



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR

1973

FIRST, THIRD AND FOURTH SESSIONS

J. SMITH
COMMISSIONER

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ORDINANCES OF THE YUKON TERRITORY

1973

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CHAPTER 1
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

BUILDING STANDARDS 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 B-3.1

- | | | |
|-------|---|---|
| 1. | This Ordinance may be cited as the <i>Building Standards Ordinance</i> . | Short Title |
| 2.(1) | In this Ordinance
"building code" means
(a) the <i>National Building Code of Canada 1970</i> as amended or replaced from time to time; and
(b) the <i>Canada Building Code for the North 1968</i> as amended or replaced from time to time.

"structure" means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground. | Definitions
"building code"

"structure" |
| 3.(1) | This Ordinance does not apply to any building or structure within a municipality or local improvement district. | Exemption |
| 4.(1) | The Commissioner may from time to time make regulations
(a) applying the provisions or standards of any building code to any area not within a municipality or local improvement district;
(b) respecting the issuing of building permits and fixing fees for issuing building permits in any area not within a municipality or local improvement district;
(c) exempting any area of the Territory or any class of structure from the provisions of this Ordinance;
(d) generally, for the purpose of carrying out the provisions of this Ordinance. | Commissioner may make regulations |
| 5.(1) | This Ordinance shall come into force on a day to be fixed by the Commissioner. | Coming into force |

CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY

1973 (First Session)

CORRECTIONS ORDINANCE

(Assented to March 6, 1973)

R.O.Y.T. Chapter C-19.1 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>Corrections Ordinance</i> .
Definitions	2.(1)	In this Ordinance
"child"		"child" has the same meaning as under the <i>Juvenile Delinquents Act</i> ;
"correctional institution"		"correctional institution" means any place in the Territory declared to be a common gaol pursuant to this Ordinance.
"court"		"court" means any court of competent jurisdiction within the Territory;
"Director"		"Director" means the Director of Corrections appointed pursuant to this Ordinance;
"industrial school"		"industrial school" has the same meaning as under the <i>Juvenile Delinquents Act</i> ;
"inmate"		"inmate" means a person who is sentenced to imprisonment, or otherwise lawfully detained at a correctional institution or industrial school;
"juvenile court"		"juvenile court" has the same meaning as under the <i>Juvenile Delinquents Act</i> ;
"juvenile delinquent"		"juvenile delinquent" has the same meaning as under the <i>Juvenile Delinquents Act</i> ;
"probation officer"		"probation officer" means a probation officer holding office pursuant to this Ordinance;
"superintendent"		"superintendent" means a person in charge of any correctional institution.

PART I

DIRECTOR OF CORRECTIONS

Appointment of Director	3.(1)	The Commissioner may appoint a Director of Corrections who shall hold office during pleasure.
Appointment of Assistants	(2)	The Commissioner may appoint such persons to assist the Director in the performance of any of his duties under this Ordinance as he deems necessary.
Duties of Director	4.(1)	The Director shall (a) ensure that the provisions of this Ordinance are carried out and that all returns provided for or required are made, (b) encourage and assist in the establishment of such societies, committees and agencies as he deems advisable to further the purposes of this Ordinance,

- (c) advise any society, committee or agency with respect to the performance of its duties,
 - (d) ensure that the officers in charge of correctional institutions and industrial schools and probation officers keep a record of
 - (i) all inmates, and
 - (ii) all persons placed on probation,
 - (e) inspect or direct and supervise the visiting of any child or adult and the inspection of any place where a child or adult is placed or confined pursuant to this Ordinance,
 - (f) prepare and submit an annual report to the Commissioner, and
 - (g) perform such other duties as may devolve upon him under any other Ordinance.
- (2) The Director may prescribe standards of living accommodation in respect of any type of industrial school or correctional institution in which a child or adult may be placed or confined.

PART II

CORRECTIONAL INSTITUTIONS

- 5.(1) The places other than those referred to in paragraph 44(1)(A) of the *Yukon Act* now in use or declared to be common gaols shall, until otherwise ordered by the Commissioner, be known as correctional institutions for the reception, care and confinement of inmates. Correctional institutions established
- (2) The places mentioned in Schedule I to this Ordinance are declared to be common gaols.
- 6.(1) The Commissioner may provide for the establishment, maintenance and operation of mobile correctional camps and work sites connected therewith as part of any correctional institution. Mobile camps
- 7.(1) The Commissioner may appoint such staff as may be required for the maintenance and operation of correctional institutions, and for the treatment of inmates, and every person so appointed shall discharge the duties of and hold any office authorized by law. Appointment of staff
- 8.(1) Any person who is sentenced to imprisonment in any of the correctional institutions of the Yukon Territory shall do such work or perform such duties as the superintendent may direct, within, or outside the limits of the institution of which he is an inmate and for which he is certified to be medically fit to perform. Prisoners to work
- (2) The Director may authorize any inmate to attend any school or other institution for the purpose of receiving vocational or other treatment or training. Education
- (3) Every inmate who is employed or is required to perform duties as mentioned in subsection (1), and every inmate under subsection (2) who is undergoing vocational or other training or treatment is subject to the rules and regulations and discipline of the correctional institution in which he is confined and to the provisions of the *Prisons and Reformatories Act (Canada)* for preventing escapes and preserving discipline. Students subject to rules
- (4) Every street, highway, or public thoroughfare on which inmates pass on going to, or returning from, work and every place where they are employed or undergoing training or treatment is, for the purposes of this Ordinance, a part of the correctional institution in which such inmates are confined. Place of work subject to rules

- Medical treatment 9.(1) A superintendent, upon the advice of a medical practitioner, or in the case of medical emergency, shall arrange for any inmate of a correctional institution to be removed to a hospital, or other suitable facility, for medical, surgical or other treatment.
- Director to be advised (2) The superintendent shall advise the Director in writing of the circumstances of any such removal.
- Return (3) The superintendent, on the advice of medical authority, may direct that any inmate removed pursuant to subsection (1) be returned to the correctional institution from which he was taken.
- Patients in custody 10.(1) Any inmate removed to a hospital or other facility pursuant to section 9 shall be deemed to be still in custody in the correctional institution from which he was removed.
- Right of access (2) Where an inmate is removed to a hospital or other facility pursuant to section 9, the superintendent of the institution from which he was removed, and such other persons as he may delegate, shall have a right of access at all times to the inmate.
- Guards (3) The superintendent, where he considers it necessary, may designate a person to ensure the custody of the inmate at the hospital or other facility to which he is removed.
- Time in hospital to count (4) Time spent by an inmate of a correctional institution in a hospital or other facility shall be considered part of the sentence for which he was committed to the institution.
- Free return transport 11.(1) The Director may furnish an inmate, upon his discharge from a correctional institution, with transportation to the place of conviction or to any other reasonable destination

PART III

WORK RELEASE PROGRAMS

- Work release programs 12.(1) The Commissioner, subject to such terms and conditions as he considers advisable, may establish under the administrative authority of the Director, a work release program whereby a person sentenced to a correctional institution, in order to assist such person's rehabilitation, may be granted the opportunity to do one or more of the following things:

 - (a) obtain employment;
 - (b) continue to work at his employment;
 - (c) conduct his own business or other self-employment including housekeeping and attending to the needs of his family; or
 - (d) attend an educational institution.
- Residence to be institution 13.(1) For the purpose of this Part, where there is no correctional institution near the place of employment of an inmate participating in a work release program the Commissioner, if he considers it advisable, may designate a place to be a correctional institution or he may enter into an agreement with any person for housing participants in a work release program.
- Workers subject to rules 14.(1) Every inmate of a correctional institution who participates in a work release program continues to be subject to the conditions of this Ordinance and to the rules and regulations of the institution to which he was committed and if he fails to return to the institution as required under the work release program he may be apprehended without warrant by a peace officer and returned to the correctional institution where he was confined.
- Pay remitted to Director 15.(1) The employer of an inmate released under the work release program shall, when so requested by the Director, remit to the superintendent the total earnings of such inmate, less any deductions required by law.

- (2) A superintendent may disburse the money received by him under subsection (1) as prescribed in the regulations. Disbursements
- (3) A superintendent, receiving money pursuant to the provisions of subsection (1) shall keep a proper record of the receipt and disbursement thereof, and render an accounting thereof to the inmate. Accounts

PART IV
PROBATION

- 16.(1) The Commissioner may appoint a Chief Probation Officer for the Territory. Chief Probation Officer
- (2) The Commissioner may appoint such other probation officers as may be required to carry out the provisions of this Ordinance. Probation officers
- (3) Every person appointed under this section shall:
 - (a) discharge the duties of and hold any office authorized by law, Duties
 - (b) perform such duties as may be assigned to him by the Commissioner, and
 - (c) serve the Supreme Court, a juvenile court, the Magistrate's Court and a Justice of the Peace as required.
- 17.(1) A probation officer under this Ordinance Functions
 - (a) is a probation officer in and for the Yukon Territory,
 - (b) is an officer of every court in the Territory,
 - (c) shall prepare and submit to a court such reports as may be ordered by the court, and
 - (d) is a peace officer for the purposes of performing and discharging his duties as a probation officer.
- (2) For the purpose of giving effect to the *Criminal Code*, the *Juvenile Delinquents Act* or any ordinance a probation officer to may be designated by a court for the purpose of supervising a person placed on probation as provided by law. Probation officers to be peace officers
- 18.(1) A probation officer charged with the supervision of a person on whom the passing of sentence was suspended shall report to the court if the person fails to carry out the terms or conditions on which the passing of sentence was suspended. Reports to court
- (2) A probation officer shall conduct such inquiries and afford such supervision as necessary to give effect to the provisions of the *Parole Act*. Inquiries

PART V
JUVENILE OFFENDERS

- 19.(1) For the purpose of this Part, the Director shall be a Superintendent within the meaning of section 2 of the *Juvenile Delinquents Act*. Director to be superintendent
- 20.(1) The Commissioner may establish or designate any place to be an industrial school for the reception, rehabilitation, detention, custody, examination, care, treatment, or education of children. Designation of industrial school
- (2) Any place designated by the Commissioner pursuant to subsection (1) shall be an industrial school for the purposes of paragraph (1)(e) of subsection 2(1) of the *Juvenile Delinquents Act*. Juvenile Delinquents Act
- (3) The Commissioner may establish staging facilities as part of any treatment program operated from an industrial school. Staging facilities
- 21.(1) Where a police officer or probation officer has reason to believe, or where he receives a complaint, that a child has committed a delinquency within the meaning of the *Juvenile Delinquents Act* he may take the child into custody. Taking child into custody

- Parents to (2) Upon taking a child into custody under subsection (1), a
be notified police officer or probation officer shall immediately notify the parents, guardian or other person responsible for the maintenance and welfare of the child that the child has been taken into custody and he shall forthwith conduct an investigation into the nature of the offence alleged to have been committed by the child.
- 22.(1) In addition to his powers and duties under subsection 16(3)
Probation officer to solve problems of this Ordinance, a probation officer shall endeavour to solve problems involving juvenile offenders without the intervention of a court.
- (2) Where a probation officer is available to the court he shall,
Investigation in cases involving a child within the meaning of the *Juvenile Delinquents Act*, examine the facts and circumstances relating to the child, including the family background, before a charge is laid or, if a charge has already been laid, before the trial commences.
- (3) Where, after the examination, the probation officer finds
Other action that it is in the best interest of the child and in the public interest that some action, other than a prosecution of the child, be taken, he shall so recommend to the prosecutor.
- (4) Where, on the recommendation of the probation officer, a
Arrangements child is not prosecuted, the probation officer may, with the consent of the child and the parent or guardian of the child, enter into an arrangement in writing with the child and parent or guardian for a period not exceeding one year.
- (5) Where a police officer, a probation officer or a parent or
Breach of arrangement guardian of a child brings the child before a juvenile court and satisfies the juvenile court judge that the child has failed to abide by the terms of an arrangement, the judge may deal with the child as a delinquent pursuant to the *Juvenile Delinquents Act* who has failed to comply with the terms of a Probation Order made by the court.
- 23.(1) A child taken into custody by a police officer or probation
Child not to be released officer under section 21 shall not be released to the care of his parents, guardian or other person responsible for his maintenance and welfare,
(a) if the child is a transient or refuses to accept the care and control of his parents or guardian pending his appearance before a juvenile court;
(b) if the child is apprehended following escape from lawful custody; or
(c) if it is not in the interest of the child to release the child into the custody of his parents, guardian or other person responsible for his maintenance and welfare.
- 24.(1) A police officer or probation officer who has taken a child
Report to Director into custody pursuant to section 21 and who has not released such child into the custody of his parents, guardian or other person responsible for his maintenance and welfare, shall forthwith report the circumstances to the Director.
- 25.(1) The Director shall cause the child to be placed immediately
Placed in facility in a suitable facility and may, as soon as is reasonably possible, cause an assessment to be made of the emotional and physical condition and environmental circumstances of the child.
- 26.(1) Where a child is committed to an industrial school pursuant
Child deemed to be committed to Director to paragraph 20(1)(i) of the *Juvenile Delinquents Act* the child shall be deemed to have been committed to the care and custody of the Director.

- 27.(1) Any child who Escape
- (a) absconds or escapes from any premises where he is lawfully placed under this Ordinance; or
 - (b) without the express permission of the Director or any person in charge of the premises where he is lawfully placed, leaves such premises or any other place where he is permitted to be;
- may be apprehended with or without a warrant by any person and returned forthwith to the premises where he was lawfully placed or to such other premises as the Director may designate.
- 28.(1) No child shall be discharged from custody under this Part if he is suffering from a contagious or infectious disease or an acute or dangerous illness, unless arrangements satisfactory to the Director have been made for the care and treatment of the child and the child shall be removed to a hospital or such other place authorized by the Director for care and treatment until he recovers from the disease or illness. Patients not released
- 29.(1) Any child, upon completion of his term of custody under this Part, or any person on behalf of the child, may make a written request to the Director for permission to remain in custody for the purpose of completing a course of studies, or other training, and the Director may grant the request for such period as may be necessary to complete the course of studies. Education after sentence

PART VI
GENERAL

- 30.(1) Any person authorized by the Commissioner shall be permitted to visit any of the facilities mentioned in this Ordinance. Visitors
- (2) If an inmate so wishes or if, in the case of a child, the Director approves, and the parent or guardian does not object, a clergyman may visit the inmate or child at any correctional institution or industrial school as the case may be, where the inmate or child is lawfully detained, for the purpose of instructing the inmate or child in religion on such days and at such times as the superintendent may authorize. Clergymen
- 31.(1) The Commissioner, and any person authorized by him and any person designated to be a correctional institution inspector may, at any time, enter any correctional institution or industrial school, and shall have access to every part thereof and to every person confined therein and may, Inspectors
- (a) examine all papers, documents, vouchers, records, books and other things belonging thereto;
 - (b) investigate the conduct of any person employed in and about a correctional institution or industrial school, or of any person found within the premises appurtenant thereto;
 - (c) question any person therein;
 - (d) summon any person before him by order under his hand and examine that person under oath touching any matter relating to any breach of the rules of a correctional institution or training school or any matter affecting the interest of such institution or school; and
 - (e) by the same or like order, compel the production of books, papers and writing before him.
- (2) All correctional institution inspectors shall have right of access to any correctional institution or industrial school. Right of access

- (3) When a correctional institution inspector has visited a correctional institution, he shall furnish a report to the Commissioner concerning his visit to the correctional institution.

Duties of the superintendent 32.(1) A superintendent has the control and management of the correctional institution or industrial school, as the case may be, of which he is in charge and is responsible for the administration thereof, and may make rules governing the conduct of the inmates and staff of the correctional institution or industrial school.

Suspension of staff 33.(1) Subject to the *Public Service Ordinance*, the Director may suspend any staff member or employee for cause that warrants such action until the circumstances of the case have been reported to and acted upon by the Commissioner.

Offences 34.(1) Every person who trespasses or loiters in or upon any grounds, buildings, yards, offices or other premises appurtenant to or forming part of a correctional institution or industrial school commits an offence.

35.(1) Every person who violates 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.

Regulations

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

Coming into Force 37.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

SCHEDULE I

Places Declared to be Common Gaols (Subsection 5(2))

1. The Whitehorse Correctional Institution; and
2. All mobile correctional camps and worksites connected therewith, established maintained or operated pursuant to section 6 of the Corrections Ordinance.

CHAPTER 3
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

FRAUDULENT PREFERENCES AND CONVEYANCES ORDINANCE

(Assented to March 6, 1973)

R.O.Y.T.
Chapter F-9.1 The Commissioner of the Yukon Territory, by and with the
 advice and consent of the Council of the said Territory, enacts as
 follows:

Short title1. This Ordinance may be cited as the *Fraudulent Preferences
 and Conveyances Ordinance.*

Definitions

- 2.(1) In this Ordinance
- "related group" "related group" means a group of persons each member of which is related to every other member of the group;
- "unrelated group" "unrelated group" means a group of persons that is not a related group.
- "related persons" (2) For the purposes of this Ordinance, persons are related to each other and are "related persons" if they are:
- (a) individuals connected by blood relationship, marriage or adoption;
 - (b) a corporation and:
 - (i) a person who controls the corporation, if it is controlled by one person;
 - (ii) a person who is a member of a related group that controls the corporation, or
 - (iii) any person connected in the manner set out in paragraph (a) to a person described in subparagraph (i) or (ii); or
 - (c) two corporations:
 - (i) controlled by the same person or group of persons;
 - (ii) each of which is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation;
 - (iii) one of which is controlled by one person and that person is related to any member of a related group that controls the other corporation;
 - (iv) one of which is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation;
 - (v) one of which is controlled by a related group a member of which is related to each member of an unrelated group that controls the other corporation, or;

- (vi) one of which is controlled by an unrelated group each member of which is related to at least one member of an unrelated group that controls the other corporation.
- (3) For the purposes of this section,
- (a) where two corporations are related to the same corporation within the meaning of subsection (2), they shall be deemed to be related to each other;
 - (b) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled;
 - (c) a person who has a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provides that the right is not exercisable until the death of an individual designated therein, be deemed to have the same position in relation to the control of the corporation as if he owned the shares;
 - (d) where a person owns shares in two or more corporations, he shall, as shareholder of one of the corporations, be deemed to be related to himself as shareholder of each of the other corporations;
 - (e) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;
 - (f) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other; and,
 - (g) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is connected by blood relationship (otherwise than as a brother or sister) to the other.
- 3.(1) Subject to sections 8, 9, 10 and 11 every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bills, bonds, notes or securities or of shares, dividends, premiums or bonus in a bank, company or corporation, or of any other property real or personal, made by a person at a time when he is in insolvent circumstances or is unable to pay his debt in full or knows that he is on the eve of insolvency, with intent to defeat, hinder, delay or prejudice his creditors or any one or more of them, is void as against the creditor or creditors injured, delayed or prejudiced.
- Transfers
injurious
to creditors
void
- 4.(1) Subject to sections 8, 9, 10 and 11 every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bills, bonds, notes or securities or of shares, dividends, premiums or bonus in a bank, company or corporation, or of any other property real or personal, made by a person at a time when he is in insolvent circumstances or is unable to pay his debts in full or knows that he is on the eve of insolvency to or for a creditor, with intent to give that creditor preference over his other creditors or over any one or more of them, is void as against the creditor or creditors injured, delayed, prejudiced or postponed.
- Transfers
with intent
to give
creditors
preference
void

- Transfers to creditors 5.(1) Subject to sections 8, 9, 10 and 11 every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bills, bonds, notes or securities or of shares, dividends, premiums or bonus in a bank, company or corporation, or of any other property real or personal, made to or for a creditor by a person at a time when he is in insolvent circumstances or is unable to pay his debts in full or knows that he is on the eve of insolvency, and which has the effect of giving that creditor a preference over the other creditors of the debtor or over any one or more of them, is void, in and with respect to any action or proceeding that within three months, or in the case of a transaction between related persons as defined in this Ordinance, within twelve months thereafter is brought, had or taken to impeach or set aside that transaction, as against the creditor or creditors injured, delayed, prejudiced or postponed.
- Transactions deemed to give creditors preference 6.(1) A transaction shall be deemed to be one that has the effect of giving a creditor a preference over other creditors, within the meaning of section 5, if by that transaction a creditor is given or realizes or is placed in a position to realize payment, satisfaction or security for the debtor's indebtedness to him or a portion thereof greater proportionately than could be realized by or for the unsecured creditors generally of the debtor or for the unsecured portion of his liabilities out of the assets of the debtor left available and subject to judgment, execution, attachment, or other process; and such effect shall not be deemed dependent upon the intent or motive of the debtor or upon the transaction being entered into voluntarily or under pressure.
- Preferential effect shall govern 2) No pressure by a creditor or want of notice to the creditor alleged to have been preferred of the debtor's circumstances, inability or knowledge, or of the effect of the transaction, shall avail to protect the transaction except as provided by sections 8 and 11, but independently of the intent with which the transaction was entered into the preferential effect or result of the transaction impeached shall govern.
- "creditor" may include surety and endorser 7.(1) In sections 4, 5 and 6 "creditor" and "creditors" shall be deemed to include a surety and the endorser of a promissory note or bill of exchange who would, upon payment by him of the debt, promissory note or bill of exchange in respect of which such suretyship was entered into or such endorsement was given, become a creditor of the person giving the preference within the meaning of the said sections, and the said words shall also include a *cestui qui trust* or other person to whom liability is equitable only.
- Bona fide transfers protected 8.(1) Nothing in sections 3, 4, 5, 6 and 7 applies to a *bona fide* sale or payment made in the ordinary course of trade or calling to innocent purchasers or parties, nor to a payment of money to a creditor, nor to a *bona fide* conveyance, assignment, transfer or delivery over of any goods, securities or property of any kind as above mentioned that is made in consideration of a present actual *bona fide* payment in money or by way of security for a present actual *bona fide* advance of money, or that is made in consideration of a present actual *bona fide* sale or delivery of goods or other property, provided that the money paid or the goods or other property sold or delivered bear a fair and reasonable relative value to the consideration therefor.

