

This Act is current to February 27, 2024

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

***Note: this Act is a Private, Special and Local Statute***

[Prepared for convenience by the Office of Legislative Counsel. Note: This Act has not been revised as part of the Revised Statutes 1996. References in this Act to other Acts may be references to earlier Revised Statutes or to Acts not consolidated in a general revision of statutes, depending on when the provision of this Act containing the reference was enacted or amended.]

## **GREATER VANCOUVER WATER DISTRICT ACT**

### **[SBC 1924] CHAPTER 22**

*Assented to December 19, 1924*

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### ***Short Title***

#### **Short title**

- 1 This Act may be cited as the "*Greater Vancouver Water District Act*."

## ***Interpretation***

### **Expressions interpreted**

**2** In this Act, unless the context otherwise requires:—

**"Board"** means the Administration Board constituted under this Act:

**"Corporation"** means the Greater Vancouver Water District incorporated under this Act:

**"District"** means the area included in the Greater Vancouver Water District constituted under this Act:

**"Municipality"** includes every city or municipality within the district incorporated by or under any general or special Act:

**"Secretary"** means the Secretary of the Corporation.

1924-22-2; 1959-102-2; 1971-22-1.

## ***Incorporation***

### **Incorporation**

**3** There is hereby created and constituted a body corporate and politic under the name of the "Greater Vancouver Water District," with the objects, powers, and mode of management set forth in this Act.

1924-22-3.

### **Seal and membership**

**4** The Corporation and its successors shall have perpetual succession and also a common seal, with power to modify and alter the same at will; and the members thereof shall be the respective municipalities forming the district under this Act.

1924-22-4.

### **Special powers**

**5 (1)** The Corporation has all the rights and is subject to all the liabilities of a corporation and

- (a) may acquire, hold, manage, buy, sell, lease, let, mortgage, and deal in real and personal estate and property for all its purposes;
- (b) may acquire, design, construct, build, purchase, equip, improve, hold, own, lease, manage, maintain, and conduct waterworks and general waterworks systems throughout the district;
- (c) may acquire, maintain, manage, and conduct all lands, water, buildings, matters, plant, mains, pipes, distributing systems, machinery, or appliances connected therewith or necessary or incidental thereto, and all plant and equipment deemed necessary for furnishing power for the operation of the waterworks and for carrying out the Corporation's object under section 9.1;
- (d) may alienate any of its assets that, in the opinion of the Corporation, are no longer necessary or advantageous to its purposes;

(d.1) may enter into agreements to sell and supply water to Point Roberts Water District No. 4; and

(e) may exercise and carry out all the powers, rights, and duties conferred and imposed by this Act expressly or by implication.

(2) Section 72 does not apply with respect to assets alienated under clause (d) of subsection (1).

(3) Sections 285 and 286 of the *Local Government Act* apply to the land that is proposed to be alienated under subsection (1) (d).

1965-61-2; 1987-42-41; 1997-25-18; 1998-34-259; 2000-7-191; 2008-23-7; RS2015-1-RevSch.

## General powers

**6** The Corporation shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, and suits at law and in equity whatsoever; and it shall be in law capable of receiving by donation, or acquiring, holding, or disposing of and conveying, any property (real or movable) for the use of the Corporation, and of becoming a party to any contracts or agreements necessary or incidental to the management of the affairs of the Corporation; and, generally, to do all things necessary to attain the objects of the Corporation.

1924-22-6.

## Agreements

**6A** (1) The Corporation and a municipality within the district, by by-law or resolution of its Council, without further authority or sanction, may make, enter into, and fulfil an agreement whereby the municipality agrees inter alia, to pay part of the cost of constructing a main conduit, pipe, or other facility of the Corporation in the manner provided for in the agreement whenever in the opinion of the Corporation and the municipality the main conduit, pipe, or other facility will specially serve the municipality over and above the main conduit, pipe, or other facility the Corporation would otherwise construct under this Act.

(2) The Corporation and a municipality within the district may make, enter into, and fulfil an agreement whereby the Corporation agrees to do all or any one or more of the following things, to wit, the financing, the designing, or the constructing of a waterworks system, or any part thereof, for the municipality at the sole and exclusive cost of the municipality, and whereby the municipality agrees, inter alia, to pay such cost on the terms, in the manner, and at the times provided for in the agreement.

(3) (a) An agreement made under the powers conferred upon the Corporation and a municipality within the district by this section is valid and binding on the Corporation and the municipality whether the same would otherwise be ultra vires of either or both of them or not.

- (b) Everything done by the Corporation in contemplation of or under and by virtue of such agreement shall be deemed to be for the purpose of the undertakings authorized by this Act.
- (c) Any indebtedness incurred by a municipality under and by virtue of an agreement made under subsection (1) shall be excluded from the general debt of the municipality in determining its borrowing powers, and shall not be deemed to be an indebtedness of the municipality requiring recital in any by-law of the municipality for the creation of debts by the issue of debentures or otherwise.

1960-72-2.

### ***Area***

#### **Area of district**

- 7** The area of the Greater Vancouver Water District shall include the respective areas within the territorial limits of the following municipalities, that is to say:—

- (a) City of Vancouver:
- (b) Corporation of Point Grey:
- (c) The Corporation of the District of South Vancouver;

together with such other municipalities or portions thereof as may from time to time be added to such district pursuant to the provisions of this Act.

1924-22-7.

### ***Water Supply Objects***

#### **Corporation may acquire and supply water**

- 8** The objects of the Corporation shall be the acquiring, supplying, and distributing of water from any source or sources for the use of the inhabitants of the district for all purposes, or for the use of adjacent areas outside the district, including any unorganized territory, or for any other use or purpose within or without the district. It shall be within the corporate authority of the Corporation to extend its operations and to exercise its powers outside the limits of the district where it deems it expedient so to do in the interest and business of the Corporation.

1924-22-8; 1987-42-42.

#### **Power to acquire water rights**

- 9** (1) The Corporation shall have power to acquire water licences; and in carrying out its objects may divert, store, convey, distribute, sell, and use any water authorized to be diverted or stored under any water licence held by it, and every such water licence shall be exempt from cancellation.
- (2) Despite subsection (1), a water licence acquired by the Corporation for the purpose of its object under section 9.1 shall not be exempt from cancellation.

1944-14-2; 2008-23-9.

### ***Energy Supply Object***

#### **Corporation may produce and supply energy**

- 9.1** (1) In this section, "**energy**" means light, heat, cold or power distributed or delivered by water, electricity, steam, natural gas or any other agent.
- (2) The Corporation has the object of the generation, storage, transmission, exchange, sale or other disposition of energy that is produced in connection with, or incidental to, the acquiring, supplying, and distributing of water in accordance with the Corporation's objects under section 8.
- (3) The Corporation has the same powers in relation to the object referred to in subsection (2) as it has in relation to its objects under section 8.

2008-23-10.

### ***Organization and Management***

#### **Organization and management**

- 10** (1) The powers and functions of the Corporation shall be exercised and discharged by an Administration Board consisting of those persons who are Directors for each municipality within the Greater Vancouver Water District on the Regional Board of the Metro Vancouver Regional District together with the person referred to in subsection (2).
- (2) For the purpose of subsection (1), the Director representing Electoral Area A (University Hill) on the Regional Board of the Metro Vancouver Regional District shall be a member of the Board.
- (3) The regional district director of a municipality within the Greater Vancouver Water District that is not a member municipality of the Metro Vancouver Regional District shall be a member of the Board as if the municipality were a member municipality of the Metro Vancouver Regional District; but, where that municipality is entitled to more than one Regional Board Director, the Council shall determine which director shall be a member of the Board.
- (3a) Subsection (3) comes into force on the first day of January, 1975.
- (4) The members of the Board have the same number of votes to which they are entitled as members of the board of the Metro Vancouver Regional District or to which they would be entitled if they were members of that board and, for these purposes, section 196 of the *Local Government Act* applies.
- (5) Section 123 (3) and (4) [*obligation to vote*] and Division 6 [*Conflict of Interest*] of Part 4 of the *Community Charter* apply to the Board, its select committees, standing committees and any other committees it establishes that are composed solely of Board members and, to the extent that they are not inconsistent with this Act, sections 211 (2), 215, 220, 222, 224 and 226 (1) of the *Local Government Act* apply to the Board.
- (5.1) The following documents must be made available for public inspection:
- (a) gift disclosure statements required under section 106 (2) of the *Community Charter*, as that section applies under subsection (5);
  - (b) minutes of a board meeting, or a part of a board meeting, that is not closed under section 90 of the *Community Charter*, as that section applies under subsection (5).

- (6) A member of the Board who votes must cast all available votes for the same objective.
- (7) A municipality and the Director representing Electoral Area A (University Hill) may appoint a person as an alternate member of the Board, and sections 200 and 201 of the *Local Government Act* apply as if an alternate member were an alternate director.

1971-22-2; 1974-59-2; 1994-52-19; 1999-37-234; 2000-7-191; 2003-52-104; 2006-3-8; RS2015-1-RevSch; 2018-23-53.

## Offices of the Board

- 11** The Board shall from time to time provide and maintain fit and convenient offices for holding the meetings of the Board and transacting the business of the Corporation; and may purchase, lease, rent, or otherwise acquire any land or buildings which the Board may deem necessary for such purposes.

1924-22-11; 1966-60-2; 1987-42-43.

