



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR

1972

FIRST AND SECOND SESSSION

J. SMITH
COMMISSIONER

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ORDINANCES OF THE YUKON TERRITORY

1972

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CHAPTER 1
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

AGE OF MAJORITY ORDINANCE

(Assented to February 11, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

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| 1. This Ordinance may be cited as the <i>Age of Majority Ordinance</i> . | Short title |
| 2.(1) In this Ordinance
"twenty-one years" means twenty-one years. | Definition
"twenty-one years" |
| 3.(1) Every person attains the age of majority, and ceases to be a minor, on attaining the age of nineteen years.

(2) Every person who, on the coming into force of this Ordinance, has attained the age of nineteen years but has not attained the age of twenty-one years, attains the age of majority and ceases to be a minor on the coming into force of this Ordinance. | Majority at age
nineteen

Effect of Ordinance |
| 4.(1) Section 3 applies for the purposes of any rule of law in respect of which the Commissioner in Council has jurisdiction. | Application and rules of law |
| 5.(1) In the absence of an express definition or an indication of a contrary intention, section 3 applies in respect of the expressions "adult", "full age", "infant", "infancy", "minority" and similar expressions

(a) in any Ordinance or any regulation, rule, order or bylaw made under an Ordinance enacted or made before or after the coming into force of this Ordinance; and

(b) in any deed, will or other instrument of whatever nature made after the coming into force of this Ordinance.

(2) The use of expressions set out in subsection (1) or similar expressions shall not in itself be deemed to indicate a contrary intention for the purpose of this section without some further indication of a contrary intention. | Meaning of similar expressions

Use of expressions |
| 6.(1) In any Ordinance except this Ordinance or in any regulation, rule, order, or bylaw made under an Ordinance, a reference to the age of twenty-one years shall be read as a reference to the age of nineteen years.

(2) Where, by an Ordinance, any Act or any provision thereof is made to apply in respect of any Ordinance, matter or thing over which the Commissioner in Council has jurisdiction, in applying that Act or any provision thereof in respect of such Ordinance, matter or thing, any reference to the age of twenty-one years in the Act or provision thereof shall be read as a reference to the age of nineteen years. | Twenty-one means nineteen in former laws |

- Court orders 7.(1) In any order or direction of a court made before the coming into force of this Ordinance, in the absence of an indication of a contrary intention, a reference to the age of twenty-one years or to any age between nineteen and twenty-one years or to any expressions set out in subsection 5(1) or similar expressions, shall be read as a reference to the age of nineteen years.
- Use of twenty-one years (2) The use of the words "twenty-one years" or words stating an age between nineteen and twenty-one years in an order or direction to which reference is made in subsection (1) shall not itself be deemed to indicate a contrary intention for the purposes of this section without some further indication of a contrary intention.
- Order of adoption (3) Neither this section nor sections 4 or 5 prevents the making of an adoption order under the *Child Welfare Ordinance* in respect of a person who has attained the age of nineteen years if the application for the order was made before the coming into force of this Ordinance, and in that case such Ordinance applies as if this Ordinance had not been enacted.
- Right of action and defence preserved 8.(1) Where a right of action or a defence to an action that is based upon the age of a party was in existence on the coming into force of this Ordinance, the law that was in force immediately prior to the coming into force of this Ordinance shall apply.
- Time of attaining age 9.(1) The time at which a person attains a particular age expressed in years shall be the commencement of a relevant anniversary of the date of his birth.
- Application of section (2) Subsection (1) applies only where the relevant anniversary falls after the coming into force of this Ordinance, and in relation to any Ordinance or any regulation, rule, order, or bylaw made under an Ordinance or any deed, will or other instrument has effect subject to the provisions thereof.
- Accumulations 10.(1) This Ordinance does not invalidate any direction or accumulation expressed in a settlement or other disposition made by a deed, will or other instrument and executed before the coming into force of this Ordinance that, but for this Ordinance, was a permissible period of accumulation.
- Limitations of actions 11.(1) Where, on the coming into force of this Ordinance, a person has
 (a) attained the age of nineteen years but has not attained the age of twenty-one years; and
 (b) a right of action in respect of which the period of limitation applicable to the bringing of the action would have commenced to run on his attaining the age of twenty-one years had this Ordinance not been enacted;
 the period of limitation in respect of that right of action commences to run on the coming into force of this Ordinance.
- 12.(1) Notwithstanding any rule of law, a will, or codicil executed before the date on which this Ordinance comes into force shall be deemed, for the purposes of this Ordinance, not to have been made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.
- Exemption re existing statutory provisions 13.(1) This Ordinance does not affect the construction of a provision of an Ordinance or a regulation, rule, order or bylaw made thereunder that is incorporated in and has effect as part of a deed, will or other instrument if the construction of the

deed, will, or other instrument is not affected by section 3.

- 14.(1) This Ordinance does not apply so as to affect the law relating to perpetuities. Perpetuities not affected
- 15.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance. Regulation
- 16.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner. Coming into force

March 1, 1972 is fixed as the coming-into-force date by C.O.1972/124.

CHAPTER .2

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO
ENTER INTO AN AGREEMENT WITH THE GOVERNMENT
OF CANADA FOR THE PURPOSE OF MAINTAINING
THE ALASKA HIGHWAY

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

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| Short title | 1. This Ordinance may be cited as the <i>Alaska Highway Maintenance Ordinance (1972)</i> . |
| Commissioner may execute agreement | 2. The Commissioner is authorized to enter into and execute on behalf of the Government of the Territory an agreement with the Government of Canada providing for <ol style="list-style-type: none">(a) the obligations to be undertaken by the Territory respecting the maintenance of the Alaska Highway;(b) the payments to be made to the Government of the Territory for costs incurred by the Territory in the maintenance of the Alaska Highway; and(c) such other terms and conditions as may be agreed upon by the Commissioner. |
| Commissioner may implement agreement | 3. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Territory under this Agreement. |

CHAPTER 3
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

CONFLICT OF LAWS (TRAFFIC ACCIDENTS) ORDINANCE
(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory enacts as follows:

SHORT TITLE

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| 1. | This Ordinance may be cited as the <i>Conflict of Laws (Traffic Accidents) Ordinance</i> . | Short title |
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INTERPRETATION

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| 2.(1) | In this Ordinance | Definitions |
| | "accident" means an accident that involves one or more vehicles and is connected with traffic on a highway; | "accident" |
| | "highway" means any place or way, including any structure forming part thereof, which the public is ordinarily, or a number of persons are, entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor and includes all the space between the boundary lines of any right-of-way or land taken, acquired or used therefor, and also includes
(a) a privately owned area designed and intended and primarily used for the parking of vehicles and the necessary passage ways thereon, and
(b) a publicly owned area designed and intended to be used exclusively for the parking of vehicles and the necessary passage ways thereon; | "highway" |
| | "pedestrian" includes any person who, at the place of the accident, was not carried in or on a vehicle; | "pedestrian" |
| | "state" includes a province and a territorial entity of a state, if this entity has its own legal system in respect of tortious liability arising from an accident; | "state" |
| | "vehicle" means a device, whether motorized or not, in, upon, or by which a person or thing is or may be transported or drawn upon a highway except a device used exclusively upon stationary rails or tracks. | "vehicle" |

- (2) A reference to the laws of a state shall be read as a reference to its internal laws excluding the conflict rules.
- (3) A reference to the registration of a vehicle shall be read as a reference to its registration at the time of the accident in question.
- (4) The reference to chattels carried on a vehicle shall be read as a reference to chattels lying, standing or resting on any part of the vehicle.

APPLICATION

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|-------|---|-------------------------------------|
| 3.(1) | Subject to subsection (2) and to section 11, this Ordinance determines the law applicable to tortious liability arising from an accident. | Ordinance determines applicable law |
|-------|---|-------------------------------------|

Where Ordinance does not apply

- (2) This Ordinance does not apply
 - (a) to the liability of manufacturers, sellers or repairers of vehicles;
 - (b) to the liability arising out of a breach of duty to maintain a highway or attaching to the ownership, occupation, possession or control of land;
 - (c) to an action by or against a person who caused or contributed to an accident for contribution, indemnity or any other relief over;
 - (d) to an action for contribution or indemnity from, or any other relief over against, an insurer or a subrogation action by an insurer;
 - (e) to an action by or against a person administering a workmen's compensation fund, a social insurance or similar scheme, by or against an unsatisfied judgment fund or any person administering a similar fund, or to any exemption from liability provided by the law governing these persons, institutions, funds or bodies; or
 - (f) to vicarious liability,

but, notwithstanding paragraph (f), this Ordinance does apply to the liability of the owner of a vehicle, and to the liability of a principal and of a master.

RULES DETERMINING APPLICABLE LAW

Law of state where accident occurred applies

- 4.(1) Subject to section 5 to 8, the law applicable under section 3 is the law of the state where the accident occurred.
- (2) The law of the state where the accident occurred, and in force at that time, determines the rules relating to the control and safety of traffic.

Exceptions

- 5.(1) Where
 - (a) one vehicle is involved in the accident and is registered in a state other than the state where the accident occurred, or, where more than one vehicle is involved, and each is registered in the same state being a state other than the state where the accident occurred; and
 - (b) each pedestrian, if any, who caused or contributed to the accident has his habitual residence in the state mentioned in paragraph (a), whether or not he is also a victim of the accident;
 the law of the state of registration, subject to section 8, determines
 - (c) liability to the driver, owner or any other person having control of, or a proprietary interest in, the vehicle, if at least one of these persons has his habitual residence within the state of registration;
 - (d) liability to a passenger whose habitual residence is in a state other than the state where the accident occurred, but not necessarily in the state mentioned in paragraph (a); and
 - (e) liability to a pedestrain whose habitual residence is in the state mentioned in paragraph (a).
- (2) Where there are two or more victims, the applicable law is determined separately for each of them.

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| <p>6.(1) The liability mentioned in paragraph 5(1)(c) includes liability for damage to chattels carried on the vehicle other than chattels mentioned in subsection (2).</p> | <p>Liability re damage to chattels</p> |
| <p>(2) The liability mentioned in paragraph 5(1)(d) includes liability for damage to chattels that are carried on the vehicle and that are either owned by the passenger or have been entrusted to his care.</p> | <p>Idem</p> |
| <p>(3) The liability mentioned in paragraph 5(1)(e) includes liability for damage to chattels owned by the pedestrian, whether or not the chattels were carried on a vehicle.</p> | <p>Idem</p> |
| <p>7.(1) Liability for damage to chattels not carried on a vehicle at the time of the accident, except those mentioned in subsection 6(3), is governed by the law of the state where the accident occurred.</p> | <p>Idem</p> |
| <p>8.(1) Where</p> <p style="padding-left: 20px;">(a) a vehicle is registered in more than one state or is not registered at all; or</p> <p style="padding-left: 20px;">(b) at the time of the accident, none of the persons mentioned in paragraph 5(1)(c) had his habitual residence in the state of registration,</p> <p style="padding-left: 20px;">the law of the state where the vehicle was habitually stationed at the time of the accident applies instead of the law mentioned in subsection 5(1).</p> | <p>Exception to rule in subsection 5(1)</p> |
| <p>9.(1) The law applicable under section 3 determines, in particular,</p> <p style="padding-left: 20px;">(a) the existence of liability and its extent;</p> <p style="padding-left: 20px;">(b) the grounds for exemption from liability, any limitation of liability and any division of liability;</p> <p style="padding-left: 20px;">(c) the existence and kind of injury or damage for which damages may be claimed;</p> <p style="padding-left: 20px;">(d) the amount of damages;</p> <p style="padding-left: 20px;">(e) the question whether a right to damages may be assigned or inherited;</p> <p style="padding-left: 20px;">(f) the persons who have suffered injury or damage and who may claim damages in their own right;</p> <p style="padding-left: 20px;">(g) the liability of a principal or master for the acts of his agent or servant; and</p> <p style="padding-left: 20px;">(h) rules of prescription and limitation, including rules relating to the commencement of a period of prescription or limitation, and the interruption and suspension of that period.</p> | |
| <p>10.(1) In this section "insurer" means an insurer of the person alleged to be liable.</p> | <p>Rules relating to insurers</p> |
| <p>(2) Where the law applicable under section 3 is the law of the state where the accident occurred, a direct action against an insurer lies if such action is authorized by that law or by the law governing the insurance policy.</p> | <p>Idem</p> |
| <p>(3) Where the law applicable under section 3 is the law of the state of registration, a direct action against an insurer lies if such action is authorized by that law, the law of the state where the accident occurred or by the law governing the insurance policy.</p> | <p>Idem</p> |

- Nonapplica-
bility of
law if
contrary
to public
policy
- 11.(1) No law that would be applicable under this Ordinance applies if its application is manifestly contrary to public policy.
- Regulations
- 12.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance.
- Coming
into force
- 13.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

May 1, 1972 is fixed as the coming-into-force date by C.O. 1972/133.

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

ELECTRICAL PUBLIC UTILITIES ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

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| 1. | This Ordinance may be cited as the <i>Electrical Public Utilities Ordinance</i> . | Short title |
| 2.(1) | In this Ordinance | Definitions |
| | "Board" means the Electrical Public Utilities Board constituted by this Ordinance; | "Board" |
| | "electrical public utility" means a person who operates any system, works, plant or equipment for the production, transmission, delivery or furnishing of electricity primarily for sale to the public; | "electrical public utility" |
| | "franchise" means an agreement whereby the right to supply electricity within a defined area is granted; | "franchise" |
| | "member" means a member of the Board; | "member" |
| | "public utility" means an electrical public utility. | "public utility" |
| 3.(1) | There shall be a Board, to be called the Electrical Public Utilities Board, consisting of three members to be appointed by the Commissioner. | Board constituted |
| 4.(1) | Two members constitute a quorum of the Board. | Quorum |
| 5.(1) | Each of the members of the Board shall hold office during pleasure for a term of three years, except that of those first appointed, one shall be appointed for a term of one year and another shall be appointed for a term of two years. | Appointment of members |
| 6.(1) | The members of the Board shall be paid such remuneration as the Commissioner prescribes. | Remuneration |
| 7.(1) | A vacancy in the membership of the Board does not impair the right of the remainder to act. | Vacancy |
| 8.(1) | The Commissioner may appoint a person to act in the stead of any member of the Board who is unable at any time to perform the duties of his office. | Substitute member |
| 9.(1) | The Commissioner shall designate one of the members to be Chairman of the Board and one of the members to be Vice-chairman of the Board. | Chairman and Vice-chairman |
| (2) | The Chairman is the chief executive officer of the Board and has supervision over and direction of the work and staff of the Board. | |

- (3) If the Chairman is absent or is unable to act or if the office is vacant, the Vice-chairman has and may exercise all of the powers and functions of the Chairman.
- Meeting** 10.(1) The Board may be called together at any time by the Chairman or the Commissioner for the purpose of considering applications, objections or complaints at the time and place fixed by the Chairman or the Commissioner.
- 11.(1) The Board may meet at any time on its own motion to perform any of its functions or duties under this Ordinance.
- Experts** 12.(1) Subject to the approval of the Commissioner, the Board may from time to time appoint one or more persons having special technical or other knowledge to enquire into and report on any matter before the Board or in respect of which the Board deems it necessary to have information.
- Remuneration** (2) A person appointed pursuant to subsection (1) shall be paid such remuneration as the Commissioner prescribes.
- 13.(1) The Board shall keep a record of all proceedings conducted before the Board and be responsible for the custody and care of all records and documents belonging to or pertaining to the Board.
- Powers** 14.(1) The Board may authorize a member or any other person to investigate and report on any question or matter arising in connection with the business of the Board.
- (2) A person authorized pursuant to this section has all the powers of the Board for the purpose of taking evidence or acquiring the necessary information for his report.
- Additional duties** 15.(1) The Board shall conduct such investigations, make such reports and perform such duties, in addition to the duties assigned to it by this Ordinance, as the Commissioner directs.
- Expenses** 16.(1) The members and staff of the Board shall be paid such transportation, accommodation and living expenses incurred in connection with their duties while away from their ordinary place of residence as the Commissioner prescribes.
- Evidence** 17.(1) Where in the opinion of the Board, it is not in the public interest, no member of the Board or its staff shall be compelled to give testimony in a court of civil jurisdiction with regard to information obtained in the discharge of his official duty or to produce any file, papers, information, reports, correspondence or other documents relating to the business of the Board.
- Annual Report** 18.(1) The Board shall, not later than the 31st day of May in each year transmit to the Commissioner a report for the year ending the preceding 31st day of March concerning the affairs of the Board and showing the activities of the Board for that year.
- (2) The annual report of the Board shall be tabled at the next ensuing Session of the Council.
- Prohibition** 19.(1) No public utility shall operate in the Territory unless it has been granted a franchise either by a municipality or by the Commissioner.

- 20.(1) The Commissioner may with the approval of the Board grant, renew or alter a franchise to a public utility to operate outside a municipality. Grant by Commissioner
- 21.(1) A franchise granted by a municipality, or an alteration thereto or a renewal thereof, granted, made or entered into after the coming into force of this Ordinance shall have no effect until approved by the Board. Grant by municipality
- 22.(1) The Board shall not approve a franchise unless Terms of franchise
- (a) the person seeking the franchise has satisfied the Board that his scheme for the supply of electricity is reasonable and sufficient having regard to the general circumstances in the area to be served; and
 - (b) the Board is satisfied that having regard to the availability of any other source of supply in the area and to any other circumstances, the granting of the franchise is to the general benefit of the residents of the area directly or indirectly affected thereby.
- 23.(1) Every public utility shall within three months after the end of its fiscal year file with the Board Information required
- (a) a statement showing its rates of charge for the supply of electricity, the categories to which these rates apply and any other charge it makes to persons to whom it supplies electricity;
 - (b) financial statements for the fiscal year in such form and verified in such manner as the Board directs; and
 - (c) a statement setting forth the name, address and duties of every officer and director of the electrical public utility.
- (2) No public utility shall charge any rate for the supply of electricity other than the rate set out in the statement referred to in paragraph (1)(a) or the rate set by the Board pursuant to this Ordinance unless ninety days before it commences to charge a different rate, it Electrical new rates
- (a) files with the Board, and
 - (b) sends by registered mail to the municipality, if it operates within a municipality, and to the Commissioner, if it operates outside a municipality,
- a statement showing the new rate, in which case it may commence to charge such rate on the date specified therein.
- (3) If any change takes place in the officers or directors of the public utility, it shall notify the Board within ten days of such change.
- 24.(1) Every public utility shall Books, records and accounts
- (a) keep such books, records and accounts as afford an intelligent understanding of the conduct of its business;
 - (b) maintain depreciation, amortization and depletion accounts in accordance with such rates and methods as the Board directs; and
 - (c) maintain its property and equipment in such condition as to enable it to provide safe, adequate and proper service.
- 25.(1) The Board shall furnish to the Commissioner at his request a report respecting the granting of any franchise contemplated by the Commissioner or a municipality or a proposed increase in rates by a public utility. Reports

- Complaints 26.(1) The council of any municipality within whose boundaries a public utility operates or twenty-five residents of the municipality, or where a public utility operates outside a municipality, twenty-five residents of the Territory, may file a complaint with the Board respecting
- (a) the rates charged by the public utility or the classifications to which these rates apply;
 - (b) a proposed rate increase by the public utility notice of which has been given pursuant to section 23;
 - (c) the manner in which the public utility provides service;
 - (d) the areas to which the public utility provides service; or
 - (e) the conditions including any payments to be made in respect thereof, imposed by public utilities for establishing, constructing, maintaining or operating an extension to its facilities.
- Order by Board (2) The Board shall, without undue delay, hear and adjudicate upon any complaint filed pursuant to subsection (1) and may make an order
- (a) fixing rates and classifications to which these rates shall apply, which the public utility is permitted to charge;
 - (b) prohibiting any proposed rate increase or limiting it in any manner specified in the order.
 - (c) determining the conditions and manner in which the public utility shall supply electricity;
 - (d) requiring the public utility to establish, construct, maintain and operate any reasonable extension to its existing facilities.
- Summary dismissal of complaint (3) Where a complaint filed pursuant to subsection (1) is, in the opinion of the Board, frivolous, vexatious or calculated to delay without a hearing summarily dismiss the complaint.
- Rate base (4) In fixing rates to be charged for the supply of electricity the Board may determine the cost to the public utility of the property that is used or required to be used by it in its service to the public and fix a fair return thereon.
- Rate of return (5) In fixing fair return pursuant to subsection (4), the Board shall give due consideration to all such facts as in its opinion are relevant.
- Complaint Commissioner 27.(1) The Commissioner may, in respect of any public utility to which the Commissioner has granted a franchise, file a complaint with the Board respecting any matter that can be the subject of a complaint pursuant to subsection 26(1) and the Board has the same powers to deal with such complaint as it has under section 26.
- Service copy of complaint 28.(1) Where a complaint is filed with the Board pursuant to section 26, a copy thereof shall be served upon the public utility to which it applies within seven days of the time of the filing, or within such period as the Board or a member thereof on application being made in that behalf may fix.
- Notice to other parties 29.(1) In contentious matters, the Board may require notice of an application to or hearing by the Board to be given to such parties as it directs.
- General jurisdiction 30.(1) The Board may order and require any person to do forthwith, or within, or at, any specified time and in any manner prescribed by the Board so far as it is not inconsistent with this Ordinance, any act, matter or thing that such person is or may be required to do under this Ordinance and may forbid the doing or continuing of any act, matter or thing that is contrary to this Ordinance

- Order final** 38.(1) Every order and decision of the Board shall be final and binding until changed or amended by the Board but no order of the Board shall be effective until a copy thereof is served upon the person to whom it is directed.
- Method of service** 39.(1) A copy of any application, complaint or order shall be served by personally serving it,
 (a) in the case of a municipality, on the mayor, manager or clerk of the municipality;
 (b) in the case of any other corporation on some adult person in its employ at its head office or chief place of business in the Territory;
 (c) in the case of a partnership, on any member thereof; or
 (d) in the case of an individual, on him.
- Substituted service** (2) If in any case it is made to appear to the satisfaction of the Board that service of any application, complaint or order cannot be made in the manner provided in subsection (1), the Board may allow service to be made by publication in a local newspaper or by prepaid registered mail.
- No appeal** 40.(1) Except as provided in sections 35 and 41 every decision or order of the Board is final.
- Appeal of law** 41.(1) The Court has jurisdiction to hear and determine an application to review and set aside a decision or order, other than a decision or order of an administrative nature not required by law to be made on a judicial or quasi-judicial basis, made by or in the course of proceedings before the Board, upon the ground that the Board
 (a) failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
 (b) erred in law in making its decision or order, whether or not the error appears on the face of the record; or
 (c) based its decision or order on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.
- Extension of time** (2) Any application may be made by the Commissioner or any party directly affected by the decision or order by filing a notice of the application in the Court within ten days of the time the decision or order was first communicated to the office of the Commissioner or to that party by the Board, or within such further time as the Court or a judge thereof may, either before or after the expiry of those ten days, fix or allow.
 (3) The Board may at any stage of its proceedings refer any question or issue of law, of jurisdiction or of practice and procedure to the Court for hearing and determination.
 (4) An application or reference to the Court made under this section shall be heard and determined without delay and in a summary way.
- Appearance** 42.(1) The Board is entitled to be heard by counsel or otherwise upon argument of an appeal.
- Order not suspended** 43.(1) The operation of an order of the Board is not suspended by an appeal to the Court but the Court or the Board may suspend the operation of the order until such time as the appeal has been determined.

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| 44.(1) In any action or other proceeding a copy of any order of the Board purporting to be certified by a member to be a true copy is <i>prima facie</i> evidence of the signature of the member. | Evidence of order |
| 45.(1) A decision or order made by the Board may, for the purposes of enforcement thereof, be made an order of the Court and when so made may be enforced in like manner as any order of the Court. | Enforcement of order |
| (2) A decision or order of the Board becomes an order of the court immediately upon filing with the clerk of the Court a certified copy of the decision or order. | Filing of order |
| 46.(1) A person who fails to comply with the requirements of this Ordinance commits an offence and is liable on summary conviction | Offence and penalty |
| (a) if an individual, to a fine not exceeding one thousand dollars, and in default of payment thereof to imprisonment for a term not exceeding one year; and | |
| (b) if a corporation, to a fine not exceeding five thousand dollars. | |
| 47.(1) Any person who advises, solicits or persuades or knowingly instructs, directs or orders any officer, agent or employee of a public utility to perform, commit or do any act that is contrary to an order of the Board or to the requirements of this Ordinance is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment. | Unlawful counselling |
| 48.(1) Every public utility shall within sixty days of the coming into force of this Ordinance, file with the Board the statements mentioned in subsection 23(1), and subsections 23(2) and (3) shall apply accordingly. | Transitory provision |
| 49.(1) An order of the Board shall supersede the terms of any franchise in existence on the day this Ordinance comes into force. | Order prevails |
| 50.(1) This Ordinance shall bind the Crown insofar as the Crown submits to the operation of this Ordinance. | |
| 51.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance. | Regulation |
| 52.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner. | Coming into force |

November 1, 1972 is fixed as the coming-into-force date by C.O. 1972/370.

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

EMPLOYMENT AGENCIES ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- Short title** 1. This Ordinance may be cited as the *Employment Agencies Ordinance*.
- Definitions** 2.(1) In this Ordinance
- "employment agency" "employment agency" means the business of carrying on an agency, bureau, office, organization or system, the purpose or object of which is
- (a) to provide or find or assist in providing or finding, or to provide facilities for finding, work or employment for persons seeking it, or
 - (b) to put employers and persons seeking employment into communication with one another,
- and includes the carrying on of the business of counselling or testing persons for a fee, reward or other remuneration to assist them in securing employment;
- "Registrar" "Registrar" means the Registrar of Employment Agencies appointed under this Ordinance.
- Exemptions** 3.(1) This Ordinance does not apply to
- (a) an employment office maintained by an employer as part of his business organization for the exclusive purpose of engaging workers for the business, or to the employer operating such an employment office;
 - (b) a trade school registered under the *Trade Schools Regulation Ordinance* or to a person operating such a trade school, in respect of securing or endeavouring to secure employment for the students or graduates of the trade school;
 - (c) a trade union within the meaning of the *Fair Practices Ordinance*; or
 - (d) any non-profit society or organization excluded by Order of the Commissioner pursuant to subsection (2).
- (2) Where the Commissioner is satisfied in respect of any non-profit society or organization that the society or organization provides or finds or assists in providing or finding or provides facilities for finding work or employment for its members or members of their families, he may by order exclude the society or organization from the provisions of this Ordinance.
- Appoint-ments** 4.(1) The Commissioner may appoint a Registrar, Deputy Registrar and such officers as he may consider necessary for the purpose of carrying out the provisions of this Ordinance.
- Registration** 5.(1) No person shall operate an employment agency in the Territory unless he is registered under this Ordinance.

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| <p>6.(1) Where a person</p> <ul style="list-style-type: none"> (a) applies in the prescribed form, (b) pays the prescribed fee, (c) furnishes such security as is prescribed by the regulations, and (d) complies with the qualifications prescribed by the regulations, <p>the Registrar may register him and issue a Certificate of Registration, accordingly.</p> | Application |
| <p>7.(1) Every person registered pursuant to section 6 shall display his Certificate of Registration in a conspicuous place in the premises in which he carries on business.</p> | Display of Certificates |
| <p>8.(1) Every registration under this Ordinance shall expire on the 31st day of March next following the date of registration and a person who is registered may make application to the Registrar for the renewal of his registration.</p> | Expiration and renewal of Certificate |
| <p>9.(1) No person shall directly or indirectly demand or collect any fee, reward or other compensation</p> <ul style="list-style-type: none"> (a) from a person who is seeking <ul style="list-style-type: none"> (i) employment, or (ii) information respecting employers wanting employees, or (b) from a person <ul style="list-style-type: none"> (i) for securing or endeavouring to secure employment for him, or (ii) for providing him with information respecting any employer wanting an employee. | Exemption |
| <p>10.(1) Where a legal strike or lockout is in progress, no employment agency shall, knowingly,</p> <ul style="list-style-type: none"> (a) send or assist in sending any person, or (b) cause any person to be sent <p>to take employment in place of an employee who is on strike or locked out without informing the person of the existence of the strike or lockout.</p> | Strike or lockout |
| <p>11.(1) Every person who contravenes any provision of this Ordinance or the regulations commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.</p> | Penalty |
| <p>12.(1) The Commissioner may make regulations</p> <ul style="list-style-type: none"> (a) prescribing the qualifications of applicants for registration; (b) classifying employment agencies; (c) prescribing the nature and amount of the security to be furnished by employment agencies or any class thereof; (d) prescribing the records, books and accounts that shall be kept by employment agencies or any class thereof; (e) requiring, providing for and prescribing the annual or other returns that shall be made to the Registrar by employment agencies or any class thereof; | Regulations |

- (f) fixing the fees to be paid for registration of employment agencies or any class thereof;
- (g) providing for the inspection of employment agencies;
- (h) prescribing forms and providing for their use; and
- (i) generally, for the purpose of carrying out the provisions of this Ordinance.

Repeal 13.(1) The *Employment Agencies Ordinance* is hereby repealed.

Coming
into force 14.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

March 13, 1972 is fixed as the coming-into-force date by C.O. 1972/120

CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

GASOLINE HANDLING ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

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| 1. | This Ordinance may be cited as the <i>Gasoline Handling Ordinance</i> . | Short title |
| 2.(1) | In this Ordinance | Definitions |
| | "approval" means approved by the Commissioner or by a person authorized by the Commissioner; | "approval" |
| | "associated product" means any product of petroleum other than gasoline, wax, and asphalt; | "associated product" |
| | "bulk plant" means one or more storage tanks, including the appurtenances thereof, where gasoline or an associated product is received by pipeline, tank vessel, tank car, or tank vehicle and is stored in bulk for subsequent transmission by pipeline or transportation or distribution by tank vessel, tank car, or tank vehicle. | "bulk plant" |
| | "consumer outlet" means any premises at which gasoline or an associated product of the operator of the outlet is put into the fuel tanks of motor vehicles used by the operator of the outlet or into portable containers used by the operator of the outlet; | "consumer outlet" |
| | "equipment" means equipment used or to be used in the handling of gasoline or an associated product; | "equipment" |
| | "fire resistance" means the property of a material or assembly to withstand fire or give protection from it, as applied to elements of buildings, being characterized by the ability to confine a fire or to continue to perform a given structural function or both; | "fire resistance" |
| | "flash point" means the lowest temperature, determined by using a Tagliabue closed-cup tester, at which the vapour of a product of petroleum forms a flammable mixture in air; | "flash point" |
| | "gasoline" means a product of petroleum that has a flash point below 73° Fahrenheit and is designed for use in an internal combustion engine; | "gasoline" |
| | "handling" means the storing, transmitting, transporting, or distribution of gasoline or an associated product, and includes putting gasoline or an associated product into the fuel tank of a motor vehicle, motor boat or other water craft, or aircraft, or into a container; | "handling" |
| | "inspector" means an inspector authorized to enforce this Ordinance; | "inspector" |
| | "marina" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor boats and other water craft, or aircraft, or into portable containers; | "marina" |
| | "portable container" means a container that has a capacity of ten gallons or less that is designed, manufactured, and used, or to be used for, the storage or conveyance of gasoline or an associated product; | "portable container" |

"repair garage"	"repair garage" means a building, or part thereof, where facilities are provided for the repair or servicing of motor vehicles;
"safety certificate"	"safety certificate" means the certificate issued by the Commissioner after inspection of the place or equipment;
"service station"	"service station" means a building or place where petroleum products, anti-freeze, and other sundry products for maintaining automobiles, are stored or kept for sale or where motor vehicles may be oiled, greased, or washed;
"storage garage"	"storage garage" means a building, or part thereof, intended for the storage or parking of motor vehicles and which contains no provision for the repair or servicing of such vehicles;
"transport"	"transport" means to convey in or on a vehicle, gasoline or an associated product, exclusive of the fuel carried for use in the vehicle.

Gasoline handling equipment must be approved 3.(1) No person shall

- (a) offer for sale or sell,
- (b) install, or
- (c) use in a service station, consumer outlet, marina, or bulk plant,

any equipment that is not approved pursuant to the regulations.

Containers must be approved 4.(1) In a service station, consumer outlet, marina, or bulk plant, no person shall put gasoline or an associated product having a flash point below 73° Fahrenheit into any container of a type that is not approved pursuant to the regulations.

Approval of specifications for equipment 5.(1) The Commissioner may establish or approve specifications or test reports for equipment and designate organizations to test equipment in accordance with such requirements.

6.(1) All equipment shall be installed, tested, operated or used in accordance with the regulations.

7.(1) No person shall operate a service station, marina, bulk plant or transport gasoline or an associated product, unless he has been issued a safety certificate by the inspector.

(2) The inspector may refuse to issue a safety certificate under this Ordinance to any person, and may cancel or suspend any safety certificate issued under this Ordinance where the person to whom a safety certificate has been issued, has contravened or failed to comply with any provision of this Ordinance or the regulations.

8.(1) Every person who employs another person in the handling of gasoline or an associated product or in the installing of equipment shall take every precaution that is reasonable in the circumstances to ensure that his employees comply with this Ordinance and the regulations.

- 9.(1) Every inspector may, for the purposes of this Ordinance and the regulations, Powers
- (a) enter any premises where he has reason to believe there has been, are, or may be, hazardous conditions relative to gasoline or an associated product,
 - (b) make such inspections, tests, and inquiries as are necessary to ascertain whether this Ordinance and regulations are being complied with,
 - (c) take samples of any liquid that he has reason to believe is, or may contain, gasoline or an associated product, and
 - (d) require the production of any safety certificate or other prescribed document, and examine and copy it.
- (2) An inspector may give instructions orally or in writing to any matter in order to bring about compliance with this Ordinance and the regulations and may require that his instructions be carried out within such time as he specifies. Instructions
- (3) Where an inspector has given oral instructions, he shall provide a written report forthwith. Idem
- (4) The occupant of any premises and his servants, agents, and employees shall give reasonable assistance to an inspector in the exercise of his powers under this Ordinance. Duty to assist inspector
- (5) No inspector is personally liable for anything done by him in the exercise of his powers under this Ordinance. No personal liability
- 10.(1) The Commissioner may make regulations
- (a) appointing such persons or class of persons as may be necessary to assist in the enforcement of this Ordinance and the regulations,
 - (b) exempting any person or class of persons from this Ordinance or the regulations or any of the provisions thereof for a prescribed period of time,
 - (c) exempting any equipment or any class of equipment from this Ordinance or the regulations or any of the provisions thereof for a prescribed period of time,
 - (d) respecting the term, issue, renewal and posting of safety certificates and prescribing the fees thereof,
 - (e) designating organizations to test equipment to specifications established or approved by the Commissioner and, where the equipment conforms to the specifications, to place their label thereon,
 - (f) prescribing procedures for installing, testing, operating and using equipment,
 - (g) respecting the approval of equipment or any type thereof,
 - (h) prescribing grades of gasoline and associated products, and providing for the identification thereof,
 - (i) prescribing forms and providing for their use, or
 - (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Ordinance.
- 11.(1) Every person who Offences and penalties
- (a) contravenes or fails to comply with any provision of this Ordinance or the regulations,
 - (b) knowingly makes a false statement in any document prescribed by the regulations, or

(c) fails to carry out the instructions of an inspector, is guilty of an offence and on summary conviction is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Repeal 12.(1) The *Petroleum Products Ordinance* is repealed.

Coming into force 13.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

N.B. C.O. 1972/136 - comes into force on April 25, 1972.

April 25, 1972 is fixed as the coming-into-force date by C.O. 1972/136.

CHAPTER 7
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

HOUSING CORPORATION ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE

1. This Ordinance may be cited as the *Housing Corporation Ordinance*. Short title

INTERPRETATION

- 2.(1) In this Ordinance Definitions
- "Act" means the *National Housing Act*, as amended from time to time; "Act"
- "Board" means the Board of Directors established pursuant to section 5; "Board"
- "Canada corporation" means the Central Mortgage and Housing Corporation; "Canada corporation"
- "Corporation" means the Yukon Housing Corporation; "Corporation"
- "housing unit" means a unit that provides therein living, sleeping, eating, food preparation and sanitary accommodations for one or more persons, with or without essential facilities shared with other housing units; "housing unit"
- "municipality" means a municipality defined in the *Municipal Ordinance*; "municipality"
- "public housing project" means a project, together with the land on which it is situated, consisting of housing units in the form of detached, semi-detached, row housing, apartments or of the hostel or dormitory type or any combination or form thereof undertaken to provide housing accommodation in compliance with standards approved by the Commissioner for lease or sale to families or individuals. "public housing project"
- 3.(1) There shall be a corporation entitled "The Yukon Housing Corporation" with powers, duties and functions pursuant to this Ordinance, consisting of those persons who from time to time comprise the Board of Directors. Continuation of Corporation
- (2) The Corporation is an agent of the Commissioner and its powers may only be exercised as an agent of the Commissioner.
- 4.(1) The objects of the Corporation are to carry out any of the duties and functions provided for by this Ordinance and such other duties and functions related to any program of housing or urban development as may be assigned to it by the Commissioner. Objects
- (2) Without restricting the generality of subsection (1), the Corporation may undertake, carry to completion or assist in the provision, development, maintenance and management of housing
- (a) generally,

- (b) for families and individuals,
 - (c) for employees of the public service,
 - (d) for students,
 - (e) for senior citizens, and
 - (f) for families and individuals receiving social allowances or social assistance.
- Board of Directors** 5.(1) The affairs of the Corporation shall be conducted by a Board of Directors which shall consist of
- (a) a chairman,
 - (b) a deputy chairman, and
 - (c) not more than five other members
- to be appointed by the Commissioner and to hold office during pleasure.
- (2) A majority of the Board constitutes a quorum.
- (3) At its meetings, the Board of Directors may exercise any of its powers by resolution except where some other mode of exercising any power is prescribed in this Ordinance.
- (4) Members of the Board of Directors shall receive such remuneration for their services as Directors as is prescribed by the Commissioner.
- Employees** 6.(1) The Board of the Corporation shall
- (a) appoint such employees as it considers necessary, and
 - (b) fix the salaries or remuneration for its employees.
- (2) Employees appointed pursuant to subsection (1) are subject to the terms and conditions of employment applicable to the public service of the Territory.
- (3) The Corporation may appoint one or more experts or persons having special technical knowledge to enquire into and report in respect of any matter which the Corporation considers necessary to have information for the proper carrying out of its duties under this Ordinance and may pay such remuneration as is considered suitable by the Corporation.
- Rules governing operation** 7.(1) The Board may make bylaws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.
- General powers** 8.(1) In addition to the powers vested in a corporation by section 13 of the *Interpretation Ordinance*, the Corporation may
- (a) acquire, hold and alienate real or personal property;
 - (b) undertake to develop lands with roads, streets, sidewalks, water and sewer and other municipal facilities, either alone or in conjunction with municipalities;
 - (c) administer, manage and maintain properties;
 - (d) make grants or loans for the purpose of acquiring, constructing or improving housing;
 - (e) make grants or loans to municipalities for any of the purposes of section 30;
 - (f) guarantee the repayment of any loans;

- (g) establish a mortgage insurance fund or any other fund it considers necessary;
- (h) establish any administration fee or other fee for any of its services or programs it considers necessary;
- (i) carry out any other program that is assigned to it;
- (j) enter into any agreement to carry out the intent and purpose of this Ordinance; and
- (k) carry out any of the duties and functions provided for by this Ordinance and any duties and functions related to any program of housing and urban development.

- 9.(1) The Corporation may, from time to time, borrow such sums of money as the Corporation requires for the purposes of the Corporation, and may, from time to time, issue notes, bonds, debentures or other securities which Borrowing powers
- (a) shall bear interest at such rate or rates as may be determined by the Corporation;
 - (b) shall be in such denomination or denominations as may be determined by the Corporation;
 - (c) shall be payable as to principal and interest
 - (i) in such currency or currencies of such country or countries,
 - (ii) at such place or places,
 - (iii) at such time or times, and
 - (iv) in such manner
 as may be determined by the Corporation;
 - (d) may be redeemable or payable in whole or in part in advance of maturity either at the option of the Corporation or on demand of the holder thereof
 - (i) at any time or times,
 - (ii) on such terms, and
 - (iii) at such price or prices, either with or without payment of a premium,
 as may be determined by the Corporation; and
 - (e) may be issued in such amounts as will realize the net sum required by the Corporation for the purposes of the Corporation.
- (2) Where the authorizing resolution of the Corporation made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required for the purposes of the Corporation, the recital or declaration is conclusive proof of the facts stated therein.
- (3) The Corporation may sell or otherwise dispose of any notes, bonds, debentures or other securities on such terms and conditions as it considers advisable, either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.
- (4) Any notes, bonds, debentures or other securities and the coupons, if any, attached thereto shall be in such form and shall be executed in such manner and by such persons as may be determined by the Corporation.

- 10.(1) The Corporation may for the purposes of the Corporation, borrow by way of temporary loans from time to time such sums and upon such terms as the Corporation determines and may effect the loans by way of an overdraft or line of credit or by the pledging as security for such temporary loans of notes, bonds, debentures or other securities of the Corporation pending the sale thereof or Temporary loans

in lieu of selling them, or in such other manner as the Corporation determines.

- (2) Any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of a temporary loan under subsection (1) may be executed in such manner as the Corporation determines.

- Definition 11.(1) In sections 9 and 10, "purposes of the Corporation" include
- (a) the carrying out by the Corporation of the powers and duties given to it by or pursuant to this or any other Ordinance, and
 - (i) the provision in whole or in part for expenditures made or to be made by the Corporation in connection with the carrying out of those powers and duties, and
 - (ii) the reimbursement of the Corporation for the whole or any part of any expenditures made or to be made by the Corporation in connection with the carrying out of those powers and duties;
 - (b) the repayment of sums advanced or paid over to the Corporation pursuant to section 17;
 - (c) the payment, funding or renewal from time to time of the whole or any part of any loan raised or the notes, bonds, debentures or other securities issued by the Corporation; and
 - (d) the payment of any other liability or indebtedness of the Corporation.

- Loans from Canada corporation 12.(1) The Corporation may borrow from the Canada corporation for any of the purposes mentioned in this Ordinance or the Act on such terms and conditions as the Commissioner considers proper.
- (2) A municipality, with the approval of the Corporation, may borrow from the Canada corporation for any of the purposes mentioned in this Ordinance or the Act, on such terms and conditions as the Commissioner considers proper.
- (3) The Corporation and a municipality, with the approval of the Corporation, may receive contributions available under the Act.

- Territorial guarantee 13.(1) The repayment of principal and interest of any borrowings by the Corporation and the principal and interest of, and any premiums payable under, any notes, bonds, mortgages, debentures or other securities issued by the Corporation, are guaranteed by the Commissioner.
- (2) The guarantee, in such form and manner as the Commissioner approves, may be endorsed upon any notes, bonds, debentures or other securities issued by the Corporation and may be signed on behalf of the Commissioner by the Territorial Treasurer, or such other person as the Commissioner may designate.
- (3) The signature of the Territorial Treasurer, or the person designated by the Commissioner, upon the guarantee is conclusive proof that the relevant provisions of the Ordinance have been complied with.
- (4) Where in respect of any notes, bonds, debentures or other securities issued by the Corporation, it becomes necessary or desirable under the terms of any guarantee given on behalf of the Commissioner to make payment under the guarantee, the payment may be made upon the order of the Commissioner out of the Yukon Consolidated Revenue Fund, without further appropriation.

- 14.(1) The seal of the Corporation on any notes, bonds, debentures or other securities of the Corporation and the signature of
- (a) any person authorized by the Corporation to execute the notes, bonds, debentures or other securities or any coupon attached thereto, or
- (b) the Territorial Treasurer, or the person designated by the Commissioner to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities
- may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the Corporation and on the guarantee endorsed thereon.
- (2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the Corporation and the Territory, notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery thereof.
- 15.(1) The Corporation has power to provide for the creation, management and application of sinking funds or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the Corporation, including the redemption by call of any such securities issued subject to redemption in advance of maturity.
- 16.(1) The Corporation may, from time to time, invest all or any portion of an insurance, sinking fund or any other fund not presently required, in
- (a) debentures or securities of the Government of Canada or of any of the provinces of Canada; or
- (b) any debentures or securities the payment of which is guaranteed by the Commissioner, the Government of Canada, the Canada corporation or any of the provinces;
- and may afterwards, whenever required to meet expenditure, dispose of any of the investments in such manner, on such terms and in such amounts as may be necessary or expedient.
- (2) At the date of maturity of any loan of the Corporation, such portion of the monies so set aside as the Corporation considers proper may be used for retiring the loan, in whole or in part, if any funds that exist in the sinking fund for that purpose are first so used.
- 17.(1) The Territorial Treasurer shall, on the direction of the Commissioner and at the request of the Corporation, advance to the Corporation out of an appropriation on that behalf, such sums of money as are required for the operational and capital costs of the Corporation.
- (2) At the end of the fiscal year of the Corporation, the Territorial Treasurer on the direction of the Commissioner shall, out of an appropriation on that behalf, make a grant to the Corporation equal to the deficit as shown on the audited financial statement.
- (3) The fiscal year of the Corporation shall be April 1st to March 31st in the year next following.
- 18.(1) The Auditor General or his nominee shall audit the books of the Corporation from time to time and at least once every year audit the receipts and expenditures of the Corporation.

Seal and signatures on securities

Sinking fund

Investment of reserve funds

Advances and grants to Corporation

Audit

- Annual report
- 19.(1) The Corporation shall annually, after the end of its fiscal year, prepare a report showing the revenues, expenditures and activities during its last fiscal year, together with
- (a) an audited financial statement, and
 - (b) such other information as the Commissioner may require.
- (2) The Commissioner shall table a copy of the report at the next ensuing Session of the Council.

HOUSING PROJECTS

Public housing projects

- 20.(1) The Corporation or a municipality and the Corporation, may undertake, carry to completion, maintain, operate, and lease or sell a public housing project.
- (2) For the purposes of this section, the Corporation or a municipality and the Corporation, may
- (a) acquire and develop land for public housing projects,
 - (b) construct public housing projects,
 - (c) acquire, improve and convert existing buildings for a public housing project, and
 - (d) enter into agreements for the development or management of public housing projects,
- and may exercise any other power to do any other thing that may be required to be exercised or done for the purpose of a project.

Agreements re projects under Act

- 21.(1) The Corporation may enter into agreements with the Canada corporation and any municipality or either of them to undertake projects of a type mentioned in Part VI of the Act.
- (2) With the approval of the Commissioner, a municipality may enter into agreements with the Canada corporation and the Territory or either of them to undertake projects of a type mentioned in Part VI of the Act.

Cost-sharing

- 22.(1) When the Corporation enters into an agreement with the Government of Canada under section 40 of the Act, the Corporation
- (a) shall pay twenty-five percent of the capital cost,
 - (b) may require the municipality to reimburse to the Corporation a percentage of the capital cost, and
 - (c) may, in respect of the profits and losses, share with the municipality a proportion thereof.

Operating losses

- 23.(1) When the Corporation or a municipality enters into an agreement with the Canada corporation under section 44 of the Act, the Corporation may pay fifty percent of the annual operating losses and may require the municipality to pay a percentage thereof.
- (2) The contributions shall be made for a period not exceeding the useful life of the project as determined by the Corporation and in any case, not exceeding fifty years from the date of completion of the project.
- (3) The date of completion of the project shall mean the last day of the calendar year in which the construction or acquisition and rehabilitation of the project has in the opinion of the Corporation been substantially completed.

