



## CHAPTER 99.

### An Act relating to the Corporation of the City of Victoria.

[Assented to 29th March, 1919.]

**W**HEREAS the Corporation of the City of Victoria has by its Preamble.  
petition represented that the said city is a municipality within the meaning of the “Municipal Act” and “Local Improvement Act,” and that it is necessary, in the interest of the inhabitants and rate-payers of the said municipality, to enact the provisions hereinafter contained, and has prayed that the same may be enacted accordingly:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

#### PART I.

##### TITLE AND INTERPRETATION.

1. This Act may be cited for all purposes as the “Victoria City Short title.  
Act, 1919.”

2. In the construction of this Act the following words or Interpretation  
of terms.  
expressions shall have the following respective meanings, unless the context shall require a different meaning:—

“Corporation” shall mean the Corporation of the City of Victoria:

“Municipality” shall mean the Municipality of the City of Victoria:

“Council” shall mean the Municipal Council of the Corporation of the City of Victoria.

In defining any word or expression used in this Act not by this Act expressly defined, reference may be had to the provisions of the “Municipal Act” and the “Local Improvement Act” relating to the interpretation of words and terms used therein respectively.

## PART II.

## AMENDING "VICTORIA RELIEF ACT, 1918 (No. 2)."

3. Chapter 105 of the Statutes of 1918 (known as the "Victoria City Relief Act, 1918 (No. 2)") is hereby amended as follows:—

Amending definition  
of "Council."

(1.) The definition of the word "Council," where it occurs in section 2 of said chapter 105, is hereby amended by striking out all the words after the word "Victoria" in the second line of said definition.

(2.) The interpretation of the word "soldier," where it occurs in section 2 of the said chapter 105, is hereby repealed, and the following enacted in lieu thereof:—

Amending definition  
of "soldier."

"'Soldier' shall mean any person who shall have served in any of His Majesty's Forces in Europe, Asia, or Africa, or elsewhere overseas, or in His Majesty's Navy, in connection with the present War, and who shall be or shall have been the owner of any parcel of land in the municipality and who (or whose dependents) shall continue to be owner thereof at the time of the termination of the said War; and shall also mean and include: (a) Any dependent of such person; (b) any trustee of such person; (c) any executor, administrator, or trustee of the estate of such person deceased:

Defining  
"dependent."

"'Dependent' shall mean and include: (a) The wife of any such person if dependent on him, or the widow of such person, deceased, if dependent on him while living; (b) any member of the family of such person if dependent on him, and any member of the family of such person, deceased, if dependent on him while living:

Defining "termina-  
tion of War."

"Any reference in this Act to the time of the 'termination of the said War' shall be taken to mean and refer to the date of publication of a Proclamation in the Canada Gazette that a treaty of peace has been signed or entered into between His Majesty the King and the German Empire, Nation, or Government, or such other equivalent Proclamation as may be published in the said Gazette in that behalf:

"Provided, however, that in the case of any person serving in Asia, after the date of such Proclamation, as a member of the Canadian Expeditionary Force to Siberia, any such reference shall be extended and interpreted to mean and refer to either: (a) The date of the discharge of such person from such Siberian service, or (b) the date of the death of such person before such discharge, whichever event shall first happen."

(3.) The following is hereby enacted as the last paragraph of section 2:—

"The words 'Municipal Act' or 'Municipal Act (1914),' when used in this Act, shall mean chapter 52 of the Statutes of 1914, as since amended from time to time, and the words 'Local Improvement Act,' where used in this Act, shall mean chapter 49 of the statutes of 1913, as since amended from time to time. Notwithstanding any general repeal or amendment of the said chapters or either of them, the same shall nevertheless continue in force in the City of Victoria in so far only as may be requisite for the proper interpretation, application, and carrying-out of the provisions of this Act."

Interpretation of  
"Municipal Act"  
and "Local  
Improvement Act."

(4.) Subsection (1) of section 4 is hereby repealed, and the following enacted in lieu thereof:—

"(1.) Notwithstanding anything contained in the 'Municipal Act' or in any Act which may be substituted therefor, it shall be the duty of the Collector of the Corporation to hold a sale of land for taxes at such time as shall be fixed by resolution of the Council, but in any event not later than the thirtieth day of May, 1919; and (subject to the provisions of subsection (1) of section 5 of this Act) he shall thereupon enforce the collection of the then unpaid general taxes and local improvement taxes accrued due or payable to the Corporation on or in respect of any land during the year 1914 or any prior year, together with interest, and subsequent taxes on such land and interest, by a sale of the land for or in respect of which such taxes are payable: Provided, however:—

Tax sale to be held  
by May 30th, 1919.

"(a.) That there shall not be advertised for sale or sold at such sale any land subject to any local improvement taxes for any work of local improvement which shall have been referred to the Local Improvement Commissioners under Part V. of this Act, and in respect of which the said Commissioners shall not have made their report or direction at the time of publishing the notice of such sale."

Certain lands  
not to be sold.

(5.) Subsection (1) of section 5 of the said chapter 105 is hereby amended by striking out the words "not later than the fifteenth day of September, 1918," in the third line thereof, and substituting therefor the words "before the date fixed for holding the said tax sale."

Extending time for  
special tax relief.

(5a.) Paragraph (c) of subsection (2) of section 5 of said chapter 105 is hereby amended by striking out the words "for the last preceding year" in the second and third lines thereof, and substituting therefor the words "since the thirty-first day of December, 1917."

(6.) Subsection (1) of section 8 of the said chapter 105 is hereby amended by striking out the words "not later than the fifteenth day of September, 1918," in the sixth and seventh lines thereof, and substituting therefor the words "before the date fixed for holding the sale required to be held by section 4 of this Act."

Extending time for  
special tax relief.

(7.) Subsection (2) of said section 8 is hereby amended as follows:—

Amending s. 8,  
subsec. (2).

(a.) By striking out the word "all" in the fourth line thereof, and inserting in lieu thereof the words "the amount required by subsection (1) of section 5 and all accrued."

(b.) By striking out the words "after the said fifteenth day of September, 1918, but" in the eighth and ninth lines thereof.

(8.) Section 16 of the said chapter 105 is hereby amended as follows:—

Amending s. 16,  
subsec. (1).

(a.) By striking out the figures "1919" in the third line of subsection (1) thereof, and substituting therefor the figures "1920."

Amending s. 16,  
subsec. (3).

(b.) By striking out the figures "1920" in the second line of subsection (3) thereof, and substituting therefor the figures "1921"; and by inserting the words "as then in force" immediately after the words "Municipal Act" in the third line thereof.

Amending s. 16,  
subsec. (4).

(c.) By striking out the figures and word "1919 and 1920" in the second line of subsection (4) thereof, and substituting therefor the figures and word "1920 and 1921."

Amending s. 23,  
subsec. (1).

(9.) Section 23 of the said chapter 105 is hereby amended as follows:—

(a.) By striking out the numbering and the first forty-four words of subsection (1), and substituting therefor the following:—

"23. (1.) Notwithstanding any law to the contrary, in any case where any work, project, improvement, or undertaking (hereinafter referred to as 'work'), including the expropriation of land for street purposes, has heretofore been or purports to have been initiated, authorized, undertaken, constructed, carried out, or completed, in whole or in part, as, or described or intended as, or expressed to be a work of local improvement, and notwithstanding any variation, discrepancy, error, omission, defect, irregularity, or want of jurisdiction in or in relation to any resolution, report, by-law, assessment, or proceeding in that behalf."

(b.) By inserting the words "or specially assessed" immediately after the word "charged" in the first line of paragraph (g) of subsection (1).

(c.) By striking out all the words after the word "considered" in the third and fourth lines of paragraph (k) of subsection (1).

Amending s. 24.

(10.) Section 24 of said chapter 105 is hereby amended as follows:—

(a.) By striking out the words "the Council should apply to give effect to" in the eighth and ninth lines thereof, and substituting therefor the words "are to be applied or given effect."

(b.) By striking out all the words after the word "particularity" in the tenth line thereof.

(c.) By adding at the end thereof the following subsections:—

Provision for  
alternative  
directions.

"(2.) Provided, however, that it shall be competent for the said Commissioners to require the Council, by any such report or direction or by any interim or special report or direction, to elect, by by-law or resolution, either to perform or complete, as a part of the

relief or readjustment to be given or made, any work or further work specified by the Commissioners and authorized to be done as a work of local improvement by section 3 of the 'Local Improvement Act,' and either at the cost of the Corporation or of the abutting owners, or of both, as the Commissioners may specify; or to decline to perform or complete such work or further work. It shall thereupon be the duty of the Council to elect as aforesaid, and effect shall be given to the report of the Commissioners according to the election of the Council in that behalf.

