

CHAPTER 67**An Act to Amend the Vancouver Charter**

[Assented to 30th March, 1972.]

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, 1972*.

**Amends
s. 3.**

2. Section 3 of the Vancouver Charter is amended by renumbering the present section as subsection (1) and adding the following:

(2) Whenever in this Act or in any by-law passed pursuant to this Act it is provided that any notice or other document is required to be published in a newspaper or any notice is required to be given by mail and if, in the opinion of Council, conditions prevailing at the time make it impossible to comply with such requirements or any of them, Council shall have power to determine an alternative procedure and any notice given in accordance with that procedure shall for all purposes be an effective and valid notice.

**Amends
s. 6.**

3. Section 6 of the said Act, as amended by chapter 54 of the Statutes of British Columbia, 1970, is further amended by inserting the words and figures "District Lot two thousand and twenty-seven (2027)" immediately after the words "from the westerly boundary of" in the eighty-fourth line.

**Amends
s. 7.**

4. Section 7 is amended by striking out the words "who is a British subject and" in the first and second lines of clause (a) and substituting the following: "who is a Canadian citizen or other British subject and on the date of the election will be".

**Further
amends
s. 7.**

5. Section 7 is further amended by striking out clause (b) and substituting the following:

(b) Every person (being a corporation other than a corporation provided in clause (a), which, on the thirty-first day of August 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 or is an occupier having a right or interest in a parcel of Crown lands, if

there is on file with the City Clerk before the eighth day of September a written authorization naming some person who is a Canadian citizen or other British subject and who, on the date of the election, will be nineteen years of age, to be its agent to vote on behalf of such corporation.

- Amends
s. 8.** 6. Section 8 is amended by striking out the words “who is a British subject and” in the first and second lines of clause (a) and substituting the words “who is a Canadian citizen or other British subject and, on the day of the election, will be”.
- Further
amends
s. 8.** 7. Section 8 is further amended by striking out all the words in clause (b) after the word “person” in the fifth line and substituting the following:
 “who is a Canadian citizen or other British subject and on the date of the election will be nineteen years of age to be its agent to vote on behalf of such corporation.”
- Amends
s. 9.** 8. Section 9 is amended by striking out the words “is a British subject of the full age of nineteen years” in subsection (1) and substituting the following:
 “is a Canadian citizen or other British subject and, on the day of the election, will be nineteen years of age”.
- Amends
s. 44.** 9. Section 44 is amended by numbering the present section as subsection (1) and adding as subsection (2) the following:
 (2) Every candidate for the office of Mayor shall deliver to the Returning Officer with his nomination-paper a deposit as required by section 44A.
- Enacts
s. 44A.** 10. The said Act is further amended by inserting the following as section 44A:
 44A. (1) Every candidate for the office of Mayor shall deposit with the Returning Officer \$300.00 in legal tender or a cheque made payable to City of Vancouver for that amount drawn by him upon and accepted by any chartered bank doing business in British Columbia.
 (2) The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a number of votes equal to or greater than 5% of the sum of the valid votes cast for all candidates for the office of Mayor; otherwise it shall belong to the City.
- Amends
s. 45.** 11. Section 45 is amended by striking out the words “full name” wherever they appear in the form of nomination-paper therein set out and substituting therefor the word “name”.
- Amends
s. 46.** 12. Section 46 is amended
 (a) by striking out the word “nomination” in the first line of subsection (2) and substituting therefor the word “nominator”;

(b) by striking out the words “full name” in the second line of subsection (3) and substituting therefor the word “name”;

(c) by adding as subsection (4) the following:

(4) The name of the person nominated as set forth on the nomination-paper shall contain his surname, one given name and, at the option of the candidate, his other given names or the initials thereof. The name of the candidate which will appear on the ballot-paper shall be identical to the name appearing on the nomination-paper.

