

CHAPTER 93

An Act to Amend the Vancouver Charter

[Assented to 18th April, 1973.]

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, 1973*.
- Amends s. 23.** 2. Section 23 of the said Act is amended by
- (a) striking out the words "statutory declaration" in the fourth line and substituting the words "statement in writing"; and
 - (b) striking out the last sentence thereof.
- Amends s. 38.** 3. Section 38 is amended by striking out clause (i) and substituting the following:
- (i) After election as a member of Council, being absent from four consecutive regular meetings of Council without leave of Council.
- Amends s. 46.** 4. Section 46 is amended by striking out the word "full" in subsection (2).
- Amends s. 77.** 5. Section 77 is amended by inserting the words "Deputy Returning Officer," immediately after the words "Returning Officer" in subsection (1).
- Enacts s. 136A.** 6. Part II of the said Act is amended by inserting the following as section 136A:
- 136A. Notwithstanding any provisions of this Part, the Council may make provision for and adopt such procedures as are necessary for balloting and voting for candidates, by-laws, questions, or referendums by the use of voting machines, provided that secrecy of voting is maintained.
- Amends s. 206C.** 7. Section 206C is amended by striking out all the words following "for" and substituting the following:
- "any member of Council, or any person who was a member of Council on December 31st, 1972, who has served for a period of not less than ten years."
- Amends s. 239.** 8. Section 239 is amended by striking out the words "at one fixed date" in the first and second lines of clause (a) of subsection (1) and substituting the

words "as provided in the by-law"; and by striking out the words "in each year" in the third line of clause (b) of subsection (1) and substituting the words "as provided in the by-law".

Amends
s. 247.

9. Section 247 is amended by striking out clauses (a), (b) and (c) and substituting the following:

- (a) the new debentures shall be issued prior to the date of maturity of the debentures to be repurchased, called in or redeemed; and
- (b) such new debentures shall mature not later than two years after the date of maturity of such debentures.

Enacts
s. 248A.

10. The said Act is further amended by inserting the following as section 248A:

248A. Where a by-law has been passed authorizing the issue of debentures then, notwithstanding anything contained in this Act, the Council may engage a person or persons within or without Canada who may be authorized to conduct all business connected with the issue and servicing of the debentures and, without limiting the generality of the foregoing, any of the following matters:

- (a) the signing and issuance of the debentures in accordance with the by-law authorizing their issuance;
- (b) the receiving from time to time on behalf of the city of all moneys raised by the issue of the debentures;
- (c) the registration and transfer of the debentures;
- (d) the transfer of the registration of the debentures from one place of registry to another;
- (e) the payment of interest and the principal amount of the debentures as the same become payable.

Amends
s. 291.

11. Clause (i) of section 291 is amended

- (a) by striking out the word "any" in the first line and substituting the word "such"; and
- (b) by striking out the words "in such areas" where the same appear in the first line.

Amends
s. 323.

12. Subsection (b) of section 323 is amended by inserting the words "owner or" immediately preceding the word "occupant" in the fourth from last line; and by adding the following at the end thereof:

"No penalty shall be imposed upon any person as owner without such person being given a reasonable opportunity to show cause why such penalty should not be imposed."

Amends
s. 336C.

13. Section 336C is repealed and the following substituted therefor:

336C. Notwithstanding anything else contained in this Act, wherever Council has power to regulate buildings occupied as multiple dwellings or any

person carrying on the business of renting accommodation therein, it may provide that the owner or person having actual control of such building shall, after reasonable notice thereof, be deemed to be responsible for any violation of any by-law passed pursuant to such power and shall be liable to the penalties provided therein.

Amends
s. 397.

14. Subsection (2) of section 397 is amended by striking out all words after the word "used" in the fifth line and substituting the following:

"or where a sale of real property theretofore exempt from taxation under clause (b) of section 396 is made to a person not otherwise entitled to exemption from taxes, such real property shall be liable to taxation from the date of such transfer, sale, lease or cesser of user, as the case may be."

Amends
s. 398.

15. Subsection (1) of section 398 is amended by striking out the words and punctuation "the rails, poles, and wires on any street-railway or tramway company;" in the third and fourth lines thereof, and by striking out the words and figures "subsection (4) of section 52" in the ninth line thereof and substituting the word and figure "section 198".

Further
amends
s. 398.

