



## CHAPTER 55.

### An Act to supersede and replace the “ Vancouver Incorporation Act, 1921,” being Chapter 55 of the Statutes of 1921 (Second Session), and all Amendments thereto.

[Assented to 27th March, 1953.]

#### Preamble

WHEREAS by the “ Vancouver Enabling Act, 1949,” the City of Vancouver was authorized, without conforming with the requirements of the Standing Orders relating to Private Bills as to notices or fees, to apply to the Legislature for a Private Bill, to be known as the “ Vancouver Charter,” to supersede and replace the said “ Vancouver Incorporation Act, 1921,” and all amendments thereto:

And whereas a petition has been presented by the City of Vancouver praying accordingly:

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.”

#### Interpretation

2. In this Act, and in any by-law passed pursuant to this Act, unless the context otherwise requires:—

“ City ” means the City of Vancouver:

“ Council ” means the Council of the city:

“ County Court ” means the County Court of Vancouver, holden at Vancouver:

“ Crown lands ” means real property belonging to Canada or the Province, and includes real property held in trust for a body or tribe of Indians:

“ Improvements ” includes buildings, structures, machinery and other things so affixed to the land as to make them in law a part thereof:

- “ Judge ” means a Judge of the Supreme Court of British Columbia:
- “ Land ” means the soil or ground without improvements:
- “ Land Registry Office ” means the office of the Vancouver Land Registration District, and “ registered,” when used in respect of real property, means registered in such office:
- “ Occupier,” when used with respect to Crown lands, includes tenant and holder of an agreement to purchase:
- “ Other administrative body ” means an unincorporated body other than the Council, by whom, pursuant to this or any other Act, powers of the city are exercisable, and includes the Board of Park Commissioners, the Board of Police Commissioners, and the Library Board:
- “ Owner under agreement ” means a person who is registered as the last holder, either directly or by assignment, of an agreement for the sale and purchase of real property:
- “ Parcel ” means any lot, block, or other area in which real property is held or into which real property is subdivided, but does not include a street, or any portion thereof:
- “ Real property ” includes land and every improvement thereon:
- “ Regulating ” includes authorizing, controlling, limiting, inspecting, restricting, and prohibiting:
- “ Street ” includes public road, highway, bridge, viaduct, lane, and sidewalk, and any other way normally open to the use of the public, but does not include a private right-of-way on private property.

Provision for publication in newspaper.

**3.** Whenever in this Act, or in any by-law passed pursuant to this Act, it is provided that any notice or other document is to be published in a stated number of issues of a newspaper, the required publication need not appear in issues of the same newspaper but may appear in two or more newspapers so long as it is published in the stated number of issues.

Deputies may be appointed.

**4.** The Council may appoint a person to be the deputy of the City Comptroller, City Clerk, or other employee of the city under its jurisdiction, and thereafter if the City Comptroller, City Clerk, or such other employee is absent from his duties, or if he dies or otherwise ceases to hold office, his deputy shall exercise and discharge the powers, functions, and duties of such City Comptroller, City Clerk, or other employee during such absence, or, in the case of death or otherwise ceasing to hold office, until the Council otherwise determines, and in the meantime all the things required or authorized to be done by the City Comptroller, City Clerk, or other employee may be lawfully done by such deputy.

Procedure if no deputy.

**5.** In the absence from his duties of any employee for whom no deputy has been appointed, or if such employee dies or otherwise ceases to hold office, the Mayor may in writing appoint some person to act in his stead pending action by the Council.

The city a  
corporation.

Boundaries of the  
city.

**6.** The inhabitants of the area, the boundaries of which are described in this section, shall continue to be a corporation and a municipality with the name of City of Vancouver: Commencing at a point in the First Narrows of Burrard Inlet, which point is eight hundred (800) feet distant northerly, measured along a line astronomically north from the light in Prospect Point Lighthouse; thence south-easterly in a straight line to a point in Burrard Inlet on the production northerly of the boundary between District Lot Five hundred and forty-one (541) and District Lot One hundred and eighty-five (185), which point is situate at the intersection of the said production with the straight line from the light in Brockton Point Lighthouse to a point in the Second Narrows of Burrard Inlet distant five hundred (500) feet northerly, measured along the production northerly of the easterly boundary of the Town of Hastings from a boundary survey monument set at or near the high-water mark for the southerly shore of Burrard Inlet and on the said easterly boundary of the Town of Hastings; thence easterly along the aforescribed straight line to the aforesaid point on the production northerly of the easterly boundary of the Town of Hastings; thence southerly, following in succession along the said production northerly of the easterly boundary of the Town of Hastings, the said easterly boundary of the Town of Hastings, the easterly boundary of District Lot Thirty-six (36), the easterly boundary of District Lot Forty-nine (49), the easterly boundary of District Lot Three hundred and thirty-nine (339), the easterly boundary of District Lot Three hundred and thirty-five (335), the easterly boundary of District Lot Three hundred and thirty-one (331), and along the production southerly of the said easterly boundary of District Lot Three hundred and thirty-one (331) to intersection of the same with a line drawn parallel to and two hundred (200) feet perpendicularly distant southerly from low-water mark of the north bank of the North Arm of Fraser River; thence in a general westerly direction, following the said line drawn parallel to and two hundred (200) feet perpendicularly distant southerly from low-water mark of the north bank of the North Arm of Fraser River to intersection of the same with the production southerly of the westerly boundary of District Lot Three hundred and eleven (311); thence southerly along the said westerly boundary of District Lot Three hundred and eleven (311) thus produced to the centre line of the North Arm of Fraser River; thence in a general westerly direction, following the said centre line and continuing along the centre line of the channel of navigation of the North Fork of the North Arm of Fraser River, passing to the north of Sea Island, Richmond Island, Christopher Wood's Island (D.L. 309), Iona Island (D.L. 236), and to the south of Cowan Island (D.L. 307), Stewart Island (D.L. 308), and Doering Island (D.L. 306), to intersection of the said centre line of the channel of navigation with the production southerly of the easterly boundary of Musqueam Indian Reserve Number Two (2); thence northerly along the said easterly boundary thus produced to intersection of the same with

a line drawn parallel to and five hundred (500) feet perpendicularly distant southerly from the south-westerly boundary of the said Indian reserve; thence in a general north-westerly direction, following the said line drawn parallel to and five hundred (500) feet perpendicularly distant southerly from the south-westerly boundary of the said Indian reserve to the intersection of the same with the production southerly of the most westerly boundary of the said Indian reserve; thence northerly along the said westerly boundary thus produced and along the said westerly boundary to the north-westerly corner of the said Indian reserve; thence easterly, northerly, and easterly, following in succession along the northerly boundary of the said Indian reserve to intersection of the same with a line drawn parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundary of District Lot Three hundred and twenty (320); thence northerly, parallel to and thirty-three (33) feet perpendicularly distant westerly from the said westerly boundary of District Lot Three hundred and twenty (320), and continuing northerly, parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundary of District Lot Two thousand and twenty-seven (2027) to intersection of the same with the line perpendicular to the said westerly boundary of District Lot Two thousand and twenty-seven (2027) from the south-west corner of Block Eighteen (18) therein; thence westerly at right angles to the said westerly boundary of District Lot Two thousand and twenty-seven (2027) a distance of four hundred and ten (410) feet; thence northerly, parallel to the said westerly boundary of District Lot Two thousand and twenty-seven (2027) a distance of six hundred and sixty-seven and seven-tenths (667.7) feet, more or less; thence easterly along the arc of a circular curve to the right, having a radius of curvature of one thousand four hundred and fifty (1,450) feet, an arc distance of three hundred and eighty-one and four-tenths (381.4) feet, more or less, to a point of tangency to and on the production westerly of the line perpendicular to the aforesaid westerly boundary of District Lot Two thousand and twenty-seven (2027) from the north-west corner of Block Nineteen (19) therein, which point of tangency is situate sixty-six (66) feet distant westerly, measured along the said perpendicular line from the said corner of Block Nineteen (19); thence easterly along the aforesaid perpendicular line to intersection of the same with a line drawn parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundary of District Lot Two thousand and twenty-seven (2027); thence northerly and parallel to the said westerly boundary of District Lot Two thousand and twenty-seven (2027) to intersection with the production westerly of a line drawn parallel to and thirty-three (33) feet perpendicularly distant southerly from the southerly boundary of Block Seventy-eight (78) in the said District Lot Two thousand and twenty-seven (2027); thence northerly in a straight line to the north-west corner of the said District Lot Two thousand and twenty-seven (2027); thence northerly in a straight line



to a point on the centre line of Eighteenth Avenue produced westerly, which point is situate thirty-three (33) feet distant westerly, measured along the said centre line thus produced from its intersection with the westerly boundary of Block Forty-four (44) in 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 parallel to and sixty-six (66) feet perpendicularly distant southerly from the northern limit of Sixteenth Avenue) to intersection of the same with the centre line of Discovery Street; thence northerly along the centre line of Discovery Street to intersection of the same with the said centre line of Sixteenth Avenue; thence westerly along the centre line of Sixteenth Avenue to intersection of the same with a line drawn parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundary of Block One hundred and sixty (160) in District Lot Five hundred and forty (540); thence northerly, parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundaries, in succession, of Blocks One hundred and sixty (160), One hundred and fifty-nine (159), One hundred and fifty-two (152), One hundred and fifty-one (151), and One hundred and forty-four (144) respectively in District Lot Five hundred and forty (540) to intersection of the same with the centre line of Sixth Avenue; thence westerly along the centre line of Sixth Avenue, being along a curve to the left, concentric with and radially distant forty (40) feet southerly from the southerly boundary of Block Seven (7) in District Lot One hundred and forty (140), to intersection of the same with the continuation southerly of the curve, concentric with and radially distant thirty-three (33) feet westerly from the westerly boundary of the said Block Seven (7) in District Lot One hundred and forty (140); thence northerly along the said curve, concentric with and radially distant thirty-three (33) feet westerly from the said westerly boundary of Block Seven (7) in District Lot One hundred and forty (140), and along the continuation northerly thereof, to intersection of the same with the centre line of the one-hundred-and-twenty-foot street lying between Blocks Six (6) and Seven (7) in District Lot One hundred and forty (140) (which street is now known as "Fourth Avenue"); thence westerly along the centre line of the said one-hundred-and-twenty-foot street to intersection of the same with the production southerly of the westerly boundary of Block Five (5) in District Lot One hundred and forty (140); thence northerly along the said production, and continuing northerly along the westerly boundaries, in succession, of Blocks Five (5), Three (3), and One (1) respectively in District Lot One hundred and forty (140) to the north-west corner of the said Block One (1); thence continuing northerly along the production northerly of the said westerly boundary of Block One (1) in District Lot One hundred and forty (140) a distance of forty (40) feet, more or less, to a boundary survey monument set at or near the high-water mark of Burrard Inlet;

thence along a line bearing astronomically north, thirteen (13) degrees east, a distance of two thousand (2,000) feet; thence easterly in a straight line to a point in English Bay of Burrard Inlet, which point is situate astronomically north and three thousand (3,000) feet distant from a boundary survey monument set on the boundary between District Lot Five hundred and twenty-six (526) and District Lot One hundred and ninety-two (192) and set at a distance southerly from high-water mark of English Bay of approximately fifty (50) feet; thence astronomically north to intersection with a line drawn astronomically west through the aforescribed point of commencement; thence astronomically east to the said point of commencement; each and every of the district lots herein mentioned being more particularly described as being in Group One (1), New Westminster District of the Province of British Columbia.

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PART I.

ELECTORS.

Owner-electors.

**7.** For the purpose of an election for the office of Mayor or Alderman, the following persons shall be entitled to have their names entered on the annual list of electors as owner-electors:—

- (a) Every person (not being a corporation) who is a Canadian citizen and of the full age of twenty-one years, and who, on the fifteenth day of May of the year in which the list is certified, is the registered owner of any real property held in his own right in the city:
- (b) Every person (being a corporation) which, on the fifteenth day of May of the year in which the list is certified, is the registered owner of any real property held in its own right in the city, if there is on file with the City Clerk a written authorization naming some person of the full age of twenty-one years, who is a Canadian citizen, to be its agent to vote on behalf of such corporation.

Tenant-electors.

**8.** For the purpose of such an election, the following persons shall be entitled to have their names entered on the annual list of electors as tenant-electors if such tenant has been in continuous occupation since the first day of January of the current year:—

- (a) Every person (not being a corporation) who is a Canadian citizen and of the full age of twenty-one years, and who, on the fifteenth day of May of the year in which the list is certified, is a tenant in occupation of any real property in the city, and who is not otherwise qualified as an owner-electors or resident-electors, and who makes application to the City Clerk during the period between the first day of January and the fifteenth day of May, inclusive, or who makes application as provided in section 23:

(b) Every person (being a corporation) which, on the fifteenth day of May of the year in which the list is certified, is a tenant in occupation of any real property in the city, if there is on file with the City Clerk a written authorization naming some person of full age, who is a Canadian citizen, to be its agent to vote on behalf of such corporation.

Resident-electors.

**9.** For the purpose of such an election, the following persons shall be entitled to have their names entered on the annual list of electors as resident-electors: Every person who, on the fifteenth day of May of the year in which the list is certified, is a Canadian citizen of the full age of twenty-one years, and who has continuously resided in the City of Vancouver since the first day of January of the current year.

Person qualified as both to be entered as owner-elector.

**10.** Where a person would be entitled to have his name entered on the list of electors as an owner-elector and as a tenant-elector, his name shall be so entered only as an owner-elector.

Resident-elector confined to single district.

**11.** A resident-elector shall be entered on the list of electors only for the polling district in which he resides.

Canvass of dwellings.

**12.** In order to assist him in ascertaining which persons were resident-electors on the fifteenth day of May in any year, the City Clerk shall cause a canvass to be made of dwellings throughout the city.

Creation of polling districts.

**13.** The Council shall by by-law divide the city into as many polling districts as may be convenient, and may assign a number to each such district.

Name to be entered for one polling district only.

**14.** Where an owner-elector or tenant-elector would otherwise be entitled to have his name entered on the list of electors for more than one polling district, his name may be entered for any one polling district in which he is the owner or tenant of real property: Provided, however, that any such owner-elector or tenant-elector may, before the completion of the revision of the register of electors, elect to have his name transferred from the polling district for which his name has been entered to any other such polling district.

Owner under agreement to supersede registered owner.

**15.** The name of an owner under agreement shall be entered on the list of electors as an owner-elector instead of, and in the place of, the registered owner.

Assessment records to be available to ascertain owners.

**16.** In order to ascertain what persons were owners, or owners under agreement, of any real property on the fifteenth day of June in any year, the City Clerk shall have recourse to the last revised real-property assessment roll, or later records kept by the Assessment Commissioner.

System of registration.

**17.** The Council may direct that in place of or in addition to a canvass as hereinbefore provided, the City Clerk shall, for the purpose

of ascertaining who are resident-electors or tenant-electors, institute a system of registration subject to the directions of the Council.

Transfer with retention of beneficial ownership to give vote an offence.

**18.** It shall be an offence against a provision of this Act for any person to transfer any real property or interest therein, or to accept a transfer of any real property or interest therein, for the purpose of enabling a person to have his name entered on the list of electors, if there is any arrangement or understanding that the beneficial ownership of the property transferred, or of the interest therein, shall remain in the transferor.

Register of electors to be prepared.

**19.** The City Clerk shall, before the eighth day of August in each year, cause a register of electors to be prepared, in which he shall insert, so far as he can ascertain them, the name and address of every person entitled under the provisions of this Act to have his name entered on the annual list of electors, whether as an owner-elect, tenant-elect, or resident-elect.

Need not be in book form.

**20.** The register of electors need not be in the form of a list or book, but may consist of a system of cards or sheets suitable for use by mechanical devices. The City Clerk shall be responsible for the custody of the register of electors, and shall see that it is kept intact and not subject to access or alteration by unauthorized persons.

Offence to omit names or add them improperly.

**21.** The City Clerk, in the preparation of the register of electors, shall be guilty of an offence against a provision of this Act if he wilfully omits, or permits the omission of, the name of any person entitled to have his name therein, or inserts, or permits to be inserted, in the register the name of any person not entitled to have his name therein.

Information in register to be available to the public.

**22.** From the eighth day of August up to and including the twenty-first day of August in each year, the City Clerk shall, at his office during office hours, make available to any applicant any information contained in the register of electors reasonably required by such applicant. The City Clerk shall give public notice by advertisement in at least four issues of a daily newspaper published in the city:—

- (a) That the register of electors has been prepared:
- (b) That the information contained therein is available to applicants:
- (c) That errors and omissions may be corrected if complaint is made to the City Clerk on or before the twenty-first day of August.

Complaint as to errors.

**23.** Any person complaining that there is in the register of electors any error or omission may, on or before the twenty-first day of August, give notice in writing to the City Clerk of such complaint, and may within the same time file with him a statutory declaration in support of such complaint. In addition to those authorized by the "Evidence Act" to take and receive them, the City Clerk, and as many as three

members of his staff appointed by him in writing for the purpose, may take and receive such statutory declarations.

Revising Judge to be appointed.

**24.** The Council shall, in each year before the eighth day of August, appoint some member of the Law Society of British Columbia to be the Revising Judge of the annual list of electors for the year, and his decision as to the right of any person to have his name on such list in accordance with the provisions of this Act shall be final. He shall be paid such fee as may from time to time be fixed by the Council. In the exercise of his duties under this Act, the Revising Judge shall have all the powers of a Judge of the County Court.

Judge to fix time for revision.

**25.** The Revising Judge shall appoint a place and time when he will begin the annual revision of the register of electors, which time shall not be earlier than the twenty-eighth day of August nor later than the fifth day of September.

Notice thereof.

**26.** The City Clerk shall, immediately, after the twenty-first day of August, give public notice of the place and time so appointed by advertisement in at least three issues of a daily newspaper published in the city.

Proceedings before the Judge.

**27.** The Revising Judge shall, at the place and time appointed, begin the revision of the register of electors and proceed to adjudicate upon the complaints of which notice has been given to the City Clerk under section 23 of this Act. He may hear viva voce evidence in a summary way, or, at his discretion, may accept and act upon such statutory declarations as have been filed with the City Clerk as provided in section 23 of this Act. He may adjourn the hearing from time to time as he deems necessary, and may defer judgment on any complaint, but in any event he shall complete the revision of the register of electors by the twelfth day of September.

Additional powers.

**28.** In addition to the correction of errors and omissions complained of, the Revising Judge may, of his own motion, correct manifest errors in the register of electors, but, whether as a result of a complaint or otherwise, he shall not remove the name of a living person from the register of electors without giving that person such notice and such opportunity to be heard as the Revising Judge thinks reasonable, or satisfying himself that the giving of such notice or such opportunity is in the circumstances impracticable or unnecessary.

Certificate by Judge.

**29.** Having revised the register of electors, the Revising Judge shall certify the errors and omissions to be corrected, and the City Clerk shall cause the register of electors to be corrected accordingly.

City Clerk to group names and print in book form.

**30.** The City Clerk shall then cause to be printed two hundred copies (or such other number as the Council shall direct) of a book

containing every name and address in the register of electors as corrected. In such book the names shall be grouped in polling districts in accordance with those established by by-law, and owner-electors, tenant-electors, and resident-electors shall be suitably designated, and the names of the voting agents of corporations shall be shown.

Verification by  
City Clerk.

**31.** At the end of one copy of the book, through each page of which there is a perforation, the City Clerk shall verify the same by completing and attaching thereto a statutory declaration to the following effect:—

I, \_\_\_\_\_, of the City of Vancouver, in the Province of British Columbia, solemnly declare:—

1. I am City Clerk of the City of Vancouver and as such have caused the foregoing book to be printed.

2. To the best of my knowledge, information, and belief, the foregoing book contains every name and address contained in the register of electors for the year 19\_\_\_\_ as revised and corrected by the Revising Judge.

3. To the best of my knowledge, information, and belief, no names are included in the said book save those contained in such register as revised and corrected.

4. To the best of my knowledge, information, and belief, the names contained in the said book are properly designated as owner-electors, tenant-electors, or resident-electors, as the case may be, and are properly grouped in polling districts as established by by-law.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at \_\_\_\_\_, in the  
Province of British Columbia, this  
day of \_\_\_\_\_, 19\_\_\_\_.

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*A Commissioner for taking Affi-  
davits within British Columbia.*

Judge to seal book  
and verify one copy.

**32.** If the Revising Judge is satisfied that the copy of the book so printed and so verified fulfils the requirements of section 30 of this Act, he shall identify the same by passing a ribbon of fabric or metal through the perforation in each page and by affixing his seal to the ribbon in such a way as to prevent the removal of a page without tearing it, and prevent the insertion of a page while the ribbon and seal are intact. The Revising Judge shall then attach to such copy his certificate to the following effect:—

I, \_\_\_\_\_, of the City of Vancouver, in the Province of British Columbia, barrister, do certify as follows:—

1. I am the Revising Judge appointed by the Council of the City of Vancouver for the year 19\_\_\_\_.

2. I have revised and corrected the register of electors as required by the "Vancouver Charter."

3. To the best of my knowledge, information, and belief, the attached book, the pages of which are identified by my seal, includes every name and address contained in the register of electors for the year 19\_\_\_\_ as

corrected by me and does not include any names save those contained in such register as corrected by me.

4. I am satisfied that the requirements of section 30 of the Act have been fulfilled.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
*Revising Judge.*

Time for completion.

**33.** The Revising Judge shall make such certification on or before the fifteenth day of November unless the Council fixes some other date therefor.

Annual list of electors.

**34.** The book so verified and so certified shall be and contain the annual list of electors, and shall be used for the purpose of any election held after the date of its certification, for the office of Mayor, Alderman, or Park Commissioner, until a new list is printed and certified in accordance with the provisions of this Act.

City Clerk to retain.

**35.** The annual list of electors upon certification as aforesaid shall thereupon be delivered to the City Clerk for safe-keeping, and it shall, unless otherwise ordered by the Council or a Court acting within its jurisdiction, remain at all times in his custody.

Disposition of copies.

**36.** Two copies of the list of electors shall be delivered upon request to:—

- (a) The Revising Judge who certified it:
- (b) Every member of the Council:
- (c) Every candidate for the office of Mayor, Alderman, School Trustee, or Park Commissioner:
- (d) Any other person who pays to the City Clerk a fee of ten dollars per copy, or such other amount as the Council shall direct.

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## PART II.

### ELECTIONS.

Qualifications for Mayor and Alderman.

**37.** Subject to the disqualifications contained in section 38 of this Act, a person shall be qualified:—

- (a) To be nominated as a candidate for election:
- (b) To be elected:
- (c) To hold office, as Mayor or Alderman of the city, if:—
  - (i) He is of full age:
  - (ii) He is a Canadian citizen:
  - (iii) He is not subject to any legal incapacity:

(iv) He has been for six months next preceding the first day of the month in which nomination-day occurs the registered owner in his own right of real property within the city, in the case of Mayor, of the value, according to the last revised real property assessment roll, of one thousand dollars over and above any registered charge thereon, and, in the case of Alderman, of the value, according to such roll, of five hundred dollars over and above any registered charge thereon. The interest of a co-owner shall be sufficient if, after deducting the amount of any registered charge from the assessed value of the whole, his interest is of the required value. The interests of joint owners shall be valued as if they were tenants in common with equal interests.

Disqualifications.

**38.** The following are the disqualifications referred to in section 37 of this Act:—

- (a) Being employed by the city upon terms of payment either in money or money's worth:
- (b) Owning the city delinquent taxes in respect of the real property qualified upon:
- (c) Directly or indirectly, or by the interposition of a trustee or a third person, being a party to, or the holder of, any contract with the city:
- (d) Ceasing after his election to be the registered owner in his own right of real property of the required value, except where such cesser is brought about by expropriation:
- (e) Holding the office of Judge or Police Magistrate:
- (f) Having a disputed account or claim against the city:
- (g) Having been convicted of an indictable offence in Canada, less than five years have elapsed since completion of the punishment or since his pardon, as the case may be:
- (h) Being an undischarged bankrupt or an undischarged authorized assignor under the "Bankruptcy Act":
- (i) Being absent from the meetings of the Council, or of any standing committee thereof of which he is a member, for four consecutive weeks without leave of the Council.

**39.** Nothing in section 38 shall apply to or disqualify a person merely—

Non-application of s. 38.

- (a) Because he is a shareholder in an incorporated company which is a party to or holds a contract with the city: Provided he does not knowingly vote at a meeting of the Council, or any committee thereof, on any question affecting the company:
- (b) Because as devisee, legatee, executor, or administrator, or otherwise involuntarily by operation of law, for a period of not more than twelve months, he is a party to or holds a contract with the city:



- (c) Because in common with other inhabitants of the city, and on the like terms, he contracts for water or other municipal services with the city:
- (d) Because in common with other inhabitants of the city, and on the like terms, he contracts with the city with respect to sidewalk crossings, easements, retaining-walls adjacent to streets, street-widening, building-lines, or encroachments upon, under, or over a street:
- (e) Because in common with other inhabitants of the city, and on the like terms, he purchases or holds any debentures of the city:
- (f) Because he is paid the lawful remuneration provided for Mayor or Alderman or any sum pursuant to clauses (d) and (e) of section 204.

*Nominations.*

**40.** The City Clerk shall in each year publish a notice calling for the nomination by the last Wednesday of November of candidates for election to the office of Mayor, if one is to be elected at the annual election for that year, and of candidates for election to the offices of as many Aldermen as are to be elected at the annual election for that year.

Nomination-day.

**41.** For the purpose of any such annual election, the last Wednesday of November shall be nomination-day.

Notice to be published.

**42.** Publication of the notice calling for nominations shall be by advertisement for at least twelve days during the three weeks prior to nomination-day in a newspaper published in the city and by posting copies of such notice in such places as the City Clerk shall select. The notice may be in the following form or to the like effect:—

CITY OF VANCOUVER.

Notice is hereby given that in accordance with the provisions of the "Vancouver Charter," the Returning Officer will receive nominations at the office of the City Clerk, City Hall, Vancouver, B.C., for election to the following offices:—

Forms of nomination-papers and a copy of the statutory provisions respecting nomination may be had upon application to the City Clerk.

Dated at Vancouver, B.C., this            day of            , 19    .

*City Clerk.*

City Clerk to be Returning Officer.

**43.** For the purpose of receiving nomination-papers and holding any election authorized by this Act to be held, the City Clerk shall, unless the Council appoints some other person, be the Returning Officer.

Conditions of nomination for Mayor.

**44.** No person shall be elected to the office of Mayor in respect of whom a nomination-paper, accompanied by the certificates required by section 49 of this Act, is not delivered to the Returning Officer at the City Hall within the fourteen days ending on nomination-day and

For Alderman. not later than twelve o'clock noon on nomination-day, and no person shall be elected to the office of Alderman in respect of whom a nomination-paper, accompanied by the certificates required by section 49 of this Act, is not delivered to the Returning Officer at the City Hall within the fourteen days ending on nomination-day and not later than one o'clock in the afternoon of nomination-day.

Contents of **45.** A nomination-paper shall contain a statement subscribed by the candidate:—  
 (a) Consenting to be nominated:  
 (b) Giving his specific place of residence:  
 (c) Setting out that he is of full age and that he is a Canadian citizen:  
 (d) Stating that he is not subject to any legal incapacity:  
 (e) Stating that he is not subject to any of the disqualifications set forth in section 38 of this Act.

Nominators. **46.** A nomination-paper shall also contain a statement subscribed by two nominators, who shall be duly qualified electors of and residents in the city, that to the best of the knowledge, information, and belief of each of them, the candidate is of full age, is a Canadian citizen and not subject to any legal incapacity, and that he is not subject to any of the disqualifications set forth in section 38 of this Act.

Form of nomination-paper. **47.** A nomination-paper may be in the following form or to the like effect:—

NOMINATION-PAPER.

We, \_\_\_\_\_, residing at \_\_\_\_\_ Street, in the City of Vancouver, [occupation], and \_\_\_\_\_, residing at \_\_\_\_\_ Street, in the City of Vancouver, [occupation], do hereby propose for nomination [full name of candidate], residing at \_\_\_\_\_ Street, in the City of \_\_\_\_\_, [occupation], for the election to the office of \_\_\_\_\_ of the City of Vancouver at the election to be held in the month of \_\_\_\_\_, 19 \_\_\_\_\_.

And each of us hereby declares that, to the best of his knowledge, information, and belief, the above-mentioned candidate:—

- (a) Is of full age:
- (b) Is a Canadian citizen:
- (c) Is not subject to any legal incapacity:
- (d) Is not subject to any of the disqualifications set forth in section 38 of the "Vancouver Charter."

-----  
 Nominator.

-----  
 Nominator.

I, [full name of candidate], the person proposed for nomination in this nomination-paper hereby consent to my said nomination.

And I declare that:—

- (a) I am fully qualified to be nominated as aforesaid:
- (b) My place of residence is at \_\_\_\_\_ in the City of \_\_\_\_\_ :
- (c) I am of full age:

- (d) I am a Canadian citizen:
- (e) I am not subject to any of the disqualifications set forth in section 38 of the "Vancouver Charter."

(Signature of candidate.) .....

(Address of candidate.).....

(Occupation of candidate.).....

When nomination-paper valid.

**48.** The Returning Officer shall receive a nomination-paper and deal with it as valid if:—

- (a) It appears from the statements in the nomination-paper that the person nominated is of full age and a Canadian citizen and not subject to any legal incapacity, and that he is not subject to any of the disqualifications set forth in section 38 of this Act:
- (b) The names of the nominators appear on the current annual list of electors, and it appears from the nomination-paper that they are residents in the city:
- (c) The certificates required by section 49 of this Act accompany the nomination-paper;

but if the foregoing requirements are not complied with, the Returning Officer shall reject the nomination-paper and it shall be null and void.

**49.** With every nomination-paper there shall be delivered to the Returning Officer:—

Certificate of Registrar.

- (a) A certificate signed by the Registrar of the Vancouver Land Registration District showing that the person nominated is and has been continuously for six months prior to the first day of the month in which nomination-day occurs the registered owner in fee-simple of real property in the city as required by section 37 of this Act and setting out the description of such real property together with any charges standing registered against it during such period of six months:

Certificate of Assessment Commissioner.

- (b) A certificate by the Assessment Commissioner, dated not more than fifteen days before nomination-day, showing that the value, according to the last revised real-property assessment roll, of the real property described in the said certificate of the Registrar is as required by section 37 of this Act:

Certificate of Collector of Taxes.

- (c) A certificate by the Collector of Taxes, dated not more than fifteen days before nomination-day, to the effect that there are no delinquent taxes due upon the said real property.

Receipt for nomination-paper.

**50.** When the Returning Officer receives a nomination-paper and, after such examination as he thinks necessary, declares that it is valid, he shall, at the request of the candidate named therein, give a receipt stating that the candidate's nomination has been accepted.

Acclamation, otherwise contested election.

**51.** If only one candidate is validly nominated for the office of Mayor, the Returning Officer shall publicly declare him to be duly elected as Mayor by acclamation. If more than one candidate is

validly nominated for the office of Mayor, the Returning Officer shall publicly adjourn the proceedings and hold a contested election as hereinafter provided among those so nominated.

Aldermen by acclamation.

**52.** If the number of candidates validly nominated for the office of Alderman does not exceed the number of vacancies to be filled, the Returning Officer shall publicly declare those so nominated to be duly elected as Aldermen. If the number of candidates validly nominated for the office of Alderman exceeds the number of vacancies to be filled, the Returning Officer shall publicly adjourn the proceedings and hold a contested election as hereinafter provided among those nominated.

Effect of death of candidate for Mayor.

**53.** If before the closing of the polls at any contested election a validly nominated candidate for the office of Mayor dies, the Returning Officer shall declare all proceedings for the filling of that office void, and thereupon the provisions of this Part shall, mutatis mutandis, again apply.

Procedure when an election fails to take place.

**54.** When from any cause not otherwise provided for the election of a Mayor or of the requisite number of Aldermen fails to take place, the Returning Officer shall cause a new election to be held as soon as practicable to fill any vacancy, and, until their successors are sworn in, the members of the Council theretofore sitting shall continue in office. The above provisions as to nomination and election shall, mutatis mutandis, apply to such new election.

*Contested Election.*

Contested election to be by ballot.

**55.** Every contested election for the office of Mayor or Alderman shall take place on the day two weeks after nomination-day, and the votes shall be taken by ballot by means of ballot-boxes, and the poll shall be conducted in accordance with the provisions of this Part.

Notice of election to be published.

**56.** The Returning Officer shall, for at least five days before the day fixed for a contested election (hereinafter called "polling-day"), cause to be published in a daily newspaper circulating in the city a notice of such election containing the name of every candidate validly nominated and specifying the office for which he is a candidate and designating by means of a map or otherwise the polling districts and the places therein in which provision is made for taking the votes.

Time for polling and provision for advanced poll.

**57.** The poll shall open at eight o'clock in the forenoon of polling-day and be kept open until seven o'clock in the afternoon of the same day and no longer: Provided, however, that the Council may, by by-law, provide for the holding of an advanced poll at the City Hall, to be kept open at such times between nomination-day and polling-day as the by-law may prescribe. Only a person whose name is on the list of electors and who subscribes and files with the Returning Officer or

Deputy Returning Officer, as the case may be, a statement that he expects to be absent from the city on polling-day shall be permitted to vote at an advanced poll. Except during the hours when the advanced poll is open, the Returning Officer shall keep the ballot-boxes used therefor sealed so that no ballot-papers may be inserted therein or withdrawn therefrom. The Returning Officer shall take due precautions to prevent any voter at an advanced poll from voting again on polling-day. After the close of the poll the Returning Officer, or a Deputy Returning Officer designated by him, shall open the ballot-boxes and count the ballots cast at the advanced poll.

Conditions of voting.

**58.** An elector shall be entitled and permitted to vote:—

(a) Once only for a candidate for the office of Mayor:

(b) Once only for as many candidates for the office of Alderman as there are offices to be filled and once only for each of them:

Provided that an elector entitled to vote as agent of a corporation shall not be prevented by this section from voting in both capacities.

District roll to be prepared.

**59.** For use at a contested election, the City Clerk shall cause to be prepared and made available for each polling district a district roll, being a copy of so much of the annual list of electors as contains the names of all persons entered on such list for that polling district. The City Clerk shall at the end thereof certify each copy as follows:—

I hereby certify that the foregoing district roll contains the names of the electors entitled to vote in Polling District No.        and does not contain the name of any other person.

Dated the            day of            , 19    .

-----  
*City Clerk.*

Duties of Returning Officer.

