



CHAPTER 100.

An Act to incorporate the Greater Nanaimo
Sewerage and Drainage District.

[Assented to 20th March, 1959.]

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 *Greater Nanaimo Sewerage and Drainage District Act*.

Interpretation.

Interpretation.

2. In this Act, unless the context otherwise requires,
- “area of the Corporation” means the area comprising the areas of the communities which are members of the Corporation;
 - “Board” means the Administration Board constituted under this Act;
 - “charge” means a charge as defined in the *Land Registry Act*;
 - “community” means a municipality or improvement district that is a member of the Corporation;
 - “Corporation” means the Greater Nanaimo Sewerage and Drainage District constituted under this Act;
 - “debenture-year” means any twelve-month period calculated from the date of the debenture or other security of the Corporation;
 - “facilities” means drains, ditches, sewers, sewage treatment and disposal plants and works, pumping-stations, and other works necessary thereto, and outlets for carrying off, treating, and disposing of drainage and sewage, and includes any and all works, structures, lands, and conveniences incidental to and necessary for a sewerage or drainage system;

- “improvement district” means, in accordance with the context, either an area incorporated as an improvement district under the *Water Act* or the corporation into which the residents of the area have been incorporated as an improvement district;
- “major facilities” means trunk drains, trunk ditches, trunk sewers, sewage treatment and disposal plants and works, pumping-stations, and other works necessary thereto, and outlets for carrying off, treating, and disposing of drainage and sewage, and includes any and all works, structures, lands, and conveniences incidental to and necessary therefor;
- “municipality” means a municipality as defined by the *Municipal Act* for the purposes of the *Municipal Act*;
- “owner” means an owner as defined in the *Land Registry Act*;
- “owner-elect” has the meaning given to it by the *Municipal Act*;
- “stream” means a stream as defined by the *Water Act*;
- “street” includes any public highway, road, lane, alley, boulevard, bridge, square, mew, court, or passage, whether a thoroughfare or not;
- “temporary security” means any debenture or other security of the Corporation, the entire principal amount of which is payable at a fixed date not more than five years from the date thereof.

Incorporation.

Incorporation.

3. There is hereby created and constituted a body corporate and politic under the name of the “Greater Nanaimo Sewerage and Drainage District,” with the objects, powers, duties, obligations, and liabilities set forth in this Act.

Seal.

Seal.

4. (1) The Corporation and its successors shall have perpetual succession and a common seal approved by the Board.
(2) The Board may alter the seal.

Membership.

Membership.

5. The following shall be members of the Corporation:—
(a) The Corporation of the City of Nanaimo;
(b) Harewood Improvement District;
(c) Such other communities as may from time to time become members of the Corporation.

New members.

6. (1) The Lieutenant-Governor in Council may, upon the request of the Corporation and any municipality or any improvement district incorporated under the *Water Act*, order or refuse to order any such municipality or improvement district to be a member of the Corporation.
(2) Any Order of the Lieutenant-Governor in Council under this section shall fix the terms and conditions (if any) and shall name the day

on which the municipality or improvement district shall become and be a member of the Corporation.

(3) Upon a municipality or improvement district becoming a member of the Corporation, the area of the Corporation shall ipso facto include the area within the territorial limits of such municipality or improvement district.

Objects and Powers.

Objects.

7. The objects of the Corporation are to design, construct, maintain, operate, and administer major facilities.

Powers.

8. (1) The Corporation may

- (a) sue and be sued; and
- (b) acquire, hold, use, alienate, and dispose of real and personal property, including easements and rights-of-way, for any of the purposes of its objects; and
- (c) enter into agreements or contracts with any person, firm, partnership, corporation, or community; and
- (d) exercise, carry out, fulfil, and give effect to all the powers, rights, duties, and obligations in and conferred by this Act; and
- (e) without limiting the generality of the foregoing, do all things necessary to attain the objects of the Corporation; and
- (f) prescribe the uses to which its facilities may be put and by whom they may be used.

(2) In addition to exercising the powers conferred by subsection (1), the Corporation may finance, construct, maintain, operate, and administer facilities for Canada or the Province within or without the area of the Corporation.

Veto power in respect
of facilities.

9. (1) Any community may, in addition to its other powers, request the Corporation to finance, design, and construct facilities in the whole or any specified area of the community for the community at the sole and exclusive cost of the community, and the Council or the Trustees of the community, as the case may be, with the approval of the Inspector of Municipalities or the Comptroller of Water Rights, as the case may be, may by by-law, with the assent of the owner-electors or ratepayers, as the case may be, cause the community to enter into an agreement with the Corporation for such purpose; providing, inter alia, that the financial obligation which the Corporation shall incur whether for principal, interest, or otherwise by reason of its financing, designing, and constructing any such facilities shall be a liability and debt of the community and shall be money due and payable by the community to the Corporation under and pursuant to this Act during a period not exceeding thirty years, and the community shall raise the moneys to pay the said liability and debt by levying rates or charges upon the lands or lands and improvements

within the community or the specified area thereof or otherwise, and such liability and debt shall rank as a debenture debt of the community.

(2) The Corporation may finance, design, and construct the facilities requested under subsection (1) and borrow therefor as provided for under this Act.

Administration and Management.

Administration
Board.