16. Subsection (2) of section 398 is repealed and the following substituted:
(2) The companies referred to in subsection (1) shall pay to the city annually,

- (a) in the case of every telephone company
 - (i) at the rate of one and one-quarter per centum per annum on the revenue, being gross rentals actually annually received by such company from its subscribers for telephones, situate within the city, including inter-exchange tolls of a telephone company for calls between exchanges within the city, and
 - (ii) at the rate of one and one-quarter per centum per annum on the revenue, being the amount actually annually received from each and every lessee, licensee, permittee, user and occupier of any and all of such company's poles, conduits, cables and wires situate within the city where such company has granted the use or right of occupation of any or all such poles, conduits, cables and wires to any person by lease, license, permit or any other instrument;
- (b) in the case of every gas company, electric light company, and electric power company, at the rate of one and one-quarter per centum per annum, on the revenue, being the amount actually annually received by such company for gas, electric light, or electric power consumed within the city;
- (c) in the case of every closed-circuit television company, at the rate of one and one-quarter per centum per annum, on the revenue,

being gross rentals actually annually received from its subscribers for closed-circuit television service situate within the city.

Further
amends
s. 398.

17. Section 398 is further amended by repealing subsections (5) and (6) and by renumbering subsection (7) as subsection (5).

Further
amends
s. 398.

18. Section 398 is further amended by inserting after subsection (5) the following:

(6) Paragraph (ii) of clause (a) of subsection (2) shall come into force and take effect as of the first day of January, 1973, and is retroactive to the extent necessary to give effect to the provisions thereof.

Amends
s. 399.

19. Section 399 is amended by striking out the words and punctuation "or for the purposes of the said agreement dated the thirtieth day of December, 1946," in the fourth and fifth lines thereof, and by striking out the words and punctuation "Subject to the said agreement," in the seventh and eighth lines thereof.

Amends
s. 491.

20. Section 491 is amended by adding the following as clause (f):

(f) the delegation to the Superintendent, or such other person as may be named, of any or all of the powers set forth in clauses (a), (b), (c) and (d) hereof.

Amends
s. 550.

21. Section 550 is amended by inserting after the word "award" in the second line the words: "or the date of surrender of possession, whichever is later,".

Enacts
s. 571A.

22. The said Act is further amended by inserting the following as section 571A:

571A. (1) The Council may, by resolution passed by not less than two-thirds of all its members, order the removal of any sign, whether located on private or on public property which has been non-conforming for not less than five years, provided, however, that where a sign which became non-conforming prior to March 1, 1973 had, before such date, been granted a permit to make substantial modifications to such sign, the said period of five years shall be calculated from the date of such permit.

(2) The provisions of subsections (1) and (2) of section 324A shall, mutatis mutandis, apply with respect to the enforcement of any order made herein. No compensation shall be payable in connection with the exercise of the authority herein.

23. Subsection (1) of section 289 is amended by striking out the words: "and to any right therein which the person who laid out or dedicated such street may have expressly reserved" in the fourth and fifth lines.

24. Subsection (2) of section 291A is amended by striking out the words "by transfer" in the third line.
25. Clause (iii) of subsection (c) of section 396 is amended by the addition of the following:
"or which is held by the hospital for future use as a hospital site and the same has been designated by the Minister of Municipal Affairs to be exempt from taxation;".
26. Section 455 is repealed and the following substituted:
455. (1) There shall be a Police Department of the City administered by the Board of Police Commissioners.
(2) The Board shall consist of the Mayor as Chairman, and six others to be appointed by the Lieutenant-Governor in Council after consultation with the Council.
(3) The appointed members of the Board shall be appointed in the manner following:
(a) All appointments in the first instance shall be for such period of time as may be determined by the Lieutenant-Governor in Council, but in no event shall any such appointment extend beyond the thirtieth day of June, 1976.
(b) All subsequent appointments shall be for a term of three years with not more than two being appointed in each calendar year.
(c) When an appointee dies, resigns, or for any other reason is unable to complete the term of his appointment, the Lieutenant-Governor in Council, after consultation with the Council, shall appoint a person to complete such term of appointment.
(d) The appointed members shall be eligible for re-appointment.
(4) During any period when the Mayor is unable to fulfil his duties as Chairman, the Deputy-Mayor or Acting-Mayor, as the case may be, shall be Chairman, and when any other member of the Board is unable to act, the Lieutenant-Governor in Council may, if he thinks necessary, appoint some other person to act during such inability.
(5) If at any meeting there is no Chairman as herein provided, the members present shall appoint one of them to act as Chairman at such meeting.
(6) Council may, from time to time, by by-law, authorize the payment of an annual indemnity to each member of the Board, exclusive of the Chairman.
(7) In case of a tie vote, the Chairman shall have a second or casting vote.