"(3.) Provided further that it shall be competent for the said Commissioners, by any such report or direction or any interim or special report or direction, to require or direct that any reduction or any part of any reduction in the amount of the cost to be borne by or assessed against any lot or lots shall be conditional upon compliance, by the owner thereof, with any requirement, condition, or stipulation which may be made or imposed by the said Commissioners in relation to or as a condition of such reduction or of any part of such reduction; and the said Commissioners shall have power, notwithstanding the failure, neglect, or refusal of any owner to so comply, to direct any such allowance to be made in the case of such owners as shall comply with such requirement, condition, or stipulation.

Provision for conditional direction.

"(4.) No report or direction or corrected or amended report or direction of the said Commissioners shall be quashed, set aside, declared invalid, or brought into question, nor shall any act of proceeding of the said Commissioners nor the making of any such report or direction or corrected or amended report or direction be restrained or prohibited by or brought into question in or removed into any Court, for want of jurisdiction in the Commissioners or the Council, nor on any ground except that of mala fides."

Proceedings of Commissioners not to be quashed, etc.

(11.) Section 25 of said chapter 105 is hereby repealed, and the following enacted in lieu thereof:—

Re-enacts s. 25.

"25. (1.) Save as hereinafter provided, and notwithstanding any Statute or law to the contrary, every report and direction of the said Commissioners in relation to any of the matters mentioned in section 23, or in the various paragraphs of subsection (2) hereof, shall have the force of law, and shall be valid and binding upon the Corporation and all owners, persons, and land interested, concerned, or affected, without any by-law, resolution, or other proceeding of the Council in that behalf:

Report of Commissioners to be binding.

"Provided, however: (a) That any such report or direction may be corrected or amended by the said Commissioners at any time in their discretion, in which case such corrected or amended report or direction shall have the force of law and be binding as aforesaid; (b) that in the case of any work of local improvement the special assessment for which shall not have been confirmed by the Court of Revision, or shall have been quashed, set aside, or declared invalid,

Power to amend.

Assessment by-law, when to be passed.

before the making of such report or direction, it shall be the duty of the Council to pass a by-law levying or imposing a special assessment in accordance with such report or direction, according to the usual practice of the Council in relation to passing assessment by-laws for works of local improvement.

Report may be in general terms.

“(2.) The said Commissioners may by any such report or direction make provision or direction governing all or any of the matters mentioned in section 23 hereof or in the following paragraphs of this subsection, and may in their discretion make such provision or direction in general terms and without separately or individually mentioning or describing any particular person, owner, lot, or parcel of land; and in particular, but without detracting from the generality of the preceding words of this section, they may order or direct, in relation to any such work of local improvement:—

Corporation may assume portion of owners' portion cost of work.

“(a.) That any portion or proportion of the owners' portion of the cost, as chargeable under the assessment roll or otherwise determined, shall be paid by the Corporation; and to make or cause to be made in each year after the year 1918 a proportionate reduction in the amounts levied or to be levied upon the several lots assessed or to be assessed for the cost of such work:

Corporation may pay cost of any part of work.

“(b.) That the cost of any part of the work shall be paid by the Corporation; and to make or cause to be made in each year after the year 1918 a proportionate reduction in the amounts levied or to be levied upon the several lots assessed or to be assessed for the cost of such work:

Corporation may pay various items of cost of work.

“(c.) That the whole or any part of the amount of any item or items authorized by subsection (2) of section 19 of the ‘Local Improvement Act’ to be included as part of the cost shall be paid by the Corporation; and to make or cause to be made in each year after the year 1918 a proportionate reduction in the amounts levied or to be levied upon the several lots assessed or to be assessed for the cost of such work:

Corporation may relieve particular lots.

“(d.) That the whole or any portion of the amount charged or which would, except for such report or direction, be charged or chargeable upon any particular lot or lots shall be paid by the Corporation; and to make or cause to be made in each year after the year 1918 a proportionate reduction in the amount levied or to be levied upon such lot or lots:

May assess on frontage basis instead of according to assessed value.

“(e.) That any lot or lots shall thereafter be specially assessed by a rate or rates according to the number of feet frontage abutting on the work, instead of according or in proportion to the assessed value thereof; and to make or cause to be made in each year after the year 1918 a proportionate reduction in the amounts levied or to be levied

upon such lot or lots for the cost of such work: Provided, however, that such rate or rates need not be an equal rate for the entire frontage affected by the work or the assessment therefor:

- “(f.) That any improvement, matter, or thing which was originally undertaken, authorized, or intended to be done as part of any work of local improvement be not completed, carried out, or further carried out; and in every such case the cost of such work, so far as carried out or completed, and the special assessment therefor, may be dealt with and the powers conferred by this Act exercised by the said Commissioners pro tanto in the same manner as if the whole of such work had been carried out or completed: Provision for works completed in part.
- “(g.) That a special assessment for the cost of such work or the owners’ portion thereof be made, levied, or imposed in any case where a special assessment therefor has not been confirmed by the Court of Revision, or has been quashed, set aside, or declared invalid: Special assessment may be made.
- “(h.) That the number of annual instalments of the special assessments which have been authorized, fixed, or specified, by by-law or otherwise, for payment of the owners’ portion of the cost of any such work shall be extended or increased, and to make or cause to be made in each year after the year 1918 a proper allowance in the amounts levied or to be levied upon the lots specially assessed or to be specially assessed, except in the case of lots the owners of which have elected otherwise, as provided by subclauses (III) and (IV) of this clause: Provided, however:— May extend number of annual instalments of assessment
- “(I.) That no such extension or increase shall be made in the case of any special assessment which has been so authorized, fixed, or specified to be paid in more than ten annual instalments or spread over a period of more than ten years: No extension where assessment payable in more than ten annual instalments.
- “(II.) That in case any debentures, bonds, stock, treasury certificates, or other securities (hereinafter called ‘original securities’) have been or shall have been issued, either separately or consolidated with others, for or in relation to the cost of any such work, or upon the security (in whole or in part) of the special assessment therefor, no such extension or increase of the number of such annual instalments nor any reduction in the special assessments directed by the Local Improvement Commissioners shall in any way prejudice or affect the right of any holder of such original securities to payment thereof at maturity, nor the obligation of the Corporation to so pay the same; but any deficiency in any year or from year to year of sinking fund or instalments of principal or interest Rights of debenture-holders not to be affected. Deficiency to be made good.

required to be provided or paid in respect of such original securities shall be provided and made good by the Corporation by the exercise of one or other or of both of the following means, as the Council may from time to time determine, namely:—

Annual rate.

“(A.) A rate sufficient to provide for the whole or part of such deficiency in any year may be included in the yearly rate levied for the payment of interest and sinking fund on the debts of the Corporation; or

Borrowing amount of deficiency.

“(B.) The Corporation may by by-law borrow, without the vote of the electors or ratepayers, from time to time or at times as the Council may find requisite, upon debentures or stock of the Corporation (hereinafter called ‘extension securities’), the whole or any part of such deficiency or of such sum or sums as may be required to pay, at maturity, the principal and interest of any original securities issued for or in relation to any or all of such works or the special assessments therefor as aforesaid, including the Corporation’s share of the cost of such work, whether by reason of the Corporation appearing on the special assessment roll as owner of land abutting on such work or being otherwise chargeable therefor, or by reason of a share or portion of such cost having been borne, assumed, or contributed by the Corporation in the first instance, irrespective of ownership of abutting land; and also including any additional share or portion of the cost or special assessment required to be paid or borne by the Corporation in consequence of any reduction, determination, report, or direction by or of the Local Improvement Commissioners:

Provisions governing extension securities.

