BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 26.

An Ordinance to enlarge and amend the "Victoria Municipal Ordinance, 1867."

[15*th March*, 1869.]

WHEREAS it is deemed expedient that Sections IV., XXXIII., XLVIII., L., LI., LVII., and the Schedule of the "Victoria Municipal Ordinance, 1867," should be repealed or altered, and that the said Ordinance should also be amended; Preamble.

Therefore, be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. The last paragraph of Section IV. of the "Victoria Municipal Ordinance, 1867," shall be and is hereby repealed; and in lieu thereof, the words or sentences "Having been for three months next preceding "the time of election, and being at the time of such election, the owner "of property of the assessed value in the Municipal Assessment Roll of "Five Hundred Dollars," shall be read as and form part of such Section. Amends qualification of Members of Council.

II. From and after the passing of this Ordinance, the Municipal Assessment Roll made by the Municipal Council of the City of Victoria, dated the 15th of September, 1868, shall (anything in the said Ordinance to the contrary notwithstanding) be and continue to be the Assessment Roll for the said City, subject nevertheless to be altered and amended from time to time as hereinafter provided; save and except that in lieu of one-fourth of one per cent., it shall be lawful for the said Municipal Council to levy any rate upon all Owners of Real Estate, in respect of such estate, including the improvements thereon, not exceeding one-third of one per cent. Makes the Assessment Roll permanent basis of taxation.

2. The Municipal Assessment Roll may be inspected by any person, at all reasonable times, free of any charge whatever. Inspection of Roll.

3. It shall be lawful for the said Municipal Council, on such proof as to them shall from time to time appear satisfactory, to alter or amend the said Roll, either by striking out the Assessment, or by making a change in the name of the person to be liable to pay the amount of any Assessment, or by making the Roll conform to any order of the Court of Revision; but the Roll shall not be altered or amended by assessing any person, in respect of his business, dogs, or horses, or in respect of his property, in any other or higher amounts than that, if any, for the time being appearing on the Roll, unless the said Municipal Council shall, for the space of seven days, at least, before the last sitting of the Court of Revision, have caused such person to be served with a notice of the rate intended to be imposed on him, and requiring him to attend before the Court to show cause why he should not be assessed as in the said notice specified. Amendment of Assessment Roll.

4. Any notice by this Section of this Ordinance required to be served on any owner of Real Estate, or other person, in respect of proposed Assessments, or money due on account of Assessment, shall be served either personally or by leaving the same (or depositing it in the Post Office, in an enclosure addressed to such owner or other person as aforesaid) at his last known place of abode; and in Service of notices.

in case such owners are unknown or cannot be found, by affixing a copy thereof at or on some conspicuous part of each Town Lot or other piece of land or property, in respect of which the Assessment therein referred to shall have been made.

The Roll evidence of ownership.

5. The person who, for the time being, shall appear on the Assessment Roll as the Owner of any Real Estate shall, for the purposes of this Section, be deemed to be such Owner; and if Real Estate shall not be assessed to any person by name, or the owner aforesaid shall not be known or cannot be found, then the affixing the notice aforesaid, in manner aforesaid, at or on the land or other property aforesaid, shall be deemed to be and shall be due and sufficient service of such notice.

Notice of Appeal.

6. In case any person shall, whether by reason of a change in the value of property or otherwise, feel himself aggrieved at the amount at which he or any other person may be assessed, it shall be lawful for such aggrieved person to appeal to the Court of Revision, if such person shall, on or before the day immediately preceding the first sittings of the Court, have caused the Clerk of the said Municipal Council to be served with a notice of such appeal, and the grounds therefor.

Court of Revision.

III. Section L. of the said Ordinance shall be amended by adding thereto at the end thereof the words, figures, and sentences "and shall "in such notice state the place where the Assessment Roll may be "inspected.

2. "There shall be three sittings of the Court of Revision; the first of such "sittings shall be held in or previous to the month of February in each year: the "second and third sittings shall be held at intervals of not less than seven clear "days from the day appointed for the previous sitting, as the case may be. The "first and second sittings may be adjourned from day to day, until the day ap-"pointed for the then next sitting; and the third sitting shall stand adjourned from "day to day, until the business before the Court shall have been disposed of" shall be read as and form part of such Section.

Rates, when and how payable.

