



CHAPTER 87.

An Act to create and perpetuate certain Building Restrictions in that Portion of the Municipality of the Corporation of Point Grey known as Shaughnessy Heights.

[Assented to 16th December, 1922.]

WHEREAS the lands hereinafter mentioned have been in part subdivided by the Royal Trust Company and a large number of lots therein sold to individual purchasers subject, inter alia, to the conditions:—

- (a.) That the purchasers would not, in some cases prior to the first of January, 1925, and in other cases prior to the first of January, 1935, erect on the land sold any building other than one private dwelling-house, either with or without stables, coach-houses, greenhouses, and necessary outbuildings; that a flat or apartment building or any building constructed to accommodate more than one household should not be deemed to be a private dwelling-house:
- (b.) That the purchaser should not use the private dwelling-house or any other building erected upon the land sold for any purpose other than that of a private dwelling-house, and should not do or suffer on the land or any part thereof or in or upon any building to be erected thereon anything which should be a nuisance to the person or persons for the time being owning or occupying any of the lands shown on the plan or plans of the said lands hereinafter described:

And whereas a petition has been presented by owners of the said lands, praying that the aforesaid conditions be made to apply to the said lands until the first day of January, 1935:

And whereas it is 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:—

Short title. **1.** This Act may be cited as the “Shaughnessy Heights Building Restriction Act, 1922.”

Restrictions. **2.** Subject to the provisions of section 3, until the first day of January, 1935, the following conditions and restrictions shall apply to the lands hereinafter described; such lands being situate within the corporate limits of the Municipalities of the Corporation of Point Grey and City of Vancouver:—

- (a.) No building shall be constructed upon any of such lands other than a private dwelling-house, either with or without stables, garages, coach-houses, greenhouses, and necessary outbuildings:
- (b.) No buildings constructed upon any of the said lands shall be used for any purpose other than those above mentioned:
- (c.) No person shall build or construct more than one dwelling-house with outbuildings on any one lot:
- (d.) Except as hereinafter provided, no further subdivision shall be made of any lot as shown on the original plan of subdivision:
- (e.) Nothing herein contained shall prevent a rearrangement of the subdivision as shown on the original subdivision plan of any block or portion of the lands hereinafter described, for the purpose of improving the subdivision for residential purposes, but no such rearrangement shall increase the number of lots shown on the original subdivision plan. Any such rearrangement shall be subject to the approval by resolution of the Council of the municipality in which the land lies:
- (f.) For purposes of this Act, the expression “private dwelling-house” shall not be deemed to include a flat or apartment building or any building constructed to accommodate more than one household.

Exceptions. **3.** Notwithstanding anything in this Act contained, the Royal Trust Company may sell, lease, or otherwise dispose of any of the lands hereinafter described from time to time held by it, to be used during the period aforesaid for Dominion or Provincial Government, municipal, religious, educational, park, or recreation purposes. No building shall be erected upon lands disposed of by the Royal Trust Company for any such purpose without the approval of the said Company being first obtained.

Description of area. **4.** The lands to which this Act shall apply are described as follows: Commencing at the intersection of the easterly boundary of the Vancouver and Lulu Island Railway and the southerly

boundary of Sixteenth Avenue; thence easterly along the southerly boundary of Sixteenth Avenue to the easterly boundary of Granville Street; thence to the most westerly corner of Block 472; thence along the northerly boundary of Block 472 to the most easterly corner of said block; thence to the centre line of Sixteenth Avenue and along the same to the westerly boundary of Oak Street; thence southerly along the westerly boundary of Oak Street to the northerly boundary of Thirty-third Avenue; thence westerly along the northerly boundary of Thirty-third Avenue to the westerly boundary of Granville Street; thence southerly along the westerly boundary of Granville Street to the northerly boundary of Thirty-seventh Avenue; thence westerly along the northerly boundary of Thirty-seventh Avenue to the easterly boundary of Marguerite Avenue; thence northerly along the easterly boundary of Marguerite Avenue to the northerly boundary of Thirty-third Avenue; thence westerly along the northerly boundary of Thirty-third Avenue to the easterly boundary of the Vancouver and Lulu Island Railway; thence northerly along the said easterly boundary of the said railway to the point of commencement; except streets, lanes, and parks, and Lot 5 in Block 490, and such lots as have a frontage on Oak Street between Sixteenth and Twenty-fifth Avenues, and lands heretofore sold by the Royal Trust Company for any of the purposes mentioned in section 3 of this Act.

5. Any violation or attempted violation of the provisions of this Act shall be deemed a nuisance, and any resident or residents within the area mentioned in section 4 hereof may, in his or their own name or names and without making the Attorney-General a party, take such steps by injunction or otherwise as they may be advised to restrain any such violation or attempted violation.

Proceedings on violation.

6. Nothing in this Act contained shall be construed to permit any building to be erected within the described areas in contravention of the Town Planning By-law of the Municipality of Point Grey.

Town Planning By-law not to be contravened.

VICTORIA, B.C.:

Printed by WILLIAM H. CULLIN, Printer to the King's Most Excellent Majesty.
1922.