“Provided, however: (aa) That no such extension securities shall be issued to mature payable at a later date than twenty years after the respective dates of maturity of the original securities in respect of which such extension securities shall be respectively issued; (bb) that the powers conferred from time to time by the ‘Municipal Act,’ or by any Act which may be substituted therefor, relating to debentures, stock, treasury certificates, treasury bills, or other municipal securities shall apply to such extension securities, which shall be deemed to be issued for or in respect of works of local improvement; (cc) that all rates and moneys paid by any owner in respect of such special assessment before the payment or redemption of the respective original securities shall be credited, applied, and used only for the interest or sinking fund or instalments of principal of the original securities respectively issued in that behalf; and all such rates and



moneys paid by any owner after the payment or redemption of the respective original securities, together with any moneys received in excess of the amount required to pay or redeem such original securities, shall be credited, used, and applied only on account of the interest or sinking fund or instalments of principal of the extension securities which have been issued as aforesaid (if any), and the ultimate excess of such rates or moneys (if any) remaining or collected after the payment or redemption of the whole of such original securities and extension securities (if any) shall be used and applied from time to time, as such ultimate excess accrues or arises, in reduction of the general annual tax levy of the Corporation:

“(III.) In any case where the special assessment for the cost of such work shall have been already made or imposed before the making of such report or direction, the Assessor of the Corporation, or any other officer thereof who may be designated by the Council, shall, upon the making by the Commissioners of the report, order, or direction providing for such extension, give to the owner of every lot affected by such assessment, as shown on the last revised annual assessment roll, in manner provided by subsections (4), (5), and (6) of section 13 of the ‘Local Improvement Act,’ a written notice stating that such extension has been directed or ordered, and requiring such owner to elect, in writing, whether he will thereafter pay the reduced annual instalments of assessment on such lot extended over such increased or extended number of years, or whether he will thereafter continue to pay the annual instalments extending over the number of years fixed therefor in the first instance. In the case of owners shown by the said assessment roll to be resident anywhere on the Continent of North America, such written election shall be delivered to the Assessor within one month and in all other cases within three months after the sending out of such notice to elect:

Owner to be given  
notice to elect.

“(IV.) Effect shall be given to every such written election made within the respective times hereinbefore limited, according to the nature and effect thereof; and every owner failing to so elect in writing within the said time shall be deemed to have elected to thereafter continue to pay the annual instalments extending over the number of years fixed therefor in the first instance. Every election, whether duly made in writing, or resulting from failure to elect in writing as aforesaid, shall be final and irrevocable, and thereafter binding upon the persons concerned and upon the lots or lands affected; and the special

Effect of election.

assessment roll for such work shall be amended accordingly, or an additional, substituted, or supplementary roll prepared as hereinafter provided, or as may be requisite or convenient in the circumstances.

Reductions not to exceed instalments not accrued due.

“(3.) Provided, however, that no reduction or allowance shall be directed by the said Commissioners or made by the Council in relation to any such work in respect of the assessment of any lot which shall exceed the amount of the instalments of the special assessment levied upon such lot which shall not have accrued payable before the year 1919 in relation to such work.

Quashing by-laws.

“(4.) No by-law passed or assessment made, levied, or imposed in pursuance of subsection (1) of this section shall be quashed, set aside, declared invalid, or brought into question by or in any proceedings in any Court, except upon the ground that the same does not reasonably or substantially incorporate or give effect to the report or direction of the said Commissioners in that behalf, nor except upon application to quash, to be made within the time and in the manner provided by Part VI., Division (3), of the said ‘Municipal Act (1914).’

Amendment, etc., of assessment roll.

“(5.) In the case of any report or direction of the said Commissioners being made in relation to any work the special assessment roll for which shall have previously been confirmed by the Court of Revision, such assessment roll shall be amended in red ink, so as to incorporate and carry out the provisions of such report and direction, or an additional, substituted, or supplementary roll may be prepared for the said purpose, as the circumstances may require; every such amended, additional, substituted, or supplementary roll, and the assessment roll for every assessment made under paragraph (g) of subsection (2) hereof, shall be certified or authenticated by the signatures of at least two of the said Commissioners, and any slip, error, or omission therein may be corrected or amended by or by the direction of the said Commissioners or any two of them.

Roll to be authenticated.

Amending errors.

Quashing assessment.

“(6.) No special assessment roll or amended, additional, substituted, or supplementary roll authorized or required by this Part of this Act shall be subject to revision or confirmation by any Court of Revision, nor shall the same be quashed, set aside, or declared invalid in whole or in part, except on the ground that the same does not reasonably or substantially incorporate or carry out the provisions of the report or direction of the said Commissioners in that behalf, nor except upon application to quash such assessment in whole or in part, to be made as nearly as may be within the time and in the manner provided by Part VI., Division (3), of the ‘Municipal Act (1914),’ for the quashing of by-laws, orders, or resolutions.

Effect of certified roll.

“(7.) Every such assessment roll or amended, additional, substituted, or supplementary roll which shall have been certified or authenticated by the said Commissioners, and shall not have been

quashed as aforesaid, shall be and be deemed to be confirmed, and shall be valid and binding upon the Corporation and upon all owners and persons concerned, and upon the land specially assessed, notwithstanding any defect, error, or omission therein or in any report, direction, or by-law in relation thereto or to such work, or in any notice given or proceeding taken, or the omission of any notice or any proceeding which ought to have been given, taken, or done before the passing of the by-law for undertaking the work or thereafter down to and including the completion, amendment, or making of such roll or additional, substituted, or supplementary roll.

“(8.) Upon such assessment roll or amended or additional or substituted or supplementary roll being certified or authenticated as aforesaid, the by-law by which the original assessment for the work was imposed (if any), and all other by-laws and proceedings passed, had, or taken in relation to such work, shall ipso facto be and be deemed to be amended in all necessary particulars and respects, so as to conform with the report or direction of the said Commissioners in relation to such work, and with such assessment roll or amended, additional, substituted, or supplementary roll, as the case may be.

Authorization  
by-laws, etc.,  
ipso facto  
amended.

“(9.) Upon such assessment roll or amended, additional, substituted, or supplementary roll, as the case may be, being certified or authenticated as aforesaid, the Collector of the Corporation shall make all necessary or proper amendments, alterations, or entries in the Collector's roll (if any) relating to such work, or he may prepare a new additional, substituted, or supplementary Collector's roll in relation thereto, as the circumstances or convenience of the case may require.

Collector's roll.

“(10.) In every case where by reason of the exercise of the powers contained in subsection (2) of this section, a reduction is made in the amounts to be thereafter levied in each year upon any lot or lots assessed or to be assessed for the cost of any such work, the aggregate amount of such reduction, or of any deficiency in any year or from year to year in sinking fund or instalments of principal or interest required to be provided or paid in respect of the original securities issued in that behalf, shall be provided and made good by the Corporation, either by a rate sufficient to provide the same or by the issue of debentures or stock therefor, or partly in one way and partly in the other, as the Council may from time to time determine; and the provisions of subparagraph (II) of paragraph (h) of subsection (2) of this section (as hereby enacted) shall govern every such case, mutatis mutandis, so far as applicable.

Deficiency in  
assessments,  
how provided.

“(11.) It shall be lawful for the said Commissioners, on the application of any owner, in their discretion to exercise any of the powers conferred by sections 23 and 24 and by this section of this

Commissioners or  
Council may re-  
adjust assessments  
independently of  
each other.

Act in relation to any work, notwithstanding that the same shall not have been referred to them by the Council; and it shall be lawful for the Council to exercise by by-law the powers conferred on the said Local Improvement Commissioners by this Act in relation to any work which shall not have been referred to the Commissioners. In either of such cases the provisions of subsections (3) to (10), both inclusive, and subsection (12) of this section shall apply: Provided, however, that no by-law passed by the Council in pursuance of this subsection shall take effect unless or until considered by the said Commissioners and approved by a majority of the Commissioners, over their signatures.

Credit to be given  
for payment made  
in advance.

“(12.) In case it shall be found, on the investigation by the Commissioners of any such work of local improvement, that any person who is the owner of any lot or parcel at the time of such investigation has paid any instalment or instalments of the special assessment on such lot for such work in advance of maturity, or has paid the whole of the special assessment on such lot, and in the event of the Commissioners directing that relief be given to any owners who shall not have paid any such instalments in advance of maturity, the said Commissioners may direct by their report that such person so paying in advance or in full shall be given credit by the Corporation for such amount (if any) as they shall specify:

“(a.) In every such case the amount so directed to be credited shall be credited and applied by the Collector pro tanto in payment of subsequent instalments (if any) of such special assessment on such lot: Provided, however, that if no such subsequent instalments shall remain to be paid, or the amount of such credit shall be in excess of the amount of such subsequent instalments, such person shall be entitled to receive from the Collector a credit voucher for the amount of such credit or such excess (as the case may be), which shall, on presentation, be accepted as payment pro tanto of any taxes or annual payment or instalment or interest payable by such person in respect of the same or any other lot or parcel: Provided further that in the event of such person, or his heirs, executors, or trustees, ceasing to be the assessed owner of any rateable land in the said city, any such credit voucher and the moneys or credit represented thereby may be transferred by endorsement to any other assessed owner of rateable land, and used and applied for payment pro tanto of any taxes, or annual payment or instalment or interest payable by the transferee thereof, as he may specify:

“(b.) The moneys, credit, liability, or obligations represented by any such credit voucher shall not be subject to any process of attachment, garnishment, or execution; nor

shall the same be capable of assignment or transfer so long as the person to whom the same was issued, his heirs, executors, or trustees, continue to be the assessed owner of rateable land in the municipality, nor except as hereinbefore provided:

“(c.) The foregoing provisions of this subsection shall also apply, *mutatis mutandis*, in any case where the powers conferred by this Part of this Act are exercised by the Council independently of an investigation and report by the Commissioners as provided by subsection (11) of this section.

