

## CHAPTER 54

## An Act to Amend the Vancouver Charter

[Assented to 3rd April, 1970.]

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, 1970*.

Amends s. 6.

2. Section 6 of the *Vancouver Charter*, Statutes of British Columbia, 1953, chapter 55, is amended by striking out the words and figures "District Lot Two thousand and twenty-seven (2027)" where they appear in the eighty-fifth line, down to and including the words and figures "District Lot Two thousand and twenty-seven (2027)" where they appear in the ninetieth line and substituting the following:—  
thence northerly and parallel to the said westerly boundary of District Lot Two thousand and twenty-seven (2027) to intersection with the production easterly of a line drawn parallel to and thirty (30) feet perpendicularly distant south from the southerly boundary of Block Two hundred and ninety-two (292), District Lot One hundred and forty (140); thence westerly following in the said production easterly of a line drawn parallel to and thirty (30) feet perpendicularly distant south from the southerly boundary of Block Two hundred and ninety-two (292), and continuing westerly in the said line drawn parallel to and thirty (30) feet perpendicularly distant south from the southerly boundary of said Block Two hundred and ninety-two (292) to an intersection with the southerly production of a radius passing through the beginning of a curve to the right in the said southerly boundary of Block Two hundred and ninety-two (292); thence westerly and north-westerly in the arc of a curve to the right of radius one hundred and eighty-nine and seven-tenths (189.7) feet concentric with the said curve to the right in the southerly boundary of Block Two hundred and ninety-two (292) to an intersection with the south-westerly production of a radius passing the end of said curve to the right in the southerly boundary of Block Two hundred and ninety-two (292); thence north-westerly in a straight line drawn parallel to and thirty (30) feet perpendicularly distant south-westerly from the said southerly boundary of Block Two hundred and ninety-two (292) to an intersection with the southerly production of a

line drawn parallel to and seventy (70) feet perpendicularly distant westerly from the westerly boundary of said Block Two hundred and ninety-two (292); thence northerly in the said southerly production of a line drawn parallel to and seventy (70) feet perpendicularly distant westerly from the westerly boundary of Block Two hundred and ninety-two (292) and continuing northerly in the said line to an intersection with the westerly production of a line drawn parallel to and fifty (50) feet perpendicularly distant north of the northerly boundary of said Block Two hundred and ninety-two (292); thence easterly in the said westerly production of a line drawn parallel to and fifty (50) feet perpendicularly distant north of the northerly boundary of Block Two hundred and ninety-two (292) and continuing easterly in the said line to an intersection with the northerly production of a radius passing through a beginning of curve to the right in the said northerly boundary of Block Two hundred and ninety-two (292); thence easterly in the arc of a curve to the right of radius nine hundred and fifty-five and thirty-seven one-hundredths (955.37) feet concentric with the said curve to the right in the northerly boundary of Block Two hundred and ninety-two (292) to an intersection with the northerly production of a radius passing through the end of said curve to the right in the northerly boundary of Block Two hundred and ninety-two (292); thence easterly in a line drawn parallel to and fifty (50) feet perpendicularly distant north of the said northerly boundary of Block Two hundred and ninety-two (292) to intersection with the northerly production of a line drawn parallel to and one hundred (100) feet perpendicularly distant west of the westerly boundary of Lot C in said Block Two hundred and ninety-two (292); thence northerly in the said northerly production of a line drawn parallel to and one hundred (100) feet perpendicularly distant west of the westerly boundary of Lot C in Block Two hundred and ninety-two (292) a distance of fifty (50) feet; thence easterly in a line drawn parallel to and one hundred (100) feet perpendicularly north of the said northerly boundary of Block Two hundred and ninety-two (292) to intersection with the northerly production of the said westerly boundary of Lot C; thence southerly in the said northerly production of the westerly boundary of Lot C to a point in the said northerly boundary of Block Two hundred and ninety-two (292); thence easterly in the said northerly boundary of Block Two hundred and ninety-two (292) and the easterly production thereof to a point in the said westerly boundary of District Lot Two thousand and twenty-seven (2027);

Amends s. 7.

3. Section 7 is amended by adding to clause (a) the following:—

(iii) an occupier having a right or interest in a parcel of Crown lands;

and by inserting immediately after the word "city" in the fourth line of clause (b) the words "or is an occupier having a right or interest in a parcel of Crown lands".

