



## CHAPTER 49.

### An Act relating to the Corporation of Point Grey.

[Assented to 19th December, 1924.]

**W**HEREAS the Corporation of Point Grey has by its petition Preamble.  
represented that the said Corporation is a municipality within the meaning of the "Municipal Act" and "Local Improvement Act," and that it is necessary in the interest of the inhabitants and ratepayers of the municipality to enact the provisions hereinafter contained, and has prayed that the same may be enacted accordingly:

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

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

1. This Act may be cited as "Point Grey Improvement Act." Short title.
2. In this Act, unless the context otherwise requires:— Interpretation.
  - "Corporation" means the Corporation of Point Grey:
  - "Council" means the Municipal Council of the Corporation of Point Grey:
  - "Municipality" means the Municipality of Point Grey:
  - "Municipal Engineer" means the Municipal Engineer of the Corporation of Point Grey.

3. The Council may, by by-law passed with the assent of the municipal electors in accordance with the provisions of the "Municipal Act," provide that all works which may be undertaken under the "Local Improvement Act" or any one or more classes or descriptions of such works shall thereafter not be undertaken wholly at the expense of the Corporation at large, but shall be undertaken only as local improvements under the "Local Improvement Act" or as improvement-works under section 56 of the "Municipal Act," and

Certain public works may be undertaken only as local improvements.



may, notwithstanding any provision of the “Local Improvement Act” to the contrary, by such by-law further determine the Corporation’s share of the cost of such works or of any of them or that the Corporation shall bear no portion of the cost of such works or of any of them as therein specified.

Agreement with owner who carries out public works.

4. The Council may by by-law agree with the owner of any area of land who has undertaken and executed or who proposes the undertaking and execution at his expense of any work described in section 3 of the “Local Improvement Act” upon or for the benefit of such area subdivided according to a plan approved by the Council:

(a.) That upon such subdivision plan being duly registered in the Land Registry Office without reserving to the owner or owners any rights in the soil of the streets or in the works, a portion or portions of the cost of such work so undertaken and executed shall be borne and paid out of the general revenue of the Corporation in one or more annual instalments during the lifetime of the work; such portion or portions of cost not, however, exceeding the Corporation’s portion under and pursuant to any of the provisions of the “Local Improvement Act” or of any by-law passed under section 3 of this Act; together with interest on deferred instalments (if any) at the rate of five per cent. (5%) per annum:

(b.) That during the period of fifteen years such lands shall be free from taxation and assessments in respect of roads, sewers, water-mains, curbs, or sidewalks constructed or installed subsequent to such agreement elsewhere in the municipality to such extent as the said Council shall deem to be fair and equitable.

Clearing and grading of highways in subdivisions.

5. The Council may by by-law provide that before any plan of subdivision of land is approved pursuant to the “Land Registry Act” the owner thereof shall clear of all obstructions and grade the highways shown on the said plan to the widths, levels, grades, formations, and plans recommended by the Municipal Engineer and approved by the Council.

Assessment of portion of cost of sidewalk on non-abutting property benefited.

6. Where pursuant to the “Local Improvement Act” a sidewalk or curbing is constructed along one or more sides of a lot situate at the junction or intersection of streets, and the Council is of opinion that for any reason it would be inequitable to charge the cost of the work upon the land abutting directly thereon, the Council may, notwithstanding the provisions of section 25 of the “Local Improvement Act,” specially assess such portion of the cost as may seem just upon such other land as is immediately benefited by the work, pursuant to the provisions of sections 28 and 29 of the “Local Improvement Act,” and the remainder of the cost shall be specially assessed upon



the land abutting directly upon the work pursuant to the provisions of the said Act.

7. Where the paving of a street or of streets as defined by the "Local Improvement Act" has been carried out by the Council before the passage of this Act not as a local improvement, the Council may during the lifetime of such work by by-law charge the owners of land or real property abutting thereon, whether vacant or otherwise, with a reasonable rent or charge for the convenience or opportunity of user of such work, and for regulating the proportion of rent so to be charged, which shall be where capable of being proportioned on a frontage rate at per foot of the lands and the real property fronting upon the said work, and for determining an equitable proportion where the frontage rate is incapable or difficult of being proportioned, and for regulating the time or times and the manner in which the same is to be paid, and for providing for the levying, collecting, and recovering thereof from the owner charged in the same manner and under the same regulations as in the case of special rates under the provisions of the "Municipal Act," and for declaring such rent to be specially charged upon the said lands and real property: Provided, however, that the total annual rent so charged in respect of any such work shall not exceed the annual instalments of interest and sinking fund payable by the Corporation in respect of such work and the cost of the maintenance and repair thereof, due consideration being given to any increase made in the assessed values of the abutting property owing to said paving: And provided further that in respect of highways which are determined by the Municipal Council to be main thoroughfares, no charge shall be made against the abutting land except such as, in the discretion of the Council, may be fairly made having regard to the benefit accruing to such abutting property from said highways.

