



## CHAPTER 58.

### An Act to amend the "Vancouver Incorporation Act, 1921."

[Assented to 14th March, 1928.]

**W**HEREAS a petition has been presented by the City of Van- Preamble  
couver praying that the "Vancouver Incorporation Act, 1921,"  
be amended:

And whereas it is deemed expedient to grant the prayer of the  
said petition:

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

1. This Act may be cited as the "Vancouver Incorporation Act, short title  
1921, Amendment Act, 1928."

2. (1.) Section 4 of the "Vancouver Incorporation Act, 1921," Repeals s. 4  
being chapter 52 of the Statutes of British Columbia, 1921 (Second  
Session), is repealed, and the following inserted in lieu thereof as  
section 4:—

"4. The area comprised within the limits of the city shall be City limits defined  
bounded as follows: Commencing at a point on low-water mark on  
the south shore of the First Narrows, or Lions Gate, which point is  
due north of Prospect Point Lighthouse; thence south-easterly in a  
straight line to the point where the production northerly of the  
westerly limit of Nanaimo Street would intersect with low-water  
mark on the south shore of Burrard Inlet; thence northerly, along  
the said westerly limit of Nanaimo Street thus produced, to the point  
where the same would be intersected by a line drawn astronomically  
west from the point of intersection of low-water mark on the south  
shore of Burrard Inlet with the production northerly of the easterly  
boundary of the Town of Hastings; thence astronomically east to  
the aforementioned point of intersection; thence southerly and fol-  
lowing the easterly boundary of the Town of Hastings produced as

aforementioned, the said easterly boundary of the Town of Hastings, the easterly boundary of District Lot Thirty-six (36), the easterly boundary of District Lot Forty-nine (49), the easterly boundary of District Lot Three hundred and thirty-nine (339), the easterly boundary of District Lot Three hundred and thirty-five (335), the easterly boundary of District Lot Three hundred and thirty-one (331), and the production southerly of the said easterly boundary of District Lot Three hundred and thirty-one (331) to intersection of the same with a line parallel to and two hundred (200) feet perpendicularly distant southerly from low-water mark on the north bank of the North Arm of the Fraser River; thence westerly and following the said line parallel to and two hundred (200) feet perpendicularly distant southerly from low-water mark of the north bank of the North Arm of the Fraser River to intersection of the same with the production southerly of the westerly boundary of District Lot Three hundred and eleven (311); thence southerly along the said westerly boundary of District Lot Three hundred and eleven (311) thus produced to the centre line of the North Arm of the Fraser River; thence westerly and following the said centre line and continuing along the centre line of the channel of navigation of the North Fork of the North Arm of the Fraser River, passing to the north of Sea Island, Richmond Island, Woods Island, Christopher Island, and Ione (or McMillan Island), and to the south of Cowan Island (D.L. 307), Stewart Island (D.L. 308), and Doering Island (D.L. 306), to intersection of the said centre line with the production southerly of the easterly boundary of the Musqueam Indian Reserve Number Two; thence northerly along the said easterly boundary thus produced to intersection of the same with a line parallel to and five hundred (500) feet perpendicularly distant southerly from the south-westerly boundary of the said Indian reserve; thence westerly and north-westerly following the said parallel line to intersection of the same with the production southerly of the westerly boundary of the Musqueam Indian Reserve; thence northerly along the said westerly boundary thus produced and the said westerly boundary to the north-westerly corner of the Musqueam Indian Reserve; thence easterly, northerly, and easterly following the northerly boundary of the said Indian reserve to the westerly boundary of District Lot Three hundred and twenty (320); thence northerly along the said westerly boundary of District Lot Three hundred and twenty (320) and the westerly boundary of District Lot Two thousand and twenty seven (2027) to the north-west corner of District Lot Two thousand and twenty-seven (2027); thence continuing northerly in a straight line to a point on the centre line of Sixteenth Avenue, which point is distant thirty-three (33) feet westerly measured along the said centre line of Sixteenth Avenue from the production northerly of the westerly boundary of Block Forty-four (44) of District Lot One hundred and thirty-nine (139); thence westerly along the centre