10. (1) There shall be an Administration Board, which shall exercise, administer, and control the powers, functions, duties, and obligations of the Corporation.

(2) The Board shall comprise those persons who are from time to time appointed and who hold office as members of the Administration Board of the Greater Nanaimo Water District, and each such person shall continue to be a member of the Administration Board of the Corporation so long as he is a member of the Administration Board of the Greater Nanaimo Water District aforesaid.

(3) Each member of the Board shall receive fifteen dollars for each meeting attended by him, but the total amount which a member may receive in any year under this Act and the *Greater Nanaimo Water District Act* shall not exceed three hundred dollars, and section 48 of the *Municipal Act* does not apply in respect of the remuneration received.

(4) In the event of any one or more of its members becoming disqualified from holding office, the actions and proceedings of the Board are as valid and effectual as if such disqualification had not taken place.

(5) The existence of a vacancy in the membership of the Board does not render invalid any act or proceeding authorized by a quorum of the Board.

Continuance
of Board.

11. (1) The Board is always continuing and existing.

(2) The members of the Board shall hold office until their successors are duly appointed and have assumed office.

(3) It is not necessary to consider or begin anew any by-law, proceeding, report, matter, or thing entertained by the Board subsequent or prior to an annual or other appointment as aforesaid.

Head office.

12. (1) The head office of the Corporation shall be within the area of the Corporation.

(2) All meetings of the Corporation shall be held at the head office of the Corporation.

Chairman and
quorum of Board.

13. (1) The Chairman of the Board shall be elected annually by the Board from amongst its members, and shall, when present, preside at all meetings of the Board.

(2) In the absence of the Chairman or Acting-Chairman from a meeting of the Board, the other members of the Board present shall elect a member of the Board to preside at that meeting.

(3) The presiding officer, as well as each other member of the Board, is entitled to one vote.

(4) The quorum necessary for the transaction of the business of the Board is three members of the Board in office at the time, one of whom shall be the representative of a community other than The Corporation of the City of Nanaimo.

(5) When the votes of the members of the Board, including the vote of the presiding officer, are equal upon a question, the question is resolved in the negative, and the presiding officer shall so declare.

(6) A member present at any meeting of the Board who abstains from voting shall be deemed to have voted in the affirmative.

Meetings.

14. (1) The first meeting of the Board shall be arranged and called by the Chairman of the Board of the Greater Nanaimo Water District by written notice served upon the members of the Board.

(2) Thereafter, meetings of the Board, other than meetings adjourned to a specific time and date, shall be called by the Secretary on instructions of the Chairman, or of the Commissioner, or any two of the members of the Board, by written notice addressed to each member and sent by prepaid registered post or by personal delivery, at least two days before the day of the meeting.

(3) A notice under this section shall state the general purpose of the meeting and the time at which it is to be held.

Emergency meetings.

15. With the consent of all its members, an emergency meeting of the Board may be called in the manner prescribed in section 14 on less than two days' notice.

Board procedure.

16. (1) Where required to do so by this Act, the Board shall proceed by by-law, otherwise it may proceed by by-law, resolution, or order.

(2) At a meeting of the Board, no proposed by-law, resolution, or order put to the vote of the meeting shall, unless otherwise expressly provided by this Act, be adopted, carried, or ordered except by a majority of the votes of the members of the Board present.

(3) The Board may from time to time enact, make, alter, repeal, amend, vary, and re-enact by-laws, resolutions, or orders as the Board may consider necessary or expedient for the carrying-on, management, and regulation of the facilities, business, and affairs of the Corporation for the carrying-out of its objects, in accordance with and subject to the provisions of this Act.

(4) No by-law shall be passed by the Corporation unless it is given three readings, two of which may be by title only.

(5) A by-law may be read once, twice, or thrice in one day.

Taking effect
of by-law.

17. Every by-law shall name a day when it is to take effect; but if no day is named, the same shall nevertheless take effect on the day of the adoption thereof.

Authentication
of by-law.

18. Every by-law shall be under the seal of the Corporation, and shall be signed by the Chairman, or person legally presiding at the meeting at which the by-law was adopted, and by the Secretary.

Certification
of by-law.

19. A copy of any by-law, resolution, or order written or printed under the seal of the Corporation and certified by the Secretary to be a true copy shall be received as prima facie evidence in any Court of the Province without proof of the seal or signature.

The Commissioner.

20. (1) Subject to the control of the Board, the affairs and business of the Corporation shall be under the management of a Commissioner (herein referred to as the "Commissioner").

(2) The Commissioner shall be the person holding the office of Chief Commissioner of the Greater Nanaimo Water District.

(3) The Commissioner is entitled to attend the meetings of the Board and take part in any discussion, but not to vote.

(4) The Commissioner may be paid out of the funds of the Corporation such remuneration as the Board may from time to time determine.

Board may delegate
powers to
Commissioner.

21. For the purpose of facilitating the conduct of the affairs of the Corporation, and subject to the provisions of this Act, the Board may delegate by by-law to the Commissioner any of its powers and functions not exercisable by by-law pertaining to the administration and conduct of the affairs of the Corporation.

Appointment of
Secretary and
keeping of records.

22. The Board shall appoint a Secretary, who shall keep a full and complete record of the proceedings of the Board, and who shall hold office at the pleasure of the Board.