IV. Section LI. of the said Ordinance shall be and is hereby repealed, and in lieu thereof, be it enacted as follows:—"The rates or taxes shall "be deemed to be due on the 1st day of March in each year, and "shall be payable at the office of the Clerk of the Municipal Council.

"2. The rates or taxes shall be paid in the manner and at the times the "Municipal Council shall, by By-Law, direct.

"3. The said Municipal Council shall from time to time, so soon as con-"veniently may be, after the third sitting of the Court of Revision shall have "terminated, cause to be published in the *Government Gazette*, and one or more "newspapers published or circulating in the said City, notice of the manner and "the day or days appointed for the payment of the rates or taxes.

Rates on Owners.

"4. The rates or taxes on Real Estate shall be paid by the owner of the land "in respect of which, or the improvements thereon, the assessment shall have "been made; provided, however, that when the assessment shall have been made "in respect of property held under lease from the owner, or in respect of improve-"ments which were not at the time of the assessment owned by him, the amount "paid by the owner shall (in the absence of any agreement to the contrary) be "recoverable by him from the lessee or occupier of the said property, or improve-"ments as aforesaid, by distress or otherwise, in like manner as if the amount "due were owing for rent in arrear in respect of such property, together with "interest thereon at the rate of twelve per centum per annum, from the date "of payment as aforesaid, until the same be paid.

Interest on arrears.

"5. If such tax be not paid within one calendar month after the day fixed "for payment as aforesaid, interest after the rate of twelve per centum per "annum shall thereupon attach and be payable until the amount due with such "interest be registered as a charge against the property assessed, as hereinafter "mentioned.

Registration of arrears.

"6. On and after the expiration of one year from the day of default as afore-"said, the amount of such tax (and also the amount of any tax now over due "for a like period), and interest, and cost of registration, may, on the applica-"tion in writing, in the usual form, of the Clerk of the Municipal Council, be "registered as a charge against the land in respect of which such tax was pay-"able; and the Registrar General of Titles in Vancouver Island is hereby "authorized and required to register the same accordingly.

List of arrears.

"7. Once in every year, the Registrar General aforesaid shall publish in the "*Government Gazette* a list of all property against which charges have been "registered during the preceding twelve months for unpaid taxes, together with "the names of owners or supposed owners, and the amounts of such charges "respectively.

"8. From

"8. From and after the date of registration as aforesaid, the amount covered "by the charge shall bear interest at the rate of eighteen per centum per annum; "and after the expiration of three years from such date, the land and property "against which the charge has been registered shall and may be sold by public "auction, in manner to be prescribed by the said Municipal Council, and on "the following conditions, namely:— Arrears a charge on the land.

"9. The said Municipal Council shall publish in the *Government Gazette* and "one or more newspapers published in the said City, a list of all lands and "property by them intended to be sold as aforesaid, including the names of the "owners or supposed owners thereof, together with the amount of all costs and "charges due on such property, at least two months before such intended sale. Publication of list of lands sold for taxes.

"10. At the time and place appointed, the sale shall be conducted by the "High Sheriff or his Deputy, and he shall be allowed therefor a commission "not exceeding ten per centum upon the amount realized by such sale, in lieu "of all expenses incurred thereby. Sale by Sheriff.

"11. No lot or piece of land shall be sold for less than the value thereof, as "assessed at the time when the tax in respect of which the sale is made was "imposed. Reserved price.

"12. Upon the sale of any lot, the High Sheriff shall and is hereby empowered "to execute a conveyance to the purchaser thereof, of all the estate and interest "therein which the owner held at the time of the imposition of the tax; and "the said Municipal Council are hereby empowered to purchase at such sale, "and hold any lot so purchased as Corporate property. Sheriff may convey.

"13. The proceeds arising from the sale of any lot as aforesaid shall be dis-"posed of by the High Sheriff as follows:—He shall in the first place pay him-"self the commission due thereon, and the cost of the conveyance; and, in the "second place, shall pay the amount of all taxes due thereon, with interest and "costs, including costs of registration, to the Clerk or Treasurer of the said "Municipal Council; and shall pay the surplus (if any) into the Treasury of the "Colony, to an account to be intituled 'Municipal Tax Sales Account,' and "such moneys may be paid thereout by order of any Judge of the Supreme "Court, on a summary application made to him in the form of a summons, "supported by an affidavit of the facts, to the person or persons, in the opinion "of such Court, entitled to receive the same; and no Court fees shall be "charged or received for such summons, or for any order thereon made. Disposal of proceeds of sale.