**60.** It shall be the duty of the Returning Officer for and at the expense of the city with respect to a contested election:—

(a) To provide adequately equipped polling-places for each polling district wherein the voters in such district may vote in accordance with the provisions of this Act:

(b) To appoint and employ for each polling district a Deputy Returning Officer who, with the approval of the Returning Officer, may appoint such poll clerks and other persons as may be necessary for conducting the poll for that polling district:

(c) To cause a sufficient number of ballot-papers to be printed to enable the votes to be taken:

(d) To cause each polling-place to be provided with such a number of compartments as may be necessary to enable the voters to mark their ballot-papers screened from observation:

(e) To supply each Deputy Returning Officer with sufficient ballot-papers, poll-books, ballot-boxes, pencils, forms, and documents to enable the votes to be taken in accordance with this Part, together with the district roll for his polling district:

(f) To do such other acts and things as may be necessary for effectually conducting a contested election in accordance with the provisions of this Act.

Construction of ballot-boxes.

**61.** Every ballot-box shall be provided with a lock and key, and shall be so constructed that ballot-papers may be deposited therein but cannot be withdrawn without the box being unlocked or broken.

City Clerk to have custody of boxes.

**62.** It shall be the duty of the City Clerk to have available at all times a sufficient number of ballot-boxes in good condition, and he shall have the custody thereof, and, unless the Council otherwise directs, he shall not permit any of them to be out of his control.

Colour of ballots.

**63.** The ballot-papers to be used in the election of a Mayor shall be of a different colour from those used in the election of Aldermen.

Names of candidates thereon.

**64.** On every ballot-paper the names of the candidates, followed by a statement of their occupation, shall be arranged alphabetically in the order of their surnames, and if two or more candidates have the same surname, in the alphabetical order of their other names.

Space for mark.

**65.** On every ballot-paper there shall be provided a blank space after the name of each candidate for the use of the voter in marking his ballot-paper.

Number to be elected to be shown.

**66.** On every ballot-paper to be used in an election for the office of Alderman, there shall be plainly printed a statement showing the number of Aldermen to be elected.

Oath by agent.

**67.** No person shall act as the agent of any candidate at any polling-place unless and until he makes and subscribes and delivers to the Deputy Returning Officer an oath as follows:—

I, \_\_\_\_\_, of \_\_\_\_\_ Street, in the City of Vancouver, in the Province of British Columbia, \_\_\_\_\_, make oath and say:—

1. I have been authorized in writing by \_\_\_\_\_, a candidate for the office of \_\_\_\_\_, in the forthcoming contested election to be his agent for Polling District No. \_\_\_\_\_.

2. I will keep secret and will not disclose any information which I may receive during such election as to what candidate any person votes for.

Sworn before me at the City of Vancouver, }  
 in the Province of British Columbia, }  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ . }

Oath by Deputy Returning Officers and poll clerks.

**68.** Every Deputy Returning Officer and every poll clerk, before entering upon his duties as such, shall make and subscribe an oath in the following form, and shall file the same with the Returning Officer:—

I, \_\_\_\_\_, of the City of Vancouver, in the Province of British Columbia, [occupation], having been appointed a Deputy Returning Officer [or poll clerk, as the case may be], do swear:—

1. That I will truly, faithfully, and impartially execute the duties of the office of Deputy Returning Officer [or poll clerk, as the case may be].

2. That I have not received and will not receive any payment or reward, or promise thereof, for the exercise by me of any partiality or malversation or other improper execution of or about my duties as Deputy Returning Officer [or poll clerk, as the case may be].

3. That I will keep secret and will not disclose any information which I may receive during the forthcoming election as to which candidate any person votes for.

Sworn before me at the City of Vancouver, }  
in the Province of British Columbia, }  
this                    day of                    , 19   . }  
-----

Who may administer oath.

**69.** Any oath required of a poll clerk may be sworn before the Returning Officer or a Deputy Returning Officer, and any oath required of a Deputy Returning Officer may be sworn before the Returning Officer.

After examination, box to be locked.

**70.** At the opening of the poll each Deputy Returning Officer shall open each ballot-box supplied for the polling district for which he is to act and permit any persons there present to examine it in order to see that it is empty. The Deputy Returning Officer shall then lock each ballot-box, retaining the key and keeping the box locked but available for the deposit therein of ballot-papers, and in view of those present, until the close of the poll.

Persons who may remain in polling-place.

**71.** In addition to the Deputy Returning Officer and the poll clerks appointed as aforesaid, any candidate and one agent (authorized in writing as such) for any candidate may remain in any polling-place while the votes are being taken and counted. Every such poll clerk, candidate, agent, and any other person, while in a polling-place, shall comply with the reasonable directions of the Deputy Returning Officer as to keeping order, the allotment of seating accommodation, and the like.

Who may vote in a polling district.

**72.** Subject to sections 73, 74, 77, 81, and 82, every person whose name is contained in a district roll for any polling district may require the Deputy Returning Officer for that polling district to supply him with a ballot-paper at a contested election, and no person shall be entitled to a ballot-paper thereat unless his name is contained in such district roll.

City Clerk may remedy omission.

**73.** (1) If there is inadvertently omitted from the annual list of electors as printed the name of any person which appears on the register of electors as last corrected, the City Clerk on polling-day may in writing authorize the Deputy Returning Officer for the proper polling district to supply a ballot-paper to such person, and thereupon such person shall be entitled to receive a ballot-paper as if his name had been on the annual list of electors.

(2) Within ten days after polling-day the City Clerk shall make a return to the City Council showing the names and addresses of all persons

with respect to whom he gave authorization under the last preceding section.

Deputies and poll clerks to vote where stationed.

**74.** Any Deputy Returning Officer or poll clerk may, if otherwise qualified, vote in the polling district for which he has been appointed.

Ballot to be given.

**75.** Upon being satisfied that any applicant for a ballot-paper is entitled to vote in a polling district, the Deputy Returning Officer or poll clerk (as the case may be) therefor shall write his own initials legibly on the back of the ballot-paper and, having given the same to the applicant, shall cause a record to be made in a poll-book that the applicant has received a ballot-paper.

Procedure to be followed in marking ballot and putting it in box.

**76.** The applicant, having received a ballot-paper, shall forthwith retire to one of the compartments provided for the purpose and shall then and there, screened from observation by any other person, mark the ballot-paper by placing a cross in the blank space after the name of the candidate for whom he desires to vote. He shall then fold the ballot-paper in such a way as to conceal the names of the candidates and any mark he may have made on the ballot-paper, but so as to expose the initials written on the back thereof by the Deputy Returning Officer or the poll clerk. He shall then leave the compartment without delay, and having exhibited the folded ballot-paper to the Deputy Returning Officer or poll clerk, so that the initials written on its back may be seen, he shall, without exposing the front of the ballot-paper to anyone, deposit it in the ballot-box provided for the purpose.

Oath to be administered if required.

**77.** A Deputy Returning Officer may, and shall if so requested by a candidate, or the agent of a candidate, require of any applicant claiming to be an elector, and before giving him a ballot-paper, that he take an oath in the following form, to be administered to him by the Deputy Returning Officer:—

You swear [*or solemnly affirm*]:—

- (a) That you are the person referred to as No.      in the list of electors being used in this election:
- (b) That you have not, as an elector, voted before in this election at this or any other polling-place:
- (c) That you are of full age and a Canadian citizen:
- (d) That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, in respect of the vote for which you now apply.

So help you God.

Any applicant required to take such oath shall not, if he refuses to take it, be supplied with a ballot-paper.

Illiterate or disabled voter.

**78.** A Deputy Returning Officer upon being satisfied that a voter is unable to read, or is incapacitated by physical disability, other than blindness, from marking his ballot-paper as above prescribed, shall, in the presence only of the voter and the agents of the candidates, cause



the ballot-paper to be marked in manner directed by the voter and deposited in the ballot-box. The Deputy Returning Officer shall cause a list to be kept of the names of all voters whose ballot-papers have been marked pursuant to this section with the reason for the same in each case.

Blind voter.

**79.** A Deputy Returning Officer upon being satisfied that a voter is incapacitated by blindness from marking his ballot-paper shall deal with him in the same way as with an illiterate or otherwise incapacitated voter, or, at the request of such blind voter, if he is accompanied by some other person, shall permit that person to accompany the blind voter into a compartment and there mark the blind voter's ballot-paper for him. The Deputy Returning Officer shall cause a list to be kept of the names of all voters whose ballot-papers have been marked pursuant to this section.

Spoiled ballot.

**80.** A voter who has inadvertently dealt with a ballot-paper in such a way that it cannot be conveniently used may, on delivering it up to the Deputy Returning Officer and satisfying him that it was so dealt with, obtain another ballot-paper in place of the one so delivered up. The Deputy Returning Officer shall forthwith write the word "spoiled" upon the ballot-paper so delivered up, and shall retain it.

Personation.

**81.** The Returning Officer or Deputy Returning Officer shall, if he has reason to suspect that any person is personating or attempting or about to personate any elector or deceased elector, or if called upon so to do by any candidate or agent of any candidate, require such person to sign his name in a book to be kept for the purpose. Any person who, upon being so required, declines or refuses to sign his name, or make his mark if he cannot write, shall not be permitted to vote, and shall, on summary conviction, be liable to the penalties provided for persons guilty of corrupt practices.

Personation not to prevent actual voter from voting.

**82.** If a person applies for a ballot-paper after another person has voted in the name of the applicant, he shall nevertheless be entitled to receive a ballot-paper and to vote if:—

- (a) He satisfies the Deputy Returning Officer that he is in fact the person whose name appears in the district roll for that polling district and in whose name another person has already voted:
- (b) He takes the oath set out in section 77 of this Act.

Riot or violence.

**83.** If the proceedings at any contested election are interrupted or obstructed by any riot or open violence at any polling-place, the Returning Officer may, with due publicity, cause the proceedings at that polling-place to be adjourned until a later time, and, if necessary, may repeat such adjournment until such interruption or obstruction has ceased, when the Returning Officer shall continue the proceedings until

the poll at that polling-place has been open for eleven hours in all. The Returning Officer shall postpone any declaration that a candidate is elected until he has taken into account the ballots marked during the adjourned proceedings.

Persons entitled to be in polling-place.

**84.** During the time the poll is open, the Deputy Returning Officer may regulate the number of persons to be admitted to the polling-place at any time, and no person shall be entitled to be present in a polling-place except the Returning Officer, the Deputy Returning Officer for that polling district, the poll clerks for that polling district, the candidates and their authorized agents, such constables as may be required, and such persons as are actually engaged in applying for ballot-papers and voting in accordance with this Act.

Persons present at close may vote.

**85.** Every person qualified to vote thereat who is at the polling-place at the time fixed for closing the poll shall be entitled to vote.

Loitering.

**86.** No person shall on polling-day loiter or remain longer than necessary for the purpose of voting in the vicinity of a polling-place, and no person shall on polling-day distribute any circular or card or carry on any political activity whatsoever within a building containing a polling-place or within one hundred feet of any entrance to such building and used as an entrance for voters.

*Proceedings after the Close of the Poll.*

Counting the vote.

**87.** In every polling-place the Deputy Returning Officer shall immediately after the close of the poll, in the presence of the poll clerk and such of the candidates and their agents as may then be present, open the ballot-boxes and proceed to count the votes for each candidate.

Invalid votes.

**88.** In counting the votes the Deputy Returning Officer shall reject as invalid any ballot-paper:—

- (a) Which has not been supplied by the Returning Officer:
- (b) Which, although given out and deposited in a ballot-box, is unmarked:
- (c) By which votes have been given for more candidates than are to be elected:
- (d) Upon which there is any writing or mark by which the voter could be identified, or which has been so torn, defaced, or otherwise dealt with by the voter that he could be thereby identified.

Deputy Returning Officer to decide.

**89.** The Deputy Returning Officer, subject to review as in this Act provided, shall decide whether or not any ballot-paper shall be rejected as invalid and any other question in respect of the counting. Any candidate, or his agent, may object to any decision of the Deputy Returning Officer, and thereupon the Deputy Returning Officer shall

make a written note of the objection and assign a number thereto, which number he shall, together with his initials, place on the back of the ballot-paper in respect of which the objection is made.

Ballot-papers to be segregated.

**90.** Thereupon the Deputy Returning Officer shall segregate all the ballot-papers supplied to him by the Returning Officer for use in the election of Mayor into the following classes, and shall put those in each class in a separate package or envelope:—

- (a) All the used ballot-papers which have not been objected to and have been counted as valid:
- (b) All the used ballot-papers which have been objected to and have been counted as valid:
- (c) All the rejected ballot-papers:
- (d) All the spoiled ballot-papers:
- (e) All the unused ballot-papers.

The Deputy Returning Officer shall proceed in the same way with the ballot-papers supplied to him by the Returning Officer for use in the election for Alderman.

Packages of ballots to be sealed.

**91.** The Deputy Returning Officer shall endorse each such package or envelope so as to indicate the contents thereof, and shall seal the same, and any candidate, or his agent, may add his own seal to any such package or envelope.

Statement by Deputy Returning Officer.

**92.** The Deputy Returning Officer shall make and sign a statement in duplicate showing in respect of an election for Mayor:—

- (a) The number of ballot-papers supplied to him by the Returning Officer:
- (b) The number of votes validly given for each candidate:
- (c) The number of rejected ballot-papers:
- (d) The number of spoiled ballot-papers:
- (e) The number of ballot-papers unused.

The Deputy Returning Officer shall also make and sign a statement in duplicate to the same effect in respect of an election for Alderman.

Documents to be put in ballot-box.

**93.** In the case of an election for Mayor, the Deputy Returning Officer shall place in the ballot-box used for such election one copy of the statement referred to in section 92, the packages or envelopes referred to in clauses (a), (b), (c), and (d) of section 90, the poll-book supplied by the Returning Officer, and all other documents required to be used in the election.

In the case of an election for Alderman, the Deputy Returning Officer shall place in the ballot-box used for such election one copy of the statement referred to in section 92, the packages or envelopes referred to in clauses (a), (b), (c), and (d) of section 90, the poll-book supplied by the Returning Officer, and all other documents required to be used in the election.

Box to be locked and sealed.

**94.** The Deputy Returning Officer shall then lock and seal such ballot-boxes, and any candidate, or his agent, may add his seal if he so desires.

Box and contents to be delivered to Returning Officer.

**95.** The Deputy Returning Officer shall then with all dispatch personally deliver a second copy of the said statement, together with the ballot-box so locked and sealed, to the Returning Officer, and shall be entitled to obtain a receipt therefor.

Returning Officer to make declaration of election.

**96.** Upon receiving all the said statements from the several Deputy Returning Officers, the Returning Officer shall at the City Hall, in the presence of such of the candidates and their agents as may be present, add together the numbers of votes validly given for each candidate for the office of Mayor as they appear from such statements and the number of votes validly given for each candidate at the advanced poll (if any). He shall then publicly declare the candidate who has been given the largest number of such votes to be elected as Mayor. The Returning Officer shall also add together the numbers of votes validly given for each candidate for the office of Alderman as they appear from the statements delivered by the Deputy Returning Officers and the number of votes validly given for each such candidate at the advanced poll (if any). He shall then publicly declare the candidates who have been given the largest number of such votes to be elected in respect of the vacancies to fill which the election has been held.

Procedure in case of tie.

**97.** Where the Returning Officer finds that an equality of votes exists and that the addition of one vote would enable a candidate to be declared elected, the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be elected and publicly declare accordingly.

City Clerk to have custody of boxes.

**98.** The ballot-boxes, locked and sealed as above provided, together with those used for the advanced poll, if any, shall be placed in the custody of the City Clerk, and, subject to the order of a Judge, shall be retained intact by him at the City Hall until the expiration of two months from polling-day, after which the City Clerk shall cause them to be opened and their contents destroyed in the presence of two witnesses, from whom the City Clerk shall obtain a certificate of the fact of such destruction in their presence.

*Recount.*

Order for recount.

**99.** If, within ten days after the declaration made by the Returning Officer of the result of any contested election, any elector applies to a Judge upon affidavit alleging:—

- (a) That the votes have been improperly counted; or
- (b) That any votes have been disallowed which ought to have been counted as valid; or

- (c) That any votes have been counted as valid which ought to have been rejected; or
- (d) That any incorrect statement as to the number of votes given for any candidate has been used in arriving at the result; or
- (e) That any error in adding up the votes to arrive at the result has taken place,—

the Judge may make an order appointing a time and place at which the votes shall be recounted.

Security for costs.

**100.** Before the recount is proceeded with, the applicant shall furnish such security for the costs of the recount, not to exceed five hundred dollars, as the Judge by his order shall fix.

Notice to be given.

**101.** The applicant shall cause written notice of such appointment, either by personal service or otherwise, as the Judge directs, to be given to each candidate for such office at the election and to the Returning Officer at least two days before the day appointed for the recount.

Who to be present.

**102.** The Judge shall decide what persons other than the Returning Officer and the candidates may be present while the recount is taking place.

When recount shall begin.

**103.** Unless the Judge for special cause otherwise orders, the recount shall begin within one week after the day upon which the order for a recount is made, and shall proceed with as few adjournments as possible.

Safe-keeping of documents.

**104.** The Judge may give such direction as he thinks necessary for the safe-keeping of the ballot-papers and other documents relating to the election.

Procedure at recount.

**105.** The City Clerk shall produce before the Judge the locked and sealed ballot-boxes used at the election in respect of which the recount is ordered. The Judge shall cause the ballot-boxes to be opened, and shall proceed to open and examine the various packages and envelopes therein. He shall recount all the ballot-papers delivered to the Returning Officer by the various Deputy Returning Officers, together with those used at the advanced poll, if any, or so many of such ballot-papers as may be necessary to make the certificate referred to in section 108.

Secrecy of vote to be maintained.

**106.** During the recount, care shall be taken that the name of the candidate for whom any particular voter has marked his ballot-paper shall not be disclosed.

What votes to be counted.

**107.** The Judge shall, in recounting the votes, be guided by the provisions of section 88 to be followed by the Deputy Returning Officer. He may, if he thinks fit, hear such evidence as he may think necessary to determine any question of fact arising during the recount.

Certificate of Judge on recount.

**108.** Upon the completion of the recount, the Judge shall cause all the ballot-papers and other documents produced before him to be returned to the City Clerk, together with his certificate as to the result of the recount. If such result differs from that declared by the Returning Officer, the certificate of the Judge shall be deemed to have been substituted for such declaration. The Judge shall not certify that another candidate is elected unless such candidate is given more votes than the candidate declared by the Returning Officer to have been elected.

Costs.

**109.** The costs of and incidental to the recount shall be in the discretion of the Judge, who may order by whom, and to whom, and in what manner they shall be paid. He may fix the amount or direct them to be taxed by the District Registrar of the Supreme Court. Such costs shall be recoverable in the same manner as a judgment of the Supreme Court.

Disposition of security.

**110.** The Judge shall make such disposition of the security for costs furnished under section 100 as may be just.

*Proceedings to unseat.*

Power of Judge to determine status of members of Council.

**111.** The validity of the election of a Mayor or of an Alderman, or his right to hold his seat as such Mayor or Alderman, may, in accordance with the following provisions, be tried and determined by a Judge, whose decision shall be final.

Petition.

**112.** Any candidate at the election, or any five duly qualified electors, may present a petition verified by affidavit to the Judge, praying:—

- (a) That the election of a Mayor, or of an Alderman, may be declared invalid because it was not conducted according to law, or because the person declared to be elected was not duly elected; or
- (b) That a Mayor or an Alderman may be declared to have forfeited his seat or become disqualified since his election.

Time for petition.

**113.** Every petition to have an election declared invalid shall be filed within ten days from the date upon which such Mayor or Alderman was finally declared to be elected, and every petition to have a Mayor or an Alderman declared to have forfeited his seat, or to have become disqualified, shall be filed within twenty-one days after the alleged ground of forfeiture or disqualification came to the attention of the petitioners.

How Judge is to proceed.

**114.** If the Judge is satisfied upon the facts alleged in the petition and verified as aforesaid that there is reasonable ground for supposing that the declaration prayed for should be made, he may require the petitioners to furnish adequate security for the costs of the

Mayor or Alderman petitioned against, and, such security having been furnished, the Judge shall hear and determine the matters raised in the petition in a summary manner without formal pleadings.

Powers of Judge.

**115.** The Judge shall, subject to this Act, have the same powers, jurisdiction, and authority with respect to the hearing of the petition and the proceedings thereon as if it were an ordinary matter within his jurisdiction.

Directions to be given.

**116.** The Judge may in his discretion give directions, as the need arises, for:—

- (a) Fixing the amount required as security for costs and the method of furnishing it:
- (b) Fixing the times and places for the hearing of the petition:
- (c) Designating the method of taking evidence, either by affidavit or oral testimony or both: Provided that any allegations of bribery or corrupt practices shall be proved by oral testimony:
- (d) Designating what persons are to be notified of the hearing and how they may be served, whether personally or substitutionally:
- (e) Dealing with any matter or thing not otherwise provided for.

Witnesses.

**117.** Any witness shall be bound to attend before the Judge upon being served with an order of the Judge, directing his attendance, in the same manner as if he had been directed by a writ of subpœna in an ordinary cause to attend, and he may be punished for contempt, and shall be liable to all the penalties for non-attendance as if he had been served with a subpœna in an ordinary cause to attend. No witness shall be required to divulge for whom he voted at the election.

All questions to be answered.

**118.** No person shall be excused from answering any question put to him touching or concerning any election, or the conduct of any person thereat or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to incriminate such person; but no such answers given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty, shall be used in any proceeding under this Act against any such person if such Judge gives to such witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer to the satisfaction of the said Judge.

Order where election invalid.

**119.** If the petition is for a declaration that the election is invalid, the Judge may make a declaration:—

- (a) Confirming the election; or
- (b) Adjudging the election invalid; or

- (c) Adjudging that the election of any person be set aside; and
- (d) Adjudging that some other person was duly elected; or
- (e) Adjudging that no other person was duly elected.

Order where forfeiture or disqualification.

**120.** If the petition is for a declaration that a Mayor or Alderman has forfeited his seat, or become disqualified since his election, the Judge may make a declaration:—

- (a) Confirming the Mayor or Alderman in his seat:
- (b) Forfeiting his seat:
- (c) Disqualifying him.

Technical irregularities not to invalidate.

**121.** No election of a Mayor or Alderman shall be declared invalid by reason only of any irregularity or non-compliance with a provision of this Act if it appears to the Judge that the election was conducted in good faith and in accordance with the principles laid down by this Act, and that such irregularity or non-compliance did not materially affect the result of the election.

Procedure where election held invalid.

**122.** If the election is adjudged invalid, the Judge shall order that any person found not to have been duly elected shall be removed from office, and if it is adjudged that some other person was duly elected, the Judge shall order that such person be admitted forthwith to the office.

Costs.

**123.** The costs of and incidental to any petition shall be in the discretion of the Judge, who may order by whom, and to whom, and in what manner they shall be paid. He may fix the amount or direct them to be taxed by the District Registrar of the Supreme Court. Such costs shall be recoverable in the same manner as a judgment of the Supreme Court.

Disposition of security.

**124.** The Judge shall make such disposition of the security for costs furnished under section 116 as may be just.

Penalty.

**125.** If the Judge makes a declaration adjudging that the election of any person as Mayor or Alderman be set aside, or that he has forfeited his seat or become disqualified since his election, or if a person appeals unsuccessfully under section 127 of this Act, the Judge may order such person to pay to the city such sum, not exceeding three thousand dollars, as the Judge thinks fit.

Disclaimer.

**126.** The filing of a disclaimer under section 127 of this Act may take place notwithstanding the filing of a petition under section 112, and in such case the Judge may permit the petition to be withdrawn, except where it contains allegations of bribery or corrupt practices on the part of the person filing such disclaimer.

Mayor or Alderman unseated to continue pending certain events.

**127.** Where it is alleged that a person duly declared to be elected as Mayor or Alderman:—



- (a) Was not validly elected; or
- (b) Since his election has forfeited his seat or has become disqualified,—

his seat shall nevertheless not be vacated, and he shall not be prevented from voting or acting as Mayor or Alderman, as the case may be, unless and until:—

Declaration by Judge.

- (c) A declaration has been made by a Judge that such person was not validly elected, or that, since his election, he has forfeited his seat or has become disqualified; or

Receipt of disclaimer.

- (d) Such person files a written disclaimer with the City Clerk renouncing all claim to the seat; or

Resolution by Council.

- (e) A resolution has been passed by the Council declaring his seat vacant for some default under this Act causing such vacancy: Provided, however, that such person may within five days after the passing of such resolution appeal to a Judge, who, after making such inquiry as he deems necessary and hearing the parties, shall either confirm the resolution or set it aside. The proceedings in any such appeal shall, so far as practicable, be those applicable to a petition under section 112, and the Judge shall have the like powers as to security for costs, as to compelling the attendance of witnesses, and as to costs; and provided further that the person so appealing shall not be entitled to vote or act as Mayor or as Alderman pending the determination of the appeal. In the event of such an appeal, the appellant's seat shall not be deemed to be vacated unless and until the resolution is confirmed by the Judge.

When new election to be had.

**128.** In case a person duly declared to be elected as a member of the Council dies before being sworn in, or neglects or refuses to be sworn in within five weeks after his election, or in case a member of the Council after being sworn in:—

- (a) Dies;
- (b) Files a disclaimer under section 127;
- (c) Deposits a notice of his resignation pursuant to section 140;
- (d) Has been declared by a Judge not to have been validly elected, with no adjudication that some other person was elected;
- (e) Has been declared by a Judge to have forfeited his seat or to have become disqualified as a member of the Council since his election;
- (f) Has been convicted of any corrupt practice, undue influence, or treating under this Part of this Act; or
- (g) Has his seat declared vacant by resolution of Council, or he having appealed therefrom, such resolution is confirmed by the Judge,—

Warrant therefor.

his seat shall be deemed to be vacated, and the Mayor, or the senior Alderman in point of service on the Council, shall forthwith issue his

warrant requiring the Returning Officer who held the last election under this Act (or some other person if such Returning Officer is not available) to call for nominations and as Returning Officer to hold a new election to replace such member:

Election may be dispensed with.

Provided, however, and notwithstanding the issue of the warrant, in case such a vacancy occurs after the first day of July in any year with respect to a member whose term would expire in the next following year, no new election need be held to fill such vacancy if the Council so resolves by a two-thirds majority. In case such a vacancy occurs after the first day of July in any year with respect to a member whose term would expire in the second year after such vacancy, the new election may be postponed until the next annual election if the Council so resolves by a two-thirds majority. This proviso shall not apply if at the time the warrant is issued more than one vacancy exists.

Election may be postponed.

Nomination-day.

**129.** The person to whom the warrant is directed shall appoint a day, not being more than thirty days after he receives the warrant, as nomination-day, and the provisions of this Act with respect to nominations, contested elections, recount, and proceedings to unseat shall, *mutatis mutandis*, apply.

New member serves out term.

**130.** Where a new election is held to replace a member of the Council, the Mayor or Alderman elected thereat shall remain in office for the balance of the term of the member so replaced.

*Corrupt Practices, Undue Influence, and Treating at Elections.*

Corrupt practices.

**131.** The following persons shall be deemed guilty of corrupt practices:—

- (a) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place, or employment to or for any elector, or to or for any person on behalf of any elector, or to or for any person in order to induce any elector to vote or refrain from voting at an election or upon any by-law for raising any money or creating a debt upon the city or for any purpose whatsoever, or who corruptly does any act as aforesaid on account of such elector having voted or refrained from voting at any such election or upon any such by-law:
- (b) Every person who directly, by himself or by any other person on his behalf, makes any gift, loan, or offer, promise, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member of the Council, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any elector at any election or for or against such by-law:

- (c) Every person who, by reason of any such gift, loan, offer, promise, or agreement, procures or engages, promises, or endeavours to procure the return of any person in any election, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any elector at any election or for or against such by-law:
- (d) Every person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intention that such money or any part thereof shall be expended in bribery at any election as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law:
- (e) Every elector who, before or during any election, or the voting on any such by-law, directly or indirectly, by himself or any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for himself or any person for voting or agreeing to vote, or refraining or agreeing to refrain from any voting, at any such election or upon any such by-law:
- (f) Every person who, after any such election or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting at any such election or upon any such by-law:
- (g) Every person who, during the voting at an election or upon any by-law, knowingly personates or falsely assumes to vote in the name of another person whose name appears on the list of electors, whether such person be then living or dead, or if the name of such other person be that of a fictitious person; every person who, having already voted at an election or upon a by-law, presents himself again to vote in the same capacity at the same election or upon the same by-law; and every person who aids, incites, counsels, or facilitates the commission, by any person whomsoever, of any of the foregoing acts in this clause mentioned.

Undue influence.

**132.** Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of any force, violence, or restraint, or inflicts or threatens to inflict, or threatens the infliction, by himself or by or through any other person, of any injury, damage, or loss, or in any manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at an election or at the voting upon any by-law, or on account of such person having voted or refrained from voting thereat, or who in any way prevents or otherwise interferes with the free exercise of the franchise of

any elector, shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned.

Treating.

**133.** Every person who corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election or the voting upon any by-law, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment, or provisions to or for any person in order to be elected, or for being elected, or procuring the election of any person, or the passage of any such by-law, or for the purpose of corruptly influencing such person or any other person to give, or refrain from giving, his vote at such election or upon such by-law, shall be deemed guilty of treating, and shall be subject to the penalty hereinafter mentioned.

Penalties.

**134.** Any person who is convicted of any corrupt practice, undue influence, or treating shall, in addition to any other penalty or punishment to which he may by any law or Statute be made subject, be liable, on summary conviction therefor before a Police Magistrate, to a penalty not exceeding five hundred dollars for each offence, exclusive of costs; and in default of payment forthwith it shall be lawful for the Police Magistrate convicting to commit the offender to the common gaol for a period not exceeding six months, with or without hard labour, for each offence, unless the said penalty and costs be sooner paid; and such person shall be incapacitated from being a candidate at any election for two years thereafter.

Forfeiture of seat.

**135.** Any candidate elected at any contested election convicted of any corrupt practice, undue influence, or treating as hereinbefore provided shall, in addition to the penalties hereinbefore set forth, forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter.

Permitted expenses.

**136.** The actual personal expenses of any candidate, his reasonable expenses for actual professional services performed, and bona-fide payments for the fair costs of printing, advertising, broadcasting, and other reasonable expenses in connection with the election incurred in good faith and without any corrupt intent shall be held to be expenses lawfully incurred, and payment thereof shall not be a contravention of this Act.

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PART III.

THE COUNCIL AND ITS GENERAL POWERS.

**137.** Except as otherwise provided, the powers of the city shall be exercisable by the Council, composed of a Mayor and eight Aldermen

elected at large as provided by this Act. A Mayor shall be elected at the annual election held in each even-numbered year, and four Aldermen shall be elected at each annual election.

Mayor's term of office.

**138.** The term of office of the Mayor, if he is elected at an annual election and duly sworn in, shall be from noon of the first Wednesday after the first day of January following his election, or from the time of his swearing-in, whichever is the later, until noon of the first Wednesday after the first day of January two years later, and thereafter until his successor is sworn in.

Aldermen's term of office.

**139.** The term of office of an Alderman, if he is elected at an annual election and duly sworn in, shall be from noon of the first Wednesday after the first day of January following his election, or from the time of his swearing-in, whichever is the later, until noon of the first Wednesday after the first day of January two years later, and thereafter until a quorum of the Council is sworn in.

Resignation, how effected.

**140.** Except where the effect of such resignation would be to reduce the number of members of the Council below its quorum, a member of the Council may resign his seat by depositing with the City Clerk a written notice of resignation. Such resignation shall take effect when his successor is sworn in, or at such earlier date, if any, as may be specified in the notice.

Alderman seeking office of Mayor.

**141.** An Alderman may be nominated for the office of Mayor, but only if notice of his resignation as Alderman has been deposited with the City Clerk at least twenty-one days before the nomination-day for the office of Mayor, and whether his resignation takes effect when his successor is sworn in or at an earlier date, the vacancy so occasioned may be filled at the same time as the election for the office of Mayor. The provisions of this Act with respect to nomination, contested elections, recount, and proceedings to unseat shall, mutatis mutandis, apply, but section 128 shall not apply. Where the vacancy in the office of Mayor is to be filled at an annual election, such notice of resignation shall not be required of an Alderman whose office is to be filled at such annual election.

First meeting of Council.

**142.** The first meeting of the Council in each year shall be held on the first Wednesday after the first day of January at noon.

Oath to be taken.

**143.** No member of the Council shall take part in any of its business until he has been duly sworn in by subscribing and taking the following oath:—

I, *A. B.*, Mayor [*or* Alderman] -elect for the City of Vancouver, make oath and say that I am a Canadian citizen possessing the qualifications by law required, and that I am not in any way disqualified from holding the office of Mayor [*or* Alderman] for the City of Vancouver, and I have not, nor will I have, while holding office, any interest, directly or indirectly, in any contract or services connected with the said city except

as provided in the "Vancouver Charter." I have not by myself, or any other person, knowingly employed any bribery, corruption, or intimidation to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters.

Sworn before me at the City of Vancouver,  
 in the Province of British Columbia,  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

How sworn.

**144.** The Mayor may be sworn in by the City Clerk or a Justice of the Peace, and an Alderman may be sworn in by the Mayor or, in his absence, by the City Clerk or a Justice of the Peace.

Oaths to be filed.

**145.** The oaths so subscribed and taken shall be retained by the City Clerk and filed in his office.

A quorum sufficient.

**146.** The acts done by a quorum of the Council or other administrative body shall not be held to be invalid by reason of the fact that the Council or administrative body is not at the time composed of the required number of members.

Continuing bodies.

**147.** The Council and other administrative bodies shall be deemed and considered to continue in existence notwithstanding any change in their membership, and proceedings begun by one Council or administrative body may be continued and completed by a succeeding Council or administrative body.

Unreasonableness no bar.

**148.** A by-law or resolution duly passed by the Council in the exercise of its powers, and in good faith, shall not be open to question in any Court, or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Time within which acts may be questioned.

**149.** Any by-law and any resolution passed by the Council in pursuance of its powers shall be absolutely valid and binding upon all parties concerned, and shall not be questioned in any Court unless within one month after its final passing:—

- (a) A notice of application to quash the by-law or resolution under Part XXV of this Act has been served upon the city; or
- (b) An action has been commenced in a Court of competent jurisdiction to set the by-law or resolution aside.

Good faith test of sales.

**150.** The determination of the Council as to the time when, the manner in which, the terms on which, the price for which, or the person to whom, any property of the city which the Council may lawfully sell shall be sold shall not be open to question or review by any Court if the purchaser is a person who may lawfully buy and the Council acted in good faith.

Mode of exercise of powers.

**151.** Any of the powers of the Council may be exercised by by-law. They may likewise be exercised by resolution in any case where a by-law is not specifically required, but:—

- (a) A by-law shall not be subject to amendment by a resolution; and
- (b) Where the Council in the exercise of a power directs that a thing should or should not be done, and a fine or penalty is inflicted for failure to comply, the power shall be exercised by by-law.