“(13.) The Local Improvement Commissioners shall have exclusive jurisdiction in relation to the special assessment for any work of local improvement referred to them at any time by the Council; and, save as provided by subsection (1) of this section in relation to corrections and amendments, their report or direction shall be final and conclusive. It shall not be competent for the Council to review, amend, alter, or rescind any such report, or to thereafter exercise in relation to the same work the powers conferred by section 57 of the ‘Local Improvement Act.’”

Commissioners' report not subject to alteration by Council.

(14.) The first eleven lines of section 27 of said chapter 105 are hereby repealed, and the following enacted in lieu thereof:—

Amending s. 27, validating certain street by-laws.

“27. Save as hereinafter provided, no by-law or professed or purported by-law heretofore passed by the Council for establishing, opening, making, preserving, improving, repairing, widening, altering, diverting, or stopping up any road, street, square, alley, lane, bridge, or other public thoroughfare, or for entering upon, expropriating, breaking up, taking, or using any real property in any way necessary or convenient for the said purposes, without the consent of the owners thereof, and no by-law hereafter passed for any of the said purposes (except for entering upon, expropriating, breaking up, taking, or using such real property without the consent of such owners), shall be quashed, set aside, declared invalid, or brought into question by reason of the fact that such by-law has not been published in the Gazette and in some newspaper published or circulating in the municipality, or that a certified copy thereof, accompanied by an application of the municipality for registration of the title acquired by the said expropriation proceedings and the usual fees, has not been filed with the Land Registry Office of the district in which the land affected by the by-law is situate; but every such by-law shall, notwithstanding any omission to so publish or to file the same, be deemed to have come into effect upon registration thereof in the office of the County Court Registrar, or upon registration thereof in such other manner as may be prescribed from time to time for the registration of by-laws in general by the ‘Municipal Act’ or any Act which may be substituted therefor.”

Re-enacting s. 29.

Assessments for local improvement works completed in part.

(15.) Section 29 of said chapter 105 is hereby repealed, and the following enacted in lieu thereof:—

“29. Notwithstanding the amendment or the partial repeal of section 133 of the ‘Municipal Act’ by section 25 of chapter 44 of the Statutes of 1916, or the enactment of section 10 of chapter 45 of the said Statutes of 1916, in case the Council shall have, before the coming into force of said chapters 44 and 45, deemed it inadvisable or impracticable to complete any work undertaken as a work of local improvement which has been completed or carried out in part, and shall have passed or assumed to pass a by-law authorizing an assessment to be made for the cost of such work so far as carried out or completed, and shall have, after the coming into force of the said chapters, obtained, or shall hereafter obtain, the approval of such by-law or assessment by the Lieutenant-Governor in Council, no such by-law nor any assessment made thereafter for the cost of such work so carried out in part shall be quashed, set aside, declared invalid, or brought into question by reason of the Council having made or imposed or assumed or purported to make or impose a final and not an interim assessment; or of the work originally undertaken or authorized not having been fully carried out or completed; or of the Council having proceeded under the said section 133 after such amendment or partial repeal thereof instead of under the said section 10 of said chapter 45; or of the Council having otherwise acted without jurisdiction in that behalf: Provided, however, that nothing in this section contained shall in any way prejudice or affect litigation pending at the time of the passing of this Act.”

S. 3 retroactive.

4. Section 3 of this Act shall relate back to and be deemed to have been in force and effect from and after the twenty-third day of April, A.D. 1918.

### PART III.

#### RELATING TO SCHOOL LOAN, ROYAL JUBILEE HOSPITAL, AND OTHER LOAN BY-LAWS.

Power to transfer certain balances to local improvement sinking fund account.

5. Notwithstanding any Statute or law to the contrary, it shall be lawful for the Corporation, by by-law and without the sanction or vote of the electors or ratepayers, to transfer to the credit of its local improvement sinking fund account, either generally or to particular items thereof, as may be determined, and to use as such sinking fund, the unexpended balances now standing to the credit of the various loans or undertakings respectively authorized by the several by-laws and Statute hereinafter set forth, together with

accrued interest on such balances; which said by-laws, Statute, and unexpended balances are as follows, namely:—

Admiral's Residence By-law, 1897 .....	\$ 109 17
New Point Ellice Bridge Loan By-law ...	333 78
City of Victoria Act, 1892 .....	67 70
Additional Fire Protection Loan By-law,	
1908 .....	268 16
\$50,000 Fire Protection By-law, 1910 ...	607 32
Public Convenience Loan By-law, 1910 ..	524 87
Dallas Road Foreshore By-law, 1910 .....	1,708 34
Cemetery Protection By-law, 1911 .....	274 11
Electric Lighting By-law, 1911 .....	545 00
Police Headquarters and Gaol By-law	
(1913) .....	1 73
Ross Bay Cemetery Expenditure By-law,	
1914 .....	3 17

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\$4,443 35

6. Notwithstanding anything contained in the "Municipal Act" or in any Act which may be substituted therefor, in any case where the Corporation shall have a sum of money, not exceeding one thousand dollars, on hand and unexpended after the completion or carrying-out of any work, undertaking, or purpose for which the same has been or shall have been borrowed pursuant to a vote of the electors or ratepayers of the municipality, it shall be lawful for the Council, without the vote or sanction of the said electors or ratepayers, to provide by by-law for the transfer of such unexpended sum and accrued interest thereon to the credit of the Corporation's general sinking fund or local improvement fund or any item or items thereof, as may be determined, and to use and apply the same for such sinking fund purposes accordingly.

General power to transfer unexpended balances to sinking fund account.

7. By-law No. 2012 of the Corporation (known as "School Loan By-law No. 12 Repeal By-law, 1918"), and being a by-law to repeal By-law No. 1652 thereof (known as "School Loan By-law No. 12"), is hereby confirmed, and the following provisions are enacted in relation to the subject-matter thereof:—

Validating repeal of "School Loan By-law No. 12."

- (1.) The debentures prepared and intended to be issued but not issued under the said By-law No. 1652 shall not be issued, sold, hypothecated, or otherwise negotiated or used, but shall be forthwith cancelled; and no debentures, stock, treasury certificates, or securities shall be signed, sealed, issued, sold, hypothecated, or otherwise negotiated or used under or by virtue of the said by-law or for or in relation to the debenture debt authorized to be incurred thereunder:

Unissued debentures to be cancelled.

- (2.) The omission by the Council to levy or raise, in or for the year 1918, the annual amount required by said By-law No.

Validating omission to raise 1918 instalment of sinking fund.

Consolidating sinking fund with other school loan balances.

Power to School Board to use consolidated fund.

Dispensing with assent of electors, etc.

Royal Jubilee Hospital Loan By-law.

Unissued debentures to be cancelled.

1652 to be raised on account of the sinking fund therein mentioned is hereby ratified and declared to have been lawful; and no sum or sums shall hereafter be raised or levied for interest or sinking fund under or by virtue of the said by-law or for or in relation to the said debenture debt thereby authorized:

- (3.) The sum of five thousand one hundred and thirty-two dollars and ninety-nine cents (being the amount heretofore realized for sinking fund under the said By-law No. 1652) shall, together with accrued interest thereon, forthwith be added to the sum of fifty-one thousand three hundred seventy-six dollars and thirty-three cents, being the total amount (without interest) of unexpended sums or balances heretofore raised by the Corporation and standing to the credit of the Board of School Trustees of Victoria for special and extraordinary expenses (as defined by the "Public Schools Act"); and the said sums of fifty-one thousand three hundred and seventy-six dollars and thirty-three cents and five thousand one hundred and thirty-two dollars and ninety-nine cents, together with accrued interest thereon respectively, shall be consolidated into one principal sum (hereinafter called the "consolidated principal sum"):
- (4.) It shall be lawful for the said Board of School Trustees to expend, apply, and use the whole or any part of the said consolidated principal sum for such "special and extraordinary expenses" (as defined by the "Public Schools Act") and in such amounts and at such time or times as the said Board may deem requisite, notwithstanding that the expenditure of the same may not be for the purpose or purposes for which the sums included in such consolidated principal sum were respectively authorized, raised, or borrowed in the first instance.
- (5.) The powers conferred by this section may be exercised without the vote or assent of the electors or ratepayers of the municipality or the approval of the Lieutenant-Governor in Council.