Appointment of
solicitor, counsel,
and Treasurer.

23. The Board shall appoint a Treasurer and may from time to time appoint one or more engineers, solicitors, or counsel of the Corporation, who shall hold office at the pleasure of the Board.

Acting-officials.

24. An Acting-Chairman, Acting-Secretary, or other acting-official duly elected or appointed by resolution of the Board is for the time being duly authorized during his temporary tenure of office to do all acts legally devolving under this Act upon the regular official holding the position, and such acts are as binding upon the Corporation as if performed by the regular official.

Funds to be deposited
in chartered bank.

25. Except as is otherwise provided by this Act, all funds belonging to or received by the Corporation shall be deposited to its credit in a chartered bank of Canada, and may, under authority of the Board, be drawn upon by cheque of the Corporation signed by the Commissioner and the Treasurer, or such other person or persons as the Board may from time to time appoint.

Service of process.

26. A process against the Corporation may be served upon the Chairman or the Commissioner or the Secretary.

Execution of
contracts.

27. Except as is otherwise provided by this Act, all contracts of the Corporation requiring formal execution shall be under the seal of the Corporation and be signed by the Chairman or the Commissioner and by the Secretary.

Servants of the
Corporation.

28. Except as is provided by sections 22 and 23 and subject to the control of the Board, the Commissioner may engage, discharge, and prescribe the duties, terms of employment, and remuneration of employees required by the Corporation.

Further Powers of the Corporation.

Further powers.

29. The Corporation may, by its officers, engineers, superintendent, agents, workmen, or servants, within or without the area of the Corporation, at any time enter upon any lands, streets, or streams, without the consent of the owner thereof, for the purpose of making surveys and other examinations to determine whether or not the same are required in the carrying-out of its objects.

Alterations to sewers
and drains.

30. The Corporation may from time to time enlarge, lessen, alter the course of, cover in, or otherwise improve any sewer or drain of the Corporation, and may discontinue, close up, remove, or destroy any sewer or drain of the Corporation that has, in the opinion of the Corporation, become unnecessary; but in such case, compensation, or a sewer or drain as effectual as that discontinued, closed up, removed, or destroyed, shall be provided for the community having a sewer or drain connected with the sewer or drain discontinued, closed up, removed, or destroyed.

Expropriation
powers.

31. (1) Subject to the *Water Act*, the Corporation may by by-law expropriate any land, stream, sewer, or drain within or without its area, and upon the adoption of the by-law the estate or interest in the land, stream, sewer, or drain expropriated vests in the Corporation.

(2) There shall be set forth in each by-law adopted under subsection (1) a description of the expropriated land, stream, or drain sufficiently accurate for identification, and a statement of the estate or interest therein expropriated.

(3) Within thirty days after the adoption of the by-law under subsection (1), the Corporation shall deliver a certified copy of the by-law to the Registrar of Titles of the land registration district in which the expropriated land, stream, sewer, or drain is situate, and the Registrar of Titles shall thereupon cause the same to be recorded in the records of the Land Registry Office for that district.

(4) Unless compensation has been agreed to in writing by the owner or owners of the land, stream, sewer, or drain, notice shall be served forthwith by the Secretary of the Corporation on each such owner setting

forth the compensation which the Corporation is ready to pay, together with the description recorded under subsection (3).

(5) The notice is well and sufficiently served under subsection (4)

(a) if sent to each such owner by registered mail, postage prepaid, at his address as shown by the records of the Land Registry Office; or

(b) where, to the knowledge of the Secretary, the registered owner or holder of an encumbrance is deceased or an infant, lunatic, or other person under disability, if sent by registered mail to his personal representative or guardian, tutor, curator, or trustee, as the case may be; or

(c) where no address is shown on the records, or where the address of the personal representative or the guardian, tutor, curator, or trustee of an owner under disability cannot be readily ascertained by the Corporation, then by publishing the notice once a week for four consecutive weeks in a newspaper of general circulation in the locality in which such land, stream, sewer or drain is situate.

(6) Where the Corporation, within one month from the date of mailing or of the last publication of the notice, does not receive a notice in writing from an owner, or from the guardian, tutor, curator, or trustee of an owner under disability, setting forth

(a) his dissatisfaction with the amount of compensation set forth in the notice from the Corporation; and

(b) the amount which he claims by way of compensation; and

(c) a full statement of the facts in support of his claim; and

(d) his full postal address,

that owner, and where the owner is under disability, that guardian, tutor, curator, or trustee, shall be deemed to be satisfied with and to have accepted the amount of compensation set forth in the notice from the Corporation and is forever barred from claiming any further compensation in respect of that expropriation.

(7) No compensation is payable by the Corporation to or for any person other than an owner or the guardian, tutor, curator, or trustee of an owner under disability from whom it does not, within one month from the date of mailing or of the last publication of the notice given under subsections (4) and (5), receive a notice in writing setting forth the information mentioned in clauses (a), (b), (c), and (d) of subsection (6).

(8) Where a claim is made for compensation differing in amount from that set forth in the notice served or published by the Secretary of the Corporation under subsections (4) and (5), the Corporation shall consider the claim and shall notify the claimant of its decision in respect thereof by registered letter addressed to the postal address set forth by the claimant in his notice.

