



CHAPTER 60.

An Act to incorporate West Vancouver Municipality.

[27th February, 1912.]

WHEREAS a petition has been presented by John Y. McNaught, Preamble
 Thomas A. Allen, Edward H. Bridgman, John Lawson, Jack Loutet, William Alfred Thompson, and John Eades Ward, who are property-owners and residents and also members of the Municipal Council of the Corporation of the District of North Vancouver (hereinafter called "the present Municipality of North Vancouver"), and Charles Nelson, Samuel Gintzburger, John J. Hanna, Andrew E. Liddle, John Alexander, and William J. Irwin, who are property-owners in that portion of the present Municipality of North Vancouver particularly described in section 4 hereof, praying that the Lieutenant-Governor in Council be authorized (without requiring observance of section 4 of the "Municipalities Incorporation Act"), by Letters Patent under the Public Seal, to divide the present Municipality of North Vancouver by incorporation into a district municipality, under the name of the "Corporation of the District of West Vancouver," all that portion of the present Municipality of North Vancouver hereinafter particularly described, and reducing the limits of the present Municipality of North Vancouver accordingly.

And whereas it is expedient to grant the prayer of the 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 the "West Vancouver Incorporation Act." Short title

2. It shall be lawful for the Lieutenant-Governor in Council, by Letters Patent under the Public Seal, without requiring observance Incorporation of the District of West Vancouver.

of section 4 of the "Municipalities Incorporation Act," to incorporate into a district municipality forthwith, under the name of the "Corporation of the District of West Vancouver" (hereinafter called "the Municipality of West Vancouver"), the tract of land described in section 4 of this Act.

What letters patent
to specify.

3. The letters patent shall, in specifying and providing for all matters referred to in section 5 of the "Municipalities Incorporation Act," specify and provide for the matters referred to in sections 6 to 17, both inclusive, of this Act, as and in manner therein set out.

Boundaries.

4. The Municipality of West Vancouver shall include—

All that tract of land bounded as follows: Commencing at a point where the east boundary of Lot 875 intersects the north boundary of the present Municipality of North Vancouver; thence west along the said north boundary to a point in Howe Sound on the line of the said north boundary produced distant one thousand feet west from the easterly shore of said Howe Sound; thence southerly parallel to and following the meanderings of the said shore to a point of intersection with the line one thousand feet distant south from the north shore of Burrard Inlet; thence easterly parallel to and following the meanderings of the said north shore of Burrard Inlet to a point of intersection one thousand feet distant south from the south-west corner of Lot 264, and in line with the west boundary of said Lot 264 produced; thence north easterly and northerly along the west boundary of said Lot 264 to the north-west corner thereof; thence continuing northerly along the west boundary of Lot 825 to the north-west corner thereof, said corner being on the south boundary of Lot 764; thence westerly along the said boundary of Lot 764 to the south-west corner of Lot 764; thence north along the west boundary of said Lot 764 to the north-west corner thereof; thence easterly along the north boundary of Lot 764 to the south-east corner of Lot 763; thence north along the east boundaries of Lots 763, 761, 603 and the east boundary of Lot 605 to the point of intersection with the centre line of the Capilano River; thence following said centre line westerly to the west boundary of Lot 605; thence following the west boundary of Lot 605 to the north-west corner of said Lot 605; thence north along the east boundary of said Lot 875 to point of commencement; and the limits of the present Municipality of North Vancouver shall be reduced by the exclusion from its present limits of so much of said tract of land as is included in the present Municipality of North Vancouver.

District of North
Vancouver

5. After the incorporation of the Municipality of West Vancouver, the remaining area of the present Municipality of North Vancouver (hereinafter referred to as "the Municipality of North

Vancouver") shall remain a duly constituted municipality, under its present name of the "Corporation of the District of North Vancouver," and under the letters patent of the present Municipality of North Vancouver, subject to the provisions hereinafter contained.

