



CHAPTER 105.

**An Act to amend the Shaughnessy Heights Building
Restriction Act, 1922, Amendment Act, 1955.**

[Assented to 20th March, 1959.]

Preamble.

WHEREAS by section 7 of the "Shaughnessy Heights Building Restriction Act, 1922, Amendment Act, 1955," the coming into effect of sections 2, 3, 4, and 5 of the said Act was deferred:

And whereas the said sections 2, 3, 4, and 5 have not been brought into force:

And whereas the legal rights and obligations of owners of some of the lands affected are uncertain:

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 *Saughnessy Heights Building Restriction Act, 1922, Amendment Act, 1959*.

Amends s. 5.

2. Section 5 of the *Saughnessy Heights Building Restriction Act*, as amended by section 6 of chapter 111 of the Statutes of 1955, is further amended by adding the following as subsections (3), (4), and (5):—

"(3) The use of any building on the first day of April, 1955, in contravention of the provisions of section 2 (b) of this Act which is continued after that date, whether by the same or any other person, shall not be deemed a nuisance provided that such use is not extended or increased and provided further that such use has not been discontinued for a period of thirty days; in the event that such use is discontinued for 30 days or longer any subsequent use of such building shall be in conformity with the provisions of this Act and any other use thereof shall be deemed a nuisance and subject to proceedings under subsection (1) of this section.

“(4) Any use of buildings which is protected by the provisions of subsections (2) and (3) of this section shall conform with the by-law requirements of the City of Vancouver provided that this subsection shall not be deemed to permit any violation of the provisions of section 2 (a).

“(5) The Corporation of the City of Vancouver may enact zoning by-laws governing the lands to which this Act applies provided the same are not inconsistent with this Act.”

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