- 24.(1) The Corporation may undertake senior citizen housing projects. Senior citizen housing projects
- (2) For the purpose of this section, the Corporation may
- (a) acquire, lease, assemble and develop land,
 - (b) design and construct senior citizen housing accommodation,
 - (c) acquire, lease, improve or convert existing buildings for senior citizen housing accommodation,
 - (d) administer, manage and maintain senior citizen accommodation,
 - (e) borrow any money required for a project, and
 - (f) sell, lease or dispose of any senior citizen accommodation or project.
- (3) The Corporation may enter into agreements with non-profit organizations for
- (a) the development of senior citizen housing projects, and
 - (b) the provision of a grant towards the total capital cost of a project.
- (4) In this section
- "non-profit organization" means an organization wholly owned by the Government of the Territory, by a municipality or any agency thereof, or an organization constituted exclusively for charitable or benevolent purposes, no part of the income of which is payable to or otherwise available for personal benefit of any proprietor, member or shareholder. "non-profit organization"
- 25.(1) The Corporation may undertake and administer staff housing programs. Staff housing projects
- (2) For the purpose of this section, the Corporation may
- (a) acquire, lease, assemble and develop land,
 - (b) design and construct staff housing units,
 - (c) acquire, lease, improve or convert existing buildings for staff housing purposes,
 - (d) administer, manage and maintain staff housing units,
 - (e) borrow any money required for staff housing,
 - (f) sell, lease or dispose of any staff housing units, and
 - (g) administer a scheme of purchasing and re-purchasing houses owned by staff.
- (3) In this section
- "staff" means employees of the Government of the Territory or any agency thereof. "staff"
- 26.(1) Where the Corporation enters into an agreement with the Government of Canada under section 40 of the Act and with a co-operative association to undertake a co-operative housing project, the Corporation may bear not more than twenty-five per cent of the capital costs of the project on such terms as to security and payment as the Corporation considers proper. Co-operative housing projects
- (2) In this section
- "co-operative housing project" means a housing project built by a co-operative association incorporated or registered under the laws of the Territory. "co-operative housing project"
- 27.(1) The Corporation may borrow any funds required for the development of student housing projects. Student housing projects

- Joint guarantees 28.(1) With the approval of the Commissioner and upon such conditions as he may prescribe, the Corporation and a municipality may jointly guarantee the repayment of principal and interest on all or part of a borrowing made by a person for the private development of a housing project.

HOUSING LOANS

- Housing loans 29.(1) Where, in the opinion of the Corporation, sufficient money is not being made available by lending institutions or the Canada corporation for housing purposes, the Corporation may make
- (a) home improvement loans, and
 - (b) loans for new construction or the purchase of existing housing accommodation,
- upon the terms and conditions prescribed by the Corporation.

LAND ASSEMBLY AND DEVELOPMENT PROJECTS

- Land assembly or development projects 30.(1) The Corporation or the Corporation and a municipality, may undertake and carry to completion a land assembly project or land development project.
- (2) For the purposes of this section, the Corporation or the Corporation and a municipality, may
 - (a) acquire, lease, assemble, service and develop land or do any of them,
 - (b) lease, sell or otherwise dispose of any land acquired, assembled or developed under a land assembly or land development project, and
 - (c) construct or acquire housing units of any form or type for lease or sale in conjunction with a land assembly project or land development project or separately therefrom.
- Joint land assembly or development projects 31.(1) The Corporation may enter into an agreement with any one or more of
- (a) the Government of the Territory,
 - (b) the Government of Canada,
 - (c) the Canada corporation, and
 - (d) any municipality
- for the joint undertaking of a project under section 30.
- (2) A municipality, with the approval of the Commissioner, may enter into agreement with any one or more of
 - (a) the Government of the Territory,
 - (b) the Government of Canada
 - (c) the Canada corporation, and
 - (d) the Corporation,
 for the joint undertaking of a project under section 30.
- Municipal borrowing for projects 32.(1) A municipality may, by bylaw, borrow such monies as are necessary to enable it to develop and implement an approved project under section 30, and to secure the monies borrowed.

URBAN RENEWAL SCHEMES

- 33.(1) The Corporation or the Corporation and a municipality, may enter into agreements with
- Urban
renewal
agreements
- (a) the Government of the Territory
 - (b) the Government of Canada, and
 - (c) the Canada corporation
- or any combination of them for the preparation and implementation of urban renewal schemes.
- (2) Before entering into any agreement for the carrying out of an urban renewal scheme, a municipality shall cause notice to be published once a week for two consecutive weeks in a newspaper circulated in the municipality preceding the presentation of the agreement to the council of the municipality and the notice shall state
- (a) the purpose of the proposed agreement and a general description of the area affected;
 - (b) that a copy of the proposed agreement is on file in the office of the clerk of the municipality and may be inspected by the public during business hours;
 - (c) the time and place at which the council will hold a public hearing on the proposed urban renewal scheme, which shall not be less than ten days after the last publication of the official notice; and
 - (d) the procedure to be followed by persons who wish to submit representations concerning the proposed urban renewal scheme.
- (3) The council of the municipality may, by resolution passed before the first publication of the notice, prescribe the procedure to be followed by persons who wish to submit representations concerning the proposed urban renewal scheme and, without restricting the generality of the foregoing, may
- (a) require the submission of written representations to the council prior to the hearing, and
 - (b) regulate the presentation of oral submissions at the hearing.
- (4) The council of the municipality shall hold a public hearing at the time and place stated in the notice and at that hearing shall, subject to subsection (3), hear any person who wishes to make representations concerning the manner in which any provision of the proposed agreement may affect him or any owner of land whom he represents or the public at large or any local group of of residents or property owners.
- (5) The council of the municipality shall give due consideration to the recommendations, if any, of its departments or of consultants retained by it and representations made at the public hearing or submitted in writing pursuant to paragraph (3)(a) and make a ruling thereon.
- 34.(1) A municipality may prepare and implement an urban renewal scheme approved by the Corporation for a blighted or substandard area of the municipality.
- (2) Without restricting the powers it has under the *Municipal Ordinance*, a municipality, for the purposes of carrying out an approved urban renewal scheme, may
- Urban
renewal in
municipality
- (a) acquire, clear, service and develop land within the urban renewal area;

- (b) demolish, remove, replace, renovate, repair and maintain buildings and other improvements owned or acquired by it in the urban renewal area;
- (c) sell, lease or otherwise alienate property in the urban renewal area;
- (d) provide assistance by grant or loans to the owners of property in the urban renewal area for the renovation or repair of that property on such terms as to security and repayment as the municipality considers just;
- (e) assist the relocation of persons dispossessed of housing accommodation by the scheme; and
- (f) exercise any other power or do any act or thing that may be required to be exercised or done in order to carry out the urban renewal scheme.

Cost-sharing

- 35.(1) Where the Corporation enters into an agreement with a municipality or the Canada corporation and a municipality, the Corporation may pay up to fifty per cent and may require the municipality to pay the remainder of the share that is not paid by the Canada corporation of
- (a) the cost of the preparation of an urban renewal scheme, including the cost of all economic, social and engineering research and planning necessary therefor, and
 - (b) the costs of implementing an urban renewal scheme, including the acquisition, clearing, demolition and disposition of lands and buildings and the installation of municipal services and works, other than public buildings in the urban renewal area.
- (2) Every agreement entered into with a municipality under this section shall provide that the municipality will pay the Corporation in the same proportion as provided for in subsection (1) of the share that is not paid to the Canada Corporation of
- (a) any monies received by the municipality from the sale, lease or other disposition of land in the urban renewal area, and
 - (b) the value, as determined in the manner provided in the agreement, of land in the urban renewal area retained by the municipality for public purposes.

Municipal borrowing for urban renewal

- 36.(1) A municipality may with the approval of the Commissioner, by bylaw borrow such monies as are necessary to enable it to prepare and implement an urban renewal scheme, and to secure the monies borrowed.
- (2) The Commissioner may guarantee the repayment by a municipality of any money borrowed for its share of the cost of preparing and implementing an urban renewal scheme.

ACQUISITION OF LAND

Acquisition of land

- 37.(1) Land may be acquired by the Corporation for any of the purposes provided by this Ordinance by purchase or otherwise and it may be acquired before it is actually needed for and in anticipation of any project or scheme mentioned in this Ordinance.

Acquisition of land by municipality

- 38.(1) Land may be acquired by a municipality under sections 20, 30 and 34 by purchase or otherwise and it may be acquired before it is actually needed for and in anticipation of any project or scheme mentioned in this Ordinance.

- 39.(1) To relieve any emergency in housing conditions, the Corporation may erect, maintain, manage and wind up projects for temporary housing accommodation.
- 40.(1) The Corporation may
 - (a) make grants in aid of studies into housing conditions or any matter relating to housing in the Territory;
 - (b) make grants and otherwise assist the house building industry in the Territory by stimulating and encouraging research, education and construction competition within the industry.

GENERAL

- 41.(1) The Commissioner, may by order, establish housing advisory committees consisting of such number of persons as he determines and prescribe their functions and duties. Housing advisory committees
- (2) The Commissioner shall appoint the members of a housing advisory committee to hold office during pleasure or for such term as he determines, and the members so appointed shall appoint a chairman from amongst themselves.
- 42.(1) With respect to areas not within a municipality, the Commissioner may exercise all the powers given a municipality by this Ordinance. Improvement districts and special areas
- 43.(1) Any agreement that may be entered into by the Corporation under this Ordinance may be entered into by the Commissioner. Agreements
- 44.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance. Regulations
- 45.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner. Coming into force

N.B. C.O. 1972/135 - comes into force on June 14, 1972.

June 14, 1972 is fixed as the coming-into-force date by C.O. 1972/135.

CHAPTER 8
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

LANDS ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE

Short title 1. This Ordinance may be cited as the *Lands Ordinance*.

INTERPRETATION

Definitions 2.(1) In this Ordinance

"applicant" "applicant" means an individual or corporation who has made an application;

"application" "application" means an application to purchase or lease Yukon lands or to obtain a right-of-way or easement with respect to such lands;

"corporation" "corporation" means a corporation incorporated or registered in the Territory and includes a society incorporated under the *Societies Ordinance*;

"disposition" "disposition" means a sale or lease of Yukon lands or a grant of right-of-way or easement with respect to such lands;

"notification" "notification" means a direction issued to a registrar of land titles directing him to issue a certificate of title to a person named in the direction in respect of Yukon lands described therein;

"reserved lands" "reserved lands" means Yukon lands that have been withdrawn from disposition;

"Yukon lands" "Yukon lands" means properties to which this Ordinance applies.

APPLICATION

Application 3.(1) This Ordinance applies with respect to all properties in the Territory that are vested in Her Majesty in right of Canada but the right to the beneficial use or to the proceeds of which is appropriated to the Territory and is subject to the control of the Commissioner-in-Council.

Operation of Federal Statutes (2) Nothing in this Ordinance shall be construed as limiting the operation of the *Yukon Quartz Mining Act*, the *Yukon Placer Mining Act* or the *Dominion Water Power Act* and every disposition of Yukon lands is subject to the provisions of sections 5, 8 to 12 and paragraph 19(j) of the *Territorial Lands Act*.

WITHDRAWAL FROM DISPOSITION

- Withdrawal from disposition
- 8.(1) Where the Commissioner considers it advisable in the public interest, he may, by order
- (a) withdraw any Yukon lands from disposition under this Ordinance; or
 - (b) designate the most desirable use of any Yukon lands and withdraw such lands from disposition under this Ordinance for any purpose other than the use so designated.
- Revocation of order of withdrawal
- (2) The Commissioner may revoke or amend any order made by him pursuant to subsection (1) but where an application is made with respect to any reserved lands, a disposition of or with respect to those lands may, for a period of not less than one year after the application is made, be made only after tenders for such lands have been called for by public notice, unless the applicant required the lands for a use designated in the order.

APPLICATION FOR DISPOSITION

- Application for disposition
- 9.(1) Where an individual or corporation wishes to purchase or lease the lands or obtain a right-of-way or easement with respect to Yukon lands and those lands are not the subject matter of a call for tenders, that individual or corporation may make an application to the Commissioner
- (a) specifying whether the individual or corporation seeks to purchase, lease or obtain a right-of-way or easement;
 - (b) describing the location of the lands with respect to which the disposition is sought; and
 - (c) specifying the purpose for which the lands are to be used.
- Documents to accompany application
- (2) Every application made pursuant to subsection (1) shall be accompanied by such evidence as is prescribed to show that the applicant is eligible to obtain a disposition of Yukon lands and, where a survey of those lands exists, by a copy of such survey.
- Application for reserved lands to be refused
- 10.(1) The Commissioner shall refuse an application to purchase or lease Yukon lands
- (a) where the applicant fails, or is unable or unwilling, to comply with any applicable provision of a statute of the Parliament of Canada, an Ordinance or a regulation made under any such statute or Ordinance;
 - (b) where the lands with respect to which the application is made are reserved lands; or
 - (c) where the purpose for which the lands are to be used is not in the public interest.
- Where notice to former applicant
- (2) Where the Commissioner, within a period of one year after an application is made, revokes or amends the order whereby those lands were made reserved lands and proceeds to call for tenders with respect to such lands, he shall, in such manner as is prescribed, notify the applicant accordingly.
- Where paragraph (1)(b) does not apply
- (3) Where an application is made with respect to reserved lands, the most desirable use of which has been designated by the Commissioner, paragraph (1)(b) does not apply if the lands are to be used for designated purposes.

CALL FOR TENDERS

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| 11.(1) Where any Yukon lands are to be disposed of by the Commissioner after tenders for such lands have been called, the call for tenders shall be published and posted in such manner and at such times as are prescribed. | Notice of call for tenders |
| (2) A call referred to in subsection (1) shall specify <ul style="list-style-type: none"> (a) the time after which tenders will not be received, (b) whether a sale or lease of the lands will be made, (c) any special terms or conditions subject to which the disposition is to be made, and (d) such other information as the Commissioner deems advisable. | Information to be contained in notice |
| 12.(1) Where the Commissioner disposes of Yukon lands under this Ordinance he may make the disposition subject to any terms and conditions he deems advisable. | Terms and conditions of disposition |

APPRAISAL OF LANDS

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| 13.(1) The Commissioner, before making a disposition, shall obtain an appraisal of the value of the lands made by an appraiser designated by him. | Appraisal of lands |
| 14.(1) Subject to subsections (2) and (3), no Yukon lands may be sold to any person for an amount less than the appraised value thereof and no lease of Yukon lands may be granted to any person at a yearly rental of less than ten percent of the appraised value. | Remuneration to be obtained |
| (2) The Commissioner may dispose of Yukon lands subject to such terms and conditions as he deems appropriate where the lands are to be used solely for a specified public purpose, in which case the lands may be disposed of for such amount of money, if any, as the Commissioner deems appropriate. | Disposal for public purpose |
| (3) The Commissioner may dispose of Yukon lands <ul style="list-style-type: none"> (a) by exchanging such lands for other lands of substantially the same value; or (b) by exchanging such lands for other lands of lesser value and obtaining payment of an amount of money equal to the difference in value between those Yukon lands and other lands. | Disposal by exchange of lands |
| (4) Subsection (1) and subsection 4(2) do not apply with respect to any disposition of the beneficial use of Yukon lands to Her Majesty in right of Canada. | Where subsection (1) and subsection 4(2) do not apply |
| 15.(1) Where Yukon lands have been offered for sale or lease by a call for tenders and, | Reappraisal of lands |
| (a) in the case of a proposed sale, no offer equal to or greater than the appraised value has been made, or | |
| (b) in the case of the proposed lease, no offer of a yearly rental equal to or greater than ten percent of the appraised value has been made, | |
| the Commissioner shall obtain a reappraisal of the value of the lands and may thereafter sell the lands after a call for tenders for an amount equal to or greater than the reappraised value or lease the lands at a yearly rental equal to or greater than ten percent of the reappraised value. | |

- Sale or lease to highest bidder 16.(1) Where lands are offered for sale or lease by a call for tenders, they shall, subject to sections 14 and 15 be sold or leased to the highest bidder if the lands are to be used for a purpose that, in the opinion of the Commissioner is not contrary to the public interest and that bidder is able and willing to meet the requirements of this Ordinance and the regulations.

LEASES, RIGHTS-OF-WAY AND EASEMENTS

- Term of lease and renewal thereof 17.(1) No Yukon lands may be leased for a term exceeding thirty years but where the terms of the lease so provide, a lease of Yukon lands may, at the option of the lessee, with the approval of the Commissioner be renewed for one additional term not exceeding thirty years.
- Rental for renewal term of lease 18.(2) Where any lease of Yukon lands is to be renewed, the Commissioner shall obtain an appraisal of the value of those lands and the yearly rental for the renewed term of the lease shall be not less than ten percent of the appraised value.
- Rent payable yearly in advance 18.(1) The amount of any rental payable under a lease, or a renewal thereof, shall be paid yearly in advance.
- Option to purchase 19.(1) A lease of Yukon lands may contain a provision whereby the lessee has an option to purchase the lands.
- Assignment of lease 20.(1) A lessee may, with the approval of the Commissioner, assign his lease if
 (a) at the time of assignment, he has paid all the rent then owing under the lease and taxes then owing with respect to the lands, and
 (b) he files with the Commissioner a properly executed unconditional assignment of the lease in duplicate together with the prescribed fee.
- Lease for specified grazing purposes 21.(1) Where a lease of Yukon lands specifies that the lands are to be used for any purpose, it shall be deemed to be a condition of the lease that the lessee shall not use or allow any other person to use those lands for any other purpose.
- Term of right-of-way and easement 22.(1) No grant of the right-of-way or easement with respect to Yukon lands may be made for a term exceeding thirty years but any such right-of-way or easement may be renewed, at the option of the holder of the right-of-way or easement, for two additional terms not exceeding thirty years each.

CANCELLATION AND ABANDONMENT OF DISPOSITIONS

- Notice of default 23.(1) Where a person who has obtained an agreement for sale or a disposition
 (a) defaults in payment of any amount of money payable under the terms thereof, or
 (b) fails or neglects to observe or perform any covenant, term or condition set out in the agreement or the disposition,
 the Commissioner may cause a notice to be sent by registered mail, addressed to that person at his last known address, requiring him
 (c) to pay the amount of money due under the terms of the agreement or disposition,

- (d) to comply with the covenants, terms or conditions set out in the agreement or disposition, or
- (e) to pay the amount of money so due and to comply with such covenants, terms and conditions,
- within ninety days after the date the notice is mailed.
- (2) Where any default, failure or neglect referred to in subsection (1) continues for more than ninety days after the date the notice referred to in subsection (1) is mailed, the Commissioner may cancel the agreement or disposition. Where failure to comply with notice
- (3) Where a person described in subsection (1) has commenced to construct a permanent residence on the lands that are the subject matter of the agreement for sale or disposition and is residing in that residence, the Commissioner may in accordance with the regulations, allow that person such period of time, not exceeding one year after the date the notice referred to in subsection (1) is mailed, to remedy the default, failure or neglect specified in the notice, in which case the Commissioner may cancel the agreement or disposition only if the default, failure or neglect continues after that period of time has expired. Where extension of time allowed
- (4) Where the Commissioner cancels an agreement for sale or disposition pursuant to subsection (2) Forfeiture where cancellation
- (a) the person who was a party to that agreement or the holder of that disposition and all persons claiming through or under him cease to have any right or interest in those lands and any improvements thereto; and
- (b) the lands and any amount of money paid on account of the agreement or disposition are thereupon forfeited to the Commissioner.
- 24.(1) Where in respect of an agreement for sale or disposition made under this Ordinance, it is brought to the attention of the Commissioner that Where error respecting disposition
- (a) a clerical error was made respecting the name or description of a person who is a party to the agreement or of the person to whom the disposition was made, the description of the lands, or any other material part of the agreement or disposition,
- (b) the lands were not available for disposition,
- (c) the survey of those lands is incorrect, or
- (d) the information furnished by the person who is a party to the agreement or by the holder of the disposition was incorrect,
- the Commissioner may, where he considers it advisable, cancel the agreement or disposition or make whatever changes or adjustments he deems appropriate.
- (2) Where the Commissioner cancels an agreement or disposition pursuant to subsection (1), he may Where cancellation
- (a) repay to the person who was a party to the agreement or to the holder of the disposition the whole or any part of the amount of money paid in respect of the agreement or disposition or expended as a result thereof; and
- (b) pay to the person referred to in paragraph (a) whatever compensation the Commissioner considers appropriate in the circumstances.
- 25.(1) A person may abandon a disposition of Yukon lands with the written approval of the Commissioner and subject to such terms and conditions as the Commissioner may determine. Abandonment

Effect of abandonment (2) Where a disposition of Yukon lands is abandoned pursuant to subsection (1), the right to the beneficial use or to the proceeds of such lands is re-appropriated to the Territory.

UNAUTHORIZED USE OF YUKON LANDS

Unauthorized use Yukon Lands 26.(1) Where a person uses or occupies Yukon lands without lawful authority, the Commissioner may serve that person with a notice requiring him

(a) to cease forthwith the unauthorized use or occupation; and

(b) to restore the lands to a condition satisfactory to the Commissioner or to pay the costs of having the lands so restored.

Service of notice (2) A notice referred to in subsection (1) may be served by personal service, by registered mail, or, if the identity of the person who is using or occupying the lands is unknown, by posting it in a conspicuous place on the lands.

Payment regarding unauthorized use or occupation 27.(1) The Commissioner may require any person who has used or occupied Yukon lands without lawful authority to pay for the unauthorized use or occupation such amount of money as the Commissioner considers just and reasonable in the circumstances.

Seizure of articles 28.(1) Any machinery, equipment, materials, goods or chattels found upon Yukon lands that are used or occupied by any person without lawful authority may be seized by the Commissioner.

Disposal of seized articles (2) Any article seized by the Commissioner pursuant to subsection (1) may be removed from the place where it is found and may be sold, rented or destroyed as the Commissioner deems appropriate.

Offence and penalty 29.(1) Every person who fails to comply with a notice served on him pursuant to section 26 requiring him to cease forthwith the unauthorized use or occupation of Yukon lands commits an offence and is liable on summary conviction to a fine not exceeding two hundred fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

GENERAL

Interest 30.(1) Where any contract or agreement for the sale of Yukon lands, is entered into or any lease or other disposition is made and interest is payable under the terms thereof, the rate of interest shall be five percent per annum or such higher rate as is prescribed.

Recovery of money 31.(1) All money payable under this Ordinance is payable to the Territorial Treasurer and may be recovered as a debt due to the Commissioner.

Right of land 32.(1) Any member or employee of the Government of the Territory may, in the discharge of his duties under this Ordinance, enter upon any Yukon land in the Territory at any reasonable time.

Permits 33.(1) Notwithstanding any other provision of this Ordinance, the Commissioner may, in accordance with the regulations, issue quarrying or timber permits.

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| 34.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance. | Regulations |
| 35.(1) This Ordinance will come into force on a day to be fixed by the Commissioner. | Coming into force |

force

February 13, 1973 is fixed as the coming-into-force date by C.O. 1973/57.

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

MEDIATION BOARD ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- Short title 1. This Ordinance may be cited as the *Mediation Board Ordinance*.
- Definitions 2.(1) In this Ordinance
- "Board" "Board" means the Mediation Board appointed under the authority of this Ordinance;
- "collector or collector of taxes" "collector or collector of taxes" means
- (a) in respect of areas not within a municipality, the Territorial Treasurer;
- (b) in respect of a municipality, the treasurer of the municipality;
- "debtor" "debtor" means a person, partnership or body corporate other than a municipal corporation;
- "Registrar" "Registrar" means the Registrar of Land Titles for the Yukon land registration district;
- "taxing authority" "taxing authority" means
- (a) in respect of real property outside of a municipality, the Commissioner;
- (b) in respect of real property in the municipality, the council of the municipality.
- Board 3.(1) There shall be a Board, to be called the Mediation Board, consisting of one or more members as may be determined by the Commissioner.
- (2) The Commissioner shall appoint the member or members of the Board and specify the number of members that shall constitute a quorum.
- (3) Each member shall hold office during pleasure, shall receive such remuneration as is approved by the Commissioner and shall perform such duties, in addition to the duties assigned by this Ordinance, as may be prescribed.
- (4) Vacancies caused by death, resignation or otherwise may be filled by the Commissioner, but a vacancy shall not impair the power of the remaining members or member to act, and in any such case, the signature of one member shall be sufficient.
- (5) In the absence of a member of the Board, or his inability to act, or in the case of a vacancy in the office, the remaining members or member shall exercise the powers of the Board.
- (6) The Commissioner shall designate one of the members of the Board to be Chairman and if there is only one member, he shall be deemed to be Chairman.
- (7) In the absence of the Chairman, all orders, rules, regulations and other documents may be signed by any member, and when so signed, shall have the like effect as if signed by the Chairman.

- (8) When it appears that a member other than the Chairman has acted for and in the place of the Chairman, it shall be conclusively presumed that he has so acted in the absence or disability of the Chairman.
- (9) If there is only one member of the Board, the Commissioner may appoint some person to take the place of that member when absent for any cause, and the person so appointed shall, while acting, possess all the powers, exercise all the functions and perform all the duties of the Board, and subsection (7) applies to him accordingly.
- 4.(1) The Board shall perform such duties as may be assigned to it by the Commissioner. Duties
- 5.(1) The Commissioner may appoint such person or persons to act at such places in the Territory as he deems advisable for the purpose of facilitating the administration of this Ordinance and may confer upon persons so appointed, and upon any member or members of the Board, such powers as he deems expedient, including power to make orders that the Board is authorized to make. Delegation of powers
- (2) All orders made pursuant to such powers by any appointee or appointees pursuant to subsection (1) or by any member or members of the Board whether acting alone or with any other person or persons, shall have the same force and effect as if made by the Board.
- 6.(1) No proceedings shall be taken to obtain title to land under subsections 106(4) to 106(10) of the *Taxation Ordinance*, except with the prior written consent of the Board given after the expiration of the period of six months mentioned in the said subsection (4). Consent of Board required for tax proceedings and effect of contents on certain orders
- (2) Where, after the Board has under subsection (1) consented to the taking of proceedings in respect of the land described in the consent, the Board makes an order under subsection 9(1) prohibiting the making or continuation of final application for title to the land and a memorandum of the order is pursuant to section 10 made on the certificate of title to the land, no proceedings respecting final application for title to the land, shall be taken or continued except with the further written consent of the Board.
- 7.(1) The Board may, as a condition precedent to giving its consent under subsection 6(1) or 6(2), require that the taxing authority which has requested the consent enter into an agreement for sale, lease option agreement or other agreement with the assessed owner of the land, or with any person designated by the Board who has a legal or equitable interest in the land, such agreement to be on terms approved by the Board and to take effect upon the issue of a certificate of title to the authority under subsection 106(4) of the *Taxation Ordinance*. Power to impose conditions on municipality
- (2) Where an agreement approved by the Board is entered into pursuant to a requirement of the Board under subsection (1), the taxing authority shall not, in respect of the land affected by the agreement thereafter be bound by the restrictive provisions of section 114 of the *Taxation Ordinance*.
- 8.(1) Where the Board has given its consent under subsection 6(1) or 6(2) without requiring the taxing authority to enter into an agreement under section 7, the Board may at the request of the taxing authority, by order made either before or after a certificate of title to the land affected by the consent is issued under subsection 106(4) of the *Taxation Ordinance*, relieve the taxing authority in respect of that land, from the restrictive provisions of section 114 of the *Taxation Ordinance* on the condition that the Power to relieve municipality from provisions of Taxation Ordinance

taxing authority will enter into an agreement for sale, lease option agreement or other agreement, on terms approved by the Board, with the assessed owner of the land, or with the person who was the assessed owner immediately before the issue of the certificate of title, or with any other person named in the order who then has, or who immediately before the issue of the certificate of title had, a legal or equitable interest in the land.

- Power to postpone final application for title 9.(1) The Board may from time to time, of its own motion or upon the request of a person entitled under section 98 or 99 of the *Taxation Ordinance* to redeem land, by order prohibit the making or continuation of final application for title to the land until after a date to be stated in the order.
- (2) Where a request is made by a person entitled to redeem land for an order under subsection (1), the Board may, as a condition precedent to making the order, require payment by that person to the collector of such portion of the amount required to redeem the land as the Board deems proper.
- Recording of consents under section 6 and orders under section 9 10.(1) Immediately after a consent is given under subsection 6(1) or 6(2) or an order is made under subsection 9(1), the Board shall cause a copy of the consent or order to be forwarded to the Registrar and upon receipt thereof the Registrar shall make a memorandum of the consent or order upon the certificate of title to the land affected.
- Effect of consents under section 6 and certain orders of Board 11.(1) Where a consent is given under subsection 6(1) or 6(2) and there is then in force an order made under section 9 that applies to the land described in the consent, that order shall, insofar as it applies to the land described in the consent, be deemed to have been rescinded.
- Inquiries 12.(1) The Board may make such inquiries as it deems necessary with respect to any matter within its jurisdiction under this Ordinance or any other ordinance and for the purpose of conducting an inquiry, the Board shall have all the powers of a judge of the Court.
- Evidence 13.(1) Proof that any letter or package containing any document was sent by registered mail by the Board or a person appointed under section 5 and the time of sending and of the time required for delivery in the ordinary course of post is evidence of the fact and time of receipt of the letter or package by the person to whom it was addressed.
- Documents as evidence 14.(1) All documents purporting to be issued by the Board or a person appointed under section 5, pursuant to the Ordinance, shall be received in evidence and shall be deemed to have been so issued unless the contrary is shown.
- Non-liability for *bona fide* acts 15.(1) Neither the Board nor a member of the Board nor a person appointed under section 5 nor a person acting under its or his instructions, or under the authority of this Ordinance or any regulations thereunder, shall be personally liable for any loss or damage suffered by any person by reason of any thing in good faith done, or omitted to be done, pursuant to or in the exercise or supposed exercise of the powers conferred by this Ordinance or such regulations.
- Interest 16.(1) Except as provided by section 15, any member of the Board or person appointed under section 5 who or whose wife or minor child is interested in any property and who fails to declare that interest to the Board at the time when the property first becomes subject to the jurisdiction of the Board or when that interest becomes known to him, whichever is the earlier, commits an offence and is liable upon

summary conviction to a fine not exceeding one thousand dollars and in default of payment, to a term of imprisonment not exceeding six months or to both fine and imprisonment, and forfeits any immunity pursuant to section 15.

- 17.(1) If a person makes wilful default in complying with an order, direction or condition made, given or imposed by the Board under the authority of this Ordinance or any other Ordinance or by a person appointed under section 5 or violates any of the provisions of this Ordinance or the regulations, he is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars and in default of payment, to a term of imprisonment not exceeding three months or to both fine and imprisonment. Penalty

- 18.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance. Regulations

- 19. This Ordinance shall come into force on a day to be fixed by the Commissioner. Coming into force

November 1, 1972 is fixed as the coming-into-force date by C.O. 1972/141.

CHAPTER 10
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

MUNICIPAL ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE

Short title 1. This Ordinance may be cited as the *Municipal Ordinance*

INTERPRETATION

2.(1) In this Ordinance

Definitions

"administrator" "administrator" means a person appointed as administrator;

"alderman" "alderman" means a member of a council elected as an alderman;

"assessor" "assessor" means the assessor appointed by the Commissioner pursuant to the *Taxation Ordinance*;

"city" "city" means any city established as a city under this Ordinance;

"clerk" "clerk" means a clerk of a municipality;

"council" "council" means the council of a municipality;

"elector" "elector" means an elector as defined in the *Municipal Elections Ordinance*;

"fiscal year" "fiscal year" when used with respect to the government of a municipality means calendar year;

"highway" "highway" includes a street, road, lane, bridge, viaduct and any other way open to use by the public and all road allowances made therefor but does not include a private right-of-way or the highways excluded by an order made pursuant to section 91;

"manager" "manager" means a person appointed as chief administrative officer of a municipality pursuant to section 43;

"mayor" "mayor" means the mayor of a city, town, village or municipal district;

"municipal district" "municipal district" means a municipal district established under this Ordinance;

"municipality" "municipality" means any part of the Territory established as a city, town, village or municipal district under this Ordinance;

"occupier" "occupier" means an occupier of land and includes the resident occupier of land or, if there is no resident occupier, the person entitled to the possession thereof, a leaseholder and a person having or enjoying in any way for any purpose whatsoever the use of the land otherwise than as owner, whether or not the land or part thereof is an unsurveyed area, and also includes a squatter;

"owner" "owner" means an owner of real property and includes a person having any right, title, estate or interest in real property other than that of an occupier or mortgagee;

"real property" means land and all buildings, fixtures, machinery, structures, and things erected upon or under or affixed thereto;	"real property"
"regulating" includes authorizing, controlling, inspecting, limiting and restricting;	"regulating"
"taxes" means taxes imposed by this Ordinance and the <i>Taxation Ordinance</i> and includes any interest or penalties payable in respect of unpaid taxes and also includes any service charges imposed in respect of local improvements on property by this Ordinance or the <i>Taxation Ordinance</i> and any interest or penalties payable in respect of them;	"taxes"
"taxpayer" means a person qualified to vote on a money bylaw pursuant to section 6 of the <i>Municipal Elections Ordinance</i> ;	"taxpayer"
"town" means any town established as a town under this Ordinance;	"town"
"trailer" or "mobile home" means (a) a vehicle, whether equipped with wheels or not and whether self-propelled or not, that is used or designed as a dwelling or for other use; (b) any structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation or other use;	"trailer" or "mobile home"
"trailer park" means land, used or maintained as a place where persons other than the owner of the land, may place, locate, keep or maintain a trailer used for the living, sleeping, or eating accommodation, or other use, whether or not a fee is paid or made for the rental or use thereof, and includes an auto camp and mobile home park;	"trailer park"
"village" means any part of the Territory established as a village under this Ordinance.	"village"

3.(1) Words in this or any other Ordinance, or in any regulation passed under any Ordinance, or in any bylaw or resolution of a council directing or empowering any officer of the municipality to do any act or thing, or otherwise applying to him by his name or office, shall include his successors in such office and his lawful deputy, and such person as the council may from time to time by bylaw or resolution designate to act in his place.

PART I

INCORPORATION

- 4.(1) Every city, town, village or municipal district heretofore created or hereafter created or established in the Yukon Territory shall be a municipal corporation under the name of Incorporation title
- (a) in the case of cities, "The City of _____."
 - (b) in the case of towns, "The Town of _____."
 - (c) in the case of villages, "The Village of _____."
 - (d) in the case of municipal districts, "The Municipal District of _____."
- 5.(1) The Corporation of the City of Dawson is continued and its boundaries are those set out in Schedule I.
- (2) The Corporation of the City of Whitehorse is continued and its boundaries are those set out in Schedule II.
- (3) The Corporation of the Village of Faro is continued and its boundaries are those set out in Schedule III.

Proposal
to
establish
municipal-
ities

- 6.(1) Where it appears to the Commissioner that the population in any area and the assessed value of property in that area meet with the requirements of section 8 he may, subject to the provisions of this Ordinance, make a proposal for the establishment of a municipality in that area.
- (2) Within one month from the making of the proposal order, the Commissioner shall give public notice in a newspaper circulating in the area proposed to be established as a municipality of
- (a) the area proposed to be included in the municipality;
 - (b) the estimated or actual population of the area;
 - (c) the estimated assessment of property in the area;
 - (d) the estimated mill rate which will be required to be established in order to meet the commitments of the proposed municipality in each of the first two years following its establishment; and
 - (e) how the residents of the area may appeal against the proposal order,
- and cause a copy of the notice to be posted in four conspicuous places in the area.
- (3) A notice of appeal pursuant to this section must be signed by not less than twenty-five residents of the area proposed to be established as a municipality who would be entitled to vote if a municipality was established in the area and serve on the Commissioner within sixty days from the publication of the notice mentioned in subsection (2).
- (4) Where the Commissioner receives an appeal pursuant to this section, he shall fix a time and place within the area for the holding of an inquiry and shall appoint a person to hold the inquiry.
- (5) No member of the federal public service or the public service of the Territory shall be eligible to be appointed to hold the inquiry mentioned in subsection (4).
- (6) The person appointed to hold the inquiry pursuant to subsection (4) shall hold the inquiry at the time and place fixed by the Commissioner and shall hear any evidence and receive any submissions made supporting or objecting to the proposal contained in the order.
- (7) Where it appears to the person holding the inquiry that a substantial number of the residents of the area are opposed to the establishment of a municipality or are opposed to the terms upon which it is to be established, the person may ascertain the wishes of the inhabitants in the matter in a suitable manner.
- (8) The person holding the inquiry has the power to summon witnesses, administer oaths and for the purpose of holding the inquiry, has all the powers of a judge of the Court.
- (9) As soon as may be after the conclusion of the inquiry, the person shall prepare and furnish to the Commissioner a report on the inquiry and may make recommendations concerning the establishment of a municipality in the area.
- (10) Upon receiving the report of the person holding the inquiry, the Commissioner shall consider the report and shall amend or cancel the proposal or establish the municipality.

Establishment
of municipal-
ities

- 7.(1) The order of the Commissioner establishing the municipality shall specify
- (a) the name, boundaries, area, and class of municipality;
 - (b) the qualifications required for membership on the first council to be elected and the qualifications required of the voters at the first election;
 - (c) the time and manner of electing the first council;
 - (d) the respective terms for which members of the council shall be elected at the first election;

- (e) the returning officer, or the provisions for the appointment of a returning officer, at the first election;
- and may specify
- (f) the polling place or places at the first election;
- (g) that the returning officer shall determine the day, time and place of the first meeting of the first council;
- (h) the sum which may be borrowed to meet the current lawful expenditure of the municipality in the year of incorporation, and for the year next following, if deemed expedient;
- (i) the dates which may be observed initially, and once only, in place of statutory dates;
- (j) such other provisions and conditions as the Commissioner may deem necessary.

(2) The order shall be published in two issues not less than one week apart in a newspaper circulating in the area.

8.(1) The type of municipality to be established shall be in accordance with the following table:

<u>Estimated Population</u>	<u>Assessment</u>	<u>Type of Municipality</u>
over 300	over \$ 1,000,000	Village or Municipal District
500 to 2,500	over 2,000,000	Town
2,500 and over	over 10,000,000	City

9.(1) Where it appears to the Commissioner that the population of a municipality has increased or decreased more than twenty percent from the figures enumerated in section 8, he may make an order changing the status of the municipality from its former status to the appropriate status.

(2) Where prior to the making of the order mentioned in subsection (1), the council of the municipality has so requested, the Commissioner may permit the municipality to retain as part of its name the former name.

10.(1) Subject to this Ordinance, the Commissioner may, upon receipt of a petition from the council of a municipality, issue a proclamation altering the boundaries of that municipality, including the boundaries of those municipalities set out in Schedules I, II, and III. Altering municipal boundaries

(2) No petition requesting alteration of the boundaries of the municipality shall be granted by the Commissioner unless it has been approved by an affirmative vote at a plebiscite by a majority of those persons who Taxpayers to approve alterations

- (a) are Canadian citizens or other British subjects;
- (b) have attained the age of nineteen years; and
- (c) have resided within the boundaries of the area of the municipality and the proposed extension for one year prior to the day of the plebiscite.

11.(1) When the boundaries of a municipality (herein called the "old municipality") are altered so as to include within its boundaries an additional area not part of another municipality, so as to create a larger municipality (herein called the "new municipality"),

- (a) the mayor of the old municipality shall continue as mayor of the new municipality until his successor is sworn into office;
- (b) each other member of the council continues to be a member of the council of the new municipality until his successor is sworn into office;

- (c) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality directs otherwise;
- (d) all bylaws and resolutions of the old municipality continue as bylaws and resolutions governing the additional area included within the boundaries of the new municipality insofar as they are not inconsistent with this Ordinance, until they are repealed or others made in their stead by the council of the new municipality;
- (e) all taxes due to the Commissioner, levied in the additional area added to the old municipality, shall be deemed to be arrears or taxes due to the new municipality and shall be dealt with as if it had imposed the taxes;
- (f) all business licences, utility charges or other debts due to the Commissioner and remaining unpaid by residents of the additional area at the time of the proclamation of the alteration of the boundaries of the municipality shall be deemed to be debts owing to the new municipality and dealt with accordingly;
- (g) all moneys collected by the new municipality under paragraphs (e) and (f) shall be paid over to the Commissioner;
- (h) the Commissioner may make any regulations he deems necessary to carry out the provisions of this section.

Procedure
when
municipal
status is
changed

- 12.(1) When a municipality (herein called the "old municipality") changes its status from one class of municipality to another (herein called the "new municipality"),
- (a) the mayor of the old municipality continues as the mayor of the new municipality until his successor is sworn into office;
 - (b) each other member of the council of the old municipality continues as a member of the council of the new municipality until his successor is sworn into office;
 - (c) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality otherwise directs;
 - (d) all bylaws and resolutions of the old municipality continue as the bylaws and resolutions of the new municipality, insofar as they are not inconsistent with this Ordinance, until they are repealed or others are made in their stead by the council of the new municipality;
 - (e) all taxes due to the old municipality shall be deemed to be arrears of taxes due to the new municipality and may be collected and dealt with by the new municipality as if it had imposed the taxes;
 - (f) all rights of action and actions by or against the old municipality may be continued or maintained by or against the new municipality;
 - (g) all property vested in the old municipality becomes vested in the new municipality and may be dealt with by the new municipality in its own name subject to any trusts or other conditions applicable thereto;
 - (h) all other assets, liabilities, rights, duties, functions and obligations of the old municipality become vested in the new municipality and may be dealt with by it in its own name.

13.(1) A municipality shall be deemed not to include in its boundaries any area set aside by law as a national park or a territorial park or a game preserve or sanctuary established by law.

14.(1) Every proclamation incorporating a municipality or altering its boundaries shall be published in two issues not less than one week apart of a newspaper circulating in the municipality.

DISSOLUTION

- | | | |
|--------|---|---|
| 15.(1) | Upon receipt of a petition signed by a majority of the electors of a municipality, the Commissioner may, by order, published in two issues not less than one week apart of a newspaper circulated in the municipality, dissolve a municipality. | Petition
for
dissolution |
| (2) | An order for the dissolution of a municipality shall make due provision for the winding up of the corporation and for the payment and discharge to the satisfaction of the Commissioner of all debts and obligations of the municipality. | Petition
to provide
for
winding up |
| (3) | Upon dissolution of a municipality all property and assets of the municipality shall be transferred to the Commissioner under such terms and conditions as the Commissioner may prescribe and all taxes imposed by the municipality remaining unpaid shall be deemed to be taxes imposed by the Commissioner under the <i>Taxation Ordinance</i> on the date of their imposition. | Assets
transferred
to
Commissioner |
| (4) | Where a municipality is dissolved at a date prior to the imposing of the taxes for the calendar year in which dissolution takes effect, all real property within the municipality so dissolved is liable to assessment and taxation by the Commissioner in that year in accordance with the provisions of the <i>Taxation Ordinance</i> . | Collection
of out-
standing
taxes |
| (5) | The last revised real property assessment roll of a municipality that has been dissolved may be used for the purpose of levying and collecting taxes therein under the <i>Taxation Ordinance</i> . | |
| (6) | The Commissioner may make any regulations he deems necessary for the dissolution and proper winding up of a municipality. | Regulations
respecting
dissolution |
| 16.(1) | Upon receipt of a petition signed by a majority of the electors of a city, the Commissioner may, by proclamation, published in two issues not less than one week apart of a newspaper circulated in the city, proclaim that the municipality is no longer incorporated as a city but is incorporated as a town or village. | Petition to
change city
to village |
| (2) | A proclamation issued under subsection (1) shall take effect on the date set out in the order. | Effective
date |
| (3) | The Commissioner may make any regulations he deems necessary to carry out the provisions of this section. | Commissioner
may make
regulations |

PART II

GOVERNMENT AND PROCEDURE

- | | | |
|--------|--|---------------------------|
| 17.(1) | Every municipality is a corporation to which section 13 of the <i>Interpretation Ordinance</i> applies. | Municipal
council |
| (2) | Every municipal council shall consist of a mayor and four aldermen. | |
| (3) | Notwithstanding subsection (2), a city having a population of more than five thousand shall have a municipal council consisting of a mayor and six aldermen. | |
| 18.(1) | Except as otherwise provided by this Ordinance, the powers of every municipality shall be exercised by the council of the municipality. | Powers of
municipality |
| 19.(1) | Subject to this Ordinance, the members of the council shall hold office from twelve o'clock noon on the first Monday after the 1st day of January following their election or from the time of their swearing in, whichever is the later, until twelve o'clock noon of the first Monday after the 1st day of January two years later or until their successors are sworn in. | Term of
office |

20.(1) Every member of council shall be elected from the municipality at large.

Oath of office 21.(1) Every person who is elected mayor or alderman shall, before taking his office, take the Oath of Office and the Oath of Allegiance as set out in the prescribed form, before a judge, magistrate, justice of the peace or clerk of the municipality, and shall procure from the person administering the oath, the completed oath or a copy thereof which, before taking his seat on the council, he shall deposit with the clerk.

MEETINGS OF COUNCIL

Place of meetings of council 22.(1) The council of every municipality shall hold its meetings and transact all business of the corporation within its own boundaries.

Quorum 23.(1) At all meetings of the council, a majority of the members required to constitute the council shall form a quorum.

Meetings to be open 24.(1) Every council shall hold its meetings, other than committee meetings, openly and no person shall be excluded from any open meetings except for improper conduct.

First meeting of council 25.(1) The first meeting of the council following the first election held in a municipality shall be held within thirty days following the date of the election, at such time and place as may be fixed by the mayor.

(2) The first meeting of the council following any general election shall be held prior to the 15th day of January next following the date of election.

Subsequent meetings 26.(1) The council shall hold at least one meeting each month, at such time and place as may be fixed by resolution of the council.

Special meetings 27.(1) A special meeting of the council shall be called by the clerk when he is requested in writing to do so by the mayor or by any two aldermen.

Notice (2) Previous to a special meeting of the council, a notice of the day, hour, place of the special meeting and, in general terms, the nature of the business to be transacted at the special meeting, shall be given at least twenty-four hours before the time of meeting by posting a copy of the notice at the municipal office and by leaving a copy of the notice for each member of council at the place to which he has directed such notices to be sent, and no business other than that stated in the notice shall be transacted at that meeting unless all members of the council are present and agree.

Procedure of council 28.(1) The council may by bylaw make rules for calling meetings, governing its proceedings, the conduct of its members, the appointment of committees and generally, for the transaction of its business.

Majority vote of council 29.(1) All acts authorized or required to be done by council shall, except where otherwise provided in this Ordinance, be done or decided by a majority of the members of the council present and entitled to vote.

Tie in voting (2) The presiding officer shall not be entitled to vote except for the purpose of breaking a tie.

- (3) An act or proceeding of a council is not valid unless it is authorized or adopted by a bylaw or resolution at a duly constituted open meeting of the council.