line of Sixteenth Avenue to intersection of the same with a line parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundary of Block One hundred and sixty (160), District Lot Five hundred and forty (540); thence northerly parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundaries of Blocks One hundred and sixty (160), One hundred and fifty-nine (159), One hundred and fifty-two (152), One hundred and fifty-one (151), and One hundred and forty-four (144), respectively, District Lot Five hundred and forty (540), to intersection of the same with the centre line of Sixth Avenue; thence westerly on the centre line of Sixth Avenue, being along a curve to the left parallel to and forty (40) feet perpendicularly distant southerly from the southerly boundary of Block Seven (7), District Lot One hundred and forty (140), to intersection of the same with the continuation southerly of the curve parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundary of Block Seven (7), District Lot One hundred and forty (140); thence northerly along the said curve parallel to and thirty-three (33) feet perpendicularly distant westerly from the westerly boundary of Block Seven (7), District Lot One hundred and forty (140), and along the continuation northerly thereof to intersection of the same with the centre line of the one hundred and twenty-foot street lying between Blocks Six (6) and Seven (7) of District Lot One hundred and forty (140) (which street is now known as Fourth Avenue); thence westerly along the centre line of the said one-hundred-and-twenty foot street to intersection of the same with the production southerly of the westerly boundary of Block Five (5), District Lot One hundred and forty (140); thence northerly along the said production and the westerly boundary of the said Block Five (5) and following the westerly boundary of Block Three (3), District Lot One hundred and forty (140), and the westerly boundary of Block One (1), District Lot One hundred and forty (140), to the north-west corner of said Block One (1); thence continuing northerly along the production of the said westerly boundary a distance of two thousand feet; thence easterly in a straight line to a point situate on the production northerly of the westerly boundary of Arbutus Street, distant two thousand feet northerly from the northerly boundary of McNicoll Avenue; thence north to intersect low-water mark in front of Stanley Park; thence north-westerly, northerly, and north-easterly and following the line of low-water mark in front of said Stanley Park to the point of commencement."

(2.) The amendment to said section 4 enacted by this section shall come into force and take effect on the first day of January, 1929.

3. Subsection (5) of section 8 of said chapter 55 is amended by striking out the words "more than once for Alderman in any" in

the third line thereof, and substituting therefor the words "for Alderman in more than."

Enacts s. 53A.

4. Said chapter 55 is amended by adding thereto the following as section 53A:—

"53A. The Court of Revision shall have power to fix, in any case in which the Court deems it advisable so to do, the assessment upon such land as is held in a block of three or more acres and used solely for agricultural or horticultural purposes, and during such use only, at the value which the same has for such purposes without regard to its value for any other purpose or purposes."

Amends s. 57.

5. Section 57 of said chapter 55 is amended by striking out all the words after the word "of" in the last line thereof, and substituting therefor the words "two cents on the dollar."

Re-enacts s. 58.

6. Section 58 of said chapter 55 is repealed, and the following section inserted in lieu thereof:—

"58. The rate or rates referred to in section 57 shall, in respect of improvements, be levied upon not more than fifty per cent. of the assessed value thereof."

Amends s. 103  
in part.

7. Section 103 of said chapter 55 is amended by striking out all the words in said section after the word "vote" in the tenth line thereof, and substituting therefor the following words:—

"Provided, however, that if the city is divided into two or more wards, an owner of real property in more than one ward shall be entered on the voters' list in the ward in which he has the largest amount of real property in value, according to the last revised assessment roll; but any such owner may, upon application to the City Clerk before the final revision of the voters' list, have his name transferred to any other ward in which he is the owner of real property; and where an owner is also a tenant, he shall vote only as an owner."

Amends s. 163 by  
adding subsecs.  
(126a) and (126b).

8. (1.) Section 163 of said chapter 55 is amended by adding thereto the following as subsections (126a) and (126b):—

"(126a) For licensing any person, firm, or corporation carrying on within the city the business of a manufacturer, not to exceed the amount of one hundred dollars per annum; provided that in no case shall the amount of any licence fee so imposed exceed the rate of three dollars per person per annum engaged or employed in any such business:

"(126b.) Provided, however, that in case of any person, firm, or corporation carrying on within the city more than one separate and distinct line or kind of business or trade on the same premises (exclusive of businesses referred

Total licence fee or  
tax not to exceed  
\$200 per annum.

to in subsections (121) and (126a) of this section) which is subject to a licence fee or tax under subsections (123), (124), (125), or (126) of this section, the total amount thereof which the city may impose against such person, firm, or corporation shall not exceed in the aggregate the sum of two hundred dollars per annum."