**Amends
s. 47.**

13. Section 47 is amended by striking out the present clause (b) and relettering the present clause (c) as clause (b).

**Re-Enacts
s. 57.**

14. Section 57 is repealed and the following substituted therefor:

57. The poll shall open at eight o'clock in the forenoon of polling-day and be kept open until eight o'clock in the afternoon of the same day and no longer; provided, however, that the Council may, by by-law, provide for the holding of an advanced poll at such place as Council may determine, to be kept open at such times between nomination-day and polling-day as the by-law may prescribe. Except as otherwise provided in sections 36B, 73, and 73A only a person whose name is on the current list of electors and who subscribes and files with the Returning Officer or Deputy Returning Officer, as the case may be, a statement that he expects to be absent from the city or a patient in a hospital on polling-day shall be permitted to vote at an advanced poll. Except during the hours when the advanced poll is open, the Returning Officer shall keep the ballot-boxes used therefor sealed so that no ballot-papers may be inserted therein or withdrawn therefrom. The Returning Officer shall take due precautions to prevent any voter at an advanced poll from voting again on polling-day. After the close of the poll the Returning Officer, or a Deputy Returning Officer designated by him, shall open the ballot-boxes and count the ballots cast at the advanced poll.

**Amends
s. 60.**

15. Section 60 is amended by striking out clause (b) and substituting therefor the following:

(b) to appoint Deputy Returning Officers for conducting the poll. A Deputy Returning Officer may, with the approval of the Returning Officer, appoint such poll clerks and other persons as may be necessary to conduct the poll;

**Amends
s. 64.**

16. Section 64 is amended by inserting at the end thereof the following:

“In addition to the surname of each candidate the ballot shall contain one of his given names and, if shown on his nomination-paper, his other given names or the initials thereof.”

**Enacts
s. 73A.**

17. The said Act is further amended by adding as section 73A the following:
73A. (1) Where a person claims to be a qualified elector and his name does not appear to be on the current list of electors, he shall be entitled to receive ballot-papers upon swearing or affirming an affidavit in the form required to the effect that he is qualified to vote at the election.

(2) Upon marking the ballot-papers he shall return them to the Deputy Returning Officer or a poll clerk who shall place them in an envelope on the back of which is the elector's affidavit. The envelope shall be sealed and placed in a separate ballot-box kept to receive ballots cast pursuant to this section.

(3) At the close of the poll all ballot-boxes kept to receive ballots cast pursuant to this section shall be delivered to the Returning Officer. The Returning Officer shall open the boxes and examine the affidavits on the ballot-envelopes in the presence of such of the candidates or their agents as may be present.

(4) Where the Returning Officer determines that the affidavit in the required form has been properly affirmed or sworn, and

- (a) the name of the person who affirmed or swore the affidavit appears on the current list of electors; or
- (b) it appears from the records kept by the assessor that the person who affirmed or swore the affidavit was entitled to be entered on the list of owner-electors but was inadvertently left off the list; or
- (c) the name of the person who affirmed or swore the affidavit appears on the register of electors; or
- (d) the name of the person who affirmed or swore the affidavit appears on the list of electors last prepared prior to the current list of electors

he shall open the ballot-envelope and place the ballot in a ballot-box to be dealt with by a Deputy Returning Officer in accordance with the provisions relating to proceedings after the close of the poll; otherwise the ballot-envelope shall be destroyed without being opened.

**Amends
s. 77.**

- 18.** Section 77 is amended by numbering the present section as subsection (2) and inserting as subsection (1) the following:

(1) Except where otherwise specifically provided herein, any oath, affirmation, affidavit, statutory declaration that, under Parts I or II of this Act or any by-law authorized hereby, is required or authorized to be administered, sworn, affirmed, or declared may be administered by, sworn, affirmed, or declared before the Returning Officer, a poll clerk or any person appointed in writing by the City Clerk for that purpose.

**Enacts
s. 79A.**

- 19.** The said Act is further amended by adding as section 79A the following:

79A. (1) A person who is a patient in a hospital who is unable to go to the polling place or advanced poll for an election because he will still be a patient in a hospital may apply in writing to the Returning Officer to vote at the election in accordance with the provisions of this section.

(2) An application to vote pursuant to this section shall be made at least 14 days, or such other period of time as Council may direct, before the day of the election.