## Chairman and officers

- 12** (1) Subject to subsections (2) and (3), the Chairman, Deputy Chairman, Secretary, Treasurer, and other officers and officials for the time being of the Metro Vancouver Regional District shall be respectively the Chairman, Deputy Chairman, Secretary, Treasurer, and officers and officials of the Board.
- (2) Where the Chairman or the Deputy Chairman of the Metro Vancouver Regional District is a Director representing a municipality that is not within the Greater Vancouver Water District, the Board shall elect a Chairman or a Deputy Chairman.
- (3) If the Board, under subsection (2), elects the Deputy Chairman of the Metro Vancouver Regional District as Chairman of the Board of Administration, the Board shall elect a Deputy Chairman.
- (4) Sections 788, 789 and 790 of the *Local Government Act* apply to the Board and, for these purposes, the Chairman, Deputy Chairman, members and alternate members of the Board are to be considered directors within the meaning of those sections.
- (5) A member of the Board may not receive remuneration, reimbursement or expenses from more than one of the Metro Vancouver Regional District, the Greater Vancouver Sewerage and Drainage District and the Greater Vancouver Water District in respect of the same matter or concurrent meetings.
- (6) In subsection (4), a reference to a provision that was amended or repealed by the *Local Government Statutes Amendment Act, 2000* is deemed to be a reference to the provision as it read immediately before the amendment or repeal and, for these purposes, the provision is deemed not to have been amended or repealed by that Act.

1971-22-3; 1994-52-20; 1999-37-235; 2000-7-191,204; 2018-23-53.

## Repealed

**13-14** [Repealed 1971-22-4.]



## **Voting-power**

- 15** Voting-power in respect of membership in the Corporation, and all other rights of membership in the Corporation, shall be exercised and represented by and through the Board.

1924-22-15.

## **Term of office**

- 16** The Board shall be deemed and considered to be as always continuing and existing, and the members of the Board shall hold office until their successors are duly appointed, and upon the appointment of such successors the Board may take up and carry to completion all by-laws, reports, and other proceedings which had been taken up or had been under consideration by the Board; and it shall not be necessary to consider or begin de novo any by-law, proceeding, report, matter, or thing entertained by the Board subsequent or prior to any annual or other appointment as aforesaid.

1924-22-16.

## **Board may enact by-laws**

- 17** (1) The powers of the Board shall, in cases specially so required by this Act, be exercised by by-law, otherwise the Board may proceed, by order or resolution. The Board may from time to time enact, make, alter, repeal, amend, vary, and re-enact by-laws for the carrying-on, management, and regulation of the undertakings of the Corporation, and for giving effect to the provisions of this Act.
- (2) Whenever the Board shall desire to raise upon the credit of the Corporation any money not required for its ordinary expenditures, and not payable within the current fiscal year, the powers so to do in that behalf shall be exercised by by-law.
- (3) Section 135 (1), (3), (4) and (6) *[requirements for passing bylaws: 3 readings, order of approvals, signing]* of the [Community Charter](#) and section 228 of the *Local Government Act* apply to the Corporation.
- (3.1) Bylaws of the Corporation must be available for public inspection.
- (4) Except as otherwise provided in this Act, the business of the Board shall be conducted in accordance with the procedures established in the procedural bylaw of the Metro Vancouver Regional District under section 225 of the *Local Government Act*.

1924-22-17; 1932-18-2; 1994-52-21; 1997-25-19; 1999-37-236; 2000-7-191; 2003-52-105; RS2015-1-RevSch; 2018-23-53.

## **By-laws to be under seal**

- 18** Every by-law shall be under the seal of the Corporation, and shall be signed by the Chairman, or by the person presiding at the meeting at which the by-law has been passed, and by the Secretary, Acting Secretary or Assistant Secretary.

1959-102-6; 1994-52-22.

## **Certified copy of by-law as evidence**

- 19** A copy of any by-law or resolution, written or printed, and under the seal of the Corporation, and certified by the Secretary, Acting Secretary or Assistant Secretary to be a true copy, shall be received as prima facie evidence in any Court of justice without proof of the seal or signature.

1959-102-7; 1994-52-23.

### **Powers of Commission**

- 20** (1) Subject to the authority and control of the Board, the undertakings of the Corporation shall be under the management of a Commission consisting of not more than three Commissioners. Where only one Commissioner is appointed, such Commissioner shall be and shall constitute the Commission, and such Commissioner shall have and may exercise all the powers conferred, and shall discharge all the duties imposed by the provisions of this Act upon the Commission.
- (2) The Commissioners shall be appointed from time to time by the Board.
- (3) The Commissioners shall be entitled to attend the meetings of the Board, and take part in the discussion, but not to vote.
- (4) Each Commissioner shall hold office continuously until removed by the Board, notwithstanding anything to the contrary contained in the *Municipal Superannuation Act* or any other Act. The Board may name one of the Commissioners as Chief Commissioner.
- (5) [Repealed 1971-22-7.]
- (6) [Repealed 1971-22-7.]

1924-22-20; 1925-15-3; 1940-17-2; 1952-16-3,4; 1971-22-5 to 7.

### **Secretary**

- 21** In addition to the duties and powers established by the Board, the Secretary has the duties and powers of a regional district corporate officer.

2003-52-106.

### **Solicitor**

- 22** The Board may appoint a solicitor and counsel of the Corporation; and, with the approval of the Regional Board of the Metro Vancouver Regional District, one of the Commissioners may act as Treasurer.

1971-22-9; 2018-23-53.

### **Treasurer**

- 23** In addition to the duties and powers established by the Board, the Treasurer has the duties and powers of a regional district financial officer.

2003-52-106.

### **Annual audit**

- 24** (1) An annual or more frequent audit shall be had by a person to be named by the Board who is

- (a) a member of a provincial organization of chartered professional accountants within Canada, authorized by that organization to perform an audit,
- (b) a professional accounting corporation as defined in the *Chartered Professional Accountants Act*, authorized by the CPABC as defined in that Act to perform an audit, or
- (c) a registered firm as defined in the *Chartered Professional Accountants Act*, authorized by the CPABC as defined in that Act to perform an audit.

(2) The remuneration of a person named by the Board under subsection (1) shall be paid out of the funds of the Corporation.

2018-36-26.

### **Books of account and annual report**

- 25** The Corporation is hereby required to keep, or cause to be kept, books of account of the receipts and disbursements for and on account of the business of the Corporation, and, generally, such information as may be required in order that all accounts relating to the Corporation may be properly audited; and the Corporation shall annually, on or before the first day of April in each year, cause to be prepared an audited statement of the affairs of the Corporation, showing in detail its revenues and expenditures for the preceding fiscal year and its assets and liabilities, a copy of which, together with a copy of the Auditor's report, shall be forwarded to each of the municipalities included in the district, and shall be open to inspection by any ratepayer within the district.

1924-22-25; 1994-52-26.

### **Service of process on Corporation**

- 26** Process against the Corporation shall be served on the Chairman of the Board, the Secretary or a Commissioner.

1994-52-27.

### **Corporate seal**

- 27** (1) The Secretary shall be the custodian of the corporate seal.
- (2) The Secretary shall cause the corporate seal to be affixed to a document when required by law or by resolution of the Board.

1994-52-28.

### **Employees**

- 28** All employees of the Corporation on the date this section comes into force shall become and be employees of the Metro Vancouver Regional District, and the Board may enter into such agreements with the Metro Vancouver Regional District as may be necessary to carry out this section.

1971-22-10; 2018-23-53.

### **Employee benefits**

**28A** It shall be lawful for the Corporation, and the Corporation is hereby authorized and empowered, from its funds:—

- (a) To aid and assist by annual money grant or otherwise, as the Corporation may deem expedient, the establishment and maintenance of superannuation or official benefit funds for employees of the Corporation, for providing pensions, gratuities, or retiring allowances to such employees; and for that purpose, if the Corporation thinks fit, to deduct from the salaries of the employees such amounts as the Corporation may deem necessary or expedient:
- (b) To contribute or pay the full amount or any portion of any premium in respect of any benefit, accident, or sickness or life insurance policy, or scheme of group insurance for the purpose of insuring all or any employees of the Corporation against sickness, accident, or death, as the case may be.

1926,27-27-2.

### **Undertakings of Corporation**

- 29** (1) It shall be lawful for the Corporation, and the Corporation is hereby authorized and empowered, to purchase and acquire, or compulsorily to take and appropriate, any municipal waterworks, undertaking, plant, or system, or the equipment thereof either in whole or in part, and whether situate wholly within or in part without the district, including such portion of the distribution system and works thereof as may be necessary for the purposes of the Corporation; and all or any rights, privileges, records, property, or easements in respect thereof or incidental thereto, or in respect of the acquisition, supply, or diversion of water from whatever source situate within or without the district from which water is or can be conveniently supplied to any part or portion of the district, including the right to assume the indebtedness or to guarantee bonds, debentures, or other obligations in respect thereof.
- (2) The value of any such waterworks, undertaking, plant, lands, property, or system, or the equipment thereof so acquired, or intended to be taken or acquired, under the powers hereby created shall be determined by allowing — and the municipality owning the same shall be entitled to receive — the present actual value of the same ascertained by an appraisal based on the actual and necessary costs that would be involved in designing, constructing, installing, acquiring, equipping, and generally reproducing the same according to prevailing prices, costs, and values in all respects as at the date of the making of such appraisal, making due allowance for depreciation. In ascertaining such value, nothing shall be allowed for good-will. Any deductions for depreciation from cost of reproduction new shall be based on present physical condition of such waterworks, system, plant, and equipment.
- (3) Notwithstanding anything contained in any public, private, or special Act to the contrary, it shall be lawful for the Municipal Council of any municipality within the district to bargain or arbitrate in respect of, and to sell, assign, transfer, convey, dispose of, and set over, such municipal waterworks, undertaking, plant, system, or the equipment thereof, or any part thereof, and all such rights,

privileges, records, property, or easements connected therewith or incidental thereto, to the Corporation, without any submission of the question or subject-matter thereof to the electors of the respective municipalities concerned.

