



1959, c. 107
 1962, c. 82
 1963, c. 60
 1965, c. 68
 1966, c. 69
 1969, c. 45
 1972, c. 67

CHAPTER 72.

An Act to amend the "Vancouver Charter."

[Assented to 20th March, 1958.]

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, 1958."

Amends s. 2.

2. Section 2 of the "Vancouver Charter," being chapter 55 of the Statutes of 1953, is amended by striking out the definition of "land" and substituting the following:—

"'Land' does not include improvements."

Re-enacts s. 7.

3. Section 7 is repealed and the following substituted:—

"7. For the purpose of an election for the office of Mayor or Alderman, the following persons shall be entitled to have their names entered on the annual list of electors as owner-electors:—

(a) Every person (not being a corporation) who is a ^{British} ~~Canadian~~ citizen and of the full age of ^{nineteen} ~~twenty-one~~ years, and who, on the ^{fifteenth} ~~fifteenth~~ day of ^{July} ~~May~~ of the year in which the list is certified, is:—

"(i) The registered owner of any real property held in his own right in the city; or

"(ii) A principal lessee of a suite, used solely as a dwelling, in a building of which a corporation is the registered owner: Provided:—

(A) Such corporation operates on a non-profit basis; and

"(B) The memorandum of association of such corporation stipulates that such building shall be owned and operated for the benefit of occupant shareholders only; and

1959-107-2 am.

"(C) Such principal lessee ^{is the holder of} ~~has subscribed for~~ shares in the corporation approximately equivalent in value to the capital cost of the suite; and

1974-104-2 Amm.

"(D) Such principal lessee makes application to the City Clerk during the period between the first day of January and the fifteenth day of ~~May~~ ^{July}, inclusive, or who makes application as provided in section 23: Provided, however, that no principal lessee shall be entitled to have his name entered on the annual list of electors as an owner-electors if during the period of twelve months immediately preceding the date of the application referred to above the accommodation of such principal lessee was subleased or occupied (for a period exceeding four months) by any person who is not the husband or wife or father or father-in-law or mother or mother-in-law, son or daughter, brother or sister of such principal lessee:

"(b) Every person (being a corporation other than a corporation as provided in clause (a)) which, on the ~~fifteenth~~ day of ~~May~~ ^{July} of the year in which the list is certified, is the registered owner of any real property held in its own right in the city, ^{1970-54-3 am} if there is on file with the City Clerk ^{herein} a written authorization naming some person of the full age of ~~twenty-one~~ ^{nineteen} years, who is a Canadian citizen, to be its agent to vote on behalf of such corporation."

1959-107-2 am.

1969-45-2 am (b)

1972-67-5 sub(b)

1974-104-3 Rep (b)

Re-enacts s. 37.

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

"37. Subject to the disqualifications contained in section 38, any person whose name appears on the list of owner-electors for the current and immediately preceding year is qualified to be nominated and elected and to hold office as a member of the Council: Provided, however, for the election to be held in the year 1958, any person whose name appears on the current list of owner-electors shall be so qualified subject only to the disqualifications contained in section 38."

Amends s. 38.

5. Section 38 is amended by striking out clause (d) and substituting the following:—

"(d) ~~If after his election he ceases to be either a registered owner or an owner under agreement, except where such cesser is brought about by expropriation.~~

1959-107-6

Amends s. 44.

6. Section 44 is amended by striking out the word "certificates" in the second and seventh lines and substituting the word "certificate."

Re-enacts s. 45.

7. Section 45 is repealed and the following substituted:—

"45. Every nomination-paper shall be accompanied by a declaration in the following form:—

CANADA:
PROVINCE OF BRITISH COLUMBIA:
MUNICIPALITY OF
To Wit:

I, _____, residing at _____, in the _____ of _____, [occupa-
tion], do solemnly declare as follows:—

1. That I am fully qualified to be nominated, elected, and to hold the office of _____ for the City of Vancouver.

2. That I am of the full age of twenty-one years, and that I am a ~~British subject~~ ^{Canadian citizen}.

3. The real property upon which I base my qualification is situate within the city and is known and described as _____.

4. That I have not sold or otherwise disposed of my interest in the said real property, and there are no arrears of taxes due to the city in respect of the said real property, and that the current year's taxes thereon have been paid.

