



ORDINANCES

of the

YUKON TERRITORY

passed by the

YUKON COUNCIL

In the Year

1980

Being the First Sitting of the Third Session
of the Twenty-fourth Council
March 20 - April 21, 1980

D. Bell, Administrator

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ORDINANCES OF THE YUKON TERRITORY

1980 (First Sitting)

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Note:

The following Bills are still on the Order Paper:

Bill #1 - An Ordinance to Perpetuate a Certain Ancient Right

Bill #5 - An Ordinance to Amend the Electrical Public Utilities
Ordinance

Bill #36 - An Ordinance to Amend the Game Ordinance

Private Members' Public Bill:

Bill #101 - Fair Weather Friends Ordinance

The 1980 First Sitting of the Third Session of the Twenty-fourth
Council was adjourned on April 21, 1980.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 1

BUSINESS DEVELOPMENT ASSISTANCE ORDINANCE

(Assented to May 2, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <i>Business Development Assistance Ordinance</i> .
	2(1)	In this Ordinance,
"application"		"application" means an application under section 3 for financial assistance;
"approval"		"approval" means an approval of an application made under section 4;
"Board"		"Board" means the Business Development Advisory Board established under section 13;
"financial assistance"		"financial assistance" means financial assistance applied for under section 3;
"local improvement"		"local improvement" has the same meaning as in the <i>Municipal Ordinance</i> and includes services of the nature ordinarily supplied by public utilities;
"municipality"		"municipality" has the same meaning as in the <i>Municipal Ordinance</i> ;
"project"		"project" means a project in respect of which an application for financial assistance may be made or approved under this Ordinance; and
"purpose"		"purpose" means a purpose in respect of which an application for financial assistance may be made or approved under this Ordinance.
"applicant" "purpose" "project"	(2)	For all purposes subsequent to the approval of an application, "applicant", "purpose", and "project"

mean, respectively, the applicant, purpose and project specified on the approval under subsection 4(2).

- Applicant for assistance 3(1) Any person may apply to the Commissioner for financial assistance under this Ordinance.
- Approval of application 4(1) Where an application has been made for financial assistance the Commissioner may, in accordance with this Ordinance, approve the application in whole or in part, with or without terms or conditions.
- Contents of approval (2) The approval of an application shall specify
- (a) the name of the applicant,
 - (b) the amount of the financial assistance that is to be paid to the applicant,
 - (c) the purpose for which the financial assistance is to be paid,
 - (d) the project in respect of which the financial assistance is to be paid, and
 - (e) the terms and conditions, if any, subject to which the financial assistance is to be paid.
- Information to be given (3) It shall be deemed to be a condition of every approval that the applicant shall, before the payment of the financial assistance, furnish to the Commissioner on demand such information as the Commissioner reasonably may require for the purpose of ascertaining
- (a) the actual or anticipated effect of the payment of the financial assistance on the carrying-out or success of the project, or
 - (b) the compliance of the applicant with this Ordinance or with a term or condition of the approval.
- Repayment (4) It may be a condition of the approval of an application that the applicant agree to repay all or part of the financial assistance under such circumstances and upon such terms as may be specified in the approval.

- Pre-requisites for approval 5(1) The Commissioner shall not approve an application unless
- (a) the Commissioner has received the recommendation of the Board in relation to the application, and
 - (b) the Commissioner is of the opinion that a direct result of the carrying out of the project will be a net increase in the number of opportunities for long-term employment in the Territory or the prevention of a decrease in the number of such opportunities.
- Projects 6(1) No application for financial assistance shall be approved for a purpose in relation to a project that is not of an industrial or commercial nature.
- Purposes (2) No application for financial assistance shall be approved for a purpose that is not authorized by this Ordinance.
- Operation of project (3) Except as provided by subsection 25(3), no application for financial assistance shall be approved for the purpose of the operation of a project.
- Notice to applicant 7(1) Where an application is not approved, the Commissioner shall deliver to the applicant forthwith a notice that his application has not been approved.
- Notice of approval (2) Where an application is approved in whole or in part, the Commissioner shall deliver the approval to the applicant forthwith.
- Acceptance of approval (3) Upon receipt of an approval, the applicant may accept the approval by signing a copy of the approval and delivering it to the Commissioner.
- Mail (4) An applicant and the Commissioner may deliver documents to each other under this section by mail.
- Payment of assistance 8(1) Where an application has been approved by the Commissioner with or without terms and conditions and the approval has been accepted under subsection 7(3), financial assistance in the amount specified

in the approval shall be paid by the Commissioner to the applicant on demand, unless

- (a) any of the terms or conditions specified in the approval have not been met,
- (b) the Commissioner has become aware, since the making of the approval, that the applicant made any misrepresentations in, or in support of, the application, and the misrepresentation actually misled the Board or the Commissioner, or was calculated to do so,
- (c) the Commissioner is not satisfied that the applicant has paid, for the carrying-out of the purpose in relation to the project, an amount greater than or equal to the amount of the financial assistance,
- (d) the purpose, in relation to the project, has not been fully carried out to the satisfaction of the Commissioner, or
- (e) there is reason to believe that the applicant has, since accepting the approval, discontinued or changed substantially his intentions as represented by him in, or in support of, his application.

Proof

- (2) Where, in any proceeding by a person against the Commissioner for the payment of financial assistance under subsection (1), it is alleged that the requirements of this Ordinance for the payment of the financial assistance have been satisfied, the burden of proving the allegation is on the person making the allegation.

Discretion to pay

- (3) Notwithstanding paragraphs (1) (a) and (d), the Commissioner may authorize the payment of financial assistance in an amount less than the amount specified in the approval, where
 - (a) the applicant has, in the opinion of the Commissioner, complied substantially with the terms and conditions specified in the approval, or
 - (b) the applicant has paid an amount for carrying out the purpose in relation to the project, and the failure of the applicant to comply with any term or condition was not, in the

opinion of the Commissioner, due to circumstances within the control of the applicant.

- Progress payments (4) Notwithstanding subsection (1), the Commissioner may authorize the partial payment of financial assistance before the purpose is fully carried out where the Commissioner is satisfied that
- (a) there is no reason to believe that the purpose will not be fully carried out, or that the payment of the balance of the financial assistance may not be authorized under subsection (1), and
 - (b) the partial payment of the financial assistance is important to the carrying-out of the purpose or the success of the project.
- Progress payments (5) More than one partial payment may be made under subsection (4) in relation to one approval, but the aggregate of all such payments shall not exceed the lesser of
- (a) three-quarters of the amount specified on the approval under paragraph 4(2)(a), and
 - (b) the amount expended by the applicant for the carrying-out of the purpose in relation to the project.
- Assignees 9(1) Notwithstanding any other provision of this Ordinance, no financial assistance shall be paid to a person who is the assignee of the applicant unless the requirements of subsection 8(1) have been satisfied, and
- (a) the assignment was made with the written consent of the Commissioner, or
 - (b) the Commissioner is of the opinion that it would be unjust in the circumstances not to make the payment.
- Local projects 10(1) No financial assistance shall be paid under this Ordinance in respect of a project that is not being, or has not been, carried out within the Territory.
- Real estate (2) No financial assistance shall be paid under this Ordinance in respect of a project that consists

only of the acquisition or development by the applicant of real property solely for sale or lease.

Assistance not retro-active (3) No financial assistance shall be paid under this Ordinance in respect of any amount paid before the application for the financial assistance is approved, or in respect of any obligation to pay an amount arising before the application for the financial assistance is approved.

Improper approval 11(1) Where a conflict occurs between an approval and the provisions of this Ordinance, the approval is unenforceable to the extent of the conflict.

Information to be given 12(1) Where financial assistance is paid to an applicant under section 8 or 9, the applicant shall furnish to the Commissioner on demand made within five years after the payment is made, such information as the Commissioner reasonably may require for the purpose of assessing the effect of the payment of the financial assistance on the carrying-out or success of the project, or on the number of opportunities for long-term employment in the Territory.

Offence (2) Every person who fails to comply with a demand under subsection (1) commits an offence.

Business Development Advisory Board

Board established 13(1) There is hereby established a Business Development Advisory Board, consisting of not less than 5 persons appointed by the Commissioner, one of whom shall be appointed as the Chairman, and another as the Vice-Chairman.

Oath of office (2) Every member of the Board shall, before entering upon the execution of his duties, take and subscribe the prescribed oath or affirmation of office.

Term of office (3) Each member of the Board shall be appointed for a term of not more than two years.

- Travel expenses (4) The Commissioner shall fix the travelling and living expenses that may be paid to a member of the Board in respect of his absence from his ordinary place of residence in connection with the performance of his duties under this Ordinance.
- Chairman 14(1) The Chairman of the Board is the chief executive officer of the Board, and he shall
(a) supervise and direct the work of the Board, and
(b) preside at sittings of the Board.
- Vice-chairman (2) If the Chairman is unable at any time for any reason to perform the duties of his office, or if his office is vacant, the Vice-Chairman has and may exercise all of the powers of the Chairman.
- Quorum and vacancy 15(1) A majority of the members of the Board constitutes a quorum, but a vacancy in the membership of the Board does not impair the right of the remainder to act.
- Conflict of interest 16(1) No person interested directly or indirectly in any project to which a matter before the Board relates shall act as a member of the Board in relation to that matter.
- Substitute members (2) Where any member of the Board is prevented from acting under subsection (1), the Commissioner may appoint a member to act in his place for the purpose of dealing with that matter.
- Secretary 17(1) The Commissioner may, from among the persons employed in the public service,
(a) designate a person to be the Secretary of the Board, and
(b) provide the Board with such other employees or assistants as may be necessary for the proper conduct of the business of the Board.
- Duties of Secretary (2) The Secretary of the Board shall
(a) receive applications,
(b) at the direction of the Chairman or the Commissioner, investigate and make reports

respecting applications and the carrying-out of purposes and projects in relation to applications,

- (c) keep a record of the business conducted by the Board,
- (d) have the custody and care of the records, documents and recommendations of the Board, and
- (e) obey the instructions given to him by the Chairman relating to his office as Secretary of the Board.

Experts	(3)	The Commissioner may, upon the recommendation of the Board, engage the services of experts or persons having special technical or other knowledge to advise the Board on matters under this Ordinance.
Annual report	18(1)	The Secretary of the Board shall, no later than the 31st day of May in each year, prepare a report showing the activities of the Board in the preceding fiscal year.
Report to be tabled	(2)	The report prepared under subsection (1) shall be signed by the Chairman, and it shall be tabled in the next ensuing session of the Territorial Council.
Meetings	19(1)	The Board shall meet at the call of the Chairman as often as the conduct of its business may require.
Special meetings	(2)	The Board shall hold meetings in addition to those required under subsection (1) at such times and places as the Commissioner may require.
Procedure	20(1)	The Board may make rules governing the procedure to be followed at meetings of the Board.
Duties of the Board	21(1)	The Board shall <ul style="list-style-type: none">(a) review applications and make recommendations to the Commissioner respecting the approval of applications for financial assistance under this Ordinance, and(b) at the request of the Commissioner, make recommendations concerning the payment of financial assistance in respect of applications that have been approved.

- Factors to be considered (2) In making a recommendation to the Commissioner to approve or not to approve an application, the Board shall take into consideration
- (a) the provisions of this Ordinance and the regulations;
 - (b) the extent to which the project may contribute to the development of the economy of the Territory;
 - (c) the extent to which the project may be carried out if the application is not approved;
 - (d) the costs that may be incurred by the Commissioner, by the Government of Canada, or by a municipality, if the project is carried out;
 - (e) the viability of the project;
 - (f) the ability of the applicant to carry out the project;
 - (g) the effect of the project on a community;
 - (h) the applicant's receipt, or eligibility for receipt, of financial assistance for the purpose in relation to the project, from the Commissioner under any other Ordinance, from the Government of Canada, or from a municipality; and
 - (i) such other factors as the Board considers relevant to the accomplishment of the purposes of this Ordinance.
- Information for Board (3) For the purpose of performing its obligations under subsection (1), the Board may require the applicant to furnish such information as it considers relevant to the application, and the Board may defer consideration of the application until the required information is supplied.
- Verification by oath (4) The Board may require that representations made by or on behalf of the applicant in, or in support of, an application be verified by oath or affirmation.
- Decision on application 22(1) Every recommendation of the Board to the Commissioner under paragraph 21(1)(a) shall be in writing, and shall set forth
- (a) the opinion of the Board on every matter in respect of which the opinion of the Commissioner is a prerequisite to the approval of an

- application or the payment of financial assistance under this Ordinance;
- (b) the recommendation of the Board that the Commissioner should or should not approve the application;
 - (c) where it is recommended that the application be approved,
 - (i) the name of the applicant to whom the financial assistance should be paid,
 - (ii) the maximum amount of the financial assistance that should be paid,
 - (iii) the purpose for which the financial assistance should be paid,
 - (iv) the project in respect of which the financial assistance should be paid, and
 - (v) the terms and conditions, if any, subject to which the financial assistance should be paid; and
 - (d) any other matter that the Board considers the Commissioner ought to take into consideration in deciding whether or not to approve an application.

Decision on payment (2) Every recommendation of the Board to the Commissioner under paragraph 21(1)(b) shall be in writing and shall set forth the opinions of the Board on every matter that is a prerequisite to the payment of financial assistance under this Ordinance.

Opportunity Identification Incentive

Purpose 23(1) An application may be approved for the purpose of providing financial assistance to an applicant for the costs of developing a proposal for a project.

Amount (2) The amount of financial assistance payable under this section shall not exceed

- (a) where the costs incurred by the applicant in developing the proposal for the project are less than \$10,000, 75% of those costs, and
- (b) where the costs incurred by the applicant in developing the proposal for the project are \$10,000 or more, 50% of the costs in excess of \$10,000, in addition to the costs provided for in paragraph (a),

but in no case shall the amount paid in respect of one application under this section exceed \$50,000.

Opportunity Equalization Incentive

- | | | |
|------------------------|-------|--|
| Purpose | 24(1) | An application for financial assistance may be approved for the purpose of providing local improvements or other services of a similar nature to an applicant in relation to a project where the Commissioner is of the opinion that the provision of the local improvement or other service is important or essential to the success of the project. |
| Mining roads | (2) | No application for financial assistance shall be approved under this section for the purpose of constructing a road in relation to a mining or mineral exploration project. |
| Amount for new project | (3) | Where the Commissioner is of the opinion that the provision of the local improvement or other service is important to the success of a new project, the amount of financial assistance payable under this section shall not exceed the lesser of
(a) \$100,000, and
(b) 75 per cent of the amount expended by the applicant for the carrying-out of the purpose in relation to the project. |
| Amount for new project | (4) | Where the Commissioner is of the opinion that the provision of the local improvement or other service is important to the success of a project that is not a new project, the amount of financial assistance payable under this section shall not exceed the lesser of
(a) \$50,000, and
(b) 50 per cent of the amount expended by the applicant for the carrying-out of the purpose in relation to the project. |

Interest Rebate Incentive

- | | | |
|---------|-------|--|
| Purpose | 25(1) | An application for financial assistance may be approved for the purpose of reimbursing an applicant. |
|---------|-------|--|

for interest costs incurred by him in the carrying-out of a project.

- Exception (2) No application for financial assistance shall be approved under this section in respect of interest other than interest paid or payable in respect of money lent to the applicant by
- (a) a bank to which the *Bank Act* (Canada) applies,
 - (b) a company to which the *Loan Companies Act* (Canada) applies,
 - (c) a trust company to which the *Trust Companies Act* (Canada) applies, or
 - (d) a company or credit union incorporated for the purpose of making loans to the public and authorized to do so by an Ordinance, or by an Act of Canada or a province.
- Working capital (3) An application for financial assistance under this section may be approved for the purpose of providing working capital for the operation of a project.
- Completion required (4) Notwithstanding section 8, where an application is made for financial assistance under this section, other than subsection (3), no amount shall be paid to the applicant until the project has been fully carried out.
- Capital projects (5) Where the Commissioner is of the opinion that the loan in respect of which the interest is incurred is for the making of a capital expenditure in relation to a new project, the amount of the financial assistance payable under this section shall not exceed
- (a) in the first year after the approval of the application, 75% of the interest charges incurred that year,
 - (b) in the second year after the approval of the application, 50% of the interest charges incurred in that year, and
 - (c) in the third year after the approval of the application, 25% of the interest charges incurred in that year.
- Other projects (6) Where the Commissioner is of the opinion that the loan in respect of which the interest is incurred

is for the making of an expenditure that is a capital expenditure in relation to a project that is not a new project, the amount of the financial assistance payable under this section shall not exceed

- (a) in the first year after the approval of the application, 37.5% of the interest charges incurred in that year,
- (b) in the second year after the approval of the application, 25% of the interest charges incurred in that year, and
- (c) in the third year after the approval of the application, 12.5% of the interest charges incurred in that year.

Additional loans (7)

More than one application may be made under this section in relation to one project.

Payment prohibited (8)

No financial assistance shall be paid under this section in respect of interest paid or payable in relation to a project that consists only of the acquisition of an existing business or shares in a company.

Maximum amount (9)

No financial assistance shall be paid under this section in respect of interest paid or payable by one applicant in respect of a loan amount in excess of \$500,000.

General

Regulations 26(1)

The Commissioner may make regulations

- (a) respecting the manner in which an applicant may be required to satisfy the Commissioner that he has paid any amount for the carrying-out of a purpose in relation to a project;
- (b) requiring proof of the carrying-out of a purpose in relation to a project before financial assistance is paid, and providing for the manner in which the proof may be given;
- (c) respecting the making of applications;
- (d) respecting the making of demands for the payment of financial assistance under section 8;

- (e) prescribing terms or conditions that may be specified in approvals under subsections 4(2) and 4(4);
- (f) prescribing terms or conditions that shall be deemed to be specified in every approval made after the regulation comes into force; and
- (g) generally, carrying the provisions and purposes of this Ordinance into effect.

27(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 2

AN ORDINANCE TO AMEND THE COMMUNITY ASSISTANCE ORDINANCE

(Assented to May 2, 1980)

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

- 1(1) Sections 33 and 34 of the *Community Assistance Ordinance* are amended by striking out the expression "1 mill" and substituting therefor the expression "2 one-hundredths of 1 per cent".

- 2(1) This Ordinance shall be deemed to have come into force on January 1, 1980.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 3

AN ORDINANCE TO AMEND THE COMPANIES ORDINANCE
(Assented to May 2, 1980)

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

- 1(1) The *Companies Ordinance* is amended by inserting immediately after the definition "general rules" where it occurs in section 2 thereof the following new definition:

"insurance"

"insurance" means the undertaking by one person to indemnify another person against loss or liability for loss in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event;".

- 2(1) The Ordinance is amended by adding after section 5 the following new section:

Refusal of
registration

"5.1(1) The Registrar may, where he is of the opinion that any document submitted to him

- (a) contains matter contrary to law;
- (b) by reason of any omission or mis-description, has not been duly completed;
- (c) does not comply with the requirements of this Ordinance; or
- (d) contains any error, alteration or erasure

refuse to receive or register the document and request that the document be appropriately amended or completed and re-submitted, or that a new document be submitted in its place.

Form of document

- (2) Every document required by this Ordinance to be filed or registered with the Registrar shall be
- (a) in typed or printed form and, in the opinion of the Registrar, legible and sufficiently permanent for his records, and
 - (b) in the English language, or accompanied by a notarially certified English translation thereof."

3(1) The Ordinance is amended by repealing paragraphs 11(2)(e), (f) and (g) and substituting the following therefor:

- "(e) contain the agreement of each subscriber to be a member of the company; and
- (f) contain every restriction upon the business to be carried on by the company or upon the powers of the company."

4(1) The Ordinance is amended by repealing subsection 17(4), by renumbering subsection (5) as subsection (4), and by adding the following new subsection:

Publication of notice

- "(5) The registrar may publish in the Yukon Gazette a notice of the change of name made pursuant to subsection (4)."

(2) Subsection 17(7) of the Ordinance is amended by striking out the expression "thirty days" and substituting therefor the expression "ninety days".

5(1) The Ordinance is amended by repealing subsection 18(4) and substituting the following therefor:

- "(4) The Registrar may cause the certificates, setting out the memorandum as altered, to be published twice in the Yukon Gazette, at the expense

of the company, with at least one week intervening between the two publications."

6(1) The Ordinance is amended by repealing subsection 19(4) and substituting the following therefor:

Number of members

"(4) In the case of an unlimited company or a company limited by guarantee, if the company does not have a share capital, the articles shall state the number of members with which the company proposes to be registered."

7(1) The Ordinance is amended by adding the following new section after section 20:

Amendment of Table A

"20.1(1) To the extent that, under subsection 19(2) or 20(1), the regulations of a company are the regulations contained in Table A in Schedule I, the regulations of the company shall be deemed to be those contained in Table A in Schedule I as it is in force from time to time, unless a contrary intention is set forth in the articles of the company."

8(1) The Ordinance is amended by repealing subsection 26(2) and substituting the following therefor:

Statutory declaration

"(2) A statutory declaration of compliance with all or any of the requirements referred to in subsection (1), made by a solicitor engaged in the formation of the company, or by an officer or director of the company, shall be produced to the Registrar, and the Registrar may accept the declaration as sufficient evidence of compliance."

9(1) Subsection 33(3) of the Ordinance is amended by striking out the expression "subsection (1)" and substituting therefor the expression "subsection (1) or (6), as the case may be."

(2) Subsection 33(4) of the Ordinance is amended
(a) by striking out the expression "after three months" and substituting therefor the expression "later than one month", and
(b) by striking out the expression "subsection (1)" and substituting therefor the expression "subsection (1) or (6), as the case may be".

(3) Section 33 of the Ordinance is amended by adding the following new subsection:

Further
information

"(7) The Registrar may at any time require the company to supply such further or other information as he deems reasonable and proper."

10(1) The Ordinance is amended by repealing subsection 63(3) and substituting the following therefor:

Resolution
to be filed

"(3) A copy of every such resolution, certified by an officer or agent of the company, shall be filed in the office of the Registrar within ten days after the passing of the resolution, and ten days shall elapse after the filing thereof before the payment out of any such dividends to the shareholders."

(2) The Ordinance is amended by repealing subsection 63(4) and substituting the following therefor:

Publication
of resolution

"(4) After the filing of every such resolution with the Registrar, the Registrar may, by a notice published

in the Yukon Gazette, declare to what sum the capital of any such company, by such payment of dividends, stands reduced; and the company shall pay the Registrar the costs of such publication."

11(1) The Ordinance is amended by repealing subsection 69(1) and substituting the following therefor:

Registered office

"(1) Every company shall have a registered office in the Territory at which it may be served, and to which all communications and notices may be addressed, and may from time to time change the location of its registered office."

(2) The Ordinance is amended by repealing subsection 69(2) and substituting the following therefor:

Notice of office

"(2) Notice of the situation of the registered office of such company shall be delivered to the Registrar with the memorandum of association, and notice of any change, signed by an officer, director, agent or solicitor of the company, shall be given to the Registrar."

12(1) The Ordinance is amended by repealing subsection 71(3) and substituting the following therefor:

Location of meetings

"(3) Every general meeting of the company shall be held within the Territory, except where written permission to the contrary has been given by the Registrar."

(2) Section 71 of the Ordinance is amended by adding, immediately after subsection (3), the following new subsection:

Meeting not
required

"71(3.1) Notwithstanding subsection (1), it is not necessary for a company to hold a general meeting where

- (a) all of the shares of the company are owned by one shareholder, or
- (b) all of the members entitled to attend and vote at the meeting consent in writing to all business required to be transacted at the meeting, in which case the meeting shall be deemed to have been held on the date specified in the consent."

13(1) The Ordinance is amended by repealing subsections 79(1) and (2) and substituting the following therefor:

Qualifications
of director

"(1) A person is not capable of being appointed director of a company by the articles, and shall not be named as a director or proposed director of a company in any prospectus issued by or on behalf of the company, unless, before the registration of the articles or the publication of the prospectus, as the case may be, he has, by himself or by his agent authorized in writing, either signed the memorandum for a number of shares not less than his qualification, if any, or signed a contract in writing to take from the company and pay for his qualification shares if any."

14(1) Subsection 82(1) of the Ordinance is amended by striking out the expression "from time to time notify to the Registrar any change among its directors or managers" and substituting therefor the expression "within thirty days of any change in its directors or managers,

give the Registrar written notice of the change".

- 15(1) Subsection 86(1) of the Ordinance is amended by striking out the expression "by writing under its common seal" and substituting therefor the expression "by instrument in writing."
- 16(1) Subsection 102(4) of the Ordinance is amended by striking out the expression "stating the amount thereby secured".
- (2) Subsection 102(6) of the Ordinance is amended by striking out the expression "not exceeding twenty-five cents for each inspection".
- 17(1) The Ordinance is amended by repealing subsection 102.1(4) and substituting the following therefor:
- Exception "(4) This section does not apply to a guarantee or the provision of security given by a private company in connection with the purchase made or to be made by any company or person of not less than ninety percent of the issued common shares in the capital of such private company if the giving of any such guarantee or the provision of such security has been previously authorized by special resolution of such private company."
- 18(1) Subsection 109(1) of the Ordinance is amended by striking out the expression "twenty-five cents" and substituting therefor the expression "fifty cents".
- 19(1) Subsections 110(1) and (2) of the Ordinance are amended by striking out the expression "ten cents" and substituting therefor the expression "twenty-five cents".

- 20(1) Section 118 of the Ordinance is repealed.
- 21(1) Subsection 121(1) of the Ordinance is amended by striking out the expression "authenticated by the seal of the company whose affairs they have investigated" and substituting therefor the expression "purporting to be signed by them".
- 22(1) Subsections 142(1) and (3) of the Ordinance are amended by striking out the expression "under authority of an Act" and substituting therefor the expression "by an Act".
- 23(1) Subsection 149(1) of the Ordinance is amended by striking out the expresssion "may obtain a licence" and substituting therefor the expression "may be registered".
- 24(1) The Ordinance is amended by repealing paragraph 154(1)(a) and substituting the following therefor:
- "(a) "business" means such lawful objects and purposes for which an extra-territorial company is established as are within the legislative authority of the Territory and includes the sale of its shares or debentures by or on behalf of the company, but does not include the business of banking or insurance, the construction and operation of a railway or the operation of air transport, canals, telegraphs, telephones or irrigation;"
- 25(1) Paragraph 156(1)(b) of the Ordinance is amended by striking out the expression "thirty days" and substituting therefor the expression "sixty days".
- (2) The Ordinance is amended by repealing subsection 156(2) and substituting the following therefor:
- "(2) The statement shall declare that
- Contents of statement

the company is a valid and subsisting corporation and legally authorized to transact business under its charter, and shall be duly executed by the company; and one director or officer of the company shall make a statutory declaration on behalf of the company, verifying the particulars set forth in the statement."

26(1) The Ordinance is amended by repealing subsection 163(2) and substituting the following therefor:

Attorney
of
company

"(2) The first attorney shall be appointed by the company in the statement filed by it under section 156 and where the attorney for any reason ceases to act as such or the company desires to change its attorney, the company shall forthwith file a notice, stating the full name, address and occupation of the new attorney appointed by it."

(2) Section 163 of the Ordinance is amended by adding the following new subsection:

Head office
not in the
Territory

"(7) Where an extra-territorial company does not have a head office in the Territory, a reference in this Ordinance to the head office of the company shall be deemed to be a reference to the address of its attorney under this section".

27(1) The Ordinance is amended by repealing subsection 165(1).

28(1) The Ordinance is amended by repealing section 165.1 and substituting the following therefor:

Continuation
in Yukon

"165.1(1) A corporation incorporated under the laws of a jurisdiction other

than the Territory may, if it appears to the Registrar to be authorized by the laws of the jurisdiction in which it was incorporated, deliver to the Registrar an instrument of continuation in duplicate continuing it as if it had been incorporated under this Ordinance.

Instrument
of continua-
tion

- (2) The instrument of continuation shall
- (a) set out those matters required by the regulations,
 - (b) be signed by an officer or director and verified by a statutory declaration of the person signing the instrument of continuation, and
 - (c) be accompanied by such other material as may be required by the Registrar.

Laws of the
Territory

- (3) The instrument of continuation shall make any amendments to the charter of the corporation necessary to make the instrument conform to the laws of the Territory and may make such other amendments as are permitted under this Ordinance as if the corporation were incorporated under this Ordinance.

Certificate
of continua-
tion

- (4) If the instrument of continuation conforms to law, the Registrar may, when all prescribed fees have been paid, file one duplicate of the instrument and issue to the corporation a certificate of continuation to which he shall affix the other duplicate.

Terms and
conditions

- (5) The Registrar may issue the certificate of continuation on such terms and

subject to such limitations and conditions and containing such provisions as appear to him to be fit and proper.

Effect of certificate

- (6) On and after the date set forth in a certificate of continuation issued under subsection (4), this Ordinance applies to the corporation to the same extent as if it had been incorporated under this Ordinance.

Appeal

- (7) The Registrar may refuse to issue a certificate of continuation, but an appeal from his decision lies to the Commissioner.

Continuation outside Yukon

- 165.2(1) A company may, if authorized by
- (a) a special resolution,
 - (b) the Registrar, and
 - (c) the laws of another jurisdiction,
- apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the company as if it had been incorporated under the laws of that other jurisdiction.

Ordinance no longer applies

- (2) A company shall cease to be a company within the meaning of this Ordinance on and after the date on which it is continued under the laws of the other jurisdiction and the company shall forthwith file with the Registrar a copy of the instrument of continuation certified by the proper officer of the other jurisdiction.

Reciprocity

- (3) This section applies only in respect of a jurisdiction that has laws that permit corporations incorporated under its laws to

apply for an instrument of continuation under the laws of the Territory.

Liabilities
not affected

165.3(1) All rights of creditors against the property, rights and assets of a corporation continued under section 165.1 and all liens upon its property, rights and assets are unimpaired by the continuation, and all debts, contracts, liabilities and duties of the corporation thenceforth attach to the continued corporation and may be enforced against it."

29(1) Subsection 165(2) of the Ordinance is amended by striking out the expression "under authority of an act" and substituting therefor the expression "by an Act".

30(1) Subsection 174(1) of the Ordinance is amended by striking out the expression "under authority of any Act" and substituting therefor the expression "by an Act".

31(1) Subsection 177(1) of the Ordinance is amended by striking out the expression "four regular issues of the Yukon Gazette, consecutively" and substituting therefor the expression "two issues of the Yukon Gazette, at least one week apart".

32(1) Subsection 178(1) of the Ordinance is amended by striking out the word "four" and substituting therefor the word "two".

33(1) Subsection 179(1) of the Ordinance is amended by striking out the word "four" and substituting therefor the word "two".

34(1) The Ordinance is amended by repealing subsection 219(1) and substituting the following therefor:

Winding-up
by the Court

"219(1) A company may be wound up by the Court

- (a) if the company has by special resolution resolved that the company be wound up by the Court,
- (b) if default is made in filing the statutory report or in holding the statutory meeting,
- (c) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year, or
- (d) if the Court is of the opinion that it is just and equitable that the company should be wound up."

- 35(1) Subsection 263(1) of the Ordinance is amended by striking out the expression "in the form prescribed".
- 36(1) Subsection 269(1) of the Ordinance is amended by striking out all the words following the expression "for such consideration as the company thinks fit".
- 37(1) The Ordinance is amended by repealing subsection 301(4) thereof.
- 38(1) Paragraph 337(4) (a) of the Ordinance is amended by striking out the expression "under the corporate seal thereof".
- 39(1) The Ordinance is amended by adding immediately before Form "A", the heading "Schedule II".
- 40(1) The Ordinance is amended by striking out the word "citizenship" where it occurs in Form "A" and Form "B" in Schedule II.
- 41(1) The Ordinance is amended by striking out the expression "paragraph II" where it occurs in paragraph (b) of the Notes to Form "B" in Schedule II and substituting therefor the expression "paragraph 2".

42(1) The Ordinance is amended by repealing Form "C" in Schedule II and substituting the following therefor:

"FORM "C"
COMPANIES ORDINANCE
YUKON TERRITORY

ANNUAL REPORT

- 1. This report contains information as at
19....
- 2. Name of Company
- 3. Date of Incorporation or Amalgamation
- 4. Annual General Meeting:
State date and place last annual
general meeting was held:
.....
- 5. Directors:
Name

Resident

Address:

.....
.....
.....

6. Officers:

Name:

.....
.....
.....

Address:

.....
.....
.....

Office:

.....
.....
.....

Certified correct the of , 19 .

.....
Signature

.....
Relationship to Company

NOTES:

- (a) This date must be the anniversary of the incorporation or amalgamation. (See section 33).
- (b) Section 33 requires that this report be filed within one month of the anniversary of incorporation or amalgamation in each year."

43(1) The Ordinance is amended by repealing paragraph 6 of Form "D" in Schedule II and substituting the following therefor:

"6. All filings required by the *Companies Ordinance* have been made, relating to any change in

- (1) the address for the head office or chief place of business outside the Territory,
- (2) the address of the registered office in the jurisdiction of incorporation, or
- (3) the name and address of any attorney within the Territory."

(2) The Ordinance is amended by repealing paragraphs 10 and 12, and by renumbering paragraph 11 as paragraph 10.

44(1) The Ordinance is amended by repealing paragraph 6 of Form "E" in Schedule II and substituting the following therefor:

"6. The full address of the registered

office in the jurisdiction of incorporation is
.....
....."

- (2) The Ordinance is amended by repealing the Statutory Declaration accompanying Form "E" in Schedule II and substituting the following therefor:

"S T A T U T O R Y D E C L A R A T I O N

C A N A D A) IN THE MATTER OF THE
) COMPANIES
YUKON TERRITORY) ORDINANCE
TO WIT) AND OF:

I, , of , and,
of , do solemnly declare:

1. That I am the
(director or secretary or other officer)
of (name
of corporation)

2. That I have personal knowledge of
the matters set forth in the foregoing
Statement of the corporation.

3. That the information contained in
the Statement is true and correct.

4. That the corporation has not within
the preceding five years been convicted of any
offence involving fraud.

AND I make this solemn declaration
conscientiously believing it to be true.

Declared by)
the above-)
named declarant)
at)
in the)

of)
this day of)
19 .)
)
.....)
A Notary Public in)
and for the)

CONSENT

I , of , hereby consent
to act as the attorney of the above-mentioned
extra-territorial company.
Date this day of , 19 .

.....
Signature"

- 45(1) The Ordinance is amended by repealing Form "F" in Schedule II.
- 46(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 4

AN ORDINANCE TO AMEND THE CONDOMINIUM ORDINANCE

(Assented to April 14, 1980)

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

1(1) Section 18 of the *Condominium Ordinance* is repealed and the following substituted therefor:

Insurance by
Corporation

"18(1) The Corporation shall obtain and maintain insurance in respect of the units and the common elements to the replacement value thereof against fire, and against such other perils including liability as may be specified by the declaration or by-laws to the amount required by the declaration or the by-laws; and for this purpose the Corporation shall be deemed to have an insurable interest in the units, the common elements, and in the subject matter of any other perils insurance.

Payment
under
policy

(2) Any payment by an insurer under a policy of insurance entered into under subsection (1) shall, notwithstanding the terms of the policy, be paid to the order of the insurance trustees designated by the declaration or the by-laws of the Corporation, if any, and otherwise shall be paid to or to the order of the Corporation; and, subject to section 20, the Corporation shall forthwith use the proceeds for the repair or replacement of the damaged units and common elements so far as the same may lawfully be effected.

No
contri-
bution

- (3) A policy of insurance issued to a corporation under subsection (1) is not liable to be brought into contribution with any other policy of insurance except another policy issued on the same property under subsection (1); and, notwithstanding the provisions of the policy, shall be deemed not to be other insurance in relation to such other policy.

Insurance
by unit
owner

- (4) Notwithstanding subsection (1), the *Insurance Ordinance* or any other law relating to insurance, a unit owner may obtain and maintain insurance
- (a) in respect of loss or damage to his unit against fire and other perils in excess of any amount for which it is insured by the Corporation under subsection (1),
 - (b) in respect of loss or damage to his unit in excess of any amount for which the improvements are insured by the Corporation under subsection (1),
 - (c) in respect of loss of rental value of his unit in excess of any amount for which it is insured by the Corporation under subsection (1), and
 - (d) for the purpose of paying to the mortgagee under a mortgage of the unit the amount owing under the mortgage on the date of any loss or damage to the unit.

Payment
to
mortgagee

- (5) Notwithstanding the *Insurance Ordinance* or the terms and conditions of the policy, any payment by an insurer under a policy of insurance entered into for the purpose of

paragraph (4) (d) shall be made to the mortgagees, if the mortgagees, or any of them so require, in the order of their priorities, and the insurer is then entitled to an assignment of the mortgage or a partial interest in the mortgage to secure the amount so paid.

No
contri-
bution

(6) A policy of insurance issued to a unit owner under this section is not liable to be brought into contribution with any other policy of insurance except another policy issued on the same property; and notwithstanding the provisions of the policy, shall be deemed not to be other insurance in relation to such other policy.

Other
insurance

(7) Subsection (1) does not restrict the capacity of any person to insure otherwise than as provided in that subsection."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY |
1980 (1st), Chapter 5

AN ORDINANCE TO REPEAL THE CREDIT UNION ORDINANCE

(Assented to April 14, 1980)

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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|------------------------------|------|--|
| Repeal | 1(1) | Subject to this section, the <i>Credit Union Ordinance</i> is repealed. |
| Existing rights | (2) | Nothing in this Ordinance affects any right, benefit or privilege that any person had prior to the coming into force of this Ordinance. |
| Whitehorse Credit Union Ltd. | (3) | The <i>Credit Union Ordinance</i> shall be deemed to remain in force for the purpose of the winding-up, dissolution or liquidation of the Whitehorse Credit Union Ltd. |
| | 2(1) | This Ordinance, or any provision of this Ordinance, comes into force on a day to be fixed by the Commissioner. |

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 6

ENERGY CONSERVATION AGREEMENT ORDINANCE

(Assented to April 16, 1980)

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

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|-------------------------|------|---|
| Short title | 1(1) | This Ordinance may be cited as the <i>Energy Conservation Agreement Ordinance</i> . |
| Authority for agreement | 2(1) | The Commissioner may enter into agreements with the Government of Canada, subject to such terms and conditions as the Commissioner may deem appropriate, providing for the creation of programs <ul style="list-style-type: none">(a) to improve the efficiency with which energy is used by residential, industrial, commercial and institutional establishments in the Territory,(b) to develop or demonstrate techniques for the conservation of energy or for the use of renewable sources of energy, or(c) to identify and evaluate the energy resources of the Territory. |
| | 3(1) | This Ordinance comes into force on a day to be fixed by the Commissioner. |

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 7

AN ORDINANCE TO AMEND THE EVIDENCE ORDINANCE

(Assented to April 14, 1980)

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

1(1) Section 11 of the *Evidence Ordinance* is amended by adding the following new subsections:

Medical
report

"(2) Notwithstanding subsection (1), a report or finding that purports to have been prepared and signed in a professional capacity by
(a) a medical practitioner,
(b) a dentist, or
(c) a chiropractor,
licensed to practise in any part of Canada is, with leave of the court, admissible without testimony and without proof of his signature, qualifications or license.

Penalty
in costs

(3) Where a medical practitioner, dentist or chiropractor has testified in an action and the court is of the opinion that all or part of his evidence could have been produced as effectively by way of a written report or finding under subsection (2), the court may order the party who produced him as a witness to pay as costs therefor such sum as the court deems appropriate."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 8

EXECUTIONS ORDINANCE

(Assented to April 14, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <i>Executions Ordinance</i> .
	2(1)	In this Ordinance,
"company"		"company" includes a credit union, a bank, and any corporation established for the purpose of trade or profit, or for the construction of any work, or for the acquisition of gain;
"execution creditor"		"execution creditor" includes a person who is deemed to be an execution creditor under section 18 of the <i>Creditors' Relief Ordinance</i> ;
"land"		"land" has the same meaning as in the <i>Land Titles Act</i> (Canada);
"personal property"		"personal property" means goods, chattels and effects that are situated in the Territory, but does not include land, or property that could not in law or in equity be sold by the execution debtor without the assent of another person immediately before it is bound by the writ;
"property"		"property" means personal property and land;
"sale"		"sale" means sale under a writ of execution and, in the case of a sale of land, includes a sale under and other writ within the meaning of section 125 of the <i>Land Titles Act</i> (Canada);

"seizure"		"seizure" means seizure under a writ of execution;
"sheriff"		"sheriff" has the same meaning as in the <i>Creditors' Relief Ordinance</i> and, <ul style="list-style-type: none"> (a) in relation to section 61 of the <i>Judicature Ordinance</i>, means a person to whom a writ of execution is issued by a Small Claims Official, and (b) in relation to section 62 of the <i>Judicature Ordinance</i>, means a Small Claims Official; and
"writ of execution"		"writ of execution" includes a writ of seizure and sale, a writ of sequestration, a certificate under section 17 of the <i>Creditors' Relief Ordinance</i> , and any writ that may be issued subsequently for giving effect to a writ of execution.
Land Titles Act (Canada)	3(1)	The provisions of this Ordinance are subject to the provisions of the <i>Land Titles Act (Canada)</i> .
Creditors' Relief and Small Claims	(2)	The provisions of this Ordinance are subject to the provisions of the <i>Creditors' Relief Ordinance</i> and to sections 61 and 62 of the <i>Judicature Ordinance</i> .
Exemptions Ordinance	(3)	Except as provided by subsection 7(2), the provisions of this Ordinance are subject to the provisions of the <i>Exemptions Ordinance</i> .
Seizable property	4(1)	All of the property of an execution debtor is liable to seizure and sale.
Prohibited seizures	(2)	No person other than the sheriff shall effect a seizure or sale of property.
Inquiries by sheriff	5(1)	The sheriff is not required to make any inquiry as to the existence or location of property that might be liable to seizure or sale.

- Security to sheriff (2) The sheriff is not required to do any act to effect the seizure or sale of property, or to do any act in relation to the seizure or sale of property, unless the execution creditor, where required by the sheriff to do so, has provided reasonable security
- (a) indemnifying the sheriff against all damages, costs and expenses, including the costs and expenses of interpleader proceedings, that the sheriff may incur or to which he may become liable by doing the act, and
 - (b) indemnifying any person who has an interest in the property against any damages, costs or expenses that the person may suffer by reason of the doing of the act.
- Application to judge (3) Where a difference occurs as to the security required to be provided pursuant to subsection (2),
- (a) the execution creditor may apply at his own cost to a judge for an order determining the security to be provided, and
 - (b) the sheriff is not required to do any act to which subsection (2) applies until the security has been provided pursuant to the order.
- Costs of application (4) Except in the case of a writ of execution issued upon a judgment for an amount within the jurisdiction of a Small Claims Official, the costs of providing security under this section, including the costs of an application under subsection (3), may be added to the costs of the execution creditor that may be included in the amount required to be levied by the writ.
- Effect of writ 6(1) A writ of execution binds the personal property of the execution debtor from the receipt of the writ by the sheriff, but the writ does not affect an interest in any of that property

acquired by a person for valuable consideration before he receives notice that the writ has been received by the sheriff.

Effect of second writ (2) Where a writ of execution that has not been satisfied remains in the hands of the sheriff and he receives another writ of execution, the property of the execution debtor shall be deemed to have been bound by the later writ from the date from which the property was bound by the earlier writ.

Seizure of Personal Property

Instructions to sheriff 7(1) Before he seizes any personal property, the sheriff may require written instructions from the execution creditor instructing him to effect the seizure, and the sheriff may require that the instructions contain a description of the property that will enable him to identify and seize it.

Seizure of exempt property (2) Notwithstanding any provision of the *Exemptions Ordinance*, where the sheriff deems it impracticable to distinguish between personal property that is exempt from seizure and personal property that is not exempt, he may seize exempt property along with property that is not exempt, but the seizure of the exempt property shall be released as soon as the sheriff can ascertain which of the seized property is exempt.

Seizure of shares 8(1) In addition to any other method of seizure that may be applicable, the sheriff may effect the seizure of personal property that consists of or relates to shares in a company by delivering a copy of the writ of execution to the registered office of the company in the Territory.

Time of seizure (2) A seizure of an execution debtor's interest in personal property under subsection (1)

shall be deemed to take place upon the receipt of the writ at the registered office of the company.

- | | | |
|----------------------------|------|--|
| Exception | (3) | Subsection (1) does not apply in relation to shares in respect of which a share warrant to bearer has been issued but has not been surrendered. |
| Effect of seizure | (4) | Where a seizure has been effected under subsection (1) or by any other method, no transfer of the shares or of any interest in the shares by the execution debtor is valid unless the seizure has been released. |
| Payment of dividends, etc. | (5) | From the receipt of a copy of a writ of execution at the registered office of a company, all dividends, premiums, bonuses or other pecuniary profits in the shares that would otherwise be paid by the company to the execution debtor shall be paid by the company to the sheriff, until the seizure is released. |
| Situs | (6) | Personal property seized under this section shall be deemed to be personal property found by the sheriff at the registered office of the company. |
| Seizure of mobile home | 9(1) | Except as provided by subsection (2), where personal property that is a mobile home is occupied, the sheriff shall not take possession of the property without demanding and receiving the permission of the occupant to do so. |
| Refusal of permission | (2) | Where the occupant of personal property that is a mobile home refuses to deliver up possession of the mobile home upon demand by the sheriff, or where no response is made to the demand, the execution creditor may apply to a judge for an order directing the occupant to deliver up possession of the property to the sheriff. |
| Making of demand | (3) | A demand under this section may be made by affixing a notice in the prescribed form to the mobile home. |

Notice of seizure	10(1)	Where the sheriff seizes personal property and does not cause such possession to be taken of the property as would be reasonable notice to others of the seizure, he shall, at the time of the seizure, affix a notice in the prescribed form to the property, or to a conspicuous place upon the premises where the property is located at the time of the seizure.
Publication of notice	(2)	Where the sheriff has affixed a notice as provided by subsection (1) and he believes that the notice may become lost or obliterated, he shall also cause the notice to be published in a newspaper circulating in the Territory.
Tampering with notice	(3)	No person shall remove or deface a notice affixed by the sheriff under this section.
Record of notice	11(1)	The sheriff shall keep a record of all notices affixed or published by him under section 10 and the record shall be open for inspection by any person at the prescribed times, upon payment of the prescribed fee.
Con-structive notice	12(1)	Where a notice is affixed or published under section 10, every person who has not previously received notice of the receipt of the writ of execution by the sheriff shall be deemed to have received such notice upon the affixation of the notice.
Notice of seizure	(2)	Notice that property has been seized by the sheriff shall be deemed to be notice of the receipt of the writ of execution by the sheriff.
Failure to give notice	13(1)	A seizure is not affected by the failure of the sheriff to affix or publish a notice as provided by section 10 or by any defect in a notice affixed or published under section 10.
Removal of property	14(1)	Where the sheriff believes that, for the security of personal property seized by him, it should be removed from the premises upon

which it is situated at the time of the seizure, he may remove the property by such means, at such times, and to such places as he deems proper.