Devises or bequests, how dealt with.

**152.** The city may accept and receive property devised or bequeathed to it subject to the trusts, if any, upon which the same is devised or bequeathed.

Exceptional grants only upon assent of electors.

**153.** Except as otherwise provided by this or some other Act, the Council shall not have the power to grant to any person any special rights, franchise, privilege, immunity, or exception beyond such as all others in the like case are entitled to, unless the granting of the same has been authorized by a by-law requiring the assent of the electors.

Power of Provincial Government to confer added powers in emergency.

**154.** If at any time, due to unforeseen events of unusual and pressing gravity, the Council, by a vote of not less than two-thirds of the members thereof, passes a resolution declaring that a state of emergency exists in the city, and that the powers then enjoyed by the Council are insufficient to cope with such emergency, the Lieutenant-Governor in Council may by Order confer on the Council such additional powers with respect to the management and disposal of the property and assets of the city as he thinks necessary for the period of such emergency, and thereupon the Council shall have and may exercise the powers so conferred.

Settlement of claims.

**155.** In respect of matters within its jurisdiction, the Council shall have power in its discretion to settle and compromise any claim, action, or proceeding made or taken by or against the city.

Witnesses may be required to attend.

**156.** The Council, or any committee of members of the Council, shall have power, under the hand of the Mayor, to summon witnesses for examination on oath in any and all matters within its jurisdiction, and the Mayor shall have the same power to enforce the attendance of such witnesses and compel them to give evidence as is vested in any Court of law in civil cases. The Mayor or chairman of the committee shall administer the oath to any witness, and such witness may be examined, cross-examined, and re-examined according to the practice of the Supreme Court in civil cases.

Declaratory judgments may be sought.

**157.** Where the Council deems it advisable, the city may institute an action or proceeding merely for a declaratory judgment or order in any Court of competent jurisdiction:—

- (a) To ascertain the right of the city, or any person as against the city, in any matter or thing pertaining to any property, real or personal, or in respect to any moneys, claim, or demand whatsoever;
- (b) To test the liability to taxation of any person or property;
- (c) To ascertain the liability for or right to damages in any cause or matter;

and the Court may make binding declarations of right whether any consequential relief is sought or not, or is or could be claimed or not; and the Court shall have jurisdiction to hear and entertain such action or proceeding, and such action or proceeding shall not be open to objection merely because such declaratory judgment or order alone is sought thereby.

Recovery of costs in certain cases.

**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, if the 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.

Council may set up committees.

**159.** The Council may provide for such committees as it sees fit, and may refer any matter to a committee for report.

Their discharge.

**160.** All committees of the Council shall stand discharged at noon on the first Wednesday after the first day of January of each year, but may be reappointed if the Council thereafter so directs.

Delegation of powers.

**161.** By a vote of not less than two-thirds of its members, the Council may delegate, with or without restrictions or conditions, to any committee comprised:—

- (a) Of members of the Council; or
  - (b) Of employees of the city; or
  - (c) Of members of the Council and employees of the city,—
- any of the executive or administrative powers exercisable by the Council.

Council's power to set up departments, etc.

**162.** The Council:—

- (a) May establish and equip such departments and offices as it may from time to time deem expedient in the exercise of its powers, and may assign such functions and duties to the persons employed in such departments and offices as the Council may from time to time decide: Provided, however, that the functions and duties specifically assigned to any employee by this Act shall not be abridged or impaired by the Council, but additional functions and duties may be assigned him:



To appoint employees.

- (b) May provide for the appointment and removal of such employees as may be considered necessary, and may fix their remuneration and hours of work, and shall require that their appointment, promotion, and change of status be based on merit and fitness.

Termination on one month's notice.

**163.** The engagement of every employee of the city engaged on a monthly or longer basis shall be subject to termination upon one month's notice in writing, but any employee may be dismissed without notice for good cause.

Provision for bonding.

**164.** So many of such employees as the Council may from time to time designate shall be bonded, for such obligation, in such amount, and with such surety as the Council directs. The premiums on such bonds shall be paid by the city.

By-laws covering procedure.

**165.** The Council may by by-law provide for:—

Quorum.

(a) The procedure to be followed at meetings of the Council and its committees, including the conduct of their members at such meetings:

(b) The fixing of a quorum for the meetings of the Council and each of its committees: Provided that the quorum shall not be fewer than a majority of the whole number of members of the Council or of the committee, as the case may be:

Notice of meetings.

(c) The means and length of notice of such meetings to be given to their members:

Minutes.

(d) The minutes or other records of the business transacted by the Council and its committees:

Delegation of powers.

(e) The delegation to a head of a department of such powers of employing, suspending, or dismissing an employee in that department as the Council sees fit:

Other regulations.

(f) Such other regulations not inconsistent with this Act as may be considered expedient in furtherance of the business of the Council, or any committee thereof.

Special vote to.

**166.** The votes of not less than two-thirds of the members present shall be necessary to:—

Supersede ruling of Chair.

(a) Supersede a ruling of the presiding officer at a meeting of the Council:

Rescind current resolution.

(b) Rescind a resolution passed by the Council in the then current calendar year.

How by-law to be completed.

**167.** Upon the final passing of a by-law, the City Clerk shall sign the same, the Mayor, or other member of the Council presiding at the time the by-law was finally passed, shall affix his signature, and thereupon the City Clerk shall affix the common seal of the city thereto.

Inspection by public of records.

**168.** A bona-fide request for the inspection of any record or document of the city, subject to reasonable regulations as to the time and manner of such inspection, or for a copy thereof, shall be complied with, unless for good cause the City Comptroller otherwise directs. For furnishing copies, the city may make the same charge as is made by the official stenographer to the Supreme Court for the like service.

Execution of contracts.

**169.** Save as otherwise provided in this Act, contracts entered into by the city to which the common seal is required to be affixed shall be signed by the persons designated for the purpose by the Council, or, if no such designation is made, shall be signed by the Mayor and the City Clerk.

Signing of cheques.

**170.** Cheques shall be signed by such persons, or otherwise authenticated in such manner, as the Council shall determine.

By-law provable by production.

**171.** Any printed document purporting to be a by-law of the city, or a copy thereof, and to be printed by authority of the Council shall be admitted as prima facie evidence of such by-law in all Courts of the Province.

Taxes, etc., are a debt due the city.

**172.** Real property and other taxes, water rates, licence and other fees, and all costs, charges, and expenses imposed by or pursuant to this Act and payable by any person to the city shall, without prejudice to any other remedy, be a debt due to the city recoverable by action in any Court of competent jurisdiction.

General period of limitation for actions, etc.

**173.** (1) Save as in this Act otherwise provided, all actions or suits against the city for indemnity for any damage, whether continuing or not, or upon any ground, or for any cause or reason whatsoever, shall be commenced within twelve months after the cause of action shall have first arisen, but not afterwards, and thereafter the same shall be absolutely barred.

(2) Notwithstanding anything in this Act contained, any action or other proceeding wherein a person seeks to recover from the city indemnity against or contribution in respect of any claim made against such person, shall be commenced within six months after such person first became entitled to bring such action or other proceeding.

(3) Save as provided in subsection (2) hereof, nothing in this section shall be construed to extend any period of limitation prescribed by any other section of this Act.

Fair-wage clause.

**174.** Whenever the Council gives a contract to any person for the doing of any work which the city itself might do, it shall be stipulated in the contract that such person shall pay or cause to be paid to every person employed on such work not less than the wages or remuneration generally accepted as current at the time.

Union label may be required.

**175.** (1) It shall be lawful for the Council in awarding any contract to stipulate that all or any part of the materials supplied thereunder shall bear the union label.

Special provision in collective agreements.

(2) It shall be lawful for the Council in making any collective agreement with employees of the city in respect of which the Council has jurisdiction, and who are represented by a labour organization as bargaining agent, to insert in such agreement a provision requiring, as a condition of continued employment, membership in such labour organization, or a preference of employment to members of such labour organization.

Inquiry by barrister.

**176.** The Council may engage a barrister to investigate and report upon:—

- (a) Any alleged misfeasance, breach of trust, or other misconduct by:—
  - (i) Any member of the Council:
  - (ii) Any member of any other administrative body:
  - (iii) Any employee of the city:
  - (iv) Any person having a contract with the city—  
in regard to the duties or obligations of such member, employee, or person to the city:
- (b) Any matter connected with the good government of the city or the conduct of any part of its business, including any business conducted by any other administrative body.

His powers.

**177.** The barrister so engaged shall without delay make the investigation and report thereon to the Council, and for those purposes shall have all the powers of a Commissioner under the “Public Inquiries Act.”

His fees.

**178.** The fees of the barrister and of any witness called by him or by the city shall be payable by the city.

Acquisition of parks, etc.

**179.** The Council may acquire for the city such real property within or without the city as it thinks necessary for parks, playgrounds, pleasure-grounds, or recreational areas, and the Board of Park Commissioners may from time to time make recommendations with respect thereto. So much of the real property so acquired as the Council from time to time so designates shall be public parks.

Indemnification of employees.

**180.** The Council may provide for the indemnification, either in whole or in part, of any employee within its jurisdiction:—

- (a) Whose conduct is called into question under section 176 of this Act; or
- (b) Against whom an action or prosecution is brought arising out of his employment by the city—

if he suffers damages, costs or expenses and the Council is of the opinion that he merits such indemnification.

Conciliation award to be final in certain cases.

**181.** Where a dispute, as defined by the “ Industrial Conciliation and Arbitration Act,” arises:—

- (a) Between a labour organization acting as bargaining authority for the members of the Fire Department and the city as represented by the Council; or
- (b) Between a labour organization acting as bargaining authority for the members of the Police Force and the city as represented by the Board of Police Commissioners;

and where a Conciliation Board has been appointed to deal with such dispute, and where the constitution of the labour organization which is a party to the dispute contains a provision prohibiting a strike by its members, the recommendation of the Conciliation Board with respect to the matters in dispute shall be deemed to be an award pursuant to a reference under the “Arbitration Act.”

Time-limit on completion of labour disputes.

**182.** Where an award made pursuant to section 181 or the acceptance by the city of a decision made by a Conciliation Board under the “ Industrial Conciliation and Arbitration Act ” involves increased expenditure by the city, such award or such decision shall be made and published before the thirtieth day of April in any year, otherwise it shall not be given effect to in the estimates for that year.

City to provide for poor and destitute.

**183.** It shall be the duty of the city to make suitable provision for its poor and destitute.

Plebiscites may be submitted.

**184.** The Council for its own information may submit for the opinion of the electors any question with which the Council has or desires to have power to deal: Provided that any question necessitating the borrowing of money on the part of the city shall be submitted to owner-electors only. The current annual list of electors shall be used.

Council to provide for upkeep of city property.

**185.** (1) The Council may from time to time make the necessary expenditures for the maintenance, upkeep, repair, and improvement of any property of the city.

(2) Where persons are permitted to enter upon real property held by the city, within or without the city, the Council may make by-laws, either general in their application or special as applied to any particular case, regulating the use of any passage-way, driveway, or other part thereof by such persons.

Power to watch legislation.

**186.** Where it is satisfied that any proposed Dominion or Provincial legislation affecting the city should be watched, promoted, or opposed, the Council may provide for such watching, promotion, or opposition, and may defray the expenses incurred in relation thereto.

City may be represented before Boards, etc.

**187.** Where it is satisfied that the interests of the city are concerned in any proceeding, inquiry, or hearing by any Board or Commission

appointed under any Dominion or Provincial Statute, the Council may provide for the representation of the city thereat, and may defray the expenses incurred in relation thereto.

Intermunicipal  
bridges.

**188.** The Council may provide for joining with another municipality in the construction and maintenance of streets, bridges, tunnels, or other public works which are partly in the city and partly in such other municipality, or which are used by the city in connection with real property in another municipality acquired under any of the city's powers.

Good rule and  
government.

**189.** The Council may provide for the good rule and government of the city.

Council may  
acquire property.

**190.** The Council may provide:—

(a) For acquiring such real property (within or without the city) and personal property as may be required for the purposes of the city:

And dispose of it.

(b) For disposing of any personal property or real property of the city, including any parcel purchased at a tax sale, when, in the opinion of the Council, the same is not required for any purpose of the city, upon such terms and conditions as may be deemed expedient, and to accept in payment either money or other property: Provided, however, that, without the assent of the electors:—

Terms of disposal.

(i) No parcel of real property which exceeds two hundred thousand dollars in value, as estimated by the Assessment Commissioner, shall be sold or exchanged; and

(ii) No lease of real property for a term exceeding thirty years shall be granted.

Power to buy and  
sell commodities.

**191.** The Council shall have power with the vote of not less than two-thirds of all its members and for the period of an actual emergency to provide that the city may buy and sell to the public gasoline, coal, wood, oil, and other fuel, and milk, fish, meat, and other foodstuffs, and may acquire and develop the necessary real property for the purpose.

City may enter into  
agreements pursuant  
to Statutes.

**192.** The Council shall have power to make the city a party:—

(a) To any agreement to which under the terms of any Act of the Dominion or the Province it is contemplated that municipalities may be parties and which the Council deems will be for the benefit of the city:

(b) To any agreement with Her Majesty in her right of Canada or the Province, or any of her duly authorized agents, with respect to the construction, improvement, and maintenance of any private roads or ways, sewers, water-mains, poles, wires, pipes, conduits, or other utilities, installations, or equipment

at any time situate on, over, or under the surface of any real property in the city in which Her Majesty aforesaid has any interest, and for contributing in whole or in part towards the cost thereof: Provided that the entering into any such agreement or the expenditure of any money by the city hereunder shall not of itself constitute any road or way aforesaid a public street or highway or be deemed to be evidence of dedication or acceptance of the same as such.

Power to undertake housing development.

**193.** The Council may acquire real property and, by removing or remodelling the buildings thereon, or by constructing dwellings thereon, develop such real property for the purpose of providing housing accommodation for such persons and on such terms as the Council shall think fit, and may maintain, improve, manage, and operate such housing accommodation, and may delegate to a board or commission appointed by the Council all or any of the powers of the Council under this section.

Daylight saving.

**194.** Subject to the provisions of the "Daylight Saving Act," the Council may prescribe a period in each year for which the time for general purposes in the city shall be seven hours behind Greenwich time, and make regulations varying the reckoning of Pacific Standard time as defined by the "Interpretation Act," and prescribe the period in each year in which the regulations so made shall be in force.

Insurance may be contracted for.

**195.** The Council shall have power to contract for insurance against risks that may involve pecuniary loss or liability on the part of the city, and to pay the premiums therefor, or to provide for the establishment, maintenance, and investment of a special fund to meet such loss or liability, or any part thereof, instead of contracting for insurance against it.

Remuneration of members of Council.

**196.** The Council may provide for the monthly remuneration of its members, not to exceed one thousand dollars in the case of the Mayor and three hundred dollars in the case of an Alderman.

By-laws may be revised.

**197.** The Council may, as occasion requires, provide for the revision and consolidation of the by-laws of the city or any of them.

Provision for civic holiday.

**198.** The Council may from time to time, by resolution, appoint a day as a civic holiday, and the Mayor may thereupon make proclamation accordingly.

Added powers of Council.

**199.** The Council, in addition to the powers specifically allotted to it, shall have power to do all such things as are incidental or conducive to the exercise of the allotted powers.

Expenditures to be kept within estimates.

**200.** Except with the consent of the Lieutenant-Governor in Council, the Council shall not wilfully permit the total expenditures made in any year to exceed the amount allocated therefor in the estimates

as adopted, but the Council may, except with respect to money allocated for:—

- (a) Interest on debentures:
- (b) Payments to sinking fund:
- (c) Instalments of principal in respect of debentures:
- (d) Amounts required for school purposes,—

authorize the expenditure for some other lawful purpose of money allocated in such estimates for a specific purpose: Provided that if during any year it becomes apparent that revenue will exceed the estimated amount, the Council may authorize the expenditure of such excess for any lawful purpose.

Balances.

**201.** The Council may authorize the expenditure for any lawful purpose of any balance carried forward from a previous year.

Expenditures prior to adoption of estimates.

**202.** In any year, before the estimates are adopted, the Council may nevertheless authorize such expenditures as are necessary to carry on the business of the city, but such expenditures shall in no case exceed the amounts expended in the previous year for the like purposes, save where not less than two-thirds of all the members of the Council concur in such excess expenditure.

Powers of Council re businesses, trades, etc.

**203.** Where and to the extent that the Council is authorized to regulate, license, or tax persons carrying on a business, trade, profession, or other occupation, it shall have the power to:—

- (a) Divide and subdivide such businesses, trades, professions, or other occupations into as many groups or classes as it sees fit, having regard to the number of persons engaged therein, the extent of the accommodation offered to the public, or on such other basis as the Council may think expedient:
- (b) Differentiate and discriminate between groups or classes both as to the amount of any licence fee or tax to be paid and the terms and conditions under which any group or class may or may not carry on the business, trade, profession, or other occupation:
- (c) Define any business, trade, profession, or other occupation:
- (d) Prohibit, but only by the unanimous vote of the members present.

Expenditure authorized for recognition of guests.

**204.** The Council may provide for the expenditure of money for:—

- (a) The reception, entertainment, or other suitable recognition of guests or persons of importance whom the Council deems worthy thereof:

Celebrations.

- (b) The celebration of any anniversary or other patriotic event deemed by the Council to be desirable:

Disaster relief.

- (c) The relief of persons suffering from disaster, whether within or without the city, in cases where the Council deems such persons deserving of special assistance:

Payment regarding expenses incurred at conventions, etc.

(d) Payment to members of the Council and employees of the city in connection with expenses incurred by them in attending, upon instructions of the Council, any convention or meeting, wherever held:

Payment regarding travelling expenses incurred.

(e) Payment to members of the Council and employees of the city in connection with expenses incurred by them in attending, upon the instructions of the Council, at a place outside the city upon business of the city:

Rewards may be offered.

(f) Paying rewards offered by the Council to any person who furnishes information resulting in the conviction of any person guilty of any offence against any Statute of Canada or the Province or any by-law of the city:

Training to meet emergencies arising out of war, etc.

(g) Aiding in the training and equipment of persons organized to deal with extraordinary emergencies arising out of actual or threatened war, civil disturbance, pestilence, general conflagration, earthquake, or other major disaster:

Awards to employees.

(h) Awarding medals or rewards to employees of the city who distinguish themselves in or about the course of their employment:

Civic periodical authorized.

(i) The production of a periodical or other publication containing such information as shall be deemed by the Council to be of advantage to the city:

Acquisition of property for public purposes.

(j) Acquiring real property for and establishing thereon and equipping, improving, maintaining, and providing for the management of:—

- (i) Public libraries:
- (ii) Public art galleries:
- (iii) Public museums:
- (iv) Civic office buildings, workshops, and yards:
- (v) Public auditoriums:
- (vi) Public schools:
- (vii) Juvenile Courts and detention homes:
- (viii) Recreational centres:
- (ix) Any other buildings or premises required for municipal purposes.

Freedom of the city may be bestowed.

**205.** By unanimous vote of the members present, the Council may bestow the freedom of the city upon any person considered to merit such distinction, and thereafter such person shall, so long as the bestowal remains unrevoked, be entitled to be called a Freeman of the City of Vancouver.

Council may make grants.

**206.** The Council may, by resolution passed by not less than two-thirds of all its members, provide for the making of money grants to:—

Charity.

(a) Any charitable institution:

Animal society, etc.

(b) Any animal or poultry society or association:



- Preventing cruelty to animals. (c) The British Columbia Society for the Prevention of Cruelty to Animals:
- Archives. (d) The Archives of Vancouver:
- Bands, orchestras, etc. (e) Any society or association promoting the production of music, whether by bands, orchestras, or otherwise:
- Hospital. (f) The Vancouver General Hospital:
- Assisting conventions in the city. (g) Any organization proposing to hold a convention or meeting in the city which in the opinion of the Council will tend to the advantage of the city:
- Athletic sports, etc. (h) Any society or association organizing or taking part in any public exhibition, game, or contest involving athletic sport, wherever held, which in the opinion of the Council will tend to the advantage of the city:
- Association of municipalities. (i) Any association comprised of municipalities which the Council deems it is in the interest of the city to belong to or assist:
- Welfare organizations. (j) Any organization deemed by the Council to be contributing to the culture, beautification, health, or welfare of the city:
- Municipal ferries. (k) A municipality which operates a ferry from a wharf within the city to a wharf within that municipality.

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#### PART IV.

##### DUTIES OF MAYOR, CITY COMPTROLLER, CITY CLERK, CITY TREASURER, AND AUDITORS.

###### *Mayor.*

- Status of Mayor. **207.** (1) The Mayor shall be the chief executive officer of the city and the president of the Council.
- (2) Notwithstanding any other provision of this Act, the Council may, from time to time, with the concurrence of the Mayor, appoint an Alderman to be Deputy Mayor of the city, and may confer upon him such of the powers and duties by this Act vested in the Mayor as the Council shall think fit, and may provide, in addition to any remuneration receivable by the Deputy Mayor in his capacity as Alderman, for such further remuneration as the Council shall determine.
- His duties. **208.** The Mayor shall:—
- To enforce law for government of city. (a) Be vigilant and active at all times in causing the law for the government of the city to be duly enforced and obeyed:
- To make recommendations to Council. (b) Recommend to the Council such measures as he shall deem expedient:
- Oversee employees' conduct. (c) Oversee and inspect the conduct of all employees of the city under the jurisdiction of the Council, and, so far as he can, cause all negligence or misconduct by any such employee to be punished:

Power to suspend.

(d) Suspend from his employment, if he thinks necessary, any such employee. The Mayor shall forthwith give notice in writing of such suspension:—

(i) To the City Comptroller; and

(ii) To the City Clerk, who shall inform the Council at its next regular meeting.

The suspension shall continue until the Council either:—

(i) Reinstates the employee; or

(ii) Dismisses the employee.

In every case the suspension shall be without pay, unless the Council otherwise directs.

Acting-Mayor.

**209.** If at any time the Mayor is absent, or signifies his intention of being absent, from his duties through illness, departure from the city, or other cause, or his seat is vacated, the Council may appoint an Alderman to be Acting-Mayor. In the absence of the Mayor, the Acting-Mayor shall, during the period for which he is appointed, have all the powers and duties of the Mayor.

*City Comptroller.*

City Comptroller.

**210.** There shall be a City Comptroller appointed by the Council who shall have such duties and powers in addition to those provided by this Act as the Council may from time to time prescribe.

Duty to advise Council.

**211.** The City Comptroller may, whenever he thinks fit, and shall, whenever required by the Council so to do, advise the Council on the financial position of the city or any phase thereof and make recommendations with respect to the administration, co-ordination, and efficiency of the city's affairs and the systems under which they are carried on.

To have control—

**212.** The City Comptroller shall exercise a general control and supervision:—

Over revenue.

(a) Over the collection and application of the revenues of the city of every description, and over the lawful expenditure thereof:

Debentures and sinking fund.

(b) Over the sale, realization, and redemption of debentures of the city, and over the sinking funds of the city:

Staffs and records.

(c) Over the City Hall and other places maintained by the Council in the exercise of its powers, and over the arrangement of offices therein and the direction of the clerical staffs thereof, and over the systems under which the city's affairs are carried on, and over the records of the city and the preservation of such records:

All financial matters.

(d) Over all other financial affairs of the city.

How money disbursed.

**213.** No money shall be disbursed by the city except on the warrant of the City Comptroller, to be drawn upon the Treasurer, specifying the fund out of which payment is to be made. Such warrant need not be signed by the City Comptroller if it is initialled by him, or by some

person authorized by him for the purpose, and bears the facsimile signature of the City Comptroller.

Examination of accounts before warrant issued.

**214.** It shall be the duty of the City Comptroller to cause all accounts and claims against the city to be examined and verified before he draws a warrant for their payment.

Council to authorize disbursements.

**215.** With the exception of small amounts necessary, in the opinion of the City Comptroller, to meet an emergency, he shall not draw his warrant for payment unless such payment has been authorized by the Council.

Provision for advance authorization.

**216.** The Council may, for periods of not more than twelve months at a time, give the authorization referred to in section 215 in advance, but every warrant for a payment so authorized in advance shall be reported in writing by the City Comptroller to the City Clerk, for the information of the Council, within fifteen days after the end of the month in which the warrant is drawn.

Deduction where payee indebted to city.

**217.** In drawing a warrant in favour of any person indebted to the city, or the assignee of such person, the City Comptroller may require the deduction of the amount of such person's indebtedness to the city.

Fund to be adequate.

**218.** No warrant for payment shall be drawn unless there is sufficient money in the fund out of which the payment is to be made to meet the warrant.

City Comptroller to report on revenue and expenditure.

**219.** The City Comptroller shall, as soon as practicable in each year, and in any event by the thirtieth day of April, cause to be prepared and shall submit to the Council a report setting out his estimate in detail of the anticipated revenues and expenditures of the city for that year.

*City Clerk.*

City Clerk.

**220.** There shall be a City Clerk appointed by the Council who shall have such duties and powers in addition to those provided by this Act as the Council may from time to time prescribe.

Making and custody of records.

**221.** He shall keep an accurate record of all resolutions, transactions, and other business and proceedings of the Council and its committees, and shall safely preserve and keep in his custody all such records.

And of by-laws.

**222.** He shall have the custody of all by-laws from the time they are introduced, and, having seen to their proper completion, he shall preserve and keep the originals thereof.

To attend meetings.

**223.** He, or someone authorized by him, shall be available to attend all meetings of the Council and its committees in a secretarial capacity.

Proof of documents in Court.

**224.** A copy of any record, book, or document in the possession or under the control of the City Clerk purporting to be certified under his hand and the seal of the city may be filed and used in any Court in lieu of the original, and shall be received in evidence without proof of the seal or the signature or official character of the person appearing to have signed the same, and without further proof, unless the Court otherwise directs.

Seal in custody of City Clerk.

**225.** He shall have the custody of the common seal of the city, and shall cause it to be affixed as required.

*City Treasurer.*

City Treasurer.

**226.** There shall be a City Treasurer appointed by the Council who shall have such duties and powers in addition to those provided by this or any other Act as the Council may from time to time prescribe.

Receives and disburses all moneys.

**227.** He shall receive all moneys paid to the city from whatever source, and shall pay out the same only on the warrant of the City Comptroller.

To keep complete accounts.

**228.** He shall keep a complete and accurate account of all moneys by him received and by him disbursed.

To hold sinking fund securities.

**229.** He shall, together with the City Comptroller, have the custody of all securities held by the city for sinking fund purposes otherwise than those in a bank.

*Auditors.*

Auditors.

**230.** The Council shall in each year appoint and employ a firm of chartered accountants to be auditors of the accounts and transactions of the city for the year for which they are so appointed.

How appointed.

**231.** The auditors so appointed shall be paid such fee as shall be agreed upon, and they may be removed at any time for cause upon a vote of two-thirds of all the members of the Council. No firm of chartered accountants shall be appointed as auditors, any member of which is or was, during the year previous to the appointment employed by, or is or was a party to any contract with the city, other than as auditor or as a consultant in respect of any of the matters referred to in sections 186 and 187 of this Act.

Entitled to inspection, etc.

**232.** Every member of the Council and every employee of the city shall make available for inspection and examination by the auditors all books, records, and documents which the auditors may deem necessary, and shall give the auditors every reasonable facility for carrying out the audit, and shall furnish to the auditors any information or explanation necessary for the performance of their duties as auditors.

Duties of auditors.

**233.** The auditors shall, for the period for which they are appointed, examine the accounts and transactions of the city, and shall, on or before the thirtieth day of April in the next following year, make a detailed report to the Council on such accounts and transactions, including any sinking fund provided for under this Act, on the balance-sheet of the city, and on the statement of expenditure and revenue, and such report shall state:—

- (a) Whether or not they have obtained all the information and explanations they have required:
- (b) Whether, in their opinion, the balance-sheet reported on is properly drawn up so as to exhibit truly and accurately the state of affairs of the city, according to the best of their information and the explanations given to them, and as shown by the books and records of the city:
- (c) Whether, in any and what respect, they find the books, records, or documents of the city incorrect or not in accordance with law.

Duty to report in certain cases.

**234.** If, in the opinion of the auditors:—

- (a) Any payment made or authorized is contrary to law:
- (b) Any sum which ought to have been brought into account by any person has not been so brought into account:
- (c) Any loss or deficiency has been incurred owing to the negligence or misconduct of any person,—

they shall, without delay, report in writing thereon with particulars to the Mayor and the City Comptroller, and the Mayor shall cause such investigation to be made as he thinks necessary.

Added duties.

**235.** The duties of the auditors shall include:—

- (a) The examination upon request of the Council of the accounting arrangements and methods of the city or of any proposed amendment thereof, and the submission of their recommendations as a result of such examination:
- (b) Such other duties not inconsistent with those required of them by this Act as may from time to time be included in the terms of their employment.

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## PART V.

### BY-LAWS FOR CONTRACTING DEBTS.

Limit of borrowing-power.

**236.** (1) The Council may pass by-laws for contracting debts by borrowing money or otherwise for any authorized purpose, in such currencies whether of Canada or some other country as the Council deems

expedient, and for levying taxes on the real property in the city liable to taxation for the payment of such debts, but the aggregate of the debt so contracted shall not at any time be increased so as to exceed twenty per centum of the total assessed value of such real property calculated upon the average assessment for the two years prior to the year in which the by-law is passed. The debentures issued therefor may be made payable at such places, within or without Canada, and in such currencies, whether of Canada or some other country, as the Council deems expedient, and if the debentures are, or have been, made payable in lawful money of the United States of America, a dollar so payable shall, for the purpose of such calculation or of any other calculation directed towards ascertaining whether or not any proposed borrowing is within the power of Council, be deemed to be the equivalent of a dollar payable in lawful money of Canada.

(2) Any tax now or hereafter imposed by a by-law providing for the issue of debentures may be levied and collected, under such by-law, as soon as the by-law is passed.

When by-law takes effect.

**237.** The by-law shall name a day in the year in which it is passed upon which the by-law shall take effect.

When debt repayable.

**238.** All debentures shall be issued within five years after the passing of the by-law, and the whole debt shall be made payable within fifty years at most from the day on which the by-law takes effect.

**239.** In respect of a debt so contracted, the by-law may provide for the issue of:—

Sinking fund debentures.

(a) Debentures or stock the entire principal of which is payable at one fixed date, and the interest is payable annually or semi-annually. The by-law shall provide:—

(i) That a sum shall be levied and raised in each year by way of real-property taxes sufficient to pay interest on the debt during the currency of the debentures or stock:

(ii) That a sum, which, with the estimated interest on the investment thereof at a rate not exceeding four per centum per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or stock when due, shall be levied and raised in each year by way of real-property taxes:

Serial debentures.

(b) Debentures, the interest on which is to be paid annually or semi-annually and the principal of which is to be met by the payment of a specific sum or instalment in each year during the currency of the debentures. The by-law shall provide that a sum shall be levied and raised by way of real-property taxes in each year during the currency of the debentures for the payment of the interest, and that a sum shall be so levied and raised in each such year for the payment of the instalments of principal as they become due.

Recitals in money  
by-laws.

**240.** A by-law passed under the provisions of this Part shall recite:—

- (a) The amount of the debt which the by-law is intended to contract and, in brief and general terms, the object for which it is to be contracted:
- (b) The value according to the last revised assessment roll of all the real property in the city liable to taxation:
- (c) The total amount of the existing debenture debt of the city, as at the date of the first reading of the by-law, and how much, if any, of the principal or interest thereof is in arrears as at the said date.

Debt may be  
callable.

**241.** A by-law passed under the provisions of this Part and the debentures issued thereunder may provide that the debentures, or a portion thereof, may be called in and paid at any time before maturity upon such terms as to notice or otherwise as may be specified in the by-law.

What borrowing to  
be submitted to  
electors.

**242.** Except as otherwise provided in this or any other Act, the Council shall not contract any debt, the full payment of which is not provided for in the estimates adopted for the current year, unless a by-law authorizing it has been passed with the assent of the electors.

Valid after expira-  
tion of month.

**243.** Any by-law so passed and any debenture issued pursuant thereto shall be absolutely valid and binding according to the terms thereof, and shall not be questioned on any ground whatever unless within one month after the final passing of the by-law:—

- (a) A notice of application to quash the by-law under Part XXV of this Act has been served on the city; or
- (b) An action has been commenced in a Court of competent jurisdiction to set the by-law aside.

Provision for amend-  
ment or diversion.

**244.** When any such by-law is so passed, it shall not be amended or repealed by the Council except with the consent of the Lieutenant-Governor in Council, but, without such consent:—

- (a) A new by-law may be submitted for the assent of the electors authorizing the diversion to some other purpose of the proceeds of the by-law so passed in whole or in part, and if such new by-law receives the assent of the electors, the proceeds may be diverted to such other purpose; or
- (b) If a part of the proceeds of a by-law passed under the provisions of this Part is not required for its objects or purposes, the Council may transfer such part to the sinking fund or to a repayment fund in respect of that by-law.
- (c) The Council may, by a two-thirds vote of all its members, divert to some other purpose the proceeds of a by-law passed pursuant to section 245.

Borrowing over  
a period of years.

**245.** (1) The Council shall have power, with respect to any period of years which it may designate (not to exceed ten years in all) for the purpose of borrowing during those years a sum designated by the Council, to submit to the electors entitled to vote on by-laws requiring the assent of the electors a question in the following form or to the like effect:—

Are you in favour of the Council having power to pass by-laws without the assent of the electors in any of the years [*those designated by the Council*] to borrow from time to time, by the issue of debentures, sums not to exceed over the said period [*the sum designated by the Council*] in the aggregate? The following, in brief and general terms, sets out the proposed projects and the amount allocated for each. [*A list of the projects and amounts.*]

(2) Upon receiving the returns from such submission, the Returning Officer shall add up the votes, and if as a result he certifies to the Council that the votes cast in the affirmative amount to three-fifths of all the votes cast, the Council shall have power without the assent of the electors to pass by-laws in any of the designated years to borrow, by the issue of debentures, sums not in the aggregate to exceed the designated sum, and the provisions of this Part relating to the borrowing of money and the issue of debentures shall, mutatis mutandis, apply.

(3) The Council, by a vote of not less than two-thirds of all its members, may, without the assent of the electors, vary the projects and amounts so listed so long as the aggregate is not exceeded.

Conditions of  
borrowing.

**246.** The power conferred by section 245 shall not be exercisable:—

- (a) At any time when any portion of any debenture debt of the city which has matured or become payable remains unpaid after a demand in writing for payment of any portion thereof has been made:
- (b) Unless the city, up to the time of the exercise of such power, has made all levies required by law for sinking fund purposes.

Issue of debentures  
to repurchase or  
redeem earlier  
debentures.