8. The following provisions are hereby enacted in relation to By-law No. 1424 of the Corporation (known as the "Grant in Aid of the Provincial Royal Jubilee Hospital By-law, 1912") and the subject-matter thereof:—

- (1.) The debentures authorized to be issued and heretofore prepared for issue under the said By-law No. 1424 shall not be issued, sold, hypothecated, or otherwise negotiated or used, but shall be forthwith cancelled; and no debentures, stock, treasury certificates, or securities shall be signed.



sealed, issued, sold, hypothecated, or otherwise negotiated or used under or by virtue of the said by-law, except after the amendment thereof and the issue of fresh debentures thereunder as in this section hereinafter provided:

- (2.) The omission by the Council to levy or raise, in or for the year 1918, the annual amount required by the said by-law to be raised for or on account of the sinking fund therein mentioned is hereby ratified and declared to have been lawful; and no amount shall hereafter be raised or levied for interest or sinking fund under or by virtue of the said by-law unless and until fresh debentures shall have been issued thereunder or in relation thereto as hereinafter provided, nor except in respect of such fresh debentures: Validates omission to raise 1918 instalment of sinking fund.  
No levy to be made till fresh debentures issued.
- (3.) It shall be lawful for the Council by by-law to divert to and use for the Corporation's general sinking fund or local improvement sinking fund, or any item or items thereof as may be determined, the sum of twenty-three thousand eight hundred and eleven dollars and seven cents (being the amount heretofore raised or levied for sinking fund under the said by-law), together with accrued interest thereon: Power to use sinking fund already raised.
- (4.) It shall be lawful for the Council by by-law to amend the said By-law No. 1424 in the following respects and for the following purposes, namely:—
- (a.) By amending section 3 of said by-law so as to alter or extend the date of the said debentures to such time as shall be fixed by the amending by-law, such debentures to be payable in twenty-five years after such altered or extended date: Altering date of debentures.
- (b.) By providing, at the option of the Council, for the issue of debentures of the serial kind or class (being the kind or class mentioned in paragraph (c) of subsection (4) of section 97 of the "Municipal Act," as enacted by section 20 of chapter 44 of the Statutes of 1916) instead of the sinking fund kind or class as now provided by the said by-law: Power to issue serial debentures.
- (c.) By amending section 4 of the said by-law so as to alter or amend the dates thereon, and so as to increase the rate of interest to be paid on the debentures, if necessary, in order to effect a sale thereof at a fair price: Increasing rate of interest.
- (d.) Amending section 8 of said by-law either: (1) By increasing the annual sum required to be raised for interest, in the event of the rate of interest being increased pursuant to the last preceding paragraph of this subsection; or (2) in the event of such fresh debentures being authorized of the said serial class or kind, by substituting a new section therefor, making suitable provision for debentures of such class or kind and for raising the annual Increasing sum to be raised for interest.

instalments of principal and interest therefor during the currency thereof:

Amending  
recitals, etc.

(e.) Amending the recitals or otherwise amending the said by-law where required in order to conform with any amendments made pursuant to paragraphs (a), (b), (c), or (d) hereof or with this Act:

Fresh debentures  
to be issued.

- (5.) Upon or after the amendment of the said by-law as afore-said, it shall be lawful for the Corporation to issue fresh debentures for the sum of two hundred and twenty-five thousand dollars for the purposes mentioned in said by-law and pursuant to the provisions thereof as so amended:

Powers to be exer-  
cised on notice from  
hospital.

- (6.) It shall be the duty of the Council to forthwith exercise the powers of amendment conferred by this section upon being required so to do, by notice under the seal of the Provincial Royal Jubilee Hospital, given to the Council at any time after the six months next following the termination of the present War, but in the event of such notice not being given it shall nevertheless be lawful for the Council, in its discretion, to exercise the said powers at any time. For the purposes of this subsection, the date of the termination of the said War shall mean and be taken to be the date of publication in the Canada Gazette of a Proclamation that a treaty of peace has been signed or entered into between His Majesty the King and the German Empire, Nation, or Government, or such other equivalent Proclamation as may be published in the said Gazette in that behalf:

"Termination of  
War" defined.

Dispensing with  
assent of  
electors etc.

- (7.) Notwithstanding anything contained in any Act or in the said By-law No. 1424, the powers conferred on the Council by this section may be exercised without the vote or assent of the electors or ratepayers of the municipality or the approval of the Lieutenant-Governor in Council, and such amended by-law shall not require the assent of such electors or ratepayers or the consent or approval of the Lieutenant-Governor in Council:

Power to consoli-  
date, etc., to apply  
to debentures.

- (8.) The rights and powers conferred by the "Municipal Act," or any Act which may be substituted therefor, in connection with consolidation, conversion, treasury certificates, or otherwise in relation to debentures or municipal securities shall apply to the said fresh debentures hereby authorized to be issued.

## PART IV.

## MISCELLANEOUS.

9. Notwithstanding anything contained in the "Local Improvement Act," and notwithstanding the absence of any by-law passed by the Council under section 51 thereof, no by-law or proceeding of the Council in relation to any granolithic, stone, cement, concrete, asphalt, or brick sidewalk or any pavement or curbing undertaken or constructed as a work of local improvement, and no special assessment imposed, or debenture, stock, treasury certificate, or other obligation issued wholly or in part, directly or indirectly, in respect thereof, shall be quashed, set aside, declared invalid, or brought into question on the ground or for the reason that a portion of the cost of such work has been or shall have been paid or authorized to be paid by the Corporation without a general by-law having been passed, under section 23 of the said Act, at any general or special meeting by a vote of three-fourths of all the members of the Council, providing that such part of the cost of every such sidewalk, pavement, or curbing as to the Council may seem proper which would otherwise be chargeable upon the land abutting directly on the work shall or should be paid by the Corporation.

Validating local improvement by-laws for paving etc., although no general by-law passed under s. 23 of "Local Improvement Act."

10. Notwithstanding anything contained in the "Local Improvement Act" or any amendment thereof, no special assessment heretofore made or imposed for or in respect of the cost of any work initiated, undertaken, or carried out in whole or in part by the Corporation or Council as a work of local improvement, and no debenture, stock, bond, treasury certificate, or other obligation issued wholly or in part, directly or indirectly, in respect thereof, shall be quashed, set aside, declared invalid, or brought into question on the ground that the special assessment roll in that behalf has been made up or revised by the Court of Revision according to the Act under which such work was initiated, authorized, or undertaken, instead of according to the procedure of the "Local Improvement Act."

Validating procedure of Court of Revision on certain local improvement assessments.

11. Notwithstanding anything contained in the "Municipal Act" or any other Act governing or relating to the Corporation or the municipality, no by-law, certificate, minute, proceeding, act, matter, or thing required by any of the said Acts to be signed, certified, kept, written, made, done, or performed by any designated or specified officer, official, or servant of the Corporation shall be quashed, set aside, held invalid, or brought into question by reason only of the fact that the same has been or shall have been signed, certified, kept, written, made, done, or performed by some other person appointed or authorized by the Council to act as or in the place, stead, or capacity of such designated or specified officer, official, or servant during the absence, incapacity, or disability of such officer, official, or servant, or during any vacancy in office, and acting as such accord-

Validating acts of "acting" officers.

ingly: Provided, however, that this section shall not extend to the administration of any oath by any such acting officer, official, or servant, or by any person not expressly designated or authorized in that behalf.

Recovery of expenses  
from patients at  
Isolation Hospital.

**12.** All expenses incurred by the Corporation in isolating or treating any person at its Isolation Hospital or hospital for infectious diseases on account of any contagious or infectious disease, or in providing medical skill, nursing or other assistance, medicines or necessities for such person at such hospital, shall be a debt due from such person to the Corporation, and, in the case of such person being an infant, shall be a debt due to the Corporation from the parents or guardians of such infant. Every such debt shall be recoverable by action in any Court of competent jurisdiction, with interest and costs.

By-laws relating to  
Elk Lake water-  
works property.

**13.** Notwithstanding any Statute or law to the contrary, it shall be lawful for the Council to make, alter, or repeal by-laws from time to time in relation to the property appertaining or belonging to the Corporation's waterworks situate in the Municipality of the District of Saanich, and commonly known as the "Elk Lake Reservoir and Watershed Property," for any of the following purposes, namely:—

Power to use for  
military hospital.