6. After the incorporation of the Municipality of West Vancouver as aforesaid, the Reeve and Councillors of the present Municipality of North Vancouver shall hold office as the Reeve and Councillors of each of said municipalities respectively, with all the powers and privileges vested in them immediately prior to said incorporation, until Reeve and Councillors shall have been elected for the Municipality of West Vancouver and for the Municipality of North Vancouver respectively.

Present Council to hold office pro tempore.

7. The first Council of each municipality shall consist of a Reeve and four Councillors to be elected from each municipality at large. The nominations for the first Council of the Municipality of West Vancouver and for the first Council of the Municipality of North Vancouver shall be held on the third Saturday after the date of said letters patent, from twelve o'clock noon to two o'clock p.m., and the election, in case a poll should be demanded, shall be held on the Saturday following after such nomination, between the hours of nine o'clock a.m. and seven o'clock p.m.

New Councils

8. The Clerk of the Municipal Council of the present Municipality of North Vancouver immediately prior to the incorporation of the Municipality of West Vancouver shall be the Returning Officer for the election of the first Council for the Municipality of North Vancouver, and the Returning Officer for the election of the first Council of the Municipality of West Vancouver shall be such person as the Lieutenant-Governor in Council shall appoint.

Returning Officers

9. Each Returning Officer for the said elections may appoint Deputy Returning Officers, Poll Clerks, constables, and such other officers as he shall deem necessary for taking such poll and for maintaining order at the polling-stations during the election.

Deputies

10. Each of the said Returning Officers shall provide a ballot box or boxes and the necessary ballots for use at the election for which he is Returning Officer, and, except as by this Act is otherwise provided, he shall as far as possible conduct such election in all respects in conformity with the provisions of the "Municipal Elections Act."

Returning Officers' duties

11. The said nomination for the Municipality of North Vancouver shall be held at the District Municipal Hall, Lynn Valley, in the present Municipality of North Vancouver, and the poll (if any) shall be held at said Municipal Hall, and at such other place or

Nominations

places as the Returning Officer may appoint. Seven days' notice of the date and place of nomination and three days' notice of holding the said first poll (if any) shall be given by the said Returning Officer in a newspaper circulating in the Municipality of North Vancouver, and by posting such notice for a like period at the Municipal Hall and at three other public places within the Municipality of North Vancouver.

Place of nomination and poll.

12. The said nomination for the Municipality of West Vancouver and poll (if any) shall be held at the school-house on District Lot 775, in the said Municipality of West Vancouver. Seven days' notice of the time and place of nomination and of the place of holding the first poll (if any) shall be given by the Returning Officer for the election in a newspaper circulating in the Municipality of West Vancouver, and by posting such notice for a like period at four different public places within the Municipality of West Vancouver.

Qualification of voters.

13. Any male or female, being a British subject of the full age of twenty-one years, and being the assessed owner of real estate within the municipality of the assessed value of not less than one hundred dollars, according to the last revised assessment roll of the present Municipality of North Vancouver, or being a householder or licence holder for at least six months previous to such election, and being for a term of not less than six months resident within the municipality, who shall have filed with the Returning Officer a declaration to that effect at any time before the closing of the voters' list, shall be entitled to vote for any person who is duly nominated for Reeve or Councillor at such first election.

Qualification of Reeve and Councillors.

14. The qualifications for Reeve and for a Councillor at such elections shall be as provided for Reeve and a Councillor respectively in sections 18 and 19 of the "Municipal Act," excepting, however, that the assessment roll referred to in said section shall mean the last revised assessment roll of the present Municipality of North Vancouver.

Voters' lists

15. It shall be the duty of the Returning Officer for each municipality forthwith, after the issue of said letters patent incorporating the Municipality of West Vancouver, to make up a voters' list for his municipality of voters qualified as aforesaid, and to have the same accessible to all ratepayers, not later than seven (7) days after the date of said letters patent, and he shall receive and consider applications for enrolment or for amendment of the voters' list till twelve o'clock noon of the day before the day for nominations as aforesaid, when he shall declare the list closed, and the voters' lists so prepared shall be the voters' lists for the Municipality of West Vancouver and the Municipality of North Vancouver respectively for the remainder of the year.