- 30.(1) The council may provide by bylaw for an annual indemnity to the mayor and to the aldermen, and the indemnity for the mayor may be greater than for aldermen, but shall not exceed the sums set out in the following table: Indemnities

Population of Municipality
as estimated by Statistics

Canada	Aldermen	Mayor
up to 500	\$ 500	\$ 1,000
501 to 1,000	1,000	2,000
1,001 to 2,000	1,500	3,000
2,001 to 4,000	2,250	4,500
4,001 to 8,000	3,000	6,000
8,000 and over	3,750	7,500

- (2) The bylaw may provide that a maximum of one-third of the allowance be paid as remuneration to the mayor and aldermen for expenses necessarily incidental to the discharge of the duties of their office.

- 31.(1) Where a member of council fails to attend meetings of the council for a period of two consecutive months, his seat shall become vacant. Failure to attend

- (2) Notwithstanding subsection (1), a member of council who receives permission by a majority vote at a regular meeting of the council may absent himself from council for a period not in excess of three months.

- (3) Notwithstanding subsections (1) and (2), the council may grant a member of the council an extension of the leave of absence of a further three months in the case of illness.

- 32.(1) A member of council may resign his seat at any time by giving written notice to the clerk, who shall place the resignation before the next meeting of the council. Resignature

- (2) A resignation takes effect and the seat becomes vacant upon the date the written notice of resignation is placed before the council by the clerk.

- 33.(1) A person is not qualified to remain a member of the council if he Disqualifications

- (a) has been convicted upon indictment of an offence in Canada, unless he has been pardoned therefor or has completed his punishment;
- (b) ceases to be a resident of the municipality;
- (c) is convicted of making a false statement in his acceptance of nomination;
- (d) ceases to be a Canadian citizen or British subject;
- (e) uses information gained through his position as a member of council to gain a pecuniary benefit either directly or indirectly;
- (f) is a judge of a court of civil jurisdiction;
- (g) is an undischarged bankrupt;
- (h) is a surety for an administrative officer or employee of the municipality;
- (i) is the auditor or an administrative officer or employee of the municipality;
- (j) is indebted to the municipality for any debt in default exceeding fifty dollars except any indebtedness for current taxes;

- (k) is a party to a subsisting contract with the municipality under which money is payable or may become payable for any work, service, matter or thing;
- (l) has a pecuniary interest, whether direct or indirect in any subsisting contract with the municipality under which money is payable or may be payable for any work, service, matter or thing; or
- (m) becomes during his term of office a party to a contract with the municipality for the purchase, sale or lease of real or personal property.

(2) Subsection (1) does not apply to a person by reason only

- (a) of his being a shareholder in an incorporated company having dealings or contracts with the municipality, provided he does not vote, debate or be present at a meeting of the council, or any committee meeting thereof, while any question affecting the company is discussed; or
- (b) that he, as devisee, legatee, executor or administrator, or otherwise involuntarily by operation of law, for a period of not more than twelve months, is a party to or holds a contract with the municipality; or
- (c) that in common with other inhabitants of the municipality and on like terms, he contracts with the municipality for water or other municipal services; or
- (d) that where there is no other inhabitant of the municipality capable of providing specific goods, wares, merchandise or service, he, with the approval by bylaw or resolution of all the other members of council, contracts to provide specific goods, wares, merchandise or service to the municipality, provided that he does not vote or is present at a meeting of the council or any committee thereof, while questions affecting the contract are decided.

Committee inquiry 34.(1) The council may from time to time appoint a committee of the council to consider or inquire into any matter relevant to the administration of the municipality and to report its findings and opinions to the council.

Summoning of witnesses 35.(1) The council, or any committee thereof, shall have the power under signature of the mayor and the seal of the municipality to summon witnesses for examination on oath as to any matters connected with or relating to the administration of the municipality.

Witness fees (2) Every witness served with a summons issued by a council or by a committee of a council and paid the witness fees and expenses prescribed by bylaw of the council shall attend and give evidence to the council or any committee thereof.

Council to prescribe fees (3) The council shall by bylaw prescribe the fee and expenses that shall be paid to a witness served with a summons issued by the council or a committee thereof.

Evidence given under oath (4) All evidence given before a council or a committee thereof shall be given under oath or on affirmation.

MAYOR

Mayor 36.(1) The mayor of a municipality shall be a member of the council, shall preside over all meetings of the council and shall be chief executive officer of the municipality.

Acting mayor 37.(1) The council may, from time to time, appoint from among its members an acting mayor who shall, in the absence, illness or inability of the mayor, have all the powers and perform all the duties of the mayor.

- 38.(1) The Council shall not appoint any of its members to an office of emolument. Prohibiting appointment to office
- 39.(1) At all meetings of the council, the presiding officer shall maintain order and decorum and decide all questions of order subject to appeal to the council as a whole. Duties of presiding officer
- 40.(1) The mayor of a municipality shall
- (a) be active in causing the laws governing the municipality to be duly executed; Duties of mayor
 - (b) communicate from time to time to the council all such information and recommend such measures as may tend to the betterment, prosperity, and good government of the municipality;
 - (c) direct all administrative officers and employees of the municipality in the conduct of their work and direct the management of the business and affairs of the municipality; and
 - (d) suspend where necessary, an administrative officer or employee of the municipality and may cause administrative officers and employees to be prosecuted or disciplined for any negligence, carelessness or violation of duty on their part.
- (2) Where the mayor suspends any administrative officer or employee, notice thereof shall be given to the council at its next meeting and the council may after giving the employee time to be heard reinstate that administrative officer or employee, confirm his suspension or, subject to section 56, dismiss him. Suspension of municipal officer or employee
- 41.(1) The manager, clerk, treasurer and auditor and the solicitor or engineer when employed on a full-time basis, and such other persons as the council may by bylaw designate, shall be administrative officers of the council. Other employees
- (2) The council may by resolution appoint another person to act in the place of any administrative officer in the case of absence or illness and such person shall during the period specified in the resolution exercise and perform the powers and duties of the absent administrative officer.
- (3) The council may by bylaw
- (a) provide for the appointment of enforcement officers who may be sworn as peace officers; and
 - (b) designate such other officers as the council deems expedient for the proper carrying out of the business and good government of the municipality;
- and may define their duties and responsibilities.
- 42.(1) No person having an interest, direct or indirect, in a contract with the municipality shall be appointed an administrative officer by the council. Interest
- (2) No administrative officer shall, during his term of office, have any interest, direct or indirect, in any contract with the municipality except with respect to his appointment as an administrative officer of the municipality and if an administrative officer acquires such an interest, he may be immediately dismissed without notice and without compensation.
- (3) For the purposes of this section, the term "contract" is deemed not to include the purchase of a lot for building a home or the supply of a utility or other service of the community, common to all members of the community and at the same rates, nor for the payment of superannuation benefits, group medical or life insurance premiums or income continuance plans which the council may by bylaw provide.

MANAGER

- Manager
of
municipal-
ity
- 43.(1) The council of a municipality may by bylaw establish the position of manager, make provision for his appointment and, subject to subsection (2), delegate to him any of the administrative powers conferred on the council by this Ordinance.
- (2) Notwithstanding anything contained in this Ordinance, a manager shall not have power to
- (a) pass bylaws or resolutions, or
 - (b) appoint or dismiss an officer of the council.
- (3) The manager shall be the chief administrative officer of the municipality, and shall, under the control of the council
- (a) supervise and direct the affairs of the municipality and the administrative officers and the employees thereof;
 - (b) put into effect and carry out the policies of the council;
 - (c) advise the council on matters within the control and purview of the council;
 - (d) inspect and report on all municipal works as often as shall be required by council;
 - (e) prepare, or cause to be prepared, estimates of revenue and expenditure annually or as required by council and submit them to council for its consideration;
 - (f) prepare, or cause to be prepared, and award all contracts, as may be prescribed by council;
 - (g) carry out any other duties prescribed by the bylaws of the municipality or resolutions of the council.
- (4) The manager may suspend any employee of the municipality other than an administrative officer and shall in such event report the suspension and the reasons therefor to council, but the council may after giving the employee time to be heard reinstate an employee who has been suspended, or confirm the suspension, or confirm and extend the suspension, or dismiss the employee.
- (5) Subject to this section and any contract for employment relating thereto, the manager may appoint and engage employees other than the administrative officer for whom provision is made by the council and who are required, or dismiss employees who are no longer required in accordance with the terms and conditions prescribed by council.

CLERK

- Clerk
- 44.(1) The council shall by bylaw appoint a clerk who shall hold office during the pleasure of the council.
- Duties
of
clerk
- 45.(1) The clerk in addition to the duties and powers which may from time to time be prescribed by council, shall
- (a) have custody of the corporate seal of the municipality and cause it to be affixed as required;
 - (b) attend all meetings of the council and truly record without comment all resolutions, decisions and other proceedings of the council;
 - (c) prepare, maintain, and safely preserve the minute books and other records of the transactions and other business of the council and its committees;
 - (d) keep the original of every bylaw of the council after having seen to its proper completion;
 - (e) furnish copies of bylaws to any person applying therefor and may charge such fee as council may prescribe;
 - (f) administer oaths and take and receive affidavits and declarations within the municipality required to be taken under this Ordinance, or any other Ordinances relating to the municipality; and

(g) perform such other duties as the council may direct.

TREASURER

- 46.(1) The council shall by bylaw appoint a treasurer who shall hold office during the pleasure of the council. Treasurer
- 47.(1) The treasurer in addition to the duties and powers which may from time to time be prescribed by the council, shall Duties of treasurer
- (a) keep or supervise the keeping of all funds and securities of the municipality;
 - (b) collect and receive all moneys belonging or accruing to the municipality from whatever source and deposit the same to the credit of the municipality in a chartered bank designated by resolution of the council;
 - (c) be responsible directly or indirectly for disbursing the funds of the municipality in accordance with the procedure for so doing as provided by bylaws;
 - (d) keep a complete and accurate account of all moneys received or disbursed by him on behalf of the municipality;
 - (e) keep a complete and accurate account of all assets and liabilities of the municipality and of all transactions affecting the financial position of the municipality;
 - (f) from time to time in accordance with directions received from council and in any event, at least once a year, prepare a statement of revenues and expenditures of the municipality;
 - (g) compile and supply any information relating to the financial affairs of the municipality from time to time required by the Inspector of Municipalities;
 - (h) inspect the records of and direct any official of the municipality, or of any administrative body handling municipal funds in matters involving the responsibility of the treasurer, and
 - (i) sign cheques ordered to be issued by the council.
- 48.(1) Subject to subsection (2), the mayor or acting mayor of the municipality shall sign, jointly with the treasurer, all cheques issued by the municipality.
- (2) A council may by bylaw authorize the mayor and treasurer to issue each week, fortnight or month, as the case may be, a single cheque covering the total amount of the weekly, fortnightly or monthly payroll and such cheque shall be deposited in the bank in a wages account and shall be paid out upon cheques signed by the treasurer alone. Single signature for pay cheques
 - (3) Any signatures required under this section may be printed, lithographed or otherwise mechanically reproduced if so authorized by bylaw of council.

AUDITOR

- 49.(1) The council shall by bylaw appoint as auditor one or more persons or a firm of auditors satisfactory to the Inspector of Municipalities, but no person or member of the firm of auditors shall be so appointed who, at the time of his appointment or at any time during the immediately preceding fiscal year of that municipality is or was a member of the council, is or was the treasurer of the municipality or has or has had, directly or indirectly, alone or with any other person, any share or interest in any contract or employment with or on behalf of the municipality, otherwise than as auditor. Auditor
- (2) Every auditor appointed as provided in subsection (1) shall hold office during pleasure of council. Tenure of office
- 50.(1) The auditor shall, at such intervals as the council may by resolution prescribe, but at least annually, Duties of auditor
- (a) audit and report upon all books and accounts relating to the affairs of the municipality or relating to any matter under its control or within its jurisdiction;

- (b) prepare a report of any expenditures made contrary to this Ordinance or to any bylaw or resolution of the municipality;
- (c) prepare in such form as the Inspector of Municipalities may direct, a statement certified by the auditor of the revenues and expenditures of the municipality to the end of the preceding fiscal year of the municipality;
- (d) prepare a statement, certified by the auditor, of such of the assets and liabilities of the municipality as in the opinion of the Inspector of Municipalities are required to show the financial position of the municipality as at the termination of the fiscal year;
- (e) prepare a statement showing the total outstanding debt of the municipality; and
- (f) send a copy of each report and statement to the Inspector of Municipalities and to the mayor.

Auditor's report to be submitted to council
Publication of report

(2) The mayor shall submit each report and statement prepared by the auditor to the council at the meeting next following receipt thereof.

(3) The treasurer shall publish in a newspaper circulating in the municipality a copy or summary of each report and statement prepared by the auditor and shall print such numbers of each report and statement as the council may direct.

Inspection

51.(1) Every elector of the municipality may inspect any report or statement prepared by the auditor and may, by himself or his agent and at his own expense, take a copy thereof or extract therefrom.

Municipal solicitor

52.(1) A council may retain a barrister and solicitor as the municipal solicitor on a fee basis, or may appoint him as the municipal solicitor on a full-time basis, in which event it may determine his duties and remuneration and the terms of his employment.

(2) Notwithstanding that the remuneration of the municipal solicitor is paid wholly or partly by salary, the municipality is entitled to tax and collect lawful costs in all actions and proceedings to which the municipality is party.

Municipal engineer

53.(1) A council may retain an engineer as the municipal engineer on a fee basis, or may appoint him as the municipal engineer on a full-time basis, in which event it may determine his duties and remuneration and the terms of his employment.

Combined appointments
Appointment to be reported

54.(1) The council may by resolution or bylaw designate an officer to hold more than one office.

(2) When an administrative officer is appointed, the municipality shall advise the Commissioner of the appointment.

SALARIES AND CONDITIONS OF EMPLOYMENT

Salaries and conditions of employment

55.(1) The council shall by bylaw provide for the remuneration, hours of work and conditions of employment for all administrative officers and employees of the council.

(2) The council may by bylaw provide for the payment of superannuation benefits, group medical or life insurance premiums or income continuance plans to such officers and employees as the council may specify and for the contributions if any to be made by any such officer or employee for that purpose.

No dismissal except for cause

56.(1) Except as provided by subsection (2), the engagement of an administrative officer of the municipality may not be terminated except upon reasonable notice, and then only by an affirmative vote of at

least two-thirds of all the members of the council.

- (2) The engagement of an administrative officer of the municipality may be terminated without notice for cause by a majority vote of all the members of the council.

OATHS

- 57.(1) Every administrative officer appointed by council shall, before entering into his duties, take and subscribe the Oath of Office and the Oath of Allegiance as set out in the prescribed forms. Oaths

BOND

- 58.(1) The council may from time to time designate those administrative officers or employees who shall be bonded, for such obligation, in such amount and with such surety as the council directs and the premiums if any, shall be paid by the municipality. Bonding of administrative officers

INDEMNIFICATION OF EMPLOYEES

- 59.(1) The council may, by an affirmative vote of not less than two-thirds of its members, pay any sum required for the protection, defence or indemnification of an administrative officer or employee of the municipality where an action or prosecution is brought against him in connection with the performance of his municipal duties or the conduct of any part of the business of the municipality, and costs necessarily incurred and damages recovered, but the council shall not pay any fine imposed on an administrative officer or employee as a result of his conviction for a criminal offence. Indemnification of administrative officers and members of council in actions or prosecutions

PART III

BYLAWS - GENERAL PROVISIONS

- 60.(1) The council of every municipality shall act in the exercise of its powers and duties by resolution or by bylaw. How power exercised
- (2) The council may act in the exercise of any of its powers or duties by resolution unless by this Ordinance, it is required to act by bylaw. Idem
- 61.(1) No resolution or bylaw of a council shall be valid unless passed by a majority vote of the members of the council present and entitled to vote at a duly constituted meeting of the council. Majority vote of council
- (2) The presiding officer shall not be entitled to vote except for the purpose of breaking a tie.
- 62.(1) Every bylaw shall be in writing under the seal of the municipality and shall be signed by the person presiding at the meeting at which the bylaw is passed and by the clerk. Forms of bylaws
- 63.(1) Every bylaw shall have three distinct and separate readings before it is finally passed, but no more than two readings of a bylaw shall be given at any one meeting except with the unanimous consent of the members of the council present. Bylaws to have three readings
- 64.(1) A copy of a bylaw under the seal of the municipality and certified by the clerk to be a true copy shall be received in any court of law as evidence of the due execution of the contents of it without further proof. Evidence of bylaw
- 65.(1) Copies of every bylaw made under this Ordinance shall be posted Copy of

- bylaw to promptly in a conspicuous place in the municipal office of the
be posted municipality, and a copy of the bylaw shall be forwarded to the
Commissioner within ten days after the passing thereof.
- Disallowance** (2) The Commissioner may disallow any bylaw made under this Ordinance
at any time within one year after its passage for any reason that
to him seems proper.
- Acts done
at expense
of person
liable** 66.(1) Where the council has authority to direct by bylaw that a matter
or thing shall be done by any person, the council, by the same
or another bylaw, may also direct that in default of the matter
or thing being done by that person, it shall be done at the ex-
pense of that person and the municipality may recover the expenses
thereof with costs by action in any court of competent jurisdic-
tion.
- Referendum** 67.(1) The council may by bylaw provide for obtaining by referendum the
opinion of the taxpayers or of the electors, upon any question
which affects the municipality and with which the council has power
to deal.
- No subsidy
for industry** 68.(1) The council shall not, directly or indirectly, assist any industry
or commercial enterprise or undertaking and without limiting the
generality of the foregoing, shall not grant assistance
(a) by giving or lending money or other security, or giving the
use or ownership of any immovable;
(b) by taking or subscribing for shares;
(c) by guaranteeing, by endorsement or otherwise any borrowing;
(d) by granting any exemption from taxation;
(e) by granting as a gift any property owned by the municipality.
(2) Nothing in subsection (1) shall prevent the council from furnishing
information and routine administrative services to persons in the
course of development of industry and commerce.
- Infraction
of bylaw** **INFRACTION OF BYLAW**
69.(1) Every person who violates or fails to comply with the provisions
of this Ordinance or with any bylaw made thereunder, in respect
of which no penalty is specified, commits an offence and is liable
on summary conviction to a fine not exceeding five hundred dollars
or to imprisonment for a term not exceeding six months, or to both
fine and imprisonment.
- Application
to quash
bylaw** **QUASHING OF BYLAWS**
70.(1) A judge, upon application by any resident of a municipality or
by any person interested in a bylaw of the municipality, may
quash a bylaw in whole or in part for illegality and may award
costs of the application according to the result thereof.
- Notice of
application** (2) Notice of the application referred to in subsection (1) shall
be served upon the municipality at least seven days prior to
the date upon which the application is to be made and the ap-
plicant shall give security to the court in the amount of two
hundred and fifty dollars for any costs that may be awarded
against him.
- Limitation
period** 71.(1) No application shall be made to quash a bylaw of a municipality
after the expiration of one month following the final passing
of the bylaw.
- Idem** (2) Notwithstanding subsection (1), where a bylaw requiring the as-
sent of the electors or taxpayers of the municipality has not
been submitted to or has not received the assent of the electors
or taxpayers, application to quash that bylaw may be made at
any time.

- 72.(1) Where a bylaw is illegal in whole or in part and where anything has been done under it that by reason of the illegality gives any person a right of action, no action shall be brought until one month after notice in writing of intention to bring the action is given to the clerk.
- (2) Every action referred to in subsection (1) shall be brought against the municipality alone and not against any person acting under the bylaw.

Notice of
action on
illegal
bylaws

Action to be
brought
against
municipality

POWERS AND DUTIES OF THE COUNCIL

Raising of Revenue

- 73.(1) Subject to this Ordinance and the *Taxation Ordinance*, the council may pass bylaws providing for the raising of revenue by the imposition and collection of a tax upon real property or property deemed to be real property in the municipality and by the imposition and collection of a business tax.
- 74.(1) Notwithstanding any other provision of this Ordinance, the council may, without the assent of the taxpayers or the approval of the Commissioner, by bylaw provide for the borrowing of such sums of money as may be requisite to meet the current lawful expenditures of the municipality.
- (2) The total of the outstanding liabilities incurred under subsection (1) shall not at any time exceed the sum of the whole amount remaining unpaid of the taxes for all purposes levied during the current year and the whole amount of any sums of money remaining due from other governments.
- (3) Prior to the levying of taxes in any year, the amount of the taxes during the current year for the purposes of subsection (2) shall be deemed to be seventy-five per centum of the whole amount of the taxes levied in the immediately preceding year.
- (4) Where money is borrowed pursuant to this section, all unpaid taxes and the taxes of the current year when levied, or so much thereof as may be necessary, shall when collected be used to repay the money so borrowed.
75. (1) Subject to this Ordinance, the Council may by bylaw authorize the borrowing of money for municipal purposes.
- (2) No money borrowed by a municipality shall be used for any purpose other than that stated in the bylaw, except that if, on completion of the work for which the money was borrowed, there remains an unexpended balance, the balance may be used by the municipality
- (a) for the payment of any interest payable in respect of the loan;
- (b) for the repayment of the principal amount of the loan; or
- (c) for such other purposes and upon such terms and conditions as the council with the approval of the Commissioner deems expedient.
76. (1) No bylaw for borrowing money shall be valid unless, prior to the third reading thereof, it has been submitted to and approved by the Commissioner and, when so required, has received the assent of a majority of the taxpayers in the municipality voting thereon.
- (2) Prior to the third reading of a bylaw for borrowing money, the council shall make application to the Commissioner for approval of the loan and shall transmit with the application, a copy of the proposed bylaw certified by the clerk.
- (3) Upon receipt of the application and bylaw referred to in subsection (2), the Commissioner shall take such action as he deems advisable and may
- (a) approve the loan and direct that the bylaw may be given third reading and passed; or
- (b) approve the loan and require that the bylaw be submitted to the taxpayers of the municipality at the next general election; or
- (c) approve the loan and require that the bylaw be submitted to a special vote of the taxpayers.
- (4) The council shall, upon receipt of the notice of approval of the Commissioner, proceed as directed by him.

Power to
borrow

Authoriza-
tion to
borrow

Approval of
bylaw by
Commissioner
and tax-
payers

Application
to be made
to Commis-
sioner

- (5) Subsection (1) does not apply so as to require the assent of the taxpayers to a bylaw passed
- (a) when the moneys to be borrowed are to be used to pay for local improvement works under section 104; or
 - (b) when the moneys to be borrowed are to be used for any of the purposes mentioned in the *Housing Corporation Ordinance*; or
 - (c) when the moneys to be borrowed are to be used for capital expenditure on or in connection with waterworks, sewerage, or drainage works under section 115.
- Copy of bylaw to be posted
77. (1) A copy or synopsis of every money bylaw to be voted on shall be posted in at least four public places in the municipality for at least two weeks immediately preceding the date fixed for voting on the bylaw.
78. (1) Where the total debts of a municipality are equal to or exceed the amount of twenty per centum of the total assessed value of the real property in the municipality liable to taxation, any bylaw contracting a further debt shall be invalid.
- Form of bylaw
79. (1) A bylaw to borrow money shall show in detail
- (a) the amount proposed to be borrowed;
 - (b) the purpose for which the expenditure is to be made;
 - (c) the term of the loan;
 - (d) the rate of interest payable thereon; and
 - (e) the method of repayment,
- and every such bylaw shall recite that the consent and approval of the Commissioner has been obtained if such is the case.
- Idem
- (2) Every bylaw to borrow money shall, subject to subsection (1), by its terms
- (a) provide for the levy of an annual rate or rates sufficient to pay the principal and interest of the loan; and
 - (b) generally be in such form and contain such further provisions as are required by the Commissioner.
80. (1) If a bylaw for borrowing money has been submitted to and approved by the Commissioner and received the assent of a majority of the taxpayers in the municipality voting thereon, the council shall give the bylaw third reading and pass the bylaw.
81. (1) Any member of council who votes for any bylaw or resolution authorizing the expenditure of moneys contrary to the provisions of this Ordinance, and any officer or other employee of the municipality who obeys any such bylaw or resolution, and any officer of the municipality who of himself disposes of moneys contrary to the provisions of this Ordinance, is personally liable to the municipality for the amount thereof.
- (2) Any sums due the municipality under this section may be recovered by the municipality, or by any elector suing in the name of the municipality or suing on behalf of himself and all other electors of the municipality, or by the holders of any security suing in the name of the municipality.
 - (3) In addition to any other penalty to which he may be liable, any member of a council who votes for any bylaw or resolution authorizing the expenditure of moneys contrary to the provisions of this Ordinance is disqualified from holding any municipal office for a period of five years from the date of his voting on such bylaw or resolution.
 - (4) It is a good defence to any action brought under this section against any officer or other employee of a municipality if it is proved that he, in writing, over his signature, gave warning to the council that the effect of the bylaw or resolution was to authorize or necessitate the use of moneys contrary to the provisions of this Ordinance.

CAPITAL EXPENDITURE BYLAWS

- 82.(1) Any bylaw or part thereof for the expenditure of money on any capital item or aggregation of items in any fiscal year in one scheme estimated to cost in excess of the sum which may be raised by the levy of three mills on the assessable property within the municipality, shall be deemed to be a money bylaw and the provisions of sections 75 to 81 relating to bylaws to borrow money shall *mutatis mutandis* apply thereto.
- (2) A bylaw for the expenditure of money pursuant to subsection (1) shall not be required where a bylaw to borrow the money has been submitted pursuant to the provisions of sections 75 to 81.
- (3) Notwithstanding this section, where a council has placed money in a revolving fund for the replacement of equipment, expenditures may be made from such fund, without a vote of the taxpayers.

HIGHWAY BYLAWS

- 83.(1) All allowances made for roads in any municipality, all roads laid out pursuant to any Ordinance or bylaw, and all roads dedicated to the public use shall be deemed, for the purpose of this Ordinance, to be highways. Highways
- 84.(1) Subject to this Ordinance and to any rights reserved by any person laying out or dedicating a highway, every municipality has jurisdiction over all highways within the limits of the municipality and the management and control of all highways shall be vested in the municipality, except highways excluded by an order made pursuant to section 91. Jurisdiction over highways
- 85.(1) Except as authorized by bylaw of the municipality, no encroachment or nuisance shall be caused or created by any person on any highway within the municipality. Nuisances
- 86.(1) Every highway, and every portion thereof, except a highway mentioned in subsection (3), shall be kept in reasonable repair by the municipality within which it lies. Highways to be kept in repair
- (2) Every municipality is responsible for the construction, maintenance and repair of any municipal work constructed on any highway within that municipality. Responsibility of municipality
- (3) A municipality is not liable to keep in repair any highway Private roads
- (a) laid out by a person other than the municipality unless that highway has been declared by bylaw as a common and public highway or otherwise assumed by the municipality as such by public use, or
- (b) excluded by an order made pursuant to section 91.
- 87.(1) Where a municipality fails to keep in reasonable repair a portion of a highway on which work has been performed or improvements made by it, that municipality is liable for all damages sustained by any person by reason of such default. Damages sustained by reason of non-repair
- (2) A municipality is not liable for any damages caused by the overflow of water from any sewer, road drain, ditch or watercourse if such overflow is occasioned by ice or snow obstructions therein or by reason of unusual rainfall and the municipality has taken all reasonable precautions against damage. Snow and ice obstruction
- (3) Except in case of gross negligence, a municipality is not liable for any personal injury caused by ice or snow upon a sidewalk. Snow and ice upon sidewalk
- 88.(1) Subject to section 89, no action shall be brought to enforce any claim for damages arising under section 87 unless notice in writing of the claim and the nature and cause of the damage alleged is served upon or sent by registered mail to the clerk of the municipality Limitation period

within seven days after the damage is alleged to have been suffered.

- Idem (2) Subject to section 87, no action shall be brought against a municipality to enforce a claim for damages to any vehicle arising under subsection 87(1) unless notice in writing of the accident, indicating the place where it occurred as well as the nature and cause thereof is served upon or sent by registered mail to the clerk of that municipality within forty-eight hours after the happening thereof.
- Duty to examine damage to vehicle (3) The clerk, or in his absence, any other officer of the municipality designated by the council for that purpose, shall cause any damaged vehicle referred to in subsection (2) to be examined forthwith to determine the cause of the accident and the particulars of the damage alleged.
- Commencement of action (4) All actions referred to in subsections (1) and (2) shall be commenced within three months after the service or mailing of the notice mentioned therein.

Where death results 89.(1) Where death or serious personal injury results from any accident arising out of the failure of the municipality to repair a highway, the want of notice to the municipality as required by section 88, or the insufficiency thereof, is not a bar to any action in respect thereof if the judge before whom the action is brought considers that there was reasonable justification for such want or insufficiency and that the municipality has not thereby been prejudiced in its defence of the action.

Examination of claimant 90.(1) The municipality may at any time after it has received notice of any claim for damages arising out of any alleged failure to keep a highway in a proper state of repair or become aware that an accident has taken place, and either before or after any action in respect thereof has been commenced, have the claimant or other persons involved in the accident physically examined by a duly qualified medical practitioner.

91.(1) Notwithstanding any other section of this Ordinance, the Commissioner may by order provide that any section of this Ordinance shall not apply to any highway described in the order.

TRAFFIC AND PARKING BYLAWS

- 92.(1) Subject to the *Motor Vehicles Ordinance*, the council may pass by-laws for
- Speed (a) regulating the rate of speed of any vehicle within a municipality;
- Noise (b) prohibiting or regulating and controlling the blowing of horns and the making of any unnecessary noises in the operation of any vehicle;
- Weight (c) restricting the weight of vehicles or vehicles with their loads using the highways or any particular highway in the municipality;
- Classifying (d) classifying vehicles for any and all purposes involving the use of highways and other public places;
- Parking (e) preventing or restricting, controlling and regulating
 - (i) the parking of vehicles or of any particular class of vehicle on all or any highway and other public place or any portion thereof;
 - (ii) the parking on specified highways or within a certain distance from any building, of vehicles used for carrying inflammable, combustible, explosive or other

- dangerous material, whether loaded or unloaded;
- (iii) any other use of the highways and other public places or any portion thereof by or for vehicles or any particular class of vehicle;
- (f) establishing, controlling and regulating parking stands or places for vehicles or any class thereof on any highway or other public place or on any lands acquired by the municipality for parking purposes or designated as parking stands or places; Parking stands
- (g) prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location of the parking stands or places, the class of vehicles for which the parking stands or places are intended or as the council may otherwise determine, but the council may in its discretion grant free use of all or any parking stands or places for all vehicles or any particular class thereof for such period of time or during such hours as may be specified in the bylaw; Fees for parking
- (h) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using parking stands or places; Parking meters
- (i) defining the route or routes through the municipality that vehicles or any particular class of vehicle must follow in entering or traversing the municipality; Truck routes
- (j) prohibiting the parking of any vehicle in any private parking place or on any private property by any person other than the owner, occupant, licensee or permittee of the parking place or private property except with the consent of such owner, occupant, licensee or permittee; Parking prohibition
- (k) authorizing the owner, occupant, licensee or permittee of any private property to remove or cause the removal of any vehicle that is unlawfully placed, left or kept on any privately owned property, to impound or store the vehicle and to release it to the owner upon payment of the cost of removal and impounding or storage within a period of thirty days after the date of the removal of the vehicle or within such extended period as may be specified in the bylaw, and providing for the recovery of the cost, if not paid within the specified period, from the owner of the vehicle by action in court of competent jurisdiction or by sale of the vehicle at public auction or private sale; Towing away
- (l) authorizing a peace officer or any designated officer to remove or cause the removal of any vehicle that is unlawfully placed, left or kept on any highway, public parking place, other public place or on municipally owned property, to impound or store the vehicle and to release it to the owner upon payment of the cost of removal and impounding or storage within a period of thirty days after the date of the removal of the vehicle or within such extended period as may be specified in the bylaw, and providing for the recovery of the costs, if not paid within the specified period, from the owner of the vehicle by action in court of competent jurisdiction or by sale of the vehicle at public auction or private sale; Removal of vehicles unlawfully parked
- (m) making regulations with respect to Regulations
- (i) obstruction of traffic,
 - (ii) one-way streets,
 - (iii) pedestrian traffic,
 - (iv) safety zones,
 - (v) turning,
 - (vi) loading zones and bus stops,
 - (vii) traffic on highways in the vicinity of public schools,
 - (viii) traffic at intersections,
 - (ix) the right-of-way of one vehicle over another or of a pedestrian over a vehicle or vice versa, and

(x) the directions that a vehicle must follow on certain highways within the municipality,

and may impose penalties for a violation of any such bylaws; and if any bylaw departs from the rules laid down in this section and the departure is indicated to drivers by means of signs or devices for controlling traffic or by traffic officers, every driver within the municipality shall conform to the bylaw.

- Closing highways (2) Subject to this Ordinance, the council may pass bylaws
- (a) providing generally for the construction, maintenance, and closing of highways within its jurisdiction, and for acquiring any land required for any of these purposes, and for preventing or removing of any obstruction upon the highways;
- Sidewalks (b) for setting apart such portion of any highway within the jurisdiction of the municipality as it deems necessary in order to provide for a sidewalk, providing for the construction and maintenance of it and imposing penalties on persons travelling thereon on horseback, bicycle or other vehicle;
- Clearing sidewalks (c) requiring persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining premises owned or occupied by them, and providing for the clearing of sidewalks of adjoining vacant premises and the premises of persons who for twenty-four hours neglect to clear them, and in the event of non-payment of the expenses thereof by the owner or occupier of the premises, charging the expenses against the real property as a special tax to be recovered in like manner as other taxes;
- Authorizing encroachments (d) authorizing any encroachments and nuisances on a highway which it deems necessary and expedient, and setting a fee therefor;
- Compensation (e) determining the compensation to be paid by the municipality to any person for any lands taken for or injuriously affected by any work of the kind contemplated in paragraph (a) or (b) and for authorizing the payment thereof; and
- Controlling snowmobiles (f) controlling and regulating all-terrain vehicles, motorcycles and motorized toboggans whether on or off a highway.

93. (1) No municipality shall close any road, road allowance or highway properly established whereby any person is excluded from access to and from his lands, place of residence or business, unless in addition to reasonable compensation, the municipality also provides for the use by the person of some other convenient means of access to his lands, place of residence or business.

94. (1) Before passing a bylaw for constructing, altering, diverting or closing of any highway,

(a) notice of the proposed bylaw shall

(i) be published at least once a week for four consecutive weeks in a newspaper published or circulated in the municipality;

(ii) be posted for a period of not less than one month in four public places in the neighbourhood of the highway; and

(iii) be sent by ordinary mail to every person shown on the assessment roll of the municipality as an owner of any land abutting on that portion of the highway to be altered, diverted or closed; and

(b) the council shall hear in person or by agent any person who applies to be heard by the council and who claims that his land will be prejudicially or injuriously affected by the bylaw.

- 95.(1) Section 94 does not apply where
- (a) the council authorized the whole or any part of a highway to be closed for a period of less than twenty-one days;
 - (b) the owners of any land required to be taken for the purpose of constructing, altering or diverting of a highway consent in writing to the passing of the bylaw; or
 - (c) the land to be used for the purpose of constructing, altering or diverting a highway is under the control and management of the municipality.
- (2) Nothing in this section authorizes a council to dispense with the passing of a bylaw where it intends to construct, alter or divert a highway.
- 96.(1) Every bylaw for the constructing, altering, diverting or closing of a highway shall, before the coming into force thereof, be approved by the Commissioner.
- 97.(1) A council may, by bylaw, name or number the streets and avenues and change the names and numbers of any of the streets and avenues now existing or hereafter laid out by the municipality and whenever it is expedient to do so, the council, by bylaw, may for municipal purposes change the name of any subdivision or district or part of a subdivision or district without regard to the name shown on the plan registered in the land titles office for the Yukon Land Registration District and without the necessity of having the name shown upon the registered plan changed, if all the particulars of any change are recorded on a plan filed with the clerk who shall make the plan available to the public.
- 98.(1) Subject to the approval of the Commissioner, the council may, by bylaw, grant to any person owning land adjacent to a highway or public place, the privilege of erecting a structure overhanging the highway or public place or any part thereon, or of excavating under the highway or public place for a cellar, area-way, or other purpose under such terms and conditions and subject to the payment of such annual rental as the council may fix.
- (2) The council may grant a permit under such conditions and for such terms as it may specify, to the owner of a building or structure that encroaches upon a road, street, lane or other public place permitting the building or structure to remain thereon.
- (3) A person who has been granted a privilege under subsections (1) and (2) shall indemnify the municipality in full against any claim for damage sustained by reason of the existence of the privilege.
- (4) The annual rental for the privilege shall be added to or deemed to be part of the taxes of the adjacent land to which it is appurtenant and shall be collectible at the time and in the same manner as other taxes.

When
notice
not
required

Council to
pass bylaws

Approval of
Commissioner

Naming and
numbering
streets

Encroach-
ment on
highways

BUILDING BYLAWS

- 99.(1) The council may pass bylaws regulating the construction and maintenance of buildings and structures incidental thereto within the municipality and without restricting the generality thereof may by such bylaws
- (a) prohibit the erection of any wooden building or addition thereto or any wooden fence in any specified portion of the municipality;
 - (b) prohibit the erection or placing of buildings or other structures that in the opinion of the council might constitute a fire hazard;

Building
bylaws

- (c) regulate the erection of radio or television aerial wires or of poles or standards connected therewith;
- (d) regulate the construction of chimneys, fireplaces, stoves and furnaces and the location thereof, require their proper care and cleanliness and provide for their periodic inspection;
- (e) require owners of buildings more than two stories in height that are not private dwellings to provide proper fire escapes therefor in such places and of such construction as the council deems proper;
- (f) provide for the pulling down or removal at the expense of the owner thereof, of any building or structure constructed or placed in contravention of any bylaw and charging the cost thereof against the real property concerned as a special tax to be recovered in like manner as other taxes;
- (g) provide for the issuance of building and removal permits and the fees to be paid in respect thereof; and
- (h) adopt in whole or in part the provisions of the *National Building Code* and the *Building Code of the North* and any amendment to or replacement of such codes.

ZONING BYLAWS

Zoning
bylaws

100.(1) The council may pass bylaws

- (a) dividing the municipality or any portion thereof into areas and zones of such dimensions as the council may specify;
- (b) designating the areas or zones within which it shall be lawful to erect, construct, alter, repair or maintain any specified class of building and to carry on any specified class of business, trade, profession or calling;
- (c) designating the areas or zones within which it shall be unlawful to erect, construct, alter, repair or maintain any specified class of building or to carry on any specified class of business, trade, profession or calling;
- (d) designating the areas or zones within which the height, ground area and bulk of buildings erected, constructed, altered or repaired shall be limited, and prescribing the limitations therefor;
- (e) prescribing building lines and the depth, size or area of yards, courts or other open spaces to be maintained, the maximum density of population permitted within any area or zone, the size of rooms and the means of lighting and ventilating them;
- (f) regulating, restricting or prohibiting in any area or zone the location of all or any classes of industries, businesses, trades, professions or callings and the location of apartments or tenement houses, terraces, clubhouses, hospitals, group residences, two-family dwellings, single-family dwellings, the several classes of public and semi-public buildings, and generally, the location of all buildings or structures designed or used for any purpose specified in the bylaw;
- (g) regulating, restricting or prohibiting in any area or zone the public display of advertising, whether by billboard or other structure primarily intended for the display of advertising matter, or upon buildings, erections, walls, fences or other structures primarily intended for other purposes, and the nature, kind, size and description of any advertisement displayed within the zone or area;
- (h) designating certain areas or zones within which it shall be unlawful to erect or construct a dwelling house of less value than specified in the bylaw;
- (i) regulating, restricting or prohibiting in any area or zone, the parking of motor vehicles or trailers, or mobile homes;

- (j) regulating, restricting or prohibiting in any area or zone, the location of motel units;
 - (k) prohibiting the planting of trees, hedges or shrubs on private property or adjacent to and within twenty-five feet from street intersections or lesser distances as may be stated in the bylaw; requiring the removal of trees, hedges or shrubs already planted or limiting the height of such trees, hedges or shrubs whether planted before or after the passing of the bylaw;
 - (l) providing for a Zoning Appeals Board and giving such board any necessary authority; and
 - (m) providing for the issuing of development permits.
- (2) The council, before passing a bylaw under this section, shall give notice of its intention to do so by notice posted in four conspicuous public places within the municipality at least ten days before the date fixed for the final passing of the bylaw.
- (3) The notice referred to in subsection (2) shall state the place where, the hours during which the proposed bylaw may be inspected by any interested persons, and the time and place set for the consideration by the council of any objections to the bylaw.
- (4) The council shall make suitable provision for inspection of the proposed bylaw by interested persons and shall, before finally passing the bylaw, hear and determine all objections thereto.
- (5) A bylaw passed pursuant to subsection (1) shall not be valid unless prior to the third reading thereof it has been submitted to and approved by the Commissioner.

Planning
Appeals
Board

Notice of
bylaw

Objections
to bylaw

Hearing of
objections

Commissioner
must approve

FIRE PREVENTION BYLAWS

- 101.(1) Subject to any Ordinance and regulations made thereunder, the council may pass bylaws
- (a) establishing a fire department, prescribing the officers and other members thereof and their duties and providing for their remuneration;
 - (b) for the purchase of fire fighting equipment and providing proper buildings therefor;
 - (c) establishing and regulating fire districts;
 - (d) for the destruction, alteration, or removal of any building, structure, or portion thereof or any weeds, grass, rubbish or other thing within the municipality that in the opinion of the council constitutes, or is likely to constitute, a fire hazard or that should be removed for the protection of life and property and providing for charging the costs and expenses of the destruction, alteration, or removal against the property concerned;
 - (e) for the safety of any forest, woodland, timber or other property endangered by debris caused by any lumbering, land clearing or industrial operations and providing for the person carrying on, or who has carried on, any such operation or the owner or occupier of the land on which the debris exists to dispose of the debris by burning or in any other manner, and to cut down all dead standing trees and stubs within the area affected, and to provide such labour and to take such precautions to prevent the escape of fire or damage to property as the municipality or any officer acting for the municipality may direct;
 - (f) enter into agreements with other municipalities or the Territory or Canada for the use in the municipality or in such other municipalities of fire fighting equipment and personnel upon such terms and conditions and for such remuneration as may be agreed upon;
 - (g) to regulate the manufacturing, processing, storing, selling, transporting or use of combustibles, chemicals, explosives, or other dangerous products;

Fire
prevention
bylaws

- (h) regulate the construction, installation and operation of tanks, pumps and measuring devices used, or intended to be used, for the sale, storage or other disposition of gasoline, oil or other inflammable liquid;
- (i) to regulate the use of fires and lights in the open air or elsewhere;
- (j) to prohibit persons from standing, loitering or sitting in the aisles, passages and stairways of churches, theatres, halls, skating rinks and other public buildings;
- (k) to inspect premises for conditions which may cause a fire or incur the danger of a fire or increase the danger to persons;
- (l) to take such measures as are described in the bylaw to prevent and suppress fires, including the demolition of buildings and structures to prevent the spread of fire;
- (m) for the inspection and supervision of electric wiring to ensure that the wiring and services comply with the standards prescribed by any ordinance and the fees to be charged for such inspections, which fees shall be reasonable in the amount and shall not be imposed for the purpose of exacting revenue;
- (n) adopting and constituting as fire regulations
 - (i) the *National Fire Code of Canada, 1970*, as amended from time to time, or the regulations if any, consolidating or revising it, or
 - (ii) the *National Fire Code of Canada* with the exception of any specified provisions thereof;
- (o) to regulate the disposal of ashes or combustible refuse and the prohibition of them in or on property, whether public or private, except in fire resistant containers;
- (p) regulating the installation of stoves and stove pipes or other apparatus or things that may be dangerous in causing or promoting fires and enforcing the proper cleaning of chimneys, flues and stove pipes;
- (q) classifying fireworks
 - (i) prohibiting or regulating and controlling the sale of fireworks or any specified class or classes thereof in the municipality;
 - (ii) prohibiting or regulating and controlling the setting off in the municipality or in any specified part or parts of the municipality of fireworks or any specified class or classes thereof;
 - (iii) prescribing conditions under which a display of fireworks or a specified class or classes thereof may be held in the municipality or in any specified part or parts of the municipality;
- (r) notwithstanding any other of the provisions of this Ordinance, regulating any other thing or matter for the protection of life and property as may be considered proper.

PARKS AND RECREATION COMMISSION

102.(1) The council may by bylaw

- (a) establish a Parks and Recreation Commission;
- (b) fix the number of members of the Parks and Recreation Commission, and prescribe the qualifications, term of office and the manner in which the council shall appoint the members of the Commission and their successors;
- (c) empower the Commission to organize and conduct a recreation program;
- (d) empower the Commission to operate, improve and maintain any parks, playgrounds or other land set aside for recreation

- purposes and the buildings or structures thereon;
- (e) empower the Commission to operate, improve and maintain any cemeteries;
- (f) empower the Commission to incur liabilities for the purposes of this section, within the amounts included therefor in the annual budget of the municipality.

SUBDIVISION OF LAND

- 103.(1) The council may regulate the subdivision of land, and for that purpose may by bylaw
- (a) regulate the area, shape and dimensions of parcels of land and the dimensions, locations, alignment, and gradient of highways in connection with the subdivision of land, and may make different regulations for different uses and for different zones of the municipality;
 - (b) prescribe minimum standards with respect to the matters contained in paragraphs (a) and (d);
 - (c) require that a proposed subdivision
 - (i) be suited to the configuration of the land being subdivided;
 - (ii) be suited to the use to which it is intended; and
 - (iii) shall not make impracticable the future subdivision of the land within the proposed subdivision or of any adjacent land;
 - (d) require that the highways within the subdivision be cleared, drained and surfaced to a prescribed standard.
 - (e) where the municipality has a sewage disposal system, require that a sewage collections system be provided in accordance with standards set out in the bylaw, make provision for the connection of the system with the established sewage disposal system of the municipality, and provide that the lands included in the subdivision shall be exempt from, but only from, the charges imposed in the municipality for works of a like nature for a period of time calculated to sufficiently amortize the actual cost of the collection system computed at an interest rate not exceeding four percent per annum; but if the municipality requires that any main of such collection system be of a diameter in excess of that required to service the subdivision, the municipality shall assume and pay the cost of providing the excess capacity.
- (2) The owner of land being subdivided shall provide, without compensation, land for highways in accordance with a bylaw under subsection (1), provided that he shall not be required on subdivision to provide without compensation
- (a) for the purpose of highway allowance within the subdivision, land exceeding in depth sixty-six feet; or
 - (b) for the purpose of widening a highway that is less than sixty-six feet in width and that borders or is within the subdivision, land of a depth exceeding thirty-three feet or the difference between sixty-six feet and the width of the highway, whichever is the lesser.
- (3) A bylaw passed under this section shall require the approval of the Commissioner before the passage thereof.
- (4) All subdivision plans prepared pursuant to a bylaw passed under this section shall be approved by the Commissioner before they are approved by the council.
- (5) The Commissioner shall give due regard to and take cognizance of any official community plan when dealing with application for the approval of any plan of subdivision.

- (6) The Commissioner may refuse to approve a subdivision plan if he is of the opinion that the cost to the municipality of providing public utilities or other municipal works or services would be excessive.
- (7) No parcel of land in any proposed subdivision shall have less than one-tenth of its perimeter fronting on a highway.