(9) The claimant, if dissatisfied with the decision of the Corporation, may, within sixty days after the date of mailing of the letter setting forth the decision of the Corporation, give notice in writing to the Corporation, which may be by registered letter, that he desires the claim to be referred to arbitration, and the claim shall thereupon be referred to three arbitrators, one to be appointed by the claimant and one by the Corporation, and the third to be appointed by such two arbitrators, and the *Arbitration Act* applies.

(10) If no notice under subsection (9) is received from the claimant by the Corporation within sixty days after the date of mailing of the letter setting forth the decision of the Corporation, the claimant shall be deemed to be satisfied with and to have accepted the decision of the Corporation and is forever barred from claiming any further compensation in respect of that expropriation.

(11) The compensation money agreed upon or determined by arbitration for any land, stream, sewer, or drain, or any estate or interest therein, stands in the stead of the land, stream, sewer, or drain, or the estate or interest therein; and any claim to or encumbrance upon such land, stream, sewer, or drain is, as respects the Corporation, converted into a claim to the compensation money or to a proportionate amount thereof and is void as respects any land, stream, sewer, or drain, or any estate or interest therein, so expropriated, which, by the fact of the expropriation thereof, becomes and is absolutely vested in the Corporation.

Compensation money
a debt.

(12) Any compensation money agreed upon or determined by arbitration is, upon the date of agreement or determination, a debt of the Corporation owing to the owner, registered encumbrance-holder, or other entitled person, and payment thereof may be enforced in any Court of competent jurisdiction.

(13) Every person who has any estate or interest in any land, stream, sewer, or drain expropriated under this Act, or who represents any such person, shall, upon demand therefor made by or on behalf of the Corporation, furnish to the Corporation a true statement showing the particulars of such estate and interest and of every charge to which the same is subject.

Use of streets.

32. (1) The Corporation may carry any sewer, drain, or other works through, across, or under any street, in such manner as not unnecessarily to obstruct or impede travel thereon, and may enter upon and dig up any street for the purpose of laying sewers, drains, or other works and of maintaining, repairing, and renewing the same.

(2) In entering upon and digging up any street, the Corporation is subject to reasonable regulations made by the lawful authority charged with the responsibility of maintaining the part of the street so entered upon.

(3) Before entering upon any street for the purpose of laying a sewer, drain, or other works, the Corporation shall give at least thirty days'

notice of its contemplated action to the authority charged with the responsibility of maintaining the part of the street so entered upon, but the authority may waive the giving of such notice or shorten the period thereof.

(4) Whenever the Corporation digs up any street, it shall, so far as is practicable, restore it to as good a condition as it was in before the digging began; and the Corporation shall at all times indemnify and save harmless the lawful authority charged with the responsibility of maintaining the part of the street so entered upon against all damages which may be recovered against it by reason of anything done or omitted by the Corporation, and shall reimburse it for all expenses which it may incur by reason of any defect or want of repair of any street caused by the construction of any sewer, drain, or other works, or by the maintaining or repairing of the same.

(5) No compensation other than as provided in this section shall be made by the Corporation in respect of anything done by the Corporation under this section.

33. In determining the amount of compensation to be awarded to a claimant under this Act, property shall be valued as at the time of the taking thereof or damage thereto, and not as at the time of the making of the award.

Change of
watercourse.

34. Subject to the provisions of the *Water Act*, the Corporation may close or may change the width, depth, grade, or direction of any stream.

Area Control.

Recommendation of
the Commissioner.

35. The Corporation shall not construct facilities or acquire land without the recommendation of the Commissioner or, alternatively, the unanimous consent of all members of the Board.

Control of sewers
and drains.

36. (1) No new sewer shall be constructed in the area of the Corporation and no sewer in the area of the Corporation shall be altered, connected to, or extended until plans and particulars as required by the Corporation have been approved by the Corporation.

(2) No new drain which is designed to be connected to facilities of the Corporation or which may affect those facilities shall be constructed in the area of the Corporation, and no drain which is connected to or affects facilities of the Corporation shall be altered, connected to, or extended until plans and particulars as required by the Corporation have been approved by the Corporation.

(3) Subject to the direction and regulation of the Corporation, every community shall connect each of its sewers with a sewer of the Corporation.

Violation.

37. If a community or person violates by act or omission any provision of the last preceding section, the Corporation may give notice

in writing to the community or person responsible for such violation requiring the community or person to carry out, within the time limited in the notice, such works as the Corporation may deem necessary as a consequence of the violation; and if the notice is not complied with, the Corporation may do the works at the expense of the community or person in default, and may recover from the community or person the expense thereof in any Court of competent jurisdiction.

Inspection and
enforcement.

38. The Corporation may inspect any facilities of any community or person to ascertain whether or not they are in accordance with its requirements.

Advertising for
tenders.

39. (1) Except when in the opinion of the Board advertising for tenders is not required in the public interest, no contract shall be made for any work or for the supply of any goods or material the value or price of which does or is estimated to exceed the sum of one thousand dollars, unless the Commissioner first, by notice published in a daily newspaper circulating in the area of the Corporation, calls for tenders to be sent to the Corporation for the performance of the work or the supply of the goods or materials at a price to be named by the tenderer.

Public opening
of tenders.