- | | | |
|-------------------------------|-------|---|
| Inventory
of pro-
perty | (2) | The sheriff shall deliver an inventory of personal property that has been seized <ul style="list-style-type: none"> (a) to the execution debtor, upon request, and (b) to a person, other than the execution debtor, in possession of the property at the time of the seizure, upon request made before the property is removed from the premises upon which it is situated at the time of the seizure. |
| Request
before
removal | (3) | Where a request under subsection (2) is made before the property is removed from the premises upon which it is situated at the time of the seizure, the sheriff shall not remove it from the premises until he has delivered the inventory to the person making the request. |
| Agent
for
seizure | (4) | Where the sheriff has seized personal property, he may appoint the execution debtor or any other person to be his agent to hold the property on behalf of the sheriff, but no such appointment is effective unless it is accepted in writing by the appointee. |
| Seizure
continues | 15(1) | A seizure of personal property shall be deemed to be a continuing seizure until the seizure is released. |
| Release
of
seizure | (2) | Except as otherwise provided in this Ordinance, a seizure of personal property is released <ul style="list-style-type: none"> (a) by the sale of the property, or (b) by the issuance of a notice of release of the seizure in the prescribed form by the sheriff. |

- | | | |
|----------------------------|-------|--|
| Notice
of
release | 16(1) | Where a period of six months has elapsed from the date upon which a seizure was effected, the sheriff may give, to any execution creditor, 60 days' notice of his intention to release the seizure. |
| Form
and
service | (2) | A notice of the sheriff's intention to release a seizure under subsection (1) shall be in the prescribed form and it shall be served upon the person to whom it is directed, or mailed to him by registered or certified mail. |
| Continuation
of seizure | (3) | A person who receives a notice of intention under subsection (1) may, within the 60-day period, apply to a judge for an order continuing the seizure. |
| Procedure | (4) | An application under subsection (3) may be made <i>ex parte</i> or upon such notice as a judge may direct. |
| Order by
judge | (5) | A judge, upon hearing an application, may make an order providing for the release or continuation of the seizure upon such terms as he considers proper. |
| Release
after
notice | (6) | Where a person who has been given notice under subsection (1) does not apply for an order under subsection (3) and the sheriff releases the seizure after the expiration of the 60-day period, no action arising out of the release of the seizure is maintainable by that person against the sheriff. |

Sale of Personal Property

- | | | |
|--------------------------|-------|---|
| Instructions
for sale | 17(1) | Before the sheriff sells personal property that has been seized, he may require the written instructions of the execution creditor to sell the property, and he may require that the instructions set forth the execution creditor's instructions as to the terms and conditions of the sale. |
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- Form of sale 18(1) Except as otherwise provided by this Ordinance, or unless a judge otherwise orders, a sale of personal property that has been seized shall be held by way of public auction or public tender.
- Notice of sale (2) At least 20 days before personal property is offered for sale under subsection (1), the sheriff shall
- (a) serve notice of the offer in the prescribed form on the execution creditor and the execution debtor, or send it to them by registered or certified mail, and
 - (b) cause public notice of the sale in the prescribed form to be published in a newspaper circulating in the Territory.
- Notice of objection (3) A notice of objection in the prescribed form shall be served upon or mailed to the execution debtor with the notice of the offer for sale served or mailed under paragraph (2)(a).
- Sale of shares 19(1) Where personal property that has been seized consists of shares in a private company, the property shall be offered for sale at a reasonable price to the other shareholders of the company or any one of them.
- Form of offer (2) For the purposes of subsection (1), an offer of sale shall be made by mailing an offer of sale in the prescribed form by registered or certified mail to the registered office of the company, and the offer shall be deemed to have been made when the offer of sale is received.
- Notice of offer (3) At least ten days before an offer of sale is made under this section, the sheriff shall serve notice of the offer in the prescribed form on the execution creditor and the execution debtor, or send it to them by registered or certified mail.

Dispute as to price	(4)	Where a dispute arises between the execution creditor or the debtor and a shareholder as to the price to be paid for shares offered for sale under subsection (1), the shares shall not be sold under subsection (1).
Right of first refusal	(5)	Where no sale of personal property that consists of shares in a private company is made under subsection (1) within 30 days of the making of the offer, they shall be sold as if subsection (1) did not apply, but <ul style="list-style-type: none"> (a) a person who is not a shareholder of the company is not entitled to purchase any share or shares if a shareholder makes a bid for the share or shares that is equal to or greater than the bid of the person who is not a shareholder, and (b) a shareholder is not entitled to purchase any share or shares if the bid of the shareholder for the share or shares is less than the bid of any other shareholder for the share or shares.
Perishable property	20(1)	Where personal property that has been seized is of a perishable nature, the sheriff, in his discretion, may sell the property forthwith, in such manner and upon such notice as he deems proper, and the proceeds of the sale shall take the place of and be dealt with as if they were the property that was seized.
Time for sale	21(1)	Except as provided by section 20 or subsection (5) a sale of personal property that has been seized shall not be held <ul style="list-style-type: none"> (a) within 14 days after the seizure of the property, (b) after an application has been made to a judge under subsection (2), or (c) after the sheriff has received notice of objection under subsection (3).
Restraining order	(2)	An execution debtor or any other person who claims an interest in personal property that has been seized may, at any time before the

(d) every person who appears by the records of the Land Titles Office to have an interest in the land acquired after the receipt of the writ by the registrar under the *Land Titles Act* (Canada), or after the receipt of the first writ if more than one writ has been received.

Public notice

(2) Before land is offered for sale, the sheriff shall cause public notice of the sale in the prescribed form to be published at least once a week, for four consecutive weeks, in a newspaper circulating in the Territory, the last of such notices to be published at least ten days before the date of the sale.

Notice to others

26(1) Where it appears to the sheriff that any person who has an interest in the land to be offered for sale may be affected by the sale, he shall serve notice in the prescribed form on that person, or mail it to him by registered or certified mail, at least 30 days before the land is offered for sale.

Substituted service

(2) Where the sheriff is unable to identify or find a person to whom he may be required to give notice under subsection (1), the sheriff may apply to a judge for an order for substituted service.

Order for notice

(3) Upon an application by the sheriff under subsection (2), the judge may in his discretion direct the publication of such advertisements at such times and in such manner as the judge thinks fit, calling upon all persons claiming to be interested in the land to come in to establish their claims before the court within the time specified in the advertisements.

Failure to appear

(4) After the expiration of the time specified in an advertisement published under subsection (3), all persons who have not come in to establish their claims before the court, whether or not they are within the Territory,

including persons under disability, are absolutely debarred from all right, title and interest in and to the land to the extent that such right, title or interest would otherwise prevail over the interest acquired by a purchaser at the sale of the land.

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| Registered interests | (5) | This section does not apply to a person mentioned in paragraphs 25(1)(a), (b) or (c) or to an interest in the land appearing by the records of the Land Titles Office to have been registered before the receipt of the writ by the registrar under the <i>Land Titles Act</i> (Canada). |
| Adjournment of sale | 27(1) | Where land is offered for sale and no bids that are adequate in the opinion of the sheriff are made for the land, the sheriff may adjourn the sale, and a sale held upon an adjournment is subject to all of the provisions of this Ordinance as if the previous sale had not been held. |
| Venditioni exponas | (2) | Where land remains unsold after having been offered for sale upon an adjournment, a writ of <i>venditioni exponas</i> may be issued, and on delivery thereof to the sheriff he shall sell the land for the highest bid made the next time the land is offered for sale. |
| Notice of sale | (3) | A sale of land under a writ of <i>venditioni exponas</i> is subject to the provisions of section 25 relating to the giving of notices. |

General

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| Warranty as to title | 28(1) | Every sale of property shall be without warranty as to title. |
| Effect of sale | (2) | A sale of property transfers to the purchaser the same estate, right, title, or interest as the execution debtor possessed
(a) in the case of personal property, at the |

time as of which the property was bound by the receipt of the writ by the sheriff as provided by section 6, or

- (b) in the case of land, at the time when the writ was received by the registrar under section 125 of the *Land Titles Act* (Canada).

Obligations of others	29(1)	Where property that is sold consists of or is subject to a contract between the execution debtor and another person, the purchaser is not entitled to the benefit of the contract as against the other person until he has given notice of the purchase to that person.
Release of contract	(2)	The purchaser of property that consists of, or is subject to, contractual rights of the execution debtor against the purchaser shall deliver to the execution debtor upon demand an appropriate release of the execution debtor's liability under the contract.
Seizure of security for money	30(1)	Where property that has been seized, or that is bound by writ under section 125 of the <i>Land Titles Act</i> (Canada), consists of a security for the payment of money, whether or not it also secures the performance of any other obligation, <ul style="list-style-type: none"> (a) the sheriff may hold the property as security for the satisfaction of the writ, (b) from the delivery of notice in the prescribed form to the person liable to pay the money until the release of the writ, that person shall pay to the sheriff all money payable and, as it becomes due, all money that may become payable in respect of the property, and (c) the sheriff may sue in his own name for money payable in respect of the property.
Obligations of others	(2)	Without limiting the generality of subsection 29(1), where property to which this section

applies is sold, a person liable to pay money in respect of the property is not required to make any payment to the purchaser until the purchaser has given him notice of the purchase.

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| Payment to sheriff | (3) | A payment of money to the sheriff under paragraph (1)(b) discharges the person liable to make the payment from his liability to do so to the extent of the payment made. |
| Improper payment | (4) | A payment of money in contravention of subsection 8(5) or paragraph (1)(b) is of no effect as against the sheriff or a purchaser of the property. |
| Seizure of money, etc. | 31(1) | Where personal property that has been seized consists of money, or bank notes, it may be applied directly to the satisfaction of the writ. |
| Payment of charge | 32(1) | An execution debtor is entitled to recover from the purchaser of property that is sold any amount paid by the execution debtor, in respect of the period between the date when the writ was received by the sheriff, or by the registrar under the <i>Land Titles Act</i> (Canada), as the case may be, and the date of the sale, pursuant to a pecuniary charge on the property that has priority over the execution under which the sale is held. |
| Assign-ment of security | 33(1) | Where personal property that has been seized consists of a cheque, bill of exchange, promissory note, bond, specialty or other security for the payment of money that does not secure also the performance of any other obligation, the sheriff may assign the property to the execution creditor at the sum actually due on and secured by the property if the execution creditor will accept the property as money collected. |

- Notice of assignment (2) At least ten days before an assignment is offered to be made under subsection (1), the sheriff shall serve notice of the offer in the prescribed form on the execution debtor, or send it to him by registered or certified mail.
- Authority of sheriff (3) The authority conferred on the sheriff in this section is in addition to any authority conferred on him by this Ordinance or otherwise possessed by him at law.
- Effect of assignment (4) An assignment by the sheriff to the execution creditor of any personal property mentioned in subsection (1) discharges the sheriff to the extent of the amount due on and secured by the property.
- Obligations of others (5) An execution creditor to whom an assignment is made under this section shall be deemed to be a purchaser at a sale of the property to which subsections 29(1) and 30(2) apply.
- Directions by judge 34(1) The sheriff may apply to a judge at any time for directions as to the exercise by the sheriff of any authority or responsibility in relation to the seizure or sale of property.
- Actions prohibited (2) No action is maintainable against a sheriff for anything done by him in compliance with an order or directions of a judge.
- Wrongful seizure 35(1) Where a claim is made to or in respect of property that has been seized or that has been bound by a writ under section 125 of the *Land Titles Act* (Canada), and the execution creditor notifies the sheriff in writing that he admits the claim, the sheriff may
 (a) release the seizure or transmit a certificate to the registrar under section 127 of the *Land Titles Act* (Canada), as the case may be, and
 (b) apply to a judge for an order protecting the sheriff from any action in respect of the seizure or binding of the property.

- Notice of application (2) The claimant shall be given notice of the application made by the sheriff under paragraph (1)(b), and he is entitled to be heard at the hearing of the application.
- Order by judge (3) Upon hearing the application, whether or not the claimant has attended, the judge may make such order as he deems just, including an order as to costs.
- Claim to proceeds (4) For the purposes of subsection (1), a claim to or in respect of the proceeds or value of such property shall be deemed to be a claim to or in respect of the property.
- Procedure 36(1) Upon any application to a judge under this Ordinance, the judge may
 (a) direct that the application be dealt with in a summary way or by the trial of an issue,
 (b) require such notice to be given to such parties as the judge thinks proper, and
 (c) hear evidence either *viva voce* or by affidavit.
- Questions concerning sheriff (2) Where, upon the hearing of an application under this Ordinance, it appears to the judge that the disposition of the application may involve the determination of a dispute as to the authority or responsibility of the sheriff, or as to the interests of any person in any property, the judge in his discretion may proceed to hear and determine the matter.
- Ancillary powers 37(1) Where a judge is authorized to make an order under this Ordinance, he may also refuse to make the order, or he may make the order subject to such terms and conditions as he deems appropriate, and he may make such further or other orders as are necessary to give full effect to the order he is specifically authorized to make under this Ordinance.

Territorial Court	38(1)	For the purposes of this Ordinance, a judge of the Territorial Court has all the powers of a judge in relation to personal property to deal with any application in respect of a writ of execution issued upon the judgment of a judge of the Territorial Court or issued by a Small Claims Official.
Monetary limit	(2)	This section does not empower a judge of the Territorial Court to deal with an application where the amount in issue exceeds \$1500.
Breach of Ordinance	39(1)	A breach of any of the provisions of this Ordinance does not affect the title to property acquired by a purchaser by way of sale, notwithstanding any knowledge he may have of the breach, unless he is a party to the breach.
Other remedies	40(1)	Nothing in this Ordinance deprives an execution creditor of any other remedy otherwise available to him.
Mailing of notice	41(1)	Where any notice is authorized to be mailed to a person under this Ordinance, the notice may be mailed to that person at his post office address last known to the person mailing the notice.
Proof of mailing	(2)	Proof of the mailing of a notice under this Ordinance may be made by affidavit.
Receipt of notice	(3)	A notice mailed under this Ordinance shall be deemed to have been received ten days after the date on which it was mailed.
Liability of debtor for costs	42(1)	An execution debtor is not liable for any costs or expenses incurred in respect of a writ of execution that is released under section 16 or 35.
Liability of creditor for costs	(2)	The execution creditor is liable for the payment of costs or expenses incurred by the

sheriff under the instructions of the execution creditor where

- (a) the amount levied by the sheriff against the execution debtor is not sufficient to pay the costs or expenses, or
- (b) the writ of execution in respect of which the costs or expenses are incurred is released under section 16 or 35.

Discretion of court (3)

Except as provided by subsections (1) and (2), the costs of execution proceedings are in the discretion of the court.

Regulations 43(1)

The Commissioner may make regulations

- (a) prescribing the forms necessary for the purposes of this Ordinance,
- (b) prescribing the fees to be charged by the sheriff under this Ordinance,
- (c) requiring the payment of fees to the sheriff for the doing of any act under a writ of execution or under this Ordinance,
- (d) governing the practice to be followed on applications under this Ordinance to a judge,
- (e) prescribing the times when the record kept under section 11 shall be open for inspection,
- (f) governing the requirement or provision of security to the sheriff under subsection 5(2),
- (g) governing the requirement or provision of instructions to the sheriff under subsection 7(1), 17(1) or 23(1),
- (h) requiring the sheriff to keep records, and governing the inspection of those records, and
- (i) generally, for carrying the purposes and provisions of this Ordinance into effect.

44(1)

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

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 9

FATAL ACCIDENTS ORDINANCE

(Assented to April 14, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <i>Fatal Accidents Ordinance</i> .
	2(1)	In this Ordinance,
"child"		"child" includes a son, daughter, grandson, grand-daughter, step-son, step-daughter, an illegitimate child, an adopted child, and a person to whom the deceased stood in <i>loco parentis</i> ;
"deceased"		"deceased" means a person whose death has been caused as mentioned in subsection 3(1);
"parent"		"parent" includes a father, mother, grandfather, grandmother, step-father, step-mother, an adoptive parent, and a person who stood in <i>loco parentis</i> to the deceased; and
"tortfeasor"		"tortfeasor" means a person whose wrongful act, neglect or default has caused the death, or contributed to the cause of the death of the deceased and who, if death had not ensued, would have been liable to him for damages, and includes a person who would have been liable vicariously or otherwise for such damages.
Damages for death	3(1)	Where the death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the deceased to maintain an action and recover damages in respect thereof, the person who

would have been liable, if death had not ensued, is liable for damages, notwithstanding the death of the deceased, even if the death was caused in circumstances amounting in law to culpable homicide.

Action arises on death

(2) Subject to subsection (5), the liability for damages under this section arises upon the death of the deceased.

Premature settlements

(3) No settlement made, release given or judgment recovered in an action brought, by the deceased within a period of three months after the commission or occurrence of the wrongful act, neglect or default causing his death, is a bar to a claim made under this Ordinance or is a discharge of liability arising under this Ordinance, but any payment made thereunder shall be taken into account in assessing damages in any action brought under this Ordinance.

Other settlements

(4) Unless it is set aside, a settlement made or release given or a judgment recovered in an action brought by the deceased after the expiration of the period mentioned in subsection (3) is a discharge of liability under this Ordinance.

Death of tortfeasor

(5) If, at the time of the death of the deceased, the tortfeasor is himself dead, the liability arising under this Ordinance shall be conclusively deemed to have been subsisting against the tortfeasor before his death.

Coincidental deaths

(6) Where the tortfeasor dies at the same time as the deceased, or in circumstances rendering it uncertain which of them survived the other, or after the death of the deceased, the liability and cause of action arising under this Ordinance shall be conclusively deemed to lie upon and continue against the executor or administrator of the tortfeasor as if the executor or administrator were the tortfeasor in life.

- Persons who may benefit 4(1) Every action under this Ordinance shall be for the benefit of the wife, husband, parent or child of the deceased, or any of them, and except as hereinafter provided, shall be brought by and in the name of the executor or administrator.
- Apportionment of damages (2) Subject to subsection (3), in every action under this Ordinance such damages as are proportional to the pecuniary loss resulting from the death shall be awarded to the persons respectively for whose benefit the action is brought.
- Funeral expenses (3) Where an action has been brought under this Ordinance there may be included in the damages awarded an amount sufficient to cover the reasonable expenses of the funeral and the disposal of the body of the deceased if those expenses were incurred by any of the persons by whom or for whose benefit the action is brought.
- Negligence of beneficiary 5(1) Where a person for whose benefit alone or with others an action may be brought under this Ordinance is a tortfeasor, the damages that would otherwise be awarded for his benefit shall be reduced in proportion to the degree in which the court finds that his wrongful act, neglect or default contributed to the cause of the death of the deceased.
- Negligence of deceased (2) Where the wrongful act, neglect or default of the deceased contributed to the cause of his death, the damages that would otherwise be awarded under this Ordinance shall be reduced in proportion to the degree in which the court finds that his wrongful act, neglect or default contributed to the cause of his death.
- Special administrator 6(1) Where, within three months after the death of the tortfeasor,
 (a). no executor of his will or administrator

of his estate has been appointed in the Territory, and

(b) no letters probate of his will or letters of administration have been re-sealed in the Territory,

any person intending to bring or continue an action under this Ordinance may apply to a judge of the court in which the action is to be, or has been, brought to appoint an administrator of the estate of the tortfeasor to act for all purposes of the intended or pending action and as defendant therein; and the judge, on such notice as he may direct, given either specially or generally by public advertisement and to such persons as he may designate, may appoint such an administrator.

Powers of administrator (2)

The administrator appointed under subsection (1) is an administrator against whom an action under this Ordinance may be brought or continued and by whom such action may be defended; and the administrator may bring any action or take any proceedings in respect of the action that the tortfeasor could have brought or taken if he were alive.

Effect of judgment (3)

Any judgment obtained by or against the administrator so appointed has the same effect as a judgment in favour of or against the tortfeasor or the executor of his will or the administrator of his estate.

Limitation on application (4)

No application shall be made under subsection (1) after the expiration of the period of one year mentioned in subsection 9(4), but where such an application is made not earlier than three months before the expiration of that period, the judge may, in his discretion and if he thinks it just to do so, extend for a period not exceeding one month the time within which action may be brought as provided in subsection 9(4).

Action by beneficiaries 7(1)

Where there is no executor or administrator of the estate of the deceased, or, there

being an executor or administrator, no action is brought by him, within six months after the death of the deceased, an action may be brought by and in the name or names of any one or more of the persons for whose benefit the action would have been brought if it had been brought by the executor or administrator.

Effect of action

(2) Every action so brought shall be for the benefit of the same persons as if it were brought by the executor or administrator.

Assessment of damages

8(1) In assessing damages in an action brought under this Ordinance there shall not be taken into account,

- (a) any sum paid or payable on the death of the deceased under any contract of insurance or assurance, whether made before or after the coming into force of this Ordinance,
- (b) any premium that would have been payable in future under any contract of insurance or assurance if the deceased had survived,
- (c) any benefit or right to benefits, resulting from the death of the deceased under the Workers' Compensation Ordinance, the Social Assistance Ordinance, or the Child Welfare Ordinance, or under any other Act that is enacted by any legislature, parliament or other legislative authority and that is of similar import or effect,
- (d) any pension, annuity or other periodical allowance accruing payable by reason of the death of the deceased, and
- (e) any amount that may be recovered under any statutory provision creating a special right to bring an action for the benefit of persons for whose benefit an action may be brought under this Ordinance.

One action

9(1) Only one action lies under this Ordinance in respect of the death of the deceased.

Notice not required

(2) Except where it is expressly declared in another Ordinance that it operates notwithstanding

this Ordinance, it is not necessary that any notice of claim or intended claim, or notice of action or intended action or any other notice, or any other document, be given or served, as provided in any such other Ordinance, or otherwise, before bringing an action under this Ordinance.

Effect of limitation

(3) If the deceased, at the time of his death, could not have brought an action against the tortfeasor by reason of lapse of time or failure to comply with any statutory or contractual condition, a person entitled to bring action under this Ordinance is not, solely by reason of that fact, barred from so doing.

Limitation period

(4) Except where it is expressly declared in another Ordinance that it operates notwithstanding this Ordinance, an action, including an action to which subsection 3(5) or (6) applies, may be brought under this Ordinance within one year after the death of the deceased, but, subject to subsection 6(4), no such action shall be brought thereafter.

Effect of contract

(5) This section has effect notwithstanding any contract.

Payment into court

10(1) The defendant may pay into court one sum of money as compensation for his wrongful act, neglect or default to all persons entitled to damages under this Ordinance, without specifying the shares into which, or the parties among whom it is to be divided under this Ordinance.

Particulars of beneficiaries

11(1) In every action brought under this Ordinance,
 (a) the statement of claim shall contain, or the plaintiff shall deliver therewith, full particulars of the names, addresses and occupations of the persons for whose benefit the action is brought, and
 (b) the plaintiff shall file with the statement of claim an affidavit in which he shall

state that to the best of his knowledge, information and belief, the persons on whose behalf the action is brought as set forth in the statement of claim or in the particulars delivered therewith are the only persons entitled, or who claim to be entitled, to the benefit of the action.

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| Order for particulars | (2) | Where the plaintiff fails to comply with subsection (1), the court, on application, may order the plaintiff to give such particulars or so much thereof as he is able to give; and the action shall not be tried until he complies with the order; but the failure of the plaintiff to comply with subsection (1) or with an order made under this subsection is not a ground of defence to the action, or a ground for its dismissal. |
| Dispensing order | (3) | A judge of the court in which the action is brought may dispense with the filing of the affidavit, as required in subsection (1), if he is satisfied that there is sufficient reason for doing so. |
| Apportionment by judge | 12(1) | Where the amount recovered has not been otherwise apportioned, a judge in chambers may apportion it among the persons entitled thereto. |
| Questions between beneficiaries | 13(1) | Where an action is brought under this Ordinance, a judge of the court in which the action is pending may make such order as he may deem just for the determination of all questions as to the persons entitled under this Ordinance to share in the amount, if any, that may be recovered. |
| Commissioner | 14(1) | The Commissioner is bound by this Ordinance. |
| Settlements by infants | 15(1) | Where an action is maintainable under this Ordinance, and some or all of the persons for whose benefit the action is maintainable are |

infants, and where the executor or administrator of the person deceased has agreed, either before or after the commencement of an action, on a settlement of the claim or action, either the executor or administrator or the person against whom the claim or action is made or brought, may, on ten days' notice to the opposite party, apply to a judge for an order confirming the settlement.

Confirming
order

(2)

The judge may on the application confirm or disallow the settlement, but, if the settlement is confirmed by him, the party against whom the claim is made or action brought shall be discharged from all further claims.

Settle-
ment
proceeds

(3)

The judge may also on the application order the money or a portion thereof to be paid into court or otherwise apportioned and distributed as he may deem best in the interests of those entitled thereto.

16(1)

The *Fatal Accidents Ordinance* is repealed.

17(1)

This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE:

This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 10

FINANCIAL AGREEMENT ORDINANCE, 1980

(Assented to April 14, 1980)

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

- 1(1) This Ordinance may be cited as the *Financial Agreement Ordinance, 1980*.
- "agreement" 2(1) In this Ordinance "agreement" means the agreement entered into pursuant to section 3.
- Commissioner 3(1) Subject to this Ordinance, the Commissioner may execute agreement is authorized to enter into and execute, on behalf of the Government of the Territory, an agreement providing for the payment by the Government of Canada to the Government of the Territory, in respect of the period of one year commencing on April 1, 1980, and ending on March 31, 1981,
- (a) as an operating grant, an amount equal to thirty-two million, two hundred and nine thousand dollars, for operating expenses, and
- (b) as a capital grant, an amount equal to twenty million, forty-eight thousand dollars for capital expenses.
- Additional 4(1) The agreement shall provide also that the provisions amounts payable by the Government of Canada to the Government of the Territory shall be paid,
- (a) in the case of the amounts described in paragraph 3(1)(a), in equal installments in each month in the period, and
- (b) in the case of the amounts described in paragraph 3(1)(b), in the amounts and at the times set forth in a schedule to be provided by the Commissioner and agreed to by the Government of Canada.

- Other terms (2)
and conditions The agreement shall contain such other terms
and conditions as may be agreed upon for the
purpose of giving effect to this Ordinance.
- Variations 5(1)
and amend- The agreement may be varied or amended from
ments time to time by agreement between the Government
of Canada and the Commissioner, but no such
variation or amendment is valid unless it is
ratified by the Council.
- Other 6(1)
laws Upon the execution of the agreement, every
Ordinance, and every regulation or by-law
made thereunder, including the by-laws of
every municipality or local improvement
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 Territory to fulfill every obligation
assumed by it under the agreement.
- The Commis- (2)
sioner may The Commissioner is empowered to do every act
implement and exercise every power for the purpose of
agreement fulfilling every obligation assumed by the
Government of the Territory under the agreement.
- Duration (3)
of section This section shall remain in operation for
only so long as may be necessary to give
effect to the agreement.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 11

FRUSTRATED CONTRACTS ORDINANCE

(Assented to April 16, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <i>Frustrated Contracts Ordinance</i> .
Application of Ordinance	2(1)	Subject to subsection (2), this Ordinance applies to every contract (a) from which the parties thereto are discharged by reason of the application of the doctrine of frustration, or (b) that is avoided under sections 8 or 9 of the <i>Sale of Goods Ordinance</i> .
Exception	(2)	This Ordinance does not apply (a) to a charterparty or a contract for the carriage of goods by sea, except a time charterparty or a charterparty by demise, (b) to a contract of insurance, or (c) to a contract entered into before the date of coming into force of this Ordinance.
Contract prevails	3(1)	This Ordinance applies to a contract referred to in subsection 2(1) only to the extent that, upon its true construction, it contains no provision for the consequences of frustration or avoidance.
Commissioner	4(1)	The Commissioner is bound by this Ordinance.
Partial performance	5(1)	Where a part of a contract to which this Ordinance applies is (a) wholly performed before the parties are discharged, or (b) wholly performed except for the payment in respect of that part of the contract

of sums that are or can be ascertained under the contract, and that part may be severed from the remainder of the contract, that part shall, for the purposes of this Ordinance be treated as a separate contract that has not been frustrated or avoided, and this Ordinance, excepting this section, is applicable only to the remainder of the contract.

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| Restitu-
tion for
benefit | 6(1) | Subject to section 7, every party to a contract to which this Ordinance applies is entitled to restitution from the other party or parties to the contract for benefits created by his performance or part performance of the contract. |
| Relief
from
obligations | (2) | Every party to a contract to which this Ordinance applies is relieved from fulfilling obligations under the contract that were required to be performed prior to the frustration or avoidance but were not performed except in so far as some other party to the contract has become entitled to damages for consequential loss as a result of the failure to fulfil those obligations. |
| Reduction
of resti-
tution | (3) | Where the circumstances giving rise to the frustration or avoidance cause a total or partial loss in value of a benefit to a party required to make restitution under subsection (1), that loss shall be apportioned equally between the party required to make restitution and the party to whom such restitution is required to be made. |
| "benefit" | (4) | In this section, a "benefit" means something done in the fulfilment of contractual obligations whether or not the person for whose benefit it was done received the benefit. |
| No
restitu-
tion | 7(1) | A person who has performed or partly performed a contractual obligation is not entitled to restitution under section 6 in respect of a loss in value, caused by the circumstances |

giving rise to the frustration or avoidance, of a benefit within the meaning of section 6, if there is

- (a) a course of dealing between the parties to the contract,
- (b) a custom or a common understanding in the trade, business, or profession of the party so performing, or
- (c) an implied term of the contract, to the effect that the party so performing should bear the risk of such loss in value.

Course of dealing

- (2) The fact that the party performing such an obligation has in respect of previous similar contracts between the parties effected insurance against the kind of event that caused the loss in value is evidence of a course of dealing under subsection (1).

Custom or understanding

- (3) The fact that persons in the same trade, business, or profession as the party performing such obligations generally effect insurance against the kind of event that caused the loss in value, or enter into similar contracts, is evidence of a custom or common understanding under subsection (1).

Amount of restitution

- 8(1) Where restitution is claimed for the performance or part performance of an obligation under the contract other than an obligation to pay money,
 - (a) in so far as the claim is based on expenditures incurred in performing the contract, the amount recoverable shall include only reasonable expenditures, and
 - (b) if performance consisted of or included delivery of property that could be and is returned to the performer within a reasonable time after the frustration or avoidance, the amount of the claim shall be reduced by the value of the property returned.

- Deter-
mining
amount
- 9(1) In determining the amount to which a party is entitled by way of restitution or appointment under section 6,
- (a) no account shall be taken of
 - (i) loss of profits, or
 - (ii) insurance money that becomes payable by reason of the circumstances that give rise to the frustration or avoidance, but
 - (b) account shall be taken of any benefits which remain in the hands of the party claiming restitution.
- Action
pro-
hibited
- 10(1) No action or proceeding under this Ordinance shall be commenced after the period determined under subsection (2).
- Limita-
tion
period
- (2) For the purposes of subsection (1), a claim under this Ordinance shall be deemed to be a claim for a breach of the contract arising at the time of frustration or avoidance, and the limitation period applicable to that contract applies.
- 11(1) The *Frustrated Contracts Ordinance* is repealed.
- 12(1) This Ordinance comes into force on a day to be fixed by the Commissioner.
- NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 12

GARNISHEE ORDINANCE

(Assented to April 14, 1980)

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

- Short title 1(1) This Ordinance may be cited as the *Garnishee Ordinance*.
- 2(1) In this Ordinance,
- "court" "court" means,
 (a) in the case of a judgment or action in the Supreme Court, the Supreme Court, and
 (b) in the case of a judgment or action in the Territorial Court, the Territorial Court;
- "creditor" "creditor" means,
 (a) in the case of a writ of garnishment issued or sought to be issued before judgment, the plaintiff in the action, and
 (b) in the case of a writ of garnishment issued after judgment, the judgment creditor;
- "debt" "debt" means a debt, obligation or liability to pay money arising out of a contract, trust, court order, statute, claim for restitution, or quasi-contractual claim, and includes wages;
- "debtor" "debtor" means,
 (a) in the case of a writ of garnishment issued or sought to be issued before judgment, the defendant in the action, and;

(b) in the case of a writ of garnishment issued after judgment, the judgment debtor;

"due"		"due" means owing, payable, due or accruing due;
"garnishee"		"garnishee" means a person upon whom a writ of garnishment is served under this Ordinance;
"judgment"		"judgment" includes any order of a court for the payment of money;
"term of the writ"		"term of the writ" means the term during which debts are bound by the service of a writ of continuing or temporary garnishment as provided by subsection 11(2) or section 12, and includes a term as reduced or extended under section 13;
"wages"		"wages" means wages, salary, commissions, fees and any money payable by an employer to a debtor in respect of work done or services performed in the course of the employment of the debtor; and
"writ of garnishment"		"writ of garnishment" means a writ of immediate garnishment, a writ of continuing garnishment or a writ of temporary garnishment, as the case may be, issued under this Ordinance.
Cause of action	2(2)	A debt shall be deemed to be due from the garnishee to the debtor if the debtor has a cause of action against the garnishee in respect thereof.

Issuance of Writ

Immediate garnishment	3(1)	Subject to section 7, a writ of immediate garnishment shall be issued by the clerk of the court upon request of a creditor.
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- Continuing garnishment 4(1) Subject to section 7, a writ of continuing garnishment shall be issued by the clerk of the court upon request of a creditor, but a creditor shall not make such a request unless
- (a) a writ of immediate garnishment would not be adequate, having regard to the nature of the debt sought to be attached, and
 - (b) the creditor has knowledge of facts or circumstances, including the relationship between the debtor and the garnishee, amounting to reasonable grounds for his belief that a debt may become due from the garnishee to the debtor.
- Writ may be set aside (2) A writ of continuing garnishment that has been issued in contravention of subsection (1) or section 7 may be set aside by the court upon application made by the debtor or the garnishee at any time during the term of the writ.
- Order and exceptions (3) Upon the hearing of an application under subsection (2) an order shall be granted for the setting aside of the writ unless the creditor satisfies the court that subsection (1) and section 7 were complied with.
- Section 6 (4) Nothing in this section limits the power of the court to set aside a writ of garnishment under section 6.
- Amount of writ 5(1) A writ of garnishment issued under section 3 or 4 after judgment shall specify the amount sought to be attached by the writ, but the specified amount shall not exceed the total of
- (a) the amount owing on the judgment on the date when the writ is issued,
 - (b) an amount in respect of the garnishee's costs, and
 - (c) an amount in respect of the creditor's costs relating to the writ.

- Writ before judgment 6(1) A writ of garnishment shall be issued before judgment by the clerk of the court, upon the request of the plaintiff in an action, where the plaintiff's claim against the defendant is for a liquidated demand.
- Amount of writ (2) A writ issued under subsection (1) shall specify the amount sought to be attached by the writ, but the amount shall not exceed the amount of the plaintiff's claim against the debtor in the action.
- Writ may be set aside (3) A writ of garnishment issued under subsection (1) before judgment shall be set aside by the court upon application made by the debtor at any time before judgment unless the court is satisfied that
- (a) the creditor's claim against the debtor is for a liquidated demand,
 - (b) there are reasonable grounds for believing that, if the judgment is obtained by the creditor, it may not be satisfied if the writ is set aside,
 - (c) having regard to the potential hardship and inconvenience to the debtor and to the potential benefit to the creditor, the writ will achieve a result that is equitable in the circumstances,
 - (d) the creditor has demonstrated sufficiently the merits of his claim against the debtor, and
 - (e) the creditor has established that the issuance of the writ did not contravene subsection (1) or section 7.
- Section 4 (4) Nothing in this section limits the power of a court to set aside a writ of garnishment under section 4.
- Issuance and effect 7(1) A writ of garnishment shall not be issued before judgment except as provided by section 6 or 8, but a writ of garnishment issued before judgment otherwise is subject to all

of the provisions of this Ordinance, including section 4, that apply to writs of garnishment issued after judgment.

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| Salary
or wages | (2) | No writ of garnishment shall be issued before judgment for the attachment of a debt that is or may become due to a debtor for salary or wages. |
| Issuance
with leave | 8(1) | A writ of garnishment shall be issued before judgment by the clerk of the court upon the request of the plaintiff in an action for a money judgment to which section 6 does not apply where the plaintiff has applied for and obtained the leave of the court for the issuance of the writ before judgment. |
| Application
for leave | (2) | An application for the leave of the court for the issuance of a writ of garnishment before judgment shall specify the amount sought to be attached by the writ. |
| Grounds for
giving leave | (3) | <p>Leave shall not be given for the issuance of a writ of garnishment before judgment unless the court is satisfied that</p> <ul style="list-style-type: none"> (a) there are reasonable grounds for believing that, if a judgment is obtained by the creditor, it may not be satisfied if the writ is not issued, (b) having regard to the potential hardship and inconvenience to the debtor and the potential benefit to the creditor, the issuance of the writ will achieve a result that is equitable in the circumstances, (c) the creditor had demonstrated sufficiently the merits of his claim against the debtor, (d) the issuance of the writ will not contravene the provisions of section 7, (e) the debtor has been given two days' notice of the application, and (f) the creditor, if successful, is likely to recover a judgment in the action for |

an amount not less than the sum of the amount specified in the application and the proceeds of any previous garnishment in respect of the action.

- Amount to be attached (4) An order granting leave for the issuance of a writ of garnishment before judgment shall specify the amount that may be attached by the writ, and the amount specified in the order shall not exceed, but it may be less than, the amount specified under subsection (2) in the application for leave.
- Amount is not admission (5) The specification in an application under subsection (2) of an amount sought to be attached shall be deemed not to be an admission by the plaintiff as to the amount of his claim against the defendant.
- Demonstration of merits 9(1) For the purposes of subsections 6(3) and 8(3), the merits of a creditor's claim against a debtor are demonstrated sufficiently if
- (a) there appears to be no defence that has a reasonable prospect of defeating the claim, other than a defence that, to succeed, depends on a finding, favourable to the debtor, on a fact that is in dispute, and
 - (b) one or more affidavits filed on behalf of the creditor set out and verify the facts on which the creditor's claim is based and, where a defence is made, deny the facts on which the defence is based, or set out and verify additional facts that rebut the defence.
- Presumptions (2) In an application to the court under subsection 6(3) or 8(1), it may be presumed in favour of the creditor that, unless the debtor gives evidence to the contrary,
- (a) there are reasonable grounds for believing that, if a judgment is obtained by the creditor, it will not be satisfied if the writ is not issued,

- (b) having regard to the potential hardship and inconvenience to the debtor and to the potential benefit to the creditor, issuance of the writ will achieve a result that is equitable in the circumstances, and
- (c) the creditor is likely to recover a judgment in the action for an amount not less than the sum of the amount specified in the application and the proceeds of any previous garnishment in respect of the action.

Temporary
garnish-
ment 10(1)

Where an application has been made to the court for leave for the issuance of a writ of garnishment before judgment under section 8, the clerk of the court shall issue a writ of temporary garnishment upon the request of the creditor.

Attachment of Debts

Immediate
garnish-
ment 11(1)

Service of a writ of immediate garnishment upon the garnishee attaches, up to the amount specified in the writ, every debt that is due from the garnishee to the debtor at the time of service.

Continuing
garnish-
ment (2)

Service of a writ of continuing garnishment upon the garnishee attaches, up to the amount specified in the writ, every debt that is due from the garnishee to the debtor at the time of service or that becomes due from the garnishee to the debtor within one year from the date on which the writ was issued.

Temporary
garnish-
ment 12(1)

Service of a writ of temporary garnishment upon the garnishee attaches every debt due from the garnishee to the debtor at the time of service or that becomes due from the garnishee to the debtor at any time thereafter until the earlier of

- (a) the dismissal of the application,

- (b) the expiration of 15 days after leave is granted for the issuance of the writ of garnishment before judgment, or
- (c) the service, on the garnishee, of a writ of immediate or continuing garnishment based on the application.

Subsequent proceedings

(2)

Where a writ of temporary garnishment has been served upon the garnishee,

- (a) service of a writ of garnishment based on the application attaches every debt attached by the writ of temporary garnishment, except as otherwise provided in the order granting leave, and
- (b) a copy of the order granting or refusing the application shall be delivered to the garnishee within seven days of the date when the order is entered.

Compensation to debtor

(3)

A debtor is entitled upon application to the court as provided by subsection 39(2) to recover from the creditor compensation for any direct loss or damage actually suffered by the debtor as a result of the wilful or negligent failure of the creditor to comply with paragraph (2) (b).

Reduction of term

13(1)

The term during which debts are attached by a writ of continuing garnishment may be reduced upon application made to the court by the garnishee or the debtor at any time during the term of the writ.

Extension of term

(2)

Notwithstanding subsection 11(2), upon application made to the court by the creditor at any time during the initial term during which debts are attached by a writ of continuing garnishment, the term may be extended for one additional term not exceeding one year from the date on which the application for the extension is granted.

Order to be served

(3)

Until a copy of an order extending the term of a writ of continuing garnishment has been

served on the garnishee the order does not attach any debt that becomes due from the garnishee to the debtor after the expiration of the initial term during which debts are attached by the writ.

Other Attachable Rights

- | | | |
|-----------------------|-------|---|
| Funds in court | 14(1) | Where a proceeding has been commenced under which funds have been, or may be, paid into court, a writ of garnishment may be served upon the clerk of the court, and the service of the writ attaches any funds held by the court that are payable to the debtor at the time of service. and if the writ is a writ of continuing or temporary garnishment, it attaches also any funds that may be held thereafter by the court and become payable to the debtor during the term of the writ. |
| Funds held by sheriff | (2) | Where a proceeding has been commenced under which funds have been, or may be, held by the sheriff, a writ of garnishment may be served on the sheriff, and the service of the writ attaches any funds held by the sheriff that are payable to the debtor at the time of service, and if the writ is a writ of continuing or temporary garnishment, it attaches also any funds that may be held thereafter by the sheriff during the term of the writ. |
| Contents of writ | (3) | A writ of garnishment served upon the clerk under subsection (1), or upon the sheriff under subsection (2), does not attach any funds that may be held by the court or the sheriff unless it contains a statement identifying the proceedings in respect of which the funds have been, or may be, held by the court or the sheriff, by specifying the action number, the style of cause, or both, as the practice of the court may require. |
| Name of garnishee | (4) | The clerk of the court or the sheriff, as the case may be, shall be named as the garnishee |

in a writ to which this section applies.

Joint debts	15(1)	Subject to section 37, a debt that is due or that may become due from the garnishee to the debtor and one or more other persons jointly may be attached by a writ of garnishment as if the entire debt was due, or would become due, to the debtor alone.
Partnerships	(2)	Notwithstanding subsection (1), a debt owing to a partnership in which the debtor is a partner is not attachable under a writ of garnishment except on a judgment sought or obtained against the partnership.
Insured debts	16(1)	Where a writ of garnishment is served upon a garnishee and the garnishee is insured with respect to a debt that may be attached by the service of the writ on the garnishee, a copy of the writ may be served upon the insurer.
Immediate attachment	(2)	Service of a copy of a writ of immediate garnishment upon an insurer attaches any insurance proceeds that are due at the time of service from the insurer to the garnishee in respect of any debt attached by the service of the writ on the garnishee.
Continuing or temporary attachment	(3)	Service of a copy of a writ of continuing or temporary garnishment upon an insurer attaches any insurance proceeds that are due from the insurer to the garnishee at the time of service, or that become due from the insurer to the garnishee during the term of the writ, in respect of any debt attached by the service of the writ on the garnishee.
Status of insurer	(4)	Where a copy of a writ of garnishment is served upon an insurer under this section, he shall be deemed to be a garnishee for the purposes of this Ordinance, and this Ordinance applies as if the insurer were liable directly to the debtor under the writ.

Improper payment	(5)	The payment of insurance proceeds by an insurer to a debtor in contravention of this section is not, as between the creditor and the garnishee, a failure to comply with the writ of garnishment, and it does not render the garnishee liable to the creditor under section 33.
Equitable execution	17(1)	A claim or demand against the garnishee available to the debtor under equitable execution is attachable under a writ of garnishment.
Debts of government	18(1)	Debts that are payable, or that may become payable, out of public funds of the Territory may be attached by the service of a writ of garnishment upon the Territorial Treasurer.

Exceptions and Exemptions

Negotiable instruments	19(1)	<p>Service of a writ of garnishment does not attach a debt in payment of which, at the time of service, a negotiable instrument has been drawn by the garnishee if, at the time of service,</p> <p>(a) the instrument is not in the possession of the garnishee or his agent, and</p> <p>(b) the instrument has not been dishonoured.</p>
Chattel paper	(2)	Service of a writ of garnishment does not attach a debt that is covered by a writing that evidences both the debt and a security interest in, or a lease or hire of, specific goods.
Collateral	(3)	<p>Where a garnishee has pledged collateral as security for a debt, the service of a writ of garnishment on him does not attach the debt until</p> <p>(a) the collateral is returned to him, or</p> <p>(b) the creditor gives to the garnishee satisfactory security for the return of the collateral.</p>

Contract not in Territory	20(1)	Service of a writ of garnishment does not attach a debt arising out of a contract that contemplates performance of the contract wholly outside the Territory.
Money on deposit	21(1)	Where a debt that is sought to be attached is money on deposit in a savings institution having more than one branch, the service of a writ of garnishment upon one branch does not attach money that may be on deposit at any time at another branch of the savings institution.
Certain other debts	22(1)	A debt that does not arise out of a trust or contract is not attachable under a writ of garnishment unless judgment has been recovered thereon against the garnishee.
Wage exemption	23(1)	<p>Except as otherwise provided in this Ordinance, seventy percent of the wages payable from time to time by an employer to a debtor is not attachable under a writ of garnishment, but in no case shall the monthly amount that is exempt from attachment under this subsection be less than,</p> <p>(a) in the case of a debtor supporting at least one dependant, \$1000 and, where he supports at least four dependants, an additional \$150 for the fourth dependant and for each additional dependant after the fourth dependant, and</p> <p>(b) in the case of a debtor who supports no dependants, \$600.</p>
Reduction of exemption	(2)	<p>The amount of a debtor's exemption under subsection (1) may be reduced by the court upon application made by the creditor where</p> <p>(a) the judgment obtained by the creditor against the debtor was for a debt owing for board or lodging, or</p> <p>(b) the creditor establishes to the satisfaction of the court that the exemption is excessive in view of the debtor's financial resources and commitments, and the provisions that may be made for the</p>

support and maintenance of the debtor and his dependants.

Increase of exemption (3) Notwithstanding paragraph (2) (a), the amount of a debtor's exemption under subsection (1) may be confirmed or increased by the court upon application made by the debtor or the Commissioner where

(a) the court is of the opinion that the exemption, or the increase in the exemption, would be equitable in the circumstances, or

(b) the exemption, or the increase in the exemption, is necessary to prevent the debtor or his dependants from needing assistance or welfare services within the meaning of section 8 of the *Social Assistance Ordinance*.

Pro-rating exemption (4) Where the wages of an employee are paid more frequently than once per month, his exemption shall be pro-rated accordingly.

Statutory deductions 24(1) Any part of the wages of a debtor that are required to be withheld or deducted by his employer under an Act of Canada or a province, or under an Ordinance,

(a) is not attachable, and

(b) shall be deemed not to be part of the wages of the debtor for the purposes of calculating his exemption under section 23.

Compliance by Garnishee

Notice of response 25(1) Service of a writ of garnishment, or a demand under subsection (3), upon the garnishee is not effective unless the garnishee is served also with three copies of a notice of response appropriate to the writ of garnishment or demand being served.

Contents of notice (2) Copies of a notice of response served under subsection (1) shall be completed to show

- (a) the style of cause and court registry number of the writ of garnishment,
 - (b) the address of the court, and
 - (c) the address of the creditor.

- Demand for further response (3) The creditor may, at any time during the term of a writ of continuing garnishment,

 - (a) serve a demand for a further response on the garnishee, and
 - (b) file a copy of the demand with the clerk of the court within seven days of the date of service.

- Further demands (4) More than one demand under subsection (1) may be served and filed during the term of a writ.

- Response by garnishee 26(1) A garnishee shall, within 14 days of the date on which he is served with a writ of garnishment, or a demand under subsection 25(3),

 - (a) file a copy of the notice of response with the court, and
 - (b) deliver a copy of the notice of response to the creditor.

- Contents of response (2) The copies of a notice of response under subsection (1) shall contain a statement by the garnishee that, as of the date of the notice of response,

 - (a) he acknowledges his liability to pay into court the amount set out in the writ, or
 - (b) he disputes his liability to pay in the court all or part of the amount set out in the writ,

and where the garnishee pays any money into court in compliance with the writ, he shall specify the amount of the payment in his notice of response.

- Delivery to creditor (3) A garnishee may deliver a copy of a notice of response to the creditor personally, or

 - (a) by returning it at the time of service

- to the person who serves the garnishee with the writ, or
- (b) by mailing it to the creditor by registered or certified mail addressed to the address set out in the notice of response as required by paragraph 25(2)(c).
- Delivery to court (4) A notice of response may be filed with the court by mailing it by registered or certified mail to the address of the court set out in the notice of response as required by paragraph 25(2)(b).
- Payment into court 27(1) Except as provided by subsection 29(3), where a garnishee does not dispute his liability under the writ in whole or in part, he shall pay into court the amount attached by the writ when he files his notice of response.
- Temporary attachment (2) No debt that is attached by a writ of temporary garnishment is required to be paid into court until it is attached by a writ of garnishment issued before judgment as provided by section 12.
- Amount not in dispute (3) Where a garnishee disputes his liability, he shall pay any amount not in dispute into court when he files his notice of response, and he may refuse to pay the amount in dispute into court, or he may pay it into court.
- Other rules of law 28(1) The service of a writ of garnishment does not affect the right of a garnishee or an insurer to interplead or to pay money into court under any applicable rule of law.
- Notice of payment (2) Where a garnishee who has been served with a writ of garnishment, or an insurer who has been served with a copy of a writ of garnishment, pays money sought to be attached by the writ into court otherwise than in compliance with the writ, he shall deliver forthwith to the creditor a notice that he has done so.

