

WATER USERS' COMMUNITIES ACT

[RSBC 1996] CHAPTER 483

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Part 1 — Definitions

Definitions

- 1** (1) In this Act, "**water users' community**" means any public corporate body incorporated under section 51, and includes a water users' community formed under a former Act.
- (2) Unless a contrary intention appears, words and expressions used in this Act have the same meaning as in the *Water Sustainability Act*.

Repealed

1.1 [Repealed 2014-15-199.]

Part 2

Repealed

2-50 [Repealed 2014-15-200.]

Part 3 – Water Users' Communities

Incorporation of water users' communities

51 The comptroller may at any time issue to a group of 6 or more licensees a certificate of incorporation incorporating them into a water users' community with the name the comptroller considers advisable.

Power of water users' community

52 (1) A water users' community is a public corporate body and may

- (a) acquire, hold and control property and licences,
- (b) acquire, construct, hold, maintain, improve, replace and operate works, and
- (c) levy assessments on its members and enforce payment of those assessments by suit in a court of competent jurisdiction.

(2) A water users' community has the exclusive control and operation of the works constructed or used under the licences mentioned in its certificate of incorporation, and may refuse the use or benefit of those works to a member who is in default in paying an assessment or complying with a rule of the manager.

Manager

53 (1) The business of a water users' community must be conducted by a manager, which includes a committee of management, who must, so far as is practicable, carry out the directions set out in resolutions passed at general meetings of the water users' community.

(2) The first manager must be appointed by the comptroller and all subsequent managers must be chosen by the members of the water users' community.

(3) A manager may be removed at any time at a meeting called for that purpose.

Interests of members defined

54 (1) The respective interests of the members of a water users' community, unless altered under subsection (2), are proportionate to the respective maximum quantities of water the members would be entitled to divert and use under the licences referred to in the certificate of incorporation if each member were making the greatest possible use of the rights granted under those licences.

(2) The members of a water users' community at any time at a general meeting, on the vote of a majority in interest as shown by the last confirmed assessment roll of the water users' community, or if no assessment roll has been confirmed, then as ascertained on the basis set out in subsection (1), may determine that, after the determination, the interest of each member is in proportion to one or both of the following:

- (a) the area of the member's land irrigated by means of the works operated by the water users' community;
- (b) the amount of water delivered to the member's land for domestic or waterworks purposes.

Voting at meetings

55 All matters to be determined at a meeting of a water users' community must be determined by the majority in interest of the members voting on them.

Power of manager to assess members

56 (1) The manager of a water users' community may prepare an assessment roll showing

- (a) the sums of money estimated to be required by the water users' community
 - (i) for acquisition, construction, replacement and maintenance, repair and operation of works, and
 - (ii) to pay the debts of the water users' community,
- and

(b) the sum assessed against each of the members of the water users' community, which sum must be proportionate to the member's interest in the water users' community.

(2) The assessment roll must set out the time and place for payment of the assessments.

(3) The manager must deliver or send by registered mail to each member a copy of the assessment roll, or the manager must post it in a conspicuous public place and send an assessment notice to each member showing the amount assessed against the member and stating where the assessment roll is posted.

(4) A copy of the assessment roll must also be sent to the comptroller, together with proof of compliance with the requirements of this section.

(5) If there is an error in the assessment roll, the comptroller may order its amendment.

(6) If the assessment roll is amended under subsection (5), the manager must

(a) provide each affected member with a copy of the amended assessment roll or an amended assessment notice in accordance with subsection (3), and

(b) send a copy of the amended assessment roll to the comptroller.

Appeals from assessments

57 (1) A member may appeal from the assessment made against the member by filing with the comptroller, within 14 days after the mailing of the copy of the assessment roll or the assessment notice, as the case may be, a statement showing the grounds of the appeal.

(2) The comptroller, after the investigation the comptroller considers necessary, may confirm the assessment roll or order its amendment.

(3) If no appeal from any assessment made in an assessment roll is taken, the comptroller may confirm the assessment roll.

Assessments binding

58 An assessment roll confirmed under section 57 is binding on all persons affected by it, and a sum payable by a member under it is deemed to be in arrears 30 days after the date of payment specified, and after that bears interest at a prescribed rate.

Liability for assessments

59 (1) A member of a water users' community is liable for that part of the debts of the water users' community that is proportionate to the member's interest in the water users' community.

(2) On disposing of the land to which is appurtenant the licence on which his or her membership is based and notifying the manager, a member may limit his or her liability for the debts of the water users' community to those incurred before the notice was given.

(3) A purchaser of land to which water is conveyed through works controlled by a water users' community is liable for the assessments made and the debts of the water users' community incurred after his or her purchase of the land to the same extent as an original member, unless and until the purchaser notifies the manager that he or she does not wish to be a member of the water users' community.

Meetings of members

60 Any 3 members may at any time call a general meeting of the water users' community on giving 2 weeks' notice to all members who reside on land to which water is conveyed by means of the works controlled by the water users' community.

Amendment, recall or reissue of certificate or dissolution of water users' community

61 (1) The comptroller may at any time amend the certificate of incorporation of a water users' community in any respect or may recall the certificate and issue another in its place and, unless expressly provided in the amending or new certificate, the amendment, recall or reissue does not impair the assets, rights, claims and financial obligations of the water users' community.

(2) The comptroller may at any time cancel the certificate of incorporation of a water users' community and make the disposition of the assets of the water users' community that to the comptroller appears equitable, and unless an appeal is taken to the appeal board from the comptroller's order and the appeal is allowed, the water users' community is dissolved as soon as the time for appealing has expired.

Part 4

Repealed

62-67 [Repealed 2014-15-200.]

Part 5

Definitions

68-82 [Repealed 2014-15-200.]

Part 6 – General

Repealed

83-100 [Repealed 2014-15-200.]

Application of *Water Sustainability Act*

100.1 (1) The following provisions of the [Water Sustainability Act](#) apply for the purposes of this Act:

- (a) section 90 [*entry warrant*];
- (b) section 105 [*appeals to appeal board*];
- (c) section 106 (1) [*general offences*];
- (d) section 116 [*records and reporting*];
- (e) section 117 [*delivery and publication of documents and information*];
- (f) section 120 [*restriction on proceedings respecting decisions under Act*];

(g) a prescribed provision.

(2) If it appears to the comptroller that the proper determination of a matter within his or her jurisdiction in relation to a water users' community requires a public other hearing, sections 95 [*inquiry powers*], 96 [*maintenance of order at hearings*] and 97 [*contempt proceeding for uncooperative person*] of the [Water Sustainability Act](#) apply.

(3) Section 119 [*protection of officials*] of the [Water Sustainability Act](#) applies to the persons named in that provision in relation to anything done or omitted

(a) in the performance or intended performance of any duty under this Act, or

(b) in the exercise or intended exercise of any power under this Act.

Regulations

101 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the [Interpretation Act](#).

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

(a) respecting the form and content of assessment rolls and notices required in relation to assessment rolls,

(b) defining words or phrases used but not defined in this Act, and

(c) respecting any matter for which regulations are contemplated by this Act.