherwise correct the assessment on any property in respect of which such appeal is taken.

"(17.) The emolument to be paid to each of the members of the Board of Assessment Appeals shall be thirty-five dollars per diem for every day (or portion of a day over three hours) that such Board may sit for the hearing or determination of assessment appeals, but such emolument shall not, in any event, exceed in any year the sum of one thousand dollars."

9. Sections 7 and 8 of this Act shall come into operation on the first day of January, 1932.

Date of coming  
into force of  
ss. 7 and 8

10. Said chapter 55 is amended by inserting therein the following as section 57A:—

Enacts s. 57A.

"57A. If at the time of the passing of the by-law specified in section 57 of this Act any person shall have appealed under the provisions of section 56 as amended by section 8 of this Act from the assessment upon any lands or improvements and the said appeal has not been finally disposed of, nevertheless the amount of the assessment upon such lands as fixed by the Court of Revision shall stand in fixing the rate to be levied by such by-law, and the same rate shall be imposed by such by-law upon such lands or improvements. When such appeal has been finally disposed of, the alterations, if any, consequent upon the decision under appeal shall be made on such roll by the Board of Assessment Commissioners, and if it shall be found that the assessment is made different by reason of such decision the Collector of Taxes shall reduce or increase the amount upon his tax roll to represent the amount of the assessment multiplied by the rate of taxation, and such amended amount shall be the amount of taxes deemed to have been imposed for the current year upon such lands or improvements; and if the owner has paid any amount in excess of the amount so deemed to have been imposed, the Council shall make a rebate of such amount so paid in excess, and if the said owner has paid an amount less than the said amount so deemed to have been imposed, the same shall, notwithstanding the terms of any receipt given by the Collector, be deemed to have been paid upon account only and the balance shall be considered as taxes due and payable."

11. Section 66 of said chapter 55 is amended by striking out the word "twenty-five" in the fourth line of said section, and inserting the word "fifty" in lieu thereof; and by striking out the words "ten lots or parcels" in the seventh line of said section, and inserting the words "lot or parcel" in lieu thereof; and by striking out the words "provided that no more than two dollars shall be charged for any statement" in the last two lines of said section.

Amends s. 66.

12. Section 163 of said chapter 55 is amended by inserting after the word "places," in the seventh line of subsection (86), the words "or the lands, premises, site, links, or grounds"; and by inserting after the word "alleys," in the eleventh line of paragraph (a) of said subsection (86), the words "Miniature golf-courses conducted and maintained either indoors or outdoors."

Amends subsec.  
(86), s. 163.

13. Section 163 of said chapter 55 is further amended by inserting after subsection (134) the following as subsection (137a):—

Enacts subsec.  
(137a), s. 163.

"(137a.) For establishing, placing, installing, erecting, locating, or constructing or reconstructing or relocating stop-

signs, traffic lights or reflectors, traffic disks, markers, blocks, standards, or indicators, traffic-control signals or other traffic signs, or any mechanical, automatic, or stationary device or contrivance, in, on, or upon any part of any street or public place, or street intersection, for the purpose of prohibiting or controlling or regulating, or assisting in controlling or regulating, vehicular, pedestrian, or other traffic."

Enacts subsec.  
(259a), s. 163.

14. Section 163 of said chapter 55 is further amended by adding thereto the following as subsection (259a):—

"(259a.) For regulating, controlling, restricting, or prohibiting of noises in or on public or private places or premises, which, in the opinion or discretion of the Council, may be deemed to be objectionable or liable to disturb the quiet peace, rest, or enjoyment of the neighbourhood or the comfort or convenience of the citizens."

Amends s. 162,  
subsec. (262).

15. Section 163 of said chapter 55 is further amended by inserting after the word "for," in the first line of subsection (262), the words "prohibiting, controlling, restricting, or"; and by inserting after the word "through," in the third line thereof, the word "in"; and by inserting after the word "streets," in the fourth line of said subsection, the word "parks."

Enacts subsecs.  
(264b), (264c),  
(264d), and (264e).