5. That I have examined the list of owner-electors, and I find thereon the name of _____ and the name of _____, who have subscribed to my nomination.

6. That I have examined the list of owner-electors for the current year and for the year preceding, and I find on both of said lists the name of myself, _____, as an owner-elector.

7. That I am not subject to any legal incapacity.

8. That I am not subject to any of the disqualifications set forth in section 38 of the "Vancouver Charter."

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at
this _____ day of _____,
19 _____.

Amends s. 47.

8. Section 47 is amended by striking out everything after the word "Nominator" where it appears for the second time in the form of Nomination-paper.

Amends s. 48.

9. Section 48 is amended by striking out clause (c) and substituting the following:—

"(c) The certificate required by section 49 and the declaration required by section 45 accompany the nomination-paper."

Re-enacts s. 49.

10. Section 49 is repealed and the following substituted:—

"49. With every nomination-paper there shall be delivered to the Returning Officer a certificate by the Collector of Taxes, dated not more

than fifteen days before nomination-day, to the effect that the current year's taxes have been paid on the real property upon which the candidate has qualified."

Amends s. 56.

11. Section 56, as re-enacted by chapter 85 of the Statutes of 1957, is amended by striking out the word "all" in the second line and substituting the word "two."

Amends s. 83.

12. Section 83 is amended by striking out the word "eleven" in the seventh line and substituting the word "twelve."

Amends s. 190.

13. Section 190, as amended by chapter 114 of the Statutes of 1955, is further amended by inserting after the word "granted" in subclause (ii) of the proviso to clause (b) the words "except to Her Majesty in her right of Canada or the Province."

Enacts s. 206A.

14. The said Act is further amended by inserting the following as section 206A:—

"206A. (1) Notwithstanding anything contained in the 'Sunday Observance Act' or in any other Statute or law of the Province, where a by-law passed under subsection (2) hereof is in force and subject to its provisions, it shall be lawful for any person between ~~half past one~~^{one and ten} and six o'clock in the afternoon of the Lord's Day, commonly called Sunday, to provide for or engage in any public game or sport for gain, or for any prize or reward, or to be present at any performance of such public game or sport at which any fee is charged, directly or indirectly, either for admission to such performance, or to any place within which the same is provided, or for any service or privilege thereat, that is specified in such by-law and which but for this section would be unlawful under section 6 of 'The Lord's Day Act (Canada),' or to do or engage any other person to do any work, business, or labour in connection with any such public game or sport which but for this section would be unlawful under section 4 of 'The Lord's Day Act (Canada).'

"(2) (a) The Council may pass a by-law declaring subsection (1) to be in force throughout the city or in such part or parts thereof as may be specified in the by-law, and upon such by-law coming into force, subsection (1) shall apply throughout the city or in such specified part or parts, as the case may be.

"(b) The application of subsection (1) shall be limited to such public games or sports as are specified in the by-law.

"(c) The by-law shall not ~~specify~~^I horse-racing as a public game or sport.

"(d) Where subsection (1) applies in specified parts of the city, the limitation authorized by clause (b) hereof may differ in different parts.

"(e) The by-law may reduce the period of time between half past one and six o'clock mentioned in subsection (1).

"(f) The by-law shall provide for the regulation and control of the public games and sports specified in it and may provide for the regulation and control of any matter or thing in connection with such public games and sports.

"(g) (i) No by-law passed under this section shall be repealed until the following question has been submitted to the electors, and a majority of affirmative votes obtained: 'Are you in favour of the repeal of the by-law passed under the authority of the "Vancouver Charter" that regulates public games and sports for gain on the Lord's Day?'

"(ii) The Council may submit the question set out above to the electors at any annual election.

"(iii) Upon the presentation of a petition requesting that the by-law passed under this section be repealed, signed by at least ten per centum of the electors of the municipality, the Council shall at the next annual election submit to the electors the question set out in subclause (i).

"(h) Any petition mentioned in clause (g) (iii) above shall be deemed to be presented when it is lodged with the City Clerk, and the sufficiency of the petition shall be determined by him, and his certificate as to its sufficiency shall be conclusive for all purposes: Provided, however, that a petition that is lodged with the City Clerk in the months of November or December shall be deemed to be presented in the month of February next following.

"(3) This section shall come into force on a day proclaimed by the Lieutenant-Governor in Council in his Proclamation."