- (4) In the event of any Municipal Council and the Corporation failing to agree mutually as the price, terms, and conditions of purchase of any such waterworks, undertaking, plant, or system, or the equipment thereof, and the rights, privileges, records, property, or easements as aforesaid, or any part thereof, the price, terms, and conditions thereof shall be fixed by arbitration pursuant to the provisions for arbitration specified in section 36 of this Act.
- (5) By mutual agreement entered into between the parties to any such arbitration, any award made by the arbitrators pursuant to the provisions of this Act may be paid either in money or in debentures of the Corporation, payable at such date or on such terms as the Board may deem expedient, provided that such debentures be issued and accepted at not more than par value thereof and the rate of interest payable thereunder does not exceed five and one-half per centum per annum.
- (6) The Board is hereby empowered to enter into any other mutual agreement respecting the payment of principal or interest which, in the Board's opinion, may be more advantageous to the Corporation than the foregoing.
- (7) The arbitrators shall, before the commencement of the arbitration, be informed of any such mutual agreement that may have been entered into, in order that the arbitrators may, should they deem expedient, consider what (if any) effect the provisions of such mutual agreement may have upon their award.

1924-22-29; 1925-15-4.

### **Application of proceeds of sale to Corporation**

- 30** All moneys received by a municipality from the disposition to the Corporation of works or property in respect of the construction or acquisition of which there is an outstanding debt of the municipality shall be used in or towards immediate payment of such debt, or shall be treated as a sinking fund towards payment thereof at maturity.

1924-22-30.

### **Acquisition of rights outside district**

- 31** The Corporation shall not have power to acquire, except by mutual agreement, any municipal waterworks, undertaking, plant, or system situate wholly outside the district.

1924-22-31.

### **Power to construct works**

- 32** It shall and may be lawful for the Corporation to erect, construct, operate, and maintain, in, on, under, or upon any lands taken or acquired by it, all reservoirs, dams, storage-basins, conduits, pipes, flumes, waterworks, plant, and machinery, including power plant and all equipment requisite or convenient for the said undertakings; and to convey and distribute water thereto and therefrom, and, by means thereof, in, on, under and upon, or through any of the lands or property, or

sea or tidal waters, lying intermediate between such reservoirs, plant, and works, and the springs, streams, rivers, lakes, or other sources from which such waters are procured, and the district and points of distribution and sale thereof, by one or more lines of pipes, tunnels, aqueducts, or conduits as may from time to time be deemed necessary.

1924-22-32.

### **Power to enter upon land or streets**

- 33** The Corporation, its agents, servants, and employees, are hereby authorized and empowered to enter and pass over, under, and upon any lands and property, or sea or tidal waters, situate intermediate as aforesaid; and the same to repair, cut, dig up, open, and fill in when and wherever necessary; and to construct, erect, or lay down said pipes, water, and system; and to install said plant and equipment through the same, and through, in, under, upon, and over highways, railways, roads, streets, lanes, and public thoroughfares or other places in and through the district, and in, upon, through, over, and under the lands, properties, and premises of any person or persons, bodies corporate, politic, or collegiate whatsoever situate within or without the area of the district wherever the same is requisite and necessary so to do; and to set out, ascertain, use, enjoy, and occupy such portion or portions thereof as the Corporation shall deem expedient, necessary, or proper for the installing, making, equipping, maintaining, or operating of the said works, plant, equipment, and system for the purposes of the Corporation; and to purchase, acquire, or lease, or compulsorily take, any land or property, real or movable, within or without the district, required or necessary for the establishment, use, or protection of the said works, plant, undertaking, equipment, and system, or any part thereof, or for preserving the purity of the water-supply in respect thereof; and for taking up, removing, altering, or repairing the same, or any part thereof; and to supply water for use in the district, or any part thereof, or any district or area contiguous thereto, including islands or of the proprietors or occupiers of land or properties through or near which the same may pass; and, for any of the foregoing purposes, to establish, make, sink, or lay down pipes, trunk lines, reservoirs, containing basins, receptacles, or other conveniences; and from time to time to remodel or alter all or any of the said works, plant, equipment, or system, or any part thereof, as the Corporation may deem expedient, including the location or position of any part of the said system.

1924-22-33.

### **Timber and lands may be compulsorily acquired**

- 34** (1) The Corporation is hereby empowered to acquire, purchase, or compulsorily to take and expropriate lands and timber, within or without the district, contiguous or adjacent to the source or sources of supply of water, or within the watershed area or source or sources of the supply of water, used or intended to be used by the Corporation for part of its waterworks and system or for the purpose of protecting or preserving such source or sources of water-supply; and the Corporation may thereafter sell or lease or dispose of so much of such lands and timber so acquired, purchased, taken, or expropriated as

aforesaid as shall afterwards be found or deemed not to be required for the purposes of the Corporation.

- (2) In the event of the Corporation compulsorily taking or expropriating any lands or timber under the provisions of subsection (1), the amount of compensation which shall be payable in respect thereof shall include not only the value of the lands or timber, but also any loss or damage thereby occasioned to the owner or holder of the lands or timber in respect of expenditures theretofore made in the construction, equipment, and placing of works and equipment for the cutting, removal, and shipment of timber.

1924-22-34.

### **Settlement of damages**

- 35** In carrying out the installation, construction, alteration, or repair of any of the works or system, or any part thereof, pursuant to any of the powers hereinbefore conferred, the Corporation shall make reasonable satisfaction to any municipality or owner of property or occupier of any such lands and property so used, enjoyed, or entered upon for any damage done or suffered thereby, and the [Expropriation Act](#) applies.

1924-22-35; 1987-23-74.

### **Expropriation, compensation and arbitration**

- 36** (1) It shall be lawful for the Corporation, its agents, servants, or workmen, from time to time, and at such times hereafter as the Corporation shall deem fit — and the Corporation, its servants or agents, are hereby authorized and empowered — to enter into, on, and upon the lands of any person or persons, bodies corporate or politic, within or without the district, and to survey, set out, and ascertain and take such parts thereof as the Corporation may require for the purpose of waterworks or catchment areas, or for the purpose of any part of a waterworks system, or for the purpose of conveying electric motive force or other power for the operation of same; and also to divert and appropriate any spring, stream, river, lake, or body of water, whether natural or artificial, as the Corporation shall judge suitable or proper or deem expedient.
- (2) The Corporation shall make to owners or occupiers of, or other persons interested in, real property entered upon, taken, expropriated, or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of any of its powers, under this section, due compensation for any deprivation or damage (including interest upon the compensation at the rate of six per centum per annum from the time the real property was entered upon, taken, or used) necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive as a consequence thereof or from the contemplated work; and a claim for compensation, if not mutually agreed upon, shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely: The Corporation shall appoint one, the owner or occupier or other person making the claim, or his agent, shall appoint another, and such two arbitrators shall appoint a third arbitrator within ten days after their appointment, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the

Supreme Court shall, on application of either party, of which due notice shall be given to the other party, appoint such third arbitrator. If any doubt arises as to procedure under this section, the [Arbitration Act](#) applies.

- (3) The parties to the reference may agree to submit the matter to one arbitrator, whose award shall be as binding and conclusive as that of two or three arbitrators, or with consent of the parties any Judge of the Supreme or County Court may decide the matter in dispute, and his decision shall be as binding as the award of an arbitrator or arbitrators.
- (4) In case such owner, occupier, or other person is an infant or insane or otherwise legally incompetent or absent from the Province, or whose whereabouts are unknown, or in case either party shall refuse to appoint an arbitrator on his behalf, then a Judge of the Supreme Court, on application being made to him for that purpose by either party, shall nominate and appoint three disinterested persons to be arbitrators.
- (5) The arbitrators appointed as hereinbefore mentioned shall determine, adjudge, award, and order the respective sums of money which the Corporation shall pay to the respective persons entitled to receive the same; and the award of the majority of said arbitrators shall be final.
- (6) The said arbitrators shall be, and they are hereby, required to attend at some convenient place at or in the vicinity of the City of Vancouver to be appointed by the Corporation, after eight days' notice given for that purpose by the Corporation, then and there to arbitrate, adjudge, determine, and award such matters and things as shall be submitted for their consideration by the parties interested; and each such arbitrator shall be sworn before some one of His Majesty's Justices of the Peace or other officer or official authorized thereunto, well and truly to assess the value or damages as the case may be, between the parties to the best of his judgment.
- (7) Any such award had or made under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia in the same manner and on the same grounds as in ordinary cases of arbitration, in which event a reference may be again made to arbitration as hereinbefore provided.
- (8) Any sum or consideration so ordered shall be paid within three calendar months from the date of such award or determination of any motion to amend the same; and in default of such payment the Corporation shall give up possession of the property, and all the rights of the parties respectively interested in the subject-matter of such arbitration shall thereupon revive.
- (9) The award of a majority of the said arbitrators shall be binding upon all parties concerned, subject as aforesaid.
- (10) Upon payment by the Corporation to the person entitled thereto of the amount of compensation agreed upon or awarded as aforesaid, or in case the Corporation has reason to fear any claims or encumbrances, or any person to whom compensation is payable refuses to execute a proper conveyance or cannot be found, or for any other reason the Corporation may deem advisable, upon payment thereof to the Registrar of the Supreme Court at the City of Vancouver, accompanied by a copy of the agreement or award, the Corporation



may take possession of and hold such lands, rights, or property. Where payment has been made to the Registrar, the Supreme Court, or any Judge thereof, may upon an ex parte application of the Corporation order that title to the lands, rights, or property comprehended in such agreement or award be vested in the Corporation; and upon application by the Corporation to the Registrar of Titles pursuant to the *Land Registry Act*, accompanied by such order, the Registrar shall register such title.