- Set-off 29(1) Where a writ of garnishment is served upon the garnishee, the garnishee is not entitled to set off against the amount due from the garnishee to the debtor any claim against the debtor by the garnishee arising after the service of the writ unless the garnishee establishes that
- (a) the claim arose pursuant to a binding commitment entered into before the service of the writ, or
 - (b) the garnishee has behaved reasonably and with good faith in the circumstances, and it would be inequitable to deny his claim to a right of set-off.
- "set-off" (2) In this section, a right of set-off includes a right that could be raised by way of counterclaim or otherwise by a garnishee to resist, or that could be raised in reduction of, a claim brought by the debtor on a debt attached, or sought to be attached, by a writ of garnishment.
- Exception for costs (3) Notwithstanding subsections (1) and (2), where a garnishee pays an amount into court under a writ of garnishment, he is entitled to deduct, from the amount attached, his costs as between solicitor and client relating to the payment of the money into court, and the deductions may be for the minimum amounts set out in section 45.
- Dispute by garnishee 30(1) A garnishee may dispute his liability under a writ of garnishment
- (a) by filing a notice of response under subsection 26(1) indicating that he disputes his liability in whole or in part, or
 - (b) by applying to the court for an order determining his liability under the writ.
- Application upon dispute (2) Where a garnishee files a notice of response indicating that he disputes his liability,

- (a) the creditor may apply to the court for an order determining the liability of the garnishee under the writ, and
- (b) if the creditor does not apply to the court for an order under paragraph (a) within two months of the date when the notice of response was filed, the garnishee may apply for an order to set aside the writ of garnishment.
- Non-payment, (3) Where the garnishee does not pay into court no dispute the full amount set out in the writ and he does not file and serve a notice of response within the time limited by subsection 26(1), the creditor may apply to the court for an order determining the garnishee's liability under the writ.
- Determina- (4) Upon an application by the garnishee under tion of liability paragraph (1)(b) or by the creditor under paragraph (2)(a) or subsection (3), the court may
- (a) fix a time for summarily determining the liability of the garnishee, or
- (b) order the trial of an issue to determine the liability of the garnishee.
- Parties to (5) The court may direct who shall be the parties proceedings the determination of the liability of the garnishee under this section, and where the garnishee does not appear the court may, if it thinks fit, determine his liability *ex parte* either summarily or by the trial of an issue.
- Order for 31(1) The court may order the garnishee to pay an payment amount into court,
- (a) where the garnishee does not dispute his liability and does not appear to contest an application made by the creditor under section 30, without determining the liability of the garnishee under the writ, or

- (b) where it is determined by the court upon proceedings under section 30 that the garnishee is liable to pay an amount of money into court under the writ.
- Enforcement of order (2) An order under subsection (1) may be enforced by the creditor as a judgment against the garnishee.
- Refusal to make order (3) The court may refuse to make an order under subsection (1) where it appears to the court that the garnishee has made reasonable efforts to comply with the writ of garnishment and, in all the circumstances, it would be inequitable to make the order.
- Payment under order (4) Money paid into court pursuant to an order made under subsection (1) shall be held in court as if paid in by the garnishee in compliance with the original writ of garnishment.
- Liability to debtor 32(1) The liabilities of a garnishee to a debtor are discharged by
- (a) the payment of an amount into court under a writ of garnishment,
 - (b) the satisfaction of an order of the court for the payment of money into court under a writ of garnishment, and
 - (c) the deduction of an amount for costs under subsection 29(3),
- to the extent of the payment or satisfaction made, even though any proceedings in relation to the garnishment may be set aside, or the judgment reversed.
- Liability of insurer (2) The liabilities of an insurer to a garnishee are discharged by
- (a) the payment of an amount into court under a copy of a writ of garnishment served upon him under section 16,
 - (b) the satisfaction of an order of the court for the payment of money into court under the writ of garnishment, and

(c) the deduction of an amount for costs under subsection 29(3), to the extent of the payment or satisfaction made, even though any proceedings in relation to the garnishment may be set aside, or the judgment reversed.

Payment of debts 33(1)

Except as provided in subsection 16(5), no payment of a debt attached under a writ of garnishment, other than a payment authorized by this Ordinance, is effective as against the creditor.

Temporary attachment (2)

No payment of a debt attached by a writ of temporary garnishment, other than a payment authorized by this Ordinance, is effective as against the creditor if the debt is attached before or after the payment by a writ of garnishment issued before judgment as provided by subsection 12(2).

Money in Court

Notice to debtor 34(1)

Where any money is paid into court under a writ of garnishment, the creditor shall deliver to the debtor within ten days of the date on which the creditor learns of the payment into court

- (a) a notice of the payment or,
- (b) a copy of the garnishee's notice of response, or the order of the court pursuant to which the payment was made, as the case may be.

Continuing attachment (2)

Where a writ of continuing garnishment is issued, the creditor shall deliver a copy of the writ to the debtor within 14 days of the date on which it is served upon the garnishee.

Payment out without order 35(1)

Money paid into court under a writ of garnishment may be paid out of court to the creditor without an order of the court where

- (a) judgment has been entered in the action in respect of which the writ of garnishment was issued, and

- (b) no application is pending to set aside or otherwise to dispute the garnishment, and
- (c) an affidavit is filed by the creditor verifying that
 - (i) the documents required to be delivered to the debtor under section 34 have been delivered, and
 - (ii) the creditor knows of no person other than the creditor, the debtor and the garnishee who is interested in, or entitled to, the money paid into court, and
- (d) the clerk of the court has received no notice that any person other than the creditor, the debtor and the garnishee may be interested in or entitled to the money paid into court, and
- (e) 30 days have elapsed since the later of
 - (i) the payment of the money into court,
 - (ii) the entry of judgment as required by paragraph (a), and
 - (iii) the filing of an affidavit as required by paragraph (c).

Order for payment out (2) Upon application made at any time by the creditor or the debtor, the court may order that money paid into court under a writ of garnishment be paid out to the creditor or the debtor, notwithstanding any of the provisions of subsection (1).

Payment out with consent (3) Notwithstanding subsections (1) and (2), money paid into court under a writ of garnishment may be paid out to the creditor at any time with the consent of the debtor.

Unsuccessful action 36(1) Where an amount has been paid into court under a writ of garnishment issued before judgment and the creditor does not recover judgment against the debtor for the full amount paid into court, the full amount, or the balance to which the creditor is not

entitled, as the case may be, shall be paid out of court to the debtor upon request.

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| Where writ is set aside | (2) | Where an amount has been paid into court under a writ of garnishment that is set aside, the amount shall be paid out of court to the debtor upon request. |
| Interests of others | 37(1) | Notwithstanding section 35 or 36, money shall not be paid out of court otherwise than under this section if the clerk of the court has received notice that another person is interested in, or entitled to, the money. |
| Division of interests | (2) | A creditor, a debtor, or any person claiming a beneficial interest in money that has been or may be paid into court under a writ of garnishment that has been issued, may apply to the court for an order determining the extent of the debtor's beneficial interest, if any, in the money and limiting the effect of the attachment to the debtor's beneficial interest in the debt. |
| Restoration of interests | (3) | Where an order is made under subsection (2) in respect of money that has been paid into court, the court may give directions for the restoration, to persons other than the creditor and debtor, of beneficial interests and for the payment of the debtor's beneficial interest out of court to the creditor or the debtor. |
| Notice to others | (4) | Where it is suggested in a notice of response filed by a garnishee, or where it otherwise appears to the court, that a person other than the creditor, debtor or garnishee may be interested beneficially in money that has been paid into court under a writ of garnishment, the clerk of the court shall notify that person of his right to make an application under subsection (2). |
| Failure to appear | (5) | An order made under subsection (2) may bar the claim of a person to whom notice has been |

given under subsection (4) if he does not appear in the proceedings or make an application under subsection (2) before the order is made under subsection (2).

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| Allocation
of funds | (6) | <p>For the purpose of determining a person's beneficial interest or entitlement where there are excess joint funds,</p> <p>(a) the excess joint funds are allocated first to beneficial interest or entitlement of the joint obligee or obligees, and the debtor's beneficial interest in, or entitlement to, the excess joint funds is correspondingly reduced, and</p> <p>(b) the money paid into court is allocated first to the beneficial interest or entitlement of the debtor and the beneficial interest or entitlement of any joint obligee in the money is correspondingly reduced.</p> |
| Application | (7) | <p>Subsection (6) applies only</p> <p>(a) if the garnishee is a savings institution, or</p> <p>(b) if no joint obligee is prejudiced thereby.</p> |
| "excess
joint
funds" | (8) | <p>In this section "excess joint funds" means an amount equal to the difference between the total amount payable under a joint monetary obligation and the amount of that obligation attached by garnishment process.</p> |
| Payment
to
garnishee | 38(1) | <p>The court may, on the application of a garnishee, order that money paid into court under a mistake of fact or law relating to his liability to do so be paid out to the garnishee.</p> |
| Compensa-
tion to
debtor | 39(1) | <p>Where an amount of money is paid into court under a writ of garnishment and all or part of that money is paid out of court to the debtor under section 36, the debtor is entitled to be compensated by the creditor for any direct loss or damage actually caused by the wrongful or excessive garnishment, whether</p> |

or not any matter in relation to the garnishment proceedings was done pursuant to an order of the court.

- Application by debtor (2) An application may be made by the debtor to the court for an order assessing and directing the payment of compensation under subsection (1) or subsection 12(3) in the action in respect of which the writ of garnishment was issued or otherwise, and the court may dispose of the matter summarily or direct the trial of an issue.
- Order for payment by installments 40(1) Where money has been paid into court in compliance with a writ of garnishment and the creditor has entered a judgment against the debtor, the debtor may apply to the court for an order that
- (a) the money attached be paid out to the debtor, and
 - (b) the judgment be payable by installments.
- Contents of order (2) Where, under subsection (1), the court considers it just in all the circumstances, it may make an order releasing the money in whole or in part and fixing the amounts and terms of the payments.
- Effect of order (3) Where an order respecting installments has been made under subsection (2) and the debtor is not in default under the order,
- (a) no further writ of garnishment shall be issued in respect of the judgment debt, and
 - (b) if the money was paid into court in compliance with a writ of continuing garnishment, no further money shall be paid into court pursuant to the writ.
- Delivery of copy (4) Forthwith after the making of an order under subsection (2) the clerk of the court shall deliver a copy of the order to the creditor and the garnishee.

- Termination of order (5) Where an order is made under this section for the payment of a judgment by installments, the order shall be terminated
- (a) by the default of the debtor in paying any of the installments so ordered for more than five days, or
 - (b) by the issuance of a writ of garnishment against the debtor in a proceeding other than that in respect of which the installment payments were ordered.
- Substitution of security 41(1) Where an amount is paid into court under a writ of garnishment issued before judgment and no application to set aside the writ or to pay the money out of court is outstanding,
- (a) the creditor or debtor may apply to the court for an order empowering the applicant to substitute for the amount paid into court an interest-bearing security satisfactory to the court,
 - (b) the creditor or debtor may apply to the court for an order that the money paid into court be used to purchase an interest-bearing security, or
 - (c) the debtor may apply to the court for an order empowering him to have the amount paid out to him upon the provision to the court of such security over the debtor's property as, in the opinion of the court, is adequate to secure the amount sought to be paid out to the debtor.
- Effect of substitution (2) Security provided under subsection (1) takes the place of and shall be dealt with as if it were the amount paid into court under the writ of garnishment, and for that purpose the security may be managed, assigned, liquidated, discharged or otherwise dealt with as the court may direct from time to time.
- Failure to substitute (3) The provision of security under this section, or the failure of a creditor or debtor to make an application under this section, may

be taken into account for the purpose of an assessment under subsection 39(2).

Costs

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| Discretion
of court | 42(1) | Except as otherwise provided in this Ordinance, where any application is made or any issue is tried in relation to a writ of garnishment, the costs of the proceedings are in the discretion of the court. |
| Non-
compliance | 43(1) | Where a person fails to comply with an obligation imposed upon him by this Ordinance as to the delivery of a document or as to the information to be contained in a document he is obliged to deliver, the court may, upon the application of any person affected by the failure, order him to reimburse the person affected, on a solicitor and client basis, for the costs incurred by the person affected as a result of the failure including the costs of the application. |
| Liability
of garnishee | 44(1) | Subject to section 43 and subsection (2), a garnishee is not liable for the costs of any proceedings under this Ordinance. |
| Untenable
dispute | (2) | A garnishee may be held liable for the costs of proceedings under this Ordinance to the extent that the costs are incurred as a result of the setting-up of a dispute by the garnishee based upon grounds that, in the opinion of the court, he knew or ought to have known to be untenable. |
| Successful
dispute | (3) | Subject to section 43 a garnishee is entitled to be reimbursed by the creditor on a solicitor and client basis for any costs incurred by the garnishee in a dispute as to the garnishee's liability under a writ of garnishment to the extent that the garnishee is successful in the dispute. |

- Garnishee's 45(1)
costs A garnishee who responds to a writ of garnishment served upon him is entitled to be compensated for the costs incurred by him in making his first response to the writ in an amount equal to \$25, or such greater amount as may be prescribed.
- Subsequent (2) Where a garnishee is required under a writ of responses continuing garnishment to make more than one response, or more than one payment into court, he is entitled to be compensated for the costs incurred by him in making each such additional response or payment in an amount equal to \$5, or such greater amount as may be prescribed.
- Creditor's 46(1)
costs Subject to section 43, where a writ of garnishment attaches a debt and the creditor obtains a judgment against the debtor, the creditor is entitled to be compensated by the debtor for all of the costs incurred by the creditor in relation to the writ of garnishment, other than the costs of any application under this Ordinance, in an amount equal to \$25, or such greater sum as may be prescribed.
- Liability (2) The creditor is liable for the payment of the to garnishee garnishee's costs under section 45, but if the writ of garnishment attaches a debt and the creditor obtains judgment against the debtor, an amount equal to those costs may be added to the judgment debt.
- Liability 47(1) A debtor is not liable for any costs or of debtor disbursements incurred by the creditor or the garnishee in relation to
- (a) a writ of garnishment that does not attach a debt, or
 - (b) an application under this Ordinance, to the extent that the applicant, if he is the creditor or the garnishee, is unsuccessful.

Setting aside writ	48(1)	Where a writ of garnishment is ordered to be set aside under section 4 or 6, the court may award to the applicant costs in an amount not exceeding three times the costs to which he would have been entitled without this subsection.
Restora- tion of interest	49(1)	A person to whom a beneficial interest is restored under subsection 37(3) is entitled to be reimbursed by the creditor, on a solicitor and client basis, for the costs incurred by him in securing the determination of the debtor's beneficial interest and the restoration of his own beneficial interest.
Excessive claim	50(1)	Where an amount ordered to be paid into court by a garnishee under subsection 31(1) is less than the amount sought to be attached as set out in the writ of garnishment, or where no amount is ordered to be paid, the court may award to the garnishee his costs in an amount not exceeding three times the costs to which he would have been entitled without this subsection.
Failure to give notice	51(1)	Where a creditor fails to comply with subsection 34(1) or (2), he is not entitled to receive from the debtor any of the costs incurred by the creditor in connection with the garnishment proceedings, unless the creditor upon application to the court satisfies the court that he made a reasonable attempt to ensure that subsections 34(1) and (2) were complied with.
Costs of small claims	52(1)	Subject to subsection (2) and notwithstanding any other provision of this Ordinance, no costs other than those provided for in section 45 and 46 are recoverable in respect of proceedings that are within the jurisdiction of a Small Claims Official.
Penalties in costs	(2)	Sections 43, 48 and 50 apply in respect of proceedings within the jurisdiction of a Small Claims Official, but the costs payable under those sections shall be one-third of

the amount that would be payable if the proceedings were not within the jurisdiction of a Small Claims Official.

General

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| Applica-
tion to
court | 53(1) | Where any difference of opinion arises as to the rights or obligations of any person under this Ordinance and no other provision is made for the determination of the issue, any person interested in the matter may apply to the court, and the court may make such order, not inconsistent with this Ordinance, as the court may deem appropriate. |
| Procedure
in court | (2) | The procedure upon any application under this Ordinance shall be regulated by the Rules of Court, except insofar as provision is made for the procedure in this Ordinance. |
| Discretion
of court | 54(1) | Subject only to subsection 13(2), the court has a discretion to order that, to achieve a result that is just in all the circumstances,
(a) a writ of garnishment be varied
(b) a writ of garnishment be set aside, or
(c) terms and conditions be imposed with respect to a writ of garnishment. |
| Discretion
not limited | (2) | The generality of subsection (1) is not limited by any other provision of this Ordinance that authorizes the court to order that a writ of garnishment be varied or set aside. |
| Service
of docu-
ments | 55(1) | A writ of garnishment, an order under subsection 13(3), or a demand under subsection 25(3), may be served in any way that a writ of summons may be served. |
| Delivery
of docu-
ments | (2) | Any document required to be delivered under this Ordinance, may be delivered by serving it personally upon the person to whom it is to be delivered, or by mailing it to him by registered or certified mail addressed to his last address known to the person delivering the document. |

Delivery by mail	(3)	A document mailed as provided in subsection (2) shall be deemed to have been delivered ten days after the day on which it was mailed.
Savings institution	(4)	A document may be served on, or delivered to, a branch of a savings institution by serving it on, or delivering it to, the manager or other person in charge of the branch.
Small Claims proceedings	56(1)	The provisions of this Ordinance apply to proceedings before Small Claims Officials with such changes in the title of the court, the style of the officers, the forms of process and other matters as are necessary to make this Ordinance applicable to the proceedings.
Money due to Her Majesty	57(1)	<p>Where any money is due to Her Majesty by order of a justice of the peace, a judge of the Territorial Court, or a judge of the Supreme Court, under any Act of Canada or under any Ordinance, then, for the purposes of this Ordinance,</p> <p>(a) an order of a justice of the peace or a judge of the Territorial Court shall be deemed to be a judgment of the Territorial Court, and an order of a judge of the Supreme Court shall be deemed to be a judgment of the Supreme Court,</p> <p>(b) Her Majesty shall be deemed to be a judgment creditor, and</p> <p>(c) the person liable to pay the money shall be deemed to be a judgment debtor.</p>
Protection of employees	58(1)	No employer shall dismiss or demote a debtor, or terminate a contract of employment of a debtor, by reason of the service of a writ of garnishment on the employer in respect of the debtor.
Offence and penalty	(2)	An employer who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1000, or to imprisonment for a period of 6 months, or both.

- Reinstatement by employer (3) On application made within 30 days of the contravention by or on behalf of the debtor, an employer who contravenes subsection (1) may be ordered by the court,
- (a) to reinstate the debtor in his employment on the terms and conditions that were in effect before the employer contravened subsection (1), and
 - (b) to pay to the debtor the wages and employment benefits of the debtor from the date of the contravention to the date on which he is reinstated in his employment.
- Conviction of employer (4) Where an employer is convicted of an offence under subsection (2) and the information is sworn within 30 days of the day on which the offence was committed, the employer shall forthwith
- (a) reinstate the debtor in his employment on the terms and conditions that were in effect before the offence was committed, and
 - (b) pay to the debtor the wages, and give to him the employment benefits, that would have been paid and given to the debtor in the ordinary course of his employment, from the date of the offence to the date of his reinstatement, as if the offence had not been committed.
- Regulations 59(1) The Commissioner may make regulations
- (a) prescribing the forms necessary for the purposes of this Ordinance,
 - (b) prescribing the costs payable to garnishees and creditors under this Ordinance,
 - (c) requiring the payment of fees to the clerk of the court for the issuance of writs of garnishment, and prescribing the amounts of the fees, and
 - (d) generally, for carrying the purposes and provisions of this Ordinance into effect.
- 60(1) The *Garnishee Ordinance* is repealed.

61(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 13

AN ORDINANCE TO AMEND
THE GOVERNMENT EMPLOYEE HOUSING PLAN ORDINANCE

(Assented to April 16, 1980)

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

- 1(1) Section 5 of the *Government Employee Housing Plan Ordinance* is amended by adding the following new subsection:
- Joint property " (2) Where an employee is entitled to and applies for the benefit of the Plan in respect of a qualified housing unit that is deemed to be owned by the employee under subsection 7(3), the Corporation may, pursuant to the Plan, purchase the housing unit from the employee and his spouse."
- 2(1) Section 6 of the Ordinance is repealed and the following substituted therefor:
- Price "6(1) The price to be paid by the Corporation under section 5 for a housing unit shall not exceed the lesser of
- (a) \$68,400, and
- (b) 95 per cent of the mean of two appraisals, one of which shall be made by an appraiser appointed by the Government, and the other by an appraiser appointed by the employee.
- Appraisers (2) A person shall not be appointed as an appraiser under this section unless he is able to demonstrate that he is experienced in the

making of appraisals of real property for others, for other purposes, for gain or reward.

Qualified persons

- (3) A person shall be deemed to have satisfied the requirements of subsection (2) if
- (a) he is the holder of a certificate from the Appraisal Institute of Canada qualifying him to appraise the housing unit, or
 - (b) he has been paid by a bank to which the *Bank Act* (Canada) applies for making appraisals of property in the Territory similar to the housing unit within a period of one year immediately before the application is made under paragraph 4(1)(a).

Method of appraisal

- (4) An appraisal under this section shall be based on the cost approach or on the market approach as recognized by the Appraisal Institute of Canada.

Differing appraisals

- (5) Where the appraisals made under subsection (1) differ by an amount greater than 15 per cent of the lesser of the appraisals, the Government and the employee shall appoint new appraisers for the purpose of obtaining new appraisals for determining the price to be paid under paragraph (1)(b).

Final appraisals

- (6) Where the new appraisals under subsection (5) differ by an amount greater than 15 per cent of the lesser of the two new appraisals, the Government and the employee together shall appoint one appraiser for the purpose of obtaining a

final appraisal for determining the price to be paid under paragraph (1) (b)."

3(1) Section 7 of the Ordinance is repealed and the following substituted therefor:

Qualification
of unit

"7(1) A housing unit qualifies under the Plan where

- (a) it is owned by the employee and occupied by him as his principal residence on the day on which he resigns from the Public Service, proceeds to pension, is laid off by the employer, is retired for ill-health by the employer, is transferred from one community to another community, or dies, as the case may be, and
- (b) it qualifies for a mortgage loan under the *National Housing Act* (Canada).

Exception

(2) Notwithstanding subsection (1), where an employee resigns from the Public Service or proceeds to pension, a housing unit does not qualify under the Plan if it has not been owned by the employee and occupied by him as his principal residence for the period of two years immediately preceding the day on which he resigns or proceeds to pension, as the case may be.

Joint
ownership

(3) For the purposes of this section, a housing unit shall be deemed to be owned by an employee where it is wholly owned by the employee and his spouse as tenants in common or joint tenants."

4(1) Subsection 8(1) of the Ordinance is amended by striking out the expression "within 60 days of the registration of the unit with the Corporation" and substituting therefor the expression "within 30 days of the day on which an application is made under paragraph 4(1)(a) in respect of the housing unit".

(2) Subsection 8(3) of the Ordinance is repealed.

5(1) Subsection 10(1) of the Ordinance is repealed and the following substituted therefor:

Transfer
required

"10(1) No amount shall be paid by the Corporation for the purchase of a housing unit under this Ordinance until title to the property has been transferred to the Corporation."

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

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 14

HUMAN TISSUE GIFT ORDINANCE

(Assented to April 16, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <i>Human Tissue Gift Ordinance</i> .
	2(1)	In this Ordinance,
"consent"		"consent" means a consent given under this Ordinance;
"medical practitioner"		"medical practitioner" has the same meaning as in the <i>Medical Profession Ordinance</i> ;
"tissue"		"tissue" includes an organ, but does not include any skin, bone, blood, blood constituent or other tissue that is replaceable by natural processes of repair;
"transplant"		"transplant" means the removal of tissue from a human body, whether living or dead, and its implantation in a living human body; and
"writing"		"writing" includes a will and any other testamentary instrument whether or not probate has been applied for or granted and whether or not the will or other testamentary instrument is valid.
Inter Vivos Gifts for Transplants		
Transplants	3(1)	A transplant from one living human body to another living human body may be done in accordance with this Ordinance but not otherwise.
Consent to transplant	4(1)	Any person who has attained the age of majority, is mentally competent to consent, and is able

to make a free and informed decision may in a writing signed by him consent to the removal forthwith from his body of the tissue specified in the consent and its implantation in the body of another living person.

Saving provision

- (2) Notwithstanding subsection (1), a consent given thereunder by a person who had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision is valid for the purposes of this Ordinance if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision as the case may be.

Effect of consent

- (3) A consent given under this section is full authority for any medical practitioner
- (a) to make any examination necessary to assure medical acceptability of the tissue specified therein, and
 - (b) to remove forthwith such tissue from the body of the person who gave the consent.

Avoidance of consent

- (4) If for any reason the tissue specified in the consent is not removed in the circumstances to which the consent relates, the consent is void.

Post Mortem Gifts

Consent

- 5(1) Any person who has attained the age of majority may consent
- (a) in a writing signed by him at any time, or
 - (b) orally in the presence of at least two witnesses during his last illness
- that his body or the part or parts thereof specified in the consent be used after his death for therapeutic purposes, medical education or scientific research.

- Saving provision (2) Notwithstanding subsection (1), a consent given by a person who had not attained the age of majority is valid for the purposes of this Ordinance if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority.
- Effect of consent (3) Upon the death of a person who has given a consent under this section, the consent is binding and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act upon a consent given under this section if he has reason to believe that it was subsequently withdrawn.
- Consent by others 6(1) Where a person of any age who has not given a consent under section 5 dies, or in the opinion of a medical practitioner is incapable of giving a consent by reason of injury or disease and his death is imminent,
- (a) his spouse of any age,
 - (b) if none or if his spouse is not readily available, any one of his children who has attained the age of majority,
 - (c) if none or if none is readily available, either of his parents,
 - (d) if none or if neither is readily available, any one of his brothers or sisters who has attained the age of majority,
 - (e) if none or if none is readily available, any other of his next of kin who has attained the age of majority, or
 - (f) if none or if none is readily available, the person lawfully in possession of the body other than, where he died in hospital, the administrative head of the hospital, may consent
 - (g) in a writing signed by the spouse, relative or other person,
 - (h) orally by the spouse, relative or other person in the presence of at least two witnesses, or

- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.
- Exception (2) No person shall give a consent under this section if he has reason to believe that the person who died or whose death is imminent would have objected thereto.
- Effect of consent (3) Upon the death of a person in respect of whom a consent was given under this section the consent is binding and is, subject to section 7, full authority for the use of the body or for the removal and use of the specified part or parts for the purpose specified except that no person shall act on a consent given under this section if he has actual knowledge of an objection thereto by the person in respect of whom the consent was given or by a person of the same or closer relationship to the person in respect of whom the consent was given than the person who gave the consent.
- "possession of the body" (4) In subsection (1), "person lawfully in possession of the body" does not include
- (a) the supervising coroner or a coroner in possession of the body for the purposes of the *Coroners Ordinance*,
 - (b) the Public Administrator or any person on his behalf in possession of the body for the purposes of its burial,
 - (c) an embalmer or funeral director in possession of the body for the purpose of its burial, cremation or other disposition, or
 - (d) the superintendent of a crematorium in possession of the body for the purpose of its cremation.
- Directions by coroner 7(1) Where in the opinion of a medical practitioner the death of a person is imminent by reason

of injury or disease and the medical practitioner has reason to believe that section 7 of the *Coroners Ordinance* may apply when death does occur and a consent under this Ordinance has been obtained for a post-mortem transplant of tissue from the body, a coroner having jurisdiction, notwithstanding that death has not yet occurred, may give such directions as he thinks proper respecting the removal of such tissue after the death of the person, and every such direction has the same force and effect as if it had been made after death.

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| Determining death | 8(1) | For the purposes of a post-mortem transplant, the fact of death shall be determined by at least two medical practitioners in accordance with accepted medical practice. |
| Exception | (2) | No medical practitioner who has had any association with the proposed recipient that might influence his judgment shall take any part in the determination of the fact of death of the donor. |
| Participation in transplant | (3) | No medical practitioner who took any part in the determination of the fact of death of the donor shall participate in any way in the transplant procedures. |
| Cornea transplant | (4) | Nothing in this section in any way affects a medical practitioner in the removal of eyes for a cornea transplant. |
| Unusable gifts | 9(1) | Where a post-mortem gift under this Ordinance cannot for any reason be used for any of the purposes specified in the consent, the subject matter of the gift and the body to which it belongs shall be dealt with and disposed of as if no consent had been given. |

General

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| Actions prohibited | 10(1) | No action or other proceeding for damages lies against any person for any act done in |
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good faith and without negligence in the exercise or intended exercise of any authority conferred by this Ordinance.

Prohibited transactions	11(1)	No person shall buy, sell or otherwise deal in, directly or indirectly, for a valuable consideration, any tissue for a transplant, or any body or part or parts thereof other than blood or a blood constituent, for therapeutic purposes, medical education or scientific research, and any such dealing is invalid as being contrary to public policy.
Confidential information	12(1)	<p>Except where legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person</p> <p>(a) who has given or refused to give a consent,</p> <p>(b) with respect to whom a consent has been given, or</p> <p>(c) into whose body tissue has been, is being or may be transplanted, may become known publicly.</p>
Exception	(2)	Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection (1) does not apply.
Transitional	13(1)	Any dealing with a body or part or parts thereof that was lawful before this Ordinance came into force shall, except as provided in this Ordinance, continue to be lawful.
Offence and penalty	14(1)	Every person who knowingly contravenes any provision of this Ordinance commits an offence and on summary conviction is liable to a fine of not more than one thousand dollars or to imprisonment for a term of not more than six months, or to both.
Coroners Ordinance	15(1)	Except as provided in section 7, nothing in

this Ordinance affects the operation of the
Coroners Ordinance.

16(1) The *Cornea Transplant Ordinance* is repealed.

17(1) This Ordinance comes into force on a day to
be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act
recommended by the Uniform Law Conference of
Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 15

AN ORDINANCE TO AMEND THE INSURANCE ORDINANCE

(Assented to April 14, 1980)

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

- 1(1) The *Insurance Ordinance* is amended by repealing subsection 119(1) and substituting the following therefor:

Coincidental
deaths

"119(1) Unless a contract or a declaration otherwise provides, where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survives the other, for the purpose only of paying out the proceeds of the policy, the insurance money is payable in accordance with subsection 97(1) as if the beneficiary had predeceased the person whose life is insured."

- 2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 16

INTERIM SUPPLY APPROPRIATION ORDINANCE, 1980-81

(Assented to March 31, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the month of April, 1980:

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

- 1(1) This Ordinance may be cited as the *Interim Supply Appropriation Ordinance, 1980-81*.

- 2(1) From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole nine million, eighty-three thousand, six hundred dollars, for defraying the several charges and expenses of the public service of the Territory for the month of April, 1980, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A".

- 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars) (000's)</u>
Yukon Legislative Assembly	77.0
Executive Council Office	79.0
Education	1,710.0
Consumer and Corporate Affairs	60.0
Human Resources	452.0
Municipal and Community Affairs	373.0
Tourism and Economic Development	155.0
Justice	610.0
Highways and Public Works	1,795.0
Public Service Commission	91.0
Office of the Pipeline Coordinator	29.0
Finance	204.0
Library and Information Resources	122.0
Renewable Resources	299.0
Health	1,141.0
Government Services	175.6
Yukon Housing Corporation	103.0
Loan Capital	1,308.0
Loan Amortization	<u>300.0</u>
Total	<u>\$9,083.6</u>

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 17

AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE

(Assented to April 16, 1980)

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

1(1) Subsection 50(1) of the *Liquor Ordinance* is repealed and the following substituted therefor:

Reception
and
special
occasion
permits

"50(1) The General Manager may, subject to the regulations, upon the receipt of an application in the prescribed form,
(a) issue a reception permit to any person in charge of a reception, or
(b) issue a special occasion permit to any person acting on behalf of, and authorized in writing to act on behalf of, a non-profit organization, whether or not it is incorporated."

2(1) Section 66 of the *Liquor Ordinance* is repealed and the following substituted therefor:

Conduct
on
premises

"66(1) No licensee, and no person employed in any premises in respect of which a licence has been issued, shall
(a) permit any person in a drunken or intoxicated condition to enter, be, or remain in the premises,
(b) permit any riotous, quarrelsome, violent or disorderly conduct to take place in the premises,
(c) permit any gambling to take place in the premises, or

(d) permit any slot machine or any device used for gambling to be placed, kept or maintained in the premises.

Gambling

(2) Paragraphs (1)(c) and (d) do not apply in respect of premises in respect of which a licence or permit has been issued to a person on behalf of a non-profit organization under section 45 or 50 where the gambling is authorized to be carried on under a licence issued by the Commissioner under the *Criminal Code* (Canada).

3(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 18

AN ORDINANCE TO AMEND THE LIQUOR TAX ORDINANCE

(Assented to April 16, 1980)

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

1(1) Section 3 of the *Liquor Tax Ordinance* is repealed and the following substituted therefor:

Tax

"3(1) There shall be levied on all liquor purchased from the Corporation a tax in an amount equal to ten per cent of the amount paid to the Corporation for its own use for the sale of the liquor."

2(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 19

LOAN AGREEMENT ORDINANCE (1980) No. 1

(Assented to April 14, 1980)

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

- 1(1) This Ordinance may be cited as the *Loan Agreement Ordinance (1980) No. 1*.

- 2(1) The Commissioner may, on behalf of the Government of the Territory, borrow from the Government of Canada a sum not exceeding fifteen million, seven hundred thousand dollars, for the making of loans to municipalities, for the making of loans under the Housing Ordinance, for the development of land for sale, and for the financing of community improvements outside municipalities.

- 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,
 - (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 fulfilling every obligation assumed by the Government of the Territory under this agreement.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 20

MISCELLANEOUS STATUTE LAW AMENDMENT ORDINANCE, 1980

(Assented to May 2, 1980)

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

- 1(1) This Ordinance may be cited as the *Miscellaneous Statute Law Amendment Ordinance, 1980*.
- 2(1) Subsection 30(2) of the *Assessment and Taxation Ordinance* is amended by striking out the expression "subsection (1)" and substituting therefor the expression "subsection 32(1)".
 - (2) Subsection 48.1(2) of the *Assessment and Taxation Ordinance* is amended by striking out the expression "subsection (2)" and substituting therefor the expression "subsection 43(2)".
- (3) Subsection 65(1) of the *Assessment and Taxation Ordinance* is amended by striking out the expression "subsection 63(1)" and substituting therefor the expression "subsection 63(2)".
- 3(1) Section 2 of the *Brands Ordinance* is amended by striking out the expression "game guardian" and substituting therefor the expression "conservation officer".
 - (2) Subsection 10(2) of the *Brands Ordinance* is amended
 - (a) by striking out the expression "one-quarter of an inch" and substituting therefor the expression "six millimetres", and
 - (b) by striking out the expression "three inches" and substituting therefor the expression "75 millimetres".
- 4(1) The *Business Licence Ordinance* is amended by repealing subsection 9(2) thereof.

- 5(1) The *Contributory Negligence Ordinance* is amended by repealing section 8.
- 6(1) The *Corporation Securities Ordinance* is amended by repealing subsection 10(1) and substituting the following therefor:
- "10(1) Upon payment of the prescribed fee, the Registrar shall give a certificate under his hand of the filing of any instrument or affidavit in pursuance of this Ordinance, and the day and hour of such filing."
- 7(1) Section 33 of the *Corrections Ordinance* is amended by striking out the expression "*Public Service Ordinance*" and substituting therefor the expression "*Public Service Commission Ordinance*".
- (2) Schedule I of the *Corrections Ordinance* is amended by striking out the expression "The Whitehorse Correctional Institute" and substituting therefor the expression "The Whitehorse Correctional Centre".
- 8(1) The *Elections Ordinance, 1977* is amended by repealing subsection 41(11) and substituting the following therefor:
- "(11) Where a deputy returning officer dies or is unable to act, the returning officer may appoint another in his place as deputy returning officer and, if no such appointment is made, the poll clerk, without taking another oath of office, shall act as a deputy returning officer."
- 9(1) The *Evidence Ordinance* is amended by adding after subsection 40(2) the following new subsection:

- "(3) A document purporting to bear the signature of a judge of the Territorial Court, the Supreme Court, or the Court of Appeal, either in his capacity as such or as a *persona designata*, is admissible in evidence without proof of his signature, authority, or official capacity."
- 10(1) Sections 14, 15, 17 and 19 of the *Forest Protection Ordinance* are amended by striking out the expression "one-half of a mile" and substituting therefor the expression "one kilometre".
- (2) Subsection 17(6) of the *Forest Protection Ordinance* is amended by striking out the expression "three hundred feet" and substituting therefor the expression "100 metres".
- 11(1) Section 2 of the *Government Employee Housing Plan Ordinance* is amended by striking out the expression "*Public Service Ordinance*" and substituting therefor the expression "*Public Service Commission Ordinance*".
- 12(1) The *Insurance Ordinance* is amended by repealing paragraph 29(1)(e).
- (2) Section 200 of the *Insurance Ordinance* is amended by striking out the expression "subsection 196(2)" and substituting therefor the expression "subsection 195(2)".
- 13(1) Section 4 of the *Interpretation Ordinance* is amended by adding immediately after subsection (1) the following new subsection:
- "(1.1) Where an Ordinance contains a provision that the Ordinance or any provision thereof is to come into force on a day other than the date

of assent to the Ordinance, that provision shall be deemed to come into force on the date of assent."

14(1) Subsections 64(1) and 64(5) of the *Landlord and Tenant Ordinance* are amended by striking out the expression "section 89" and substituting therefor the expression "section 63".

15(1) The *Legal Profession Ordinance* is amended by striking out the definition of "Legal Adviser" in subsection 2(1) and substituting the following therefor:

"Legal Adviser" means the person who from time to time holds the office of Legal Adviser to the Government of the Yukon Territory and whose name is entered on the Roll pursuant to subsection 3(3);".

16(1) The *Legal Profession Accounts Ordinance* is amended by striking out the definition of "Legal Adviser" in subsection 2(1) and substituting the following therefor:

"Legal Adviser" means the person who from time to time holds the office of Legal Adviser to the Government of the Yukon Territory and whose name is entered on the Roll pursuant to subsection 3(3) of the *Legal Profession Ordinance*;".

17(1) Section 103 of the *Liquor Ordinance* as enacted by section 53 of *An Ordinance to Amend the Liquor Ordinance*, being chapter 9 of the Ordinances of the Yukon Territory, 1976 Third Session, shall be deemed to have been repealed upon the coming into force of section 1 of *An Ordinance to Amend the Liquor Ordinance*, being chapter 13 of the Ordinances of the Yukon Territory, 1977 First Session.

- (2) The *Liquor Ordinance* is amended by repealing subsection 2(2) and substituting the following therefor:

"(2) For the purposes of subparagraph (i) of the definition of "liquor" in subsection (1), any liquor that contains more than two and one-half per cent by volume of absolute alcohol at 16 degrees Celsius shall be deemed to be intoxicating."

- (3) The *Liquor Ordinance* is further amended by repealing the headings immediately preceding sections 6, 36, 52, and 53.

- (4) The *Liquor Ordinance* is further amended by adding after section 93 the following new section:

"93.1(1) The justice trying the case, in the absence of evidence to the contrary, is at liberty to infer that any substance in question is liquor within the meaning of this Ordinance from the fact that a witness describes it as liquor or by a name that is commonly applied to liquor."

- (5) Subsection 103(6) of the *Liquor Ordinance* is amended by striking out the expression "subsections (4) and (5)" and substituting therefor the expression "subsections (3) and (4)".

- (6) The *Liquor Ordinance* is further amended by repealing the heading immediately preceding section 103 and substituting therefor the following heading:

"PUBLIC DRINKING".

- (7) The *Liquor Ordinance* is further amended by adding immediately before section 105 the following heading:

"REGULATIONS".

- 18(1) Section 2 of the *Mental Health Ordinance* is amended by striking out the definition of "Director of Health Services".

- (2) The *Mental Health Ordinance* is further amended by repealing subsection 6.1(1) and substituting the following therefor:

"6.1(1) The chief executive officer of an approved institution may admit any person to and detain him in the institution where he is satisfied that the person has been examined by a physician who is of the opinion that the person is a mentally disordered person and

- (a) the person has attained the age of nineteen years and requests admission, or
- (b) the person has attained the age of sixteen years but has not attained the age of nineteen years and the person and a near relative of the person request that the person be admitted."

- (3) The *Mental Health Ordinance* is further amended by repealing subsection 6.1(2) and substituting the following therefor:

"(2) Within seventy-two hours of the time of the receipt of notification, in any way, of the desire of a patient who is admitted under this section to leave an approved institution, the chief executive officer of the institution shall discharge the patient from the institution."

- (4) The *Mental Health Ordinance* is further amended by repealing section 6.2 and substituting the following therefor:

"6.2(1) The chief executive officer of an approved institution may admit a person to and detain him in the institution where the chief executive officer receives two medical certificates in the prescribed form completed by two medical practitioners."

- 19(1) The *Motor Vehicles Ordinance* is further amended by repealing subsection 63(2).
- (2) Subsection 63(4) of the *Motor Vehicles Ordinance* is amended by striking out the expression "this section" and substituting therefor the expression "any section in this Part".
- (3) Subsection 181(1) of the *Motor Vehicles Ordinance* is amended by striking out the expression "outside of a municipality".
- (4) The *Motor Vehicles Ordinance* is further amended by repealing subsection 181(3).
- (5) The *Motor Vehicles Ordinance* is amended by adding immediately after section 241 thereof the following new section:

"241.1(1) For the purposes of the enforcement of this Ordinance within a municipality, an officer designated by the regulations has and may exercise all the powers and functions given to a peace officer under sections 33, 45, 91, 100, 142, 143, 144, 145, 190, 207, 221, 234, and 236.

- (2) For the purposes of the enforcement of any by-law made by a municipality under this Ordinance or under section 92 of the *Municipal Ordinance*,

the municipality may by by-law give, to any officer who is an officer or employee of the municipality, such of the powers or functions of a peace officer referred to in subsection (1) as may be specified in the by-law.

(3) The Commissioner may make regulations designating officers or classes of officers who shall have and exercise the powers and functions of peace officers for the purposes of subsection (1).

(4) Every person who fails to comply with any demand, request, direction, requirement, order or other exercise of authority by an officer under subsection (1) or (2) commits an offence and is liable on summary conviction to the penalty to which he would be liable if the officer were a peace officer."

20(1) Sections 166 and 168 of the *Municipal Ordinance* are amended by striking out the expression "Director of Local Government" and substituting therefor the expression "Director of Municipal and Community Affairs".

21(1) Section 69 of the *Partnership Ordinance* is repealed and the following substituted therefor:

"69(1) The surname of a special partner shall not appear in the firm name of a limited partnership unless it is also the surname of one of the general partners.

(2) A special partner whose surname appears in the firm name of a limited partnership in contravention of subsection (1) shall be deemed

to be a general partner, and he is liable as a general partner to any creditor of the limited partnership who has extended the credit without actual knowledge that the special partner is not a general partner."

- 22(1) Subsection 5(1) of the *Pioneer Utility Grant Ordinance* is repealed and the following substituted therefor:
- "5(1) Subject to subsection (3), every application for a pioneer grant shall be made to the Director in the prescribed form on or after the first day of October of the year for which the grant is to be made, but not later than the thirty-first day of January of the year following the year for which the grant is to be made."
- (2) Subsection 8(2) of the *Pioneer Utility Grant Ordinance* is amended by striking out the expression "section 4" and substituting therefor the expression "subsection (1)".
- 23(1) Section 2 of the *Pounds Ordinance* is amended by striking out the expression "four feet six inches" and substituting therefor the expression "135 centimetres".
- (2) Subsection 5(3) of the *Pounds Ordinance* is amended by striking out the expression "situate" and substituting therefor the expression "situated".
- (3) Section 20 of the *Pounds Ordinance* is amended by striking out the expression "game guardian" and substituting therefor the expression "conservation officer".
- 24(1) The *Real Estate Agents' Licensing Ordinance* is amended by repealing paragraphs 56(1)(d)

and (e) and substituting the following therefor:

- "(d) prescribing the practice and procedure upon an investigation under sections 15 to 21; and
- (e) providing for the qualifications required of applicants for licences."

- 25(1) Subsection 3(2) of the *Regulations Ordinance* is amended by striking out the expression "other than one referred to in section 10".
- 26(1) Subsection 3(1) of the *Securities Ordinance* is amended by striking out the expression "Part III" and substituting therefor the expression "Part I".
- 27(1) Section 2 of the *Societies Ordinance* is amended
- (a) by striking out the expression "and includes a declaration for incorporation and any other similar document of a society or association to which section 59 applies" in the definition of "declaration", and
 - (b) by striking out the words "and includes a society to which section 59 applies" in the definition of "society".
- (2) The *Societies Ordinance* is further amended by repealing section 18.
- (3) The *Societies Ordinance* is further amended by adding after subsection 23(3) the following new subsection:
- "(3.1) No resolution under subsection (2) has any force or effect until it has been filed under subsection (3) with the Registrar."

28(1) The *Worker's Compensation Ordinance* is amended by striking out the word "recommended" and substituting therefor the expression "recommenced".

29(1) Schedule B of *An Ordinance Respecting the Revised Ordinances of the Yukon Territory, 1971*, being chapter 2 of the Ordinances of the Yukon Territory (third session), is amended;

- (a) by deleting the reference to "Change of Name, Territorial Court Ordinance" in the third column thereof, and by deleting the information contained in the first, second and fourth columns, with respect thereto, and
- (b) by adding thereto, immediately after the column headings thereof, the following:

"6	R.O. 1958	Arbitration Ordinance	The whole
7	R.O. 1958	Area Development Ordinance	The whole
8	R.O. 1958	Assignment of Book Debts Ordinance	The whole
9	R.O. 1958	Bills of Sale Ordinance	The whole
10	R.O. 1958	Blasting Ordinance	The whole
11	R.O. 1958	Bulk Sales Ordinance	The whole
12	R.O. 1958	Business Licence Ordinance	The whole
14	R.O. 1958	Change of Name Ordinance	The whole
15	R.O. 1958	Chiropractic Ordinance	The whole
16	R.O. 1958	Choses in Action Ordinance	The whole
17	R.O. 1958	Citizenship Instruction Agreement Ordinance	The whole
18	R.O. 1958	Collection Ordinance	The whole
19	R.O. 1958	Companies Ordinance	The whole
20	R.O. 1958	Conditional Sales Ordinance	The whole
21	R.O. 1958	Contributory Negligence Ordinance	The whole
22	R.O. 1958	Controverted Elections Ordinance	The whole
24	R.O. 1958	Coroners Ordinance	The whole
26	R.O. 1958	Creditors Relief Ordinance	The whole
27	R.O. 1958	Curfew Ordinance	The whole
28	R.O. 1958	Defamation Ordinance	The whole
29	R.O. 1958	Dental Profession Ordinance	The whole
30	R.O. 1958	Devolution of Real Property Ordinance	The whole

31	R.O. 1958	Disabled Persons Allowance Ordinance	The whole
32	R.O. 1958	Distress Ordinance	The whole
33	R.O. 1958	Dog Ordinance	The whole
34	R.O. 1958	Elections Ordinance	The whole
35	R.O. 1958	Employment Agencies Ordinance	The whole
36	R.O. 1958	Engineering Profession Ordinance	The whole
37	R.O. 1958	Evidence Ordinance	The whole
38	R.O. 1958	Exemptions Ordinance	The whole
39	R.O. 1958	Factors Ordinance	The whole
40	R.O. 1958	Fatal Accidents Ordinance	The whole
42	R.O. 1958	Financial Administration Ordinance	The whole
46	R.O. 1958	Floral Emblem Ordinance	The whole
47	R.O. 1958	Forest Protection Ordinance	The whole
48	R.O. 1958	Frustrated Contracts Ordinance	The whole
49	R.O. 1958	Fur Export Ordinance	The whole
50	R.O. 1958	Game Ordinance	The whole
51	R.O. 1958	Garage Keepers Ordinance	The whole
52	R.O. 1958	Garnishee Ordinance	The whole
57	R.O. 1958	Insurance Ordinance	The whole
58	R.O. 1958	Interpretation Ordinance	The whole
59	R.O. 1958	Intestate Succession Ordinance	The whole
60	R.O. 1958	Judicature Ordinance	The whole except 4,15,35, Form A
61	R.O. 1958	Jury Ordinance	The whole
63	R.O. 1958	Landlord and Tenant Ordinance	The whole
64	R.O. 1958	Legal Profession Ordinance	The whole
65	R.O. 1958	Legitimation Ordinance	The whole
66	R.O. 1958	Limitation of Actions Ordinance	The whole
68	R.O. 1958	Maintenance Ordinance	The whole
69	R.O. 1958	Marriage Ordinance	The whole
70	R.O. 1958	Married Women's Property Ordinance	The whole
72	R.O. 1958	Mechanics Lien Ordinance	The whole
73	R.O. 1958	Medical Profession Ordinance	The whole
74	R.O. 1958	Miners Lien Ordinance	The whole
75	R.O. 1958	Mining Safety Ordinance	The whole
76	R.O. 1958	Motion Picture Ordinance	The whole
77	R.O. 1958	Motor Vehicles Ordinance	The whole

80	R.O. 1958	Newspaper Ordinance	The whole
81	R.O. 1958	Noise Prevention Ordinance	The whole
82	R.O. 1958	Old Age Assistance and Blind Persons Allowance Ordinance	The whole
83	R.O. 1958	Optometry Ordinance	The whole
84	R.O. 1958	Partnership Ordinance	The whole
85	R.O. 1958	Pawn Brokers and Second Hand Dealers Ordinance	The whole
87	R.O. 1958	Pharmaceutical Chemists Ordinance	The whole
90	R.O. 1958	Pounds Ordinance	The whole
92	R.O. 1958	Public Health Ordinance	The whole
93	R.O. 1958	Public Printing Ordinance	The whole
95	R.O. 1958	Reciprocal Enforcement of Judgments Ordinance	The whole
96	R.O. 1958	Reciprocal Enforcement of Maintenance Orders Ordinance	The whole
97	R.O. 1958	Sale of Goods Ordinance	The whole
98	R.O. 1958	Saw Logs Driving Ordinance	The whole
100	R.O. 1958	Scientists and Explorers Ordinance	The whole
101	R.O. 1958	Societies Ordinance	The whole
102	R.O. 1958	Steam Boilers Ordinance	The whole
104	R.O. 1958	Tenants in Common Ordinance	The whole
105	R.O. 1958	Trustee Ordinance	The whole
106	R.O. 1958	Vital Statistics Ordinance	The whole
108	R.O. 1958	Warehousemen's Lien Ordinance	The whole
109	R.O. 1958	Wills Ordinance	The whole
110	R.O. 1958	Woodmen's Lien Ordinance	The whole".

