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File 112-04 FE



CHAPTER 108.

An Act to provide for the Incorporation of The Corporation of the District of Powell River.

[*Assented to 15th March, 1955.*]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Powell River Incorporation Act."

Definitions.

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

"Council" means the Council of the municipality as defined in this section:

"Cranberry Lake" means the area defined in clause (*a*) of section 4:

"Mill-site area" means the area defined in the Fourth Schedule to this Act:

"Municipality" means the municipality to be incorporated pursuant to this Act:

"Powell River Townsite" means the area defined in clause (*b*) of section 4:

"Westview" means the area defined in clause (*c*) of section 4:

"Wildwood" means the area defined in clause (*d*) of section 4.

Power to incorporate.

3. It shall be lawful for the Lieutenant-Governor in Council, by Letters Patent under the Great Seal, to incorporate into a district municipality under the name of "The Corporation of the District of Powell River," in accordance with the ensuing provisions of this Act, the tract of land described in section 4 or some lesser area according to the results of the polls herein provided for.

Area to be incorporated.

4. Subject to section 8, the area to be included within the limits of the municipality shall be those portions of the Province of British

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Columbia lying within Group 1, New Westminster District, which are contained within the following boundaries:—

(*a*) Cranberry Lake area: Commencing at the most northerly north-west corner of Lot 4067, Group 1, New Westminster District, being a point on the easterly high-water mark of Powell Lake; thence in a general northerly direction along said easterly high-water mark of Powell Lake to the north-westerly prolongation of the easterly boundary of Lot 4613; thence north-westerly along said north-westerly prolongation of the easterly boundary of Lot 4613 to a point distant thereon 2,700 feet from the most northerly corner of said Lot 4613; thence south-westerly in a straight line to the most northerly corner of Lot 5304; thence south-westerly along the northerly boundary of said Lot 5304 to the north-west corner thereof; thence south-easterly along the westerly boundary of said Lot 5304 to the easterly prolongation of the northerly limit of Cranberry Lake Road as shown on Plan 7173 on deposit in the Land Registry Office, Vancouver; thence westerly to and along said easterly prolongation of the northerly limit of Cranberry Lake Road to the south-east corner of Lot 9 of Block 38 of Lot 450, as shown on Registered Plan 8212; thence north-westerly along the easterly boundaries of Lots 9, 8, 7, and 6 of said Plan 8212 to the north-east corner of said Lot 6; thence south-westerly along the northerly boundaries of Lots 6, 5, and 1 of said Plan 8212 to the north-west corner of said Lot 1; thence south-easterly along the westerly boundaries of Lots 1, 2, 3, and 4 of said Plan 8212 to the south-west corner of said Lot 4, being a point on the aforesaid northerly limit of Cranberry Lake Road as shown on Plan 7173; thence westerly along the said northerly limit of Cranberry Lake Road as shown on Plan 7173 and Reference Plan 3249 to the north-westerly prolongation of the westerly boundary of Lot 1 of Block 37 of Lot 450, as shown on Registered Plan 8096; thence south-easterly along said north-westerly prolongation of the westerly boundary of Lot 1, Block 37, Plan 8096, to the north-west corner of said Lot 1; thence south-easterly along the said westerly boundary of Lot 1, Block 37, Plan 8096, to the south-west corner thereof; thence north-easterly along the southerly boundaries of Lots 1, 2, 3, 4, 5, and 6, Block 37, of said Plan 8096, to the south-east corner of said Lot 6, being a point on the westerly boundary of the subdivision shown on aforesaid Registered Plan 7173; thence southerly and easterly along the westerly and southerly boundaries of the said subdivision as shown on Plan 7173 to the south-east corner thereof, being a point on the easterly boundary of aforesaid Lot 450; thence south-

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easterly along said easterly boundary of Lot 450 to the north-east corner of the subdivision of part of Block 36 of Lot 450 as shown on Registered Plan 8230; thence south-westerly, south-easterly, and north-easterly along the northerly, westerly, and southerly boundaries of the said subdivision as shown on Plan 8230 to the south-east corner thereof, being a point on the aforesaid easterly boundary of Lot 450; thence south-easterly along the easterly boundary of said Lot 450 to the most southerly corner of Lot F of Lot 3125 as shown on Registered Plan 5293; thence north-easterly along the south-easterly boundary of said Lot F of Lot 3125, Plan 5293, to the most easterly corner thereof; thence north-easterly in a straight line to the most westerly corner of Lot A of Lot 3125 of said Plan 5293; thence north-easterly along the south-easterly boundary of said Lot A of Lot 3125, Plan 5293, to the south-easterly corner thereof, being a point on the westerly high-water mark of Cranberry Lake; thence in a general south-easterly direction along the westerly and southerly high-water mark of said Cranberry Lake to the north-west corner of Block 40 of Lot 5542, as shown on Registered Plan 5389; thence southerly along the westerly boundaries of Blocks 40 and 39 of Lot 5542 of said Plan 5389 to the south-west corner of said Block 39; thence south-easterly along the southerly boundary of said Block 39 of Lot 5542, Plan 5389, to the south-east corner thereof; thence south-easterly along the south-easterly prolongation of the southerly boundary of said Block 39 of Lot 5542, Plan 5389, to the westerly boundary of Lot 5445; thence southerly along the westerly boundaries of Lots 5445 and 5187 to the south-west corner of said Lot 5187; thence easterly along the southerly boundary of said Lot 5187 to the south-east corner thereof; thence northerly along the easterly boundaries of Lots 5187, 5445, and 5732 to the south-west corner of Lot 5444; thence easterly along the southerly boundary of said Lot 5444 to the south-east corner thereof; thence northerly along the easterly boundaries of Lots 5444 and 5453 to the north-east corner of said Lot 5453; thence westerly along the northerly boundaries of Lots 5453, 5454, and 4128 to the most southerly south-west corner of Lot C of Lot 5200, as shown on Registered Plan 5888; thence north-westerly and northerly along the south-westerly and westerly boundaries of said Lot C of Lot 5200, Plan 5888, to the north-west corner of said Lot C, being the north-west corner of said Lot 5200; thence easterly along the northerly boundary of said Lot 5200 to the south-east corner of aforesaid Lot 4613; thence north-westerly along the easterly boundary of said Lot 4613 to the north-east

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corner of aforesaid Lot 4067; thence westerly along the northerly boundary of said Lot 4067 to the aforesaid most northerly north-west corner thereof, being the point of commencement:

(*b*) Powell River Townsite area: Commencing at the north-west corner of Lot 450, Group 1, New Westminster District, being a point on the easterly high-water mark of the Malaspina Strait; thence north-easterly along the northerly boundary of said Lot 450 to the north-east corner thereof; thence south-easterly along the easterly boundary of said Lot 450 to the north-west corner of Lot 1901A; thence easterly along the northerly boundary of said Lot 1901A to the north-east corner thereof, being a point on the westerly high-water mark of Powell Lake; thence north 50° 30′ east to the north-westerly prolongation of the easterly boundary of Lot 4613; thence south-easterly along said north-westerly prolongation of the easterly boundary of Lot 4613 to a point distant thereon 2,700 feet north-westerly from the most northerly corner of said Lot 4613; thence south-westerly in a straight line to the most northerly corner of Lot 5304; thence south-westerly along the northerly boundary of said Lot 5304 to the north-west corner thereof; thence south-easterly along the westerly boundary of said Lot 5304 to the easterly prolongation of the northerly limit of Cranberry Lake Road, as shown on Plan 7173 on deposit in the Land Registry Office, Vancouver; thence westerly to and along said easterly prolongation of the northerly limit of Cranberry Lake Road to the south-east corner of Lot 9 of Block 38 of Lot 450, as shown on Registered Plan 8212; thence north-westerly along the easterly boundaries of Lots 9, 8, 7, and 6 of said Plan 8212 to the north-east corner of said Lot 6; thence south-westerly along the northerly boundaries of Lots 6, 5, and 1 of said Plan 8212 to the north-west corner of said Lot 1; thence south-easterly along the westerly boundaries of Lots 1, 2, 3, and 4 of said Plan 8212 to the south-west corner of said Lot 4, being a point on aforesaid northerly limit of Cranberry Lake Road, as shown on Plan 7173; thence westerly along the said northerly limit of Cranberry Lake Road as shown on Plan 7173 and Reference Plan 3249 to the north-westerly prolongation of the westerly boundary of Lot 1 of Block 37 of Lot 450, as shown on Registered Plan 8096; thence south-easterly along said north-westerly prolongation of the westerly boundary of Lot 1, Block 37, Plan 8096, to the north-west corner of said Lot 1; thence south-easterly along the said westerly boundary of Lot 1, Block 37, Plan 8096, to the south-west corner thereof; thence north-easterly along the southerly boundaries of Lots 1, 2, 3, 4, 5, and 6, Block 37, of said Plan 8096, to