(2.) The amendments of said chapter 55 enacted by this section shall come into operation on the first day of January, 1929.

9. Section 163 of said chapter 55 is amended by adding thereto the following as subsection (134a):—

Enacts s. 163  
(134a)

"(134a.) For regulating, controlling, or prohibiting coasting or sliding with sleds, skis, skates, or other apparatus on roads, streets, lanes, or public places; and for regulating, controlling, or prohibiting driving, riding, and all traffic on any road, street, lane, or public place for the purpose of enabling such coasting and sliding to be carried on with safety."

Regulating coasting  
and sliding on  
streets

10. Subsection (142) of said section 163 is amended by adding thereto the following as subsection (142b):—

Amends s. 163  
(142b)

"All licence fees or taxes imposed under this section shall be payable in advance"

11. Section 163 of said chapter 55 is amended by adding thereto the following as section (290a):—

Enacts s. 163  
(290a)

"(290a.) For acquiring and holding land or real property either within or without the city for air-ports, seaplane harbours, and landing areas; and for granting or expending money in aid of the establishment, developing, maintaining, or operating of air ports, seaplane harbours, and landing areas either within or without the city."

Acquiring land for  
air ports

12. Section 163 of said chapter 55 is amended by adding thereto the following as subsection (312):—

Enacts s. 163 (312)

"(312.) The powers exercisable by the Council under any of the provisions of this section shall be deemed to be exercisable within the territorial limits of the city, save as in this Act otherwise specially provided."

Powers of Council  
exercisable within  
city

13. Subsection (6) of section 176 of said chapter 55 is amended by adding thereto the following proviso:—

Amends s. 163 (6)

"Provided, however, that where a pavement on a residential street exceeds twenty-seven feet in width and has been initiated by the Council, the cost thereof in excess of twenty-seven feet in width shall be borne by the city."

Amends s 180

14. Section 180 of said chapter 55 is amended by striking out the word "three-fourths" in the third line thereof, and substituting therefor the word "two-thirds"; and by striking out the word "two-thirds" in the fifth line thereof, and substituting therefor the words "fifty per centum."

Amends s 182 (3)

15. Subsection (3) of section 182 of said chapter 55 is amended by striking out the words "two years" where they appear in the fourth and fifth lines thereof, and substituting therefor, respectively, the words "one year."

Re enacts s 194

16. Section 194 of said chapter 55 is repealed, and the following section inserted in lieu thereof:—

May correct error in  
local improvement  
by law

"194. (1.) If a debt has been incurred by the city for or in respect of any work done or improvements constructed under the local improvement provisions of this Act, and if after the incurring of such debt the special assessment for such work or improvement is found to contain a manifest error, or is adjudged to be invalid, or the by-law providing for borrowing money therefor is set aside or quashed, either wholly or in part, by reason of any error, irregularity, or illegality in making such assessment or in passing such by-law, the Council shall cause a new assessment to be made and shall pass a new by-law when and so often as may be necessary to provide funds for the payment of the debts so incurred for such work or improvement.

"(2.) Every liability or obligation incurred and every debenture issued by the city under the authority of any such defective or illegal by-law shall be as effectual and as binding as if the amending or new by-law directed to be passed had been passed and was in force at the time such liability or obligation was incurred or such debenture was issued.

"(3.) The Council may, of its own motion, amend and correct any manifest error in any special assessment or in any by law for imposing a special assessment and annual special rate, and may pass any amending, repealing, or new by-law as may be necessary or expedient for the purpose of making effectual and binding the liability incurred or the raising of any money by the issuing of any debentures under the authority of any such by-law, and thereupon every liability incurred and the special assessment and annual special rate imposed thereunder shall be as effectual and binding as if the amending or new by law directed to be passed had been passed and was in force at the time such liability was incurred and the special assessment and annual special rate had been levied."

Repeals ss 216 to  
220 (both inclusive).