(2) All tenders received shall be opened in public and shall be considered by the Board before a contract is entered into.

Financial.

Borrowing in
anticipation.

40. (1) The Corporation may, by resolution or by-law, on the recommendation of the Commissioner, borrow in the course of any year in anticipation of the collection of its revenue for that year such sum or sums of money as it may require to meet its lawful expenditures by the issue of promissory notes or any similar form of obligation or security under the seal of the Corporation and signed by the Chairman or the Commissioner and by the Treasurer, or signed by some other person or persons authorized in that behalf by the Board, and each promissory note or other obligation or security is valid and binding upon the Corporation according to its tenor.

(2) The Board may, by by-law, resolution, or agreement, designate what revenues of the Corporation are charged with the repayment of a promissory note or other form of obligation or security.

(3) A promissory note or other form of obligation or security issued by the Corporation may be in such form as the Corporation may from time to time authorize.

Financing of
objects.

41. (1) For the purpose of carrying out the objects of the Corporation, the Corporation may, by by-law passed upon the recommendation of the Commissioner, borrow moneys in such amounts and at such times as the Board may deem expedient by the issue and sale of debentures or other similar forms of security and pay interest thereon, but no issue of

debentures or other securities shall be made without the approval of the Lieutenant-Governor in Council.

(2) In addition to the liability of the Corporation, each community is liable for the repayment of all moneys borrowed by the Corporation under this section and under sections 45 and 50, in the proportion to its liability from time to time for payment of its portion of the annual estimate.

(3) The aggregate of the principal amounts of the moneys borrowed by the Corporation (exclusive of any moneys borrowed under subsection (2) of section 9 or sections 40, 45, and 50) shall not exceed an amount equal to six per centum of the total assessed valuation of the taxable lands and improvements for other than school purposes within the area of the Corporation as shown on the last revised assessment rolls of the communities at the time this ultimate borrowing power is reached.

Debenture by-law.

42. (1) A by-law providing for the incurring of debt under this Act may provide for the issue of debentures or other similar securities in such total amount as will realize the sum required for the purpose for which the debt is to be incurred, bearing a rate of interest, and payable in a currency, in a manner, at a place, at a time, or times, and in a form, as may be provided in the by-law.

(2) The by-law shall provide for the raising of money in each debenture-year to pay the interest falling due from time to time on the debentures or the other similar securities and for raising money in each debenture-year to pay instalments of principal or principal amounts as the same fall due or, subject to subsection (4), for establishing a sinking fund for the payment at maturity of the entire principal of the debentures or the other similar securities thereby authorized.

(3) Where the entire principal amount of the debentures or the other similar securities is payable at a fixed date not more than five years from the date of issue thereof, a sinking fund need not be set up, but the annual sums required shall be deposited in an account with a chartered bank.

(4) In settling the sum to be raised annually for sinking funds, the rate of interest on investments shall not be calculated at a rate of more than four per centum per annum.

(5) Where debentures or other securities issued are payable in a currency other than lawful money of Canada, the Board shall in each debenture-year review the state of the sinking fund and determine whether or not additional moneys shall be raised in the then current debenture-year to provide for payment in full of such debenture or other securities at maturity.

(6) Any by-law may provide that the Corporation has the right, at its option, to redeem the whole at any time or, from time to time, any part of the debentures or other securities thereby authorized on any date in advance of the maturity thereof, upon and subject to such terms and

conditions as may be set forth in the by-law, subject, however, to the following provisions:—

- (a) The by-law and every debenture or other security that is redeemable shall specify the place of redemption and the price at which such debenture or other security may be redeemed:
 - (b) The principal of every debenture or other security that is redeemable shall become due and payable on the date set for redemption thereof, and, from and after such date, interest shall cease to accrue thereon where provision is duly made for payment of the principal amount thereof, premium (if any), and interest to the date set for redemption:
 - (c) Notice of intention to redeem stating the date of redemption shall be mailed at least thirty days prior to the date set for such redemption to any person in whose name a debenture or other security to be redeemed is registered at his address recorded at the office of the Corporation:
 - (d) At least thirty days prior to the date set for redemption, notice of intention so to redeem shall be published in a newspaper published or circulating in the places where the debentures or securities are payable.
- (7) The Corporation is not bound to see to the execution of any trust, whether express, implied, or constructive, to which any of its debentures or other securities are subject.

Signing of debentures.

43. (1) All debentures and other similar securities duly authorized to be issued by the Corporation shall, unless otherwise expressly provided by by-law, be sealed with the seal of the Corporation and signed by the Chairman or the Commissioner and countersigned by the Treasurer, or signed and countersigned by some other person or persons authorized by by-law to sign and countersign the same.

Signing of coupons.

(2) The signatures upon the coupons attached to a debenture or other similar security may be engraved, lithographed, or otherwise mechanically reproduced.

Sale of debentures.

44. The debentures or other similar securities may be sold for par value or less or more than the par value thereof, on such terms and conditions as the Board determines.

Refunding of securities.