Re-enacts s. 74.

4. Section 74 is repealed and the following substituted:—

**74.** Any Deputy Returning Officer, poll clerk, or other person authorized in writing by the Returning Officer may, if otherwise qualified, vote in the polling district for which he has been appointed or at such polling district as the Returning Officer may in writing direct.

Amends s. 87.

5. Section 87 is amended by inserting immediately after the word "count" in the fourth line the words "and tally".

Amends s. 88.

6. Section 88 is amended by striking out clause (d) thereof and substituting the following:—

(d) which, in the opinion of the Deputy Returning Officer, has been marked, torn, defaced, or otherwise dealt with for the purpose of providing a means of identifying the voter.

Amends s. 93.

7. Section 93 is amended by inserting immediately after the word "election" in the sixth line and the word "election" in the twelfth line the words "save and except the tally sheets used to tally the votes".

Re-enacts s. 95.

8. Section 95 is repealed and the following substituted:—

**95.** The Deputy Returning Officer shall then, with all dispatch, personally deliver the tally sheets used to tally the votes, a second copy of the statements required by section 92, and the ballot box so locked and sealed, to the Returning Officer, and shall be entitled to obtain a receipt therefor.

Re-enacts s. 96.

9. Section 96 is repealed and the following substituted:—

**96.** (1) Upon receiving all the said statements from the several Deputy Returning Officers, the Returning Officer shall, in the presence of such of the candidates and their agents as may be present, add together the number of votes validly given for each candidate for the office of Mayor as they appear from such statements and the number of votes validly given for each candidate at the advanced poll. Unless subsection (2) is applicable, the Returning Officer shall, within forty-eight hours of adding together the votes, publicly declare the candidate who has received the largest number of votes to be elected as Mayor. The Returning Officer shall also add together the number of votes validly given for each candidate for the office of Alderman as they appear from such statements and the number of votes validly given for each candidate at the advanced poll. Unless subsection (2) is applicable, the Returning Officer shall, within forty-eight hours of adding together the votes, publicly declare the candidates who have been given the largest number of such votes to be elected to fill the vacancies for which the election has been held

(2) If, on adding up the votes cast in either the election for the office of Mayor or the election for the office of Alderman, it appears that the difference between the number of votes received by the apparently successful candidate receiving the lowest number of votes and the candidate who received the next lowest number of votes is not more than two hun-

dred and fifty, the Returning Officer shall appoint a day not more than fourteen days after the close of the poll upon which he will examine the tally sheets and statements of votes cast with respect to all those candidates who have received a number of votes being within two hundred and fifty votes of the number of votes received by the apparently successful candidate receiving the least number of votes. The Returning Officer shall mail or deliver to the last known address of each such candidate notice that he will, on the day appointed, commence to conduct an examination of the tally sheets and statements of votes cast and such other examination as may be required pursuant to subsection (3).

(3) Upon the day so appointed, the Returning Officer shall commence to examine the tally sheets and statements of votes cast and if, as a result of such examination, it appears from the tally sheets or statements of votes cast that errors have been made, the Returning Officer shall make such corrections as may be required to correct the statements of votes cast. If the foregoing examination shows that the total of the votes cast at any poll exceeds the sum produced by multiplying the number of accepted ballots by the number of offices to be filled, the Returning Officer shall make such further examination of the records of such poll, including a count of the ballots, as he may consider necessary to correct the statements of votes cast and shall make the required corrections. Upon making all corrections required to the statements of votes cast, the Returning Officer shall add up the votes properly allowable to each of the candidates affected by the examination and shall then publicly declare the result of the election.

Re-enacts s. 97.

**10.** Section 97 is repealed and the following substituted:—

**97.** If, after adding the votes in accordance with subsection (1) of section 96, and in the event that subsection (2) of section 96 is applicable, then after adding the votes in accordance with subsection (3) of section 96 the Returning Officer finds that an equality of votes exists, the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be elected and shall publicly declare the candidate so determined to be elected.

Amends s. 169.

**11.** Section 169 is amended by striking out the words "contracts entered into by the city" in the first and second lines and substituting the word "instruments".

Amends s. 204

**12.** Section 204 is amended by adding the following as clause (k):—

(k) the payment of out-of-pocket expenses incurred by any member of a board, commission, or other administrative body in the performance of his duties.

