

CHAPTER 45

An Act to Amend the Vancouver Charter

[Assented to 2nd April, 1969.]

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, 1969*.

Amends s. 7.

2. (1) Section 7 of the *Vancouver Charter*, S.B.C. 1953, chapter 55, is amended by striking out the word "twenty-one" in the second line of clause (a) and substituting the word "nineteen".

(2) Section 7 is further amended by striking out the word "twenty-one" in the seventh line of clause (b) and substituting the word "nineteen."

Amends s. 8.

3. (1) Section 8 is amended by striking out the word "twenty-one" in the second line of clause (a) and substituting the word "nineteen".

(2) Section 8 is further amended by striking out the words "of full age" in the fifth line of clause (b) and substituting the words "of the full age of nineteen years".

Amends s. 9.

4. Section 9 is amended by striking out the word "twenty-one" in the fifth line of subsection (1) and substituting the word "nineteen".

Re-enacts
s. 34.

5. Section 34 is repealed and the following substituted:—

34. Subject to section 34A, the book so verified and certified shall constitute the current list of electors and shall be used for the purpose of any election for the office of Mayor, Alderman, or Park Commissioner, or for any other purpose referred to in this Act, until a new list is printed and certified in accordance with the provisions of this Act.

Enacts
s. 34A.

6. The said Act is further amended by inserting the following as section 34A:—

34A. The City Clerk shall, before the eighth day of September in each odd-numbered year, cause a register of electors to be prepared, in which he shall insert, so far as he can ascertain them, the name and address of every person whose qualifications in such odd-numbered year would, in an election year, entitle him to have his name entered in the list of electors as an owner-elect. The said register shall, for all purposes of this Act, be deemed to be the current list of owner-electors until a new list is printed and certified in accordance with this Act. When the said

register has been prepared, the City Clerk shall examine it and, if he is satisfied that it is accurate, he shall cause to be printed at least ten copies of a book containing every name and address in the register. In such book the names of the owner-electors shall be grouped in polling districts in accordance with those established by by-law, and the names of the voting agents of corporations shall be shown. At the end of one copy of the book the City Clerk shall verify the same by completing and attaching thereto a statutory declaration to the following effect:—

I, _____, of the City of Vancouver, in the Province of British Columbia, solemnly declare:—

1. I am the City Clerk of the City of Vancouver and as such have caused the annexed book to be prepared.

2. To the best of my knowledge, information, and belief, the annexed book contains the name and address of every person entitled under the *Vancouver Charter* to have his name entered on the list of electors as an owner-electors.

3. To the best of my knowledge, information, and belief, the names contained in the said book are properly designated as owner-electors and are properly grouped in polling districts as established by by-law.

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 _____, in
the Province of British Columbia,
this _____ day of _____, 19____.

*A Commissioner for Taking Affidavits
within British Columbia.*

Sections 10, 19, 22 to 33, inclusive, and 35, 36, and 36A shall not apply to a register prepared in accordance with this section.

Amends s 37 7. Section 37 is amended by striking out the word "twenty-one" in the second line and substituting the word "nineteen".

Enacts s 41 8. The said Act is further amended by inserting the following as section 41:—

41. "Election year" means any year in which a general election is held pursuant to section 40, unless the context otherwise requires.

Amends s 47 9. (1) Section 47 is amended by striking out the word "twenty-one" in paragraph (3) of clause (c) and substituting the word "nineteen".

(2) Section 47 is further amended by inserting immediately after paragraph (4) of clause (c) the following:—

Or

4. That, except for the fact that I am under the age of twenty-one years, I am not subject to any legal incapacity.

Amends s 77 10. Section 77 is amended by striking out clause (c) of the form of oath therein set out and substituting the following:—

(c) That you are a British subject of the full age of nineteen years.

Amends s 190 11. 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 by the city, upon such terms and conditions as may be deemed expedient, and to 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, except by the affirmative vote of two-thirds of all the members of Council.

Amends
s. 239.

12. Section 239 is amended by striking out paragraph (ii) of clause (a) of subsection (1) and substituting the following:—

(ii) that a sum which, if set aside annually, together with the estimated interest compounded annually on the investment of all such sums at a rate to be set out in the by-law will be sufficient to pay the principal of the debentures or stock when due, shall be levied and raised in each year by way of real-property taxes.