LOCAL IMPROVEMENT BYLAWS

- Local improve-
ments
- 104.(1) Any public work of the following character or description may be undertaken by the municipality as a local improvement
- (a) opening, widening, straightening, extending, grading, levelling, diverting or paving a street;
 - (b) constructing a sidewalk, footcrossing, curbing, bridge culvert or embankment forming part of a street, or constructing a system of storm drainage;
 - (c) making, deepening, enlarging, or lengthening a common sewer or water main;
 - (d) making sewer or water service connections to the street line on land abutting a main;
 - (e) constructing a conduit for wires or pipes along or under a street;
 - (f) providing other services normally found in organized communities; and
 - (g) reconstructing or replacing any of the works mentioned.
- Cost of improve-
ments
- 105.(1)The council may pass bylaws
- (a) prescribing the means of ascertaining and determining the cost of any local improvement and the lands that will be directly benefited thereby, the expense of which is to be a charge against the lands;
 - (b) prescribing the means of ascertaining and determining the proportion of the total cost thereof to be charged against the various parcels of land; and
 - (c) if deemed necessary, the appointing of a qualified person to ascertain and determine the cost of a local improvement to be charged against various parcels of land who shall make a report thereof to the council.
- Bylaw to provide
for hearing
of objections
- (2)Each bylaw referred to in subsection (1) shall set forth the time and place at which any objection to the local improvement or the proposed sharing of the cost thereof shall be heard by the council, except that in no case shall the time fixed for the hearing of any such objection be less than two weeks after the time when the last of the notices mentioned in subsection (3) were published, posted and mailed as required by that subsection.
- Notice of
bylaw
- (3) Before any proposed local improvement is proceeded with, the clerk of the municipality shall give notice of such proposed improvement by
- (a) publishing a copy of the bylaw referred to in subsection (1) in two consecutive issues of any newspaper published in the area; and
 - (b) unless the total cost of the improvement is to be borne by the municipality,
 - (i) posting a copy of such bylaw in at least four conspicuous places in the immediate vicinity of the lands to be benefited or charged in respect of such improvement, and

- (ii) mailing a copy of such bylaw to every person shown on the assessment roll of the municipality as an owner of any land to be benefited or charged in respect of such improvement:.

- 106.(1) Upon receipt of the report, if any, referred to in section 105, and upon hearing any objection to the local improvement or to the proposed sharing of the cost thereof, the council may pass bylaws Bylaw authorizing improvement
- (a) authorizing the execution of the local improvement and determining the probable cost thereof;
 - (b) for determining what lands will be directly benefited by the local improvement, what portion of the cost thereof is to be charged against the several parcels of land to be so benefited and what portion against the municipality as a whole, and the basis of determining the portion of the cost thereof to be charged against any individual parcel of land whether by frontage tax or otherwise;
 - (c) for assessing, levying and collecting by means of a special rate upon the parcels of land directly benefited or upon that land and the municipality as a whole, as the case requires, the cost of any local improvement with interest at the rate of interest used in determining the cost of the work and advertised in the notice;
 - (d) prescribing the time or times at which and the manner in which the amounts levied are to be paid and specifying the terms on which the parties assessed for the local improvements may commute the assessment by the payment of their proportionate share of the cost thereof in a lump sum.
- 107.(1) Where the Commissioner has incurred the cost of a local improvement within a municipality, the council of that municipality at the request of the Commissioner and on his behalf shall by bylaw assess, levy and collect by means of a special rate upon the parcels of land directly benefited or upon that land and the municipality as a whole, as the case requires, the cost of such local improvement with interest at the rate of interest used in determining the cost of the work and advertised in the notice. Commissioner's local improvement
- (2) Every bylaw passed pursuant to subsection (1) shall provide for the payment of the cost of the local improvement within the probable life thereof as certified by the engineer or other officer appointed by the Commissioner for that purpose.
 - (3) Where a council has passed a bylaw pursuant to subsection (1), the amount of money collected pursuant to that bylaw shall be paid by the council to the Commissioner.
- 108.(1) The cost of any local improvement shall be calculated in terms of an annual rate, and unless the local improvement is not one for the direct benefit of the lands abutting any road and the council otherwise orders, it shall be determined Costs to be charged against abutting lands
- (a) on a frontage basis; that is to say, at a uniform rate according to the number of lineal feet along the front of the abutting land; or
 - (b) according to a formula approved by bylaw for determining the special assessment in the case of triangular or irregularly shaped parcels, or parcels situate at the junction or intersection of highways, or parcels wholly or in part unfit for building purposes.
- 109.(1) Where, in the opinion of the council, any work or local improvement benefits the municipality generally and it would be inequitable to raise the whole of the cost thereof by local special levy, the municipality may pay out of the general funds of the municipality, a portion of the total cost thereof. Improvement benefiting municipality at large

- Payment of life-time of improvements 110.(1) Every local improvement bylaw shall provide for the payment of the special levy within the probable life of the local improvement for which the debt has been incurred as certified by the engineer or other officer appointed by the council for that purpose.
- Allocation of cost 111.(1) Where the council in the opening of or the making of proposed improvements to or in connection with any road determines that lands other than those fronting or abutting on the road are to be specially benefited and ought to be charged with part of the cost thereof, it shall determine the proportion against the other lands on a frontage or other basis in like manner as the same is to be assessed and levied in the case of land fronting or abutting on the road.
- Lands not abutting improvement (2) Where, in order to afford an outlet for the sewage from or the draining of land other than that fronting or abutting upon the road along which a sewer or drain is to be constructed, a sewer or drain is constructed of a larger capacity than that required for the efficient carrying off of sewage and drainage from the land so fronting or abutting, the council may impose a special levy upon the other land benefited by the construction of the sewer or drain.

PUBLIC HEALTH BYLAWS

- Public Health 112.(1) Subject to the *Public Health Ordinance* and the regulations made thereunder, the council may pass bylaws
- (a) in the interests of the public health of the municipality and the prevention of contagious and infectious diseases;
 - (b) requiring the removal of dirt, filth, dust and rubbish from highways in the municipality by the person or persons depositing it, or by the owner or occupier of an adjacent property where it can be proved that the dirt, filth, dust and rubbish originated on the property adjacent, and in case of default by the owner or occupier, for removing it at his expense and charging the expense thereof against his property as a special tax to be recovered in like manner as other taxes on real property;
 - (c) requiring the removal by the owner thereof of anything deemed dangerous to the health and safety of the inhabitants of the municipality and for charging the expenses thereof against any property owned by him in the manner provided in paragraph (b);
 - (d) regulating or prohibiting the construction within the municipality of privy vaults, water closets and septic tanks and providing for the keeping of the same in a proper state of cleanliness and repair;
 - (e) preventing or regulating the erection or continued operation within the municipality of slaughter houses, gas works, tanneries and other factories and trades that may prove to be nuisances generally;
 - (f) preventing and abating public health nuisances generally;
 - (g) preventing the putting of anything prejudicial to health in any stream or body of water within the municipality or from which water is supplied to the municipality for any purpose; and
 - (h) respecting the burial of the dead within the municipality.
- Agreements to provide health services 113.(1) The council may by bylaw authorize the mayor to enter into an agreement with any person or with the Government of Canada, the Territory or any province with respect to
- (a) the provision of public health services in the municipality; and
 - (b) the sharing of the cost of providing such services.
- (2) A bylaw passed pursuant to subsection (1) shall not be valid unless prior to the third reading thereof, it has been submitted to and

approved by the Commissioner.

GARBAGE COLLECTION BYLAWS

- 114.(1) Subject to the *Public Health Ordinance* and the regulations made thereunder, the council may by bylaw provide for the collection, removal and disposal of garbage, refuse and ashes, and may, by that bylaw, Garbage collection
- (a) specify the person by whom garbage, refuse and ashes shall be collected, removed and disposed of, the times at which and the manner in which the collection, removal and disposal shall be effected;
 - (b) provide that the bylaw shall be in force throughout the municipality, or in such area or areas thereof as may be specified therein;
 - (c) provide that the cost of the collection, removal and disposal of garbage, refuse and ashes or any part thereof shall be paid out of the general revenue of the municipality, or that the cost or such portion thereof as is not paid out of the general revenue shall be paid by the owners or occupiers of lands in respect of which the service is provided, and specifying the amounts to be paid;
 - (d) provide for the collection of any amount payable by an owner or occupier of property for the collection, removal or disposal of any garbage, refuse or ashes, fix the time and place for payment of the sums payable therefor and provide for discount for the prompt payment and impose penalties for late payment; and
 - (e) provide in case of default in payment of amounts payable for collection, removal or disposal of garbage, refuse and ashes for the charging of those amounts against the real property in respect of which the service was performed as a special tax to be recovered in like manner as other taxes on real property.

- 115.(1) Subject to the *Public Health Ordinance* and the regulations made thereunder, the council may, with the approval of the Commissioner, pass bylaws Water supply and sewage treatment
- (a) for the purpose of constructing, operating and maintaining a water supply and purification system, sewage treatment and drainage system and establishing a tariff of charges to be assessed against the users thereof;
 - (b) for the purpose of establishing, operating and maintaining a fluoridation system of the municipality;
 - (c) providing for the collection of water and sewage charges and fixing the time or times when and the places where such charges shall be payable, providing for the allowance of a discount for prompt payment thereof and for the imposition of penalties for late payment; and
 - (d) providing, in case of default of payment of water and sewage charges, for the enforcement thereof by shutting off the water or by making such charges a charge against the property in respect of which the water supply or sewage service was provided as a special tax to be recovered in like manner as other taxes on real property.

LIVERY BYLAWS

- 116.(1) Subject to the *Motor Vehicles Ordinance*, the council may pass by-laws Taxi cabs and taxi cab operations
- (a) providing for the supervision, regulation and licensing of taxi cabs, hearses, ambulances not operated by the Federal or Territorial Governments, and buses not operated in accordance

with a set time schedule and all persons carrying on within the municipality the business of operating such vehicles;

- (b) prescribing and regulating the use of taxi cab stands and depots within the municipality;
- (c) requiring taxi cab operators within the municipality to provide waiting room accommodation for patrons and requiring them to maintain such accommodation in a clean and sanitary condition;
- (d) establishing a tariff of fares which the operators or drivers of the vehicles described in paragraph (a) shall charge or collect;
- (e) regulating the transfer of licences relating to the vehicles described in paragraph (a), their operators and drivers; and
- (f) requiring every driver of a taxi cab at all times to display within the taxi cab an identification card with his name, picture and description, in full view of the passengers, which identification card shall be supplied by the council issuing the licence.

Public
convenience

- (2) The council shall, in issuing any licence referred to in subsection (1), consider the public convenience and necessity in respect of the number of vehicles of the kind described in that subsection required in the municipality and to that end may limit the number that may be operated at any one time but may issue temporary permits permitting an additional number of such vehicles to be operated during stated seasons, on stated days and on special occasions.

Suspension
and revoca-
tion of
licences

- (3) The council, after notice to show cause has been given to the licensee and upon hearing the same and being satisfied that the public interest so requires, may by resolution,
 - (a) suspend any licence referred to in subsection (1) for a period not exceeding one month; or
 - (b) revoke any licence referred to in subsection (1).

DOMESTIC ANIMALS BYLAWS

Domestic
animals

- 117.(1) The council may pass bylaws applicable to the whole or any specified portion of the municipality
 - (a) for restraining, prohibiting and regulating the running at large of dogs, having regard to the sex, breed, size and weight of the dog and the purpose for which the dog is used;
 - (b) for imposing a tax on the owners, possessors or harbourers of dogs and for grading the tax according to the sex, number, size and weight of the dogs and the number of dogs so possessed or harboured;
 - (c) for issuing dog tags and requiring every dog in respect of which the owner, possessor or harbourer is required to pay a tax to carry a tag;
 - (d) for impounding or destroying dogs running at large in contravention of any bylaw respecting dogs;
 - (e) for determining the amount payable by the owner in respect of any dog impounded or destroyed;
 - (f) generally for the prevention of cruelty to dogs and other animals within the municipality;
 - (g) for regulating and prohibiting
 - (i) the keeping of dogs, horses, mules, asses, cattle, sheep, goats, swine, rabbits or other animals, and defining areas within which such animals may be kept or within which the keeping of them is prohibited;
 - (ii) the keeping of poultry, pigeons, doves or other birds and defining areas within which such birds may be kept or within which the keeping of them is prohibited;

- (iii) the moving and keeping of bees, and defining areas within which such bees may be kept or within which the keeping of them is prohibited;
 - (iv) kennels or other places for the keeping, training, care, breeding, treatment, hospitalization or boarding of dogs, cats, fur-bearing animals or other animals whether domesticated or undomesticated and define areas within which such kennels or places shall be permitted or within which they are prohibited, and define in respect of different species of animals what shall constitute a "kennel" and what deemed a "fur-bearing animal";
 - (v) the running of cattle on any highway or public place or the straying of or trespassing by cattle on any highway or public place or private property, and the grazing of cattle on unfenced land, unless such cattle are securely tethered, and thereby provide for the impounding of such cattle and for the purpose of this paragraph "cattle" includes any horse, mule, ass, swine, sheep, goat, cow or other animal of the bovine species;
 - (vi) the running of poultry or rabbits on any highway or public place or the straying of or trespassing by poultry or rabbits on any highway or public place or private property, and the grazing of poultry or rabbits on unfenced land, and thereby provide for the impounding of such poultry or rabbits.
- (?) The council may by bylaw
- (a) provide for the seizure, impounding and detention of horses, cattle, poultry, rabbits and other animals unlawfully permitted to be at large;
 - (b) establish, maintain and operate facilities as pounds in the municipality;
 - (c) regulate and fix the fines and fees, including damages for trespassing on private property, to be levied and collected by pound keepers;
 - (d) provide for the sale or destruction of animals and birds impounded where prescribed fines, fees and other charges are not paid within a reasonable time;
 - (e) regulate the zones in which commercial operation of fur-bearing animals may be permitted providing however, that the owner must comply with any Territorial Ordinance and regulations relating thereto.

UTILITY FRANCHISES BYLAWS

- 118.(1) Subject to the approval of the Commissioner, the council may by bylaw grant a franchise, upon such terms and conditions as it may prescribe, to any person undertaking to provide electric light, electric power, gas, cable television, telephone or transportation services or other similar or related services to residents of the municipality and authorizing that person to erect or operate on, above, or under any highway, square or other public place within the municipality all poles, fixtures, wires, pipes, conduits, tracks, buildings, structures, vehicles or other things necessary in order to provide the services to which the franchise so granted relates.
- Granting of utility franchises
- (2) No bylaw for granting a franchise for any of the purposes described in subsection (1) shall be valid unless prior to the third reading thereof it has been submitted to and approved by the Commissioner and has received the assent of a majority of the taxpayers in the municipality voting thereon.
- Approval of bylaws by Commissioner and taxpayers
- (3) No franchise shall be granted for a period in excess of twenty years but the council may by bylaws, approved by the Commissioner and by a majority of the taxpayers in a municipality voting thereon, renew any franchise at the expiration of the term thereof for a further period not exceeding ten years, and so on from time to time with such alterations and modifications and subject to such terms and
- Terms of franchise

conditions as may be agreed upon by the parties thereto and approved by the Commissioner.

- Procedure (4) The procedure with respect to obtaining approval of a bylaw granting or renewing a franchise shall be the same as the procedure for obtaining approval for a bylaw for borrowing money on the security of debentures.

OF PERSONS AND PROPERTY

119.(1) The council may pass bylaws

- Billboards (a) for preventing, regulating and controlling within the municipality the creation and use of billboards, signs or other advertising devices, and for preventing the defacing of private or other property by printed or other notices or markings;
- Exhibitions (b) for the preventing of the public exhibition and display in or near any street, lane or other public place within the municipality of placards, play bills, posters, drawings, writings or pictures and for their removal;
- Firearms (c) for prohibiting or regulating within the municipality the carrying or the discharge of a firearm, air gun or air pistol and the firing and setting off of squibs, crackers or other fireworks;
- Public address systems (d) for regulating and controlling within the municipality the use of public address systems and similar devices;
- Ambulance (e) for the acquisition and equipment of a motor vehicle or vehicles for the purpose of providing ambulance service in the municipality;
- Ambulance subsidy (f) for entering into an agreement with one or more owners of ambulances to furnish certain ambulance service in the municipality and may annually by bylaw authorize payment to the owner of such ambulance of a grant;
- Untidy and unsightly premises (g) for prohibiting the owners or occupiers of real property from allowing property to become untidy or unsightly, and requiring the owners or occupiers of real property or their agents, to remove therefrom any accumulation of filth, discarded materials, or rubbish of any kind, and for providing that in default of such removal, the municipality, by its workmen or others, may enter and effect such removal at the expense of the person so defaulting, and for providing that the charges for so doing, if unpaid on the 31st of December of any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears;
- Nuisances (h) for requiring the owners or occupiers of real property, or their agents, to clear such property of brush, trees, noxious weeds or other growths, and for providing that in default of such clearing the municipality, by its workmen or others, may enter and effect such clearing at the expense of the person so defaulting, and for providing that the charges for so doing, if unpaid on the 31st of December of any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears;
- Insects (i) for the purpose of eliminating or mitigating within the municipality biting insects and insect pests;
- Birds (j) for requiring owners or occupiers of buildings to prevent pigeons or other birds from perching, roosting or nesting thereon, and regulate the feeding of pigeons or other birds by persons other than the owners;
- Noises (k) for regulating or prohibiting the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity;
- Effluvia (l) for requiring the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust,

gas, sparks, ash, soot, cinders, fumes or other effluvia, and for prescribing measures and precautions to be taken for such purposes, and for fixing limits not to be exceeded in respect of such emissions;

- (m) for requiring manufacturers and processors to dispose of the waste from their plants in the manner directed by the bylaw. Waste
- (2) Any person thereunder authorized by the council may enter on any land or premises to inspect for conditions that may constitute a nuisance or contravene or fail to comply with any bylaw passed pursuant to subsection (1).
120. (1) The council may by resolution or by bylaw declare any basement, excavation, drain, ditch, watercourse, pond, surface water or any other matter or thing in or upon any private land or in or about any building or structure, a nuisance and dangerous to the public safety or health, and order that the basement, excavation, drain, ditch, watercourse, pond, surface water, matter or thing shall be removed, pulled down, filled up or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the council may determine and within any time after the service of the order as may be therein named. Control
of
nuisances
- (2) A placard shall be posted at or near the locality of the nuisance so declared giving the order provided for, and the order shall be served personally upon the owner, agent, lessee, or occupier of the premises or published in one issue of a newspaper published or circulated in the municipality.
- (3) If the owner, agent, lessee or occupier does not comply with an order made under subsection (1) within the time specified therein, the council may proceed to have such work done as it considers necessary for the purpose of carrying out the order, and the cost of the work shall be added to and form part of the taxes on the land on which the work was done.
121. (1) Where an owner or occupant of property keeps or permits to be kept thereon a junked vehicle, the council may serve a notice on such owner or occupant, as the case may be, which notice shall set out the time and place of a council meeting at which the owner or occupant, as the case may be, may appear to show the cause why the junked vehicle should not be removed from the property and destroyed.
- (2) Service of a notice under subsection (1) shall be by personal service and shall be made not less than three days before the date of the council meeting referred to therein.
- (3) Notwithstanding subsection (2), where a junked vehicle is located on vacant property and the address of the owner is unknown to council, the notice mentioned in subsection (2) shall be published in at least two issues of a newspaper circulating in the municipality, the last publication of which shall be not less than three days before the council meeting mentioned in the notice.
- (4) Where the owner or occupant, as the case may be,
- (a) does not appear before council pursuant to the notice under subsection (3) or (4), as the case may be, or
- (b) appears before council and fails to satisfy the council that the junked vehicle should not be removed from the property and destroyed,
- the council or its authorized agent or employee may remove the junked vehicle from the property and destroy it at the expense of the municipality.
- (5) The council may postpone the removal and destruction of the junked vehicle on conditions which it considers necessary.

- (6) For the purposes of this section, a "junked vehicle" means a vehicle that
- (a) has no currently valid licence plates attached thereto;
 - (b) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - (c) is located in the open on private property and does not form part of the business enterprise lawfully being operated on that property.
- (7) The council shall be the judge as to whether any vehicle is a junked vehicle within the meaning of this section.
- (8) No action lies against the municipality or its agent or employee for any reasonable or necessary acts committed in connection with any removal or destruction or both, of a junked vehicle in accordance with this section.

Removal
and
disposal
of
abandoned
vehicles

- 122.(1) Where any vehicle has been left or placed upon any highway, public place or municipally owned property and has been allowed to remain there for ten days or more and the owner thereof cannot after reasonable inquiry be ascertained, the vehicle shall be deemed to be abandoned.
- (2) The council may by resolution order that a vehicle which is deemed to be abandoned within the meaning of subsection (1), be removed by the municipality from the place where it is abandoned and sold, destroyed or otherwise disposed of as the council may decide.
- (3) Where a council pursuant to subsection (2) decides to sell, destroy or otherwise dispose of an abandoned vehicle, it shall, at least fifteen days before doing so, publish a notice of its decision in a newspaper having circulation in the municipality together with a description of the abandoned vehicle.
- (4) When an abandoned vehicle is sold pursuant to the council's order under this section, the proceeds of the sale shall be applied against the cost of removal of the vehicle and any balance remaining shall form part of the general funds of the municipality and in such case, the purchaser of the vehicle shall, notwithstanding the provisions of any other Ordinance, obtain good title thereto free and clear of all encumbrances.
- (5) Notwithstanding the provisions of any other Ordinance, no action lies or shall be brought against a council which sells, destroys or otherwise disposes of a vehicle in compliance with the provisions of this section.

LICENSING AND REGULATING

- 123.(1) In this section and in any bylaw passed under this section, "business" means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit.
- (2) The council may pass bylaws
- (a) requiring an owner or operator of a business to hold a valid and subsisting licence for the carrying on of such business;
 - (b) fixing and imposing licence fees for licences; and
 - (c) providing for the collection of licence fees and the granting, issuing and transferring of licences.
- (3) The council may, for the purposes of bylaws made by it, classify or define any profession, trade, business, occupation or employment.
- (4) Notwithstanding this section, no municipality shall require a licence to be issued in respect of any performance, exhibition, concert or entertainment, the entire proceeds of which over and above actual expenses are devoted to or to be given to a church,

school, hospital, charitable, patriotic, war fund or community purpose.

- (5) The council shall, by bylaw, prescribe the date for renewal of licences or registrations and shall prescribe the duration of licences and registrations, except when a licensee must have a Territorial licence, in which case, the municipal licence and registration shall be for a full year and expire on the 1st of April of the year following.
- (6) The council may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.
- (7) The notice and opportunity to be heard referred to in subsection (6) is not required in respect of a licensee who by reasonable efforts cannot be found.
- (8) Any person who has applied for but failed to be granted a licence may appeal to council and the council may, upon the affirmative vote of at least two-thirds of all the members, refuse in any particular case to grant the request of an applicant for a licence but the granting or renewal of a licence shall not be unreasonably refused.
- (9) Every person to whom a licence is issued under a bylaw shall produce his licence when required to do so during business hours by any person appointed by council as an inspector of licences or any bylaw enforcement officer or any peace officer.
- (10) Every person who is required by bylaw to be licensed in respect of a business and who carries on or engages in such business within the municipality without being licensed commits an offence and is liable upon summary conviction to a fine not exceeding fifty dollars for each day that he carries on or engages in such business while unlicensed.

TRAILERS AND TRAILER PARKS

- 124.(1) Subject to the exception of trailers properly placed on sites in a zone permitting permanent trailer sites, the council may pass bylaws for prohibiting the use and for prohibiting the owner or lessee of any trailer from permitting the use of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than such number of days, not less than sixty, as the bylaw provides in any period of ten consecutive months. Trailers
- (2) A bylaw passed under this section may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the bylaw was passed. Application of bylaw
- (3) A bylaw may provide for imposing penalties of not less than ten dollars and not more than fifty dollars, exclusive of costs, upon every person who contravenes the bylaw, and may provide that each day that a person contravenes the bylaw shall be deemed to constitute a separate offence. Penalties
- (4) For the purposes of this section, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this subsection does not apply where the trailer is located in the municipality or in the defined area or areas only for the purpose of sale or storage. Use

- 125.(1) A council may pass bylaws for the registration of trailers located within the municipality.
- Registration of trailers
- (2) A bylaw passed under this section may provide
- (a) for the exemption from registration, by in transit permits or otherwise, of trailers in transit through the municipality or trailers used for tourist or recreation purposes only;
 - (b) that every owner of a trailer in the municipality shall register his trailer with the municipality and pay such registration fee as the bylaw may prescribe within a time specified;
 - (c) that where the trailer is removed from the land to another location within the municipality and taxes are unpaid in respect of such trailer, the taxes payable thereon are collectible in the new location as if originally levied thereon;
 - (d) that every person who removes a trailer from the land on which it is situated to a location outside the municipality when taxes thereon are unpaid on such trailer commits an offence;
 - (e) that taxes levied in respect of a trailer shall be collectible within thirty days after they become due and payable and the municipality may, subject to the exemptions contained in the *Landlord and Tenant Ordinance*, levy the taxes or any part thereof with costs by distress and sale of the trailer on which the taxes have been levied, or on any goods or chattels in the possession of the person liable to pay the taxes wherever found, but no distress or sale shall be made on goods or chattels of any person other than the person liable to pay the taxes if the other person owns or is entitled to possession of the goods and chattels;
 - (f) that any person who fails to carry out the requirements of this bylaw, commits an offence and is liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment;
 - (g) for the purposes of this section, where an owner of a trailer is not known or is not within the municipality, the occupier of such trailer shall be deemed to be the owner.

- 126.(1) The council may pass bylaws for acquiring, establishing, maintaining and operating trailer parks and for acquiring land for such purposes and for installing such services for the use of occupants of trailer parks as the council may deem expedient and for fixing the fees to be paid by the occupants of trailer parks.
- Municipal trailer parks

- 127.(1) The council may pass bylaws for licensing, regulating and governing trailer parks and for designating areas of land to be used as trailer parks, and for prohibiting the use of other land for such purposes.
- Trailer parks

- 128.(1) Where any bylaw made under the provisions of sections 123, 124 or 126 of this Ordinance conflicts with the provisions of any Ordinance or regulations made thereunder, the Ordinance or regulations shall prevail.

MISCELLANEOUS BYLAWS

- 129.(1) The council may by bylaw
- Miscellaneous bylaws
- (a) authorize the municipality to acquire, sell, hold, lease or otherwise dispose of any real or personal property for municipal purposes;
 - (b) authorize the acquisition or construction of any building required for any municipal purpose, including the housing of any municipal official or for any business or other operation which the municipality may be authorized to conduct;

- (c) construct or acquire a building with floor space which is greater than is necessary for the accommodation of the municipal services required and may lease or rent any surplus floor space not required for the municipal services;
- (d) rent, lease or purchase any building for the purpose of providing public rest and reading rooms or other public accommodation and shall, in the event of so doing, make regulations for the conduct and maintenance of them;
- (e) authorize the making of grants to any hospital or nursing station in the municipality not exceeding in the aggregate ten thousand dollars in any one fiscal year except with the approval of the Commissioner; Hospital grants
- (f) authorize the making of grants to any person, society or organization, other than a hospital or nursing station, in the municipality.
- (g) create and proclaim any date as a civic holiday within the municipality; Civic holidays
- (h) take a census of the municipality; Census
- (i) prohibit and regulate the sale or offering for sale of goods or merchandise in the streets, lanes or other public places of the municipality; Sales on streets
- (j) prescribe the fees or other charges to be made for all services performed by the municipality, its officers or employees; and Fees
- (k) regulate the keeping and transporting in the municipality of combustible or dangerous materials, subject to any Ordinance. Dangerous materials
- 130.(1) The council by bylaw approved by the Commissioner may adopt a flag, crest or coat-of-arms for the municipality. Flag, crest, coat-of-arms
- (2) A person who, without the authority of the council, assumes or uses the flag, crest or coat-of-arms of the municipality, or any heraldic emblem so nearly resembling it as to be calculated to deceive, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for every day during which the offence continues. Restriction on use of flag, crest, coat-of-arms
- 131.(1) Subject to this section, a council may pass bylaws to erect and maintain parkades. Parkades
- (2) In this section, "parkade" includes any building, parking deck or deck, or similar structure for the public parking of motor vehicles, together with all ramps, stairways, escalators and other works connected therewith.
- (3) Subject to the approval of the Commissioner and with the affirmative vote of at least two-thirds of all the members of council, a municipality may pass bylaws to
- (a) acquire by purchase, lease or otherwise real property and establish, lay out, improve or develop such property for parkades;
- (b) construct or cause or permit to be constructed by the municipality, a parkade and provide facilities therein for business establishments or acquire a parkade by lease, on such terms as the council may deem proper;
- (c) hold, maintain, operate and improve parkades and charge fees, rents or charges for the use or occupation thereof, and lease or contract out any part or parts thereof, of any real property acquired therewith, upon such terms and conditions and for such rent or consideration as may be deemed proper and from time to time alter such fees, rents, rates or charges;

- (d) borrow money for the purposes of carrying out the provisions of this section and issue and sell debentures therefor, and set up a reserve fund into which shall be placed all net revenue from the operation of parkades and all sums collected in respect thereof and invest the same and make payments from such fund with the approval of the Commissioner of such amounts as are required to pay principal and interest on the loans and for such other purposes as may be required;
 - (e) designate a specially benefited area for the purpose of recovering therein any capital costs or operating deficits which may be incurred in the operation of a parkade, by means of a levy against the land or buildings or both in such area but no single family dwelling or duplex shall be included in a specially benefited area unless the single family dwelling or duplex, as the case may be, forms part of the premises assessed for business pursuant to this Ordinance, and the council may in its discretion divide the area into zones and make such adjustments as may be required in order that the levy against such land, buildings or both will be in proportion to the benefit to be conferred on them by the parkade; and
 - (f) set up a schedule showing the estimated total capital costs, the estimated annual operating cost including debt retirement costs, the estimated annual revenue and estimated deficit, if any, and showing the annual portion of any deficit which may be levied against each parcel of land or building or both within the specially benefited area, by means of an annual levy upon the assessed value of the property.
- (4) Where a proposed bylaw provides for the designation of a specially benefited area, a notice shall be sent to all assessed owners who are assessed for land or buildings or both within the area, including a copy of the proposed bylaw showing the specially benefited area and the schedule referred to in paragraph (3)(f) and advising the owners that they have thirty days from the date of mailing of such notice to petition against the proposed bylaw.
 - (5) Where petitions are filed with the clerk within the period of time mentioned in subsection (4), signed by a majority of the owners affected and who represent at least one-half of the assessed value of the land and buildings within the specially benefited area, the Commissioner shall not approve the proposed bylaw.
 - (6) The council may, subject to the approval of the Commissioner, allocate such portion of the revenue from parking meters or such portion of all other parking revenues as it may deem proper, to be paid into the reserve fund referred to in paragraph (3)(d).
 - (7) The council shall on or before the 31st day of March in each year forward to the Commissioner a copy of the auditor's financial report for the preceding calendar year of each parkade in respect of which a specially benefited area has been designated.
 - (8) Where the revenues from the operation of a parkade will permit, the council may make such changes in the levies made under paragraph (3)(f) for the following year as it deems proper.
 - (9) All levies made under this section are hereby constituted to be taxes and may be entered in the tax roll and are subject to the same penalties and may be enforced in the same manner as taxes and the provisions of this Ordinance and the *Taxation Ordinance* shall apply.

- 132.(1) A council may by bylaw
- Municipal
airports
- (a) authorize the acquisition by purchase, lease or otherwise of land for an airport or seaplane base;
 - (b) provide thereon all necessary buildings, structures and facilities;
 - (c) control and operate the airport or seaplane base and for this purpose, make such regulations and charge such fees or levies as the council approves; and
 - (d) dispose of the airport or seaplane base so acquired and built.
- 133.(1) Subject to the *Civil Emergency Measures Ordinance*, the council of a municipality may pass bylaws
- (a) dealing with emergencies;
 - (b) establishing, subject to the approval of the Commissioner, an emergency plan;
 - (c) appointing a civil emergency measures co-ordinator;
 - (d) establishing a civil emergency measures committee;
 - (e) regulating the procedures to be followed in an emergency, including the payment of the costs incurred by reason of the emergency;
 - (f) obtaining the reimbursement of expenditures in any appropriate case; and
 - (g) making agreements with the Territory or with non-government agencies for employing persons or using equipment to deal with any emergency.
- 134.(1) Where, pursuant to this Ordinance, the council may pass bylaws regulating the construction and maintenance of buildings, the zoning of the municipality, for dealing with the prevention of fires, the subdivision of land, the public health of the municipality, the control of nuisances or the control of abandoned vehicles, the council may
- (a) authorize any officer or enforcement officer of the municipality to order any person carrying out any work or doing any thing contrary to the provisions of such bylaw, to forthwith cease carrying out such work and doing such things, and
 - (b) provide that failure to obey such order is an offence.
- 135.(1) A council may by bylaw establish, maintain and operate a system of public transport.
- SPECIAL PROVISIONS APPLICABLE TO MUNICIPAL DISTRICTS
- 136.(1) The council of a municipal district may pass bylaws to establish and determine the boundaries of a fire protection area and for that purpose, may
- Fire
protection
areas
- (a) authorize the purchase and operation of apparatus and equipment;
 - (b) authorize agreements with associations or persons or other municipalities for the purchase, joint use, control and operation of the apparatus and equipment; and
 - (c) recover any expenditure made pursuant to this section by the levy of a special tax on all assessed property in the fire protection area and appearing on the assessment roll of the municipal district.
- (2) Where charges have been incurred with respect to extinguishing fires and preserving life and property from injury or destruction by fires on lands in the municipal district but situated outside the boundaries of a fire protection area, the council may by a bylaw charge the costs to the owner or occupant of the land, and in default of payment, may

- (a) recover the costs as a debt to the municipal district; or
- (b) charge the costs against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

- Bylaws
general
- 137.(1) The council may pass bylaws not inconsistent with the provisions of this Ordinance for the peace, order and good government of the municipality.
- Joint action
with other
municipal-
ities
- (2) A municipality may join with any other municipality or with the Territory for the purpose of exercising any powers conferred by this Ordinance, but no agreement made pursuant to this section is valid until approved by the Commissioner.
- Varying
mill rates
- 138.(1) Notwithstanding anything contained in this or any other Ordinance, the council may by bylaw divide the municipality into districts representing areas in which the costs of services provided by the municipality vary, and may set different millrates for the various districts.

PART IV
MUNICIPAL TAXATION
Estimates

- 139.(1) On or before the 30th day of November in each year, the council shall cause to be prepared a provisional budget for the succeeding year.
- (2) A copy of the provisional budget when it has been prepared shall be supplied by the clerk to each member of the council and to the Commissioner for his approval.
 - (3) The provisional budget as prepared or altered by the council shall be adopted not later than the third Monday after the first day of January.
 - (4) Until an annual budget is adopted, no expenditure shall be made that is not provided for in the provisional budget, except with the approval of the Commissioner.
 - (5) On or before the 15th day of February in each year, the council shall cause to be prepared the annual budget for the current year and the clerk shall forward a copy thereof to the Commissioner for his approval.
 - (6) On receiving the copy of the annual budget, the Commissioner shall consider it and may approve it or may approve it subject to any change or condition and shall notify the council of his decision as soon as may be.
 - (7) The annual budget as approved or amended by the Commissioner shall be adopted by the council on or before the 15th day of March in each year.
 - (8) No expenditure is lawful which is not provided for in the annual budget as approved by the Commissioner except as provided in subsection (9).
 - (9) The annual budget shall not be amended, altered or varied before the 1st day of October, except with the approval of the Commissioner.
 - (10) A budget prepared under this section shall include a detailed estimate of
 - (a) the anticipated expenditures of the municipality for the next ensuing fiscal year, including
 - (i) the sum or sums necessary for municipal purposes and to meet debt repayment installments and interest payments falling due during the fiscal year;
 - (ii) such sums as may be necessary to meet the ordinary expenditures of the municipality, as determined by the council;

- (iii) such sums as may be necessary to pay the share or, the cost of providing public health services in the municipality; and
 - (iv) such sums as the council may consider desirable and necessary to set aside to create a fund for future specified expenditures;
 - (b) the anticipated revenues of the municipality for that year derived from taxes and sources other than taxation and an estimate of taxes that may reasonably be expected to remain unpaid.
- (11) A copy of the estimates so prepared shall be annexed to the minutes of the meeting of the council at which the estimates are adopted.
- 140.(1) On or before the 15th day of May in each year, the council shall cause to be prepared and adopted a capital expenditure program for a period of not less than five years, showing estimates of the proposed source and application of funds for capital purposes for each year of the program.
- (2) The capital expenditure program adopted under subsection (1), including amendments thereto, remains in force and effect until a new capital expenditure program is adopted the following year.
- (3) Except with the approval of the Commissioner, a capital expenditure program shall not be varied, either by amendment or by adoption of a new program, with respect to any proposed expenditure for which the Commissioner has approved the borrowing of money.

Levy of Real Property Tax

- 141.(1) On or before the 1st day of March in each year, taxes shall be levied by bylaw in accordance with the *Taxation Ordinance*, as council deems necessary, in order to provide for the raising of revenue of the municipality sufficient to meet the estimated expenditure of the municipality for that year and to provide for the school tax.

Levying of taxes

PART V

ACTIONS, SUITS AND EXECUTIONS

- 142.(1) Except as otherwise provided in this Ordinance, every action against a municipality
- (a) for the unlawful doing of anything purporting to have been done by the municipality under the powers conferred by any ordinance, and which might have been lawfully done by the municipality if acting in the manner prescribed by law, shall be commenced within six months after the cause of the action first arose; and
 - (b) other than those mentioned in paragraph (a), shall be commenced within one year after the cause of the action arose.
- 143.(1) No writ of execution against a municipality shall be issued without leave of a judge and every judge has discretion to permit the writ to issue at such time and upon such conditions as he shall think proper, or he may refuse to permit the writ to be issued, or he may suspend execution thereunder upon such terms and conditions as he may think proper or expedient, having regard to the reputed insolvency of the municipality and the security afforded to the person entitled to the judgment by reason of its registration.
- (2) An appeal from the decision of any judge, with reference to any application for a writ of execution, may be taken by either party

Limitation of actions against municipality

Execution against municipality by leave of a judge

Appeal

under the same rules as may for the time being apply to any other order made by a judge in chambers.

- Service generally** 144.(1) Where by this Ordinance or any bylaw made thereunder, a writ, notice or other document is required to be served on or sent by registered mail to the municipality or the clerk, it shall be served or sent by leaving it at or sending it by registered mail to the office of the clerk.
- If amount claimed not paid, rate may be struck** 145.(1) Where the amount owing on a writ of execution together with all costs thereon is not paid to the sheriff within one month after service on the clerk, the sheriff shall examine the assessment rolls of the municipality and shall, in like manner as rates are struck for general municipal purposes but without limiting the amount of the rate, strike a rate on the dollar sufficient to cover the amount due on the execution, with such addition to it as the sheriff deems sufficient to cover the interest and his own fees.
- Praecipe** 146.(1) The sheriff shall, after striking a rate pursuant to section 145, issue a praecipe under his hand and seal of office directed to the treasurer of the municipality and shall annex the praecipe to every tax roll showing the rate and particulars thereof, stating that the municipality has neglected to satisfy the writ of execution and commanding the treasurer to levy the rate forthwith.
- Return of praecipe with amount levied** 147.(1) Where at the time of levying a rate pursuant to the praecipe of the sheriff, the tax demand notices for that year have not been issued, the clerk shall add a column on the notices, headed "Execution Rate in A.B. v. the Municipality", and shall insert therein the amount required by him but where the tax demand notices for the year have been issued, he shall proceed to issue separate tax demand notices for the execution rate.
- Surplus** 148.(1) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus within ten days after receiving the same to the clerk and such amounts shall form part of the general revenue fund of the municipality.
- Municipality may borrow money to pay into Court or to pay costs of actions** 149.(1) In the event of any municipality being ordered or required to pay into the Court any moneys as security for the payment of any judgment or other debt, or as security for any damages or costs, or as security for the costs of any appeal from the decision of any Court or any arbitrator, the council of the municipality may borrow such sums of money as may be requisite for that purpose.
- Corporate seal, etc. not to be taken in execution** 150.(1) The corporate seal, tools, machinery, equipment and records, office furniture, fixtures and fittings of every municipality shall be exempt from forced seizure or sale by any process of law.
- Costs earned by salaried officer of municipality** 151.(1) In any court proceedings under this Ordinance, costs awarded to a municipality shall not be disallowed or reduced upon such taxation merely because the solicitor or counsel who earned such costs, or in respect of whose services costs are charged, was a salaried officer of the municipality.

PART VI

MISCELLANEOUS PROVISIONS

General Offences and Penalties

- 152.(1) Every duly appointed officer of the municipality

- (a) who refuses, neglects or fails to discharge the duties of his office, or
- (b) who knowingly signs any statement, report or return that is required by this Ordinance or any other Ordinance, containing any false statements, or
- (c) who refuses or neglects to hand over to his successor in office all moneys, books, papers and other property of the municipality in his possession,

is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

- 153.(1) Every person who obstructs or hinders any person while engaged under the authority of a municipality in making an examination of or in constructing, maintaining or repairing any public work in the municipality or any work connected therewith on any land in the municipality or generally in carrying out his duties is liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.
- 154.(1) The council of a municipality may from time to time make bylaws for the purposes of enforcing the bylaws of the municipality by fine or imprisonment or both, and for inflicting fines, penalties and costs.

Appointment of Administrator

- 155.(1) Where
- (a) a municipality has failed to or cannot make due provision for the payment of either the principal of or interest on any loan, or
 - (b) the council has failed to carry out any duty or function imposed on it pursuant to this Ordinance, or
 - (c) the council is unable to obtain a quorum for its meetings, or
 - (d) the council is unable to carry out its duties for any reason whatsoever, or
 - (e) the Commissioner for any other reason considers it in the best interest of the municipality that its affairs be conducted by an administrator,
- the Commissioner may by order appoint a person as administrator of the municipality.
- (2) On the appointment of an administrator of a municipality, the council shall be deemed to have retired from office and to be no longer qualified to act for or on behalf of the municipality or to exercise any of the powers and duties vested in the council by this or any other ordinance.
- 156.(1) The administrator shall, subject to this Ordinance, have, possess, enjoy and may exercise all the powers and duties of a duly constituted council.
- 157.(1) The administrator may demand and is entitled to receive from officers of the municipality, all moneys, securities, evidence of title, books, assessment rolls, tax rolls, bylaws, papers and documents of or relating to the affairs of the municipality in their possession or under their control.
- (2) Any person who fails or refuses to comply with the demand of the administrator made pursuant to subsection (1) is liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- 158.(1) The administrator shall be bonded in such amount as the Commissioner determines, for the due and faithful performance of his duties, and the premium shall be paid by the municipality.
- 159.(1) In the administration of the affairs of the municipality, and prior to the making of any expenditure or the incurring of any liability

on account of the municipality, the administrator shall consult with and be guided by the advice and directions of the Commissioner, as the order appointing the administrator or any subsequent order from time to time provides.

- (2) The Commissioner shall appoint a local committee of two or more taxpayers with whom the administrator shall consult in relation to the conduct of the affairs of the municipality.
- 160.(1) For the purpose of realizing upon the outstanding assets of the municipality, the administrator has all the powers and duties of the Council.
- (2) All amounts realized upon such assets shall be devoted to the payment of the then existing liabilities of the municipality in such manner and to such extent as is determined by the Commissioner.
- 161.(1) Notwithstanding anything in this Ordinance, the Commissioner shall determine the rate of taxation which shall be levied in the municipality for which an administrator has been appointed.
- 162.(1) The administrator shall keep books of account relating to the affairs of the municipality, showing its financial condition, and the books shall be open at any time to the examination and inspection of the Commissioner or any person authorized by him in that behalf.
- (2) At least once every month or as specified in the order of appointment, the administrator shall furnish to the Commissioner a statement of the financial condition of the municipality including a statement of its assets and liabilities.
 - (3) A record of all proceedings relating to the affairs of the municipality shall be kept by the administrator.
- 163.(1) The Commissioner may require that all bylaws passed by the administrator shall, before becoming effective, be approved by the Commissioner.
- 164.(1) The administrator shall be paid out of the funds of the municipality for his services and such reasonable travelling and other expenses as the Commissioner determines.
- 165.(1) Where the Commissioner in his descretion considers it advisable to provide that the affairs of the municipality shall again be conducted by a council, he shall by order revoke the appointment of the administrator and make suitable provisions for the election of a new council.

Inspector of Municipalities

- 166.(1) The Commissioner may appoint an officer to be called the Director of Local Government who shall hold office during pleasure.
- (2) The Commissioner may appoint such persons to assist the Director in the performance of any of his duties as he deems necessary.
 - (3) The Director shall subject to the Commissioner administer this Ordinance and insure that the provisions be carried out and perform such other duties as may devolve upon him under this or any other Ordinance.
 - (4) The Director may, by himself or by any deputy or other person authorized by him, inspect the records of any municipality and, for this purpose, every officer of any municipality shall make available to the Director any record or document relating to the conduct of the municipality.

Board of Inquiry

- 167.(1) The Commissioner may, on complaint, appoint one or more persons who shall constitute a Board of Inquiry.
- (2) The Board of Inquiry may inquire into any matter connected with any municipality or the conduct of the business of any municipality.
- (3) The Board of Inquiry has the same powers and privileges as are granted to a judge for
- (a) summoning and compelling attendance of witnesses;
 - (b) administering oaths to witnesses;
 - (c) calling for the production of documents; and
 - (d) punishing for contempt.
- (4) The Board of Inquiry may during the inquiry
- (a) direct that no action be taken by the council or the staff of the municipality with respect to any matter designated by the Board;
 - (b) recommend to the council that any officer or employee be suspended where, in the opinion of the Board, suspension is warranted; and
 - (c) rescind or amend any direction or recommendation made by it under this section.
- (5) As soon as possible after the conclusion of the inquiry, the Board of Inquiry shall report its findings to the Commissioner, with its recommendations, and the Commissioner may make any order which he considers appropriate.

Board of Examiners

- 168.(1) The Commissioner may at the request of two or more councils appoint a Board of Examiners composed of the Director of Local Government as chairman and the mayor of every municipality as members.
- (2) Three members of the Board constitute a quorum.
- (3) The Board may establish standards of proficiency for municipal employment according to office and grade, and has power to approve or disapprove the credentials of any person applying for appointment as an officer of any municipality.
- (4) The Board may make rules governing its own procedures.

PART VII

VILLAGE OF FARO

- 169.(1) Sections 169 to 174 apply only in respect of the Village of Faro.
- 170.(1) With effect from the 1st day of April, 1970, all accounts receivable, sewer and water systems and related inventories now the property of the Government of the Territory with respect to the townsite shall become the property of the Village and all liabilities in respect of the said accounts receivable, sewer and water systems and inventories shall be debts of the Village.
- (2) The Commissioner may by order require the Village council to levy a frontage tax on properties described in the order and remit the tax collected to the Territorial Treasurer.