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the south-east corner of said Lot 6, being a point on the westerly boundary of the subdivision shown on aforesaid Registered Plan 7173; thence southerly and easterly along the westerly and southerly boundaries of the said subdivision as shown on Plan 7173 to the south-east corner thereof, being a point on the easterly boundary of aforesaid Lot 450; thence south-easterly along said easterly boundary of Lot 450 to the north-east corner of the subdivision of part of Block 36 of Lot 450, as shown on Registered Plan 8230; thence south-westerly, south-easterly, and north-easterly along the northerly, westerly, and southerly boundaries of the said subdivision, as shown on Plan 8230, to the south-east corner thereof, being a point on the aforesaid easterly boundary of Lot 450; thence south-easterly and south-westerly along the easterly and southerly boundaries of said Lot 450 to the south-west corner thereof, being a point on the aforesaid easterly high-water mark of Malaspina Strait; thence westerly along the southerly boundary of Lot 6200 and the westerly prolongation thereof to a point 2,640 feet perpendicularly distant from the aforesaid easterly high-water mark of Malaspina Strait; thence in a general northerly direction 2,640 feet perpendicularly distant from and parallel to said high-water mark of Malaspina Strait to the south-westerly prolongation of the northerly boundary of aforesaid Lot 450; thence north-easterly along said south-westerly prolongation of the northerly boundary of Lot 450 to the north-west corner thereof, being the point of commencement:

(*c*) Westview area: Commencing at the south-west corner of Lot 450, Group 1, New Westminster District, being a point on the easterly high-water mark of Malaspina Strait; thence north-easterly along the southerly boundary of said Lot 450 to the south-east corner thereof; thence north-westerly along the easterly boundary of said Lot 450 to the most southerly corner of Lot F of Lot 3125, as shown on Plan 5293 on file in the Land Registry Office, Vancouver; thence north-easterly along the south-easterly boundary of said Lot F of Lot 3125, Plan 5293, to the most easterly corner thereof; thence north-easterly in a straight line to the most westerly corner of Lot A of Lot 3125 of said Plan 5293; thence north-easterly along the south-easterly boundary of said Lot A of Lot 3125, Plan 5293, to the south-easterly corner thereof, being a point on the westerly high-water mark of Cranberry Lake; thence in a general south-easterly direction along the westerly and southerly high-water mark of said Cranberry Lake to the north-west corner of Block 40 of Lot 5542, as shown on Registered Plan 5389; thence southerly along the westerly

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boundaries of Blocks 40 and 39 of Lot 5542 of said Plan 5389 to the south-west corner of said Block 39; thence south-easterly along the southerly boundary of said Block 39 of Lot 5542, Plan 5389, to the south-east corner thereof; thence south-easterly along the south-easterly prolongation of the southerly boundary of said Block 39 of Lot 5542, Plan 5389, to the westerly boundary of Lot 5445; thence southerly along the westerly boundaries of Lots 5445 and 5187 to the south-west corner of said Lot 5187; thence easterly along the southerly boundary of said Lot 5187 to the south-east corner thereof; thence northerly along the easterly boundary of said Lot 5187 to the north-west corner of Lot 5186; thence easterly along the northerly boundary of said Lot 5186 to the north-east corner thereof; thence southerly along the easterly boundaries of Lots 5186, 5182, and 5176 to the south-east corner of said Lot 5176; thence westerly along the southerly boundary of said Lot 5176 to the south-west corner thereof; thence southerly along the easterly boundary of Lot 5731 to the north-west corner of Lot 5127; thence easterly along the northerly boundaries of Lots 5127 and 5128 to the north-east corner of said Lot 5128; thence southerly along the easterly boundaries of Lots 5128 and 5117 to the north-west corner of Lot 5113; thence easterly and southerly along the northerly and easterly boundaries of said Lot 5113 to the south-east corner thereof; thence westerly along the southerly boundaries of Lots 5113, 5112, and 5111 to the north-east corner of Lot 5103; thence southerly along the easterly boundaries of Lots 5103, 3689, and 3690 to the south-east corner of said Lot 3690; thence westerly along the southerly boundaries of Lots 3690, 3687, and 3686 to the north-east corner of Lot 1423; thence southerly along the easterly boundary of Lot 1423 to the north-west corner of Lot 1424; thence easterly and southerly along the northerly and easterly boundaries of said Lot 1424 to the south-east corner thereof, being a point on the high-water mark of Malaspina Strait; thence southerly a distance of 2,640 feet in a straight line and in a direction perpendicular to the general direction of the said high-water mark of Malaspina Strait at this point; thence in a general northerly direction 2,640 feet perpendicularly distant from and parallel to the said high-water mark of Malaspina Strait to the south-westerly prolongation of the southerly boundary of Lot 6200; thence north-easterly along said south-westerly prolongation of the southerly boundary of Lot 6200 to the south-west corner of said Lot 6200; thence north-easterly along the said southerly boundary of Lot 6200 to the aforesaid south-west corner of Lot 450, being the point of commencement:

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(*d*) Wildwood area: Commencing at the north-east corner of Lot 450, Group 1, New Westminster District; thence south-easterly along the easterly boundary of said Lot 450 to the north-west corner of Lot 1901A; thence easterly along the northerly boundary of said Lot 1901A to the north-east corner thereof, being a point on the westerly high-water mark of Powell Lake; thence north 50° 30′ east to the north-westerly prolongation of the easterly boundary of Lot 4613; thence north-westerly along said north-westerly prolongation of the easterly boundary of Lot 4613 to the easterly prolongation of the northerly boundary of Lot 2358; thence westerly along said easterly prolongation to the north-east corner of said Lot 2358, being a point on the westerly high-water mark of Powell Lake; thence westerly along the northerly boundaries of Lots 2358, 4901, and 4168 to the south-east corner of Lot 4167; thence northerly and westerly along the easterly and northerly boundaries of Lots 4167 and 4163 to the south-east corner of Lot 4162; thence northerly along the easterly boundary of said Lot 4162 to the north-east corner thereof; thence westerly along the northerly boundaries of Lots 4162 and 4161 to the north-west corner of said Lot 4161; thence southerly along the westerly boundaries of Lots 4161 and 4164 to the aforesaid north-east corner of Lot 450, being the point of commencement.

Alteration of boundaries.

5. Redefinition or alteration of the boundaries of the municipality may be effected under the provisions of the "Municipalities Incorporation Act."

Pre-incorporation poll.

6. (1) Prior to the issuance of the Letters Patent, polls shall be held in Cranberry Lake, Powell River Townsite, Westview, and Wildwood to ascertain whether those persons entitled to vote within each of the said respective areas as hereinafter provided are in favour of the incorporation of the municipality, and the Lieutenant-Governor in Council shall make all necessary regulations governing the holding of the poll, including the appointment of the Returning Officer or Officers and other officials deemed necessary therefor.

(2) The expenses of holding the poll shall be advanced by Powell River Company Limited, which shall deposit with the Minister of Finance a sum estimated by the Minister to be sufficient to meet such expenses. Upon the issuance of Letters Patent, the costs of holding the poll shall be a charge upon the municipality, and shall be a debt due the Minister of Finance, payable within one year from the date of incorporation; and upon payment of such costs by the municipality, the deposit shall be refunded to Powell River Company Limited. If no Letters Patent are issued, the deposit shall be forfeited to Her Majesty.

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Qualifications of voters in poll.