(3) Where the Returning Officer is satisfied that a person who has applied to vote pursuant to this section is entitled to receive a ballot-paper at the election is a patient in a hospital, and because of being a patient in a hospital will be unable to attend at a polling-place or advanced poll he shall, prior to

the date of the election, send to such person by mail or otherwise such ballot-papers as the person is entitled to mark together with such declarations, affidavits, forms, envelopes and other material as may be required to enable the person to vote in accordance with procedure determined by Council pursuant to subsection (10).

(4) The Returning Officer shall take due precautions to prevent a person receiving ballots pursuant to this section from voting at his polling-place or the advanced poll.

(5) The Returning Officer shall keep a record in a separate poll-book of the names of the persons to whom he has sent ballots pursuant to this section.

(6) A person voting pursuant to this section shall mark the ballot in accordance with the provisions of this Act.

(7) A person voting pursuant to this section shall vote in accordance with the procedure determined by Council as provided in subsection (10) and shall deliver the ballot-papers to the Returning Officer not later than the close of polls on the day on which the polling takes place.

(8) Upon receiving a ballot in manner and form provided by Council pursuant to subsection (10) the Returning Officer, if satisfied as to the identity of the person from whom it was received, that the person is qualified to vote and has complied with the procedure determined by Council, place the ballot in a ballot-box maintained by him for receiving ballots cast pursuant to this section; otherwise he shall destroy the ballot.

(9) After the close of polling on polling-day a Deputy Returning Officer designated by the Returning Officer shall open the ballot-box maintained for receiving ballots pursuant to this section and count, tally and deal with the ballots in accordance with the provisions relating to proceedings after the close of the poll.

(10) The Council shall from time to time define the word "hospital" and determine the manner in which voting pursuant to this section shall occur and the form of the ballot.

(11) The City Clerk shall, by advertisement or other means, give reasonable notice of the provisions of subsection (1).

Re-Enacts
s. 184.

20. Section 184 is repealed and the following substituted therefor:

184. (1) The Council, for its own information, may submit for the opinion of the electors any question with which the Council has or desires to have the power to deal; provided that, subject as otherwise provided in subsection (2), any question necessitating the borrowing of money on the part of the City shall be submitted to the owner-electors only. The current list of electors shall be used.

(2) The Council may by resolution passed by not less than two-thirds of all members of Council, provide that all persons whose names appear on the current list of electors shall be entitled to vote from time to time on any question necessitating the borrowing of money on the part of the City. A resolution passed pursuant to this section shall not be rescinded except by the votes of not less than two-thirds of all members of Council.

Re-Enacts
s. 201.

21. Section 201 is repealed and the following substituted:

201. (1) The Council may temporarily invest any money not immediately required to meet the lawful expenditures of the City in securities

- (a) of or guaranteed by the Government of Canada or any Province of Canada;
 - (b) of the Greater Vancouver Regional District, the Greater Vancouver Water District, the Greater Vancouver Sewerage and Drainage District, or the City of Vancouver, which mature within one year from the date of acquisition;
 - (c) of the Municipal Finance Authority of British Columbia which mature within one year from the date of acquisition;
 - (d) of or guaranteed by any chartered bank in Canada;
- and thereafter to dispose of such securities as and when Council deems advisable.

(2) The Council may authorize the expenditure for any lawful purpose of any balance carried forward from a previous year.

**Amends
s. 259.**

22. Clause (a) of section 259 is repealed and the following substituted:

- (a) temporarily invest such funds or any part thereof in securities
 - (i) of or guaranteed by the Government of Canada or any Province of Canada;
 - (ii) of the Greater Vancouver Regional District, the Greater Vancouver Water District, the Greater Vancouver Sewerage and Drainage District, or the City of Vancouver, which mature within one year from the date of acquisition;
 - (iii) of the Municipal Finance Authority of British Columbia which mature within one year from the date of acquisition;
 - (iv) of or guaranteed by any chartered bank in Canada;
- and thereafter to dispose of such securities as and when Council deems advisable.