(2) The Ordinances included in Schedule B of the said Ordinance pursuant to paragraph (1)(b) shall be deemed to have been repealed on and from the first day of April, 1972.

- 30(1) The following Ordinances are repealed:
- (a) *An Ordinance to Incorporate the Svendsgard Drug and Hospital Company Limited*, being chapter 1 of the Ordinances of the Yukon Council, 1899;
 - (b) *An Ordinance to Incorporate the Yukon Overland Empress and Transportation Company*, being chapter 12 of the Ordinances of the Yukon Council, 1899;
 - (c) *An Ordinance to Incorporate the Dawson Telephone and Electric Company, Limited*,

- being chapter 8 of the Ordinances of the Yukon Council, 1900;
- (d) *An Ordinance to Incorporate the Dawson City Water and Power Company Limited*, being chapter 14 of the Ordinances of the Yukon Council, 1900;
 - (e) *An Ordinance Amending the Ordinance Incorporating the Dawson City Water and Power Company Limited*, being chapter 41 of the Ordinances of the Yukon Council, 1900;
 - (f) *An Ordinance to Incorporate the Hadley Stage Line Limited*, being chapter 6 of the Ordinances of the Yukon Council, 1901;
 - (g) *An Ordinance to Incorporate the Dawson Transfer and Storage Company Limited*, being chapter 7 of the Ordinances of the Yukon Council, 1901;
 - (h) *An Ordinance to Incorporate the Yukon-Klondike General Trusts Company Limited*, being chapter 16 of the Ordinances of the Yukon Council, 1901;
 - (i) *An Ordinance to Amend the Ordinance to Incorporate the Dawson City Water and Power Company Limited*, being chapter 19 of the Ordinances of the Yukon Council, 1901;
 - (j) *An Ordinance to Increase the Capital Stock of the Hadley Stage Line Limited*, being chapter 39 of the Ordinances of the Yukon Council, 1901;
 - (k) *An Ordinance to Incorporate the Dawson Amateur Athletic Association Limited*, being chapter 15 of the Ordinances of the Yukon Council, 1902;
 - (l) *An Ordinance to Amend the Ordinance Incorporating the Dawson Amateur Athletic Association Limited*, being chapter 1 of the Ordinances of the Yukon Council, 1903;
 - (m) *An Ordinance to Incorporate the North Star Athletic Association Limited*, being chapter 13 of the Ordinances of the Yukon Council, 1903; and

(n) *An Ordinance to Incorporate the Zero Club Limited*, being chapter 21 of the Ordinances of the Yukon Council, 1903.

31(1) This Ordinance or any provision thereof comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 21

AN ORDINANCE TO AMEND
THE MOTOR VEHICLES ORDINANCE

(Assented to April 16, 1980)

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

1(1) Subsection 36(3) of the *Motor Vehicles Ordinance* is repealed and the following substituted therefor:

Visitors'
vehicles

"(3) Subject to Part IV, a private vehicle in respect of which a substituting certificate of registration has not been issued under this Ordinance may be operated on a highway where

- (a) the vehicle is registered pursuant to the laws of a place other than the Territory,
- (b) the registration number plates or other identification issued under the laws referred to in paragraph (a) is displayed on the vehicle,
- (c) the vehicle has not been in the Territory for a continuous period of more than 60 days in the preceding 12 months,
- (d) the person in whose name the vehicle is registered under the laws referred to in paragraph (a) is not a resident of the Territory,
- (e) the vehicle is not a rented vehicle, and
- (f) the vehicle is not leased, under a lease for a period of more than 30 days, to a person who is a resident of the Territory."

(2) Section 36 of the *Motor Vehicles Ordinance* is amended by adding the following new subsections:

"private
vehicle"

"(6) For the purposes of subsection (3)
(a) "private vehicle" includes a trailer but does not include any vehicle that is used by any person in connection with the carrying-on of any business in the Territory, and

"resident"

(b) a person shall be deemed to be a resident of the Territory where
(i) he makes his home in the Territory and is ordinarily present in the Territory,
(ii) he earn income from employment in the Territory, or
(iii) he carries on a business in the Territory.

New
registrations

(7) A person shall be deemed not to have contravened subsection (1) during the period of seven days immediately following the day on which a vehicle is brought into the Territory for the first time in the previous 12 months where
(a) the vehicle is registered pursuant to the laws of a place other than the Territory
(b) the registration number plates or other identification issued under the laws referred to in paragraph (a) is displayed on the vehicle,
(c) the vehicle is not a rented vehicle, and
(d) a certificate of registration is issued under this Ordinance in respect of the vehicle within the seven-day period."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

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ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 22

MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE, 1980

(Assented to April 14, 1980)

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

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| Short title | 1(1) | This Ordinance may be cited as the <i>Municipal General Purposes Loan Ordinance, 1980</i> . |
| | 2(1) | In this Ordinance, |
| "borrowing by-law" | | "borrowing by-law" means a by-law mentioned in section 4; |
| "council" | | "council" means the council of a municipality; and |
| "municipality" | | "municipality" means a town or city. |
| Ordinance one with Municipal Ordinance | (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. |
| Commissioner may lend to municipalities | 3(1) | The Commissioner may, on behalf of the Government of the Territory, lend a sum not exceeding three million dollars, in the whole to municipalities to enable them to carry on programs of municipal works, and for that purpose the Commissioner may, on behalf of the Government of the Territory, enter into agreements with municipalities. |
| | 4(1) | Subject to this Ordinance, a council may pass by-laws for the borrowing of money for the purpose mentioned in section 3, but no such by-law shall be valid unless, before it is finally passed by the council, it is approved in accordance with the <i>Municipal Ordinance</i> . |

- 5(1) A borrowing by-law shall set out in detail
- (a) the amount proposed to be borrowed;
 - (b) the purpose for which the borrowed amount is to be expended;
 - (c) the term of the loan;
 - (d) the rate of interest payable on the loan;
 - (e) the method of repayment of the loan; and
 - (f) the amount of the existing debt of the municipality, if any, and how much, if any, of the principal or interest of the debt is in arrears.

- (2) Every borrowing by-law shall be in such form and contain such provisions as may be required by the Commissioner, and shall
- (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, and
 - (c) provide for the levy of an annual tax or taxes sufficient to pay the principal and interest of the loan.

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, but if there remains an unexpended balance on completion of the work for which the money was borrowed, the balance may be used by the municipality
- (a) for the repayment 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 appropriate.

- Repayment prior to due date 7(1) A by-law may provide that the loan may be repaid prior to the due date at the option of the municipality at such time or times as the municipality may find it possible to repay it.
- Redemption (2) Where the loan or any portion of it is repaid prior to the due date, the repayment does not affect the validity of any by-law by which taxes have been imposed in respect of the loan, the validity of the taxes, or the power of the council to continue to collect the taxes.
- Effect of agreement 8(1) A loan agreement made pursuant to this Ordinance is valid and binding upon a municipality notwithstanding any insufficiency in the form or substance of the agreement or the by-law if the by-law has been approved in accordance with the *Municipal Ordinance*.
- Default 9(1) If a municipality defaults in the payment of the money owing in respect of a loan made under a borrowing by-law, the council shall forthwith make a special levy against all property in the municipality to raise sufficient funds to pay the arrears owing on the loan.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 23

PERPETUITIES ORDINANCE

(Assented to April 16, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <i>Perpetuities Ordinance</i> .
	2(1)	In this Ordinance,
"disposition"		"disposition" includes the conferring of a power of appointment and any provision whereby any interest in property or any right, power or authority over property is disposed of, created or conferred and also includes a possibility of reverter or resulting trust, and a right of re-entry on breach of a condition subsequent;
"in being"		"in being" means living or en ventre sa mere;
"perpetuity period"		"perpetuity period" means the period within which at common law as modified by this Ordinance an interest must vest; and
"power of appointment"		"power of appointment" includes any discretionary power to transfer a beneficial interest in property without the furnishing of valuable consideration.
Rule is continued	3(1)	Except as provided by this Ordinance, the rule of law known as the rule against perpetuities continues to have full effect.
Vesting beyond period	4(1)	No disposition creating a contingent interest in real or personal property shall be treated as or declared to be void as violating the rule against perpetuities by reason only of

the fact that there is a possibility of the interest vesting beyond the perpetuity period.

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|------------------------------|------|--|
| Wait and see | 5(1) | <p>Every contingent interest in real or personal property that is capable of vesting within or beyond the perpetuity period is presumptively valid until actual events establish,</p> <p>(a) that the interest is incapable of vesting within the perpetuity period, in which case the interest, unless validated by the application of section 7, 8 or 9 shall be treated as void or declared to be void, or</p> <p>(b) that the interest is incapable of vesting beyond the perpetuity period, in which case the interest shall be treated as valid or declared to be valid.</p> |
| General power of appointment | (2) | <p>A disposition conferring a general power of appointment, which but for this section would have been void on the ground that it might become exercisable beyond the perpetuity period, is presumptively valid until such time, if any, as it becomes established by actual events that the power cannot be exercised within the perpetuity period.</p> |
| Other powers of appointment | (3) | <p>A disposition conferring any power other than a general power of appointment, which but for this section would have been void on the ground that it might be exercised beyond the perpetuity period, is presumptively valid and shall be declared or treated as void for remoteness only if, and so far as, the power is not fully exercised within the perpetuity period.</p> |
| Determination of period | 6(1) | <p>Where section 5 applies to a disposition and</p> <p>(a) where any persons falling within subsection (2) are persons in being and ascertainable at the commencement of the perpetuity period, the duration of the perpetuity period shall be determined by reference to their lives and no others,</p> |

but so that the lives of any description of persons falling within paragraph (2) (b) or (c) shall be disregarded if the number of persons of that description is such as to render it impractical to ascertain the date of death of the survivor, or

- (b) where there are no lives under paragraph (a) the perpetuity period is 21 years.

Lives
in
being

- (2) The persons referred to in subsection (1) are
 - (a) the person by whom the disposition is made;
 - (b) a person to whom or in whose favour the disposition was made, that is to say,
 - (i) in the case of a disposition to a class of persons, any member or potential member of the class,
 - (ii) in the case of an individual disposition to a person taking only on certain conditions being satisfied, any person as to whom some of the conditions are satisfied and the remainder may in time be satisfied,
 - (iii) in the case of a special power of appointment exercisable in favour of members of a class, any member or potential member of the class,
 - (iv) where, in the case of a special power of appointment exercisable in favour of one person only, the object of the power is not ascertained at the commencement of the perpetuity period, any person as to whom some of the conditions are satisfied and the remainder may in time be satisfied,
 - (v) in the case of a power of appointment the person on whom the power is conferred;
 - (c) a person having a child or grandchild within clauses (b) (i) to (iv), or such a person any of whose children or grandchildren, if subsequently born, would by virtue of his descent, fall within those clauses;

- (d) any person who takes any prior interest in the property disposed of and any person on whose death a gift over takes effect; and
- (e) where a disposition is made in favour of any spouse of a person who is in being and ascertainable at the commencement of the perpetuity period, or where an interest is created by reference to the death of the spouse of such a person, or by reference to the death of the survivor, the same spouse whether or not he was in being or ascertainable at the commencement of the period.

Reduction
of age

7(1)

Where a disposition creates an interest in real or personal property by reference to the attainment by any person or persons of a specified age exceeding 21 years, and actual events existing at the time the interest was created or at any subsequent time establish

- (a) that the interest but for this section would be void as incapable of vesting within the perpetuity period, but
- (b) that it would not be void if the specified age had been 21 years,

the disposition shall be read as if, instead of referring to the age specified, it had referred to the age nearest the age specified that would, if specified instead, have prevented the interest from being so void.

Only one
reduction

(2)

One age reduction to embrace all potential beneficiaries shall be made pursuant to subsection (1).

Different
ages

(3)

Where in the case of any disposition different ages exceeding 21 years are specified in relation to different persons,

- (a) the reference in paragraph (1)(b) to the specified age shall be construed as a reference to all the specified ages, and
- (b) that paragraph operates to reduce each such age so far as is necessary to save the disposition from being void for remoteness.

- Exclusion of class members 8(1) Where the inclusion of any persons, being potential members of a class or unborn persons who at birth would become potential members of the class, prevents section 7 from operating to save a disposition from being void for remoteness, those persons shall be excluded from the class for the purposes of the disposition and that section has effect accordingly.
- Idem (2) Where, in the case of a disposition to which subsection (1) does not apply, it is apparent at the time the disposition is made, or becomes apparent at a subsequent time that, but for this subsection, the inclusion of any persons being potential members of a class or unborn persons who at birth would become members or potential members of the class, would cause the disposition to be treated as void for remoteness, such persons shall for all the purposes of the disposition be excluded from the class.
- General cy-pres 9(1) Where it has become apparent that, apart from the provisions of this section, any disposition would be void solely on the ground that it infringes the rule against perpetuities and where the general intention originally governing the disposition can be ascertained in accordance with the normal principles of interpretation of instruments and the rules of evidence, the disposition shall, if possible and as far as possible, be reformed so as to give effect to the general intention within the limits of the rule against perpetuities.
- Exception (2) Subsection (1) does not apply where the disposition of the property has been settled by a valid compromise.
- Future parent-hood 10(1) Where in any proceeding respecting the rule against perpetuities a question arises that turns on the ability of a person to have a child at some future time, then, it shall be presumed,

- (a) that a male is able to have a child at the age of 14 years or over, but not under that age, and
- (b) that a female is able to have a child at the age of 12 years or over, but not under that age or over the age of 55 years,

but in the case of a living person, evidence may be given to show that he will or will not be able to have a child at the time in question.

Effect of decision

(2) Subject to subsection (3), where any question is decided in relation to a disposition by treating a person as able or unable to have a child at a particular time, then he shall be so treated for the purpose of any question that may arise concerning the rule against perpetuities in relation to the same disposition notwithstanding that the evidence on which the finding or ability or inability to have a child at a particular time is proved by subsequent events to have been erroneous.

Disproof of decision

(3) Where a question is decided by treating a person as unable to have a child at a particular time and that person subsequently has a child at that time, the Court may make such order as it sees fit to protect the right that such child would have had in the property concerned as if such question had not been decided and as if such child would, apart from such decision, have been entitled to a right in the property not in itself invalid by the application of the rule against perpetuities as modified by this Ordinance.

Adoption and legitimation

(4) The possibility that a person may at any time have a child by adoption or legitimation shall not be considered in deciding any question that turns on the ability of a person to have a child at some particular time, but, if a person does subsequently have a child by such means, then subsection (3) applies to such child.

Applica- tion to Court	11(1)	An executor or a trustee of any property or any person interested under, or in the validity or invalidity of, an interest in that property may at any time apply for the opinion, advice or direction of the Court as to the validity or invalidity with respect to the rule against perpetuities of an interest in that property and with respect to the application of any provision of this Ordinance.
Order of remedies	12(1)	The remedial provisions of this Ordinance apply in the following order: (a) section 10; (b) section 5; (c) section 7; (d) section 8; and (e) section 9.
Interim income	13(1)	Pending the treatment or declaration of a presumptively valid interest within the meaning of section 5 as valid or invalid, the income arising from that interest and not otherwise disposed of shall be treated as income arising from a valid contingent interest, and any uncertainty whether the disposition will ultimately prove to be void for remoteness shall be disregarded.
Expectant interests	14(1)	A disposition that, if it stood alone, would be valid under the rule against perpetuities is not invalidated by reason only that it is preceded by one or more dispositions that are invalid under the rule against perpetuities, whether or not such disposition expressly or by implication takes effect after, or is subject to, or is ulterior to and dependent upon, any such invalid disposition.
Accelera- tion	(2)	Where a prior interest is invalid under the rule against perpetuities, any subsequent interest that, if it stood alone, would be valid shall not be prevented from being accelerated by reason only of the invalidity of the prior interest.

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| Powers
of
appoint-
ment | 15(1) | <p>For the purpose of the rule against perpetuities, a power of appointment shall be treated as a special power unless,</p> <p>(a) in the instrument creating the power it is expressed to be exercisable by one person only, and</p> <p>(b) it could, at all times, during its currency when that person is of full age and capacity, be exercised by him so as immediately to transfer to himself the whole of the interest governed by the power without the consent of any other person or compliance with any other condition, not being a formal condition relating only to the mode of exercise of the power.</p> |
| General
power | (2) | <p>A power that satisfies the conditions of paragraphs 1(a) and (b) shall, for the purpose of the rule against perpetuities, be treated as a general power.</p> |
| Power
under
will | (3) | <p>For the purpose of determining whether an appointment made under a power of appointment exercisable by will only is void for remoteness, the power shall be treated as a general power where it would have been so treated if exercisable by deed.</p> |
| Powers
of
trustees | 16(1) | <p>The rule against perpetuities does not invalidate a power conferred on trustees or other persons to sell, lease, exchange or otherwise dispose of any property, or to do any other act in the administration (as opposed to the distribution) of any property including, where authorized, payment to trustees or other persons of reasonable remuneration for their services.</p> |
| Transitional | (2) | <p>Subsection (1) applies for the purpose of enabling a power to be exercised at any time after this Ordinance comes into force, notwithstanding that the power is conferred by an instrument that took effect before that time.</p> |

- Avoid-
ance of
contracts 17(1) Where a disposition inter vivos would be treated as void for remoteness if the rights and duties thereunder were capable of transmission to persons other than the original parties and had been so transmitted, it shall be treated as void as between the person by whom it was made and the person to whom or in whose favour it was made or any successor of his, and no remedy lies in contract or otherwise for giving effect to it or making restitution for its lack of effect.
- Option
for
reversion 18(1) The rule against perpetuities does not apply to an option to acquire for valuable consideration an interest reversionary on the term of a lease or renewal of a lease, whether the lease or renewal is of real or personal property,
(a) if the option is exercisable only by the lessee or his successors in title, and
(b) if it ceases to be exercisable at or before the expiration of one year following the determination of the lease or renewal.
- Agree-
ment
for
lease (2) Subsection (1) applies to an agreement for a lease as it applies to a lease, and "lessee" shall be construed accordingly.
- Pre-
emption,
first
refusal (3) Subsection (1) applies to a right of first refusal or pre-emption as it applies to an option.
- Option
to
renew
lease (4) The rule against perpetuities does not apply to options to renew a lease of real or personal property.
- Commercial
transactions 19(1) In the case of a contract whereby for valuable consideration an interest in real or personal property may be acquired at a future time, the perpetuity period is 80 years from the date of the contract, and if the contract provides for the acquisition of such an interest at a time greater than 80 years, then the interest may be acquired up to 80 years and not thereafter.

- Applica- (2) In particular and not so as to restrict the
tion generality of subsection (1), it applies to
all contracts relating to a future sale or
lease, to options in gross, rights of pre-
emption or first refusal, and to future
profits a prendre, easements and restrictive
covenants.
- Wills (3) This section does not apply to any provision
and in a will or inter vivos trust.
trusts
- Determin- 20(1) In the case of,
able (a) a possibility of reverter on the deter-
interests mination of a determinable fee simple,
or
(b) a possibility of a resulting trust on
the determination of any determinable
interest in real or personal property,
the rule against perpetuities as modified by
this Ordinance applies in relation to the
provision causing the interest to be deter-
minable as it would apply if that provision
were expressed in the form of a condition
subsequent giving rise on its breach to a
right of re-entry or an equivalent right in
the case of personal property, and, where the
event that determines the determinable interest
does not occur within the perpetuity period,
the provision shall be treated as void for
remoteness and the determinable interest
becomes an absolute interest.
- Reverter, (2) The perpetuity period for the purpose of a
etc. possibility of reverter or a possibility of a
resulting trust or of a right of re-entry on
breach of a condition subsequent or equivalent
right in personal property is 40 years.
- Cessation (3) Subsection (1) does not apply where the
of event, which determines the prior interest,
charity or on which the prior interest could be
determined, is the cessation of a charitable
purpose but in such a case if the cessation
of the charitable purpose takes place after

the expiration of the perpetuity period the property shall be treated as if it were the subject of a charitable trust to which the cy pres doctrine applies.

- Exception (4) This section does not apply, nor does the rule against perpetuities apply, to a gift over from one charity to another.

- Trusts for non-charitable purpose 21(1) A trust for a specific non-charitable purpose that creates no enforceable equitable interest in a specific person shall be construed as a power to appoint the income or the capital, as the case may be, and, unless the trust is created for an illegal purpose or a purpose contrary to public policy the trust is valid so long as and to the extent that it is exercised either by the original trustee or his successor, within a period of 21 years, notwithstanding that the disposition creating the trust manifested an intention, either expressly or by implication, that the trust should or might continue for a period in excess of that period, but, in the case of such a trust that is expressed to be of perpetual duration, the court may declare the disposition to be void if the court is of opinion that by so doing the result would more closely approximate the intention of the creator of the trust than the period of validity provided by this section.

- Unexpended part of trust (2) To the extent that the income or capital of a trust for a specific non-charitable purpose is not fully expended within a period of 21 years, or within any annual or other recurring period within which the disposition creating the trust provided for the expenditure of all or a specified portion of the income or the capital, the person or his successors, who would have been entitled to the property comprised in the trust if the trust had been invalid from the time of its creation, are entitled to such unexpended income or capital.

- Whitby v. Mitchell 22(1) The rule of law prohibiting the disposition, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without affecting any other rule relating to perpetuities.
- Employee benefit trusts 23(1) The rules of law and statutory enactments relating to perpetuities and to accumulations do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities or sickness, death or other benefits to employees, or persons not being employees, engaged in any lawful calling, or to their surviving spouses, dependants or other beneficiaries.
- Rule binds the Crown 24(1) This Ordinance and the rule against perpetuities bind the Crown except in respect of dispositions of property made by the Crown.
- Applica- tion of Ordinance 25(1) Except as provided in subsection 16(2) and section 23, this Ordinance applies only to instruments taking effect after this Ordinance comes into force, and such instruments include an instrument made in the exercise of a general or special power of appointment after this Ordinance comes into force even though the instrument creating the power took effect before this Ordinance comes into force.
- 26(1) The *Perpetuities Ordinance* is repealed.
- 27(1) This Ordinance comes into force on a day to be fixed by the Commissioner.
- NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 24

PRESUMPTION OF DEATH ORDINANCE

(Assented to April 14, 1980)

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

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| Short title | 1(1) | This Ordinance may be cited as the <i>Presumption of Death Ordinance</i> . |
| "interested person" | 2(1) | In this Ordinance, "interested person" means any person who is or would be affected by an order made under this Ordinance and includes,
(a) the next of kin of the person in respect of whom an order is made or applied for, and
(b) a person who holds property of the person in respect of whom an order is made or applied for. |
| Making of order | 3(1) | Where, upon the application of an interested person, the Court is satisfied that
(a) a person has been absent and not heard of or from by the applicant, or to the knowledge of the applicant by any other person since a day named,
(b) the applicant has no reason to believe that the person is living, and
(c) reasonable grounds exist for supposing that the person is dead,
the Court may make an order declaring that the person shall be presumed to be dead for all purposes, or for such purposes only as are specified in the order. |
| Date of death | (2) | An order made under subsection (1) shall state the date on which the person is presumed to have died. |
| Change, etc. of order | (3) | Any interested person may, with leave of the Court, apply to the Court for an order to |

vary, amend, confirm or revoke an order made under subsection (1).

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| Effect of order | (4) | An order, or a certified copy thereof, declaring that a person shall be presumed to be dead for all purposes or for the purposes specified in the order is proof of death in all matters requiring proof of death for such purposes. |
| Confirmation required | 4(1) | Where an order has been made declaring that a person shall be presumed to be dead for all purposes or for the purpose of distributing his estate, and the personal representative of the person presumed to be dead believes or there are reasonable grounds for him to believe that the person is not in fact dead, the personal representative shall not thereafter deal with the estate or remaining estate unless the presumption of death is confirmed by an order made under subsection 3(3). |
| Mistaken order | 5(1) | Where a person who is presumed to be dead is, in fact, alive, any distribution of his property that has been made in reliance upon an order made under section 3, and not in contravention of section 4, shall be deemed to be a final distribution and to be the property of the person to whom it has been distributed as against the person presumed to be dead. |
| Return of property | (2) | Where a person who is presumed to be dead is found by the Court to be alive, the Court may, upon the application of any interested person and subject to subsection (1), by order give such directions as the Court considers appropriate respecting the property of the person found to be alive and its preservation and return. |
| Person dead in fact | 6(1) | Where a person who is presumed to be dead is in fact found to be dead, any distribution of his property that has been made in reliance upon an order made under section 3 shall be |

deemed to be a final distribution and to be the property of the person to whom it has been distributed as against any person who would otherwise be entitled if the order made under section 3 had not been made.

Appeal

- 7(1) Any interested person may appeal an order made under this Ordinance to the Court of Appeal.
- 8(1) *The Presumption of Death Ordinance is repealed.*
- 9(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 25

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ORDINANCE

(Assented to April 16, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <i>Reciprocal Enforcement of Maintenance Orders Ordinance</i> .
	2(1)	In this Ordinance,
"certified copy"		"certified copy" means, in relation to a document of a court, the original or a copy of the document certified by the original or facsimile signature of a proper officer of the court to be a true copy;
"claimant"		"claimant" means a person who has or is alleged to have a right to maintenance;
"Commissioner"		"Commissioner" includes a person authorized in writing by the Commissioner to act for him in the performance of a power or duty under this Ordinance;
"confirmation order"		"confirmation order" means a confirmation order made under this Ordinance or under the corresponding enactment of a reciprocating state;
"court"		"court" means an authority having jurisdiction to make an order;
"final order"		"final order" means an order made in a proceeding of which the claimant and respondent had proper notice and in which they had an opportunity to be present or represented, and includes (a) the maintenance provisions in a written agreement between a claimant and a

respondent where those provisions are enforceable in the state in which the agreement was made as if contained in an order of a court of that state, and
(b) a confirmation order made in a reciprocating state;

"maintenance" "maintenance" includes support or alimony;

"order" "order" means an order or determination of a court providing for the payment of money as maintenance by the respondent named in the order for the benefit of the claimant named in the order, and includes the maintenance provisions of an affiliation order;

"provincial enactment" "provincial enactment" includes a Territorial enactment;

"provincially appointed judge" "provincially appointed judge" includes a judge of the Territorial Court;

"provisional order" "provisional order" means an order of a court in the Territory that has no force or effect in the Territory until confirmed by a court in a reciprocating state or a corresponding order made in a reciprocating state for confirmation in the Territory;

"reciprocating state" "reciprocating state" means a state declared under subsection 19(2) or under an enactment repealed by this Ordinance to be a reciprocating state, and includes a province;

"registered order" "registered order" means
(a) a final order made in a reciprocating state and filed under this Ordinance or under an enactment repealed by this Ordinance with a court in the Territory,
(b) a final order deemed under subsection 3(3) to be a registered order, or
(c) a confirmation order that is filed under subsection 6(8);

- "registration court" "registration court" means the court in the Territory
- (a) in which the registered order is filed under this Ordinance, or
 - (b) that deemed a final order to be a registered order under this Ordinance or under an enactment repealed by this Ordinance;
- "respondent" "respondent" means a person in the Territory or in a reciprocating state who has or is alleged to have an obligation to pay maintenance for the benefit of a claimant, or against whom a proceeding under this Ordinance, or a corresponding enactment of a reciprocating state, is commenced; and
- "state" "state" includes a political subdivision of a state and an official agency of a state.
- Receipt of final order 3(1) Where the Commissioner receives a certified copy of a final order made in a reciprocating state before, on or after the day on which this Ordinance comes into force with information that the respondent is in the Territory, the Commissioner shall designate a court in the Territory for the purposes of the registration and enforcement of the order, and shall forward the order and supporting material to that court.
- Registration (2) On receipt of a final order transmitted to a court under subsection (1) or under a provision in a reciprocating state corresponding to paragraph 6(8)(a), the proper officer of the court shall file the order with the court and give notice of the registration of the order to the respondent.
- Departure of claimant (3) Where a final order is made in the Territory before, on or after the day on which this Ordinance comes into force and the claimant subsequently leaves the Territory and is apparently resident in a reciprocating state,

the court that made the order shall, on the written request of the claimant, the respondent or the Commissioner, deem the order to be a registered order.

Variation of order (4) A registered order varied in a manner consistent with this Ordinance continues to be a registered order.

Setting aside order (5) A respondent may, within one month after receiving notice of the registration of a registered order, apply to the registration court to set the registration aside.

Grounds (6) On application under subsection (5) the registration court shall set aside the registration if it determines that the order was obtained by fraud or error or was not a final order.

Disposition of order (7) An order determined not to be a final order and set aside under subsection (6) may be dealt with by the registration court under section 6 as a provisional order.

Provisional order 4(1) On application by a claimant before, on or after the day on which this Ordinance comes into force, a court may, without notice to and in the absence of a respondent, make a provisional order against the respondent.

Amount (2) An order under subsection (1) shall not include maintenance provisions in excess of those the court could have included in a final order in a proceeding of which the respondent had notice in the Territory but in which he failed to appear.

Transmission of order (3) Where a provisional order is made, a proper officer of the court shall send to the Commissioner for transmission to a reciprocating state
(a) three certified copies of the provisional order,

- (b) a sworn document setting out or summarizing the evidence given in the proceeding,
 - (c) a copy of the enactments under which the respondent is alleged to have an obligation to maintain the claimant, and
 - (d) a statement giving available information respecting identification, location, income and assets of the respondent.
- Further evidence (4) Where, during a proceeding for a confirmation order, a court in a reciprocating state remits the matter back for further evidence to the court in the Territory that made the provisional order, the court in the Territory shall, after giving notice to the claimant, receive further evidence.
- Evidence and re-commendations (5) Where evidence is received under subsection (4), a proper officer of the court shall forward to the court in the reciprocating state a sworn document setting out or summarizing the evidence, with such recommendations as the court in the Territory considers appropriate.
- New order (6) Where a provisional order made under this section comes before a court in a reciprocating state and confirmation is denied in respect of one or more claimants, the court in the Territory that made the provisional order may, on application within six months from the denial of confirmation, reopen the matter, receive further evidence and make a new provisional order for a claimant in respect of whom confirmation was denied.
- Affiliation 5(1) Where the affiliation of a child is in issue and has not previously been determined by a court of competent jurisdiction, the affiliation may be determined as part of a maintenance proceeding under this Ordinance.
- Dispute (2) If the respondent disputes affiliation in the course of a proceeding to confirm a provisional order for maintenance, the matter of affiliation

may be determined even though the provisional order makes no reference to affiliation.

- Effect of determination (3) A determination of affiliation under this section has effect only for the purpose of maintenance proceedings under this Ordinance.
- Designation of court 6(1) Where the Commissioner receives from a reciprocating state documents corresponding to those described in subsection 4(3) with information that the respondent is in the Territory, the Commissioner shall designate a court in the Territory for the purpose of proceedings under this section and shall forward the documents to that court.
- Procedure (2) On receipt of the documents referred to in subsection (1), the court shall, whether the provisional order was made before, on or after the day on which this Ordinance comes into force, issue a summons to the respondent in the same manner as it would in a proceeding under the Maintenance Ordinance for the same relief and shall proceed, taking into consideration the sworn document setting out or summarizing the evidence given in the proceeding in the reciprocating state.
- Absence of respondent (3) Where the respondent apparently is outside the territorial jurisdiction of the court and will not return, a proper officer of the court, on receipt of documents under subsection (1), shall return the documents to the Commissioner with available information respecting the whereabouts and circumstances of the respondent.
- Confirmation of payments (4) At the conclusion of a proceeding under this section the court may make a confirmation order in the amount it considers appropriate or make an order refusing maintenance to any claimant.
- Commencement of payments (5) Where the court makes a confirmation order for periodic maintenance payments, the court

may direct that the payments begin from a date not earlier than the date of the provisional order.

- Further evidence (6) The court, before making a confirmation order in a reduced amount or before denying maintenance, shall decide whether to remit the matter back for further evidence to the court that made the provisional order.
- Interim order (7) Where a court remits a matter under subsection (6), it may make an interim order for maintenance against the respondent.
- Notice of disposition (8) At the conclusion of a proceeding under this section, the court, or a proper officer of the court, shall
- (a) forward a certified copy of the order to the court that made the provisional order and to the Commissioner,
 - (b) file the confirmation order, where one is made, and
 - (c) where an order is made refusing or reducing maintenance, give written reasons to the court that made the provisional order and to the Commissioner.
- Choice of law 7(1) Where the law of the reciprocating state is pleaded to establish the obligation of the respondent to maintain a claimant resident in that state, the court in the Territory shall take judicial notice of that law and apply it.
- Proof of enactment (2) An enactment of a reciprocating state may be pleaded and proved for the purposes of this section by producing a copy of the enactment received from the reciprocating state.
- Adjournment for proof (3) Where the law of the reciprocating state is not pleaded under subsection (1), the court in the Territory shall
- (a) make an interim order for maintenance against the respondent where appropriate,

- (b) adjourn the proceeding for a period not exceeding 90 days, and
 - (c) request the Commissioner to notify the appropriate officer of the reciprocating state of the requirement to plead and prove the applicable law of that state if that law is to be applied.

- Lack of proof (4) Where the law of the reciprocating state is not pleaded after an adjournment under subsection (3), the court shall apply the law of the Territory.

- Statement of local law (5) Where the law of a reciprocating state requires the court in the Territory to provide the court in the reciprocating state with a statement of the grounds on which the making of the confirmation order might have been opposed if the respondent were served with a summons and had appeared at the hearing of the court in the Territory, the Commissioner shall be deemed to be the proper officer of the court for the purpose of making and providing the statement of the grounds.

- Variation and rescission 8(1) The provisions of this Ordinance respecting the procedure for making provisional orders and confirmation orders apply with the necessary changes to proceedings, except under subsection (5), for the variation or rescission of registered orders.

- Variation prohibited (2) This section does not
 - (a) authorize a provincially appointed judge to vary or rescind a registered order made in Canada by a federally appointed judge, or
 - (b) allow a registered order originally made under a federal enactment to be varied or rescinded except as authorized by a federal enactment.

- Powers of lower court (3) Notwithstanding subsection (2), a provincially appointed judge may make a provisional order

to vary or rescind a registered order made in Canada under a provincial enactment by a federally appointed judge.

- Acceptance of jurisdiction (4) Subject to subsections (2) and (3), a registration court has jurisdiction to vary or rescind a registered order where both the claimant and respondent accept its jurisdiction.
- Application against resident (5) Where the respondent is ordinarily resident in the Territory a registration court may, on application by the claimant, vary or rescind a registered order.
- Confirmation order (6) A registration court may make a confirmation order for the variation or rescission of a registered order where
- (a) the respondent is ordinarily resident in the Territory,
 - (b) the claimant is ordinarily resident in a reciprocating state,
 - (c) a certified copy of a provisional order of variation or rescission made by a court in a reciprocating state is received by the registration court through the Commissioner, and
 - (d) the respondent is given notice of the proceeding and an opportunity to appear.
- Powers of registration court (7) A registration court may, on application by the respondent, vary or rescind a registered order
- (a) where
 - (i) the respondent is ordinarily resident in the Territory,
 - (ii) the claimant is ordinarily resident in a reciprocating state, and
 - (iii) the registration court, in the course of the proceeding, remits the matter to the court nearest to the place where the claimant lives or works for the purpose of obtaining evidence on behalf of the claimant, or

- (b) where
 - (i) the respondent is ordinarily resident in the Territory,
 - (ii) the claimant is not ordinarily resident in a reciprocating state, and
 - (iii) the claimant is given notice of the proceeding.

- Application by resident (8) Where a claimant ordinarily resident in the Territory applies for the variation or rescission of a final order and the respondent apparently is ordinarily resident in a reciprocating state, the court may make a provisional order of variation or rescission, and section 4 applies with the necessary changes to the proceeding.

- Variation in other state 9(1) Where an order originally made in the Territory is varied or rescinded in a reciprocating state under the law in that state corresponding to section 8, the order shall be deemed to be so varied or rescinded in the Territory.

- Enforcement 10(1) The registration court has jurisdiction to enforce a registered order notwithstanding that the order
 - (a) was made in a proceeding in respect of which the registration court would have had no jurisdiction, or
 - (b) is of a kind that the registration court has no jurisdiction to make.

- Maintenance Ordinance (2) The provision of the *Maintenance Ordinance* for the enforcement of maintenance orders apply with the necessary changes to registered orders and interim orders made under this Ordinance.

- Effect of order (3) A registered order has, from the date it is filed or deemed to be registered, the same effect as if it had been a final order originally made by the registration court and may, both with respect to arrears accrued before registration

and with respect to obligations accruing after registration, be enforced, varied or rescinded as provided in this Ordinance whether the order is made before, on or after the day on which this Ordinance comes into force.

- Status of order (4) Where a registered order is registered with the Court, it may be enforced as if it were an order of the Court.
- Service not necessary (5) Where a proceeding is brought to enforce a registered order, it is not necessary to prove that the respondent was served with the order.
- Recording variations (6) Where a registered order is being enforced and the registration court finds that the order has been varied by a court subsequent to the date of registration, the registration court shall record the fact of the variation and enforce the order as varied.
- Remedies of a state 11(1) Where the Territory, a province, a state or a political subdivision or official agency of the Territory, a province or a state is providing or has provided support to a claimant, it has, for the purpose of obtaining reimbursement or to obtain continuing maintenance for the claimant, the same right to bring proceedings under this Ordinance as the claimant.
- Duties of Commissioner 12(1) The Commissioner shall, on request in writing by a claimant or an officer or court of a reciprocating state, take all reasonable measures to enforce an order made or registered under this Ordinance.
- Transmit documents (2) On receipt of a document for transmission under this Ordinance to a reciprocating state, the Commissioner shall transmit the document to the proper officer of the reciprocating state.

- Delegation (3) The Commissioner may, in writing, authorize a person to perform or exercise a power or duty given to the Commissioner under this Ordinance.
- Documents of other states 13(1) Where a document signed by a presiding officer of the court in a reciprocating state or a certified copy of the document is received by a court in the Territory through the Commissioner, the court in the Territory may deem the document to be a provisional order or a final order, according to the tenor of the document, and proceed accordingly.
- Terminology (2) Where in a proceeding under this Ordinance a document from a court in a reciprocating state contains terminology different from the terminology of this Ordinance or customarily in use in the court in the Territory, the court in the Territory shall give a broad and liberal interpretation to the terminology so as to give effect to the document.
- Canadian currency 14(1) Where confirmation of a provisional order or registration of a final order is sought and the documents received by a court refer to amounts of maintenance or arrears not expressed in Canadian currency, a proper officer of the court shall first obtain from a bank a quotation for the equivalent amounts in Canadian currency at a rate of exchange applicable on the day the order was last made or varied.
- Certified amount (2) The amounts in Canadian currency certified on the order by the proper officer of the court under subsection (1) shall be deemed to be the amounts of the order.
- Translation (3) Where an order or other document received by a court is not in English, the order or other document shall have attached to it from the other jurisdiction a translation in English approved by the court, and the order or other document shall be deemed to be in English for the purposes of this Ordinance.

Appeals	15(1)	Subject to subsections 16(1), (2) and (3), a claimant, respondent or the Commissioner may appeal any ruling, decision or order of a court in the Territory under this Ordinance and the <i>Maintenance Ordinance</i> applies with the necessary changes to the appeal.
Time for appeal	(2)	A person resident in the reciprocating state and entitled to appear in the court in the reciprocating state in the proceeding being appealed from, or the Commissioner on that person's behalf, may appeal within 75 days after the making of the ruling, decision or order of the court in the Territory appealed from.
Time for response	(3)	A person responding to an appeal under subsection (2) may appeal a ruling, decision or order in the same proceeding within fifteen days after receipt of notice of the appeal.
Order remains in force	(4)	An order under appeal remains in force pending the determination of the appeal, unless the court appealed to orders otherwise.
Spouses as witnesses	16(1)	In a proceeding under this Ordinance, spouses are competent and compellable witnesses against each other.
Proof of documents	(2)	In a proceeding under this Ordinance, a document purporting to be signed by a judge, officer of a court or public officer in a reciprocating state shall, unless the contrary is proved, be proof of the appointment, signature and authority of the person who signed it.
Sworn documents	(3)	Statements in writing sworn to by the maker, depositions or transcripts of evidence taken in a reciprocating state may be received in evidence by a court in the Territory under this Ordinance.

- Proof of default (4) For the purposes of proving default or arrears under this Ordinance, a court may receive in evidence a sworn document made by any person, deposing to have knowledge of, or information and belief concerning, the fact.
- Statement of payments 17(1) A registration court or a proper officer of it shall, on the reasonable request of a claimant, respondent or the Commissioner, a proper officer of a reciprocating state or of a court of that state, furnish a sworn itemized statement showing with respect to maintenance under an order,
- (a) all amounts that became due and owing by the respondent during the 24 months preceeding the date of the statement, and
 - (b) all payments made through the court by or on behalf of the respondent during that period.
- Departure of respondent 18(1) Where a proper officer of a court in the Territory believes that a respondent under a registered order has ceased to reside in the Territory and is resident in or proceeding to another province or state, the officer shall inform the Commissioner and the court that made the order of any information he has respecting the whereabouts and circumstances of the respondent and, on request by the Commissioner, a proper officer of the court that made the order or the claimant, shall send to the court or person indicated in the request,
- (a) three certified copies of the order as filed with the court in the Territory, and
 - (b) a sworn certificate of arrears.
- Regulations 19(1) The Commissioner may make such regulations as are ancillary to this Ordinance and not inconsistent with it.

Reciprocating state (2) The Commissioner may, where satisfied that laws are or will be in effect in a state for the reciprocal enforcement of orders made in the Territory on a basis substantially similar to this Ordinance, by order, declare that state to be a reciprocating state.

Savings provision 20(1) This Ordinance does not impair any other remedy available to a claimant or another person, the Territory, a province, a state or a political subdivision or official agency of the Territory, a province or state.

Transitional 21(1) Any order made under an enactment repealed by this Ordinance continues, insofar as it is not inconsistent with this Ordinance, valid and enforceable, and may be rescinded, varied, enforced or otherwise dealt with under this Ordinance.

22(1) The *Reciprocal Enforcement of Maintenance Orders Ordinance* is repealed.

23(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 26

SECOND APPROPRIATION ORDINANCE, 1979-80

(Assented to April 14, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the period of 12 months ending on March 31, 1980:

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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| Citation | 1(1) | This Ordinance may be cited as the <i>Second Appropriation Ordinance, 1979-80</i> . |
| Amount granted | 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 hundred, thirty-five million, six hundred and thirteen thousand, one hundred dollars for defraying the several charges and expenses of the public service of the Territory for the period of twelve months ending on March 31, 1980, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A". |
| Monies to be accounted for | 3(1) | The due application of all monies paid or applied pursuant to section 2 shall be accounted for. |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars) (000's)</u>
Yukon Legislative Assembly	774.2
Administrative Services	939.9
Education	25,683.3
Consumer and Corporate Affairs	1,910.4
Human Resources	4,940.6
Municipal and Community Affairs	25,655.3
Tourism and Economic Development	1,407.5
Justice	6,873.0
Highways and Public Works	28,306.4
Public Service Commission	1,040.3
Office of the Pipeline Coordinator	378.4
Finance	4,883.5
Library and Information Resources	1,407.3
Renewable Resources	3,932.4
Health	12,713.5
Government Services	2,248.0
Yukon Housing Corporation	1,369.0
Loan Capital	5,000.0
Loan Amortization	5,550.0
Central Purchasing and Stores Revolving Fund	600.0
Road Equipment Replacement - Special Account	.1
To provide for an increase in the upper limit within the Yukon Consolidated Revenue Fund of the special account called the Road Equipment Replacement Account set up in the Fourth Appropriation Ordinance 1970-71. Out of this account all purchases of road equipment replacement shall be paid for as directed by the Commissioner and this account shall be credited with the equipment replacement income together with the sale or trade-in value of the road equipment to be replaced. The balance of this account shall not at any time exceed \$3,000,000. Estimated transactions of this account will be presented to Council.	
Total	\$135,613.1

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 27

SECOND APPROPRIATION ORDINANCE, 1980-81

(Assented to April 14, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the period of 12 months ending on March 31, 1981:

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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|----------------------------|------|--|
| Citation | 1(1) | This Ordinance may be cited as the <i>Second Appropriation Ordinance, 1980-81</i> . |
| Amount granted | 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 hundred and eight million, nine hundred and eighty-seven thousand, nine hundred dollars, for defraying the several charges and expenses of the public service of the Territory for the period of twelve months ending on March 31, 1981, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A". |
| Monies to be accounted for | 3(1) | The due application of all monies paid or applied pursuant to section 2 shall be accounted for. |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars) (000's)</u>
Yukon Legislative Assembly	923.0
Executive Council Office	946.0
Education	20,511.1
Consumer and Corporate Affairs	721.4
Human Resources	5,418.1
Municipal and Community Affairs	4,474.4
Tourism and Economic Development	1,857.8
Justice	7,313.4
Highways and Public Works	21,543.1
Public Service Commission	1,087.7
Office of the Pipeline Coordinator	353.0
Finance	2,446.5
Library and Information Resources	1,462.4
Renewable Resources	3,587.4
Health	13,696.0
Government Services	2,107.2
Yukon Housing Corporation	1,239.4
Loan Capital	15,700.0
Loan Amortization	<u>3,600.0</u>
Total	<u>\$108,987.9</u>

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 28

SMALL CLAIMS ORDINANCE

(Assented to April 14, 1980)

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

1(1) The *Judicature Ordinance* is amended by striking out the expression "Small Debt Official" wherever it occurs therein and substituting therefor in each case the expression "Small Claims Official".

(2) Subsection 51(1) of the *Judicature Ordinance* is repealed and the following substituted therefor:

Small
claims
jurisdiction

"51(1) Every person appointed as a Small Claims Official has jurisdiction in the Territory to try and adjudicate upon

(a) any claim for a debt, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$1500; and

(b) any action in tort, where the damages claimed do not exceed \$1500,

but a Small Claims Official does not have jurisdiction over any case in which Her Majesty is a party or that is not within the jurisdiction of the Territorial Court."

(3) The *Judicature Ordinance* is amended by adding thereto the following new section:

Lawyers'
fees

"51.1(1) No counsel or solicitors' fees of any kind whatsoever shall be charged against either party in respect of

any claim that is adjudicated upon
by a Small Claims Official."

2(1) The *Territorial Court Ordinance* is amended by striking out the expressions "Small Debt Official" and "Small Debts Official" wherever they occur and substituting therefor the expression "Small Claims Official".

(2) The *Territorial Court Ordinance* is amended by striking out the expression "one thousand dollars" wherever it occurs and substituting therefor the figure "\$1500".

(3) Paragraph 6(1)(b) of the *Territorial Court Ordinance* is amended by striking out the word "personal".

