

## CHAPTER 72

An Act to Confer Certain Powers on  
the City of Vancouver

[Assented to 6th April, 1968.]

WHEREAS the City of Vancouver, by resolution made and passed the twenty-seventh day of February, 1968, resolved as follows:—

Whereas the draft Agreement to Lease between the City of Vancouver, The Fairview Corporation (British Columbia) Limited, Block 52 Development Limited, and Cemp Holdings Ltd., which provides for the commercial development of Blocks 42 and 52, District Lot 541, Group 1, New Westminster District, and the undersurfaces of certain portions of Granville, Georgia, Howe, and Robson Streets, all in the City of Vancouver, and the Schedules attached to and forming part of the said Agreement to Lease and designated A to N, inclusive (a copy of which Agreement to Lease is Schedule I to this resolution and is herein referred to as "the principal Agreement"), together with a draft Bill to be known as the *Vancouver Enabling Act, 1968* (a copy of which Bill is Schedule II to this resolution and is herein referred to as "the said Bill") have been submitted to the Council of the City of Vancouver:

Therefore be it Resolved,—

1. That the principal Agreement be approved in principle, and
2. That the Corporation Counsel be and he is hereby authorized to promote the enactment of the said Bill by the Legislature of the Province of British Columbia at its present sitting; and
3. That when the said Bill has been enacted the Mayor (or Deputy or Acting Mayor, as the case may be) and the City Clerk be and they are hereby authorized to and shall execute the principal Agreement and any lease or agreement referred to therein and shall execute any lease or agreement referred to in any schedule to the principal Agreement and to affix the seal of the City of Vancouver thereto

And whereas it is desirable to confer an additional power on the Council of the City of Vancouver to authorize the variation of certain assessments on the assessment roll for the year 1968:

Now, 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 Enabling Act, 1968*.

Authority to  
enter into  
Agreement  
and  
validation.

- 2 The City of Vancouver is hereby authorized and empowered to enter into the Agreement to Lease between the City of Vancouver, The Fairview Corporation (British Columbia) Limited, Block 52 Development Limited, and Cemp Holdings Ltd., which provides for the commercial development of Blocks 42 and 52, District Lot 541, Group 1, New Westminster District, and the undersurfaces of certain portions of Granville, Georgia, Howe, and Robson Streets, all in the City of Vancouver, and the Schedules attached to and forming part of the said Agreement to Lease and designated A to N, inclusive (a copy of which Agree-

ment to Lease is Schedule I to this Act and is herein referred to as "the principal Agreement"), and to do all such things as may be necessary in order to carry out and give full effect to the provisions of the principal Agreement and this Act. When dated and executed by all parties, the principal Agreement shall form part of this Act, shall be binding, and is hereby validated, ratified, and confirmed.

Power of  
amendment.

(2) The respective parties to the Block 52 Undersurface Lease, the Block 52 Parking Lease, and the Ground Lease, designated as Schedules to the principal Agreement and the agreements referred to in and annexed to the principal Agreement or the Schedules thereto as the Block 52 Undersurface Lease Subordination Agreement, the Block 42 Undersurface Lease Subordination Agreement, the Ground Lease Subordination Agreement, and the Sub-lease Subordination Agreement, are hereby authorized and empowered at any time before such leases and agreements are respectively executed to make additions, deletions, and amendments thereto as are appropriate to the respective premises to be demised and as may be agreed upon by such parties and authorized by the Lieutenant-Governor in Council. Upon such leases and agreements being dated and executed respectively by the parties thereto, the same are hereby validated, ratified, and confirmed, and the City of Vancouver is hereby authorized and empowered to do all such things as may be necessary in order to carry out and give full effect to the provisions of each of them. When dated and executed as aforesaid, the provisions of each of the said leases and agreements shall form part of this Act and shall be binding.