- 9.(1) In case of a valid sale of goods, securities or property and payment or transfer of the consideration or part thereof by the purchaser to a creditor of the vendor under circumstances that would render void the payment or transfer to the debtor personally and directly, the payment or transfer though valid as respects the purchaser, is void as respects the creditor to whom it is made. **Transfer to creditor of consideration for sale invalid**
- 10.(1) If a payment has been made that is void under this Ordinance and a valuable security has been given up in consideration of the payment, the creditor shall be entitled to have the security restored or its value made good to him before or as a condition of the return of the payment. **Return of security**
- 11.(1) Nothing in this Ordinance shall affect any payment of money to a creditor who by reason or on account of the payment has lost or been deprived of or has in good faith given up a valid security that he held for the payment of the debt so paid, unless the value of the security is restored to the creditor, or the substitution in good faith of one security for another security for the same debt so far as the debtor's estate is not thereby lessened in value to the other creditors, nor shall anything in this Ordinance invalidate a security given to a creditor for a pre-existing debt where by reason or on account of the giving of the security, an advance in money is made to the debtor by the creditor in the *bona fide* belief that the advance will enable the debtor to continue his trade or business and pay his debts in full. **Exchange of securities protected**
- 12.(1) One or more creditors may, for the benefit of creditors generally or for the benefit of such creditors as have been injured, delayed, prejudiced or postponed by the impeached transaction, sue for the rescission of or to have declared void agreements, deeds, instruments or other transactions made or entered into in fraud of creditors or in violation of this Ordinance or thereby declared void, and if an amendment of the statement of claim is made the amendment shall relate back to the commencement of the action for the purpose of the time limited by section 5. **Suit for rescission of void transactions**
- (2) In an action under this section the court may direct delivery of any property in question to a sheriff or a receiver and may order a sale thereof and such distribution of the proceeds as seems equitable through a sheriff or receiver or otherwise as seems proper.
- (3) In case of a transaction void under this Ordinance by reason of having been entered into with intent to give a preference or having the effect of giving a preference, the subject matter shall not be seizable or attachable or liable to sale for the satisfaction, according to priorities otherwise prevailing, of judgments, executions, attachments or other process, but the court shall have and exercise jurisdiction to realize the same for the benefit of all the creditors and to distribute the proceeds among them rateably and proportionately.
- 13.(1) In the case of a gift, conveyance, assignment or transfer of property real or personal that in law is invalid against creditors, if the person to whom the gift, conveyance, assignment or transfer was made has sold or disposed of, realized or collected the property or any part thereof, the money or other proceeds or the amount thereof, whether further disposed of or not, may be seized or recovered in an action by a person who would be entitled to seize and recover the property if it had remained in the possession or control of **following proceeds of property fraudently transferred**

the debtor or of the person to whom the gift, conveyance, transfer, delivery or payment was made, and the right to seize and recover shall exist in favour of all creditors of such debtors.

- Seizable proceeds (2) Where the proceeds are of a character seizable under execution they may be seized under the execution of any creditor and shall be distributable among creditors under the *Creditors' Relief Ordinance*.
- Proceeds not seizable (3) Whether the proceeds are or are not of a character seizable under execution, an action may be brought therefor or to recover the amount thereof by a creditor, whether a judgment creditor or not, on behalf of himself and all other creditors, or such other proceedings may be taken as may be necessary to render the proceeds or the amount thereof available for the general benefit of the creditors.
- Innocent purchasers (4) This section does not apply as against innocent purchasers of such property.
- Applications to be by originating notice 14.(1) Applications to set aside a transaction alleged to be with intent to defeat a creditor or preferential, or having the effect of preference and thereby void as against a creditor or creditors, shall be made by originating notice.
- Lis Pendens* 15.(1) Any originating notice for an order under this Ordinance may contain a description of any land in question and upon the filing of the notice of motion in court a certificate of *Lis Pendens* may be issued for registration against the lands; and in case the motion is refused in whole or in part a certificate for registration of the order may be issued.
- Costs 16.(1) The costs of and incidental to all proceedings authorized in this Ordinance shall be in the discretion of the court.
- Regulations 17.(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 18.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

CHAPTER 4
 ORDINANCES OF THE YUKON TERRITORY
 1973 (First Session)

FUEL OIL TAX 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 F-11

- | | | |
|-------|---|--|
| 1. | This Ordinance may be cited as the <i>Fuel Oil Tax Ordinance</i> . | Short title |
| 2.(1) | In this Ordinance, unless the context otherwise requires,
"distributor" means a person who imports into the Territory, manufactures or sells fuel oil to a vendor for resale;
"fuel oil" means the liquid derived from petroleum or natural gas and any other liquid by whatever name known or sold, containing any derivative of coal, petroleum or natural gas, and any other fuel as may be included in this definition by regulation of the Commissioner;
"generator" means a generator of electricity which is permanently located on land or in a building and intended to so remain located and does not include a generator used for temporary service work or temporary supply of electricity;
"inter-provincial carrier" means a motor vehicle, ship, boat, or aircraft which travels from one province to another and is used to transport freight or is capable of carrying a minimum of fifteen passengers;
"person" includes a corporation, partnership, Her Majesty in right of Canada, a province, and a municipality;
"province" for purposes of this Ordinance, includes the State of Alaska;
"purchaser" means a person who buys fuel oil from a vendor;
"Registrar" means the Registrar of Motor Vehicles as appointed by the Commissioner to so act;
"tax" means the tax imposed by this Ordinance;
"through carrier" means a commercial transportation vehicle which travels through the Territory without loading or unloading any cargo or passengers, and is used to transport freight or capable of carrying a minimum of fifteen passengers;
"vendor" means a person who sells fuel oil to a purchaser. | Interpretation
"distributor"
"fuel oil"
"generator"
"inter-provincial carrier"
"person"
"province"
"purchaser"
"Registrar"
"tax"
"through carrier"
"vendor" |
| 3.(1) | Every person who uses any fuel oil in the Territory shall pay to the Territorial Treasurer a tax in respect of that fuel oil as provided in this Ordinance. | |

- 4.(1) Every vendor and every distributor shall pursuant to this Ordinance collect and remit tax
- (a) in respect of fuel oil for use in residential, commercial or industrial heating or cooling at the rate of one cent per imperial gallon,
 - (b) in respect of fuel oil for use to propel an aircraft at the rate of two cents per imperial gallon,
 - (c) at the rate of sixteen cents per imperial gallon for diesel oil, and
 - (d) at the rate of fourteen cents per imperial gallon on all fuel oil purchased other than on diesel oil and fuel oil mentioned in paragraphs (a), (b) and (c) and section 5.
- Imported fuel oil (2) Every person, other than a vendor or distributor, who brings into the Territory a quantity of fuel oil greater than fifty gallons shall, within ten days thereof, pay to the Commissioner the tax thereon or furnish an exemption certificate in the prescribed form together with such other documents as the Commissioner may require by regulation.
- Exemptions 5.(1) No tax is payable on fuel oil purchased for use, and subsequently consumed, in stationary generators of electricity, lubricating, laying or sprinkling on roads or streets, as cleaning fluids or solvents, in the operation of farm tractors for *bona fide* farming purposes if the purchaser certifies in the prescribed form to the vendor that the fuel oil is required for any of the foregoing tax exempt purposes.
- (2) No tax is payable on fuel oil when used for a *bona fide* pharmaceutical or medical purpose.
 - (3) No tax is payable in respect of fuel oil used for heating ore as a part of a mineral extraction process in respect of which a valid and subsisting permit has been issued by the Commissioner providing for the purchase of such fuel without payment of tax.
 - (4) No tax is payable on fuel oil sold or delivered to
 - (a) the Government of Canada, or
 - (b) a visiting force as defined in the *Visiting Forces Act* if the person who receives delivery of the fuel oil has been so authorized by such government or force and furnishes to the supplier a certificate to that effect.
- Tax in arrears 6.(1) Where fuel oil is obtained for a purpose and is used for another purpose, tax shall be paid by the purchaser at the rate applicable to the purpose for which the fuel oil is used not later than the tenth day of the month next following the month in which the use took place in the manner and form prescribed by regulation.
- Limit on tax exempt purposes 7.(1) No purchaser may purchase an amount of fuel oil, which is tax exempt, or in respect of which tax is payable pursuant to paragraph 4(1)(a), exceeding in any period one-seventh of his total fuel oil purchases for that period if any part of the fuel oil so purchased is intended for any use other than exempt purposes or for heating.

- (2) Nothing in subsection (1) shall be deemed to prevent the Commissioner making a full or partial refund where the purchaser satisfied the Commissioner that he has used the fuel oil for a tax exempt purpose or a purpose mentioned in paragraph 4(1)(a).
- 8.(1) Every distributor who imports into the Territory, manufactures, keeps for sale or sells fuel oil to a vendor in the Territory shall apply for and hold a valid fuel oil distributor licence issued pursuant to this section in respect of each place of business at which fuel oil is so kept for sale or sold by him. **Distributor licence**
- (2) Every vendor who purchases fuel oil from a licenced distributor for sale to a purchaser shall apply for and hold a valid vendors licence issued pursuant to this section in respect of each place of business at which fuel oil is so kept for sale or sold by him.
- (3) Every person who does not hold a subsisting distributor licence, and who keeps or has in his possession or under his control, or brings into, or receives in, the Territory for use any fuel oil on which no tax has been paid under this Ordinance shall pay, in the manner and at the times prescribed by regulation, tax at the applicable rates on all fuel oil so kept, possessed, controlled, imported or received by him.
- 9.(1) A vendor shall, in every account or invoice furnished with respect to any sale of fuel oil made by him under the provisions of paragraphs 4(1)(a) or (b), or section 5, state the date of the sale, the number of gallons of fuel oil sold, the price per gallon and the purpose for which the fuel is purchased. **Duty of vendor**
- (2) For each account or invoice furnished by the vendor pursuant to subsection (1), the vendor shall complete and have the purchaser sign an exemption certificate in the form prescribed by regulation.
- (3) A vendor shall submit to his distributor, in addition to the remittance under subsection 10(1), a monthly return of sales in the form prescribed by regulation and shall attach thereto all exemption certificates received in accordance with subsection (2).
- 10.(1) Subject to this Ordinance and the regulations, a vendor shall pay to his distributor fuel oil tax as specified in subsection 4(1), or submit exemption certificates in lieu thereof, in respect of all fuel oil purchased by the vendor. **Monthly payments**
- (2) Notwithstanding subsection (1), where a distributor is also a vendor, he shall remit all tax levied, or have exemption certificates on file in lieu thereof, in respect of all fuel oil sold to a purchaser in accordance with section 11.
- 11.(1) Subject to this Ordinance and the regulations, a distributor shall **Duty of distributor**
- (a) remit to the Commissioner, not later than the twenty-fifth day of each month, all tax received by such distributor in respect of the next preceding month;
- (b) furnish the Commissioner with returns in the prescribed form not later than the twenty-fifth day of each month; and

- (c) furnish the Commissioner with such invoices and other documents and such copies thereof as the Commissioner by regulation may require.

- Fuel oil user emblem 12.(1) The operator of an inter-provincial carrier or through carrier shall be issued a permit upon application and issuance of the operating licence by the Registrar and shall apply for an annual renewable fuel oil user emblem for each licenced commercial vehicle or aircraft intended to be operated as an inter-provincial or through carrier.
- (2) The operator of an inter-provincial carrier or through carrier holding a non-resident commercial motor vehicle permit shall be issued a temporary fuel oil emblem or a prepaid single trip fuel oil emblem and shall deposit by way of cash or other security acceptable to the Commissioner, a tax deposit in an amount or amounts as prescribed by regulation.
- (3) During the interval between the coming into force of this Ordinance and the thirty-first day of March 1974, operators of inter-provincial carriers and through carriers already holding valid operating licences for a similar period shall
- (a) be required to apply for a fuel oil user permit and annual renewable fuel oil user emblems as required by subsection 12(1), and
- (b) be required to deposit a bond as required by subsection 15(1) and (2) within sixty days from the date that this Ordinance comes into force and shall be required to file such reports and other information as required by regulation.
- Travel out of Territory 13.(1) The operator of an inter-provincial carrier who makes infrequent trips not exceeding one per calendar month outside the Territory may, in lieu of obtaining a permit, make a declaration at the time of re-entry into the Territory, showing the amount of fuel oil consumed outside the Territory, the amount purchased outside the Territory, and with the declaration remit tax pursuant to the rates of tax per gallon as shown in subsection 4(1).
- Inter-provincial carrier exclusions 14.(1) Notwithstanding any other provisions in this Ordinance to the contrary, operators of commercial transportation vehicles making journeys from one point in the Territory to another shall not be deemed to be inter-provincial carriers as defined in this Ordinance by reason only of the fact that a portion of the journey passes through a neighbouring province.
- (2) Operators of commercial vehicles on journeys to or from the Town of Cassiar, British Columbia, or the Town of Atlin, British Columbia, shall not be deemed to be inter-provincial carriers as defined in this Ordinance solely by reason of such journeys.
- (3) Tax paid on fuel oil purchased in the Territory and consumed by such vehicles on journeys between the southern border of the Territory and the destinations listed in subsection (2) may be refunded upon submission of evidence that tax has been paid to the appropriate authorities in the jurisdiction where the fuel oil was so consumed.
- Bond deposit 15.(1) The Commissioner may require any person subject to tax under this Ordinance to deposit a bond or other security satisfactory to the Commissioner.

- (2) The amount of the bond shall be determined by the Commissioner but shall not be less than twice nor greater than six times the estimated amount of the monthly tax determined in such manner as the Commissioner may deem proper.

16.(1) Every distributor and vendor shall

- (a) maintain books and records in respect of his fuel oil transactions in sufficient detail to permit examination and calculation of the tax; and
- (b) preserve such books and records until such time as the Commissioner grants permission to destroy.

Books and records

- 17.(1) Any person so authorized by the Commissioner may enter at any reasonable time the business premises occupied by any person, or the premises where records and documents are kept, to determine whether this Ordinance and any regulations thereunder are being and have been complied with, or to inspect, audit and examine books of account, records or documents, or to ascertain the quantities of fuel oil purchased, imported or otherwise acquired by him, sold or used by him, and shall answer all questions pertinent to these matters, and shall produce such books of account, records or documents as may be required.

Inspection

- (2) Where it appears from the inspection, audit or examination of books of account, records or documents that this Ordinance or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate or estimate the tax due, if any, in such manner and form and by such procedure as the Commissioner may deem adequate and expedient, and the Territorial Treasurer shall assess the person for the amount of the tax so calculated.

18.(1) Every person who

- (a) makes a false statement in any return, report, certificate or form used under this Ordinance,
- (b) obtains or attempts to obtain or knowingly induces, assists or attempts to assist another person to obtain an unwarranted exemption from or reduction of tax,
- (c) knowingly gives false information respecting any fuel oil transaction,
- (d) refuses or neglects to pay or remit tax where required to do so by this Ordinance or to execute prescribed returns, certificates, reports or forms in connection with exemption or reduction in tax where required to do so by this Ordinance,
- (e) refuses to produce records or documents respecting fuel oil transactions, or any container used for holding fuel oil that is in his possession or control, or
- (f) violates any other provisions of this Ordinance or the regulations.

Offences

commits an offence against this Ordinance and is liable, upon 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, and each day's continuance of the act or default out of which the offence arises shall constitute a separate offence; but nothing contained in this section nor the enforcement of any penalty thereunder shall suspend or affect any remedy for the recovery of any tax.

- (2) In addition to the fine or term of imprisonment imposed under subsection (1), the offender shall be ordered by the Court to pay the amount of the tax that is owing, on or before such date as shall be fixed by the Court.
- Burden of proof 19.(1) In any prosecution for an offence under this Ordinance or in any action or other proceeding brought for the recovery of tax, the burden of proving that he has paid or remitted tax or that he is exempt under this Ordinance from liability to pay tax or remit tax, is on the accused or the defendant.
- Limitation 20.(1) No prosecution for an offence under this Ordinance shall be commenced after two years from the date of the commission of the offence.
- Penalty and interest 21.(1) The Commissioner may, in addition to any other penalty or action, assess a penalty equal to ten percent of the amount due, and may assess interest on the amount due at ten percent per annum against any person who fails to pay any tax which he is required to pay under this Ordinance or fails to file returns on due dates as required by this Ordinance.
- Cancellation 22.(1) The Territorial Treasurer may for cause
 - (a) cancel any fuel oil user permit and annual renewable fuel oil user emblem issued pursuant to this Ordinance, and may during the period of twelve months next succeeding the cancellation of that permit and emblem refuse to issue any new permit and emblem to the person if the permit and emblem holder is convicted of any offence against this Ordinance, but the cancellation does not preclude the person from purchasing prepaid single trip permits and emblems; and
 - (b) cancel any distributors or vendors licence issued pursuant to this Ordinance if the licensee is convicted of any offence against this Ordinance, and may during the period of twelve months next succeeding the cancellation of that licence refuse to issue any new licence to the person so convicted.
- Refund 23.(1) Applications for refund of fuel oil tax paid must be submitted before the first day of August in the year next following the year of purchase of the fuel oil.
 - (2) Applications for refund of fuel oil tax in respect of fuel oil purchased within the Territory for use outside the Territory must be accompanied by proof satisfactory to the Commissioner that tax has been paid at the applicable rates in the jurisdiction in which the fuel was used.
- Regulations 24.(1) For the purpose of carrying into effect the provisions of this Ordinance, the Commissioner may make such regulations and prescribe such forms as are considered necessary or advisable.
- Repeal 25.(1) The *Fuel Oil Tax Ordinance*, Chapter F-11 of the Revised Ordinances or the Yukon Territory, 1971, is repealed.
- Coming into force 26.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

CHAPTER 5
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

PUBLIC INQUIRIES ORDINANCE

(Assented to March 6, 1973)

R.O.Y.T.
Chapter P-8.1

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

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|-------|--|-----------------------------------|
| 1. | This Ordinance may be cited as the <i>Public Inquiries Ordinance</i> . | Short Title |
| 2.(1) | In this Ordinance "Board" means any board appointed under this Ordinance. | Definitions
"Board" |
| 3.(1) | The Commissioner may cause an inquiry to be made into any matter,

(a) connected with the conduct of the public business of the Territory; or

(b) any matter of public concern. | Commissioner may
cause inquiry |
| 4.(1) | The Commissioner may appoint a Board of one or more persons to make an inquiry and report thereon to him. | Commissioner may
appoint Board |
| 5.(1) | Every Board shall have the power, subject to reasonable notice, of summoning any person as a witness and of requiring him to give evidence on oath or affirmation and to produce such documents and things as the Board considers necessary. | Board may
summon witnesses |
| 6.(1) | Every Board shall have the same power as is vested in a court of record in civil cases,

(a) to enforce the attendance of persons as witnesses;

(b) to compel them to give evidence; and

(c) to compel them to produce documents and things. | Power of Board |
| 7.(1) | Where the actions or conduct of any person are called into question in the course of any inquiry, such person shall have the right to be represented by counsel or agent. | Right to
counsel or
agent |
| 8.(1) | The Commissioner may make regulations respecting,

(a) the remuneration of the members of a Board and witnesses;

(b) allowances for members of a Board and witnesses in respect of travelling and living expenses;

(c) the procedures governing the conduct of the inquiry; and

(d) generally for carrying out the purposes and provisions of this Ordinance. | Regulations |

Coming
into force

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

CHAPTER 6
ORDINANCES OF THE YUKON TERRITORY
1973 (Third Session)

WORKMEN'S COMPENSATION ORDINANCE

(Assented to July 31, 1973)

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

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

SHORT TITLE

1. This Ordinance may be cited as the *Workmen's Compensation Ordinance*.

Short
title

INTERPRETATION

- 2.(1) In this Ordinance

Definitions

"accident" includes

"accident"

- (a) a wilful and intentional act, not being the act of the workman,
(b) a chance event occasioned by a physical or natural cause, and
(c) disablement arising out of and in the course of the employment, and where the disablement is caused by disease the date of the accident shall be deemed to be the date of the disablement;

"child" in respect of a workman includes

"child"

- (a) an illegitimate child of the workman,
(b) a child (including an illegitimate child) of any child of the workman,
(c) a child by a former marriage of the spouse of the workman, and
(d) any person to whom the workman stands *in loco parentis*;

"compensation" includes expenses relating to the provision of medical aid;

"compensation"

"dependant" in respect of a workman means a member of the family of the workman who is wholly or partially dependant on the workman's earnings for the ordinary necessities of life or who, but for the workman's incapacity due to an accident, would have been so dependant, and a dependant spouse, child or other member of a workman's family who is a dependant of the workman;

"dependant"

"employer" includes

"employer"

- (a) every person having in his employment one or more workmen,
(b) the Commissioner, and
(c) in respect of a workman who is injured, disabled or dies as a result of an accident, means the employer by whom the workman was employed at the time of the accident;

"employment" means employment in an industry or in any part thereof;

"employment"

"flight crew member" means a workman, including a steward or a stewardess, whose duties require him to fly in an aircraft for the purpose of assisting in the operation thereof;

"flight crew
member"

"industry"	"industry" includes every establishment, undertaking, trade or business in or being carried on in the Territory;
"injury"	"injury" means personal injury;
"invalid"	"invalid" means a person who is physically or mentally incapable of earning his living;
"learner"	"learner" means any person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry in the course of undergoing training or probationary work as a preliminary to employment;
"maximum wage rate"	"maximum wage rate" means the maximum wage fixed or calculated pursuant to section 80;
"medical aid"	"medical aid" includes medical and other services provided by a medical practitioner while practicing as such, nursing services, hospital services, drugs, dressings, x-ray treatment, special treatment, transportation and such other things as the Commissioner or referee may authorize or provide;
"medical practitioner"	"medical practitioner" means a person who is authorized by law to practise medicine in the place where he is so practising and includes a person skilled in the art of healing who is authorized by law to practise the art of healing in the place where he is so practising;
"member of a family"	"member of a family" in respect of a workman means the workman's spouse, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister, and a person who stands <i>in loco parentis</i> to the workman or to whom the workman stands <i>in loco parentis</i> (whether or not there is any degree of consanguinity between such person and the workman), and the parents and grandparents of a workman who is an illegitimate child;
"mine rescue work"	"mine rescue work" includes the repair of the equipment necessary for and the training necessary for such work;
"outworker"	"outworker" means a person to whom articles or materials are given to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for use or sale at his own home or at other premises not under the control or management of the person who gave him the articles or materials;
"payroll" or "wages"	"payroll" or "wages" in respect of an employer means the total remuneration earned in a year by all workmen employed by an employer engaged in an industry to which the Ordinance applies;
"permanent total disability"	"permanent total disability" includes <ul style="list-style-type: none"> (a) total and permanent loss of the sight of both eyes, (b) the loss of both feet at or above the ankle, (c) the loss of both hands at or above the wrist, (d) the loss of one hand at or above the wrist and one foot at or above the ankle, (e) any injury to the spine resulting in permanent and complete paralysis of legs or arms or of one leg and one arm, and (f) any injury to the skull resulting in an incurable incapacitating mental disorder;
"referee"	"referee" means the person appointed as referee pursuant to section 10;
"remuneration"	"remuneration" includes salary, wages, commissions, tips, earnings for overtime, piece work and contract work, bonuses and allowances, the cash equivalent of board and lodging, store certificates, credits and any substitute for money;
"silicosis"	"silicosis" means a fibrotic condition of the lungs of a workman <ul style="list-style-type: none"> (a) caused by dust containing silica, and (b) evidenced by specific x-ray appearances or by the results of other scientific tests or examinations, that has resulted in a substantially lessened capacity for work by the workman;

"workman" means an individual who performs services for an employer under an express or implied contract of service or apprenticeship, and includes

"workman"

- (a) any person engaged in training for mine rescue work and any person who, with the consent of the person charged with the management of a mine or of the person in charge of an authorized mine rescue crew, is doing rescue work at a mine after an accident, explosion or other catastrophe,
- (b) where a contractor enters into a contract with a person engaged in the mining industry for the performance of mining operations for such other person, the employees of the contractor who performs the operations and the contractor while actually performing them,
- (c) a learner, and
- (d) any individual who is deemed by any provision of this Ordinance or by any regulation to be a workman.

