

CHAPTER 36

New Westminster Redevelopment Act, 1979

[Assented to July 27, 1979.]

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

Interpretation

1. In this Act
 - "agreement"
means
 - (a) an agreement to be made between the city and F.C.C. substantially in a form approved by resolution of the council of the city on December 18, 1978, and
 - (b) the schedules to the agreement as amended from time to time;
 - "city"
means The Corporation of the City of New Westminster;
 - "city planner"
means the head of the city's planning department, his successors in office, his deputy and such other person as the council of the city may designate to act for him;
 - "development"
means the improvement of, or the carrying out of building work on, land and "develop" has a corresponding meaning;
 - "development permit"
means a permit signed by the city planner pursuant to section 5 allowing a person to develop land in accordance with the objectives of the official community plan;
 - "F.C.C."
means The First Capital City Development Company Limited;
 - "official community plan"
means the community plan of the city which has been designated as part of the official community plan by the council of the city in Official Community Plan Designation Bylaw No. 5087, 1978;
 - "zoning bylaw"
means Zoning Amendment Bylaw No. 5088, 1978, of the city.

Validation of agreement

2. The city may notwithstanding the Municipal Act enter into, execute and carry out the agreement and any further agreement contemplated by or necessary to give effect to the agreement.

Amendment powers

3. (1) On the recommendation of the parties to the agreement the

Lieutenant Governor in Council may, where he considers it necessary or advisable, amend the agreement or Schedules B or C of it.

(2) The city may, where the parties to the agreement so agree, amend the zoning bylaw or Schedules D, E, F or G to the agreement.

(3) Where the agreement is amended under this section, the city may carry it out as amended.

Special development powers

4. The city may acquire land situated within the area of the official community plan and, if the city and the owners of the land fail to agree to the terms of acquisition, may by a bylaw or resolution of the council of the city take immediate possession of and expropriate it to achieve the objectives of the official community plan, or for the improvement or rehabilitation of areas within that plan which in the opinion of the council of the city have become or are tending to become blighted or substandard, and where land is so expropriated Division 4 of Part XII of the Municipal Act applies.

Land acquisition, borrowing and development permits

5. (1) The city may

- (a) acquire and dispose of land within the area of the community plan for the purposes of this Act, and in doing so shall not be required to comply with any procedure or obtain any approval that would otherwise be required under the Municipal Act,
- (b) borrow through the Greater Vancouver Regional District and the Municipal Finance Authority of British Columbia the money required to carry out the capital expenditure programs provided for in the agreement in the maximum amounts of \$5 million for parking facilities, \$2 million for street improvements and \$3 million for other improvements provided for in the agreement, and this Act shall serve as the security issuing and loan authorization bylaws required by the Municipal Act,
- (c) subject to subsection (2), levy and impose, in order to recover the capital expenditures referred to in paragraph (b), a rate, frontage tax or other charge provided for in the Municipal Act or any combination of these methods,
- (d) issue development permits under this section, instead of under the Municipal Act, authorizing the carrying out of the development proposals in the area included in the official community plan, and
- (e) require that an owner of land included in the official community plan obtain or hold a development permit before beginning any development on the land.

(2) A tax or charge may be imposed on land under subsection (1) (c) only where the owner has consented, but his consent empowers the city to impose the tax or charge both on him and on his successors in title until the capital expenditures referred to in subsection (1) (b) have been recovered.

Appeals to court

6. The procedures set out in section 362 of the Municipal Act for appeals to a court apply to an application to a court by either F.C.C. or the city under section 7 or 11 of the agreement.

Special resolutions of F.C.C.

7. Notwithstanding the Companies Act, a special resolution of F.C.C. shall be deemed to have been passed where shareholders holding a simple majority of all voting shares vote in favour of it.

Development cost charges

8. (1) The city may by bylaw impose development cost charges on an owner of land included in the official community plan who obtains a development permit to build on his land, and for the purposes of this section "build" means construct or extend a building, but does not include alter the interior of or renovate a building that is already completed.

(2) The charges under subsection (1) shall be imposed to

(a) provide money to help the city to pay the capital cost of providing, altering or expanding sewerage, water, electrical, underground wiring, drainage, parking and highway facilities and public open space, or any of them, in order to serve, directly or indirectly, the development in respect of which the charges are imposed, and

(b) recover costs which the city deems to be the fair share applicable to the owner for benefits he has received or will in the foreseeable future receive as a result of the proximity of his land to the public facilities or public improvements contributed to by the owners of the lands already charged pursuant to paragraph (a) or section 5 (1) (c).

(3) Section 702C (9) of the Municipal Act applies to a bylaw made under this section.

Parking facilities

9. (1) Where the city provides parking facilities for the purposes of the official community plan and an owner of land included in the plan elects to use the facilities to provide parking for the land, the city may

(a) specify by bylaw that the cost, or part of the cost determined by the council of the city and set out in the bylaw, of the parking facilities shall be borne by the owner of the land in the manner the bylaw specifies, and

(b) enter into an agreement with the owner, by which he agrees to pay the cost set out in the bylaw.

(2) The provisions of section 377 of the Municipal Act that create and give preference to a lien or charge and dispense with the requirement for its registration do not apply in respect of a cost referred to in this

section, but the other provisions of section 377 apply, and the agreement may, subject to this section, be enforced under it.

(3) Sections 253 and 254 of the Municipal Act apply to the provision of parking facilities under this section and the parking facilities shall, for that purpose only, be deemed to be a utility.

This Act to prevail

10. In case of conflict between the Municipal Act and this Act, this Act prevails.

Form of Act

11. The agreement shall, when made, be read as if Schedule A of it were in the same form as this Act.

Commencement

12. This Act comes into force on a day to be fixed by proclamation.