(4) Section 17 of the *Territorial Court Ordinance* is amended by adding thereto the following new section:

Lawyers'
fees

"17(2) Notwithstanding subsection (1), no counsel or solicitors' fees of any kind whatsoever shall be charged against either party in respect of any action or proceeding in the court that might have been brought before a Small Claims Official under the provisions of the *Judicature Ordinance*."

3(1) The *Supreme Court Ordinance* is amended by adding thereto the following new section:

Costs of
small
claims

"10.1(1) If, in a proceeding in the Court, the plaintiff recovers a sum within the jurisdiction of a Small Claims Official under the *Judicature Ordinance*, he is not entitled to any costs, other than disbursements, unless the Court certifies on the record that there was sufficient

reason for bringing the proceeding
in the Court, or unless the Court,
by order, allows costs."

- 4(1) This Ordinance comes into force on a day to
be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 29

AN ORDINANCE TO REPEAL THE STABILIZATION FUND LOAN ORDINANCE

(Assented to April 14, 1980)

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

- 1(1) The *Stabilization Fund Loan Ordinance* is repealed.
- 2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 30

SUMMARY CONVICTIONS ORDINANCE

(Assented to April 14, 1980)

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

Short Title	1(1)	This Ordinance may be cited as the <i>Summary Convictions Ordinance</i> .
	2(1)	In this Ordinance,
"complaint"		"complaint" means the complaint part of a ticket issued under this Ordinance;
"enactment"		"enactment" has the same meaning as in the <i>Interpretation Ordinance</i> ;
"municipality"		"municipality" has the same meaning as in the <i>Municipal Ordinance</i> ;
"notice to appear"		"notice to appear" means the notice to appear part of a ticket issued under this Ordinance; and
"summons"		"summons" means a summons issued in respect of an offence against an enactment.
Application	3(1)	Subject to subsection (2), this Ordinance applies to every enactment.
Other Ordinances	(2)	The provisions of this Ordinance do not prevail over the provisions of any other Ordinance.
General offence	4(1)	A person who contravenes an enactment by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence against the enactment.

- General penalty (2) A person who commits an offence against an enactment is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months, or both, except as otherwise specially provided in the enactment.
- Criminal Code applies 5(1) Subject to this Ordinance, the provisions of the *Criminal Code*, in force from time to time, relating to summary convictions and extraordinary remedies apply *mutatis mutandis* to proceedings in respect of an offence against an enactment.
- Appeals (2) Notwithstanding subsection (1), the provisions of the *Criminal Code* in force on April 30, 1978, relating to appeals in respect of summary convictions apply *mutatis mutandis* to appeals from proceedings in respect of an offence against an enactment.
- Seized articles (3) Any matter or thing seized pursuant to an enactment shall, if no other provision is made respecting it, be dealt with according to the provisions of the *Criminal Code*.
- "proceedings" (4) For the purpose of this section, "proceedings" includes proceedings commenced by means of a ticket issued under this Ordinance.
- Jurisdiction of justice 6(1) Proceedings in respect of an offence against an enactment may be brought before a justice.
- Appellate jurisdiction (2) Subsection (1) does not apply to proceedings in the nature of an appeal from or review of proceedings in respect of an offence against an enactment.

Issuance of Tickets

- Use of tickets 7(1) Instead of the procedure set out in the *Criminal Code* for the commencement of

proceedings by laying an information, proceedings in respect of an offence specified in the regulations, or in respect of an offence against a municipal by-law specified in a municipal by-law, may be commenced by means of a ticket issued under this Ordinance.

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| Parts of ticket | (2) | A ticket shall be in at least two parts, namely, <ul style="list-style-type: none"> (a) a complaint, and (b) a notice to appear. |
| Complaint is information | (3) | For the purposes of subsections 5(1) and 7(1), a complaint shall be dealt with as if it were an information, except that <ul style="list-style-type: none"> (a) it need not be laid before a justice, (b) it need not be made under oath, and (c) it shall not charge more than one offence or relate to more than one matter of complaint. |
| Issuance of ticket | 8(1) | A ticket may be issued by a peace officer or any other person having responsibility for the enforcement of any provision of an enactment, and the signature on a ticket of the person who issued the ticket is <i>prima facie</i> proof of his authority to issue the ticket. |
| Contents of ticket | (2) | The person who issues a ticket shall, on the ticket, <ul style="list-style-type: none"> (a) set out the name of the person to whom the ticket is issued, (b) describe the offence that the person, to whom the ticket is issued, is alleged to have committed, and (c) specify the day on which, and the place where, the offence is alleged to have been committed. |
| Description of offence | (3) | The description of an offence on a ticket by the person who issued the ticket shall be deemed to be sufficient |

for all purposes if the offence is described

- (a) by using a general word or expression,
- (b) by referring to a provision of an enactment,
- (c) by marking or identifying a word or expression printed on the ticket, or
- (d) by using any word, expression or symbol authorized by the regulations for the description of the offence.

Contents of parking ticket

- (4) Notwithstanding paragraph 2(a), where a ticket is issued in relation to an offence with respect to the parking of a vehicle, or with respect to leaving a vehicle unattended, the person who issues the ticket need not set out the name of the person to whom the ticket is issued, but he shall set out on the ticket
 - (a) the licence number of the vehicle, if a licence plate is attached to the vehicle, or
 - (b) a description of the vehicle sufficient to distinguish it from other vehicles.

Contents of notice to appear

- 9(1) A notice to appear shall contain
 - (a) a statement as to the time and place at which the person to whom the ticket was issued is to appear in court in person or by agent to answer to the charge specified on the ticket, and
 - (b) an endorsement to the effect that the person may plead not guilty by signing the plea of not guilty on the notice to appear, and delivering the notice, within the time specified in the notice, to the place specified in the notice.

- Notice as summons (2) For the purposes of section 5, a notice to appear shall be dealt with as if it were a summons.
- Summons (3) A summons may be issued in respect of a complaint.
- Service of summons (4) A summons issued in respect of a complaint may be served in any manner in which a ticket may be served under this Ordinance.

Service of Tickets

- Time for service 10(1) Where a ticket is issued, it shall be served within 30 days after the day on which the offence is alleged to have been committed.
- Holidays (2) A ticket may be served on a holiday.
- Exception (3) This section applies to the service of a summons issued in respect of a complaint, except a summons issued under section 22.
- Service of a ticket 11(1) A ticket may be served on the person to whom it was issued
- (a) by delivering the notice to appear to the person,
 - (b) by mailing the notice to appear to the person by registered or certified mail to his last known post office address, or
 - (c) by leaving the notice to appear at the last or usual place of abode of the person with some inmate thereof who appears to be at least 16 years of age.
- Effect of service (2) Service of a ticket in accordance with this section shall be deemed to be personal service of the ticket on the person to whom the ticket was issued.

- Signature of accused (3) Upon the service of a ticket under paragraph (1)(a), the person to whom the ticket was issued shall be requested to sign the complaint, but his failure or refusal to sign as requested does not invalidate the complaint or the service of the ticket.
- Service of parking ticket 12(1) Where a ticket is issued in relation to an offence with respect to the parking of a vehicle, or with respect to leaving a vehicle unattended, the ticket may be served in accordance with section 11 or by attaching the notice to appear to the vehicle.
- Effect of service (2) Service of a ticket in accordance with this section shall be deemed to be personal service of the ticket on the owner of the vehicle in respect of which the ticket was issued, and the owner of the vehicle shall be deemed to be the person to whom the ticket was issued for the purposes of this Ordinance.
- Last known address 13(1) For the purposes of subsection 11(1), where a ticket is issued to a person and the post office address of the person appears in any records maintained by the Commissioner or the municipality, under the enactment in respect of which the ticket is issued, that address shall be deemed to be a last known post office address of the person unless it is shown that the person who issued the ticket knew of a more recent post office address of the person.
- Proof of address (2) A copy of any entry in a record to which subsection (1) applies purporting to be signed by a person having custody of the record shall be accepted as evidence of the information contained therein without

proof of the signature of the person or of his official capacity.

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| Certificate of service | 14(1) | Where service of a ticket is made under paragraph 11(1)(a) or subsection 12(1), the person who served the ticket shall
(a) certify on the complaint that he delivered the notice to appear to the person to whom the ticket was issued or that he attached the notice to appear to the vehicle, as the case may be, and the date of service, or
(b) complete an affidavit of service in the prescribed form. |
| Affidavit of service | (2) | Where service of a ticket or a summons issued in respect of a complaint is made otherwise than under paragraph 11(1)(a) or subsection 12(1), the person who served the ticket or summons shall complete an affidavit of service in the prescribed form. |
| Proof of service | 15(1) | An affidavit or certification of service purporting to be signed by the person who served the ticket or summons shall be received in evidence and is proof of service in the absence of evidence to the contrary. |
| Not guilty plea | 16(1) | Where a plea of not guilty is signed, and the notice to appear is delivered, pursuant to paragraph 9(1)(b),
(a) a notice of trial in the prescribed form shall be served upon the person as soon as it is practicable to do so, and
(b) except as provided by paragraph (a), the person to whom the ticket was issued is not required to appear in court to answer to the charge. |
| Service of notice | (2) | A notice of trial may be served in any manner in which a ticket may be served under this Ordinance. |

Proceedings Upon Tickets

Delivery to justice	17(1)	Where a ticket, other than a ticket containing an endorsement under section 18, has been served under section 11 or 12, the complaint shall be delivered to a justice as soon as possible after the ticket has been served.
Non-payment of fine	(2)	Where a ticket containing an endorsement under section 18 has been served under section 11 or 12 and the specified fine is not delivered in accordance with subsection 18(2), the complaint shall be delivered to a justice as soon as possible after the expiration of the time specified for the delivery of the fine.
Voluntary fine	18(1)	Where authorized by the regulations or a municipal by-law, the complaint and notice to appear parts of a ticket may contain an endorsement to the effect that the person to whom the ticket is issued may pay the fine specified on the ticket instead of appearing in court to answer to the charge.
Obligation to appear	(2)	Notwithstanding any other provision of this Ordinance, where a person is served with a notice to appear endorsed as provided by subsection (1), he is not required to appear in court to answer to the charge if, within the time specified in the notice, he delivers to the place specified in the notice, (a) the fine specified in the notice, and (b) sufficient information to identify himself and the ticket in respect of which he is paying the fine.
Payment of fine	(3)	Upon the delivery of a fine in accordance with subsection (2), the person to whom

the ticket was issued shall be deemed to have made a plea of guilty and he shall be deemed to have been convicted of the offence described on the ticket.

Late
payment

(4) Where a fine is delivered after the expiration of the time specified for delivery in the notice to appear and a plea of guilty has not been entered under section 19, a justice may, without a hearing and notwithstanding any action he may have taken under section 30, direct that the fine be accepted as if it had been delivered within the time specified.

Compulsory
appearance

(5) Subject to section 29, a peace officer or any other person having responsibility for the enforcement of any provision of an enactment, may issue a ticket in respect of an offence to which this section applies requiring the person to whom the ticket is issued to appear in court to answer to the charge, without the option of paying a fine as set out in subsection (2), but the endorsements referred to in subsection (1) and section 19 shall not appear on a ticket issued under this subsection.

Officer not
to act as
agent

(6) Where a ticket endorsed under subsection (1) is served under paragraph 11(1)(a), the person who serves the ticket shall not receive payment of any money in respect of the payment of the specified fine under this section.

Automatic
conviction

19(1) Where authorized by the regulations, the complaint and notice to appear parts of a ticket endorsed as provided by subsection 18(1) may contain also an endorsement to the effect that, if the person to whom the ticket is issued does not deliver the fine specified on the ticket in

accordance with the endorsement or appear in court to answer to the charge

- (a) the person may be convicted, in his absence, of the offence specified in the ticket, and
- (b) a fine in an amount equal to twice the amount of the specified fine may be imposed upon him.

Entry of guilty plea

(2) Subject to section 21, where a person who has been served with a ticket containing an endorsement under subsection (1) does not appear in person or by agent to answer to the charge at the time stated in the notice to appear, and the specified fine is not delivered in accordance with subsection 18(2), a justice may, upon proof of the service of the ticket in accordance with section 11 or 12, as the case may be, enter a plea of guilty on behalf of the person.

Conviction and fine

20(1) Upon the entry of a plea of guilty on behalf of a person under subsection 19(2), the justice shall examine the complaint, and where the justice is satisfied that

- (a) the complaint is complete and regular on its face,
- (b) payment has not been made under section 18,
- (c) a plea of not guilty has not been signed and delivered under paragraph 9(1)(b), and
- (d) the person has not been excused from the need to appear in court under section 29,

the justice shall enter a conviction in the absence of the person, and impose upon the person a fine in an amount equal to twice the amount of the fine specified on the ticket under subsection 18(1).

- Quashing of proceeding (2) Where the justice is not able to enter a conviction under subsection (1), he shall quash the proceeding.
- Reopening on failure of notice 21(1) Notwithstanding section 20, where a plea of guilty is entered on behalf of a person under section 19 and the person was served with the ticket otherwise than under paragraph 11(1)(a), the person may appear before a justice and apply to have his conviction and fine set aside, and if it appears to the justice that the person in fact did not receive notice of his obligation to pay the specified fine or to appear in court to answer to the charge at the time stated in the notice to appear, the justice may
- (a) set aside the conviction and fine, and permit the person to enter a plea of guilty or not guilty,
 - (b) refuse to set aside the conviction and fine, or
 - (c) confirm the conviction, hear such submissions as to penalty as the justice may desire to hear, and confirm the fine or impose such lesser fine as the justice may deem appropriate.
- Sworn submissions (2) The justice may require submissions under paragraph (1)(c) to be made under oath, orally or by affidavit.
- Time for application (3) An application under subsection (1) shall not be made after the expiration of 15 days after the day on which the person receives notice of his conviction or fine.
- Appeal (4) An appeal lies to the Court in respect of the refusal of a justice to set aside a conviction and fine under subsection (1).

Arrest for failure to appear	22(1)	Where a person who has been served with a ticket under section 11 is required to appear in person or by agent to answer to the charge and he does not do so, a justice may, upon proof of the service of the ticket in accordance with section 11, issue a warrant for the arrest of the person.
Unfair arrest	(2)	Where a person has been served with a ticket under paragraph 11(1)(b) or (c) and is arrested upon a warrant issued under subsection (1), he shall be taken before a justice within a period of 24 hours after the arrest or as soon as possible thereafter, and if it appears to the justice that the person in fact did not receive notice of his obligation to appear in court to answer to the charge, the justice shall issue a summons to the person and order that the person be released from custody forthwith.
Complaint to be sworn for warrant	(3)	No warrant for the arrest of a person under subsection (1) shall be issued unless the complaint is sworn.
Complaint to be sworn before trial	23(1)	No trial shall be held in respect of proceedings commenced by means of a ticket issued under this Ordinance until the complaint has been sworn.
Evidence	24(1)	To the extent that the form of one part of a ticket prescribed for use under this Ordinance corresponds with the form of another part of the ticket, a justice may infer from the information set out in one part of a ticket produced to him that the same information is set out in any part of the ticket not produced to him.
Incomplete complaint	(2)	Failure to complete any information required in a complaint does not invalidate

the complaint if

- (a) the person to whom the ticket is issued is identified with reasonable clarity,
- (b) the offence with which the person is charged is described adequately,
- (c) the date when the offence is alleged to have occurred is specified with reasonable accuracy, and
- (d) the place where the offence is alleged to have occurred is specified with reasonable precision.

Recovery of Fines

Fine becomes debt due	25(1)	Where a fine, or any part of a fine, imposed upon a person under any Ordinance is not paid within 15 days after its imposition, or within such other time as may be allowed for its payment, the fine shall be deemed to be a debt due <ul style="list-style-type: none">(a) in the case of an offence against a municipal by-law, to the municipality, and(b) in the case of an offence other than an offence against a municipal by-law, to the Commissioner, and upon the proof of the non-payment of the fine, a justice shall grant default judgment in favour of the municipality or the Commissioner, as the case may be.
Default judgment	(2)	Where a default judgment is granted under subsection (1), the justice shall complete a default judgment in the prescribed form, and upon the filing of the default judgment with the Territorial Court it shall be deemed to be a judgment of that court for all purposes.
Limitation	(3)	A default judgment shall not be granted under this section after two years after the day on which the fine was to be paid in full.

- Attachment of debts by Commissioner 26(1) Where the Commissioner has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person indebted to the Commissioner under section 25, the Commissioner may, by notice in the prescribed form, require him to pay to the Commissioner, in whole or in part, the money otherwise payable to the person indebted to the Commissioner.
- Proceeds of attachment (2) Money received by the Commissioner under subsection (1) in respect of the indebtedness of a person under section 25 shall be applied only on account of that indebtedness, and the receipt of the Commissioner for money paid under this section is a good and sufficient discharge of the original liability to the extent of the payment.
- Attachment of wages (3) Where the Commissioner has, under this section, required an employer to pay to the Commissioner on account of an employee's indebtedness to the Commissioner under section 25 money otherwise payable by the employer to the employee as remuneration, the requirement
(a) applies consecutively to all future payments by the employer to the employee in respect of remuneration until the liability under section 25 is satisfied, and
(b) operates to require payment, to the Commissioner out of each payment of remuneration, of such amount as may be stipulated by the Commissioner in the notice.
- Improper payment (4) Every person who has discharged any liability to a person liable to the Commissioner under section 25 in contravention of a requirement under this section is liable to pay to the Commissioner an amount equal to the lesser of

- (a) the amount of the liability discharged,
and
 - (b) the amount that he was required to
pay to the Commissioner under this
section.
- Service of notice 27(1) A notice under subsection 26(1) may be served by delivering it to a person personally, or by mailing it to him at his last known post office address.
- Service on business (2) Where a person who is or is about to become indebted or liable to a person indebted to the Commissioner under section 25 carries on business under a name or style other than his own name, the notice under subsection 26(1) may be addressed to the name or style under which he carries on business and, in the case of personal service, the notice may be served by leaving it with an adult person employed at the place of business of the addressee.
- Service on partnership (3) Where a person or persons who are or are about to become indebted or liable to a person indebted to the Commissioner under section 25 carry on business in partnership, a notice under subsection 26(1) may be addressed to the name of the partnership and, in the case of personal service, the notice may be served by delivering it to one of the partners personally, or by leaving it with an adult person employed at the place of business of the partnership.
- Last known address (4) Section 13 applies *mututis mutandis* in respect of the mailing of a notice to a person under this section.
- Garnishee Ordinance 28(1) Sections 23 and 24 of the *Garnishee Ordinance* apply to and in respect of a requirement under section 26.

General

- Appearance not required 29(1) Notwithstanding any other provision of this Ordinance, a person who has been served with a ticket or summons is not required to appear in court in person or by agent to answer to the charge at the time stated in the notice to appear or summons if, before that time,
- (a) where authorized by the regulations, he enters a plea of guilty before a justice in the manner and within the time period prescribed for doing so,
 - (b) he enters a plea of not guilty in the manner and within the time period prescribed for doing so, or
 - (c) he obtains an adjournment of the proceedings in accordance with the regulations.
- Failure to appear 30(1) Where a person who has been served with a ticket or summons is required to appear in person or by agent to answer to the charge and he does not do so at the time specified, a justice may, upon proof of the service of the ticket or summons,
- (a) adjourn the proceedings for any period not exceeding 30 days, or
 - (b) enter a plea of not guilty on behalf of the person and set a time for an *ex parte* hearing of the charge.
- Territorial revenue 31(1) Any duty, penalty, fine or sum of money or the proceeds of a forfeiture under any enactment, if no other provision is made respecting it, constitutes territorial revenue and shall be paid into and form part of the Yukon Consolidated Revenue Fund.

- By-law 32(1) Subject to paragraphs 33(1) (a) and (b), the council of a municipality may by by-law
- (a) specify those provisions of its by-laws in respect of which proceedings may be commenced by means of a ticket issued under this Ordinance,
 - (b) specify those provisions of its by-laws in respect of which a person may be allowed to pay a fine instead of appearing in court, and set the amount of the fine for each such offence,
 - (c) prescribe the forms of tickets to be used under paragraphs (a) and (b),
 - (d) authorize the use on a ticket of any word, expression or symbol to designate any offence under paragraph (a) or (b), and
 - (e) provide for any other matter necessary for the use of tickets.
- Regulations 33(1) The Commissioner may make regulations
- (a) specifying the offences against enactments in respect of which proceedings may or may not be commenced by means of a ticket issued under this Ordinance,
 - (b) classifying offences and enactments, and for each class, specifying whether proceedings in respect of an offence may or may not be commenced by means of a ticket issued under this Ordinance,
 - (c) prescribing the forms of tickets to be used,
 - (d) prescribing the procedure for the issuance of tickets,
 - (e) prescribing the manner in which a date for an appearance in court or trial date is to be determined,
 - (f) prescribing the procedure for the acceptance of pleas,
 - (g) prescribing how an offence may be indicated on a ticket,
 - (h) authorizing the use on a ticket of any word, symbol or expression to designate an offence,

- (i) prescribing time periods under this Ordinance,
- (j) requiring the keeping of records and prescribing the manner in which those records are to be kept,
- (k) specifying those offences in respect of which a person may be allowed to pay a fine instead of appearing in court, and setting the amount of the fine for each such offence,
- (l) specifying those offences to which section 19 applies, and
- (m) prescribing the forms to be used for the purposes of this Ordinance,
- (n) providing for the extension of times under this Ordinance in the event of a disruption of postal services, and
- (o) providing for any other matter he deems necessary for the administration of this Ordinance.

34(1) Sections 18 and 19 of the *Maintenance Ordinance* are repealed and the following substituted therefor:

Summary
Convictions
Ordinance

"18(1) For the purposes of the *Summary Convictions Ordinance*, proceedings under this Ordinance shall be deemed to be proceedings in respect of an offence against an enactment."

35(1) Section 69.1 of the *Municipal Ordinance* is repealed.

(2) Sections 26 to 29 of the *Interpretation Ordinance* are repealed.

(3) Sections 33 and 34 of the *Judicature Ordinance* are repealed.

(4) Section 256 of the *Motor Vehicles Ordinance* is repealed.

36(1) This Ordinance comes into force on such day or days as may be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 31

SURVIVORSHIP ORDINANCE

(Assented to April 14, 1980)

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

- | | | |
|--|------|---|
| Short
title | 1(1) | This Ordinance may be cited as the <i>Survivorship Ordinance</i> . |
| Disposition
of property | 2(1) | Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, for all purposes affecting the legal or beneficial title to, ownership of, or succession to, property, the property of each person, or any property of which he is competent to dispose, shall be disposed of as if he had survived the other or others. |
| Joint
tenancy | (2) | Unless a contrary intention appears, where two or more persons hold legal title to property as joint tenants, or with respect to a joint account, with each other, and all of them die at the same time or in circumstances rendering it uncertain which of them survived the other or others, each person is for the purposes of subsection (1), deemed to have an equal share with the other or with each of the others in that property. |
| Substitute
personal
representative | (3) | Where a will contains a provision for a substitute personal representative operative if an executor designated in the will
(a) dies before the testator,
(b) dies at the same time as the testator,
or
(c) dies in circumstances rendering it uncertain which of them survived the other,
and the designated executor dies at the same time as the testator or in circumstances |

rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides is deemed to have occurred.

3(1) The *Survivorship Ordinance* is repealed.

4(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 32

AN ORDINANCE TO AMEND
THE TRANSPORT PUBLIC UTILITIES ORDINANCE

(Assented to May 2, 1980)

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

1(1) Subsection 2(1) of the *Transport Public Utilities Ordinance* is repealed and the following substituted therefor:

"2(1) In this Ordinance,

"Board"	"Board" means the Transport Public Utilities Board established under section 4;
"certificate"	"certificate" means a certificate issued under section 24;
"compensation"	"compensation" includes any rate, remuneration, reimbursement or reward of any kind;
"goods"	"goods" includes asphalt, earth, water, garbage, refuse, snow and sewage;
"identification plate"	"identification plate" means an identification plate issued under section 24;
"member"	"member" means a member of the Board;
"owner"	"owner" means, with respect to a motor vehicle, (a) where the vehicle is registered under the <i>Motor Vehicles Ordinance</i> and it is not a

rented or leased vehicle, the person in whose name the vehicle is registered,

(b) where the vehicle is registered under the *Motor Vehicles Ordinance* and it is a rented or leased vehicle, the person to whom the vehicle is rented or leased, and

(c) where the vehicle is not registered under the *Motor Vehicles Ordinance*, the legal owner, a person in lawful possession of the vehicle, or a person who has the exclusive use of the vehicle;

"permit" "permit" means a permit issued under section 35, 35.1 or 35.2;

"public emergency" "public emergency" includes a flood, forest fire, or earthquake;

"Secretary" "Secretary" means the Secretary of the Board appointed under section 14;

"sticker" "sticker" means a sticker issued under section 35.3; and

"transport public utility" "transport public utility" means a person who is the holder of a certificate or permit."

(2) Subsection 2(2) of the Ordinance is amended by striking out the expression "which is" and substituting therefor the word "and", and by striking out the expression "and not in this Ordinance".

2(1) Section 3 of the Ordinance is repealed and the following substituted therefor:

Authority required	"3(1)	Except as provided by this Ordinance, no person shall operate a motor vehicle on a highway for the purpose of transporting goods or passengers, or for the purpose of transporting goods in a trailer towed by the motor vehicle, unless a certificate or permit has been issued authorizing the operation of the vehicle on the highway for that purpose.
Pilot cars	(2)	A certificate or permit is required for the purposes of subsection (1) to authorize the operation of a pilot car on a highway in connection with the operation of another vehicle on a highway unless no compensation is payable to, or is sought or received by, the owner of the pilot car, directly or indirectly, for the operation of the pilot car in connection with the operation of the other vehicle.
Regulations	(3)	A certificate or permit is required for the purposes of subsection (1) to authorize the operation of a vehicle on a highway where the operation is named in the regulations, individually or as part of a class, as one for which a certificate or permit is required.
Government vehicles	3.1(1)	This Ordinance does not apply to the operation of a vehicle that is registered in the name of the Government of the Territory.
Exemption of vehicles	(2)	This Ordinance does not apply to the operation of a vehicle, or a class of vehicles, that is exempted by the regulations from the application of this Ordinance.
Exemption of goods	(3)	This Ordinance does not apply to the transportation of goods that

are exempted by the regulations as one for which a certificate or permit is required.

Carriage
for no
charge

3.2(1) A certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway for the transportation of goods or passengers where no compensation is payable to, or is sought or received by, the owner of the vehicle, directly or indirectly, for the transportation of the goods or passengers by means of the vehicle.

Owner's
goods

(2) A certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway for the transportation of goods that are the property of the owner of the vehicle, or for the transportation in connection with the business of the owner of the vehicle of goods that are held by him for sale or lease, or that are used or consumed in the business.

Government
contracts

(3) A certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway for the transportation of goods in performance of a contract between the person in whose name the vehicle is registered under the *Motor Vehicles Ordinance* and any government or government agency for the construction or maintenance of a public work in the Territory.

Order re
section 3

3.3(1) Any person may apply to the Board for an order determining whether a

certificate or permit is required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway by that person for a specific purpose.

Application for order

(2) An application under subsection (1) shall set forth a description of the motor vehicle and a statement as to the purpose for which the vehicle is being operated, or is proposed to be operated, and such other information as the Board may require to ascertain the application of this Ordinance to the operation of the motor vehicle on a highway for that purpose.

Effect of order

(3) Notwithstanding any other provision of this Ordinance, a certificate or permit is not required for the purpose of subsection 3(1) to authorize the operation of a motor vehicle on a highway for a purpose where the Board has, by order, determined that a certificate or permit is not required to authorize the operation of the motor vehicle on the highway for that purpose.

Other applications

(4) The Board may make an order under this section upon an application for a certificate or permit.

Order to apply

3.4(1) Where the Board is of the opinion that the operation of a motor vehicle on a highway may be an operation required to be authorized by a certificate or permit under subsection 3(1), the Board may order the owner of the vehicle, at his option, to apply to the Board for

- (a) an order under section 3.3, or
- (b) a certificate or permit."

2.1(1) Subsection 4(1) of the Ordinance is amended by striking out the word "three" and substituting therefor the word "four".

3(1) Section 14 of the Ordinance is repealed and the following substituted therefor:

Secretary
and staff

"14(1) The Commissioner may, from among the persons employed in the public service,
(a) designate a person to be the Secretary of the Board, and
(b) provide the Board with such other employees or assistants as he may deem necessary for the proper conduct of the business of the Board.

Duties of
secretary

(2) The Secretary is responsible for the administration and enforcement of this Ordinance, and he shall
(a) keep a record of the business conducted by the Board,
(b) receive applications, submissions and complaints made to the Board,
(c) at the direction of the Chairman or the Commissioner, investigate and make reports respecting the provision of transport services to the public in the Territory,
(d) keep and take care of the records, documents and orders of the Board, and
(e) obey the instructions given to him by the Chairman relating to his office as Secretary of the Board.

Powers of
Secretary

(3) The Secretary of the Board has and may exercise all of the powers of an inspector appointed under section 20.

Federal powers	14.1(1)	The Board has the capacity to accept and exercise powers conferred upon it under the <i>Motor Vehicle Transport Act</i> (Canada) and the <i>National Transportation Act</i> (Canada).
Delegation by Board	14.2(1)	The Board may delegate any of its administrative functions to the Secretary or to any other member of the public service of the Territory.
Issuance of permits	(2)	The powers of the Board under sections 35, 35.1 and 35.2 may be exercised by the Secretary, or by a person acting on behalf of the Secretary and authorized in writing to do so by the Chairman of the Board.
Board may over-rule	(3)	Every decision made by or on behalf of the Secretary under this section shall be deemed to be a decision of the Board, but it subsequently may be over-ruled by the Board.
Instructions by Secretary	(4)	The Secretary may, subject to the approval of the Board or the Chairman of the Board, give instructions regarding the issuance of permits."
	4(1)	Section 15 of the Ordinance is amended by adding the following new subsection:
Assistance for Board	"(3)	The Board may authorize any person to assist the Board, whether at a public hearing or otherwise, in the conduct of the business of the Board."
	5(1)	Section 20 of the Ordinance is amended by adding the following new subsection:
Ex officio inspectors	"(2)	Every peace officer and every person employed to operate weigh

scales established by the Commissioner under the *Highways Ordinance* shall be deemed to be an inspector appointed under section 20."

5.1(1) Subsections 22(1) and (2) of the Ordinance are amended by striking out the expression "transport public utility" and substituting therefor the expression "holder of a certificate".

6(1) Subsections 24(1) to (3) of the Ordinance are repealed and the following substituted therefor:

Issuance of
certificates

"24(1) Subject to section 25, the Board may issue a certificate to a person to operate one or more motor vehicles on a highway for a purpose mentioned in subsection 3(1) where

- (a) an application for the certificate in the prescribed form is received by the Board,
- (b) the prescribed fees are paid, and
- (c) such information as the Board may require is received from the applicant.

Terms and
conditions

(2) The Board in its discretion may grant or refuse an application under subsection (1) in whole or in part, and a certificate issued under subsection (1) may contain such terms and conditions as the Board deems appropriate.

Contents of
certificates

(3) Every certificate shall be in the prescribed form and shall set out

- (a) the name of the person to whom the certificate is issued,
- (b) the number of motor vehicles that may be operated on highways at one time under the certificate,
- (c) the size and type of motor vehicles that may be operated under the certificate,

- (d) a description of the highways on which motor vehicles are authorized to be operated under the certificate,
- (e) a statement as to the purpose for which motor vehicles are authorized to be operated under the certificate,
- (f) the terms and conditions subject to which motor vehicles are authorized to be operated under the certificate,
- (g) a statement as to the circumstances in which the authority conferred by the certificate shall be considered not to have been fully exercised for the purposes of section 51, and
- (h) such other information as may be required by the regulations to be specified on the certificate."

(2) Section 24 is amended by adding the following new subsections:

I.D. plates

"(5) Where a certificate is issued under this section, the Secretary shall issue to the holder of the certificate a quantity of identification plates equal to the number of motor vehicles authorized to be operated on highways at one time under the certificate.

Operation
without
I.D. plate

(6) Where a motor vehicle is operated on a highway and an identification plate is not attached to the vehicle, a certificate shall be deemed not to have been issued authorizing the operation of the motor vehicle on the highway."

7(1) Section 25 of the Ordinance is repealed and the following substituted therefor:

- Hearing and notice "25(1) The Board shall, before it issues a certificate, give not less than 21 days' notice of its intention to hold a public hearing with respect to the application for the certificate, and the notice shall be given by publishing a notice in the prescribed form in a newspaper that circulates throughout the Territory.
- Intervenors (2) Any person may, by delivering or mailing a notice in the prescribed form to the Secretary, notify the Board of his desire to appear at the hearing and make representations to the Board.
- Where no intervenors (3) Where no notices are received by the Secretary under subsection (2) seven days before the day fixed under subsection (1) for the holding of the hearing, the hearing need not be held, but the certificate shall not be issued until after the day fixed for the holding of the hearing.
- Hearing required (4) Where a notice is received by the Secretary under subsection (2) more than seven days before the day fixed under subsection (1) for the holding of the hearing, a certificate shall not be issued until a public hearing has been held.
- Late intervenors (5) Where the Board learns, before it issues a certificate, that a person desires to be heard in relation to the matter, the Board shall not issue the certificate until the person has been given an opportunity to be heard, and the Board may postpone the issuance of the certificate until a public hearing, or a further public hearing, has been held."

8(1) Section 26 of the Ordinance is repealed and the following substituted therefor:

Amendment or revocation

"26(1) The Board in its discretion may amend or revoke a certificate, but before it does so it shall give the holder of the certificate ten days' notice of its intention to consider the matter, and give him an opportunity to be heard.

Suspension

(2) The Board in its discretion may suspend a certificate in whole or in part pending its consideration of the amendment or revocation of a certificate under subsection (1), without giving notice to the holder of the certificate, and without giving him an opportunity to be heard.

Hearing

(3) The Board in its discretion may hold a public hearing with respect to the amendment or revocation of a certificate.

Return of plates

(4) The Board may make such orders as it deems necessary for the return of identification plates in connection with the amendment, revocation or suspension of a certificate."

9(1) Subsection 28(1) of the Ordinance is amended by striking out the expression "shall not apply to an application for a licence" and substituting therefor the expression "does not apply to the operation of a motor vehicle on a highway".

10(1) The Ordinance is amended by adding, immediately after section 31, the following new section:

Evidence

"31.1(1) In the conduct of hearings and investigations the Board is not

bound by the technical rules of legal evidence, and the Board may accept and act upon evidence given orally or in writing obtained in such manner as the Board deems proper, whether or not the evidence is given on oath or affirmation."

11(1) Section 32 of the Ordinance is amended by adding the following new subsection:

Ordinance &
Regulations

"(2) The Board may receive submissions concerning the administration of this Ordinance, and may make recommendations concerning the Ordinance or the regulations."

12(1) Section 34 of the Ordinance is amended by adding the following new subsection:

Persons
aggrieved

"(2) The holder of a certificate, or any other person affected by an order made by the Board under section 3.3, 26, 45 or 51 may, within 30 days of the making of the order or such further time as the Board may allow, apply to the Board to have the order varied or rescinded."

13(1) Section 35 of the Ordinance is repealed and the following substituted therefor:

Issuance
of permits

"35(1) The Board may issue a permit to operate a motor vehicle on a highway for a purpose mentioned in subsection 3(1) where

- (a) an application for the permit in the prescribed form is received at a place prescribed for the making of applications,
- (b) the prescribed fees are paid,
- (c) the motor vehicle is produced for inspection at the time when, and at the place where,

- the application is received,
and
- (d) such information as may be required by the regulations is furnished with the application.
- Contents of permits (2) Every permit issued under this section shall be in the prescribed form and shall set out
- (a) the name of the person to whom the permit is issued,
- (b) a description of the vehicle in respect of which the permit is issued,
- (c) a statement as to the purpose for which the vehicle is authorized to be operated under the permit,
- (d) a description of the highways on which, and the points between which, the vehicle is authorized to be operated under the permit, and
- (e) such other information as may be required by the regulations to be specified on the permit.
- One vehicle (3) No permit shall be issued under this section in respect of more than one vehicle.
- Limit on permits (4) Only one permit shall be issued under this section on any day in respect of one motor vehicle, and every such permit expires 14 days after the day on which it is issued.
- Effect of permit (5) No permit issued under this section authorizes the operation of a motor vehicle for the purpose of transporting goods except for a one-way trip between the points referred to in paragraph (2) (d), and a permit may

specify that no new permit shall be issued under this section in respect of the vehicle unless the motor vehicle, after the issuance of the permit, completes a return trip between the points referred to in paragraph (2)(d).

Retroactive effect

(6) A permit issued under this section may specify that it takes effect on a day prior to the day on which it is issued.

Emergency permits

35.1(1) The Board may issue an emergency permit to a person to operate a motor vehicle on a highway for a purpose mentioned in subsection 3(1) where

- (a) an application for the permit in the prescribed form is received at a place prescribed for the making of applications,
- (b) such information as the Board may require is furnished to the Board, and
- (c) the Board is of the opinion that the issuance of the permit is necessary because of the existence of a public emergency in the Territory or in a jurisdiction adjacent to the Territory.

Contents of permit

(2) Every emergency permit shall be in the prescribed form and shall set out

- (a) the name of the person to whom the permit is issued,
- (b) a description of the motor vehicle or motor vehicles in respect of which the permit is issued,
- (c) a statement as to the purpose for which a motor vehicle is

authorized to be operated
under the permit,

- (d) a description of the highways on which a motor vehicle is authorized to be operated under the permit,
- (e) a statement as to the public emergency in respect of which the permit is issued, and
- (f) such other information as may be required by the regulations to be specified on the permit.

Special
permits

35.2(1)

The Board may issue a special permit to a person to operate a motor vehicle on a highway for the purpose of transporting specific goods where

- (a) an application for the permit in the prescribed form is received at a place prescribed for the making of applications,
- (b) the prescribed fees are paid,
- (c) the motor vehicle, or a trailer towed by the motor vehicle and owned by the owner of the motor vehicle, has been specially designed or modified to transport the goods, and
- (d) the goods are of such a special and unusual nature that
 - (i) they cannot readily be transported by means of a vehicle that is not specially designed or modified for that purpose, or
 - (ii) it is customary and commercially reasonable that the goods be transported only by means of a vehicle that is specially designed or modified for that purpose.

- Contents of permit (2) Every special permit shall be in the prescribed form and shall set out
- (a) the name of the person to whom the permit is issued,
 - (b) a description of the vehicle or vehicles in respect of which the permit is issued,
 - (c) a description of the specific goods in respect of which the permit is issued, and
 - (d) such other information as may be required by the regulations to be specified on the permit.
- I.D. sticker 35.3(1) A sticker in the prescribed form shall be issued with every permit that is issued.
- Operation without sticker (2) Where a motor vehicle is operated on a highway and a sticker issued in respect of a permit that has not expired is not displayed on the vehicle in the prescribed manner, a permit shall be deemed not to have been issued authorizing the operation of the vehicle on the highway.
- Complaint about permit 35.4(1) The holder of a certificate or any other person affected by the issuance of a permit under section 35, 35.1 or 35.2 may, within 14 days of the issuance of the permit, apply to the Board to have the permit amended or revoked.
- Permit policy (2) The holder of a certificate or any other person affected by the policy or practice of the Board relating to the issuance of permits under section 35, 35.1 or 35.2 may apply to the Board to have the policy or practice changed.

- Variation of permit 35.5(1) The Board in its discretion may suspend, revoke or amend a permit without giving prior notice to the holder of the permit, without holding a public hearing, and without giving the holder of the permit an opportunity to be heard.
- Unregistered vehicles 35.6(1) No permit shall be issued in respect of a motor vehicle that is not registered pursuant to the *Motor Vehicles Ordinance* or the laws of a place other than the Territory.
- Motor Vehicles Ordinance 35.7(1) The operation of a vehicle on a highway shall be deemed not to contravene subsection 36(1) of the *Motor Vehicles Ordinance* where
- (a) the vehicle is operated on the highway in accordance with a permit issued under this Ordinance,
 - (b) the vehicle is registered pursuant to the laws of a place other than the Territory, and
 - (c) the registration number plates issued under the laws referred to in paragraph (b) are displayed on the vehicle.
- Motor Vehicles Ordinance (2) Except as provided by subsection (1), nothing in this Ordinance authorizes the operation of a vehicle in contravention of the *Motor Vehicles Ordinance*."
- 14(1) Subsection 39(1) of the Ordinance is amended by striking out the figure "35" and substituting therefor the figure "35.4".
- 15(1) Subsection 40(1) of the Ordinance is amended by adding, immediately after the word "law", the expression "or jurisdiction".

15(2) Subsection 40 of the Ordinance is amended by adding the following new subsections:

Power of
the court

"(3) On the hearing of an appeal the Court shall not draw inferences that are inconsistent with the facts expressly found by the Board, and the Court shall certify its opinion to the Board, which shall take whatever steps are necessary in accordance with that opinion.

Membership
of the Board

(4) No order shall be made by the Court for the appointment of new or different members to the Board for any purpose.

Costs

(5) Neither the Board nor any member of the Board is liable in any case to pay costs in respect of an appeal."

16(1) Section 45 of the Ordinance is amended by adding the following new subsections:

Illegal
transfer

"(2) Every certificate capitalized, sold, assigned, leased or transferred in contravention of subsection (1) shall be deemed to be revoked on the day on which the contravention took place.

Sale of
shares

(3) Where the holder of a certificate is a corporation, the Board may require it to report to the Board any issue or transfer of shares of its capital stock, and where the Board is of the opinion that the number of shares issued or transferred has affected the actual control of the corporation, the issue or transfer shall, unless it was made with the prior written approval of the Board, be deemed to be a transfer of the certificate in contravention of subsection (1).

- Order by Board (4) A corporation may, before or after shares in the corporation are issued or transferred, apply to the Board for its written approval for the purposes of this section."
- 17(1) The Ordinance is amended by adding, immediately after section 47, the following new section:
- Use of I.D. plates "47.1(1) No person shall operate a motor vehicle to which an identification plate is attached except in accordance with the terms and conditions of the certificate in respect of which the identification plate was issued.
- Use of I.D. sticker 47.2(1) No person shall operate on a highway a motor vehicle on which a sticker is displayed except in accordance with the permit in respect of which the sticker was issued.
- Expired sticker (2) No person shall operate on a highway a motor vehicle on which a sticker is displayed where the permit in respect of which the sticker was issued has expired.
- Unlawful business 47.3(1) Except as provided by this Ordinance, no person shall conduct upon a highway by means of a motor vehicle the business of providing transportation services to the public for compensation."
- 18(1) Subsection 48(1) of the Ordinance is amended by adding, at the end of the subsection, the following expression: "and, in either case, to having the vehicle in respect of which the offence was committed impounded for a period of not more than 90 days".
- (2) Subsection 48(3) of the Ordinance is repealed and the following substituted therefor:

Conviction

"(3) Notwithstanding anything in sections 25 and 26, the Board in its discretion may, without prior notice, without a public hearing and without giving the holder of a certificate an opportunity to be heard, amend, suspend or revoke the certificate upon the conviction of the holder of the certificate of an offence under this Ordinance."

- (3) Subsection 48(7) of the Ordinance is amended by striking out paragraph (g) and substituting the following therefor:

"(g) fails to produce a permit or bill of lading for inspection when required to do so under section 50.1."

- (4) Subsection 48(8) of the Ordinance is amended by striking out the expression "public service vehicle" wherever it occurs and substituting therefor the expression "motor vehicle".

- (5) Section 48 of the Ordinance is amended by adding the following new subsection:

"(9) In a prosecution under this Ordinance, a bill of lading produced to an inspector upon demand made under section 50.1, or a copy of it certified to be true by the inspector, shall be admitted in evidence, without proof of the signature of the person signing the bill of lading or the inspector certifying it, as prima facie proof of

- (a) the origin and destination of the trip,
- (b) the ownership of the goods, and
- (c) the description of the goods.

19(1) The Ordinance is amended by adding, immediately after section 48, the following new sections:

Burden
of proof

"48.1(1) Where in any prosecution under this Ordinance it is alleged that a certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of the motor vehicle on a highway, the burden of proving the allegation is on the person making the allegation.

Liability
of owner

48.2(1) Where a motor vehicle is operated in contravention of any of the provisions of this Ordinance, the owner of the vehicle is liable for the contravention jointly and severally with the person who was operating the vehicle at the time of the contravention.

Certificate
holder

(2) Without limiting the effect of subsection (1), where a motor vehicle is operated in contravention of section 47.1, the holder of the certificate in respect of which the identification plate was issued is liable for the contravention jointly and severally with the person who was operating the vehicle at the time of the contravention.

Liability
of permittee

(3) Without limiting the effect of subsection (1), where a motor vehicle is operated in contravention of section 47.2, the holder of the permit in respect of which the sticker was issued is liable for the contravention jointly and severally with the person who was operating the vehicle at the time of the contravention.

Exception (4) Subsections (1) to (3) do not apply where the owner of the vehicle, the holder of the certificate, or the holder of the permit, as the case may be, proves to the satisfaction of the court that, at the time of the contravention, the vehicle was not being operated by any person with his consent, express or implied.

Shipper and owner (5) Where a motor vehicle is operated in contravention of this Ordinance for the purpose of transporting goods, the owner of the goods is liable for the contravention jointly and severally with every other person who is liable, unless the owner of the goods proves to the satisfaction of the court that the contravention occurred without his consent, express or implied."

20(1) Subsection 49(1) of the Ordinance is amended
(a) by striking out the words "or a member of the Royal Canadian Mounted Police", and
(b) by striking out paragraph (b) and substituting the following therefor:

"(b) retain the vehicle in custody for 14 days or until he is satisfied that all fees payable under this Ordinance in respect of the operation of the vehicle have been paid, whichever is less."

Prolongation of seizure (2) Subsection 49(2) of the Ordinance is repealed and the following substituted therefor:

"(2) Where a vehicle has been seized under this section and it is not released from custody before proceedings are commenced with respect to the

operation of the motor vehicle in contravention of this Ordinance, the vehicle shall be retained in custody until the proceedings have been concluded judicially.

Early
release

- (2.1) Notwithstanding subsections (1) and (2), where a vehicle is seized under this section,
- (a) a justice may upon application release the vehicle or any goods on it upon security being given in such amount as the justice deems appropriate, or
 - (b) the vehicle or any goods on it shall be released upon security being given in the prescribed amount.

- (3) Subsection 49(3) of the Ordinance is amended by striking out the expression "or a member of the Royal Canadian Mounted Police".

- 21(1) Section 50 of the Ordinance is amended by adding the following new subsection:

Additional
powers

- "(2) For the purpose of the enforcement of this Ordinance, an inspector has and may exercise all the powers and functions of a peace officer under sections 33, 45, 72 and 207 of the *Motor Vehicles Ordinance*."

- 22(1) The Ordinance is amended by adding, immediately after section 50, the following new section:

Production
of permit

- "50.1(1) Where a person is operating on a highway a motor vehicle in respect of which a permit has been issued, he shall produce the permit for inspection upon demand by an inspector.

Production of
certificate

- (2) Where a person is operating on a highway a motor vehicle to which an

identification plate is attached, he shall produce for inspection upon demand by an inspector a copy of the certificate in respect of which the identification plate was issued.

Bill of lading

- (3) Where a person is operating a motor vehicle on a highway for the purpose of transporting goods and a certificate or permit is required to authorize him to do so under section 3, he shall upon demand by an inspector produce for inspection a copy of the bill of lading for those goods."

- 23(1) Section 51 of the Ordinance is repealed and the following substituted therefor:

Review of certificates

- "51(1) The Board shall review every certificate at least once in each year, and if the Board is of the opinion that the authority conferred by the certificate has not been exercised fully during the period of 12 months immediately preceding the review, the Board in its discretion may, subject to section 26,
- (a) revoke the certificate, if the authority was not exercised during the period, or
 - (b) amend the certificate to accord with the actual exercise of the authority."

- 24(1) Subsection 52(1) of the Ordinance is amended
- (a) by striking out the expression "public service vehicles" wherever it occurs and substituting therefor the expression "motor vehicles operated under this Ordinance",
 - (b) by striking out the expression "and members of the Royal Canadian Mounted Police" where it occurs in paragraph (s), and

(c) by adding the following new paragraphs:

- "(e.1) the operation of transport public utilities for the transportation of passengers;
- (e.2) travel agencies, tour wholesalers and passenger carriers, with respect to bus charter trips;
- (e.3) trust accounts and the conditions under which trust accounts must be established and maintained;
- (e.4) the style and nature of contracts between the holder of a certificate and a person proposing to exercise the authority granted under the certificate on behalf of the holder;
- (e.5) the publication, inspection and provision of copies of decisions, orders and rules of the Board, and of certificates and permits issued by the Board;"

25(1) Section 54 of the Ordinance is repealed.