7. (1) The following persons shall be entitled to have their names entered on the lists of voters for the poll to be held pursuant to section 6, and, if their names are so entered, shall be entitled to vote at the poll:—

(*a*) Any male or female British subject of the full age of twenty-one years and any corporation, being in either case the owner of land within one of the said areas on the thirtieth day preceding the closing of the list of voters; and

(*b*) For the purposes of the poll to be held in Powell River Townsite, in addition to those persons qualified under clause (*a*), any male or female British subject of the full age of twenty-one years who is:—

(i) A householder as defined in subsection (2) in Powell River Townsite and who has resided and been a householder within one or more of the said areas for twelve months immediately preceding the making of the declaration provided for in subsection (3);

and any male or female British subject of the full age of twenty-one years or any corporation who or which is:—

(ii) The tenant of the owner of land pursuant to a lease in writing whereunder the tenant is obligated to pay all taxes on the lands so rented and the improvements thereon, who has been such tenant and has been so obligated for not less than twelve months immediately preceding the making of the declaration provided for in subsection (3):

(2) "Householder" means any person who:—

(*a*) Has paid rent for property used for residential purposes at a rate of not less than one hundred dollars a year; or

(*b*) Has paid a rental value for property used for residential purposes at a rate of not less than one hundred dollars a year; or

(*c*) As the spouse of a householder under clause (*a*) or (*b*), has furnished services to such householder, which services, if paid for, would be of a value of not less than one hundred dollars a year; or

(*d*) Is the spouse of an owner of real property within Powell River Townsite.

(3) All persons applying to be entered on the list of voters in Powell River Townsite as householders or tenants shall, before five o'clock in the afternoon on the day of the closing of the list of voters, file with the Returning Officer a declaration made and subscribed before a Judge, Magistrate, Justice of the Peace, or Commissioner for taking Affidavits within British Columbia in the form and to the effect of the First Schedule or the Second Schedule to this Act respectively.

(4) An owner shall be entered on the list of voters for the area in which the land that he owns is situated. A householder or tenant shall

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be entered on the list of voters for the area on which is situated the land with respect to which he is a householder or tenant.

(5) For the purpose of this section, the word "owner" shall have the meaning assigned to it by the "Municipal Act."

(6) A corporation shall vote only by its duly authorized agent, who shall be a British subject of the full age of twenty-one years resident in British Columbia, and whose authority shall be filed before five o'clock in the afternoon on the day of the closing of the list of voters.

(7) A voter shall not have more than one vote in any one area, but may vote in more than one of the several areas.

Application of results of poll.

8. (1) No Letters Patent shall be issued incorporating the municipality unless the Returning Officer reports, after the poll, that a majority of the votes validly cast in Power River Townsite are in favour of the proposed incorporation.

(2) Cranberry Lake shall be included within the municipality only if the Returning Officer reports that the majority of the votes validly cast in Cranberry Lake were in favour of the proposed incorporation.

(3) Westview shall be included within the municipality only if the Returning Officer reports that the majority of the votes validly cast in Westview were in favour of the proposed incorporation.

(4) Wildwood shall be included within the municipality only if the Returning Officer reports that the majority of the votes validly cast in Wildwood were in favour of the proposed incorporation.

Matters to be specified in Letters Patent.

9. The Letters Patent shall specify all the subject-matters referred to in section 7 of the "Municipalities Incorporation Act," and the matters that are contained in sections 10 to 23, inclusive, of this Act, and, with respect to those of The Corporation of the Village of Cranberry Lake, The Corporation of the Village of Westview, the Cranberry Waterworks District, the Westview Light, Power and Waterworks District, and the Wildwood Light, Water and Sewerage District, whose territorial limits are included within the territorial limits of the municipality, shall make provision for:—

(*a*) The recall of Letters Patent of the said corporations:

(*b*) The vesting in the municipality of the real and personal property, including taxes, rates, charges, fees, tolls, licence fees, debts, and moneys due, owing, or payable to or assessed or levied by each of the said corporations:

(*c*) The preservation to the municipality of all remedies of the said corporations for the collection of any such taxes, rates, charges, fees, tolls, licence fees, debts, and moneys:

(*d*) The assumption by the municipality of all debts, liabilities, obligations, contracts, and duties of each of the said corporations, including debentures:

(*e*) The termination of office of members of the Councils, Boards of Commissioners, Boards of Trustees, and all other admin-

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istrative boards and commissions of the said corporations, and the termination or continuation of the employment of the respective officers, officials, and regular employees of the said corporations and the said boards and commissions, accordingly as may be deemed advisable:

(*f*) Generally all matters which the Lieutenant-Governor in Council may deem necessary to provide for in the circumstances.

Municipal Council.

10. (1) If Cranberry Lake, Westview, or Wildwood is included within the territorial limits of the municipality, subsection (3) of section 11 of the "Municipal Act" shall not apply to the municipality, and the Council shall be elected by the voters qualified respectively in Powell River Townsite and such of the said areas as are included within the territorial limits of the municipality in the proportion of two Councillors from Cranberry Lake, two from Powell River Townsite, four from Westview, and one from Wildwood, and, notwithstanding the provisions of section 14 of the "Municipal Act," the Letters Patent may provide, if necessary, that the number of Councillors shall be nine.

(2) The Lieutenant-Governor in Council shall have power to include in the Letters Patent provision for:—

(*a*) Such modifications in the provisions of the "Municipal Elections Act" in their application to the municipality as may be deemed necessary to carry out the intent of this section; and

(*b*) The adjustment of the boundaries between the areas included within the territorial limits of the municipality to the extent deemed necessary to give recognition to changes in the numbers of electors qualified in each of the said areas and ensure representation in accordance with the provisions of subsection (1).

(3) The Council may by by-law, at any time after five years from the date of incorporation, if empowered so to do by a referendum to the electors in the municipality at large, declare this section to be no longer in force.

Borrowing for operating expenses.

11. At any time before the thirtieth day of June of the year following the year of incorporation, the Council may by by-law incur liabilities by borrowing such sum or sums of money as may be allowed by the Lieutenant-Governor in Council for the purpose of carrying on the business of the municipality until current revenues are available for that purpose. Any liability so incurred shall be repaid at the latest out of revenue for the year following the year of incorporation.

Borrowing for capital outlays.

12. (1) In order that the municipality, during its initial period of growth, may meet its requirements for heavy capital outlays, including those for local improvements or services, the Council may, prior to the expiration of the third full calendar year following the year of incorporation by by-law passed in accordance with sections 186 to 191 of the "Municipal Act," and notwithstanding the provisions of clause (*a*) of

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section 106 of that Act, borrow, by the issue and sale of debentures, such amount or amounts as may be deemed necessary, but so that the total principal amount of all such debentures outstanding at one time, except for works of local improvement and school purposes, shall not exceed twenty per centum of the total of:—

(*a*) The assessed value of the taxable land and improvements within the municipality according to the last revised assessment roll; and

(*b*) The matters specified in paragraph (ii) of clause (*a*) of section 106 of the "Municipal Act."

(2) For the purposes of subsection (1), if debts for works of local improvement and for school purposes have been merged with other debts for the purpose of a refunding, there may be deducted from the amount of such refunding debt outstanding the same percentage as the local-improvement and school debts bore to the total debts refunded.

(3) The provisions of this section shall not limit the borrowing power of the municipality to an amount less than is authorized apart from this Act.

Acquisition of certain assets.

13. (1) Within one year from the date of incorporation or such other period as may be fixed by the Lieutenant-Governor in Council, the municipality shall purchase from Powell River Company Limited, and the Company shall sell to the municipality, the property described in the Third Schedule to this Act.

(2) If the municipality and Powell River Company Limited shall fail to agree within the time specified as to the price and terms of sale of the property mentioned in subsection (1), the same shall be determined pursuant to the "Arbitration Act" by three arbitrators, one to be appointed by each party and the third to be appointed by the two so appointed.

(3) The money required to discharge the indebtedness of the municipality arising pursuant to subsection (1) shall, to the extent permissible, be raised pursuant to section 17 as for a work or service undertaken by the municipality.

Construction of private works on highways, etc.

14. (1) The Council shall have power to authorize any person to construct and maintain any work on, under, or over any public road, street, bridge, or other highway within the municipality, and the Crown shall be bound thereby.

(2) If any person making application for the consent of the Council for carrying out the construction or maintenance of any work as provided in subsection (1) is of the opinion that such consent has been unreasonably withheld, he may appeal to a Judge of the Supreme Court or a County Court Judge, who may, in his discretion, issue an order directing that the applicant be permitted to carry out the work, undertaking, or construction upon such conditions as may be prescribed in the order.