**247.** It shall be lawful for the Council whenever it sees fit to provide for the issue of new debentures, the proceeds of which shall be used to repurchase, call in, or redeem, upon such terms as may be arranged, any debentures or stock already issued by the city: Provided that:—

- (a) In every case the new debentures shall bear interest at not more than five per centum per annum:
- (b) In the case of a repurchase the aggregate cost to the city in principal and interest in respect of the new debentures will be less than it would have been in respect of the debentures so repurchased:
- (c) In the case of a redemption:—

(i) The new debentures will bear interest at a rate not greater than the average rate earned by all sinking funds of the city during the preceding calendar year:



(ii) The accumulated sinking fund of the debentures or stock so redeemed shall remain intact to provide for their payment on maturity, and the interest earned annually on such sinking fund shall be used to provide for the payment of the interest on the new debentures.

*Debentures.*

- How executed.**           **248.** Debentures shall be sealed with the common seal of the city, and shall bear the facsimile signature of the Mayor and be signed by the City Treasurer or such other person as may be designated by by-law.
- Coupons.**               **249.** Debentures may have coupons for the interest attached to them, and such coupons shall bear the facsimile signature of the Mayor and of the City Treasurer or such other person so designated.
- How payable.**           **250.** Debentures may be made payable to bearer, or to a named person or bearer.
- Payable in full.**       **251.** Debentures shall be valid and recoverable to the full amount, notwithstanding their negotiation by the city at a discount.
- Provision for registration.**       **252.** Debentures may contain or have endorsed upon them a provision to the following effect: "This debenture, or any interest therein, shall not, after a memorandum of ownership has been endorsed thereon by the City Treasurer, be transferable except by entry by the Treasurer or his deputy in the Debenture Registry Book of the city." And in such case the Treasurer, on the application of the owner of the debenture, shall endorse upon the debenture a memorandum of ownership signed by him, and shall enter in a book to be known as the "Debenture Registry Book" the particulars contained in such memorandum, and he shall also enter in such book the particulars of every transfer of such debenture.
- How authorized.**       **253.** A memorandum of transfer of ownership shall be endorsed upon a debenture only upon the written authorization of the person last entered in such book as the owner of such debenture, which authorization shall be retained by the City Treasurer.
- Effect of endorsement.**       **254.** After a memorandum of ownership has been endorsed as aforesaid, the debenture shall be transferable only by entry by the City Treasurer, or his deputy, in the Debenture Registry Book.
- Provision for cancellation.**       **255.** On the written request of the person named as owner in such memorandum of ownership, the City Treasurer may, notwithstanding the provisions of section 252, cancel such memorandum of ownership and entry in the Debenture Registry Book and thereby constitute the debenture one payable to bearer.

City not concerned with trusts.

**256.** No notice of any trust, express, implied, or constructive, in respect of any debenture shall be included in any such memorandum or entry, or be receivable by the city, so however that an owner may be described as a trustee or as possessing an official character.

Lost debenture may be replaced.

**257.** Where a debenture is lost, destroyed, or defaced, the Council may provide for the replacing of the same on the production of such proof of its loss, destruction, or defacement and upon such terms as to indemnity and otherwise as the Council may provide.

Separate account.

**258.** The proceeds of the sale by the city of any debenture shall be kept in a separate bank account, and shall, save as otherwise provided by this Act, be used only for the purpose for which they were raised, and shall not be used for other expenditures of the city.

Expenditure may be delayed.

**259.** In case the expenditure of any money borrowed under the provisions of this Act should in the opinion of the Council be delayed for any reason, it shall be lawful for the Council temporarily to invest such money or any part thereof in securities of the Dominion and thereafter to dispose of such securities as and when the Council deems advisable.

Sinking fund investments.

**260.** The Council may invest the sums raised for sinking fund purposes pursuant to paragraph (ii) of clause (a) of section 239:—

- (a) In securities of or guaranteed by the Dominion, or of or guaranteed by a Province of the Dominion; or
- (b) In securities of the Greater Vancouver Water District; or
- (c) In securities of the city; or
- (d) In such other manner as the Lieutenant-Governor in Council may direct,—

with power to vary such investments from time to time as the Council may deem expedient.

Sinking fund accounts.

**261.** It shall be lawful to keep a consolidated account of the accumulated instalments and interest on all debenture debts, but in any case the accounting records shall at all times exhibit the accumulated reserve with respect to every separate debenture debt.

Provision for transfer of surplus to sinking fund.

**262.** The Council may provide that any surplus moneys in the hands of the City Treasurer, not appropriated to any specific purpose, shall be transferred to the sinking fund in respect of any debenture by-law, and shall be subject to investment accordingly.

Council authorized to borrow pending collection of taxes or sale of debentures.

**263.** The Council, without the assent of the electors, may in any year, either before or after the passing of the rating by-law, authorize the Mayor or some other person to borrow from time to time on behalf of the city, by way of promissory note or of overdraft, such sum as the Council may deem necessary to meet, pending the collection of the real-property taxes, or pending the realization of debentures, the lawful expenditures of the city.

Hypothecation of taxes.

**264.** In respect of any such borrowing pending the collection of the real-property taxes, the Council may provide, by by-law, for the hypothecation, subject to any prior charge thereon, to the lender, of the whole or any part of the real-property taxes then remaining unpaid, together with the whole or part of the real-property taxes levied, or to be levied, for the year in which the by-law is passed. If in any year the by-law is passed before the passing of the rating by-law, an amount equal to not more than seventy-five per centum of the real-property taxes levied in the next preceding year shall be subject to such hypothecation.

Hypothecation of debentures.

**265.** In respect of any such borrowing pending the realization of debentures, the Council may provide for the hypothecation of such debentures for the repayment of the sum so borrowed and interest thereon.

Proceeding to obtain assent of electors to by-law.

**266.** Where the Council proposes to pass a by-law requiring the assent of the electors, it shall, after its second reading and before the final passing thereof, fix a day for taking the vote of the electors, and the City Clerk shall, within one month before the day so fixed, publish a copy of the proposed by-law in at least two issues of a daily newspaper published in the city, together with a notice of the time when, and the polling-places wherein, the vote will be taken. Where more than one by-law is to be submitted at the same time, one notice shall be sufficient for all. Instead of publishing a copy of the proposed by-law, the Council may direct the publication of a synopsis of it containing a concise statement of its objects or purposes, the amount of the debt or liability to be created, or the money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt and interest.

Who may vote.

**267.** Where a by-law requires the assent of the electors, only those persons whose names appear on the current annual list of electors as owner-electors shall be entitled to vote on the by-law, and each such person shall be limited to one vote. The voting shall be by ballot, and the ballot-papers to be used shall contain a concise statement of the objects or purposes of the by-law and shall have printed thereon the phrases "for the by-law" and "against the by-law." Opposite to each such phrase, there shall be provided a blank space wherein the voter may mark a cross to indicate his preference. The Council may direct the holding of an advanced poll for voters on the by-law as provided by section 57 of this Act.

When assent obtained.

**268.** The provisions of this Act with respect to contested elections, proceedings after the poll, and recount shall, mutatis mutandis, apply to the voting on a by-law requiring the assent of the electors, and the Returning Officer, after receiving the required statements from the various Deputy Returning Officers, shall add up the votes validly given,

and if the votes so given "for the by-law" amount to three-fifths of all the votes cast, he shall declare that the by-law has received the assent of the electors; otherwise he shall declare that the by-law has failed to receive the assent of the electors. The Returning Officer shall thereupon certify to the Council the number of votes cast for and against the by-law, and the Council shall, if the by-law has received the assent of the electors, resume consideration of the by-law.

PART VI.

LICENCES.

Licence Department.

**269.** There shall be a Licence Department, the head of which shall be the Chief Licence Inspector, and he and his staff shall, in addition to those provided by this Act, have such powers and duties as the Council shall from time to time assign to them.

Powers of inspection.

**270.** The Chief Licence Inspector shall have power to make or cause all necessary inspections to be made to ascertain whether the provisions of any Statute, regulation, or by-law assigning powers or duties to him or his staff are being carried out in the city.

Duty to give access and information.

**271.** It shall be the duty of the owner and occupier of any real property in the city to give to the Chief Licence Inspector, and to any member of his staff authorized by him for the purpose, such access at any reasonable hour to such real property and every part thereof, and such information with respect thereto, as may be reasonably required to enable necessary inspection to be made.

By-laws to be made for licensing.

**272.** The Council may from time to time make by-laws:—

Fixing fees.

Enforcement.

Regulating fuel-dealers.

- (a) For providing for the licensing of any person carrying on any business, trade, profession, or other occupation:
- (b) For fixing the fee for the granting of any permit or of any licence, which may be in the nature of a tax for the privilege conferred by it:
- (c) For providing for enforcing payment of any licence fee, and for prohibiting any person from carrying on any business, trade, profession, or other occupation without first being licensed therefor:
- (d) For regulating persons who sell or deliver fuel, or offer the same for sale or delivery, and for regulating the dimensions and capacity of the boxes or containers on vehicles in which fuel is delivered and for requiring that the capacity of each such box or container shall be plainly marked thereon, and for requiring such persons to furnish a statement with each delivery of fuel showing its price and description and such

- other information as the by-law may direct, and for providing for the seizure and forfeiture of fuel offered or intended for sale which does not comply with any provision of the by-law, and for regulating the delivery of fuel during certain hours and in certain areas as designated in the by-law, and for establishing and maintaining public weigh-scales and for fixing the fees to be taken for their use:
- Hours of delivery.
- Weigh-scales.
- Special licence re vehicles.
- Extent of regulation.
- Weight to be fixed.
- To be labelled.
- And wrapped.
- And regulated as to delivery.
- Licences in respect of dogs.
- Transfer of licences.
- Revocation.
- Delegation of power to grant licences.
- Fixing times for payment.
- Vending-machines.
- Members' clubs.
- (e) For licensing every person using upon any street any vehicle for the purpose of his business, trade, profession, or other occupation, and for classifying such vehicles and giving effect to such classification in fixing the licence fee:
- (f) For regulating every person required to be licensed under this Part, except to the extent that he is subject to regulation by some other Statute:
- (g) For fixing the weights of loaves or packages of bread sold or offered for sale, and for prohibiting the sale of such loaves or packages having weights other than those so fixed, and for requiring that all bread offered for sale shall bear a label showing the name and address of its manufacturer and the weight thereof, and for requiring that all bread offered for sale shall be wrapped in such manner as is prescribed in the by-law, and for regulating the manner of handling and delivering bread in and from bakeries, stores, and vehicles, and for authorizing the seizure and forfeiture of bread which does not comply with any provision of the by-law:
- (h) For licensing every person who owns, possesses, or harbours any dog:
- (i) For regulating the transfer of a licence from a person holding a licence to some other person, and, where permission is given, for prescribing the terms thereof:
- (j) For revoking or suspending any licence:
- (k) For delegating to the Chief Licence Inspector, where deemed proper, the power to grant a licence in cases where he is satisfied that the applicant therefor has complied with the requirements of the relevant by-laws:
- (l) For fixing times for the payment of licence fees, and for fixing and imposing a penalty upon persons required to be licensed who fail to pay the licence fee by the times so fixed:
- (m) For licensing persons who make available for the operation by other persons any lawful automatic or slot machine used, or intended to be used, for the purpose of vending merchandise or services. The persons so licensed may be the owners of such machines or may be the occupiers of the premises where they are operated:
- (n) For licensing, regulating, and defining clubs which are not subject to being licensed under this Part as carrying on a

- business, and for requiring such clubs at all times to have a manager and for licensing such manager:
- Solicitors for charity, etc. (o) For licensing persons who solicit or collect gifts or alms, or the promise thereof, for others, whether in the form of money, merchandise, or otherwise, and for preventing such soliciting or collecting on any street without a permit issued under the provisions of the by-law:
  - Charitable and other shows, etc. (p) For licensing persons who conduct or manage bazaars, shows, exhibitions, and entertainments for, or represented to be for, charity or any humanitarian, philanthropic, or patriotic object:
  - Licensee not to discriminate. (q) For providing that a licensee under this Part shall not refuse to sell any goods or furnish any service to a person by reason only of such person's race, creed, or colour.
- Term of licence. **273.** A licence shall terminate on the thirty-first day of December of the year in which it is granted, and, save that the licence fee may, if the Council so provides, be reduced by one-half in respect of a person who becomes liable to be licensed only after the thirty-first day of July in any year, there shall be no reduction in the amount of the fee by reason of the shortness of the licence period: Provided, however, that where a business, trade, profession, or other occupation is normally carried on in the city for a shorter period than a year, the licence may be granted for such shorter period as the Council decides.
- Payable in advance. **274.** Licence fees imposed under this Part shall be payable in advance.
- Powers discretionary. **275.** The granting or refusing of a licence to an applicant therefor, and the revocation or suspension of a licence which has been granted, shall be deemed to be in the discretion of the Council, and the Council may grant, refuse, revoke, or suspend a licence without stating any reason therefor, save in respect of a licensee who by reasonable efforts cannot be found, the Council shall not revoke a licence without giving the holder thereof an opportunity to be heard.
- Licence for each place of business. **276.** A person who maintains more than one place at which he carries on a business, trade, profession, or other occupation shall be deemed to be carrying on his business, trade, profession, or other occupation at each of such places and to be subject to being licensed with respect to each place.
- Power to suspend. **277.** The Chief Licence Inspector shall have power at any time summarily to suspend for such period as he may determine any licence if the holder of the licence:—
  - (a) Is convicted of any offence under any Statute of Canada or of the Province of British Columbia:
  - (b) Is convicted of any offence under any by-law of the city with respect to the business, trade, profession, or other occupation

for which he is licensed or with respect to the relevant premises:

- (c) Has, in the opinion of the Inspector, been guilty of such gross misconduct in or with respect to the licensed premises as to warrant the suspension of his licence.

Appeal from suspension.

Any person whose licence has been suspended under this section may appeal to the Council in accordance with the procedure for that purpose prescribed by by-law, and upon such appeal the Council may confirm or may set aside such suspension on such terms as it may think fit.

Procedure where suspension or revocation recommended.

**278.** The Chief Licence Inspector may, in any case, recommend to Council in writing the suspension or revocation of any licence, setting out the reasons for such recommendation. The Council shall not suspend or revoke the licence without previous notice and an opportunity to be heard being given to the holder thereof, except when by reasonable efforts the holder cannot be found.

Certain provisions of Liquor Act not to apply.

**279.** Nothing contained in the "Government Liquor Act" shall prevent the Council from providing for the licensing of the holder of a licence under the said Act.

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## PART VII.

### BUSINESS TAX.

By-laws to be made.

**280.** The Council may make by-laws:—

Character of business tax.

- (a) For providing for an annual tax on every person occupying or using any real property for the purpose of carrying on within the city any business, trade, profession, or other occupation. The tax shall be based on the annual rental value of the real property occupied or used for the purpose of such business, and be known as the "business tax":

Rates.

- (b) For fixing a rate applicable to all businesses, trades, professions, and other occupations taxable under this Part:

Regulations.

- (c) For making such regulations pertaining to the assessment of rental value, the collection of the business tax, and all other matters as may be necessary for the proper administration of the business tax:

Times and penalties.

- (d) For fixing times for payment and imposing penalties, not exceeding ten per centum of the amount of the business tax remaining unpaid after the time fixed for payment:

Exemptions.

- (e) For exempting from the business tax such persons as may be deemed proper:

Complaints against assessments.

- (f) For providing for dealing with complaints against the business-tax assessment roll, and, if deemed proper, for directing that any of the provisions of this Act with respect to complaints

to the real-property Court of Revision, and appeals therefrom, shall, mutatis mutandis, apply to the business-tax assessment roll:

Changes in tenancy to be notified.

- (g) For requiring every tenant, and every owner or agent renting premises to any person, to notify the Assessment Commissioner within seven days of the commencement of any tenancy or change in tenancy.

Access and information to be given.

**281.** The Council may make by-laws for compelling owners and occupiers of real property:—

- (a) To permit persons designated in the by-law for the purpose to enter upon and examine such real property at any reasonable time for the purpose of ascertaining whether the owners or occupiers are liable to pay the business tax in respect thereof and of ascertaining the rental value thereof:
- (b) To furnish to such persons any information reasonably required for such purpose.

Abatement in certain cases.

**282.** Every person subject to the business tax shall, if the business tax is the greater, have his business tax abated to the extent of any licence fee payable by him to the city in respect of the same business, trade, profession, or other occupation; and every person required to pay a licence fee imposed under this Act shall, if the licence fee is the greater, have the same abated to the extent of any business tax payable in respect of the same business, trade, profession, or other occupation: Provided, however, that there shall be no such abatement in either case with respect to any licence fee payable pursuant to clause (e) of section 272.

Status of owner-occupier.

**283.** An occupier of real property shall not be freed from liability for business tax by reason only of the fact that he is the owner of such real property.

Tax a debt.

**284.** The business tax imposed under the provisions of this Part shall be a debt recoverable in any Court of competent jurisdiction, but the same shall not constitute a charge upon the real property occupied or used.

Services included.

**285.** Annual rental value shall be deemed to include the cost of providing heat and other services necessary for comfortable use or occupancy, whether the same be provided by the occupant or owner.

Basis of assessment.

**286.** In assessing annual rental value, all factors shall be taken into account so that as far as possible premises similar in size, suitability, advantage of location, and the like shall be equally assessed. The intent and purpose of this section is that all persons subject to business tax shall be assessed at a fair rental value of the premises occupied or used, based in general upon rents being actually paid for similar premises.



Certain companies  
liable for tax.

**287.** Notwithstanding anything to the contrary contained in any other Act, a company registered under the "Trust Companies Act" and a licensed insurer under the "Insurance Act" shall be liable to the business tax.

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## PART VIII.

### PUBLIC WORKS.

City Engineer's  
status.

**288.** There shall be a City Engineer appointed by the Council who shall have such duties and powers in addition to those prescribed by Statute as the Council may from time to time designate.

Streets and parks  
vested in city.

**289.** (1) Unless otherwise provided for, the soil and freehold of every street in the city shall be and become absolutely vested in fee-simple in the city, as against Her Majesty and all persons whomsoever, subject only to any right therein which the person who laid out such street may have expressly reserved: Provided, however, that it shall be lawful for the city to acquire from any person rights or easements for street or park purposes less than the fee-simple, and to acquire from any such person rights or easements on, above, or below the surface of any real property owned by such person; provided further, however, that section 5 of the "Highway Act" shall not be deemed to apply to any street aforesaid.

(2) Notwithstanding any provision of any other Act, where the Registrar is satisfied, within the meaning of section 141 of the "Land Registry Act," as to the boundaries of, and the title to, any real property which has been dedicated as a park by subdivision plan, or which has been conveyed to the city for street purposes, or has been dedicated for street purposes by subdivision plan or otherwise, the provisions of sections 112 and 113 of the "Land Registry Act" shall be deemed, mutatis mutandis, to apply to such real property, except that no title to such real property shall vest in the Crown but shall vest in the city. The Registrar aforesaid may accept a dedication of any real property in the city for street purposes in the form of a plan duly executed by all persons required by law to execute a conveyance thereof, if such plan is otherwise satisfactory to the Registrar aforesaid, in lieu of or in explanation of a conveyance to the city of such real property. Such plan need not be based on a survey made by a land surveyor or otherwise comply with section 80 of the "Land Registry Act." The Registrar aforesaid may require that any such plan shall show the boundaries of any lands remaining in the parcel after such dedication.

Protection of streets.

**290.** No person shall excavate in, cause a nuisance upon, encumber, obstruct, injure, foul, or otherwise damage a street, except under such terms and conditions as may be imposed by the Council.

**291.** The Council may provide:—

Provision for establishing streets.

(a) For establishing, laying out, opening, maintaining, and improving streets, and for determining the width and boundaries of streets:

Stopping up.

(b) For stopping up any street, or part thereof, and, subject to section 190, for disposing of any street, or part thereof, so stopped up:

Diverting.

(c) For widening, altering, or diverting a street or part thereof:

Prohibiting obstructions.

(d) For the prohibition and removal of any unauthorized encroachment or obstruction under, upon, or over a street, or any part thereof:

Grades.

(e) For establishing a grade or level for any street, or any part thereof:

Bench-marks.

(f) For establishing and maintaining survey monuments and bench-marks:

Access to and from streets.

(g) For regulating:—

(i) The means of access to and from the street of any parcel abutting thereon and providing for the use of so much of the street as may be designated for the purpose of such access:

Encroachments on streets.

(ii) Encroachments for a stipulated length of time upon, under, or over a street,—

upon such terms as to rental, indemnity, or otherwise as may be prescribed, and, where it is deemed necessary, upon condition that the city shall have a registered charge upon the parcel to which such access or encroachment is appurtenant for the due performance of any term so prescribed and for the payment of any sums of money due the city for rental or otherwise, and for providing that any such sums may be inserted in the real-property tax roll as a charge imposed with respect to such parcel. Any provision in an agreement with the city purporting to create a charge against any parcel aforesaid, for the due performance of any terms prescribed as aforesaid, or for the payment of any sums of money aforesaid, may be registered as a charge against the interest in such parcel of the person making the agreement:

Snow and ice removal from roofs.

(h) For requiring the owner and occupier of any real property to remove snow and ice from the roof or other part of any structure thereon:

From sidewalks.

(i) For requiring the owner and occupier of any real property in such areas as may be designated to remove the snow and ice from so much of any sidewalk as such real property abuts upon, or is opposite to, on the same side of the street:

Cleanliness of streets.

(j) For prohibiting persons from depositing upon a street any rubbish, sweepings, paper, hand-bills, refuse, or other discarded materials or things:

- Ornamental trees. (k) For regulating the planting and care of shade or ornamental trees upon a street, and for prohibiting the injury or destruction of such trees:
- Their trimming. (l) For causing any tree upon a street to be trimmed or removed when deemed necessary in the public interest:
- Watercourses not to be obstructed. (m) For prohibiting any person from obstructing or impeding the flow of any stream, creek, watercourse, drain, or sewer:
- Maps may be used. (n) For the use of maps of real property, approved by the City Engineer, in a by-law in place of, or in addition to, a detailed description of such real property.

Subdivision control. **292.** (1) The Council may make by-laws for regulating the subdivision and resubdivision of any real property; and, without restricting the generality of the foregoing, for providing that any applicant for such subdivision or resubdivision shall be obliged to clear, grade, and otherwise improve the streets within the subdivided area and to make provision for ditches, culverts, and bridges thereon as may be required by the by-law; and that such streets shall be in such position and of such width, level, and grade as may be determined by the by-law; and for fixing the minimum area of parcels into which real property may be subdivided or resubdivided and for varying such minimums for different parts of the city.

(2) Where any provision of, or made under, the "Land Registry Act" or any other Act with respect to the subdivision or resubdivision of real property, or the approval, acceptance, or refusal thereof, is inconsistent with any provision of a by-law passed pursuant to this section, the provision of the by-law shall prevail.

Appeal and procedure. **293.** There shall be an appeal to a Judge of the Supreme Court in Chambers by any person who is aggrieved by the approval of, or the refusal to approve, a subdivision or resubdivision pursuant to a by-law made pursuant to section 292.

- (a) A person so aggrieved may, within twenty-one days after the receipt by him of notice of such approval or refusal, apply to the Judge in a summary way by petition supported by affidavit, stating all the facts of the case, and that to the best of the information, knowledge, and belief of the deponents such facts have been fairly disclosed:
- (b) All parties interested, including the city, shall be served with the petition, together with all material intended to be used at the hearing of the appeal:
- (c) At least ten days' notice shall be given of the time and place of hearing, and all parties interested may appear and be heard:
- (d) The Judge may make any order he sees fit as to the notification of other parties of the hearing, and upon the hearing may make such order not inconsistent with the by-law as may be

just in the premises, and may make such order as to the costs of the parties appearing as he may see fit.

Duty to keep in repair.

**294.** (1) Every street of which the Council has the custody, care, and management shall be kept in reasonable repair by the city, and in case of default the city shall, subject to the provisions of the "Contributory Negligence Act," be liable for all damages sustained by any person by reason of such default; but, except in case of gross negligence, the city shall not be liable for a personal injury caused by snow or ice on a street.

Notice to be given.

(2) No action shall be brought under subsection (1) unless notice in writing setting forth the time, place, and circumstances of the injury is served upon, or sent by registered mail to, the City Clerk:—

(a) In any case where snow or ice on a street is the cause of the injury, within fourteen days of the injury:

(b) In any other case within forty-five days of the injury.

Limitation period.

(3) No action shall be brought under subsection (1) after the expiration of three months from the time when the damages were first sustained.

When bar not applicable.

(4) In case of the death or disability of the person injured, failure to give the requisite or any notice, or to bring the action within such three months, shall not be a bar to the action if it is brought within twelve months and if it appears to the Court:—

(a) That as a result of the death or disability there is reasonable excuse for such failure; and

(b) That the city is not prejudiced in its defence by such failure.

Nuisance actions included.

(5) The provisions of subsections (2), (3), and (4) shall apply to an action brought against the city for damages occasioned by the presence of any nuisance on a street as well as for want of repair resulting from misfeasance or nonfeasance.

Remedy over.

**295.** In case an action is brought against the city to recover damages sustained by reason of any obstruction, excavation, or opening, or covering, or overhead structure, in or near to or over a street, placed, made, left, or maintained by any person, other than a servant or agent of the city, or to recover damages sustained by reason of any negligent or wrongful act or omission of or failure to comply with the provisions of any Statute or by-law of the city, or any contract, covenant, or agreement by any person, other than a servant or agent of the city, the city shall have a remedy over against such person, and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the city.

Third-party procedure.

**296.** The city shall be entitled to such remedy over in the same action if the other person is made a party to the action, and if it is established in the action as against such other person that the damages were sustained by reason of an obstruction, excavation, or opening in or near to a street so placed, made, left, or maintained by him, or by reason of

any negligent or wrongful act or omission of any person, other than a servant of the city; and the city may in such action have the other person added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the city); and the other person may defend such action as well against the plaintiff's claim as against the claim of the city to a remedy over; and the Court or Judge, upon the trial of the action, may order costs to be paid by or to any of the parties thereto, or in respect of any claims set up therein, as in other cases.

If claim paid  
by city.

**297.** If such other person be not a party defendant to such action, or be not added as a party defendant or third party, or if the city has paid the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the city therein, the city shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation, or opening placed, made, left, or maintained by such other person.

When validity of  
judgment applies.

**298.** Such other person shall be deemed to admit the validity of the judgment, if any, obtained against the city in cases only where a notice has been served on such other person pursuant to the provisions of the Rules of Court in that behalf, or where such other person has admitted or is estopped from denying the validity of such judgment.

Condition of  
recovery.

**299.** Where no such notice has been served, and there has been no such admission or estoppel, and the other person has not been made a party defendant or third party to the action against the city, or where such damages have been paid without action or without recovery of judgment against the city, the liability of the city for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation, or opening placed, made, left, or maintained by the other person, must be established in the action against such other person to entitle the city to recover in such action.

#### *Water.*

**300.** The Council may provide:—

Acquisition and  
distribution of  
water.

(a) For acquiring water from the Greater Vancouver Water District, or elsewhere, and for distributing, supplying, and making it available for use to persons within the city at such rates and upon such terms and conditions as may be provided by by-law, and for differentiating as to such rates, terms, and conditions among various classes of persons and uses as may be provided by by-law:

Water system.

(b) For the construction, installation, maintenance, repair, and regulation of a system of water-mains and other water-pipes, including valves, fittings, hydrants, meters, and other necessary appliances and equipment, for the purpose of such distri-

- bution and supply, and for acquiring real property and easements therefor:
- Recovery of charges. (c) For compelling payment of the rates for such water and any other charges prescribed by the by-law:
  - Collectable as taxes. (d) For authorizing the insertion in the real-property tax roll of any water rates as charges imposed with respect to the parcel upon which the water was used, or to which it was made available for use:
  - Water-main rental. (e) For requiring any owner or occupier of any parcel of real property abutting on any street in which a water-main is installed to pay a reasonable rental therefor to the city whether water is supplied to such parcel or not:
  - Water connections. (f) For the installation of a connection to any parcel of real property abutting on any street in which a water-main is installed, from such main, and for fixing the fees therefor and the terms and conditions upon which such a connection shall be installed:
  - Abutting parcels to be connected. (g) For compelling the owner and occupier of any parcel of real property abutting on any street in which a water-main is installed to install an effective connection with such main:
  - Supply may be interfered with. (h) That supply of water in the whole or any part of the city may be diminished or restricted or, if deemed necessary, cut off during such period as may be specified without giving rise to any claim against the city.
  - Inspection. (i) That a person authorized for the purpose by the city shall have reasonable access to any part of any premises in order to inspect any water-pipe, meter, appliance, or fixture upon such premises.

*Wharves.*

Provision of wharves.

**301.** The Council may provide for acquiring, leasing, constructing, repairing, improving, and maintaining wharves and slips for the use of the city, and for permitting persons to use the same, or any part thereof, upon such terms as may be prescribed.

*Sewers and Drains.*

Sewerage and drainage system.

**302.** The Council may provide:—

Course of sewers and drains.

Sewer rental.

- (a) For the construction, installation, maintenance, repair, and regulation of a system of sewerage and drainage, including all necessary appliances and equipment, and for acquiring real property and easements therefor:
- (b) For conducting any sewer or drain beyond the limits of the city, or into the waters of Burrard Inlet, English Bay, Georgia Strait, or the North Arm of the Fraser River:
- (c) For requiring any owner or occupier of any parcel of real property (which is capable of being served by a sewer or drain in any abutting street) to pay a reasonable rental therefor to

the city whether or not the parcel is connected with such sewer or drain:

- Charges to be paid. (d) For compelling the payment of such rentals and any other charges as may be prescribed:
- Connection may be required. (e) For compelling the owner or occupier of any parcel of real property abutting on any street in which a sewer or drain is laid to install an effective connection with such sewer or drain:
- Provision for installation. (f) For the installation of a connection to any parcel of real property abutting on any street in which a sewer or drain is installed, from such sewer, and for fixing the fees therefor and the terms and conditions upon which such connection shall be installed:
- Terms of unstopping connections. (g) For the unstopping of any such connection, and for requiring that the applicant therefor shall bear the cost of such unstopping, except where it becomes necessary through default on the part of the city:
- Connections to new sewers. (h) That when a new sewer or drain is installed in any street, a connection from the sewer or drain to the street-line shall then be installed opposite each taxable parcel of real property abutting on such street and having thereon any building, and for providing that the fee for such connection as prescribed by by-law shall be charged against the parcel so served by inserting in the real-property tax roll as a charge imposed with respect to such parcel such annual amounts as the by-law may provide:
- Charges payable in annual amounts. (i) That the registered owner of any parcel abutting on any street wherein is already installed a sewer or drain who may desire to have such a connection installed to serve such parcel may, by writing, charge the said parcel with the cost of such connection in such annual amounts as the by-law may prescribe, and that such amounts may be inserted in the real-property tax roll as a charge imposed with respect to such parcel:
- Septic tanks. (j) For regulating the installation and use of septic tanks, and for prohibiting their use where sewers are available, or where their use might constitute a menace to health:
- Sewage and surface-water disposal. (k) For making such regulations for the disposal of sewage and surface water as is deemed necessary in the interest of health and sanitation:
- Watercourses. (l) For widening, deepening, straightening, diverting, or otherwise improving natural and other watercourses and protecting the same from encroachment and injury:
- Their position. (m) For determining the position of such watercourses, whether upon city property or upon privately owned property, and for incorporating them in the city's drainage system:
- Sewage-disposal plant. (n) For establishing and maintaining within or without the city a system of sewage-disposal by means of works designed for

the processing and purification of sewage and for the sale or other disposition of the resulting products.

*Scavenging.*

- 303.** The Council may provide:—
- (a) For establishing and maintaining a system for the collection, removal, and disposal of garbage, ashes, refuse, and other discarded matter, and for acquiring such real property within or without the city, and for erecting, equipping, managing, and maintaining such buildings, incinerators, machinery, and plant thereon as may be necessary for any of the purposes of this clause:
  - (b) For compelling persons to make use of such system for the disposal of garbage, ashes, refuse, and other discarded matter:
  - (c) For prescribing the terms and conditions upon which persons may make use of such system, and for requiring all persons to conform thereto, and for fixing charges for such collection, removal, and disposal and for enforcing payment thereof:
  - (d) For defining and classifying persons making use of such system and defining and classifying garbage, ashes, refuse, or other discarded matter for the purpose of the by-law, and for differentiating among the various classes of persons and of discarded matter as to the terms and conditions upon which persons may make use of the system and as to the charges so fixed:
  - (e) For entering into contracts with persons for all or part of such collection, removal, and disposal upon terms and conditions prescribed by the Council.
- Scavenging system.
- Persons required to use system.
- Terms of user.
- Classification of garbage, etc.
- Contracting for scavenging service.

PART IX.

BUILDINGS.

- 304.** In this Part, unless the context otherwise requires:—
- “Building” includes structures of every kind, excavations in respect of any structure, and everything so attached to a structure as to constitute it real property:
  - “Construction” includes erection, repair, maintenance, alteration, enlargement, addition, demolition, removal, and excavation.
- Interpretation.
- 305.** There shall be a Chief Building Inspector appointed by the Council who shall have such duties and powers in addition to those provided by this Act as the Council may from time to time prescribe.
- Chief Building Inspector.

- 306.** The Council may make by-laws:—
- (a) For regulating the construction of buildings:—
- By-laws regulating construction.



- (i) Where the safety of persons or property is concerned:
- (ii) Where the health of occupants or others is concerned:
- (iii) Where the protection of persons or property against fire is concerned:
- Scaffolding. (b) For regulating the construction and use of scaffolding in connection with any building:
- Use of street during construction. (c) For regulating the temporary use or occupancy of any portion of a street for the more convenient construction of a building, upon such terms as to rental, length of use or occupancy, or otherwise as may be prescribed, and for the temporary closing of such portion of a street so used or occupied:
- Classification of buildings. (d) For classifying buildings and parts thereof, and differentiating between classes as to the regulations applicable to the respective classes:
- Permit to be obtained. (e) For prohibiting any person from commencing the construction of any building, or part thereof, until he has obtained a permit therefor from the Chief Building Inspector:
- Conditions of permit. (f) For fixing the terms and conditions upon which the Chief Building Inspector may issue building or other permits, including the fees to be charged therefor and the building, surveyor's, or other plans, specifications and particulars to be submitted with applications for building permits:
- Certification of fitness. (g) For providing that no building or designated part thereof shall be occupied or used during construction or thereafter until the Chief Building Inspector has certified that the building has been completed in conformity with the by-laws of the city and is fit for occupancy or use:
- Powers of inspection. (h) For providing for the inspection of all buildings during the course of construction and thereafter as occasion may require, and for empowering the Chief Building Inspector, and anyone authorized by him, to enter any premises at any reasonable time for the purpose of such inspection:
- Standards for dwellings. (i) For fixing standards of fitness for human habitation to which all dwellings, whether single or multiple, shall conform, and for requiring the owners of dwellings to make the same conform to any of such standards, and for prohibiting the use or occupancy of dwellings which do not conform with any standard so fixed:
- Removal of non-conforming structures. (j) For providing for the demolition or removal, in whole or in part, at the expense of the owner of the parcel on which it is constructed, of any building, or of any part thereof, in cases where its construction has failed in any respect to comply with the provisions of any by-law, and for providing that the cost of such demolition or removal may be recovered from

the owner in any Court of competent jurisdiction or by entering the amount of such cost in the real-property tax roll with respect to such parcel:

Use of land.