26(1) Section 2 of the *Motor Vehicles Ordinance* is amended

- (a) by striking out the expression "or public service vehicle as defined in this Ordinance" where it appears in the definition of "commercial vehicle", and
- (b) by striking out the definition of "public service vehicle".

27(1) This Ordinance or any part of this Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 33

AN ORDINANCE TO AMEND THE TRUSTEE ORDINANCE

(Assented to April 14, 1980)

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

1(1) Sections 3 and 4 of the *Trustee Ordinance* are repealed and the following substituted therefor:

Authorized investments

"3(1) Unless a trustee is otherwise authorized or directed by an express provision of the law or of the will or other instrument creating the trust or defining his powers and duties, he may invest trust money in any kind of property, real, personal or mixed, but in so doing, he shall exercise the judgment and care that a man of prudence, discretion and intelligence would exercise as a trustee of the property of others.

Temporary deposit

(2) A trustee may, pending the investment of any trust money, deposit it during such time as is reasonable in the circumstances in any bank or trust company or in any other corporation empowered to accept moneys for deposit that has been approved for such purpose by the Commissioner.

Application of section 3

4(1) Section 3 applies to trustees acting under trusts arising before, on or after the first day of January, 1980."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 34

YUKON RIVER BASIN STUDY AGREEMENT ORDINANCE

(Assented to April 16, 1980)

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

- | | | |
|-------------------------|------|--|
| Short title | 1(1) | This Ordinance may be cited as the <i>Yukon River Basin Study Agreement Ordinance</i> . |
| Authority for agreement | 2(1) | The Commissioner may enter into an agreement with the Government of Canada for the purposes of the Canada Water Act and the Northern Inland Waters Act, subject to such terms and conditions as the Commissioner may deem appropriate, providing for the study of water and related resources in the basin of the Yukon River in Canada. |
| | 3(1) | This Ordinance comes into force on a day to be fixed by the Commissioner. |

TABLE OF ORDINANCES

(Being a table of those Ordinances included in the Revised Ordinances, 1971, those subsequently added to the consolidation thereof or those enacted since the coming into force of the Revised Ordinances, 1971.)

Legend:

In. = Included in	Am. = Amended
En. = Enacted	Sp. = Spent
Rp. = Repealed	History = from the earlier of (i) enactment; or
Re. = Re-enacted	(ii) inclusion in R.O.Y.T., 1971
N.C.N.R. = Not Consolidated, Not Repealed.	

* = On May 22, 1980 this Ordinance had not yet been proclaimed into force.

Consolidation Chapter No. = Chapter designation of the Ordinances having general application to members of the public, as contained in the Consolidated version of the Ordinances of the Yukon Territory.

<u>ORDINANCES</u>	<u>CONSOLIDATION CHAPTER NO.</u>	<u>HISTORY</u>
Adult Occupational Training Agreements Repeal	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 10
Age of Majority	A-0.1	En. O.Y.T. 1972 (1st), c. 1
Alaska Highway Maintenance (1972)	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 2
Animal Protection	A-0.2	En. O.Y.T. 1977 (2nd), c. 1
Apprentice Training	A-1	In. R.O.Y.T. 1971, c. A-1
Arbitration	A-2	In. R.O.Y.T. 1971, c. A-2
Archives	A-3	In. R.O.Y.T. 1971, c. A-3
Area Development	A-4	In. R.O.Y.T. 1971, c. A-4; Am. O.Y.T. 1975 (3rd), c. 3
Assessment and Taxation	A-4.1	En. O.Y.T. 1972 (1st), c. 13; Am. O.Y.T. 1975 (1st), c. 18; Am. O.Y.T. 1979 (2nd), c. 16; Am. O.Y.T. 1980 (1st), c. 20, s. 2 *
Assessment in the City of Whitehorse	N.C.N.R.	En. O.Y.T. 1977 (2nd), c. 11
Assignment of Book Debts	A-5	In. R.O.Y.T. 1971, c. A-5
Bills of Sale	B-1	In. R.O.Y.T. 1971, c. B-1
Blasting	B-2	In. R.O.Y.T. 1971, c. B-2
Boiler and Pressure Vessels	B-2.1	En. O.Y.T. 1979 (2nd), c. 1 *
Brands	B-3	In. R.O.Y.T. 1971, c. B-3 Am. O.Y.T. 1980 (1st), c. 20, s. 3 *

Building Standards	B-3.1	En. O.Y.T. 1973 (1st), c. 1
Bulk Sales	B-4	In. R.O.Y.T. 1971, c. B-4
Business Development Assistance	B-4.1	En. O.Y.T. 1980 (1st), c. 1
Business Licence	B-5	In. R.O.Y.T. 1971, c. B-5 Am. O.Y.T. 1980 (1st), c. 20, s. 4
Cancer Diagnosis	C-1	In. R.O.Y.T. 1971, c. C-1
Cemeteries and Burial Sites	C-2	In. R.O.Y.T. 1971, c. C-2
Change of Name	C-3	In. R.O.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.O.Y.T. 1971, c. C-4; Am. O.Y.T. 1972 (1st), c. 15
Chiropractic	C-5	In. R.O.Y.T. 1971, c. C-5; Am. O.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.O.Y.T. 1971, c. C-6
Citizenship Instruction Agreement	C-7	In. R.O.Y.T. 1971, c. C-7
Civil Defence Workers' Compensation Agreement	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 26
Civil Emergency Measures	C-8	In. R.O.Y.T. 1971, c. C-8
Collection	C-9	In. R.O.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. O.Y.T. 1975 (1st), c. 1; Am. O.Y.T. 1975 (3rd), c. 4; Am. O.Y.T. 1976 (1st), c. 4; Am. O.Y.T. 1977 (1st), c. 8; Am. O.Y.T. 1978 (1st), c. 3; Am. O.Y.T. 1980 (1st), c. 2
Companies	C-10	In. R.O.Y.T. 1971, c. C-10; Am. O.Y.T. 1975 (3rd), c. 5; Am. O.Y.T. 1980 (1st), c. 3 *
Compensation for Victims of Crime	C-10.1	En. O.Y.T. 1975 (1st), c. 2; Am. O.Y.T. 1976 (1st), c. 5
Conditional Sales	C-11	In. R.O.Y.T. 1971, c. C-11
Condominium	C-12	In. R.O.Y.T. 1971, c. C-12; Am. O.Y.T. 1977 (2nd), c. 5; Am. O.Y.T. 1980 (1st), c. 4 *
Conflict of Laws (Traffic Accidents)	C-12.1	En. O.Y.T. 1972 (1st), c. 3
Consumers' Protection	C-13	In. R.O.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.O.Y.T. 1971, c. C-14; Am. O.Y.T. 1980 (1st), c. 20, s. 5 *
Controverted Elections	C-15	In. R.O.Y.T. 1971, c. C-15; Am. O.Y.T. 1977 (2nd), c. 3, s.103

Co-operative Associations	C-16	In. R.O.Y.T. 1971, c. C-16; Am. O.Y.T. 1973 (1st), c. 8; Am. O.Y.T. 1975 (2nd), c. 7
Cornea Transplant	C-17	In. R.O.Y.T. 1971, c. C-17 Rp. O.Y.T. 1980 (1st), c. 14, s. 16*
Coroners	C-18	In. R.O.Y.T. 1971, c. C-18; Am. O.Y.T. 1972 (2nd), c. 17
Corporation Securities Registration	C-19	In. R.O.Y.T. 1971, c. C-19; Am. O.Y.T. 1980 (1st), c. 20, s. 6 *
Corrections	C-19.1	En. O.Y.T. 1973 (1st), c. 2; Am. O.Y.T. 1980 (1st), c. 20, s. 7 *
Court of Appeal	C-20	In. R.O.Y.T. 1971, c. C-20
Court Worker Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 3
Credit Union	C-20.1	En. O.Y.T. 1977 (1st) c. 2; Rp. O.Y.T. 1980 (1st), c. 5 *
Credit Unions	C-21	In. R.O.Y.T. 1971, c. C-21; Am. O.Y.T. 1975 (2nd), c. 8; Am. O.Y.T. 1976 (1st), c. 6; Rp. O.Y.T. 1977 (1st), c. 2, s.158
Creditors' Relief	C-22	In. R.O.Y.T. 1971, c. C-22
Curfew	C-23	In. R.O.Y.T. 1971, c. C-23
Custody of Federal Parole Violators Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 4
Dawson, City of, General Purposes Loan	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 25
Dawson City Utilities Replacement	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 14
Dawson General Purposes Loan	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 31
Dawson Historic Sites Aid Grants	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 21
Day Care	D-01	En. O.Y.T. 1979 (2nd), c. 3
Defamation	D-1	In. R.O.Y.T. 1971, c. D-1
Dental Profession	D-2	In. R.O.Y.T. 1971, c. D-2 Am. O.Y.T. 1973 (1st), c. 9 Am. O.Y.T. 1979 (1st), c. 1
Dependants' Relief	D-3	In. R.O.Y.T. 1971, c. D-3
Devolution of Real Property	D-4	In. R.O.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.O.Y.T. 1971, c. D-5; Rp. O.Y.T. 1975(1st), c. 11
Distress	D-6	In. R.O.Y.T. 1971, c. D-6
Dog	D-7	In. R.O.Y.T. 1971, c. D-7

Elections	E-1	In. R.O.Y.T. 1971, c. E-1; Am. O.Y.T. 1974 (2nd), c. 5; Am. O.Y.T. 1975 (3rd), c. 6; Am. O.Y.T. 1977 (1st), c. 9; Am. O.Y.T. 1977 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 3, s. 104; Am. O.Y.T. 1978 (1st), c. 4; Am. O.Y.T. 1980 (1st), c. 20, s. 8 *
Elections, 1977	E-1.2	En. O.Y.T. 1977 (2nd), c. 3
Electoral District Boundaries	E-1.3	En. O.Y.T. 1977 (2nd), c. 2
Electoral District Boundaries Commission	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 1; Sp. June 17, 1974
Electoral District Boundaries Commission	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 3; Sp. November 7, 1977
Electrical Protection	E-2	In. R.O.Y.T. 1971, c. E-2; Rp/Re. O.Y.T. 1976 (3rd), c. 3
Electrical Public Utilities	E-2.1	En. O.Y.T. 1972 (1st), c. 4; Am. O.Y.T. 1974 (2nd), c. 6
Elevator and Fixed Conveyances	E-3	In. R.O.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. O.Y.T. 1976 (3rd), c. 1
Employment Agencies	E-4	In. R.O.Y.T. 1971, c. E-4; Rp/Re. O.Y.T. 1972 (1st), c. 5
Energy Conservation Agreement	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 6 *
Engineering Profession	E-5	In. R.O.Y.T. 1971, c. E-5
Evidence	E-6	In. R.O.Y.T. 1971, c. E-6 Am. O.Y.T. 1980 (1st), c. 7 * Am. O.Y.T. 1980 (1st), c. 20, s. 9 *
Executions	E-6.1	En. O.Y.T. 1980 (1st), c. 8 *
Exemptions	E-7	In. R.O.Y.T. 1971, c. E-7
Expropriation	E-8	In. R.O.Y.T. 1971, c. E-8
Factors	F-1	In. R.O.Y.T. 1971, c. F-1
Fair Practices	F-2	In. R.O.Y.T. 1971, c. F-2; Am. O.Y.T. 1974 (2nd), c. 7
Faro General Purposes Loan	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 30
Faro General Purposes Loan	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 27
Fatal Accidents	F-3	In. R.O.Y.T. 1971, c. F-3 Rp/Re. O.Y.T. 1980 (1st), c. 9 *
Fifth Appropriation, 1971-72	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 28

Fifth Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 16
Fifth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 21
Fifth Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 5
Financial Administration	F-4	In. R.O.Y.T. 1971, c. F-4; Rp/Re. O.Y.T. 1976 (3rd), c. 4
Financial Agreement, 1973	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 28
Financial Agreement, 1974	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 22
Financial Agreement, 1975	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 21
Financial Agreement, 1976	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 10
Financial Agreement, 1977	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 14
Financial Agreement, 1978	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 19
Financial Agreement, 1979	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 8
Financial Agreement, 1980	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 10
Fire Prevention	F-5	In. R.O.Y.T. 1971, c. F-5; Am. O.Y.T. 1972 (1st), c. 18; Am. O.Y.T. 1973 (1st), c. 10
Firearms Administration Agreement	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 3
First Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 27
First Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 21
First Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 17
First Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 20
First Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 11
First Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 15
First Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 18
First Appropriation, 1979-80	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 7
First Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1979 (2nd), c. 4
Fitness and Amateur Sport Agreement	F-6	In. R.O.Y.T. 1971, c. F-6
Flag	F-7	In. R.O.Y.T. 1971, c. F-7
Floral Emblem	F-8	In. R.O.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.O.Y.T. 1971, c. F-9; Am. O.Y.T. 1980 (1st), c. 20, s. 10*
Fourth Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 20
Fourth Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (4th), c. 24
Fourth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 20
Fourth Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 12

Fourth Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 17
Fraudulent Preferences and Conveyances	F-9.1	En. O.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.O.Y.T. 1971, c. F-10 Rp/Re. O.Y.T. 1980 (1st), c. 11 *
Fuel Oil Tax	F-11	In. R.O.Y.T. 1971, c. F-11; Rp/Re. O.Y.T. 1973 (1st), c. 4; Am. O.Y.T. 1975 (2nd), c. 9; Am. O.Y.T. 1979 (1st), c. 2
Fur Export	F-12	In. R.O.Y.T. 1971, c. F-12 Am. O.Y.T. 1979 (2nd) c. 5
Game	G-1	In. R.O.Y.T. 1971, c. G-1; Am. O.Y.T. 1972 (1st), c. 19; Am. O.Y.T. 1973 (1st), c. 11; Am. O.Y.T. 1975 (2nd), c. 10; Am. O.Y.T. 1975 (3rd), c. 7 Am. O.Y.T. 1979 (2nd), c. 6
Gaols	G-2	In. R.O.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.O.Y.T. 1971, c. G-3
Garnishee	G-4	In. R.O.Y.T. 1971, c. G-4 Rp/Re. O.Y.T. 1980 (1st), c. 12 *
Gasoline Handling	G-5	En. O.Y.T. 1972 (1st), c. 6
General Development Agreement	G-5.1	En. O.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. O.Y.T. 1975 (1st), c. 5 Am. O.Y.T. 1980 (1st), c. 13; Am. O.Y.T. 1980 (1st), c. 20, s. 11*
Health Care Insurance Plan	H-1	In. R.O.Y.T. 1971, c. H-1
Highways	H-1.1	En. O.Y.T. 1975 (3rd), c. 1; Am. O.Y.T. 1976 (3rd), c. 5; Am. O.Y.T. 1978 (1st), c. 5
Historic Sites and Monuments	H-2	In. R.O.Y.T. 1971, c. H-2; Am. O.Y.T. 1975 (2nd), c. 11
Home Owner's Grant	H-2.1	En. O.Y.T. 1976 (1st), c. 1; Am. O.Y.T. 1976 (3rd), c. 6; Am. O.Y.T. 1978 (1st), c. 6
Hospital Insurance Services	H-3	In. R.O.Y.T. 1971, c. H-3; Am. O.Y.T. 1975 (3rd), c. 8
Hotels and Tourist Establishments	H-4	In. R.O.Y.T. 1971, c. H-4
Housing	H-5	In. R.O.Y.T. 1971, c. H-5

Housing Corporation	H-5.1	En. O.Y.T. 1972 (1st), c. 7
Housing Development	H-6	In. R.O.Y.T. 1971, c. H-6; Am. O.Y.T. 1975 (2nd), c. 12
Human Tissue Gift	H-7	En. O.Y.T. 1980 (1st), c. 14 *
Immunity of Members	I-1	In. R.O.Y.T. 1971, c. I-1; Rp. O.Y.T. 1978 (1st), c. 2, s.42
Income Tax	B-1	En. O.Y.T. 1979 (2nd), c. 7
Institute of Chartered Accountants	I-1.1	En. O.Y.T. 1976 (3rd), c. 2
Insurance	I-2	In. R.O.Y.T. 1971, c. I-2; Rp. O.Y.T. 1977 (1st), c. 1, s.236
Insurance	I-2.01	En. O.Y.T. 1977 (1st), c. 1; Am. O.Y.T. 1977 (2nd), c. 4, s. 257; Am. O.Y.T. 1980 (1st), c. 15; * Am. O.Y.T. 1980 (1st), c. 20, s. 12*
Insurance Premium Tax	I-2.1	En. O.Y.T. 1976 (1st), c. 2; Am. O.Y.T. 1976 (3rd), c. 7
Interim Supply Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 23
Interim Supply Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 16
Interpretation	I-3	In. R.O.Y.T. 1971, c. I-3; Am. O.Y.T. 1973 (1st), c. 12; Am. O.Y.T. 1974 (2nd), c. 8 Am. O.Y.T. 1979 (2nd), c. 2, s. 4 * Am. O.Y.T. 1980 (1st), c. 20, s. 13* Am. O.Y.T. 1980 (1st), c. 30, s. 35*
Intestate Succession	I-4	In. R.O.Y.T. 1971, c. I-4
Judicature	J-1	In. R.O.Y.T. 1971, c. J-1; Am. O.Y.T. 1975 (2nd), c. 13; Am. O.Y.T. 1980 (1st), c. 28, s. 1 * Am. O.Y.T. 1980 (1st), c. 30, s. 35*
Jury	J-2	In. R.O.Y.T. 1971, c. J-2
Justice of the Peace	J-3	In. R.O.Y.T. 1971, c. J-3; Am. O.Y.T. 1976 (3rd), c. 8 Rp. O.Y.T. 1979 (2nd), c. 8, s. 23
Justice of the Peace Court	J-3.1	En. O.Y.T. 1979 (2nd), c. 8
Labour Standards	L-1	In. R.O.Y.T. 1971, c. L-1; Am. O.Y.T. 1973 (1st), c. 13; Am. O.Y.T. 1974 (2nd), c. 9; Am. O.Y.T. 1975 (1st), c. 14; Am. O.Y.T. 1975 (3rd), c. 9
Land Acquisition Fund	L-1.1	En. O.Y.T. 1976 (2nd), c. 1
Landlord and Tenant	L-2	In. R.O.Y.T. 1971, c. L-2; Am. O.Y.T. 1972 (1st), c. 20; Am. O.Y.T. 1980 (1st), c. 20, s. 14*
Lands	L-3	In. R.O.Y.T. 1971, c. L-3; Rp/Re. O.Y.T. 1972 (1st), c. 8, 14

Legal Aid	L-3.1	En. O.Y.T. 1975 (3rd), c. 2
Legal Profession	L-4	In. R.O.Y.T. 1971, c. L-4; Am. O.Y.T. 1975 (3rd), c. 10; Am. O.Y.T. 1979 (2nd), c. 9; Am. O.Y.T. 1980 (1st), c. 20, s. 15*
Legal Profession Accounts	L-5	In. R.O.Y.T. 1971, c. L-5; Am. O.Y.T. 1980 (1st), c. 20, s. 16*
Legitimation	L-6	In. R.O.Y.T. 1971, c. L-6
Limitation of Actions	L-7	In. R.O.Y.T. 1971, c. L-7
Liquor	L-8	In. R.O.Y.T. 1971, c. L-8; Am. O.Y.T. 1976 (1st), c. 3, s.5; Am. O.Y.T. 1976 (3rd), c. 9; Am. O.Y.T. 1977 (1st), c. 13; Am. O.Y.T. 1979 (2nd), c. 10; * Am. O.Y.T. 1980 (1st), c. 17; * Am. O.Y.T. 1980 (1st), c. 20, s. 17*
Liquor Tax	L-8.1	En. O.Y.T. 1976 (1st), c. 3; Am. O.Y.T. 1977 (1st), c. 10; Am. O.Y.T. 1980 (1st), c. 18
Loan Agreement (1972), No.1	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 26
Loan Agreement (1973), No.1	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 29
Loan Agreement (1973), No.2	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 30
Loan Agreement (1974), No.1	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 24
Loan Agreement (1975), No.1	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 22
Loan Agreement (1975), No.2	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 14
Loan Agreement (1976), No.1	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 13
Loan Agreement (1977), No.1	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 19
Loan Agreement (1978), No.1	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 20
Loan Agreement (1979), No.1	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 9
Loan Agreement (1980) No. 1	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 19
Local Improvement District	L-9	In. R.O.Y.T. 1971, c. L-9; Am. O.Y.T. 1972 (1st), c. 21; Am. O.Y.T. 1972 (2nd), c. 22; Am. O.Y.T. 1977 (1st), c. 11; Am. O.Y.T. 1977 (1st), c. 22; Am. O.Y.T. 1977 (2nd), c. 6
Lord's Day	L-10	In. R.O.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. O.Y.T. 1974 (2nd), c. 2
Low Cost Housing	L-11	In. R.O.Y.T. 1971, c. L-11
Magistrate's Court	M-1	See Territorial Court
Maintenance	M-2	In. R.O.Y.T. 1971, c. M-2 Am. O.Y.T. 1980 (1st), c. 30, s. 34*

Marriage	M-3	In. R.O.Y.T. 1971, c. M-3
Married Women's Property	M-4	In. R.O.Y.T. 1971, c. M-4
Matrimonial Property	M-4.1	En. O.Y.T. 1979 (2nd) c. 11
Mechanics' Lien	M-5	In. R.O.Y.T. 1971, c. M-5
Mediation Board	M-5.1	En. O.Y.T. 1972 (1st), c. 9
Medical Profession	M-6	In. R.O.Y.T. 1971, c. M-6; Am. O.Y.T. 1975 (3rd), c. 11; Am. O.Y.T. 1978 (1st), c. 7 Rp. O.Y.T. 1979 (2nd), c. 12, s.63
Medical Profession	M-6.1	En. O.Y.T. 1979 (2nd), c. 12
Mental Health	M-7	In. R.O.Y.T. 1971, c. M-7; Am. O.Y.T. 1973 (1st), c. 14, Am. O.Y.T. 1980 (1st), c. 20, s. 18*
Metric Information Agreement	N.C.N.R.	En. O.Y.T. 1977 (2nd), c. 12
Miners' Lien	M-8	In. R.O.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.O.Y.T. 1971, c. M-9; Am. O.Y.T. 1974 (2nd), c. 10; Am. O.Y.T. 1975 (1st), c. 15; Am. O.Y.T. 1978 (1st), c. 8
Motion Pictures	M-10	In. R.O.Y.T. 1971, c. M-10
Motor Vehicles	M-11	In. R.O.Y.T. 1971, c. M-11; Am. O.Y.T. 1972 (1st), c. 23; Am. O.Y.T. 1973 (1st), c. 15; Am. O.Y.T. 1974 (2nd), c. 11; Am. O.Y.T. 1975 (3rd), c. 12; Am. O.Y.T. 1976 (2nd), c. 4; Am. O.Y.T. 1977 (1st), c. 1, s.236; Rp. O.Y.T. 1977 (2nd), c. 4, s.258
Motor Vehicles	M-11.1	En. O.Y.T. 1977 (2nd), c. 4, Am. O.Y.T. 1980 (1st), c. 20, s. 19; * Am. O.Y.T. 1980 (1st), c. 21; * Am. O.Y.T. 1980 (1st), c. 30, s. 35* Am. O.Y.T. 1980 (1st), c. 23, s. 26
Municipal	M-12	En. O.Y.T. 1972 (1st), c. 10; Am. O.Y.T. 1975 (1st), c. 16; Am. O.Y.T. 1975 (2nd), c. 14; Am. O.Y.T. 1976 (3rd), c. 10; Am. O.Y.T. 1977 (2nd), c. 7; Am. O.Y.T. 1980 (1st), c. 20, s. 20; * Am. O.Y.T. 1980 (1st), c. 30, s. 35 *
Municipal Aid	M-13	En. O.Y.T. 1972 (1st), c. 11
Municipal Elections	M-14	En. O.Y.T. 1972 (1st), c. 12
Municipal Employees Benefits	M-15	En. O.Y.T. 1975 (2nd), c. 1
Municipal General Purposes Loan (1974)	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 25
Municipal General Purposes Loan (1975)	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 23
Municipal General Purposes Loan (1976)	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 15

Municipal General Purposes Loan (1977)	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 20
Municipal General Purposes Loan (1978)	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 21
Municipal General Purposes Loan (1979)	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 10
Municipal General Purposes Loan (1980)	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 22
Newspaper	N-1	In. R.O.Y.T. 1971, c. N-1
Noise Prevention	N-2	In. R.O.Y.T. 1971, c. N-2
Notaries	N-3	In. R.O.Y.T. 1971, c. N-3; Am. O.Y.T. 1974 (2nd), c. 12
Northern Natural Gas Pipeline Agreement	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 4
Occupational Training	O-O.1	En. O.Y.T. 1975 (1st), c. 6
Old Age Assistance and Blind Persons' Allowance	O-1	In. R.O.Y.T. 1971, c. O-1; Rp. O.Y.T. 1975 (1st), c. 12
Optometry	O-2	In. R.O.Y.T. 1971, c. O-2
Parks	P-01	En. O.Y.T. 1979 (2nd), c. 13
Partnership	P-1	In. R.O.Y.T. 1971, c. P-1; Am. O.Y.T. 1977 (2nd), c. 8; Am. O.Y.T. 1980 (1st), c. 20, s. 21*
Pawnbrokers and Second- Hand Dealers	P-2	In. R.O.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.O.Y.T. 1971, c. P-3 Rp/Re. O.Y.T. 1980 (1st), c. 23 *
Pharmaceutical Chemists	P-4	In. R.O.Y.T. 1971, c. P-4; Am. O.Y.T. 1973 (1st), c. 16; Am. O.Y.T. 1975 (3rd), c. 13
Pioneer Utility Grant	P-4.1	En. O.Y.T. 1978 (1st), c. 1; Am. O.Y.T. 1980 (1st), c. 20, s. 22
Plebiscite	P-5	In. R.O.Y.T. 1971, c. P-5
Pounds	P-6	In. R.O.Y.T. 1971, c. P-6; Am. O.Y.T. 1973 (1st), c. 17; Am. O.Y.T. 1980 (1st), c. 20, s. 23*
Presumption of Death	P-7	In. R.O.Y.T. 1971, c. P-7; Rp/Re. O.Y.T. 1980 (1st), c. 24 *
Public Health	P-8	In. R.O.Y.T. 1971, c. P-8; Am. O.Y.T. 1972 (1st), c. 24; Am. O.Y.T. 1975 (3rd), c. 14
Public Inquiries	P-8.1	En. O.Y.T. 1973 (1st), c. 5

Public Printing	P-9	In. R.O.Y.T. 1971, c. P-9
Public Service	P-10	In. R.O.Y.T. 1971, c. P-10; Rp. O.Y.T. 1976 (2nd), c. 2, s.217
Public Service Commission	P-10.1	En. O.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.O.Y.T. 1971, c. P-11; Am. O.Y.T. 1974 (2nd), c. 13; Am. O.Y.T. 1976 (3rd), c. 11
Purchase and Supply Services Agreement	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 31
Real Estate Agents' Licensing	R-0.1	En. O.Y.T. 1977 (1st), c. 5; Am. O.Y.T. 1980 (1st) c. 20, s. 24*
Reciprocal Enforcement of Judgments	R-1	In. R.O.Y.T. 1971, c. R-1
Reciprocal Enforcement of Maintenance Orders	R2	In. R.O.Y.T. 1971, c. R2; Rp/Re. O.Y.T. 1980 (1st), c. 25*
Recording of Evidence by Sound Apparatus	R-3	In. R.O.Y.T. 1971, c. R-3
Recreation Development	R-3.1	En. O.Y.T. 1977 (1st), c.6
Regulations	R-4	In. R.O.Y.T. 1971, c. R-4; Am. O.Y.T. 1980 (1st), c. 20, s. 25*
Rehabilitation Services	R-5	In. R.O.Y.T. 1971, c. R-5; Am. O.Y.T. 1975 (1st), c. 17
Rental-Purchase Housing	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 25
Retirement Plan Beneficiaries	R-5.1	En. O.Y.T. 1979 (2nd), c. 14
Robert Campbell Bridge Agreement	N.C.N.R.	En. O.Y.T. 1973 (4th), c. 32
Sale of Goods	S-1	In. R.O.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.O.Y.T. 1971, c. S-2
Second Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 29
Second Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 22
Second Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 18
Second Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 17
Second Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 18
Second Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 16
Second Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 6
Second Appropriation, 1979-80	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 26

Second Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 27
School	S-3	In. R.O.Y.T. 1971, c. S-3; Rp/Re. O.Y.T. 1974 (2nd), c. 14
Scientists and Explorers	S-4	In. R.O.Y.T. 1971, c. S-4
Securities	S-5	In. R.O.Y.T. 1971, c. S-5; Am. O.Y.T. 1976 (3rd), c. 12; Am. O.Y.T. 1980 (1st), c. 20, s. 26*
Sixth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 19
Social Assistance	S-6	In. R.O.Y.T. 1971, c. S-6
Societies	S-7	In. R.O.Y.T. 1971, c. S-7; Am. O.Y.T. 1974 (2nd), c. 15; Am. O.Y.T. 1980 (1st), c. 20, s. 27*
Society of Industrial Accountants	S-7.1	See Society of Management Accountants
Society of Management Accountants	S-7.2	En. O.Y.T. 1975 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 9
Special Rural Development Agreement (Special ARDA)	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 15
Stabilization Fund Loan	S-7.3	En. O.Y.T. 1977 (1st), c. 7; Am. O.Y.T. 1978 (1st), c. 9; Rp. O.Y.T. 1980 (1st), c. 29 *
Steam Boilers	S-8	In. R.O.Y.T. 1971, c. S-8 Rp. O.Y.T. 1979 (2nd), c. 1, s.43
Students' Financial Assistance	S-8.1	En. O.Y.T. 1975 (2nd), c. 3; Am. O.Y.T. 1978 (1st), c. 10
Students' Grants	S-9	In. R.O.Y.T. 1971, c. S-9; Rp. O.Y.T. 1975 (2nd), c. 6
Summary Convictions	S-9.1	En. O.Y.T. 1980 (1st), c. 30 *
Superannuation, Territorial Employees	S-10	In. R.O.Y.T. 1971, c. S-10; Am. O.Y.T. 1975 (2nd), c. 16
Supervision of Federal Parolees Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 7
Supreme Court	S-10.1	In. R.O.Y.T. 1971, c. T-2; Am. O.Y.T. 1971 (3rd), c. 3; Am. O.Y.T. 1979 (2nd), c. 2; Am. O.Y.T. 1980 (1st), c. 28, s. 3 *
Survivorship	S-11	In. R.O.Y.T. 1971, c. S-11; Rp/Re. O.Y.T. 1980 (1st), c. 31 *

Taxation	T-O.1	See Assessment and Taxation
Tenants in Common	T-1	In. R.O.Y.T. 1971, c. T-1
Territorial Court	T-2	See Supreme Court
Territorial Court	T-2.05	In. R.O.Y.T. 1971, c. M-1; Am. O.Y.T. 1979 (2nd), c. 2; Am. O.Y.T. 1980 (1st), c. 28, s. 2*
Territorial-Municipal Employment Loans	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 33
Third Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 19
Third Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (3rd), c. 23
Third Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 19
Third Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (3rd), c. 15
Third Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 16
Third Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 17
Third Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1979 (2nd), c. 17
Tobacco Tax	T-2.1	En. O.Y.T. 1974 (2nd), c. 3; Am. O.Y.T. 1976 (1st), c. 9; Am. O.Y.T. 1978 (1st), c. 12
Trade Schools Regulation	T-3	In. R.O.Y.T. 1971, c. T-3
Transfer of Prisoners Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 8
Transport Public Utilities	T-4	In. R.O.Y.T. 1971, c. T-4; Am. O.Y.T. 1980 (1st), c. 32 *
Travel for Medical Treatment	T-4.1	En. O.Y.T. 1975 (2nd), c. 4
Travel Industry Development Agreement	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 5
Trustee	T-5	In. R.O.Y.T. 1971, c. T-5 Am. O.Y.T. 1980 (1st), c. 33 *
Unemployment Assistance Agreement Repeal	N.C.N.R.	En.O.Y.T. 1975 (1st), c. 13
Variation of Trusts	V-1	In. R.O.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.O.Y.T. 1971, c. V-2; Am. O.Y.T. 1973 (1st), c. 18;
Wages Recovery	W-1	In. R.O.Y.T. 1971, c. W-1
Warehousemen's Lien	W-2	In. R.O.Y.T. 1971, c. W-2
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Whitehorse, An Ordinance to open a certain portion of Land in the City of	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 13
Whitehorse General Purposes Loan (1972)	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 32

Whitehorse General Purposes Loan (1973)	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 34
Whitehorse (Takhini and Valleyview) Lands	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 18
Woodmen's Lien	W-4	In. R.O.Y.T. 1971, c. W-4
Workers' Compensation	W-4.1	In. R.O.Y.T. 1971, c. W-5; Rp/Re. O.Y.T. 1973 (3rd), c. 6; Am. O.Y.T. 1975 (3rd), c.6, s.4; Am. O.Y.T. 1977 (2nd), c. 10; Am. O.Y.T. 1980 (1st), c. 20, s. 28*
Workmen's Compensation	W-5	See Workers' Compensation
Workmen's Compensation Supplementary Benefits	N.C.N.R.	En. O.Y.T. 1973 (3rd), c.7
Young Offenders Welfare Agreement	N.C.N.R.	En. O.Y.T. 1976 (2nd), c. 3
Young Voyageur Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 9
Yukon Council	Y-1	En. O.Y.T. 1978 (1st), c. 2; Am. O.Y.T. 1979 (2nd), c. 18
Yukon River Basin Study Agreement	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 34 *



ORDINANCES
OF THE
GOVERNMENT OF YUKON

PASSED BY THE YUKON COUNCIL
IN THE YEAR
1980

BEING THE SECOND SITTING OF THE THIRD SESSION
OF THE TWENTY - FOURTH COUNCIL
OCTOBER 14 - NOVEMBER 13, 1980

D. BELL COMMISSIONER

Part I:
SESSIONAL VOLUME

Part II: (Separate Volume)
MUNICIPAL ORDINANCES

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ORDINANCES OF THE YUKON TERRITORY

1980 Second Sitting

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Note:

The following Bills are still on the Order Paper:

- Bill #1 - An Ordinance to Perpetuate a Certain Ancient Right
- Bill #5 - An Ordinance to Amend the Electrical Public Utilities Ordinance
- Bill #54 - Petty Trespass Ordinance

Private Members' Public Bill:

- Bill #102 - An Ordinance to Amend the Public Service Commission Ordinance
- Bill #103 - Children's Advocacy Ordinance

The 1980 Second Sitting of the Third Session of the Twenty-fourth Council was adjourned on November 13, 1980.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 1

AN ORDINANCE TO AMEND THE
COMMUNITY ASSISTANCE ORDINANCE
(Assented to November 13, 1980)

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

- 1(1) Subsections 75.1(6) and (7) of the
Community Assistance Ordinance are
repealed.
- 2(1) This Ordinance comes into force on a day
to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 2

AN ORDINANCE TO AMEND THE
COMPANIES ORDINANCE

(Assented to November 13, 1980)

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

- 1(1) Subsection 17(1) of the Companies Ordinance is amended by striking out the expression "is carrying on business or".
- 2(1) Paragraph 95(1)(c) of the Ordinance is amended by striking out the expression "in the prescribed form".
- 3(1) The Ordinance is amended by adding, immediately after section 122, the following new section:
- Waiver of appointment "122.1(1) Subject to subsection (3) and subsection 122(2), if all of the members of a private company consent in writing to a resolution waiving the appointment of an auditor, the company is not required to appoint an auditor.
- Duration of waiver (2) No resolution under subsection (1) is effective for more than one financial year.
- Subsidiary (3) Subsection (1) does not apply to a company that is a subsidiary unless
- (a) the members of its holding company have waived the appointment of an auditor for the holding company, or
- (b) the waiver of the appointment

of an auditor is approved
in writing by the Registrar."

- 4(1) Section 123 of the Ordinance is amended by adding immediately after subsection (4), the following new subsection:
- Exception "(5) Where the appointment of an auditor has been waived under section 122.1 and an auditor has not been appointed, subsections (3) and (4) continue to apply, with the necessary changes, with the omission of the references to the auditor's report."
- 5(1) Section 327 of the Ordinance is repealed and the following is substituted for it:
- Prohibited names "327(1) No person other than a corporation entitled or required to use
- (a) the words "limited", "limitee", "limited liability", "incorporated", "incorporee", "corporation" or "non-personal liability", or
 - (b) the abbreviation of any of the words referred to in paragraph (a),
- shall use within the Territory any name or title of which any of those words or abbreviations is a part.
- "corporation" (2) For the purposes of subsection (1), "corporation" includes a company, extra-territorial company, body corporate, association, or society, however and wherever incorporated.

Offence

- (3) Every person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not more than \$25 for each day in which a contravention occurs."

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 3

AN ORDINANCE TO AMEND THE
COMPENSATION FOR VICTIMS OF CRIME ORDINANCE
(Assented to November 13, 1980)

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

- 1(1) Subsection 2(1) of the Compensation for Victims of Crime Ordinance is amended by adding immediately before the definition of "child", the following new definition:
- "Board" means the Workers' Compensation Board established under the Workers' Compensation Ordinance,".
- 2(1) The Ordinance is amended
- (a) by striking out the expressions "a judge" and "the judge" wherever they appear and substituting for them the expression "the Board", and
- (b) in order to perfect the amendment made in paragraph (a), by striking out the pronouns "he" and "his" wherever their antecedents are the word "judge", and substituting for them the pronouns "it" and "its", respectively.
- 3(1) The Ordinance is amended by adding, immediately after section 2, the following new section:
- Board meetings
- "2.1(1) The Board shall sit at such times as the performance of its duties and the exercise of its powers under this Ordinance may require.
- Workers' Compensation Ordinance
- (2) Sections 10 and 10.1 of the Workers' Compensation Ordinance

apply, mutatis mutandis, to and in respect of the Board in relation to the performance of its duties and the exercise of its powers under this Ordinance, except to the extent of any inconsistency between those sections and the provisions of this Ordinance."

4(1) Subsection 3(5) of the Ordinance is amended by striking out the expression "Clerk of the Supreme Court" and substituting for it the word "Commissioner".

(2) Subsection 3(7) of the Ordinance is amended by striking out the expression "the Clerk shall bring it before the judge for his attention and the judge shall" and substituting for it the expression "the Commissioner shall refer it to the Board and the Board shall".

5(1) Subsection 7(1) of the Ordinance is repealed and the following is substituted for it:

Hearing
and
notice

"7(1) Where a claim for compensation under this Ordinance is made, the Board shall fix a time and place for the hearing of the claim and shall, at least ten days before the date fixed, cause notice of the hearing to be given

- (a) to the applicant,
- (b) if the victim has died, to the Public Administrator,
- (c) to the person whose act or omission was, or is alleged to be, responsible for the occurrence, and
- (d) to any other person who appears to the Board to have an interest in the matter."

6(1) Paragraph 8(1) (a) of the Ordinance is repealed and the following is substituted for it:

"(a) is an infant, the application may be made on his behalf by his parent or guardian, by the Public Administrator, or by such other person as the Board may direct, or".

7(1) Subsection 23(1) of the Ordinance is repealed and the following is substituted for it:

Amount
of award

"23(1) The amount of an award of compensation made by the Board in respect of one victim shall not exceed
(a) \$15,000, where the award consists entirely of a lump sum payment, or
(b) \$25,000, where the award consists entirely of periodic payments or consists of both periodic payments and a lump sum payment.

Multiple
awards

(1.1) Subject to subsection (1), where awards of compensation are made by the Board in respect of more than one victim in relation to a single occurrence, the aggregate of all the amounts awarded shall not exceed \$125,000 and shall not consist of more than \$75,000 in lump sum payments.

Periodic
payments

(1.2) An award of periodic payments shall not provide for the payment of more than \$500 per month in respect of a victim."

8(1) Section 26 of the Ordinance is amended by striking out the expression "subsections (2), (3) and (4)" and substituting for it the expression "this section, section 26.1 and section 26.2".

8.1(1) Subsection 21(1) of the Ordinance is repealed and the following is substituted for it:

"21(1) Subject to subsection (19), a decision of the Board is final except that an appeal lies in the Court from any decision of the Board on a question of law."

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 4

AN ORDINANCE TO AMEND THE
COOPERATIVE ASSOCIATIONS ORDINANCE

(Assented to November 13, 1980)

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

1(1) Section 8 of the Cooperative Associations Ordinance is repealed and the following is substituted for it:

"8(1) The association shall not be incorporated by a name of which the Registrar disapproves for any reason.

(2) The association shall not be incorporated by a name

- (a) that is identical with the name by which a company, society, partnership, sole proprietorship or association in existence is incorporated or registered in the Territory, or
- (b) that so nearly resembles a name referred to in paragraph (a) as, in the opinion of the Registrar, to be calculated to deceive, unless the company, society, partnership, sole proprietorship or association
- (c) consents in writing to the use of the name, and
- (d) is in the course of being dissolved or has ceased to carry on business."

2(1) Subsection 28(1) of the Ordinance is amended

- (a) by striking out the word "When" and substituting for it the expression "Where an association has failed for any period of two years to send to or file with the Registrar any document required to be sent to or filed with the Registrar under this Ordinance, or where", and
 - (b) by striking out the expression "is in operation" and substituting for it the expression "is in operation, or notifying it of the default, as the case may be".
- (2) Subsection 28(2) of the Ordinance is repealed and the following is substituted for it:
- "(2) If within two months of sending the letter referred to in subsection (1) the Registrar has not received an answer or the default is not rectified, the Registrar may, within 14 days after the expiration of the two-month period, send by registered mail a letter referring to the first letter and stating that
- (a) no answer has been received, or that the default has not been rectified, as the case may be, and
 - (b) if no answer to the second letter is received within two months of the sending of the second letter or the default is not rectified in that time, a notice will be published in such a manner as he deems necessary with a view to striking the name of the association off the register."

(3) Subsection 28(3) of the Ordinance is amended by striking out the expression "receive an answer thereto," and substituting for it the expression "receive an answer to it or the default is not rectified in that time,".

3(1) Section 30 of the Ordinance is amended by adding immediately after subsection (1), the following new subsections:
 "(1.1) Subject to subsections (1.2) and (4.2), and notwithstanding subsection (1), where an association by extraordinary resolution waives the appointment of an auditor, the association is not required to appoint an auditor."

(2) Subsection 30(2) of the Ordinance is amended by adding at the end of the subsection the expression "unless the appointment of an auditor has been waived under subsection (1.1) and an auditor has not been appointed".

(3) Subsection 30(3) of the Ordinance is amended by striking out the expression "certified by the auditors" and substituting for it the expression "signed by at least two of the directors of the association".

(4) Subsection 30(4) of the Ordinance is amended by striking out the expression "auditor's annual" and substituting for it the word "financial".

(5) Section 30 of the Ordinance is amended by adding, immediately after subsection (4), the following new subsections:
 "(4.1) Where the appointment of an auditor has not been waived under subsection (1.1), the financial statements referred

to in subsections (3) and (4)
shall be certified by the
auditors.

(4.2) Where an appointment of an
auditor is not made under
subsection (1), the Commissioner
may on the application of any
member of the association,
appoint an auditor for the
association for the current
year and fix his remuneration."

4(1) The Ordinance is amended by adding,
immediately after section 30, the following
new section:

"30.1(1) The Registrar may, where he is
of the opinion that any document
submitted to him
(a) contains matter contrary
to law,
(b) by reason of any omission
or mis-description, has
not been duly completed,
(c) does not comply with the
requirements of this
Ordinance, or
(d) contains any error,
alteration or erasure,
refuse to receive or register
the document and request that
the document be appropriately
amended or completed and re-
submitted, or that a new
document be submitted in its
place.

(2) Every document required by
this Ordinance to be filed or
registered with the Registrar
(a) shall be in typed or
printed form, and, in the
opinion of the Registrar,
legible and sufficiently
permanent for his records,
and

- (b) shall be in the English language, or accompanied by a notarially certified English translation of it."

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 5

AN ORDINANCE TO AMEND THE
DEFAMATION ORDINANCE

(Assented to November 13, 1980)

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

1(1) The Defamation Ordinance is amended by
adding, immediately after section 8, the
following new section:

Opinions
of others

"8.1(1) Where the defendant published
alleged defamatory matter that
is an opinion expressed by
another person, a defence of
fair comment shall not fail
for the reason only that the
defendant did not hold the
opinion if,
(a) the defendant did not
know that the person
expressing the opinion
did not hold the opinion,
and
(b) a person could honestly
hold the opinion.

Inquiry not
necessary

(2) For the purpose of this section,
the defendant is not under a
duty to inquire into whether
the person expressing the
opinion does or does not hold
the opinion."

Note: This Ordinance is based on a model Act
recommended by the Uniform Law Conference
of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 6

DEPENDANTS' RELIEF ORDINANCE

(Assented to November 13, 1980)

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

- 1(1) In this Ordinance
- "child" "child" includes
- (a) a child of the deceased en ventre sa mere at the date of the deceased's death, or
 - (b) an illegitimate child of the deceased;
- "deceased" "deceased" means a testator or a person dying intestate,
- "dependant" "dependant" means:
- (a) the widow or widower of the deceased;
 - (b) a child of the deceased who is under the age of 16 years at the time of the deceased's death;
 - (c) a child of the deceased who is 16 years of age or over at the time of the deceased's death and unable by reason of mental or physical disability to earn a livelihood;
 - (d) a grandparent, parent or descendant of the deceased who, for a period of at least three years immediately prior to the date of the death of the deceased, was dependent upon him for maintenance and support;
 - (e) a person divorced from the deceased who, for a period of

at least three years immediately prior to the date of death of the deceased, was dependent upon the deceased for maintenance and support; or

- (f) a person of the opposite sex to the deceased not legally married to the deceased who, for a period of at least three years immediately prior to the date of the death of the deceased, lived and cohabited with the deceased as the spouse of the deceased and was dependent upon the deceased for maintenance and support;

"letters probate"

"letters probate" and "letters of administration" include letters probate, letters of administration or other legal documents purporting to be of the same legal nature granted by a court in another jurisdiction and resealed in the Territory; and

"order"

"order" includes a suspensory order.

Order for support

2(1)

Where a deceased has not made adequate provision for the proper maintenance and support of his dependants or any of them, the Court, on application by or on behalf of the dependants or any of them, may order that such provision as it considers adequate be made out of the estate of the deceased for the proper maintenance and support of the dependants or any of them.

Suspensory order

3(1)

The Court, on application by or on behalf of the dependants or any of them, may make a suspensory order suspending in whole or in part the administration of the deceased's estate, for such time and to such extent as the Court may decide.

Others who
could apply

4(1) Where an application for an order under section 2 is made by or on behalf of a dependant, it may be dealt with by the Court as, and in so far as the question of limitation is concerned, it shall be deemed to be, an application on behalf of all persons who might apply.

Powers
of
Court

5(1) The Court, upon the hearing of an application under this Ordinance, may

- (a) inquire into and consider all matters that it considers should be fairly taken into account in deciding upon the application,
- (b) in addition to the evidence adduced by the parties appearing, direct such other evidence to be given as it considers necessary or proper,
- (c) accept such evidence as it considers proper of the deceased's reasons, so far as ascertainable,
 - (i) for making the dispositions made by his will, or
 - (ii) for not making adequate provision for a dependant,including any statement in writing signed by the deceased, and
- (d) refuse to make an order in favour of any dependant whose character or conduct is such as, in the opinion of the Court, disentitles the dependant to the benefit of an order under this Ordinance.

Weight of
statements

(2) In estimating the weight to be given to a statement referred to in paragraph (1)(c), the Court shall have regard to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement.

Conditional
order

6(1) The Court, in any order making provision for maintenance and support of a dependant, may impose such conditions and restrictions as it considers fit.