- 171.(1) Sections 76, 77, 78 and 82 shall not apply in respect of the Village of Faro.
- (2) No bylaw pursuant to sections 73, 74 and 75 shall be valid unless, prior to the third reading thereof, it has been submitted to and approved by the Commissioner.
- 172.(1) Where under a bylaw, the council of the Village proposes to expand in respect of any one capital item an amount exceeding ten thousand dollars or in respect of capital items in any one municipal fiscal year, an aggregate of fifty thousand dollars, such bylaw shall not come into force if, prior to third reading thereof, a written objection signed by or on behalf of a taxpayer or taxpayers representing not less than fifty percent of the assessed value of taxable property in the Village has been delivered to the office of the clerk of the Village.
- (2) Where a dispute arises as to whether an item is a capital item, the dispute shall be resolved by the decision of the Commissioner but an appeal shall lie from the decision of the Commissioner to a judge of the Court.
- (3) For the purpose of this section "taxpayer" means a person who pays a property tax of not less than twenty-five dollars.
- 173.(1) A copy of synopsis of every bylaw mentioned in subsection 172(1) shall be posted in at least four public places in the Village for at least four consecutive weeks immediately preceding the date of the third reading, and the council shall not pass the third reading until thirty days has elapsed from the second reading.
- 174.(1) The term of office of the members of the council of the Village of Faro elected at the election to be held in December, 1972, shall be for one year and the members of the council elected at that election shall cease to hold office at twelve o'clock noon on Monday, the 7th day of January, 1974.
- 175.(1) The *Municipal Ordinance* and the *Village of Faro Ordinance* are repealed.
- 176.(1) Section 11 shall be deemed to have come into force on the 1st day of June, 1971, in respect of the City of Whitehorse and the additional area annexed thereto on that day.
- 177.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance.
- 178.(1) This Ordinance or any portion thereof shall come into force on a day to be fixed by the Commissioner.

Repeal

Transitional

Regulations

Coming into force

April 24, 1972 is fixed as the coming-into-force date of sections 1 to 139, sections 141 to 174, sections 176 to 178, Schedules I, II and III; August 31, 1972 is fixed as the coming-into-force date of sections 140 and 175; by Commissioner's Order 1972/142.

SCHEDULE I

Boundaries of the City of Dawson

Being those subdivisions of Lots numbered one, two, three, four, five, six, twelve, sixteen and twenty-five in Group numbered one thousand and fifty-two in the Yukon Territory, known as the Government Reserve Addition, the Harper Estate, the Ladue Estate, the Smith Addition and the Roman Catholic Mission Addition, the Day Addition, the Menzies Addition, the Government Addition and the Government Addition (East) in and to the Townsite of Dawson respectively.

SCHEDULE II

Boundaries of the City of Whitehorse

COMMENCING at a triangulation station at elevation 2406 near Mile Post 905 of the Alaska Highway as said station is shown on Sheet 105D/10 West of the National Topographic Series;

THENCE on a bearing of $4^{\circ}10'$ to a point on a line having a bearing of 320° and passing through a triangulation station on Canyon Mountain at elevation 4901;

THENCE northwesterly along said line to last said station;

THENCE northwesterly to a triangulation station at elevation 2697 as shown on Sheet 105D/15 West of the National Topographic Series;

THENCE on a bearing of 324° to a point on a line having a bearing of 270° and passing through the northeasterly corner of Lot 291, Group 804, said corner being a point on the ordinary high water mark of the Takhini River;

THENCE west to said corner;

THENCE westerly along said ordinary high water mark to a point on a line having a bearing of 180° and passing through a standard post marking the northerly limit of the right-of-way of said highway and numbered H 1516;

THENCE south to said post;

THENCE southerly to a triangulation station on Haeckel Hill at elevation 4880 as said station is shown on Sheet 105D/14 West of the National Topographic Series;

THENCE southeasterly to a triangulation station on Mount McIntyre at elevation 5241 as said station is shown on Sheet 105D/11 East of the National Topographic Series;

THENCE southeasterly to a triangulation station on Golden Horn Mountain at elevation 5618;

THENCE easterly to an iron post numbered 217 as shown on a plan of survey of the British Yukon Railway by I.W. Tweddel, D.L.S. and of record in the Department of Mines and Technical Surveys under number 42260;

THENCE northeasterly to the point of commencement.

SCHEDULE III

Boundaries of the Village of Faro

COMMENCING at a point five miles due east of the most northerly corner of Lot 105, as said Lot is shown on a plan of survey registered in the Canadian Land Survey Records as number 55582;

THENCE due north a distance of three miles to a point;

THENCE due west a distance of ten miles to a point;

THENCE due south a distance of eight miles to a point;

THENCE due east a distance of ten miles to a point;

THENCE due north a distance of five miles to the point of commencement.

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

MUNICIPAL AID ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- Short title 1. This Ordinance may be cited as the *Municipal Aid Ordinance*.
- Definitions 2.(1) In this Ordinance
- "assessed value" "assessed value" means the value attributed to taxable property as the base for computing the amount of real property tax applicable to that property;
- "mill rate" "mill rate" means the mill rate struck by the council of the municipality for general municipal purposes applicable at the time the Commissioner schedules lands pursuant to section 6.
- "municipality" "municipality" means a municipality as defined in the *Municipal Ordinance*;
- "scheduled lands" "scheduled lands" means lands scheduled pursuant to section 6.
- Annual grant 3.(1) The Commissioner may pay to each municipality in the Territory an annual grant payable in semi-annual installments commencing April 1st, 1972, to be called the Municipal Aid Grant pursuant to this section.
- (2) The amount of the grant mentioned in subsection (1) shall be forty-six dollars per person in respect of the first one thousand of the population or portion thereof in the municipality and forty dollars for each of the remaining persons in the population of the municipality in accordance with the provisions of section 4.
- Determination of population 4.(1) Except as provided in subsections (2) and (3), the number of persons in the population of the municipality shall be the number ascertained in the latest census taken pursuant to the *Statistics Act*.
- (2) Except as provided in subsection (3) no change shall be deemed to have occurred in the population of a municipality until the 1st day of June following the year in which the census was taken.
- (3) Where a municipality has been incorporated or the boundaries have been altered subsequent to the last census taken under the *Statistics Act*, the population of the municipality shall be determined by the Commissioner upon the advice of Statistics Canada.
- Calculation of grant 5.(1) The Commissioner may pay to each municipality in the Territory a grant to be called the grant in lieu of taxes pursuant to this section.
- (2) The amount of the grant payable pursuant to subsection (1) shall be the product obtained by multiplying

- (a) the mill rate applicable to all taxable property; by
- (b) the assessed value, or percentage thereof, used by the municipality to levy taxes in the municipality.
- 6.(1) The Commissioner shall on or before the 1st day of November in each year by order schedule the lands and improvements thereon in each municipality in respect of which a grant shall be paid in the ensuing fiscal year in accordance with section 5 and transmit a copy of the order to each municipality. Schedule of lands and improvements
- (2) The Commissioner shall include in the schedule all lands which together with the improvements thereon are used in the ordinary administration of the Government of the Territory or any department or agency thereof but shall not include any lands which are
- (a) vacant;
- (b) used for the purpose of highways;
- (c) used as a park, game sanctuary or game preserve;
- (d) is a historic place or museum pursuant to the *Historic Sites and Monuments Ordinance*;
- (e) leased or occupied by a person from whom by reason of his interest in or occupation of the land or improvements thereon, a municipality may levy and collect real property taxes; or
- (f) exempted from this section by order of the Commissioner.
- 7.(1) The amount of the grant payable pursuant to section 3 received by a municipality shall be shown separately in the statement of revenue, and its expenditure shall be separately accounted for in the statement of expenditures, required to be prepared by the municipality pursuant to the *Municipal Ordinance*. Revenue and expenditure statements
- 8.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance. Regulations
- 9.(1) The first schedule mentioned in section 6 shall be made by the Commissioner and transmitted to each municipality on or before the 15th day of May, 1972. First schedule
- 10.(1) This Ordinance shall come into force on the 1st day of April, 1972. Coming into force
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ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

MUNICIPAL ELECTIONS ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE

- Short title 1. This Ordinance may be cited as the *Municipal Elections Ordinance*.

INTERPRETATION

- Definitions 2.(1) In this Ordinance
- "elector" "elector" means a person qualified to vote pursuant to section 5;
- "taxpayer" "taxpayer" means a person who is qualified to vote on a money bylaw pursuant to section 6;
- "voter" "voter" means an elector and in respect of money bylaws includes a taxpayer.
- (2) Any expression defined in the *Municipal Ordinance* and not defined in this Ordinance shall have the meaning assigned to it in the *Municipal Ordinance*.

ELECTIONS

- General 3.(1) In every municipality, the mayor and aldermen shall be elected at large by the electors of the municipality.
- 4.(1) Any qualified elector can sign the nomination paper of a candidate.
- 5.(1) Every person is entitled to vote at an election who
- (a) is a Canadian citizen or other British subject,
 - (b) has attained the age of nineteen years on the day on which the poll is taken, and
 - (c) has established residence and resided in the municipality for one year prior to the day of the poll.
- 6.(1) All taxpayers are qualified to vote on a money bylaw submitted by the council for their assent pursuant to section 76 of the *Municipal Ordinance*.
- (2) In this section, taxpayer means any person or the spouse of such person who
- (a) pays a property tax of at least twenty-five dollars annually to the municipality, or

- (b) is a corporation paying a property tax to the municipality of at least twenty-five dollars.
- (3) A corporation shall vote by an agent authorized in that behalf by written authority of the company.
- (4) A corporation shall not be entitled to vote unless a written authorization has been filed with the clerk on or before the 30th day of September preceding the date of the submission naming some person of the full age of nineteen years who is a Canadian citizen or other British subject to be its agent to vote on behalf of the corporation.
- 7.(1) In respect of an election of a council for a newly organized municipality or newly annexed area, the Commissioner, by order may
- (a) prescribe the method of preparation of a voters' list and the method of nomination of candidates;
- (b) give directions as to any other matter or thing required for the proper conduct of an election under this Ordinance.

New
areas

QUALIFICATION FOR MEMBERS OF COUNCIL

- 8.(1) To be eligible to become an alderman or mayor, a person must on the day of his nomination be
- (a) of the full age of nineteen years;
- (b) a Canadian citizen or other British subject;
- (c) a resident of the municipality for twelve consecutive months immediately preceding nomination day;
- (d) eligible to vote as an elector for the election in which he is nominated and is not disqualified pursuant to section 9 or the *Municipal Ordinance*.
- 9.(1) A person is not eligible to become a member of the council of a municipality if he
- (a) is a judge of a court of civil jurisdiction;
- (b) is an undischarged bankrupt;
- (c) is a surety for an officer or employee of the municipality;
- (d) is the auditor of or an officer or employee of the municipality;
- (e) is indebted to the municipality for a debt in default exceeding fifty dollars, but not including any indebtedness for current taxes;
- (f) is a party to a subsisting contract with the municipality, under which money of the municipality is payable or may become payable for any work, service, matter or thing;
- (g) has a pecuniary interest, whether direct or indirect, in any subsisting contract with the municipality under which money is payable or may become payable for any work, service matter or thing.
- (2) Subsection (1) does not apply to a person by reason only
- (a) of his being a shareholder in a corporation having a contract or dealings with the municipality;
- (b) that he, as devisee, legatee, executor, or administrator, or otherwise involuntarily by operation of law, for a period of not more than twelve months, is a party to or holds a contract with the municipality;

Eligibility

Disqualifi-
cations

- (c) in common with other inhabitants of the municipality, and on like terms, he contracts with the municipality for water or other municipal services;
- (d) of the sale of goods, merchandise or services to the municipality or to persons contracting with the municipality and made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business.

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| Term of office | 10.(1) All members of council shall hold office for a term of two years. |
| Election bylaw | 11.(1) The council may by bylaw, <ul style="list-style-type: none"> (a) divide the municipality into polling divisions; (b) regulate the conduct of an election in any way not inconsistent with this Ordinance; (c) establish a polling place in a hospital, in a home for the aged or in any similar institution situated in the municipality or direct the returning officer to do so. <p>(2) Where by bylaw a polling place is established pursuant to paragraph (1)(c), the returning officer may establish a portable polling booth for the convenience of aged or infirm persons.</p> <p>(3) Where a polling place is established in any institution, the residents of the institution who are qualified to vote in any polling division in the municipality, may cast their votes in that division or in the institution.</p> <p>(4) Where reference is made to a polling division in this Ordinance, the reference means the whole municipality in the case where no polling division has been established.</p> |
| Submission or referendum | 12.(1) A submission or referendum may be held at the same time as an election. |
| Bylaws for submission or referendum | 13.(1) Subject to this Ordinance, the council may by bylaw adopt any rules of procedure concerning a submission or referendum as are deemed by the council to be necessary. |
| Ballot paper for submission or referendum | (2) Where a submission or referendum is held at the same time as an election, the ballot paper used therein shall not be the same in size and color as that used for an election. |

ADVANCE POLL

- 14.(1) Sections 15 and 22 apply only to voters who have reason to believe that they will be necessarily absent from the municipality on election day.
- 15.(1) For the purpose of enabling every voter mentioned in section 5 to vote at an election, the council may direct the returning officer to establish one or more advance polling places.
- (2) Notice of an advance poll shall be given in the form and the manner provided in section 54.
- 16.(1) Except as provided in this Ordinance, the poll to be held at every advance polling place shall be conducted in the same manner provided by this Ordinance for the conduct of other polls in an election.
- 17.(1) The poll at each advance polling place established shall be open between such hours and on such day or days as the council may determine.

- 18.(1) Every person applying to vote at an advance polling place, before being permitted to do so, shall be required by the deputy returning officer in charge of the poll to make and sign the declaration in the prescribed form which shall be kept by the deputy returning officer with the other records of the poll.
- (2) A person signing the declaration knowing that a statement therein is false commits an offence and is liable on summary conviction to a fine not less than twenty-five dollars and not exceeding one hundred dollars.
- 19.(1) The poll clerk at each advance polling place shall record in the poll book in the column headed "remarks", after the name of each person who votes, a notation that the person has signed the declaration referred to in section 18.
- 20.(1) The deputy returning officer, every candidate and the agent of every candidate may require that a person intending to vote at the advance poll, take any other oath that he may be required to take under this Ordinance, before being handed a ballot.
- 21.(1) Upon the close of the advance poll each day, the deputy returning officer shall and each candidate or agent present may affix their respective seals to the ballot box in such manner that no ballots can be deposited therein without breaking the seals and the ballot box shall remain sealed until the close of the poll on polling day.
- 22.(1) The deputy returning officer, in the presence of the candidates and the agents who are present, shall at the time the poll closes on polling day open the ballot box; count the votes and take all other proceedings provided by this Ordinance for deputy returning officers in connection with the conduct of an election after the close of the poll.

ELECTION OFFICERS

- 23.(1) The council shall on or before the first Monday of November in each year and at other times as required appoint a returning officer. Appointment of returning officer
- (2) Subject to the provisions of this Ordinance, the returning officer shall be responsible for the administration of any election.
- (3) No person shall be appointed returning officer who is not an elector. R.O. must be an elector
- (4) A returning officer shall not vote at an election until after the votes have been counted, and then only if the votes cast in respect of two or more candidates are equal in number and his vote would break the tie.
- (5) A returning officer casting his vote pursuant to subsection (4) shall do so in accordance with a lot cast for the purpose.
- (6) Where a person appointed by the council to act as a returning officer dies, neglects or refuses to act as such, the council shall appoint a person to act in his place and such person shall have all of the powers and perform all of the duties of a returning officer. Death of R.O.
- (7) Where a municipality is not divided into polling divisions, the returning officer shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer in respect of a polling division. R.O. to act in place of D.R.O.

- Appointment of D.R.O. 24.(1) Where a municipality is divided into polling divisions, the returning officer shall appoint and swear in deputy returning officers who shall preside at the polling stations if a poll is required, but the returning officer may take charge of any one polling station and perform the same duties therein as are imposed upon a deputy returning officer.
- Appointment of poll clerk 25.(1) Each deputy returning officer may appoint and swear in poll clerks who shall:
 (a) perform the duties assigned to them by the deputy returning officer; and
 (b) have all powers and duties of the deputy returning officer during the absence from duty of the deputy returning officer.
- Death of default of a D.R.O. or poll clerk 26.(1) If a person appointed deputy returning officer or poll clerk dies, neglects or refuses to act as such, then the returning officer shall appoint another person to act in place of such deputy returning officer or poll clerk.
- Special constables and interpreters 27.(1) The returning officer or a deputy returning officer may appoint and swear in any number of:
 (a) special constables to assist in maintaining the peace and order of an election, or at the voting on a submission, referendum or bylaw; and
 (b) interpreters to assist at an election or at the voting on a submission or referendum.
- Agent 28.(1) Any person producing to a deputy returning officer a written authority to represent a candidate as his agent at a polling station, shall be recognized as such by the deputy returning officer.
- Oath 29.(1) The returning officer and every deputy returning officer, poll clerk, interpreter, special constable, agent or other person authorized to be present at a polling station shall before exercising any of the functions of such returning officer, deputy returning officer, poll clerk, interpreter, special constable, agent or other person take and subscribe an oath in the prescribed form.
- Fees to election officials 30.(1) The council shall, by bylaw, prescribe the fees that shall be paid to the returning officer and to every deputy returning officer, poll clerk, interpreter and special constable.

LIST OF ELECTORS

- Clerk to prepare preliminary list of electors for municipality 31.(1) Where a municipality is not divided into separate polling divisions, the clerk shall prepare in each election year a list of electors in which the name of all persons qualified to vote at the next election, so far as is ascertainable, are set out in alphabetical order together with the occupation and address of each elector.
- (2) Where a by-election occurs in the period commencing on the 1st day of September in a year in which no election is to be held and the 13th day of September in the following year, council shall establish a Board of Revision pursuant to section 36 to revise the list of electors and the provisions of sections 36 to 46 shall apply *mutatis mutandis* with such change of dates and times as necessary except that the list of electors used in the previous election shall be deemed to be the preliminary

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list of electors.

- (3) Where a second or subsequent by-election occurs in the period mentioned in subsection (2), that subsection does not apply if the list has been revised pursuant to subsection (2) within the six months preceding the date of that by-election.
- 32.(1) Where a municipality is divided into separate polling divisions, the clerk shall prepare in each election year a separate preliminary list of electors for each polling division. Clerk to prepare preliminary list for polling divisions
- 33.(1) A preliminary list of electors prepared pursuant to subsection 32 (1) shall, so far as is ascertainable, set out in alphabetical order the names of all persons qualified to vote at the next election in the polling division in respect of which such list is prepared together with the occupation and address of each such elector. Contents of preliminary list
- 34.(1) The council of a municipality may by bylaw, passed before the 1st day of June, in any year, provide for a system of enumeration of the names of electors as defined in this Ordinance.
- (2) Notwithstanding anything in this Ordinance, a municipality may by bylaw provide for the completion of the list of electors by a system of registration in lieu of enumeration.
- 35.(1) The clerk shall on the second Wednesday of September in each election year post a copy of the preliminary list of electors in the municipal office, and
 - (a) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or
 - (b) in a conspicuous place in each polling division if the municipality is divided into separate polling divisions,
 and such copies of the preliminary list of electors shall remain so posted until the sitting of the Board of Revision.
- 36.(1) The council shall establish a Board of Revision for the municipality and shall appoint the members thereof who shall hold office during pleasure, but no member of the council and no employee of the municipality shall be a member of the Board of Revision. Board of Revision
- (2) Not less than three persons shall be appointed as members of the Board of Revision and the Board shall elect one of their members to be chairman of the Board. Members of Board
- (3) Every member of the Board of Revision shall, before entering upon his duties take and subscribe the oath or affirmation as set out in the prescribed form. Oath
- (4) The council shall, by bylaw, prescribe a fee to be paid to members of the Board of Revision, but the fee shall not exceed twenty-five dollars per member for each day the Board sits. Fees

- 37.(1) The Board shall be presided over by the chairman, or in his absence, by a chairman chosen from among the members present.
 - (2) The clerk of the municipality shall act as the clerk of the Board of Revision and shall record its proceedings and in his absence, the Board may appoint another person to act as clerk.
 - (3) A majority of the members of the Board of Revision constitutes a quorum of the Board and if a quorum is not present, the Board shall stand adjourned to the next day, not a holiday, and from day to day thereafter until there is a quorum.
 - (4) The Board of Revision shall sit on the last Wednesday in October of each election year, and shall continue to sit from day to day if so required.
- 38.(1) The clerk shall, at least forty-eight hours before the day fixed for revision of the preliminary list of electors, deliver to each of the members of the Board of Revision a copy of the preliminary list of electors.
- 39.(1)*Any person who is eligible to vote at an election may apply to the Board of Revision to have the preliminary list of electors revised on the ground that the name of:
 - (a) an eligible voter is omitted therefrom;
 - (b) an eligible voter is incorrectly set out therein; or
 - (c) a person not eligible to vote is included therein.
- 40.(1) Any person eligible to vote at an election who wishes to apply for revision of the preliminary list of electors under section 39 may make such application in person to a Board of Revision while the Board is sitting or may, before the last Wednesday of October, leave with the clerk written notice of his application.
 - (2) The notice of application for revision of the preliminary list of electors shall fully set out:
 - (a) the name of the person in respect of whom the application is made;
 - (b) the nature of the revision that is sought;
 - (c) the grounds upon which the application is made; and
 - (d) the name, residence and mailing address of the person making the application.
 - (3) The clerk shall give written notice to every person who has given notice of his intention to make an application to the Board of Revision, and to the persons in respect of whom notice of application is made, of the place and time fixed for the sittings of the Board.
- 41.(1) Notice of the time and place fixed for the sitting of the Board of Revision shall be issued by the clerk at least ten days before the day fixed for the sitting of the Board of Revision and shall be:
 - (a) published in a newspaper circulating within the municipality; and
 - (b) posted in the municipal office, and
 - (i) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions; or
 - (ii) in a conspicuous place in each polling division, if the municipality is divided into polling divisions.
- 42.(1) The Board of Revision shall hear all applications made pursuant to section 40.

- (2) If in respect of any application the Board of Revision is, satisfied that the preliminary list of electors should be corrected, then the Board of Revision shall revise the preliminary list of electors accordingly. Board to make corrections
- (3) Where the name of a person qualified to vote is incorrectly spelled, is duplicated, or where a person is not properly described in the preliminary list of electors, the Board of Revision may correct such spelling, duplication or description notwithstanding the absence of any notice or application required by this Ordinance. Idem
- 43.(1) All corrections and revisions made in the preliminary list of electors by the Board of Revision shall be shown thereon in red ink, and the preliminary list of electors so corrected and revised shall be certified by the Board of Revision as being the revised list of electors for the municipality. Revised list of electors
- (2) The revised list of electors shall be the list of qualified electors for the municipal elections held in the month of December, and for all subsequent elections until such time as a new revised list of electors is prepared. Revised list to be used at elections
- 44.(1) The presiding officer of the Board of Revision shall deliver a copy of the revised list of electors, as certified by the Board, to the clerk and to the returning officer on or before the day after the first Monday in November. Clerk and R.O. to receive copies of revised list
- 45.(1) The clerk shall cause to be printed as many copies of the revised list of electors, with the name of the electors appearing thereon as the returning officer may deem necessary. Copies of revised list to be printed
- 46.(1) The returning officer shall on the second Monday in November in each year post a copy of the revised list of electors in the municipal office, and R.O. to post copies of revised list
 - (a) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions; or
 - (b) in a conspicuous place in each polling division if the municipality is divided into separate polling divisions,

and the copies of the revised list of electors shall remain so posted until the day after polling day.

NOMINATION

- 47.(1) Nomination day for the offices of mayor and alderman shall be the first Monday in December, and if it is necessary to hold a poll, polling day shall be the second Thursday after nomination day. Nomination day and polling day
- 48.(1) The council shall, on or before the first Monday in November in each year and at such other times as may be required, appoint Place at which nomination proceedings and poll will be held
 - (a) the place at which nomination proceedings will be held on nomination day; and
 - (b) the place or places that a poll will be held on polling day, if a poll is required.

- 49.(1) Notice of the time and places fixed for holding nomination proceedings and a poll, if a poll is required, shall be issued by the returning officer, and such notice shall be in the prescribed form.
- Nomination notice**
- (2) The nomination notice referred to in subsection (1) shall be
- Publication of nomination notice**
- (a) published in a newspaper circulating within the municipality; and
- (b) posted in the municipal office and
- (i) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or
- (ii) in a conspicuous place in each polling division, if the municipality is divided into polling divisions,
- by the returning officer at least six days before nomination day.
- 50.(1) No person shall be nominated as a candidate unless such person
- Nomination papers, declarations etc.**
- (a) is qualified to be nominated in accordance with section 8;
- (b) has been nominated in writing by two other electors.
- (c) has delivered or caused to be delivered to the returning officer between the date of the nomination notice and twelve o'clock noon on nomination day, a nomination paper in the prescribed form, together with a declaration administered by the returning officer, clerk or notary public in the prescribed form; and
- (d) has deposited or caused to be deposited with the clerk between the date of the nomination notice and twelve o'clock noon on nomination day, a sum of fifty dollars in cash or certified cheque.
- 51.(1) A nomination paper shall contain
- Contents of nomination paper**
- (a) the name, occupation and address of the person being nominated;
- (b) a statement subscribed to by two electors that to the best of their knowledge the person being nominated is qualified to be nominated;
- (c) the written consent of the person being nominated.
- (2) An elector may subscribe as many nomination papers as there are candidates to be elected, but each candidate shall be nominated by a separate nomination paper.
- Elector may subscribe more than one paper**
- (3) The returning officer shall, if requested to do so, give a receipt to the person who delivers to him a nomination paper with the accompanying declaration.
- Receipt given by R.O.**
- 52.(1) The returning officer shall be present between the hours of ten o'clock in the forenoon and twelve o'clock noon on nomination day at the place appointed by the council for the holding of nomination proceedings, and shall at twelve o'clock noon announce to the electors present the names of all electors who have been nominated as candidates in accordance with the provisions of this Ordinance.
- Duties of R.O. on nomination day**
- (2) The returning officer shall not permit any speeches or interruptions during the nomination proceedings referred to in subsection (1).
- No speeches or interruptions**

- 53.(1) At the conclusion of the nomination proceedings.
 - (a) if the number of candidates for the vacant offices equals the number of vacancies, the returning officer shall declare those candidates elected;
 - (b) if the number of candidates for the vacant offices exceeds the number of vacancies, the returning office shall proceed to hold a poll pursuant to this Ordinance;
 - (c) if there is no candidate for the office of mayor, or an insufficient number of candidates for the office of alderman, the returning officer shall declare the duly nominated candidates elected, and call and hold another nomination meeting one week later for the vacant offices.

- (2) If at the end of a second nomination meeting, there are still insufficient candidates for the vacant offices, the returning officer shall apply the provisions of paragraph (1)(c) and so on until either the vacancies have been filled or a total of four unsuccessful nomination meetings have been held, at which time he shall report the matter to the council.

- (3) Upon receiving a report from the returning officer pursuant to subsection (2), the council shall forthwith forward to the Commissioner the names of three qualified persons in respect of each vacancy and the Commissioner may appoint one of these persons to fill each vacancy.

- 54.(1) The notice of the poll issued by the returning officer shall state
 - (a) the name, residence and occupation of each candidate;
 - (b) the time and place at which the poll will be open for the purpose of receiving the votes of the electors.

Contents of notice of election

- (2) The notice of the poll referred to in subsection (1) shall be
 - (a) published in a newspaper circulated within the municipality;
 - (b) posted in the municipal office and
 - (i) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions; or
 - (ii) in a conspicuous place in each polling division if the municipality is divided into polling divisions,

by the returning officer at least seven days before polling day.

Publication of notice of election

- 55.(1) At the close of nomination proceedings on nomination day, the returning officer shall, at the request of a candidate or agent, deliver to him a certified list of all candidates.

List of candidates

- 56.(1) Any candidate may withdraw within twenty-four hours after nomination day, but not afterwards, by giving a written notice to that effect to the returning officer, and is entitled to the return of his deposit.

Withdrawal of candidates

- (2) Where, after the withdrawal or death of a candidate there are no more candidates than there are vacancies to be filled, the returning officer shall
 - (a) declare the remaining candidates to be elected and give the names of such elected candidates to the clerk; and
 - (b) give public notice cancelling the notice of election.

No more candidates than vacancies

PROCEEDINGS BEFORE THE POLL

- Clerks to supply R.O. with ballot boxes, etc. 57.(1) At least three days before polling day the returning officer shall obtain
- (a) as many ballot boxes, copies of the revised list of electors and blank poll books as there are polling stations in the municipality;
 - (b) at least as many ballot papers, of the form required by section 61, as there are electors in the municipality; and
 - (c) an adequate supply of printed directions for voting and the materials necessary for electors to mark the ballot papers.
- R.O. shall supply materials to D.R.O. 58.(1) The returning officer shall furnish to each deputy returning officer, at least two days before polling day,
- (a) a sufficient number of ballot papers in the form required by section 61, for at least the number of electors of the polling station of the deputy returning officer;
 - (b) a statement showing the number of ballot papers so supplied, with their serial numbers;
 - (c) an adequate supply of printed directions for voting and the materials necessary for electors to mark the ballot papers;
 - (d) the revised list of electors for use at his polling station;
 - (e) a ballot box;
 - (f) a blank poll book; and
 - (g) the necessary envelopes and such forms and other supplies as may be required by this Ordinance.
- D.R.O. shall keep election materials safe (2) Until the opening of the poll, the deputy returning officer shall keep the blank poll book, list of electors, envelopes, ballot papers and other election supplies locked in the ballot box and shall take every precaution for their safekeeping and to prevent any person from having unlawful access to them.
- Type of ballot box 59.(1) Each ballot box shall be provided with a lock and key and seals and shall be made from some durable material with a slot or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be introduced therein and not withdrawn therefrom unless the ballot box is unlocked and opened.
- Type of poll books 60.(1) Poll books shall be in the prescribed form.
- Ballot to be alike 61.(1) All ballots shall be of the same description and as alike as possible.
- Form of ballot paper (2) The ballot of each elector shall be a printed paper and shall have a counterfoil and a stub and there shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub, the whole, as set out in the prescribed form.
- Contents of ballot paper (3) The ballot papers shall:
- (a) have printed thereon the names, and occupations of the candidates alphabetically arranged in the order of their surnames;

- (b) be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil;
- (c) bear the name of the printer; and
- (d) be bound in books containing twenty-five, fifty or one hundred ballots as may be most suitable for supplying the polling stations proportionately to the number of voters.
- (4) Any candidate may, until one hour after the close of nominations,
- (a) supply in writing to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in his nomination paper; and
- (b) direct in writing the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only;
- and the returning officer shall comply with any direction pursuant to paragraphs (a) and (b) and include in the ballot paper any additional or corrected particulars.
- (5) The printer shall, upon delivering the ballot papers to the returning officer, deliver therewith an affidavit, as set out in the prescribed form, setting forth
- (a) the description of the ballot papers printed by him;
- (b) the number of ballot papers supplied to the returning officer; and
- (c) the fact that no other ballot papers have been supplied by him to any other person.
- (6) The ballot papers, envelopes and marking instruments procured for or used in any election shall be and remain the property of the municipality.
- 62.(1) The returning officer shall provide or cause to be provided a voting compartment in each polling place in which the voters can mark their ballot papers free from observation.
- 63.(1) Any person who publicly campaigns either for himself or on behalf of a candidate in any municipal election on the day preceding polling day or on polling day commits an offence.

Candidate
may change
particularsDuty of
printerProperty of
municipalityVoting
compartmentsCampaigning
not to occur
in final
twenty-four
hours

PROCEEDINGS ON POLLING DAY

- 64.(1) On polling day every deputy returning officer shall
- (a) open the polling place assigned to him, keep it open and close it at the times and during the hours fixed by bylaw of the council;
- (b) receive in the manner hereinafter prescribed the votes of all electors duly qualified to vote at such polling place.
- 65.(1) During the holding of the poll, no persons may be present in the polling place other than
- (a) the officers appointed to hold the election;
- (b) the candidates to be voted for;

Polling
hoursThose
eligible to
be present
at polling
station

- (c) agents, not exceeding two for each candidate;
- (d) voters in the process of voting; and
- (e) any special constable, police officer or interpreter.
- D.R.O. may order removal of person from polling station
- (2) The deputy returning officer may order the removal of any person from the polling place who is not entitled to be present or who being so entitled obstructs the voting, and such order shall be executed by a special constable or police officer without the same being in writing and without warrant.
- Ballot boxes to be locked and sealed before commencement of poll
- 66.(1) Immediately before the commencement of the poll,
- (a) the ballot boxes to be used at each polling station shall be empty; and
- (b) the deputy returning officer at each polling station shall
- (i) show the ballot box to be used at the polling station to all persons present so they may see it is empty; and
- (ii) lock and seal the empty ballot box in a manner that will prevent it being opened without breaking the seal. and forthwith place and keep such ballot box in open view for the receipt of ballot papers.
- Naming of candidates
- 67.(1) At the opening of the poll, the deputy returning officer shall post in the polling place a list of the names of the candidates for election.
- Voting by secret ballot
- 68.(1) The voting at every election shall be by secret ballot.
- Electors
- 69.(1) Only persons who are qualified to vote at an election and
- (a) whose names appear on the revised list of electors;
- (b) who have complied with the requirements of section 5; or
- (c) who, being challenged, have complied with the requirements of section 70.
- may vote at an election.
- Challenge of voters
- 70.(1) If a person offering to vote at an election is challenged as unqualified by the deputy returning officer or by a candidate, agent or a duly qualified elector, the deputy returning officer shall require the person so offering to vote to take an oath as set out in the prescribed form.
- 71.(1) A person who is eligible to vote under section 5 but whose name does not appear on the revised list of electors may vote at an election after taking an oath as set out in the prescribed form.
- Power to receive declaration etc.
- 72.(1) Any deputy returning officer appointed to attend at a polling station has the power to receive a declaration or oaths authorized to be asked of and made by electors.
- No cumulative voting
- 73.(1) An elector is entitled at the same election to one vote for each vacancy.
- Reasonable time to vote
- 74.(1) Every employer shall give every employee who is an elector a reasonable time, while the polls are open on polling day at an election, to cast his vote.

- (2) No employer shall make any deduction from the pay of any employee nor impose upon or exact from him any penalty by reason of absence from his work, for the purpose of casting his vote. No pay deduction or other penalty
- (3) Any employer or other person who directly or indirectly, refuses, or by intimidation, undue influence or in another way interferes with the granting to any elector in his employ of reasonable time for voting commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. Penalty
- 75.(1) The voting procedure at the polling place shall be as follows: Voting procedure
- (a) upon a person presenting himself for the purpose of voting, the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered on the revised voters' list at his polling division; and shall cause such person's name to be entered in the proper column in the poll book;
- (b) if such person takes the oath or affirmation prescribed by this Ordinance that he is eligible to vote, the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the poll book "sworn" or "affirmed", as the case may be;
- (c) where any person required to take the oath or affirmation prescribed by this Ordinance refuses to take the same, the deputy returning officer shall cause to be entered in the proper column of the poll book opposite the name of such person the words "refused to be sworn or to affirm";
- (d) no person who has refused to take the oath or affirmation prescribed by this Ordinance when requested so to do shall receive a ballot paper or be admitted to vote;
- (e) whenever any voter is objected to, the deputy returning officer shall cause to be entered in the proper column of the poll book, opposite the voter's name, the words "objected to", and shall thereto add the name of the candidate or agent by whom the objection is made;
- (f) after the proper entries respecting a person claiming to vote have been made in the poll book in the manner prescribed by this section, and if such person then appears to be entitled to vote, the deputy returning officer shall write his initials on the back of the ballot paper in such a manner that when the ballot paper is folded the initials can be seen without opening it, and deliver the initialed ballot to the person claiming to vote;
- (g) the deputy returning officer either personally or through his poll clerk may, and upon request shall, explain the mode of voting as concisely as possible to any elector presenting himself for a ballot paper;
- (h) the deputy returning officer shall cause to be placed on the voters' list a mark opposite or through the name of every elector receiving a ballot paper;
- (i) each elector receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper with the pencil provided for that purpose by placing a mark opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper but so as to expose the initials of the deputy returning officer, and on leaving the compartment shall forthwith and without exposing the face of the ballot papers to anyone or in any manner making known to any person for whom he has voted, shall show the same to the deputy returning officer who shall verify his initials, and then deposit his

ballot in the ballot box in the presence of all other persons entitled to be present in the polling place;

- (j) while an elector is in the voting compartment for the purpose of marking his ballot paper, no other person shall, subject to paragraph (k), be allowed
 - (i) in the same compartment; or
 - (ii) to be in any position from which the manner in which the elector marks his ballot paper may be observed;
- (k) if an elector states he is unable to mark his ballot paper, the deputy returning officer shall in the presence of a witness
 - (i) if requested by a candidate or agent, administer to such an elector an oath that he is unable to mark his ballot paper;
 - (ii) mark the ballot paper of such elector as the elector directs and place the marked ballot paper in the ballot box; and
 - (iii) write in the poll book opposite the name of that elector the circumstances under which his ballot paper was marked;
- (l) any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may, upon returning the same to the deputy returning officer and proving the fact to him, obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "cancelled", and all ballot papers so marked shall be retained by the deputy returning officer in an envelope provided for that purpose and by him returned to the returning officer; and
- (m) any elector who has received a ballot paper and who leaves the polling place without delivering the same to the deputy returning officer in the manner provided or after receiving the same, refuses to vote shall forfeit his right to vote at the election then pending and the deputy returning officer shall then make an entry in the poll book opposite the name of such elector in the column for remarks that such person received the ballot paper and did not return the same or that the person returned the ballot paper and declined to vote, in which latter case the deputy returning officer shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be retained by the deputy returning officer in an envelope provided for that purpose and by him returned to the returning officer.

Ballot boxes to be sealed at close of poll
Secrecy of voting

- 76.(1) At the close of the poll, the deputy returning officer in each polling place shall seal the ballot boxes so as to prevent the introduction of additional ballot papers.
- (2) Every candidate, returning officer, deputy returning officer, special constable, interpreter, agent or other person in attendance at the polling place with the permission of the deputy returning officer may remain for the counting of the votes and shall maintain and aid in maintaining the secrecy of of the voting.

Counting of votes by the D.R.O.

- 77.(1) As soon as possible after the close of the poll, the deputy returning officer shall open the ballot boxes used at his polling place and
 - (a) examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give or on which anything appears by which the voter can be identified;

- (b) make a notice of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;
 - (c) number all such notations of objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" as the case may be, and his initials;
 - (d) count the votes given for each candidate by the ballot papers not rejected and make a written statement of the number of votes given to each candidate and the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such other persons authorized to be present as may desire to sign the same; and
 - (e) certify in writing on the poll book the number of persons who have voted at the polling place at which he is appointed to make up into eight separate packets, sealed with his own seal and the seals of such agents as desire to affix their seals, as follows:
 - (i) the statement of votes for each candidate and of the number of rejected ballot papers;
 - (ii) the used ballot papers that have not been objected to and that have been counted;
 - (iii) the ballot papers that have been objected to but have been counted;
 - (iv) the rejected ballot papers;
 - (v) the declined and cancelled ballot papers;
 - (vi) the unused ballot papers;
 - (vii) the spoiled ballot papers;
 - (viii) the copy of the revised list of electors used at the polling place.
- (2) When the provisions of paragraph (1)(e) have been complied with, the deputy returning officer shall
- (a) place the sealed packets marked on the outside with a memorandum designating their respective contents in the ballot box used at his polling station;
 - (b) lock and seal the ballot box with the sealed packets contained therein and attach the key thereto; and
 - (c) forthwith deliver the locked and sealed ballot box with the sealed packets contained therein to the returning officer in accordance with the returning officer's instructions.
- (3) The deputy returning officer shall give to the returning officer, the clerk and each candidate a certificate as set out in the prescribed form showing the number of votes cast for each candidate and the number of rejected ballot papers at his polling station.
- 78.(1) On the day following the poll and at a time determined, the returning officer shall receive the ballot boxes used in the election, and shall in the presence of the candidates or their official agents
- (a) examine the ballot boxes before opening them and make a written declaration as to their condition;
 - (b) examine the statements of votes and add up the votes polled for each candidate;
 - (c) prepare a statement of election returns, which statement shall set out the total number of votes received by each candidate;
 - (d) publicly declare

Sealed
packets to
be placed
in ballot
boxes

Certificates
of votes in
a poll

R.O. to
declare
results of
poll

- (i) the candidate or candidates having the highest number of votes to be duly elected;
- (ii) the number of votes given for each of the candidates for the offices of mayor and alderman; and
- (e) give the clerk and each candidate a certificate as set out in the prescribed form showing the total number of votes cast and the number of rejected ballot papers and post a copy of the certificate in the municipal office.
79. (1) Every candidate, returning officer, deputy returning officer, special constable, interpreter, agent or other person, with the permission of the deputy returning officer, may remain for the counting of the votes at the polling place and shall maintain and aid in maintaining the secrecy of the voting.
80. (2) No candidate, returning officer, deputy returning officer, special constable, interpreter, agent or other person shall
- (a) at the polling place interfere with or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;
- (b) at the counting of the votes, attempt to ascertain the number on the counterfoil of any ballot paper;
- (c) at any time, communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling place;
- (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so cast his vote;
- (e) at any time, communicate to any person any information obtained at a polling place as to the candidate for whom any elector at such polling place is about to vote or has voted; or
- (f) at the counting of the votes attempt to obtain any information or communicate any information obtained as such counting as to the candidate for whom any vote is given in any particular ballot paper.
- (3) Every person who violates any provision of this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.
81. (1) The deputy returning officer, poll clerk, candidates and agents, but no other person except with the sanction of the deputy returning officer may be in the polling place during the opening of the ballot boxes and counting of the votes.
- (2) The deputy returning officer shall not appoint or swear in any candidate or agent of a candidate to assist him in counting the votes.

- 82.(1) The returning officer on request of any elector who has been appointed deputy returning officer or poll clerk or constable to attend at any polling place other than the one where he is entitled to vote, shall give to him a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day.
- (2) On the production of the certificate, the deputy returning officer, poll clerk or constable may vote at the polling place where he is stationed during the polling day, instead of the polling place where he would otherwise have been entitled to vote, and the deputy returning officer shall attach the certificate to the list of electors.
- (3) No certificate entitles the elector to vote at a polling place unless he has been actually engaged as a deputy returning officer, polling clerk, constable, candidate agent or interpreter at that polling place during the whole of the day of polling.
- (4) If a deputy returning officer votes at the polling place to which he has been appointed as such, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk, any elector present, may administer to the deputy returning officer any of the oaths required by law to be taken by voters.
- 83.(1) After the election the returning officer shall deliver to the clerk all ballot boxes, ballot papers, poll books and statements of votes used in the election, and the clerk shall be responsible for their safekeeping.
- (2) The clerk shall retain for two months all ballot papers, poll books and statements of votes that were delivered to him by the returning officer pursuant to subsection (1), and unless proceedings for a recount or an election petition are pending, destroy the same in the presence of two other persons who shall join with the clerk in a statutory declaration setting out the time and place that the ballots were destroyed, how destruction was effected, and that destruction took place in the presence of the declarants.
- 84.(1) The sum of money deposited with the clerk by a candidate for the office of alderman or mayor shall be forfeited to the municipality if such candidate fails to receive one-third of the total number of votes received by the candidate elected with the lowest number of votes and in all other cases, the amount of the deposit shall be returned to the candidate.
- 85.(1) If within five days after the returning officer has declared the result of the poll, any elector applies to a judge showing by affidavit reasonable grounds for holding a recount and enters into a recognizance before the judge in the sum of one hundred dollars with two sureties that he will prosecute the application and pay any costs he is adjudged to pay, the judge shall appoint a time and place for the holding of a recount.
- (2) The time appointed by the judge for the holding of a recount shall be not more than twenty-one days after the day on which the returning officer has declared the result of the poll.
- (3) Notice of the time and place appointed for the holding of the recount shall be served by the applicant on the returning officer and on each candidate or his agent, at least four days before the time appointed for the holding of the recount.

Ballot boxes,
ballot paper
and poll
books to be
left with
clerk

Destruction
of ballot
papers, etc.

Forfeiture
of deposit

Application
for a recount

Time for
holding
recount

Notice of
holding of
recount

- Clerk to deliver election material to the judge 86.(1) At the time and place appointed for the holding of the recount, the clerk shall attend before the judge with the ballot boxes, ballot papers and poll books together with all other documents in the possession of the clerk that are relevant to the recount, and the same shall continue to be in the lawful custody of the clerk subject to the direction of the judge.
- Procedure during recount 87.(1) The judge shall decide what persons, other than the returning officer, candidates and agents may be present while the recount is taking place.
- Idem (2) During a recount and during any recess or adjournment of a recount, the judge shall take or cause to be taken every precaution necessary to ensure that the manner in which any elector has voted shall not become known to any person other than those lawfully present during the recount.
- Power and authority of judge 88.(1) The judge shall, on the recount, possess the like power and authority as to all matters arising upon the recount as are possessed by him upon a trial of an election petition and in all cases, costs shall be in the discretion of the judge.
- Judge to determine result of election 89.(1) During a recount, the judge shall proceed as continuously as is possible to count the votes and shall, after hearing such evidence as he deems necessary, determine in a summary manner the result of the election.
- Result of recount 90.(1) On completion of the recount, the judge shall inform the returning officer of the result of the poll, and the returning officer shall then forthwith publicly proclaim the result of the recount.
- Expenses of recount (2) All reasonable expenses incurred by a judge in performing a recount shall be paid to that judge by the municipality as part of the expenses of the election.

BY-ELECTION

- Council to appoint time for holding by-elections 91.(1) Subject to subsection (2), when a vacancy occurs on the council, the council shall forthwith appoint a time for holding an election to fill such vacancy.
- Vacancy near regular election (2) If a vacancy occurs within six months before the next regular municipal election, the council may leave that vacancy unfilled until such election.
- (3) If the office of mayor becomes vacant within six months before the next regular municipal election, the members of the council may fill the vacancy from amongst their own number.
- Proceedings at election to fill vacancy to be the same as during a regular election 92.(1) The election to fill a vacancy on the council shall be conducted in the same manner as a regular municipal election, except that
- (a) nomination day shall be within thirty days after the date on which the vacancy occurs; and
- (b) polling day shall be on the ninth day after nomination day.
- (2) Where the by-election occurs in the period mentioned in subsection 91(2) the nomination day shall be twenty days after the date of the report of the Board of Revision.

VOTING ON BYLAWS

- 93.(1) In the case of a vote on a bylaw
- (a) the proceedings incidental to and at the poll shall be, as nearly as possible, the same as at a municipal election; and
 - (b) the word "elector" shall be read "taxpayer" and the word "election" shall be read "voting on a money bylaw".
- 94.(1) All provisions of this Ordinance prohibiting the doing of any act or making any act an offence under this Ordinance and prescribing penalties therefor applicable to the election of members of the council shall, unless a contrary intention appears, apply to the voting upon a money bylaw.
- 95.(1) If a recount is applied for, the money bylaw shall not be passed until the application has been disposed of.

Provisions
of OrdinanceProvisions of
Ordinance
relating to
elections to
applyOrdinances
and
prohibitionsBylaw
illegal

CORRUPT PRACTICES, BRIBERY, PERSONATION, ETC.