(k) (i) For regulating the use of land with respect to location, design, and construction of buildings, and for prohibiting the erection or occupation of any building or the use of land unless due provision is made for public safety and amenity, sanitary facilities, water-supply, drainage, and other works and facilities in accordance with the provisions for the time being in force by by-law:

Development permit.

(ii) For providing for the issue of a permit (to be known as a "development permit"), and for prohibiting the development of any land or the addition to or alteration of or change in the use of any building without such permit. Upon the passing of such a by-law, the granting of a building permit for the construction or alteration of any building shall be conditional upon previously obtaining a development permit. Such development permit may be limited in time and may be subject to such conditions as the Council may prescribe. Any such by-law shall provide for the giving of such notice as the Council may deem proper:

Technical Planning Board.

(iii) For appointing a Technical Planning Board to which the Council may delegate all or any of the powers exercisable by it under this clause:

Power to relax.

(iv) For providing for the relaxation of any provision of any zoning by-law or of any by-law prescribing requirements for dwellings, in any case where literal enforcement would result in unnecessary hardship, or would not, in the opinion of the Council, be in the best interests of the city. Such relaxation may be limited in time and may be subject to such conditions as the Council may prescribe:

Appeals.

(v) An appeal under section 16 of the "Town Planning Act" shall lie by any person who is dissatisfied by any exercise of the powers by this clause conferred, and, for the purpose of such appeal, any exercise of such powers shall be deemed to be a zoning by-law:

No injurious affection.

(vi) Property shall not be deemed to be taken or injuriously affected by reason of the exercise of any of the powers by this clause conferred:

Plumbing and heating facilities.

(l) For regulating the installation of plumbing and heating facilities in and about buildings and premises, including the materials to be used and the drains, pipes, and all means of connection with sewers, water-mains, and chimneys, and the fixtures and apparatus in connection therewith, and for requiring that a permit shall be obtained from the Inspector appointed

by the Council in respect of such installations before proceeding therewith:

Sewer and water connections required.

(*m*) For requiring that with respect to designated areas the owners of all premises therein which are used, or intended to be used, for human occupation shall at all times be effectively connected to a sewer or water-main, or both:

Tests for plumbers.

(*n*) For constituting a board of examiners for persons desiring to engage in the trade of plumber, and for empowering such board to grant to any person found by the board to be a competent plumber a certificate of registration after such tests as may be required of him, and for making it unlawful for any person to engage in the trade of plumber unless he is the holder of such a certificate:

Gas or oil appliances.

(*o*) For regulating the installation and use of gas or oil ranges, gas or oil heaters, gas or oil furnaces, and other appliances using gas or oil for the production of heat, and the piping and other apparatus connected therewith:

Fire limits.

(*p*) For establishing areas to be known as "fire limits," and for regulating the construction of buildings in each of such areas in respect of precautions against the danger of fire, and for discriminating and differentiating between the areas as to the character of buildings permitted in each of them, and for prohibiting the construction of any building within any such area unless it conforms with the regulations provided for it:

Unsafe buildings may be removed.

(*q*) For providing for the demolition or removal, in whole or in part, or the amendment at the expense of the owner thereof, of any building certified by the Chief Building Inspector to be a fire-hazard or structurally unsafe or a menace to health, and for that purpose to authorize any workmen or others to enter upon the premises and carry out such demolition, removal, or amendment:

Off-street parking for churches, multiple dwellings, or other buildings.

(*r*) For requiring that in the construction of any church, public building, multiple dwelling, or other building, the plan of which is designed to accommodate the assembling of numerous persons on the premises, suitable provision shall be made off the street to accommodate such number of motor-vehicles as the Council may by by-law prescribe; and for defining and classifying churches, public buildings, multiple dwellings, and other buildings within the meaning of this clause, and for differentiating and discriminating according to such classification in respect of the accommodation to be provided as aforesaid:

Off-street loading and parking for commercial buildings.

(*s*) For requiring that in the construction of any building used for commercial or industrial purposes suitable provision shall be made off the street for accommodating such number of vehicles as the Council may prescribe and for off-street loading and unloading of articles, materials, or merchandise delivered

to or taken from such building, and for defining and classifying such buildings, and for differentiating and discriminating according to such classification in respect of such provision, and, in the discretion of the Council, for designating the areas where such provision shall be required, as aforesaid:

Excavations to be guarded.

(t) For compelling owners of, or building contractors in respect of, any real property on which there is any excavation likely to be dangerous to children or others to keep the same effectively fenced or enclosed or under the care of a watchman:

Undue cost of services may prevent certain uses.

(u) For prohibiting the construction of any building for residential, commercial, or industrial purposes on land where by reason of its low-lying, marshy, or unstable character the cost of installing water, sewage, or drainage facilities is in the opinion of the Council unduly great:

Non-conforming building may be acquired.

(v) For acquiring any real property being used for a purpose, or upon which is erected a structure, which does not conform with the provisions of any by-law relating thereto, and for disposing of the same upon such terms as may be just:

National Code may be adopted.

(w) For adopting, where they are not inconsistent with this Act, any or all of the regulations known as the National Building Code (Canada) either in place of or in addition to those provided for by this Part:

Street numbers may be assigned.

(x) For assigning and, where deemed necessary, reassigning street numbers to parcels of real property abutting on any street and to the buildings on such real property, and for providing that a record be kept by the city of such numbers so assigned or reassigned.

Eviction of tenants may be effected.

**307.** Where a demolition or removal is undertaken pursuant to clause (j) or (q) of section 306 and any occupants of the building refuse to vacate the premises, they may be evicted upon such notice as the Council may in the circumstances prescribe. If, at the expiration of such notice, any occupant remains on the premises, the Mayor may direct a warrant to the Chief Constable requiring him to remove such occupant and his effects, and the Chief Constable shall, using such force as is necessary, cause them to be removed accordingly.

Taxes may be remitted.

**308.** Where in any year a building has been demolished or removed pursuant to clause (j) or (q) of section 306, the Council may remit so much as it sees fit of the taxes levied in that year in respect of such building.

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PART X.

FIRE PREVENTION AND CONTROL.

Fire Department established.

**309.** There shall be a Fire Department of the city, the head of which shall be the Fire Chief appointed by the Council.

- 310.** The Council may:—
- Appointment of staff. (a) Provide for the appointment of such other members of the Fire Department as may from time to time be necessary:
  - Acquisition of buildings. (b) Acquire real property and erect and maintain buildings thereon for the use of the Fire Department or any other purpose authorized by this Part:
  - Equipment. (c) Acquire such vehicles, engines, vessels, appliances, and other fire-fighting equipment as may be necessary for the purposes of the Fire Department:
  - Communication systems. (d) Establish, acquire, equip, and maintain fire-alarm and police-patrol signal systems and such other systems of communication as may be considered necessary:
  - Entering into agreements with other municipalities. (e) Make agreements with other municipalities for the use of the city's fire-fighting equipment, or any of it, and of the necessary members of the Fire Department, in such other municipalities, upon such terms and conditions and for such remuneration as may be agreed upon.
- 311.** The Council may make by-laws:—
- By-laws for—  
Enabling entry on premises. (a) For providing that any member of the Fire Department authorized by the Fire Chief may at any reasonable time enter any building or premises, or any part thereof, for the purpose of inspecting the same:
  - Direction of traffic at fires. (b) For empowering members of the Fire Department, in the absence of the police, to give directions at or near a fire for the regulation or diversion of vehicular traffic, and for requiring that all persons shall comply with such directions notwithstanding that they may be at variance with traffic signs or the like:
  - Persons to assist at fires. (c) For regulating the conduct of persons at or near fires and requiring them to assist the Fire Department in fighting fires and in preserving property threatened by fire:
  - Buildings may be demolished. (d) For providing for the demolition of buildings and structures where such demolition is required to prevent the spreading of fire:
  - Handling of explosives, etc. (e) For regulating the manufacture, processing, storage, sale, transportation, or use of combustibles, chemicals, explosives, inflammable or other dangerous things, and for defining and classifying them:
  - Gasoline and other pumps. (f) For regulating the construction, installation, and operation of pumps and other measuring devices used, or intended to be used, for the sale or other disposition of gasoline, oil, or other inflammable liquids:
  - Burning in the open. (g) For regulating the burning in the open air of stumps, logs, brush, grass, refuse, or other material:
  - Application of "Fire Marshal Act." (h) Relating to any matter within the scope of the "Fire Marshal Act" so long as such by-laws are not repugnant to any provision of that Act or the regulations thereunder.

## PART XI.

## ELECTRICAL AND GAS WORKS.

City Electrician.

**312.** There shall be a City Electrician appointed by the Council who shall have such duties and powers in addition to those provided by this Act as the Council may from time to time prescribe.

His powers of entry for inspection.

**313.** The City Electrician, or any person authorized by him, may enter any building or premises at any reasonable time for the purpose of inspecting and testing any wiring, appliance, equipment, conduit, or apparatus used or designed, or intended for use, for or in connection with the generation, transmission, supply, distribution, or employment of electrical energy for any purpose (in this Part referred to as "electrical works").

Powers of Council.

**314.** (1) The Council may, subject to the "Electrical Energy Inspection Act," provide:—

- (a) For regulating and inspecting any electrical works, and for defining the same:
- (b) For prohibiting any person from installing any electrical works until he has obtained a permit therefor from the City Electrician:
- (c) For fixing the terms and conditions upon which the City Electrician may issue such permits, and for fixing the fees to be charged therefor:
- (d) For compelling the removal and for preventing the sale or use of any electrical works which do not conform with the provisions of the by-law:
- (e) For adopting, in whole or in part or with such modification as may be provided in the by-law, the rules and provisions of the Canadian Electrical Code promulgated by the Canadian Standards Association with respect to electrical works, and constituting as regulations under the by-law the rules and provisions so adopted or modified:
- (f) For regulating the placing or maintenance in any street of any electrical works, including the poles or other means of support thereof:
- (g) For requiring that any person permitted to erect any poles in a street shall afford to the city reasonable accommodation thereon for such wires or other equipment as may be required for the purposes of the city upon such terms as may be agreed upon or, failing agreement, upon terms to be fixed by arbitration under the "Arbitration Act":
- (h) For the construction of underground conduits in streets, and for permitting the use thereof for telegraph and telephone cables and other electrical works upon such terms and conditions, to such extent and for such charges, as may be prescribed in the by-law:

(i) For contracting for such lighting of the streets or other city property as the Council may determine, for periods of not more than ten years at a time, and for collecting the whole or part of the cost of such lighting from the owners of the parcels fronting on such streets, and for allocating the amount to be collected among the various parcels, and providing that any amounts so allocated may be entered in the tax roll with respect to each such parcel.

(2) Nothing in section 313, except in so far as it relates to electrical works (elsewhere than in a generating plant or substation) designed or intended for use for or in connection with the final consumption of electrical energy, and nothing in subsection (1) of this section, except clauses (f), (g), (h), and (i), shall apply to any electrical works maintained and used by any electric light, electric power, or street-railway company or transportation company operating trolley-coaches.

(3) The powers conferred on the Council by the said clause (f) shall not be used:—

- (a) To require any of the said companies to remove any presently existing electrical works or any renewal thereof, or to move the same to any new location, except upon condition that the city shall pay reasonable compensation to such company for the expense and loss of and from such removal or moving, the amount thereof to be such as the city and such company may agree upon or, in the event of failure to agree, as may be settled by arbitration pursuant to the "Arbitration Act"; or
- (b) With respect to underground duct banks or vaults of any of the said companies, except as to the position and over-all size thereof.

(4) The Council may make by-laws for regulating the placing and maintenance in any street by any gas company of gas-pipes, governors, regulators, and other equipment and apparatus used in connection with the transmission or distribution of gas.

Water powers.

**315.** Subject to the provisions of the "Water Act," the Council may provide for the diversion and use of water, within or without the city, for power purposes, and may cause any water-power project to be examined, investigated, and reported upon, and may acquire, develop, establish, equip, operate, and maintain the necessary dams, plant, works, and buildings for the purpose of producing and conveying to the city electrical energy or other power produced by the use of water, and may use, for the purposes of the city, or dispose of any energy or power so produced.

Saving clause.

**316.** Nothing in this Act shall be held to affect or impair any contract with the city or any rights, powers, or privileges now had or enjoyed under its Act of incorporation or any special Act by a public utility as the same is defined by the "Public Utilities Act."

PART XII.

STREET TRAFFIC.

- 317.** The Council may make by-laws:—
- (a) For regulating pedestrian, vehicular, and other traffic and the stopping and parking of vehicles upon any street or part thereof:
  - (b) For authorizing a police constable to arrest without warrant any person whom he finds committing a breach of any provision of a by-law passed pursuant to the provisions of this Act respecting traffic if such person shall fail to stop and state his name and address when so requested by such police constable:
  - (c) For defining and classifying vehicles, and for differentiating and discriminating between classes of vehicles in the exercise of any of the powers of the Council with respect to the use of streets:
  - (d) Notwithstanding anything contained in the “Motor-vehicle Act,” for regulating and fixing the rate of speed of all vehicles, or of any class of vehicles, on any street in any zone, place, or area designated by by-law:
  - (e) For regulating coasting or sliding by means of sleds, skis, skates, or the like on any street or part thereof:
  - (f) For classifying streets and parts thereof and differentiating between classes of them in the exercise of any of the powers of the Council with respect to the use of streets:
  - (g) For fixing the times when and the terms upon which all or certain classes of vehicles may or may not be used on any particular street or part thereof:
  - (h) For defining and classifying carriers, whether of persons or chattels, and for differentiating and discriminating between classes of carriers in the exercise of any of the powers of the Council with respect to carriers:
  - (i) For fixing routes to be taken by carriers of persons or chattels using any street:
  - (j) Subject to the provisions of the “Motor Carrier Act,” for fixing the maximum and minimum charges to be made by such carriers or any class thereof, which charges may be based upon zones or districts designated by by-law:
  - (k) For providing that, subject to an appeal to the Council in accordance with the procedure prescribed by by-law, the Council may delegate to a board appointed by the Council any or all the powers vested in the Council with respect to the operation by carriers of any vehicle on any street, including the powers contained in section 272 as to licensing and regulation and in clause (j) of this section as to charges to be made by carriers and in clause (m) of this section as to limiting the
- By-laws—  
Regulating traffic.
- Persons to give name and address to constable.
- Classification of vehicles.
- Speeds may be fixed.
- Coasting.
- Classification of streets.
- Vehicles may be banned.
- Carriers.
- Their routes.
- Charges by carriers.
- Powers may be assigned to board.



- number of vehicles with respect to which persons may be licensed in any class of carriers:
- Chauffeurs. (l) For regulating chauffeurs and other drivers of vehicles used by carriers on a street in connection with their business:
- Limiting licences. (m) Subject to the "Public Utilities Act," for regulating the number of vehicles with respect to which persons may be licensed in any class of carriers:
- Bicycle registration. (n) For regulating the use of bicycles, or other vehicles propelled by human muscular power, on any street, and for compelling the owners thereof to register the same annually pursuant to regulations provided by by-law, and for imposing a fee for such registration not exceeding fifty cents per annum for each such vehicle:
- Carrier to carry insurance. (o) For making it a condition of the granting and holding of any licence to a carrier that such carrier:—  
 (i) Be the holder of a subsisting policy of insurance issued by an insurer authorized to carry on business in the Province, or by Lloyd's, in such amounts and against such hazards as shall be specified in the by-law; or  
 (ii) Has given proof of financial responsibility pursuant to the "Motor-vehicle Act," the "Public Utilities Act," or the "Motor Carrier Act,"—  
 covering every vehicle in respect of which such carrier is licensed:
- Testing of vehicles. (p) For fixing standards of safety and of repair to be required of vehicles other than street-cars and trolley-coaches being operated on any street, and for requiring the owners and operators of such vehicles to present the same for inspection as to safety and repair at such place and at such times as the by-law prescribes, and for imposing a charge for such inspection, and for prohibiting the operation on any street of any vehicle which has not been presented as required for inspection pursuant to the by-law or, having been presented, fails to pass such inspection:
- Testing-stations. (q) For acquiring real property and providing and maintaining thereon the necessary buildings, equipment, and appurtenances for carrying out the inspection in the last clause mentioned:
- Animals on streets. (r) For regulating the use of any street by horses or other animals, and for prohibiting any person from allowing his horse or other animal to be on a street unattended, except as may be provided by by-law:
- Tires and weight, etc., of vehicles. (s) For fixing the width and character of the metal tires or tracks of any vehicle using a street and the weight and dimensions of the loads to be permitted on any vehicle using a street, and for delegating to the City Engineer the power to vary such widths,

character, dimensions, and weights, having regard to the season or the condition of any particular street or part thereof:

- Dogs to be curbed. (t) For requiring the owner, possessor, or harbourer of any dog to keep it from running at large on any street:
- Lines on streets. (u) (i) For designating streets or portions of streets on which a distinguishing single line or double line shall be marked, which lines need not be in the middle of the travelled portion of the street, and, notwithstanding anything contained in the "Highway Act," for prescribing that all vehicles shall be kept to the right of such double line at all times, and to the right of such single line except when passing an overtaken vehicle elsewhere than at a curve in the street:  
 (ii) For marking traffic-lanes on streets, and, notwithstanding anything contained in the "Highway Act," for regulating the driving of vehicles within such lanes:
- Traffic-lanes. (iii) For delegating to the City Engineer, or such other person as shall be named for the purpose, any or all the powers of designating or marking mentioned in this clause:
- Delegation. (v) For locating, establishing, and maintaining, in any street, areas or platforms reserved for the use of pedestrians only, as safety-zones, and for providing for the use of such safety-zones and the regulation of vehicular traffic in proximity thereto, and for providing such markings or warning-signs as may be thought necessary to identify such safety-zones:
- Safety-zones on streets. (w) For designating streets, or portions of streets, upon which no vehicles shall be stopped or parked or only such vehicles or classes thereof at such times and upon such conditions as may be prescribed, and for delegating to the City Engineer all or any of such powers so to designate or prescribe:
- Regulating, stopping, and parking on streets. (x) For acquiring real property for the use of the public for the parking of vehicles, and for providing and maintaining thereon the necessary buildings and equipment therefor, and for operating and managing the business of affording parking accommodation thereon, and for allowing persons to use portions of such real property for the parking of vehicles upon such terms and conditions and for such fee or charge as may be prescribed in the by-law:
- Public parking. (y) For entering into leases or other agreements with persons desiring to take over and operate such real property for the business referred to in clause (x) of this section, and for prescribing the terms and conditions and the rent or other remuneration to be paid to the city therefor:
- Contracting for parking areas. (z) For appointing a commission to which the Council may delegate any or all the powers exercisable by it under clauses (x) and (y) of this section:
- Parking Commission.

Parking-meters.

(aa) For locating, erecting, maintaining, and operating on any street automatic or other mechanical meters with the necessary standards and connections for the purpose of allotting parking-spaces on the street for vehicles and of measuring and recording the duration of such parking, and for requiring the operators of every vehicle parked in such space to make use of the said meters and deposit therein a fee for parking in the manner and at the rate prescribed by by-law and as measured by the meter, and for prohibiting any person from parking in such a space unless such meter is made use of and such fee is paid:

(bb) For closing a street, or portion of a street, to vehicular traffic and not to pedestrian traffic, or vice versa:

Impounding of vehicles.

(cc) For authorizing the removal and detention or impounding of any vehicle, whether being driven or not, or other chattel which is unlawfully placed, left, kept, or driven upon a street, and for requiring the owner thereof to pay to the city the sums fixed by the by-law as the expenses of such removal and detention or impounding, including towing, storage, and other charges, and for enabling the city to collect such expenses by the sale of the vehicle or other chattel at public auction or private sale as directed by the by-law or by action in any Court of competent jurisdiction:

(dd) For delegating to the Board of Park Commissioners all or any of the powers of the Council with respect to traffic upon a street, or portion of a street, in a park, as defined in Part XXIII of this Act.

**318.** The Council may provide:—

Stop-signs, etc.

(a) For locating, establishing, and maintaining on any street such stop-signs, traffic lights or reflectors, traffic disks, markers, blocks, standards, indicators, traffic-control signals, or other devices or apparatus, whether automatic or manual, as may be deemed necessary for the regulation, direction, and control of traffic on any street, and for delegating to the City Engineer, or such other person as shall be named for the purpose, any or all the powers of locating, establishing, and maintaining mentioned in this clause:

School crossings.

(b) For authorizing the City Engineer or other person to designate by traffic signs and markings such portions of streets as in his discretion should be designated as school crossings, and, notwithstanding anything contained in the "Motor-vehicle Act," for regulating traffic at such crossings, and for inflicting a minimum fine of fifteen dollars for any breach of such regulations:

- One-way traffic. (c) For designating certain streets, or portions of streets, upon which at all times, or during specified hours, vehicular traffic may move only in a named direction:
- Emergency powers for constables. (d) For empowering police constables to give directions during an emergency for the regulation or diversion of traffic upon a street in cases where:—
  - (i) It is necessary or desirable to expedite traffic or relieve traffic congestion; or
  - (ii) It is necessary to deal with accidental or other unexpected conditions affecting traffic; or
  - (iii) The safety of persons or property will be protected; and for requiring that all persons shall comply with any direction so given, notwithstanding that it is at variance with a traffic-control signal, traffic-sign, or the like.

**319.** The Council may make by-laws:—

- Parades. (a) For regulating parades and processions in or along any street, and for delegating to the Chief Constable the power to grant or refuse permits for such parades or processions and, when granted, to prescribe the routes of travel to be followed so as to prevent undue interference with other street traffic:
- Gathering on street. (b) For regulating the assembling or gathering of persons in or upon a street:
- Sales on streets. (c) For regulating the sale, or the offering or exposing for sale, of any merchandise or thing upon a street:
- Advertising on streets. (d) For regulating the exhibiting or placing of advertising-matter on, in, or above any street or on any pole or projection therein, including the billboards, hoardings, or other means used in connection with such advertising-matter:
- Distributing advertising-matter. (e) For regulating the distribution of advertising-matter to persons or vehicles on any street, and for prohibiting persons from distributing any such matter if it is likely to be thrown or left upon a street.

**320.** The Council may regulate:—

- Signs on streets. (a) The erection and maintenance of signs affixed to real property, and may provide for the fixing and collecting of a charge for signs projecting into or being in a street:
- Street names and signs. (b) The assigning of names to streets and the changing of the names so assigned when deemed necessary, and the affixing or otherwise displaying of such names at street corners or other convenient places either on a street or on private property.

- Filings to be made. **321.** The Council may cause the necessary filings with respect to such naming or changing of names to be made in the Land Registry Office or elsewhere.

## PART XIII.

## AIRPORT.

**322.** (1) The Council may provide:—

Establishing airports.

(a) For acquiring real property either within or without the city for airports, landing areas, land aerodromes, water aerodromes, and seaplane harbours (all of which are in this Act included in the term “airports”), and for providing and maintaining thereon the ways, landing areas, buildings, equipment, and appliances necessary for the operation of airports; and for leasing any part of such real property not immediately required by the city upon such terms and for such time as the Council deems proper:

Operating airports.

(b) For managing and operating such airports and regulating the conduct of persons therein:

Collecting fees, etc.

(c) For collecting fees and other moneys arising from the operation and use of such airports:

Delegating powers to commission.

(d) For appointing a commission to which the Council may delegate any or all the powers exercisable by it under this section.

Police powers extended to airports outside city limits.

(2) Notwithstanding anything contained in the “Municipal Act” or in any other Act, the jurisdiction and powers of the Board of Police Commissioners and of the police force, and of every constable thereof, shall extend to and be as valid and effectual within the boundary of any real property, including land covered with water, situate within any other municipality and owned, leased, operated, or used by the city for airport purposes, or as a seaplane harbour or landing area, as if such real property were situate within the city: Provided that nothing herein contained shall be deemed to affect the exercise within the boundary of any such real property, by any other municipal authority, officer, or constable, of any jurisdiction or power under the “Municipal Act,” or under any Act, subject to the provisions of this subsection, and of any other provision of this Act relating to airports, seaplane harbours, or landing areas, or the lands upon which the same are situate. No by-law passed pursuant to this subsection shall take effect until consented to by the municipality in which any such airport, seaplane harbour, or landing area is situate.

## PART XIV.

## NUISANCES.

**323.** The Council may make by-laws:—

Nuisances may be prohibited.  
Disturbing noises.

(a) For preventing, abating, and prohibiting nuisances:

(b) For regulating the making or causing of noises in a street or elsewhere in the city which disturb, or tend to disturb, the quiet, peace, or rest of persons in the vicinity, and for providing for exceptional cases where such noises may for limited periods be permitted:

- Firearms and fireworks. (c) For regulating the discharge of firearms or the exploding of fire-crackers and other fireworks:
- Regulation of sale of fireworks. (d) For regulating the sale or disposal to minors and others of rockets, fire-crackers, Roman candles, or other fireworks:
- Blasting. (e) For regulating the use of any explosive agent for blasting, and for regulating and requiring persons engaged in blasting to give security for damage to persons who, or whose property, may be injured thereby:
- Junk. (f) For regulating the keeping, storing, or offering for sale of junk, used materials, machinery, or vehicles, or parts thereof, and places where machinery or vehicles, or parts thereof, are disassembled, broken up, reassembled, or processed:
- Waste materials. (g) For regulating the buying or collecting of rags, bottles, cast-off clothing, and other used or waste materials and things, and for requiring the cleansing and sterilization or other treatment thereof, before they are disposed of, by those who buy or collect them as aforesaid:
- Fumigating agents. (h) For regulating the sale or use of materials giving off poison gas and other fumigating agents which are poisonous, and for regulating and requiring persons engaged in the business of fumigating rooms or premises, or keeping, storing, or transporting noxious fumigating materials to be registered as provided by by-law:
- Refrigerants. (i) For regulating the use of poisonous refrigerants or other noxious materials employed in bringing about changes in temperature:
- Public bathing-pools. (j) For regulating the use of bathing-pools and swimming-pools to which the public is admitted, whether for a fee or otherwise, and for prescribing the means and frequency of changing the water therein and of keeping them free from contamination and from the possibility of communicating disease to persons using them:
- Laundries. (k) For regulating the use of buildings and places for laundries, and for ensuring that cleanliness and sanitary conditions are observed therein:
- Excavations to be filled. (l) For requiring the owner or occupier of any real property to fill up any well, cellar, excavation, depression, septic tank, privy-vault, or cesspool where, in the opinion of the Medical Health Officer, its continuance would be dangerous to health:
- Removal of rubbish. (m) For requiring the owner or occupier of any real property to remove therefrom any accumulation of rubbish, discarded materials, garbage, ashes, or filth, and lawfully to dispose of the same, and for providing that in default of such removal the city may, by its workmen or others, enter and effect such removal at the cost of the person so defaulting:

- Transportation of offensive material. (n) For regulating the transportation upon any street of offal, decayed materials, or other offensive matter or thing:
- Smoke and dust regulation. (o) For regulating the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia into the air from any building or premises, and for requiring every owner or occupier of such building or premises to take such precautions and make such changes in, or additions to, any combustion-chamber, chimney, flue, stack, or equipment from or through which such emission takes place as will eliminate or reduce such emission to the extent required by the by-law:
- Scale of density of emissions. (p) For establishing or adopting a scale for grading the density of such emissions and for fixing degrees of density not to be exceeded in respect of such emissions:
- Permit for certain equipment. (q) For requiring persons constructing or installing combustion-chambers of any kind or any apparatus or equipment by which such emissions are caused to obtain a permit from the city before commencing such construction or installation, and for authorizing the withholding of such a permit unless the provisions of the by-law are complied with:
- Brush and weeds to be cleared. (r) For requiring the owner or occupier of any parcel to clear the same of brush, trees, noxious weeds, or other growths, and, in default, for empowering the city, by its workmen or others, to enter and effect such clearing and to enter the cost thereof in the real-property tax roll with respect to such parcel:
- Disposal of waste. (s) For requiring manufacturers and processors to dispose of the waste from their plants in the manner directed by the by-law.
- 324.** The Council may make by-laws providing:—
- Impounding of animals. (a) For the seizure, impounding, and detention of unlicensed dogs and of dogs, horses, cattle, and other animals unlawfully permitted to be upon a street or at large:
- Pound charges. (b) For reasonable charges to be imposed by the city for their seizure, impounding, and detention and their maintenance while impounded:
- Disposition of impounded animals. (c) For their sale or destruction in cases where such charges are not paid or where under the terms of the by-law such sale or destruction is prescribed:
- Pounds. (d) For establishing and maintaining such buildings, yards, enclosures, and other facilities for the keeping and disposition of impounded animals as may be necessary:
- Pound-keeper. (e) For the appointment of a pound-keeper and assistants:
- Dogs to be muzzled. (f) For requiring that owners, possessors, and harbourers of dogs, or any class of dogs, shall keep them effectively muzzled while they are at large or upon a street, or shall keep them on leash, or under the control of a competent person while upon a street, as the by-law may direct:

- Keeping of animals. (g) For regulating the keeping of horses, dogs, cows, goats, swine, rabbits, and other animals, and for defining areas within which such animals may be kept or within which the keeping of them is prohibited:
- Regulations of kennels, etc. (h) For regulating kennels or other places for the care, breeding, hospitalization, or boarding of cats, dogs, or other animals, including mink, foxes, and other undomesticated animals, and for defining areas within which such kennels or places shall be permitted or within which they are prohibited:
- Keeping of birds. (i) For regulating the keeping of domestic poultry, pigeons, and other birds, and for defining areas within which such birds may be kept or within which the keeping of them is prohibited.

PART XV.

HEALTH.

**325.** There shall be a Health Department of the city, the head of which shall be the Medical Health Officer appointed by the Council. He shall have such duties and powers in addition to those prescribed by Statute as the Council may from time to time designate.

**326.** Notwithstanding the provisions of the "Health Act," there shall be no Local Board of Health in the city, but all the powers and functions of such Board as provided by that Act shall be vested in and exercisable by the Council.

**327.** Section 28 of the "Health Act" shall not apply to the city.

**328.** The Medical Health Officer shall have power to cause all necessary inspections to be made in order to ascertain whether the provisions of any Statute, regulation, or by-law with respect to public health or sanitation are being carried out in the city.

**329.** It shall be the duty of the owner and occupier of any real property in the city to give to the Medical Health Officer and to any member of his staff, authorized by him for the purpose, such access at any reasonable time to such real property and every part thereof, and such information with respect thereto, as may be reasonably required to enable any necessary inspection to be made.

**330.** The Council may make by-laws:—

- Health by-laws. (a) For providing for the care, promotion, and protection of the health of the inhabitants of the city and for preventing the spread of contagious, infectious, or other disease, and, for that purpose, for regulating, controlling, and restricting persons and their activities:
- Insanitation. (b) For preventing, prohibiting, and remedying insanitary conditions and places in the city:



Food and drink to be wholesome.

(c) For regulating the bringing into the city of food or drink (not being liquor as defined by the "Government Liquor Act") intended for human consumption, and for preventing and prohibiting the entry or unloading of diseased or unwholesome food or drink (not being such liquor) intended for human consumption from any aeroplane, vessel, truck, railway-car, or other conveyance:

Analysis of water.

(d) For providing for the periodical examination and analysis of the water supplied by the city and for tests as to its purity and wholesomeness:

Regulation of places where food kept.

(e) For regulating any place or vehicle where food or drink intended for human consumption is kept, manufactured, prepared, processed, packaged, blended, or treated, or where it is displayed, offered for sale, sold, carried, or served, and if such place or vehicle or anything therein is found to be insanitary, or such food or drink is found to be unwholesome or likely to be injurious to health, for authorizing the Medical Health Officer to seize and forfeit such food or drink:

Hours for milk delivery.

(f) For regulating the delivery of milk and milk products to consumers by means of vehicles, and for fixing the hours in various months of the year during which such delivery shall take place and for prohibiting it at other times:

Wells.

(g) For regulating the use for human consumption of water from wells, springs, or streams, and for requiring the owner of any real property upon which there is a well from which the water is prohibited from being used for human consumption to fill the same in:

Exclusion of dogs

(h) For regulating owners and harbourers of dogs regarding the entry into, or presence of such dogs in, any place where food for human consumption is kept or offered for sale:

Regulation of pigeons, etc.

(i) For requiring owners or occupiers of buildings to prevent pigeons or other birds from perching, roosting, or nesting thereon, and for regulating the feeding of pigeons by persons other than their owners:

Abattoirs.

(j) For regulating the slaughter of animals:

Requirements for multiple dwellings.

(k) For regulating the use and occupation of all buildings used as dwellings, except one-family dwellings, in respect of:—

(i) The minimum floor-space to be provided for the occupant of each room thereof:

(ii) The minimum cubic space to be provided for the occupant of each room thereof:

(iii) The degree of ventilation, cleanliness, and access of natural light to be afforded in each room intended to be occupied:

(iv) The suitability of any such room in respect of dampness or insanitation:

(v) The maximum number of persons permitted to occupy rooms of various sizes:

(vi) The minimum bathing and toilet accommodation to be provided, based upon the number of occupants of the dwelling:

(vii) The minimum temperature to be maintained in any room while occupied:

Public lavatories.

(l) For acquiring real property, and for constructing and maintaining thereon or thereunder lavatories, urinals, water-closets, and the like conveniences, and for constructing and maintaining such conveniences upon or under a street:

Infectious-diseases hospital.

(m) For establishing and maintaining, either within or without the city, hospitals and other places where persons suffering from, or suspected to be suffering from, contagious or infectious diseases may be isolated and treated:

Homes for disabled.

(n) For establishing and maintaining, either within or without the city, homes for aged, infirm, or disabled persons:

Non-complying premises not to be occupied.

(o) In cases where any Statute, by-law, or regulation with respect to health is not complied with, for empowering the Medical Health Officer to cause a notice to be posted on any premises requiring that they be not occupied or used for human habitation, and thereafter for compelling any person in occupation of such premises to vacate them, and for preventing other persons from entering or occupying them:

Restaurants, etc., subject to regulation.

(p) For regulating restaurants, and places where prepared food or drink is served to the public, in all respects so far as the health of their patrons is concerned, and particularly:—

(i) As to the sterilization and cleansing of receptacles for food or drink:

(ii) As to toilet and other accommodation:

(iii) As to such medical or laboratory examination of employees as the Medical Health Officer may prescribe for the detection of contagious or infectious disease:

(iv) Empowering the Medical Health Officer to require such employees as in his opinion are likely to spread such disease to cease from their employment until he is satisfied that the danger of such spreading is past.