17. Sections 216 to 220 (both inclusive) of said chapter 55 are repealed.

18. Said chapter 55 is amended by adding thereto the following Enacts s. 216  
as section 216:—

"216. (1.) In the event of any piece or parcel of land specially assessed for any work or local improvement under this Act being subsequently divided or subdivided into two or more distinct parts or parcels, the Assessment Commissioner shall, upon the registration of such division or subdivision in the Land Registry Office for the Vancouver Land Registration District, apportion and allot among and against the various parts or parcels into which such piece or parcel of land has been so divided or subdivided the special assessment or assessments so imposed thereon prior to such division or subdivision, and the decision of such Assessment Commissioner in respect of such apportionment and allotment of such special assessment shall be final and binding subject to the provisions of subsection (3) hereof. Apportioning of special assessments on resubdivided lands

"(2.) Where such piece or parcel of land has been divided or subdivided in such manner as to provide, establish, and constitute any part or parts thereof as a public street or streets, and if such street or streets shall have been approved by the Council and shall be shown and dedicated as such on a plan duly registered in the said Land Registry Office, the Council shall, by resolution, declare that the share or portion of such special assessment as would otherwise fall on the portion of the lots established or set aside as a public street or streets shall be provided out of the general revenue of the city.

"(3.) Any person dividing or subdividing any piece or parcel of land having an area of not less than three acres, or the owner of any part or parcel thereof who is dissatisfied with the decision of the Assessment Commissioner relative to the apportionment of the special assessment thereon, may appeal therefrom to the Council sitting as a Court of Revision, and the Assessment Commissioner shall thereupon send out notices to such persons of the sitting of such Court of Revision in like manner as provided in section 186 of this Act, for the purpose of hearing complaints against the proposed assessment or the accuracy of the frontage measurements or any other complaint which the person interested may desire to make and which is by law cognizable by the Courts. The decision of the Court of Revision thereon shall be final, conclusive, and binding upon all persons affected thereby."

19. Said chapter 55 is amended by adding thereto the following Enacts s. 217  
as section 217:—

"217. Notwithstanding anything in this Act contained, or in any by-law passed in pursuance thereof, the Council may, on the recommendation of the City Comptroller and the City Engineer that it is inadvisable or impracticable to complete any local improvement work undertaken, reduce the scope and redefine the area and readjust Local improvement may be reduced in scope

the limits of such work either before or after commencement thereof, and may also provide that the portion of the cost of such work to be borne by the real property benefited thereby shall be borne proportionately in the same manner and on the same basis as originally provided for such work."

Amends s. 222

20. Section 222 of said chapter 55 is amended by repealing the second paragraph of said section, and inserting the following paragraph in lieu thereof:—

Council may reduce assessment.

" Provided further, however, that where the Council deems any property especially inequitably or unjustly affected by the imposition of any such annual assessments the Council may by two-thirds of the votes of the members present, either by resolution or by by-law, further reduce the annual assessment against any such property for any such year, or for the full period of the local improvement by-law imposing such assessment, and may by such resolution direct the City Treasurer to enter on the tax rolls against any property so assessed the amount of the reduced assessment in lieu of the original assessment; and the amount of such difference shall be provided out of the general funds of the city."

Re enacts s. 225

21. Section 225 of said chapter 55 is repealed, and the following section inserted in lieu thereof:—

Special improvement work in defined areas

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

"(2.) Such by-law shall before the final passage thereof receive the assent, in manner provided in sections 132 and 133, of the electors who qualify on property situate in the defined portion or portions.

"(3.) Such by-law may also authorize the borrowing by the city of the cost of such work or service in manner provided in sections 135 and 136, but the special rate for payment of the debt and the interest thereon shall be levied only upon the rateable property within the defined portion or portions and the assent only of the electors who qualify on property in the defined portion or portions shall be required."

Amends s. 242.

22. Section 242 of said chapter 55 is amended by striking out the words "a person to be" in the first and second lines thereof, and inserting after the word "Magistrate," in the second line thereof, the words "or Deputy Police Magistrates."



23. Section 243 of said chapter 55 is amended by adding the words "or Magistrates" after the word "Magistrate" in the third and in the sixth lines thereof. Amends s. 243.

24. Section 244 of said chapter 55 is amended by adding after the word "Magistrate," at the end of the section, the words "or Magistrates." Amends s. 244.

25. Section 246 of said chapter 55 is amended by adding after the word "Magistrate," at the end of the first line thereof, the words "or Magistrates." Amends s. 246.

26. Section 247 of said chapter 55 is amended by adding the words "or Magistrates" after the words "Deputy Police Magistrate" in the first and in the ninth lines thereof. Amends s. 247.