- 3.(1) This Ordinance applies to employers in respect of employment by them of workmen in all industries.
- (2) The Commissioner may on such terms and conditions as he directs, bring within the scope of this Ordinance volunteer employment undertaken in the public interest and in which the remuneration, if any, is nominal.

Application

- 4.(1) The Commissioner may establish such subclassifications, differentials and proportions in the rates as between the different kinds of employment in the same class as the Commissioner deems proper, and where any particular industry is shown to be so circumstanced or conducted that the hazard is greater than the average of the class or subclass to which the industry is assigned, the Commissioner may impose upon the industry a special rate, differential or assessment, to correspond with the excessive hazard of such industry.

Differential in rates

COMPENSATION

- 5.(1) Where in any employment to which this Ordinance applies, a workman suffers injury or death by accident arising out of and in the course of the employment, compensation shall be paid, subject to the provisions of section 7 and except where the workman is
 - (a) employed in employment of a casual nature otherwise than for the purposes of the employer's industry,
 - (b) an outworker,
 - (c) a domestic servant, or
 - (d) a flight crew member in the industry of aeroplane transportation and the industry of maintenance and operation of aeroplanes for hire.
- (2) Every person who is a
 - (a) duly ordained or appointed clergyman,
 - (b) member of a religious order, or
 - (c) lay reader
 is exempted from the application of this Ordinance while exercising his religious functions as such.

Eligibility for compensation

- Accident elsewhere than in Territory
- 6.(1) Where an accident that would entitle the workman or his dependants to compensation under this Ordinance if the accident had happened in the Territory happens while he is employed elsewhere than in the Territory, the workman or his dependants are entitled to compensation under this Ordinance if
- (a) the workman is a resident of the Territory or his usual place of employment is in the Territory,
 - (b) the nature of the employment is such that in the course of the work or service that the workman performs, the work or service is required to be performed both within and outside the Territory,
 - (c) the employment out of the Territory is a continuation of the employment by the same employer within the Territory, and
 - (d) the employment out of the Territory has lasted less than 12 months.
- (2) Where the operation in which the workman is and has been employed elsewhere than in the Territory continues or is likely to continue beyond the period of 12 months and the workman continues or is likely to continue to be employed therein, the period of 12 months may, upon application by the employer, be extended by the Commissioner for a further period of 12 months or such lesser period as the Commissioner orders, and on further applications by the employer may be further extended by the Commissioner from time-to-time as he sees fit.
- (3) Where by the law of the country or place in which the accident happens the workman or his dependants are entitled to compensation or some other remedy in respect of it, he or they, as the case may be, shall elect whether they will claim compensation or the other remedy under the law of that country or place or compensation under this Ordinance, and shall give notice of such election, but if there is in existence an agreement under subsection (5) the right of election is subject to the terms of such agreement.
- (4) Notice of the election shall be given to the Commissioner within 30 days after the happening of the accident or, if it results in death, within 30 days after the death, or within such longer period as, either before or after the expiration of such 30 days, the Commissioner allows, and if notice of election is not given within the time allowed by this subsection it shall be presumed that the workman or his dependants, as the case may be, have elected not to claim compensation under this Ordinance.
- (5) Where pursuant to subsection (3) a workman or dependant elects to claim compensation under this Ordinance in respect of an accident that happened outside the Territory and previously, concurrently or subsequently claims compensation or other remedy under the law of any other country or place in respect of the same accident, the workman or dependant shall be deemed to have forfeited all rights to compensation under this Ordinance in respect of that accident, and any monies paid to him or on his behalf by the Commissioner in respect thereof constitute a debt due from him to the Commissioner.
- (6) Subsection (5) does not affect the right to compensation of a workman or dependant who takes action at the direction of the Commissioner under the provisions of subsections (10), (11) and (12).

- (7) Notwithstanding subsection (5) a workman or dependant who, before claiming under this Ordinance, has in error claimed compensation under the law of the country or place wherein the accident happened and has been found not entitled to such compensation shall be deemed not to have forfeited his rights under this Ordinance by reason of having made such claim.
 - (8) The Commissioner may enter into an agreement with the Workmen's Compensation Board of any province or with the Commissioner of the Northwest Territories providing for the payment of compensation in conformity with the provisions of this Ordinance for injuries to workmen who are employed under such conditions that part of the work incidental to the employment is performed in the Yukon and part of the work in another province, the purpose of such agreement being to ensure that such workmen or their dependants receive compensation either in conformity with this Ordinance or in conformity with the Act in force in the other province relating to workmen's compensation, as the case may be, and to avoid a duplication of assessments.
 - (9) Payment out of the Compensation Fund of monies required to be paid pursuant to an agreement made under subsection (8) may be made to the Workmen's Compensation Board of any province or the Commissioner of the Northwest Territories, as the case may be, and all monies received by the Commissioner of the Yukon pursuant to any such agreement shall be paid by him into the Compensation Fund.
 - (10) If a workman or dependant entitled to compensation under this Ordinance has any right of action in a place other than the Yukon Territory in respect of personal injuries to the workman, he shall assign all damages to be recovered thereunder to the Commissioner, and the Commissioner may withhold payment of compensation until the assignment is made in a form satisfactory to the Commissioner.
 - (11) In the event of the Commissioner directing any such injured workman or dependant to take any such action, the workman or dependant shall commence and prosecute the action with diligence and in the event of his not so doing, the Commissioner may refuse to pay any compensation or may withhold any part of the compensation otherwise payable.
 - (12) Where the Commissioner directs the workman or dependant to take such action he shall repay him the costs necessarily incurred by him in the prosecution thereof, but the Commissioner is not required to pay the costs of any appeal unless the appeal is taken under the direction of the Commissioner.
- 7.(1) A workman who is injured or disabled as a result of an accident is not entitled to compensation if
- (a) the accident is attributable solely to the serious and wilful misconduct of the workman, and death or serious disability does not result from it; or
 - (b) the accident occurs as a direct result of enemy action or of action taken in combatting an enemy force or in an attempt to repel a real or apprehended attack by such force.
- (2) Where, except in the case of silicosis, the injury, disability or death of a workman employed by an employer to whom this Ordinance applies

Compensation to workman when not payable

When disease partly due to employment

- (a) is due to an accident of the kind described in paragraph (c) of the definition of "accident" in subsection 2(1), or
- (b) the accident was caused partly by conditions encountered by the employee while in the employment of the employer and partly by conditions not so encountered,

compensation is payable in accordance with this Ordinance only in an amount that is in proportion to the extent to which the accident was due to conditions encountered by the employee while in the employment of the employer.

- (3) Where a workman is found dead at a place where he had a right to be in the course of his employment, his death shall be presumed to be the result of an accident arising out of and in the course of his employment unless there is evidence sufficient to rebut the presumption.

Presumption that accident occurred in course of employment or out of employment

- (4) Unless the contrary is shown, an accident
 - (a) that arises out of the employment of a workman shall be presumed to occur in the course of such employment, and
 - (b) that occurs in the course of the employment of a workman shall be presumed to arise out of such employment.

Compensation payable where workman disabled longer than one day

- (5) Where a workman involved in an accident is disabled by the accident only on the day the accident occurred, he is entitled to no compensation other than medical aid, but if he is disabled for more than one day he is entitled to compensation on and from the day following the day of the accident.

Application to be brought under Ordinance

- 8.(1) Members of the family of an employer employed by him and dwelling in his house as members of his household shall be deemed not to be workmen within the scope of this Ordinance and compensation is not payable to them unless application to have them brought within the scope of this Ordinance has been received and approved by the Commissioner.
- (2) The application shall be made by the employer and shall contain the names of all the members of his family employed by him, together with the estimated amount of their wages for the current year or balance thereof, or where no regular wage is paid or received, or if paid and received is less than three thousand dollars per annum, a stated sum in lieu of wages not exceeding the maximum wage rate and not less than three thousand dollars for or in respect of each member of his family named in the application.
- (3) Upon the application being approved by the Commissioner, the members of the family of the employer included in the Commissioner's approval shall, while so employed in the industry named in the application, be deemed to be workmen of the employer for the balance of the calendar year and until the last day of February in the year following the date of approval.
- (4) In all cases where an application has been made under subsection (2), assessments on the employer in respect of the employment of each such member of his family shall be levied upon the estimate or stated sum, as the case may be, and compensation shall be based upon such member's average weekly earnings, which shall be deemed to be the weekly equivalent of annual earnings equal to the estimate or stated sum set out in the application in respect of the member of the family.
- (5) Compensation is not payable to an employer unless application to come within the scope of this Ordinance has been received and approved by the Commissioner.

- (6) The application shall be made by the employer and shall contain the stated sum for which compensation coverage is desired in an amount not exceeding the maximum wage rate and not less than three thousand dollars, and such assessment as the Commissioner fixes in respect of such application shall be levied on such sum for the period during which coverage is to be provided.
 - (7) Upon the application being approved by the Commissioner, the employer shall be deemed to be a workman in the industry named in the application for the period during which coverage is to be provided.
 - (8) Compensation payable to an employer shall be based upon his average weekly earnings which shall be deemed to be the weekly equivalent of annual earnings equal to the sum stated as provided by subsection (6).
 - (9) The Council of any municipality or the Board of Trustees of any local improvement district may apply by resolution to have the members of the Council or Board brought within the scope of this Ordinance and, upon the receipt of any such application by the Commissioner, the members of the Council or Board shall be deemed to be workmen of the corporate body concerned while actually engaged in the business of such corporate body, which shall be deemed to be the employer.
 - (10) Notwithstanding the foregoing provisions of this section, the Commissioner may with cause revoke his approval of an application made under the provisions of this section and, upon the making of such a revocation, the person referred to in the revocation ceases to be a workman within the scope of the Ordinance as at the date fixed in such revocation.
 - (11) Notice of any revocation made pursuant to subsection (10) shall be forwarded by the Commissioner by ordinary mail to the employer.
 - (12) Where the approval of the Commissioner under subsection (3) or (7) is delayed by inadvertence, the Commissioner may make his approval effective from the date the application would otherwise have been approved.
 - (13) In this section, "current year" means the period fixed by the Commissioner.
- 9.(1) The Council of the Yukon Territory may apply by resolution to have the members of the Council brought within the scope of this Ordinance and the members of the Council shall be deemed to be workmen while actually engaged in the business of the Council and any compensation in respect of them shall be paid by the Commissioner.

Council may be brought under Ordinance

REFEREE

Commissioner may appoint referee

10.(1) The Commissioner may designate a person to act as referee.

11.(1) Except as otherwise provided by this Ordinance, the referee has exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under this Ordinance and referred to him by the Commissioner, and the action or decision of the referee thereon is final and conclusive and is not open to question or review in any court, and no proceedings by or before the referee shall be restrained by injunction, prohibition or other process

Powers and jurisdiction of referee

or proceedings in any court or be removed by *certiorari* or otherwise into any court, nor shall any action be maintained or brought against the referee in respect of any act or decision done or made by him in the honest belief that the same was within his jurisdiction.

- Exclusive jurisdiction of referee (2) Without restricting the generality of subsection (1), the exclusive jurisdiction of the referee extends to examining, inquiring into, hearing and determining
- (a) whether an accident is an accident within the meaning of this Ordinance;
 - (b) whether disability exists by reason of an accident and the degree of such disability;
 - (c) the duration of disability by reason of an accident;
 - (d) whether earning capacity has been impaired by reason of an accident and the degree by which it has been impaired;
 - (e) the amount of average earnings;
 - (f) whether a person is a member of the family of an employer or a workman, as the case may be;
 - (g) whether dependency exists;
 - (h) whether an industry or any part thereof is within the scope of this Ordinance;
 - (i) whether any person or aggregation of persons is an employer within the meaning of this Ordinance;
 - (j) whether a person is a workman within the meaning of this Ordinance; and
 - (k) whether a workman or a dependant is entitled to compensation under this Ordinance.
- Power to reconsider decisions (3) The referee has power to examine, inquire into and hear any matter that has been dealt with by him previously and, on such examination, inquiry or hearing, has the power to rescind or vary any decision or order previously made by him.
- Referee not bound (4) The referee is not bound by his own previous ruling or decisions, and all rulings and decisions that he makes shall be upon the merits and justice of the case before him.
- Attendance of witnesses (5) The referee has the same powers as the Court for compelling the attendance of witnesses, examining witnesses under oath and compelling the production and inspection of books, papers, documents and things.
- Evidence (6) The referee may cause depositions of witnesses residing within or without the Territory to be taken before any person appointed by him in a manner similar to that prescribed by the Rules of Court.
- Referee may appoint (7) The referee may appoint any person to inquire into, and report upon, any matter that the referee has authority under this Ordinance to examine or inquire into and may act upon the report of such person.
- Power of person appointed (8) Any person appointed by the referee pursuant to subsection (7) to inquire into and report upon any matter has the same powers as the referee would have in inquiring into the matter.
- Appeals to Commissioner (9) Every person aggrieved by a decision of the referee or any person administering this Ordinance may appeal to the Commissioner who may refer the matter to the referee or back to the referee, as the case may be.

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| <p>12.(1) The referee may, in any case where he deems it necessary and shall on the application of an employer, workman or dependant of a workman interested in any order, ruling or decision of the referee, issue a certificate embodying the substance of any such order, ruling or decision.</p> | <p>Issuance of certificate embodying substance of order</p> |
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NO CONTRIBUTION, WAIVER OR ASSIGNMENT BY WORKMAN

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| <p>13.(1) Except as authorized by this Ordinance, no employer shall</p> <p>(a) either directly or indirectly deduct from the remuneration of any workman employed by him any part of any sum that he is or may become liable to pay to the Commissioner, or</p> <p>(b) require or permit any workman employed by him to indemnify him or to contribute in any manner towards indemnifying him against any liability that he has incurred or may incur under this Ordinance.</p> <p>(2) An agreement by a workman to waive or give up any benefit or any part thereof to which he or his dependants are or may become entitled under this Ordinance is void.</p> <p>(3) Except as otherwise provided in this Ordinance, no amount payable as or on account of compensation</p> <p>(a) is capable of being assigned, charged or attached, and</p> <p>(b) no claim is capable of being set-off against such amount, without the prior approval of the Commissioner.</p> | <p>Prohibition of unauthorized deduction of amount from workman's wages</p> <p>Waiver of right of compensation invalid</p> <p>Unassignability, etc, of compensation</p> |
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RECOVERY BY COMMISSIONER

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| <p>14.(1) Where the Commissioner pays to any person, in purported compliance with this Ordinance, any amount as or on account of compensation to which that person is not entitled, such amount may be recovered by the Commissioner</p> <p>(a) as a debt due to him by that person;</p> <p>(b) by way of set-off against any amount that is or becomes payable to that person as or on account of compensation; or</p> <p>(c) partly as in paragraph (a) and partly as in paragraph (b).</p> | <p>Recovery of overpaid compensation</p> |
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DETERMINATION OF CLAIM FOR COMPENSATION

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| <p>15.(1) A claim for compensation in respect of a permanent disability or death shall be referred by the Commissioner to the referee and shall be determined by the referee.</p> <p>(2) A claim by a workman for compensation in respect of a temporary disability shall be determined in accordance with this Ordinance by the Commissioner.</p> <p>(3) If a workman who has been awarded or refused compensation for a temporary total or partial disability by the Commissioner, is dissatisfied with the disposition of his claim, such claim shall be referred by the Commissioner to the referee, who shall review it and make such disposition of it as, having regard to the provisions of this Ordinance, he deems just.</p> | <p>Permanent disability to be determined by referee</p> <p>Temporary disability</p> <p>Appeal by workman</p> |
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RIGHT OF ACTION AND SUBROGATION

- 16.(1) Where a workman or any dependant of the workman is entitled to compensation under this Ordinance in respect of injury to or disability or death of the workman as a result of an accident, neither the workman, any dependant of the workman, nor his legal personal representative has any right of action or claim against
- (a) the employer by whom he was employed at the time of the accident, or
- (b) any workman in the employment of such employer at the time of the accident,
- in respect of the injury to or disability or death of the workman, except a claim under this Ordinance for compensation.
- (2) Where a workman is injured, disabled or dies as a result of an accident in circumstances that give rise to a right of action by the workman, any dependant of the workman or his legal personal representative against any person, other than a person described in paragraph (a) or (b) of subsection (1), the workman, his dependant or legal personal representative, as the case may be shall, not later than six months after
- (a) the day of the accident, or
- (b) if the workman dies as a result of the accident, the day on which he dies,
- either commence such action or claim compensation, and if he fails to do so, no person shall thereafter be entitled to make any claim under this Ordinance for compensation in respect of the injury, disability or death.
- (3) Where the workman, a dependant of the workman or the workman's legal personal representative, as the case may be, commences an action within the time required by subsection (2), no settlement of the action shall be made without the prior written approval of the terms of the settlement by the Commissioner.
- (4) Where the amount received and collected by the workman, a dependant of the workman or his legal personal representative, as the case may be, in an action commenced within the time required by subsection (2), or by a settlement of such action made after the written approval of the terms of the settlement by the Commissioner had been obtained, is less than the amount of compensation that would have been payable pursuant to this Ordinance in respect of the injury, disability or death if, in lieu of commencement of the action, compensation has been claimed within the time required by subsection (2), the Commissioner is liable to pay as compensation only the amount by which the amount so recovered and collected is less than the amount that would have been payable as compensation if, in lieu of commencement of the action, compensation had been claimed within the time required by subsection (2).
- (5) Where a workman is injured, disabled or dies as a result of an accident in circumstances that give rise to a right of action by the workman, a dependant of the workman or his legal personal representative against any person, other than a person described in paragraph (a) or (b) of subsection (1), and the workman or a dependant of the workman, as the case may be, claims compensation pursuant to this Ordinance within the time required by subsection (2), the Commissioner, as of the day on which the claim for compensation is made, is subrogated to any such right of action against any such person, and the Commissioner may

Rights of
actionCommencement
of actionApproval of
Commissioner
required for
settlementCommissioner
to make up
deficiencySubrogation
of
Commissioner

- (a) commence and carry on the action in his own name or in the name of the workman or the workman's dependants, and
 - (b) settle the right of action or any action commenced by him pursuant to paragraph (a).
- (6) Where, by reason of an action or settlement referred to in subsection (5), the Commissioner becomes entitled to and receives an amount that exceeds the capitalized value of all amounts paid or payable as compensation to the workman or his dependants in respect of the injury, disability or death resulting from the accident out of which the cause of action arose, the amount of the excess, minus such costs as the Commissioner may approve, shall be paid to the workman, his dependants or his legal personal representative, as the case may be, upon the furnishing to the Commissioner by the person or persons to whom it is to be paid of a release of the Commissioner from any claim for additional compensation in respect of the injury, disability or death, except from a claim for additional compensation based on circumstances that were not taken into account in computing the amount of any compensation previously awarded.
- Workman to receive excess over benefits

NOTICE OF ACCIDENT

- 17.(1) Where a workman, employed by an employer to whom this Ordinance applies, other than a workman described in section 5, is injured, disabled or dies as a result of an accident, the workman or, if he dies as a result of the accident, a dependant of the workman shall, as soon as practicable after the accident occurs, give written notice of the accident to the employer of the workman.
- Notice to employer of accident
- (2) The written notice referred to in subsection (1) shall give the name and address of the workman and of the person giving the notice, and shall state the details and consequences of the accident and the place where it occurred.
- Contents of notice
- (3) Failure to give written notice in accordance with subsections (1) and (2) is a bar to any claims for compensation under this Ordinance in respect of the injury to, or disability or death of, the workman resulting from the accident unless the failure is excused by order of the Commissioner on the grounds that
- Failure to give notice a bar to claim unless excused on certain grounds
- (a) notice in accordance with subsection (1) could not reasonably have been given in the circumstances;
 - (b) the employer or his superintendent or agent in charge of the work where the accident occurred knew at the time it occurred, or should have known, of the injury, disability or death of the workman as a result of the accident; or
 - (c) the Commissioner is of the opinion that the claim is a just one and ought not be barred by this section.

NOTICE OF CLAIM

- 18.(1) No compensation is payable in respect of a claim unless notice of the claim is made to the Commissioner
- Time limit for making claim
- (a) by the workman within twelve months of the day of the accident or, where the death of the workman results from the accident, by a dependant within twelve months of the day of such death;
 - (b) in the case of disability of a workman due to the contraction of a disease (other than silicosis) caused by the conditions in his place of employment, by the workman within twelve months of the day on which he was last exposed

to such conditions prior to becoming disabled or, where the death of the workman results from the disease, by a dependant of the workman within twenty-four months of the day on which the workman was last so exposed; or

- (c) in the case of disability of a workman due to the contraction of silicosis caused by the conditions in his place of employment, by the workman within twelve months of the day on which he is found to be so disabled or, where the death of the workman results from silicosis, by a dependant of the workman within twelve months from the day of such death.
- (2) Notwithstanding subsection 16(2) or subsection (1) of this section, where proof that a workman was injured, disabled or died as a result of an accident is filed with the Commissioner within three years after the day of the accident, the Commissioner or the referee, as the case may be, may award compensation to the workman or to dependants of the workman if
 - (a) notice of the accident was given in accordance with section 17 or the failure to give such notice is excused by the Commissioner pursuant to that section, and
 - (b) in the opinion of the Commissioner or the referee, as the case may be, the claim is a just one and ought not to be barred by this section.

REPORTS BY EMPLOYER AND ATTENDING MEDICAL PRACTITIONER

19.(1) Notice of accident to Commissioner by employer

Every employer to whom this Ordinance applies who has knowledge or notice of the occurrence of an accident, or of the allegation of the occurrence of an accident, in which a workman of the employer was injured, shall, forthwith after he has such knowledge or notice,

- (a) forward to the Commissioner written notification of the happening of the accident or of the allegation thereof, and
- (b) forward a copy of the notice referred to in paragraph (a) to the workman or, in the event of the workman's death, to a dependant of the workman,

and, if the injured workman or the allegedly injured workman returns to his work or is able to return to his work, the employer shall forward to the Commissioner, within twenty-four hours after the fact of the return or ability to return comes to his knowledge, notification thereof, and shall make such further and other reports respecting the accident or alleged accident respecting the workman as may be required by the Commissioner.