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Town planning.

15. The Council shall appoint a Town Planning Commission under the provisions of the "Town Planning Act."

Agreements concerning joint finance and use of public buildings.

16. The municipality shall have power from time to time to enter into agreements with any Official Trustee or Board of School Trustees, having jurisdiction within the territorial limits of the municipality, relating to the joint construction, use, and operation of such public buildings and other public facilities for such purposes and upon such terms and conditions as the Council and such Official Trustee or Board of School Trustees may consider best suited to the interest of the municipality and of the persons residing therein, and such Official Trustee or Board of School Trustees shall, with the approval of the Department of Education, have the power to enter into such agreements.

Cost of special works for limited areas.

17. (1) The entire cost of any work or service undertaken for the special benefit of some portion or portions of the municipality shall be raised by a special rate upon the lands or lands and improvements within such portion or portions.

(2) The Council shall not be required to impose any rate upon improvements under this section by reason that the improvements are taxed under any other by-law of the municipality.

(3) The by-law authorizing the undertaking of the work or service shall require the assent of the electors of the portion or portions of the municipality to be specially benefited as set out in the by-law, qualified pursuant to the requirements of subsection (2) of section 187 of the "Municipal Act" on property situate in such portion or portions.

(4) The by-law shall be voted upon in the manner provided for voting on ordinary money by-laws as provided in the "Municipal Act."

(5) This section shall apply only where the expenditure involved exceeds fifteen thousand dollars, and where the work or service is in the nature of:—

(*a*) Opening, widening, extending, grading, altering the grade of, diverting, paving, or improving a street:

(*b*) Opening or establishing a new street:

(*c*) Constructing a bridge as part of a street:

(*d*) Constructing, enlarging, or extending a sewer:

(*e*) Constructing a curbing or sidewalk in, upon, or along a street:

(*f*) Constructing a boulevard where a part of a street has been set apart for the purposes of a boulevard:

(*g*) Sodding any part of and planting trees, shrubs, and plants upon and in a street:

(*h*) Extending a system of water, gas, light, heat, or power works owned by the municipality, including all such works as may be necessary for supplying water, gas, light, heat, or power to the owners of land for whose benefit such extension is provided; and the connection with a system of water, gas, light, heat, or power works not owned by the municipality, including

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all such works as may be necessary for supplying water, gas, light, heat, or power from such system with which connection is made to the owners of land for whose benefit such connection is provided:

(*i*) Acquiring, establishing, laying out, and improving a park or square or a public drive:

(*j*) Constructing and erecting, on any street or part of a street, equipment, plant, and works for the purpose of supplying electric light or power, including standards and underground conduits and wires:

(*k*) Constructing any conduit for wires or pipes under and along any street:

(*l*) The purchase of fire-engines and other appliances for the purpose of fire protection.

(6) Any person owning land in the portion or portions of the municipality to be specially assessed as defined in the by-law who is aggrieved by reason that the work or service is not of special benefit to any portion of the municipality, or that his own land is improperly included or other land improperly excluded from the provisions of the by-law, may appeal to a Judge of the Supreme Court or to a Judge of the County Court at any time up to the expiration of the tenth day after public notice of the by-law has been given pursuant to subsection (5) of section 186 of the "Municipal Act."

(7) Notice of the appeal shall be given in such manner as the Judge may prescribe to all persons whose land is sought to be added to or excluded from the portion or portions of the municipality defined in the by-law, and any person to whom such notice is given and any person aggrieved as provided in subsection (6) shall have a right to be heard on the appeal.

(8) If on the hearing of the appeal the Judge is of the opinion that the work or service is not of special benefit to any portion of the municipality, he shall quash the by-law; and if he is of the opinion that any land has been improperly included in or excluded from the by-law, he shall make such amendments to the by-law as may be necessary to remedy the defect.

(9) An appeal shall lie from the decision of a Judge under this section to the Court of Appeal, but otherwise no proceedings shall be brought by any person to contest the validity of the by-law either as approved or as amended, as the case may be.

(10) If the by-law is amended, it shall be submitted to the electors pursuant to subsection (3) after amendment before becoming operative.

(11) A referendum shall be submitted to the electors at the time of holding the annual municipal elections in the tenth year from the year of incorporation on the question whether the provisions of this section shall continue to remain in force. Unless a majority of the electors vote in favour of retaining this section, it shall cease to be in force on and

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after the thirty-first day of December in the year in which the referendum is held.

Financial adjustment.

18. The money required to discharge any indebtedness of the municipality secured by debentures issued by one of the corporations mentioned in section 9 shall be raised as provided in the by-law or by-laws under which the debentures were issued.

Refund of taxes for year of incorporation.

19. The Minister of Finance shall refund to the municipality forthwith upon incorporation or as and when received, whichever is later, all taxes levied under the "Taxation Act" on land and improvements within the territorial limits of the municipality during the year of incorporation.

Preservation of existing by-laws, etc.

20. All by-laws, rules, and regulations of or passed or made by those of The Corporation of the Village of Cranberry Lake, The Corporation of the Village of Westview, the Cranberry Waterworks District, the Westview Light, Power and Waterworks District, and the Wildwood Light, Water and Sewerage District whose territorial limits are included within the territorial limits of the municipality, in force on the date of the incorporation of the municipality, shall remain in force and effect, according to the tenor thereof, in respect of and as applicable to the same territories respectively to which such by-laws and regulations then apply, subject to repeal, amendment, or alteration by the Council in so far as is not inconsistent with section 18, and all such by-laws, rules, and regulations shall be enforcable by the municipality and its officials duly authorized in that behalf.

Mill-site area permanently zoned for industrial purposes.

21. No by-law or other law or regulation of the Council shall operate to restrict the construction, maintenance, and operation on the mill-site area as defined in the Fourth Schedule of pulp, paper, or other mills utilizing forest products or any other industrial works, whether similar to the foregoing or not, or to limit or otherwise control below what is economically feasible, having regard to the best current engineering knowledge and practice in Canada for mills and works of similar size and nature, the production or emission from any such mills and works on the mill-site area of odour, fumes, gas, vapour, smoke, dust, cinders, vibration, electricity, noise, or explosion.

22. All the provisions of the "Municipal Act," the "Municipal Elections Act," the "Municipalities Incorporation Act," and of all other Statutes and laws applicable to district municipalities shall apply to The Corporation of the District of Powell River, except as otherwise provided by this Act.

23. The Lieutenant-Governor in Council shall have power to issue such supplementary Letters Patent and such regulations and Orders in Council, not inconsistent with the provisions of this Act, as may be deemed necessary to carry out its true intent and purpose.

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SCHEDULES.

FIRST SCHEDULE.

DECLARATION

(Section 7 (3).)

I, [*name in full, address, and occupation or description*], do solemnly declare:—

1. That I am a British subject of the full age of twenty-one years.

2. That I have resided and been a householder within the limits of the proposed Municipality of Powell River as defined in section 4 of the "Powell River Incorporation Act" for twelve months immediately preceding the date hereof.

3. That I have, during the whole of that time, paid as such householder a rental or rental value for property used for residential purposes or rendered services at a rate of not less than $100 a year.

Or

3. That I am the wife [*or* husband] of , the owner of real property in the said area known as Lot , Block , Map .

4. That as at the date hereof I am a householder in the area known as Powell River Townsite as defined in the "Powell River Incorporation Act."

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at
this day of , 19 .

SECOND SCHEDULE.

DECLARATION.

(Section 7 (3).)

I, [*name in full, address, and occupation or description*], do solemnly declare:—

1. That I am a British subject of the full age of twenty-one years.

2. That I am [the duly authorized agent of ,] the tenant of Lot , Block , Map , being land within the area defined as Powell River Townsite in the "Powell River Incorporation Act."

3. That I [the said] hold[s] a written lease of the said property from the owner thereof whereunder the tenant is obligated to pay all taxes on the lands so rented and the improvements thereon.

4. That I [the said] have [has] been such tenant and have [has] been so obligated for twelve months immediately preceding the date hereof.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at
this day of , 19 .

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THIRD SCHEDULE.

(Section 13.)

1. All existing roads, lanes, sidewalks, and boulevards located in Powell River Townsite outside of the mill-site area as defined in this Act.