45. (1) In addition to the general borrowing powers hereinbefore provided, the Corporation may by by-law, upon the recommendation of the Commissioner, and with the approval of the Lieutenant-Governor in Council,

- (a) borrow such sum as may be required to repay or refund any securities other than debentures issued by the Corporation, and for such purpose authorize the issue and sale of new

securities other than debentures in such amounts as will realize net the sum required for that purpose;

- (b) borrow such sum as may be required to repay or refund any securities other than debentures issued by the Corporation, and for such purpose authorize the issue and sale of debentures or other securities in such amounts as will realize net the sum required for the purpose aforesaid;
- (c) borrow such sum as may be required to provide for the redemption before maturity of any debentures or other securities which are issued subject to redemption before maturity, and for such purpose authorize the issue and sale of new debentures or other securities in such amounts as will realize the net sum required for the purpose aforesaid after applying the amount of sinking fund on hand (if any) available for the redemption of such debentures or other securities.

(2) When debentures or other securities are repaid, refunded, or redeemed, they shall forthwith be cancelled and shall not be reissued.

Evidence of by-law.

46. A recital or declaration in a by-law authorized by this Act to the effect that the principal amount of the debentures or other securities authorized to be issued by the by-law is required to be borrowed to realize the sum required for the purpose for which the debt is to be incurred is conclusive evidence of that fact.

Validity of
debentures.

47. All debentures or other similar securities of the Corporation are valid and binding upon the Corporation when in the hands of a bona fide purchaser, notwithstanding that any of the prescribed formalities in connection with the issue thereof have not been complied with.

Validity of debenture by by-law.

48. Where debentures or other similar securities are purportedly issued under a by-law of the Corporation and are signed and sealed in accordance with this Act, and thirty days have expired from the day upon which the by-law took effect,

- (a) the validity of the debenture or the other similar security and the obligation of the Corporation thereunder shall not be questioned or put in issue; and
- (b) the by-law shall not be quashed or set aside on any ground.

Certificate of
Secretary.

49. The certificate of the Chairman and the Secretary of the Corporation, under the seal of the Corporation, setting forth that the issue of debentures or other similar securities has been authorized by by-law and the date of the taking effect of such by-law, is final and conclusive evidence of the authorization and date.

Hypothecation of
debentures.

50. (1) Pending the sale of any of its debentures or other similar securities, or in lieu of the sale thereof, the Corporation may by by-law hypothecate or pledge the debentures or the other similar securities for

the purpose of interim borrowing of moneys on the credit of the Corporation.

(2) The Corporation may make such agreement for the repayment of the interim borrowing and interest thereon as it may deem expedient, but not beyond the terms of the debentures or securities pledged or hypothecated.

(3) The proceeds of the interim borrowing shall be applied to the purposes for which the debentures or the other similar securities were authorized to be issued.

(4) When the debentures or the other similar securities are subsequently sold, the proceeds from the sale shall be applied in the first instance in repaying the amount borrowed under subsection (1) and interest thereon.

Deposit of proceeds
of debentures.

51. (1) Subject to section 50, the proceeds from the sale of debentures or other similar securities shall be deposited with a bank to the credit of the Corporation.

(2) The proceeds deposited with the bank may, until they are required for the purpose or purposes stated in the by-law by which the debentures or the other similar securities were authorized, be invested or reinvested by the Board, upon the recommendations of the Commissioner and the Treasurer, in any securities issued by Canada or any Province thereof or in any securities the payment of principal and interest of which is guaranteed by Canada or the Province of British Columbia.

(3) Subject to subsection (2), the proceeds deposited with the bank shall not be used except for the purpose or purposes stated in the by-law by which the debentures or the other similar securities were authorized.

Charging section.

52. (1) All works, plant, and property of every nature whatsoever of the Corporation shall be, and they are hereby, charged, mortgaged, and hypothecated for the repayment of any sum which may be borrowed by the Corporation, as well as for the due and punctual payment of the interest thereon, and each and every holder of the debentures or other securities of the Corporation has a preferential charge, pledge, mortgage, or lien on the said works, plant, and property for securing the repayment of the principal amount of such debentures or other securities and the interest thereon.

(2) Part XXVI of the *Municipal Act* applies, mutatis mutandis, to the Corporation, and

(a) wherever therein a Council is referred to, the reference shall be deemed to be to the Board;

(b) wherever therein a municipality is referred to, the reference shall be deemed to be to the Corporation;

- (c) wherever therein debentures are referred to, the reference shall be deemed to be to debentures and other similar securities issued by the Corporation; and
- (d) wherever therein officers of the municipality are referred to, the reference shall be deemed to include the Commissioner, the Secretary, and the Treasurer.

Indebtedness of Corporation shall not be recited in a community by-law.

53. Indebtedness incurred or created by the Corporation is not, and shall not be deemed to be, indebtedness of any community requiring recital in any by-law of the community for the creation of debts by the issue of debentures or otherwise, and no indebtedness of the Corporation shall be included in the general debt of any community for the purpose of calculating borrowing power.

Tax in respect of portion of annual estimate.

54. (1) The amount of the annual estimate payable by a community and required to be collected by taxation shall be raised by that community by a rate or charge, or both, over and above all other rates or charges imposed by or on behalf of that community.

(2) The rate imposed in pursuance of this section shall not be deemed to be a rate levied under the provisions of clause (a) of subsection (1) of section 204 of the *Municipal Act*.

Investment of surplus.