(2) Failure of employer to make report is an offence

Every employer who fails to make a report required by subsection (1), unless the failure is excused by the Commissioner on the ground that the report, for a reason considered by the Commissioner to be sufficient, could not have been made, commits a separate offence for each day that such failure continues after the expiration of three days following service upon him of a demand by the Commissioner for such report, and is liable, upon summary conviction, to a penalty not exceeding five hundred dollars and costs for each offence, and in default of payment of the penalty to imprisonment for a period not exceeding six months in respect of one offence or twelve months in the aggregate.

(3) Special investigation of accident

In any case where an employer fails to make a report required by subsection (1), the Commissioner may make a special investigation of the accident and of the facts and circumstances surrounding it, and may recover the cost of such investigation from the employer as a debt due to him from the employer.

- 20.(1) A medical practitioner who attends an injured workman shall forward to the Commissioner
 - (a) a report within two days after the date of his first attendance upon the workman,
 - (b) such reports from time-to-time as he considers necessary or as may be required by the Commissioner, and
 - (c) a report within three days after the workman is, in his opinion, able to resume work.
- (2) The medical practitioner shall also, without charge to the workman, give all reasonable and necessary information, advice and assistance to the injured workman and his dependants in making application for compensation and proofs as are required.
- (3) Upon the written request of the employer of an injured workman, the Commissioner shall provide the employer with a report of the progress being made by the workman.
- (4) Payment of the account of a medical practitioner for services rendered to a workman who is injured in an accident does not of itself constitute the making of a claim for compensation by the workman or the acceptance by the Commissioner of a claim for compensation by the workman. Payment not to constitute making of claim

MEDICAL EXAMINATION OR INVESTIGATION

- 21.(1) A workman who claims compensation or to whom compensation is payable under this Ordinance shall submit himself for medical examination or investigation in such manner and at such time as the Commissioner or the referee may require. Medical examination or investigation of workman
- (2) If a workman does not submit himself for medical examination or investigation as required by the Commissioner or the referee, or if he in any way obstructs such examination or investigation Failure to submit to examination or investigation
 - (a) his right to compensation or, if he is in receipt of a periodical payment, his right thereto, is suspended until the examination or investigation has taken place, and
 - (b) the condition found upon such examination or investigation shall, unless the Commissioner or the referee otherwise directs, be deemed to have been the condition of the workman in relation to his disability, at the time for which the examination or investigation was called.
- (3) Where a workman claims compensation under this Ordinance the Commissioner or the referee may approve of any medical examination or investigation already carried out upon reports being submitted satisfactory for the purpose, and in either case the Commissioner may pay the costs of such medical examination or investigation, and the Commissioner may make payments to the workman, which shall be computed on the same basis as compensation, for the period determined by the Commissioner or the referee as being necessary for the purpose of the examination or investigation. Medical examination or investigation expresses
- 22.(1) Where a workman alleges that Nomination of medical practitioner
 - (a) he has a greater disability than that which he has been found to have,
 - (b) he has a right to continuation of compensation beyond the period for which compensation has been awarded,

(c) an error, relating to his physical condition, was made in some feature or circumstance of the determination of his claim, or

(d) the medical opinion upon which the determination of his claim was made is erroneous,

and makes a request in writing to the Commissioner for examination pursuant to the provisions of this section, the Commissioner shall refer the claim to the referee who, after consultation with the workman's attending medical practitioner, if any, may nominate four or more duly qualified medical practitioners.

Two elected (2) From the medical practitioners nominated pursuant to subsection (1), two shall be selected in the following manner:

(a) the referee shall notify the workman and the employer by registered mail of the names and addresses of the medical practitioners nominated and the workman and the employer may each select one medical practitioner from those so nominated, such selection to be made and communicated in writing to the referee within thirty days after the mailing of the notice by the referee;

(b) if either the workman or the employer fails to make a selection within the time provided or if both select the same medical practitioner, the referee shall select one other medical practitioner from those nominated; or

(c) if both the workman and the employer fail to make a selection within the time provided, the referee shall select two medical practitioners from those nominated.

Examination of workman (3) The two medical practitioners selected pursuant to subsection (2) shall examine the workman and certify to the referee with respect to

(a) the condition of the workman;

(b) his fitness for employment;

(c) if he is unfit for employment, the cause of such unfitness;

(d) the extent of his temporary or permanent disability by reason of the injury in respect of which he has claimed compensation; and

(e) such other matters as may in their opinion or in the opinion of the referee be pertinent to the claim.

Selection of third practitioner if disagreement (4) If after examining the workman the two medical practitioners are unable to agree on the matters in respect of which their certificate is required, they shall select a third medical practitioner from the list of those nominated pursuant to subsection (1), or if they are unable to agree on a third medical practitioner, a third shall be selected by the referee from such list and the three medical practitioners shall examine the workman and the majority of them shall certify to the referee with respect to the matters set out in subsection (3).

Certificate conclusive (5) A certificate given pursuant to subsection (3) or (4) is conclusive as to the matters certified therein, unless the referee at any time directs otherwise.

Referee may require examination (6) The referee may of his own motion or at the request of the employer require a workman to be examined under the provisions of this section and, where he so requires, the referee shall

- (a) nominate four or more duly qualified medical practitioners, and
 - (b) notify, in writing, the workman and the employer of the medical practitioners so nominated,
- and thereafter the provisions of subsections (2) to (4) shall apply in respect of the examination.

GENERAL PROVISIONS WITH RESPECT TO COMPENSATION

- 23.(1) Subject to subsection (2), where a workman to whom compensation is payable leaves Canada, he shall not thereafter be entitled to receive compensation until permission to reside outside of Canada is given by the Commissioner. Workman leaving Canada
- (2) Where a workman is entitled to periodic payments of compensation and in the opinion of the Commissioner the disability in respect of which the compensation is payable to the workman is likely to be permanent, the workman shall, if the Commissioner so directs, be paid any periodic payments of compensation that accrue to him while he is resident outside of Canada, if he proves, from time-to-time, in such manner as the Commissioner may require,
 - (a) his identity, and
 - (b) continuance of disability. Idem
- 24.(1) Where an injured workman
 - (a) without prior authorization from the Commissioner, changes medical practitioner, except where he is referred by the original attending medical practitioner to another medical practitioner, Reduction or suspension of compensation in certain cases
 - (b) persists in insanitary or other practices injurious to him that tend to imperil or retard his recovery, or
 - (c) refuses to submit such medical or surgical treatment as the Commissioner considers is reasonably essential to his recovery,

the Commissioner may reduce the amount or suspend payment of compensation to the workman.
- 25.(1) Where, in the opinion of the Commissioner, it is in the best interests of an injured workman, in order to cure him of or give him relief from the effects of the injury, that he undergo a special surgical operation or other special medical treatment, the Commissioner has the right to provide such surgical operation or other special medical treatment. Special surgical or medical treatment or apparatus
- (2) Where the Commissioner is of the opinion that the injury would be alleviated to an appreciable extent by any apparatus usually provided in such cases, he shall supply such apparatus to the workman, but any such action shall not in any way affect the payments made to the workman.
- (3) To aid in getting injured workmen back to work or in lessening or removing any handicap resulting from their injuries, the Commissioner may take such measures and make such expenditures as he deems necessary or expedient.
- (4) The Commissioner shall provide for the repair, maintenance or renewal of any apparatus provided by him and that becomes in need of repair, maintenance or renewal by reason of accident or ordinary wear and tear and through no misconduct on the part of the workman, so long as the disability in respect of which such apparatus was supplied continues. Repair and renewal of special apparatus

- Repair or renewal of dentures, eyeglasses etc. (5) The Commissioner has authority to assume the expense of replacement or repair of dentures, eyeglasses, artificial eyes or limbs or hearing aids, broken as a result of an accident arising out of and in the course of the employment of the workman.
- Autopsy (6) If an autopsy is deemed by the Commissioner to be necessary to assist in determining the cause of death, the Commissioner may direct that the autopsy be performed within a time to be fixed by him, and if the dependant or dependants refuse to permit the autopsy, the Commissioner may reject any claim for compensation under this Ordinance.
- Report of death by hospital authority (7) Where a workman is confined to a hospital as a result of an injury received in an accident arising out of and in the course of his employment, and dies while so confined, the hospital authority shall report the death, immediately after it occurs, to the Commissioner.
- Replacement of clothing (8) The Commissioner may, on the application of a workman, assume the cost of replacement or repair of any article of his clothing destroyed or damaged as a result of an accident in respect of which he is entitled to compensation.
- Idem (9) The Commissioner may, on the application of a workman, pay an allowance
- (a) not exceeding one hundred dollars a year for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis supplied by the Commissioner, and
 - (b) not exceeding fifty dollars a year for the replacement or repair of clothing worn or damaged by reason of the wearing of an upper limb prosthesis supplied by the Commissioner.
- Review of compensation 26.(1) Where an amount is payable periodically to a workman as compensation, the payment thereof may be reviewed at any time by the referee at the request of the workman or the workman's employer and, on the review, the referee may
- (a) reduce the amount of compensation payable,
 - (b) terminate the payment of compensation, or
 - (c) increase the amount of compensation payable to an amount not exceeding the maximum provided by this Ordinance.
- Commissioner to notify interested parties (2) Where a review is requested pursuant to subsection (1), the referee shall forthwith notify the Commissioner of the request, and the Commissioner shall forthwith notify all parties interested in the review, other than the party requesting it, of the request.
- Advance payments (3) Where the Commissioner makes periodic payments of compensation to a person and is of the opinion that the interests or pressing needs of the person so warrant, he may advance to the person any number of such payments not then due as in his opinion the circumstances warrant, and any payment so advanced shall be deemed to be on account of and in satisfaction of the payment so advanced.
- No compensation while confined to prison (4) Where any person to whom compensation is payable pursuant to this Ordinance is committed to a prison, gaol or lockup, compensation ceases to be payable to him for the period of his confinement therein, but the whole or any part of the compensation that would but for this subsection have been payable to such person during the period of his confinement therein, shall, as the Commissioner so directs, be paid to one or more dependants of such person.

- (5) Where any person to whom compensation is payable pursuant to this Ordinance is committed to an institution other than a prison, gaol or lockup, the compensation payable to such person while he is confined in the institution, shall, as the Commissioner so directs and in lieu of payment thereof to such person, be paid to one or more of his dependants. Payment where person committed to institution

- (6) The Commissioner may, from time-to-time, require from a person receiving compensation, particulars of his place of residence and his mailing address and such other information as may be prescribed, and pending the receipt of such particulars or information, may withhold payment of compensation. Payment withheld pending receipt of information

- 27.(1) Where any person who has been committed to a prison, goal or lockup becomes entitled to workmen's compensation payments because of a work release program or other circumstances, the Commissioner may direct that during the period of confinement the compensation be payable to one or more dependants of such person or that the compensation be payable to the Territory. Work release program

- 28.(1) Where compensation is payable in respect of partial disability of a workman and the disability has not impaired by more than ten percent the work capacity enjoyed by the workman immediately before the accident, the Commissioner may pay to the workman a lump sum in lieu of periodic payments of compensation. Lump sum payment

- (2) Where compensation is payable in respect of partial or total disability of a workman and the disability has impaired by more then ten percent the work capacity enjoyed by the workman immediately before the accident, periodic payments of compensation may be commuted to a lump sum payment at the written request of the workman. Idem

- (3) Where a lump sum payment has been made to a workman pursuant to this section as a settlement in full of all compensation payable to him in respect of the disability and has been so accepted by him in writing, the workman is not thereafter entitled to be paid any further or other compensation in respect of the disability, other than the benefits provided by subsection 25(1). Idem

- 29.(1) Where a workman is entitled to compensation and it appears to the Commissioner Workman's compensation may be diverted to dependant
 - (a) that a dependant of the workman resident in the Territory is without adequate means of support and is likely to become a public charge or a charge upon private charity, or
 - (b) that a dependant of the workman residing out of the Territory is not being supported by the workman and that an order has been made against him by a court of competent jurisdiction for the support or maintenance of the dependant or for alimony

the Commissioner may, in lieu of payment of compensation to the workman, pay such compensation to or for the benefit of such dependant.

DETERMINATION OF AMOUNT OF COMPENSATION FOR DEPENDANTS

- 30.(1) Where a workman dies as a result of an accident, the compensation and the amount thereof payable are Compensation to dependants where workman dies
 - (a) the necessary expenses of the burial of the workman not exceeding six hundred dollars;

- (b) five hundred twenty-five dollars to a dependant widow or widower as a contribution to the expense incurred by such person because of the death of the workman;
 - (c) where the death occurred away from the workman's usual place of residence and transportation of the workman's body to his usual place of residence is desirable, the necessary expenses of such transportation, not exceeding one hundred five dollars;
 - (d) to a dependant widow or widower, a monthly payment of one hundred seventy dollars;
 - (e) to a dependant child under the age of sixteen years, other than a dependant invalid child, a monthly payment of fifty-five dollars to continue until the child attains the age of sixteen years or dies before attaining that age;
 - (f) to a dependant invalid child of any age, monthly payments of seventy dollars, the payment to be continued for as long as, in the opinion of the referee, it might reasonably have been expected that had the workman lived he would have continued to contribute to the support of the child;
 - (g) to a dependant child who is sixteen or seventeen years of age, such amount as the referee would have ordered pursuant to subsection 32(1) be continued to be paid to the child had he been approaching the age of sixteen years on the day of the workman's death;
 - (h) where the workman leaves no surviving spouse or the surviving spouse of the workman dies or is confined to a prison, gaol, lockup or other institution, to
 - (i) a dependant child who has not yet attained the age of eighteen years, and
 - (ii) a dependant invalid child of any age,
 a monthly amount, not exceeding ten dollars per month but additional to any amount to which the child is entitled by reason of any preceding paragraph, as in the discretion of the referee appears necessary adequately to maintain and support such child;
 - (i) to a dependant widow or widower who is in necessitous circumstances because of illness, such monthly amount, not exceeding fifteen dollars per month but additional to any amount to which the widow or widower is entitled by reason of any preceding paragraph, as to the referee seems appropriate in view of the nature of the illness; and
 - (j) to a dependant child who is ill or to a dependant invalid child, such additional monthly amount, not exceeding fifteen dollars per month but additional to any amount to which the child is entitled by reason of any preceding paragraph, as the referee may deem fit, payable for such period as to the referee seems appropriate in view of the child's condition.
- (2) (a) For the purposes of this subsection, "existing household" in respect of a workman who dies means a household wherein all of the children entitled to compensation at the time of his death are, at that time, maintained and cared for by one person who is either the parent or foster parent of each child.
- (b) A person shall be deemed not to be acting as a foster parent within the meaning of this subsection where none of the children of the deceased workman who constituted his household is entitled to compensation.

- (c) Where it appears to the referee to be desirable to continue the existing household of a deceased workman who has died leaving no surviving spouse, or the household of the surviving spouse of a deceased workman who has subsequently died, a person acting as foster parent, while so acting in a manner satisfactory to the referee in keeping up the household and maintaining and caring for the children who are entitled to compensation, may be paid an amount of compensation equal to the compensation that would be paid to the surviving spouse of a deceased workman.
- 31.(1) Where a workman who dies leaving no dependant wife
- (a) cohabited for the three years immediately preceding his death with a woman who was dependent on him for her maintenance and support, or
 - (b) cohabited immediately preceding his death with a woman who was dependant on him for her maintenance and support and by whom he has one or more children,
- the compensation to which a dependant wife of the workman would have been entitled under this Ordinance may be paid to the woman who was dependant on him for maintenance and support until she marries or commences to cohabit with a man.
- (2) A person who receives or is eligible to receive compensation pursuant to subsection (1) is not entitled to receive any compensation pursuant to paragraph 30(2)(c).
- 32.(1) Where a dependant child of a workman who is receiving benefit under paragraph 30(1)(e) is
- (a) approaching the age of sixteen years,
 - (b) attending an academic, technical or vocational school and making progress at the school satisfactory to the referee, and
 - (c) receiving payments of compensation or for whose benefit payments of compensation are being made,
- the referee may, in his discretion, order that payments of compensation be continued until the dependant child
- (d) fails to make progress at any such school satisfactory to the referee,
 - (e) no longer attends any such school, or
 - (f) attains the age of eighteen years,
- whichever occurs first.
- (2) Where a dependant child who is receiving payments pursuant to paragraph 30(1)(f) or subsection (1) or for whose benefit such payments are being made, attains the age of eighteen years during a school year, the referee may order that payments be continued to the end of the school year.
- 33.(1) Where the only dependants of a workman who dies as a result of an accident are persons other than those to whom compensation is payable pursuant to subsections 30(1), 31(1) and 32(1), any such dependant is entitled to be paid compensation in a reasonable amount, to be determined by the referee, that takes into account the pecuniary loss to the dependant caused by the workman's death, but not so as to exceed
- (a) one hundred fifty dollars per month for one dependant parent, or
 - (b) a total of two hundred fifty dollars per month for two dependant parents.

- Lump sum payable on remarriage 34.(1) A dependant widow or widower who is receiving monthly payments of compensation shall be paid a lump sum of two thousand six hundred twenty-five dollars on remarriage, but shall not be entitled to any further monthly payments of compensation after the payment for the month in which the remarriage takes place.
- Only one pension payable 35.(1) Where a person is being paid or is entitled to be paid monthly payments of compensation in respect of the death of a workman and subsequently becomes entitled to be paid monthly payments of compensation in respect of the death of another workman, the person shall be paid only the greater of the monthly payments that he is entitled to be paid.
- Dependant not resident in Canada 36.(1) Notwithstanding any provision of this Ordinance except subsection (2), a dependant who is resident outside of Canada is not entitled to any compensation unless, by the law of the place in which he resides, dependants of a workman to whom an accident happens in that country would, if resident in Canada, be entitled to compensation under that law; and where dependants would be so entitled, the dependant who is resident out of Canada shall not be paid compensation pursuant to this Ordinance in an amount greater than the amount payable in a like case under the law of the place in which he resides.
- Idem (2) Where a dependant of a workman who dies as a result of an accident is resident outside of Canada in circumstances that would disentitle him to any compensation pursuant to this Ordinance, the referee may order that monthly payments or a lump sum payment of compensation be made, in an amount that the referee considers just but not exceeding the amount to which the dependant would be entitled pursuant to this Ordinance were he resident in Canada, to such dependant.

PAYMENTS TO OR FOR A CHILD

- Payments to parent or other person for child 37.(1) Compensation payable to a child shall be paid to a parent of the child or, if the referee so directs, shall be paid to the child or to another person for the benefit of the child or shall be applied for the benefit of the child in such manner as the referee directs.

DETERMINATION OF AMOUNT OF COMPENSATION FOR A WORKMAN

- Compensation for permanent total disability 38.(1) Where a workman is entitled to compensation because of an accident that causes permanent total disability, he shall be paid each week for so long as he lives, an amount to be determined by the referee, equal to seventy-five percent of the average weekly earnings of workmen employed at work similar to that at which and in the same occupation as the workman was employed immediately before the accident that caused his permanent total disability.
- Compensation for permanent partial disability 39.(1) Where a workman is entitled to compensation because of an accident that causes permanent partial disability, he shall be paid each week for so long as he lives a percentage of the amount to which he would have been entitled under section 38 had he suffered permanent total disability as a result of the accident, equal to the percentage impairment of his earning capacity as estimated by the referee in accordance with subsections (2) and (3).

- (2) For the purposes of subsection (1), "the percentage impairment of earning capacity" of a workman who suffers permanent partial disability as a result of an accident is the extent, estimated by the referee as a percentage after taking into account the nature and degree of the disability, to which the disability has impaired the earning capacity that was enjoyed by the workman immediately before the accident.

Percentage impairment of earning capacity

- (3) In estimating the percentage impairment of earning capacity of a workman pursuant to subsection (2), the referee may, where he deems it just, take into account the workman's fitness

 - (a) to continue doing the work that he was employed to do at the time of the accident that caused his permanent partial disability, and
 - (b) to adapt himself to some other suitable occupation.

Idem

- (4) Notwithstanding this section, where a workman has been

 - (a) seriously and permanently injured about the face or head, or
 - (b) otherwise seriously and permanently injured in an accident in a way that does not result in permanent disability that impairs his earning capacity,

the referee may, if he considers it just and if the workman would have been entitled to compensation had the injury resulted in permanent partial disability that impaired his earning capacity, order that periodic payments or a lump sum payment of compensation, or both periodic payments and a lump sum payment of compensation be made to the workman in an amount or amounts that, on the basis of the scale of compensation provided by this Ordinance for workmen, appears to the referee to be reasonable.

Compensation where earning capacity not impaired

- 40.(1) Where a workman is entitled to compensation because of an accident that causes temporary total disability, the amount of the compensation payable to him shall be an amount, payable weekly as long as the disability exists, equal to seventy-five percent of his average weekly earnings calculated in accordance with section 43.

Compensation for temporary total disability

- 41.(1) Where a workman is entitled to compensation because of an accident that causes temporary partial disability, he shall be paid each week, for so long as the disability exists, a percentage of the amount to which he would have been entitled under section 40 had he suffered temporary total disability as a result of the accident, equal to the percentage impairment of his earning capacity as estimated by the Commissioner, or the referee, as the case may be.

Compensation for temporary partial disability

- (2) In estimating the percentage impairment of a workman's earning capacity for the purpose of subsection (1), subsections 39(2) and (3) shall apply *mutatis mutandis*.

Idem

- 42.(1) Notwithstanding any provision of this Ordinance, where a workman is entitled to compensation because of disability that results from an accident that occurs while he is doing rescue work in or on the premises of a mine or other industry to which this Ordinance applies for the purpose of saving human life after an explosion, fire or other catastrophe, the compensation payable to him shall be calculated on the basis of one hundred percent of his average weekly earnings or of the average weekly earnings of workmen employed at work similar to that at which and in the same occupation as he was employed immediately before the accident, as the case may be.