1924-22-36; 1968-64-2.

### **Authority to inspect**

- 37** It shall be lawful for the Corporation, its officers and every person duly authorized by it for that purpose, to have free access (at all reasonable hours of the day and upon reasonable notice given and request made for such purpose) to all buildings or premises into which water is delivered or distributed under this Act, other than those within a municipality to which water is supplied in bulk by the Corporation.

1924-22-37.

### **Property vested in Corporation**

- 38** The lands, works, plant, system, water records, privileges, rights, easements, and water which shall be acquired, ascertained, set out, taken, or appropriated by the Corporation shall be vested in the Corporation.

1924-22-38.

### **Corporation may sue and be sued**

- 39** The Corporation may prosecute and defend any action or actions, suits, proceedings, or process at law or in equity against any person or corporation for money due for the use of water or breach of any contract, expressed or implied, in respect of the construction, alteration, repair, execution, management, maintenance, or operation of the plant, works, or system, or any part thereof, or the distribution of water, or in respect of any contract or agreement made to or with any of them, or in respect of any injury, damage, loss, trespass, nuisance, or other tort or wrongful act done, omitted, or suffered to such lands, property, works, plant, system, watercourses, sources of water-supply, or any part of the equipment or apparatus belonging to or in any way connected with or incidental to the works or system, or any part thereof, or in respect of any improper use or waste of water.

1924-22-39.

### **Property exempt from seizure**

- 40** All material procured or partially procured under any contract or agreement with the Corporation, upon or in respect of which the Corporation shall have made payments, or agreed to make advances or part payments, in accordance with such contract or agreement, shall be exempt from seizure under execution.

1924-22-40.

### **Recommendation of Commission required**

- 41** No scheme of water-supply or extension of mains shall be adopted, or contract for the purchase of land, or proceedings for the acquisition thereof entered into, nor

shall the construction of any works be undertaken by the Board unless it has received a report from the Commission, or the time for receiving a report has expired.

1924-22-41; 1971-22-11.

## **Repealed**

**42** [Repealed 1994-52-29.]

## **Board may delegate powers by by-law**

**43** For the purpose of facilitating the conduct of the affairs of the Corporation, and subject to the provisions of this Act, the Board may delegate by by-law to the Commission such of its executive or administrative powers of the Corporation as the Board may deem expedient.

1924-22-43; 1971-22-12.

## **Committees**

**44** (1) The Board shall, when authorized by a by-law adopted by an affirmative vote of at least 2/3 of the votes cast at a meeting of which notice of the by-law has been given, delegate authority to a committee, with such restrictions or conditions as are specified in the by-law, to exercise any of the executive or administrative powers of the Board.

(2) In a by-law under subsection (1) provision may be made for appointing as a member of a committee a person not being a member of the Board so long as he is a mayor or alderman of a municipality within the Greater Vancouver Water District.

1971-22-13; 1994-52-30.

## **Supply of water in bulk**

**45** The Corporation shall furnish an adequate supply of water in bulk to the several municipalities within the district to satisfy their respective needs for water for all purposes, and such water shall be so supplied in bulk at fair and equitable rates per unit of volume as may be determined by the Board on receiving the report of the Commission or after the time for receiving the report has expired.

1924-22-45; 1971-22-14.

## **Annual estimates and fixing of rates**

**46** (1) The amount of money necessary to meet the requirements and obligations of the Corporation for interest on and repayment of borrowed moneys, and for maintenance and operation, and for necessary reserves, including reserve or allowance for rates which may not be collected in full, and for the provision of sinking funds, or otherwise necessary to supplement the funds of the Corporation for ordinary expenditures, shall be ascertained, as near as may be, by the Commission at the beginning of each year, due allowance being made for moneys receivable for water sold outside the district. The amount shall be subject to the approval of the Board, and shall thereupon be raised in manner

herein set out. The fiscal year shall commence with the first day of January and end with the thirty-first day of December in each year.

- (2) The amount so ascertained and approved as mentioned in the last preceding subsection shall be collected in and from the respective municipalities within the district; and the Board shall, on the recommendation of the Commission, fix and determine the rate or rates necessary to be charged for water against each municipality within the district respectively for the current year, pursuant to the provisions of this Act, in order to raise the amount: Provided that if it becomes apparent at any time or times during the currency of any fiscal year that the rates so fixed are higher or lower than are necessary to raise such amount, the Board shall thereupon revise and adjust such rates for the current fiscal year so that the total amount collected for the year shall as near as possible be equal to the amount required as aforesaid.
- (3) The rates so fixed and determined by the Board shall be deemed to be due and payable monthly, unless otherwise expressly agreed upon between the Board and any respective municipality within the district. Accounts overdue for more than thirty days shall be subject to interest until paid at the rate of six per centum per annum, in the discretion of the Board.
- (4) The said rates shall be a special charge or lien upon and against each municipality respectively, and the full taxing-power thereof and all the property and assets of the municipality within the district, and shall be recoverable at the suit of the Corporation against the municipality in any Court of competent jurisdiction.
- (5) In case a municipality for any reason fails to pay the said rates so fixed and determined by the Board within thirty days from the day upon which such rates become due and payable, and in case the Board has passed a resolution authorizing the giving of a notice to the municipality pursuant to this subsection, it shall be lawful for the Corporation, in addition to all other powers conferred upon and remedies allowed to it by this section, and without the institution of any action, to notify the municipality that its account with the Corporation has been overdue for more than thirty days, and thereupon, notwithstanding anything contained in any other Act of the Legislature, public or private, all moneys collected by that municipality, after the receipt of such notice, by way of charges for the water supplied by it to consumers from the supply furnished to the municipality by the Corporation shall, upon collection, be set apart by the municipality, and kept in a separate trust account, and shall, first and in priority to all other uses, be applied towards the payment of any and all indebtedness of the municipality to the Corporation so overdue until such indebtedness has been paid, when the balance (if any) of the moneys so set apart shall be available for the use of the municipality and the said trust account shall be closed.

1924-22-46; 1926,27-27-4; 1933-24-2.

## **Delivery of water**

- 47** The supply of water for each municipality shall be delivered and taken from the main conduits or pipes of the Corporation at the nearest convenient point to or

within the limits of such municipality, having due regard to the safety, efficiency, and convenience of the system as a whole.

1924-22-47.

### **"Main conduits"**

- 48 The Board shall have full power and authority to design and designate from time to time the mains or pipes of its system and the location and routes thereof, which shall be deemed to be, and shall be, "main conduits."

1924-22-48.

### **Distribution system may be expropriated**

- 49 The Corporation is hereby authorized and empowered, subject to the provisions of this Act, to take, purchase, or expropriate any part, section, or portion of any distribution system or existing distribution system, or of any future extension or extensions thereof, owned or belonging to or under the control of any municipality within the district for the purpose of using, designing, or designating the same as and for a main conduit or conduits in connection with the general system of the Corporation.

1924-22-49.

### **Deficit to be carried forward**

- 50 If at the end of any fiscal year the Board shall find there has been a deficit and the rates imposed for water supplied by the Corporation for the previous year were not sufficient by reason of underestimate or delay or loss in collection to produce enough revenue to meet the financial requirements and obligations of the Corporation, the Board shall carry such deficit over to the succeeding year, and, if necessary, shall revise the rates so that the revenue shall meet the expenditure for such succeeding year and absorb the amount of such deficit so carried forward.

1924-22-50; 1926,27-27-5.

### **Scale of rates may be revised**

- 51 If at the end of any fiscal year the Board shall find there has been a surplus, and the rates fixed for water supplied by the Corporation for the previous year were more than sufficient to produce enough revenue to meet the financial requirements and obligations of the Corporation, the Board shall carry such surplus over to the succeeding year, and shall, if expedient, revise the rates downward, but so that at all times they shall be sufficient to make the revenue meet the necessary expenditure and financial obligations of the Corporation for such succeeding year.

1924-22-51.

### **Board may reimburse municipality for renewals**

- 52 (1) The Corporation is hereby authorized and empowered to make, grant, reimburse, or advance any sum or sums as an allowance or allowances to any municipality within the district which owns and enjoys a distribution system through which the supply of water of the Corporation may flow for or towards the cost or expense of renewals, replacements, or betterments of certain pipes or mains, which the Board may designate as secondary conduits, as being

conduits which are essential to the general system of the Corporation and which carry a principal supply or flow of water through them and are made use of by the Corporation as through conduits, secondary only to its main conduits.

- (2) The Corporation may make such allowance or allowances for betterments, replacements, or renewals of such secondary conduits in lieu of purchasing or expropriating the same as part of the Corporation's own system and works.

1924-22-52.

### **Municipality may supply water to another municipality**

- 53** When any municipality within the district is willing and able to convey to any other municipality within or without the district an adequate supply of water (supplied to it by the Corporation) on terms agreed upon between them, or, in case of disagreement, on terms as shall be determined by the Board (if and when such two municipalities shall refer such question to the Board), the Corporation shall not be required to construct a main conduit or any other conduits from its works or system to the municipality for which water supplied shall be so available: Provided, however, that unless, at a reasonable time before the termination of any such agreement, it shall appear that the provisions for water supplied in such manner is to be continued by like agreement on terms agreed upon or determined by like reference, the Corporation may, on written notice by either of such municipalities, be required to construct a main so as to supply directly such municipality pursuant and according to the provisions of this Act.