55. The Corporation may from time to time invest any of its general revenue surplus in any securities issued by Canada or any Province thereof or in any securities the principal and interest of which are guaranteed by Canada or the Province of British Columbia.

Annual Estimate.

Annual estimate.

56. On or before the last day of February in each year the Board shall cause to be prepared an estimate (herein called the "annual estimate") of the sums required to meet the total amount of all expenditures and financial obligations that the Corporation will be required to make or meet during that year, including necessary and appropriate reserves and any deficits consequent upon the Corporation's operation in any year.

Apportionment of annual estimate.

57. (1) The Board shall, in accordance with subsections (2), (3), (4), (5), and (6), apportion the liability for payment of the amount of the annual estimate between the communities, and each community is liable for payment to the Corporation of that portion of the annual estimate for which it is determined by the Board to be liable.

(2) Liability for payment of the amount required to meet the capital cost of and the estimated maintenance and operating cost of sewerage facilities of the Corporation serving a single community shall be apportioned to and discharged by that community.

(3) Liability for payment of the amount required to meet the capital cost of and the estimated maintenance and operating cost of sewerage facilities of the Corporation serving more than one community shall be apportioned to and discharged by those communities in proportion to the flow of sewage effluent into those facilities from each community, and the Board may prescribe the minimum amount for the payment of which any community may be determined to be liable.

(4) Liability for payment of the amount required to meet the capital cost of and the estimated maintenance and operating cost of drainage facilities of the Corporation serving a single community shall be apportioned to and discharged by that community.

(5) Liability for payment of the amount required to meet the capital cost of and the estimated maintenance and operating cost of drainage facilities of the Corporation serving more than one community shall be apportioned to and discharged by those communities in a manner mutually agreed to in writing by the communities, or, failing such an agreement, as decided by the Board, and the Board may prescribe the minimum amount for the payment of which any community may be determined to be liable.

(6) Liability for payment of that part of the annual estimate consisting of items of expenditure and financial obligations not provided for under the foregoing subsections shall be apportioned between the communities on the basis set forth in subsection (3).

(7) For the purpose of facilitating the apportionment of liability for payment of the amount of the annual estimate, the Board shall, where practicable, make contracts for or undertake the construction of facilities in such a manner that costs to be apportioned shall be kept separate and distinct in respect to each community.

Payment by community of annual estimate.

58. The portion of the amount of the annual estimate for the payment of which each community is determined by the Board to be liable shall be divided, as nearly as possible, into twelve equal parts, and one part is due and payable and shall be paid to the Corporation at the end of each calendar month commencing in January in each year, and amounts overdue for more than thirty days shall bear interest at the rate of six per centum per annum.

Recovery of annual estimate from communities in default.

59. (1) All money due and payable by a community to the Corporation under this Act is, if not paid when due, recoverable at the suit of the Corporation against the community in any Court of competent jurisdiction, and the Corporation may also enforce payment thereof by the appointment of a receiver of the rates, taxes, levies, and other revenues of the defaulting community.

(2) The powers conferred upon the Corporation by subsection (1) may be exercised separately or concurrently, or cumulatively.

(3) A receiver may be appointed by a Judge of the Supreme Court of British Columbia upon the application of the Corporation made in summary manner.

Powers of a receiver.

60. (1) The receiver may, with the consent of the Lieutenant-Governor in Council, examine the assessment roll of the defaulting municipality or, if the defaulting community is not a municipality, of the assessment district in which the defaulting community is situate, and may, in like manner as rates are struck for general taxes under the *Municipal Act* or for Provincial purposes under the *Taxation Act*, as the case may be, but without limiting the amount of the rate, strike a rate on the dollar sufficient for the payment of the amount of money due and payable by the defaulting community to the Corporation, together with the amount deemed necessary by the receiver for the payment of interest and the fees and costs of the receiver up to the time when those amounts will be received from the defaulting community.

(2) The receiver shall thereupon issue a precept under his hand directed to the Collector of the defaulting municipality or of the assessment district in which the defaulting community is situate, and shall by such precept, after reciting his appointment and that the community has neglected to satisfy its indebtedness to the Corporation, demand that the Collector levy the rate.

(3) After receiving the precept, the Collector shall levy the amount of such rate struck by the said receiver as aforesaid, and accordingly shall, before issuing any tax demand notice or taxation notice, add a column to the real-property tax roll or taxation roll headed "Greater Nanaimo Sewerage and Drainage District Arrears Rate," and shall insert therein the amount of tax levied as derived from the application of the rate set forth in the precept, and shall, with all reasonable expedition, return to the said receiver the precept with the amount levied thereon.

(4) The receiver shall, after satisfying all indebtedness of the defaulting municipality to the Corporation and all of his own fees and costs, pay any surplus within ten days after receiving same to the municipality for its general purposes.

(5) Any such rate struck and levied in pursuance of this Act in respect of a community that is a municipality shall be deemed to be delinquent at such time as it would become so if it were a tax levied by the defaulting municipality under the *Municipal Act*, and each person against whom the rate is levied is liable to pay the same in like manner as if the rate were a tax levied by the municipality, and the municipality shall enforce the collection of the rate in the same manner as it may enforce the collection of its taxes, and for such purpose the rate shall be deemed to be a tax levied by the municipality.