- Payment or transfer (2) Provision may be made out of income or capital or both and may be made in one or more of the following ways, as the Court deems fit:
- (a) an amount payable annually or otherwise;
 - (b) a lump sum to be paid or held in trust; and
 - (c) any specified property to be transferred or assigned, absolutely or in trust or for life, or for a term of years to or for the benefit of the dependant.
- Powers of Court (3) Where a transfer or assignment of property is ordered, the Court may
- (a) give all necessary directions for the execution of the transfer or assignment by the executor or administrator or such other person as the Court may direct, or
 - (b) grant a vesting order.
- Subsequent proceedings 7(1) Where an order has been made under this Ordinance, the Court at any subsequent date may
- (a) inquire whether the dependant benefited by the order has become entitled to the benefit of any other provision for his proper maintenance or support,
 - (b) inquire into the adequacy of the provision ordered, and
 - (c) discharge vary or suspend the order, or make such other order as it considers fit in the circumstances.
- Additional powers 8(1) The Court at any time may
- (a) fix a periodic payment or lump sum to be paid by a legatee, devisee or a beneficiary under an intestacy to represent, or in commutation of, such proportion of the sum ordered to be paid as falls upon the portion

- of the estate in which he is interested,
- (b) relieve such portion of the estate from further liability, and
- (c) direct
 - (i) the manner in which such periodic payment is to be secured, or
 - (ii) to whom such lump sum is to be paid and the manner in which it is to be dealt with for the benefit of the person to whom the commuted payment is payable.

Stay of distribution	9(1)	Where an application is made and notice of it is served on the executor, administrator or trustee of the estate of the deceased, he shall not, after service of the notice upon him, unless all persons entitled to apply consent or the Court otherwise orders, proceed with the distribution of the estate until the Court has disposed of the application.
Exception	(2)	Nothing in this Ordinance prevents an executor, administrator or trustee from making reasonable advances for maintenance and support to dependants who are beneficiaries.
Liability	(3)	Where an executor, administrator or trustee distributes any portion of the estate in violation of subsection (1), if any provision for maintenance and support is ordered by the Court to be made out of the estate, the executor, administrator or trustee is personally liable to pay the amount of the distribution to the extent that such provision or any part thereof ought, pursuant to the order or this Ordinance, to be made out of the proportion of the estate distributed.
Incidence of order	10(1)	Subject to subsection (2), the incidence of any provision for maintenance and

support ordered falls rateably upon that part of the deceased's estate to which the jurisdiction of the Court extends.

Exception	(2)	The Court may order that the provision for maintenance and support be made out of and charged against the whole or any portion of the estate in such proportion and in such manner as to it seems proper.
Priority of order	11(1)	<p>For the purpose of enactments relating to succession duties and gift taxes, where an order, other than an order under section 21, is made under this Ordinance in respect of</p> <p>(a) a deceased who died leaving a will, the will of the testator shall be considered to have had effect from the date of the deceased's death as if it had been executed with such variations as are necessary to give effect to the order, or</p> <p>(b) a deceased who died intestate, the provisions of the <u>Intestate Succession Ordinance</u> applicable to the distribution of the intestate's estate shall be construed as having been amended in the manner and to the extent the order alters the operation of those provisions.</p>
Ancillary powers	12(1)	The Court may give such further directions as it considers necessary for the purpose of giving effect to an order.
Filing of order	13(1)	A certified copy of every order made under this Ordinance, other than an order made under section 21, shall be filed with the clerk of the Court.
Endorsement of letters	(2)	A memorandum of the order shall be endorsed on or annexed to the copy in the custody of the clerk of the letters probate or letters of administration, as the case may be.

Limitation period	14(1)	Subject to subsection (2), no application for an order under section 2 may be made except within six months from the grant of letters probate of the will or of letters of administration.
Exception	(2)	The Court, if it considers it just, may allow an application to be made at any time as to any portion of the estate remaining undistributed at the date of the application.
Devise under contract	15(1)	Where a deceased (a) has, in his lifetime, bona fide and for valuable consideration, entered into a contract to devise and bequeath any property real or personal, and (b) has by his will devised and bequeathed that property in accordance with the provisions of the contract, the property is not liable to the provisions of an order made under this Ordinance except to the extent that the value of the property in the opinion of the Court exceeds the consideration received by the deceased therefor.
Assignment of benefit	16(1)	Where provision for the maintenance and support of a dependant is ordered pursuant to this Ordinance, a mortgage, charge or assignment of or with respect to such provision, made before the order of the Court making such provision is entered, is invalid.
Waiver of benefit	17(1)	Any agreement by or on behalf of a dependant that this Ordinance does not apply or that any benefit or remedy provided by this Ordinance is not to be available is invalid.
Appeal	18(1)	An appeal lies to the Court of Appeal from any order made under this Ordinance.

Enforcement	19(1)	A direction or order made under this Ordinance, other than an order under section 21, may be enforced against the estate of the deceased in the same way and by the same means as any other judgment or order of the Court against the estate may be enforced.
Ancillary powers	(2)	The Court may make such order or direction or interim order or direction as may be necessary to secure to the dependant out of the estate the benefit to which he is found entitled.
Transactions before death	20(1)	<p>Subject to section 15, for the purpose of this Ordinance, the capital value of the following transactions effected by a deceased before his death, whether benefiting his dependant or any other person, shall be included as testamentary dispositions as of the date of the death of the deceased and shall be considered to be part of his net estate for purposes of ascertaining the value of his estate:</p> <ul style="list-style-type: none">(a) gifts mortis causa;(b) money deposited, together with interest thereon, in an account in the name of the deceased in trust for another or others with any chartered bank, savings office, credit union or trust company, and remaining on deposit at the date of the death of the deceased;(c) money deposited, together with interest thereon, in an account in the name of the deceased and another person or persons and payable on death pursuant to the terms of the deposit or by operation of law to the survivor or survivors of those persons with any chartered bank, savings office, credit union or trust company, and remaining on deposit at the date of the death of the deceased;

- (d) any disposition of property made by a deceased whereby property is held at the date of his death by the deceased and another as joint tenants with right of survivorship or as tenants by the entirety;
- (e) any disposition of property made by the deceased in trust or otherwise, to the extent that the deceased at the date of his death retained, either alone or in conjunction with another person or persons by the express provisions of the disposing instrument, a power to revoke such disposition, or a power to consume, invoke or dispose of the principal thereof but the provisions of this paragraph do not affect the right of any income beneficiary to the income accrued and undistributed at the date of the death of the deceased; and
- (f) any amount payable under a policy of insurance effected on the life of the deceased and owned by him.

Joint interests

- (2) The capital value of the transactions referred to in paragraphs (1)(b), (c) and (d) shall be considered to be included in the net estate of the deceased to the extent that the funds on deposit were the property of the deceased immediately before the deposit of the consideration for the property held as joint tenants or as tenants by the entirety was furnished by the deceased.

Burden of proof

- (3) Dependants claiming under this Ordinance have the burden of establishing that the funds or property, or any portion thereof, belonged to the deceased.

Burden of proof

- (4) Where the other party to a transaction described in paragraphs (1)(c) or (d) is

a dependant, such dependant shall have the burden of establishing the amount of his contribution, if any.

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| Payment without notice | (5) | This section does not prohibit any corporation or person from paying or transferring any funds or property, or any portion thereof, to any person otherwise entitled thereto unless there has been personally served on such corporation or person a certified copy of a suspensory order made under section 3 enjoining such payment or transfer. |
| Defence | (6) | Personal service upon the corporation or person holding any such fund or property of a certified copy of such suspensory order is a defence to any action or proceeding brought against the corporation or person with respect to the fund or property during the period such order is in force and effect. |
| Creditors' rights | (7) | This section does not affect the rights of creditors of the deceased in any transaction with respect to which a creditor has rights. |
| Charging of gifts | 21(1) | Where, upon an application for an order under section 2, it appears to the Court that
(a) the deceased has within one year prior to his death made an unreasonably large disposition of real or personal property
(i) as an immediate gift inter vivos, whether by transfer, delivery, declaration of revocable or irrevocable trust or otherwise, or
(ii) the value of which at the date of the disposition exceeded the consideration received by the deceased therefor, and |

- (b) there are insufficient assets in the estate of the deceased to provide adequate maintenance and support for the dependants or any of them,

the Court may, subject to subsection (2), order that any person who benefited, or who will benefit, by the disposition pay to the executor, administrator or trustee of the estate of the deceased or to the dependants or any of them, as the Court may direct, such amount as the Court considers adequate for the proper maintenance and support of the dependants or any of them.

Amount to be paid

- (2) The amount that a person may be ordered to pay under subsection (1) shall be determined in accordance with the following rules:

- (a) no person to whom property was disposed of is liable to contribute more than an amount equal to the extent to which the disposition was unreasonably large;
- (b) if the deceased made several dispositions of property that were unreasonably large, no person to whom property was disposed of shall be ordered to pay more than his pro rata share based on the extent to which the disposition was unreasonably large;
- (c) the Court shall consider the injurious effect on a person to whom property was disposed of from an order to pay in view of any circumstances occurring between the date of the disposition of the property and the date on which the transferee received notice of the application under section 2;
- (d) if the person to whom the property was disposed of has retained the property, he is not liable to

contribute more than the value of his beneficial interest in the property;

- (e) if the person to whom property was disposed of has disposed of or exchanged the property in whole or in part, he is not liable to contribute more than the combined value of any remaining original property and any remaining proceeds or substituted property; and
- (f) for the purposes of paragraphs (d) and (e) "value" is the fair market value as at the date of the application under section 2.

Gifts
affected

(3) In determining whether a disposition of property is a disposition of an unreasonably large amount of property within the meaning of subsection (1), the Court shall consider

- (a) the ratio of value of the property disposed of to the value of the property determined under this Ordinance to comprise the estate of the deceased at the time of his death,
- (b) the aggregate value of any property disposed of under prior and simultaneous dispositions, and for this purpose the Court shall consider all dispositions drawn to its attention whether made prior or subsequent to one year prior to the death of the deceased,
- (c) any moral or legal obligation of the deceased to make the disposition,
- (d) the amount, in money or moneys worth, of any consideration paid by the person to whom the property was disposed, and
- (e) any other circumstance that the Court considers relevant.

Commissioner

22(1)

The Commissioner is bound by this Ordinance.

- 23(1) The Dependants' Relief Ordinance is repealed.
- (2) Notwithstanding section 14, where a grant of letters probate or letters of administration is made before this Ordinance comes into force, an application under section 2 may be made before the earlier of
- (a) the expiration of six months after this Ordinance comes into force, and
 - (b) the expiration of one year after the grant is made.
- 24(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 7

AN ORDINANCE TO AMEND THE ELECTIONS ORDINANCE, 1977
(Assented to November 13, 1980)

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

- 1(1) The Elections Ordinance, 1977, is amended by striking out the expressions "Yukon Territorial Council" and "Territorial Council" wherever they appear and substituting for them in each case the expression "Council".

- 2(1) Subsection 2(1) of the Ordinance is amended by striking out the definition of "election expenses".

- (2) The definition of "registered political party" in subsection 2(1) of the Ordinance is repealed and the following is substituted for it:
 "registered political party" means a political party registered under section 31.1;".

- 3(1) Subsection 11(1) of the Ordinance is repealed and the following is substituted for it:
 "11(1) The Board shall cause to be published, in the prescribed manner,
 - (a) the name and address of every person appointed as Administrator, returning officer or assistant returning officer under this Ordinance, and
 - (b) for each returning officer and assistant returning officer, the name of the electoral district in respect of which he has been appointed."

- (2) Section 11 of the Ordinance is amended by adding the following new subsection:

- "(2) Every returning officer and assistant returning officer is ex officio a notary public."
- 4(1) Subsection 12(1) of the Ordinance is amended
- (a) by striking out the expression "returning officer or assistant returning officer" and substituting for it the expression "person who is actually or prospectively a returning officer or assistant returning officer", and
 - (b) by adding, immediately after the word "responsibilities", the expression "that are or may be".
- (2) Subsection 12(2) of the Ordinance is repealed and the following is substituted for it:
- "(2) In respect of attendance provided for in subsection (1), a person is entitled to receive remuneration and reimbursement of expenses at the rate fixed under section 13 for returning officers or assistant returning officers, as the case may be."
- 5(1) Subsection 15(2) of the Ordinance is amended by striking out the expression "on a date" and substituting for it the expression "on or before a date".
- 6(1) Paragraphs 18(2)(c), (d) and (e) of the Ordinance are repealed and the following new paragraphs are substituted for them:
- "(c) every person who, by reason of being deprived of his liberty of movement, while awaiting trial, appeal or sentencing or while undergoing punishment for the commission of an offence, is unable to attend at a polling station to vote; and
 - (d) every person who, by reason of mental disorder, has been deprived of his liberty of movement and is therefore unable to attend at a polling station to vote, or who, by reason of mental disorder, has been deprived of the management of his property."

- 7(1) Subsection 20(3) of the Ordinance is repealed.
- 8(1) Subsection 21(6) of the Ordinance is amended
- (a) by striking out the expression "three copies" and substituting for it the expression "one copy", and
 - (b) by striking out the expression "each in a different" and substituting for it the expression "in a".
- 9(1) Subsection 22(1) of the Ordinance is amended by striking out the expression "unless otherwise authorized by the Board pursuant to subsection 1.1", and by striking out the expression "two persons" and substituting for it the expression "one or two persons".
- (2) Subsection 22(1.1) of the Ordinance is repealed and the following is substituted for it:
- "(1.1) Where only one person is appointed under subsection (1) to enumerate the electors in any polling division, the returning officer for the polling division shall forthwith report the fact to the Board."
- (3) Subsection 22(2) of the Ordinance is amended by striking out the expression "or (1.1)".
- (4) Paragraphs 22(7)(a) and (14)(b) and subsection 22(16) of the Ordinance are amended by striking out the expression "given names" and substituting for it the word "initials".
- (5) Subsection 22(8) of the Ordinance is amended by striking out the expression "an application for a proxy certificate" and substituting for it the expression "a proxy application".
- (6) Subsection 22(13) of the Ordinance is amended by striking out the expression "and applications made for proxy certificates".
- (7) Subsection 22(18) of the Ordinance is amended
- (a) by striking out the expression "given names" wherever it occurs and substituting for it in each case the word "initials", and

- (b) by striking out the word "relationship" and substituting for it the expression "ages in relation".
- (8) Subsection 22(19) of the Ordinance is repealed and the following is substituted for it:
"(19) The surname under which a person is registered on the list prepared under subsection (16) may be whatever name the person commonly uses to identify himself in the polling division."
- (9) Paragraph 22(20)(a) of the Ordinance is amended
(a) by striking out the expression "they were" and substituting for it the expression "he was",
and
(b) by striking out the word "their" and substituting for it the word "his".
- (10) Paragraph 22(20)(b) of the Ordinance is amended
(a) by striking out the word "severally", and
(b) by striking out the expression "both enumerators" and substituting for it the expression "the enumerator".
- (11) Subsection 22(22) of the Ordinance is amended by striking out all of the words following the expression "application to the revising officer" and substituting for them the expression "for revision of the list".
- (12) Subsection 22(23) of the Ordinance is repealed and the following is substituted for it:
"(23) The times and dates endorsed pursuant to subsection (22) shall be seven o'clock to nine o'clock in the afternoon on the 33rd to 35th days after the issuance of the writ, and one o'clock to five o'clock in the afternoon on the 36th day."
- 10(1) Subsection 23(1) of the Ordinance is amended by adding, at the end of the subsection, the expression "and section 22 does not apply in respect of the subsequent plebiscite or by-election".

- (2) Subsection 23(3) of the Ordinance is amended
 - (a) by striking out the expression "enumerators and",
 - (b) by striking out the expression "each enumerator" and substituting for it the word "the", and
 - (c) by striking out the expression "grant certificates".

- 11(1) Subsection 24(1) of the Ordinance is amended by striking out the expression "every electoral district" and substituting for it the expression "each polling division".

- (2) Subsection 24(4) of the Ordinance is amended
 - (a) by striking out the expression "in like manner" and substituting for it the expression "at any time after the posting of the list of electors and before the time fixed for the closing of the list", and
 - (b) by adding, immediately after the expression "is fully satisfied" the expression "on representations made to him by any credible person, verified by a statutory declaration in the prescribed form and by independent inquiry".

- (3) Subsection 24(5) of the Ordinance is amended by striking out the word "address" and substituting for it the expression "name or address".

- 12(1) Subsection 25(1) of the Ordinance is amended by striking out all of the words following the expression "revision of the list".

- (2) Subsection 25(3) of the Ordinance is amended by striking out the word "six" and substituting for it the word "five".

- 13(1) Section 26 of the Ordinance is repealed and the following is substituted for it:
 - "26(1) A deputy returning officer, poll clerk, interpreter or constable may vote at the polling station at which his attendance is required for the performance of his duties notwithstanding that his name is

not on the list of electors for that polling station if he is a qualified voter in the electoral district.

- (2) Where a person votes under subsection (1), the poll clerk shall enter his name and address in the poll book, together with a statement that he has voted under subsection (1)."

14(1) Paragraph 27(1)(d) of the Ordinance is amended by striking out all of the words following the expression "lists of electors".

- (2) Subsection 27(6) of the Ordinance is repealed.

15(1) Subsection 31(3) of the Ordinance is amended by adding, immediately before the word "causing" the word "by".

- (2) Paragraph 31(6)(a) of the Ordinance is amended by striking out all of the words following the expression "Form 3" and substituting for them the expression "and is signed by the witness and by the Justice of the Peace, commissioner of oaths, notary public, peace officer or returning officer before whom the witness made the declaration referred to in subsection (5);".

- (3) Paragraph 31(6)(b) of the Ordinance is amended by striking out the word "occupation".

- (4) Subsection 31(13) of the Ordinance is amended by striking out the expression "If no statement is filed in accordance with subsection (12)" and substituting for it the expression "Where a candidate does not file a statement in accordance with subsection (12), or where a candidate files such a statement and such statements have not been filed in respect of the same registered political party by at least seven other candidates in the election or by at least eight candidates in the immediately preceding general election,".

- (5) Section 31 of the Ordinance is amended by adding, immediately after subsection 15, the following new subsection:
- "(15.1) Forthwith upon the completion of the drawing of lots under subsection (15), the returning officer shall record the results of the draw, and at least two of the witnesses shall verify the results by statutory declaration in the prescribed form."
- (6) Subsection 31(18) of the Ordinance is amended by striking out the word "and", and by striking out paragraph (b).
- (7) Subsection 31(19) of the Ordinance is amended by striking out the expression "with the exception of subsection (15) and subsection (17)".
- 16(1) The Ordinance is amended by adding, immediately after section 31, the following new section:
- "31.1(1) Any organization that has as its primary purpose the promotion of candidates for election to the Council may apply to the Board to be a registered political party.
- (2) An application under subsection (1) shall be made in the prescribed form and shall be subscribed by the signatures of at least 100 members of the organization who are qualified to vote in an election under this Ordinance.
- (3) No organization shall be registered as a political party under this section by a name that is, in the opinion of the Board, likely to cause confusion with another registered political party.
- (4) Notwithstanding subsection 67(2), a copy of all the lists of electors prepared for the immediately preceding general election shall be given to each political party upon its registration, and within six months after every general election,

along with any list of electors prepared for a by-election held since the previous general election."

- 17(1) Subsection 36(1) of the Ordinance is amended by striking out the word "occupation".
- 18(1) Subsection 37(1) of the Ordinance is amended
 (a) by striking out the word "agent" and substituting for it the expression "official agent", and
 (b) in paragraph (b), by striking out the expression "one copy" and substituting for it the expression "three copies".
- 19(1) Subsection 39(1) of the Ordinance is amended by striking out the expression "except subsections (15) and (17)".
- 20(1) Paragraph 40(2)(a) of the Ordinance is amended by striking out the expression "city, town or village" and substituting for it the expression "place in the same electoral district or in another electoral district".
- (2) Section 40 of the Ordinance is amended by adding the following new subsection:
 "(10) A conspicuous sign identifying each polling station shall be placed outside the polling station during the time that the poll is open."
- 21(1) Subsection 41(3) of the Ordinance is amended by adding, at the end of the subsection, the expression "unless he has the prior permission of the Board to do so".
- (2) Section 41 of the Ordinance is amended by adding, immediately after subsection (3), the following new subsection:
 "(3.1) Every deputy returning officer is ex officio a notary public."
- (3) Subsection 41(9) of the Ordinance is amended by striking out the word "appointment" and substituting for it the word "name".

- (4) Subsection 41(13) of the Ordinance is amended by striking out the expression "only if no other suitable person can be found by the returning officer who is willing and able to act and the deputy returning officer shall" and substituting for it the expression "but he shall".
- 22(1) Paragraph 42(1)(a) of the Ordinance is amended by striking out the expression "cause to be made" and substituting for it the word "obtain".
- 23(1) Paragraph 43(2)(a) of the Ordinance is amended by striking out the word "following" and substituting for it the word "preceding".
- (2) Subsection 43(3) of the Ordinance is amended by striking out the word "occupation".
- (3) Subsection 43(4) of the Ordinance is repealed and the following is substituted for it:
" (4) The ballot paper shall be printed upon paper of the prescribed dimensions, color, weight and quality."
- (4) Subsection 43(6) of the Ordinance is amended by striking out the word "supplied" and substituting for it the word "prepared".
- (5) Subsection 43(8) of the Ordinance is amended by striking out the expression "returning officer" wherever it appears and substituting for it in each case the word "Administrator".
- (6) Section 43 of the Ordinance is amended by adding, immediately after subsection (8), the following new subsection:
" (8.1) Upon the receipt of ballot papers from the Administrator, the deputy returning officer shall forthwith mail or deliver to the Administrator a receipt in the prescribed form for the number of ballots received."
- 24(1) Paragraph 44(1)(f) of the Ordinance is repealed and the following is substituted for it:

"(f) the list of electors as revised under section 25, together with the revising officer's statement and certificate referred to in subsection 25(3);".

- (2) Subsection 44(2) of the Ordinance is repealed and the following is substituted for it:
- "(2) Until the opening of the poll, each deputy returning officer shall take every precaution for the safekeeping of the blank poll book, official list of electors, envelopes, ballot papers, ballot box and other election supplies, and shall take every precaution to prevent any person from having unlawful access to them."
- (3) Subsection 44(3) of the Ordinance is amended by striking out the word "mail" and substituting for it the expression "mail or deliver".
- 25(1) Subsection 48(1) of the Ordinance is amended by striking out the word "outside" and substituting for it the expression "in or about".
- (2) Subsection 48(10) of the Ordinance is amended by striking out the word "certificate" wherever it occurs and substituting for it in each case the word "application".
- 26(1) Subsections 49(2) and (3) of the Ordinance are repealed and the following new subsection is substituted for them:
- "(2) Except as provided by section 55.1, a person shall not be allowed to vote if his name does not appear on the official list of electors."
- (2) Subsection 49(5) of the Ordinance is amended by adding, at the beginning of the subsection, the expression "Except as provided by section 55".
- 27(1) Subsection 53(1) of the Ordinance is amended by striking out the expression "officer, clerk"

wherever it appears and substituting for it in each case the expression "election officer".

- (2) Subsection 53(2) of the Ordinance is amended by striking out the expression "except when unable to vote in the manner prescribed by this Ordinance on account of inability to read, blindness or other physical incapacity".

- 28(1) Subsection 54(2) of the Ordinance is amended by striking out the expression "and where".

- (2) Subsection 54(16) of the Ordinance is amended
 - (a) by striking out the word "and" where it appears in paragraph (a), and
 - (b) by adding, immediately after paragraph (a) the following new paragraph:
 - "(a.1) will mark the ballot in accordance with the wishes of the elector, and".

- (3) Subsection 54(17) of the Ordinance is amended by striking out the expression "deputy returning officer" and substituting for it the expression "poll clerk".

- 29(1) Subsections 55(2) to (9) of the Ordinance are repealed and the following new subsections are substituted for them:
 - "(2) A proxy application shall be verified by statutory declaration in the prescribed form.

 - (3) Where an elector has made a proxy application, he may withdraw the application by mailing or delivering a statement in the prescribed form to the returning officer for his electoral district, but the withdrawal is of no effect if it is not received by the returning officer before polling day.

 - (4) Notwithstanding subsection 49(5), but subject to the other provisions of this Ordinance, a proxy voter is entitled to vote at the election for and in the place

of the elector who appointed him where, on the ordinary polling day, the proxy voter

- (a) delivers to the deputy returning officer of the polling division in which he and the elector who appointed him to be his proxy voter are qualified to vote, a proxy application under this section, and
- (b) verifies by statutory declaration made before the deputy returning officer that he has not already voted in the election as a proxy voter, and that, to the best of his knowledge, the elector who appointed him is entitled to appoint a proxy voter under subsection (1).

(5) Where a proxy voter is allowed to vote at an election as provided under subsection (4),

- (a) the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other required entry, the fact that the elector voted by proxy, together with the name of the proxy voter, and
- (b) the deputy returning officer shall retain the proxy application and, in accordance with subsection 59(16), transmit it to the returning officer."

(2) Subsection 55(11) of the Ordinance is amended

- (a) in paragraph (c), by striking out the expression "had the appointment cancelled" and substituting for it the expression "withdrawn the appointment",
- (b) by striking out paragraph (e), and
- (c) in paragraph (f), by striking out the expression "applies for a proxy certificate" and substituting for it the expression "makes a proxy application".

- 30(1) The Ordinance is amended by adding, immediately after section 55, the following new section:
- "55.1(1) A person whose name does not appear on the official list of electors is entitled to vote at the election where, on the ordinary polling day,
- (a) he verifies by statutory declaration in the prescribed form before the deputy returning officer of the polling division in which he is a resident that he is qualified under section 18 as an elector in that polling division and that he has not already voted in the election,
 - (b) an elector whose name is on the official list of electors in that polling division verifies by statutory declaration in the prescribed form before the deputy returning officer that the elector whose name does not appear on the list is qualified under section 18 as an elector in that polling division, and
 - (c) the deputy returning officer is satisfied that he is qualified under section 18 as an elector to vote in that polling division.
- (2) Where a person is allowed to vote at an election as provided under subsection (1),
- (a) the poll clerk shall enter in the poll book the name of the elector and, in addition to any other entry, the fact that he was allowed to vote under subsection (1), and
 - (b) the deputy returning officer shall, in accordance with subsection 59(16), transmit the statutory declarations referred to in subsection (1) to the returning officer."

31(1) Subsections 56(1), (2) and (5) of the Ordinance are amended by striking out the word "three" wherever

it occurs and substituting for it in each case the word "four".

- 32(1) Subsection 59(16) of the Ordinance is amended by striking out the expression "the proxy certificates, the transfer certificates," and substituting for it the expression "the proxy applications, the statutory declarations made under subsection 55.1(1),".
- (2) Subsection 59(21) of the Ordinance is amended by striking out the word "action" and substituting for it the expression "section".
- 33(1) Subsection 60(1) of the Ordinance is amended by striking out the expression "his name and".
- 34(1) Subsection 64(1) of the Ordinance is amended by striking out the expression "subsection (3)" and substituting for it the expression "subsection (2)".
- 35(1) Paragraph 65(2)(h) of the Ordinance is amended by striking out the expression "the used transfer and proxy certificates" and substituting for it the expression "the used proxy applications".
- (2) Paragraph 65(2)(i) of the Ordinance is amended by striking out the expressions "and certificates" and "pursuant to subsection 55(5)".
- (3) Subsection 65(4) of the Ordinance is amended by striking out the expression "duplicate or" and substituting for it the word "certified".
- 36(1) Subsection 66(1) of the Ordinance is repealed and the following new subsections are substituted for it:
- "66(1) Where the Board has taken any action under subsection 77(3) in respect of the apparent commission of an offence under this Ordinance by an election officer, or where the Board has suspended a returning officer under subsection 8(2), the Board shall transmit a report of the matter to the Speaker of the Council within ten

days after the commencement of the session of the Council next following the election.

- (1.1) The Board may, at any time, transmit to the Speaker of the Council a report setting out
- (a) any matter that has arisen in connection with the duties of the Board that it considers ought to be brought to the attention of the Council, or
 - (b) any amendments that, in the opinion of the Board, are needed to improve the administration of elections under this Ordinance."

37(1) Paragraph 70(1)(j) of the Ordinance is amended by striking out the expression "by the returning officer".

(2) Paragraph 70(1)(dd) of the Ordinance is amended by striking out the expression "enumerator or a revising officer" and substituting for it the expression "election officer".

38(1) Subsection 74(1) of the Ordinance is amended

- (a) by striking out the expression "printer or publisher" and substituting for it the expression "printer or publisher, and the name and address of the candidate's official agent", and
- (b) by striking out the expression "such name and address" and substituting for it the expression "such names and addresses".

39(1) Subsection 80(2) of the Ordinance is repealed.

40(1) Section 83 of the Ordinance is repealed.

41(1) Subsection 97(6) of the Ordinance is amended by striking out all of the words following the word "candidate" and substituting for them the expression "in such manner as the judge may direct".

42(1) Section 98 of the Ordinance is repealed.

- 43(1) Section 101 of the Ordinance is repealed.
- 44(1) Form 4 of the Ordinance is amended
- (a) by striking out the instructions to voters,
and
 - (b) by striking out the addresses of the
candidates.
- 45(1) This Ordinance comes into force on a day to be
fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 8

FIRST APPROPRIATION ORDINANCE, 1981-82
(Assented to November 13, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the period of 12 months ending on March 31, 1982:

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

- | | | |
|----------------------------|------|---|
| Citation | 1(1) | This Ordinance may be cited as the <u>First Appropriation Ordinance, 1981-82</u> . |
| Amount Granted | 2(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole Twenty-five Million, Six Hundred and Eight Thousand Dollars for defraying the several charges and expenses of the public service of the Territory for the period of twelve months ending on March 31, 1982, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A". |
| Monies to be accounted for | 3(1) | The due application of all monies paid or applied pursuant to section 2 shall be accounted for. |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars)</u>
Department of Education	6,051,000.
Dept. of Health & Human Resources	342,000.
Municipal & Community Affairs	8,067,000.
Tourism & Economic Development	3,444,000.
Justice	41,000.
Highways & Public Works	5,672,000.
Library & Information Resources	273,000.
Renewable Resources	830,000.
Government Services	243,000.
Yukon Housing Corporation	320,000.
Yukon Liquor Corporation	<u>325,000.</u>
TOTAL	\$25,608,000.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 9

AN ORDINANCE TO AMEND THE GAME ORDINANCE (NO.2)
(Assented to November 13, 1980)

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

- 1(1) Subsection 44(1) of the Ordinance is repealed and and the following new subsections are substituted for it:
- Trapper's licence "44(1) Subject to this Ordinance and the regulations, the Director may upon application issue a trapper's licence to any person who is a Canadian citizen over the age of 16 years, who has demonstrated to the satisfaction of the Director that he is competent to operate a registered trapping area in accordance with this Ordinance and the regulations, and who
- (a) has habitually resided in the Territory for the three years immediately preceding the date of his application, or
 - (b) has habitually resided in Canada within 150 kilometres of the registered trapping area in respect of which he is applying for a trapper's licence under subsection (1) for the three years immediately preceding the date of his application.
- Non-residents (1.1) A licence shall not be issued under subsection (1) to a person referred to in paragraph (1)(b) unless he is a person designated by name in the regulations as a member of a class of non-residents to whom trappers' licences may be issued.
- Trapper's hunting licence (1.2) Notwithstanding section 23, but otherwise subject to this Ordinance and the regulations, a licence may be issued to a

person referred to in paragraph (1)(b) to whom a trapper's licence has been issued to hunt big game in the registered trapping area in respect of which his trapper's licence has been issued, subject to the same terms and conditions to which the hunting of big game by residents of the Territory is subject."

- 2(1) Subsections 63(2) and (3) of the Ordinance are repealed.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 10

AN ORDINANCE TO AMEND THE
HOME OWNERS' GRANT ORDINANCE

(Assented to November 13, 1980)

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

- 1(1) The definition of "eligible residence"
in subsection 2(1) of the Home Owners'
Grant Ordinance is amended
- (a) by striking out the expression
"section 6 of the Taxation Ordinance"
and substituting for it the expression
"section 3 of the Assessment and
Taxation Ordinance",
 - (b) by striking out all of the words
following the expression "the
application is made", and
 - (c) by striking out the expression "183
days" and substituting for it the
expression "184 days".
- (2) Subsection 2(1) of the Ordinance is
amended by striking out the definition
of "multi-family dwelling".
- (3) The definition of "taxes" in subsection
2(1) of the Ordinance is amended by
striking out the expression "the Taxation
Ordinance" wherever it occurs and substituting
for it in each case the expression "the
Assessment and Taxation Ordinance".
- (4) Subsection 2(2) of the Ordinance is
repealed and the following is substituted
for it:
- "(2) Where the owner of property is
living separate and apart from
his spouse and the property is
occupied by the spouse as his

Separated
spouses

normal residence for a period
of not less than 184 days in
the year in respect of which
application is made,

- (a) the property is an eligible
residence of owner, and
- (b) the spouse shall be
deemed to be an owner of
the property,

but only whichever one of them
pays the taxes is entitled to
be the qualified applicant."

- Surviving
spouse
- 2(1) Section 3 of the Ordinance is amended by
adding the following new subsection:
"(4) Where a qualified applicant is
the surviving spouse of a
person who has received a
grant in an amount determined
under subsection (3), and the
applicant has not re-married
since the death, the applicant
shall be deemed to be an
applicant to whom subsection
(3) applies notwithstanding
that the applicant is not
eligible for a benefit under
the Old Age Security Act
(Canada)."
 - 3(1) Subsection 4(1) of the Ordinance is
amended by striking out the expression
"the 31st of December of the year" and
substituting for it the expression "the
15th day of January of the year immediately
following the year".
 - 4(1) Subsection 5(1) of the Ordinance is
amended by adding at the beginning of
the subsection the expression "notwithstanding
any other provision of this Ordinance,".

- (2) Section 5 of the Ordinance is amended by adding the following new subsection:
- Residence requirement
- "(2) Notwithstanding any other provision of this Ordinance, no grant is payable to a person who has not been normally resident in the Territory for a period of not less than 184 days in the year in respect of which application is made."
- 5(1) Section 6 of the Ordinance is amended by adding at the beginning of the subsection the expression "Except in the case of a grant made in respect of a residence that is deemed to be an eligible residence under section 9(1),".
- 6(1) Subsection 9(1) of the Ordinance is repealed and the following is substituted for it:
- Mixed-use buildings
- "9(1) Where an eligible residence is part of a building that is used also for commercial or industrial purposes, or that contains suites or sets of rooms separately occupied by persons who are not members of the family of the owner, the grant shall be paid in respect of that portion of the building that forms the eligible residence."
- 7(1) The Ordinance is amended by adding, immediately after section 9, the following new section:
- Multiple residences
- "9.1(1) Where property would be the eligible residence of the owner but for the fact that the period for which he has occupied it as his normal residence is less than 184 days in the year in respect of which the application is made,

it shall nevertheless be deemed to be his eligible residence if

- (a) he has, during the year in respect of which the application is made, occupied one or more other residences that for the same reason cannot be his eligible residences, and
- (b) the aggregate of the periods for which he has occupied, as his normal residence, the residence in respect of which the application is made and the residences referred to in paragraph (a) is not less than 184 days in the year in respect of which the application is made.

(2) No Home Owner's Grant shall be paid in respect of a residence that is deemed to be an eligible residence under that section unless

- (a) the applicant is a qualified applicant in respect of the residence, and
- (b) taxes for the year in respect of which the application is made have been paid in respect of all of the residences referred to in paragraph (1)(a)."

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 11

AN ORDINANCE TO AMEND THE
INCOME TAX ORDINANCE

(Assented to November 13, 1980)

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

1(1) The Income Tax Ordinance is amended by
adding, immediately after section 57,
the following new section:

Reference
to Court of
Appeal

"57.1(1) The Commissioner may refer to
the Court of Appeal for hearing
and consideration any matter
that relates to questions
arising out of a collection
agreement.

Intervention
by Attorney
General

(2) The Attorney General of Canada
and the Attorney General of an
agreeing province may appear
before the Court of Appeal and
be heard as a party in respect
of any matter referred under
this Ordinance.

Opinion
of Court

57.2(1) The Court of Appeal shall
certify to the Commissioner
its opinion on the matter
referred and the reason for it
in the same manner as in the
case of a judgment in an
ordinary action, and a judge
who differs from the opinion
of the majority may in the
same manner certify his opinion
and the reason for it.

Interested
parties

57.3(1) The Court of Appeal may direct that any person interested or, where there is a class of persons interested, any one or more persons as representatives of that class, shall be notified of the hearing and those persons shall be entitled to be heard.

Appeal

57.4(1) The opinion of the Court of Appeal shall be deemed to be a judgment of the Court of Appeal and an appeal lies from it as in the case of a judgment in an action."

(2) Subsections 4(8) and 5(5) of the Ordinance are repealed.

(3) Paragraph 4(4)(d) of the Ordinance is repealed and the following is substituted for it:

"(d) "tax payable under the Federal Act" by an individual in respect of a taxation year means the amount determined under paragraph 120(4)(c) of the Federal Act for the year in respect of that individual."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 12

AN ORDINANCE TO AMEND THE
INSURANCE PREMIUM TAX ORDINANCE

(Assented to November 13, 1980)

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

1(1) Section 3 of the Insurance Premium Tax Ordinance is amended by adding immediately after subsection (1), the following new subsection:

Additional
Tax

"(1.1) In addition to the taxes payable under subsection (1), every insurance company transacting the business of fire insurance or property damage insurance within the meaning of the Insurance Ordinance, including insurance against loss of or damage to automobiles through fire, shall pay to the Commissioner a tax equal to one percent of the gross premiums receivable by the company during the taxation year in respect of that business transacted in the Territory by the company after deducting from the gross premiums

- (a) an amount equal to the cash value of dividends paid or credited to its policy holders in that taxation year, and
- (b) an amount equal to the premiums returned in that taxation year."

- (2) Subsection 3(2) of the Ordinance is amended by striking out the expression "subsection (1)" and substituting for it the expression "subsections (1) and (1.1)".
- (3) Section 3 of the Ordinance is amended by adding immediately after subsection (3), the following new subsection:
- Insurance with
unlicensed
insurer
- "(4) Where a person effects, in respect of property in the Territory, insurance with an insurance company to which subsection (1) or (1.1) does not apply, he shall pay a tax equal to the tax that otherwise would have been payable by the company under subsection (1) or (1.1)."
- 2(1) Section 5 of the Insurance Premium Tax Ordinance is repealed.
- 3(1) Section 21.1 of the Fire Prevention Ordinance is repealed.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 13

AN ORDINANCE TO AMEND THE
JUDICATURE ORDINANCE

(Assented to November 13, 1980)

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

Ownerless
property

1(1) The Judicature Ordinance is amended by
adding immediately after section 23
thereof the following section:

"23.1(1) The Public Administrator may
take possession of
(a) any real or personal
property that he believes
on reasonable grounds to
be ownerless, and
(b) any personal property
that he believes on
reasonable grounds to
have been lost or abandoned
by its owner.

Protection
of property

(2) The Public Administrator shall
keep, and protect property
that comes into his possession
under this section pending its
transfer to the person that
may be entitled to it and, for
that purpose,
(a) he shall hold the property
upon trust to sell, call
in and convert it into
money at such times, in
such manner and upon such
terms as he deems advisable,
(b) he may postpone the
conversion into money of
any property or part
thereof for such length
of time as he deems
advisable,

- (c) in exercising his power of sale he may, in his absolute discretion, mortgage all or any part of the property, and
- (d) he shall be deemed to be a trustee within the meaning of the Trustee Ordinance.

Conversion
into money

- (3) Where property has been converted into money under subsection (2),
 - (a) the rights of the person previously entitled to the property are extinguished as to the property and survive only as to the money or any agreement pursuant to which the money is payable, and
 - (b) no action shall be brought for the return of the property or for damages resulting from the conversion of the property into money.

Liability
for loss

- (4) The Public Administrator shall not be held responsible for any loss that may happen to real or personal property by reason of his exercise, with due diligence and in good faith, of the powers conferred on him by this section.

Notice
to Canada

- (5) Where any property to which Her Majesty in right of Canada may be entitled comes into the hands of the Public Administrator he shall forthwith notify the Attorney-General of Canada.

Unclaimed
property

- (6) Where property in the possession of the Public Administrator under this section remains in his hands one year after its receipt and no claim for it has been established or is pending, the Public Administrator shall proceed forthwith to have the property converted into money and paid into the Yukon Consolidated Revenue Fund.

Transfer
to person
entitled

- (7) Upon application to the Commissioner accompanied by payment of the costs incurred under this section by the Public Administrator in respect of property taken into his possession, the Commissioner may order the transfer, to the person entitled, of
- (a) property in the possession of the Public Administrator, or money in his possession as the result of the conversion of the property into money, or
 - (b) money paid into the Yukon Consolidated Revenue Fund in respect of the property pursuant to subsection (6).

Transfer
to
Canada

- (8) Notwithstanding subsection (7), where the person entitled to property referred to in paragraph 7(a) or (b) is Her Majesty in Right of Canada, the Commissioner shall order its transfer upon demand, without the payment of costs."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 14

LOAN AGREEMENT ORDINANCE (1980) No. 1

(Assented to November 13, 1980)

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

- 1(1) This Ordinance may be cited as the Loan Agreement Ordinance (1980) No. 1.
- 2(1) The Commissioner may, on behalf of the Government of the Territory, borrow sums not exceeding in the aggregate seventeen million, two hundred thousand dollars, for the making of loans to municipalities, for the making of loans under the Housing Ordinance, for the development of land for sale, and for the financing of community improvements outside municipalities.
- 3(1) The Commissioner is authorized to enter into and execute, on behalf of the Government of the Territory, agreements providing for
 - (a) the repayment of the sums borrowed under section 2,
 - (b) the payment of interest at such a rate as may be agreed upon by the Commissioner on the principal from time to time outstanding on the sums borrowed under 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 fulfilling every obligation assumed by the Government of the Territory under this Ordinance.
- 5(1) The Loan Agreement Ordinance (1980) No. 1 is repealed.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 15

AN ORDINANCE TO AMEND THE MATRIMONIAL PROPERTY ORDINANCE
(Assented to November 13, 1980)

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

- 1(1) Section 1 of the Matrimonial Property Ordinance is repealed and the following is substituted for it:
- Short title "1(1) This Ordinance may be cited as the Matrimonial Property and Family Support Ordinance."
- 2(1) Subsection 2(1) of the Ordinance is amended by striking out the definition of "child" and substituting the following for it:
- "child" "'child' means a person who is the child of a parent by birth, whether within or outside marriage, or by virtue of section 84 or 86 of the Child Welfare Ordinance, and includes a person whom the parent has demonstrated a settled intention to treat as a child of his family other than under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;".
- (2) Subsection 2(1) of the Ordinance is amended by striking out the definition of "marriage contract" and substituting the following for it:
- "marriage contract" "'marriage contract' means an agreement between a man and a woman entered into before their marriage, or during their marriage while cohabiting, in which they agree upon their respective rights and obligations under the marriage, or upon the breakdown of their marriage, including
- (a) ownership in or division of property,
 - (b) support obligations, and

(c) any other matter in the settlement
of their affairs;".

- "parent"
- (3) Subsection 2(1) of the Ordinance is amended by adding, immediately after the definition of "marriage contract", the following new definition:
- "'parent' means the father or mother of a child by birth, or by virtue of section 84 or 86 of the Child Welfare Ordinance, and includes a person who has demonstrated a settled intention to treat a child as a child of his family other than under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;".
- "separation agreement"
- (4) Subsection 2(1) of the Ordinance is amended by striking out the definition of "separation agreement" and substituting the following for it:
- "'separation agreement' means an agreement between persons who cohabited and are living separate and apart in which they agree upon their respective rights and obligations, including
- (a) ownership in or division of property,
 - (b) support obligations, and
 - (c) any other matter in the settlement of their affairs; and".
- "spouse"
- (5) Subsection 2(1) of the Ordinance is amended by striking out the definition of "spouse" and substituting the following for it:
- "'spouse' means either of a man and a woman
- (a) who are married to each other, or
 - (b) who are married to each other by a form of marriage that is voidable and has not been voided by a judgment of nullity,
- notwithstanding that the marriage is actually or potentially polygamous if the marriage was celebrated in a jurisdiction

whose system of law recognizes the
marriage as valid, or

- (c) who have gone through a form of
marriage with each other, in good
faith, that is void and are
cohabiting or have cohabited within
the preceding year."

Contracts
prevail

- 3(1) Subsection 3(1) of the Ordinance is repealed and
the following is substituted for it:
"3(1) Except as otherwise provided by this
Ordinance, where a marriage contract or
separation agreement makes provision in
respect of a matter that is provided for
in this Ordinance, the contract
prevails."
- (2) Subsections 3(2) and (4) of the Ordinance are
amended by striking out the expression "the Court"
wherever it occurs and substituting for it in each
case the expression "a court".
- 4(1) Subsection 4(1) of the Ordinance is amended by
striking out the expression "This Ordinance
applies" and substituting for it the expression
"Parts I and II apply".
- 5(1) Subsection 11(1) of the Ordinance is amended by
striking out the expression "his spouse" and
substituting for it the expression "his spouse or
former spouse".
- 6(1) Subsection 12(2) of the Ordinance is repealed.
- 7(1) The Ordinance is amended by adding, immediately
after section 30, the following new heading and
sections:

"PART III
SUPPORT OBLIGATIONS

"30.1(1) In this Part,

"court"

"court" means the Supreme Court or the
Territorial Court;

"dependant"		"dependant" means a person to whom another has an obligation to provide support under this Part; and
"spouse"		"spouse" means a spouse as defined in section 2 and includes either of a man and a woman between whom an order for support has been made under section 30.2, or an order for alimony, maintenance or support has been made before this Ordinance comes into force.
Territorial Court	(2)	Section 3 and Part IV apply to the Territorial Court in relation to its jurisdiction under this Part.
Support Obligations		
Obligation of spouse	30.2(1)	Every spouse has an obligation to provide support for himself and for the other spouse, in accordance with need, to the extent that he is capable of doing so.
Obligation of parent	30.3(1)	Every parent has an obligation to the extent the parent is capable of doing so, to provide support, in accordance with need, for his child who is a minor and unmarried.
Obligation of child	30.4(1)	Every child who is not a minor has an obligation to provide support, in accordance with need, for his parent who has cared for or provided support for the child, to the extent that the child is capable of doing so.
Support Proceedings		
Order for support	30.5(1)	A court may, upon application, order a person to provide support for his dependants and determine the amount thereof.
Applicants	(2)	An application for an order for the support of a dependant may be made by the

dependant or a parent of the dependant,
or under subsection (3).

Application by
Commissioner

- (3) An application for an order for the support of a dependant who is a spouse or a child may be made by the Commissioner if the Commissioner is providing a benefit under the Social Assistance Ordinance in respect of the support of the dependant.

Setting aside
contract

- (4) A court may set aside a provision for support in a domestic contract and may determine and order support in an application under subsection (1) notwithstanding that the contract contains an express provision excluding the application of this section,
- (a) where the provision for support or the waiver of the right to support results in circumstances that are unconscionable,
 - (b) where the provision for support or the waiver of the right to support is in respect of a person who qualifies for an allowance for support out of public money, or
 - (c) where there has been default in the payment of support under the contract or agreement,
- and where an order is made under this subsection, the order terminates the support provisions in a domestic contract.

Amount of
support

- (5) In determining the amount, if any, of support in relation to need, the court shall consider all the circumstances of the parties, including
- (a) the assets and means of the dependant and of the respondent and any benefit or loss of benefit under a pension plan or annuity;
 - (b) the capacity of the dependant to provide for his own support;

- (c) the capacity of the respondent to provide support;
- (d) the age and the physical and mental health of the dependant and of the respondent;
- (e) the length of time the dependant and respondent cohabited;
- (f) the needs of the dependant, in determining which the court may have regard to the accustomed standard of living while the parties resided together;
- (g) the measures available for the dependant to become financially independent and the length of time and cost involved to enable the dependant to take such measures;
- (h) the legal obligation of the respondent to provide support for any other person;
- (i) the desirability of the dependant or respondent remaining at home to care for a child;
- (j) the conduct of the dependant and respondent;
- (k) a contribution by the dependant to the realization of the career potential of the respondent;
- (l) where the dependant is a child, his aptitude for and reasonable prospects of obtaining an education;
- (m) where the dependant is a spouse, the effect on his earning capacity of the responsibilities assumed during cohabitation;
- (n) where the dependant is a spouse, whether the dependant has undertaken the care of a child who is of the age of majority and unable by reason of illness, disability or other cause to withdraw from the charge of his parents;
- (o) where the dependant is a spouse, any housekeeping, child care or other

domestic service performed by the spouse for the family; and
(p) any other legal right of the dependant to support other than out of public money.

Refusal
of order

(6) Where a dependant claims that the obligation of the respondent to provide support arises under section 30.2, the court may refuse to make an order to provide support where, at the time of the bringing of the application, the dependant has remarried or is cohabiting or has cohabited in a relationship of some permanence with a person other than the respondent.