(a.) For entering into an agreement between the Corporation and the Government of Canada, or the proper Department or Minister thereof, for the use or occupation of all or any part of the said property, by way of loan, lease, licence, or otherwise, for the purposes of an invalided soldiers' or sailors' hospital, home, or sanatorium:

Power to use  
for park, etc.

(b.) For the use, enjoyment, improvement, and maintenance of all or any part thereof as a public park, recreation-ground, pleasure-ground, or municipal golf-links, and for making rules and regulations for the support, maintenance, conduct, order, and government thereof; and in such case all the rights and powers conferred by the "Municipal Act," or by any Act which may be substituted therefor, in relation to public parks, beaches, pleasure-grounds, or recreation-grounds shall be applicable thereto: Provided, however, that nothing in this or any other Act contained shall be taken to authorize the doing of anything which shall render the said reservoir or property unavailable or unfit for waterworks purposes, nor to in any way alter, impair, or affect the provisions of section 35 of the "Corporation of Victoria Water Works Act, 1873."

Regulating fixtures  
on streets and side-  
walks.

**14.** It shall be lawful for the Council to make, alter, or repeal by-laws for or in relation to any of the following matters, namely:—

(1.) For authorizing, regulating, or prohibiting the construction, placing, use, or maintenance, on, under, or over any

public sidewalks or streets in the municipality, of pumps, stands, tanks, pipes, hose, or fixtures for the supply or delivery of gasoline, oil, air, or water, or awnings, porches, porticos, verandahs, posts, signs, signboards, clocks, areas, cellars, openings, gratings, sidewalk lights, trapdoors, or other fixtures, and whether all or any thereof have been heretofore or shall hereafter be so constructed, placed, used, or maintained; for fixing, collecting, and regulating the payment of reasonable charges for the privilege of constructing, placing, maintaining, or using any or all or any class or classes, kind or kinds thereof; for prescribing, requiring, or entering into agreements or issuing, refusing, suspending, or rescinding permits in relation to any or all of the matters and things aforesaid; and for imposing fines or penalties for any infraction or breach of any such by-law, recoverable in the manner provided by the "Summary Convictions Act":

(a.) In the event of any claim, action, or other proceeding for loss, damages, expenses, or costs being brought, had, or taken against the Corporation by reason of the existence, maintenance, use, or condition of any fixture or thing now or hereafter constructed, placed, used, or maintained on, under, or over any public sidewalk or street as aforesaid, the Corporation shall be entitled to indemnity or contribution from the person constructing, placing, using, or maintaining the same, or from the owner of the land or real property in connection with which such fixture or thing is constructed, placed, used, or maintained, or from both, according to the particular circumstances. In any such case the Corporation shall furnish such persons or owner with a copy of the writ and statement of claim or plaint in such action, and thereupon such person or owner, or both, may, at the instance of the Corporation, be joined as a defendant or made a third party to any such action, suit, or proceeding brought or taken against the Corporation, or the Corporation's claim for indemnity or contribution may be made the subject-matter of an independent action. The amount of any judgment obtained by the Corporation from such owner shall, in addition to any other means of recovery or enforcement, be and form a lien against the land or real property in connection with which such fixture or thing is constructed, placed, used, or maintained, to the same extent as taxes, and shall be enforceable and recoverable as taxes:

Indemnity recoverable against owner, if Corporation sued for damages.

- (2.) For prohibiting, limiting, or regulating the use or passage of heavy motor-trucks, drays, wagons, teams, or conveyances (hereinafter called "heavy vehicles") for the carriage

Regulating heavy traffic on paved streets.

of passengers, freight, goods, or commodities on such streets or portions thereof or street pavements as the Council shall specify, define, or designate, and shall thereafter mark or indicate by suitable signs in that behalf; for specifying, limiting, defining, or regulating the weight or capacity of all or any or any class or kind of heavy vehicles and of their loads for the purposes hereby authorized, and for limiting or regulating the rate of their speed on any such streets or portions thereof or street pavements, but so that no rate of speed shall be authorized in excess of that prescribed by the "Motor-traffic Regulation Act"; for granting, refusing, suspending, cancelling, and regulating licences for or in respect of all or any such heavy vehicles, whether used or plying for hire or not, either uniformly or according to the class, kind, weight, or capacity thereof; for prescribing and enforcing the weighing, measuring, or other means of ascertaining, determining, or recording from time to time the weight or capacity of such heavy vehicles or their loads; for defining, distinguishing, or classifying "heavy vehicles" or any classes, kinds, or descriptions thereof for all or any of the purposes aforesaid; and for imposing fines or penalties for any infraction or breach of any such by-laws, recoverable in the manner provided by the "Summary Convictions Act."

Claims for compensation for land to be determined by action.

**15.** (1.) Notwithstanding anything contained in the "Municipal Act" or any Act repealing the same or which may be substituted therefor, or in the "Corporation of Victoria Water Works Act, 1873," every claim against the Corporation for compensation or damages for or in relation to real property entered upon, taken, used, or injuriously affected by or on behalf of the Corporation in the exercise of any of the powers conferred by the said Acts, including claims for compensation under section 367A of the "Municipal Act (1914)," shall, unless mutually agreed upon, be determined by an action, as hereinafter mentioned, instead of by arbitration as required by the said Acts.

(2.) If the amount of such claim shall not exceed two thousand five hundred dollars, such action shall be brought in the County Court of Victoria, and if the amount thereof shall exceed two thousand five hundred dollars, such action shall be brought in the Supreme Court.

(3.) The Statutes and Rules of Court from time to time in force governing actions in the said Courts, including appeals from judgments and orders therein, shall apply to and govern generally the said actions and the proceedings therein.

(4.) Any provisions of the "Municipal Act" or any Act repealing the same or which may be substituted therefor, or of the said

"Corporation of Victoria Water Works Act, 1873," which may be inconsistent with or repugnant to any of the provisions of this section shall, so far as the same are or shall be inconsistent or repugnant as aforesaid, but no further, be deemed to be repealed and superseded by this section; but any provisions thereof referring or relating to arbitrations, the measure, basis, or status of compensation or damages, the tender or offer of compensation and interest, the award or costs, which are capable of being applied, *mutatis mutandis*, to the said actions and the proceedings therein, shall be construed and interpreted as applicable thereto, *mutatis mutandis*, so far as may be.

16. Notwithstanding anything contained in subsection (2) of section 8 of the "Municipal Elections Act," the holder of a trade licence whose name has been or shall have been entered on the annual voters' list of the municipality for any year, pursuant to a statutory declaration in that behalf as required by said subsection, shall thereafter, from year to year, and without making a fresh declaration in that behalf, be entitled to have his name entered on such voters' list, but so long only as he shall continue to be the holder of such trade licence, and shall be in all other respects qualified to have his name entered as a voter on such list.

Entry of licence-holders on voters' list.

17. Notwithstanding anything contained in the "Land Registry Act," and in addition to all grounds of objection therein mentioned, the Council may, in its discretion, refuse to approve any plan of division, subdivision, resubdivision, or rearrangement of any land, for which the approval of the Council is required under the said Act, on the ground that such plan creates or provides for a lot or lots, parcel or parcels, having a frontage of less than forty feet on any street:

Approval of subdivision maps

- (1.) Provided, however: (a) That such additional ground for refusal shall extend only to land situate on or in a residential street, block, portion, district, or locality of the said city; (b) that the Council may by by-law from time to time define, specify, or declare what streets, blocks, portions, districts, or localities of the city are residential for the purposes or within the meaning of this section, and either by general description or classification or by reference to particular streets, blocks, portions, districts, or localities, as they may determine.