Authority to  
enter into  
leases

3. (1) The City of Vancouver is hereby authorized and empowered to enter into and to execute the leases referred to in the principal Agreement as the Block 42 Undersurface Lease and the Block 42 Parking Lease, which shall contain the provisions necessary to comply with the principal Agreement but shall otherwise be in the same form as the Block 52 Undersurface Lease and the Block 52 Parking Lease respectively designated as Schedules to the principal Agreement with such additions, deletions, and changes thereto as may be appropriate to the premises to be demised and as may be agreed upon by the parties to such leases and authorized by the Lieutenant-Governor in Council.

Further  
agreements

(2) The City of Vancouver is hereby authorized and empowered to enter into all further agreements and leases contemplated by or necessary to give effect to the principal Agreement and to execute the same and carry them into effect.

Validation

(3) Any lease or agreement referred to in subsection (1) of this section, when dated and executed by the parties thereto, is hereby validated, ratified, and confirmed, and the City of Vancouver is hereby authorized and empowered to do all such things as may be necessary in order to carry it out and give full effect to its provisions. The provisions of each such lease or agreement shall thereupon form part of this Act and shall be binding.

Development  
permits.

4. Upon the said parties to the principal Agreement executing the same, then the Director of Planning for the City of Vancouver is hereby authorized and empowered to and shall issue the development permits respecting the commercial development referred to in section 2 hereof which are designated by the principal Agreement as Schedules D and E thereto respectively. All other approvals, permits, and certificates necessary to carry out the intention of the parties, including building permits and necessary licences, are hereby authorized to be issued or granted.

Execution  
of Agree-  
ment, etc.

5. The City of Vancouver is hereby authorized and empowered to enter into the principal Agreement and any lease or agreement referred to therein or in section 3 hereof and to do so without any further resolution or by-law of its Council, and the Mayor (or the Deputy or Acting Mayor, as the case may be) and the City Clerk are hereby authorized and empowered to execute the same when they are respectively ready for execution on behalf of the City of Vancouver and to affix the seal of the City of Vancouver thereto.

Saving.

6. Nothing in the foregoing provisions of this Act shall be deemed to have affected any right to compensation that an owner or tenant of real property in the said Block 42 may have by reason of any expropriation proceedings pursuant to Part XXVI of the *Vancouver Charter*.

Application of  
ss 2 to 6.

7. The foregoing provisions of this Act shall apply and have full effect notwithstanding anything contained in the *Vancouver Charter* or in any other Act.

Commence-  
ment.

8. (1) The provisions of the Act, other than section 1 and this section come into force and effect on Proclamation of the Act by the Lieutenant-Governor, and no such Proclamation shall issue unless the Lieutenant-Governor in Council is satisfied either

- (a) that having first sought options from all property-owners in the said Block 42 and that the City of Vancouver is entitled to the benefits of options, from not less than fifty per centum of the owners of real property on the said Block 42, having between them real property thereon the assessed value of which is not less than sixty per centum of the total assessed value of the real property thereon, to purchase all such owners' real property on that block; or
- (b) the arrangements referred to in this Act have been submitted, in a form approved by the Lieutenant-Governor in Council, for the assent of the electors and more than fifty per centum of the votes cast on the submission were in favour of the arrangements.

(2) For the purposes of subsection (1),

- (a) "assessed value" means the assessed value of land and improvements shown on the real-property assessment roll;

- (b) "electors" means the persons whose names are on the list of electors within the meaning of section 34 of the *Vancouver Charter*; and
  - (c) the submission to the electors shall be in the form of a question pursuant to section 184 of the *Vancouver Charter*; provided, however, that, notwithstanding anything in the said section 184, the question shall be submitted to all electors and not only to owner-electors.
- (3) Section 1 and this section come into force on Royal assent.

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#### SCHEDULE

##### (Section 2)

[The contents of this Schedule, consisting of 335 pages including drawings, is on file in the office of the Provincial Secretary and in the office of the Clerk of the Legislative Assembly]

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