27. Section 248 of said chapter 55 is amended by adding the words "or Magistrates" after the words "Deputy Police Magistrate" in the second and in the fourth lines thereof. Amends s. 248.

28. Section 249 of said chapter 55 is amended by adding after the words "Deputy Police Magistrate," in the third line thereof, the words "or Magistrates." Amends s. 249.

29. Section 250 of said chapter 55 is amended by adding the words "or Magistrates" after the word "Magistrate" in the second and in the fourth lines thereof. Amends s. 250.

30. Section 251 of said chapter 55 is amended by adding after the words "Deputy Police Magistrate," in the first line thereof, the words "or Magistrates." Amends s. 251.

31. The first paragraph of section 253 of said chapter 55 down to and including the word "business" in the thirteenth line thereof is repealed, and the following paragraph inserted in lieu thereof:— Amends s. 253.

"253. (1.) (a.) Notwithstanding anything contained in this Act, there shall be constituted for the City of Vancouver a Board of Police Commissioners. Such Board shall consist of the Mayor for the time being of the city, who shall be Chairman of the Board, and four persons, none of whom shall be members of the Council of the city. The said four persons shall be appointed annually by the said Council, and their qualifications shall be in all respects the same as for Aldermen of the city. The terms of office of the Commissioners so appointed shall be for the calendar year for which they are appointed and until their successors shall have been appointed. Police Commissioners

"(b.) Any three members of the said Board, of whom the presiding officer shall count as one, shall constitute a quorum for the transaction of business. Quorum.

Filling vacancy.

"(c.) In case any vacancy occurs in such Board by reason of death, resignation, or any other cause, such Council may, by resolution, appoint a duly qualified person to fill such vacancy. Any such person so appointed to fill such vacancy shall remain in office for the remainder of the term for which his predecessor was appointed, and no longer."

Date of coming into force

(2.) The amendment of said section 253 enacted by this section shall come into force and take effect on the first day of January, 1929.

Amends s 255

32. Section 255 of said chapter 55 is amended by adding after the word "and," where it first occurs in the third line thereof, the word "each."

Amends s 256

33. Section 256 of said chapter 55 is amended by adding after the word "or," where it occurs for the second time in the first line thereof, the word "any."

Amends s 259

34. Section 259 of said chapter 55 is amended by adding after the word "Magistrate," where it first occurs in the fourth line thereof, the words "or any."

Amends s 265

35. Section 265 of said chapter 55 is amended by adding after the word "time," in the third line thereof, the words "as Aldermen"

Members of Parks Board receiving highest number of votes declared elected for the year 1928

36. The three members of the Parks Board declared by the Returning Officer for the city to have received the highest number of votes at the election for the city held on the fourteenth day of December, 1927, are hereby declared to be duly elected, and shall continue in office for the calendar year 1928; and the said Parks Board shall be deemed to be, and is hereby declared to be, duly constituted for the said year 1928

Add s 279 (5)

37. Section 279 of said chapter 55 is amended by adding the following as section 279 (5):—

Quorum of Council

"279. (5.) A quorum of the Council may exercise all or any of the powers exercisable by the full Council thereof, notwithstanding any vacancy or vacancies therein due to failure to elect the prescribed number of members thereof, or due to death, resignation, or any other cause."

Re enacts s 320

38. Section 320 of said chapter 55 is repealed, and the following section inserted in lieu thereof:—

"320. (1.) Every public street, road, square, lane, bridge, and highway in the city shall, save as aforesaid, be kept in reasonable repair by the city.

Sixty days' notice of accident required

"(2.) The city shall not be liable in any action for damages arising under subsection (1) hereof, unless notice in writing, setting forth the time, place, and manner in which such damage has been sus-

tained, shall be left and filed with the City Clerk within sixty (60) days from and after the date on which such damage was first sustained; provided that in the case of the death of any person injured, the want of such notice required by this section shall not be a bar to the maintenance of any such action. The want or insufficiency of the notice required by this subsection shall not be a bar to the maintenance of any action if the Court or Judge before whom such action is tried, or, in case of appeal, the Court of Appeal, is of opinion that there was reasonable excuse for such want or insufficiency, and that the defendant has not been prejudiced in its defence."

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VICTORIA, B.C.

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