Compensation for workman injured doing rescue work

- 43.(1) For the purpose of section 40, but subject to section 44, the average weekly earnings of a workman shall be determined on the basis of the earnings of the workman, during the twelve months preceding the accident, from employment by his employer in any industry, except that where
- Computation of average weekly earnings
- (a) such earnings are not ascertainable, or
 - (b) the short period of time that the workman was in the employer's employment before the accident occurred or the casual nature of such employment makes it impracticable to determine the workman's actual average weekly earnings during the preceding twelve months, his average weekly earnings may be determined on the basis of the earnings, during the twelve months preceding the accident, of a person employed in employment of the same kind and at the same grade as the workman was employed at the time the accident occurred.
- (2) Where it is not possible to determine a workman's average weekly earnings in accordance with subsection (1), the actual weekly earnings of the workman at the time of the accident shall be deemed to be the average weekly earnings of the workman for the purpose of section 40.
- Idem
- 44.(1) Where average weekly earnings are required to be determined for the purposes of sections 38 to 42, they shall be determined in the manner best calculated to give the actual average rate of earnings per week, but where the average rate of earnings per week so determined would, when projected on an annual rate of remuneration that exceeds the maximum wage rate, the average weekly earnings shall be deemed to be the rate of remuneration per week that would, when projected on an annual basis, result in the maximum wage rate.
- Maximum average weekly earnings
- (2) Where a workman is entitled to be or is being paid compensation for a permanent or temporary disability, he is not entitled to compensation in respect of any further or other disability in any amount that would cause his aggregate compensation to exceed the maximum amount payable to a workman for permanent total disability.
- Compensation for further or other disability
- (3) Where a workman has been paid a lump sum in lieu of periodic payments of compensation that otherwise would have been paid to him, he shall, for the purpose of subsection (2), be deemed to be still in receipt of the periodic payments.
- Idem
- (4) Where a workman who is injured in an accident was under concurrent contracts of service with two or more employers during any period required to be taken into account in determining his average weekly earnings for the purpose of this Ordinance and, during such period, worked for more than one such employer, his average weekly earnings shall be determined as though his earnings from all such employers during that period were earnings from his employment with the employer for whom he was working at the time of the accident.
- Average weekly earnings where concurrent contracts of services
- (5) Where an employer customarily pays to a workman an amount in respect of special expenses incurred by the workman by reason of the nature of his employment with the employer, any amount so paid shall not be included as part of the workman's earnings for the purposes of determining the amount of compensation to which the workman is entitled.
- Payments for special expenses not to be included
- (6) Where the average weekly earnings of a learner are required to be determined for the purposes of sections 39 to 42, he shall be deemed to have been employed at all relevant times as a learner in the work that he was learning and his average weekly earnings shall be determined on the basis of the earnings of a workman employed as a learner in such work.
- Average weekly earnings of a learner

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| <p>45.(1) Where a workman is entitled to compensation in respect of permanent or temporary total disability, the minimum amount of compensation to which he is entitled is an amount not less than the lesser of</p> <p>(a) fifty dollars per week, or</p> <p>(b) his average weekly earnings.</p> | <p>Minimum compensation for total disability</p> |
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COMMUTATION OF COMPENSATION PAYMENTS

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| <p>46.(1) Where it is advisable that payments of compensation be made periodically instead of weekly to the workman or dependant, as the case may be, the Commissioner may commute the weekly payments to such periodic payments and thereafter the payment of compensation shall be made on the commuted basis.</p> | <p>Commutation of weekly payments</p> |
| <p>(2) Where a workman or a dependant of a workman who is entitled to be paid compensation on a weekly basis is not a resident of or ceases to reside in the Territory, the Commissioner may commute the weekly payment of compensation to such other periodic basis as he deems fit and thereafter payments of compensation to the workman or the dependant, as the case may be, shall be made on the commuted basis.</p> | <p>Idem</p> |
| <p>(3) Notwithstanding any provision of the Ordinance, where a workman or a dependant of a workman who is entitled to be paid compensation at a rate not less than twenty dollars per month gives written notice to the Commissioner that he desires that the compensation payable to him be paid periodically the compensation payable to him shall be commuted to a periodic basis and thereafter shall be paid to him on that basis.</p> | <p>Idem</p> |

AMOUNT AND PAYMENT OF COMPENSATION

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| <p>47.(1) Where a workman who is entitled to be paid compensation is under the age of nineteen years or under other legal disability, the compensation may be paid to him or may be applied for his benefit in such manner as the Commissioner considers to be to the workman's greatest advantage.</p> | <p>Payment where workman under legal disability</p> |
| <p>(2) Where a workman who is entitled to compensation as a result of an accident was under nineteen years of age at the time of the accident, the amount of compensation to which he is entitled shall, for any period that he is entitled to compensation after attaining the age of nineteen years, be determined on the basis of earnings, at the time the accident occurred, of a workman not less than nineteen years of age employed in employment the same as or similar to the employment of the workman at the time of the accident.</p> | <p>Amount of compensation when workman becomes nineteen</p> |
| <p>48.(1) In fixing the amount of compensation, regard shall be had to any payment allowance or benefit that a workman receives from his employer in respect of the period of his disability, including any pension, gratuity or other allowance provided wholly at the expense of the employer, and any sum deducted under this section from the compensation otherwise payable may be paid to the employer out of the Compensation Fund.</p> | <p>Consideration of allowance of benefit for employer and workman</p> |
| <p>(2) Where such a payment, allowance or benefit has been charged against a workman for repayment to his employer, whether such workman is on social assistance or otherwise, such payments of compensation as are made by the Commissioner to the employer shall be credited by the employer to the account so charged.</p> | |

SILICOSIS

- 49.(1) Notwithstanding any provision of this Ordinance, no workman or dependant of a workman is entitled to compensation in respect of the disability or death of the workman as a result of an accident caused by silicosis unless
- Circumstances in which compensation payable for silicosis
- (a) in the opinion of the referee, the workman had, in his employment in the Territory that preceded such disability or death, been exposed to dust containing silica for a period of or for periods totalling not less than two years, or
 - (b) it appears to the referee that the workman was not exposed to dust containing silica in any employment of the workman out of the Territory or that his exposure to dust containing silica in employment out of the Territory did not contribute substantially to his disability or death.
- (2) Where compensation is payable to a workman or a dependant of a workman in respect of the disability or death of the workman as a result of an accident caused by silicosis and the workman was, before the accident occurred, employed in the Territory by more than one employer in employment that exposed him to dust containing silica, the referee may direct that the costs of the claim chargeable to each employer shall be that portion of the compensation that the number of days he was so exposed while employed by each employer bears to the total number of days that he was so exposed while employed in the Territory.
- Each employer charged with proportion of compensation
- 50.(1) Any provision of this Ordinance limiting or restricting the right of a workman or dependant to compensation for disability or death due to silicosis shall not prevent the payment of a share of the cost of compensation where
- Agreements for cost sharing
- (a) the workman has been exposed to dust containing silica in Canada for a period or periods aggregating two years preceding his disablement, or for any lesser period if he was not exposed to dust containing silica anywhere except in Canada;
 - (b) the workman was free from tuberculosis and silicosis before being first exposed to silica dust in Canada;
 - (c) the disability or death of the workman is due to silicosis resulting from his exposure as a workman to silica dust in Canada; and
 - (d) there is an agreement between the Territory and
 - (i) Canada,
 - (ii) a province of Canada, or
 - (iii) one or more Workmen's Compensation Boards in Canada,
 whereby the cost of compensation is to be shared equitably among the provinces where the exposure occurred.

MEDICAL AID

- 51.(1) The Commissioner, at the time of the injury and thereafter during the disability, may furnish or provide for the injured workman such medical aid as he deems necessary to diagnose, cure and give relief from the effects of the injury, and the Commissioner may make rules and regulations with respect to the furnishing of and the payment for medical aid to injured workmen.
- Medical aid

- (2) All question as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the referee.
- (3) When the Commissioner provides or is liable to pay for medical or other remedial attention as provided in this section, the amount payable to any person in respect of medical or other remedial attention or any attention shall be such as the Commissioner shall direct, and no action lies against the Commissioner for or in respect of any amount greater than that fixed by him nor in any event against the injured workman, his employer or any other person in respect of such attention, except, however, that when the Commissioner provides or is liable to pay for hospital services, the amount shall be at such rates as have been mutually agreed upon by the Commissioner and the hospital authority.
- (4) Where a workman is rendered helpless through permanent total disability, the Commissioner may provide such other or additional treatment services or attendance as may be necessary as a result of the injury.
- (5) Where, under the direction of the Commissioner, a workman is receiving medical aid at a place other than that in which he ordinarily resides and does not receive board and lodging from the employer or at the employer's expense, the Commissioner may make to him a *per diem* subsistence allowance as may be determined by the Commissioner.
- (6) The Commissioner may contract with medical practitioners, nurses, hospitals and other institutions for the provision of medical aid.

COMPENSATION FUND

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| 52.(1) | There shall be an account within the Yukon Consolidated Revenue Fund to be called the Compensation Fund provided by contributions to be made by all employers in the manner provided in this Ordinance. | Formation of Compensation Fund |
| (2) | From and out of the Compensation Fund there may be paid all expenses incurred in the administration of this Ordinance including, without limiting the generality of the foregoing, | Payments out of Compensation Fund |
| | (a) all compensation payable in respect of accidents; | |
| | (b) the purchase or rental of land, buildings or equipment required for the administration of this Ordinance and the cost of maintaining such land, buildings or equipment including insurance thereon; | |
| | (c) the referee's fees and expenses; | |
| | (d) the cost of advertising or carrying out safety educational programs; | |
| | (e) the remuneration of persons appointed for the administration of this Ordinance and the payment of their necessary travel and removal expenses; | |
| | (f) the employer's share of fringe benefits and other assessments in respect of the persons referred to in paragraph (e); | |
| | (g) the cost of printing notices, forms and other stationery required for the purposes of this Ordinance; and | |
| | (h) the payment of such expenses as the Commissioner deems necessary respecting the administration of this Ordinance. | |

- Advance of
compensation
out of
Yukon
Consolidated
Revenue Fund
- 53.(1) Where at any time there is not money available in the Compensation Fund for payment of the compensation that has become due, the Commissioner may direct that the compensation be advanced out of the Yukon Consolidated Revenue Fund at a rate of interest determined by the Commissioner and, in that case, the amount advanced and any interest thereon shall be repaid after the next assessment.
- Separate
experience
accounts
for each
employer
- 54.(1) Separate experience accounts shall be maintained of assessments levied and costs of claims chargeable in respect of each employer, but for the purpose of paying compensation the Compensation Fund shall, nevertheless, be deemed one and indivisible.
- (2) Costs of claims in respect of an employer shall include the capital costs of pensions awarded as well as amounts expended in connection with compensation and medical aid.
- Commissioner
may invest
funds
- 55.(1) The Commissioner may invest any funds arising under any provisions of this Ordinance or under its control, in any securities authorized for the investment of trust funds, and to sell and dispose of any such securities and to reinvest the proceeds of such sale in securities authorized as aforesaid, or to use such proceeds for any of the purposes authorized by this Ordinance.
- Annual
report
- 56.(1) The Commissioner shall cause to be prepared not later than the thirty-first day of March in each year, an annual report respecting the administration of this Ordinance and shall lay the report before the Territorial Council within fifteen days after it has been made if the Council is then sitting, or if the Council is not then sitting, within fifteen days after the commencement of the next ensuing session.

ASSESSMENT

- Assessments
and levies
upon
employers
- 57.(1) The Commissioner shall from time-to-time assess and levy upon the employers in each of the classes and subclasses, such percentage of the payroll or such other rate, or such specific sum as, allowing for any surplus or deficit in the class, the Commissioner may require
- (a) to provide and pay the expenses of the administration of this Ordinance, including mine rescue and first aid work, and of such other acts, duties and services as he may be required to administer or perform;
- (b) to provide and pay all amounts payable from the Compensation Fund;
- (c) to provide and maintain capitalized reserves sufficient to pay all compensation payable in future years in respect of such accidents as have occurred or might occur during the period for which the assessment has been made;
- (d) to provide and maintain a disaster reserve to meet the loss arising or likely to arise from disaster or other circumstances that would unfairly burden the employers in any class;
- (e) to provide and maintain a silicosis reserve for the payment of all monies that become payable by the Commissioner for or in respect of silicosis, by a charge upon, as an accident cost, such of the classes or subclasses, and in such amounts, as the Commissioner may determine;

- (f) to provide and maintain a rehabilitation reserve for the payment of the expenses incurred by the Commissioner in the rehabilitation of injured workmen;
- (g) to provide and maintain other reserves to ensure as nearly as possible within each class uniform assessments from year to year;
- (h) to provide and maintain a reserve for the payment of such part of the cost of claims of workmen suffering enhanced disabilities because of similar or other disabilities previously suffered as is due to such previous disabilities; and
- (i) to provide and maintain any other reserves necessary for the administration of this Ordinance.

- 58.(1) Assessment may be made in such manner and form and by such procedure as may be prescribed and may be general as applicable to any class or subclass, or special as applicable to any industry or part or department of an industry.
- (2) Payments on account of their respective assessments shall, in the first instance, be made by employers in amounts determinable by and based upon the estimates
- (a) furnished by them respectively under section 58, or
 - (b) made by the Commissioner under section 60
- or such payments shall be made otherwise, as the Commissioner may direct.
- (3) Where the assessment is based upon the payroll of the employer and the payroll shows in any one year earnings in respect of any workman in excess of the maximum wage rate for that year, every such excess shall be deducted from the amount of the payroll before it is used as a basis for assessment.
- (4) It is not necessary that assessments upon employers in a class or subclass be uniform, but they may be fixed, graded or varied by the Commissioner in relation to the hazard or other circumstances of the operations of the employer.
- (5) Where publication of a notice containing a statement of percentages and rates determined and fixed by the Commissioner and of the industries to which they respectively apply is made, such publication constitutes an assessment upon, and notice thereof to, each employer in an industry named in the notice for the year or other period named therein, computed on the payroll of such employer at the percentage or rate set out in the notice as applicable to such industry.
- (6) All assessments made under this Ordinance shall be deemed to be due as at the first day of January in the year in which they are made, provided, that without affecting the foregoing provision, the Commissioner may direct payment of assessments by instalments or otherwise.
- (7) Unless satisfactory evidence of an employer's actual payroll for any period is submitted to or obtained by the Commissioner the payroll estimated by the employer under section 59 or by the Commissioner under section 61 as the case may be, shall be deemed to be the actual payroll of the employer.

Assessment
procedure

- (8) Upon the inclusion of any volunteer employment within the scope of this Ordinance pursuant to section 3, the employers therein are liable to pay and shall pay to the Commissioner the appropriate assessment in respect of such industry, in accordance with the rate of assessment applicable thereto, for the balance or any part of the then current year.
- (9) Notwithstanding any provision of this Ordinance respecting notice to employers, payrolls or estimates of payrolls, employers are liable to pay to the Commissioner with or without demand or notice from the Commissioner, the full amount of every assessment assessed against them under the provisions of this Ordinance.
- (10) Every employer shall pay into the Compensation Fund such assessments as may be made by the Commissioner, and if any assessment or any part thereof is not fully paid in accordance with the terms of the assessment, the Commissioner has a right of action against the employer in respect of any amount unpaid, and is entitled to the costs of the action.
- (11) The Commissioner may adopt a system of merit rating.
- (12) If an assessment or a special assessment is not paid at the time when it becomes payable, the defaulting employer is liable to pay and shall pay as a penalty for his default such percentage upon the amount unpaid as may be prescribed.
- (13) Where, in his statement to the Commissioner of the amount or estimated amount he will expend for wages for or during the then current year, an employer knowingly understates or underestimates the same, he is liable to pay and shall pay as a penalty for such understatement or underestimate, such percentage upon the amount thereof as may be prescribed.
- (14) Where the ways, works, machinery and appliances in any industry conform to modern standards in such manner as to reduce the hazard of accidents to minimum, and all proper precautions are being taken by the employer for the prevention of accidents, and where the accident record of the employer has, in fact, been consistently good, the Commissioner may reduce the amount of any contribution to the Compensation Fund for which the employer is liable.
- (15) If in any year or other fiscal period, as determined by the Commissioner, the costs of claims chargeable to the experience account of any employer are in excess of a sum equal to the amount of the ordinary assessment against that employer for the same year increased by five percent, the Commissioner may assess and levy upon the employer for that year a super-assessment of such amount as the Commissioner may direct, having regard to the amount of the excess and the extent of the amounts previously chargeable at any time against that employer's experience account.
- (16) The amount of a super-assessment shall not exceed thirty-three and one-third percent of the ordinary assessment.
- (17) In cases where work is performed for an employer by and under one or more contracts and the principal and contractor so agree, the Commissioner may, for the purposes of merit rating or super-assessment or otherwise consider and treat the whole of such work as one employment and assess such employer accordingly.

- 59.(1) No assessment of less than ten dollars shall be levied in respect of any industry to which this Ordinance applies. Minimum assessment levy
- (2) Where the workman or any group of workmen of any employer employs a workman, the employer shall pay to the Commissioner an amount sufficient to pay the assessment in respect of the workman so employed and may deduct such amount from the wages of the said workman or group of workmen.
- 60.(1) Subject to the regulations every employer shall, not later than the last day of February in each year or at such other time or times as may be required prepare and transmit to the Commissioner a statement Statement of wages and of future wages
- (a) of the total amount of all wages earned by all his workmen during the year then last past, or any part thereof specified by the Commissioner;
- (b) of the amount that he estimates he will expend for wages during the then current year or any part thereof specified by the Commissioner; and
- (c) such additional information as the Commissioner may require,
- and such statement shall be verified by a statutory declaration or other form of certificate, as may be prescribed, of the employer or the manager of a business or where the employer is a corporation, of an officer of the corporation having a personal knowledge of the matter to which the declaration or other form of certificate relates.
- (2) Every person rendering service to a corporation, wherever and however incorporated or constituted, under a contract of service written or oral, express or implied, whether such person is or is not a member, officer or executive of the corporation, and whether or not the corporation is or not under legal obligation to pay such person any wages, salary or other remuneration, shall be deemed to be and is hereby constituted a workman of the corporation and shall be included upon the payroll thereof, and in every such case, where the person is not being paid any wages or salary, or is being paid a merely nominal or token remuneration, the Commissioner shall, for the purposes of assessment, fix such sum as in his opinion represents a reasonable wage or salary for the service rendered by the person, having regard to the nature of the employment, but not in any case exceeding in any one year the aforesaid maximum wage rate, and the Commissioner shall for the purpose of its assessment add the sum so fixed by him to the amount of the payroll of the corporation.
- 61.(1) Every employer shall keep within the Territory in such form and with such detail as may be required for the purposes of this Ordinance, a careful and accurate account of all wages and earnings of his employees and of such other features and particulars of his operations as the Commissioner may require. Records of wages, etc.
- (2) Any person who might be an employer under the provisions of this Ordinance, shall on request of the Commissioner at any time furnish and deliver to him a statement signed by him giving full particulars of the nature of the different classes of work carried on and such particulars as may be required by the Commissioner concerning his payroll or other feature or features of his business or industry.

- (3) Where the business of the employer embraces more than one branch of business or class of industry, the Commissioner may require separate statements to be made as to each branch or class of industry and such statements shall be made, verified and transmitted as provided by section 59.
- (4) The Commissioner and any person authorized by him for the purpose has, for any purpose that the Commissioner deems necessary for the administration of this Ordinance, the right at all reasonable hours to enter into the establishment, and the premises connected with the establishment and every part of it, of any employer or any other person who, in the opinion of the Commissioner, is or might be an employer.
- (5) The Commissioner or any person authorized by him has the right to examine the books and accounts of every employer, and to make such other inquiry as he deems necessary, for the purpose of ascertaining
 - (a) whether any statement furnished under any of the provisions of this Ordinance is an accurate statement of the matters that are required to be stated therein;
 - (b) the amount of the payroll; or
 - (c) whether any industry or person is within the scope of this Ordinance.
- (6) For the purpose of any examination or inquiry, the Commissioner or person authorized to make the examination or inquiry may give to the employer or his agent notice in writing requiring him to bring and produce at a place and time to be mentioned in the notice, which time shall be at least ten days after the giving of the notice, all documents, writings, books, deeds and papers in the possession, custody or power of the employer and in any way relating to or concerning the subject-matter of the examination or inquiry referred to in the notice.
- (7) Every employer and every agent of the employer named in and served with any such notice shall produce at the time and place required all such documents, writings, books, deeds and papers according to the tenor of the notice.
- (8) For the purpose of any such examination or inquiry the Commissioner or any person so authorized by him has all the powers of a Board of Inquiry appointed pursuant to the *Public Inquiries Ordinance*.
- (9) Every person authorized by the Commissioner to make an examination or inquiry under this section has power and authority to require and to take affidavits, affirmations, or declarations as to any matter with which the examination or inquiry is concerned, and to take statutory declarations required under subsection 59(1) and in all such cases to administer oaths, affirmations, and declarations and certify to the same having been made.
- (10) An employer and every other person who obstructs or hinders the making of an examination or inquiry mentioned in this section or who refuses to permit it to be made or who neglects or refuses to produce such documents, writings, books, deeds and papers at the time and place stated in the notice mentioned in subsection (6) commits an offence.
- (11) No person authorized to make an examination or inquiry under this Ordinance shall divulge or allow to be divulged, except in the performance of his duties or under authority of the Commissioner, any information obtained by him or that has come to his knowledge in making or in connection with an examination or inquiry under this Ordinance.

- (12) Every person who violates the provisions of subsection (11) commits an offence under this Ordinance.
 - (13) If a statement is found to be incorrect, the assessment shall be made on the true amount of the payroll or other basis of assessment as the Commissioner may require, as ascertained by the examination or inquiry or if an assessment has been made against an employer on the basis of his payroll or other basis of assessment as shown by the statement, the employer shall pay to the Commissioner the difference between the amount for which he was assessed and the amount for which he should have been assessed.
 - (14) No person shall divulge information respecting the business of an employer or a workman obtained by him pursuant to this Ordinance unless it is divulged under the authority of the Commissioner to the persons directly concerned or to agencies or departments of the Government of Canada or of the Government of any province.
- 62.(1) If an employer does not make and transmit to the Commissioner the required statement within the required time, or if such statement in the opinion of the Commissioner does not represent the probable amount of the payroll or other basis of assessment of the employer, the Commissioner may, in addition to any other remedy provided by this Ordinance, base any assessment or supplementary assessment thereafter made upon him on such sum as in his opinion is the probable amount of the payroll or other basis of assessment of the employer, and the employer is bound thereby.
- Basis of assessment where statement not duly furnished
- (2) If it is afterwards ascertained that such amount is different from the actual amount of the payroll or other basis of assessment, the employer or the Commissioner is liable to pay to the other the difference between the amount for which the employer was assessed and the amount for which he should have been assessed on the basis of his payroll or other basis of assessment.
 - (3) Whenever an employer fails to furnish to the Commissioner within the required time a statement of wages, whether estimated or actual, as required by any provision of this Ordinance or of any regulation hereunder, he is liable to pay and shall pay as a penalty for such default such percentage upon the amount of his assessment as may be prescribed.
- 63.(1) If for any reason an employer liable to assessment is not assessed, he is nevertheless liable to pay to the Commissioner the amount for which he should have been assessed, and payment of that amount may be enforced in the same manner as the payment of an assessment may be enforced.
- Liability of employer not assessed
- 64.(1) Notwithstanding that the deficiency arising from a default in the payment of the whole or part of any assessment has been made up by a special assessment, the defaulting employer continues liable to pay to the Commissioner the amount of every assessment made upon him or so much of it as remains unpaid.
- Continuing liability to assessment
- 65.(1) When any industry coming under the provisions of this Ordinance is established, commenced or recommended, the employer shall within ten days notify the Commissioner of
- Duty and liability of employer commencing or recommending an industry

the fact and furnish to the Commissioner an estimate of the probable amount of his payroll for the remainder of the year or such other information as the Commissioner may require.