Enacts
s. 239A.

13. The said Act is further amended by inserting immediately after section 239 the following:—

239A. (1) Where, pursuant to this Act, the Council is authorized to borrow sums of money, the Council may by by-law or resolution enter into an agreement with the Greater Vancouver Regional District to provide that any or all of the money so authorized may be borrowed from the said district. The said agreement may contain such terms and conditions as are lawfully required by the said district.

(2) Where the city enters into an agreement with the Greater Vancouver Regional District to borrow money, it shall not be necessary for the city to issue debentures with respect to such borrowing, and section 239 shall not apply to such borrowing.

(3) Where the city enters into an agreement with the Greater Vancouver Regional District to borrow money, the Council shall, prior to receiving the money from the said district, pass a by-law providing that a sum shall be levied and raised by way of real-property taxes in each year sufficient to provide for payment of interest and repayment of the principal sum borrowed.

(4) Where the said district issues debentures to raise the money for the city pursuant to this section, and such debentures require the establishment and maintenance of a sinking fund, the city may pay to the said district in each year all sums of money required to pay the interest on the debentures together with such sums as are required to be paid into the sinking fund.

Amends
s. 242.

14. Section 242 is amended by renumbering the present section as subsection (1) and adding the following as subsection (2):—

(2) Subsection (1) shall not apply to any debt contracted for any of the following purposes:—

(a) The construction, installation, maintenance, replacement, repair, and regulation of a waterworks system, including water mains and other water pipes, valves, fittings, hydrants, meters, and other necessary appliances and equipment, for the purpose of the distribution and supply of water, and for acquiring real property and easements therefor:

(b) The construction, installation, maintenance, replacement, repair, and regulation of a system of sewerage and drainage, including all necessary appliances and equipment for such purposes, and for acquiring real property and easements therefor.

Amends
s. 260.

15. Section 260 is amended by striking out clause (e) and substituting the following:—

(e) in securities of the Greater Vancouver Regional District; or

(f) in such other manner as the Lieutenant-Governor in Council may direct.

Amends
s. 272

16. Section 272 is amended by striking out clause (q) and substituting the following:—

(q) for providing that a licensee under this Part shall not refuse to sell any goods or furnish any service or accommodation to a person by reason only of such person's race, creed, or colour.

Amends
s. 280

17. Section 280 is amended by striking out clause (f) and substituting the following:—

(f) for providing for the establishment of a tribunal to hear and determine complaints against the business-tax assessment roll and determining the procedure in respect thereto, including provision for an appeal therefrom to a Judge.

Repeals
s. 282.

18. (1) Section 282 is repealed.

(2) This section shall come into force and effect on the first day of January, 1970.

Enacts
s. 342A.

19. The said Act is further amended by inserting the following immediately after section 342:—

342A. Notwithstanding the provisions of section 342, Council may, by by-law, provide that where the Assessment Commissioner receives, on or before the first day of November in any year from the owner of real property, a notice in the form prescribed that such real property is at the present time being occupied exclusively as a single-family home by the applicant and that it was owned and occupied by the applicant exclusively for that purpose and for no other purpose continuously since the first day of January, 1959, the said real property shall, for the purpose

of the assessment roll for the succeeding year, be assessed on the basis of its use for such residential purposes.

Re-enacts
s. 358.

20. Section 358 is repealed and the following substituted:—

358. The Real-property Court of Revision shall be the Court of Revision constituted under the *Assessment Equalization Act*.

Re-enacts
s. 359.

21. Section 359 is repealed and the following substituted:—

359. The City Clerk shall give notice of the date, time, and place for the sittings of the Court of Revision by advertisement in a daily newspaper circulating in the city.

Repeals ss. 368,
177 to 384, and
386 to 395.

22. Sections 368 and 377 to 384, inclusive, and 386 to 395, inclusive, are repealed.

Amends
s. 396.

23. Section 396 is amended by striking out the words "The use of the church property for the free instruction of children under school age without charge or rental for such use" in subclause (iv) of clause (c) and substituting the following: "The use of church property for the care or instruction of children under school age by a charitable or non-profit organization: ".