2. Such parts of the fire-alarm circuit, street-lighting system, electrical distribution system, sewage-disposal and surface-drainage systems, water distribution system existing as at the date of incorporation as are located within the Powell River Townsite area outside of the mill-site area as defined in this Act, except, in the case of the electrical distribution system, the wholesale-supply lines to Westview, Cranberry Lake, and Wildwood.

3. Dwight Hall, including the landscaped area adjacent thereto.

4. The tennis-courts located in Powell River Townsite as long as they continue to be used as public tennis-courts.

5. Timberlane Park and the adjacent parking area as long as they respectively continue to be used for the purposes of a public park and parking area.

6. Willingdon Beach, subject to the existing lease to the Powell River Lions Club, as long as it continues to be used as a public beach.

7. Cranberry Park, otherwise known as Block 53, D.L. 450, as long as it continues to be used as a public park.

FOURTH SCHEDULE.

(Section 21.)

DESCRIPTION OF THE PROPOSED BOUNDARIES OF THE MILL-SITE AREA.

Commencing at the most northerly north-east corner of Lot 6174, Group 1, New Westminster District, being a point on the easterly high-water mark of Malaspina Strait; thence in a general south-easterly direction along said easterly high-water mark of Malaspina Strait to the northerly boundary of Block 43 of Lot 450, as shown on Plan 8096 on deposit in the Land Registry Office, Vancouver; thence north-easterly along the northerly boundaries of Blocks 43 and 47 of Lot 450, Plan 8096, to the most northerly corner of said Block 47, being a point on the westerly limit of the Powell River–Lund Highway; thence southerly and westerly along the westerly and northerly limits of said Powell River–Lund Highway to the north-east corner of Block 46 of Lot 450 of aforesaid Plan 8096; thence south-westerly along the easterly boundary of said Block 46 of Lot 450, Plan 8096, a distance of 951.0 feet; thence north 57° 40′ 30″ west a distance of 150.0 feet; thence south 32° 19′ 30″ west a distance of 223.5 feet; thence north 57° 40′ 30″ west to the westerly boundary of aforesaid Block 46 of Lot 450, Plan 8096; thence southerly, westerly, and southerly along the westerly, northerly, and westerly boundaries of said Block 46 of Lot 450, Plan 8096, to the south-west corner thereof; thence south-westerly along the south-westerly prolongation of the westerly boundary of said Block 46 of Lot 450, Plan 8096, to part of the northerly boundary of aforesaid Block 43 of Lot 450, Plan 8096; thence in a general easterly and southerly direction along the boundaries of said Block 43 of Lot 450, Plan 8096, to the south-east corner thereof, being a point on the southerly boundary of said Lot 450; thence westerly along the southerly boundary of said Lot 450 to the south-west corner thereof, being a point on the easterly high-water mark of Malaspina Strait; thence northerly along said easterly high-water mark of Malaspina Strait to the north-east corner of Lot 6200; thence westerly along the northerly boundary of said Lot 6200 and the westerly prolongation thereof to a

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point 2,640 feet perpendicularly distant from the aforesaid easterly high-water mark of Malaspina Strait; thence in a general northerly direction 2,640 feet perpendicularly distant from and parallel to the said easterly high-water mark of Malaspina Strait to the south-westerly prolongation of the northerly boundary of aforesaid Lot 6174; thence north-easterly along said south-westerly prolongation of the northerly boundary of Lot 6174 to the north-west corner of said Lot 6174; thence north-easterly along said northerly boundary of Lot 6174 to the north-east corner thereof, being the point of commencement.

VICTORIA, B.C.
Printed by DON MCDIARMID, Printer to the Queen's Most Excellent Majesty
1955

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file 112-02

Lieutenant-Governor.

C A N A D A :

PROVINCE OF BRITISH COLUMBIA.

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come -

GREETING.

Minister of Municipal Affairs.

WHEREAS by section 3 of the "Powell River Incorporation Act", being chapter 108 of the Statutes of British Columbia, 1955, it is provided that it shall be lawful for the Lieutenant-Governor in Council, by Letters Patent under the Great Seal, to incorporate into a district municipality the tract of land described in section 4 of the said Act or some lesser area according to the results of the polls provided for in the said Act and subject to the provisions of section 8 of the said Act:

AND WHEREAS a plebiscite was held in each of the areas described in section 4 of the said Act on the fifteenth day of September, A.D. 1955, on the question "Are you in favour of the incorporation of the area known as Powell River District into a district municipality under the name of 'The Corporation of the District of Powell River' in accordance with the terms of the 'Powell River Incorporation Act'?":

AND WHEREAS a majority vote in each of the areas was in favour of the incorporation of the area known as Powell River District into a district municipality:

AND WHEREAS the Honourable FRANK MACKENZIE ROSS, Lieutenant-Governor of Our Province, by and with the advice of the Executive Council, under and by virtue of the powers and authorities conferred on him by the said Act, and of all other powers and authorities him in that behalf enabling, hath ordered that the inhabitants of all that tract of land described as follows, that is to say: Commencing at the north-west corner of Lot 450, Group 1, New Westminster District, being a point on the easterly high-water mark of Malaspina Strait; thence north-easterly along the northerly boundary of said Lot 450 to the north-east corner thereof, being the south-west corner of Lot 4164; thence northerly along the westerly boundaries of Lots 4164 and

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4161 to the north-west corner of said Lot 4161; thence easterly along the northerly boundaries of Lots 4161 and 4162 to the north-east corner of said Lot 4162; thence southerly along the easterly boundary of said Lot 4162 to the south-east corner thereof, being a point on the northerly boundary of Lot 4163; thence easterly and southerly along the northerly and easterly boundaries of Lots 4163 and 4167 to the north-west corner of Lot 4168; thence easterly along the northerly boundaries of Lots 4168, 4901, and 2358 to the north-east corner of said Lot 2358 being a point on the westerly high-water mark of Powell Lake; thence easterly along the easterly prolongation of the said northerly boundary of Lot 2358 to the north-westerly prolongation of the easterly boundary of Lot 4613; thence south-easterly along the said north-westerly prolongation of the easterly boundary of Lot 4613 to the easterly high-water mark of aforesaid Powell Lake; thence in a general southerly direction along said easterly high-water mark of Powell Lake to the most northerly north-west corner of Lot 4067; thence easterly along the northerly boundary of said Lot 4067 to the north-east corner thereof; thence south-easterly along the easterly boundary of aforesaid Lot 4613 to the south-east corner thereof, being a point on the northerly boundary of Lot 5200; thence westerly along the northerly boundary of said Lot 5200 to the north-west corner thereof being the north-west corner of Lot "C" of Lot 5200, as shown on Plan 5888, on deposit in the Land Registry Office, Vancouver; thence southerly and south-easterly along the westerly and south-westerly boundaries of said Lot "C" of Lot 5200, Plan 5888, to the most southerly south-west corner thereof, being a point on the northerly boundary of Lot 4128; thence easterly along the northerly boundaries of Lots 4128, 5454, and 5453 to the north-east corner of said Lot 5453; thence southerly along the easterly boundaries of Lots 5453 and 5444 to the south-east corner of said Lot 5444; thence westerly along the southerly boundary of said Lot 5444 to the south-west corner thereof, being a point on the easterly boundary of Lot 5732; thence southerly along the easterly boundaries of Lots 5732 and 5445 to the north-west corner of Lot 5186; thence easterly along the northerly boundary of said Lot 5186 to the north-east corner thereof; thence southerly along the easterly boundaries of Lots 5186, 5182, and 5176 to the south-east corner of said Lot 5176; thence westerly along the southerly boundary of said Lot 5176 to the south-west corner thereof; thence southerly along the easterly boundary of Lot 5731 to the north-west corner of Lot 5127; thence easterly along the northerly boundaries of Lots 5127 and 5128 to the north-east corner of said Lot 5128; thence southerly along the easterly boundaries of Lots 5128 and 5117 to the north-west corner of Lot 5113; thence easterly and southerly along the northerly and easterly boundaries of said