16. The Reeve and Councillors so elected shall be deemed to be the Reeve and Councillors of the Municipality of West Vancouver and the Reeve and Councillors of the Municipality of North Vancouver respectively under the "Municipal Act," and shall hold office until their respective successors, or a majority of them, are sworn in, subject, however, to the provisions of the "Municipal Act" in regard to death, resignation, removal from office, and disqualification.

First Council to hold office until successors elected.

17. The first meeting of each Council so elected shall be held on the first Monday after such election at four o'clock in the afternoon, and each Reeve and Councillor shall make the declaration provided by the "Municipal Act" before taking his seat as such Reeve or Councillor. The first meeting of the Council of the Municipality of West Vancouver shall be held at the school-house on said District Lot 775, and the first meeting of the Council of the Municipality of North Vancouver shall be held at the said Municipal Hall of the present Municipality of North Vancouver.

First meeting of Council.

18. All taxes and assessments levied by the present Municipality of North Vancouver on any of the lands hereby included in the Municipality of West Vancouver, and still uncollected, shall be vested in and payable to the Municipality of West Vancouver, whose rights and remedies as to the collection and recovery thereof, whether by sale of lands or otherwise, shall be the same in all respects as the rights and remedies therefor of the present Municipality of North Vancouver had this Act not been passed; and the Municipality of West Vancouver shall have all and every of the statutory rights, powers, and privileges, as regards lands within its boundaries which have been sold by the Collector of the present Municipality of North Vancouver, to receive and use redemption money or to issue tax deeds for same, and a tax deed issued by the Collector of the Municipality of West Vancouver of such lands as shall be unredeemed shall have the same force and effect as if made by the Collector of the present Municipality of North Vancouver had this Act not been passed.

Power to collect taxes levied

19. The last revised assessment roll of the present Municipality of North Vancouver, so far as applicable to the Municipality of West Vancouver and to the Municipality of North Vancouver respectively, shall be the assessment roll of each municipality until completion of new revised assessment rolls under the provisions of the "Municipal Act."

Assessment rolls to apply

20. All levies made by the Council of the present Municipality of North Vancouver, whether for general rate, loan rate, school rate, or local improvement rate, or for any other purpose, upon the

Levies of North Vancouver to apply.

lands hereby included in the Municipality of West Vancouver shall be the levies for all such purposes of the Municipality of West Vancouver, and shall be valid and binding in all respects as if the same had been duly made by the Council of the Municipality of West Vancouver, and all taxes or assessments which shall hereafter become due and payable on account of any of such levies shall be due and payable to the Council of the Municipality of West Vancouver on the same date and under like conditions as to payment and interest as were imposed by the by-law or by-laws of the present Municipality of North Vancouver, and payment of such taxes and assessments may be enforced by the Collector of the Municipality of West Vancouver in all respects as the same could be enforced by the Collector of the present Municipality of North Vancouver had this Act not been passed.

Election of school trustees.

21. The provisions of this Act regarding holding office and election of Reeve and Councillors shall apply, so far as possible, to the members of the Board of School Trustees, and the Returning Officers hereinbefore mentioned respectively shall each call for and order an election for school trustees in the municipality for which he is Returning Officer in the same manner as has been provided for the election of the Reeve, and the new Board of School Trustees so elected shall hold their first meeting within their respective districts on the first Wednesday succeeding the date fixed for taking the poll at such election.