PART XVI.

CEMETERIES.

331. The Council may:—

Acquisition of cemetery property.

(a) Acquire real property within or without the city to be used for cemetery or crematorium purposes, and lay out, develop, improve, maintain, regulate, and operate cemeteries and crematoria:

- Regulation of cemeteries. (b) Regulate the interment or other disposition of the dead in such cemeteries and crematoria:
- Violation prohibited. (c) Prohibit the violation of cemeteries and the damaging of any vaults, monuments, grave-stones, or graves within such cemeteries:
- Terms of use of cemetery. (d) Establish the terms and conditions under which, and the fees for which, persons may acquire the right to make use of areas or plots in such cemeteries for the interment of the dead:
- Perpetual care. (e) Establish, set aside, and maintain a fund to defray the perpetual upkeep and care of a cemetery or part thereof, and accept from any person having the right to make use of any area or plot therein, and place in such fund, a capital sum for which the city may agree to ensure perpetual upkeep and care of such area or plot, and invest such fund in like manner as sinking funds are to be invested under Part V of this Act.

Resumption of areas alienated.

**332.** Notwithstanding that a person may have acquired the right to make use of an area or plot in such a cemetery for the interment of the dead, the Council may make application to the Provincial Secretary that such right be revoked. If upon such application the city furnishes proof to the Provincial Secretary:—

- (a) That no interment has been made in the said area or plot:  
 (b) That after reasonable search such person or his personal representative cannot be found,—

the Provincial Secretary may direct that the right to such area or plot be revoked, and thereupon the city may deal with the same as if the said right had never been granted. The person or his personal representative shall be entitled to be reimbursed upon proof that he is entitled thereto.

## PART XVII.

### PENALTIES.

Fines and penalties.

**333.** The Council may by by-law:—

- (a) Inflict reasonable fines and penalties not exceeding one hundred dollars and costs:—
- (i) Upon any employee of the city for non-performance of any duty assigned to him by this Act or by a by-law passed by the Council:
- (ii) Upon any person for an offence against any by-law passed by the Council:
- (iii) Upon any person for an offence against a provision of this Act where no other punishment is provided:
- (b) Inflict reasonable punishment by imprisonment, with or without hard labour, for any period not exceeding two months for an offence against any by-law passed by the Council or for

the non-payment of a fine inflicted under clause (a) of this section:

- (c) In cases where the offence is of a continuing nature, inflict a fine not exceeding fifty dollars for each day such offence is continued.

Remedy by injunction.

**334.** Where an offence is committed against any by-law passed in the exercise of the powers of the Council, in addition to any other remedy provided or penalty inflicted, the continuance of such offence may be restrained by action at the instance of an owner-elect or of the city.

Powers of Justice of the Peace.

**335.** Every fine and penalty imposed by or under the authority of this Act may, unless other provision is specially made therefor, be recovered and enforced with costs on summary conviction before a Justice of the Peace.

Expense may be recovered from defaulter.

**336.** Whenever the Council is empowered to require any person to do any matter or thing and if he defaults, to have the matter or thing done and charge the person so defaulting with the expense incurred, the Council shall have power to procure the matter or thing to be done and to authorize workmen and others to enter any premises for the purpose of doing so, and thereafter may:—

- (a) Recover the expense so incurred as a debt due the city in any Court of competent jurisdiction; or
- (b) If such person appears by the Collector's roll to be the owner, or owner under agreement, of a parcel of real property in respect of which the default occurs, direct that the amount of the expense so incurred (after certification by the City Comptroller) be inserted in the real-property tax roll as a charge imposed with respect to such parcel.

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## PART XVIII.

### DEPARTMENT OF INDUSTRIAL DEVELOPMENT.

Department of Industrial Development may be established.

**337.** The Council shall have power to establish and maintain a Department of Industrial Development and to appoint an Industrial Commissioner as head thereof. The Department shall assemble and make available statistics and information for the following and such other purposes as the Council may direct:—

- (a) To bring the advantages of the city as a location for industry to the notice of manufacturers and others:
- (b) To publicize the facilities and amenities of the city as a place of residence.

## PART XIX.

## VANCOUVER ATHLETIC COMMISSION.

Commission may be established.

**338.** The Council may make by-laws establishing and appointing annually a board of not more than five members to be known as the "Vancouver Athletic Commission" who, subject to clause (1), shall serve without remuneration, and for providing that such board shall have power within the city:—

To regulate boxing and wrestling.

(a) To regulate and supervise professional boxing and wrestling contests and exhibitions:

Fees may be exacted.

(b) In addition to any other tax or fee payable under this Act and for the purpose of providing funds for the board's proper expenses, to require persons conducting such contests or exhibitions to pay to the board a fee, to be fixed by the Council, in respect of each such contest or exhibition, which fee shall not exceed two cents for each seat made available to the public:

Commission may make rules.

(c) To prescribe equipment and rules for the conduct of professional boxing and wrestling and any other professional contests within the jurisdiction of the board:

Issue permits to promoters.

(d) To issue permits to persons conducting professional contests or exhibitions as a condition of their being held:

To participants.

(e) To issue permits to boxers, wrestlers, and other participants in professional contests or exhibitions as a condition of their participating therein:

Require security.

(f) To empower the board before issuing any permit to require the applicant to give such security as the board may determine for the faithful performance of his obligations as prescribed by the board. The security so given may be enforced by and in the name of the board for the benefit of all persons entitled to claim thereunder:

Pass upon contracts.

(g) To pass upon and approve contracts for such contests or exhibitions as a condition of their being held:

May discipline participants.

(h) To investigate the conduct of any participants in such contests or exhibitions or of persons conducting the same, and particularly with respect to any alleged breach of the by-law or rules made thereunder, with power by way of punishment to impose reasonable fines for misconduct, or to prevent such participants or persons from taking part in any contests or exhibitions in the city for reasonable periods:

Decisions appealable to Council.

(i) To provide that the decision of the board with respect to the granting or refusal of any permit or any other matters within its jurisdiction shall be final, subject to an appeal to the Council:

Permit required.

(j) To prevent any person from participating in or conducting any such contest or exhibition, or from advertising the same, unless he has been granted a permit for the purpose:

Remedy by injunction.

(k) Whether or not any penalty has been imposed, to restrain any person conducting any such contest or exhibition or participating therein without the prescribed permit, by action in the Supreme Court brought by the board in its name without the Crown or the Attorney-General or any other officer of the Crown being made a party to such action:

Appointment of secretary.

(l) To appoint and remunerate a member of the board or some other person to be secretary of the board, with such duties as the board may prescribe.

PART XX.

REAL-PROPERTY ASSESSMENTS AND TAXATION.

Assessment Department.

**339.** There shall be an Assessment Department of the city, the head of which shall be the Assessment Commissioner appointed by the Council.

Provision for Board.

**340.** The Council may appoint two other persons, being experienced valuers, who with the Assessment Commissioner as chairman shall constitute a Board of Assessment Commissioners, and such Board shall, until the Council disestablishes it, have all the powers and duties of the Assessment Commissioner under this Part. In case the members of the Board do not agree, the decision of the majority of them shall be the decision of the Board. The oath required of the Assessment Commissioner by section 350 shall be so modified as to show that the contents of the real-property assessment roll are based on the decisions of the majority of the Board.

Assessment Commissioner to prepare annual assessment roll.

**341.** The Assessment Commissioner, assisted by the necessary staff, shall in each year estimate the value of each parcel of real property in the city, and shall cause a real-property assessment roll to be prepared annually in which he shall cause to be entered the following, and such other particulars as the Council shall direct:—

The contents.

- (a) A short description based on Land Registry Office records of each registered parcel of real property in the city, not being Crown lands:
- (b) The estimated value of the land:—
  - (i) Subject to taxation; and
  - (ii) Exempt from taxation:
- (c) The estimated value of the improvements thereon:—
  - (i) Subject to taxation; and
  - (ii) Exempt from taxation:
- (d) The name of the registered owner thereof, if the parcel is not held by another person who is an owner under agreement:
- (e) The name of the person who is the owner under agreement, if the parcel is so held:

- (f) The address of such owner or owner under agreement:
- (g) Each parcel of Crown lands in the city, whether registered or unregistered, using the best short description available to him:
- (h) The estimated value of each such parcel of Crown land and the estimated value of the improvements thereon:
- (i) The name and address of any occupier having any right or interest in such parcel of Crown lands:
- (j) The estimated value of such right or interest.

Actual value.

**342.** Each parcel entered in the real-property assessment roll shall be estimated at its actual value, the value of the improvements, if any, being estimated separately from the value of the land to which they are affixed.

Crown tenant to be treated as owner.

**343.** In the case of a parcel of Crown lands, the value of the right or interest of an occupier of such parcel shall be estimated at the actual value of such parcel, the value of the improvements, if any, being estimated separately from the value of the land to which they are affixed.

Parcel includes interest of Crown tenant.

**344.** Unless the context otherwise requires, the word "parcel," as hereafter used in this Act, shall be deemed to include the right or interest of an occupier of Crown lands.

Assessment Commissioner to use own judgment.

**345.** In estimating the actual value of any parcel, the Assessment Commissioner shall be guided solely by his own judgment, based upon his personal knowledge or the information furnished him by his staff.

Addresses for entry in roll.

**346.** The Assessment Commissioner shall exercise due and reasonable care in ascertaining the addresses of persons for entry in the real-property assessment roll.

Land Registry records to be taken.

**347.** For the purposes of clauses (a), (d), and (e) of section 341, the records of the Land Registry Office as of the first day of November of the year in which such roll is prepared shall be conclusive.

Roll need not be in book form.

**348.** The real-property assessment roll need not be in the form of a roll or book, but may consist of a system of sheets, cards, or other records capable of use wholly or in part by mechanical devices.

Parcels may be grouped if all built on by one structure.

**349.** Where a building or other improvement extends over two or more contiguous parcels, the Assessment Commissioner may treat such parcels as a single parcel, whether they are owned by the same person or not, and may estimate their value as a unit. For the purpose of assessment, taxation, and the collection of real-property taxes, the contiguous parcels so dealt with shall be deemed to constitute one parcel.

When roll to be completed.

**350.** The Assessment Commissioner shall complete the real-property assessment roll by the thirty-first day of December, or such other date as the Council may fix. Upon its completion, the Assessment Commissioner shall make and subscribe an oath in the following form and file it in the office of the City Clerk:—

Oath verifying roll.

I, \_\_\_\_\_, of the City of Vancouver, in the Province of British Columbia, make oath and say as follows:—

1. That I am Assessment Commissioner for the City of Vancouver.  
 2. That I have this day completed the real-property assessment roll in accordance with the provisions of the "Vancouver Charter."

3. That I have, according to the best of my information and belief, entered and set down in the assessment roll so completed, now produced and marked [*here set out the method of identification*] as an exhibit to this my affidavit, every parcel of real property in the City of Vancouver referred to in section 341 of the "Vancouver Charter," and I have justly and truly entered and set down my estimate of the actual value of each such parcel as required by the "Vancouver Charter," and I have, to the best of my information and belief, entered and set down the names of the owners, owners under agreement, and occupiers of Crown lands in respect of each parcel and all other information required so to be entered and set down by the "Vancouver Charter."

Sworn before me at the City of Vancouver,  
 in the Province of British Columbia,  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Custody of roll vested in Assessment Commissioner.

**351.** The real-property assessment roll shall, unless otherwise ordered by competent authority, remain at all times in the custody of the Assessment Commissioner, and he shall be responsible for its safe-keeping.

Notice of assessment.

**352.** The Assessment Commissioner shall, following the completion of the real-property assessment roll, and at least thirty days before the day appointed for the first sitting of the Real-property Court of Revision for the revision of such roll, cause to be mailed to every person whose name is required to be entered in the roll, and whose property is liable to taxation, at the address entered in the roll, or shall cause to be left for such person at such address, a notice setting out:—

The contents.

- (a) A short description as it appears in the roll of the parcel in respect of which he is entered as owner, owner under agreement, or occupier of Crown lands:
- (b) The estimated value of the land liable to taxation as it appears in the roll:
- (c) The estimated value of the improvements liable to taxation, if any, as it appears in the roll:
- (d) The time and place of the first sitting of the next Real-property Court of Revision:
- (e) If the parcel appears on the roll to be partially exempt from taxation, the amount of such exemption:
- (f) A copy of sections 363 and 365 of this Act or a summary thereof.

Substituted address.

**353.** Where such owner, owner under agreement, or occupier has in writing authorized an address other than that in the roll, the Assessment Commissioner may substitute that address on the roll until written notice of the termination of such authority has been given to him.



Information to be made available.

**354.** Upon the completion of the real-property assessment roll, the Assessment Commissioner shall, in the Assessment Department, make available to any person claiming to be a taxpayer any information contained in such roll reasonably required by him.

Assessment Commissioner may enter and inspect.

**355.** It shall be the duty of every owner and occupier of any real property in the city to permit to the Assessment Commissioner, or any member of his staff authorized by him for the purpose, such access and examination of such real property, and to give such information with respect thereto, as may be reasonably required to enable the Assessment Commissioner to carry out his duties under this Act. The Assessment Commissioner may require such owner or occupier to deliver to him a written statement containing such information over the signature of the owner or occupier.

Penalty for refusal.

**356.** Any person who wilfully fails or refuses to permit the access or examination, or to give the information required of him under section 355, shall be guilty of an offence against a provision of this Act.

Access to Land Registry records.

**357.** It shall be the duty of the Registrar of the Land Registry Office at Vancouver to allow, free of charge, the Assessment Commissioner, or such members of his staff as may be authorized by the Assessment Commissioner, to have access at all reasonable times to the books and documents in such office for the purpose of preparing the real-property assessment roll.

*Real-property Court of Revision.*

Its composition.

**358.** The Real-property Court of Revision shall consist of the members of the Council. Three members of the Court shall be a quorum, and a majority of those present shall, except as provided in section 369, decide any question before the Court. After the first sitting, the Court may meet and adjourn from time to time as it may decide.

Time for sitting of Court.

**359.** The Council shall appoint, by resolution, a time and place for the first sitting of the Court in each year. The time so appointed shall be within two months after the time fixed for the Assessment Commissioner to complete the real-property assessment roll. The City Clerk shall give notice of the time and place so appointed by advertisement in a daily newspaper circulating in the city.

Witnesses.

**360.** A member of the Court may issue a summons to any person to attend before the Court as a witness, who may in the summons be required to produce any document in his possession or power. A person summoned to attend before the Court as a witness who fails without good and sufficient reason to obey the summons, having first been tendered the like witness fee as if he were a witness in the County Court, shall be guilty of an offence against a provision of this Act.

Oath to witness.

**361.** A member of the Court may administer an oath to any person giving evidence before the Court.

Secretary to the Court.

**362.** The Court shall appoint the City Clerk or a member of his staff as secretary. He shall keep minutes of the proceedings of the Court, which shall be initialled by the Chairman, and the Assessment Commissioner shall make such corrections and alterations in the real-property assessment roll as, according to the minutes, the Court has directed.

Jurisdiction of Court.

**363.** If any person complains that his name, or the name of any other person, has been wrongfully inserted in or omitted from the real-property assessment roll as completed by the Assessment Commissioner, or if any person complains that any parcel of real property set down in the roll has been estimated at too low or too high a value, whether in respect of land or improvements, or both, or as to the extent of any exemption allowed, he may cause written notice to be given to the Assessment Commissioner that he appeals to the Real-property Court of Revision with respect to such complaint, and in such notice of appeal he shall give particulars of his complaint and an address at which notices may be sent to him.

Complaint regarding property of others.

**364.** Where it appears by the notice of appeal that a person complains that the real property of some other person has been estimated at too low or too high a value, or as to the extent of any exemption allowed, the Assessment Commissioner shall forthwith cause a notice to be mailed to such last-mentioned person at the address appearing on the real-property assessment roll, giving particulars of the complaint and requiring him to attend before the Court at a time named in the notice; and thereupon the complaint shall be heard in like manner as other complaints.

Only complaints duly notified to be heard.

**365.** The Assessment Commissioner shall bring before the Court only those complaints of which notice has been received by him fourteen days or more before the day appointed for the first sitting of the Court.

Duty of Court.

**366.** The Court shall hear and determine the complaints brought before it by the Assessment Commissioner, and may correct, revise, or confirm the real-property assessment roll with respect to such complaints; and if the appellant or any person who ought to be present fails to appear, the Court may proceed in his absence.

Manifest errors.

**367.** (1) The Court may, of its own motion at any time during its sittings, direct the correction of manifest errors in the real-property assessment roll. If, however, such correction involves an increase in the value of any parcel as it is estimated in the roll, the Court shall fix a time for a hearing and direct that such notice thereof as the Court deems adequate shall be given the person concerned before any increase is decided upon.

Certain errors to be subject of notice.

(2) Where a person complains that a parcel has been omitted from the real-property assessment roll or that the name of any other person has been wrongfully inserted in or omitted from such roll, or where an apparently wrongful insertion or omission is discovered during any sittings, the Court may correct the error, but shall fix a time for a hearing and direct that such notice thereof as the Court deems adequate shall be given the person concerned before any change in the roll is directed.

Reduction may be extended to other properties in area.

**368.** Where the Real-property Court of Revision reduces the real-property assessment of a parcel, it may, notwithstanding anything contained in this Act, direct the like reduction of the real-property assessment of such other parcels in the same area as the Court decides, whether such other parcels are, or are not, the subject of complaints brought before the Court. Such direction shall be effective only if at least six members of the Court of Revision concur in the decision. A Court of Revision as constituted under section 371 shall not have the power provided for in this section.

Finality of roll.

**369.** Subject to the provisions of section 370 and subject to such variation, if any, as may be made on appeal as hereinafter provided, the real-property assessment roll as corrected, revised, or confirmed and finally passed by the Court of Revision shall, notwithstanding any defect, error, or misstatement in the notice required by section 352, or the omission to mail or leave such notice, be valid and binding on all persons concerned, and:—

- (a) Any person whose name is entered in such roll pursuant to this Part as registered owner, or owner under agreement, of a parcel shall be deemed to be the assessed owner of such parcel:
- (b) Any person whose name is so entered as occupier of a parcel of Crown lands shall be deemed to have a right or interest in such parcel:
- (c) The amount set out in such roll as the value of a parcel of land and of the improvements thereon, if any, shall be the assessed value thereof.

Such roll, subject as aforesaid, shall for all purposes be conclusively taken and held to be the real-property assessment roll of the city until a new roll has been corrected, revised, or confirmed and finally passed by the Court of Revision.

Supplement to the real property assessment roll.

**370.** (1) Forthwith after the passing of the annual rating by-law, provided for in section 373, the Assessment Commissioner, assisted by the necessary staff, shall cause a supplement to the real-property assessment roll (hereinafter called “the assessment-roll supplement”) to be prepared, in which he shall cause to be entered the particulars mentioned in clauses (a), (d), (e), and (f) of section 341, as of the date of the passing of the annual rating by-law aforesaid, so far as the said particu-

lars, as of the said date, differ from the corresponding particulars in the real-property assessment roll.

(2) The Assessment Commissioner shall, on completion of such assessment-roll supplement, attach thereto his certificate in the following form:—

I hereby certify that the foregoing assessment-roll supplement for the year \_\_\_\_\_, to the best of my knowledge, information, and belief, correctly sets forth the several particulars mentioned in subsection (1) of section 370 of the "Vancouver Charter," with respect to the said year.

Dated at Vancouver, B.C., this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

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*Assessment Commissioner.*

(3) Upon certification of the assessment-roll supplement, as aforesaid, it shall, notwithstanding the provisions of this or of any other Act, be deemed, for all purposes of this Act, to be a part of the real-property assessment roll for the then current year, and the real-property assessment roll, for the purposes of this Act, shall be deemed to be amended in accordance with such assessment-roll supplement, and the particulars mentioned therein shall be deemed to be substituted for the corresponding particulars mentioned in the said real-property assessment roll, as if all changes mentioned in said assessment-roll supplement had taken place prior to the date of completion of the real-property assessment roll for such year as fully and to the same extent as if the particulars set forth in the said assessment-roll supplement had been before the Court of Revision, held with respect to the real-property assessment roll, as if the said particulars had been duly confirmed by the said Court, and as if no appeal from the said Court had been taken with respect to any of the said particulars. It shall not be necessary, however, to enter any such substitution or reference to any such amendment in the said real-property assessment roll.

(4) The provisions of section 351 shall, mutatis mutandis, apply to the said assessment-roll supplement.

Court of Revision  
 may be one person.

**371.** The Council may, notwithstanding the provisions of section 359, by by-law provide that the Real-property Court of Revision shall consist of one person only appointed by the Council. The person so appointed shall be paid such remuneration as the Council shall fix, and shall hold office during the pleasure of the Council. He shall not be a member of the Council.

*Estimates and Rating By-law.*

Annual estimates.

**372.** In each year as soon as possible after the Court of Revision has finally passed the real-property assessment roll, the Council shall consider the report submitted by the City Comptroller pursuant to section 219, and shall cause to be prepared and shall adopt the estimates for the current year. The estimates so adopted shall show the anticipated

revenues of the city from every source and the anticipated expenditure for that year.

Rating by-law.

**373.** As soon as the estimates for the year have been adopted, the Council shall pass a rating by-law based upon such estimates fixing, subject to the limitations herein provided, a rate of levy on every parcel of real property liable to taxation on the real-property assessment roll, according to the assessed value thereof as shown on such roll, subject to any variation that may have been adjudged on appeal, to raise a sum by way of real-property taxes which, added to the estimated revenue of the city from other sources, will be sufficient to pay all debts and obligations of the city falling due within the year and not otherwise provided for. Exclusive of the amount necessary to meet:—

- (a) Interest on debentures:
- (b) Payments to sinking fund:
- (c) Instalments of principal in respect of serial debentures:
- (d) Amounts required for school purposes,—

the Council shall not levy in any year more than twenty-five mills on the dollar of the leviable assessed value of any parcel.

Incidence of levy.

**374.** In the rating by-law the levy shall with respect to each parcel be upon the full assessed value of the land as shown on the real-property assessment roll, subject to any variation that may have been adjudged on appeal; but the levy shall not in respect of improvements be upon more than seventy-five per centum of their full assessed value as shown on the roll, subject to any variation that may have been adjudged on appeal.

Pending appeals, how dealt with.

**375.** No account need be taken in the rating by-law of undecided appeals with respect to real-property assessments. If, upon the later decision of such an appeal, any change in the real-property assessment roll or tax roll is adjudged, the necessary changes shall be made; and if in the meantime payment has been made, the change shall be given effect to by repayment if overpayment has been made to the city, and by collection of the balance if underpayment has been made to the city.

Rebates or penalties.

**376.** The Council may by by-law provide for percentage additions, not exceeding ten per centum, to be made to real-property taxes levied by a rating by-law and any other charges lawfully imposed and inserted in the tax roll if not paid by certain times in the year in which they are levied, and may fix the times and percentages accordingly. The amounts so added shall be deemed to be part of such real-property taxes for the year in which they are added.

Alternative appeal per saltum.

**377.** Any person complaining that the Assessment Commissioner has, on the real-property assessment roll, estimated a parcel of which he is the registered owner, or owner under agreement, at too high a value, or as to the extent of any exemption allowed, may, instead of appealing

to the Real-property Court of Revision, appeal directly to the Board of Assessment Appeals within the same time and upon the like notice as are applicable to appeals to the Real-property Court of Revision. The provisions of this Act applying to appeals to the Board of Assessment Appeals from the Court of Revision shall, so far as they are applicable, mutatis mutandis, apply to appeals under this section.

On what terms.

**378.** No appeal under section 377 shall be heard by the Board unless, within three days after the giving of the notice of appeal, the appellants deposit with the City Clerk the sum of two hundred dollars as security for the costs of such appeal. The disposition of the sum so deposited shall be in the discretion of the Board.

*Appeals from Real-property Court of Revision.*

How Board constituted.

**379.** There shall be a Board of Assessment Appeals (hereinafter in this Part called the "Board") for the purpose of hearing and determining any appeal by any person dissatisfied with the decision of the Real-property Court of Revision as well as any appeal pursuant to section 377. The Board shall be known as the "Vancouver Board of Assessment Appeals," and shall be composed of three members, of whom two shall be experienced real-property valuers, and the third shall be a barrister of not less than ten years' standing who shall be Chairman of the Board. All regular appointments to the Board shall be made on or before the first day of February in each year, or as soon thereafter as Council may direct.

Members selected by Judge.

**380.** (1) Appointment as a member of the Board shall be made by an order of a Judge on the application of the city. The Judge may select the members to be appointed from a list of qualified persons submitted by the Council.

Three-year term.

(2) Each member of the Board shall retire after serving three years, but may be reappointed.

Two a quorum.

**381.** Two members of the Board shall constitute a quorum, but unless the Board is unanimous in its decision when sitting with a quorum of two, the appeal shall be reheard by the full Board, subject to the provisions of section 386.

Vacancies, how dealt with.

**382.** In case a member of the Board fails to act, or if a vacancy occurs through death, resignation, illness, or for any other reason, the Council may cause application to be made for the appointment of a new member to serve for the remainder of the term, or for a temporary period, as the Council may determine, and the Judge shall select a new member according to the procedure set out in section 380 of this Act.

Who ineligible.

**383.** No member of the Council and no employee of the city shall be eligible for appointment as a member of the Board.

Oath to be taken.

**384.** Each member of the 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, \_\_\_\_\_, of the City of Vancouver, in the Province of British Columbia, make oath and say 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 Vancouver Board of Assessment Appeals 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.

Sworn before me at the City of Vancouver,  
 in the Province of British Columbia,  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Such oath of office shall be filed of record in the office of the City Clerk.

Conditions of appeal.

**385.** If a person is dissatisfied with the decision of the Real-property Court of Revision, he may appeal therefrom to the Board: Provided that he shall, within one week after the decision of the Court of Revision, cause to be given to the City Clerk a written notice of such intention to appeal, stating in such notice his grounds of appeal (unless the Board for good cause excuses the stating of such grounds), and shall apply to the Board for a date of hearing within twelve days from the date of the decision appealed against. The City Clerk, or such member of his staff as he shall appoint, shall be the clerk of the Board, and the City Clerk shall keep in his custody all documents and records of the Board.

Mode of hearing.

**386.** The Board shall hear all appeals de novo upon evidence adduced under oath in a summary manner at the time and place so appointed by the Board, and may adjourn the hearing from time to time, and defer decision thereon at pleasure, but so that the decision of the Board shall be delivered within one month from the final passing of the real-property assessment roll or such further time as may be fixed by resolution of the Council; and if such appeal shall not be decided within the time so limited, the decision appealed against shall stand. The burden of proof shall be upon the appellant, and the rules of evidence governing the practice in the Supreme Court shall as far as practicable be followed on the hearing of such appeals.

Witnesses.

**387.** The Chairman of the Board, or, in his absence, the presiding member, shall have the like powers as a Judge of the County Court to compel the attendance of witnesses and the production of documents before the Board and to administer the oath to any witness.

Stenographer may be employed.

**388.** Either the appellant or the city may have the evidence and proceedings at the hearing and determination of any appeal before the Board taken down and reported by a stenographer who shall take the following oath:—

You shall faithfully and accurately and to the best of your skill and ability report the evidence and proceedings in this appeal. So help you God.

Expense of stenographer to be costs.

**389.** The proper expense of any attendance of such stenographer, and of any transcript of evidence and proceedings ordered by the Board, shall be deemed to be costs in the cause of any such appeal.

Documents to be produced.

**390.** The Assessment Commissioner shall, at the request of the Board, cause the real-property assessment roll and other documents in his possession relating to any appeal to be produced before the Board.

Powers of Board.

**391.** The Board, having heard the appeal, may correct or confirm the decision of the Court of Revision, or, if the appeal is taken pursuant to section 377, the Board may correct or confirm the action of the Assessment Commissioner.

Costs, how dealt with.

**392.** The costs of any appeal to the 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 expense of the attendance, if any, of the stenographer and of any transcript ordered by the Board; such costs shall be payable forthwith, and may be collected in like manner as provided in respect of a judgment for costs by the Rules of the Supreme Court.

How Board members to be paid.

**393.** Payment shall be made to the members of the Board as follows: To the Chairman, twelve dollars and fifty cents per hour or part thereof; to the other members of the Board, ten dollars per hour or part thereof. Only the time consumed in sittings at the City Hall and in the inspection of properties under appeal shall be taken into account. No member of the Board shall be paid more than one thousand dollars in any year.

Further appeal to Court of Appeal.

**394.** An appeal shall lie from a decision of the Board to the Court of Appeal. Notice of appeal shall be given to the City Clerk within ten days from the date of the decision of the Board in respect of which such appeal is taken. Such appeal shall be determined and judgment given thereon within three months from the giving of the decision by the Board from which the appeal is taken or within such further time as may be fixed by the Court, otherwise such decision shall stand as final and binding on all parties concerned. The rules as to appeals from a decision of the Supreme Court, or a Judge thereof, to the Court of Appeal shall apply to appeals under this section.

Powers of Court of Appeal.

**395.** On the hearing of the appeal, the Court of Appeal may vary, modify, or confirm the decision of the Board.



*Taxation of Real Property.*

Liability to  
taxation.

**396.** All real property in the city is liable to taxation pursuant to a rating by-law, subject to the following exemptions:—

Crown exempt.

(a) Crown lands: Provided, however, that the right or interest of an occupier of Crown lands, not holding in an official capacity, shall be liable to taxation, and he shall be personally liable therefor as if he were the owner of such real property, but the property shall not be subject to lien under section 414 nor subject to tax sale under section 422:

Tenant or occupier  
liable.

City property exempt.

(b) Real property vested in the city:

Also charitable  
institutions.

(c) Real property:—

(i) Of which an incorporated charitable institution is the registered owner, or owner under agreement, and which is in actual occupation by such institution and is wholly in use for charitable purposes:

And certain institu-  
tions of learning.

(ii) Of which an incorporated institution of learning regularly giving to children instruction accepted as equivalent to that furnished in a public school is the registered owner, or owner under agreement, and which is in actual occupation by such institution and is wholly in use for the purpose of furnishing such instruction:

And certain  
hospitals.

(iii) Of which a hospital receiving aid under the "Hospital Act" is the registered owner, or owner under agreement, either directly or through trustees therefor, and which is in actual occupation by such hospital and is wholly in use for the purposes of the hospital:

And churches.

(iv) Of which a religious organization, either directly or through trustees therefor, is the registered owner, or owner under agreement, and which is set apart and in use for the public worship of God.

Extent of exemption.

**397.** (1) The exemptions provided for under clause (c) of section 396 shall extend to so much real property as is reasonably necessary for the purposes of the institution, hospital, or religious organization, and no further: Provided that if a parcel is partly exempt and partly taxable, it need not be severed, but the taxes on the taxable portion shall be deemed to apply to the whole parcel.

Change of status.

(2) Where a transfer is made of real property theretofore exempt from taxation under section 396 to some person not entitled to such exemption, or where real property used for some purpose which would entitle it to exemption thereunder ceases to be so used, such real property shall thereafter become liable for so much of the taxes as it would have been liable for had it not been exempt.

How liability  
determined.

(3) If the assessment roll has been completed before such transfer or cesser of user comes to the notice of the Assessment Commissioner, he shall give to the transferee or person who but for the exemption would

have been liable to taxation a notice setting out the estimated value of the real property concerned as it appears on the assessment roll and stating that taxes from the date of such transfer or cesser of user will be imposed. The person so notified may, within five days after the receipt of such notice, cause written notice to be given to the Assessment Commissioner setting out any complaint that might be made under section 363. Thereupon the provisions of this Act with respect to complaints and appeals to and from the Real-property Court of Revision shall, *mutatis mutandis*, apply. If no complaint is made, or the complaint, if any, has been finally disposed of, such transferee or person so not entitled to exemption shall be liable for so much of the taxes on the real property concerned as accrues after the date of such transfer or cesser of user at the rate fixed for the year as though his name and the description of the real property and the value thereof and other particulars had been set down in the real-property assessment roll and in the real-property tax roll in the usual way.

Equipment on streets  
to be taxed.

**398.** (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.

Basis of taxation.

(2) The several companies aforesaid shall pay to the city annually at the rate of two and one-half per centum per annum:—

- (a) In the case of every telephone company, on the revenue, being gross rentals actually annually received from its subscribers for telephones situate within the city, including interexchange tolls for calls between exchanges within the city:
- (b) In the case of every gas company, electric light company, and electric power company, on the revenue, being the amount annually received by such company for gas, electric light, or electric power consumed within the city:
- (c) In the case of the British Columbia Electric Railway Company, Limited, with respect to its street-railway and transportation undertaking, on its annual basic fare revenue as defined in an agreement between the city and the said company, dated the thirtieth day of December, 1946, in respect of its street-cars and trolley-coaches operated under such agreement.

Return by companies.

(3) Every company to which this section applies shall annually, without any notice or demand, make a return of its revenue as aforesaid for the previous year, and shall file such return with the City Comptroller on or before the fifteenth day of April in each year, and shall on or

before the third day of July in each year pay to the city the amount imposed by this section. The amount so payable shall bear interest at the rate of six per centum per annum from such third day of July until payment is made.

(4) The taxation imposed by this section shall be in lieu of all taxes otherwise imposed and payable to the city upon the property mentioned in subsection (1).

Exemption from  
business tax.

**399.** None of the several companies aforesaid shall be required to pay the business tax in respect of any premises occupied or used by it solely for the purposes of the generation, transformation, or distribution of electric light, electric power, or gas, or for the purposes of the said agreement dated the thirtieth day of December, 1946, or for the purposes of telephonic communication, or to pay licence fees other than those payable pursuant to clause (e) of section 272. Subject to the said agreement, nothing herein shall relieve the said companies, or any of them, from liability to pay the business tax in respect of the offices and premises, other than those aforesaid, occupied or used by them.

*Collection of Real-property Taxes.*

Tax roll.

**400.** In each year, upon the passing of the rating by-law, the Collector of Taxes appointed by the Council shall cause a real-property tax roll to be prepared. It need not be in the form of a roll or book, but may consist of a system of sheets, cards, or other records capable of use wholly or in part by mechanical devices.

Its contents.