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Lot 5113 to the south-east corner thereof; thence westerly along the southerly boundaries of Lots 5113, 5112, and 5111 to the north-east corner of Lot 5103; thence southerly along the easterly boundaries of Lots 5103, 3689, and 3690 to the south-east corner of said Lot 3690; thence westerly along the southerly boundaries of Lots 3690, 3687 and 3686 to the north-east corner of Lot 1423; thence southerly along the easterly boundary of Lot 1423 to the north-west corner of Lot 1424; thence easterly and southerly along the northerly and easterly boundaries of said Lot 1424 to the south-east corner thereof, being a point on the high-water mark of Malaspina Strait; thence southerly a distance of 2640 feet in a straight line and in a direction perpendicular to the general direction of the said high-water mark of Malaspina Strait at this point; thence in a general northerly direction 2640 feet perpendicularly distant from and parallel to the said high-water mark of Malaspina Strait to the south-westerly prolongation of the northerly boundary of aforesaid Lot 450; thence north-easterly along the said south-westerly prolongation of the northerly boundary of Lot 450 to the north-west corner thereof, being the point of commencement, containing by admeasurement ten thousand and forty-nine acres, more or less, comprising six thousand nine hundred and eighty acres of land, more or less, and three thousand and sixty-nine acres of water, more or less, shall as of the fifteenth day of October, A.D. 1955, be incorporated into a district municipality and hath made further provision to the tenor and effect hereinafter appearing:

NOW KNOW YE that by these presents We do hereby order and proclaim that the tract of land hereinbefore described shall be and it is hereby incorporated into a district municipality as and from the fifteenth day of October, A.D. 1955, subject to the provisions of the "Powell River Incorporation Act", and under and subject to the provisions of all other Statutes applicable to a district municipality and subject to the provisions hereinafter contained or referred to:-

1. The said district municipality shall be called and known by the name and style of "The Corporation of the District of Powell River" (hereinafter referred to as "the District Municipality").

2. The District Municipality shall comprise all that tract of land hereinbefore described.

3. The members of the first Council of the District Municipality shall be, Battleman Milton MacIntyre, Robert Stewart Lyon, John Stuart Penman Johnson, Edward Thomas Bernier and William George Harris. The aforementioned Councillors shall elect a Chairman from their own number at the first meeting of Council who shall be

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Reeve. The first Council shall hold office until their successors are elected and take office. The first meeting of the Council herein appointed shall be held at the Scout Hall in Dwight Hall on Monday, the seventeenth day of October, A.D. 1955, at eleven o'clock a.m. and that Council shall have all the powers of a Council under the provisions of any Statute applicable to a district municipality. Three members shall constitute a quorum.

4. The elected Council shall consist of a Reeve to be elected from the District Municipality at large and nine (9) Councillors to be elected in the proportion of two (2) Councillors from the area known as Cranberry Lake, two (2) Councillors from the area known as Powell River Townsite, four (4) Councillors from the area known as Westview, and one (1) Councillor from the area known as Wildwood; the said areas comprising those tracts of land separately described in clauses (a), (b), (c) and (d) respectively of section 4 of the "Powell River Incorporation Act". Six members shall constitute a quorum.

5. The Council may by by-law, at any time after the fifteenth day of October, A.D. 1960, if empowered so to do by a referendum to the electors in the District Municipality at large, declare section 4 of these Letters Patent and section 10 of the "Powell River Incorporation Act" to be no longer in force and the Council shall thereafter be elected from the District Municipality at large.

6. If at any time before the passing of a by-law as provided in section 5 of these Letters Patent, no more candidates stand nominated for Councillors in any of the four areas herein defined than there are Councillors to be elected in any such area, the Returning Officer shall forthwith declare the candidates so nominated to be elected.

7. John Harper, 31 Willingdon Avenue, Westview, B.C., shall be the Returning Officer for the election of the first elected Council of the District Municipality; and the Returning Officer shall appoint Deputy Returning Officers, poll clerks, constables, and such other officers as he shall deem necessary for taking the poll and for maintaining order at the polling-stations during the election. If John Harper is incapacitated from fulfilling his duties under these Letters Patent, the appointed Council shall appoint a person to act in his place.

8. (1) Those persons entitled to vote at the first election shall be:-

(a) Any male or female or any corporation being the owner of land or land and improvements in the District Municipality: Provided that no homesteader or pre-emptor shall be entitled to have his or her name entered on the list of voters in respect of any land within the District Municipality unless he or

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she has made improvements upon the land of the value of not less than two hundred dollars; and provided further that any male or female shall be a British subject of the full age of twenty-one years:

(b) Any male or female, being a British subject of the full age of twenty-one years, who is the spouse of an owner of land or land and improvements in the District Municipality and who has filed with the Returning Officer a declaration to that effect on or before the fourteenth day of November, A.D. 1955: Provided that the spouse of a homesteader or pre-emptor shall not be entitled to have his or her name entered on the list of voters unless the homesteader or pre-emptor has made improvements upon his land of the value of not less than two hundred dollars:

(c) Any male or female, being a British subject of the full age of twenty-one years, and any corporation carrying on business in the District Municipality and being the holder of a subsisting trade licence, the annual fee for which is not less than five dollars, who has filed with the Returning Officer a declaration to that effect on or before the fourteenth day of November, A.D. 1955:

(d) Any male or female, being a British subject of the full age of twenty-one years, who is a member of a partnership carrying on business in the District Municipality and being the holder of a subsisting trade licence, the annual fee for which is not less than five dollars for each partner who is a British subject and of the full age of twenty-one years and who has filed with the Returning Officer a declaration to that effect on or before the fourteenth day of November, A.D. 1955:

(e) Any male or female, being a British subject of the full age of twenty-one years, who is a householder within the area comprising the District Municipality and who has filed with the Returning Officer a declaration to that effect on or before the fourteenth day of November, A.D. 1955.

(2) A corporation shall vote only by its duly authorized agent, whose authority shall be filed with the Returning Officer on or before the fourteenth day of November, A.D. 1955, and who shall be a resident of the Province and a British subject of the full age of twenty-one years.

(3) For the purposes of this section:

(a) The word "owner" shall have the meaning assigned to that word by the "Municipal Act" and reference shall be had to the records of the Land Registry Office as of the fourteenth day of November, A.D. 1955:

(b) The words "homesteader" and "householder" and "pre-emptor" shall have the

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meaning assigned to those words by the "Municipal Elections Act": Provided that residence within the area now included in the District Municipality shall be deemed to be residence in the "municipality" as required by the said Act.

(4) The declarations filed under subsection (1) shall be in the forms prescribed for the corresponding qualifications in the "Municipal Elections Act" with such modifications to meet the circumstances as may be required by the Returning Officer.

9. The Returning Officer shall prepare a list of voters for the first election in the District Municipality in accordance with the provisions of section 10 of these Letters Patent.

10. (1) (a) Unless and until a by-law is passed pursuant to section 5 of these Letters Patent, the list of voters for the first and all subsequent elections in the District Municipality shall be divided into four parts applicable respectively to the areas hereinbefore described as Cranberry Lake, Powell River Townsite, Westview and Wildwood:

(b) There shall be set out in each part of the list of voters in accordance with the provisions of subsections (2) to (5) inclusive, in alphabetical order, the names, addresses and qualifications of the persons entitled to vote in the District Municipality.

(2) (a) A spouse shall be entered on that part of the list of voters for the area in which he or she resides:

(b) A householder shall be entered on that part of the list of voters for the area in which he or she resides:

(c) A holder of a trade licence shall be entered on that part of the list of voters for the area in which such licence holder carries on business:

(d) A member of a partnership which is the holder of a trade licence shall be entered on that part of the list of voters for the area in which the partnership carries on business:

(e) An owner of land shall be entered on the part of the list of voters for the area in which such owner has the largest amount of property in assessed value.

(3) Notwithstanding the provisions of subsection (2):

(a) A licence-holder or a member of a partnership which is a licence holder, being qualified to vote as such in more than one of the said areas, shall be entered on that part of the list of voters for the area selected by the voter by written application and in default of such application at the time

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of the closing of the list of voters the Returning Officer or Clerk shall make such selection:

(b) An owner of land being qualified to vote as such in more than one of the said areas upon application to the Returning Officer or Clerk may have the name of such owner entered on that part of the list of voters for any area in which such owner is qualified.

(4) No person shall be entitled to have his or her name twice entered on the list of voters for any year as a voter in the municipality except that a voter otherwise qualified and entered may be entered and may vote as the agent of one or more corporations.