18. (1.) Notwithstanding anything contained in the "Municipal Act" or in any Act repealing the same or which may be substituted therefor, it shall be lawful for the Council to pass by-laws for granting, issuing, refusing, suspending, or cancelling licences for carrying on within the City of Victoria all or any of the trades, businesses, professions, occupations, callings, employments, or purposes hereinafter mentioned, and for inspecting, regulating, governing, or con-

Power to issue trade licences

trolling the conduct thereof and the premises in which the same or any of them are respectively carried on ; and for imposing and collecting licence fees from any or all persons holding or required to hold such licences, as follows, namely :—

- |                                   |   |
|-----------------------------------|---|
| Billiard and pool rooms.          | (a.) From any person having or keeping any premises where a billiard-table or pool-table is used for hire, compensation, or profit, a sum not exceeding ten dollars for each table for every six months :   |
| Bowling-alleys.                   | (b.) From any person having or keeping a bowling-alley for hire, compensation, or profit, a sum not exceeding ten dollars for each alley or runway for every six months :   |
| Rifle-galleries.                  | (c.) From any person having or keeping a rifle-gallery or shooting-gallery for hire, compensation, or profit, a sum not exceeding five dollars for each range or target for every six months :  |
| Wholesale trader.                 | (d.) From any person carrying on the business of a wholesale or wholesale and retail merchant or trader, a sum not exceeding one hundred dollars for every six months :   |
| Retail trader.                    | (e.) From any retail merchant or trader, a sum not exceeding twenty dollars for every six months. It shall be competent for the Council by any such by-law, in its discretion, to more fully or expressly enumerate, subdivide, designate, distinguish, or classify any or all kinds, classes, or descriptions of retail merchants or traders for the purpose of imposing licence fees therefor respectively of different amounts under this paragraph ; but in no case shall any such fee exceed the maximum amount hereinbefore by this paragraph specified : |
| Hawkers and peddlers.             | (f.) From any hawker, peddler, or huckster, a sum not exceeding fifty dollars for every six months :  |
| Agents for outside supply-houses. | (g.) From any person who, either on his own behalf or as agent for another, sells, or solicits or takes orders for the sale, by retail, of goods, wares, or merchandise to be supplied by any person resident or doing business outside the said city, a sum not exceeding fifty dollars for every six months :   |
| Laundries.                        | (h.) From any person having or keeping a public laundry or wash-house, a sum not exceeding ten dollars for every six months :   |
| Pawnbroker.                       | (i.) From any person carrying on the business of a pawnbroker, a sum not exceeding one hundred and twenty-five dollars for every six months :   |
| Second-hand dealers.              | (j.) From any person carrying on the business of a second-hand dealer or junk-dealer, a sum not exceeding thirty dollars for every six months :   |
| Hired vehicles.                   | (k.) From any person owning or keeping cabs, carriages, carts, wagons, drays, trucks, motor-cars, automobiles, or other conveyance or vehicles for hire (whether with or without  |



a driver), a sum not exceeding ten dollars for each such conveyance or vehicle for every six months: Provided that no person paying a licence fee for four or more horse-drawn vehicles under this paragraph shall be required at the time to hold a licence in respect of the livery-stable at which such vehicles are kept:

- (l.) From the driver of any cab, carriage, cart, wagon, dray, truck, motor-car, automobile, or other conveyance or vehicle kept for hire, a sum not exceeding five dollars for every six months: Drivers.
- (m.) From any person having or keeping a livery-stable, a sum not exceeding ten dollars for every six months: Livery-stables.
- (n.) From any person carrying on the business of a dealer only in second-hand or used automobiles or motor-cars, a sum not exceeding thirty dollars for every six months: Dealers in used motor-cars.
- (o.) From any person carrying on the business of a dealer in new automobiles or motor-cars, or a dealer in both new and second-hand automobiles or motor-cars, a sum not exceeding one hundred dollars for every six months. The holder of any licence under this paragraph shall also be entitled to carry on the business of selling automobile accessories, gasoline, oil, and supplies, and of repairing automobiles or motor-cars, without taking out any further licence therefor: Dealers in new motor-cars and supplies.
- (p.) From any bank or person carrying on the business of a banker at one place of business, a sum not exceeding two hundred dollars for every six months, and a further sum not exceeding fifty dollars for every six months for each additional place of business: Banks.
- (q.) From every person letting individual rooms, suites of rooms, or lodgings for hire, either in a hotel, rooming-house, apartment-house, lodging-house, or elsewhere, and whether or not board or meals are supplied to the occupants thereof, a sum not exceeding fifty cents for every six months for each room let or available for letting: Provided, however, that persons having not more than two rooms available for letting shall not be required to take out or hold a licence under this paragraph: Rooming-houses and hotels.
- (r.) From any person carrying on the business of selling beverages for consumption on the premises where the same are sold, and whether in conjunction with any other retail business or not, for each place or premises where such selling is carried on a sum not exceeding seventy-five dollars for every six months, in addition to the prescribed licence fee for a retail merchant or trader: Selling beverages by retail.
- (s.) From any person carrying on the business of manufacturing beverages for human consumption or of selling the same by wholesale, a sum not exceeding one hundred and fifty Manufacturer of beverages.

dollars for every six months, in addition to the licence fee for a wholesale merchant or trader:

Ship-builders.

- (*t.*) From every person carrying on the business of a ship-builder or shipyard, a sum not exceeding one hundred dollars for every six months:

Auctioneers.

- (*u.*) From any person selling property by auction (not being a Crown officer selling Crown property by auction, or a Sheriff, Sheriff's officer, or bailiff selling lands, goods, or chattels under a judgment or in satisfaction of rent or taxes), a sum not exceeding fifty dollars for every six months:

Transient trader.

- (*v.*) From any transient trader, a sum not exceeding five hundred dollars for every six months, in addition to the fee for any other licence applicable under this section. For the purposes of this paragraph, the expression "transient trader" shall mean and include any person offering to sell, by auction or otherwise, or to purchase goods, wares, or merchandise within the municipality, who, on being required by a municipal constable or police officer, or by the collector, licence collector, or licence inspector of the municipality to give security to the Corporation in the amount of five hundred dollars that he will carry on business as a retail trader in the municipality continuously for not less than six months, refuses or neglects to forthwith give such security to the satisfaction of such collector:

Transient real-estate agents.

- (*w.*) From any transient real-estate agent or land agent, a sum not exceeding two hundred dollars for every six months. For the purposes of this paragraph, the expression "transient real-estate agent or land agent" shall mean and include any person who, either on his own behalf or as agent for another, sells, solicits, or takes orders or agreements for the sale or transfer of lands situate outside the municipality and is not a tenant or occupier of business premises within the same, or who, if such tenant or occupier, on being required by a municipal constable or police officer, or by the collector, licence collector, or licence inspector of the municipality to give security to the Corporation in the amount of two hundred dollars that he will carry on business as a real-estate agent or land agent in the municipality continuously for not less than six months, refuses or neglects to forthwith give such security to the satisfaction of such collector:

Circus, etc.

- (*x.*) From any person who exhibits a public circus, menagerie, hippodrome, horse-show, dog or pony show, an amount not exceeding two hundred dollars for each day of such exhibition:

- (y.) From the proprietor, lessee, or manager of any theatre, Theatre.  
moving-picture theatre, amusement-hall, concert-hall, music-hall, opera-house, rink, amusement-park, or other place of amusement, entertainment, or exhibition, according to the seating capacity thereof (allowing seven hundred and four square inches for each seat), but not exceeding the following respective amounts:—

Seating capacity.	Licence Fees.
Less than 975.....	\$150.00 for six months; 100.00 for three months; 50.00 for one month; 7.50 for one day:
975 or more.....	\$250.00 for six months; 150.00 for three months; 75.00 for one month; 10.00 for one day:

Provided, however, that no such licence shall be required in respect of any performance, concert, exhibition, or entertainment, the entire proceeds of which, over and above actual bona-fide expenses, are devoted or given to any church, school, hospital, charitable, war fund, or patriotic purpose:

- (z.) From any express company, a sum not exceeding fifty dollars for every six months. Express company.
- (aa.) From any telephone company, electric light company, gas company, street railway or tramway company, power company or waterworks company, a sum not exceeding one hundred dollars for every six months. In the event of one company carrying on business of more than one of the kinds or descriptions hereinbefore in this paragraph enumerated, it shall be liable to hold and pay for a licence in respect of each kind or description of business so carried on: Telephone, gas, electric companies, etc.
- (bb.) From every person carrying on the business of a trust company, investment, loan, or mortgage agency, society, or company, a sum not exceeding fifty dollars for every six months: Trust companies, etc.
- (cc.) From any person carrying on business as a stock-broker, a sum not exceeding fifty dollars for every six months, in addition to any other licence fee applicable or chargeable under this subsection: Stock-broker.
- (dd.) From any person exhibiting for gain or profit waxworks, circus-riding, rope-walking, dancing, tumbling, wrestling, or other acrobatic or gymnastic performance, wild animals, trained animals, natural or artificial curiosities, freaks of nature, boxing, sparring, fencing, sleight of hand, legerdemain, jugglery, or other like tricks, glass-blowing, Miscellaneous exhibitions, etc.