Enacts s. 206c

**13.** The said Act is further amended by inserting the following as section 206c:—

**206c.** The Council may, subject to the approval of the Lieutenant-Governor in Council, by by-law, provide a pension for any member who has served for a period of not less than twelve years.

Amends s. 240.

**14.** Section 240 is amended by numbering the present section as subsection (1) and adding the following a subsection (2):—

(2) Clauses (b) and (c) shall not apply to a by-law passed pursuant to sections 263 and 264.

Amends s. 242.

**15.** Section 242 is amended by adding to subsection (2) the following:—

(c) Any debt or obligation contained in a contract for the supply of materials, equipment or services, professional or otherwise, required for the operation of the city:

(d) Any debt or obligation contained in an agreement for the acquisition by lease of real or personal property.

Amends s. 245.

**16.** Section 245 is amended by repealing subsection (3) and substituting the following:—

(3) The Council by a vote of not less than two-thirds of all its members may, without the assent of the electors, during the period of years set out in the question or the extended period referred to in subsection (4), vary the projects and amounts so listed so long as the aggregate is not exceeded.

Repeals ss. 263,  
264, and 265;  
re-enacts ss.  
263 and 264.

**17.** Sections 263, 264, and 265 are repealed and the following substituted:—

**263.** The Council, without the assent of the electors, may by by-law authorize the Director of Finance or some other person to borrow on behalf of the city for such period as Council may deem fit by way of promissory note or overdraft such sum of money as Council may deem necessary to meet the lawful expenditures of the city pending the collection of real property taxes and amounts receivable from other governments. In any such by-law, the Council may provide for the hypothecation, subject to any prior charge thereon, to the lender, of any amounts receivable from other governments and the whole or any part of the real property taxes then remaining unpaid, together with the whole or part of the real property taxes to be levied for the year in which the by-law is passed. Provided, however, that if the by-law is passed before the passing of the rating by-law, the amount of the current taxes that may be hypothecated shall be not more than seventy-five per centum of the real property taxes levied in the next preceding year.

**264.** Council, without the assent of the electors, may, by by-law, authorize the Director of Finance or some other person to borrow on behalf of the city by way of promissory note or overdraft such sum of money as Council may deem necessary to meet the lawful expenditures of the city pending the sale of debentures. In any such by-law the Council

may provide for the hypothecation to the lender of the proceeds of such debentures for the repayment of the sum borrowed and interest thereon.

Enacts s. 282.

**18.** The said Act is further amended by inserting the following as section 282:—

**282.** (1) Any business tax, together with penalties imposed pursuant to clause (d) of section 280, which remains unpaid on the thirty-first day of December in the year in which it becomes due, shall thereafter bear interest at the rate of eight per centum per annum compounded annually.

(2) Subsection (1) shall come into force and take effect on the first day of January, 1970, and shall apply to all business taxes remaining unpaid on and after the thirty-first day of December, 1969.

Amends s. 292.

**19.** Section 292 is amended by inserting the word "graded" immediately after the word "cleared" in clause (d) of subsection (1), and by striking out the words "double the assessed value" in the fourth line of paragraph (iii) of clause (g) of subsection (1) and substituting the words "the actual value as determined by the Assessment Commissioner pursuant to section 342".

Enacts s. 396.

**20.** (1) Section 396 is amended by adding the following as clause (f):—

(f) The word "improvement" where used in clause (e) shall have the meaning ascribed to it in the *Assessment Equalization Act*.

(2) This section comes into force and effect as of the first day of December, 1969, and, notwithstanding anything contained in this Act, is retroactive to the extent necessary to exempt any such improvements from taxation for the year 1970.

Re-enacts  
s. 409

**21.** Section 409 is repealed and the following substituted:—

**409.** Any charges lawfully inserted in the real property tax roll with respect to any parcel which remain unpaid on December 31st in the year in which they are so inserted, and any interest added pursuant to section 415 shall be deemed to be delinquent real property taxes for all the purposes of this Act.

Amends s. 412.

**22.** Section 412 is amended by striking out the words "and may allow interest thereon at a rate not exceeding six per centum per annum" and substituting the words "and the rate of interest to be paid thereon."