Frontage rate for paving.

8. (1.) Notwithstanding the provisions of the "Municipal Act," the Council may by by-law without the assent of the electors sell and dispose of any sewers or drainage-works to the Vancouver and Districts Joint Sewerage and Drainage Board at such price and upon such terms and conditions as the Council may deem proper.

Disposal of sewers.

(2.) Notwithstanding the provisions of the "Municipal Act," the Council may by by-law sell and dispose of any works or property, whether real or personal and whether held or used for public purposes or not, to such person at such price and upon such terms and conditions as the Council may deem proper: Provided, however, that if such property exceeds ten thousand dollars (\$10,000) in value, such by-law shall receive the assent of the electors in the manner provided in the "Municipal Act."

Disposal of other property.

(3.) The money received by the Corporation from any such sale of works or property in respect of the construction or acquisition of which there is an outstanding debt of the Corporation shall be

Use of money received.



used in or towards immediate payment of such debt, or shall be treated as a sinking fund towards payment thereof at maturity.

(4.) Any money received by the Corporation in payment for any works or property taken from the Corporation by process of law in respect of the construction or acquisition of which by the Corporation there is an outstanding debt of the Corporation shall be used or treated as provided in the preceding subsection.

Replotting

9. (1.) For the purpose of facilitating the physical development of or making more suitable and convenient for public or private use the district described in Schedule A of this Act, or any portion or portions thereof defined by the Council (hereinafter referred to as "said district"), the Council may, by resolution passed by vote of two-thirds of all its members, authorize the preparation and survey of a scheme for the replotting and resubdivision of said district, and the payment of the cost of such preparation and survey, subject as hereinafter provided, out of the general revenue of the municipality. The Council may, upon the like approval of such scheme by a like vote, proceed to procure the approval of such scheme by the owners of the land within the said district and their consent to the relocation and exchange of private properties according to such scheme: Provided that upon the scheme being carried out the cost thereof herein authorized to be paid out of the general revenue of the municipality shall be levied and collected upon and from the real property in said district by a special rate upon the same according to the respective values as shown in the first revised assessment roll of the Corporation after the carrying-out of the said scheme: Provided, however, that the Corporation shall pay such portion of such cost as is in the same ratio as the total of the areas of highways, public grounds, and lands owned by the Corporation in said district is to the whole area of the said district.

(2.) Said special rate shall be due and payable to the Corporation at the same time as other annual municipal rates and taxes imposed on said real property, and the provisions of the "Municipal Act" relating to exemption of improvements, percentage additions to and interest on taxes, and the procedure for collection thereof shall as far as they are applicable apply to said special rate.

(3.) Items 5 and 6 of the Second Schedule of the "Land Registry Act" shall not apply in respect of the registration of title on the exchange of any lands in carrying out the scheme for replotting and resubdivision of the said district pursuant to this section.



## SCHEDULE A.

All the lands and premises, public or private, including highways, within the Municipality of Point Grey, Province of British Columbia, bounded by a line commencing at the intersection of the centre line of Thirty-first Avenue with the westerly boundary of Trafalgar Street; thence northerly along the westerly boundary of Trafalgar Street to the intersection with the centre line of Twenty-fourth Avenue; thence westerly along the centre line of Twenty-fourth Avenue to the intersection with the centre line of McKenzie Street; thence northerly along the centre line of McKenzie Street to the intersection with the centre line of Twentieth Avenue; thence westerly along the centre line of Twentieth Avenue to the intersection with the centre line of Carnarvon Street; thence northerly along the centre line of Carnarvon Street to the centre line of Sixteenth Avenue; thence westerly along the centre line of Sixteenth Avenue to the intersection with the centre line of Collingwood Street; thence southerly along the centre line of Collingwood Street to the intersection with the centre line of Twentieth Avenue; thence easterly along the centre line of Twentieth Avenue to the intersection with the centre line of Blenheim Street; thence southerly along the centre line of Blenheim Street to the intersection with the centre line of Twenty-second Avenue; thence easterly along the centre line of Twenty-second Avenue to the intersection with the centre line of Balaclava Street; thence southerly along the centre line of Balaclava Street to the intersection with the centre line of Twenty-sixth Avenue; thence easterly along the centre line of Twenty-sixth Avenue to the intersection with the centre line of Carnarvon Street; thence southerly along the centre line of Carnarvon Street to the intersection with the centre line of Twenty-eighth Avenue; thence easterly along the centre line of Twenty-eighth Avenue to the intersection with the centre line of McKenzie Street; thence southerly along the centre line of McKenzie Street to the intersection with the centre line of Twenty-ninth Avenue; thence easterly along the centre line of Twenty-ninth Avenue to the intersection with the centre line of McDonald Street; thence southerly along the centre line of McDonald Street to the intersection with the centre line of Thirty-first Avenue; thence easterly along the centre line of Thirty-first Avenue to the point of commencement.

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