1924-22-53.

### **Costs of extensions to added municipality**

- 54** The Corporation may, with a view to avoiding the cost of direct mains from its works or system to any municipality and securing the adoption of the provisions of the foregoing section, bear, in whole or in part, the cost of extending the existing main of a municipality to the boundary of another municipality for which provision may be made under the preceding section hereof. The cost to the Corporation of such extension may be considered as part of the cost of the general system.

1924-22-54.

### **Supply of water to municipalities, the Crown and other parties**

- 55** (1) The Corporation shall not within the district sell or supply water to private persons or corporations, or otherwise than in bulk to municipalities; but the Corporation may sell and supply water to any municipality not a member of the Corporation, or to corporations or persons, for use outside the district.
- (2) The Corporation may sell and supply water to the Crown for use within or without the district.
- (3) The Corporation may, pursuant to an agreement made under section 5 (1) (d.1), sell and supply water in bulk to Point Roberts Water District No. 4.

1924-22-55; 1931-27-3; 1987-42-44.

### **Municipality may deliver water in bulk**

- 56** It shall be lawful for any municipality within the district having or possessing a distribution system of water-mains of its own to assume the duty of delivering water in bulk (supplied to it by the Corporation) to any other municipality or area within or without the district upon such terms and for such period of time as shall be arranged between the municipality and the other municipality or parties interested, subject always to the approval of the Board.

1924-22-56.

### **Emergency conditions**

- 57** In case of a break-down of the system or any of the works or plant of the Corporation due to accident or otherwise, or in the event of conditions arising whereby an emergency is created, the Board shall have absolute authority and power to apportion the quantity of water which shall be distributed to or receivable by any of the municipalities within the district, or by any municipality, corporation, or person to whom water is supplied by the Corporation outside the district, irrespective of any obligation imposed by this Act, or of any contracts or agreements to supply quantities different from those fixed by the Board in such emergency.

1924-22-57.

## ***Financial***

### **Reserve funds**

- 57.1** (1) The Corporation may, by by-law, establish reserve funds for the purposes of sections 188 (1) [*establishment of reserve funds*], 189 [*use of money in reserve funds*] and 191 [*liability for use of money contrary to Act*] of the [Community Charter](#).

- (2) In addition to any amounts that may be paid into a reserve fund under subsection (1), amounts included in the annual budget for the purpose of a reserve fund may be paid into the fund.

1992-45-6; 1999-37-237; 2000-7-191; 2003-52-107.

### **Borrowing in anticipation of revenue**

- 58** The Corporation may, by resolution or by-law, borrow in the course of any year in anticipation of the collection of its revenue or its rates for such year such sum or sums of money as it may require to meet its lawful expenditures, by the issue of promissory notes or any similar form of obligation or security under the seal of the Corporation and signed by the Chairman of the Board and the Treasurer, or signed or countersigned by some other person or persons authorized by by-law to sign and countersign the same, and each such promissory note or other obligation shall be valid and binding upon the Corporation according to its tenor; and the Board may, by by-law, resolution, or agreement, designate what revenues of the Corporation (if any) are charged with the repayment of such promissory notes or other form of obligation or security.

1924-22-58.

### **Short-term obligations**

- 59 Any promissory note or other form of obligation or security so issued may be in such form as the Board may from time to time adopt.

1924-22-59; 1932-18-4.

### **Power to pass by-laws to incur debts and pledge assets and credit of the Corporation**

- 60 (1) For the purpose of undertakings authorized by this Act or for the purpose of discharging the payment of any matter or thing contemplated or authorized by this Act, the Board may, by by-law adopted with the approval of the inspector of municipalities, incur debts and pledge the assets and credit of the Corporation by borrowing money by means of the issue and sale of debentures or other securities of the Corporation.

(1.1) The Corporation may make agreements for the repayment of loans, with interest, as it considers expedient, and may issue for any money borrowed and interest on them treasury notes or bills, debentures or other form of obligation.

(1.2) As a limit on subsections (1) and (1.1), debentures or other securities must not be issued unless the report of the Commission is received or the time for receiving the report has expired.

(2) Notwithstanding anything in this Act contained, every debt incurred or which may be hereafter incurred and every debenture or other security issued or which may hereafter be issued by the Corporation under this Act is and shall be a direct, joint, and several obligation and liability of the Corporation and each and every municipality within the district, recoverable and enforceable at the suit of any creditor or holder of any debenture or other security in any Court of competent jurisdiction: Provided that nothing in this subsection shall affect the rights of the Corporation and the municipalities respectively as between themselves.

1924-22-60; 1925-15-5; 1926,27-27-6; 1932-18-5; 1971-22-15; 1997-25-20.

### **Debentures and other securities to bear seal**

- 61 All debentures and other securities duly authorized to be issued by the Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation and signed by the Chairman of the Board or a Commissioner. The signature of the Chairman or Commissioner may be engraved, lithographed, or otherwise mechanically reproduced on all the debentures and other securities, and the engraved, lithographed, or otherwise mechanically reproduced signature shall be deemed for all purposes the signature of the Chairman or Commissioner, as the case may be, and is binding upon the Corporation. Each debenture and other security shall be signed also by the Treasurer, Assistant Treasurer, Acting Treasurer, or some other person authorized by by-law to sign the same. Each coupon attached to a debenture or other security shall bear the signatures of the Chairman or a Commissioner and the Treasurer, Assistant Treasurer, Acting Treasurer, or some other person authorized by by-law to sign the same, and the signature of any such officer or other person, whether or not he has signed the debenture or other security to which the coupon is attached, may be engraved, lithographed, or otherwise mechanically reproduced on the coupons, and the engraved, lithographed, or otherwise mechanically reproduced signature shall be deemed for

all purposes to be the signature of the officer or other person and is binding upon the Corporation.

1965-61-6.

### **Taking effect of by-law**

- 62** The by-law shall name a day in the fiscal year in which the same is passed when such by-law is to take effect, and if no day is named the same shall take effect on the day of the final passing thereof by the Board.

1924-22-62.

### **By-law authorizing debentures**

- 63** (1) Any by-law or by-laws providing for the incurring of debt under this Act may provide for the issue of debentures or other securities, including treasury bills, notes, temporary debentures, or other form of obligation in such amount or amounts as will realize net the sum or sums required for the purpose or purposes for which the debt is to be incurred, bearing such rate or rates of interest, payable in such currency or currencies, in such manner or manners, at such place or places, at such time or times, and in such form or forms, all as the Board may deem expedient and provide for in such by-law or by-laws; such debentures or other securities may be sold for such sum, whether the same is the par value or less or more than the par value thereof, and on such terms and conditions as the Board by by-law or resolution may determine.

- (2) A by-law referred to in subsection (1) shall, in respect of debentures or other securities issued under the by-law,

- (a) provide for raising sufficient money in each debenture year to pay, as it falls due, the interest payable under the debentures or other securities,
- (b) where the entire principal amount of the debentures or other securities is not payable at one fixed date, provide for raising sufficient money in each debenture year to pay, as they fall due, the instalments of principal or principal amounts that become payable under the debentures or other securities,
- (c) where the entire principal amount of the debentures or other securities is payable at a fixed date that is more than 5 years but less than 20 years after the date of the issue of the debentures or other securities, provide, subject to subsection (2.1), for raising the amount of money in each debenture year that the Board determines is necessary or desirable to establish and maintain a sinking fund to pay, on that fixed date, some or all of the principal secured by the debentures or other securities, and
- (d) where the entire principal amount of the debentures or other securities is payable at a fixed date that is 20 years or more after the date of the issue of the debentures or other securities, provide for raising sufficient money to pay, on that fixed date, the full amount of principal secured by the debentures or other securities.



- (2.1) The amount raised in each debenture year for a sinking fund established under subsection (2) (c) shall be not less than the amount that must be invested in each of 25 successive years at the rate of interest referred to in subsection (2.3) to realize, by the end of that 25 years, the amount that would be required to pay, in full, the principal amount secured by the debentures or other securities.
- (2.2) Where the entire principal amount of debentures or other securities issued under a by-law referred to in subsection (1) is payable at a fixed date that is not more than 5 years after the date of the issue of the debentures or other securities, the Board may, but need not, provide in the by-law for raising the amount of money in each debenture year that the Board determines is necessary or desirable to establish and maintain a sinking fund to pay, on that fixed date, some or all of the principal secured by the debentures or other securities.
- (2.3) The amount of money to be raised annually for a sinking fund created under this section shall be determined with reference to interest being paid on the sinking fund investment at a rate of not more than 5% per annum capitalized annually.
- (2.4) The Board shall in each fiscal year review all of the sinking funds created under this section and determine whether additional money should be raised in the current debenture year to satisfy the requirements of this section.
- (3) For the purposes of subsection (2) of this section, debentures or other securities shall be deemed to be current from and after the time when the by-law authorizing the issuance thereof takes effect.
- (4) Any such by-law may provide that the Corporation shall have the right, at its option, to redeem the whole or, at any time or from time to time, any part or parts of the debentures or other securities thereby authorized on any date or dates in advance of the maturity or maturities thereof upon and subject to such terms and conditions as may be set forth in the by-law, subject, however, to the following provisions:—
- (a) The by-law and every debenture or other security that is so redeemable shall specify the place of redemption and the price at which such debenture or other security may be so redeemed, which price may include such premium or premiums, if any, on redemption as the Board may determine:
  - (b) The principal of every debenture or other security that is so redeemable shall become due and payable on the date set for redemption thereof, and from and after such date interest shall cease to accrue thereon where provision is duly made for payment of the principal amount thereof, premium, if any, and interest to the date set for redemption:
  - (c) Notice of intention so to redeem shall be mailed at least thirty days prior to the date set for such redemption to any person in whose name a debenture or other security to be redeemed is registered at his address recorded at the office of the Corporation: Provided that accidental failure to mail any notice as aforesaid shall not invalidate or

otherwise prejudicially affect the redemption of the debentures or other securities:

- (d) At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in such manner and at such place or places as may be set out in the by-law.