Amends
s. 508.

24. Section 508 is amended by striking out clause (c) and substituting the following:—

- (c) prescribing the basis of assessment with respect to any project or group of projects, whether on the frontage or the assessed value of the parcels specially benefited, or on any other basis, including, with respect to any two or more projects of a like nature, a provision that by resolution the Council may establish a flat rate per foot frontage, based on the average cost per foot frontage of such projects as estimated by the Council. For the purpose of this clause, "frontage" shall include "flankage";.

Re-enacts
s. 523B.

25. Section 523B is repealed and the following substituted:—

523B. (1) If the Council, by resolution, has declared that

- (a) it is desirable that a designated work, improvement, or service be undertaken by the Council which it deems will specially benefit the real property in a designated limited and determinable area of the city; and
- (b) a sum designated by the Council shall be borrowed for such work, improvement, or service; and
- (c) the Council is of the opinion that it is expedient to proceed under this section,

then the Council may submit to the owner-electors shown on the current list of electors as owners of the real property in such designated area a question in the following form or to the like effect:—

Are you in favour of the Council having the power to pass by-laws without the assent of the owner-electors in the area of the city hereinafter

defined to borrow from time to time by the issue of debentures a sum of money not to exceed *[the sum designated by the Council]* in the aggregate for the following purpose: *[Describe in brief and general terms the proposed work, improvement, or service.]*

The total amount of the indebtedness so incurred shall be borne by the rateable property in the area hereinafter described *[describe in brief and general terms the area of the city designated by Council]*, and such amount shall be levied according to the *[insert here either the word "frontage" or the words "assessed value", as designated by Council]* of the rateable property in such designated area.

(2) Upon receiving the returns from such question, the Returning Officer shall add up the votes, and if, as a result, he certifies to the Council that the votes cast in the affirmative amount to three-fifths of all the votes cast, the Council shall have power without the further assent of the owner-electors, as and when Council deems necessary, to pass by-laws to borrow money, by the issue of debentures in an aggregate principal amount not exceeding the sum designated by the Council, for the work, improvement, or service described in such question.

(3) A by-law passed under this section shall provide that the total amount of the indebtedness created by the debentures issued thereunder shall be borne by the rateable property in the limited and determinable area of the city designated by Council in such by-law and 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 of the issue of the debentures authorized by the by-law. If the levy is on a frontage basis, it shall not be necessary to state in such by-law the annual rate per front foot.

(4) If a 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 such designated area, 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.

(5) From any such assessment referred to in subsection (4), there shall be the right to appeal to the Council, and from the Council to a Judge of the Supreme Court. Such appeal shall be limited to the matters referred to in section 511 and shall be brought within one year of the final passing of such by-law, and the appeal to the said Judge shall be brought within fourteen days of the decision of the Council. Service of written notice of appeal on the City Clerk shall be deemed to

be the bringing of an appeal. The said Judge may make such order in respect of such assessment and as to costs as he may deem advisable and equitable.

(6) Subject to subsection (5), 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. 568

26. Section 568 is amended by striking out the words "Zoning Board of Appeal" wherever they appear and substituting the words "Board of Variance".

Amends
s. 569

27. Section 569 is amended by striking out the words "Zoning Board of Appeal" where they appear in the first line of subsection (2) and substituting the words "Board of Variance".

Amends title
preceding
s. 572

28. The said Act is further amended by striking out the words "Zoning Board of Appeal" immediately preceding section 572 and substituting the words "Board of Variance".

Amends
s. 572

29. Section 572 is amended by striking out the words "Zoning Board of Appeal" in the first and second lines and substituting the words "Board of Variance".

Amends
s. 196

30. Section 196 of the said Act is amended by striking out subsection (1) and substituting the following:—

(1) The Council may by by-law provide for paying out of the annual revenue an annual indemnity to the Mayor and the Aldermen, and the Mayor's indemnity may be greater than the indemnity payable to the Aldermen.

Amends
s. 483

31. Section 483 is amended by inserting the words "or special constable" immediately after the word "constable" where it appears in the second line of subsection (1) and in the first line of subsection (2).