**401.** The Collector shall cause to be entered in the real-property tax roll the following, and such other particulars as the Council shall direct, with respect to each parcel appearing on the real-property assessment roll as being liable to taxation:—

- (a) A short description of the parcel as it appears on such assessment roll:
- (b) The name of the person entered in such assessment roll with respect to such parcel, showing whether he is owner, owner under agreement, or occupier:
- (c) His address taken from such assessment roll: Provided that where such person has, in writing, authorized an address other than that on the assessment roll, the Collector shall substitute that address on the real-property tax roll until written notice of the termination of such authority has been given to him:
- (d) The assessed value of the land as it appears in the assessment roll, exclusive of exemptions, if any:
- (e) The assessed value of the improvements, if any, as it appears in the assessment roll, exclusive of exemptions, if any:
- (f) The real-property taxes for the year as levied by the rating by-law, to the extent that the parcel is not exempt as shown by such assessment roll or otherwise:

- (g) Any charge imposed pursuant to this Act, other than real-property taxes levied by a rating by-law:
- (h) Any delinquent real-property taxes.

Collector to have custody.

**402.** The real-property tax rolls of the city shall, unless otherwise ordered by competent authority, at all times remain in the custody of the Collector, and he shall be responsible for their safe-keeping.

Tax statements to be mailed.

**403.** Upon completion of the real-property tax roll, the Collector shall proceed to collect the taxes and charges appearing thereon with respect to each parcel from the persons liable therefor, and shall with due dispatch cause to be mailed to each person whose name is required to be entered on such tax roll and by whom the real-property taxes in respect of such parcel are payable, at the address appearing on the tax roll, a tax statement containing the following, and such other particulars as the Council shall direct:—

Their contents.

- (a) A short description of the parcel:
- (b) The assessed value of the land as it appears in the assessment roll, exclusive of exemptions, if any:
- (c) The assessed value of the improvements, if any, as it appears in the assessment roll, exclusive of exemptions, if any:
- (d) The amount of the real-property taxes for the year as it appears in the real-property tax roll:
- (e) The amount of any charge imposed, other than real-property taxes levied by a rating by-law, taken from such tax roll:
- (f) The amount of any delinquent real-property taxes:
- (g) The times fixed for and percentages to be added if such taxes and charges are not paid by the times so fixed:
- (h) The rate on the dollar levied by the rating by-law.

Date of mailing to be recorded.

**404.** The Collector may cause a record to be kept of the date of mailing of each such tax statement. Such record shall be prima facie evidence that the statement was mailed on the date appearing in such record.

Copies may be had.

**405.** Any person who applies in writing to the Collector for a copy of a tax statement shall be entitled to such copy on payment of a fee of twenty-five cents for each parcel, or such other amount as the Council shall determine.

Warning of tax sale.

**406.** If any taxes have been delinquent for a period of one year on real property subject to tax sale, the Collector shall cause a warning to be added to the relevant tax statement to the following effect:—

Taxes delinquent. This property will be sold for taxes in November of next year unless all taxes now delinquent for a period of one year are sooner paid.

Further warning of tax sale.

**407.** If any taxes have been delinquent for a period of two years on real property subject to tax sale, the Collector shall cause a warning to be added to the relevant tax statement to the following effect:—

Taxes delinquent. This property will be sold for taxes in November of this year unless all taxes now delinquent for a period of two years are sooner paid.

- How printed. **408.** The warning required under sections 406 and 407 shall be lettered in a different colour from that of the statement to which it is added.
- Charges, how treated. **409.** Any charges lawfully inserted in the real-property tax roll with respect to any parcel shall, if not sooner paid, from the thirty-first day of December in the year in which they are so inserted, be deemed to be delinquent real-property taxes for all the purposes of this Act.
- Taxes deemed due at beginning of year. **410.** Real-property taxes levied by a rating by-law shall, unless the by-law otherwise provides, be deemed to be due on and from the first day of January of the year in which the by-law is passed.
- When delinquent. **411.** Real-property taxes shall be deemed to be delinquent which remain unpaid at the close of business on the thirty-first day of December of the year in which they are levied.
- Payment of taxes in advance. **412.** The Council may by by-law provide for the acceptance by the Collector of moneys to be applied at a future date in payment of real-property taxes, and may in such by-law provide terms and conditions upon which such moneys shall be accepted and held, and may allow interest thereon at a rate not exceeding six per centum per annum.
- Persons liable for taxes. **413.** Real-property taxes levied on any real property shall, subject to any lawful exemptions, be payable by the person whose name appears as owner thereof on the real-property tax roll prepared pursuant to the provisions of this Act, except that if the name of some other person appears thereon as owner under agreement of such real property, the taxes shall be payable by such owner under agreement, and if the real property is Crown lands, the taxes shall be payable in respect of his right or interest by the occupier whose name appears on the roll as such.
- Constitute special lien. **414.** Real-property taxes payable under this Act, together with interest thereon, shall constitute a special lien upon the real property in respect of which they are payable, having preference to any claim, lien, privilege, or encumbrance of any person except the Crown, and shall not require registration to preserve it.
- Interest. **415.** Interest at six per centum per annum shall be added to all real-property taxes from the date on which they become delinquent.
- Payment by instalments. **416.** The Collector shall accept payment of real-property taxes in such instalments as the Council may by by-law determine.
- Order of application. **417.** Payments accepted for real-property taxes, whether by instalments or otherwise, shall be applied and credited in respect of any parcel by the Collector in the following order: First, against any delinquent taxes, and interest thereon, appearing on the real-property tax roll;

secondly, against any charges inserted in the roll during the current year; thirdly, against the real-property taxes levied by a rating by-law for the current year.

Memo. showing taxes to be had.

**418.** The Collector, upon payment of the prescribed fee, shall furnish to any applicant therefor a memorandum showing what real-property taxes, if any, are payable in respect of any parcel on the tax roll. The fee, unless otherwise determined by the Council, shall be twenty-five cents for a memorandum covering up to five parcels and an additional five cents for each parcel beyond five.

Taxes deemed legal after one year.

**419.** The taxes as set out in the real-property tax roll with respect to any parcel shall, after the expiration of one year from the passing of the rating by-law purporting to levy them, be deemed to have been duly and legally levied and imposed on that parcel, except where within the said period of one year an action has been commenced questioning the legality of such taxes.

Tax roll prima facie proof of debt.

**420.** The production of a copy of the part of the real-property tax roll showing the real-property taxes with respect to any parcel shall in any Court be prima facie evidence that the person shown thereon as owner, owner under agreement, or occupier, as the case may be, is indebted to the city for real-property taxes in the amount shown on such copy.

Apportionment where boundaries changed.

**421.** Where the boundaries of a parcel, as it appears on the roll, are altered so as to create a new parcel, and where real-property taxes on such first-mentioned parcel are unpaid, the Collector may apportion such taxes in the proportion that the value of the new parcel bears to the value of the old, and in arriving at such apportionment the Collector may accept the certified valuation of the Assessment Commissioner. Upon such apportionment, the sums so apportioned as taxes shall be deemed to be real-property taxes levied upon such new parcel.

*Sale of Real Property for Delinquent Taxes thereon.*

Tax sale each year.

**422.** The Collector shall, on the first Wednesday in November in each even-numbered year and on the second Wednesday in November in each odd-numbered year, at ten o'clock in the forenoon at the City Hall, proceed to offer for sale by public auction every parcel of real property on which, according to the real-property tax roll, any unpaid taxes have been delinquent for a period of two years.

Status of Crown lands.

**423.** Unless the Council otherwise directs, the right or interest of an occupier of Crown lands shall not be offered for sale.

Notice of sale.

**424.** During the month of October preceding the sale, the Collector shall cause general notice thereof to be advertised in three issues of a daily newspaper published in the city and in one issue of the Gazette.

Collector to be auctioneer.

**425.** The Collector shall be the auctioneer at such sale unless the Council appoints some other person to be auctioneer, and the auctioneer may adjourn the sale from time to time as may be necessary until all the parcels offered for sale are disposed of.

Withdrawal of parcel from sale.

**426.** Notwithstanding that the advertising has commenced, the Collector shall withdraw from the sale any parcel in respect of which there is paid to the Collector before it is actually sold all the delinquent taxes thereon in respect of which the parcel is subject to sale, together with interest to the day of payment, and the sum of one dollar and fifty cents to defray any expense incurred by the city in respect of the offer to sell that parcel.

Price to be paid.

**427.** The auctioneer shall not sell any parcel for less than the upset price, being the sum of:—

- (a) The delinquent taxes thereon in respect of which the parcel is subject to sale, together with interest to the day on which the sale begins:
- (b) Three per centum of such delinquent taxes and interest, or three dollars, whichever is the greater amount:
- (c) Five dollars for Land Registry fees.

Save as aforesaid, the highest bidder for any parcel shall be the purchaser. If there are no bids, or no bids equal to the upset price, the city shall be declared to be the purchaser, and in that case, and in any case under section 429, the provisions of this Act shall thereafter, *mutatis mutandis*, apply as if a person other than the city had become the purchaser.

Reoffer of parcel.

**428.** If the Collector so directs, and as often as he directs, any parcel of which the city has been declared to be the purchaser shall, while the sale continues, be again put up for sale on the same conditions as before.

Amount to be paid at sale.

**429.** The purchaser of a parcel at the sale shall forthwith pay to the Collector for the use of the city the amount of the upset price, otherwise the auctioneer shall declare the city to be the purchaser of such parcel at the amount of the upset price.

Balance within a year.

**430.** Upon payment by the purchaser of the upset price, the balance of the purchase-money, if any, together with all real-property taxes then delinquent and interest, shall be payable at the expiration of one year from the day on which the sale begins, unless redemption takes place in the meantime.

Certificate of purchase.

**431.** The purchaser having paid the upset price for a parcel and having caused to be filed with the Collector a statement showing:—

- (a) The full name, address, and occupation of the purchaser:
- (b) An authorization enabling the Collector to apply on behalf of the purchaser to register any necessary documents in the Land Registry Office,—

shall be entitled to a certificate of purchase.

Its contents.

**432.** The certificate of purchase shall be signed by the Collector, or some person authorized by him for the purpose, and shall show:—

- (a) The name, address, and occupation of the purchaser:
- (b) The description of the parcel purchased:
- (c) The purchase price:
- (d) The last day for redemption.

Copy of sections included.

**433.** The certificate of purchase shall also contain a copy of sections 439 and 441.

Mode of transfer.

**434.** A purchaser other than the city may, at any time before the Collector makes application under section 440, transfer his certificate of purchase by assignment in writing, executed, attested, and acknowledged in like manner as an instrument required to be registered under the "Land Registry Act." Upon receipt of such assignment, together with the certificate of purchase and a statement on behalf of the transferee containing the information and authority required under section 431, the Collector shall alter his records accordingly, and thereafter the transferee shall be deemed to be the purchaser in lieu of the transferor.

Notice by Collector to interested parties.

**435.** The Collector, within six months after any parcel has been sold, shall cause to be mailed by registered post to every person who at the time of the sale had any registered interest in, or charge upon, the parcel a notice stating:—

- (a) The day on which the sale began at which the parcel was sold:
- (b) The purchase price:
- (c) The upset price:
- (d) The last day for redemption of the parcel:
- (e) The name of the owner, or owner under agreement, taken from the real-property tax roll.

The address shown on such tax roll shall be sufficient in the case of owners and owners under agreement. In respect of others, the address appearing on the application for registration of such interest in the Land Registry Office shall be sufficient. Such notice shall have printed thereon a copy of sections 437 and 438.

Status of parcel so sold.

**436.** Notwithstanding that any parcel may have been sold for real-property taxes, it shall, during the time allowed for redemption, remain on the assessment roll and on the tax roll in the name of the owner, or owner under agreement, as it appears thereon at the time of the sale; *real-property taxes shall continue to be payable by such owner, or owner under agreement, and shall continue to constitute a special lien on the parcel as provided by section 414.*

Mode of redemption.

**437.** The owner of the parcel sold, or any person having an interest therein, or any person on behalf of either of them, may, at any time within one year from the day on which the sale began, but not afterwards, redeem the parcel so sold by paying or tendering to the Collector for the



use and benefit of the purchaser, or his legal representative, the sums paid by such purchaser, together with interest at six per centum per annum and, in addition for the use and benefit of the city if the parcel is redeemed after the first day of October, any taxes which are delinquent for more than two years, with interest thereon; and the Collector shall thereupon give such owner or other person a receipt showing the amount paid, the description of the parcel, and a statement that the parcel has been redeemed.

Right to complain.

**438.** The purchaser of any parcel shall, while it remains unredeemed, be entitled to complain against the assessment and appear at the Real-property Court of Revision.

Demand to be sent.

**439.** If any parcel purchased by someone other than the city remains unredeemed at the expiration of the time for redemption, the Collector shall forthwith cause to be mailed to the purchaser thereof by registered post at the address shown in his certificate of purchase a demand for the payment of:—

(a) The balance of the purchase-money, if any, in respect of such parcel:

(b) All taxes on such parcel which are delinquent at the date of the demand, together with interest thereon.

Purchaser to be registered.

**440.** If such purchaser, within thirty days from the date of the mailing of the demand, pays to the Collector the amount so demanded, or if the city, being the purchaser, makes the payment in the last section mentioned, the Collector shall forward to the Registrar of Titles a notice of the completion of the purchase of the parcel showing the full name, address, and occupation of the purchaser, together with a fee of five dollars and an application for the registration of the purchaser as owner of such parcel; and the Registrar of Titles shall thereupon register the purchaser as owner of such parcel, and shall issue to him a certificate of indefeasible title without requiring the production of any outstanding certificate of title or duplicate certificate of indefeasible title.

Forfeiture if he defaults.

**441.** If the purchaser fails to complete the purchase by paying to the Collector the amount so demanded with respect to any parcel within the time specified as aforesaid, the Collector shall forward a notice of such failure to the Registrar of Titles, who shall thereupon cancel the tax-sale notice in respect of that parcel, and the amount paid by the purchaser shall be forfeited and shall be the property of the city, but not as taxes paid in respect of such parcel.

Status of parcel upon such default.

**442.** Upon failure to complete the purchase, the taxes which were included in the upset price shall be restored to the real-property tax roll and the provisions of this Act relating to the sale of real property for delinquent taxes shall again apply.

Status of former owner after sale.

**443.** Where the sale of a parcel purporting to be a sale thereof for real-property taxes pursuant to the provisions of this Act is made, every right or interest of the person who at the time of the sale was the owner, or owner under agreement, of the parcel shall immediately cease and determine, except that:—

- (a) The parcel shall be subject to redemption as provided in this Act:
- (b) The right to possession of the parcel shall not be affected during the period of redemption, subject, however, to impeachment for waste:
- (c) Any person having a registered interest in the parcel may during the period of redemption, but not afterwards, bring an action to have the sale of the parcel set aside and declared invalid, but the grounds for such action shall be limited to the following:—
  - (i) That the parcel was not liable to taxation during the time in which the taxes for which it was sold were levied; or
  - (ii) That the taxes for which the parcel was sold were fully paid; or
  - (iii) That the sale at which the parcel was disposed of was not fairly and openly conducted.

Status of sale set aside.

**444.** If in any such action the sale is set aside and declared invalid on the ground that the sale was not fairly and openly conducted, the Court may order that the taxes accrued in respect of the parcel, together with interest, shall be, and continue to be, a special lien upon the parcel as if the sale had not taken place, and that such taxes and interest shall be deemed to be delinquent taxes, or the Court may order the immediate payment of such taxes and interest, or may make such other order as shall be just.

Manifest errors.

**445.** If during the period of redemption the Council is satisfied that any manifest error has taken place in the sale or in the proceedings prior thereto, the Council may, by resolution and after notice to the purchaser, provide that the purchase price be returned to the purchaser with interest at six per centum per annum, and that the taxes as they appeared on the real-property tax roll prior to the sale be restored to the roll, and thereafter such taxes shall be deemed to be delinquent taxes.

Protection against actions.

**446.** After the period of redemption has expired, no action shall be brought or proceedings commenced against the city, or the Registrar of Titles, or the Attorney-General under the “Land Registry Act,” or the Collector, or the auctioneer, with respect to any parcel purporting to have been sold for real-property taxes under the provisions of this Act, except that an action for damages may be brought against the city only upon the following grounds, and no other:—

- (a) That the parcel was not liable to taxation during the time in which the taxes for which it was sold were levied; or

(b) That the taxes for which the parcel was sold had been fully paid; or

(c) That the parcel had been redeemed during the period of redemption;

and then only if the action is brought within one year of the day upon which the period of redemption expired.

Notice vitiates claim.

**447.** No damages shall be awarded in such action if it appears that the plaintiff, or the person through whom he claims, was aware during the period of redemption that the parcel had purported to have been sold under the provisions of this Act.

City may acquire possession of parcel sold.

**448.** If the city as purchaser at a tax sale becomes the registered owner of a parcel under the provisions of this Act, the city may, in order to get vacant possession thereof, give to any occupant of such parcel four weeks' notice of its intention to sue out a writ of possession in the Supreme Court of British Columbia, and unless in the meantime the occupant registers a lis pendens against the parcel, the city shall, without any order for that purpose, be entitled to sue out such writ of possession immediately upon the expiration of the said period of four weeks on filing an affidavit showing due service of such notice.

Person redeeming may pay by instalments.

**449.** The Council may by by-law provide for the acceptance by the Collector of moneys to be applied at a future date in redemption of any parcel sold for real-property taxes from any person entitled to redeem the parcel, and may by such by-law prescribe the terms and conditions upon which such moneys shall be received and held.

Sale by city of parcels acquired at sale.

**450.** At any time within six months after it has become the purchaser of a parcel at a tax sale, the city may, by resolution of the Council, sell such parcel for an amount not less than the upset price, together with interest at six per centum per annum, but the right of redemption in respect of such parcel and the period of redemption reckoned from the day on which the tax sale began shall not be impaired.

Mode of recovering parcel from defaulting owner.

**451.** (1) If the city as purchaser at a tax sale becomes the registered owner of a parcel and subsequently enters into an agreement to sell such parcel, and if the purchaser under such agreement makes default in the payment of principal, interest, taxes, or other charges due thereunder, the city need not bring an action to enforce its rights but may instead, if the Council by resolution so directs, cause notice to be given to the purchaser in writing at the address given in the agreement referring to this section and demanding payment of the amount in default to the city within ninety days from the giving of the notice and warning the purchaser that upon his failure to remedy the default within the said ninety days, he and those claiming under or through him will forfeit any interest in the said parcel, together with any sums theretofore paid to the city under the agreement. If the purchaser fails to remedy the default within the said period of ninety days, all the right, title, and interest of the

purchaser under the agreement, and all those claiming under or through him, shall, at the expiration of such period, absolutely cease and determine, and the parcel shall immediately become revested in the city, free from all claims by the purchaser, or anyone claiming under or through him, and, notwithstanding any Statute or rule of law or equity to the contrary, all payments made to the city under the said agreement shall be forfeited to the city. The city may file with the Registrar of Titles a statutory declaration proving such resolution, the giving of the notice, and the continued default, and thereupon the Registrar shall cancel any charge or encumbrance registered against the parcel in respect of the agreement.

(2) Where any parcel becomes revested in the city under subsection (1), the city may cause notice to be given to any occupant of such parcel requiring him to vacate forthwith and giving to him four weeks' notice of the city's intention to sue out a writ of possession of such parcel in the Supreme Court of British Columbia, and unless within such four weeks the occupant vacates the parcel or registers a *lis pendens* against the parcel, the city shall, without any order for that purpose, be entitled to sue out such writ of possession on filing with the District Registrar of the Court an affidavit proving service of the notice and failure to vacate.

Surplus in hands  
of Collector.

**452.** If the purchaser of a parcel at a tax sale completes his purchase by paying to the Collector a sum in excess of the upset price, together with the delinquent taxes and interest required of him under section 439, the owner, or owner under agreement, at the expiration of the period of redemption, or such other person as may be legally entitled to it, may claim such excess from the city. To the person establishing his claim to the satisfaction of the Collector, the city shall pay the excess.

Action may be taken.

**453.** If a claimant fails to establish his claim to the satisfaction of the Collector, he may bring an action against the city in respect thereof in any Court of competent jurisdiction.

Period of limitation.

**454.** Any such excess shall belong absolutely to the city, if, within six years after the expiration of the time for redemption of the parcel in respect of which it was paid, no person has established his claim to the satisfaction of the Collector, and no action in respect thereof has been brought against the city.

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## PART XXI.

### POLICE COMMISSIONERS.

Constitution  
of Board.

**455.** There shall be a Police Department of the city administered by a Board of Police Commissioners. The Board shall consist of the Mayor as Chairman and two others, a Judge of the County Court of Vancouver designated by the Lieutenant-Governor in Council and a

Police Magistrate for the city designated by the Lieutenant-Governor in Council. During any period when there is an Acting-Mayor, he shall be Chairman of the Board in place of the Mayor, and when any other member of the Board is unable to act, the Lieutenant-Governor in Council may, if he thinks necessary, designate some other Judge of the County Court of Vancouver or some other Police Magistrate for the city, as the case may be, to act during such inability. The Lieutenant-Governor in Council may fix a sum by way of remuneration to be paid by the city to such Judge to defray his transportation expenses, which sum shall not exceed that allowed for the like expenses by the "Judges Act" of Canada.

Members to  
be sworn.

**456.** Before entering upon his duties, a member of the Board shall subscribe and swear an affidavit in the following form, which shall be filed with the secretary of the Board:—

I, \_\_\_\_\_, of the City of Vancouver, in the Province of British Columbia, \_\_\_\_\_, make oath and say as follows:—

1. That I will faithfully perform the duties of my office as a member of the Board of Police Commissioners for the City of Vancouver.

2. That I will not allow any private interest to influence me in the performance of such duties.

Sworn before me at the City of Vancouver, }  
in the Province of British Columbia, }  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ . }

Meetings of  
the Board.

**457.** A majority of the Board shall constitute a quorum, and the acts of the majority shall be deemed to be the acts of the Board. The meetings of the Board shall be open to the public unless otherwise directed by the Board. The Chairman shall call meetings of the Board when he deems it necessary, but any two members of the Board may by notice of reasonable length call such a meeting.

Police force.

**458.** The members of the police force, being a Chief Constable and such other constables as may be necessary, shall be appointed by and hold office during the pleasure of the Board, and their remuneration shall be fixed by the Board.

Jurisdiction  
of the Board.

**459.** The Board shall have jurisdiction over the police force and its members, over special constables, and over police stations and gaols, lockups, and other places of detention provided by the city, except such as are established pursuant to the "Juvenile Courts Act," and shall appoint and assign duties to such Police Court Prosecutors, gaol surgeons, and Police Court Clerks, and other clerks, stenographers, and assistants, as the Board deems necessary, and their remuneration shall be fixed by the Board.

Delegation of  
authority.

**460.** The Board may delegate to the Chief Constable authority to suspend any member of the police force, or any special constable who, in the opinion of the Chief Constable, is guilty of any misconduct.

Oath for members of the force.

**461.** Each member of the police force shall take and subscribe the following oath:—

I, \_\_\_\_\_, of the City of Vancouver, in the Province of British Columbia, make oath and say:—

1. That I will well and truly serve our Sovereign Lady the Queen in the office of police constable for the City of Vancouver without favour or affection, malice, or ill will.

2. That I will to the best of my power cause the peace to be kept and preserved.

3. That I will do my utmost to prevent all offences against the persons and properties of Her Majesty's subjects.

4. That while I continue to hold the said office of police constable, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

Sworn before me at the City of Vancouver,  
in the Province of British Columbia,  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Appeal by members of force.

**462.** A member of the police force who is dismissed or demoted may appeal to a Judge if, within thirty days after the dismissal or demotion complained of, he causes to be served upon a member of the Board a written notice of his intention to appeal containing a statement of the grounds of his appeal. The Judge shall appoint a place and time for hearing the appeal, notice of which shall be given by the appellant to a member of the Board. The Judge shall decide the appeal on the evidence adduced upon oath before him at the place and time appointed, in a summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure. The Judge may confirm or reverse the action of the Board or make such other order with respect thereto as shall be just. No costs of the appeal shall be awarded either for or against the appellant.

Regulations by Board.

**463.** The Board may make regulations for the discipline, control, efficiency, and government of the members of the police force and other persons under their jurisdiction, and the Chief Constable, each member of the police force, and all such other persons shall obey the lawful directions and be subject to the control, discipline, and government of the Board.

Duties of members of the force.

**464.** Each member of the police force shall be charged with the special duties of preserving the peace, preventing crime, apprehending offenders, and enforcing the by-laws of the city. He shall have all the powers and privileges and be liable to all the duties and responsibilities which belong by law to police constables.

Special constables.

**465.** The Board may from time to time appoint special constables to assist the police force, upon such terms and for such periods not exceeding six months as the Board sees fit. It may delegate to the Chief Constable the power to appoint special constables.

Oath to be taken.

**466.** Every special constable before entering upon his duties shall take and subscribe the following oath:—

I, \_\_\_\_\_, do swear that I will faithfully, without favour, affection, or ill will, discharge the duty of special constable, and that I will cause the peace to be kept and preserved to the best of my power while I continue in office.

Sworn before me at the City of Vancouver, }  
 in the Province of British Columbia, }  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ . }

Not members of police force.

**467.** For the purposes of this Part, special constables shall not be deemed to be members of the police force.

Police estimates.

**468.** The Board shall, on or before the first day of February in each year, cause to be prepared and submitted to the Council for its approval a detailed estimate showing all expenditures required to be made during such year in connection with the maintenance of the police force and with all other matters and things under the jurisdiction of the Board. The Council shall consider the estimates so submitted and shall adopt them in whole or in part. Save by resolution of the Council, the Board shall not authorize or make any expenditures except such as are provided for in the detailed estimates as adopted by the Council.

Powers on inquiry.

**469.** The Board shall have power to summon and examine witnesses on oath in all matters in respect of which it has jurisdiction, and shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the Board shall be sufficient if signed by the Chairman of the Board or any one of its members, and any such notice shall have the same effect as a subpoena.

Fees to be paid to city.

**470.** Any fees payable in law as incident to the office of Chief Constable or Police Court Clerk, or any assistant to such clerk, acting in the capacity of Justice of the Peace or otherwise, for any act done, or for the issuance of any information, complaint, summons, bail bond, or otherwise howsoever, shall be payable to and for the use of the city; and a return of all such fees from time to time shall be made to the city as may be required by the Council.

Insurance for members of force.

**471.** The Board may effect and carry out a plan of insurance of members of the police force against sickness or accident or death, and may contract for such policy of insurance as in their discretion they may see fit, and provide for the payment of the premiums, or any portion of same, in respect thereof.

Provision for indemnity.

**472.** The Council may direct the payment of any sum required for the protection, defence, or indemnification of any member of the police

force or other person under the jurisdiction of the Board when an action or prosecution is brought against him and costs or other expenses are necessarily incurred, or where damages are claimed or recovered, if the Board recommends that the case is a proper one for payment.

Lost property.

**473.** (1) The Board may make regulations for the disposal of property which has come into possession of a member of the police force or other person under the jurisdiction of the Board in cases where the owner of the property has not been ascertained and no order of a competent Court has been made with respect thereto.

(2) The regulations may authorize the sale of any such property and the application of the proceeds of any such sale, and the application of any money of which the owner cannot be ascertained to all or any of the following purposes:—

(a) The expense of executing the regulations:

(b) The payment of reasonable compensation to any person by whom the property has been delivered into possession of the police:

(c) Payment into the general revenue of the city.

(3) Where the property is a perishable article or its custody involves unreasonable expense or inconvenience, it may be sold at any time, but the proceeds of sale shall not be disposed of other than to the lawful owner until they have remained in the possession of the city for a year. In any other case, the property shall not be sold until it has remained in the possession of the police for a year.

(4) The regulations shall apply whether the property to which they relate has come into the possession of the police before or after the making of the regulations.

## PART XXII.

### POLICE MAGISTRATES.

Magistrates to be appointed.

**474.** There shall be a Police Magistrate for the city and as many Deputy Police Magistrates therefor as the Lieutenant-Governor in Council shall deem necessary. The Police Magistrate and the Deputy Police Magistrates shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council, and their salaries shall from time to time be fixed by the Lieutenant-Governor in Council. The salaries so fixed shall be paid by the city.

Status of Deputy Police Magistrates.

**475.** It shall be the duty of the Police Magistrate to arrange and provide, subject to the provisions of this Act, for the sittings of the Police Court daily, and to assign to each Deputy Police Magistrate such duties as may in his opinion be necessary and proper, and generally to control



and direct the business of the Police Court, and it shall be the duty of each Deputy Police Magistrate to perform such duties and to carry out such directions. Subject to this section, all the provisions of this Act relating to a Police Magistrate shall apply to each Deputy Police Magistrate, and each Deputy Police Magistrate shall have all the powers of a Police Magistrate.

When Justices may act.

**476.** Except upon the written request of the Police Magistrate, no Justice of the Peace (not being a Police Magistrate) shall order any person to be admitted to bail or to be suffered to go at large, nor shall he sit for the trial or preliminary hearing of any case over which the Police Magistrate for the city would, if present, have jurisdiction.

Ex-officio status.

**477.** Every Police Magistrate for the city shall ex officio be a Justice of the Peace in and for the city.

Powers of Stipendiary Magistrate conferred.

**478.** Every Police Magistrate for the city shall, by virtue of his appointment as such, be a Stipendiary Magistrate for the jurisdiction in which he exercises such office, and shall have and exercise, within the city, all the lawful powers and authorities which are by law had and exercised by a Stipendiary Magistrate

Oath to be taken.

**479.** The oath required of persons appointed to be Stipendiary Magistrates, and also the oath of allegiance, shall be taken and subscribed by each Police Magistrate before he enters upon his duties. The oaths so subscribed and taken shall forthwith be transmitted by the person taking and subscribing them to the Provincial Secretary, who shall file the same among the records of his office.

Not to engage in criminal practice of law.

**480.** No Police Magistrate, nor his partner or clerk, shall act as solicitor, agent, or counsel in any cause, matter, prosecution, or proceeding of a criminal nature; nor shall they, or any of them, act as aforesaid in any case which by law may be investigated or tried before a Police Magistrate or a Justice of the Peace.

Police stations and Courts.

**481.** The city shall establish and maintain such police offices, Police Courts, and places of detention as may be necessary, and the Council may acquire such real property and equipment and may construct such buildings as may be required.

Retirement.

**482.** Every Police Magistrate who has attained the age of seventy-five years shall be compulsorily retired; and to any such Police Magistrate so retired who has continued in office for a period of fifteen years or upwards, or any Police Magistrate who has retired after twenty years' service, the Council may grant a life annuity, not to exceed his salary as Police Magistrate at the time of his retirement.

Special provision  
for traffic offences.

**483.** (1) Notwithstanding the provisions of the "Summary Convictions Act" or any other Act, it shall be lawful for any police constable who believes that any person has, within the city, offended against:—

- (a) Any provision of any by-law dealing with street traffic; or
- (b) Any motor-traffic regulation contained in the "Motor-vehicle Act," or the regulations made thereunder,—

without immediately swearing to an information charging such person with the offence, to sign and deliver to him or leave in or on the motor-vehicle in respect of which the offence is alleged a written notice describing the offence in general terms and:—

- (c) Requiring him to appear before the Police Magistrate for the city with respect to the alleged offence at the time and place set out in the notice; and
- (d) Notifying him that if he is guilty of such offence he may alternatively attend voluntarily before a Justice of the Peace as directed in the notice and plead guilty and pay any fine that may be imposed.

(2) The delivery of the notice to such person by the police constable shall be deemed to be the service of a summons, charging such person with the offence described in the notice, returnable before the Police Magistrate for the city at the time and place set out in the notice.

(3) If a person to whom such notice is delivered, or in or on whose motor-vehicle such notice has been left, attends voluntarily before a Justice of the Peace as directed in the notice and having pleaded guilty to the offence described in the notice, pays any fine that may be imposed, the Justice of the Peace shall cause a record thereof to be kept, and such person shall be deemed to be convicted of the said offence, although no conviction need be drawn up or entered by the Justice of the Peace. Upon such a conviction, no further proceedings shall be taken in respect of the same offence.

Disposition of  
fines, etc.

**484.** The following fines, fees, penalties, and forfeitures imposed within the city by a Police Magistrate, or a Justice of the Peace acting for a Police Magistrate, shall be payable to the city:—

- (a) Those with respect to any by-law passed under the provisions of this Act:
- (b) Those with respect to any offence against a Statute of the Province where no other disposition of them is directed by Statute:
- (c) Those with respect to any offence against a Statute of Canada which under the provisions of the Criminal Code are receivable by the Treasurer of the Province.

## PART XXIII.

## PARKS.

Board of Park Commissioners established.

**485.** There shall be a Board of Park Commissioners for the city consisting of seven members, or such other number as the Council may by by-law prescribe.

How elected.

**486.** The members of the Board shall be nominated and elected at the same time and in the same manner as the Aldermen, and shall serve for such terms as the Council may by by-law provide. The provisions of Part II relating to Aldermen, except section 49, shall, *mutatis mutandis*, apply to members of the Board and candidates therefor. The members of the Board shall be sworn in with the like oath and in the like manner as Aldermen.

How vacancies dealt with.

**487.** In the event of a vacancy on the Board, a new election to choose a successor for the balance of the term need not be held unless the Council so directs, in which case the provisions of section 128 shall, *mutatis mutandis*, apply.

Parks in care of Board.

**488.** The Board shall have the custody, care, and management of the public parks of the city, and of such other areas belonging to or held by the city as the Council may from time to time determine (all of which are referred to in this Part as “the parks”).

Powers of Board.  
As to buildings, etc.

**489.** The Board shall have power to provide for:—

(a) Constructing, acquiring, maintaining, equipping, operating, supervising, and controlling such buildings, structures, and facilities as may be required for the recreation, comfort, and enjoyment of the public while within the parks:

Sports and games.

(b) Accommodation for sports and games, and spectators thereof, and setting aside and reserving portions of the parks for specified kinds of sports and games:

Entertainment.

(c) Entertainment through musical, theatrical, and other activities in the parks, and making a charge for admission thereto:

Admittance fees.

(d) Charging and collecting fees for admission to any building or place in the parks set aside for sports or games, whether by spectators or participants:

Closure of parks.

(e) Closing to the free use of the public the whole or any part of any of the parks, or the whole or any part of any building therein, at such times and for such periods as may be deemed advisable; and charging and collecting a fee for admission to the parks or buildings, or parts thereof, during such periods; and providing penalties for unauthorized entry during such periods:

Playgrounds.