1951-109-3; 1968-64-3; 1992-45-7.

### **Power to pass by-laws for borrowing money**

**63A** Notwithstanding anything contained in this Act, by-laws of the Corporation may be passed from time to time by the Board for any or all of the following purposes:—

- (a) To borrow such sum or sums as may be required to repay, renew, or refund any treasury bills or notes, temporary debentures, or other forms of temporary obligation issued by the Corporation under the authority of this Act, and for such purpose to authorize the issue and sale of new treasury bills or notes, temporary debentures, or other forms of temporary obligation in such amounts as will realize net the sum or sums required for the purpose aforesaid, and to hypothecate or pledge as security for such new treasury bills or notes, temporary debentures, or other forms of temporary obligation the debentures (if any) or any part thereof previously hypothecated or pledged as security for the said treasury bills or notes, temporary debentures, or other forms of temporary obligation so to be repaid, renewed, or refunded, together with any other or additional debentures of the Corporation as may be determined by the Board:
- (b) To borrow such sum or sums as may be required to repay, renew, or refund any treasury bills or notes, temporary debentures, or other forms of temporary obligation issued by the Corporation under the authority of this Act, and for such purpose to authorize the issue and sale of new debentures in such amounts as will realize net the sum or sums required for the purpose aforesaid. When the said treasury bills or notes, temporary debentures, or other forms of temporary obligation are repaid out of the proceeds of the new issue of debentures as aforesaid, the debentures (if any) hypothecated or pledged as security for the said treasury bills or notes, temporary debentures, or other forms of temporary obligation shall be forthwith cancelled and shall not be reissued:
- (c) To borrow such sum or sums of money as may be required to furnish any municipality within the district with a sum of money which, together with the sinking fund that such municipality has set up for the retirement of its securities in respect of which the Corporation has agreed to pay the moneys necessary to meet the annual sinking fund and interest requirements, will enable the municipality to purchase all or any of its said securities still outstanding, and to authorize the issue and sale of new securities in such amounts as will realize the sum or sums of money required for the purpose aforesaid, and the securities so purchased shall forthwith be cancelled and shall not be

reissued; and it shall be lawful for any such municipality to use its said sinking fund and the money furnished to it by the Corporation for the purpose of purchasing all or any of its said securities, whether the same would otherwise be ultra vires of the municipality or not, and the Municipal Council of any such municipality is hereby authorized to carry out all the various transactions, dealings, acts, matters, things, and operations necessary to effectuate the purchase of said securities in manner aforesaid, whether power so to do exists or not in any public, private, or special Act governing or applying to such municipality, and notwithstanding any provision of any Act to the contrary:

- (d) To borrow such sum or sums as may be required to provide for the redemption before maturity of any debentures or other securities which are issued subject to redemption before maturity as authorized by subsection (4) of section 63, and for such purpose to authorize the issue and sale of new debentures or other securities in such amounts as will realize net the sum or sums required for the purpose aforesaid after applying the amount of sinking fund on hand, if any, available for the redemption of such debentures or other securities. When the said debentures or other securities are redeemed out of the proceeds of the new issue of debentures as aforesaid, the debentures or other securities which have been redeemed shall forthwith be cancelled and shall not be reissued:
- (e) To borrow, for the purpose of repaying the principal amounts secured by debentures or other securities issued by the Corporation, an amount of money that, when added to the amount of sinking fund, if any, available for application to the indebtedness being repaid, is sufficient to permit that repayment, and to authorize the issue and sale of new debentures or other securities to secure that borrowing.

1932-18-7; 1940-17-4; 1951-109-4; 1992-45-8.

### **Evidence of by-law**

- 63B** A recital or declaration in a by-law authorized by this Act to the effect that the principal amount of the debentures or other securities authorized to be issued by such by-law is required to be issued to realize net the sum or sums required for the purpose or purposes for which the debt is to be incurred shall be conclusive evidence of that fact.

1951-109-5.

### **Repealed**

- 64** [Repealed 1951-109-6.]

### **Validity of debentures**

- 65** All debentures or other securities issued pursuant to the powers contained in this Act shall be valid and binding upon the Corporation when in the hands of a bona-fide purchaser, notwithstanding that any of the prescribed formalities in connection with the issue thereof may not have been complied with.

## **Repealed**

**66** [Repealed 1925-15-6.]

## **Validity of sealed and countersigned debentures**

**67** All debentures or other securities sealed with the seal of the Corporation and countersigned as required by the provisions of this Act and purporting to be issued in pursuance of any by-law of the Corporation shall, after the expiration of sixty days from the date of the authorization of the issue thereof by the Board, be valid and binding on the Corporation, and such by-law shall not be quashed or set aside on any ground whatsoever.

1924-22-67.

## **Certificate as evidence**

**68** The certificate of the Secretary, Acting Secretary or Assistant Secretary, under the seal of the Corporation, that the issue of said debentures or other securities has been authorized, and showing the date of such authorization, shall be final and conclusive evidence of such authorization and the date of same; and it shall not be incumbent on any purchaser of said debentures or other securities or any of them, or his assigns, to examine into the validity or otherwise of the proceedings leading to the issue of said debentures or other securities.

1959-102-11; 1994-52-31.

## **Hypothecation of debentures**

**69** Pending the sale of any of its debentures or other securities, or in lieu of the sale thereof, the Corporation may hypothecate or pledge such debentures or other securities for the purpose of borrowing moneys on the credit of the Corporation, provided such hypothecation or pledging is duly authorized by by-law of the Board. The Corporation may make such agreement for the repayment of any such loan and interest thereon as it may deem expedient, and may issue for any sum or sums so borrowed, and interest thereon, treasury bills or notes, temporary debentures, or other similar forms of temporary securities, and each such treasury bill or note, temporary debenture, or other temporary security shall be valid and binding upon the Corporation according to its tenor, and shall constitute a charge upon any debentures or other securities pledged or hypothecated as aforesaid. The proceeds of every such loan shall be applied to the purposes for which the debentures or other securities were authorized to be issued, but the lender shall not be bound to see to the application of such proceeds, and if said debentures or other securities are subsequently sold the proceeds from such sale shall be applied in the first instance in repaying the loan and the treasury bills or notes, temporary debentures, or other temporary securities issued in respect thereof.

1932-18-11.

## **Proceeds of debentures or other securities to be paid into chartered bank**

**70** The proceeds of debentures or other securities shall be paid into a chartered bank or banks to the credit of the Corporation, and shall be kept separate from other

funds of the Corporation, and shall be used for the purpose or purposes intended by the by-law or by-laws authorizing the issue of such debentures or other securities. Until required for their intended purpose the said proceeds may from time to time be invested or reinvested by the Board on receiving the report of the Commission or after the time for receiving the report has expired in any bonds, debentures, or other public funds of the Government of Canada or any province thereof, or in securities the principal and interest of which are guaranteed by the Government of Canada or any province thereof. If the Board so decide, the said proceeds may be used for the payment of interest, principal, or sinking fund accruing due on the said debentures or other securities during the period of the erection and completion of any of the undertakings to be paid for from out of the said proceeds.

1945-34-2; 1971-22-16; 1974-59-2.

### **Rates or charges as security for indebtedness**

- 71** All rates or charges which shall be levied or imposed by the Corporation are hereby charged as security for the repayment of every indebtedness incurred or created by the issue of debentures or other securities.

1924-22-71.

### **Undertakings may be mortgaged for the repayment of moneys**

- 72** (1) All works, plant, and property (real or personal) erected, constructed, or acquired under this Act, and every matter and thing connected therewith, shall be, and they are hereby, especially charged, mortgaged, and hypothecated for the repayment of any sum or sums which may be borrowed by the Corporation for the purpose of any of the undertakings authorized by this Act, as well as for the due and punctual payment of the interest thereon, and each and every holder of the debentures of the Corporation shall have a preferential charge, pledge, mortgage, or lien on the said lands, works, plant, and property appertaining thereto for securing repayment of the principal amount of such debentures and the interest thereon.
- (2) The holders of any debentures or other securities issued by the Corporation pursuant to the provisions of this Act may enforce payment of arrears of principal or interest by the appointment of a receiver; but in order to authorize the appointment of a receiver in respect to the arrears of principal, the total amount owing to the debenture-holders by whom the application for a receiver is made shall not be less than five thousand dollars.
- (3) The application for the appointment of a receiver shall be made to the Supreme Court of British Columbia.

1924-22-72.

### **Municipal indebtedness not required to be cited in any by-law**

- 73** For greater certainty, it is hereby declared that any indebtedness incurred or created by the Corporation is not, and shall not be deemed to be, municipal indebtedness of any municipality requiring recital in any municipal by-law for the creation of debts by the issue of debentures or otherwise, and no indebtedness of

the Corporation shall be included in the general debt of a municipality for the purpose of determining its borrowing-powers.