Amends s. 213.

15. Section 213 is amended by striking out the words "and bears the facsimile signature of the City Comptroller" in the fifth and sixth lines.

Re-enacts s. 289.

16. Section 289 is repealed and the following substituted:—

"289. (1) Unless otherwise expressly provided, the real property comprised in every street, park, or public square in the city shall be absolutely vested in fee-simple in the city subject only to section 291A of this Act ~~and to any right therein which the person who laid out or dedicated such street may have expressly reserved~~: Provided that section 5 of the 'Highway Act' shall not apply to any street, park, or public square aforesaid; provided further, however, that it shall be lawful for the city to acquire from any person rights or easements for street, park, or public square purposes less than the fee-simple, whether on, above, or below the surface of any real property owned by such person.

"(2) In the application of section 112 of the 'Land Registry Act' to any subdivision of land in the City of Vancouver the said section 112 shall be construed as if for the words 'land' and 'highway' wherever they occur the words 'real property' and 'street' respectively were substituted and for the words 'Crown in the right of the Province' in the second line and the words 'the Crown' in the fifth line in subsection (2)

1973-93-23am

1978-25-331 Rep 4 sub

thereof were substituted the words 'the City of Vancouver.' This subsection shall have a retrospective as well as a prospective effect.

1978-25-333 Am
 "(3) The Registrar of the Vancouver Land ~~Registration~~ District may accept evidence of a transfer of any real property in the city for street, park, or public square purposes in the form of a conveyance duly executed by all persons required by law to execute a conveyance thereof or by a plan only, if so executed, in lieu of or in explanation of a conveyance to the city of such real property if such plan is otherwise satisfactory to the Registrar aforesaid. The Registrar may require that such plan shall show the boundaries of any land remaining in the parcel after such transfer."

Enacts s. 291A.

17. The said Act is further amended by inserting the following as section 291A:—

1978-25-332 Am
 "291A. (1) A resolution shall not be passed for stopping up, altering, or diverting any street or part thereof if the effect of such resolution will be completely to deprive any owner of the means of ingress to or egress from any real property owned by him abutting such street unless in addition to making compensation to such owner, as provided in Part XXVI of this Act, another convenient means of access to his real property is provided, the sufficiency of which, for the purposes of this section only, shall be in the sole discretion of the Council: Provided that where the owner consents in writing to the stopping-up, altering, or diverting of any street aforesaid the provisions of this subsection shall not apply to any resolution providing for the same. For the purposes of this section, the word 'owner' means an owner as defined by the 'Land ~~Registry~~ ^{Titles} Act.'

1973-93-24 am
 "(2) Where a street which has been stopped up, altered, or diverted, whether opened, maintained, or improved by the city or not, was one originally acquired by the city ~~by transfer~~ without any payment therefor and the Council determines to dispose of such street, the price at which it is to be disposed of shall be fixed by the Council, and the owner of the real property which abuts on it shall have the right to purchase the same at that price.

"(3) Where there is more than one abutting owner, each shall have the right to purchase so much of the real property comprising such street or portion of street so stopped up as Council may decide, and the price fixed by Council aforesaid shall be apportioned between the parcels to be disposed of accordingly.

"(4) If an owner does not exercise his right to purchase within such period as may be fixed by the resolution or any subsequent resolution, the Council may dispose of the part which he has the right to purchase to any other person at the same or greater price.

"(5) Where the real property of an owner abutting a street stopped up by resolution also abuts any other street which the Council desires to widen, alter, or divert and requires for that purpose a portion of the

real property aforesaid, the Council may, notwithstanding the provisions of subsections (2) and (3) hereof, exchange therefor so much of the real property comprising the street so stopped up for the real property so required as aforesaid as may be mutually agreed upon with such owner.

"(6) Where an owner acquires a portion of a street pursuant to this section or otherwise, the Council shall direct as a condition of the disposal thereof that such owner consolidate the portion so acquired with the real property owned by him abutting the street or part thereof so stopped up.