- (2) Such estimate and information shall be verified by a statutory declaration or a form of certificate, as may be prescribed.
- (3) The employer shall pay to the Commissioner a sum equal to that for which he would have been liable if his industry had been established or commenced before the last assessment was made.
- (4) The Commissioner has the like powers and is entitled to the like remedies for enforcing payment of the sum payable by the employer under this section as the Commissioner possesses or is entitled to in respect of assessments.

- Security
for
payment of
assessment
- 66.(1) The Commissioner may at any time require an employer to furnish to him security in such amount as is sufficient to provide for the assessments that are or might be levied against him by the Commissioner for or in respect of the then current year.
 - (2) Within fifteen days after service upon him of notice of such requirement the employer shall lodge with the Commissioner security, in the amount and of the class or character stated in the notice, for the payment of the assessments levied or to be levied against him by the Commissioner for or during the then current year.
 - (3) Where it appears to the Commissioner at any time that the amount of the security furnished by an employer has become inadequate by reason of an increase of employment by the employer, the Commissioner may require the employer to lodge with him additional security and may prescribe the amount thereof, and the employer within fifteen days after notice to him of such requirement shall lodge with the Commissioner additional security in the amount and of the class or character stated in the notice.
 - (4) The security shall consist of cash, a certified cheque or a guarantee bond of a bonding company acceptable to the Commissioner.
 - (5) If default is made in the payment of any assessment that is payable to the Commissioner by such employer and is levied in the period for which the security is given, the Commissioner may proceed to realize upon any or all of the securities lodged with him under the provisions of this section, and may take such proceedings and do all such acts and things as he deems necessary, having regard to the nature of the security, to realize it.
 - (6) The proceeds so realized shall be applied by the Commissioner
 - (a) in payment of the liability of the employer to the Commissioner;
 - (b) in payment of the costs and expenses of the Commissioner in realizing the securities; and
 - (c) in payment of the balance, if any, to the persons legally entitled thereto.

- (7) If default is made by the employer in furnishing any security that he is required to furnish under any of the provisions of this section, or if default is made in the payment of any assessments due the Commissioner by the employer, then and in each such case the Commissioner may order the employer to cease to employ workmen until such time as the Commissioner determines by subsequent order, and notice of any such order shall be given to the employer.
- (8) Every employer who being served with any such order continues to employ workmen in an industry to which this Ordinance applies commits an offence and is liable on summary conviction to a fine of not exceeding one hundred dollars a day for each day that his failure or default continues, and in default of payment to imprisonment for a term not exceeding six months.
- (9) A notice or order issued by the Commissioner under this section may be served upon the person for whom it is intended by double registered mail, and if and when the post office receipt for the letter containing such document purporting to be signed by such person is received by the Commissioner, such service shall be deemed to be good and sufficient service of such notice or order.

- 67.(1) Where any work is performed by a contractor for any person (in this section called the principal)
 - (a) both the principal and the contractor are liable for the amount of any assessment relating to that work; and
 - (b) the assessment may be collected from either of them, or partly from one or partly from the other
 but in the absence of any term in the contract to the contrary, the contractor is as between himself and the principal, liable for the amount of the assessment.
- (2) Where any work is performed under a subcontract
 - (a) the principal, the contractor and the subcontractor are each liable for the amount of any assessment relating to that work; and
 - (b) the assessment may be collected from any of them or partly from one and partly from the other or others
 but in the absence of any term in the subcontract to the contrary, the subcontractor is as between himself and the others, liable for the amount of the assessment.
- (3) A principal may withhold from any monies payable to a contractor the amount which the principal is liable to pay under this section and pay the amount to the Commissioner, and as between the principal, the contractor and the subcontractor the payment shall be deemed to be a payment on the contract or subcontract or both, as the nature of the payment requires.
- (4) A contractor may withhold from any monies payable to a subcontractor the amount which the contractor is liable to pay with respect to the subcontractor under this section and pay that amount to the Commissioner, and as between the contractor and the subcontractor the payment shall be deemed to be a payment on the subcontract.

Liability to assessment

- Persons deemed workmen of principal
- 68.(1) Where a person does any work
- (a) in an industry to which this Ordinance applies; and
 - (b) for a person engaged in that industry (in this section called the principal)
- the person doing that work shall, for all purposes of this Ordinance, be deemed to be a workman of the principal except when the person doing the work
- (c) is an employer in an industry to which this Ordinance applies or the workman of such an employer; or
 - (d) is a person deemed not to be a workman by reason of subsection 8(1).
- (2) Notwithstanding subsection (1) the Commissioner may by regulation declare subsection (1) not to apply to any designated class of persons.
- Collection of assessments by instalments
- 69.(1) Assessments may, wherever it is deemed expedient, be collected in instalments, and where it appears that the funds in any class are sufficient for the time being, any instalment may be abated or its collection deferred.
- Liability of employers
- 70.(1) Employers to whom this Ordinance applies are liable to contribute to the Compensation Fund as herein provided.
- Additional penalty for defaults by employer
- 71.(1) Any employer who refuses or neglects to make or transmit any payroll, return or other statement required to be furnished by him under any of the provisions of this Ordinance or any regulation or order made hereunder, or who refuses or neglects to pay any assessment or the provisional amount of any assessment or any instalment or part thereof shall, in addition to any penalty or other liability to which he may be subject, pay to the Commissioner a sum of money, not exceeding one-half of the amount of compensation payable and not exceeding in any case five hundred dollars in respect of any accident to a workman in his employ that happens during the period of the default, and the payment of the amount may be enforced in the same manner as the payment of an assessment may be enforced.
- (2) The Commissioner, if satisfied that the default was excusable, may in any case relieve the employer in whole or in part from liability under this section.
- (3) Where any employer makes default in the payment of an assessment and an execution, issued upon a judgment entered or certificate filed under section 71 with respect to the assessment, is returned with a certificate from the courts that he was unable to wholly satisfy the execution, and where the judgement debtor continues to carry on an industry within the scope of this Ordinance in which workmen are employed, any judge of the Supreme Court, upon an application made on behalf of the Commissioner by motion in chambers, may restrain the judgment debtor from carrying on any industry within the scope of this Ordinance until the amount due on the execution of all assessments made by the Commissioner and the costs of the application are paid.

- 72.(1) Where default is made in the payment of any assessment or any special assessment or any part thereof or any other monies due to the Commissioner, the Commissioner may issue his certificate stating that the assessment was made, the amount remaining unpaid on account of it and the person by whom it was payable, and directing the payment of the amount by such person.
- Enforcement
of payment
of
assessment
- (2) Such certificate, or a certified copy of it may be filed with the clerk of the Supreme Court and when so filed it becomes an order of the Court and may be enforced as a judgment of the Court.
- (3) The Commissioner has the like power and is entitled to the like remedies to enforce payment of any sum that any employer, workman or other person is required to pay to the Commissioner under any of the provisions of this Ordinance as he possesses or is entitled to in respect of assessments.
- (4) Notwithstanding anything in any other Ordinance, the amount due to the Commissioner by an employer upon any assessment made under this Ordinance or in respect of any amount that the employer is required to pay to the Commissioner under any of its provisions or upon any judgment for that assessment or amount
- (a) is a charge upon the property or proceeds of property of the employer, including monies payable to, for or on account of the employer, within the Territory; and
- (b) has priority over all assignments by way of security, debts, liens, charges, mortgages, or other encumbrances whatsoever, whenever created or to be created, except wages due to workmen by their employer in cases where the exercise of the priority would deprive the workman of their wages.
- (5) Any real estate of an employer is bound, to the same extent as by a registered judgment or mortgage, by any assessment made under this Ordinance against the employer from the date of the lodging of a certified statement of the monies due to the Commissioner for assessment or otherwise in the land titles office for the Yukon Lands Registration District and any judgment entered with respect to the statement binds the property from the date of the lodging of the statement so certified.
- (6) The Registrar of Land Titles shall record such statement.
- (7) In the event of the transfer or sale of any business or any industry to which this Ordinance applies or of the stock or equipment in bulk used in connection with any such business or industry, it is the duty of the purchaser, before paying any part of the purchase price or giving the vendor any security therefor, to demand and secure from the vendor, and it is the duty of the vendor to furnish to the purchaser, a certificate by the Commissioner that he has no claim in respect of the business or industry or stock or equipment in bulk.
- (8) If the vendor or transferor has not furnished such certificate, the purchaser or transferee of the business or industry or stock or equipment in bulk is liable to the Commissioner and indebted to him for a sum equal to the monies due to him by the vendor or transferor.

- Collection
of
assessment
by distress
- 73.(1) If any person fails to pay any assessment or part thereof or any monies that he is liable to pay within the time provided for such payment, the sheriff, deputy sheriff or assistant sheriff may collect the same with costs by distress of the goods and chattels of such person.
- (2) Where a distress is made under this section the provisions of the *Distress Ordinance* and sections 21 to 32 of the *Landlord and Tenant Ordinance* shall apply *mutatis mutandis* as if the monies due were rent due to the Commissioner.
- Priority
of
assessment
in cases
of winding-
up etc.
- 74.(1) Subject to any statute of the Parliament of Canada, there shall be included among the debts that, under the *Trustee Ordinance*, the *Companies Ordinance* or any other Ordinance of the Territory, are in the distribution of the property in the case of an assignment or death or the assets of a company being wound up under the said Ordinances or any of them or otherwise, to be paid in priority to all other debts, the amount of any assessment or other debt due to the Commissioner, the liability for which accrued before the date of the assignment or death or the commencement of the winding-up, as the case may be.
- Employer
who ceases
to be an
employer
- 75.(1) Where an employer ceases to be an employer within the meaning of this Ordinance he shall within ten days of so ceasing notify the Commissioner in writing, and shall at the same time transmit a statement of the total amount of wages earned by all his workmen for the portion of the then current year during which he has continued in business.
- (2) Employers shall post and keep posted in a conspicuous place upon the premises where the work performed by their workmen is being carried on, and where they may be readily seen by such workmen, such notices as the Commissioner may from time-to-time require to be posted.
- (3) Any workman may before entering into any employment to which this Ordinance applies satisfy himself that his employer has paid his assessment and that it is paid thereafter when due.
- (4) No employer shall keep or have in his employment any workman unless the employer has complied with the provisions of this Ordinance, and where an employer is in default of payment of any assessment or part thereof or any other monies due by him to the Commissioner and default has continued for one month, the Commissioner may order the employer to discontinue and thereafter refrain from employing any workman or workmen, and the employer shall not thereafter employ any workman or workmen until he pays to the Commissioner all monies due to him by the employer.
- (5) All books, returns, notices, reports, forms or other documents or papers and copies thereof required to be kept posted or forwarded in accordance with the provisions of this Ordinance or regulations made hereunder, shall be in the approved form.
- (6) Any order, notice or other document issued pursuant to this Ordinance or which is required to be served pursuant to this Ordinance may be served upon the person for whom it is intended personally or by double registered mail and when served by registered mail if the post office receipt for the letter containing such order, notice or other document purporting to be signed by the person for whom it is intended or another person on his behalf is received by the Commissioner, such service shall be deemed to be good and sufficient service

of the order, notice or other document, and the order, notice or other document shall be deemed to be served on the date that the receipt purports to be signed.

- (7) An order, notice or other document, may be served on a company by leaving it with an adult person at the registered office of the company or where the company has no registered office at the last known registered office of the company, or by being served upon any officer or manager of the company or may be served by double registered mail addressed to the registered office of the company or where the company has no registered office to the last known registered office of the company or addressed to any officer or manager of the company, and when served by registered mail if the post office receipt for the letter containing such order, notice or other document purporting to be signed by the office manager or any other person on behalf of the company for whom it was intended is received by the Commissioner, such service shall be deemed to be good and sufficient service of the order, notice or other document and the order, notice or other document shall be deemed to be served on the date that the receipt purports to be signed.

- 76.(1) Where an offence under this Ordinance is committed by a corporation or any officer, director, manager, secretary, partner or of any official of the corporation apparently in charge of a project he, as well as the corporation, commits an offence and he is liable on summary conviction to a sentence not exceeding six months or a fine not exceeding five hundred dollars or to both fine and imprisonment. General penalty
- (2) Where a complaint is laid against a person who is a corporation a summons may be issued requiring an officer, director, manager, secretary, partner or of any official of the corporation apparently in charge of a project who is named therein to appear in court to answer the charge on behalf of the corporation and to attend in court from day-to-day until the trial or hearing has been completed.
- (3) Any person who violates any of the provisions of this Ordinance or any regulation or order made hereunder for which no other penalty is provided commits an offence and is liable on summary conviction to a fine not exceeding two hundred fifty dollars and in default of payment to imprisonment for a term not exceeding three months.
- (4) Any person who is convicted of violating any of the provisions of this Ordinance or of any regulation or order made hereunder and who fails after the conviction to comply with the provisions of this Ordinance or the regulations or orders made hereunder for the breach of which he was convicted, commits an additional offence and is liable on summary conviction to a fine not exceeding one hundred dollars a day for each day his failure or default continues, and in default of payment, to imprisonment for a term not exceeding six months.
- (5) In any prosecution for a violation of any of the provisions of this Ordinance or any regulation whereby any person is required to transmit to the Commissioner any statement or report or to pay to the Commissioner any assessment or other amount, or where it is sought to prove service of any

notice, order, or other document by the Commissioner upon an employer, workman or other person, a certificate of the Commissioner certifying that the statement or report or payment has not been received by him or that the notice, order, or other document has been duly served upon the person for whom it was intended, is unless otherwise provided in this Ordinance *prima facie* proof of the matters therein certified.

77.(1) Where

Engagement
in work not
under
Ordinance

- (a) an employer engaged in an industry to which this Ordinance applies directs a workman who is working in that industry to do other work that is not in an industry to which this Ordinance applies; and
- (b) the workman is injured in the course of that other work

that other work shall be deemed to be in the industry of the employer to which this Ordinance applies and the employer shall pay to the Commissioner in respect of that other work an additional assessment equal to the full cost of the claim in respect of the injury up to a maximum of fifty dollars.

- (2) Any person who has control and direction of a workman and who directs him to do other work as mentioned in subsection (1) shall be deemed to have given the direction on behalf of the employer.

Application
of benefits

78.(1)

Except as otherwise specially provided in this Ordinance, the benefits provided by the provisions of this Ordinance to workmen or their dependants apply only to accidents occurring on and subsequent to the date of enactment of this Ordinance.

Amounts of
compensation

79.(1)

The amounts of compensation mentioned in this Ordinance are the amounts to be paid from the time of the coming into force of this Ordinance until such time as the application of this section results in a change in the amounts of compensation to be paid.

- (2) The amounts of compensation mentioned in this Ordinance at the time of its coming into force shall be deemed to have been calculated in relation to the average annual Consumer Price Index established by Statistics Canada for the year 1973.
- (3) The amounts of compensation payable in any year shall be varied from the amounts of compensation payable in the immediately preceding year in proportion to the percentage change in the level of the average annual Consumer Price Index established each year by Statistics Canada.
- (4) The Commissioner shall in January 1975 and in January of each succeeding year or as early as possible thereafter proclaim the amount of compensation to be paid in that year.

Calculation
of maximum
wage rate

80.(1)

Until varied pursuant to subsection (2), the maximum wage rate shall be nine thousand dollars per annum.

- (2) The Commissioner shall in January 1975 and in January of each succeeding year or as early as possible thereafter, proclaim the amount of the maximum wage rate for that year, in accordance with subsection (3) rounding off the amount thereby calculated to the nearest thousand dollars.
- (3) The amount of the maximum wage rate to be proclaimed by the Commissioner from time-to-time pursuant to subsection (2) shall be ninety per centum of the annual earnings of a workman paid at the weekly rate established by Statistics Canada as the average weekly earnings of workmen in the Territory pursuant to the Industrial Composite of Average Weekly Wages and Salaries for the Territory for the immediately preceding year.

- 81.(1) The Commissioner may make regulations providing for the carrying into effect of the purposes and provisions of this Ordinance and, without limiting the generality of the foregoing, may make regulations
 - (a) prescribing anything that by this Ordinance is to be prescribed by regulation;
 - (b) prescribing such forms as he deems necessary; and
 - (c) with respect to the prevention of accidents and industrial diseases.

Regulations

- 82.(1) In this section the *Workmen's Compensation Ordinance* in force immediately prior to the coming into force of this Ordinance shall be referred to as the former Ordinance.
- (2) Notwithstanding the repeal of the former Ordinance all the rights, duties and liabilities of employers, workmen or dependants shall continue in respect of any accident which occurred before the coming into force of this Ordinance as if the former Ordinance was still in force and any payment however arising in respect of any such accident shall be made and continue to be made as if the former Ordinance had not been repealed.
- (3) Where proceedings were commenced in relation to any accident which occurred before the coming into force of this Ordinance the proceedings shall be dealt with, continued or determined in accordance with the former Ordinance as if the former Ordinance was still in force.
- (4) Where at the time of the coming into force of this Ordinance, an employer has in force a contract of insurance with an insurer pursuant to section 3 of the former Ordinance, the employer may maintain such contract in force for a period not exceeding one year from the coming into force of this Ordinance.
- (5) Where pursuant to subsection (4) an employer has maintained in force a contract of insurance after the coming into force of this Ordinance, the employer shall be liable for the payment of compensation
 - (a) to workmen of the employer in respect of injury to or disability of such workman caused by an accident, and
 - (b) where the workman of the employer dies as a result of an accident, to dependants of the workman,
 in circumstances in which and in the amount that the employer is required by this Ordinance to pay compensation.

Transition

- (6) The provisions of subsection 3(1) of the former Ordinance shall continue to apply in respect of any contract of insurance maintained in force pursuant to subsection (4).
- (7) The procedures in respect of claims made pursuant to a contract of insurance maintained in force under subsection (4) shall continue as if the former Ordinance had not been repealed.
- (8) An employer who has maintained in force a contract of insurance pursuant to subsection (4) shall not be liable to pay any increase in pension becoming payable pursuant to the provisions of section 79.

Repeal

83.(1) The *Workmen's Compensation Ordinance*, being Chapter W-5 of the Revised Ordinances of the Yukon Territory, 1971, is hereby repealed.

Coming into force

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



CHAPTER 7
ORDINANCE OF THE YUKON TERRITORY
1973 (Third Session)

WORKMEN'S COMPENSATION SUPPLEMENTARY BENEFITS ORDINANCE

(Assented to July 31, 1973)

R.O.Y.T.
Chapter W-6

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 <i>Workmen's Compensation Supplementary Benefits Ordinance</i> . | Short
title |
| 2.(1) | Any expression not defined in this Ordinance but defined in the <i>Workmen's Compensation Ordinance</i> shall have the meaning given to it in the <i>Workmen's Compensation Ordinance</i> . | Definitions |
| 3.(1) | From the coming into force of this Ordinance, all persons receiving periodic payments of compensation pursuant to the <i>Workmen's Compensation Ordinance</i> being Chapter W-5 of the Revised Ordinances of the Yukon Territory, 1971, who, if the accident that occasioned the award had occurred after the coming into force of this Ordinance, would have been eligible for the payment of compensation at an amount higher than the amount being paid to such persons at the time of coming into force of this Ordinance, shall be granted an additional payment of compensation up to the amount that would have been granted if the accident that occasioned the award had occurred after the coming into force of this Ordinance. | Additional
payments |
| (2) | Where an increased amount of compensation becomes payable pursuant to section 79 of the <i>Workmen's Compensation Ordinance</i> in respect of a liability of an employer pursuant to a contract of insurance maintained in force under subsection 82(4) of the <i>Workmen's Compensation Ordinance</i> , the increased amount of such compensation shall be paid out of the Compensation Fund. | |
| 4.(1) | The cost of the additional amounts of compensation paid under this Ordinance, shall be paid to the Compensation Fund out of the Yukon Consolidated Revenue Fund. | |
| 5.(1) | This Ordinance shall come into force on a day to be fixed by the Commissioner. | Coming into
force |

CHAPTER 8
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND THE COOPERATIVE
ASSOCIATIONS ORDINANCE

R.O.Y.T.
Chapter C-16

(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:

1. The *Cooperative Associations Ordinance* is hereby amended by adding thereto immediately following section 32 the following new heading and section:

"Extra-Territorial Registration

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|------------------------------|---|
| Exemption | 32.1(1) This section does not apply to an extra-Territorial corporation that has no resident agent or representative or warehouse, office, or place of business in the Territory. |
| Limitation | <p>(2) No extra-Territorial corporation which carries on business in the Territory which might be carried on by an association under authority of this Ordinance is entitled to carry on business in the Territory under any name which includes the word "cooperative" or any abbreviation thereof for longer than thirty days after commencing to carry on business in the Territory, unless the corporation has complied with the requirements of this section.</p> <p>(3) Every extra-Territorial corporation which complies with this section is deemed to be an association to which this Ordinance applies for the purpose of section 4.</p> |
| Approval of the Commissioner | (4) Every extra-Territorial corporation may be registered under this section only with the approval of the Commissioner, who shall refuse his approval if he is not satisfied that the corporation is organized, administered, and operated substantially on a cooperative basis. |
| Certificate | (5) The Registrar shall not register any corporation under this section unless he has received a certificate of approval signed by the Commissioner. |
| Cooperatives must register | (6) Save as aforesaid, every extra-Territorial corporation carrying on business in the Territory under any name which includes the word "cooperative" or any abbreviation thereof shall register with the Registrar, and sections 142 to 174 of the <i>Companies Ordinance</i> apply, <i>mutatis mutandis</i> , to such extra-Territorial corporation. |

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| (7) An extra-Territorial corporation registered under this section is not required to register under the <i>Companies Ordinance</i> . | Exemption from <i>Companies Ordinance</i> |
| (8) The Registrar shall at any time upon the written request of the Commissioner, suspend or revoke a registration under this section. | Revocation |
| (9) Every extra-Territorial corporation registered under this section and every corporate body to which written approval has been granted under section 4 of this Ordinance shall from time to time provide the Commissioner with such information as he requests as to its organization, operation, and administration. | Returns |
| 2. This Ordinance shall come into force on a day to be fixed by the Commissioner. | Coming into force |
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CHAPTER 9
ORDINANCES OF THE YUKON TERRITORY

AN ORDINANCE TO AMEND THE
DENTAL PROFESSION ORDINANCE

(Assented to March 6, 1973)

R.O.Y.T. Chapter D-2 The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the Yukon Territory, enacts as follows:

1. The *Dental Profession Ordinance* is amended by adding thereto the following new heading and section after section 23 thereof:

"DENTAL THERAPISTS

Dental therapists may perform

23.1(1) Every dental therapist may perform any of the services mentioned in section 23.