(f) Establishing, equipping, supervising, controlling, and maintaining playgrounds for children in any of the parks:

- Equipment. (g) Acquiring the necessary furniture and equipment for the buildings and activities carried on in the parks:
- Bathing accommodation. (h) Accommodation, recreation, supervision, control, and safety of persons using such parts of the parks as are designated for public bathing, and fixing and collecting fees therefor:
- Swimming-pools. (i) Establishing, maintaining, and operating indoor and outdoor swimming baths and pools in the parks, and fixing and collecting fees for the use thereof:
- Bicycles. (j) Acquiring bicycles and similar vehicles for the use of the public, and maintaining places in the parks where persons may rent them:
- Boats. (k) Establishing, maintaining, operating, and equipping landing and other places in the parks where persons may rent boats and other water-craft or accommodation therein, and acquiring and operating such boats and water-craft:
- Sale of commodities. (l) Establishing, maintaining, and operating stands and places for the preparation and sale of foods, confections, beverages, and other refreshments, and for the provision of services and the sale of tobacco products, as well as souvenirs, curios, post-cards, magazines, and the like, to the public in any of the parks:
- Animals, etc., may be kept. (m) Establishing, maintaining, and operating in any of the parks places for the confinement, exhibition, and accommodation of animals, fish, birds, reptiles, and other creatures which may be objects of interest to the public, and making a charge therefor:
- Areas set apart for bathing, etc. (n) Designating areas in the parks or elsewhere in which persons may bathe, swim, or engage in water sports in public, and prohibiting them from so doing in areas not so designated, and regulating the dress of persons while bathing, swimming, or engaging in water sports and while going to and returning from such areas:
- And for skating, etc. (o) Designating areas in the parks where persons may skate, ski, or sleigh, and for the supervision and control of persons engaged in such activities:
- Council may add to powers. (p) Doing such other things with respect to any of the parks as the Council shall from time to time authorize:
- Implementing powers. (q) Doing such other things in furtherance of any of the above powers as shall be deemed expedient.

Board's power of leasing, etc.

**490.** The Council may delegate to the Board the power in the name of the city to permit any person to occupy any building or place, or any part thereof, in a park, under lease, licence, or otherwise, for such remuneration, upon such terms, and for such length of time, not exceeding five years, as the Board may deem expedient.

Board's power to make by-laws.

**491.** In the exercise of any of its powers, the Board may from time to time pass, amend, and repeal by-laws (not inconsistent with any by-law passed by the City Council) to be observed in the parks, or any of them, for the control, regulation, protection, and government of the parks and of persons who may be therein, including:—

Excluding animals, etc.

(a) The exclusion from any of the parks, or any part thereof, of any animal or vehicle:

Controlling assemblies.

(b) The assembling or gathering of persons in any of the parks, and, if deemed necessary, the prohibition of such assemblies or gatherings:

Regulating signs.

(c) The regulation of advertising or signs of any kind in any of the parks:

Mischief may be forbidden.

(d) Prohibiting persons from damaging trees, shrubs, flowers, or other growing things, or fences or other property, in the parks; and from depositing rubbish, bottles, paper, or other discarded materials in the parks:

Procedure at Board's meetings.

(e) The procedure and conduct of the meetings of the Board and the selection of a Chairman thereof.

Board's estimates to be submitted each year.

**492.** The Board shall, at the beginning of each year, cause to be prepared and submitted to the Council a detailed estimate of the receipts from every source, and of the expenditures of the Board of every kind, during that year, showing the amount estimated to be necessary for the purposes of the Board up to the thirty-first day of December next thereafter. The said estimate shall be considered by the Council and adopted in whole or in part.

Adopted estimates not to be exceeded.

**493.** Save by resolution of the Council, the Board shall not authorize or make any expenditures except those provided for in the estimate as adopted by the Council.

Enforcement of by-laws.

**494.** The provisions of section 151 shall, mutatis mutandis, apply to the Board, and with respect to any by-law passed under this Part the provisions of section 333 shall, mutatis mutandis, apply.

Special meetings of the Board.

**495.** The Chairman may and, upon the written requisition of any two members, shall call a special meeting of the Board to deal with any matter of which notice is given specifying the purpose of the meeting. Except by the unanimous consent of all the members, at least forty-eight hours' notice of a special meeting shall be given.

Certain employees to have special powers.

**496.** Every warden, life-guard, patrolman, or watchman employed in the parks by the Board shall, while in the performance of his duties within the parks, be ex officio possessed of all the powers and authority of a police constable.

Power to make agreements with other municipalities.

**497.** The Council may enter into agreements on behalf of the city with neighbouring municipalities for the joint acquisition, regulation, management, maintenance, improvement, and control of any public park, beach, pleasure-ground, or recreation-ground, and may grant or expend money for the upkeep, maintenance, improvement, or management of any such public park, beach, pleasure-ground, or recreation-ground, notwithstanding that the same may not be in the city.

PART XXIV.

LOCAL IMPROVEMENTS.

Interpretation.

**498.** In this Part, unless the context otherwise requires:—

“Assessed owner” means the person appearing by the records kept by the Assessment Commissioner to be the owner of any parcel of real property, unless it appears by such records that the parcel is held by an owner under agreement, in which case “assessed owner” means such owner under agreement:

“Cost of the project” may include:—

- (a) Surveying and engineering expenses:
- (b) Cost of advertising and of mailing notices:
- (c) Interest on temporary loans:
- (d) Interest during construction:
- (e) Compensation for real property acquired for the purpose of the project or injuriously affected by it, and the expense incurred by the city in connection with the determination of such compensation:
- (f) The estimated cost of the issue and sale of debentures and of any discount allowed to the purchasers of them.

Mailing of notices.

**499.** For the purposes of this Part, a notice shall be deemed to be mailed to a person if it is mailed, addressed to such person at his actual place of residence or of business, if known, or at his address as it appears in the records kept by the Assessment Commissioner.

Local improvement projects.

**500.** (1) When, in the exercise of any of its powers of effecting and carrying out any works, improvements, or services, the Council deems that any such works, improvements, or services will specially benefit real property in a limited and determinable area, the Council may from time to time, subject to the provisions of this Part, undertake and carry out such works, improvements, or services (in this Part referred to as “projects”) and pass by-laws (herein referred to as “local improvement by-laws”) for borrowing on the general credit of the city such sums as may be necessary, to defray the cost of any such project and for levying and collecting taxes based on special assessments imposed, save as hereinafter provided, upon the real property

so deemed to be specially benefited, for the payment of all or any part of such cost.

(2) Instead of passing a separate by-law for each such project, the Council may pass one by-law in respect of several projects.

(3) Nothing in this section shall extend or apply to any works, improvements, or services constituting ordinary repair or maintenance; but after the redemption of the debentures for a project, such works, improvements, or services, or any of them, may be reconstructed or renewed under the terms of this Part.

Property-owner's  
share of the cost.

**501.** The amount of taxes so to be levied and collected (herein referred to as the "property-owners' share of the cost") shall be apportioned against the individual parcels of real property in the area in proportion to their respective special benefits on the basis and in the manner prescribed by by-law.

City's share  
of the cost.

**502.** Any part of the cost of a project not so to be levied and collected (hereinafter referred to as the "city's share of the cost") shall be paid by the city, and the Council may from time to time, by by-law, provide for such payment out of the general revenue of the city, or out of capital funds raised by the issue of debentures upon the general credit of the city.

Crown, how  
dealt with.

**503.** The amount of taxes that would otherwise be collected under this Part from the Crown shall be paid by the city, unless the Crown pays them or their equivalent voluntarily.

Property otherwise  
exempt may be taxed.

**504.** 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 (otherwise than by purchase at a tax sale), shall nevertheless be liable to be specially assessed and to be taxed under this Part. The right or interest of an occupier of Crown lands shall be so liable.

Borrowing  
for project.

**505.** The Council may, pending the completion of a project, borrow from any bank or other person, by way of temporary loans, the necessary amounts to meet the cost of the project, and upon such completion may pass a by-law for the issue of debentures to repay such temporary loans.

How projects  
promoted.

**506.** The Council may, in its discretion, undertake and carry out a project in any of the following cases:—

By petition  
of owners.

(1) By petition: If there has been filed with the City Clerk a sufficiently signed petition praying that a work, improvement, or service, claimed to be of special benefit to real property in a limited and determinable area designated in the petition, be undertaken and carried out. The petition shall be deemed to be sufficiently signed if at least two-

thirds in number of the assessed owners as at the date of the filing, representing at least one-half the value according to the last revised real-property assessment roll of the parcels liable to be specially assessed, have signed the petition; or

On initiative of Council.

(2) On the initiative of the Council:—

(a) If the Council, by resolution passed by at least two-thirds of all the members present, has declared that it is desirable that a work, improvement, or service which the Council deems will specially benefit the real property in a limited and determinable area designated in the resolution be undertaken and carried out; and

Provision for objections.

(b) If, after notice of the Council's intention to undertake the project has been mailed to the assessed owners of the parcels liable to be specially assessed, and after the later publication of a general notice in at least two issues of a daily newspaper circulating in the city, a sufficient number of notices of objection to the project has not been filed with the City Clerk during the period of one month after the last publication of such notice. The notice so to be mailed shall be sufficient if it sets out in general terms:—

(i) A description of the project:

(ii) The designated area:

(iii) The estimated total cost of the project and the city's share of the cost:

(iv) The estimated cost per front foot or otherwise to the person notified:

(v) The number of annual payments to be required.

A sufficient number of notices of objection to a project shall be deemed to be filed if at least one-third in number of the then assessed owners, representing at least one-third of the value according to the last revised real-property assessment roll, of the parcels liable to be specially assessed have, in writing, given notice to the City Clerk within the time above prescribed that they object to the project:

On special grounds.

(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 and 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

Linking up.

(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 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

Ornamental lighting.

(d) Upon a street in a limited and determinable area designated in the resolution:—

(i) A series of ornamental light standards should be installed, equipped, and supplied with electrical energy for the better lighting of such area which the Council deems will specially benefit the real property in the area; or

Sidewalks.

(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

Paving.

(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

Repaying or resurfacing streets.

(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).

Provision where pavement exceeds certain width.

**507.** (1) Where a project undertaken on the initiative of the Council involves the construction of a pavement in front of any property situate in a residential district and the pavement exceeds twenty-seven feet in width, the cost of the excess shall be included in the city's share of the cost. "Residential district," for the purpose of this section, shall mean any district which has been duly designated by the Council under the provisions of the "Town Planning Act" as a district within which the location of any building, other than a two-family dwelling or single-family dwelling is prohibited.

Provision for taking vote.

(2) The Council, in any project undertaken on the initiative of the Council where in its opinion the designated area is unduly large, may, instead of proceeding under clause (b) of subsection (2) of section 506, submit the project to the owner-electors shown on the current list of electors with respect to the parcels in the area; if more than one-third of the votes cast are against the project, it shall be deemed that a sufficient number of notices of objection to the project have been filed with the City Clerk.

By-law making regulations.

**508.** The Council may by by-law make regulations not inconsistent with this Part:—

- (a) Prescribing the forms and contents of notices, petitions, and other documents referred to in this Part:
- (b) Providing that signatures to petitions or notices of objection may not be withdrawn or countermanded after their filing with the City Clerk:
- (c) Prescribing the basis of assessment with respect to any particular project, and whether it shall be based on the frontage or the assessed value of the parcels specially benefited, or how otherwise, including, with respect to any project, or any two or more projects combined, provision for the installation of ornamental street-lighting standards in a residential district, and that by resolution the Council may establish a flat rate per foot frontage, based on the average cost per foot frontage, of projects of a like nature installed in residential districts in the city as estimated by the Council. For the purpose of this clause, “residential district” shall have the same meaning as in section 507, and “frontage” shall include “flankage”:
- (d) Providing that the notice of assessment required under section 510 may, where a project is undertaken on the initiative under section 506, be combined with the notice required under section 506:
- (e) For determining what other works, improvements, or services connected with the project, but not a part of it, are necessary in the public interest to be done at the same time as the project, and what portion of the cost of such other works, improvements, or services shall be included in the cost of the project:
- (f) For determining by what means corporations and others may sign petitions or give notices of objection to a project, and for delegating to the Assessment Commissioner or other employee of the city the power to certify whether any petition for a project has been sufficiently signed, or whether a sufficient number of notices of objection have been filed, and for providing that such certification shall be final and conclusive for all purposes, subject to an appeal to the Council by any person affected by the certificate:
- (g) Where all the parcels in an area are not equally benefited, for determining the proportion of benefit that shall be applied as between different parcels or classes of parcels, and for apportioning the cost of the project accordingly:
- (h) Where on the real-property assessment roll two or more contiguous parcels are treated as a single parcel pursuant to section 349, for providing that each such parcel in an area shall nevertheless be taken into account on petitions for, or notices

of objection to, a project, and for providing that the certificate of the Assessment Commissioner may be accepted in arriving at the value of such contiguous parcels:

- (i) For providing the means of apportioning or otherwise adjusting the taxes levied under this Part in cases where parcels are subdivided or otherwise changed so far as their boundaries or zoning are concerned:
- (j) For determining what variation, if any, is to be applied in assessing corner parcels, parcels of abnormal shape or situation, and rights-of-way of railways and public utilities, to the end that they may be dealt with in a fair and equitable manner as compared with the other parcels:
- (k) For providing the means of ascertaining the probable cost of a project and its probable lifetime:
- (l) For prescribing the terms and conditions upon which persons whose real property is specially assessed may commute for a payment in cash the taxes imposed thereon under this Part:
- (m) For fixing and determining what part of the cost of any particular project shall be the city's share thereof and what part shall be the property-owners' share thereof:
- (n) For providing by what person the special assessment roll shall be made and the notices of assessment mailed:
- (o) For providing that the Real-property Court of Revision shall be the Court of Revision for the purposes of this Part:
- (p) For providing that the city may as owner be reckoned as a petitioner for a project, notwithstanding that it is not an owner liable to be specially assessed:
- (q) For providing that, notwithstanding the provisions of section 510, a Court of Revision need not sit and notices of assessment need not be mailed in cases where only the supply of electrical energy is undertaken, or where a project is submitted to the owner-electors under subsection (2) of section 507:
- (r) For providing that where the Council, by the votes of not less than two-thirds of all the members of the Council, either by resolution or by by-law, shall deem and declare, for reasons to be expressly therein set forth, that any property is especially inequitably or unjustly affected by any tax imposed against such property, pursuant to any provision of this Part, the Council may, by such resolution or by-law, reduce the said tax for any one or more years, or for the full period of the by-law imposing such tax, and shall by such resolution or by-law direct the City Treasurer to enter on the tax roll against the said property the amount of the reduced tax in lieu of the original tax; and the amount of the difference between the

original and such reduced tax shall be provided out of the general funds of the city:

- (s) For making any other provision not inconsistent with this Act for the carrying-out of a project and collecting the taxes provided for by this Part.

How joint owners dealt with.

**509.** Where two or more persons are together assessed for a parcel, in determining the sufficiency of any petition or notice of objection:—

- (a) They shall, save as otherwise provided, be reckoned as one owner only:
- (b) They shall not be entitled to petition or object unless a majority of them concur, and the signatures of any of them, unless the petition or notice of objection is signed by the majority, shall be disregarded in determining its sufficiency.

Special assessment roll.

**510.** Before a special assessment is imposed upon any real property by the passing of a local improvement by-law, the Council shall:—

(1) Cause to be made a special assessment roll in which shall be entered:—

Its contents.

- (a) A short description of the project:
- (b) Every parcel (identified by a short description) to be specially assessed in respect of the property-owners' share of the cost, the name of the assessed owner thereof, its length of frontage in feet or assessed value, or other basis of assessment, as the case may be:
- (c) The estimated rate per foot or other basis of assessment applicable to the parcel:
- (d) The number of annual instalments by which the taxes to be levied and collected as a result of such special assessment are to be payable:
- (e) Every exempt parcel, the name of the owner thereof, its length of frontage in feet, or assessed value or other basis of assessment:

Notice to be mailed.

(2) Cause a notice of assessment to be mailed to the assessed owner of every parcel liable to be specially assessed, setting out with respect to the project:—

- (a) A short description of the project:
- (b) The designated area:
- (c) The estimated cost of the project:
- (d) The estimated cost of the city's share:
- (e) The number of annual payments to be required:
- (f) The estimated annual rate per foot or other unit of assessment.
- (g) The time and place at which a Court of Revision will sit to hear complaints against the proposed special assessments:

Court of Revision.

(3) Unless otherwise provided, sit as a Court of Revision to hear complaints against the proposed special assessments.

Its powers  
and duties.

**511.** The Court of Revision shall begin to sit to hear such complaints at such time, not less than fifteen days, after the mailing of the last of the notices referred to in the preceding section and after such advertising of the sittings of the Court as the Council may direct. The special assessment roll shall be kept open for inspection at the office of the Assessment Commissioner for at least fifteen days next before the day fixed for the sitting of the Court of Revision. The Court of Revision shall have jurisdiction and power to correct errors with respect to:—

- (a) The names of the assessed owners:
- (b) The length of the frontage or other measurements of a parcel:
- (c) Any variation applied pursuant to clauses (g) and (j) of section 508;

but it shall not have power to review or alter the proportions of the cost of the project as between the city's share of the cost and the property-owners' share of the cost as fixed by the Council.

Provision for  
additions to roll.

**512.** Where it appears to the Court of Revision that any parcel which is not specially assessed should be specially assessed, the Court shall, before determining the matter, adjourn its sittings to a future day and cause notice to be mailed to the assessed owner of such parcel so that he may be heard. The notice shall be mailed at least ten days before the day fixed for the adjourned sittings. Whether the owner appears or not, if the Court of Revision decides that any such parcel ought to be specially assessed, the Court shall have power to fix the amount of the special assessment thereon.

Further appeal.

**513.** Upon notice in writing given to the City Clerk within ten days of the decision complained of, there shall be an appeal from any decision of the Court of Revision to a Judge of the County Court of Vancouver, who shall hear the same summarily and have the like jurisdiction and powers as are conferred upon the Court of Revision by section 511, and the provisions of section 512 shall apply where it appears to the Judge that any parcel not specially assessed ought to be so assessed.

Roll not to be  
questioned.

**514.** The Assessment Commissioner shall make such corrections in the special assessment roll as are necessary to give effect to the decisions of the Court of Revision and of the Judge, and thereupon he shall certify the roll. When so certified, the special assessments therein, subject to any proceedings theretofore taken, shall not be open to question in any Court, and any project undertaken by the Council which is based on such special assessments shall be deemed to have been lawfully undertaken in accordance with the provisions of this Part.

Costs to be  
apportioned.

**515.** After the completion of the project, the actual cost thereof shall be ascertained, and if it does not exceed the estimated cost by more than ten per centum, it shall be apportioned in yearly payments during the lifetime of the project over the parcels of real property specially

benefited in accordance with and proportioned to the amounts specially assessed against each such parcel in the special assessment roll so certified. If the actual cost exceeds the estimated cost by more than ten per centum, such excess shall be added to the city's share of the cost of the project. The yearly payments shall include a sum sufficient to cover the interest.

Local improve-  
ment by-law.

**516.** The Council shall pass a local improvement by-law levying the taxes so apportioned to defray the property-owners' share of the cost of the project. In a schedule to the by-law there shall be set out the yearly payment apportioned as aforesaid with respect to each parcel.

Amounts to go  
in tax roll.

**517.** Thereupon the Collector of Taxes shall, with respect to each parcel so specially assessed, insert in the real-property tax rolls for the years required by the by-law, as a charge imposed with respect to such parcel, the amount of the tax levied thereon by the by-law.

By-law to be repassed  
where held invalid.

**518.** (1) If a debt has been incurred by the city under this Part, and if after the incurring of such debt a special assessment is adjudged to be invalid, or the by-law providing for borrowing money therefor is set aside or quashed, either wholly or in part, by reason of any error, irregularity, or illegality in making such assessment or in passing such by-law, the Council shall cause a new assessment to be made, and shall pass a new by-law when and so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement.

Effect of new by-law.

(2) Every liability or obligation incurred and every debenture issued by the city under the authority of any such defective or illegal by-law shall be as effectual and as binding as if the amending or new by-law directed to be passed had been passed and was in force at the time such liability or obligation was incurred or such debenture was issued.

Special powers  
of Council.

(3) The Council may, of its own motion, amend and correct any manifest error in any special assessment or in any local improvement by-law, and may pass any amending, repealing, or new by-law that may be necessary or expedient for the purpose of making effectual and binding the liability incurred or the raising of any money by the issuing of any debentures under the authority of any such by-law, and thereupon every liability incurred and the special assessment and annual tax imposed thereunder shall be as effectual and binding as if the amending or new by-law directed to be passed had been passed and was in force at the time such liability was incurred and the special assessment and annual tax was levied.

Project may be  
reduced in scope.

**519.** Notwithstanding that the Council may have undertaken a project, it may decide not to carry it out, or the Council may, if it deems that it is inadvisable or impracticable to complete in its entirety any project undertaken, reduce the scope and redefine the area and readjust

the limits of such project either before or after commencement thereof, and may also provide that the portion of the cost of such project to be borne by the real property benefited thereby shall be borne proportionately in the same manner and on the same basis as originally provided for such project.

Part V to apply.

**520.** The provisions of Part V with respect to borrowing and to debentures and the issue thereof shall, mutatis mutandis, apply to borrowing and to debentures issued pursuant to this Part.

Effect on city's debt.

**521.** A by-law authorizing the issue of debentures to defray the property-owners' share of the cost of a project pursuant to this Part need not be submitted for the assent of the electors, and such debentures shall be deemed to form no part of the debt of the city under Part V, nor shall it be necessary to include the amount of the debt created by such debentures in any recital, under that Part, of the total amount of the existing debenture debt of the city.

Shortage, how dealt with.

**522.** If in any year the amount realized from the taxes levied under this Part to provide for the property-owners' share of the cost of a project is insufficient to pay the amount falling due in such year, the Council shall provide for the deficiency in the estimates for the following year, but this shall not affect the special liability imposed by the local improvement by-law upon the parcels specially benefited.

Excess, how dealt with.

**523.** If the amount realized from the debentures under a local improvement by-law exceeds the cost of the project, the excess shall be taken into the general revenue of the city. If such amount is less than the cost of the project, the shortage shall be paid out of general revenue and shall be amortized over the life of the debentures.

## PART XXV.

### QUASHING BY-LAWS AND RESOLUTIONS.

Illegal by-law or resolution may be quashed.

**524.** A Judge, upon the application of a person whose name is on the current list of electors, or of a person interested in a by-law or resolution passed by the Council, may quash the by-law or resolution in whole or in part for illegality.

Notice and security.

**525.** Notice of the application shall be served on the city at least ten days before the day of the hearing, and before the hearing the applicant shall furnish security for the city's costs in such amount and in such manner as the Judge shall think proper. After the determination of the proceedings, the Judge may make such order as to costs as shall be just.

Service on city within one month.

**526.** No application to quash a by-law or resolution, or part thereof, under this Part shall be entertained unless notice of the application is served on the city within one month after the passing of the by-law or resolution complained of.

Particulars to be given.

**527.** The notice of application shall set out particulars of the illegality alleged.

Appeal.

**528.** An appeal shall lie to the Court of Appeal from any order made by a Judge under this Part.

Applies to corrupt practices, etc.

**529.** A by-law or resolution in respect of the passing of which a violation of any of the provisions of section 131 has taken place may be quashed under this Part.

Procedure on application alleging corrupt practices, etc.

**530.** Where the ground of the application is an alleged violation of a provision of section 131, either alone or in conjunction with any other ground, the Judge may hold an inquiry and examine witnesses under oath as to the alleged violation before deciding upon the application to quash. The Judge in such case may order that nothing shall be done under the by-law or resolution complained of until the application is disposed of, but if the application is not proceeded with to the satisfaction of the Judge, he may remove the stay of proceedings.

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PART XXVI.

COMPENSATION FOR REAL PROPERTY  
EXPROPRIATED OR INJURED.

Interpretation.

**531.** In this Part:—

“Expropriation” means taking without the consent of the owner:

“Real property” includes a right or interest in or with respect to land:

“Owner” means any person having real property, and includes a mortgagee, lessee, tenant, and occupier of real property.

*Expropriation.*

Power to expropriate.

**532.** If, in the exercise of any of its powers of acquiring real property, the city fails to come to an agreement with its owner as to the terms of acquisition, the city may, by by-law or resolution of the Council, provide for the expropriation of such real property in accordance with the provisions of this Part.

Notice to be given.

**533.** Upon the passing of such a by-law or resolution, the City Clerk shall cause a notice thereof to be posted in a conspicuous place on the



real property to be acquired, and shall, in addition, give notice to any owner having a registered interest therein by mail at the address given in his application to register such interest.

Contents of notice.

**534.** The notice shall state that the city proposes to acquire the real property, and that if the city cannot obtain it upon terms satisfactory to the Council, expropriation will follow. The notice shall also state that any claim for compensation may be barred unless particulars of it are filed with the City Clerk within sixty days after such posting or such mailing, whichever may be the later.

Claim may be barred.

**535.** The claim of any owner for compensation for expropriation shall be barred and extinguished unless within the said period of sixty days he files with the City Clerk particulars of such claim: Provided that, notwithstanding any other section of this Act, a Judge, upon the application of an owner, may extend such period upon proper cause being shown, and upon such terms as to costs and otherwise as the Judge may direct.

Extent of compensation.

**536.** Where real property is expropriated by the city under the provisions of this Part, the city shall, unless it is otherwise provided in this Act, make due compensation to the owner for the real property of such owner expropriated, and for any damage necessarily resulting from the expropriation of the real property, beyond any advantage which the owner may derive from any work in connection with which the real property is expropriated.

"Arbitration Act" applies.

**537.** The amount of the compensation, if not agreed upon, shall be determined by arbitration as of the date of the by-law or resolution providing for the expropriation, and the provisions of the "Arbitration Act" shall apply, save as is otherwise provided in this Part.

Additional area may be acquired.

**538.** Where, in the exercise of the city's powers of acquiring real property, it appears to the Council that it can acquire for the city a larger or other area of real property in the same block at a more reasonable price or on terms more advantageous to the city than those at which it could acquire the part immediately required for its purposes, the Council may acquire such larger or other area, and may afterwards dispose of so much of it as is not so required.

Provision for entry by city.

**539.** (1) At any time after the passing of a by-law or resolution under section 532, and either before or after the making of any award, the city, by leave of a Judge and upon payment into Court of such sum as the Judge shall fix as security for any compensation and costs that may become payable, may enter upon such real property, and if any resistance or forcible opposition is made to its so doing, the Judge may issue his warrant to the Sheriff of the County of Vancouver to put the city in possession and to put down such resistance or opposition, which the Sheriff, taking with him sufficient assistance, shall accordingly do.

(2) Leave of the Judge and payment into Court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, altering, or diverting of a street unless, upon application by the owner, a Judge of the Supreme Court otherwise directs.

Entry on several parcels.

**540.** When the expropriation of two or more parcels of real property, whether they have the same owner or not, is undertaken as part of a single project, the Judge may make one order for entry upon so many of such parcels as shall be described in the order, and shall in such case fix a total sum to be paid into Court as security for all compensation and costs that may become payable with respect to the parcels so to be entered upon; and when the compensation has been determined, any party may apply to the Judge with respect to the sum paid into Court, and the Judge may order payment to the person entitled to the same.

*Injurious Affection.*

Compensation for injurious affection.

**541.** Where real property is injuriously affected by the exercise on the part of the city of any of its powers, the city shall, unless it is otherwise provided in this or some other Act, make due compensation to the owner for any damage necessarily resulting therefrom beyond any advantage which the owner may derive from any work in connection with which the real property is so affected.

Power to enter other property.

**542.** It shall be lawful for the city to enter upon any real property in danger of being injuriously affected for the purpose of executing and to execute any work in mitigation of the apprehended injurious affection.

Claim to be filed.

**543.** A claim by an owner for compensation for damage resulting from his real property being injuriously affected shall be filed with the City Clerk, giving particulars of the claim, within one year after the injury was sustained, or after it became known to such person, and if not so filed, the right to compensation shall be forever barred.

How damage ascertained.

**544.** The amount, if any, of the compensation for damage for injurious affection, if not agreed upon, shall be determined, as at the date when the injurious affection first took place, by arbitration, and the provisions of the "Arbitration Act" shall apply, save as is otherwise provided in this Part.

*General.*

Three arbitrators.

**545.** Except as otherwise provided, any arbitration under this Part shall be by three arbitrators, one to be appointed by each party and the third to be appointed by such two arbitrators.

Vesting order.

**546.** When the compensation has been determined, the city may pay the amount, together with any costs awarded against it, into Court, and the Judge may, upon the application of the city, make an order vesting in the city the real property in respect of which the compensation was

payable, and the order shall have the same effect as a vesting order made under the provisions of the "Laws Declaratory Act."

Compensation represents property.

**547.** The compensation, when determined, shall stand in the place of the real property, and shall be subject to the limitations and charges, if any, to which the real property was subject, and any claim to, or encumbrance upon, the real property, or any part of it, as against the city shall be converted into a claim upon the compensation.

Limitation of one year.

**548.** Any claim under this Part shall be absolutely barred unless within one year from the filing of particulars under section 535 or under section 543, as the case may be, an arbitrator has been appointed at the instance of the claimant or of the city.

Offer and costs.

**549.** The city may offer to an owner such amount as it thinks reasonable in satisfaction of any claim for compensation under this Part. If the owner declines to accept the amount so offered and the arbitrators award more than the amount so offered, the costs of the arbitration shall be adjudged to the owner, but if the arbitrators award no more than the amount, the costs shall be adjudged to the city. Such costs shall be based upon the tariff of the Supreme Court or the County Court, as the arbitrators direct, and shall be taxable by the Registrar of such Court accordingly.

Interest on award.

**550.** Every award for compensation under this Part shall bear interest at five per centum per annum from the date of the award until payment.

Change of street grade.

**551.** There shall be no compensation for injurious affection to a parcel by reason of the alteration of the grade or level of any street, except where:—

- (a) Upon written application of the owner, the grade or level so altered was established by the city with respect to such parcel:
- (b) A concrete sidewalk was laid by the city on the portion of such street abutting the parcel and on the same side of the street.

Traffic powers.

**552.** There shall be no compensation for injurious affection by reason of the exercise of any power with respect to street traffic under Part XII.

Discontinuance of proceedings.

**553.** If the Council decides that the expropriation of any real property should not be further proceeded with, it may repeal the by-law or rescind the resolution providing for its expropriation, but if an arbitrator has been appointed, or if security has been fixed under section 539, such repeal or rescission shall take place only by leave of the Judge and upon such terms as to costs and compensation or otherwise as he may direct.

Powers of representatives.

**554.** (1) In respect of any of the matters referred to in this Part, persons, guardians, tutors, curators, committees, and trustees shall, on behalf of themselves, their successors, heirs, executors, administrators, and assigns, respectively, and on behalf of whomsoever they represent (whether infants, issue unborn, lunatics, absentees, cestuis que trustent, or others under any disability), have power and authority to act as well in reference to any arbitration, notice, or proceeding as in making contracts with, and conveyances to, the city.

Judge may name representative.

(2) If there is no person having such power and authority, or if an owner cannot be found, or whenever the Judge deems it necessary for the purposes of this Act, the Judge may, on the application of the city, appoint a person to act for such owner, and all acts done, contracts made, and conveyances executed and delivered by the person so appointed in respect of any of the matters referred to in this Part shall be as valid and effectual as if the same were done, made, executed, and delivered by the owner.

Special provision for groups of parcels.

**555.** If the acquisition of three or more adjacent parcels of real property, whether they have the same owner or not, is undertaken, and if such acquisition involves expropriation or injurious affection, or both, the city may apply ex parte to a Judge for the appointment of a single arbitrator to determine the compensation payable to any owner in respect of each such parcel, whether for its expropriation or injurious affection, or both. Upon the making of such an order, the provisions of this Part shall, mutatis mutandis, apply.

Claims appurtenant to real property.

**556.** Any claim for compensation, whether in respect of expropriation of or injurious affection to real property, shall be deemed appurtenant to the real property, and shall be transferable accordingly.

Act not to apply.

**557.** The "Lands Clauses Act" shall not apply to proceedings under this Act, but where upon the expropriation of any real property a building or other improvement is not entirely taken, it shall be lawful for the city to make reasonable entry upon the real property not taken for the purpose of mitigating the damage caused to such building or improvement.

Money in Court, how dealt with.

**558.** Where money has been paid into Court as security pursuant to this Part and no order has been made for payment out thereof within a period of six years, the same shall be paid out to the city forthwith thereafter upon application of the city, but nothing in this section contained shall be deemed to affect any right of any person otherwise entitled thereto to recover from the city compensation as in this Part provided.

## PART XXVII.

## REPEAL AND EXTENT THEREOF.

- Acts repealed.           **559.** The "Vancouver Incorporation Act, 1921," being chapter 55 of the Statutes of British Columbia, 1921 (Second Session), and all amendments thereto, except section 13 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1935," are repealed: Provided that:—
- Not to affect by-laws, etc.           (a) Such repeal shall not affect any by-law or resolution in force at the time this Act comes into operation, and any such by-law or resolution which is of such a nature that it could have been passed under this Act shall have effect as if passed under this Act:
- Nor legal proceedings.           (b) Such repeal shall not affect any legal proceedings instituted before this Act comes into operation under or by virtue of any Act repealed by this Act, and such proceedings may be continued and appealed against as if this Act had not been passed:
- Nor taxes, fees, etc.           (c) Such repeal shall not affect any real-property taxes, business or other taxes, or licence or other fees or charges imposed under any Act repealed by this Act, or any remedy of the city for their recovery, or the liability of any person to the city for their payment, and any such taxes, fees, and charges may be recovered and the payment thereof enforced in like manner as if this Act had not been passed:
- Nor borrowings already made.           (d) Such repeal shall not affect any borrowing power exercised by the city under any Act repealed by this Act in respect of which any money borrowed remains unpaid at the time this Act comes into operation, or any security created by the city in respect of such borrowed money, and such borrowing-power and security shall continue to have effect as far as regards such borrowed money as if the borrowing-power were contained in this Act:
- Offices and agencies to continue.           (e) Any office or agency provided for in this Act with a name substantially the same as that of an office or agency heretofore existing shall be deemed to be a continuation of such office or agency heretofore existing:
- Mayor and others to remain in office.           (f) The Mayor, Aldermen, and members of the Board of Park Commissioners holding office when this Act comes into operation shall, subject to a vacancy occurring under Part II, continue to hold office until their successors are elected and sworn in pursuant to this Act:
- Voters list to be used in 1953.           (g) With respect to any election to be held in the year 1953, the voters list to be used shall be prepared, revised, and printed as if this Act had not been passed.

“ Interpretation Act ” not displaced.

**560.** The mention of particular matters in this Part shall not be held to prejudice or affect the general application of the sections of the “ Interpretation Act ” with regard to the effect of repeals.

Certain Acts not to apply to city.

**561.** None of the provisions of the “ Municipalities Incorporation Act ” or the “ Municipal Elections Act ” shall apply to the city, anything to the contrary contained in either of them notwithstanding.

Only certain sections of “ Municipal Act ” to apply.

**562.** None of the provisions of the “ Municipal Act,” except Part XX and section 283, sections 450 to 453, sections 524 and 525, and sections 554 to 557, shall apply to the city, anything to the contrary contained in the “ Municipal Act ” notwithstanding.

When Act comes into operation.

**563.** This Act shall come into operation on the second day of July, 1953.

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VICTORIA, B.C.

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