16. Section 163 of said chapter 55 is further amended by adding thereto the following as subsections (264b), (264c), (264d), and (264e):—

"(264b.) For regulating, defining, limiting, controlling, restricting, or prohibiting the collection of rags, cast-off clothing, fabrics, or other waste materials and junk, or bottles, glassware, or tinware, or noxious or unsanitary or objectionable materials; and to provide for the cleansing and sterilization thereof before employment or adaptation in or for commercial use; and for prohibiting the sale, collection, distribution, fabrication, or use of uncleanly, unsanitary, or second-hand fabrics, things, commodities, or material without adequate cleansing and sterilization:

"(264c.) For compelling the registration of all persons who undertake or carry on the business of fumigation by or with poison gases, and for regulating, controlling, limiting, restricting, or prohibiting the use of poisonous gases or other materials or constituents in respect to fumigation; and for defining, limiting, restricting, controlling, or prohibiting the kinds, nature, quantities, or constituents of the same used, or which may be

used, or the mode, method, or manner of use of the same in respect to fumigation; and generally for prohibiting or controlling and regulating the storage, distribution, or transportation of any such poison gases within the city:

"(264d.) For prohibiting or controlling and regulating the installation, construction, or use of refrigerating plants in which any poisonous refrigerant, gas, or chemical is used or is likely to be generated:

"(264e.) For prohibiting or regulating; and controlling swimming pools, baths, or tanks for public use, and to provide for the proper cleansing thereof; and for prescribing measures for efficient sterilization and frequent changing of water used therein; or for the protection of the public from communicable diseases arising thereout or incident thereto."

17. Subsection (9) of section 176 of said chapter 55, as amended by section 28 of chapter 80 of the Statutes of British Columbia, 1930, is repealed, and the following substituted therefor.—

Re-enacts subsec.  
(9), s. 176.

"(9.) For carrying out on one side of any street any work of paving, either with or without curbs, as herein provided where the other side only of any such street has already been paved and the cost, or any portion thereof, assessed as a local improvement against the property benefited on both sides of such street, or where the cost has been paid out of the general funds of the city, and to provide that the Council may, by a two thirds vote of the members present, on the recommendations of the City Engineer and City Comptroller, and without adopting the formalities required by this Act or any by-law in that behalf, carry out such work as a local improvement, and that the Council may assess the cost, or any portion thereof, on the real property which, in the opinion of the Council, is benefited thereby on both sides of such street; and the question of what real property will be or is benefited by any such work shall be exclusively within the discretion of the Council to determine, and the decision or opinion of the Council thereon shall be final and conclusive, and binding on all parties concerned."

18. Said chapter 55 is amended by inserting the following as section 253A:—

Enacts s. 253A.

"253A. Each member of such Board shall make and subscribe an oath of office before sitting as a member of the Board of Police Commissioners, which oath shall be in the following form:—

"I, \_\_\_\_\_, do solemnly swear that I will faithfully and impartially perform the duties of the office of Police Commissioner as a

member of the Board of Police Commissioners for the City of Vancouver; that I am a British subject possessing the qualifications by law required and am not in any way disqualified from holding the office of Police Commissioner for said City of Vancouver; and I have not, nor will I have, while holding such office any interest, directly or indirectly, in any contract or services connected with said city except as provided under the "Vancouver Incorporation Act, 1921"; and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality, favouritism, or malversation in respect to the execution of any of the duties of such office; nor will I allow any private interest to influence me in the performance of such duties, so help me God.'

Such oath of office may be taken before the Mayor or City Clerk, who is authorized to administer the same, and shall be in writing, and shall be filed of record in the office of the City Clerk."

Amends s. 281.

19. Section 281 of said chapter 55 is amended by striking out the words "subject to the provisions of this Act" where such words appear in said section, and by adding to the end of the section the following words: "with power to act."

Amends s. 306.

20. Section 306 of said chapter 55 is amended by striking out the words "every month" in the second line thereof, and substituting therefor the word "continuously."

VICTORIA, B.C.

Printed by CHARLES F. BARNETT, Printer to the King's Most Excellent Majesty  
1931