Division of liabilities

22. All debts and liabilities owing by the present Municipality of North Vancouver shall be assumed and borne by the Municipality of North Vancouver and the Municipality of West Vancouver as follows:—

- (a.) In respect of the general debenture debt of the present Municipality of North Vancouver, amounting to five hundred and forty-three thousand dollars, the Municipality of West Vancouver shall undertake and be responsible for the payment of one hundred and fifty-six thousand dollars, and the Municipality of North Vancouver shall undertake and be responsible for the balance, and each of said municipalities shall at all times hereafter indemnify the other of said municipalities from and against the liability so undertaken by it:
- (b.) In respect of loans under by-laws for local improvements, the Municipality of West Vancouver shall assume all the liability of the present Municipality of North Vancouver on account of the "West Capilano District Improvement Loan By-law, 1911," and at all times hereafter indemnify the Municipality of North Vancouver from and against such liability. The Municipality of North Vancouver

shall assume all liability on account of all other local improvement loan by-laws and debentures issued and to be issued thereunder, and at all times hereafter indemnify the Municipality of West Vancouver from and against such liability:

- (c.) The Municipality of West Vancouver shall carry out and give effect to all and every valid and binding contracts, agreements, and undertakings of the present Municipality of North Vancouver in regard to work being carried out within said Municipality of West Vancouver, or any such contracts affecting said area or any part thereof, and shall also undertake, carry out, and perform all the obligations of the present Municipality of North Vancouver regarding the maintenance of Capilano Road, from the west boundary of District Lot 605 to the north boundary of District Lot 673, Vancouver District, contained in an agreement between the present Municipality of North Vancouver and the City of Vancouver, dated the sixteenth day of April, 1908; and the Municipality of West Vancouver shall have all the rights and privileges now enjoyed by the present Municipality of North Vancouver under such contracts, agreements, and undertakings in so far as the area of the Municipality of West Vancouver is affected:
- (d.) In the event of the Municipality of North Vancouver at any time constructing a road on a high level from the Mosquito Creek to a point on the easterly boundary of District Lot 1466 or District Lot 875, the Municipality of West Vancouver shall construct a road from such point to connect said road with the Capilano Road; and in the event of the Municipality of West Vancouver at any time continuing said road across the Capilano River to a connection with the Keith Road West, the cost of construction of the necessary bridge across the Capilano River shall be borne by the two municipalities in equal shares. And the Councils of said municipalities are hereby empowered to enter into and carry out any agreement for sharing the expense for construction or maintenance, or both, of any present or future bridge across the Capilano River, whether same shall be within their respective boundaries or not:
- (e.) In the event of the Municipality of North Vancouver being further divided into two or more municipalities, or part of said municipality being taken into any adjoining municipality, before the whole of the present general debt of the present Municipality of North Vancouver shall have been discharged, the then Council of the Municipality of North Vancouver may call upon the Municipality of West Vancouver to share in carrying out arrangements for pay-

ment of the whole of such debt; and of the whole debt, expenses, premiums, and discounts to be paid and incurred in carrying out such arrangements, the Municipality of West Vancouver shall bear a portion, not exceeding so much of said sum of one hundred and fifty-six thousand dollars as shall then remain unpaid or unsatisfied, in addition to a portion of the amount of said expenses, premiums, and discounts, which shall bear the same ratio to the whole thereof as the amount of said sum of one hundred and fifty-six thousand dollars then unpaid by the Municipality of West Vancouver shall bear to the whole amount of said general debt:

- (f.) All the remaining debts and liabilities of the present Municipality of North Vancouver shall be assumed and borne by the Municipality of North Vancouver, which municipality shall at all times hereafter indemnify and save harmless the Municipality of West Vancouver from and against the same and every of them.

Payment of interest
and sinking fund.

23. It shall be the duty of the Municipality of North Vancouver and the Municipality of West Vancouver to comply with all the provisions of any by-law of the present Municipality of North Vancouver creating a debt or authorizing the issue of debentures so far as the said by-law provides for the creation of a sinking fund and the payment of interest on such debt, and to levy and collect upon and from the rateable property of the respective municipalities an amount of the said sinking fund and interest in proportion to the amount of the debt assumed by each of them respectively; and in the case of the Municipality of West Vancouver, on the first day of October in each year it shall pay the same to the Municipality of North Vancouver, and all amounts so paid for sinking fund, together with all amounts heretofore paid into any sinking fund created by the present Municipality of North Vancouver, shall be held and invested by such municipality for the purpose for which the sinking fund was created.