(2) A dental therapist performing services pursuant to subsection (1) must act under the direction of a dentist unless otherwise authorized by the Chief Medical Officer of Health."

2. Section 24 of the said Ordinance is hereby repealed and the following substituted therefor:

Regulations

"24.(1) The Commissioner may make regulations

- (a) prescribing the admission and annual fees payable by dental hygienists and dental therapists;
- (b) prescribing anything required to be prescribed by this Ordinance; and
- (c) generally for defining, regulating and controlling the practice of dental hygiene and dental therapy."

Coming into force

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

CHAPTER 10
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND THE
FIRE PREVENTION 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 F-5

1. Subsections 21.1(1), (2) and (3) of the *Fire Prevention Ordinance* are repealed and the following substituted therefor: 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 or property damage 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 or property damage insurance business in the Territory during the 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."

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

Coming into
force

CHAPTER 11
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND THE GAME ORDINANCE

(Assented to March 6, 1973)

R.O.Y.T. The Commissioner of the Yukon Territory by and with the
Chapter G-1 advice and consent of the Council of the said Territory enacts as
follows:

- Definition 1. The *Game Ordinance* is amended by adding to section 2 the following new definition:
- "seal" "'seal' means a valid seal, bearing a serial number and marked to show the species of game on which it is to be affixed, issued by the Director."
2. Section 37 of the said Ordinance is repealed and the following substituted therefor:
- Submit for inspection of game guardian "37.(1) Upon the request of a game guardian, every person shall submit for inspection by such game guardian any licence, seal or certificate of registration issued to him."
3. Section 38 of the said Ordinance is repealed and the following substituted therefor:
- Transfer, etc., prohibited "38.(1) No licence, seal or certificate of registration shall be sold, transferred or assigned without the consent of the Commissioner.
- (2) No person shall knowingly allow his licence, seal or certificate of registration to be used by another person.
- Not to allow another to use licence (3) No person shall knowingly use the licence, seal or certificate of registration of another person."
- Not to use another licence
4. Subsection 48(1) of the said Ordinance is repealed and the following substituted therefor:
- Outfitter's licences "48.(1) The Director may, upon application therefor, issue or renew an outfitter's licence to any natural person who is
- (a) a Canadian citizen ,
- (b) a resident, and
- (c) a *bona fide* owner of equipment in good condition and repair that in the opinion of the Director is sufficient to take care of such number of hunters in the field not being less than four as the Director may endorse upon the licence."
- Coming into force 5. This Ordinance shall come into force on a day to be fixed by the Commissioner.

CHAPTER 12

ORDINANCES OF THE YUKON TERRITORY

1973 (First Session)

AN ORDINANCE TO AMEND THE INTERPRETATION ORDINANCE

(Assented to March 6, 1973)

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

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. | Section 20 of the <i>Interpretation Ordinance</i> is amended by repealing the definition of "Court" and substituting the following therefor: | Definitions |
| | " 'Court' means Supreme Court of the Yukon Territory;" | "Court" |
| 2. | Section 26 of the said Ordinance is amended by adding thereto the following new subsections: | |
| | "(3) Unless otherwise specially provided, the provisions of the <i>Criminal Code</i> relating to procedure apply to all proceedings in the enforcement of enactments or municipal by-laws. | Procedure |
| | (4) Any matter or thing seized pursuant to any law of the Territory or a municipal by-law shall, if no other provision is made respecting it, be dealt with pursuant to the provisions of the <i>Criminal Code</i> ." | Seizures |
| 3. | This Ordinance or any provision thereof shall come into force on a day or days to be fixed by the Commissioner. | Coming into force |

CHAPTER 13
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND THE LABOUR STANDARDS ORDINANCE

(Assented to March 6, 1973)

R.O.Y.T.
Chapter 6-1

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

1. Subsection 11(1) of the *Labour Standards Ordinance* is repealed and the following substituted therefor:

Minimum hourly wage "11.(1) Subject to this Part, an employer shall pay to each employee seventeen years of age or over, a wage at the rate of not less than the rate mentioned in subsection (1.1) or not less than the equivalent of that rate for the time worked by him.

(1.1) In this Ordinance 'minimum wage' means the amount of the sum of the amount of the minimum wage as set out in the *Canada Labour Code (Canada)* as amended from time to time plus ten cents.

2. The said Ordinance is further amended by adding immediately after section 12 the following new sections:

"12.1(1) No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or *vice versa*, employed by him for the same work performed under similar working conditions, except where such payment is made pursuant to:

- (a) a seniority system;
- (b) a merit system;
- (c) a system that measures earnings by quality or quantity of production; or
- (d) a differential based on any factor other than sex.

No reduction in pay 12.2(1) No employer shall reduce the rate of pay of an employee in order to comply with section 12.1.

12.3(1) No organization of employers or employees, as the case may be, or its agents shall cause or attempt to cause an employer to pay his employees rates of pay that are in contravention of section 12.1.

12.4(1) Where an employer has not complied with section 12.1, the Labour Standards Officer may determine the amount of monies owing an employee and such amount shall be deemed to be unpaid wages.

- 12.5(1) Where the Labour Standards Officer is unable to effect a determination under section 12.4, the Commissioner, on the recommendation of the Labour Standards Officer may refer the matter to the Advisory Board for investigation.
- 12.6(1) The Advisory Board shall give the parties full opportunity to present evidence and to make submissions and shall recommend to the Labour Standards Officer the course of action that ought to be taken."
3. This Ordinance or any provision thereof, shall come into force on a day to be fixed by the Commissioner. Coming into force
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CHAPTER 14
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND THE MENTAL HEALTH ORDINANCE

(Assented to March 6, 1973)

R.O.Y.T.
Chapter M-7

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

- Definitions 1. The *Mental Health Ordinance* is amended by adding to section 2 thereof the following new definitions:
- 'approved institution' "'approved institution' means an institution approved by the Commissioner pursuant to this Ordinance;
- 'Director of Health Services' 'Director of Health Services' for the purposes of this Ordinance means the Director of Health Services appointed pursuant to the *Public Health Ordinance*."
2. The said Ordinance is further amended by adding thereto, immediately after section 6, the following new sections:
- Voluntary admissions "6.1(1) The Director of Health Services may admit any person to and detain him in an approved institution where
- (a) the person requests admission if he has attained the age of nineteen years, or
 - (b) the person and a near relative of the person request admission if the person has attained the age of sixteen years but has not attained the age of nineteen years,
- and the Director is satisfied that the person has been examined by a physician who is of the opinion that the person is a mentally disordered person.
- (2) Within seventy-two hours of the time of receipt of notification, in any way, of the desire of a patient who is admitted under this section to leave the approved institution, the Director shall discharge the patient from the approved institution.
 - (3) Subsection (2) does not apply if the requirements for the detention of the patient under sections 4, 5 and 6 of this Ordinance have been fulfilled.
- Involuntary admissions 6.2(1) The Director may admit a person to and detain him in an approved institution where he received two medical certificates completed by two medical practitioners in the prescribed form.

6.3(1) A patient admitted under section 6.2 may be detained in the approved institution for a period of seventy-two hours and he shall be discharged at that time unless the authority for his detention is obtained by a court order made pursuant to this Ordinance."

Time limit
without
court order

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

Coming into
force

CHAPTER 15
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND
THE MOTOR VEHICLES ORDINANCE
(Assented to March 6, 1973)

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

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 9 of the *Motor Vehicles Ordinance* is repealed and the following substituted therefor:
 - Owner shall maintain insurance "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.
 - Possession of insurance policy and card (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.
 - Offence (3) An owner who
 - (a) contravenes the provisions of subsection (2), or
 - (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:
 - Notification of Registrar "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."

3. Subsection 26(2) of the said Ordinance is repealed and the following substituted therefor:
- "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 Exception for temporary residents
 - (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:
- "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 Holder or applicant may be examined
- (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:
- "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." Notification of change of address
6. Subsection 49(4) of the said Ordinance is repealed and the following substituted therefor:
- "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." Flashing red lights
7. Section 62 of the said Ordinance is amended by adding thereto, immediately after subsection (3) thereof, the following new subsection:
- "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." Snow vehicle coupling devices

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."

- Coming
into force
9. This Ordinance, or any portion, shall come into force on a day to be fixed by the Commissioner.
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CHAPTER 16
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

ORDINANCE TO AMEND THE PHARMACEUTICAL CHEMISTS ORDINANCE

(Assented to March 6, 1973)

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

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 *Pharmaceutical Chemists Ordinance* is amended by adding thereto immediately after section 6 the following new section:
 - "6.1(1) The Commissioner may issue a permit to practise the profession of pharmaceutical chemist in such parts of the Territory upon payment of such fees and upon such terms and conditions as the Commissioner may specify in the permit to any person who
 - (a) has completed at least a four years' course of study in pharmaceutical chemistry at a school of pharmaceutical chemistry of recognized standing;
 - (b) has received a diploma or certificate of qualification from such school; and
 - (c) satisfies the Commissioner that he is the person to whom the diploma or certificate was issued, is of good character and is qualified from the standpoint of his professional proficiency to practise the profession of pharmaceutical chemist.
 - (2) A permit issued under this section may be for such period of time as the Commissioner may specify in the permit and may be renewed from time to time, but no person shall be permitted to practise the profession of pharmaceutical chemist pursuant to this section for more than four years.
 - (3) A person who holds a permit issued under this section shall, when practising the profession of pharmaceutical chemist pursuant to this section, be deemed to be the holder of a license. "

Permits
2. The said Ordinance is further amended by repealing section 24 and substituting the following therefor:
 - "24.(1) The Commissioner may make such regulations and prescribe such fees as he deems necessary to carry out the provisions of this Ordinance. "

Commissioner may make regulations
3. This Ordinance shall come into force on a day to be fixed by the Commissioner.

Coming into force

CHAPTER 17
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND THE POUNDS ORDINANCE

R.O.Y.T.
Chapter P-6

(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:

1. *The Pounds Ordinance* is amended by adding immediately following section 19 the following new section:

Turning animals loose to pasture in winter	"19.(1) No animal is to be turned loose to pasture between the thirtieth day of October and the thirtieth day of March unless: (a) it is in good condition; and (b) feed and water are available where the animal is turned loose."
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2. Section 20 of the said Ordinance is hereby repealed and the following substituted therefor:

Animals found in a weak or poor condition	"20.(1) Any person finding an animal in weak or poor condition shall notify the nearest detachment of the Royal Canadian Mounted Police, a game guardian or a resource management officer. (2) The police officer, game guardian or resource management officer shall, if the owner is known, order him to feed the animal or kill it, and the owner shall comply with such order forthwith. (3) The police officer, game guardian or resource management officer shall, if the owner is not known, impound the animal and such animal shall be dealt with in accordance with section 12, except that it may be sold after twelve days in pound."
Owner may be ordered to feed or kill animal	
If owner not known, animal to be impounded	

3. Section 21 of the said Ordinance is hereby repealed and the following substituted therefor:

Where no purchaser at sale	"21.(1) If no purchaser can be found for an animal at the pound-keeper's sale, the pound-keeper may: (a) dispose of it by private sale; or (b) kill it and sell the meat."
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4. Section 22 of the said Ordinance is hereby repealed and the following substituted therefor:

Offence and penalty	"22.(1) A person who violates a 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."
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5. Section 23 of the said Ordinance is hereby repealed and the following substituted therefor:
- "23.(1) The Commissioner may make regulations: Regulations
- (a) prescribing forms;
 - (b) setting fees; and
 - (c) generally for carrying out the provisions of this Ordinance."
6. This Ordinance shall come into force on a day to be fixed by the Commissioner. Coming into force
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CHAPTER 18
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

AN ORDINANCE TO AMEND THE VITAL STATISTICS ORDINANCE

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

(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:

- Definition 1. Section 2 of the *Vital Statistics Ordinance* is amended by repealing the definition of "stillbirth" and substituting the following therefor:
- "stillbirth" "stillbirth" means the complete expulsion or extraction from its mother, either after at least twenty weeks pregnancy or after attaining a weight of five hundred grams or more, of a product of conception which after such expulsion or extraction there is no breathing, beating of the heart, pulsation of the umbilical cord or movement of voluntary muscle; and"
2. Section 3 of the said Ordinance is repealed.
3. Paragraph 4(2)(d) of the said Ordinance is repealed and the following substituted therefor:
- "(d) if there is no person to whom paragraph (a), (b) or (c) applies, every person who assists at the birth of the child, or"
4. The said Ordinance is amended by adding thereto immediately after section 4 the following new section:
- Stillbirths "4.1(1) Every stillbirth in the Territory shall be registered as provided herein.
- Statement (2) Where a stillbirth occurs, the person who would have been responsible for the registration thereof as provided in section 4, if it had been a birth, shall complete and deliver to the funeral director a statement in the prescribed form respecting the stillbirth.
- Medical Certificate (3) The legally qualified medical practitioner in attendance at a stillbirth, or, where there is no legally qualified medical practitioner, a coroner shall complete the medical certificate included in the prescribed form showing the cause of the stillbirth and shall deliver it to the funeral director.
- Where no medical certificate (4) Where a district registrar is satisfied that there was no legally qualified medical practitioner and no coroner within a reasonable distance from the place where a stillbirth has occurred, and that it is not reasonably practicable to have the medical certificate completed as provided in subsection (3), the district registrar may, in lieu of the medical certificate prepare and sign a certificate prepared from the statements of relatives of the parents of the stillborn child or of other persons having adequate knowledge of the facts.

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|---|--------------------------------------|
| <p>(5) Upon receipt of the statement, the funeral director shall complete the statement setting forth the proposed date and place of burial, cremation or other disposition of the body and shall deliver the statement to the district registrar.</p> | <p>Statement of funeral director</p> |
| <p>(6) Upon receipt of the statement the district registrar, if he is satisfied as to the truth and sufficiency thereof, shall register the stillbirth by signing the statement, and thereupon the statement constitutes the registration of the stillbirth.</p> | <p>Registrations of stillbirth</p> |
| <p>(7) Upon the registration of a stillbirth, the district registrar shall forthwith prepare and deliver to the person requiring them for the purpose of the burial, cremation or other disposition of the body of the stillborn child,</p> <p style="padding-left: 40px;">(a) an acknowledgment that the stillbirth is registered, and</p> <p style="padding-left: 40px;">(b) a burial permit.</p> | <p>Duties of district registrar</p> |
| <p>(8) Subject to this section, sections 4 and 5 and sections 12 to 17 apply <i>mutatis mutandis</i> to stillbirths."</p> | |
5. The said Ordinance is amended by repealing the words "in Form A" in sections 4, 5 and 6 and substituting the following therefor:
"in the prescribed form".
 6. The said Ordinance is amended by repealing the words "in Form B" in sections 9 and 10 and substituting the following therefor:
"in the prescribed form".
 7. The said Ordinance is amended by repealing the words "in Form G" in sections 12, 13 and 14 and substituting the following therefor:
"in the prescribed form".
 8. The said Ordinance is amended by deleting the words "in Form D" in sections 13, 15 and 17 and substituting the following therefor:
"in the prescribed form".
 9. Section 16 of the said Ordinance is repealed.
 10. The said Ordinance is amended by repealing the words "in Form G" in section 17 and substituting the following therefor:
"in the prescribed form".
 11. The said Ordinance is amended by repealing the words "in Form J" in sections 26 and 27 and substituting the following therefor:
"in the prescribed form".
 12. The said Ordinance is amended by deleting the words "in Form E", "in Form F" and "in Form K" in section 30 and substituting the following therefor:
"in the prescribed form".

13. Section 45 of the said Ordinance is amended by adding thereto the following new paragraph:
"(n) prescribing forms to be used in carrying out the provisions and purposes of this Ordinance."
14. The said Ordinance is further amended by repealing forms A, B, C, D, E, F, G, H, J and K.
- Coming
into
force 15. This Ordinance shall come into force on a day to be fixed by the Commissioner.
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CHAPTER 19
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

THIRD APPROPRIATION ORDINANCE 1972-73
(Assented to March 6, 1973)

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 the thirty-first day of March, 1973.

N.C.N.R.

Therefore, 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>Third Appropriation Ordinance 1972-73</i> . | Short title |
| 2.(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two million five hundred ninety-one thousand seven hundred twenty-six dollars and eighty-nine cents for defraying the several charges and expenses of the public service of the Territory for the twelve months ending the thirty-first day of March, 1973, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted |
| 3.(1) | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>Amount</u>
Administrative Services	\$(6,064.00)
Department of Treasury	53,981.00
Department of Education	(20,941.00)
Department of Secretary and Registrar General	(8,975.00)
Department of Health, Welfare and Rehabilitation	(4,766.00)
Department of Local Government	11,000.00
Department of Tourism, Conservation and Information	(8,285.00)
Department of Legal Affairs	(1,860.00)
Department of Highways and Public Works	(58,352.00)
Project and Loan Capital	1,800,671.89
Loan Amortization	<u>835,317.00</u>
	<u>\$ 2,591,726.89</u>

CHAPTER 20
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

FOURTH APPROPRIATION ORDINANCE 1972-73

(Assented to March 6, 1973)

Whereas it appears by message from James Smith, Esq., N.C.N.R. Commissioner of the Yukon Territory, and in the estimates accompanying the same that the sums hereinafter mentioned in Schedule "I" 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:

- | | | |
|----|---|----------------------------|
| 1. | This Ordinance may be cited as the <i>Fourth Appropriation Ordinance 1972-73</i> . | Short title |
| 2. | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole One Hundred 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 "I" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted |
| 3. | The due application of all monies expended pursuant to Section 2 shall be accounted for. | Monies to be accounted for |

SCHEDULE I

Appropriation of Item

Local Government Operation and Maintenance	<u>\$100,000.00</u>
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CHAPTER 21
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

FIRST APPROPRIATION ORDINANCE, 1973/74

(Assented to March 6, 1973)

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 the thirty-first day of March, 1974.

Therefore, 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 <i>First Appropriation Ordinance, 1973/74</i> . | Short title |
| 2.(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-nine million one hundred and five thousand eight hundred and seventeen dollars for defraying the several charges and expenses of the public service of the Territory for the twelve months ending the thirty-first day of March, 1974, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted |
| 3.(1) | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>Amount</u>
Administrative Services	\$ 1,370,839.00
Department of Treasury	985,894.00
Department of Education	7,691,306.00
Department of Secretary and Registrar General	679,000.00
Department of Health, Welfare and Rehabilitation	6,934,707.00
Department of Local Government	1,547,208.00
Department of Tourism, Conservation and Information	1,311,200.00
Department of Legal Affairs	1,289,663.00
Department of Highways and Public Works	10,212,900.00
Yukon Housing Corporation	292,100.00
Project Capital	11,166,000.00
Loan Capital	1,490,000.00
Loan Amortization	<u>4,135,000.00</u>
	<u><u>\$49,105,817.00</u></u>

CHAPTER 22
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

SECOND APPROPRIATION ORDINANCE 1973-74

(Assented to March 6, 1973)

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, 1974.

Therefore, 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 *Second Appropriation Ordinance 1973-74*. Short title

 2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and twenty-two thousand dollars for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending March 31, 1974, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. Amount granted

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

SCHEDULE "A"

Appropriation or Item

Amount

Local Government Operation and Maintenance

\$122,000.00

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

THIRD APPROPRIATION ORDINANCE 1973/74

(Assented to July 31, 1973)

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 the thirty-first day of March 1974.

Therefore, 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 <i>Third Appropriation Ordinance 1973/74</i> . | Short title |
| 2.(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole thirty-five thousand dollars for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending the thirty-first day of March 1974, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted |
| 3.(1) | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for |

SCHEDULE "A"

Appropriation of Item

Operation and Maintenance

Territorial Treasurer

\$35,000.00

CHAPTER 24
ORDINANCES OF THE YUKON TERRITORY
1973 (Fourth Session)

FOURTH APPROPRIATION ORDINANCE 1973/74

(Assented to October 1, 1973)

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 the thirty-first day of March 1974.

Therefore, 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 <i>Fourth Appropriation Ordinance 1973/74</i> . | Short title |
| 2.(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one million seven hundred eighty-five thousand dollars for defraying the several charges and expenses of the Public Service of the Territory for the twelve months ending the thirty-first day of March 1974, as set forth in Schedule "A" of this Ordinance and such sum shall be applied only in accordance with the Schedule. | Amount granted |
| 3.(1) | The due application of all monies expended pursuant to section 2 shall be accounted for. | Monies to be accounted for |

SCHEDULE "A"
APPROPRIATION OF ITEM

Operation and Maintenance

Local Government \$ 275,000.00

Project Capital

\$ 1,510,000.00

TOTAL APPROPRIATION

\$ 1,785,000.00

CHAPTER 25
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

CITY OF DAWSON GENERAL PURPOSES LOAN 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:

- | | | |
|-------|--|---|
| 1. | This Ordinance may be cited as the <i>City of Dawson General Purposes Loan Ordinance</i> . | Short title |
| 2.(1) | In this Ordinance
"borrowing by-law" means a by-law mentioned in section 4;
"City" means the City of Dawson;
"Council" means the Council of the City of Dawson. | Definitions
"borrowing
by-law"
"City"
"Council" |
| (2) | This Ordinance shall be construed as one with the <i>Municipal Ordinance</i> , but in case of conflict, the provisions of this Ordinance shall prevail. | Ordinance one.
with <i>Municipal
Ordinance</i> |
| 3.(1) | The Commissioner may, on behalf of the Territory, lend a sum not exceeding fifty thousand dollars in the whole to the City of Dawson to enable it to carry on a program of municipal works and for that purpose, the Commissioner may, on behalf of the Territory, enter into an agreement with the City. | Commissioner
may lend and
enter into
agreement |
| 4.(1) | Subject to this Ordinance, the Council may pass by-laws for the borrowing of money not exceeding the sum of fifty thousand dollars for the purpose mentioned in section 3 but no such by-law 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 where necessary the assent of the taxpayers of the City in accordance with the <i>Municipal Ordinance</i> . | By-laws

Approved by
Commissioner
and voters |
| 5.(1) | A borrowing by-law 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 term of the loan;
(d) the rate of interest payable thereon;
(e) the method of repayment; and
(f) 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. | Form of
by-law |

- Idem (2) Every by-law 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.
- Money to be used for purpose stated 6.(1) No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law except that if on completion of the work for which the money was borrowed, there remains an unexpended balance, such balance may be used by the City
- Interest (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 any portion thereof, or
 (c) for such other purposes upon such terms and conditions as the Council, with the approval of the Commissioner, deems expedient.
- Repayment prior to due date 7.(1) A by-law may provide that the loan shall be repaid prior to the due date at the option of the City at such time or times as the City may find it possible to repay it.
- Redemption (2) Where the loan or any portion thereof is repaid prior to the due date, the repayment shall not affect the validity of any by-law 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 by-law if the by-law has received the approval of the Commissioner and assent of the taxpayers and no successful application has been made to quash it.
- Special levy where default in debentures 9.(1) If the City defaults in payment of the monies owing in respect of a loan made under a by-law 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.