tableaux, pictures, paintings, statuary, works of art or handicraft, or other performance, collection, or exhibition, when the same is exhibited elsewhere than in a theatre or other place duly licensed under paragraph (y) of this subsection, a sum not exceeding twenty dollars nor less than five dollars for each day of such exhibition :

- Department stores. (ee.) From any person carrying on a retail business which includes two or more distinctive lines of goods, wares, or merchandise, or a retail business in a department store, for each distinctive line or class of goods, wares, or merchandise sold therein a sum not exceeding twenty dollars for every six months : Provided that the Council may by by-law determine and declare what shops, stores, or premises or kinds or classes of shops, stores, or premises shall constitute department stores for the purpose of this paragraph, and what lines or classes of goods, wares, or merchandise may be sold therein respectively under one licence :
- Stevedore. (ff.) From any person who carries on the business of a stevedore or who takes contracts to load or unload ships, a sum not exceeding fifty dollars for every six months :
- Solicitors, physicians, surveyors, dentists, etc. (gg.) From any person practising, following, engaged in, or carrying on the profession, calling, or occupation of a solicitor or barrister-at-law, physician, surgeon, medical practitioner, or specialist, engineer, land surveyor, optometrist, refractionist, dentist, dental surgeon, osteopath, chiropractor, faith-healer, mental-healer, or other healer of human diseases or ailments, or veterinarian, a sum not exceeding twenty-five dollars for every six months :
- Plumbers, builders, etc. (hh.) From any person carrying on the business of a plumber, domestic, heating, or sanitary engineer, building contractor, or electrical contractor, a sum not exceeding twenty dollars for every six months :
- Foundries and machine-shops. (ii.) From any person carrying on the business of a foundry, machine-shop, sawmill, planing-mill, shingle-mill, or lumber-manufacturer, a sum not exceeding one hundred dollars for every six months :
- Occupations not otherwise specified. (jj.) From every person following, within the municipality, any profession, business, trade, occupation, employment, or calling not hereinbefore enumerated, or who enters into or carries on any contract to perform any work or furnish any material, a sum not exceeding twenty dollars for every six months. It shall be competent for the Council by any such by-law, in its discretion, to more fully or expressly enumerate, designate, distinguish, subdivide, or classify any or all such professions, businesses, trades, occupations, employments, callings, or contractors for the purpose of imposing licence fees therefor respectively of different

amounts under this paragraph; but in no case shall any such fee exceed the maximum amount hereinbefore by this paragraph specified.

(2.) The licences to be issued or granted as aforesaid may be in such form as may be prescribed by the by-law in that behalf, and shall (except where issued in the several cases mentioned in subsection (1) hereof providing for licences for a shorter time than six months) terminate on the fifteenth day of July or the fifteenth day of January: Provided, however, that the Council may, in its discretion, provide, in any or all cases, that the licence shall or may be issued for the term of one year instead of for six months, and in such case the licence fees therefor shall be double the respective fees hereinbefore specified for a term of six months. The Council shall not be compellable to make any reduction from the amount of any licence fee on account of the same being in force for less than six months or one year, as the case may be, but it shall, nevertheless, be at liberty to make or authorize any proportionate reduction on that account in any case.

Form and period  
of licences.

(3.) It shall be competent for the Council to provide by by-law:—

(a.) That in any case or in all cases where any person required by any by-law to take out or hold a licence as aforesaid is a member of any firm or partnership consisting of more than one person, it shall be a sufficient compliance with such by-law or with this section if one licence is taken out by or in the name of such firm or partnership, and one licence fee is paid therefor:

Partnership  
licences.

(b.) That any person holding a licence shall be entitled to change his place of business, subject to compliance with any by-laws of the Corporation relating to location, nature, condition, or approval of the premises to be used or occupied therefor, or to any other by-laws relating to the application for or subject-matter of the licence; but no person shall be entitled to carry on business at two or more premises or places of business at the same time under one licence:

Changing place  
of business.

(c.) That (except where provision is made to the contrary by subsection (1) hereof) in cases where any person follows, practises, carries on, or conducts, in the same premises or otherwise, businesses, trades, occupations, employments, or callings of more than one of the kinds, descriptions, or classes provided for by said subsection (1), he shall be liable or required to take out and pay for a licence in respect of each of such businesses, trades, occupations, employments, or callings:

Provision for  
persons having  
more than one  
trade or business.

(d.) That (except where provision is made to the contrary by subsection (1) hereof) in cases where any person follows, practises, carries on, or conducts, in the same premises,

Ditto.

businesses, trades, occupations, employments, or callings of more than one of the kinds, descriptions, or classes provided for by said subsection (1), he shall be liable or required to take out and pay for a licence of whichever kind, description, or class is subject to payment of the higher licence fee.

Licence must  
be taken out.

(4.) Every person conducting, practising, following, engaging in, or carrying on, within the said city, any trade, business, occupation, employment, or calling in respect of which a licence is required pursuant to any by-law passed under this section shall take out a licence therefor for such period as shall be specified by such by-law, and shall pay therefor, in advance, to the Collector of the Corporation, such sum as shall be imposed by such by-law in that behalf.

Penalty for  
trading without  
licence.

(5.) Every person who shall, within the said city, conduct, practise, follow, engage in, or carry on any trade, business, profession, occupation, employment, or calling for which a licence is required under any such by-law, without being the holder of a subsisting licence in that behalf, shall be liable, on summary conviction, to a penalty not exceeding two hundred and fifty dollars for each offence, in addition to the amount which should have been paid for such licence, which said penalty and amount shall, for the purpose of enforcement or recovery under this section, be held to be one penalty, and shall be enforceable and recoverable in manner provided by the "Summary Convictions Act."

Recovery of  
licence fee  
by action

(6.) Notwithstanding anything hereinbefore contained, the amount of any or every licence fee payable by any person under the provisions of this section, or of any by-law passed in that behalf, shall be a debt due by such person to the Corporation, recoverable, with costs, in any Court of competent jurisdiction.

Power to use part  
of certain streets  
as extension of Ross  
Bay Cemetery.

**19.** In the case of any public street or highway fronting on or adjoining the northerly or westerly boundaries of the Corporation's cemetery, known as "Ross Bay Cemetery," it shall be lawful for the Council, with the written consent and approval of the Local Improvement Commissioners, by by-law to declare that all or any part of such street or highway in excess of fifty feet in width shall be closed or stopped up as such, and shall thereafter be and become included in and a part of the said cemetery:

Local Improvement  
Commissioners to  
make adjustments  
of local improve-  
ment taxes.

Provided, however, that in the event of any such street or highway having been widened or extended as or as part of a work of local improvement, it shall be the duty of the Local Improvement Commissioners to exercise, in relation to the owners' portion of the cost thereof or special assessment therefor, the powers conferred on them by section 23 of the said "Victoria City Relief Act, 1918 (No. 2)," and, in dealing with such assessment and the owners' portion of the cost of such work, to take into consideration the fact of such street or highway or portion thereof having been so closed or stopped up.

**20.** (1.) Notwithstanding anything contained in the "War Relief Act" or any other Act, in any case where land or real property of a soldier (as defined by this Act) has been sold for taxes and has not been redeemed, but no tax-sale deed has been issued therefor, it shall be lawful for the Council, by resolution, at any time before delivery of the tax-sale deed to cancel the sale of such land or real property, and refund to the purchaser the amount paid therefor, with interest thereon at the rate of eight per centum per annum from the time of such sale, and also to refund any municipal taxes subsequently paid by such purchaser or those claiming through or under him in respect of such land or real property, with interest on the amount of such taxes at the said rate from the time or respective times of payment thereof.

Council may  
rescind tax sale of  
soldiers' lands.

(2.) Upon any such sale being cancelled and such purchase money and subsequent taxes (if any) and interest being refunded as aforesaid, neither the said purchaser nor any person claiming through or under him shall have any further claim or demand against the Corporation or its officers, in debt, damage, or otherwise, in respect of such sale or the cancellation thereof; and thereupon the amount for which such land or real property was so sold, and the amount of subsequent taxes so paid (if any), and the interest on the said amounts as aforesaid, shall ipso facto reattach as taxes against such land or real property, as of their former status and as of the respective dates when such sale was made or such subsequent taxes paid; and the said amounts and interest shall be and continue to be a lien upon such land or real property as if such sale had not been made or such subsequent taxes had not been paid, and shall thereafter be deemed to be delinquent taxes or taxes in arrear or unpaid, as the case may be, according to such respective dates.

If sale rescinded,  
taxes to reattach.

**21.** Nothing in this Act contained shall prejudice or affect any litigation pending on the thirty-first day of December, 1918.

Pending litigation.

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