"14. No informality or irregularity shall vitiate any such sale and conveyance "as aforesaid, nor shall any purchaser be bound to enquire into the regularity "or otherwise of such sale, or to the application of the purchase money therein "expressed to be paid; and the Registrar General aforesaid shall register the "title of the purchaser of every lot so sold, upon the production of the convey-"ance by the Sheriff aforesaid. Informality shall not vitiate sale.

"15. If any lot put up to auction as aforesaid shall not realize the amount of "the assessed value thereof, the Municipal Council may, and they are hereby "authorized to, enter into possession thereof, and hold and enjoy the same, until "the amount due for taxes, and costs and expenses, together with interest at "eighteen per centum per annum, be fully paid and satisfied; but any such lot "may be included in any subsequent sale, and sold in manner hereinbefore men-"tioned. Power to enter and lease.

"16. Concurrently with the remedies given by this Ordinance for the collec "tion of Municipal taxes hereunder, the taxes payable by any person hereunder "may be recovered in any competent Court of Justice of the Colony, with interest "after the rate of twelve per centum per annum from the day of default as afore-"said, on all such arrears of taxes and registration fees, until paid, together with "costs, as a debt due to the Corporation; and the production of a copy of so "much of the Assessment Roll as shall relate to the taxes payable by such person, "purporting to be certified as a true copy by the Clerk of the Municipal Council, "shall be *prima facie* evidence of the debt. It shall be the duty of the Munici-"pal Council, at least once in every year, to register the said lien or debt "in the books of the Land Registry Office, as a charge on such Real Estate. Taxes may be collected by law.

"17. A certificate of discharge and satisfaction, signed by the Clerk of the "Municipal Council, shall be sufficient authority to the Registrar General to "cancel any charge appearing in the books of his office in respect of taxes; and "he is hereby authorized and required to cancel the same, on payment of the "costs and fees due and payable therefor. Provided, always, that the total amount "to be charged and payable for registration and cancellation shall be Two Dollars, "and no more." Cancellation of charge.

18. Section XLVIII. of the said Ordinance shall be and is hereby repealed; and in lieu thereof, "the Court of Revision shall consist of not less than three "Justices of the Peace for British Columbia or Vancouver Island, to be appoint-"ed from time to time by the Governor for the time being for that purpose; and "such Court shall have power to take and enforce the production of evidence, "and administer oaths, at any sitting of such Court, and in and upon any matter Constitution of Court of Revision.

or

"or thing coming within the purview of such Court; the wilful infraction of any "oath so administered shall be deemed a misdemeanor, and infer the penalties of "perjury; and all expenses (if any) connected with such Court of Revision shall "be borne and paid by the Municipal Counci out of Municipal Revenues."

Repeals Sec. LVII., of Municipal Ordinance, 1867.

V. Section LVII. of the said Ordinance shall be and is hereby repealed.

Excludes the Beacon Hill Park from the Municipal limits.

VI. That in the First Part of Schedule of said Ordinance, the words "Thence southerly along the east boundary of the Public Park to the "sea shore, at the south-east corner of the Public Park; thence westerly "along the sea shore to the south-east corner of the Public Park; thence "northerly along the west boundary line of the Public Park, to the "point where the north side line of St. James' Street intersects it," be struck out, and the following words inserted instead thereof—"Thence "southerly and westerly along the east and south boundaries of the lot "marked in the Official Map "A. Dallas," to the north-east corner of the "Public Park; thence westerly along the north boundaries of said "Public Park, to the north-west corner of said Public Park; thence "southerly along the west boundary of said Public Park, to the point "where it is intersected by the north side line of St. James' Street;" and that in the Fourth Part of the said Schedule, the words "including the "said Park," be struck out.

Interpretation.

VII. In the construction of this Ordinance words importing the singular number or masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males, and words importing the plural number shall be understood to apply to one matter as well as more than one, unless such construction shall be repugnant to the context.

Short Title.

VIII. This Ordinance may be cited for all purposes as the "Victoria Municipal Amendment Ordinance, 1869."

Passed the Legislative Council the 11th day of March, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 15th day of March, 1869.

FREDERICK SEYMOUR,

VICTORIA, B. C.:
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