**Re-Enacts
s. 260.**

23. Section 260 is repealed and the following substituted:

260. Council may invest any sums set aside for sinking fund purposes in securities

- (a) of or guaranteed by the Government of Canada or of or guaranteed by a Province of Canada;
- (b) of or guaranteed by any chartered bank in Canada;
- (c) of the Greater Vancouver Water District or the Greater Vancouver Sewerage and Drainage District;
- (d) of the City of Vancouver;
- (e) of the Greater Vancouver Regional District;
- (f) of the Municipal Finance Authority of British Columbia.

**Re-Enacts
s. 267.**

24. Section 267 is repealed and the following substituted therefor:

267. (1) Where a by-law requires the assent of the electors, then subject as otherwise provided in subsection (2), only those persons whose names appear on the current list of electors as owner-electors shall be entitled to vote on the by-law, and each such person shall be limited to one vote. The voting shall be by ballot, and the ballot-papers to be used shall contain a concise

statement of the objects or purposes of the by-law and shall have printed thereon the phrases "for the by-law" and "against the by-law". Opposite to each such phrase, there shall be provided a blank space wherein the voter may mark the cross to indicate his preference. The Council may direct the holding of an advanced poll for voters on the by-law as provided by section 57 of this Act.

(2) The Council may by a resolution passed by not less than two-thirds of all members of Council, provide that all persons whose names appear on the current list of electors shall be entitled to vote from time to time on a by-law requiring the assent of the electors. A resolution passed pursuant to this section shall not be rescinded except by the votes of not less than two-thirds of all members of Council.

**Amends
s. 291.**

25. Section 291 is amended by adding to clause (e) the words: "and for making a charge for providing particulars of such grade or level;".

**Amends
s. 323.**

26. Section 323 is amended by inserting immediately at the end of clause (b) the following:

"and for providing that the occupant of any real property shall be deemed to be responsible for any noise emanating or which has regularly emanated from such real property and shall be liable to the penalties provided in the by-law."

**Amends
s. 398.**

27. Section 398 is amended by striking out the word "six" in the seventh line of subsection (3) and substituting the word "eight".

**Amends
s. 415.**

28. Section 415 is amended by inserting the words "or after" immediately following the words "delinquent on" in the third line of subsection (2).

**Enacts
s. 489B.**

29. The said Act is further amended by inserting immediately after section 489A the following as section 489B:

489B. (1) Council may from time to time by by-law authorize the payment of an annual indemnity not exceeding one thousand dollars to each member of the Board.

(2) A by-law passed under subsection (1) may provide that a portion of the annual indemnity to be paid to a member of the Board shall be paid as an allowance for expenses incidental to the discharge of the duties of his office.

**Amends
s. 506B.**

30. Subsection (1) of section 506B is amended by striking out the word "services" where it appears in the third and fourth lines; and by relettering clause (d) as clause (f) and inserting immediately after clause (c) the following:

(d) any rental payable in respect of the space occupied by the project;

(e) a sum equal to real-property and local-improvement taxes which would be levied against the land and improvements comprised in the project but for the exemptions from such taxes allowed on real property vested in the city;

**Enacts
s. 540A.**

- 31.** The said Act is further amended by inserting immediately after section 540 the following as section 540A:

540A. If in the opinion of Council it is necessary or expedient to acquire personal property in conjunction with the acquisition of real property, such personal property may be expropriated and all the provisions of this part with respect to the expropriation of real property shall apply mutatis mutandis to the expropriation of personal property.

**Amends
s. 333.**

- 32.** Section 333 is amended by striking out the words "inflict reasonable fines and penalties not exceeding one hundred dollars and costs" in clause (a) and substituting "inflict fines and penalties".

**Enacts
s. 336C.**

- 33.** The said Act is further amended by inserting the following as section 336C:

336C. Notwithstanding anything else contained in this Act, wherever Council has power to regulate buildings occupied as multiple dwellings or any person carrying on the business of renting accommodation therein, it may provide that the person having actual control of such building shall be deemed to be responsible for any violation of any by-law passed pursuant to such power and that he shall be liable to the penalties provided therein.