Times
 "(7) Upon the deposit in the Land Registry Office of a copy of the resolution stopping up, altering, or diverting any street or part thereof, certified as such by the City Clerk, accompanied by a plan showing thereon the street or part thereof so stopped up, altered, or diverted, together with a conveyance of the whole or any part thereof completed in accordance with the requirements of the 'Land Registry Act' and an application Form A of the said Act together with the fees as set out in the Second Schedule thereof, the Registrar aforesaid shall, notwithstanding the provisions of section 112 of the 'Land Registry Act' or section 289 (2) of this Act or the provisions of any other Act, and whether the city appears on the records of the Land Registry Office as the owner or not, on finding a good, safeholding marketable title in fee-simple in the applicant, register the real property described in the said conveyance in the name of the grantee therein and issue to him a certificate of indefeasible title thereto. Any conveyance executed under this section shall have effect as a Crown grant."

1978-25-334 Am.

1978-25-331 Sub

1963-60-7 adds (8)

Enacts s. 291B.

18. The said Act is further amended by inserting the following as section 291B:—

"291B. In case any person is dissatisfied with any decision of the Registrar of the Vancouver Land Registration District under the provisions of this Act, such person may, within twenty-one days of the receipt of notice of such decision, appeal to a Judge of the Supreme Court in a summary way by petition, and the provisions of section 234 of the 'Land Registry Act,' shall, mutatis mutandis, apply to such appeal."

1978-25-333 Am.

1978-25-335 Sub

Amends s. 305.

19. Section 305 is amended by striking out the word "Chief" in the first line and substituting "City."

Amends s. 306.

20. Section 306 is amended by striking out the word "Chief" where it appears in clauses (e), (f), (g), and (h) and substituting "City."

Amends s. 306A.

21. Section 306A, as enacted by chapter 85 of the Statutes of 1957, is amended by striking out all the words after the word "Vancouver" in the eleventh line and substituting the following: "The provisions of this section shall expire on the last day of the session of the Legislature to be held in the year 1959."

Amends s. 323.

22. Section 323 is amended by inserting immediately after the word "premises" in the third line of clause (o) the words "boat, ship, or vessel," and by inserting immediately after the word "premises" in the fourth line the words "and the owner or master of any boat, ship, or vessel."

Amends s. 323.

23. Section 323 is further amended by adding the following clause:—

"(u) For requiring the owners or occupants of real property to maintain the said property in a neat and tidy condition and in keeping with a reasonable standard of maintenance prevailing in the neighbourhood."

1974-104-85 Add.

Amends s. 363.

24. Section 363 is amended by renumbering the present section as subsection (1) and adding the following as subsection (2):—

"(2) If any person complains that any parcel of real property set down in the roll has changed in value as a result of the total destruction or demolition of the improvements thereon after the completion of the roll but prior to the end of the year in which the roll is completed, he may cause written notice to be given to the Assessment Commissioner that he wishes to appear before the Court of Revision, and that Court shall have power to vary the assessment roll to the extent of any such change in value."

Amends s. 459.

25. Section 459 is amended by renumbering the present section as subsection (1) and adding the following as subsections (2), (3), and (4):—

"(2) The Board may appoint or may delegate to the Police Court Clerk the appointment of persons to act as court stenographers to report the evidence and proceedings on all trials or hearings before the Police Magistrate or other Justices having jurisdiction, and the notes so taken at any trial or hearing by any such person shall for all purposes be considered as forming a true record of the evidence adduced and all other proceedings at the trial or hearing.

"(3) A person so appointed as stenographer under this section shall take the following oath before the Police Magistrate, and such oath shall be filed in the office of the Police Court Clerk:—

I, _____, do swear that I will faithfully and accurately, to the best of my skill and ability, report the evidence and proceedings in each case or matter in which it shall be my duty to act as reporter, and will transcribe, or cause to be transcribed, my notes of the same, should such be required. So help me God.

"(4) No further oath shall be required to be administered to such stenographer in respect of any trial or hearing before the Police Magistrate or other Justices."

Enacts s. 523B.

26. The said Act is further amended by inserting the following as section 523B:—

"523B. (1) In case it is deemed expedient to undertake any work, improvement, or service for the special benefit of some portion or portions of the city, the Council may, instead of exercising the other powers conferred herein, authorize by by-law the undertaking of such work, improvement, or service, and define the portion or portions of the city which will be specially benefited and levy the entire cost of such work, improvement, or service or such part of the cost as the Council deems just, by a special rate upon the real property in the defined portion or portions.

