

CHAPTER 69

An Act to Amend the Vancouver Charter

[Assented to 1st April, 1966.]

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, 1966*.

Amends s. 9.

2. Section 9 of the said Act is amended by renumbering the present section as "9. (1)" and adding the following as subsection (2):—

"(2) For the purpose of determining whether or not a person has resided in the city, the residence of a person shall be determined according to the following rules:—

"(a) The residence of a person shall be deemed to be the place in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning:

"(b) A person who leaves his home for temporary purposes only shall not thereby lose his residence:

"(c) A person shall not be considered to have gained a residence in the city if he has come into the city for temporary purposes only, without the intention of making the city his home:

"(d) If a person goes to a place outside the city with the intention of making that place his residence, he loses his residence in the city:

"(e) If a person goes to a place outside the city with the intention of remaining in that place for an indefinite time as a place of residence, he thereby loses his residence in the city, notwithstanding the fact that he may have the intention of returning at some future time:

"(f) The place where a man's family resides shall be deemed to be his place of residence, but any man who takes up or continues his abode with the intention of remaining at a place other than where his family resides shall be deemed to be resident where he so resides:

"(g) Residence of a single man shall be where he usually sleeps, without regard to where he takes his meals or is employed:

"(h) A change of residence can only be made by the act of removal joined with the intent to remain in another place; there can

be only one residence; a residence cannot be lost until another one is gained."

Re-enacts
s. 37.

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 Section 37 is repealed and the following is substituted:—

"37. Every person, who is a British subject and of the full age of twenty-one years, who is not disqualified by this Act or any other law in the Province, is qualified to be nominated for the office of a member of Council if at the time of the filing of his nomination-paper

"(a) he possesses the qualifications of an owner-elect as set forth in section 7; or,

"(b) not possessing such qualifications, he is and has been a resident of the city for twelve consecutive months immediately prior to the date of such filing."

Re-enacts
s. 38.

4. Section 38 is repealed and the following substituted:—

"38. The following are the disqualifications for nomination, election, and the holding of office as a member of Council:—

"(a) Being employed by the city upon terms of payment either in money or money's worth:

"(b) Failing to maintain his status as a British subject:

"(c) Directly or indirectly, or by the interposition of a trustee or a third person, being a party to, or the holder of, any contract with the city:

"(d) If, at the time of his election or at any time subsequent thereto, he does not meet at least one of the following conditions:—

"(i) Is a resident of the city:

"(ii) Is the owner of any real property in the city:

"(iii) Is a principal lessee of a suite meeting the conditions set forth in section 7 (a) (ii):

"(e) Holding the office of Judge or Police Magistrate:

"(f) Having a disputed account or claim against the city:

"(g) Having been convicted of an indictable offence in Canada, less than five years have elapsed since completion of the punishment or since his pardon, as the case may be:

"(h) Being an undischarged bankrupt or an undischarged authorized assignor under the *Bankruptcy Act*:

"(i) Being absent from the meetings of the Council for four consecutive weeks without leave of the Council."

Re-enacts
ss. 44 to 48

5. Sections 44 to 48 are repealed and the following substituted:—

"44. Every candidate for the office of Mayor or Alderman shall deliver to the Returning Officer, within fourteen days ending on nomination-day and not later than twelve o'clock noon on nomination-day,

"(1) a nomination-paper in the form set out in section 45;

"(2) a declaration in the form set out in section 47.

"45. The nomination-paper shall be in the following form or to like effect:—

NOMINATION-PAPER

We, the undersigned electors and residents of the City of Vancouver, hereby nominate [full name, address, and occupation] as a candidate for the office of [Mayor or Alderman] for the City of Vancouver at the election now about to be held.

Witness our hands at Vancouver, B.C., this day of , 19 .

NOMINATORS

| Signature of Nominator | Full Name | Address | Occupation |
|------------------------|-----------|---------|------------|
| (1) _____ | _____ | _____ | _____ |
| (2) _____ | _____ | _____ | _____ |

CONSENT OF CANDIDATE

I, the said , nominated in the foregoing nomination-paper, hereby consent to such nomination.

Witness my hand at Vancouver, B.C., this day of , 19 .

Signed by the said nominee
in the presence of: } (Signature) _____

"46. (1) Every nomination-paper shall be signed by two persons whose names appear on the current list of electors, and who are residents of the city.

"(2) The ordinary signature and the full name of each nominator shall be subscribed to the nomination-paper together with his address and occupation.

"(3) The nomination-paper shall be in the form prescribed in section 45 and shall state the full name, address, and occupation of the person nominated.

