



CHAPTER 82.

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

[Assented to 10th December, 1937.]

WHEREAS a petition has been presented by the City of Preamble.
Vancouver 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 Short title.
Act, 1921, Amendment Act, 1937."

2. Section 2 of the "Vancouver Incorporation Act, 1921," Amends s. 2.
being chapter 55 of the Statutes of British Columbia, 1921 (Sec-
ond Session), is amended by striking out the word "shall" in
the second line of the definition of "rateable parcel of land,"
which was inserted in said section 2 by section 2 of the "Van-
couver Incorporation Act, 1921, Amendment Act, 1935," and
substituting therefor the word "may," and by numbering the
said definition as subsection (22a).

3. Section 40 of said chapter 55 is amended by adding to Amends subsec (1),
s. 40.
clause (a) of subsection (1) the following: "Provided, however,
that in the case of lands the fee of which is in the Crown either
in the right of the Province or of the Dominion, but which have
been leased agreed to be sold, granted, or conveyed, or which
have been sold, granted, or conveyed, and the lessee, purchaser,
grantee, or any one of them, has not registered his lease, agree-

ment, or conveyance in the said Land Registry Office, the Assessor shall assess and enter the same on the roll with the best description available to him in the name of such lessee, purchaser, or grantee where known."

Amends subsec. (1),
s. 40.

4. Section 40 of said chapter 55 is further amended by inserting in clause (b) of subsection (1) after the word "Columbia," in the fourth line, the words "or of the Dominion."

Enacts subsec. (3a),
s. 46.

5. (1.) Subsection (2) of section 46 of said chapter 55 is amended by striking out of the fifth and sixth lines thereof the words "itself other than the improvements placed or affixed thereon."

(2.) Section 46 of said chapter 55 is amended by inserting therein the following as subsection (3a):—

"(3a.) Notwithstanding anything contained in this section, any lessee or sub-lessee of His Majesty, either in the right of the Province or the Dominion, or any person owning or enjoying any right or interest under any agreement with His Majesty, either in the right of the Province or the Dominion, in respect of any property mentioned in subsection (1) of this section, or any lessee or sub-lessee of any Board of Harbour Commissioners, or any person owning or enjoying any right or interest under any agreement in respect of any property owned or controlled by any such Board, shall be assessed in respect of his right or interest therein on the basis of the actual cash value of the lands (including land covered with water) and improvements so occupied, used, held, possessed, or enjoyed by him, pursuant to the provisions of section 39 of this Act, and shall be taxed in respect thereof as if he were the actual owner of such lands and improvements, so long as such lessee or sub-lessee, or such other person as aforesaid, shall continue to occupy, use, hold, possess, or enjoy the same for any commercial purpose, and any such occupant or lessee or sub-lessee, or other person as aforesaid, holding under any such agreement as aforesaid, shall be liable to pay any or all general and special taxes, rates, and assessments levied in respect thereof: Provided nevertheless that except as to improvements henceforth placed upon the land no such occupant, lessee, sub-lessee, or other such person as aforesaid shall in any year up to and including 1942 be so assessed in a greater amount than the assessment for the preceding year plus twenty per cent.

of the difference between the assessment for the year 1937 and the actual cash value of such property."

6. Section 48 of said chapter 55 is amended by striking out the words "within two months of the time fixed for the Assessor to return the roll to the City Clerk" in the first and second lines thereof; and by adding at the end of said section 48 the following: "The time so appointed shall be within two months of the time fixed for the Assessor to return the roll to the City Clerk." A. amends s. 48

7. Section 56 of said chapter 55, as re-enacted by section 8 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1931," is amended by striking out of subsection (11) the word "land" in the twelfth line thereof, and substituting therefor the word "property"; and by striking out all the words and figures which were added by the "Vancouver Incorporation Act, 1921, Amendment Act, 1935," after the word "appeal" in the nineteenth line, and substituting the following: "The above provisions shall apply to assessments on improvements as well as on land." Amends subsec. (11), s. 56

8. Section 59 of said chapter 55 is amended by striking out the words "or to" in the third and fourth lines thereof, and substituting therefor the word "unless"; and by inserting the word "is" between the words "person" and "appointed" in the fourth line of the said section; and by striking out the words "to act" in the fourth line of the said section. Amends s. 59

9. The said chapter 55 is further amended by inserting therein the following as section 73A:— Enacts s. 73A.

"73A. The purchaser may at any time prior to redemption, or, if the land be not redeemed, at any time prior to the forwarding to the Registrar of the notice of completion of purchase provided in section 82 hereof, by writing duly attested in the manner provided for the attestation of instruments in the 'Land Registry Act,' absolutely transfer all his right, title, and interest in such certificate. Upon receipt of such transfer, together with a statement signed by the transferee containing the information and authority mentioned in section 72 hereof, the Collector shall endorse on the certificate and enter in his tax-sale record a memorandum of the transfer, and thereafter the transferee shall be deemed to be the purchaser in lieu of the transferor."