Amends s. 415

**23.** Section 415 is amended by numbering the present section as subsection (1) and adding the following as subsection (2):—

(2) Notwithstanding the provisions of subsection (1), interest at the rate of eight per centum per annum compounded annually shall be added to all real property taxes that become delinquent on the thirty-first day of December, 1969, and to delinquent taxes and interest that remain delinquent after the thirty-first day of December, 1969.

Amends s. 459.

**24.** Section 459 is amended by striking out subsection (1) and substituting the following:—

(1) The Board shall have jurisdiction over the police force and its members, over special constables, and over police stations and gaols, lockups and other places of detention provided by the city except such places as are established pursuant to Part III of the *Provincial Court Act*, and shall appoint, fix the remuneration of, and assign duties to such gaol surgeons, police, and such clerks, stenographers, and assistants as are necessary.

Re-enacts s. 463

**25.** Section 463 is repealed and the following substituted:—

**463.** The Board may make regulations for the discipline, control, efficiency, and government of the members of the police force and other persons under their jurisdiction, and the Chief Constable, each member of the police force, and all such other persons shall obey the lawful directions and be subject to the control, discipline, and government of the Board.

Enacts s. 474.

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

**474.** The office of the Clerk of the Provincial Court shall be deemed to be a department of the city and the Clerk shall be deemed to be the department head and shall, subject to the *Provincial Court Act*, be subject to all the regulations applicable thereto.

Amends s. 481.

**27.** Section 481 is amended by striking out the words "Police Courts" in the first and second lines.

Enacts s. 506B.

**28.** The said Act is further amended by inserting the following as section 506B:—

**506B.** (1) Where a project undertaken by Council as a local improvement under this part has been completed, then the Council may by by-law provide that the annual cost of any or all of the following services:—

- (a) Cleaning, maintaining, or repairing the project;
- (b) Supplying electric lighting, water, fuel, or steam for the project;
- (c) Public liability insurance covering the project, the amount of such insurance to be established by Council;
- (d) Interest on all moneys borrowed or advanced by the Council to pay for the costs incurred under clauses (a), (b), and (c).

shall be specially assessed upon the real property benefited by the project and specially assessed for the payment of all or any part of the cost thereof.

(2) The costs levied against each parcel of land pursuant to subsection (1) shall be a sum which bears to the total costs levied against all of the real property pursuant to subsection (1) the same ratio as the amount specially assessed against each such parcel of land for the cost of the pro-

ject bears to the total amount specially assessed against all the real property for the cost of the project.

(3) The special assessment imposed pursuant to subsection (1) shall be deemed to be a tax and shall be collected by the city in the same manner and at the same time as the payment of real-property taxes within the city.

(4) Subsections (2) and (3) of section 510 shall not apply to a special assessment imposed upon real property by a by-law passed pursuant to subsection (1).

(5) The by-law may provide that the city pay such portion of the annual cost of any or all of the services mentioned in subsection (1) as the Council may see fit as the city's share of the cost.

(6) A by-law passed pursuant to this section remains in force from year to year until repealed.

Amends s. 569.

**29.** Section 569 is amended by adding the following:—

(3) Upon the acquisition of such lands by the city, the owner shall, upon demand by the city, remove such building or part thereof, as the case may be, and, in default thereof, the city may remove the same and the costs of such removal and any other costs incidental thereto shall be a debt due to the city payable by the owner of the property recoverable by action and shall be a charge on the balance of the land unless sooner paid to the city.

Amends s. 571.

**30.** Section 571 is amended by numbering the present section as subsection (1) and by adding the following as subsection (2):—

(2) Any Zoning By-law passed hereunder may be enforced and the contravention of any regulation therein restrained by the Supreme Court upon action brought by the city or by any registered owner of real property or any incorporated society representing registered owners of real property in the City of Vancouver and affected by such by-law or regulation, whether or not any penalty has been imposed for such contravention, and it shall be unnecessary for the Crown or the Attorney-General or any other officer of the Crown to be a party to such action.

Amends s. 578.

**31.** (1) Section 578 is amended by striking out subsection (1) and substituting the following:—

(1) Sections 23, 177, 194, 458A to 458J, inclusive, and sections 765 to 798, inclusive, of the *Municipal Act* shall apply mutatis mutandis to the city and shall be the only sections that apply to the city, anything to the contrary contained in the *Municipal Act* notwithstanding.

(2) This section shall be deemed to have come into force and taken effect on the 1st day of January, 1970.