1924-22-73; 1950-82-2.

### **Deposit and investment of sinking funds**

- 74** (1) Every sum raised annually for the payment and retirement of the principal amount of any debt secured by debentures or other security and not required for the payment thereof in the year in which the same is raised shall be deposited by the Treasurer annually on the date named in the by-law incurring the debt in some chartered bank or banks, to be designated by the Board, to the credit of a special account to be called the "Greater Vancouver Water District Sinking Funds Account"; and the same shall not be withdrawn without the authorization of the Board, made on receiving the report of the Commission or after the time for receiving the report has expired. The moneys in such account may be from time to time invested or reinvested by the Board on receiving the report of the Commission or after the time for receiving the report has expired in any parliamentary stocks or public funds of Great Britain or the Dominion or any Province thereof, or any securities the principal and interest of which are guaranteed by the Dominion or any Province thereof; or securities of the Municipal Finance Authority of British Columbia; or such moneys may be applied in the purchase or repurchase of any of the debentures or other securities of the Corporation.
- (2) All costs, charges, and expenses in respect of the investment of sinking funds shall be paid out of and from the income derived from investment of such sinking funds, and the remainder of such income shall be paid into the said sinking fund account.
- (3) The Commission shall give a detailed statement in writing to the Board from time to time as requested by the Board in respect of the status of the sinking funds and the manner in which the same are invested.
- (4) The Board may collect all moneys due upon securities in which portions or all of the sinking funds may from time to time be invested, and may take all steps necessary in respect of the adjustment, compromise, or collection or realization of the same, and may proceed against all parties in respect of any indebtedness to the Corporation or to the sinking funds account.

1924-22-74; 1932-18-12; 1938-21-3; 1945-34-3; 1971-22-17; 1974-59-2.

### **Investments**

- 75** Except as otherwise provided, moneys to the credit of any fund or funds may be invested or reinvested in
- (a) securities of the Government of Canada or any province thereof;
  - (b) securities the principal and interest of which are guaranteed by the Government of Canada or any province thereof;
  - (c) securities of a regional district, or any of them;
  - (d) securities of the Municipal Finance Authority of British Columbia;
  - (e) investments guaranteed by any chartered bank; and

- (f) deposits in, or shares or other evidences of indebtedness of, a credit union incorporated under the *Credit Unions Act*.

1974-59-2.

### **Investment of securities**

- 75A** The debentures and other securities of the Corporation shall be deemed to be securities in which trustees having trust moneys in their hands, which it is their duty to invest at interest, shall be at liberty, at their discretion, unless expressly forbidden by the instrument (if any) creating the trust, to invest.

1926,27-27-9.

### ***General***

### **Repealed**

- 76** [Repealed 2002-48-13.]

### **Interpretation**

- 76A** Unless the context otherwise requires, words directing or empowering any officer or functionary of the Corporation to do any act or thing or otherwise applying to him by his name of office include his successors in such office.

1965-61-7.

### **Repealed**

- 77** [Repealed 1975-37-16.]

### **No Board member, Commissioner or Corporation salaried officer to have interest in contracts**

- 78** No member of the Board or Commissioner or other salaried officer of the Corporation shall be interested, either in his own name or in the name of or as agent for any other person, either directly or indirectly, in any contract entered into or work done for or materials supplied to the Corporation; and no Commissioner shall derive any profit or emolument whatsoever from the funds of the Corporation except as herein specifically provided.

1959-102-12.

### **Existing agreements**

- 79** Upon the taking-over by the Corporation of the portion of the waterworks system of the City of Vancouver pursuant to this Act:—

- (a) Every agreement existing between the City of Vancouver and any municipality without the district respecting the supplying of water to that municipality shall be assumed and carried out by the Corporation, and the City of Vancouver shall be relieved and discharged from all obligations contained in the agreement, and thereafter the said agreement shall be read and construed as if the Corporation were named therein in the place and stead of the City of Vancouver:

- (b) Every agreement existing between the City of Vancouver and any municipality within the district respecting the supplying of water to that municipality shall be abrogated.

1924-22-79.

### **Transfer of water rights**

- 80** All water records or licences authorizing the diversion or use or storage of water heretofore granted to or held by any municipality within the district, and all pending applications for licences for the diversion or use or storage of water made by any municipality within the district, are hereby declared to be the property of the Corporation.

1924-22-80.

### **Tax exemption and payments in lieu of taxes**

- 81** (1) Land, improvements and works owned or held by the Corporation within the area of the district are exempt from taxation under the *Community Charter*, the *Local Government Act*, the *Taxation (Rural Area) Act* or the *Vancouver Charter* if the land, improvements or works are used for the purposes of the Corporation.

- (2) Items 5 and 6 of the Second Schedule of the *Land Registry Act* shall not apply in respect of the registration of title to any lands acquired by the Corporation from any municipality in pursuance of the provisions of this Act.

- (3) [Repealed 2002-48-14.]

- (4) The Corporation, with the consent of a municipality, shall have the right at any time to make, and the municipality shall have the right to accept, a cash payment in lieu of the annual taxes that otherwise would be payable by the Corporation to the municipality in respect of lands owned by the Corporation in the municipality, and thereafter the Corporation shall be relieved from payment of taxes to the municipality in respect of such lands, anything to the contrary in any general, public, private, or special Act notwithstanding.

- (5) and (6) [Repealed 2008-5-74.]

1924-22-81; 1950-82-3; 2000-7-191; 2002-48-14; 2003-52-108; 2008-5-74.

### **Power to add other municipalities to district**

- 82** (1) At any future date any municipality not specified to be within the district by the provisions of this Act may be added to the district upon such terms and conditions as may be mutually agreed upon between the Board (on recommendation of the Commission) and the municipality.

- (2) If the Board and any such municipality fail to agree upon the terms and conditions upon which the municipality shall be added to the district, an appeal shall lie to the Lieutenant-Governor in Council on behalf of the municipality, and the Lieutenant-Governor in Council shall have full power and authority to order, or refuse to order, the municipality to be added to the district; and the Lieutenant-Governor in Council shall have absolute power and authority to settle the terms and conditions upon which the municipality shall be added to the district; and the decision of the Lieutenant-Governor in Council in that



behalf shall be final and binding upon all parties concerned, subject only to the provisions of subsection (3).

- (3) An agreement under subsection (1) or an order under subsection (2) becomes effective to add a municipality to the district when the municipality confirms the order or agreement by bylaw.

1924-22-82; 1988-45-12.

### **Extension of water service to corporations and areas without the district**

**83** (1) The Corporation shall extend its service to and furnish an adequate supply of water from the water system of the Corporation for the use of the inhabitants of that portion of District Lot 140, Group 1, New Westminster District, situate without the territorial limits of the Corporation of Point Grey and of all lands from time to time held or used by The University of British Columbia in New Westminster District, in such manner and at such reasonable rates as may be agreed on having regard to the rates charged by the Corporation to other users of water from the Corporation's system.

- (2) Upon application of the Minister of Lands or of The Board of Governors of The University of British Columbia by petition to any Judge of the Supreme Court claiming that it is necessary and advisable that the Corporation should extend its service and supply water pursuant to subsection (1) to the inhabitants of any of the lands mentioned in that subsection, and complaining that the Corporation, after request having been made, fails to extend its service or fails to furnish an adequate supply of water as aforesaid, or charges or proposes to charge an exorbitant price for such extension or supply, and after such inquiry as the Judge may see fit to make, the Judge may order the Corporation to supply the applicant with water at the nearest suitable point on the Corporation's water system to the lands in question, or may order such extension by the Corporation of its water system and such supply of water to be furnished by the Corporation to the applicant as to the Judge may seem reasonable and expedient; and by the same or any subsequent order the Judge, or in case of a subsequent order any Judge of the Supreme Court may, in his discretion:—

(a) Impose conditions under which the extension shall be made, or the supply of water furnished, including the expenditure to be incurred for all necessary works, and may apportion the cost between the Corporation and the applicant in such manner as the Judge considers equitable:

(b) Provide that the extension shall be carried out, or the supply of water furnished, in whole or in part through the joint user of water mains or pipes of any municipality within or without the district by the Corporation or the applicant and that municipality on such terms and conditions as the Judge considers proper, including the fixing of the remuneration to be paid to the municipality for such use of its water mains or pipes and the time or times for payment, and directing by whom it shall be paid:

- (c) Prescribe from time to time the rates which shall be chargeable by the Corporation for water supplied under the terms of the order; but in no case shall the rates so prescribed be less than the rates from time to time charged by the Corporation under substantially similar circumstances for water supplied to municipalities within the district:
- (d) Prescribe the methods for the enforcement of any order made under this section, including the prescribing of penalties enforceable on summary conviction, to which the Corporation or any municipality or person shall be liable for making default in the doing of any act, matter, or thing directed by any such order to be done.

1925-15-7.

### **Purchase of waterworks systems of City of Vancouver and other municipalities**

**84** (1) Notwithstanding anything contained in this Act, the Corporation shall purchase from the City of Vancouver the waterworks, plant, system, property, and undertaking now used, owned, and carried on by the City of Vancouver as a waterworks system, or as incident thereto or in connection therewith, situate either wholly or in part within or without the district, including all lands, property, easements, works, equipment, and fixtures used or enjoyed as part of or appurtenant thereto or protective thereof, or in any way incident thereto (save and except only the distribution system within the limits of the city); including also any timber lands and real property used or enjoyed in connection with such system or as part of the watershed areas for preservation of the water-supply of the City of Vancouver and adjacent municipalities.