(5) For the purposes of the first election a person who is qualified to vote as an owner in more than one of the areas shall be entered on the list of voters for the area selected by such person by notice in writing to the Returning Officer prior to the closing of the list of voters, or in default of such selection, for the area to be determined by the Returning Officer.

11. The list of voters shall be closed at five o'clock in the afternoon of the fourteenth day of November, A.D. 1955.

12. (1) (a) The Returning Officer, on or before the twenty-third day of November, A.D. 1955, shall post a copy of the list of voters near or upon a public place in each of the areas referred to in subsection (1) of section 10 of these Letters Patent:

(b) With each copy of the list of voters so posted the Returning Officer shall post a notice stating the time and place of the sitting of the Court of Revision.

(2) At least three days prior to the sitting of the Court of Revision the Returning Officer shall cause to be advertised in one issue of a newspaper published or circulating in the District Municipality a notice stating the time and place of the sitting of the said Court.

13. (1) The Council shall sit as a Court of Revision for the said list of voters on Wednesday, the thirtieth day of November, A.D. 1955, at a place to be named by the Returning Officer and the list as certified by the Court of Revision shall be the list of voters for the District Municipality for all purposes until another list is prepared in accordance with the "Municipal Elections Act" and section 10 of these Letters Patent.

(2) For the purposes of the first list of voters the date "thirtieth day of November"

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referred to in section 18 of the "Municipal Elections Act" shall be deemed to be the tenth day of December, A.D. 1955.

14. The revised and certified list of voters shall be open to inspection to any person between the hours of nine o'clock a.m. and five o'clock p.m., Monday to Friday, inclusive, during the week immediately following the sitting of the Court of Revision at a public place in the District Municipality as determined by the Returning Officer.

15. (1) The Returning Officer shall post a copy of the revised list of voters near or upon a public place in each of the areas referred to in subsection (1) of section 10 of these Letters Patent, and these lists shall remain posted until the day of the election.

(2) Each copy of the list so posted shall be accompanied by a notice stating the place where the revised and certified list is available for inspection.

16. The persons qualified for Reeve and for Councillors at the first election shall be those whose names appear on the revised list of voters as owners of land or land and improvements.

17. (1) The provisions of section 440 of the "Municipal Act" shall apply insofar as they are not inconsistent with these Letters Patent: Provided that the Commissioners shall be elected from the District Municipality at large.

(2) The appointed Council shall be and is hereby empowered to enter into any agreement or contract with the Attorney-General as is mutually acceptable for the proper policing and administration of justice in the District Municipality for such period as is deemed necessary.

18. The nominations for the first elected Council shall be held at the office of the District Municipality on Thursday, the eighth day of December, A.D. 1955, between the hours of ten o'clock a.m. and twelve o'clock noon.

19. The polling for the first election, if any, shall, subject to section 22 of the "Municipal Elections Act", be held on Saturday, the seventeenth day of December, A.D. 1955, between the hours of eight o'clock a.m. and eight o'clock p.m. at such places in each of the areas referred to in subsection (1) of section 10 of these Letters Patent as determined by the Returning Officer.

20. For the first election not less than seven days' notice of the time and place of nomination and of the holding of a poll, if any, shall be given in a newspaper published or circulating in the District Municipality and further for the like period shall be posted at the places determined pursuant to section 15(1) of these

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Letters Patent.

21. The first election shall, as far as possible, be conducted pursuant to the provisions of the "Municipal Elections Act".

22. The Returning Officer, after the declaration of the poll, shall retain the ballot-papers and ballot-boxes until a Clerk shall be duly appointed by the elected Council to whom he shall forthwith deliver the same.

23. (1) The members of the first elected Council shall hold office as follows, that is to say:-

(a) The Reeve until his successor shall take office following the annual municipal election in December, 1957:

(b) In the areas known as Cranberry Lake and Powell River Townsite, the Councillors receiving the highest number of votes for two years, Councillors receiving the second highest number of votes for one year; in the area known as Westview the two Councillors receiving the highest number of votes for two years and the two Councillors receiving the next highest number of votes for one year; and the Councillor receiving the highest number of votes in the area known as Wildwood for two years.

(2) In case of an equality of votes in any of the areas aforesaid the Returning Officer shall have a casting vote or votes to determine the Councillor or Councillors who shall serve for the longer term.

(3) In case no poll is necessary in any of the areas aforesaid the Returning Officer shall determine which Councillor or Councillors shall serve for the longer term and the others shall serve for the shorter term.

24. The term of office for Reeve shall be two years.

25. The term of office for all Councillors after the first election shall be two years save as is provided in section 23(1)(b) hereof and until a by-law is passed as provided in section 5 of these Letters Patent: Provided that all terms of office shall be deemed to have terminated as of the thirty-first day of December after the passage of such by-law. At the first election after the passage of such by-law, nominations shall be held to elect nine (9) Councillors and the five (5) Councillors receiving the highest number of votes shall hold office for two years and the remaining four (4) Councillors shall hold office for one year and thereafter the term of office for all Councillors shall be two years.

26. The first meeting of the first elected Council shall be held on Tuesday, the

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third day of January, A.D. 1956, at the hour and place determined by the Reeve of the appointed Council.

27. The Provincial Assessor for Comox Assessment District of the Province shall be the Municipal Assessor for all purposes relating to the Assessment Roll of the District Municipality for the year 1956 upon which real property taxation will be imposed.

28. The Letters Patent of The Corporation of the Village of Cranberry Lake, The Corporation of the Village of Westview, the Cranberry Waterworks District, the Westview Light, Power and Waterworks District, and the Wildwood Light, Water and Sewerage District, (hereinafter referred to as "the Corporations") are hereby recalled and the Corporations dissolved.

29. (1) The real and personal property, including taxes, rates, charges, fees, tolls, licence fees, debts, and moneys due, owing, or payable to or assessed or levied by each of the Corporations are hereby vested in the District Municipality.

(2) The Council of the District Municipality is hereby empowered by by-law to do all necessary acts and things to effect transfer to the District Municipality of all estate or interest in or to the real and personal property of each of the Corporations.

30. There is hereby preserved to the District Municipality all remedies of the Corporations respectively for the collection of any taxes, rates, charges, fees, tolls, licence fees, debts and moneys due, owing, or payable to or assessed or levied by each of the Corporations.

31. The District Municipality shall assume all debts, liabilities, obligations, contracts, and duties of each of the Corporations, including debentures.

32. (1) The term of office of members of the Councils, Boards of Commissioners, Boards of Trustees, and all other administrative boards and commissions of the Corporations shall terminate effective the fifteenth day of October, A.D. 1955.

(2) Notwithstanding the provisions of subsection (1) the District Municipality shall pay to the members of the Councils, Boards of Commissioners, Boards of Trustees, and all other administrative boards and commissions of the Corporations the amount of indemnity payable as if the term of office of such members continued until the thirty-first day of December, A.D. 1955.

33. (1) The employment of officers, officials, and regular employees of the Corporations shall terminate effective the fifteenth day of October, A.D. 1955.

(2) Notwithstanding the provisions of subsection (1) the District Municipality shall pay to the officers, officials, and regular employees of the Corporations the

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amount of the salary payable as if such officers, officials, and regular employees were employed until the thirty-first day of October, A.D. 1955, or according to the tenor of their employment except that no person shall be entitled to any payment under the provisions of this subsection in respect of any period of employment by the District Municipality.

34. All licences heretofore issued by the Corporations or the Province shall be valid in the District Municipality until the expiration of the period named in the licence.

35. At any time before the thirtieth day of June, A.D. 1956, the Council may by by-law incur liabilities by borrowing such sum or sums of money as may be allowed by the Lieutenant-Governor in Council for the purpose of carrying on the business of the District Municipality until current revenues are available for that purpose. Any liability so incurred shall be repaid at the latest out of revenue for the year 1956.

36. (1) In order that the District Municipality, during its initial period of growth, may meet its requirements for heavy capital outlays, including those for local improvements or services, the Council may, prior to the fifteenth day of October, A.D. 1958, by by-law passed in accordance with sections 186 to 191 of the "Municipal Act", and notwithstanding the provisions of clause (a) of section 106 of that Act, borrow, by the issue and sale of debentures, such amount or amounts as may be deemed necessary, but so that the total principal amount of all such debentures outstanding at one time, except for works of local improvement and school purposes, shall not exceed twenty per centum of the total of:-

(a) The assessed value of the taxable land and improvements within the District Municipality according to the last revised Assessment Roll; and

(b) The matters specified in paragraph (ii) of clause (a) of section 106 of the "Municipal Act".