Power to consolidate
debt.

24. In case either of said municipalities shall at any time or times desire to pay off the share of any of said debenture indebtedness assumed by it as aforesaid, either in whole or in part, it shall be lawful for the Council of either of such municipalities, by a by-law or by-laws, without any petition therefor, and without the assent thereto of the electors, at any time or times, and in one or more sum or sums, to borrow upon the credit of its municipality the sums necessary to pay off a part or the whole of said aforesaid proportion of said debenture indebtedness, at a rate of interest not greater than five (5) per cent. per annum, and for a period not exceeding fifty (50) years from the date of the by-law or by-laws.

Such by-law or by-laws shall conform in other respects to the provisions of the "Municipal Act," and the old debentures so paid off shall be forthwith cancelled and no others issued in their place or stead.

25. In the event of there being unsold debentures of the present Municipality of North Vancouver of sufficient amount, the Municipality of North Vancouver shall, upon payment to it by the Municipality of West Vancouver of the said sum of one hundred and fifty-six thousand dollars, assumed by the Municipality of West Vancouver as aforesaid, or any part thereof, deliver to the Municipality of West Vancouver the said unsold debentures to the amount, in the aggregate, at par value, of one hundred and fifty-six thousand dollars, or any such part thereof, which debentures when so delivered shall be forthwith cancelled, and no new debentures shall be issued in the place or stead of them or any of them, and the portion so paid of the indebtedness assumed by the Municipality of West Vancouver as aforesaid shall thereby be fully satisfied.

26. All debentures which shall have been authorized but not issued by the present Municipality of North Vancouver prior to the passage of this Act may be issued by and in the name of the Municipality of North Vancouver, and all debentures so issued shall be as valid to all intents and purposes as if the same had been issued by the present Municipality of North Vancouver prior to the passage of this Act.

27. In the event of any debentures under said "West Capilano District Improvement Loan By-law, 1911," not being issued at the time of the incorporation of the Municipality of West Vancouver, all such debentures may be issued by and in the name of the Municipality of West Vancouver, and the debentures so issued shall be as valid to all intents and purposes as if the same had been issued by the present Municipality of North Vancouver prior to the incorporation of the Municipality of West Vancouver.

28. Of the assets that belong to the present Municipality of North Vancouver, the Municipality of West Vancouver shall be entitled to the following properties, and the same are hereby vested in it:--

- (a.) All real estate and all and every interest in real estate lying within the boundaries of the Municipality of West Vancouver.
- (b.) All rights, benefits, and advantages of every nature and kind under the lease of District Lot 447, Vancouver District, being Point Atkinson Park:
- (c.) All rights under grant of foreshore at Eagle Harbour:

- (d.) All unissued and all unsold debentures issued or to be issued in pursuance of the "West Capilano District Improvement Loan By-law, 1911":
- (e.) All grants of money made or to be made for the wharf at Hollyburn by the Government of the Dominion of Canada:
- (f.) Shares of stock in the Burrard Inlet Tunnel and Bridge Company, aggregating at par value sixty-two thousand five hundred dollars, all calls on account of which shall be assumed and paid by the Municipality of North Vancouver:
- (g.) All water records or water licences in respect of streams within the Municipality of West Vancouver, and any licences applied for in respect of any such streams, excepting existing records and licences already applied for upon the Capilano River, which shall be subject to the direction of the Water Commissioners:
- (h.) All other public works and municipal improvements within the said area embraced in the Municipality of West Vancouver:
- (i.) All surplus moneys held by the present Municipality of North Vancouver on account of tax sales of land within the boundaries of the Municipality of West Vancouver, subject to claims thereupon by owners of said lands at the time of sale:
- (j.) All maps, plans, books, contracts, deeds, documents of every description relating solely or chiefly to said real estate and other property, rights, and improvements within said area of the Municipality of West Vancouver.

