

CHAPTER 68

An Act to Amend the Vancouver Charter

[Assented to 26th March, 1965.]

Preamble.

WHEREAS the City of Vancouver has presented a petition praying that the *Vancouver Charter* be amended:

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 Amendment Act, 1965*.

Deletes
reference to
"annual"
in list of
electors.

2. The said Act is amended by striking out the word "annual" wherever it appears in the phrase "annual list of electors".

Amends s. 7.

3. Section 7 is amended by striking out the words "Canadian citizen" in the seventh line of clause (b) and substituting the words "British subject".

Amends s. 12.

4. Section 12 is amended by inserting the word "election" immediately after the word "any" in the second line.

Amends s. 19.

5. Section 19 is amended by inserting the word "election" immediately after the word "each" in the first line.

Amends s. 22.

6. Section 22 is amended by inserting the word "election" immediately after the word "each" in the second line.

Amends s. 23.

7. Section 23 is amended by inserting immediately after the word "August" in the second line the words "of each election year".

Amends s. 24.

8. Section 24 is amended by inserting the word "election" immediately after the word "each" in the first line.

Amends s. 25.

9. Section 25 is amended by striking out the word "annual" in the second line, and by adding the words "in an election year" immediately after the word "September" in the fourth line.

Amends s. 26.

10. Section 26 is amended by adding the words "in an election year" immediately after the word "August" in the second line.

Amends s. 33.

11. Section 33 is amended by inserting the words "in an election year" immediately after the word "November" in the second line.

Re-enacts
s. 37

12. Section 37 is repealed and the following substituted:—

"37. Subject to the disqualifications contained in section 38, any person whose name appears on the current and immediately preceding lists of owner-electors is qualified to be nominated and elected and to hold office as a member of the Council."

Repeals ss. 40
and 41; re-
enacts s. 40

13. Sections 40 and 41 are repealed and the following substituted:—

"40. Commencing in the year 1966, the last Wednesday of November of every even-numbered year shall be nomination-day, and the City Clerk shall, in each such year, publish a notice calling for the nomination by that day of candidates for election to the office of Mayor and of candidates for election to the office of Alderman."

Amends s. 45

14. Section 45 is amended by striking out paragraph 6 of the declaration form therein set out and substituting the following:—

"6 That my name appears on the current and immediately preceding lists of owner-electors."

Amends s. 48.

15. Section 48 is amended by striking out the word "annual" in the first line of clause (b).

Amends s. 57

16. Section 57 is amended by inserting immediately after the word "city" in the ninth line the words "or a patient in a hospital".

Amends s. 128

17. Section 128 is amended by striking out the word "annual" in the last line.

Re-enacts
s. 137.

18. Section 137 is repealed and the following substituted:—

"137. (1) Except as otherwise provided, the powers of the city shall be exercisable by the Council.

"(2) The Council shall be composed of a Mayor and ten Aldermen who shall be elected at large in elections held in even-numbered years commencing with the year 1966.

"(3) The number of Aldermen may be increased from ten to twelve by by-law, but no such by-law shall be passed until the question has been submitted to the electors in the form of a plebiscite. The resolution authorizing such plebiscite shall require a two-thirds majority.

"(4) Subject to the provisions of section 128 and notwithstanding the provisions of section 139, every Alderman whose term of office commences in January, 1966, shall hold office until noon on the first Wednesday in January, 1967, and thereafter until a quorum of the Council is sworn in."

Amends s. 138

19. Section 138 is amended by striking out the words "if he is elected at an annual election and duly sworn in".

Amends s. 139

20. Section 139 is amended by striking out the words "if he is elected at an annual election and duly sworn in".

Repeals s. 141

21. Section 141 is repealed.

Amends s. 142. **22.** Section 142 is amended by striking out the words "at noon" in the last line.