(2) For the purposes of subsection (1), if debts for works of local improvement and for school purposes have been merged with other debts for the purpose of a refunding, there may be deducted from the amount of such refunding debt outstanding the same percentage as the local improvement and school debts bore to the total debts refunded.

(3) The provisions of this section shall not limit the borrowing power of the District Municipality to an amount less than is authorized apart from these Letters Patent and the "Powell River Incorporation Act".

37. (1) Within one year from the fifteenth day of October, A.D. 1955, or such

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other period as may be fixed by the Lieutenant-Governor in Council, the District Municipality shall purchase from Powell River Company Limited, and the Company shall sell to the District Municipality, the property described in the Third Schedule to the "Powell River Incorporation Act".

(2) If the District Municipality and Powell River Company Limited shall fail to agree within the time specified as to the price and terms of sale of the property mentioned in subsection (1), the same shall be determined pursuant to the "Arbitration Act" by three arbitrators, one to be appointed by each party and the third to be appointed by the two so appointed.

(3) The money required to discharge the indebtedness of the District Municipality arising pursuant to subsection (1) shall, to the extent permissible, be raised pursuant to section 41 as for a work or service undertaken by the District Municipality.

38. (1) The Council shall have power to authorize any person to construct and maintain any work on, under, or over any public road, street, bridge, or other highway within the District Municipality, and the Crown shall be bound thereby.

(2) If any person making application for the consent of the Council for carrying out the construction or maintenance of any work as provided in subsection (1) is of the opinion that such consent has been unreasonably withheld, he may appeal to a Judge of the Supreme Court or a County Court Judge, who may, in his discretion, issue an order directing that the applicant be permitted to carry out the work, undertaking, or construction upon such conditions as may be prescribed in the order.

39. The Council shall appoint a Town Planning Commission under the provisions of the "Town Planning Act".

40. The District Municipality shall have power from time to time to enter into agreements with any Official Trustee or Board of School Trustees, having jurisdiction within the territorial limits of the District Municipality, relating to the joint construction, use, and operation of such public buildings and other public facilities for such purposes and upon such terms and conditions as the Council and such Official Trustee or Board of School Trustees may consider best suited to the interest of the District Municipality and of the persons residing therein, and such Official Trustee or Board of School Trustees shall, with the approval of the Department of Education, have the power to enter into such agreements.

41. (1) The entire cost of any work or service undertaken for the special benefit of some portion or portions of the District Municipality shall be raised by a special rate upon the lands or lands and improvements within such portion or portions.

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(2) The Council shall not be required to impose any rate upon improvements under this section by reason that the improvements are taxed under any other by-law of the District Municipality.

(3) The by-law authorizing the undertaking of the work or service shall require the assent of the electors of the portion or portions of the District Municipality to be specially benefited as set out in the by-law, qualified pursuant to the requirements of subsection (2) of section 187 of the "Municipal Act" on property situate in such portion or portions.

(4) The by-law shall be voted upon in the manner provided for voting on ordinary money by-laws as provided in the "Municipal Act".

(5) This section shall apply only where the expenditure involved exceeds fifteen thousand dollars, and where the work or service is in the nature of:-

(a) Opening, widening, extending, grading, altering the grade of, diverting, paving, or improving a street:

(b) Opening or establishing a new street:

(c) Constructing a bridge as part of a street:

(d) Constructing, enlarging, or extending a sewer:

(e) Constructing a curbing or sidewalk in, upon, or along a street:

(f) Constructing a boulevard where a part of a street has been set apart for the purposes of a boulevard:

(g) Sodding any part of and planting trees, shrubs, and plants upon and in a street:

(h) Extending a system of water, gas, light, heat, or power works owned by the District Municipality, including all such works as may be necessary for supplying water, gas, light, heat, or power to the owners of land for whose benefit such extension is provided; and the connection with a system of water, gas, light, heat, or power works not owned by the District Municipality, including all such works as may be necessary for supplying water, gas, light, heat, or power from such system with which connection is made to the owners of land for whose benefit such connection is provided:

(i) Acquiring, establishing, laying out, and improving a park or square or a public drive:

(j) Constructing and erecting, on any street or part of a street, equipment, plant, and works for the purpose of supplying electric light or power, including standards and underground conduits and wires:

(k) Constructing any conduit for wires or pipes under and along any street:

(l) The purchase of fire-engines and other appliances for the purpose of fire

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protection.

(6) Any person owning land in the portion or portions of the District Municipality to be specially assessed as defined in the by-law who is aggrieved by reason that the work or service is not of special benefit to any portion of the District Municipality, or that his own land is improperly included or other land improperly excluded from the provisions of the by-law, may appeal to a Judge of the Supreme Court or to a Judge of the County Court at any time up to the expiration of the tenth day after public notice of the by-law has been given pursuant to subsection (5) of section 186 of the "Municipal Act".

(7) Notice of the appeal shall be given in such manner as the Judge may prescribe to all persons whose land is sought to be added to or excluded from the portion or portions of the District Municipality defined in the by-law, and any person to whom such notice is given and any person aggrieved as provided in subsection (6) shall have a right to be heard on the appeal.

(8) If on the hearing of the appeal the Judge is of the opinion that the work or service is not of special benefit to any portion of the District Municipality, he shall quash the by-law; and if he is of the opinion that any land has been improperly included in or excluded from the by-law, he shall make such amendments to the by-law as may be necessary to remedy the defect.

(9) An appeal shall lie from the decision of a Judge under this section to the Court of Appeal, but otherwise no proceedings shall be brought by any person to contest the validity of the by-law either as approved or as amended, as the case may be.

(10) If the by-law is amended, it shall be submitted to the electors pursuant to subsection (3) after amendment before becoming operative.

(11) A referendum shall be submitted to the electors at the time of holding the annual municipal elections in 1965 on the question whether the provisions of this section shall continue to remain in force. Unless a majority of the electors vote in favour of retaining this section, it shall cease to be in force on and after the thirty-first day of December, A.D. 1965.

42. The money required to discharge any indebtedness of the District Municipality secured by debentures issued by the Corporations shall be raised as provided in the by-law or by-laws under which the debentures were issued.

43. The Minister of Finance shall refund to the District Municipality forthwith or as and when received, whichever is later, all taxes levied under the "Taxation Act" on land and improvements within the territorial limits of the District

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Municipality during the year 1955.

44. All by-laws, rules, and regulations of or passed or made by the Corporations in force on the fifteenth day of October, A.D. 1955, shall remain in force and effect, according to the tenor thereof, in respect of and as applicable to the same territories respectively to which such by-laws and regulations then apply, subject to repeal, amendment, or alteration by the Council in so far as is not inconsistent with section 42, and all such by-laws, rules, and regulations shall be enforceable by the District Municipality and its officials duly authorized in that behalf.

45. No by-law or other law or regulation of the Council shall operate to restrict the construction, maintenance, and operation on the mill-site area as defined in the Fourth Schedule of the "Powell River Incorporation Act" of pulp, paper, or other mills utilizing forest products or any other industrial works, whether similar to the foregoing or not, or to limit or otherwise control below what is economically feasible, having regard to the best current engineering knowledge and practice in Canada for mills and works of similar size and nature, the production or emission from any such mills and works on the mill-site area of odour, fumes, gas, vapour, smoke, dust, cinders, vibration, electricity, noise, or explosion.

46. All the provisions of the "Municipal Act", the "Municipal Elections Act", the "Municipalities Incorporation Act", and of all other Statutes and laws applicable to district municipalities shall apply to The Corporation of the District of Powell River, except as otherwise provided by these Letters Patent and the "Powell River Incorporation Act".

47. The Lieutenant-Governor in Council shall have power to issue such supplementary Letters Patent and such regulations and Orders in Council, not inconsistent with the provisions of the "Powell River Incorporation Act", as may be deemed necessary to carry out its true intent and purpose.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable FRANK MACKENZIE ROSS, Lieutenant-Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this 14th day of October, in the year of Our Lord one thousand nine hundred and fifty-five, and in the fourth year of Our Reign.

By Command,

Provincial Secretary.