CHAPTER 26
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

CIVIL DEFENCE WORKERS' COMPENSATION AGREEMENT 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:

- | | | |
|-------|---|--|
| 1. | This Ordinance may be cited as the <i>Civil Defence Workers' Compensation Agreement Ordinance</i> . | Short Title |
| 2.(1) | In this Ordinance
"Civil Defence Work" means all measures other than military carried out under the direction of the Territorial Civil Defence Co-Ordinator or any Local Civil Defence Authority, designed or intended to protect and preserve life, property, and public services against enemy attack or to minimize damage therefrom, and includes training therefor, whether such training is carried out under normal circumstances or in connection with operations arising out of a natural disaster;

"Civil Defence Worker" means any person resident in the Yukon Territory and duly enrolled with the Territorial Civil Defence Co-Ordinator for and while actually engaged in Civil Defence Work;

"Local Civil Defence Authority" means any person designated by the Territorial Civil Defence Co-Ordinator to be responsible for matters pertaining to Civil Defence Work in any municipal or other division of the Yukon Territory;

"Territorial Civil Defence Co-Ordinator" means the person appointed by the Commissioner as Chief Executive Officer of Civil Defence for the Yukon Territory. | Definitions

"Civil Defence Work"

"Civil Defence Worker"

"Local Civil Defence Authority"

"Territorial Civil Defence Co-Ordinator" |
| 3.(1) | Subject to this Ordinance, the Commissioner may enter into and execute on behalf of the Territory an agreement with the Government of Canada, covering such period from the date of the coming into force of this Ordinance as may be agreed upon, providing for the payment by the Government of Canada for each fiscal year during the term of such agreement to the Government of the Territory, a contribution towards the costs of compensation paid by the Government of the Yukon Territory to Civil Defence Workers, for injury or death sustained in the course of Civil Defence Work. | Commissioner may execute agreement |
| 4.(1) | An agreement made under this Ordinance may be varied or amended from time to time by agreement between the Government of Canada and the Commissioner. | Variation of amendment |
| 5.(1) | The Commissioner is hereby authorized to do all lawful acts and exercise all lawful powers necessary for the purpose of implementing the obligations assumed by the Government of the Territory under the agreement entered into pursuant to this Ordinance. | Powers of Commissioner |

Coming into force 6.(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

CHAPTER 27
 ORDINANCES OF THE YUKON TERRITORY
 1973 (First Session)

FARO GENERAL PURPOSES LOAN 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:

- | | |
|---|--|
| <p>1. This Ordinance may be cited as the <i>Faro General Purposes Loan Ordinance</i>.</p> | <p>Short title</p> |
| <p>2.(1) In this Ordinance</p> <p style="padding-left: 20px;">"borrowing by-law" means a by-law mentioned in section 4;
 "Council" means the Council of the Town of Faro;
 "Town" means the Town of Faro.</p> <p>(2) This Ordinance shall be construed as one with the <i>Municipal Ordinance</i>, but in case of conflict, the provisions of this Ordinance shall prevail.</p> | <p>Definitions</p> <p>"borrowing by-law"
 "Council"
 "Town"</p> <p>Ordinance one with <i>Municipal Ordinance</i></p> |
| <p>3.(1) The Commissioner may, on behalf of the Territory, lend a sum not exceeding two hundred and ten thousand dollars in the whole to the Town of Faro to enable it to carry on a program of municipal works and for that purpose, the Commissioner may, on behalf of the Territory, enter into an agreement with the Town.</p> | <p>Commissioner may lend and enter into agreement</p> |
| <p>4.(1) Subject to this Ordinance, the Council may pass by-laws for the borrowing of money not exceeding the sum of two hundred and ten thousand dollars for the purpose mentioned in section 3 but no such by-law shall be valid unless, prior to being finally passed by the Council, it has been submitted to and approved by the Commissioner and has been posted and no objections filed in accordance with the <i>Municipal Ordinance</i>.</p> | <p>By-laws</p> <p>Approved by Commissioner and voters</p> |
| <p>5.(1) A borrowing by-law shall set out in detail:</p> <p style="padding-left: 20px;">(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;
 (e) the method of repayment; and
 (f) the amount of the existing debt of the Town, if any, and how much, if any, of the principal or interest thereof is in arrears.</p> | <p>Form of by-law</p> |

- (2) Every by-law 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.

Money to be used for purpose stated

- 6.(1) No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law except that if on completion of the work for which the money was borrowed, there remains an unexpended balance, such balance may be used by the Town

Interest

- (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 any portion thereof, or
- (c) for such other purposes and upon such terms and conditions as the Council, with the approval of the Commissioner, deems expedient.

Repayment prior to due date

- 7.(1) A by-law may provide that the loan shall be repaid prior to the due date at the option of the Town at such time or times as the Town may find it possible to repay it.

Redemption

- (2) Where the loan or any portion thereof is repaid prior to the due date, the repayment shall not affect the validity of any by-law 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 Town notwithstanding any insufficiency in the form or substance of the agreement or the by-law if the by-law has received the approval of the Commissioner and no successful application has been made to quash it.

Special levy where default in debentures

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

CHAPTER 28
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

FINANCIAL AGREEMENT ORDINANCE, 1973

(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:

SHORT TITLE

- | | |
|--|----------------|
| 1. This Ordinance may be cited as the <i>Financial Agreement Ordinance, 1973</i> . | Short
Title |
|--|----------------|

PART I

- | | |
|---|--|
| 2.(1) In this Part | Definitions |
| "agreement" means the agreement entered into pursuant to section 3; | "agreement" |
| "fiscal year" means the period beginning on and including the first day of April in one year and ending on and including the thirty-first day of March in the next year; | "fiscal year" |
| "local administrative district" has the meaning given to it in the agreement. | "local
administrative
district" |
| 3.(1) Subject to this Part the Commissioner is authorized to enter into and execute, on behalf of the Government of the Yukon Territory, an agreement with the Government of Canada which will provide | Commissioner
may execute
agreement |
| (a) that the Government of Canada will pay to the Government of the Yukon Territory, | Provisions
of agreement |
| (i) as an operating grant for the fiscal year 1973-74, an amount equal to six million eight hundred sixty-four thousand dollars; | |
| (ii) as a payment in lieu of the Government of the Yukon Territory levying personal and corporate income taxes, an amount equal to four million six hundred thirty-seven thousand dollars; and | |
| (iii) in respect of the period from the first day of April 1973 to the thirty-first day of March 1974, an amount equal to all monies owed by the Government of the Yukon Territory to the Government of Canada and becoming due in that year under a loan agreement entered into pursuant to an Ordinance listed in the Schedule to this Ordinance; minus all monies paid to the Government of the Yukon Territory in that year in respect of self-liquidating loans made by the Territory with monies borrowed from the Government of Canada pursuant to any such loan agreement as certified by the Commissioner; and | |

- (b) that in consideration thereof the Government of the Yukon Territory will suspend and refrain and will require local administrative districts in the Territory to suspend and refrain from the imposition, levying and collection of individual income taxes, corporation taxes and corporation income taxes in respect of the period commencing on the first day of January 1973, and ending on the thirty-first day of December 1973.
- 4.(1) The agreement shall also provide
- Additional provisions of agreement
- (a) that the amounts payable by the Government of Canada to the Government of the Yukon Territory shall be paid
- (i) in the case of the amounts described in subparagraphs 3(a)(i) and (ii), in equal instalments in each month in the period from the first day of April 1973 to the thirty-first day of March 1974; and
- (ii) in the case of amounts described in subparagraph 3(a)(iii) in the amounts and at the times fixed in the loan agreements described in the subparagraph; and
- (b) for such other terms and conditions as may be agreed upon for the purpose of giving effect to this Ordinance.
- Variation and amendment
- 5.(1) The agreement may be varied or amended from time to time, as may be agreed upon with the Government of Canada by the Commissioner.
- Ratification
- 6.(1) No variation or amendment to the agreement made pursuant to section 5 is valid unless it is ratified by the Council.
- Suspension of Ordinances, etc.
- 7.(1) Upon execution of the agreement, the Ordinance of the Territory and any regulations, rules, by-laws or orders made thereunder, including those of any local administrative district, shall, for the relevant periods provided in the agreement, be deemed to be amended, suspended or inoperative as the case may be to the extent necessary to give effect to the agreement and to permit the Government of the Yukon Territory to fulfill every obligation assumed by it under the agreement.
- No tax collection contravening agreement
- 8.(1) Neither the Commissioner nor any local administrative district shall do any act or exercise any power or collect any tax in contravention of the provisions of this agreement.
- Tax reduced
- 9.(1) In any case in which by the agreement any tax or fee is required to be reduced, such tax or fee is for the relevant periods provided in the agreement, reduced in accordance with the agreement, and the tax or fee in the reduced amount only shall continue to be payable, exigible and recoverable in the same manner as if it had not been reduced.
- Powers of Commissioner
- 10.(1) 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 Yukon Territory under the agreement.
- Operations of sections 7 to 10
- 11.(1) Sections 7 to 10 shall remain in operation for only so long as is necessary to give effect to the agreement.

PART II

- 12.(1) In this Part "agreement" means the agreement entered into pursuant to section 14. "agreement" defined
- 13.(1) The Commissioner may on behalf of the Territory borrow from the Government of Canada a sum not exceeding five million six hundred thousand dollars. Commissioner may borrow money
- 14.(1) The Commissioner is authorized to enter into and execute on behalf of the Government of the Yukon 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 13;
 - (b) the payment to the Government of Canada 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 13; and
 - (c) such other terms and conditions as may be agreed upon by the Commissioner.
- 15.(1) 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 Yukon Territory under the agreement. Commissioner may implement agreement
- 16.(1) No amount shall be borrowed by the Commissioner pursuant to this Ordinance after the thirty-first day of March 1974. No borrowing after thirty-first day of March 1974.

SCHEDULE

Yukon Hospital Loan Ordinance 1955
Loan Agreement Ordinance 1961
Financial Agreement Ordinance 1962
Financial Agreement Ordinance 1967
Canada and Anvil Agreements Ordinance 1968
Financial Agreement Ordinance 1969
Financial Agreement Ordinance 1970
Financial Agreement Ordinance 1971
Financial Agreement Ordinance 1972

CHAPTER 29
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

LOAN AGREEMENT ORDINANCE (1973) NO.1
(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:

- | | | |
|-------|---|--------------------------------------|
| 1. | This Ordinance may be cited as the <i>Loan Agreement Ordinance (1973) No. 1.</i> | Short title |
| 2.(1) | The Commissioner may on behalf of the Yukon Territory borrow from the Government of Canada a sum not exceeding one million three hundred ninety thousand dollars for loans to municipalities and to Central Mortgage and Housing Corporation second mortgagors. | Commissioner may borrow |
| 3.(1) | 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.(1) | 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 |
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CHAPTER 30
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

LOAN AGREEMENT ORDINANCE (1973) NO. 2 (EMPLOYMENT LOANS PROGRAM)
(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:

- Short title 1. This Ordinance may be cited as the *Loan Agreement Ordinance (1973) No. 2 (Employment Loans Program)*.
- Commissioner may borrow 2.(1) The Commissioner may on behalf of the Yukon Territory borrow from the Government of Canada a sum not exceeding three hundred thousand dollars for loans under the Federal-Provincial Employment Loans Program.
- Commissioner may execute agreement 3.(1) 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
- (a) the repayment to the Government of Canada of the amount borrowed pursuant to section 2 less any forgiveness provided under the terms of the Federal-Provincial Employment Loans Program;
 - (b) the repayment 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 less any forgiveness provided under the terms of the Federal-Provincial Employment Loans Program; and
 - (c) such other terms as may be agreed upon by the Commissioner.
- Commissioner may implement agreement 4. (1) 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 Yukon Territory under this agreement.

CHAPTER 31
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

PURCHASE AND SUPPLY SERVICES AGREEMENT 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:

- | | | |
|-------|--|--------------------------------------|
| 1. | This Ordinance may be cited as the <i>Purchase and Supply Services Agreement Ordinance</i> . | Short title |
| 2.(1) | The Commissioner may, on behalf of the Territory, enter into an agreement with the Minister of Supply and Services to permit the Department of Supply and Services to purchase goods and services on behalf of the Territory on such terms and conditions as may be agreed upon. | Agreement |
| 3.(1) | 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 Yukon Territory under this agreement. | Commissioner may implement agreement |
-

CHAPTER 32
ORDINANCES OF THE YUKON TERRITORY
1973 (Fourth Session)

ROBERT CAMPBELL BRIDGE AGREEMENT ORDINANCE

(Assented to October 1, 1973)

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>Robert Campbell Bridge Agreement Ordinance</i> . |
| Agreement | 2.(1) | The Commissioner is authorized to enter into and execute on behalf of the Government of the Yukon Territory an agreement with the City of Whitehorse concerning the Robert Campbell Bridge crossing the Yukon River essentially in accordance with Schedule "A" or Schedule "B" as attached. |
| Commissioner may implement agreement | 3.(1) | 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 Yukon Territory under this agreement. |
-

THIS AGREEMENT made the _____ day of _____ A.D. 1973

BETWEEN:

THE COMMISSIONER OF THE
YUKON TERRITORY (hereinafter called "The
Commissioner"). The party
of the first part.

AND

THE MUNICIPALITY OF THE
CITY OF WHITEHORSE (hereinafter called "The
City"). The party
of the second part.

WHEREAS it is necessary to construct a new bridge across
The Yukon River to Riverdale, in the City of Whitehorse, in the
Yukon Territory;

AND WHEREAS the financing for this project is to be
shared by the Government of the Yukon Territory and the
Municipality of the City of Whitehorse;

NOW, THEREFORE, WITNESS that in consideration of the
mutual covenants herein contained, the parties hereto mutually
covenant and agree to the terms and conditions hereinafter
set forth.

1. That the Commissioner, in consultation with the
Department of Public Works of Canada, shall construct
a new bridge over the Yukon River to Riverdale, in the
City of Whitehorse, at a location to be determined by
the Commissioner;
2. That the City shall, at its own expense, provide all
necessary maintenance to the existing span known as
the Robert Campbell Bridge, and to the temporary
Bailey Bridge from the date of this Agreement until
their removal;
3. The bridge shall be constructed to a roadway width of
twenty eight (28) feet, in substantial conformity with
the plans submitted to the City in May, 1973, and all
further plans and specifications prepared by the
Department of Public Works;
4. The contract for the construction of the bridge shall
be made in the name of the Commissioner, who shall be
responsible for the total project;

BETWEEN
THE COMMISSIONER OF THE
YUKON TERRITORY

AND

THE MUNICIPALITY OF THE
CITY OF WHITEHORSE

A G R E E M E N T

P. O'Donoghue, Q.C.

Legal Adviser
Room 309 Federal Building
Whitehorse, Yukon

THIS AGREEMENT made the day of A.D. 1973

BETWEEN:

THE COMMISSIONER OF THE
YUKON TERRITORY

(hereinafter called "The
Commissioner"). The party
of the first part.

AND

THE MUNICIPALITY OF THE
CITY OF WHITEHORSE

(hereinafter called "The
City"). The party of
the second part.

WHEREAS it is necessary to construct a new bridge across
the Yukon River to Riverdale, in the City of Whitehorse, in the
Yukon Territory;

AND WHEREAS the financing for this project is to be
shared by the Government of the Yukon Territory and the
Municipality of the City of Whitehorse;

NOW, THEREFORE, WITNESS that in consideration of the
mutual covenants herein contained, the parties hereto mutually
covenant and agree to the terms and conditions hereinafter set forth.

1. That the Commissioner, in consultation with the
Department of Public Works of Canada, shall construct
a new bridge over the Yukon River to Riverdale, in the
City of Whitehorse, at a location to be determined by
the Commissioner;
2. That the City shall, at its own expense, provide all
necessary maintenance to the existing span known as
the Robert Campbell Bridge, and to the temporary
Bailey Bridge from the date of this Agreement until
their removal;
3. The bridge shall be constructed to a roadway width of
forty (40) feet, in substantial conformity with the
plans submitted to the City in May, 1973, and all
further plans and specifications prepared by the
Department of Public Works;
4. The contracts for the bridge shall be made in the
name of the Commissioner, who shall be responsible
for the total costs of the project;

BETWEEN

THE COMMISSIONER OF THE
YUKON TERRITORY

AND

THE MUNICIPALITY OF THE
CITY OF WHITEHORSE

A G R E E M E N T

P.O'Donoghue, Q.C.

Legal Adviser
Room 309 Federal Building
Whitehorse, Yukon

CHAPTER 33
ORDINANCES OF THE YUKON TERRITORY
1973 (First Session)

TERRITORIAL - MUNICIPAL EMPLOYMENT LOANS 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:

- | | |
|---|--|
| 1. This Ordinance may be cited as the <i>Territorial - Municipal Employment Loans Ordinance</i> . | Short title |
| 2.(1) In this Ordinance

"borrowing by-law" means a by-law mentioned in section 4;
"council" means the council of any municipality as defined in the <i>Municipal Ordinance</i> ;
"municipality" means municipality as defined in the <i>Municipal Ordinance</i> . | Definitions

"borrowing by-law"
"council"
"municipality" |
| (2) This Ordinance shall be construed as one with the <i>Municipal Ordinance</i> but in case of conflict the provision of this Ordinance shall prevail. | Ordinance one with <i>Municipal Ordinance</i> |
| 3.(1) The Commissioner may, on behalf of the Territory lend a sum not exceeding three hundred thousand dollars in the whole to municipalities in the Territory to enable them to carry on a program of municipal work as provided under the terms of the Federal-Provincial Employment Loans Program and for that purpose, the Commissioner may, on behalf of the Territory, enter into an agreement with municipalities. | Commissioner may lend and enter into agreement |
| 4.(1) Subject to this Ordinance, a council may pass by-laws for the borrowing of money not exceeding the sum of three hundred thousand dollars for the purpose mentioned in section 3, but no such by-law shall be valid unless, prior to being finally passed by the council, it is submitted to and approved by the Commissioner. | By-laws

Approved by Commissioner |
| 5.(1) A borrowing by-law 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 term of the loan;
(d) the rate of interest payable thereon;
(e) the method of repayment; and
(f) the amount of the existing debt of the municipality, if any, and how much, if any, of the principal or interest thereon is in arrears. | Form of by-law |

- Provisions of by-law (2) Every by-law to borrow money shall:
- (a) fix the amount of the loan and the rate or rates of interest payable thereon, and the places and the times where 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) shall be in such form and contain such further provisions as may be required by the Commissioner.
- Expenditures limited to loan purpose 6.(1) No money borrowed pursuant to this Ordinance shall be used for a purpose other than that stated under the terms of the agreement entered into pursuant to this Ordinance and to the Federal-Provincial Employment Loans Program.
- Unexpended balance (2) Where on completion of the work for which the money was borrowed, there remains an unexpended balance, such balance shall be used
- (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.
- Prepayment 7.(1) A by-law under this Ordinance may provide that the loan shall be repaid prior to the due date at the option of the municipality and at such time or times as the municipality 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 by-law 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.
- Defects in form 8.(1) Any loan agreement made pursuant to this Ordinance shall be valid and binding upon the municipality notwithstanding any insufficiency in the form or substance of the agreement or the by-law if the by-law has received the approval of the Commissioner and no successful application has been made to quash it.
- Special levy in default 9.(1) Where a municipality defaults in payment of any monies owing in respect of the loan made under a by-law passed pursuant to this Ordinance, the council shall forthwith make a special levy against all taxable property in the municipality to raise sufficient funds to pay the arrears owing in respect of the loan.

CHAPTER 34
 ORDINANCES OF THE YUKON TERRITORY
 1973 (First Session)

WHITEHORSE GENERAL PURPOSES LOAN 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:

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|-------|---|--|
| 1. | This Ordinance may be cited as the <i>Whitehorse General Purposes Loan Ordinance</i> . | Short Title |
| 2.(1) | In this Ordinance

"borrowing by-law" means a by-law mentioned in section 4;
"City" means the City of Whitehorse;
"Council" means the Council of the City of Whitehorse. | Definitions

"borrowing by-law"
"City"
"Council" |
| (2) | This Ordinance shall be construed as one with the <i>Municipal Ordinance</i> , but in case of conflict, the provisions of this Ordinance shall prevail. | Ordinance one with <i>Municipal Ordinance</i> |
| 3.(1) | The Commissioner may, on behalf of the Territory, lend a sum not exceeding one million dollars in the whole to the City of Whitehorse to enable it to carry on a program of municipal works, and for that purpose, the Commissioner may, on behalf of the Territory, enter into an agreement with the City. | Commissioner may lend and enter into agreement |
| 4.(1) | Subject to this Ordinance, the Council may, pass by-laws for the borrowing of money not exceeding the sum of one million dollars for the purpose mentioned in section 3 but no such by-laws 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 where necessary the assent of the taxpayers of the City in accordance with the <i>Municipal Ordinance</i> . | By-law

Approved by Commissioner and voters |
| 5.(1) | A borrowing by-law 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 term of the loan;
(d) the rate of interest payable thereon;
(e) the method of repayment; and
(f) 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. | Form of by-law |

- (2) Every by-law 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.

- Money to be used for purpose stated 6.(1) No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law except that if on completion of the work for which the money was borrowed, there remains an unexpended balance, such balance may be used by the City
- Interest (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 any portion thereof; or
- (c) for such other purposes upon such terms and conditions as the Council, with the approval of the Commissioner, deems expedient.
- Repayment prior to due date 7.(1) A by-law may provide that the loan shall be repaid prior to the due date at the option of the City at such time or times as the City may find it possible to repay it.
- Redemption (2) Where the loan or any portion thereof is repaid prior to the due date, the repayment shall not affect the validity of any by-law 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 by-law if the by-law has received the approval of the Commissioner and the assent of the taxpayers and no successful application has been made to quash it.
- Special levy where default in debentures 9.(1) If the City defaults in payment of the monies owing in respect of a loan made under a by-law 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.