North Vancouver assets.

29. All assets of whatsoever nature belonging to the present Municipality of North Vancouver, other than as mentioned and referred to in the next preceding paragraph hereof, shall be and remain the property of the Municipality of North Vancouver, and the same are hereby vested in it.

Access to documents.

30. Each municipality, by its Reeve, Councillors, officers, or agents, shall have the right of access, at all reasonable hours, to all books, maps, plans, deeds, by-laws, and documents of the present Municipality of North Vancouver in the possession of the other municipality, together with the right to take copies of or extracts from them or any of them.

Continuing liability of municipalities to creditors.

31. Notwithstanding anything herein contained, each of the said municipalities shall remain jointly and severally liable for the debts and liabilities of the present Municipality of North Vancouver until the same shall have been fully paid and satisfied, but the indebtedness of the present Municipality of North Vancouver referred to in said section 22, subsection (a), shall not be included in any com-

putation of the aggregate debts of either municipality under section 124 of the "Municipal Act," except to the extent of the amount thereof separately assumed by each municipality respectively.

32. The Council of the Municipality of North Vancouver and also of the Municipality of West Vancouver may from time to time make, alter, and repeal by-laws for any of the following purposes, or in relation to matters coming within the classes of subjects following:—

Power to pass
by-laws

- (a.) To negotiate for and obtain releases of any and all rights, franchises, or agreements heretofore granted or given by the present Municipality of North Vancouver or by any other municipality to any person or persons or body or bodies corporate so far as the same affect or apply to the Municipality of North Vancouver or to the Municipality of West Vancouver, as the case may be, and to take over by purchase or otherwise, by agreement, any land, buildings, material, and plant used in connection therewith or appurtenant thereto:
- (b.) To enter into agreements or franchises for telephone service:
- (c.) For acquiring, constructing, operating, and maintaining a municipal telephone system, and all land, buildings, material, and plant used in connection therewith or appurtenant thereto and affecting the same, and for making agreements for the connection of such telephone system with other telephone systems:
- (d.) For purchasing, taking, and holding in the name of the municipality shares of stock in the Burrard Inlet Tunnel and Bridge Company, at such price or prices and upon such terms of payment as may be agreed upon between the company and the municipality, and to sell, pledge, mortgage, or otherwise dispose of said shares, or any of them, as the Council of the municipality may from time to time deem expedient.

33. All ordinary revenue for the year 1912 collected by the present Municipality of North Vancouver on account of lands within the boundary of the Municipality of West Vancouver (if any) between the first day of January, 1912, and the incorporation of the Municipality of West Vancouver shall be spent for improvements within the said Municipality of West Vancouver, and in case any portion of same shall not have been so spent at the time of the incorporation of the Municipality of West Vancouver, the same shall belong to such municipality; and in case the present Municipality of North Vancouver shall, during such a period, have spent within the boundary of West Vancouver more than the amount so collected,

Expenditure of
1912 ordinary
revenue

the Council of the Municipality of West Vancouver shall have power to repay, and shall repay, such surplus out of its current revenue to the Municipality of North Vancouver.

Cost of Act.

34. The Council of the District of West Vancouver shall pay out of the ordinary revenue of the Municipality of West Vancouver all costs, charges, and expenses incurred in and about the incorporation of the Municipality of West Vancouver, including the expenses of obtaining this Act.

Application of
Municipal Acts

35. All the provisions of the "Municipal Act," the "Municipal Elections Act," and the "Municipalities Incorporation Act" and amending Acts shall apply to both of said municipalities, except where the provisions of said Acts are repugnant to the provisions of this Act.

VICTORIA, B.C.

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