- (2) The purchase price to be paid therefor to the City of Vancouver by the Corporation shall be the actual cost to the City of Vancouver of such waterworks, plant, system, property, and undertaking, except only such expenditures as shall have been made in respect thereof for maintenance and repair, and shall be determined by mutual agreement between the Councils of the municipalities within the district.
- (3) The Corporation shall pay in cash to the City of Vancouver an amount equal to the amount of the purchase price less the total amount of the outstanding obligations in the nature of bonded indebtedness created in respect of such waterworks, plant, system, property, and undertaking, and presently charged against the general credit of the City of Vancouver; and the balance of the purchase price shall be paid by the Corporation paying to the City of Vancouver the full amount or amounts of interest and the necessary instalments of principal or sinking fund as the same may from time to time thereafter accrue due, pursuant to the provisions of any by-law or by-laws of the City of Vancouver creating or authorizing any such bonded indebtedness as aforesaid; and the city shall apply such amounts in payment of interest due on such bonded indebtedness, and shall invest such instalments, and shall apply the same, together with the sinking funds already accumulated by the city in respect of any such outstanding bonded indebtedness, to the redemption of the same on maturity thereof, in accordance with the requirements of any such by-law or by-laws in that behalf.

(4) In like manner and subject to like conditions as aforesaid, the Corporation shall also purchase the property, right, or interest of any other municipality within the district in any intake-works, trunk mains, reservoirs, or property required by the Corporation, whether the same be situated wholly or in part within or without the district.

1924-22-84.

### **Indebtedness assumed by Corporation excluded from indebtedness of municipality**

**85** Any bonded indebtedness in respect to the waterworks, property, undertaking, plant, or system of any municipality acquired by the Corporation, the accruing instalments of principal and interest upon which are agreed to be paid by the Corporation, shall upon and after such acquisition be excluded from the general debt of the municipality in determining the borrowing-powers; and it shall not be necessary for such municipality to recite the amount of such indebtedness in any by-law for borrowing money on the credit at large of the municipality.

1924-22-85.

### **Municipalities authorized to enter into various transactions**

**86** The respective Municipal Councils of the municipalities included, or which may hereafter be included, within the district, subject to the terms and conditions of this Act, are hereby authorized, without the assent of the electors, to enter into all the various transactions, dealings, acts, matters, things, and operations necessary to effectuate and carry out the provisions of this Act, whether power so to do exists or not in any public, private, or special Act governing or applying to such municipalities respectively, and notwithstanding any provision of any such Act to the contrary.

1924-22-86.

### ***Penalties***

#### **Penalties and recovery of damages for wasting water or injuring system**

**87** If any person shall commit any breach of or commit any fraud against this Act, or, without lawful right or authority, hinder or interrupt, or cause or procure to be hindered or interrupted, the Corporation, its agents, servants, contractors, workmen, or any of them, in the exercise of any of the powers and authorities conferred by this Act, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works or system, or if any person shall throw or deposit any injurious or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage to the works, plant, equipment, pipes, or water, or encourage the same to be done, he shall be liable, on summary conviction, to a fine not exceeding fifty dollars, or to imprisonment for a period not exceeding thirty days, with or without hard labour, or to both fine and imprisonment; and the person so offending shall, in addition to all penalties, be liable to an action at law at the suit of the Corporation to make good or pay the amount of any damage done by him.

1924-22-87.

## **Penalties for polluting water**

- 88** If any person shall bathe the person, or wash or cleanse any cloth, wool, leather, skin of animals, or place any nuisance or offensive thing within or near the source of supply of such waterworks in any lake, river, pond, source, or fountain, or reservoir from which the water of said waterworks is obtained, or shall convey or cast, cause or throw, or put filth, dirt, dead carcasses, or other offensive or objectionable, injurious, or deleterious thing or things therein, or within the distance therefrom as above set out, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same or into any part of the system, or cause any other thing to be done whereby the water therein may in anywise be tainted or fouled or become contaminated, he shall be liable, on summary conviction, to a fine not exceeding fifty dollars, or to imprisonment for a period not exceeding thirty days, with or without hard labour, or to both fine and imprisonment.

1924-22-88.

## **Penalty for interference with mains**

- 89** If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said waterworks or system, or in any way obtain or use any water thereof, drawn or extracted from the said system, works, or any part thereof, without the consent of the Commissioners, such person shall forfeit and pay to the Corporation the sum of fifty dollars, and also the further sum of ten dollars for each day such pipe or main shall have been used or so remain, which said sum or sums, together with the costs and interest in that behalf, may be recovered, in addition to the value of the water taken, by civil action in any Court of competent jurisdiction in the Province.

1924-22-89.

## ***Miscellaneous***

## **Right of municipality to complain to inspector**

- 90** (1) The Council of a municipality within the district may make a complaint to the inspector of municipalities regarding any by-law, order, decision or action of the Board.
- (2) Section 765 (2) to (7) of the *Local Government Act* applies in relation to a complaint under subsection (1) of this section.
- (3) Section 764 of the *Local Government Act* applies to the Corporation as if it were a municipality.
- (4) A person conducting an inquiry under this section may order that, as an exception to section 764 (4) of the *Local Government Act*, all or part of the costs of the inquiry must be paid by the Corporation or a municipality within the district.

1997-25-21; 2000-7-191; RS2015-1-RevSch.

## **Application of *Water Sustainability Act***

- 91** Save as otherwise provided in section 9, the powers and rights conferred by this Act shall be subject to the provisions of the *Water Sustainability Act*.

1944-14-3; 2014-15-171.

### **Commencement of foregoing sections**

- 92** The foregoing provisions of this Act shall come into force upon Proclamation of the Lieutenant-Governor made after the vote hereinafter authorized has been taken, and the question put thereupon answered affirmatively as to each of the municipalities within the proposed district, in each instance by a majority of the voters actually voting thereon in said municipalities respectively.

1924-22-92.

### **Question submitted to electors**

- 93** Upon agreement confirmed by resolution of the Municipal Councils of the respective municipalities within the proposed district fixing the respective amounts of purchase price to be paid by the Corporation pursuant to section 84, and the terms of payment thereof, such Councils shall proceed to submit to the electors qualified to vote on by-laws requiring the assent of the electors the question: "Are you in favour of the creation of the Greater Vancouver Water District?"

1924-22-93.

### **Procedure for submitting by-laws**

- 94** (1) Such question shall be submitted by means of a vote by ballot in the manner followed in submitting to the electors by-laws requiring the assent of the electors in the said municipalities respectively; and the law and procedure in such cases shall apply respectively, and shall be adopted as far as may be in submitting the said question: Provided, however, that in respect to the advertising of the by-law authorizing the submission of said question, ten days' notice by at least one publication in a daily newspaper circulating in the proposed district shall be sufficient.
- (2) The said Councils are hereby authorized and empowered to make all the necessary provisions by the appointment of officers and otherwise to obtain the expression of the said electors upon the said question.
- (3) The voting thereon shall take place within sixty days after the agreement mentioned in section 93 on such identical date in each of the municipalities within the proposed district as the Lieutenant-Governor in Council may appoint.

1924-22-94.

### **Certificate of result of vote**

- 95** The certificates of the respective Clerks of such municipalities respectively to the Lieutenant-Governor in Council as to the result of the said votes shall be sufficient thereof.

1924-22-95.

### **Commencement of sections 92 to 97**

**96** Sections 92 to 97, inclusive, of this Act shall come into force on the day on which this Act is assented to.

1924-22-96.

### **Saving clause**

**97** Nothing in this Act shall impair or prejudicially affect the rights of the holders of any debentures or other securities of any municipality outstanding at the time the municipality becomes a member of the Corporation, issued in respect of any water system or part thereof acquired or taken over by the Corporation under this Act.

1924-22-97.

### **Lands reserved**

- 98** (1) All lands owned, leased, or otherwise held by the Corporation are reserved from being entered upon, prospected, mined, located, recorded, or acquired under the *Mineral Act* and the *Placer-mining Act*.
- (2) The Minister of Mines and the Corporation may jointly appoint and employ a duly qualified geological or mining engineer to conduct a geological and mineralogical survey of any of the said lands, and any expenditures incurred by the said Minister in conducting such survey may be paid from moneys appropriated for that purpose.
- (3) On the recommendation of the Minister of Mines the Lieutenant-Governor in Council may cancel, in whole or in part, the reserve established under subsection (1); but no such cancellation shall be effective until notice thereof has been published in four issues of the Gazette and has been published at least twice a week for four weeks in a newspaper published in the land district in which the land affected is situated.
- (4) For the protection of the sources of water-supply used by the Corporation the Lieutenant-Governor in Council may from time to time impose conditions under which mineral rights may be acquired, held, or exercised in any area to which the cancellation of the aforesaid reserve applies.

1944-14-4.

### **Lands registered in Land Registry Office**

- 99** When the Corporation acquires any estate or interest in land less than the fee-simple, including rights-of-way, that were or are granted or created by Her Majesty the Queen in right of the Province or of Canada, or by any public officer or public corporate body or department of government of the Province or Canada under any Statute or regulation, the documents effecting the acquisition shall be transmitted to the proper Land Registry Office; and when the documents are received, the Registrar of Titles
- (a) shall enter Her Majesty the Queen in right of the Province or in right of Canada, as the case may be, in the register as the owner of the land described in the documents; and,
  - (b) upon application being made by the Corporation for the registration of the Corporation's title to the estate or interest in land, and upon

compliance with the *Land Registry Act* and this section, shall register the title by endorsing a memorandum thereof on the register.

1965-61-8.