"47. No nomination-paper is valid nor shall it be acted upon by the Returning Officer unless

"(a) it includes the consent in writing of the person therein nominated; and

"(b) the names of the nominators appear on the current list of electors and it appears from the nomination-paper that they are resident in the city; and

"(c) it is accompanied by a declaration by the candidate in the following form:—

I, of , in the City of Vancouver, [occupation], do solemnly declare:—

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

2. That my nominators are residents of the City of Vancouver and that their names appear on the current list of electors.

3. That I am of the full age of twenty-one years and that I am a British subject.

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

5. That I possess the qualifications of an owner-electors.

Or

5. That I have resided in the City of Vancouver for the past twelve months and am at present a resident.

6 That I am not disqualified by this or any other Act of the Province. And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

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

And if the foregoing requirements are not complied with, the Returning Officer shall reject the nomination-paper."

Repeals s 49 **6.** Section 49 is repealed.

Amends s 165 **7.** Section 165 is amended by striking out clause (b) and substituting the following:—

"(b) the fixing of a quorum for the meetings of the Council and its committees; provided that the quorum for Council meetings shall not be less than a majority of the members of the Council;".

Further
amends s 165 **8.** Section 165 is further amended by adding the following:—

"(g) the destruction of receipts, warrants, vouchers, instruments, certificates, cancelled debentures and coupons, documents, records, and papers, and the conditions under which they may be destroyed"

Amends s 190 **9.** (1) Section 190 is amended by striking out clause (b) and substituting the following:—

"(b) for disposing of any real or personal property of the city by sale, conveyance, lease, or licence when, in the opinion of the Council, such property is not required for any purpose of the city, upon such terms and conditions as may be deemed expedient, and to accept in payment, either money or other property; provided, however, that no parcel of real property which exceeds two hundred thousand dollars in value as certified in writing by the Assessment Commissioner shall be sold to any person other than Her Majesty in her right of Canada or the Province, or any agency of the Crown, unless a by-law has been passed to which the assent of the electors has been obtained;".

(2) This section shall be deemed to have come into force and taken effect on the first day of January, 1964.

Amends
s 291 **10.** Section 291 is amended by striking out clause (i) and substituting the following:—

"(i) for requiring the owner of any real property, in such areas as may be designated by by-law, to remove snow and ice from the sidewalk adjacent to such real property and, in case of his de-

fault, for removing such snow and ice at the expense of the owner and for recovering the expense of such removal from the person so defaulting; ”.

Amends
s. 292.

11. Section 292 is amended by adding to subsection (1) the following:—

“(g) for providing that

“(i) upon any subdivision of a parcel of land exceeding twenty acres there shall be conveyed to the city, without compensation, a portion of such land for park or recreation purposes other than streets, such portion not to exceed ten per centum of the land included in the subdivision;

“(ii) the size, dimensions, and location of the portion of the land to be conveyed to the city shall be determined by the approving officer;

“(iii) the Council may accept in lieu of the conveyance to the city of the lands to which it is entitled hereunder, or any portion thereof, the payment of a sum of money equivalent to double the assessed value of such land or portion thereof immediately prior to the subdivision;

“(iv) the conveyance to the city of the lands to which it is entitled hereunder shall contain a provision that such lands may be sold, leased, or otherwise alienated by the Council after the expiration of three years from the date of the conveyance;

“(v) a further subdivision of the lands included in a subdivision, a portion of which has been conveyed to the city for the purposes aforesaid, shall not be subject to the provisions of a by-law passed pursuant to clause (g);

“(vi) all moneys received by the city pursuant to the provisions of clauses (iii) and (iv) shall be held in trust and used only for the purpose of providing public park or recreation facilities.”

Amends
s. 306.

12. Section 306 is amended by striking out clause (r) and substituting the following:—

“(r) for requiring that in the construction of any building suitable provision shall be made off the street to accommodate such number of motor-vehicles as the Council may by by-law prescribe, and for defining and classifying such buildings, and for differentiating and discriminating according to such classification in respect of the accommodation to be provided as aforesaid; ”.

Amends
s. 323.

13. Section 323 is amended by striking out clause (b) and substituting the following:—

“(b) for regulating the making or causing of noises or sounds anywhere within the city which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the

neighbourhood, or of persons in the vicinity, or which, in the opinion of the Council, are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public; and may make different regulations or prohibitions for different areas of the city; and for providing for exceptional cases, where such noises may, with the permission of the Mayor, be permitted for limited periods."

Amends
s. 370

14. Section 370 is amended by striking out subsection (1) and substituting the following:—

"370. (1) On the first day of March in each year the Assessment Commissioner shall cause a supplement to the real-property assessment roll (hereinafter called 'the assessment-roll supplement') to be prepared, in which he shall cause to be entered the particulars mentioned in clauses (a), (d), (e), and (f) of section 341, in accordance with the information received from the Land Registry Office as of that date, so far as the said particulars differ from the corresponding particulars in the real-property assessment roll."