- 96.(1) Every person commits a corrupt practice who
- (a) by himself, or by any other person on his behalf; gives, lends or agrees to give or lend, or offers or promises, any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at any municipal election or upon any money bylaw, or who corruptly does any such act on account of such voter having voted or refrained from voting at any such election or upon any such money bylaw;
 - (b) by himself or by any other person on his behalf, makes any gift, loan, offer or agreement to or for any person, in order to induce that person to procure or endeavour to procure the election of any person to serve as a member of the council or the passing or rejection of any money bylaw, or the vote of any voter at any municipal election or for or against any such money bylaw;
 - (c) by reason of any gift, loan, offer, procurement or agreement procures, or engages, promises or endeavours to procure, the election of any person to serve as a member of the council in any municipal election, or the passing or rejection of any money bylaw, or the vote of any voter at any such election or for or against that money bylaw;
 - (d) advances, pays, or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election of a person to serve as member of the council or any voting upon a money bylaw, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election or at the voting upon any such bylaw;
 - (e) before or during any election of a member of a council or the voting on any money bylaw, by himself or any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreement to vote, or refraining or agreeing to refrain from voting, at any such election or upon any such money bylaw;

Corrupt
practices

- (f) after any election of a member of a council or the voting upon any money bylaw, by himself or any other person in his behalf receiving any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any such election or upon any such money bylaw;
- (g) by himself or by or with any other person or by any other ways or means in his behalf, at any time, either before or during any municipal election or voting upon any money bylaw, gives or provides, or causes to be given or provided, or is accessory to the giving or providing of, or pays wholly or in part any expenses incurred for, any meat, drink, refreshment or other provisions, to or for any person in order to be elected, or for being elected or for procuring or preventing the passage of any such money bylaw, or for the purpose of influencing the person to whom such provisions are given or provided, or any other person, to give or refrain from giving his vote at such election or upon such money bylaw;
- (h) during the voting at any municipal election or upon any money bylaw, personates and falsely assumes to vote in the name of another person whose name appears on the list of electors, whether such other person is living or dead or a fictitious person;
- (i) having already voted at any municipal election or upon any money bylaw, presents himself again to vote at the same election or upon the same money bylaw;
- (j) without due authority supplies any ballot paper to any person;
- (k) fraudulently puts into the ballot box any paper other than a ballot paper that he is authorized to put in;
- (l) fraudulently takes out of the polling place any ballot paper;
- (m) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballots then in use for the purpose of the election;
- (n) interferes or attempts to interfere with any voter in making his ballot or who marks or causes to be marked a ballot paper so as to defeat the intentions of the voter or who at any time communicates any information he may be possessed of as to the candidate for whom any voter has been given or who induces any person to display the ballot paper so as to make known to him or to any other person the manner in which he has voted, or for or against whom he has marked his ballot paper;
- (o) being a duly appointed election officer neglects or refuses to discharge any duty under this Part;
- (p) aids, incites, counsels, facilitates or is otherwise a party to the commission by any person of any of the acts mentioned in this section;
- (q) by himself or by any other person on his behalf, makes use of any force, violence or restraint, or inflicts or threatens the infliction by himself, or by or through any other persons of any injury, damage or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting for a candidate at a municipal election or on a municipal money bylaw or in any way prevents or otherwise interferes with the free exercise of the franchise of any voter;
- (r) forges, counterfeits, fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer signed thereon;

- (s) not being a person entitled under this Ordinance to be in possession of an official ballot paper or of any ballot paper in his possession;
- (t) being a deputy returning officer fraudulently puts, otherwise than as authorized by this Ordinance, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election;
- (u) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (v) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;
- (w) being a deputy returning officer, places upon any ballot paper, except as authorized by this Ordinance, any writing, number or mark with intent that the elector to whom such ballot paper is to be or has been given may be identified thereby; or
- (x) attempts to commit any offence specified in this section.

- 97.(1) The actual personal expenses of any candidate and *bona fide* payments for the fair cost of printing and advertising shall be held to be expenses lawfully incurred and the payments thereof shall not be a contravention of the provisions of section 96. Saving provision

PENALTIES

- 98.(1) Every person who is convicted of committing a corrupt practice is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. Penalties
- (2) Every member of a council who is adjudged guilty of a corrupt practice shall forfeit his seat on the council and shall be disqualified from being a candidate or elector at any municipal election, or from voting upon any bylaw, for the next succeeding three years and shall continue to be so disqualified until the amount that he has been adjudged to pay has been fully paid and satisfied. Additional penalty for member of council
- 99.(1) All proceedings, other than a petition to contest a municipal election, against any person for any corrupt practices shall be commenced within two months after the municipal election or voting on a municipal money bylaw at which the offence was committed. Time for commencement
- 100.(1) The magistrate finding any person guilty of corrupt practices under this Ordinance shall report the same forthwith to the clerk of each municipality. Report to clerk
- (2) The clerk shall enter in a book to be kept for the purpose the names of all persons who have been adjudged guilty of any corrupt practices and of which he has been notified by the magistrate who tried the case. Record to be kept
- (3) Every person who has been found guilty of a corrupt practice is disqualified from voting at any municipal election for a period of seven years from the time of commission of the offence.

CONTROVERTED ELECTIONS

PETITION AND SECURITY

- Election petition** 101.(1) Any election in a municipality or the right of a person to sit on the council of a municipality may be questioned in an election petition on the ground that
- (a) the election is wholly void by reason of corrupt practices or offences committed at the election;
 - (b) the person elected
 - (i) was at the time of the election disqualified;
 - (ii) was not duly elected by a majority of lawful votes;
 - (iii) has forfeited his seat on the council or his right thereto; or
 - (iv) has become disqualified to hold his seat or his seat has become vacant by disqualifications.
- Procedure by election petition only** (2) An election shall not be questioned on any of the above grounds, except by an election petition.
- Who may present petition** 102.(1) An election petition may be presented either by four or more persons who had a right to vote at an election or by a person who was a candidate at the election.
- Idem** (2) In the case of a petition alleging that a member of the council has forfeited his seat on the council or his right thereto or has become disqualified from holding his seat or that his seat has become vacant by disqualification or otherwise the petition may be presented by four or more persons whose names appear on the last revised list of electors of the municipality.
- Respondent to petition** 103.(1) A person whose election is questioned by an election petition and any returning officer or deputy returning officer of whose conduct a petition complains may be made a respondent to the petition and notice of the petition and a copy of the petition shall be served personally on the respondent within ten days after presentation unless the judge otherwise directs.
- Trial to petition** (2) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time; but the petition shall be deemed to be a separate petition against each respondent.
- Delivery of petition to clerk of the Court** 104.(1) A petition shall be presented to a judge by delivering it at the office of the clerk of the Court.
- Time for presentation** 105.(1) Subject to subsection (2), the petition shall be presented within two months after the day on which the election was held.
- Where complaint alleges corrupt practices** (2) Where a petition complains of the election of a person on the ground of corrupt practices and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account, in pursuance of furtherance of such corrupt practices, it may be presented at any time within two months after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried.
- Amount of security** 106.(1) A petitioner shall give such security in such amount, not exceeding two hundred dollars, as the judge directs.

TRIAL

- 107.(1) An election petition shall be tried in open court. Trial
- 108.(1) The place of trial shall be within the limits of the municipality, except that the judge may, on being satisfied that special circumstances exist rendering it desirable that the petition be tried elsewhere, appoint some other convenient place for the trial. Place of trial
- 109.(1) The judge may, in his discretion, adjourn the trial, from time to time, and from any one place to any other place within the limits of the municipality where he is sitting. Adjournment of proceedings
- 110.(1) On the trial of a petition, unless the judge otherwise directs, any charge of any corrupt practice or offence shall be gone into, and evidence in relation thereto received. Evidence of respondent
- 111.(1) On the trial of a petition complaining of an election and claiming the office for some person, the respondent may give evidence to prove that, that person was not duly elected in the same manner as if he had presented a petition against the election of that person. Respondent ceasing to hold office
- 112.(1) The trial of a petition shall be proceeded with, notwithstanding that the respondent has ceased to hold the office in respect of which his election is questioned by the petition.

JUDGMENT

- 113.(1) At the conclusion of the trial, the judge shall determine Judgment
- (a) whether the person whose election is complained of or any other person, was duly elected or whether the election was void; or
- (b) whether any member of the council has forfeited his seat on the council or his right thereto, or has become disqualified to hold his seat, or whether his seat has become vacant by disqualification or otherwise,
- and shall forthwith certify in writing his judgment to the clerk of the municipality.
- 114.(1) Where a petition charges that any corrupt practice has been committed at an election, the judge shall, in addition to the certificate of judgment described in section 113 report in writing to the clerk of the municipality Report of judge
- (a) whether any such corrupt practice or offence has or has not been shown to have been committed by, or with the knowledge and consent of, any candidate at the election and the nature of the corrupt practice or offence;
- (b) the names of all persons shown at the trial to have been connected or included in any such corrupt practice or offence; and
- (c) whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election.
- 115.(1) Where a candidate who has been declared elected is by a decision of the judge declared not to have been duly elected, acts Acts done by alderman or mayor

done by him in execution of the office before the time when the certificate or decision is certified to the clerk of the municipality shall not be invalidated by reason of the declaration of non-election.

WITHDRAWAL OF PETITION

- 116.(1) A petition shall not be withdrawn without the leave of the judge on special application made after public notice of the intention to make it has been given in such manner as the judge directs.
- 117.(1) On the hearing of the application, any person who might have been a petitioner, may apply to be substituted as a petitioner, and the judge may, if he thinks fit, substitute him accordingly.
- (2) Where the proposed withdrawal is, in the opinion of the judge, induced by any corrupt bargain or consideration, he may, by order, direct that the security given on behalf of the original petitioner remain as security for any costs incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his sureties be liable to pay the costs of the substituted petitioner.
- (3) Where the judge makes no direction as provided in subsection (1), then security to the same amount as is required in the case of a new petition, and subject to the same conditions, shall be given on behalf of the substituted petitioner, before he proceeds with his petition, and within a time, after the order of substitution, to be fixed in such order or otherwise.
- 118.(1) Except as otherwise provided in this Ordinance, a substituted petitioner shall stand in the same position and be subject to the same liabilities as the original petitioner.

ABATEMENT OF PETITION

- 119.(1) An election petition shall be abated by the death of a sole petitioner or in the case of several petitioners, by the death of the sole survivor of such petitioners.
- 120.(1) The abatement of any election petition does not affect the liability of any petitioner, or of any person, to the payment of costs previously incurred.
- 121.(1) On the abatement of a petition, public notice thereof shall, on the order of a judge, be given by the clerk of the municipality at the expense of the municipality; and within the time prescribed therein any person who might have been a petitioner may apply to that judge to be substituted as a petitioner, and the judge may, if he thinks fit, substitute him accordingly.
- (2) Security shall be given on behalf of a petitioner substituted pursuant to subsection (1) as in the case of a new petition.

COSTS

- 122.(1) All costs, charges and expenses of, and incidental to, the

presentation of an election petition and the proceedings consequent thereon shall be defrayed by the parties to the petition, or by the municipality, in such manner and proportion as the judge determines.

- (2) Before any order as to costs is made against a municipality, a summons to show cause why such an order should not be made shall be served on the clerk of the municipality affected, and if such order is made, the municipality is entitled to notice of the taxation of such costs. Notice to municipality
- (3) An order for costs may be enforced by execution in the manner provided by law. Enforcement of payment of costs
- 123.(1) The decision of a judge on any election petition is final and no appeal lies from that decision. Decision of judge final
- 124.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance. Regulations
- 125.(1) This Ordinance or any portion thereof shall come into force on a day to be fixed by the Commissioner. Coming into force

April 24, 1972 is fixed as the coming-into-force date by C.O. 1972/144.

CHAPTER 13

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

TAXATION ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE

Short title 1. This Ordinance may be cited as the *Taxation Ordinance*.

INTERPRETATION

Definitions 2.(1) In this Ordinance

"arrears of taxes" "arrears of taxes" means taxes unpaid and outstanding after the expiry of the year in which they were imposed, and includes penalties for default in payment;

"assessment roll" "assessment roll" means the assessment roll in respect of the authority within whose jurisdiction the property assessed lies;

"assessor" "assessor" means the assessor for the Territory, appointed pursuant to section 7;

"authority" "authority" means a taxing authority;

"collector" "collector" or "collector of taxes" means
(a) in respect of areas not within a municipality, the Territorial Treasurer, and
(b) in respect of a municipality, the treasurer of the municipality;

"depreciation" "depreciation" means loss in value attributable to any cause;

"improvement" "improvement" includes all buildings, fixtures, machinery, structures and similar things erected or placed in, upon or under or affixed to land or to any building, fixture or structure therein, thereon or thereunder, and includes fixtures, machinery and similar things of a commercial or industrial undertaking and so affixed to the land that they would without special mention be transferred by a transfer of land, and includes trailers or mobile homes;

"jurisdiction" "jurisdiction" or "taxable jurisdiction" means in respect of the Commissioner, all areas of the Territory outside a municipality and in respect of a municipality, all areas within that municipality;

"land" "land" means physical land and includes land covered by water and all quarries and substances in or under land;

"local improvement" "local improvement" means any of the following works or any combination of them:
(a) opening, widening, straightening, extending, grading, levelling, diverting or paving a street;
(b) constructing a sidewalk, footcrossing, curbing, bridge, culvert or embankment forming part of a street, or constructing a system of storm drainage;
(c) making, deepening, enlarging, or lengthening a common sewer or water main;

- (d) making sewer or water service connections to the street line on land abutting a main;
- (e) constructing a conduit for wires or pipes along or under a street;
- (f) providing other services normally found in organized communities; and
- (g) reconstructing or replacing any of the works mentioned.

"municipality" means a municipality established under the *Municipal Ordinance*; "municipality"

"occupier" means an occupier of real property and includes the resident occupier or, if there is no resident occupier, the person entitled to the possession thereof, a leaseholder and a person having or enjoying in any way for any purpose whatsoever the use of the land otherwise than as owner, whether or not the land or part thereof is unsurveyed area, and also includes a squatter; "occupier"

"owner" means an owner of real property and includes a person having any right, title, estate or interest in real property other than that of an occupier or mortgagee; "owner"

"pipeline" means any pipe designed for or used in the commercial conveyance or transmission of any substance; "pipeline"

"prescribed" means prescribed by a regulation of the Commissioner or a bylaw of the municipality; "prescribed"

"real property" means land and improvements; "real property"

"Registrar" means the Registrar of Land Titles for the Yukon Land Registration District; "Registrar"

"regulation" means in the case of the Commissioner, a regulation pursuant to this Ordinance and in the case of a municipality, a bylaw of the council of the municipality; "regulation"

"taxes" means taxes imposed pursuant to this Ordinance, or the *Municipal Ordinance*, and includes any interest or penalties payable in respect of unpaid taxes and also includes any service charges imposed in respect of local improvements on property pursuant to the *Municipal Ordinance*, the *Local Improvement District Ordinance* and the *Financial Administration Ordinance*. "taxes"

"taxing authority" means "taxing authority"

- (a) in respect of real property outside of a municipality, the Commissioner, and
- (b) in respect of real property in the municipality, the council of the municipality;

"trailer" or "mobile home" means "trailer"
"mobile home"

- (a) a vehicle, whether equipped with wheels or not and whether self-propelled or not, that is used or designed as a dwelling or sleeping place or for other use; or
- (b) any structure whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another by being towed or carried and to provide living accommodation or other use;

"trustee" means an executor, administrator, guardian, committee, receiver or any person having or taking upon himself the possession, administration or control of property affected by an express trust, or having by law possession, management and control of the property of a person under any legal disability. "trustee"

- 3.(1) For the purposes of this Ordinance, all real property or property deemed to be real property pursuant to this Ordinance is liable to taxation subject to the following exceptions: Exemptions
- (a) all real property held by Her Majesty or for the public use of the Territory;

- (b) all real property owned by a municipality;
- (c) all real property used for a university, library, hospital, mental institution, orphanage or home for the aged or infirm, which is supported in whole by the Territory or an authority;
- (d) any land or building held by or for the use of any religious body or any part thereof which is used chiefly for divine service, public worship or religious education but exclusive of any part of the land or building used chiefly for other purposes;
- (e) land used as a public cemetery.

- (2) The properties mentioned in subsection (1) may be assessed in respect of utility services or local improvements applicable to them and taxes in respect of such services or improvements shall be payable in respect of paragraphs (1)(a) to (1)(e), but in respect of paragraph (1)(a), shall only be payable insofar as the Crown submits to the operation of this Ordinance.

Occupier
liable to
taxation

- 4.(1) Every person who is an occupier of any real property referred to in paragraph 3(1)(a) otherwise than in an official capacity as a servant of the Crown or as a member of the Visiting Forces as defined in the *Visiting Forces Act* is liable to taxation in the same way as if he were the owner of the property.
- (2) Every person who is an occupier of any real property referred to in paragraph 3(1)(a) otherwise than in an official capacity as a servant of the municipality is liable to taxation in respect of the property occupied by him.

Interest
taxable

- 5.(1) Where real property is exempt from taxation but a right, interest or estate of any occupier is taxable and a building or structure is erected, placed or occupied on the land and is not included as forming part of such right, interest or estate, the assessor shall assess the buildings or structures in the name of the occupier, whether or not it forms part of the freehold and whether or not the occupier has the right to remove it from the land.
- (2) Where a dwelling, warehouse, shack or trailer, or mobile home, or other structure situated on land held under lease or occupied by an occupier is not annexed thereto or the lessee has the right to remove it therefrom, it shall be assessed as real property and not as personal property.

Trailers
and mobile
homes

- 6.(1) Every occupier or owner of a trailer or mobile home is liable to taxation in respect of such trailer or mobile home.
- (2) Except where a regulation, made pursuant to this section, otherwise provides, every owner of a trailer or mobile home shall register his mobile home or trailer in the prescribed office and pay such registration fee as may be prescribed.
- (3) The operator of every place in or upon which any trailer or mobile home used for living, sleeping or eating accommodation of persons therein is placed, located, kept or maintained as a campground for the public whether or not a fee or charge is paid or made for the rental or use thereof, shall maintain a register of all trailers and mobile homes located on his property, which register shall be open to inspection by any person authorized in that behalf by the authority, and such operator shall make such returns from time to time as may be prescribed.

- (4) The authority may make regulations for the licensing of trailers and mobile homes and such regulations may provide by means of in transit permits or otherwise for the exemption of trailers and mobile homes in transit or *bona fide* used for travel or recreational purposes, from the provisions of this Ordinance.
- (5) Where an owner of a trailer or mobile home is not known, the occupier of such trailer or mobile home shall be deemed to be the owner.
- (6) Every person who fails to register his trailer or mobile home pursuant to this Ordinance, commits an offence and is liable, upon summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

ASSESSORS AND ASSESSMENT ROLL

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| 7.(1) The Commissioner shall appoint an assessor who shall, subject to this Ordinance, assess annually all real property in the Territory. | Appointment and duties of assessor |
| (2) The assessor shall | |
| (a) after inspection and inquiry, and aided by information furnished to him, value and assess all real property liable to taxation and according to his best judgment, prepare an assessment roll for each authority, in which he shall set forth correctly all the particulars and information required in the prescribed form but the inspection of any real property may be dispensed with if an inspection has been made within the year immediately preceding; | |
| (b) enter in the appropriate assessment roll in the prescribed form the information required by this Ordinance; | |
| (c) assess and enter all exempted real property in the assessment roll separately from taxable real property; | |
| (d) enter every parcel of land in the appropriate assessment roll by its legal description. | |
| 8.(1) All real property within the jurisdiction of a taxing authority shall be included in the assessment roll of that authority and assessed in the name of the owner or occupier. | Real property included in assessment roll |
| 9.(1) The taxing authority for which the assessment was prepared shall pay the cost of the work done by the assessor to the Commissioner. | Cost of assessment |
| 10.(1) Real property held in the name of a trustee shall be assessed against the trustee, with the addition to his name of an indication as to his representative character. | Trustees and co-owners |
| (2) Where any real property is owned by more than one person and the names of those persons have been furnished to the assessor, they shall be noted in the assessment roll. | |

INFORMATION FOR ASSESSORS

- | | |
|---|---------------------------------|
| 11.(1) Every person shall furnish to the assessor any information in his possession or means necessary to enable the assessor to perform his official duties, and every person having property liable to assessment, if so required, shall deliver to the assessor a statement in writing signed by him or, in his absence, by his agent, containing the particulars required to be entered in the assessment roll respecting the property. | Furnish information to assessor |
|---|---------------------------------|

- (2) Any person who fails to comply with the provisions of subsection (1) within sixty days after having been notified in writing by the assessor to do so commits an offence and is liable upon summary conviction to a fine not exceeding fifty dollars.
- (3) No assessor shall be bound by any information furnished to him pursuant to subsection (1) and the assessor may, if he has reason to doubt its accuracy, assess the property in a manner and for such amount as he believes proper.

Penalty 12.(1) Every person who makes a false or misleading statement to an assessor engaged in carrying out his duties or functions under this Ordinance, commits an offence and is liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

VALUATION

How assessed 13.(1) Lands shall be assessed at their fair value and in determining the value the assessor shall consider among other things, the advantages and disadvantages of location, the quality of soil, the annual rental value that in his opinion the lands are worth for any purpose to which they may reasonably be put, the value of any standing timber and such other considerations as the assessor may deem proper or the authority may specify.

Assessment manual 14.(1) Improvements to land shall be assessed in accordance with an assessment manual approved by the Commissioner.

- (2) The assessor may depart from the method of assessment set forth in the manual described in subsection (1) where the disadvantages of location or other circumstances affecting property value justify him doing so.
- (3) Where no manual has been approved by the Commissioner pursuant to subsection (1), the assessor may assess in accordance with the manual approved for use in the preceding year.

Improvements separate 15.(1) In assessing real property, the value of the land and of the buildings and improvements thereon shall be ascertained and set down separately in the appropriate assessment roll, and the total assessed value of the real property shall be the total sum of such assessed values.

Cables, pipes and tracks 16.(1) The pole lines, cables, towers, poles and wires of a telegraph or telephone operation, electric light, power or closed circuit television operation, the tracks of a railway company, the pipes and pumping equipment of a pipeline corporation used for the transportation of petroleum, petroleum products, gas or other materials, whether located on a privately owned right-of-way or public highway right-of-way, shall for the purposes of this Ordinance be assessed and taxed as real property and the assessed value thereof shall be computed in accordance with the table set out in the prescribed form.

Roll sent to authority 17.(1) The assessor shall forward to each authority the assessment roll of that authority not later than 15th day of October in the year preceding the year in which taxes are to be levied on the assessment.

- (2) To the assessment roll shall be attached a sworn or affirmed certificate of the assessor in the prescribed form.

Errors 18.(1) After examination of the appropriate assessment roll, the authority may note any errors and return it to the assessor not later than

the 1st day of November.

- (2) If any errors have been noted, they shall be corrected by the assessor.

ADOPTION OF EXISTING ASSESSMENT ROLL

- 19.(1) The authority may adopt the whole or any part of the last revised assessment roll as the assessment roll or part thereof, as the case may be, for the following year, but no such assessment roll may be adopted for more than five consecutive years.
- (2) Where the whole or any part of the assessment roll has been adopted for any year, no assessment of real property need be made in respect of that year, and the assessment roll for that year shall consist of
- (a) the whole or the part, as the case may be, of the assessment roll so adopted;
 - (b) assessments of real property in respect of which the assessment roll for the previous year has not been adopted; and
 - (c) new assessments of real property not included in the assessment roll for the previous year.
- 20.(1) The authority may appoint a special examiner to examine the assessment made by the assessor and where any such examiner examines an assessment, he shall certify the result of such examination in the form prescribed by the authority. Special examiner
- 21.(1) The assessor may correct clerical errors or omissions found in a new assessment roll, prior to the sitting of the Court of Revision, but material errors or omissions in a new roll and all errors and omissions in an adopted roll shall be corrected by way of complaint to the Court of Revision. Correction of errors
- 22.(1) Each authority shall, at least thirty days before the date fixed for the sitting of the Court of Revision for the revision of the assessment roll in any year, Notice of hearing
- (a) send by mail to every person listed in the assessment roll whose real property or interest therein is assessed or to the agent of that person, a notice of assessment to that effect and shall keep a proper record of same, including a notation of the date of mailing;
 - and give public notice
 - (b) that the assessment roll to be revised has been deposited in the office of the authority and will remain open for the inspection of any person for a period of fifteen days from the date of the notice;
 - (c) that any person desiring to complain against the assessment must lodge his complaint in writing in the office of the authority within thirty days of the mailing of the assessment notice; and
 - (d) that the Court of Revision will sit for the revision of the assessment roll and to hear complaints on the date fixed in the notice, and that notice shall fix the place, date and hour of the sittings.
- (2) The notice shall be given by posting it in the office of the authority and by publication for at least two successive weeks in a newspaper circulating in the assessment area.

DEFECTS IN FORM

- 23.(1) No assessment shall be invalid by reason of

Saving

- (a) any defect in form;
 - (b) the omission of assessable property from the assessment roll;
 - (c) an error in any notice;
 - (d) the non-return of the assessment roll from the tax authority to the assessor, or
 - (e) property having been entered in any class or column of the assessment roll in which it does not belong.
- (2) Failure to enter in an assessment roll any of the particulars required by this Ordinance shall not affect the liability of any person to taxation by the authority.
- (3) Where a person is assessed as the owner of real property and is in fact not the owner thereof, any taxes levied against the property shall nevertheless be a valid charge against that property.
- Courts of Revision** 24.(1) Each authority shall establish one or more Courts of Revision for the area within its jurisdiction.
- 24.(2) Each Court of Revision shall consist of not less than three members who shall choose a Chairman from amongst their members.
- Officers** 25.(1) The Court of Revision shall be presided over by the Chairman or in his absence, by a Chairman chosen from amongst the members present.
- 25.(2) The authority shall appoint a clerk of the Court who shall record its proceedings and in his absence, the Court may appoint any other person to act as clerk.
- 25.(3) The Chairman and two members shall constitute a quorum of the Court of Revision and if a quorum is not present, the Court shall stand adjourned to the next day not a holiday, and so on from day to day until there is a quorum.
- Time of sitting** 26.(1) For the purpose of revising an assessment roll and deciding any complaints with respect thereto, the Court of Revision not later than the 31st day of December of the year preceding the year in which taxes are to be levied shall meet at a time and place to be designated by the authority to deal with and consider the assessment roll.
- Majority decision** 27.(1) All questions respecting the revision of an assessment roll and the deciding of any complaints with respect thereto shall be decided by a majority of the votes of the members sitting.
- Interested persons not eligible** 28.(1) No person interested directly or indirectly in any real property in connection with any assessment to which a complaint relates shall act as a member of the Court of Revision hearing and determining the complaint.
- Complaints** 29.(1) Any person, whether named in the assessment roll or not, including the assessor or the authority may apply by way of complaint to the Court of Revision for a revision of the assessment roll or any part of it either
- (a) to increase or reduce the assessment of his own property or that of another person;
 - (b) to have entered or struck off the roll property owned by himself or another; or
 - (c) to correct errors in any name or description of any properties whether the error complained of be of omission or commission.

- (2) Every complaint shall be in writing, addressed to and left with the authority within thirty days of the mailing of the assessment notice and shall state the grounds, the nature of the complaint and describe the property that is the subject of the complaint.
- 30.(1) The authority shall notify every person filing a complaint informing him of the date, place and hour fixed for the sitting of the Court of Revision. Notification
- 31.(1) In the case of a complaint by one person against another, the authority shall mail, within four days after the expiration of the time within which complaints may be received, to each person in regard to whom an assessment is sought to be altered, or to his agent, a notice stating the nature of the complaint, the place where and the date and hour when the Court of Revision will sit.
- (2) Where the address of a person in respect of whom a complaint has been lodged is not known to the authority, such notice shall be published once in a newspaper circulating within the jurisdiction of the authority.
- 32.(1) A Court of Revision has power to require the attendance, swearing and examination of witnesses and the production and inspection of documents. Powers of Court of Revision
- (2) Every person who fails to comply with an order of the Court of Revision made pursuant to subsection (1) commits an offence and is liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.
- 33.(1) A party to a complaint may obtain from the clerk of the Court of Revision a subpoena requiring the attendance of any person as a witness to give evidence at the hearing of the complaint before the Court of Revision and the subpoena shall be signed by the clerk.
- (2) Every witness served with a subpoena described in subsection (2) and paid the required witness fee as in an action before a judge shall be bound to attend and give evidence to the Court of Revision.
- (3) All evidence before the Court of Revision shall be given under oath or affirmation, which shall be administered by the clerk.
- 34.(1) The Court of Revision shall examine the items in the assessment roll complained against and hear and determine all complaints filed within the time limited for receiving them. Duties
- 35.(1) The Court of Revision may hear all complaints arising out of the general assessment on the same day, or if deemed advisable, adjourn from time to time until all complaints have been heard and determined, but the hearing and determination of all such complaints shall be completed before the 1st day of January in the year in which the taxes are to be levied. Hearings
- 36.(1) The Court of Revision may, after hearing a complaint, postpone consideration thereof to some future time and the complainant shall, if required by the Court, produce all relevant books, papers and documents and answer all proper questions and give all necessary information affecting the property or matter under consideration. Production of documents, etc.

- Absence of party 37.(1) The Court of Revision may hear and determine a complaint, whether the complainant or the party against whom the complaint is made be present or not.
- Decision of Court of Revision 38.(1) After having heard the party making the complaint and the party against whom the complaint is made, if they be present, and if required, their witnesses and the assessor, the Court of Revision may either raise or lower the assessment complained against or confirm it as it is.
- (2) Except as provided in this Ordinance, no change in the assessment roll shall be made except upon complaint and after due notice thereof has been given in the manner herein provided.
- (3) Notwithstanding the provisions of this Ordinance requiring real property to be assessed according to its fair value, the amount of the assessment of any real property complained against shall not be varied by the Court of Revision if the value at which it is assessed bears a fair and just relation to the value at which other real property in the taxation area is assessed, but the Court of Revision without determining the complaint, may order a new assessment to be made of the whole of the taxation area or of any portion thereof that includes the real property in respect of which the complaint has been made.
- (4) The assessor in making a new assessment shall be guided by such directions as are given by the Court of Revision, and the assessment so made in any year shall not be subject to a complaint of any kind except insofar as the amount thereof is raised above the amount previously fixed.
- Correction of errors 39.(1) Upon a complaint on any ground against an assessment, the Court of Revision may re-open the whole question of the assessment so that omissions from or errors in the assessment roll may be corrected, and the revised figure at which the assessment should be made and the person who should be assessed thereof may be entered upon the roll by the Court of Revision.
- Report 40.(1) As soon as all complaints have been heard and determined, the Court of Revision shall report to the authority.
- (2) Not later than six days following completion of the sittings of the Court of Revision, the authority shall notify in writing by registered mail, each complainant and person affected as to the decision of the Court in respect of the complaint.
- Assessor to correct 41.(1) Any alterations made in an assessment roll shall be entered on the roll in red ink by the assessor, with the date of the making of the alteration, and shall be initialled by the assessor.
- Decision final 42.(1) An assessment roll as finally passed by the Court of Revision, except insofar as it may be further amended on appeal to a judge, shall be valid and binding on all parties affected thereby, notwithstanding any defect, error or misstatement therein or with regard thereto, or in the notices required, or any omission to deliver, publish or transmit any such notices.
- Frontage tax 43.(1) Where a person has a complaint in respect of an assessment that has been levied pursuant to section 52, that person may complain to the Court of Revision in the same manner as set out in section 32.

APPEALS FROM COURT OF REVISION

- 44.(1) Any person dissatisfied with the decision of the Court of Revision, or with the omission, neglect or refusal of the Court of Revision to hear or determine a complaint may appeal therefrom to a judge. Appeal to Territorial Court
- (2) The procedure on appeal shall be as follows:
- (a) the appellant shall, within fifteen days from the date of mailing of the notice of the decision of the Court of Revision, serve upon or send by registered mail to the authority a written notice of appeal stating the grounds upon which he intends to appeal;
 - (b) the appellant shall, with his notice of appeal, deposit with the authority as security for the costs of the appeal, the sum of five dollars for the initial entry on the assessment roll appealed against and two dollars for each additional entry on the roll and that deposit shall be taken into account by the judge in dealing with the costs of the appeal;
 - (c) as soon as the time limited for notices of appeal has expired, the authority shall forthwith notify the judge of the appeals, if any, giving the names of the appellants and a statement of the grounds of each such appeal and shall at the same time ask to have a time and place fixed for hearing the appeals;
 - (d) the judge shall appoint a time and place for hearing the appeals;
 - (e) upon receiving notice of the time and place appointed, the authority shall give notice to all parties affected thereby of the time and place fixed for hearing the appeals and in the notice shall state the grounds given for the appeal;
 - (f) the authority shall cause a notice of the hearing to be posted in a public place listing the names of the appellants and all persons affected thereby, together with the time and place fixed for the hearing thereof;
 - (g) if the judge so requests, the clerk of the Court of Revision shall attend at the hearing of the appeals with the assessment roll, the minutes of the Court of Revision and all documents and papers having a bearing thereon;
 - (h) for the purpose of any appeal, witnesses may be produced by any parties and may be required to give evidence and to produce all books, papers, documents or writings in their possession or control relevant to the appeal, and any party to an appeal may obtain from the clerk of the Territorial Court a subpoena requiring a person as a witness at the hearing of the appeal; and
 - (i) the appeal shall be heard at the time and place appointed therefor, and the hearing thereof may be adjourned from time to time and judgment thereon may be reserved, but a return of the judgment shall be made to the authority before the 1st day of February in the year in which taxes are to be levied on the assessment.
- 45.(1) Notwithstanding the provisions of this Ordinance requiring real property to be assessed according to its fair value, the amount of the assessment of any real property in respect of which an appeal has been taken to a judge shall not be varied by the judge if the value at which it has been assessed bears a fair and just relation to the value at which other real property in the taxation area is assessed. When value not varied
- 46.(1) The costs of proceedings before the Court of Revision or before a judge shall be paid by or apportioned between the parties in such a manner as the Court or the judge hearing the complaint or appeal deems fit. Costs

- (2) Where costs are ordered to be paid by a party to a complaint or appeal, or by the authority or any other person, payment thereof when ordered by the Court of Revision may be enforced by distress warrant signed by a person authorized by the authority and when ordered by the judge, may be enforced, upon filing the order with the clerk of the Territorial Court, as a judgement of the Court.
- (3) The costs in any case before the Court of Revision or before a judge shall be confined to the costs of witnesses and of procuring their attendance, except that in no case shall the costs exceed fifty dollars.

Corrections 47.(1) After the judge has heard and determined all the appeals he shall before the 1st day of February of the year in which taxes are to be levied on the assessment, forward his decision to the assessor who shall forthwith make the changes, if any, ordered to be made in the assessment roll in red ink and initial each change and attach a copy of the decision to the roll.

When assessment roll final 48.(1) An assessment roll shall be held to be finally revised:

- (a) if no complaint has been made to the Court of Revision on the day of the report of the Court of Revision to the authority;
- (b) if there has been a complaint to the Court of Revision and no appeal has been taken therefrom, at the expiration of the time fixed for appeals with respect thereto to a judge; or
- (c) if an appeal has been taken from the Court of Revision on the day on which the assessor makes the changes, if any, ordered by the judge and attaches to the roll a copy of the decision of the judge.

49.(1) The roll as finally revised shall be taken and held to be the assessment roll of the authority for all purposes until such time as a new assessment roll is finally revised.

LEVY OF TAXES

Levying of taxes 50.(1) Subject to this section, the Commissioner shall on or before the 1st day of March in each year in accordance with this Ordinance levy taxes on the assessed value of all real property in the Territory not within a municipality liable to taxation.

(2) The Commissioner may not levy taxes pursuant to subsection (1) at a different rate than the rate levied in the immediately preceding year unless the Territorial Council has by resolution approved the different rate.

(3) Where, by a resolution, the Territorial Council has so approved, the Commissioner may vary the rate of tax levied under this section according to the location of the real property to be taxed.

(4) On or before the 1st day of March in each year, the council of every municipality shall in accordance with this Ordinance and the *Municipal Ordinance*, levy taxes on the assessed value of all real property in the municipality liable to taxation.

Frontage tax 51.(1) In addition to any other tax imposed under this Ordinance, the authority may, on or before the 1st day of March in each year, levy a frontage tax at a uniform rate per foot of frontage in respect of the construction of a local improvement.

(2) The authority may levy a frontage tax at a uniform rate per foot of frontage, in accordance with this section, on property not abutting on the local improvement which is serviced by such system.

Computation 52.(1) For the purpose of computing the frontage of irregularly shaped lots, the frontage shall be deemed to be fifty percent of the aggregate length of the front and rear sides of such lot.

- 53.(1) Fees levied by the authority for the use of a water system or a sewerage system may be recovered in the same manner as taxes levied under this Ordinance. Fees
- 54.(1) The Commissioner shall consult with the taxpayers in any area outside a municipality liable to pay a tax in respect of a local improvement, and where a majority of such taxpayers agree, the Commissioner may construct a local improvement. Consultation
- (2) Prior to the construction of a local improvement in an area outside a municipality, the Commissioner shall determine, according to the preference of a majority of the taxpayers concerned, the manner in which the costs thereof shall be levied or charged.
- (3) The Commissioner shall prescribe the choices in respect of which, the manner in which, and the method by which, any preference shall be ascertained.
- 55.(1) Where the taxes payable in respect of any real property are less than twenty-five dollars per annum, the amount payable in respect thereof for that year shall be twenty-five dollars of which half shall be deemed to be school tax. Minimum taxes

TAX ROLLS

- 56.(1) Forthwith after the final revision of the assessment roll and the levying of taxes, the authority shall prepare a tax roll in which shall be entered all taxable real property in respect of which any person is taxable. Form of tax roll
- (2) The tax roll shall be in the prescribed form and shall set forth
- (a) the name in full and the address of every person whose real property or interest therein is assessed in the assessment roll;
- (b) the description of the real property assessed and the assessed value thereof;
- (c) the taxes levied on that property including all taxes and charges the proceeds of which are required to be distinctly and separately accounted for; and
- (d) the total amount required to be paid in respect of the real property.
- 57.(1) Where it appears to the assessor that real property liable to assessment and taxation has not been assessed, he shall with the approval of the authority, enter the property on the tax roll next prepared thereafter, as well for the arrears omitted for the year last preceding as for the taxes for the then current year. Additions
- 58.(1) The tax roll shall have a column in which shall be entered arrears of taxes due in respect of every piece of real property liable to taxation by the authority and the arrears shall be set down opposite the name of the person liable therefor. Arrears
- 59.(1) The authority shall upon completion of the tax roll forward it to the collector of taxes. Roll sent to collector

BUSINESS ASSESSMENT AND TAX

- 60.(1) Every authority may levy a business tax annually on every person, corporation or partnership carrying on a business, trade or profession and in the course thereof occupying buildings or premises within the taxable jurisdiction of the authority. Levying business tax

- (2) This section shall not apply except where the authority has levied or announced its intention to levy a business tax pursuant to this section.
- (3) A business tax shall be based on the assessed value of the buildings or premises occupied within the jurisdiction of the authority and computed by the authority at a rate not exceeding one-half of the tax rate on the real property of the authority for that year as is fixed by the authority.
- (4) The assessor shall in each year prepare a business assessment roll, separate from the real property assessment roll, in which shall be entered,
 - (a) the name of every person, partnership, corporation and the members thereof carrying on a business, trade or profession in the jurisdiction;
 - (b) the particulars of the buildings or premises occupied in the course of carrying on that business, trade or profession; and
 - (c) an assessment of the value of the buildings or premises so occupied.
- (5) In determining the assessed value of the buildings or premises in the jurisdiction for the purpose of computing a business tax, the assessor shall be guided by the assessed value of the buildings or premises as given in the last revised real property assessment roll of the authority, except that in any case where the premises occupied form part only of a building assessed as a single unit for the purposes of the real property assessment of the authority, the assessor shall be guided by such other factors including frontage and floor space, as the authority may direct.
- (6) The Court of Revision established pursuant to section 24 shall sit before the 1st day of January in the fiscal year in which taxes are to be imposed on an assessment to revise the business tax assessment roll of the authority.
- (7) The Court of Revision may hear all complaints arising out of the business assessment on the same day, or if deemed advisable, adjourn from time to time until all complaints have been heard and determined, but the hearing and determination of all such complaints shall be completed in the year in which taxes are levied.
- (8) The provisions of this Ordinance respecting the preparation, revision and adoption of the real property assessment roll and the making of complaints and the taking of appeals in respect thereof are applicable to the business assessment roll of the authority, except that all appeals to the judge shall be concluded and reported to the collector before the 1st day of February.
- (9) Forthwith after the final revision of the business assessment roll and the levying of the taxes, the authority shall make out a tax roll in which shall be entered all persons and partnerships liable to payment of the business tax.
- (10) The business tax roll shall be in the prescribed form and shall set forth:
 - (a) the name in full and the address of every person, corporation or partnership who is liable for the business tax;
 - (b) the description of the business property assessed and the assessed value thereof;
 - (c) the rates levied on that property; and
 - (d) the total amount for which each person, corporation or partnership is liable.
- (11) As soon as the business tax roll has been completed, but no later than the 31st day of March in any year in which a business tax has been levied, the collector shall transmit by mail a demand for the payment of the business tax payable to each person, corporation or partnership liable therefor whose name appears on the tax roll, or his agent, if the address of the agent has been transmitted to the collector.

- (12) The demand shall state the time when the taxes are required to be paid and any discounts or penalties that are to be applied or charged.
- (13) The collector shall enter the date of the mailing of the demand in the tax roll opposite the name of the person, corporation or partnership taxed and that entry shall be received in evidence in any court proceedings and shall be *prima facie* proof of the mailing thereof.
- (14) Subject to this Ordinance, the person, corporation or partnership named in the business assessment roll as finally revised and adopted is liable for the full business tax for the year to which the assessment relates.
- (15) The members of any partnership liable for business tax under this Ordinance are jointly and severally liable to pay the same as herein required.
- (16) Where a person, corporation or partnership liable for business tax carries on a business, trade or profession and occupies the buildings or premises in respect of which liability has been incurred for only a portion of the year for which the tax is payable that person, corporation or partnership is liable only for that proportion of the total tax for the year that the number of months in which the business, trade or profession was carried on and the buildings or premises were occupied is in relation to the whole year.
- (17) Where under the circumstances referred to in subsection (15) a person, corporation or partnership has paid to the authority the whole of the tax payable by him for the year, he is entitled to a refund equal to the amount by which the total tax so paid exceeds the amount thereof for which he is liable as determined under subsection (15).
- (18) Any person, corporation or partnership that commences to carry on any business, trade or profession and to occupy any buildings or premises for the carrying on thereof at any time during a year after the business assessment roll for that year has been finally revised and adopted shall be added to the business assessment roll immediately upon such commencement or as soon thereafter as may be possible and shall thereupon become liable, subject to this section for the full tax for that year.
- (19) The business tax levied in and for any year shall be deemed to have been unpaid and to be due and payable at the time when the name of the person, corporation or partnership liable to pay the same is added to the business assessment roll, and shall constitute a debt due to the authority which may be recovered upon filing with the clerk of the Territorial Court a certificate in the prescribed form as a judgment of the Territorial Court.
- (20) Notwithstanding any provisions of this Ordinance, any business tax payable by an occupier of buildings or premises, who is not the owner thereof shall not be held to be a charge on those buildings or premises or upon the land upon which they are situated.

SCHOOL TAX

- 61.(1) Subject to this section, the Commissioner shall on or before the 1st day of March in each year in accordance with this Ordinance levy a school tax on the assessed value of all real property in the Territory not within a municipality liable to taxation.
- (2) The Commissioner shall on or before the 1st day of March in each year set the rate of school tax and notify each authority accordingly.
- (3) The Commissioner may not change the rate of school tax levied pursuant to subsection (1) or notified pursuant to subsection (2) from the rate levied or notified in the immediately preceding year unless the Territorial Council has by resolution approved the change.

- (4) The school tax shall be a first charge on the revenue of every municipality and shall be paid in full to the Territorial Treasurer before any portion of the real property taxes are applied against other charges in the municipality.
- (5) The school taxes collected by each municipality shall be forwarded to the Territorial Treasurer at such times as the Commissioner may direct.
- 62.(1) Notwithstanding the provisions of this or any other Ordinances, taxes and service charges imposed in respect of the local improvements on property pursuant to the *Municipal Ordinance*, the *Local Improvement District Ordinance* and the *Financial Administration Ordinance* shall be deemed to be taxes under this Ordinance and the remedies for collection and all other provisions with respect to taxes and tax arrears shall apply as if the taxes had been imposed under this Ordinance.

COLLECTION AND ENFORCEMENT

- When payable 63.(1) All taxes levied in any year shall be deemed to have been imposed and to be due and payable on the day on which they are levied.
- Interest 64.(1) All taxes and penalties remaining unpaid after the 30th day of June in the year in which such taxes are levied shall bear interest from that date at the rate of nine percent per annum.
- Demands 65.(1) On or before the 31st day of March in each year, the collector shall transmit by mail a demand for payment of taxes to each person liable therefor whose name appears on the tax roll or to his agent if the address of the agent has been transmitted to the collector.
- (2) The demand shall state the time when the taxes are required to be paid and any penalties to be applied or charged.
- (3) The collector shall enter the date of mailing the demand in the tax roll opposite the property or the name of the person taxed, and that entry shall be received in evidence in any court proceeding and shall be *prima facie* proof of the mailing thereof.
- Penalty 66.(1) A penalty in an amount equal to ten percent of taxes remaining unpaid after the 30th day of June in the year in which such taxes are levied is due and payable on the 1st day of July in such year.
- Lien 67.(1) Unless otherwise provided for by this or any other ordinance, taxes due and payable in respect of any property shall be a lien on that property having preference and priority over the claim, lien, privilege or encumbrance of any person except Her Majesty, and shall not require registration in order to preserve it.
- (2) No change of ownership or possession and no seizure by a sheriff, bailiff, landlord or other person shall defeat the lien.
- Seizure 68.(1) Notwithstanding anything in this Ordinance, where property upon or in respect of which taxes are due and payable
- (a) is seized by a sheriff, bailiff, landlord or other person, or
- (b) comes into the possession of a trustee in bankruptcy or a liquidator,
- the sheriff, bailiff, landlord, trustee, liquidator or other person shall pay the taxes owing in respect of that property to the extent of the proceeds of the property coming into his hands and prior to the payment of any other fees, charges, liens or claims except:
- (c) the lawful fees and expenses of any seizure or of a sale thereunder, or of any proceedings to recover possession, and

(d) claims for wages or salary, not exceeding three months provided for in the *Bankruptcy Act* or any law or ordinance relating to winding up.

- (2) Liability to pay taxes under subsection (1) extends to all taxes that have become due prior to the day when the proceeds of the seizure or any part thereof become distributable and, in the case of a liquidator, prior to the date of the winding up order.