Amends s. 196. **23.** Section 196 is amended by renumbering the present section as subsection (1) and adding the following:—

"(2) A by-law passed under subsection (1) may provide that a portion of the remuneration to be paid to the Mayor or to an Alderman shall be paid as an allowance for expenses incidental to the discharge of the duties of his office."

Amends s. 292. **24.** Section 292 is amended by striking out subsection (1) and substituting the following:—

"292. (1) For the purpose of regulating the subdivision of land, the Council may make by-laws

"(a) regulating the area, shape, and dimensions of parcels of land and the dimensions, locations, alignment, and gradient of streets in connection with the subdivision of land, and may make different regulations for different uses and for different zones of the city;

"(b) prescribing minimum standards with respect to the matters contained in clauses (a) and (d);

"(c) requiring that a proposed subdivision

"(i) be suited to the configuration of the land being subdivided; and

"(ii) be suited to the use for which it is intended; and

"(iii) shall not make impracticable the future subdivision of the land within the proposed subdivision or of any adjacent land;

"(d) requiring that the streets within the subdivision be cleared, drained, and surfaced to the prescribed standard;

"(e) requiring that a water-distribution system, a sanitary sewage-collection system, or storm-water collection system or a combined sewage-collection system, or any of them, be provided in accordance with standards set out in the by-law, and requiring that provision be made for the connection of such systems with the established systems of the city, but if the city requires that any mains of such systems be of a diameter in excess of that required to service the subdivision, the city shall assume and pay the cost of providing the excess capacity;

"(f) requiring that all power-lines, telephone-lines, or any other wires or cables shall be installed underground. The by-law may provide that the Council shall have power to waive this requirement where the applicant for the subdivision would be put to an unreasonable expense.

"(2) The owner of land being subdivided shall provide, without compensation, land for streets in accordance with a by-law under subsection (1).

"(3) The approving officer may refuse to approve a subdivision plan if he is of the opinion that the cost to the city of providing or maintaining public utilities or other municipal works or services would be excessive."

Further
amends s. 292

25 Section 292 is further amended by renumbering subsection (2) as subsection (4).

Re-enacts
s. 320

26. Section 320 is repealed and the following substituted:—

"320. The Council may make by-laws

"(a) for regulating signs and for defining the same, and may provide for the fixing and collecting of a charge for signs projecting into or being in a street;

"(b) for assigning names to streets and changing the names so assigned when deemed necessary, and affixing or otherwise displaying of such names at street corners or other convenient places either on a street or on private property."

Enacts s. 395A

27. The said Act is further amended by inserting immediately after section 395 the following:—

"395A. (1) For the purposes of this section, 'land' means land maintained as a golf course.

"(2) Notwithstanding the provisions of this or any other Act, the Council may enter into an agreement with the owner of land fixing an amount that shall be deemed to be the assessed value of the land during the term of the agreement for the purpose of levying taxes for general purposes only.

"(3) The actual value of the land as determined by the Assessor pursuant to the provisions of the *Assessment Equalization Act* shall be set out in the agreement.

"(4) If the owner of land which is covered by such an agreement sells the land, he shall be liable to the city either for one-half of the amount by which the sale price exceeds the actual value as set out in the agreement pursuant to subsection (3) or for the sum calculated under subsection (6), whichever is the greater amount.

"(5) If the owner of land which is covered by such an agreement sells part only of the land, he is liable to the city for an amount equal to

"(a) the difference between the taxes that have been paid since the date of the agreement and the taxes that would have been paid but for the agreement, together with accrued interest on the difference compounded annually at six per centum; and

"(b) one-half the difference between

"(i) the sale price of the land being sold where the sale price exceeds the amount determined under paragraph (ii); and

"(ii) the amount that bears the same proportion to the actual value of the land covered by the agreement, that the area of the land sold bears to all the land covered by the agreement.