"(2) Such by-law shall, before the final passage thereof, receive the assent, in manner provided in sections 266 and 267, of the owner-electors who qualify on property situate in the defined portion or portions.

"(3) Such by-law may authorize the borrowing by the city of such sum of money as is deemed necessary to provide such work, improvement, or service by the issue of debentures either before or after the initiation, commencement, or completion of such work, improvement, or service.

"(4) The special rate provided for in this section may be levied according to the frontage of the rateable property or according to the assessed value thereof as the Council may decide, and such levy shall commence not later than one year from the date on which the by-law is passed.

"(5) In any by-law passed pursuant to this section levying a special rate according to the frontage, allowance may be made in any assessment for corner lots, triangular or irregularly shaped parcels of land, and parcels comprising a railway right-of-way, having due regard to the situation, value, and superficial area of such lots or parcels as compared with adjoining lots and parcels of land assessable for such work, improvement, or service, and the Council may charge the amount of any allowance made on any such lot or parcel of land on the other rateable property in the defined portion or portions, or may assume the same and provide for payment thereof out of funds raised by general debentures or out of the general revenue of the city.

"(6) From any such assessment referred to in subsection (5) there shall be the right of appeal to the Council and from the Council to a Judge of the Supreme Court. Such appeal shall be limited to the matters referred to in section 511 and shall be brought within one year of the final passing of such by-law, and the appeal to the said Judge shall be brought within fourteen days of the decision of the Council. Service of written notice of appeal on the City Clerk shall be deemed to be the bringing of an appeal. The said Judge may make such order in respect of such assessment and as to costs as he may deem advisable and equitable."

(7)

1969-45-25
re-en 523B

1966-69-20
subs 523B(1)
(4) & (5) & adds
(7)

Amends s. 531.

27. Section 531 is amended by striking out everything after the word “owner” in the second line and substituting the following:—

“ ‘Owner’ means any person having a legal or equitable interest in real property.”

Amends s. 532.

28. Section 532 is amended by striking out the words “provide for the expropriation of ” in the fourth line and substituting “expropriate.”

Amends s. 533.

29. Section 533 is amended by adding the following: “Personal service may be made on such owner in lieu of the said posting and mailing.”

Re-enacts s. 534.

30. Section 534 is repealed and the following substituted:—

“534. The notice shall state that the city has expropriated the real property and that if the compensation therefor cannot be settled by agreement arbitration will follow. The notice shall also state that any claim for compensation may be barred unless particulars of it are filed with the City Clerk within sixty days after service thereof or such posting or such mailing, whichever may be the later.”

Amends s. 539.

31. Section 539 is amended by striking out the words “payment into Court of such sum as the Judge shall fix as security for any compensation and costs that may become payable” in the third, fourth, and fifth lines of subsection (1) and substituting “such terms and conditions as the Judge may direct,” and by striking out the words “and payment into Court” in the first line of subsection (2).

Amends s. 540.

32. Section 540 is amended by striking out all the words after the word “order” in the fourth line.

Amends s. 545.

33. Section 545 is amended by adding the following: “Provided, however, that the parties may by agreement submit the matter to one arbitrator.”

Re-enacts s. 546.

34. Section 546 is repealed and the following substituted:—

“546. At any time after the passage of a resolution by Council pursuant to section 532 of this Part and whether the compensation has been determined or not, a Judge may, upon the application of the city and upon such terms as the Judge may think proper, make an order vesting in the city the real property expropriated, and the order shall have the same effect as a vesting order made under the provisions of the ‘Laws Declaratory Act.’ ”

Amends s. 548.

35. Section 548 is amended by striking out the words “or of the city” in the fourth line.

Amends s. 549.

36. Section 549 is repealed and the following substituted:—

“549. The city may offer to an owner such amount as it thinks reasonable in satisfaction of any claim for compensation under this Part. The costs of any arbitration shall be borne by the parties thereto and may be awarded to the city or the owner or may be apportioned in the discretion of the arbitrator or arbitrators. Such costs shall be based upon the tariff of the Supreme Court or of the County Court, as the arbitrators direct, and shall be taxable by the Registrar of such Court accordingly.”

Amends s. 553.

37. Section 553 is amended by striking out the words “security has been fixed” in the fourth line and substituting the words “an order has been made.”

Repeals s. 558.

38. Section 558 is repealed.