(6) Any such rate struck and levied in pursuance of this Act in respect of a community that is not a municipality shall be deemed to be

delinquent at such time as it would become so if it were a tax levied under the *Taxation Act*, and each person against whom the rate is levied is liable to pay the same in like manner as if the rate were a tax levied under the *Taxation Act* against such person, and the Collector shall enforce the collection of the said rate in the same manner as he may enforce the collection of taxes levied under the *Taxation Act*, and for such purpose the said rate shall be deemed to be a tax levied under the *Taxation Act*.

(7) The Clerks, Assessors, Collectors, and other officers of the defaulting community and the Assessor and Collector of the assessment district in which a defaulting community which is not a municipality is situate shall, for all purposes connected with the carrying into effect, or permitting or assisting the receiver to carry into effect, the provisions of this Act with respect to the striking, levying, and collecting of the rate, be deemed to be officers of the Court appointing the receiver, and as such are amenable to the Court, and may be proceeded against by attachment or otherwise to compel them to perform their duties hereby imposed upon them.

Appeal.

Right to appeal
to member.

61. (1) If at any time a community is dissatisfied with any requirement, determination, decision, estimate, or apportionment of the Corporation, the Board, or the Commissioner, an appeal lies to the Lieutenant-Governor in Council, whose decision thereon is final and binding.

(2) Except as otherwise ordered by the Lieutenant-Governor in Council, no appeal shall be heard unless notice of the appeal, stating the grounds on which the appeal is based, is served upon the Corporation within two months after the date of the decision, estimate, requirement, determination, or apportionment appealed from.

(3) In case of an appeal, the Lieutenant-Governor in Council may order a special investigation to be made. The Lieutenant-Governor in Council may award costs of the appeal, and may order the costs or any part thereof to be paid by the Corporation or by the community involved, as may be deemed just.

Accounts.

Annual audit.

62. (1) Part VIII of the *Municipal Act* applies, mutatis mutandis, to the Corporation, and

- (a) wherever therein a Council is referred to, the reference shall be deemed to be to the Board;
- (b) wherever therein a municipality is referred to, the reference shall be deemed to be to the Corporation;
- (c) wherever therein Clerk is referred to, the reference shall be deemed to be to the Commissioner;

- (d) wherever therein Mayor, Reeve, or Chairman is referred to, the reference shall be deemed to be to the Chairman of the Board;
 - (e) wherever therein elector is referred to, the reference shall be deemed to be to the owner of real property within any community.
- (2) The accounts and books of the Corporation shall be at all reasonable times open to inspection by the communities.

General.

Benefit contributions.

63. The Corporation may from its funds

- (a) contribute or pay the full amount or any portion of any premium in respect of any benefit, accident or sickness, or life insurance policy, or scheme of group insurance, for the purpose of insuring all or any employees of the Corporation against sickness, accident, or death, as the case may be; and
- (b) contribute or pay the full amount or any portion of the premium arising under any contract for medical services provided on an employee group basis for employees or employees and their dependents.

Superannuation.

64. The *Municipal Superannuation Act* applies to the Corporation and its eligible employees thereunder.

Limitation of liability.

65. No member of the Board nor the Commissioner or other salaried officer of the Corporation is personally liable for anything lawfully done or left undone in the course of carrying out the duties of his office.

Limitation of actions.

66. All actions or suits or arbitrations or other proceedings against the Corporation for indemnity, compensation, or damages, or otherwise, whether continuous or not, or for any statutory compensation or upon any ground, or for any cause or reason whatsoever, shall be commenced within twelve months after the cause of such action, suit, arbitration, or other proceeding shall have arisen, but not afterwards, and thereafter the same are absolutely barred.

No interest in contracts.

67. (1) No member of the Board nor the Commissioner or other salaried officer of the Corporation shall be interested, either in his own name or in the name of or as agent for any other person, either directly or indirectly, in any contract entered into for work done or materials supplied to the Corporation; and the Commissioner shall not derive any profit or emolument whatsoever from the funds of the Corporation except as herein specifically provided.

(2) No member of the Board shall be disqualified from being or continuing to be a member of the Board by reason only of the fact that he is a shareholder in an incorporated company having a contract or con-

tracts with the Corporation, but such Board member shall not vote on any question affecting that company.

Tax exemption.

68. The Corporation and all land and improvements owned by the Corporation, or held, occupied, or used by it, are exempt from taxation under the *Municipal Act*, the *Taxation Act*, and the *Public Schools Act*.

Offences.

69. A person who contravenes any provision of this Act, or who refuses, omits, or neglects to fulfil, observe, or perform any duty or obligation prescribed or imposed by or under this Act, is liable, on summary conviction, to a fine of not less than twenty-five dollars and not more than one thousand dollars, or to a term of imprisonment not exceeding six months, or both.

Effect of *Greater
Nanaimo Sewerage
and Drainage
Enabling Act*.

70. Every act done or caused to be done by the Greater Nanaimo Water District under the *Greater Nanaimo Sewerage and Drainage Enabling Act* shall be deemed to have been done for and on behalf of the Corporation under the authority of this Act, notwithstanding that the Corporation may not have been then constituted under this Act.

Commencement.

71. This Act shall be deemed to have come into force and effect on the first day of January, 1959, and is retroactive to the extent necessary to give effect to the provisions thereof on and after that date.