"(6) If the owner of land covered by such an agreement allows the land or any part thereof to be used for any purpose other than a golf course, he is liable for and shall pay to the city an amount equal to the difference between the taxes that have been paid since the date of the agreement and the taxes on the whole of the land that would have been paid but for the agreement together with accrued interest on the difference compounded annually at six per centum, and the agreement shall be terminated with respect to the land the use of which has changed.

"(7) The city shall have the first right of refusal in respect of any land that is the subject of an agreement made under this section.

"(8) The Assessment Commissioner shall continue to assess land covered by such an agreement and shall maintain a record of such assessments. The owner of the land shall have the right to appeal such assessments.

"(9) An agreement under this section is registrable under the *Land Registry Act*, and upon registration constitutes a charge upon the land having preference over any claim, lien, privilege, or encumbrance of any party except the Crown.

"(10) Notwithstanding the provisions of this section,

"(i) the Council may enter into an agreement with Shaughnessy Golf and Country Club fixing the amount that shall be deemed to be the assessed value of the latter's interest in the land presently maintained as Shaughnessy Golf and Country Club;

"(ii) the actual value of the interest of Shaughnessy Golf and Country Club in the land as determined by the Assessor pursuant to the provisions of the *Assessment Equalization Act* shall be set out in the agreement together with the value of the interest;

"(iii) if after entering into such an agreement Shaughnessy Golf and Country Club sublets or assigns the whole or any part of the land covered by the agreement to any person other than the City of Vancouver, or uses or permits the land or any part thereof to be used for any purpose other than a golf course, then the agreement shall become null and void and Shaughnessy Golf and Country Club shall be liable and shall pay to the city an amount equal to the difference between the taxes that have been paid since the date of the agreement and the taxes that would have been paid but for the agreement, together with accrued interest on the difference compounded annually at six per centum;

"(iv) the city shall have the first right of refusal on Shaughnessy Golf and Country Club's interest in the lands;

"(v) the city shall have a charge against the interest of Shaughnessy Golf and Country Club for the payment of all moneys and the performance of all obligations required to be paid or observed or performed by Shaughnessy Golf and Country Club under the agreement, and such charge shall have preference over any claim, lien, privilege, or encumbrance of any person except the Crown.

"(11) Save and except an agreement under subsection (10) hereof, no agreement under this section shall be binding on either party or have any force or effect until registered in the Land Registry Office."

Re-enacts
s. 569

28. Section 569 is repealed and the following substituted:—

"569. (1) Where a zoning by-law is or has been passed, amended, or repealed under this Part, or where Council or any inspector or official of the city or any board constituted under this Act exercises any of the powers contained in this Part, any property thereby affected shall be deemed as against the city not to have been taken or injuriously affected by reason of the exercise of any such powers or by reason of such zoning and no compensation shall be payable by the city or any inspector or official thereof.

"(2) Notwithstanding that the Zoning Board of Appeal has relaxed the provisions of a by-law enacted under this Part, in determining the compensation payable by the city for the taking of lands for the widening of a street in respect of which a building line has been fixed, the city is not liable to pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line "

Change of
title.

29. The said Act is further amended by striking out the words " City Comptroller " wherever they appear and substituting the words " Director of Finance ".

Transition

30. The Director of Finance shall succeed to assume, have, and exercise all the rights, powers, duties, and obligations of, perform the functions of, and have the authority and responsibility of the City Comptroller whether the rights, powers, duties, authority, or responsibility were or was conferred, given, imposed, or existing by Statute, by-law, or otherwise before or after the coming into force of this Act.

Reference

31. Wherever in any by-law, resolution, order, form, contract, licence, permit, regulation, or other document made before the coming into force of this Act the City Comptroller is mentioned or referred to, the mention or reference shall be deemed to be to the Director of Finance.

Re-enacts
s. 578.

32. Section 578 is repealed and the following substituted:—

“578. None of the provisions of the *Municipal Act*, except sections 177, 458A to 458J, inclusive, and Division (2) of Part XXIV, shall apply to the city, anything to the contrary contained in the *Municipal Act* notwithstanding.”

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