REMEDIES TO ENFORCE PAYMENT OF TAXES

- 69.(1) Where taxes are due or payable on or in respect of real property occupied by a tenant, the collector may give the tenant notice in writing requesting him to pay to the collector the rent as it becomes due from time to time to the amount of the taxes due and unpaid. Notice to tenant
- (2) Payment of rent by a tenant to the collector pursuant to a notice requiring him to do so has the same effect, as between the tenant and landlord, as if the rent so paid or recovered has been paid by the tenant directly to the landlord.
- 70.(1) Where any premises in respect of which taxes are due are damaged or destroyed, any amount payable to a person under a policy of insurance upon such premises shall, to the extent of the taxes due thereon, be paid by the insurer to the collector and in default thereof the authority may sue for and recover the unpaid taxes from the insurer. Insurance monies
- (2) Every insurer shall, within forty-eight hours after receiving notice of loss under the policy of insurance, notify the collector of the loss by registered mail, and shall not pay any amount under the policy of insurance to the insured or to any other person entitled thereto until the taxes outstanding against the insured premises have been paid.
- (3) The requirements of subsection (1) as to payment by the insurer to the collector of the insurance money apply only to the extent of the amount of the insurance money not used or to be used in or towards rebuilding, reinstating or repairing the premises damaged or destroyed or in or toward acquiring, constructing or repairing other premises to take the place of the premises so destroyed or damaged.
- (4) Any payment by an insurer to the collector pursuant to this section has the same effect as between the insurer and the insured, as if the amount so paid had been paid by the insurer directly to the insured.
- 71.(1) Nothing in sections 67 to 70. shall be held to prevent or impair any other remedy available to the authority for the recovery of taxes. Saving
- 72.(1) Every person removing a building, trailer, mobile home or structure without the consent of the authority from the land on which it is situated when the taxes are unpaid on the building, trailer, mobile home or structure commits an offence and is liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. Transfer of taxes

- Distress for taxes**
- 73.(1) Where a person fails to pay his taxes within thirty days after they become due and payable, the authority may, subject to the exemptions contained in the *Landlord and Tenant Ordinance*, levy the taxes or any part thereof with costs by distress and sale of any goods or chattels found on the premises on which the taxes have been levied or in the possession of the person liable to pay the taxes wherever found, but no distress or sale shall be made on goods or chattels of any person other than the person liable to pay the taxes if the other person owns or is entitled to possession of the goods and chattels.
- (2) The restriction contained in subsection (1) upon the distress and sale of goods and chattels of a person other than the person liable to pay the taxes does not apply
- (a) to the interest of the person so liable in any goods and chattels in his possession under a contract for purchase or by which he may or is to become the owner thereof upon the performance of a condition ; or
- (b) where the goods and chattels are claimed by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person so liable, or by any other relative of his if this other relative lives as a member of his family on the same premises, or by any person whose title is derived from any of them.
- Warrant by collector**
- 74.(1) The authority, may, by order, authorize the collector to issue a warrant on behalf of the authority authorizing the person named therein to levy taxes in arrears by distress or sale in the manner provided in section 70.
- (2) The order directing the levy and distress may be of general application or of specific application and may provide for the levy being made for all or any part of the taxes in arrears.
- (3) The costs recoverable upon distress and sale are those payable under the *Distress Ordinance*.
- Procedure on distress**
- 75.(1) Any authorized person effecting a seizure of goods and chattels has the right to enter upon the real property and to break open and enter a building, yard or place in which goods and chattels liable to seizure for payment of taxes are located and to take and to seize the goods and chattels and remove them from the premises.
- (2) The person effecting seizure of goods and chattels shall give notice thereof to the person liable to pay the taxes by personal service or by leaving a copy of the notice with an adult member of his family at his usual place of residence or if the person liable to pay the taxes, or an adult member of his family, cannot be found a copy of the notice shall be posted in a conspicuous part of the premises where the goods and chattels are seized.
- (3) In the case of a corporation, the notice referred to in subsection (2) may be served by personal service upon the manager, secretary or other executive officer of the corporation, or by delivering or sending by registered mail to the registered office of the corporation, or if the corporation has no registered office or the manager or secretary or other executive officer of the corporation cannot be found, by posting the notice in some conspicuous part of the premises where the goods and chattels are seized.

- (4) Where a person or corporation whose taxes are in arrears gives a written acknowledgment to the collector that his goods and chattels are under seizure for non-payment of taxes, the acknowledgment has the same force and effect as an actual seizure made under subsection (1).
- 76.(1) The authority may release goods and chattels held under seizure upon part of the claim in respect of which the seizure was made being satisfied, without prejudice to its right to recover for the balance of the claim. Release
- 77.(1) Where the authority received notice that a person whose goods and chattels have been seized under section 72 is liable for rent due and payable to a third person or that a third person claims an interest in the goods and chattels seized, the collector shall forthwith mail to the third person a notice of the seizure and the authority shall not make any release of the seizure until at least ten days after the collector has mailed to the third person a notice of its intention to do so. Third parties
- (2) The authority is not responsible for the loss or destruction of goods and chattels while under seizure, unless the loss or destruction
- (a) is due to the negligence of the authority or its officers or servants; or
- (b) is due to their having been moved, where the goods and chattels are moved from the premises where the seizure was effected.
- 78.(1) Public notice of the time and place at which goods and chattels distrained are to be sold and of the name of the person liable for the payment of the taxes shall, at least eight days before the sale, be posted up in at least two public places in the neighborhood where the distress was made and published in one issue of a newspaper published or circulated in the area in which the goods and chattels are located. Notice of sale
- (2) At the time fixed in the notice, the collector or person authorized by him shall sell at public auction the goods and chattels distrained or so much thereof as are necessary to realize the taxes and costs.
- (3) Where property distrained is sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, it shall be paid to the person in whose possession the property was when the distress was made, but if other claim to the surplus is made, it shall be paid over by the collector to the clerk of the Court, who shall retain the money until the rights of all parties have been determined.
- 79.(1) If at any time after a demand for taxes has been made and before the time for payment thereof expires, the collector has reason to believe that a person liable for payment of taxes is about to remove goods and chattels that would be otherwise subject to distress under this Ordinance, the collector may make an affidavit to that effect before a judge and the judge may issue a warrant to the collector or other person named therein, authorizing him to levy for the taxes, costs and expenses in the manner provided by this Ordinance. Fraudulent removal
- 80.(1) Where the taxes imposed in respect of any right, interest or estate of a person occupying or leasing Crown lands are in arrears, the following proceedings, amongst others, may be taken: Remedies against occupier
- (a) the collector may serve upon the occupier or tenant of such lands a notice in the prescribed form, signed by him.

- (b) the notice may be served upon the occupier or tenant either
 - (i) personally,
 - (ii) by depositing it in some conspicuous place on the premises,
 - (iii) by leaving it with some adult person at the premises, or
 - (iv) by registered letter addressed to the tenant or occupier at his last address as shown in the records of the collector;
- (c) if the arrears are not paid in accordance with the notice, the authority may, after the expiration of thirty days, file the notice and an affidavit of service thereof with the clerk of the Court who shall thereupon enter the matter on the list of cases to be disposed of at the next sittings of the Court; and
- (d) at the sittings of the Court, the judge may hear any of the parties and may make such order as he thinks proper for payment of the taxes, penalties, interest and costs, and the order shall be deemed to be a judgment of the Court upon which execution may be issued, and the execution shall have priority over any other execution or encumbrance or claim of any kind.

- Tax roll evidence
- 81.(1) The production of a tax roll or a copy thereof or so much thereof as relates to the taxes payable by a person, purporting to be certified by the collector as a true copy, shall in any action, cause or proceedings, be received in evidence and be *prima facie* proof that the taxes are payable as and by the person disclosed therein and that the demand for taxes entered therein as given was fully given.

TAX LIEN PROCEDURE

- Preparation and authentication of list
- 82.(1) When the whole or a portion of the taxes on any land or improvements has been due and unpaid for more than twelve months after the 1st day of April of the year in which the tax became due and payable, the land shall be liable to be dealt with under this Ordinance, and subject to subsection (2), the collector shall, on or before the 15th day of April in each year, submit to the authority a list in duplicate of all such lands, with the amount of the arrears against each parcel set opposite the parcel.
 - (2) The list need not include any parcel in respect of which a tax lien has been filed under section 88 unless the lien has been withdrawn.
 - (3) Subject to subsection (4), the list shall not include any land, the title to which is vested in the Crown or any other land exempt from taxation.
 - (4) Notwithstanding anything in this or any other Ordinance, land, title to which is in the name of the authority, may with the consent of the authority be placed on the list and section 88 shall thereafter apply to that land.
 - (5) The authority shall authenticate the lists by affixing to both copies the seal of the authority.
- Completion and publication of list
- 83.(1) The collector shall prepare a copy of the list adding to the amount of the arrears charged against each parcel an administration charge which copy shall contain a statement showing what sum has been added and he shall cause the copy to be published in a newspaper circulated in the Territory.
 - (2) The publication shall be made not less than sixty days preceding the date on which the tax lien mentioned in section 88 is forwarded to the Registrar.
 - (3) The administration charge mentioned in subsection (1) shall be ten percent of the arrears or twenty-five dollars, whichever is the greater, and this charge shall be added to and form part of the taxes.

- 84.(1) The advertisement shall contain a notification that unless arrears of taxes and costs are sooner paid, the collector will at the expiration of the period of sixty days from the date of the advertisement, proceed to register a tax lien in accordance with section 88. Notice of intention to register tax lien
- 85.(1) One copy of the list required to be published pursuant to section 83, shall be posted in the collector's office and shall be accessible to the public at all times during business hours for a period of sixty days. Posting and inspection of list
- (2) Copies of the list shall be posted in public places in the area where the property is situated.
- 86.(1) A person tearing, defacing or destroying any of the lists or removing any of those posted, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars and in default of payment, to imprisonment for a term not exceeding three months or to both fine and imprisonment. Penalty for interference with lists
- 87.(1) Omission to include in the list any land liable to be dealt with under this Ordinance shall not be held to prevent its inclusion on any future occasion with respect to all arrears of taxes that may be due thereon. Effect of omission from list.
- 88.(1) The collector shall, after the expiration of the period of sixty days mentioned in section 84 and not later than the 30th day of April next following, cause to be forwarded to the office of the Registrar a tax lien in duplicate with respect to every parcel of land included in the list published pursuant to section 83, the taxes against which are in arrears at the time of forwarding the tax lien. Registration and fees therefor
- (2) The Registrar shall file the tax lien and a note upon one copy thereof the date of filing together with particulars of registration, which copy he shall return to the collector.
- (3) The Registrar shall not file a tax lien which is received by him later than the 30th day of June and he shall return such tax lien to the collector forthwith after receipt thereof, stating the reason for its return.
- (4) A tax lien may be filed notwithstanding any distress that may be upon the land.
- (5) The collector shall not be bound before forwarding the tax lien to the Registrar to inquire into or form an opinion of the value of the land.
- (6) A tax lien filed under this Ordinance has the effect of a duly registered caveat but does not need to be verified by oath and the Registrar does not need to send the notice mentioned in section 134 of the *Land Titles Act*.
- (7) The fee for services rendered by the Registrar under this section shall be paid
- (a) to the authority by the person redeeming the land;
- (b) to the Registrar by the authority when forwarding a withdrawal of tax lien under section 91 or 97, or when making application for title under section 100.

- (8) Where a tax lien has been registered against a parcel of land and has not been withdrawn by the authority or vacated by the Registrar, it shall not be necessary to file a further tax lien in respect of subsequent arrears of taxes on the same parcel.
- (9) A tax lien shall be deemed to be registered not only with respect to the unpaid taxes mentioned in subsection 82(1) but also with respect to all other taxes to which this Ordinance applies that were or are in arrears at the date of registration of the lien, notwithstanding that a tax lien should have been previously registered under this Ordinance with respect to such other taxes or any portion thereof.
- 89.(1) When land upon which arrears of taxes are outstanding is subdivided before a tax lien is registered, the assessor may, before registration of the lien, upon application by the collector or by or on behalf of the owner of any part of the land, and upon being paid the prescribed fee together with a deposit to cover any necessary disbursements, apportion the arrears of taxes in accordance with the subdivision, and may determine the amount chargeable against each parcel.
- (2) Notice of the apportionment shall be given in the same manner and to the same persons as a notice of an assessment unless all the parties entitled to a notice agree in writing to the apportionment.
- (3) There shall be a right of appeal against the apportionment to the Court of Revision whose decision shall be final.
- (4) The proceedings upon appeal and the duties and powers of the Court of Revision, of the assessor and of the clerk, shall be the same as nearly as may be as in the case of appeals against assessment.
- (5) The arrears of taxes apportioned by the assessor or the Court of Revision shall for all purposes be deemed to be the arrears respectively due in respect of the parcels of land affected.
- 90.(1) Except as mentioned in section 108, after the tax lien has been filed it shall not be removed until the collector directs its removal, or the lien is removed pursuant to section 97, or until a certificate of title is issued to the authority as provided in section 104.
- 91.(1) If through an error, mistake or misdescription or from any other cause, a tax lien has been improperly filed in respect of any land the collector shall forthwith cause to be forwarded to the Registrar a withdrawal of tax lien as to that land, the fee mentioned in section 88 and the prescribed fee for registration of the withdrawal and upon receipt thereof, the Registrar shall endorse on the certificate of title a memorandum that the lien has been withdrawn.
- 92.(1) Until the time for redemption has elapsed the land shall continue to be liable to assessment and taxation in the name of the owner and the taxes in respect of which the tax lien has been registered shall continue to be liable to the penalties for default in payment as provided in this Ordinance.
- 93.(1) Notwithstanding that a lien has been registered under this Ordinance an authority may, at any time prior to obtaining title, exercise any powers conferred upon it by this or any other Ordinance for the recovery of taxes due in respect of the land.

ANCILLARY METHOD OF RECOVERY

PROTECTION OF LAND AND IMPROVEMENTS

- 94.(1) After the registration of a tax lien, the authority shall be entitled by action or otherwise to protect the land from spoilation or waste until the expiration of the term during which the land may be redeemed, but shall not have any right to the possession of the land or to cut hay or timber growing thereon or in any way to injure the land, and shall not be liable for damage done to the property during the time the tax lien remains in force.
- Powers to protect land
- (2) Buildings upon land in respect of which a tax lien has been registered may be insured by the authority against loss or damage to the property to the amount of all taxes outstanding and costs incurred in proceedings to acquire title.
- 95.(1) After the registration of a tax lien the authority may, upon affidavit of the collector setting forth
- Prevention of material deterioration
- (a) that he has reason to believe that buildings on the land against which the tax lien has been registered are materially deteriorating in value, or are likely so to deteriorate unless preventive measures are taken; and
- (b) that the owner has abandoned the property; or
- (c) that the property is unoccupied and that the owner has been requested to prevent deterioration or further deterioration as the case may be, within a designated reasonable period, and that the deponent has reason to believe that the owner has failed to do so,
- apply to a judge for an order authorizing entry on the land and into the buildings at any time during a specified period for the purpose of preventing deterioration or further deterioration thereof, as the case may be, or for an order abridging the period which under this Ordinance must elapse between the date of the filing of the tax lien and the issue of certificate of title, and if an abridgment order is made the collector shall file with the Registrar a copy of the order duly certified by the clerk of the Court.
- (2) If the judge makes an order he may impose such conditions as he deems expedient and may by the same or a subsequent order, as the case may be, on the application of the authority, require that the whole or any portion of the costs of and incidental to the applications and of the work done pursuant to the first mentioned order shall be added to and form part of the amount required to redeem the land, in which case the sum ordered to be added shall form part of the amount required to redeem the land.
- (3) No application shall be made under subsections (1) or (2) unless fourteen days' notice of intention to make the application has been given to the assessed owner of the land and to all persons appearing by the records of the land titles office or otherwise to have an interest in the land.
- (4) The notice shall be sent by registered mail and shall be deemed to have been sent on the date of mailing.
- 96.(1) The buildings and fencing, if any, upon land against which a tax lien has been registered shall be held to be improvements thereon and shall not be removed without the consent of the authority.
- Removal of buildings and fencing prohibited
- (2) Any buildings or fencing removed without the consent of the authority may be seized by the authority who may enter upon the land to which the building or fencing has been removed, and restore it to its former location.
- (3) The authority may recover from the person who has removed the building or fencing the expense incurred in the seizure and restoration.

REDEMPTION

Redemption
of land and
withdrawal
of lien as
to land and
minerals.

- 97.(1) If the owner of any land against which a tax lien has been registered under this Ordinance or his executors, administrators or assigns, or any other person on his or their behalf but in his or their name only, pays to the collector
- (a) the arrears of taxes;
 - (b) the expired portion of any insurance premium paid by the authority under subsection 94(2);
 - (c) the administration charge mentioned in section 83;
 - (d) the fee mentioned in section 88;
 - (e) the amount of any disbursements necessarily made by the authority, or by any person acting on behalf of the authority, in proceeding to acquire title, exclusive of any amounts payable under paragraph (f);
 - (f) the sum, if any, paid or payable to any person for services rendered in proceedings to acquire title, not exceeding twenty-five dollars plus two dollars for each person after the first who is required to be served with notice of the application for title, provided that where two or more parcels of land are included in one application for title and one or more but not all of such parcels are redeemed, the sum payable under this paragraph shall be in the same proportion to the sum otherwise payable as the number of parcels redeemed bears to the total number of parcels included in the application; and
 - (g) the fee for registration of a withdrawal of the tax lien; or if the land is redeemed under section 98, the collector shall forthwith cause to be forwarded to the Registrar a withdrawal of tax lien as to that land, and pay the fee mentioned in section 88 and the fee for registration of the withdrawal.
- (2) Where the Registrar has received a withdrawal of lien forwarded to him pursuant to subsection (1), and the fee mentioned in section 88 and the fee for registration of the withdrawal have been paid to him, the Registrar shall endorse on the certificate of title a memorandum that the lien has been withdrawn.
- (3) The collector may accept payment in instalments of the arrears of taxes and other sums referred to in subsection (1), but a partial payment shall not affect the right of the authority to apply for title under section 100.

Redemption
by execution
creditor,
mortgagee,
etc.

- 98.(1) A creditor having an execution in the sheriff's hands affecting land against which a tax lien has been registered may redeem the land under the conditions mentioned in subsection 97 (1) and may file the receipt for the redemption money with the sheriff, who shall thereupon add the amount of the redemption money to the sum remaining unpaid upon the execution.
- (2) The amount so added shall bear legal interest from the date of redemption, and the sheriff in his return to the writ shall refer to the amount and to the manner of its addition.
 - (3) The holder of a registered mechanic's lien against such land may redeem the land and may file his receipt for the money with the Registrar, who shall thereupon note upon the claim of lien filed the date of redemption and the amount paid.
 - (4) The amount of the lienholder's claim shall be increased by the sum paid for redemption, and the rights of the lienholder and of all other parties shall be such as they would have been if the amount of the addition had been originally included in the claim of lien and had been justly due for work or services done or materials placed or furnished.

- (5) The holder of a mortgage or encumbrance against the land may redeem the land and may add the amount of the redemption money to the sum secured by the mortgage or encumbrance, bearing interest from the date of payment at the same rate as and otherwise subject to all terms and conditions of the mortgage or encumbrance.
99. (1) Any portion of a parcel of land in respect of which a tax lien has been registered may be redeemed by payment of a proportionate amount of the arrears of taxes and costs, if the consent of the authority is first obtained in writing. Redemption
of part
- (2) The collector or any person entitled to redeem such portion may apply to the assessor to apportion the arrears and costs and the assessor shall thereupon proceed to do so, and the provisions of section 89 as to notice, appeal, procedure, the duties and powers of the Court of Revision and of any officers with respect to the appeal, and the effect of apportionment shall apply *mutatis mutandis*.
- (3) Nothing in this section shall be deemed to authorize redemption if the size of any lot to be redeemed or left unredeemed would be less than the minimum size required under any law in force respecting lot size.

APPLICATION FOR TITLE

100. (1) At any time after the expiration of two years from the date of filing the tax lien the authority may authorize application for title to any parcel of land included in the list, in respect of which the arrears of taxes have not been paid and the lien has not been withdrawn, and such application shall in all respects be deemed to be, and shall be dealt with by the Registrar as an application to bring land under the *Land Titles Act* or for a transmission under that Act, as the case may be. Application
for title
failing
redemption
- (2) An application by an authority under this Ordinance for transmission of title shall be accepted by the Registrar although title to the land is in the name of the authority.
- (3) An application for title shall include only land contained in one certificate of title, except where
- (a) lands held under different certificates belong to the same registered owner; or
- (b) the ownership of a parcel is composed of undivided interests covered by different certificates;
- but an application may include any number of lots or blocks according to the same plan.
101. (1) Notwithstanding anything in the *Limitation of Actions Ordinance*, there is no limitation to the time within which an application for title may be made under section 100. No time
limit for
application
102. (1) Where the Registrar has received a copy of an order made under subsection 10(1) of the *Mediation Board Ordinance* prohibiting final application for title, he shall, when final application for title is made, direct notice thereof to be sent by registered mail to the persons mentioned in section 103 and shall not issue certificate of title until thirty days after such notice has been given, provided that this subsection does not apply to the parcels mentioned in subsection 104(2). Postponement
of final
application
for title
103. (1) Subject to sections 102 and 105, upon receipt from an authority of an application for title under this Ordinance, the Registrar

shall direct to be served on all persons who appear by the records of the land titles office and by the last revised assessment roll of the authority at the time of the registration of the application, to be interested in the land a notice requiring them, within a period of six months from the date of the service of the notice upon them, to contest the claim of the authority or to redeem the land.

- (2) The Registrar shall not direct that the notice mentioned in subsection (1) be served on the authority or on a person whose interest in the land will, by virtue of section 106, not be affected by the issue of a certificate of title to the authority.
- (3) The Registrar shall not be affected by any irregularity in respect of the assessment of the land for taxes or in any proceedings relating to the enforcement of payment of the taxes before the filing of the tax lien.
- (4) The name and address of the assessed owner of the land and the assessed value of the land according to the last revised assessment roll of the authority shall be proven by a certificate under the seal of the authority and the Registrar shall accept such evidence without further proof.
- (5) Where application is made for title to a lot or parcel of land that at the date of the application has an assessed value of one thousand dollars or less, the notice mentioned in subsection (1) may be served on any person directed to be served by sending to him a true copy thereof by registered mail, postage prepaid, in an envelope addressed to him at his address as shown by the records of the land titles office and by the last revised assessment roll of the authority, and the service shall be deemed to be sufficient if a receipt from the postmaster for the envelope containing the copy is annexed to a declaration of service, and the notice shall be deemed to have been served on the day of the date of the receipt from the postmaster for the envelope.
- (6) Where application is made for title to a lot or a parcel of land that at the date of the application has an assessed value exceeding one thousand dollars, subsection (5) applies *mutatis mutandis* with respect to service of notice on all persons other than the registered owner and first mortgagee of the land, and the registered owner and the first mortgagee, if any, may be served with the notice by forwarding to him by registered mail a true copy thereof, and service on the registered owner and the first mortgagee pursuant to this subsection shall be deemed to be sufficient if a receipt from the postmaster for the envelope containing the copy, and a post office receipt for the envelope purporting to be signed by the person to be served, are produced as exhibits to an affidavit of service in the prescribed form.
- (7) A notice served on the registered owner or first mortgagee under subsection (6) shall be deemed to have been served on the day of the date of the receipt that purports to be signed by the owner or mortgagee.
- (8) If the address of a person to be served as shown in the assessment roll is different from the address as shown in the records of the land titles office, notice shall be sent to him at each of those addresses.
- (9) Where notices are served by registered mail under this section, not more than one notice shall be enclosed in any one envelope.
- (10) Notwithstanding anything in subsections (5) and (6), service of the notice therein mentioned may be effected by personal service on the registered owner or first mortgagee or any other interested person, but the costs of personal service included in the

amount required to redeem the land shall not exceed the costs of service that would have been included if the service had been made by registered mail under subsection (5) or (6), as the case may be.

- (11) The period of six months provided for in a notice directed by the Registrar pursuant to subsection (1), to be served shall be deemed to have expired upon the expiration of six months after the latest of the dates on which the person required to be served with the notice were respectively served.
 - (12) Subject to the *Mediation Board Ordinance* and this Ordinance, upon the expiration of the period of six months provided for in a notice served under this section, the Registrar shall, if the land has not been redeemed, issue a certificate of title to the authority and thereupon the interests and liens of all persons in or upon the land that accrued or commenced to accrue before the issue of the certificate of title shall, subject to subsection (13), be deemed to be extinguished.
 - (13) Where a certificate of title is issued pursuant to subsection (12), the land therein described shall remain subject to the easements, agreements, caveats, rights and other things mentioned in paragraphs 106 (1)(a) to (1)(d).
- 104.(1) The Registrar may in his discretion order that the notice mentioned in section 103, and notice of any subsequent proceedings, may be served substitutionally and such substitutional service shall have the same effect as personal service of the notice or proceedings upon the person intended to be affected thereby.

PROCEEDINGS IN LAND TITLES OFFICE

- 105.(1) Subject to subsection (2), upon receipt of an application for title as provided in section 100, the Registrar shall direct the collector to send the notice required by section 102. Notice of application for and issue of title
- (2) Notwithstanding subsection (1), where the application for title
 - (a) is in respect of one or more vacant lots in a municipality or local improvement district, each having a value according to the last revised assessment roll or not more than twenty-five dollars; and
 - (b) contains a statement that it is an application with respect to which this subsection applies,
 the notice required by section 102 shall be served only upon the assessed owner and subsections (5), (6), (7), (8), (9) and (10) of this section and sections 7 and 10 of the *Mediation Board Ordinance* do not apply with respect to the application.
- (3) The final application for title in the cases mentioned in subsection (2) shall be accompanied by an affidavit of the collector stating in respect of the parcels included in such application,
 - (a) the value of each lot according to the last revised assessment roll;
 - (b) that the arrears of taxes imposed against such lots have not been paid;
 - (c) that none of the lots contain buildings;
 - (d) that the lots are outside the built-up area of the municipality or local improvement district, as the case may require, or are unfit for building purposes.

- (4) Subject to sections 7 and 10 of the *Mediation Board Ordinance* and subsections (5) to (10), after the expiration of six months from the date of service to the last notice required to be served by or on behalf of the authority, if the land is not redeemed, the Registrar shall upon receipt of written final application for title, issue to the authority a certificate of title under the *Land Titles Act*, and the certificate of title shall in every respect be of the same force and validity and have the same effect as any other certificate of title issued under the *Land Titles Act*.
- (5) If the period of six months mentioned in subsection (4) expires before the 30th day of November next following the expiration of two years from the date of filing of the tax lien, final application shall not be made until after the said 30th day of November.
- (6) Subject to subsection (7), upon receipt of the written final application the Registrar shall register the application but shall not issue a certificate of title to the authority until the collector has given or caused to be given to all persons appearing, at the time of the registration of the application, by the records of the land titles office and the last revised assessment roll to have an interest in the land, written notice that the authority intends to make a final request for the issue of a certificate of title upon the expiration of thirty days from the date of mailing or delivery of the notice.
- (7) The notice mentioned in subsection (6) does not need to be given to a person whose interest in the land will, by virtue of section 106, not be affected by the issue of a certificate of title to the authority.
- (8) The authority shall not make a final request for the issue of title before the expiration of thirty days after the date of mailing or delivery of the notice given pursuant to subsection (6), and the land may be redeemed at any time before issue of the certificate of title.
- (9) Where notice has been given pursuant to subsection (6) and the Mediation Board, pursuant to the *Mediation Board Ordinance*, files with the Registrar an order prohibiting the continuance of the application and subsequently thereto files with the Registrar a consent to the continuance of the application, the authority shall not make a final request for the issue of title to the authority until it has thereafter given or caused to be given a further notice to persons mentioned in subsection (6) that the authority intends to make a final request for the issue of a certificate of title upon the expiration of thirty days from the date of mailing or delivery of the notice, and in such a case, subsection (8) shall apply *mutatis mutandis*.
- (10) The notice mentioned in subsection (6) and the further notice mentioned in subsection (9) may be served by sending it by registered mail, addressed to the person to be served, and proof by affidavit of the sending or delivery of the notice shall be filed with the Registrar.

106. (1) After the issue of a certificate of title, no person except the authority or those claiming through or under the authority shall be deemed to be rightly entitled to the land included therein or to any part thereof, or to any interest therein or lien thereof, or to any interest therein or lien thereon, whose rights in respect thereof accrued or commenced to accrue prior to the issue of the certificate of title, save that the land shall remain subject to
- Certain interests not affected by issue of title
- (a) existing registered easements and party wall agreements and any caveat registered in respect of an easement or party wall agreement;

- (b) rights of easement acquired by any public utilities;
- (c) caveats registered by or on behalf of the Crown or the Territory; and
- (d) the rights under section 113 of a person in actual occupation of the land.

- 107.(1) The Registrar shall not be obliged to ascertain or inquire into the regularity of the tax enforcement proceedings or of any proceedings prior to or having relation to the assessment of the land. No inquiries necessary by Registrar
- 108.(1) The authority shall be liable to the Registrar for all losses and damage sustained to the assurance fund on account of incorrect information given by it in consequence of any error in any list, statement or other documents given to him by the authority under this Ordinance. Liability to assurance fund

REMOVAL OF TAX LIEN

- 109.(1) Notwithstanding any defect in the assessment, levy or other proceedings, no tax lien shall be removed except where the taxes for the year or years in respect of which the tax lien was registered had been paid, or where the land was not liable to taxation for the year or years in respect of which the tax lien was registered. Grounds for removal
- (2) All actions, suits or other proceedings to remove a tax lien shall be brought or taken against the authority, but no such action, suit or proceeding shall be brought or taken after the issue of certificate of title to the authority.
- (3) After the issue of certificate of title to the authority, the former owner or his assigns shall have no claim for damages against the authority or against the assurance fund.

DISPOSAL OF LANDS

- 110.(1) The authority may after obtaining title to the land under this Ordinance, lease the land or sell and convey it in a similar manner to any other land belonging to the authority. Powers of municipality

MISCELLANEOUS

- 111.(1) After the issue of certificate of title to the authority, the collector shall remove the taxes and other charges from the tax roll and transfer them to a record in such form as may be prescribed. Removal of taxes from tax roll
- 112.(1) No action for the return by the authority of any moneys paid to it, whether under protest or otherwise, on account of a claim, whether valid or invalid, made by the authority for taxes shall be commenced after the expiration of six months from the date of payment of the moneys, and after the expiration of such period of six months without an action having been commenced, the payment made to the authority shall be deemed to have been a voluntary payment. Limitation of action against municipality
- 113.(1) Subject to subsection (2), a person in occupation of land when certificate of title thereto issues under this Ordinance, shall Application of Landlord and Tenant Ordinance

be deemed to be tenant to the authority named in the certificate of title, and the *Landlord and Tenant Ordinance* shall apply as if the relationship of landlord and tenant had been constituted by agreement between the parties on the basis of a weekly tenancy unless an agreement to the contrary has been entered into between the parties.

- (2) Where, on the issue of title, the person in occupation holds the land under a subsisting lease for a year or longer or agreement for lease for a year or longer from the former owner of the land, the rights and liabilities of that person under the lease against and in favour of the former owner shall continue against and in favour of the new owner for the current year of the lease.

Regulations 114.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for the carrying out of the purposes and provisions of this Ordinance.

Repeal 115.(1) The *Taxation Ordinance* is repealed.

Coming into force 116.(1) This Ordinance or any portion thereof shall come into force on a day to be fixed by the Commissioner.

August 31, 1972 is fixed as the coming-into-force date by C.O. 1972/140.

CHAPTER 14
ORDINANCES OF THE YUKON TERRITORY
1972 (Second Session)

AN ORDINANCE TO REPEAL
THE LANDS ORDINANCE

(Assented to December 8, 1972)

R.O.Y.T.
Chapter L-3

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The *Lands Ordinance*, being Chapter L-3 of the Revised Ordinances of the Yukon Territory, 1971 is hereby repealed.
2. This Ordinance shall come into force on a day to be fixed by the Commissioner.

February 13, 1973 is fixed as the coming-into-force date by C.O. 1973/57.

CHAPTER 15
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

R.O.Y.T.
Chapter C-4

AN ORDINANCE TO AMEND
THE CHILD WELFARE ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsections 20(1) and 20(3) of the *Child Welfare Ordinance* are repealed and the following substituted therefor:

"non-ward
care"

"20.(1) Any parent, or any person having charge of a child, who, for reasons considered adequate by the Director, is unable to make adequate provision for the child, may make application to the Director to have the child placed temporarily in the non-ward care of the Director.

(3) Where the Director deems it to be in the best interest of the child to do so, he may, upon the request of the applicant, renew the agreement from time to time, but the total continuous period of care pursuant to this section shall not exceed two years."

2. Section 23 of the said Ordinance is amended by adding thereto the following new subsection:

"(2) The Commissioner may manage and operate group homes and other facilities for the care of children, and may make agreements with persons to operate such group homes and facilities on behalf of the Commissioner."

3. Subsection 32(1) of the said Ordinance is repealed and the following substituted therefor:

"32.(1) The Director, or any person aggrieved, may appeal to the Court against any order made under this Part or a refusal to make an order, by a notice of appeal given within thirty days from the day the order was given or refusal made."

4. The said Ordinance is amended by adding thereto immediately after section 40 thereof, the following new section:

"40.1(1) Where the Director brings a ward of the Director, under the age of sixteen years, before a justice and satisfies the justice that he is unable to control and manage the child, the justice may deal with the child as a young offender pursuant to the *Juvenile Delinquents Act*."

5. Subsection 55(2) of the said Ordinance is repealed and the following substituted therefor:

"55.(2) Notice of appeal shall within thirty days of the making of an order be served upon

- (a) the justice who made the order;
- (b) the respondent; and
- (c) the Director."

6. Section 66 of the said Ordinance is amended by adding thereto the following new definitions:

"'Court' means the Territorial Court; "Court"
 'judge' means a judge of the Territorial Court." "judge"

7. Section 71 of the said Ordinance is amended by adding thereto the following new subsection:

"(3) Where a child has been permanently committed to the care and custody of the Director or other lawful child welfare authority of a province or of any other country or part thereof and the laws of that place provide that the consent only of that director or authority is required to the adoption of the child, then, if an application is made in the Territory to the Court for the adoption of the child, only the consent of that director or authority is required."

8. Section 73 of the said Ordinance is repealed and the following substituted therefor:

"73.(1) No person who has given his consent to adoption, other than the child to be adopted, or the Director, may revoke his consent unless it is shown to the satisfaction of the Court that such revocation is in the best interests of the child. Revocation
of consent

(2) No application to the Court for a revocation of a consent by any person other than the child to be adopted or the Director, shall be granted unless the application is made to the Court within thirty days from the day on which the consent has been given."

9. Subsection 75(1) of the said Ordinance is repealed and the following substituted therefor:

"75.(1) Consents required pursuant to sections 69 or 70 shall be supported by the affidavit of the person consenting and of the witness to the consent and each affidavit shall include a statement that the effect of the consent and of adoption was fully explained to the person consenting and that the consent appeared to be signed freely and voluntarily and the affidavit of the witness shall further state that the person consenting appeared to understand fully the effect of his consent and of adoption." Affidavit of
support

10. Section 89 of the said Ordinance is repealed and the following substituted therefor:

"89.(1) Any person receiving a child into his home for the purposes of adoption pursuant to this Ordinance, other than through the Director, shall, within thirty days of receiving the child, notify the Director in writing, the whole circumstances of the matter. Notification
of
placement

(2) Where a child has been placed by the Director with a person or married couple, on adoption probation, that person or couple shall notify the Director in the prescribed form within sixty days of the placement whether

he or they intend to adopt or not adopt the child as the case may be, but the Director may extend the time within which the person or couple shall notify him for a further period not exceeding sixty days.

- (3) Every person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

11. The said Ordinance is amended by adding thereto immediately after section 94 thereof, the following new section:

Transitory

"94.1 (1) Where an order was made under the *Protection of Children Ordinance* committing a child to the care of the Superintendent of Child Welfare that order shall have the same force and effect as if the child were committed to the permanent care of the Director under this Ordinance."

Coming into force

12. This Ordinance shall come into force on a day to be fixed by the Commissioner.

May 1, 1972 is fixed as the coming-into-force date by C.O. 1972/147.

CHAPTER 16
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

AN ORDINANCE TO AMEND THE
CHIROPRACTIC ORDINANCE

(Assented to February 11, 1972)

R.O.Y.T.
Chapter C-5

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 11 of the *Chiropractic Ordinance* is repealed and the following substituted therefor:
"11. (1) A person registered as a chiropractor under this Ordinance may in connection with his practice use X-Ray shadow photographs and if he files with the Commissioner a certificate of competency pursuant to the regulations, he may in connection with his practise use X-Ray equipment for the purposes only of producing shadow photographs."
Use of X-Ray photographs
2. Paragraph 12(2)(g) of the said Ordinance is repealed and the following substituted therefor:
"(g) except as provided by section 11, takes X-Ray photographs without supervision by a medical practitioner;"
Offences by chiropractor
3. Subsection 15(3) of the said Ordinance is repealed and the following substituted therefor:
"(3) A person whose name is removed from the register pursuant to subsection (1) is entitled to have his name restored to the register upon payment of the prescribed fee in addition to the fee in respect of which his name was removed from the register."
Application for reinstatement
4. Section 20 of the said Ordinance is repealed and the following substituted therefor:
"20.(1) The Commissioner may make such regulations and prescribe such fees as he deems necessary for carrying out the purposes and provisions of this Ordinance."
Regulation
5. This Ordinance shall come into force on a day to be fixed by the Commissioner.
Coming into force

February 12, 1972 is fixed as the coming-into-force date by C.O. 1972/119.

CHAPTER 17
ORDINANCES OF THE YUKON TERRITORY
1972 (Second Session)

AN ORDINANCE TO AMEND THE
CORONERS ORDINANCE

(Assented to December 8, 1972)

R.O.Y.T.
Chapter C-18

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of the *Coroners Ordinance* is amended by adding thereto the following new subsections:
 - Chief
Coroner "2.(2) The Commissioner may appoint a Chief Coroner who shall have jurisdiction throughout the Territory.
 - (3) The powers, duties and remuneration of the Chief Coroner shall be such as are from time to time defined and set forth by order of the Commissioner."
2. Except in section 2, section 3, section 35, and section 36, the said Ordinance is further amended by deleting the word "Commissioner" and substituting the words "Chief Coroner" therefor.
3. Subsections 17(2) and 17(3) and subsection 18(3) of the said Ordinance are amended by deleting the word "male" therefrom.
4. Section 29 of the said Ordinance is amended by deleting the words "two hundred dollars" and substituting the words "five hundred dollars" therefor.
5. Section 30 of the said Ordinance is repealed and the following substituted therefor:
 - "30.(1) Where, except for the purpose of saving life or relieving suffering, a person, without authority from the coroner interferes with, destroys, carries away or alters the position of wreckage or anything connected therewith resulting from the wreck of a building, bridge, structure, embankment, aircraft, motor vehicle, boat, machine or apparatus that has caused death by violence, such person commits an offence and is liable upon summary conviction to a fine not exceeding five hundred dollars, and where it is shown that the offence was wilfully committed for the purpose of making away with or destroying evidence, the person guilty thereof is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment."
6. Section 31 of the said Ordinance is repealed and the following substituted therefor:
 - "31.(1) Every person who violates a provision of this Ordinance for which no punishment is elsewhere provided in this Ordinance commits an offence and is liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment."

- 7. Section 34 of the said Ordinance is repealed and the following substituted therefor:

"34.(1) The Chief Coroner may take over from any other coroner an inquiry or inquest at any stage thereof and has exclusive jurisdiction in the matter of the inquiry or inquest, and may in his discretion:

Chief Coroner's powers

- (a) continue the proceedings in the stage at which they were when he assumed jurisdiction; or
- (b) commence the proceedings *de novo* in which event everything previously done in the matter is of no effect."

- 8. The said Ordinance is further amended by adding thereto immediately after section 35 the following new section:

"36.(1) The Commissioner may make such regulations as he deems necessary for the carrying out of the provisions of this Ordinance."

Regulations

- 9. This Ordinance shall come into force on a day to be fixed by the Commissioner.

Coming into force

January 22, 1973 is fixed as the coming-into-force date by C.O. 1972/39.

CHAPTER 18
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

R.O.Y.T.
Chapter F-5

AN ORDINANCE TO AMEND
THE FIRE PREVENTION ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The *Fire Prevention Ordinance* is amended by adding thereto immediately after section 21, the following new section:

Premium
taxed

"21.1 (1) Every company whether upon the stock or mutual plan, and the attorney of every reciprocal or inter-insurance exchange, transacting the business of fire insurance within the meaning of the *Insurance Ordinance*, shall, in addition to any taxes and fees required by law to be paid, pay to the Commissioner not later than the last day of February of each year, a sum equal to one percent of its premium receipts and assessments less return premiums, cancellations or money returned or credits allowed to subscribers, reckoned on its fire insurance business in the Territory during the preceding calendar year, including premiums covering fire risk only on automobiles.

(2) The tax imposed under this section is not payable by a re-insurer.

(3) A tax of one percent of the premium for the insurance effected shall be payable by persons insuring with unlicensed companies in respect of property in the Territory."

Coming
into
force

2. This Ordinance shall come into force on a day to be fixed by the Commissioner.

April 25, 1972 is fixed as the coming-into-force date by C.O. 1972/134.

CHAPTER 19
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

AN ORDINANCE TO AMEND
THE GAME ORDINANCE

(Assented to February 11, 1972)

R.O.Y.T.
Chapter G-1

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Schedule I of the *Game Ordinance* is amended by adding thereto the following new Game Preserve:

"FISHING BRANCH RIVER

Commencing at the intersection of 140° West Longitude, 66° North Latitude, north to 140° West Longitude, 66°45' North Latitude; thence east to 139° West Longitude, 66°45' North Latitude; thence south to 139° West Longitude, 66° North Latitude; thence west to point of commencement at 140° West Longitude, 66° North Latitude."

2. Schedule III of the said Ordinance is repealed.
3. This Ordinance shall come into force on a day to be fixed by the Commissioner.

N.B. C.O. 1972/80 - comes into force March 1, 1972.

March 1, 1972 is fixed as the coming-into-force date by C.O. 1972/80.

CHAPTER 20
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

R.O.Y.T.
Chapter L-2

AN ORDINANCE TO AMEND THE
LANDLORD AND TENANT ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. The *Landlord and Tenant Ordinance* is amended by adding thereto, immediately after Part III, the following:

PART IV

RESIDENTIAL TENANCIES

- | | |
|-----------------------------------|--|
| Definition | 60.(1) In this Part, unless the context otherwise requires, |
| "residential premises" | "residential premises" means premises used for residential purposes where the rent payable does not exceed five hundred dollars per month, and does not include premises occupied for business purposes with living accommodation attached under a single lease; |
| "security deposit" | "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition; |
| "tenancy agreement" | "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written or oral, express or implied, where the rent payable under the agreement does not exceed five hundred dollars per month. |
| | (2) This Part applies to tenancies of residential premises and tenancy agreements, notwithstanding any other Part of this Ordinance and notwithstanding any agreement or waiver to the contrary, except as specifically provided in this Part. |
| | (3) Parts I, II, and III of this Ordinance apply to tenancies of residential premises and tenancy agreements, except insofar as Parts I, II, and III conflict with Part IV, in which case Part IV applies. |
| Application to existing tenancies | (4) Except where otherwise expressly provided in this Part, this Part applies to tenancies under tenancy agreements entered into or renewed before or subsisting when this Part comes into force or entered into after this Part comes into force. |
| Tenancy agreements a contract | 61.(1) For the purposes of this Part, the relationship of landlord and tenant is one of contract only, and a tenancy agreement does not confer on the tenant an interest in land. |

- | | | |
|--------|--|---------------------------------------|
| 62.(1) | Where a tenancy agreement in writing is executed by a tenant after this Part comes into force, the landlord shall ensure that a fully executed duplicate original copy of the tenancy agreement is delivered to the tenant within twenty-one days after its execution and delivery by the tenant. | Delivery of copy of tenancy agreement |
| (2) | Where the copy of a tenancy agreement is not delivered in accordance with subsection (1), the obligations of the tenant thereunder cease until such copy is delivered to him. | Failure to deliver copy of tenancy |
| 63.(1) | A landlord shall not require or receive a security deposit from a tenant under a tenancy agreement entered into or renewed after this Part comes into force other than the rent payment for a rent period not exceeding one month, which payment shall be applied in payment of the rent for the last rent period under the tenancy agreement. | Security deposits |
| (2) | A landlord shall pay annually, or fifteen days after the tenancy is terminated, whichever is earlier, to the tenant interest on the security deposit for rent referred to in subsection (1) at the rate of five percent per annum. | Interest |
| (3) | A landlord on a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent. | Post-dated cheques |
| 64.(1) | This section applies to security deposits held by landlords at the time this Part comes into force, other than security deposits for rent only as described in section 89. | Security deposits already held |
| (2) | A landlord shall pay annually to the tenant interest on any moneys held by him as a security deposit at the rate of five percent per annum. | Interest |
| (3) | Subject to subsection (4), the landlord shall pay the security deposit to the tenant, together with the unpaid interest that has accrued thereon and been retained, within fifteen days after the tenancy is terminated or renewed, but a judge may, upon summary application therefor, extend the time to such longer period as he considers proper. | Repayment |
| (4) | Where the landlord proposes to retain any amount out of the security deposit, he shall so notify the tenant, together with the particulars of the grounds for the retention, and he shall not retain such amount unless
(a) the tenant consents thereto in writing after receipt of the notice; or
(b) he obtains an order of a judge under subsections (5) and (6). | Retentions |
| (5) | A landlord may apply to a judge for an order authorizing the retention of all or part of a security deposit, and section 89 applies to the application with the necessary changes and so far as is applicable. | Order for retention |
| (6) | Upon an application under subsection (5), the judge may dismiss the application or order that all or part of the security deposit be retained by the landlord to be applied on account of any obligation or liability of the tenant for which the security deposit was taken. | Idem |

- Distress abolished 65.(1) Except where a tenant abandons the premises, no landlord shall, except pursuant to a court order, distrain for default in the payment of rent whether a right of distress has heretofore existed by statute, the common law, or contract.
- Application of subsection (1) (2) Subsection (1) applies to default in payment of rent under a tenancy agreement entered into or renewed after this section comes into force and to default in payment under a tenancy agreement for a periodic tenancy of rent accruing after this section comes into force.
- Interesse termini* abolished
Idem 66.(1) The doctrine of *interesse termini* is hereby abolished.
- (2) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for commencement of the term, without actual entry.
- Application of section (3) This section applies to tenancy agreements entered into or renewed after this section comes into force.
- Frustration 67.(1) The doctrine of frustration of contract applies to tenancy agreements.
- Covenants inter-dependent 68.(1) Subject to this Part, the common law rules respecting the effect of the breach of a material covenant by one party to a contract on the obligation to perform by the other party apply to tenancy agreements.
- Covenants *in posse* and *in esse* 69.(1) Covenants concerning things related to the rented premises run with the land whether or not the things are in existence at the time of the demise.
- Right to assign or sublet 70.(1) Subject to subsections (3) and (6), where a tenancy agreement is for a term of six months or more, a tenant has the right to assign, sublet, or otherwise part with possession of the rented premises.
- Exception (2) Subsection (1) does not apply to a tenant of premises administered by or for the Government of Canada, or of the Territory, or a municipality, or any agency thereof, developed and financed under the *National Housing Act*.
- Subject to consent (3) A tenancy agreement may provide that the right of a tenant to assign, sublet, or otherwise part with possession of rented premises is subject to the consent of the landlord and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.
- Notice (4) Where subsection (3) applies, the tenant shall give to the landlord, in the manner prescribed in section 89, at least one month's notice of a request for the consent of the landlord to an assignment, subletting or other parting with possession under that subsection.
- No charge for consent (5) A landlord shall not make any charge for giving his consent referred to in subsection (3) except his reasonable expenses incurred thereby.
- Option of notice to quit (6) A tenancy agreement that provides that the consent of the landlord is required as authorized by subsection (3) may also provide that instead of consenting to the assignment, subletting or other parting with possession, the landlord may, at his option, serve one month's notice of termination

of the tenancy agreement on the tenants in a manner provided in this Part.

