



## CHAPTER 92.

## An Act to amend the "Vancouver Incorporation Act, 1921."

[ Assented to 23rd March, 1935 ]

WHEREAS a petition has been presented by the City of Vancouver praying that the "Vancouver Incorporation Act, 1921," be amended: Preamble

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:—

1. This Act may be cited as the "Vancouver Incorporation Act, 1921, Amendment Act, 1935." Short title

2. Section 2 of the "Vancouver Incorporation Act, 1921," being chapter 55 of the Statutes of British Columbia, 1921 (Second Session), is amended by inserting therein the following definition— Rateable parcel of land defined.

"Rateable parcel of land" shall mean any lot or parcel of land, and shall include two or more lots or parcels of land on which improvements have been constructed so as to form a single unit situate upon such lots or parcels"

3. Section 6 of said chapter 55 is amended by striking out the words "votes cast for such by-law be not less than three fifths of the vote polled" in lines fifteen and sixteen thereof, and substituting therefor the following: "majority of the votes cast for such by-law are in the affirmative."

4. (1.) Section 4 of said Act, as re-enacted by section 2 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1928," is amended by striking out all the words after the word "follows" in the second line thereof down to and including the word "inter- Amends s. 4.

City boundary.

section" in the thirteenth line thereof, and substituting therefor the following: "Commencing at a point in the First Narrows of Burrard Inlet, which point is eight hundred (800) feet distant, measured northerly along a line astronomically north, from the high-water mark at the most northerly point of Prospect Point Lighthouse site; thence south-easterly in a straight line to the point of intersection of the production northerly of the boundary between District Lot Five hundred and forty-one (541) and District Lot One hundred and eighty-five (185) with the straight line joining a boundary survey monument set in close proximity to the Brockton Point Lighthouse with a point in the Second Narrows of Burrard Inlet distant five hundred (500) feet, measured northerly along the production northerly of the easterly boundary of the Town of Hastings, from a boundary survey monument set at or near the high-water mark and on the said easterly boundary of the Town of Hastings; thence easterly along the aforescribed straight line to the aforesaid point on the production northerly of the easterly boundary of the Town of Hastings."

Further amends s 4

(2.) Said section 4 is further amended by striking out all the words after the word "boundary" in the ninety-sixth line thereof, and substituting therefor the following: "a distance of forty (40) feet, more or less, to a boundary survey monument set at or near the high-water mark; thence astronomically north thirteen (13) degrees east a distance of two thousand (2,000) feet; thence easterly in a straight line to a point in English Bay situate astronomically north and three thousand (3,000) feet distant from a boundary survey monument set on the boundary between District Lot Five hundred and twenty-six (526) and District Lot One hundred and ninety two (192) and set at a distance southerly from high-water mark of English Bay of approximately fifty (50) feet; thence astronomically north to intersection with a line drawn astronomically west through the aforescribed point of commencement; thence astronomically east to the point of commencement"

Amends s 7, subsec (5)

5. Subsection (5) of section 7 of said chapter 55 is amended by inserting after the word "city," in the sixth line thereof, the following: "on the property upon which his eligibility for election or continuance in office depends."

Amends s 17.

6. Section 17 of the said Act is amended by striking out all the words after the words "null and void" in the fourth line thereof.

Enacts s 17A

7. Said chapter 55 is amended by inserting therein the following as section 17A:—

"17A. No action shall be brought, and no action now pending to recover any penalty or penalties provided for in section 17 of the 'Vancouver Incorporation Act, 1921,' shall be continued or maintained in any Court of this Province."

8. Subsection (11) of section 56 of said chapter 55 is amended by striking out of the proviso added to said subsection by section 4 of the "Vancouver Incorporation Act, 1921, Amendment Act, 1934," all the words after the words "such appeal" in the fourth line of the said proviso, and by substituting therefor the following: "and provided further that in any appeal so taken the assessment as revised and confirmed by the Court of Revision, or varied, modified, or confirmed by the Board, shall not be reduced in an amount greater than ten per centum from its assessment as revised and confirmed by the Court of Revision or varied, modified, or confirmed by the Board in the year next preceding such appeal. The above provisos shall not be deemed to apply to assessments on improvements, and shall not affect or apply to any appeal take before the Board of Assessment Appeals with respect to any assessment for the year 1935."

Amends s. 56,  
subsec. (11).