Amends
s. 396

15. Section 396 is amended by striking out subclause (i) of clause (c) and substituting the following:—

"(i) of which an incorporated charitable institution is the registered owner or owner under agreement, either directly or through trustees therefor, and which is in actual occupation by such institution and is wholly in use for charitable purposes;".

Amends
s. 397

16. Section 397 is amended by striking out subsections (2) and (3) and substituting the following:—

"(2) Where a transfer, sale, or lease is made of real property theretofore exempt from taxation under section 396 to some person not entitled to such exemption, or where real property used for some purpose which would entitle it to exemption thereunder ceases to be so used, such real property shall thereafter become liable to taxation from the date of such transfer, sale, lease, or cesser of user.

"(3) If the assessment roll has been completed before such transfer, sale, lease, or cesser of user comes to the notice of the Assessment Commissioner, he shall give to the transferee, purchaser, lessee, or person who, but for the exemption, would have been liable to taxation a notice setting out the estimated value of the real property concerned as it appears on the assessment roll and stating that taxes from the date of such transfer, sale, lease, or cesser of user will be imposed. The person so notified may, within five days after the receipt of such notice, cause written notice to be given to the Assessment Commissioner setting out any complaint that might be made under section 363. Thereupon the provisions of this Act with respect to complaints and appeals to and from the Real-property Court of Revision shall, mutatis mutandis, apply. If no complaint is made, or the complaint has been finally disposed of, such person shall

be liable for so much of the taxes on the real property concerned as accrues after the date of such transfer, sale, lease, or cessor of user, at the rate fixed for the year, as though his name and the description of the real property and the value thereof and other particulars had been set down in the real-property assessment roll and in the real-property tax roll in the usual way."

Further
amends s. 474.

17. The said Act is further amended by inserting the following as section 474 under Part XXI:—

"474. Upon the recommendation of the Board, the Council may, in its discretion, award compensation not exceeding the sum of five thousand dollars to any person who has sustained loss by reason of property damage or by reason of personal injuries to or the death of a person occasioned by such person having assisted a police constable in the execution of his duties."

Re-enacts
s. 515.

18. Section 515 is repealed and the following substituted:—

"515. When the portion of the cost of the project to be borne by the property-owners whose real property is specially benefited by the project has been ascertained, it shall be apportioned in yearly payments over the parcels of real property specially benefited, in accordance with, and apportioned to, the amounts specially assessed against each such parcel in the special assessment roll so certified. The portion of the cost of the project to be borne by the property-owners shall not exceed by more than ten per centum the cost of such portion as estimated by the city, and any further excess shall be borne by the city. The yearly payments shall include a sum sufficient to cover the interest."

Amends
s. 516.

19. Section 516 is amended by adding the following: "The schedule to the by-law need not be annexed thereto and, if not so annexed, it shall be embodied in the by-law by reference only. The schedule shall be captioned with reference to the by-law, certified by the Assessment Commissioner, and deposited in his office during the currency of the by-law. The schedule so deposited shall be an integral part of the by-law as if expressly embodied therein."

Amends
s. 523B.

20. Section 523B is amended by striking out subsection (1) and substituting the following:—

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

Further
amends
s. 523B.

21. Section 523B is further amended by striking out subsections (4) and (5) and substituting the following:—

"(4) Such by-law shall state the total amount that will be borne by the defined portion or portions of the city which will be specially benefited by the work, improvement, or service to be undertaken and whether such amount shall be levied according to the frontage of the rateable property or according to the assessed value thereof. Such levy shall commence not later than one year from the date on which the by-law is passed. It shall not be necessary to state in the by-law the annual rate per front foot or the annual rate based on the assessed value.

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

Further
amends
s. 523B

22. Section 523B is further amended by adding the following:—

"(7) Subject to subsection (6), none of the foregoing sections in this Part shall be applicable to this section, except sections 498 to 505, inclusive, 508, and 518 to 523, inclusive."

Amends
s. 565A.

23. Section 565A is amended by striking out clause (d) and substituting the following:—

"(d) delegating to any official of the city or to any board composed of such officials such powers of discretion relating to zoning matters which to Council seem appropriate,".

24. The said Act is further amended by inserting immediately after section 153 the following section:—

"153A The Council may, by agreement, grant to any person a franchise for a term not exceeding thirty years for the supply of telegraph, steam-heat, or hot-water service and may in such agreement prescribe how and where mains, pipes, conduits, poles, and wires shall be installed and, without restricting the generality of the foregoing, may prescribe the other terms, conditions, and restrictions, including payments to the city, for and in connection with such franchise."