- 71.(1) Where a tenant abandons the premises in breach of the tenancy agreement, the landlord's right to damages is subject to the same obligation to mitigate his damages as applies generally under the rule of law relating to breaches of contract. Mitigation of damages
- 72.(1) Except Privacy
- (a) in cases of emergency,
 - (b) with the consent of the tenant given at the time of entry,
 - (c) where the landlord has the right to show the premises to prospective purchasers or tenants after notice of termination of the tenancy has been given, or
 - (d) where the tenant abandons the premises,
- the landlord shall not exercise a right to enter the rented premises unless he has first given written notice to the tenant at least twenty-four hours before the time of entry, and the time of entry shall be between the hours of eight o'clock in the forenoon and nine o'clock in the afternoon and specified in the notice.
- 73.(1) No landlord, his servant, or agent shall impose any special restrictions on access to the rented premises by candidates, or their authorized representatives, for election to the House of Commons, the Territorial Council or any office in a municipal government for the purpose of canvassing or distributing election material. Entry by canvassers
- 74.(1) A landlord or tenant shall not, during occupancy of the rented premises by the tenant, alter or cause to be altered the locking system on any door giving entry to the rented premises, except by mutual consent. Alteration of locks
- 75.(1) A landlord is responsible for providing and except where otherwise provided by express written agreement to the contrary, is responsible for maintaining the rented premises in good state of repair and fit for habitation during the tenancy and for complying with health and safety standards, including any housing standards required by law, and notwithstanding that any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into. Landlord's responsibility to repair
- (2) The tenant is responsible for ordinary cleanliness of the rented premises and for the repair of damage caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him, and for maintaining ordinary health, cleanliness, and sanitary standards throughout the premises. Tenant's responsibility for cleanliness and damage
- (3) The obligations imposed under this section may be enforced by summary application to a judge, and the judge may Enforcement
- (a) terminate the tenancy agreement upon such terms and conditions as the judge sees fit; or
 - (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, recoverable by due process or by setoff.

- Application (4) This section applies to tenancies under tenancy agreements entered into or renewed after this section comes into force and to periodic tenancies on the first anniversary date of such tenancies after this section comes into force, and in all other cases the law applies as it existed immediately before this section comes into force.
- No acceleration of rent 76.(1) Any term of a tenancy agreement that provides that, by reason of default in payment of rent due, or in observance of any obligation of the tenant under a tenancy agreement, that the whole or any part of the remaining rent for the tenancy becomes due and payable, is void and unenforceable.
- Notice of increase in rent 77.(1) No landlord shall increase the rent for a residential premises and no tenancy agreement shall provide for an increase in rent for a residential premises during the first year of a tenancy agreement, or, where the tenancy agreement is for a term of less than one year, during the term of the tenancy agreement and any renewals thereof up to one year from the date of the original tenancy agreement.
- (2) No landlord shall increase the rent for a residential premises after the period of one year referred to in subsection (1) without first having notified the tenant in writing, in the manner provided in this Part, at least three months prior to the date of the increase.
- (3) An increase in rent by a landlord contrary to subsection (1) or (2) is void and unenforceable.
- (4) If a tenant, on the date stipulated in a notice under subsection (2) for commencement of the increase in rent, refuses to pay to the landlord the amount of the increase set out in the notice, the landlord may, on or after that date, serve on the tenant, in the manner provided in this Part, a notice of termination of the tenancy agreement at the end of fifteen days from the date of service of the notice, and section 82 does not apply to a notice under this section.

TERMINATION OF TENANCY AGREEMENTS

- Notice of termination of tenancy 78.(1) A weekly, monthly, year-to-year, or any other kind of tenancy determinable on notice may be terminated by either the landlord or the tenant upon notice to the other and, unless otherwise agreed upon, the notice
- (a) shall meet the requirements of section 79;
- (b) shall be given in the manner prescribed by sections 80 and 89; and
- (c) shall be given in sufficient time to give the period of notice required by section 81, 82 or 83, as the case may be.
- Form of notice 79.(1) A landlord or a tenant may give notice to terminate either orally or in writing, but notice by a landlord to a tenant is not enforceable under section 86 unless it is given in writing.
- Content of notice (2) A notice in writing
- (a) shall be signed by the person giving the notice, or his agent;

- (b) shall identify the premises in respect of which the notice is given; and
- (c) shall state the date on which the tenancy is to terminate.

(3) A notice need not be in any particular form, but a notice by a landlord to a tenant and a notice by a tenant to a landlord may be in the prescribed forms.

80.(1) Notice to terminate shall be given in the manner prescribed in section 89. Manner of giving notice

(2) Where the tenant cannot be given notice by reason of his absence from the premises, or by reason of his evading service, the notice may be given to the tenant Substitutional service

- (a) by giving it to any adult person who apparently resides with the tenant; or
- (b) by posting it up in a conspicuous place upon some part of the premises; or
- (c) by sending it by registered mail to the tenant at the address where he resides.

81.(1) A notice to terminate a weekly tenancy shall be given on or before the last day of one week of the tenancy to be effective on the last day of the following week of the tenancy. Notice to terminate weekly tenancy

(2) For the purposes of this section, "week of the tenancy" means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable. Idem

82.(1) A notice to terminate a monthly tenancy shall be given on or before the last day of one month of the tenancy to be effective on the last day of the following month of the tenancy. Notice to terminate monthly tenancy

(2) For the purposes of this section, "month of the tenancy" means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable. Idem

83.(1) A notice to terminate a year-to-year tenancy shall be given on or before the sixtieth day before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy. Notice to terminate yearly tenancy

(2) For the purposes of this section, "year of tenancy" means the yearly period on which the tenancy is based and not necessarily a calendar year, and, unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession. Idem

84.(1) Where a landlord rents more than one residential premises in the same building and retains possession of part for use of all tenants in common, the landlord shall post up conspicuously and maintain posted a copy of sections 78 to 83 and 89, together with the legal name of the landlord and his address for service, and any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name so posted. Posting up notice provisions

- Compensation when premises not vacated 85.(1) A landlord is entitled to compensation for the use and occupation of premises after the tenancy has been terminated by notice.
- Effect of payment of overholding tenant where tenancy terminated on notice
Burden of proof (2) The acceptance by a landlord of arrears of rent or compensation for use or occupation of the premises after notice of termination of the tenancy has been given does not operate as a waiver of the notice or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.
- Enforcement of claim (3) The burden of proof that the notice has been waived or the tenancy has been reinstated or a new tenancy created is upon the person so claiming.
- (4) A landlord's claim for arrears of rent or compensation for use and occupation by a tenant after the expiration or termination of the tenancy may be enforced by action or on summary application as provided in section 86.
- Application 86.(1) An application in respect of any matter in which a summary application is authorized under this Part shall be made to a judge and shall state the grounds upon which the application is made.
- (2) The judge shall, in writing, appoint a time and place for the hearing, and the applicant shall serve a notice of the appointment and a copy of the application upon the other parties to the tenancy agreement at least ten days before the day appointed.
- (3) Where a judge is satisfied, on the application, that a tenancy agreement is terminated, he may issue a warrant in the prescribed form to a sheriff or peace officer of the place within which the residential premises are situated, commanding him, within a period therein named, to enter into the premises and give possession of the premises to the landlord; and may, in any case, make such other order as he may consider appropriate in the circumstances.
- Recovery of possession 87.(1) Unless a tenant has vacated or abandoned rented premises, the landlord shall not regain possession of the premises on the grounds he is entitled to possession, except under the authority of an order obtained under section 86.
- Defences to proceedings for possession (2) In any proceeding by the landlord for possession, if it appears to the judge that
- (a) the notice to quit was given because of the tenant's *bona fide* complaint to any governmental authority of the landlord's violation of any statute or municipal bylaw dealing with health or safety standards, including any housing standard law, or
- (b) the notice to quit was given because of the tenant's attempt to secure or enforce his legal rights,
- the judge may refuse to grant the order.
- Penalties 88.(1) Any person who contravenes section 63, 64, 73, 74, 77, or 87 is guilty of an offence and on summary conviction is liable to a fine not exceeding one thousand dollars.
- (2) Where a landlord is convicted of an offence of contravening section 63 or 64, the judge making the conviction may order the landlord to pay to the tenant the security deposit and interest or any part thereof that is unpaid.

89.(1) Except as otherwise provided in this Part

- (a) any notice, process, or document required or permitted to be delivered or given by a tenant to a landlord is sufficiently given or delivered if delivered personally to the landlord or his agent or sent by registered mail addressed to the name and the address posted under section 84;
- (b) any notice, process, or document required or permitted to be delivered or given by a landlord to a tenant shall be given or delivered personally to the tenant, or in the manner permitted in subsection 80(2).

Service of notices, etc.

(2) Where the document is given or delivered by mail, it shall be deemed to have been given or delivered on the fifth day after the date of mailing.

(3) Notwithstanding subsections (1) and (2), a judge may order any other method of service in respect of any matter before him.

90.(1) Where an application is made under section 86 and the judge finds cause, he may order that the question of right, if any appears, be tried as in an ordinary action for the recovery of land.

91.(1) For the purpose of this Part, "judge" includes either a judge of the court or a magistrate.

"judge"

92.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance.

Regulations

93.(1) This Ordinance, or any portion thereof, shall come into force on a day to be fixed by the Commissioner.

Coming into force

May 1, 1972 is fixed as the coming-into-force date by C.O. 1972/132.

CHAPTER 21
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

R.O.Y.T.
Chapter L-9

AN ORDINANCE TO AMEND THE
LOCAL IMPROVEMENT DISTRICT ORDINANCE

(Assented to February 22, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- Short title
- 1.(1) Section 2 of the *Local Improvement District Ordinance* is amended by adding thereto the following new definition:
- "administrator" "'administrator' means a person appointed as administrator;"
- "local improvement"
- (2) Section 2 of said Ordinance is further amended by repealing the definition of "local improvements" and substituting the following new definition:
- "'local improvement' means any of the following works or any combination of them:
- (a) opening, widening, straightening, extending, grading, leveling, diverting or paving a street;
 - (b) constructing a sidewalk, footcrossing, curbing, bridge, culvert or embankment forming part of a street or constructing a system of storm drainage;
 - (c) making, deepening, enlarging or lengthening a common sewer or water main;
 - (d) making sewer or water service connections to the street line on land abutting a main;
 - (e) constructing a conduit for wires or pipes along or under a street;
 - (f) providing other services normally found in organized communities; and
 - (g) reconstructing or replacing any of the works mentioned;"
2. Subsection 6(5) and 6(6) of the said Ordinance are repealed and the following substituted therefor:
- Qualifications of trustees
- "(5) To become eligible to become a trustee, a person must be
- (a) of the full age of nineteen years;
 - (b) a Canadian citizen or other British subject;
 - (c) a resident of the municipality for twelve consecutive months immediately preceding nomination day;
 - (d) eligible to vote as an elector for the election in which he is nominated.
- Qualifications of voters
- (6) Every person is entitled to vote at an election who
- (a) is a Canadian citizen or other British subject
 - (b) has attained the age of nineteen years on the day on which the poll is taken, and
 - (c) has established residence and resided in the municipality for one year prior to the day of the poll."
3. Section 7 of the said Ordinance is repealed and the following substituted therefor:

"7.(1) Every person elected or appointed as a trustee shall before assuming office take and subscribe to the following oath: Oath

'I, _____ Trustee elect for the Local Improvement District of _____ do swear (or affirm) that I am a Canadian citizen or other British subject, that I am not in any way disqualified from holding the office of trustee; that I have not by myself or any other person knowingly employed any bribery, corruption or intimidation to gain my election or appointment; that I will not allow any private interest to influence my conduct in public matters. So Help Me God."

- "7.1 (1) A person is not qualified to become a trustee or, if elected a trustee shall be disqualified from remaining a member of the Board of Trustees, if he
- Disqualif-
ication
of
Trustee
- (a) has been convicted upon indictment of an offence in Canada, unless he has been pardoned therefor or has completed his punishment;
 - (b) ceases to be a resident of the District;
 - (c) is convicted of making a false statement in his acceptance of nomination;
 - (d) ceases to be a Canadian citizen or British subject;
 - (e) uses information gained through his position as a member of the Board of Trustees to gain a pecuniary benefit either directly or indirectly;
 - (f) is a judge of a court of civil jurisdiction
 - (g) is an undischarged bankrupt;
 - (h) is the auditor or an officer or employee of the District;
 - (i) is indebted to the Commissioner or to the District for taxes or the provision of any services in respect of a thing or matter arising in the District exceeding fifty dollars except any indebtedness for current taxes;
 - (j) is a party to a subsisting contract with the District under which money is payable or may become payable for any work, service, matter or thing;
 - (k) has a pecuniary interest, whether direct or indirect in any subsisting contract with the District under which money is payable or may be payable for any work, service, matter or thing; or
 - (l) becomes during his term of office a party to a contract with the District for the purchase, sale or lease of real or personal property.
- (2) Subsection (1) does not apply to a person by reason only
- (a) of his being a shareholder in an incorporated company having dealings or contracts with the District, provided he does not vote, debate or be present at a meeting of the Board of Trustees, or any committee meeting thereof, while any question affecting the company is discussed; or
 - (b) that he, as devisee, legatee, executor or administrator, or otherwise involuntarily by operation of law, for a period of not more than twelve months, is a party to or holds a contract with the District; or
 - (c) that in common with other inhabitants of the District and on like terms, he contracts with the District for water or other municipal services; or

(d) that after obtaining the approval of the Board of Trustees and where there is no other inhabitant of the District capable of providing specific goods, wares, merchandise or service, he, with the approval of all the other members of the Board of Trustees, contracts to provide specific goods, wares, merchandise, or service to the District, provided that he does not vote or is present at a meeting of the Board of Trustees or any committee thereof, while questions affecting the contract are decided.

By-election at annual meeting

4.(1) Subsections 8(2) and 8(3) of the said Ordinance are repealed and the following substituted therefor:

"(2) Where the office of a trustee becomes vacant within two months before the next annual general meeting, the election to fill the vacancy shall be held at that meeting.

Appointment to fill vacancy

(3) Where there is no candidate for the vacant office described in subsection (1), or where for any other reason the vacant office is not filled by an election, the Board of Trustees shall submit three eligible names to the Commissioner and from the list, the Commissioner shall appoint a person to hold the office of trustee."

5.(1) Paragraph 9(3) (a) of the said Ordinance is repealed and the following substituted therefor:

"(a) by posting notices in at least four conspicuous places in the District; and"

(2) Subsection 9(5) of the said Ordinance is repealed and the following substituted therefor:

Business at meeting

"(5) At the annual general meeting, the Board of Trustees shall present a report of their activities during the past fiscal year and plans for the forthcoming budget year and the meeting may pass resolutions for the guidance of the trustees."

Voting

6.(1) Subsections 10(5) and 10(7) of the said Ordinance are repealed and the following substituted therefor:

"(5) The chairman shall vote on any matter coming before the Board of Trustees and any question on which there is an equality of votes shall be deemed to be defeated.

(7) Adequate records shall be maintained of all business transacted during a meeting of the Board of Trustees, and Board minutes shall be made available for viewing by the public during reasonable office hours."

(2) Section 10 of the said Ordinance is amended by adding thereto, immediately following subsection 10(8) thereof the following new subsection:

"(8.1) Every officer appointed by the Board shall before entering into his duties take and subscribe to the following oath:

Oath

'I, _____ do swear (or affirm) that I will truly, faithfully, impartially and to the best of my knowledge and ability, execute the office of _____ to which I have been appointed for the Local Improvement District of _____, and that I have not received any payment or reward or promise or such for the exercise of any partiality, neglect or other undue exercise of the said office. So Help Me God.'"

- (3) Subsection 10(9) of the said Ordinance is repealed and the following substituted therefor: Annual allowance
- "(9) The Board of Trustees may, by resolution, approve the payment of an annual allowance to each trustee that shall not exceed three hundred and sixty dollars per year."
7. Section 11 of the said Ordinance is repealed and the following substituted therefor: Transfer of local improvements
- "11.(1) The Commissioner shall transfer local improvements in a District to that District.
- (2) The Board of Trustees shall operate and maintain any local improvements in that District.
- (3) The Commissioner shall supply the trustees with all necessary accounting information including statements of revenues and expenditures and financial projections that the Commissioner has or can reasonably make available in respect of the District represented by the trustee."
8. Section 13 of the said Ordinance is amended by adding thereto the following new paragraph: Animal Control Officer
- "(g) The Board may adopt bylaws providing for the licensing and control of animals within their District and for appointing an Animal Control Officer".
9. The said Ordinance is further amended by adding thereto immediately after section 15 thereof the following new sections:
- "15.1(1) Where the Commissioner deems it is in the best interests of the District that its affairs be conducted by an administrator, the Commissioner may, by order, appoint a person as the administrator of the District.
- (2) On the appointment of an administrator of a District, the Board shall be deemed to have retired from office and to be no longer qualified to act for or on behalf of the District or to exercise any of the powers and duties vested in the Board by this or any other Ordinance.
- 15.2(1) The administrator shall, subject to this Ordinance, have, possess, enjoy and may exercise all the powers and duties of a duly constituted Board.
- 15.3(1) The administrator may demand and is entitled to receive from officers of the District all monies, securities, evidence of title, books, assessment rolls, tax rolls, bylaws, papers and documents of or relating to the affairs of the District in their possession or under their control.
- (2) Any person who fails or refuses to comply with the demand of the administrator made pursuant to subsection (1) is liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- 15.4(1) The administrator shall be bonded in such amount as the Commissioner determines, for the due and faithful performance of his duties, and the premium shall be paid by the District.

- 15.5(1) In the administration of the affairs of the District and prior to the making of any expenditure or the incurring of any liability on account of the District, the administrator shall consult with and be guided by the advice and directions of the Commissioner, as the order from time to time provides.
- (2) The Commissioner shall appoint a local committee of two or more taxpayers with whom the administrator shall consult in relation to the conduct of the affairs of the District.
- 15.6(1) For the purpose of realizing upon the outstanding assets of the District the administrator has all the powers and duties of the Board.
- (2) All amounts realized upon such assets shall be devoted to the payment of the then existing liabilities of the District in such manner and to such extent as is determined by the Commissioner.
- 15.7(1) The administrator shall keep books of account relating to the affairs of the District showing its financial condition, and the books shall be open at any time to the examination and inspection of the Commissioner or any person authorized by him in that behalf.
- (2) At least once every month or as specified in the order of appointment, the administrator shall furnish to the Commissioner a statement of the financial condition of the District including a statement of its assets and liabilities.
- (3) A record of all proceedings relating to the affairs of the District shall be kept by the administrator.
- 15.8(1) The Commissioner may require that all bylaws passed by the administrator shall, before becoming effective, be approved by the Commissioner.
- 15.9(1) The administrator shall be paid out of funds of the District for his services and such reasonable travelling and other expenses as the Commissioner determines.
- 15.10(1) Where the Commissioner in his discretion considers it advisable to provide that the affairs of the District shall again be conducted by a Board of Trustees, he shall by order revoke the appointment of the administrator and make suitable provisions for the election of a new Board of Trustees.
10. Subsection 18(2) of the said Ordinance is repealed.
11. This Ordinance shall come into force on a day to be fixed by the Commissioner.

Coming
into
force

February 23, 1972 is fixed as the coming-into-force date by C.O. 1972/67.

CHAPTER 22
ORDINANCES OF THE YUKON TERRITORY
1972 (Second Session)

AN ORDINANCE TO AMEND THE
LOCAL IMPROVEMENT DISTRICT ORDINANCE

(Assented to December 8, 1972)

R.O.Y.T.
Chapter L-9
1972(1st)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of the *Local Improvement District Ordinance* is amended by repealing the definition of "taxpayer".
2. Section 3 of the said Ordinance is repealed and the following substituted therefor:
 - "3.(1) Where the Commissioner receives a petition in the prescribed form signed by not less than ten persons living in any area of the Territory who would, if a Local Improvement District were established in that area, be voters, he may by Order give notice of his intention to establish in that area a Local Improvement District.

Procedure to
establish
District
 - (2) The Commissioner shall give notice of his intention to establish a District
 - (a) by posting public notices in four conspicuous places within the proposed District, and
 - (b) by publication in at least one issue of the Yukon Gazette.
 - (3) Any ten persons who would be voters in the proposed District may within three weeks from the date of the notice referred to in paragraph (2)(b), appeal in writing in the prescribed form to the Commissioner against the establishment of the District.

Appeal
 - (4) The Commissioner shall, within two weeks of the receipt of the appeal mentioned in subsection (3), appoint a person to conduct a hearing in the proposed District and make a report of his findings and recommendations."

Hearing
3. Subsection 5(1) of the said Ordinance is repealed and the following substituted therefor:

"5.(1) The voters of the District established under section 3 shall be a body corporate having as its corporate name the name specified by the Commissioner in the order establishing the District."
4. Paragraphs 6(5)(c) and 6(6)(c) are amended by changing the word "municipality" to "District" in each case.
5. Subsection 9(1) of the said Ordinance is amended by repealing the words "during the first week in April in".

6. Subsection 9(3) of the said Ordinance is repealed and the following substituted therefor:

- "9.(3) The Board of Trustees shall give notice of the time and place of the annual general meeting
 - (a) by posting notices in four conspicuous places in the District; and
 - (b) by advertising in at least one issue of a newspaper circulating in the District."

7. Subsection 19(1) of the said Ordinance is repealed and the following substituted therefor:

Dissolution of District

- "19.(1) Upon receipt of
 - (a) a petition signed by a majority of the persons in a District eligible to vote at an election of trustees for that District, or
 - (b) a report by the Inspector of Local Improvement Districts,
 the Commissioner may, by Order published in the Yukon Gazette, dissolve that District."

8. The said Ordinance is further amended by adding thereto the following new section:

Regulations

- "20.(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance."

Coming into force

9. This Ordinance shall come into force on a day to be fixed by the Commissioner.

January 1, 1973 is fixed as the coming-into-date by C.O. 1973/8.

CHAPTER 23
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND
THE MOTOR VEHICLES ORDINANCE

(Assented to March 6, 1973)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.
Chapter M-11
1972 c.23

1. Section 9 of the *Motor Vehicles Ordinance* is repealed and the following substituted therefor:

"9.(1) Every owner shall, in respect of any one accident to the limit of at least fifty thousand dollars exclusive of interest and costs, take out and maintain in force a policy of motor vehicle liability insurance against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property; and where in any one accident loss or damage results from bodily injury or death and loss of or damage to property, any claim arising out of bodily injury or death shall have priority over any claim arising out of loss or damage to property.

Owner shall
maintain
insurance

(2) No owner shall operate or permit the operation of a motor vehicle on a highway unless he is insured under a valid and subsisting motor vehicle liability policy and has in his motor vehicle a valid motor vehicle liability insurance card in a form approved by the Commissioner.

Possession of
insurance
policy and card

(3) An owner who

(a) contravenes the provisions of subsection (2), or

Offence

(b) produces to a peace officer, officer or the Registrar of Motor Vehicles

(i) a motor vehicle liability insurance card purporting to show that there is in force a policy of insurance that is, in fact, not in force, or

(ii) gives or loans to any person not entitled to have it, a motor vehicle liability insurance card,

commits an offence and, upon conviction, is liable to a fine of two hundred and fifty dollars, or to imprisonment for a period of not less than three months, or to both fine and imprisonment."

2. Section 15 of the said Ordinance is amended by adding thereto, immediately after subsection (2) thereof, the following new subsection :

"15.(3) Upon every change of mailing address or change of name, the person to whom a certificate of registration is issued shall, in the manner prescribed, forthwith in writing, notify the Registrar of the change."

Notification
of Registrar

3. Subsection 26(2) of the said Ordinance is repealed and the following substituted therefor:

Exception for temporary residents

"26.(2) Subsection (1) does not apply to

- (a) a person who does not reside or carry on business in the Territory for more than ninety consecutive days in each year who holds a valid operator's licence issued to him by his province, state or country of residence, or
- (b) a person who is undergoing a driver's examination conducted by an officer appointed by the Commissioner."

4. Subsection 28(1) of the said Ordinance is repealed and the following substituted therefor:

Holder or applicant may be examined

"28.(1) Where the Registrar has reason to believe that there is a question concerning the physical or other competence of the holder of an operator's licence or an applicant for an operator's licence, he may

- (a) refuse to issue an operator's licence to a person unless the Registrar is satisfied by examination or otherwise of the physical and other competence of the applicant to drive a motor vehicle without endangering the safety of the public;
- (b) require the holder of an operator's licence or an applicant for a licence to submit himself for a physical examination to a medical practitioner selected by the holder or the applicant; or
- (c) require the holder of an operator's licence or an applicant for a licence to submit himself for the required examination respecting his competence as a driver."

5. Section 32 of the said Ordinance is repealed and the following new section substituted therefor:

Notification of change of address

"32.(1) Upon every change of mailing address or change of name, the person to whom an operator's licence is issued shall, in the manner prescribed, forthwith in writing, notify the Registrar of the change."

6. Subsection 49(4) of the said Ordinance is repealed and the following substituted therefor:

Flashing red lights

"49.(4) An ambulance, law enforcement vehicle or fire fighting vehicle may, when operated on a highway by an authorized person, be equipped with and use one or more lamps that cast a red light and that lights intermittently or in flashes."

7. Section 62 of the said Ordinance is amended by adding thereto, immediately after subsection (3) thereof, the following new subsection:

Snow vehicle coupling devices

"62.(4) A device being towed by a motorized snow vehicle must

- (a) be made for this purpose, and
- (b) be firmly attached to the motorized snow vehicle by a non-flexible coupling device of such construction and strength as to hold the weight of the device being towed directly behind the motorized snow vehicle, and during deceleration, to avoid swaying, skidding or striking the motorized snow vehicle in the rear."

8. Paragraph 155(1)(q) of the said Ordinance is repealed and the following substituted therefor:

"155(1)(q) providing for temporary operation permits for the operation on highways of vehicles for specified times prior to their being registered or licenced pursuant to this Ordinance."

9. This Ordinance, or any portion, shall come into force on a day to be fixed by the Commissioner.

Coming into
force

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

R.O.Y.T.
Chapter P-8AN ORDINANCE TO AMEND THE
PUBLIC HEALTH ORDINANCE

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of the *Public Health Ordinance* is amended by adding thereto the following new definitions:

"intoxicating vapour"

"intoxicating vapour" means any vapour, fume or liquid that is emitted, given off or produced from a regulated matter;

"regulated matter"

"regulated matter" means plastic solvents, adhesive cement, cleaning agents, glue, dope, polish remover, hair spray, lighter fluid, gasoline, paint, lacquer thinner or any other matter specified by a regulation of the Commissioner as a regulated matter for the purpose of this Ordinance."

2. Subsections 9(1) of the said Ordinance is repealed and the following substituted therefor:

Board of Health appointed by council

"9.(1) A Board of Health established by a council shall consist of four electors not more than two of whom shall be members of the council.

(2) The council may appoint a Medical Health Officer as an advisor to the Board of Health.

3. The said Ordinance is further amended by adding thereto immediately after section 18 thereof, the following new section:

Glue sniffing prohibited

"18.1 (1) No person shall, for the purpose of inducing euphoria, hallucinations or intoxication

(a) inhale, administer or otherwise introduce into his respiratory system, or

(b) assist or cause another to inhale, administer or otherwise introduce into his respiratory system an intoxicating vapour.

(2) No person shall, for the purpose of inducing euphoria, hallucinations or intoxication

(a) manufacture for himself or another, or

(b) give, sell or otherwise distribute

any regulated matter which emits, gives off or produces or can be made to emit, give off or produce an intoxicating vapour.

- (3) A peace officer who has reasonable grounds for believing and does believe that any regulated matter is being unlawfully kept may search
- (a) a vehicle, boat or conveyance of any description;
 - (b) any person found in a vehicle, boat or conveyance of any description;
 - (c) the land in the vicinity of the vehicle, boat or conveyance of any description that is being searched.
- (4) Where a justice is satisfied by information upon oath that there are reasonable grounds for believing that any regulated matter is being unlawfully kept or had or kept or had for unlawful purposes in any building or premises, he may, by warrant under his hand, authorize a peace officer or any person named in the warrant to enter and search the building or premises and each part thereof. Search warrant
- (5) A peace officer who has reasonable grounds for believing and does believe that a violation of this section or the regulations made under this section, has been committed or is about to be committed may at any time without warrant enter any building or premises other than a private dwelling without an order and make such search as he deems fit for the purposes of enforcing this Ordinance. Search without warrant
- (6) Any person who refuses to admit or attempts to obstruct the entry of a peace officer for the purpose of this section commits an offence. Offence.
- (7) Where a female is suspected of an offence under this Ordinance or the regulations, a peace officer shall, if he thinks it advisable to search such female, employ a woman to make such search, and the woman so employed has all the powers, privileges and immunities of a peace officer for that purpose. Search of female
- (8) Where a peace officer finds any regulated matter that is had or kept contrary to this Ordinance or the regulations, he may forthwith seize the regulated matter. Seizure
- (9) Where any regulated matter is seized by a peace officer he shall forthwith make an inventory thereof and a report in writing of the seizure to the Commissioner. Report of seizure
- (10) Where a person is found in or around buildings or premises which are being searched pursuant to subsection (4), he shall on request of a peace officer report to him his correct name and address. Person found in searched premises
- (11) This section does not apply to Exceptions
- (a) the manufacture or sale of a regulated matter for medical purposes, or
 - (b) the inhalation, administration or other introduction of an intoxicating vapour into the respiratory system under the supervision of a duly qualified medical practitioner, or
 - (c) a duly qualified medical practitioner or dentist or a person acting under his direction who assists or causes another to inhale, administer or otherwise introduce into his respiratory system an intoxicating vapour."
4. This Ordinance shall come into force on a day to be fixed by the Commissioner. Coming into force

CHAPTER 25

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER
TO BORROW A SUM NOT EXCEEDING
SEVEN MILLION, FIVE HUNDRED THOUSAND DOLLARS
FROM THE CENTRAL MORTGAGE AND HOUSING CORPORATION
AND TO AUTHORIZE THE COMMISSIONER
TO ENTER INTO AN AGREEMENT RELATING THERETO

(Assented to February 11, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- Short title
1. This Ordinance may be cited as the *Rental-Purchase Housing Ordinance*.
- Commissioner may borrow
2. The Commissioner may on behalf of the Yukon Territory borrow from the Central Mortgage and Housing Corporation a sum not exceeding seven million, five hundred thousand dollars.
- Commissioner may execute agreement
3. The Commissioner is authorized to enter into and execute on behalf of the Government of the Territory an agreement with the Central Mortgage and Housing Corporation providing for
- (a) the repayment to the Central Mortgage and Housing Corporation of the amount borrowed pursuant to section 2;
 - (b) the payment to the Central Mortgage and Housing Corporation of interest at such rate as may be agreed upon by the Commissioner on the principal from time to time outstanding on the amount borrowed pursuant to section 2; and
 - (c) such other terms and conditions as may be agreed upon by the Commissioner.
- Commissioner may implement agreement
4. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Territory under this Agreement.

CHAPTER 26
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER
TO BORROW A SUM NOT EXCEEDING ONE MILLION
AND TWENTY THOUSAND DOLLARS FROM THE GOVERNMENT OF
CANADA FOR THE PURPOSE OF MAKING LOANS TO
THIRD PARTIES AND TO AUTHORIZE THE COMMISSIONER
TO ENTER INTO AN AGREEMENT RELATING THERETO

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. This Ordinance may be cited as the *Loan Agreement Ordinance (1972)* Short title
No. 1.
2. The Commissioner may on behalf of the Yukon Territory borrow from the Government of Canada a sum not exceeding one million and twenty thousand dollars for loans to municipalities. Commissioner
may borrow
3. The Commissioner is authorized to enter into and execute on behalf of the Government of the Territory an agreement with the Government of Canada providing for Commissioner
may execute
agreement
 - (a) the repayment to the Government of Canada of the amount borrowed pursuant to section 2;
 - (b) the payment to the Government of Canada of interest at such a rate as may be agreed upon by the Commissioner on the principal from time to time outstanding on the amount borrowed pursuant to section 2; and
 - (c) such other terms and conditions as may be agreed upon by the Commissioner.
4. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Territory under this Agreement. Commissioner
may implement
agreement

CHAPTER 27

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

AN ORDINANCE FOR GRANTING
TO THE COMMISSIONER CERTAIN SUMS
OF MONEY TO DEFRAY THE EXPENSES OF
THE PUBLIC SERVICE OF THE TERRITORY

Assented to March 24, 1972)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory, and for the purpose relating thereto, for the twelve months ending March 31st, 1973.

Therefore, the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Short
title

1. This Ordinance may be cited as the *First Appropriation Ordinance, 1972-73.*

Amount
granted

2. From and out of the Yukon Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole thirty-nine million three hundred and sixty-one thousand six hundred and six dollars for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31st, 1973, as set forth in Schedule "A" of this Ordinance, and such sum shall be paid and applied in accordance with the Schedule.

Monies
to be
accounted
for

3. The due application of all monies expended pursuant to section 2, shall be accounted for.

SCHEDULE "A"Appropriation or Item

Administrative and Legislative Support Services	\$ 855,519.
Department of Treasury	683,064.
Department of Education	7,204,242.
Department of Secretary & Registrar General	599,947.
Department of Health, Welfare & Rehabilitation	6,906,345.
Department of Local Government	1,861,065.
Department of Tourism, Conservation and Information	1,250,050.
Department of Legal Affairs	1,129,783.
Department of Highways and Public Works	4,815,007.
Project Capital	9,605,000.
Loan Capital	1,130,000.
Loan Amortization	<u>3,321,584.</u>
	<u><u>\$39,361,606.</u></u>

CHAPTER 28
ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

AN ORDINANCE FOR GRANTING
TO THE COMMISSIONER CERTAIN SUMS
OF MONEY TO DEFRAY THE EXPENSES OF
THE PUBLIC SERVICE OF THE TERRITORY

(Assented to March 24, 1972)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31, 1972.

Therefore, the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- | | |
|----------------------------------|--|
| Short
title | 1. This Ordinance may be cited as the <i>Fifth Appropriation Ordinance 1971-72</i> . |
| Amount
granted | 2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole seventy-eight thousand seven hundred eighty-six dollars and fifty-five cents for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31, 1972, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. |
| Monies to
be accounted
for | 3. The due application of all monies expended pursuant to Section 2 shall be accounted for. |
-

SCHEDULE "A"Appropriation or Item

Territorial Treasurer	\$ 53,002.00
Secretary and Registrar General	25,000.00
Health, Welfare & Rehabilitation	(65,002.00)
Tourism, Conservation and Information	40,000.00
Project and Loan Capital	12,500.00
Loan Amortization	13,286.55
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	78,786.55
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ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

AN ORDINANCE FOR GRANTING TO THE COMMISSIONER
CERTAIN SUMS OF MONEY TO DEFRAY THE
EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY

(Assented to March 30, 1972)

Whereas it appears by message from James Smith, Esq., Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "A" of this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purpose relating thereto, for the twelve months ending March 31, 1973.

Therefore, the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

- | | |
|----------------------------|--|
| Short title | 1. This Ordinance may be cited as the <i>Second Appropriation Ordinance 1972-73</i> . |
| Amount granted | 2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole seven million one hundred and sixty-six thousand dollars for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31, 1973, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the schedule. |
| Monies to be accounted for | 3. The due application of all monies expended pursuant to Section 2 shall be accounted for. |

SUPPLEMENTAL APPROPRIATIONSchedule "A"Appropriation of Item

Administrative Services	34,700.
Treasury	108,200.
Territorial Secretary & Registrar General	7,100.
Health, Welfare and Rehabilitation	66,000.
Local Government	96,100.
Highways and Public Works	5,043,900.
Project Capital	660,000.
Garage Operation Revolving Fund	650,000.-
Central Purchasing & Stores Revolving Fund	500,000.
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	\$7,166,000.
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ORDINANCES OF THE YUKON TERRITORY
1972 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO LEND
MONEY TO THE VILLAGE OF FARO FOR VARIOUS PURPOSES

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Short Title

- Short title 1. This Ordinance may be cited as the *Faro General Purposes Loan Ordinance*.

Interpretation

- Definitions 2. (1) In this Ordinance,
"borrowing bylaw" (a) "borrowing bylaw" means a bylaw mentioned in section 4;
"Village" (b) Village" means the Village of Faro; and
"Council" (c) "Council" means the Council of the Village of Faro.
Ordinance one with *Municipal Ordinance* (2) This Ordinance shall be construed as one with the *Municipal Ordinance* and *The Village of Faro Ordinance*, but in case of conflict, the provisions of this Ordinance shall prevail.

- Commissioner may lend and enter into agreement 3. (1) The Commissioner may, on behalf of the Territory, lend a sum not exceeding four hundred and fifty thousand dollars in the whole to the Village of Faro to enable it to carry on a program of municipal work as follows:

- (a) Construction of Village Administrator's House \$ 40,000.00
- (b) Construction of Arena 150,000.00
- (c) Expansion of Trailer Court 20,000.00
- (d) Purchase of Municipal Equipment 40,000.00
- (e) Paving of Streets 200,000.00

and for that purpose, the Commissioner may, on behalf of the Territory, enter into an agreement with the Village.

- Bylaw 4. (1) Subject to this Ordinance, the Council may pass bylaws for the borrowing of money not exceeding the sum of four hundred and fifty thousand dollars for the purpose mentioned in section 3 but no such bylaw shall be valid unless, prior to being finally passed by the Council, it has been submitted to and approved by the Commissioner.

- Form of bylaw 5. (1) A borrowing bylaw shall set out in detail:
(a) the amount proposed to be borrowed;
(b) the purpose for which the expenditure is to be made;
(c) the rate of interest payable thereon;
(d) the method of repayment; and
(e) the amount of the existing debt of the Village, if any, and how much, if any, of the principal or interest thereof is in arrears.

- (2) Every bylaw to borrow money shall, by its terms: Idem
 - (a) fix the amount of the loan and the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable;
 - (b) provide that the loan and interest thereon shall be paid in lawful money of Canada;
 - (c) provide for the levy of an annual tax or taxes sufficient to pay the principal and interest of the loan, and
 - (d) generally shall be in such form and contain such further provisions as may be required by the Commissioner.

- 6. (1) No money borrowed pursuant to a borrowing bylaw shall be used for a purpose other than that stated in the bylaw except that if there remains an unexpended balance in respect of the purpose for which the money was borrowed, such balance may be used by the Village Money to be used for purpose stated
 - (a) for the payment of any interest payable in respect of the loan, or
 - (b) for the repayment of the principal amount of the loan or any portion thereof.

- 7. (1) A bylaw may provide that the loan shall be repaid at the option of the Village at such time or times as the Village may find it possible to repay it.
- (2) Where the loan or any portion thereof is repaid prior to the due date, the repayment shall not affect the validity of any bylaw by which taxes have been imposed in respect thereof, the validity of such taxes or the power of the Council to continue to collect taxes in respect thereof.

- 8. (1) Any loan agreement made pursuant to this Ordinance shall be valid and binding upon the Village notwithstanding any insufficiency in the form or substance of the agreement or the bylaw if the bylaw has received the approval of the Commissioner and no successful application has been made to quash it.

- 9. (1) If the Village defaults in payment of the monies owing in respect of a loan made under a bylaw passed pursuant to this Ordinance, Council shall forthwith make a special levy against all property in the Village to raise sufficient funds to pay the arrears owing on the loan. Default in payment

CHAPTER 31

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO LEND
MONEY TO THE CITY OF DAWSON FOR REPAIRS TO CENTENNIAL HALL

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Short Title

Short title 1. This Ordinance may be cited as the *Dawson General Purposes Loan Ordinance*.

Definitions

Interpretation

"borrowing bylaw"
"City"
"Council"

2. (1) In this Ordinance,
(a) "borrowing bylaw" means a bylaw mentioned in section 4;
(b) "City" means the City of Dawson; and
(c) "Council" means the Council of the City of Dawson.

Ordinance one with *Municipal Ordinance*

(2) This Ordinance shall be construed as one with the *Municipal Ordinance*, but in case of conflict, the provisions of this Ordinance shall prevail.

Commissioner may lend and enter into agreement

3. (1) The Commissioner may, on behalf of the Territory, lend a sum not exceeding eight thousand dollars in the whole to the City of Dawson to enable it to carry on a program of municipal work as follows:

(a) Repairs to Centennial Hall \$8,000.00

and for that purpose, the Commissioner may, on behalf of the Territory, enter into an agreement with the City.

Bylaws

4. (1) Subject to this Ordinance, the Council may pass bylaws for the borrowing of money not exceeding the sum of eight thousand dollars for the purpose mentioned in section 3 but no such bylaw shall be valid unless, prior to being finally passed by the Council, it has been submitted to and approved by the Commissioner and has received the assent of the taxpayers of the City in accordance with section 172(1) of the *Municipal Ordinance*.

Approved by Commissioner and voters

Form of bylaw

5. (1) A borrowing bylaw shall set out in detail:
(a) the amount proposed to be borrowed;
(b) the purpose for which the expenditure is to be made;
(c) the rate of interest payable thereon;
(d) the method of repayment; and
(e) the amount of the existing debt of the City, if any and how much, if any, of the principal or interest thereof is in arrears.

- (2) Every bylaw to borrow money shall, by its terms:
 - (a) fix the amount of the loan and the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable;
 - (b) provide that the loan and interest thereon shall be paid in lawful money of Canada;
 - (c) provide for the levy of an annual tax or taxes sufficient to pay the principal and interest of the loan; and
 - (d) generally shall be in such form and contain such further provisions as may be required by the Commissioner.

- 6. (1) No money borrowed pursuant to a borrowing bylaw shall be used for a purpose other than that stated in the bylaw except that if there remains an unexpended balance in respect of the purpose for which the money was borrowed, such balance may be used by the City
 - (a) for the payment of any interest payable in respect of the loan, or
 - (b) for the repayment of the principal amount of the loan or any portion thereof.

- 7. (1) A bylaw may provide that the loan shall be repaid at the option of the City at such time or times as the City may find it possible to repay it.
 - (2) Where the loan or any portion thereof is repaid prior to the due date, the repayment shall not affect the validity of any bylaw by which taxes have been imposed in respect thereof, the validity of such taxes or the power of the Council to continue to collect taxes in respect thereof.

- 8. (1) Any loan agreement made pursuant to this Ordinance shall be valid and binding upon the City, notwithstanding any insufficiency in the form or substance of the agreement or the bylaw if the bylaw has received the approval of the Commissioner and assent of the taxpayers and no successful application has been made to quash it.

- 9. (1) If the City defaults in payment of the monies owing in respect of a loan made under a bylaw passed pursuant to this Ordinance, Council shall forthwith make a special levy against all property in the City to raise sufficient funds to pay the arrears owing on the loan.

Idem

Money to be used for purpose stated

Interest

Repayment prior to due date

Redemption

Special levy where default in debentures

CHAPTER 32

ORDINANCES OF THE YUKON TERRITORY

1972 (First Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER TO LEND
MONEY TO THE CITY OF WHITEHORSE FOR LOCAL IMPROVEMENTS

(Assented to March 30, 1972)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

Short Title

Short title 1. This Ordinance may be cited as the *Whitehorse General Purposes Loan Ordinance*.

Interpretation

Definitions 2. (1) In this Ordinance,
"borrowing bylaw" (a) "borrowing bylaw" means a bylaw mentioned in section 4;
"City" (b) "City" means the City of Whitehorse; and
"Council" (c) "Council" means the Council of the City of Whitehorse.

Ordinance one with *Municipal Ordinance* (2) This Ordinance shall be construed as one with the *Municipal Ordinance*, but in case of conflict, the provisions of this Ordinance shall prevail.

Commissioner may lend and enter into agreement 3. (1) The Commissioner may, on behalf of the Territory, lend a sum not exceeding one hundred and twenty-five thousand dollars in the whole to the City of Whitehorse to enable it to carry on a program of municipal work as follows:
(a) Local Improvements \$125,000.00
and for that purpose, the Commissioner may, on behalf of the Territory, enter into an agreement with the City.

Bylaw 4. (1) Subject to this Ordinance, the Council may pass bylaws for the borrowing of money not exceeding the sum of one hundred and twenty-five thousand dollars for the purpose mentioned in section 3 but no such bylaw shall be valid unless, prior to being finally passed by the Council, it has been submitted to and approved by the Commissioner and has received the assent of the taxpayers of the City in accordance with section 172(1) of the *Municipal Ordinance*.

Approved by Commissioner and voters

Form of bylaw 5. (1) A borrowing bylaw shall set out in detail:
(a) the amount proposed to be borrowed;
(b) the purpose for which the expenditure is to be made;
(c) the rate of interest payable thereon;
(d) the method of repayment; and
(e) the amount of the existing debt of the City, if any, and how much, if any, of the principal or interest thereof is in arrears.

- | | | |
|-----|---|---------------------------------------|
| (2) | Every bylaw to borrow money shall, by its terms; | Idem |
| | (a) fix the amount of the loan and the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable; | |
| | (b) provide that the loan and interest thereon shall be paid in lawful money of Canada; | |
| | (c) provide for the levy of an annual tax or taxes sufficient to pay the principal and interest of the loan; and | |
| | (d) generally shall be in such form and contain such further provisions as may be required by the Commissioner. | |
| 6. | (1) No money borrowed pursuant to a borrowing bylaw shall be used for a purpose other than that stated in the bylaw except that if there remains an unexpended balance in respect of the purpose for which the money was borrowed, such balance may be used by the City. | Money to be used for purpose stated |
| | (a) for the payment of any interest payable in respect of the loan, or | |
| | (b) for the repayment of the principal amount of the loan or any portion thereof. | Interest |
| 7. | (1) A bylaw may provide that the loan shall be repaid at the option of the City at such time or times as the City may find it possible to repay it. | Repaid at option of City |
| | (2) Where the loan or any portion thereof is repaid prior to the due date, the repayment shall not affect the validity of any bylaw by which taxes have been imposed in respect thereof, the validity of such taxes or the power of the Council to continue to collect taxes in respect thereof. | Redemption |
| 8. | (1) Any loan agreement made pursuant to this Ordinance shall be valid and binding upon the City, notwithstanding any insufficiency in the form or substance of the agreement or the bylaw if the bylaw has received the approval of the Commissioner and the assent of the taxpayers and no successful application has been made to quash it. | |
| 9. | (1) If the City defaults in payment of the monies owing in respect of a loan made under a bylaw passed pursuant to this Ordinance, Council shall forthwith make a special levy against all property in the City to raise sufficient funds to pay the arrears owing on the loan. | Special levy where default in payment |