10. The provisions of section 79A of the "Vancouver Incorporation Act, 1921," being chapter 55 of the Statutes of British Columbia, 1921 (Second Session), as enacted by section 5 of chapter 79 of the Statutes of 1933, shall be deemed to apply and shall apply to the owner of any parcel of land sold for unpaid taxes at the public auction held pursuant to the provisions of Application of s. 79A.

said chapter 55 in the year 1937, or to any other person mentioned in section 79 of said chapter 55 entitled to redeem such parcel of land, and the time for the payment of the balance of the purchase-money by the purchaser and for the issuance of the certificate of title shall be extended accordingly, and, save as aforesaid, all the provisions of the said "Vancouver Incorporation Act, 1921," and amending Acts in respect thereof shall, mutatis mutandis, apply to such sale.

Enacts subsec
(42a), s. 163

11. Section 163 of said chapter 55 is amended by inserting therein the following as subsection (42a) thereof:—

"(42a.) For providing that a proportion not to exceed fifty per cent. of the proceeds from the sale of tax-sale lands, the title to which has been acquired by the city, shall be set aside to defray the cost of sewer construction and repairs."

Enacts subsec
(84a) s 163

12. Section 163 of said chapter 55 is further amended by inserting therein the following as subsection (84a) thereof:—

"(84a.) For taxing every person carrying on business in the city pursuant to a beer licence issued under the 'Government Liquor Act' at the rate set out below, which shall continue in force from the first day of January, 1938, until the year 1941, inclusive, and thereafter until amended by Statute. Every such person shall on or before the thirty-first day of December in each year file with the Licence Inspector a statement showing the amount of the annual licence fee which he is required to pay to the Liquor Control Board:—

If the said licence fee is \$600 or more the tax for the next calendar year shall be	\$85.00
If the said licence fee is \$550 or more but less than \$600 the tax for the next calendar year shall be	70.00
If the said licence fee is \$500 or more but less than \$550 the tax for the next calendar year shall be	60.00
If the said licence fee is \$450 or more but less than \$500 the tax for the next calendar year shall be	50.00
If the said licence fee is \$350 or more but less than \$450 the tax for the next calendar year shall be	40.00

If the said licence fee is less than \$350 the
tax for the next calendar year shall
be \$30.00.”

13. Section 163 of said chapter 55 is further amended by striking out of subsection (124) the word “one” in the fourth line thereof, and substituting therefor the word “three.” Amends subsec. (124), s. 163.

14. Section 163 of said chapter 55 is further amended by striking out of subsection (126) the word “one” in the third line thereof, and substituting therefor the word “two.” Amends subsec. (126), s. 163.

15. Section 163 of said chapter 55 is further amended by striking out subsection (126*a*), as enacted by section 8 of the “Vancouver Incorporation Act, 1921, Amendment Act, 1928,” and substituting the following:— Amends subsec. (126*a*), s. 163.

“(126*a*.) For licensing any person, firm, or corporation carrying on within the city any of the businesses listed in Schedule A to the ‘Factories Act,’ and for imposing a licence fee in respect thereof not to exceed the amount of five hundred dollars per annum: Provided that in no case shall the amount of any licence fee so imposed exceed the rate of two dollars per person per annum engaged or employed in such business: Provided further that the minimum fee payable shall be fifteen dollars.”

16. Section 163 of said chapter 55 is further amended by striking out of subsection (126*b*) the word “two” in the tenth line thereof, and substituting therefor the word “five.” Amends subsec. (126*b*), s. 163.

17. Section 163 of said chapter 55 is further amended by adding the following as subsection (131*a*):— Enacts subsec. (131*a*), s. 163.

“(131*a*.) For providing a Board to be appointed by Council which shall have power to make recommendations to Council for controlling and regulating the operation of vehicles for hire and licensing the same, and for granting, refusing, or revoking any such licence.”

18. Section 163 of said chapter 55 is further amended by adding to subsection (131*a*), which was inserted therein by section 6 of the “Vancouver Incorporation Act, 1921, Amendment Act, 1936 (Second Session),” the following words: “The Council may impose a fee for such registration not exceeding the sum of fifty cents for each bicycle, but such owners shall not be required annually to reregister any such bicycle”; and by renumbering the said subsection as (131*b*). Amends subsec. (131*a*), s. 163.

Enacts subsec.
(135a), s. 163

19. Section 163 of said chapter 55 is further amended by adding the following as subsection (135a):—

“(135a.) For purchasing, leasing, or acquiring real property or buildings, and for building, equipping, maintaining, operating, and managing buildings and premises for the inspection of motor-vehicles, and for compelling the owners and operators of all motor-vehicles using the streets of the city to cause the same to be inspected periodically at such times as the Council shall by by-law direct, and for imposing a charge for such inspection; and for preventing the operation on such streets of all such motor-vehicles as shall fail to pass such inspection; and for fixing standards of safety and of repair with respect to all motor-vehicles using the said streets.”

Amends subsec.
(139), s. 163

20. Section 163 of said chapter 55 is further amended by inserting in subsection (139) the words “or of the streets in the city” between the word “areas” and the word “for” in the seventh line thereof; and by adding to the said subsection the following: “and for the purposes aforesaid to acquire, establish, and maintain automatic or other mechanical appliances wherewith to collect such rents and charges, or to enter into a contract with any person for personal collection of such rents or charges.”