9. Subsection (14) of section 56 of said chapter 55, as re-enacted by section 8 of said "Vancouver Incorporation Act, 1921, Amendment Act, 1931," is amended by adding at the end of said subsection the words "such costs shall be payable forthwith, and may be collected in like manner as provided in respect of a judgment for costs by the Rules of the Supreme Court."

Amends s. 56,  
subsec (14).

10. Subsection (1) of section 59 of said chapter 55 is amended by striking out the words "as it appears upon the assessment roll" in the ninth and tenth lines thereof.

Amends s. 59,  
subsec (1)

11. Said chapter 55 is amended by inserting therein the following as section 151A:—

Enacts s. 151A

"151A. The Council may by resolution or by-law transfer to the sinking fund from time to time the unrequired balance of any loan which may have been secured through the issue of debentures, and also any other moneys which may from time to time be received by the city in the realization of real estate or other assets: Provided that if any unrequired balances of moneys secured from the proceeds of the sale of debentures issued for school purposes be transferred to the sinking fund they shall be allocated in the sinking fund to School Board debenture funds."

Council may  
transfer unrequired  
balances to  
sinking fund

12. Section 163 of said chapter 55 is amended by inserting therein the following as subsection (110a):—

Enacts s. 163,  
subsec (110a)

"(110a.) For regulating and controlling the delivery of milk and cream; and for defining and designating the areas or districts and the time or hours of delivery therein, and prescribing the methods of such delivery."

Delivery of milk  
and cream.

13. The provisions of subsection (5) of section 5 of the "Greater Vancouver Act," being chapter 17 of the Statutes of 1928, shall be deemed to and shall apply to all lands, real property, buildings,

Application of s. 5,  
subsec. (5), of  
"Greater Van-  
couver Act"  
extended.

easements, fixtures, and improvements whatever or wheresoever situate of or belonging to or held by or owned, possessed, or enjoyed by the Board of School Trustees of Vancouver, the provisions of any other Act, conveyance, trust, deed, covenant, or restriction whatsoever to the contrary notwithstanding, save only such restrictions as are set out in the said subsection (5), section 5:

Provided that, in the event of the sale, lease, or disposal of such lands, real property, buildings, easements, fixtures, and improvements all moneys or real property received in payment of the same shall be held in trust by the city for the use and benefit of the Board of School Trustees of Vancouver; such moneys may be either expended by the said Board for extraordinary expenses for school purposes and then only in such amounts and in such manner as shall be recommended by the said Board and approved by the Council, or may on recommendation of the said Board be transferred to the sinking fund, but shall not be used or expended for any other purpose whatsoever:

Further provided that in the event of such lands, real property, buildings, easements, fixtures, and improvements being used by the city for other than school purposes, or being rendered useless for school purposes by the city, the city shall reimburse the School Board for the value of such lands, real property, buildings, easements, fixtures, and improvements used or rendered useless by the city. The School Board and the Council shall agree upon the amount and value, and the manner in which the School Board shall be reimbursed as above, and in the event of the Council and the School Board failing to agree upon the amount, value, or manner of such reimbursement, the matter shall be submitted to a Board of three arbitrators pursuant to the provisions of the "Arbitration Act" in that behalf. All moneys forming all or any part of such reimbursement shall be held in trust by the city as hereinbefore provided in the first proviso of this section.

Re enacts s 251

14. Section 251 of the said chapter 55 is repealed, and the following substituted therefor:--

Police Court Clerk  
and City Prosec-  
utor appointed  
by Board.

"251. The Board shall appoint a Police Court Clerk and any necessary assistant or assistants and other officials as may be necessary to properly conduct the business of the Police Court and matters incidental thereto, and the Board shall also appoint a City Prosecutor and any necessary assistant or assistants and such other prosecutors as it may deem necessary and proper, and the Board may define the duties and the salaries of the officials mentioned in this section."

Enacts s. 345.

15. Said chapter 55 is amended by adding thereto the following as section 345:--

Plebiscite for  
abolishing ward  
system and  
reducing number  
of Aldermen.

"345. During the year 1935 the Council shall submit by way of a plebiscite to the electors of the city the following questions:--

- "(1.) Are you in favour of abolishing the ward system and electing the Aldermen at large?"
- "(2.) Are you in favour of reducing the number of Aldermen from twelve to eight?"

VICTORIA P.C.  
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