Enacts subsec.
(141b), s. 163

21. Section 163 of said chapter 55 is further amended by inserting therein the following as subsection (141b) thereof:—

“(141b.) For providing that all licence fees and taxes imposed under this section shall be subject to a penalty or penalties if not paid by a certain time or times to be named in the by-law in an amount or amounts to be fixed therein.”

Enacts subsec.
(141c), s. 163.

22. Section 163 of said chapter 55 is further amended by inserting therein the following as subsection (141c):—

“(141c.) For allowing a rebate or rebates on all licence fees or taxes imposed under this section if paid on or before a certain time or times to be named in the by-law in such amount or amounts as shall be fixed therein.”

Amends subsec.
(146), s. 163

23. Section 163 of said chapter 55 is further amended by striking out of subsection (146), as amended by section 22 of the “Vancouver Incorporation Act, 1921, Amendment Act, 1936,” the words “between the hours of nine o'clock in the forenoon

and five o'clock in the afternoon of any week-day " in the second, third, and fourth lines.

24. Section 245 of the said chapter 55 is repealed, and the following is substituted therefor:— Re-enacts s 245.

" 245. Except upon the written request of the Police Magistrate, no Justice of the Peace shall order any prisoner to be admitted to bail nor shall he sit for the trial or preliminary hearing of any cause over which the Police Magistrate would, if present, have jurisdiction."

25. Section 266 of said chapter 55 is amended by striking out the word " property " in the first line. Amends s 266.

26. Said chapter 55 is amended by inserting therein the following as section 286A thereof:— Enacts s. 286A.

" 286A. The Council shall have authority to pay any sum required for the indemnification, either in whole or in part, of any person who is employed by the city, against whom an action or prosecution is brought and who incurs costs or other necessary expenses, or against whom a judgment for damages is recovered, or where the conduct of such person is called in question upon an inquiry under sections 288, 315, or 316 hereof, in any case in which the Council deems a proper one for granting such indemnity; and where damages are claimed against any such person the Council may settle such claim and pay the amount at which such settlement is made. This section shall relate back to and shall be deemed to have been in force on and from the first day of January, 1935."

27. Form II. in the Schedule to said chapter 55 is amended by striking out the following words at the end thereof: " To the City Clerk, Vancouver: Sir,—Take notice that I intend to appeal against the above assessment for the following reasons:— Amends Sch. Form II.

" Respectfully."

28. Section 4 of the " Vancouver Incorporation Act, 1921," as re-enacted by section 2 of the " Vancouver Incorporation Act, 1921, Amendment Act, 1928," is amended by striking out all the words after the word " of " in the fifty-seventh line down to and including the figures "(139)" in the sixty-first line, and substituting therefor the following: " Eighteenth Avenue produced westerly, which point is thirty-three (33) feet distant westerly, measured along the said centre line from its intersection with the western boundary of Block Forty-four (44), District Lot One hundred and thirty-nine (139); thence westerly parallel to the centre line of Sixteenth Avenue (which centre line shall be deemed to be, for the purpose of this description, that line drawn Amends s 4.

parallel to and sixty-six (66) feet perpendicularly distant southerly from the northern boundary of Sixteenth Avenue) to intersection with the centre line of Imperial Street; thence northerly along the centre line of Imperial Street to intersection with the said centre line of Sixteenth Avenue."

Re-enacts s 326.

29. Section 326 of said chapter 55 as amended by section 10 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1926," is repealed, and the following substituted therefor:—

"326. Notwithstanding anything contained in the 'Municipal Act' or the 'Municipalities Incorporation Act' or the 'Municipal Elections Act' none of the provisions of those Acts, except sections 426 to 430 of the 'Municipal Act,' shall apply to the City of Vancouver."

Amendment retroactive.

30. The amendment of said chapter 55 enacted by the preceding section of this Act shall be retroactive to the extent that said section 326, which is hereby repealed, shall be deemed always so far as it purported to refer by number to sections of the "Municipal Act," to have referred to the sections of that Act from time to time in force which related respectively to the same subject-matter as the sections referred to by number in section 326 as re-enacted by this Act.

Re-enacts subsecs. (2) and (3), s 253

31. Subsections (2) and (3) of section 253 of said chapter 55, as re-enacted by section 13 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1933," are repealed, and the following inserted in place thereof:—

"(2.) Such Board shall consist of the Mayor of the city for the time being, a Judge (as defined by section 2 of the 'County Courts Act') of the County Court of Vancouver to be designated from time to time by the Lieutenant-Governor in Council, and a Deputy Police Magistrate for the city to be designated from time to time by the Lieutenant-Governor in Council.

"(3.) In the case of the illness, absence, inability, or incapacity of such Judge or Deputy Police Magistrate, the Lieutenant-Governor in Council may designate temporarily another such Judge or another such Deputy Police Magistrate, as the case may be, to act in his place."

VICTORIA, B C

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