Common-law
relationships

30.6(1) Either of a man and a woman who, not being married to each other and not having gone through a form of marriage with each other, have cohabited in a relationship of some permanence, may, during cohabitation or not later than three months after the cohabitation has ceased, apply to a court for an order for support, and where the court is satisfied that an order for support is justified having regard to the need of the applicant for and the ability of the respondent to provide support, the court may determine and order support in accordance with this Ordinance in the same manner and subject to the same considerations as apply in the case of an application under section 30.5.

Court
orders

30.7(1) In an application under section 30.5 or 30.6, the court may order that
(a) an amount be paid periodically, whether annually or otherwise and whether for an indefinite or limited period, or until the happening of a specified event;
(b) a lump sum be paid or held in trust;

- (c) any specified property be transferred to or in trust for or vested in the dependant, whether absolutely, for life or for a term of years;
- (d) all or any of the moneys payable under the order be paid into court or to any other appropriate person or agency for the benefit of the dependant;
- (e) the payment of support be made in respect of any period before the date of the order;
- (f) any amount in reimbursement for a benefit or assistance referred to in subsection 30.5(3), including an amount in reimbursement for such benefit or assistance provided before the date of the order, be paid to the Commissioner;
- (g) expenses be paid in respect of the prenatal care and birth of a child;
- (h) the obligation and liability for support continue after the death of the respondent and be a debt of his estate for such period as may be fixed in the order;
- (i) a spouse who has a policy of life insurance as defined in Part IV of the Insurance Ordinance designate the other spouse or a child as the beneficiary irrevocably; and
- (j) payment be secured under the order by a charge on property or otherwise.

Territorial
Court

- (2) Subject to any order that has been or may be made by the Supreme Court, the Territorial Court may, in an application under section 30.5,
 - (a) notwithstanding the Territorial Court Ordinance, make any order authorized to be made by the Supreme Court under paragraphs 28(2)(a) to (d), where it is in the best interest of a child to do so, or

- (b) make any order authorized to be made by the Supreme Court under section 30.11.
- Territorial Court (3) The Territorial Court shall not make an order under paragraph (1)(c), (i) or (j).
- Death of respondent (4) An order under this section that provides that the obligation and liability for support continue after the death of the respondent is subject to any subsequent order for support out of the estate of the deceased respondent made under the Dependants' Relief Ordinance.
- Interim orders (5) Where an application is made under section 30.5, the court may make such interim orders as the court considers appropriate.
- Assignment to Commissioner (6) An order for support is assignable to the Commissioner.
- (7) The monetary limits of the jurisdiction of the Territorial Court set forth in section 6 of the Territorial Court Ordinance do not apply in respect of an order of the Territorial Court made under this section.
- Dependance discouraged 30.8(1) Where practicable, the court shall exercise its jurisdiction under this Part so as to encourage the dependant to achieve financial independence.
- Divorce proceedings 30.9(1) Where an action for divorce is commenced under the Divorce Act (Canada), any application for support or custody under this Ordinance that has not been determined is stayed except by leave of the Court.
- Order may continue (2) Where a marriage is terminated by a decree absolute of divorce or judgment of nullity and the question of support was

not judicially determined in the divorce or nullity proceedings, an order for support made under this Ordinance continues in force according to its terms.

Absconding respondent

30.10(1) Where an application is made under section 30.5 and a judge is satisfied that the respondent or debtor is about to leave the Territory and that there are reasonable grounds for believing that the respondent intends to evade his responsibilities under this Part, the judge may issue a warrant in the prescribed form for the arrest of the respondent or debtor.

Restraint of waste

30.11(1) In or pending an application under section 30.5 or appearance to a notice under section 30.16, where an order for support has been made, the Court may make such interim or final order as it considers necessary for restraining the disposition or wasting of assets that would impair or defeat the claim or order for the payment of support.

Setting aside contract

30.12(1) Any person who is obligated to provide support under a domestic contract may apply to the court to set aside the provision for support in the contract, and where the court is satisfied that

- (a) requiring the person to continue to pay support under the terms of the contract would be unconscionable, or
- (b) the person obligated under the contract qualifies for support out of public money,

the court may set aside the provision for support and determine and order support in accordance with this Ordinance in the same manner and subject to the same considerations as apply in the case of an application made under section 30.5, and where an order is made under this section

the order terminates the support provisions in the contract.

Variation of Order

Powers
of court

- 30.13(1) Where an order for support has been made or confirmed and where the court is satisfied that there has been a material change in the circumstances of the dependant or the respondent, that the dependant has not taken reasonable steps to improve self-sufficiency, or that evidence has become available that was not available at the previous hearing, the court may, upon the application of the Commissioner or any person named in the order,
- (a) discharge, vary or suspend any term of the order, prospectively or retroactively,
 - (b) relieve the respondent from the payment of part or all of the arrears or any interest due thereon,
 - (c) order that an irrevocable designation of a beneficiary under a policy of life insurance be revoked, or
 - (d) make such other order under section 30.7 as the court considers appropriate in the circumstances referred to in section 30.5.

Application

- (2) An application under subsection (1) shall be made to the court that made the order.

Limitation

- (3) No application under subsection (1) shall be made within six months after the making of the order for support or the disposition of any other application under subsection (1) in respect of the same order, except by leave of the court.

Previous orders (4) This section applies to orders for maintenance or alimony made before this section comes into force or in a proceeding commenced before this section comes into force.

Information for Court

Financial statement 30.14(1) Where an application is made under section 30.5, 30.6, 30.12 or 30.13, each party shall file with the court and serve upon the other a financial statement in the prescribed manner and form.

Waiver (2) Where the parties consent in writing, the financial statement referred to in subsection (1) need not be filed and served.

Statement by employer 30.15(1) In an application under section 30.5, 30.6, 30.12 or 30.13, or a proceeding under section 30.16, the court may order the employer of a party to the application or of the debtor, as the case may be, to make a written return to the court showing the wages or other remuneration resulting from the employment of the party or debtor over the preceding 12 months.

Effect of statement (2) A return under subsection (1) purporting to be signed by the employer may be received in evidence as prima facie proof of its contents.

Commissioner (3) This section binds the Commissioner.

Default Proceedings

Default by debtor 30.16(1) Where there is default in payment under an order for support or maintenance, a clerk of the court may require the debtor, upon notice,
(a) to file a statement of financial information referred to in section 30.14,

- (b) to submit to an examination as to assets and means, and
- (c) to appear before the court to explain the default.

Arrest of debtor

- (2) If the debtor fails to appear as required after being served with a notice, or if the court is satisfied that the debtor cannot be served or intends to leave the Territory without appearing as required after being served, the court giving the notice may issue a warrant for the arrest of the debtor for the purpose of compelling attendance.

Imprisonment of debtor

- 30.17(1) Where the debtor fails to satisfy the court that the default is owing to his inability to pay, and where the court is satisfied that all other practicable means that are available under this Ordinance for enforcing payment have been exhausted, the court may
 - (a) order imprisonment of the debtor for a term of not more than ninety days to be served intermittently or as ordered by the court, or
 - (b) make such other order as may be made upon summary conviction for an offence that is punishable by imprisonment.

Conditions

- (2) The order for imprisonment under subsection (1) may be made conditional upon default in the performance of a condition set out in the order.

Enforcement by lower court

- 30.18(1) Where in an action in the Court, pursuant to its jurisdiction under the Divorce Act (Canada) or any other law, an order is made in a matrimonial matter, a matter dealing with the custody of a child, or any other matter, and an ancillary order is made for the payment of money as support for the spouse or a child of the respondent, the ancillary order, to the extent that it provides for the payment

of money, is severable from the order made by the Court and may be enforced to that extent in the Territorial Court.

Powers of court

- (2) For the purpose of enforcing an ancillary order as provided under subsection (1), all of the remedies provided in this Ordinance for the enforcement of support orders apply in respect of the ancillary order, but the Territorial Court has no jurisdiction to vary the amount of the order.

Attachment of Debts

Writ of garnishment

- 30.19(1) Where the court considers it appropriate in a proceeding under section 30.16, notwithstanding paragraph 6(1)(e) of the Territorial Court Ordinance, the court may order that a writ of continuing garnishment within the meaning of the Garnishee Ordinance be issued and served on the employer of the debtor, and subject to this Ordinance, the writ shall be dealt with in accordance with the provisions of the Garnishee Ordinance.

Future payments

- (2) A writ of garnishment issued under this section may seek to attach debts in respect of support payments that have been ordered to be paid but that are not due at the time when the writ is issued or served.

Amount attached

- (3) The amount sought to be attached by a writ issued under subsection (1) may be any amount that does not exceed the amount of support ordered to be paid during the term of the writ, but no amount shall be required to be paid into court sooner than it is required to be paid under the order for support in respect of which the writ is issued.

Priority

- (4) Where an amount is paid into court under any writ of garnishment under the

Garnishee Ordinance by a person who has been served with a writ of garnishment under this section, the monthly amount sought under the writ issued under this section shall be paid out of court in accordance with the the writ issued under this section in priority to any other claim to the amount under another writ of garnishment, writ of execution or other process for the enforcement of a judgment.

Priority

- (5) Subsection (3) applies without regard to the order in which a writ is served under this section in relation to the service of any other writ of garnishment or execution, or the taking of other proceedings for the enforcement of a judgment.

Exemptions reduced

- (6) The exemptions referred to in paragraph 23(1)(a) of the Garnishee Ordinance do not apply in respect of a writ of garnishment issued under this section, and the amount paid out of court under this section reduces accordingly those exemptions as they apply to other writs of garnishment, but subject to subsections 23(2), (3) and (4) of that Ordinance, in no case shall the exemptions be reduced to less than the amount specified in paragraph 23(1)(b) of that Ordinance.

Setting aside writ

- (7) A writ of garnishment issued under this section may be set aside by the court where the court is satisfied that
- (a) there are no reasonable grounds for believing that the judgment will not be satisfied if the writ is set aside, and
 - (b) having regard to the potential hardship and inconvenience to the debtor and to the potential benefit to the person in whose favour the order for support was made, the writ

does not achieve a result that is equitable in the circumstances.

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| No costs penalty | (8) Subsection 48(1) of the <u>Garnishee Ordinance</u> does not apply in respect of a writ ordered to be set aside under subsection (7). |
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Other Orders

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| Security for support | 30.20(1) Where the Court considers it appropriate in a proceeding under section 30.16, the Court may order the debtor to give security for the payment of support or may charge any property of the debtor with payment of an amount for the provision of necessaries or preventing the dependant from becoming a public charge. |
| Order for sale | 30.21(1) Where the Court orders security for the payment of support under this Ordinance or charges property therewith, the Court may, upon application and notice to all persons having an interest in the property, direct its sale for the purpose of realizing the security or charge. |
| Restraining order | 30.22(1) Upon application, a court may make an order restraining the spouse of the applicant from molesting, annoying or harassing the applicant or children in the lawful custody of the applicant and may require the spouse of the applicant to enter into such recognizance as the court considers appropriate. |
| Interim order | (2) Where an application is made under subsection (1), the court may make such interim order as the court considers appropriate. |

Miscellaneous

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| Death of respondent | 30.23(1) Unless an order to provide support otherwise provides, it terminates upon |
|---------------------|--|

the death of the person having the obligation to provide support, and the liability for amounts under the order coming due and unpaid in the preceding 12 months is a debt of his estate.

Pledge
of credit

30.24(1) During cohabitation, a spouse has authority to render himself and his spouse jointly and severally liable to a third party for necessities of life, except where the spouse has notified the third party that he has withdrawn the authority.

Minors

(2) Where a person is entitled to recover against a minor in respect of the provision of necessities for the minor, each parent who has an obligation to support the minor is liable therefor jointly and severally with the minor.

Joint
liability

(3) Where persons are jointly and severally liable with each other under this section, their liability to each other shall be determined in accordance with their obligation to provide support.

Common law

(4) The provisions of this section apply in place of the rules of common law by which a wife may pledge the credit of her husband.

Parties as
witnesses

30.25(1) In proceedings under this Part, the parties are competent and compellable witnesses against each other."

8(1) The heading immediately preceding section 31 of the Ordinance is amended by striking out the expression "Part III" and substituting for it the expression "Part IV".

9(1) Subsections 31(1) and 32(1) of the Ordinance are amended by striking out the expression "this Ordinance" wherever it occurs and substituting for it in each case the expression "Part I or Part II".

*An Ordinance to Amend the
Matrimonial Property Ordinance* *Chp. 15*

- 10(1) The Ordinance is amended by adding, immediately after section 32, the following new sections:
- Appeal "32.1(1) An appeal lies from an order of the Territorial Court under this Ordinance to the Supreme Court.
- Punishment by court 32.2(1) In addition to its powers in respect of contempt, the Territorial Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process or orders under this Ordinance, but the fine shall not in any case exceed \$1000 nor shall the imprisonment exceed ninety days.
- Conditional punishment (2) An order for imprisonment under subsection (1) may be made conditional upon default in the performance of a condition set out in the order and may provide for the imprisonment to be served intermittently."
- 11(1) Subsections 33(1) and (2) of the Ordinance are amended by striking out the expression "the Court" wherever it occurs and substituting for it in each case the expression "the court".
- (2) Subsection 33(3) of the Ordinance is amended by striking out the expression "The Court may extend any time prescribed by this Ordinance where the Court" and substituting for it the expression "A court may, in relation to any matter within its jurisdiction under this Ordinance, extend any time prescribed under this Ordinance, where the court".
- (3) Section 33 of the Ordinance is amended by adding, immediately after subsection (3), the following new subsection:
- Exception "(3.1) Subsection (3) does not empower a court to extend the effect of the definition of "spouse" to include a former spouse or to extend the time limit prescribed by subsection 23(2)."
- (4) Subsection 33(4) of the Ordinance is amended

- (a) by striking out the expression "the Court" wherever it occurs and substituting for it in each case the expression "the court", and
- (b) by striking out the expression "section 17" and substituting for it the expression "section 17 or 30.14".

Access to
records

- 12(1) The Ordinance is amended by adding, immediately after section 33, the following new section:
"33.1(1) Where it appears to the clerk of the court that,
 - (a) for the purpose of bringing an application under this Ordinance, or
 - (b) for the purpose of the enforcement of an order for support, the proposed applicant or person in whose favour the order is made has need to learn or confirm the name and address or the whereabouts of the proposed respondent or person against whom the order is made, the clerk of the court may order any person or public agency to provide the court with such particulars thereof as are contained in the records in his or its custody or control, and the person or agency shall provide to the court such particulars as it is able to provide.
- (2) This section prevails over any provision of another Ordinance that prohibits a disclosure, and this section binds the Commissioner.
- (3) An order of the clerk of the court under subsection (1) shall be deemed to be an order of the court."

13(1) The Ordinance is amended by adding, immediately after section 35, the following new heading:
"Domestic Contracts".

14(1) Subsection 36(1) of the Ordinance is amended by striking out the expression "in relation to the

ownership, possession, management, disposition or division of property" and substituting for it the expression "including ownership in or division of property, support obligations, and any other matter in the settlement of their affairs."

- (2) Section 36 of the Ordinance is amended by adding, immediately after subsection (3), the following new subsection:
- Effect of agreement "(4) Subject to subsection (3), where a cohabitation agreement makes provision in respect of a matter that is provided for in this Ordinance, the contract prevails except as otherwise provided in this Ordinance."
- 15(1) The Ordinance is amended by adding, immediately after section 39, the following new section:
- Best interests of child "39.1(1) In the determination of any matter respecting the support of a child, the court may disregard any provision of a domestic contract pertaining thereto where, in the opinion of the court, to do so is in the best interests of the child."
- 16(1) The Maintenance Ordinance is repealed.
- 17(1) Section 7 of the Judicature Ordinance is repealed.
- 18(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 16

MISCELLANEOUS STATUTE
LAW AMENDMENT ORDINANCE, 1980 (No. 2)
(Assented to November 13, 1980)

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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| Boiler and
Pressure
Vessels
Ordinance | 1(1) | Paragraph 3(2) (a) of the <u>Boiler and Pressure Vessels Ordinance</u> is amended by striking out the expression "whole of part" and substituting for it the expression "whole or part." |
| | (2) | Subsection 12(3) of the Ordinance is amended by striking out the expression "using fitting" and substituting for it the expression "using a fitting". |
| Community
Assistance
Ordinance | 2(1) | Subsections 10(1), 10(2) and 36(1) of the <u>Community Assistance Ordinance</u> are amended by striking out the expression "per foot" wherever it occurs and substituting for it in each case the expression "per metre". |
| | (2) | Subsection 16(2) of the Ordinance is amended by striking out the expression "32 feet" and substituting for it the expression "ten metres". |
| | (3) | Subsection 80(2), 84(2) and 86(2) of the Ordinance are amended by striking out the expression "500 gallons" wherever it occurs and substituting for it in each case the expression "2270 litres". |
| Dawson City
Utilities
Replacement
Ordinance | 3(1) | Paragraph 4(1) (c) of the <u>Dawson City Utilities Replacement Ordinance</u> is amended
(a) by striking out the expression
"\$10.60 for water and \$13.55 for |

sewer per foot" and substituting for it the expression "\$32.30 for water and \$41.30 for sewer per metre",

- (b) by striking out the expressions "3/4 inch" and "3/4 inches" and substituting for them the expressions "100 millimetre" and "100 millimetres", respectively, and
- (c) by striking out the expressions "4 inch" and "4 inches" and substituting for them the expressions "20 millimetre" and "20 millimetres", respectively.

Day Care Ordinance	4(1)	Paragraph 4(9) (a) of the <u>Day Care Ordinance</u> is amended by striking out the expression "the Board" and substituting for it the expression "the Board, and".
Dog Ordinance	5(1)	Subsection 7(1) of the <u>Dog Ordinance</u> is amended by striking out the expression "one-half mile" and substituting for it the expression "one kilometre".
Factors Ordinance	6(1)	Sections 9 and 10 of the <u>Factors Ordinance</u> are repealed.
Fire Prevention Ordinance	7(1)	Paragraph 20(1) (b) of the <u>Fire Prevention Ordinance</u> is amended <ul style="list-style-type: none">(a) by striking out the expression "fifteen pounds" and substituting for it the expression "6.5 kilograms",(b) by striking out the expression "thirty inches" and substituting for it the expression "75 centimetres", and(c) by striking out the expression "forty-four inches" and substituting for it the expression "110 centimetres".
Game Ordinance	8(1)	Subsection 41(6) of the <u>Game Ordinance</u> is repealed and the following substituted for it:

- "(6) Upon the cancellation or suspension of any licence, permit or certificate of registration issued under this Ordinance or the regulations, the holder of the licence, permit or certificate of registration
- (a) shall surrender it to the justice or to a conservation officer within 7 days of the date of cancellation or suspension, and
 - (b) shall not obtain or attempt to obtain a licence, permit or certificate of registration to replace a licence, permit or certificate of registration that has been cancelled or suspended until after the expiration of the period during which the cancellation or suspension is in force."
- (2) Subsection 65(7) of the Ordinance is amended by striking out the expression "will deem" and substituting for it the expression "shall be deemed".
- (3) Subsection 100(1) of the Ordinance is amended
- (a) by striking out the word "are" in the third line, and substituting for it the word "is",
 - (b) by adding, immediately before the word "procured" in paragraph (a), the word "or", and
 - (c) by striking out paragraph (b) and substituting the following for it:
 - "(b) any firearms, ammunition, implements or appliances

used for taking or
handling any wildlife
that has been illegally
taken, killed or
procured, or is
illegally in possession,".

- Insurance Ordinance 9(1) Subsection 28(1) of the Insurance Ordinance is amended
- (a) by striking out the word "shall" and substituting for it the word "may", and
 - (b) by striking out the word "such".
- Matrimonial Property Ordinance 10(1) Subsection 3(4) of the Matrimonial Property Ordinance is amended by striking out the expression "contract or" and substituting for it the expression "domestic contract".
- (2) Paragraph 15(1)(b) of the Ordinance is amended by striking out the expression "paragraphs (a) to (h) of subsection 14(1)" and substituting for it the expression "paragraphs 14(1)(a) to (f)".
- Medical Profession Ordinance 11(1) The definition of "professional corporation" in subsection 2(1) of the Medical Profession Ordinance is amended by striking out the expression "section 50" and substituting for it the expression "this Ordinance".
- (2) Subsection 20(2) of the Ordinance is amended by striking out the expression "section 19" and substituting for it the expression "section 18".
- (3) Subsection 33(6) of the Ordinance is amended by striking out the expression "subsection (1)" and substituting for it the expression "subsection 30(1)".
- (4) Subsection 37(1) of the Ordinance is amended by striking out the expression

"the Judge of the Court of Appeal" and substituting for it the expression "the Judge or the Court of Appeal".

(5) Subsection 55(1) of the Ordinance is amended by striking out the expression "between practitioner" and substituting for it the expression "between a practitioner".

(6) Paragraph 62(1)(c) of the Ordinance is amended by striking out the word "incorporation" and substituting for it the expression "incorporating".

Parks
Ordinance

12(1) The definition of "parkway" in subsection 2(1) of the Parks Ordinance is amended by adding, immediately before the word "road", the word "a".

Social
Assistance
Ordinance

13(1) Subsection 2(1) of the Social Assistance Ordinance is amended by striking out the definition of "Director" and substituting the following for it:

"Director" means the Director of Human Resources appointed under section 3;".

(2) Subsection 3(1) of the Ordinance is amended by striking out the expression "Social Welfare" and substituting for it the expression "Human Resources".

Transport
Public
Utilities
Ordinance

14(1) Subsection 3.1(3) of the Transport Public Utilities Ordinance is amended by striking out the expression "as one for which a certificate or permit is required" and substituting for it the expression "from the application of this Ordinance".

MUNICIPAL ORDINANCE

Printed in a Separate Volume

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 18

AN ORDINANCE TO AMEND
THE MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE, 1980
(Assented to November 13, 1980)

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

- 1(1) Subsection 3(1) of the Municipal General Purposes Loan Ordinance, 1980 is amended by striking out the expression "three million dollars" and substituting for it the expression "three million five hundred thousand dollars".

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 19

AN ORDINANCE TO AMEND THE
PARTNERSHIP ORDINANCE

(Assented to November 13, 1980)

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

- 1(1) Subsection 51(1) of the Partnership Ordinance is repealed.
- (2) Subsection 51.1(3) of the Ordinance is amended by striking out the expression "in his opinion, offensive or discriminating in any way" and substituting for it the expression "objected to by the Registrar for any reason".
- (3) Section 79 of the Ordinance is amended by adding the following new subsection:
 - "(2) The Commissioner may make regulations prescribing such forms as he may deem necessary for the administration of this Ordinance, and may make such alterations in the forms contained in Schedule I as he may deem necessary."

Forms

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 20

PERSONAL PROPERTY SECURITY ORDINANCE

(Assented to November 13, 1980)

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

Short title	1(1)	This Ordinance may be cited as the <u>Personal Property Security Ordinance</u> .
	2(1)	In this Ordinance,
"accessions"		"accessions" means goods that are installed in or affixed to other goods;
"account"		"account" means any monetary obligation not evidenced by any chattel paper, an instrument or a security, whether or not it has been earned by performance;
"building"		"building" includes a structure, erection, mine or work built, erected or constructed on or in land;
"building materials"		"building materials" includes goods that are or become so incorporated or built into a building that their removal would necessarily involve the removal or destruction of some other part of the building and thereby cause substantial damage to the building apart from the value of the goods removed, but does not include (a) goods that are severable from the building or land merely by unscrewing, unclamping or uncoupling, or by some other method of disconnection, or (b) machinery installed in a building for use in the carrying-on of an activity where the only substantial damage, apart from the value of the machinery removed, that would necessarily be caused to the building in removing the machinery is damage arising from the removal or destruction of the bed or casing on or in which the machinery is set and the making or enlargement of an opening in the walls of the

building sufficient for the removal of the machinery;

- "buyer" "buyer" means a purchaser who takes an interest in property under a transaction that is not intended as security;
- "chattel paper" "chattel paper" means one or more writings that evidence both a monetary obligation and a security interest in, or lease of, specific goods or a security interest in, or lease of, specific goods and accessions, but does not include
- (a) a security agreement providing for a security interest in both specific goods and after-acquired goods other than accessions, or
 - (b) a charter party or a lease of a ship;
- "collateral" "collateral" means personal property that is subject to a security interest;
- "consignment" "consignment" means an agreement under which goods are delivered to a person who, in the ordinary course of his business, deals in goods of that description for sale, resale or lease, by a person who
- (a) in the ordinary course of his business deals in goods of that description, and
 - (b) reserves a proprietary interest in the goods after they have been delivered,
- but does not include an agreement under which goods are delivered to a person for sale or lease if the person is generally known in the area in which he carries on business to be selling or leasing goods of others;
- "consumer goods" "consumer goods" means goods that are used or acquired for use primarily for personal, family, or household purposes;
- "creditor" "creditor" includes an assignee for the benefit of creditors, a trustee in bankruptcy, an executor, an administrator, a committee, or a trustee appointed under the Mental Health Ordinance;
- "debtor" "debtor" means a person who owes payment or other performance of the obligation secured whether or

not he owns or has rights in the collateral, and includes

- (a) the consignee under a consignment,
- (b) the lessee under a lease,
- (c) the assignor of an account or chattel paper, and
- (d) the assignee of a debtor's interest in collateral,

or such one or more of them as the context requires, and where a debtor is not the owner of the collateral, the term "debtor" means the owner of the collateral in any provision dealing with collateral and the obligor in any provision dealing with the obligation, and may include both where the context so requires;

"default"

"default" means the failure to pay or otherwise perform the obligation secured when due, or the occurrence of any event or set of circumstances whereupon under the terms of a security agreement the security becomes enforceable;

"document of title"

"document of title" means any writing that purports to be issued by or addressed to a bailee and purports to cover any goods in the bailee's possession that are identified, or fungible portions of an identified mass, and that, in the ordinary course of business, is treated as establishing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers;

"equipment"

"equipment" means goods that are not inventory or consumer goods;

"execution creditor"

"execution creditor" includes

- (a) a person who has obtained a charging order or equitable execution against the collateral,
- (b) a judgment creditor,
- (c) a person who is entitled to share in a distribution made under section 8 of the Bulk Sales Ordinance, and
- (d) a person who is deemed to be an execution creditor under section 18 of the Creditors' Relief Ordinance;

"financial institution"	"financial institution" means a bank or other institution that accepts deposits of money from its members or the public and includes a branch, agency, or office of such bank or institution;
"financing statement"	"financing statement" means a statement required or permitted to be registered under this Ordinance;
"fixtures"	"fixtures" means goods that are installed on or affixed to real property in such a manner or under such circumstances that they would, but for this Ordinance, become in law fixtures to the real property, but does not include building materials;
"fungible"	"fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit, but goods or securities that are not fungible shall be deemed to be fungible for the purposes of this Ordinance to the extent that under the security agreement unlike units are treated as equivalent;
"future advance"	"future advance" means the payment of money, the provision of credit or the giving of value by the secured party pursuant to the terms of a security agreement, whether or not the secured party is obliged to pay the money, advance the credit or give the value, and includes all advances and expenditures made by the secured party for the protection, maintenance, preservation or repair of the collateral;
"goods"	"goods" means all chattels personal other than choses in action and money, and includes fixtures, growing crops and the unborn young of animals, but does not include timber until it is cut, or minerals, gas or oil until they are extracted;
"indebtedness"	"indebtedness" means, when used with respect to a lease, obligation secured;
"instrument"	"instrument" means a bill of exchange, note or cheque within the meaning of the <u>Bills of Exchange Act</u> (Canada), or any other writing that evidences a right to the payment of money and is of a type that

in the ordinary course of business is transferred by delivery with any necessary endorsement or assignment, but does not include

- (a) a writing that constitutes part of chattel paper,
- (b) a document of title, or
- (c) a security other than a security that is a bill of exchange or note within the meaning of the Bills of Exchange Act (Canada);

"intangible"

"intangible" means all personal property, including choses in action, that is not goods, chattel paper, documents of title, instruments, or securities;

"inventory"

"inventory" means goods

- (a) that are held by a person for sale or lease, or that have been leased,
- (b) that are to be furnished or have been furnished under a contract of service, or
- (c) that are raw materials, work in process, or materials used or consumed in a business or profession;

"lease for a term of one year or more"

"lease for a term of one year or more" includes

- (a) a lease for an indefinite term even though the lease is determinable by one or both parties within one year of its execution,
- (b) a lease for a term of less than one year that is automatically renewable, or is renewable at the option of one of the parties or by agreement for one or more terms, the total of which may equal or exceed one year, and
- (c) a lease initially for a term of less than one year, where the lessee retains uninterrupted or substantially uninterrupted possession of the goods leased for a period in excess of one year after the day he first acquires possession of the goods, and the lease is deemed to be a lease for more than one year as soon as the lessee's possession extends beyond one year,

but does not include

- (d) a lease transaction involving a lessor who is not regularly engaged in the business of leasing goods, or

(e) a lease of prescribed goods regardless of the length of the term of the lease;

- "money" "money" means a medium of exchange at any time designated by the Parliament of Canada as part of its currency or designated by a foreign government as part of its currency;
- "obligation secured" "obligation secured" means, when determining the amount payable under a lease, the amount originally contracted to be paid under the lease, any other amounts payable pursuant to the terms of the lease, and any other amount required to be paid by the lessee to obtain full ownership of the collateral;
- "pawnbroker" "pawnbroker" means a person who engages in the business of granting consumer credit and who takes a security interest in the form of a pledge of goods to secure the consumer credit or who purchases goods under an agreement or undertaking, express or implied, that those goods may be afterwards repurchased or redeemed on terms, and "consumer credit" means credit granted to an individual for personal, family or household purposes by a person or organization in the business of granting credit, and, unless the agreement under which credit is granted or the context of the transaction indicates otherwise, a grant of credit is presumed to be a grant of consumer credit;
- "person" "person" includes an individual, partnership, association, society or unincorporated association;
- "proceeds" "proceeds" means identifiable or traceable personal property in any form, or fixtures, derived directly or indirectly from any dealing with collateral or proceeds from the collateral, and
(a) includes any payment received by way of damages, insurance, compensation, indemnity, or settlement in respect of loss of or damage to the collateral or proceeds from the collateral, or any right to such payment, and any payment received by way of total or partial discharge of an intangible, chattel paper, instrument or security, but

(b) does not include any payment received under a policy or contract of life insurance;

"purchase"

"purchase" includes taking by sale, lease, discount, negotiation, mortgage, pledge, lien, issue, reissue, gift, or any other voluntary transaction creating an interest in personal property;

"purchase money security interest"

"purchase-money security interest" means

- (a) a security interest that is taken or reserved by a seller, lessor or consignor of personal property to secure payment of all or part of its sale or lease price,
- (b) a security interest that is taken by a person who gives value for the purpose of enabling the debtor to acquire rights in or to the personal property, to the extent that the value is used to acquire such rights,
- (c) the interest of a lessor of goods leased for a term of one year or more, or
- (d) the interest of a consignor of goods delivered under a consignment;

"registered"

"registered" in relation to a security interest means registered by the registration under this Ordinance of a financing statement in the registry or in the Land Titles Office, as the case may be;

"registrar"

"registrar" means the registrar of personal property appointed under this Ordinance;

"registry"

"registry" means the registry established under section 41;

"secured party"

"secured party" means a person who has a security interest and, where a security agreement is embodied in a trust deed, means the trustee;

"security"

"security" means a share, stock, warrant, bond, debenture, debenture stock, or the like issued by a corporation or other person, or government

- (a) that is in a form recognized in the area in which it is issued or dealt with as evidencing a share, participation, or other interest in property or in an enterprise, or that evidences an obligation of the issuer, and

- (b) that is of a type that, in the ordinary course of business, is transferred by delivery with any necessary endorsement, assignment, registration in the books of the issuer or agent for the issuer, or compliance with restrictions on transfers;

"security agreement"

"security agreement" means an agreement that creates or provides for a security interest and includes a document that evidences a security agreement where the context permits;

"security interest"

"security interest" means

- (a) an interest in goods, documents of title, instruments, money, securities, chattel paper or intangibles that secures performance of an obligation,
 - (b) an interest arising from an assignment of an account or chattel paper under a transaction that is not a security agreement,
 - (c) an interest arising from the exercise by the unpaid seller of goods of his right to retain the goods for the price while he is in possession of them,
 - (d) the interest of a lessor under a lease for a term of one year or more, or
 - (e) the interest of a person who delivers goods to another person under a consignment,
- but does not include the interest of a seller who has shipped goods to a buyer under a negotiable bill of lading to his own order or to the order of his agent, unless the parties have otherwise evidenced an intention to create or provide for a security interest;

"special consumer goods"

"special consumer goods" means consumer goods consisting of

- (a) a vehicle that is designed to be self-propelled,
- (b) a trailer as defined in the Motor Vehicles Ordinance,
- (c) fixtures,
- (d) a small vessel required to be licensed under section 108 of the Canada Shipping Act,
- (e) an aircraft governed by the Aeronautics Act (Canada), or

(f) goods the retail market value of which exceeds the prescribed amount;

"specific goods" "specific goods" means goods identified and agreed upon at the time a security agreement in respect of those goods is made;

"sufficient description" "sufficient description" in relation to collateral means a description of the collateral sufficient to distinguish it from property of the debtor that is not collateral;

"trust deed" "trust deed" means any deed, indenture or document, however designated, including any supplement or amendment thereto, by the terms of which a body corporate issues or guarantees, or provides for the issue or guarantee of, debt obligations and in which a person is appointed as trustee for the holder of the debt obligations issued, guaranteed or provided for thereunder and secured by a security interest;

"value" "value" means any consideration sufficient to support a simple contract, and includes an antecedent debt or liability.

"goods" (2) Goods are consumer goods, equipment or inventory.

sufficient description (3) A description of collateral is not insufficient by reason only that the collateral is described as a specified quantity or proportion of a type of collateral, and the words "all the undertaking and assets" in a security agreement are sufficient to describe all of the debtor's present and after-acquired personal property in respect of a specified business.

Headings (4) The headings in this Ordinance, other than the headings identifying the Parts into which this Ordinance is divided, form no part of this Ordinance and have been inserted for convenience of reference only.

PART I

APPLICATION OF ORDINANCE AND CONFLICT OF LAWS

- Application of Ordinance 3(1) Subject to sections 4 and 55, this Ordinance applies to
- (a) every transaction without regard to its form or to the person who owns the collateral that in substance creates or provides for a security interest, including a chattel mortgage, conditional sale, assignment of book debts, equipment trust, floating charge, pledge, debenture, or trust deed,
 - (b) a lease of goods intended as security or a lease of goods for a term of one year or more,
 - (c) an assignment of an account or chattel paper whether or not intended as security,
 - (d) a sale of goods where the seller remains in possession of the goods after the buyer has a right to possession thereof, and
 - (e) a consignment whether or not intended as security.
- Exclusions 4(1) Except as specifically otherwise provided, this Ordinance does not apply to
- (a) a lien, charge, or other interest given by statute, or a lien given by rule of law for the furnishing of goods, services or materials,
 - (b) an assignment of wages, salary, pay, commission or other compensation for labour or personal services,
 - (c) a transfer of an interest or claim in or under a policy of insurance except insofar as money paid or payable under the policy may be indemnity or compensation for loss of or damage to collateral,
 - (d) a transfer of an interest or claim in or under a policy of life insurance or a contract of annuity,
 - (e) an assignment of a right to payment under a contract to an assignee who is to perform the assignor's obligations under the contract,
 - (f) a sale of accounts or chattel paper as part of a sale of the business out of which they

- arose, unless the vendor remains in apparent control of the business after the sale,
- (g) an assignment of accounts solely to facilitate the collection of accounts for the assignor,
 - (h) the assignment of any right to payment that arises in connection with an interest in or lease of real property other than an assignment of a right to payment evidenced by a security,
 - (i) the creation or assignment of an interest in or a lien on real property, including a lease, except to the extent that provision is made with respect to fixtures,
 - (j) an assignment of a claim for damages or a judgment representing a right to damages,
 - (k) an assignment for the general benefit of creditors made pursuant to legislation of the Parliament of Canada relating to insolvency and,
 - (l) an interest in or claim to property arising under the Matrimonial Property Ordinance.

Conflict of Laws

- | | | |
|----------------------|------|---|
| Validity of interest | 5(1) | Except where otherwise provided in this Ordinance, the validity, perfection and effect of perfection or non-perfection of <ul style="list-style-type: none">(a) a security interest in goods, and(b) a possessory security interest in securities, instruments, negotiable documents of title, money and chattel paper, is determined by the law of the jurisdiction where the collateral is situated when the security interest attaches. |
| Perfection continues | (2) | A security interest in goods perfected, under the law of the jurisdiction in which the goods are situated when the security interest attaches, before the goods are brought into the Territory, continues perfected in the Territory <ul style="list-style-type: none">(a) as against a buyer in good faith who acquires an interest in the goods after they are brought into the Territory, if the security interest is perfected in the Territory prior to the acquisition, and |

- (b) as against all other persons, if the security interest is perfected in the Territory;
 - (i) within 60 days after the day the goods are brought into the Territory,
 - (ii) within 15 days after the day the secured party receives notice that the goods have been brought into the Territory, or
 - (iii) prior to the day that perfection ceases under the law of the jurisdiction in which the goods were situated when the security interest attached, whichever is earliest.

Perfection otherwise

- (3) A security interest that is not perfected as provided in subsection (2) may be otherwise perfected under this Ordinance.

Goods brought into Territory

- (4) Where a security interest mentioned in subsection (1) is not perfected under the law of the jurisdiction in which the collateral was situated when the security interest attached before being brought into the Territory, it may be perfected under this Ordinance.

Goods brought into Territory

- 6(1) Subject to section 7, if the parties to a security agreement creating a security interest in goods in one jurisdiction understand at the time the security interest attaches that the goods will be kept in another jurisdiction, and the goods are removed to another jurisdiction within 30 days after the security interest attaches for purposes other than transportation through the other jurisdiction, the validity, perfection and effect of perfection or non-perfection of the security interest are determined by the law of the other jurisdiction.

Perfection in other jurisdictions

- (2) Where the jurisdiction to which the goods are removed is other than the Territory and the goods are later brought into the Territory, the security interest in the goods is deemed to be one to which subsection 5(2) applies if it had been perfected under the law of the jurisdiction to which the goods were removed.

- Choice of Law 7(1) The validity, perfection and effect of perfection or non-perfection of
- (a) a security interest in intangibles or in goods which are of a type that are normally used in more than one jurisdiction, if such goods are classified as equipment or as inventory leased or held for lease by a debtor to others, and
 - (b) a non-possessory security interest in securities, instruments, negotiable documents of title, money and chattel paper.
- are governed by the law of the jurisdiction where the debtor is located when the security interest attaches.
- Location of debtor (2) For the purposes of this section, a debtor is deemed to be located at his place of business if he has one, at his chief executive office if he has more than one place of business, and otherwise at his place of residence.
- Change of location (3) When a debtor changes his location to another jurisdiction, a perfected security interest mentioned in subsection (1) continues perfected in the new jurisdiction if it is perfected in the new jurisdiction
- (a) within 60 days after the day the debtor changes his location,
 - (b) within 15 days after the day the secured party receives notice that the debtor has changed his location, or
 - (c) prior to the day that perfection ceases under the law of the first jurisdiction,
- whichever is earliest.
- Perfection in Territory (4) If the jurisdiction in which a debtor is deemed to be located under this section does not provide for public registration or recording of security interests mentioned in subsection (1) and the collateral is not in the possession of the secured party, any security interest in the collateral that is not perfected under this Ordinance is deemed to be an unperfected security interest in relation to any interests in the collateral acquired by a person in the Territory.

- Perfection otherwise (5) A security interest that is not perfected as provided in subsection (3) or is deemed to be unperfected in the Territory under subsection (4) may be otherwise perfected under this Ordinance.
- Minerals, etc. (6) Notwithstanding section 6 and subsection (1) of this section, the validity, perfection and effect of perfection or non-perfection of a security interest which is created by a debtor who has an interest in minerals or the like, including oil and gas, before extraction and which attaches thereto upon extraction, or attaches to an account resulting from the sale thereof at the wellhead or minehead, is governed by the law of the jurisdiction in which the wellhead or minehead is located.
- Priority rules 8(1) Except as otherwise provided in this Ordinance, when goods other than those mentioned in subsection (2), securities, instruments, negotiable documents of title, money and chattel paper are dealt with in two or more jurisdictions and a conflict exists between the priority rules of the jurisdictions, (a) the priority rules of the last jurisdiction, in which the collateral was dealt with in such a way as to give rise to an interest in conflict, prevail, if all interests in conflict were perfected by registration, and (b) the priority rules of the last jurisdiction, in which a conflicting possessory security interest in the collateral was taken, prevail.
- Priority rules (2) Subject to subsection 7(4), when intangibles or goods that are of a type that are normally used in more than one jurisdiction, if such goods are equipment or inventory leased or held for lease by a debtor to others, are dealt with in two or more jurisdictions and a conflict exists between the priority rules of the jurisdictions, the priority rules of the jurisdiction, in which the debtor is located when the last dealing occurred which gave rise to the conflict, prevail.
- Dealing with collateral (3) For the purposes of this section, collateral is dealt with when

- (a) it is purchased,
- (b) it is seized under judicial process, or
- (c) it becomes subject to a non-consensual lien or charge.

Procedural
and sub-
stantive
issues

- (4) Notwithstanding sections 5, 6 and 7 and subsections (1) and (2) of this section
 - (a) all procedural issues involved in the enforcement of the rights of a secured party against collateral other than intangibles are governed by the law of the jurisdiction in which the collateral is located at the time of the exercise of such rights,
 - (b) all procedural issues involved in the enforcement of the rights of a secured party against intangibles are governed by the law of the forum, and
 - (c) all substantive issues involved in the enforcement of the rights of a secured party against collateral are governed by the proper law of the contract between the secured party and the debtor.

PART II

VALIDITY OF SECURITY AGREEMENTS AND RIGHTS OF PARTIES

Enforcement
of interest

- 9(1) A security interest is not enforceable against a person other than the debtor unless
 - (a) the collateral is in the possession of the secured party at the time when the other person acquires an interest in the collateral, or
 - (b) the debtor has signed a security agreement that contains a sufficient description of the collateral.

Delivery of Copy of Agreement

Time for
delivery

- 10(1) Where a security agreement is in writing, the secured party shall deliver a copy of it to the debtor, without charge, within 21 days after its execution.

- Failure to deliver (2) Where a secured party fails to comply with subsection (1) after a request to do so by the debtor, a judge, on application by the debtor, may make an order for the delivery of a copy to the debtor and make such order as to costs as the judge deems just.
- Exception (3) Subsection (1) does not apply to assignments of accounts or chattel paper not intended as security.
- Interest may be void 11(1) Where the secured party fails to comply with an order made under subsection 10(2), the debtor may apply to have the secured party's security interest, or any part of it, declared void, and if in all the circumstances, and having regard to the prejudice suffered by the debtor and the secured party, this is an appropriate remedy, the judge shall declare the security interest or part of it void.
- Reinstatement of interest (2) Where all or part of a security interest has been declared void, a judge may, on application by the person who but for such declaration would have been a secured party, order the security interest to be reinstated, if satisfied that it would be appropriate to do so.
- Priority after reinstatement (3) Where all or part of a security interest is ordered to be reinstated, priority in that security interest shall be determined by the latest of the following events:
(a) the date on which the reinstatement is ordered;
(b) the date on which the security interest is registered; or
(c) the date on which the secured party acquires possession of the collateral.

Attachment

- Time of attachment 12(1) A security interest attaches when
(a) value is given,
(b) the debtor has rights in or to the collateral,
and

(c) except for the purpose of enforcing inter partes rights of the parties to the security agreement, it becomes enforceable within the meaning of section 9, unless the parties intend it to attach at a later time, in which case it attaches in accordance with the intentions of the parties.

Rights to collateral

- (2) For the purposes of subsection (1),
- (a) a debtor has rights to goods purchased by him under an agreement for sale when he obtains possession of them pursuant to the agreement, and
 - (b) he has rights to goods leased to him, hired by him or delivered to him under a consignment when he obtains possession of them pursuant to the lease, hiring agreement or consignment.

When debtor has no rights

- (3) For the purposes of subsection (1), the debtor has no rights in or to
- (a) crops until they become growing crops,
 - (b) fish until they are caught,
 - (c) the young of animals until they are conceived,
 - (d) oil, gas, or other minerals until they are extracted, or
 - (e) timber until it is cut.

Future Interests

After-acquired property 13(1)

Except as provided in subsection (2), a security agreement may cover after-acquired property, and such a security interest attaches in accordance with section 12 without specific appropriation by the debtor.

Crops

- (2) No security interest attaches under an after-acquired property clause in a security agreement to crops that become such more than one year after the security agreement has been executed, except that a security interest in crops given in conjunction with a lease, purchase, or mortgage of land may, if so agreed, attach to crops to be grown on the land during the term of the lease, purchase, or mortgage.

- Future advances 14(1) Obligations covered by a security agreement may include future advances whether or not the advances are given pursuant to a commitment in the security agreement.
- Obligation not binding (2) An obligation to make future advances is not binding on a secured party after a person mentioned in paragraph 20(1)(b) or (c) has acquired rights to the collateral.

Sales Law

- Other laws apply 15(1) Where a seller retains a purchase-money security interest in goods,
(a) the Sale of Goods Ordinance governs the sale and any disclaimer, limitation, or modification of the seller's conditions and warranties, and
(b) the conditions and warranties in the sale agreement are not affected by any security agreement.

Acceleration Provisions

- Restriction of right to accelerate 16(1) A provision in a security agreement that provides that the secured party may accelerate payment or performance when he deems himself insecure shall be construed to mean that he may do so only if he has commercially reasonable grounds to believe that the prospect of payment or performance is or is about to be impaired.

Rights and Duties of Secured Party

- Care of collateral 17(1) A secured party shall use reasonable care in the custody and preservation of collateral in his possession, and, unless otherwise agreed,
(a) in the case of an instrument a security or chattel paper, reasonable care includes taking necessary steps to preserve rights against prior parties, and
(b) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled.

Rights of secured party (2) Unless otherwise agreed, where collateral is in the secured party's possession,

- (a) reasonable expenses, including the cost of insurance and payment of taxes or other charges incurred in the custody and preservation of the collateral, are chargeable to the debtor and are secured by the collateral,
- (b) the risk of loss or damage, except where caused by the negligence of the secured party, is on the debtor to the extent of any deficiency in any insurance coverage,
- (c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, and shall apply money so received, unless remitted to the debtor, forthwith upon its receipt in reduction of the obligation secured, and
- (d) the secured party may create a security interest in the collateral upon terms that do not impair the debtor's rights under Part V.

Liability of secured party (3) A secured party is liable for any loss or damage caused by

- (a) his failure to meet any obligation imposed by subsections (1) or (2), or
- (b) his use of the collateral otherwise than as authorized by subsection (4),

but does not lose his security interest.

Use of collateral (4) A secured party may use the collateral

- (a) in the manner and to the extent provided in the security agreement,
- (b) for the purpose of preserving the collateral or its value, or
- (c) pursuant to an order of
 - (i) a court before which a question relating thereto is being heard, or
 - (ii) a judge upon application with notice to all persons concerned.

Information from Secured Party

Demand for information 18(1) A debtor, creditor, or other person with a legal or equitable interest in or to the collateral may, by

a notice in writing, containing an address for reply and served on the secured party, require the secured party to send or deliver to him, at the address for reply

- (a) a statement in writing of the amount of the indebtedness and the terms of payment as of the date specified in the notice,
 - (b) a written approval or correction, as of the date specified in the notice, of the itemized list of the collateral attached to the notice,
 - (c) a written approval or correction, as of the date specified in the notice, of the amount of the indebtedness and the terms of payment, and
 - (d) a copy of the security agreement, and amendments, if any,
- or any one or more of the foregoing.

- General reply (2) Where a notice referred to in paragraph (1)(b) is served on the secured party and he claims a security interest in all of a particular type of collateral in or to which the debtor has rights, the secured party may so indicate in lieu of approving or correcting the itemized list of the collateral.
- Failure to reply (3) The secured party shall comply with a notice given under subsection (1) within 15 days after it is served, and if without reasonable excuse he fails to do so or his reply is incomplete or incorrect, the person who has given the notice is entitled
- (a) to recover from the secured party any direct loss or damage caused thereby, and
 - (b) to apply to a judge for an order requiring the secured party to comply with the notice.
- Disclosure of successors in interest (4) Where the person receiving a notice under subsection (1) no longer has an interest in the obligation or collateral, he shall, within 15 days after it is served, disclose the name and address of the latest successor in interest known to him, and if without reasonable excuse he fails to do so or his reply is incomplete or incorrect, he is liable for any direct loss or damage caused thereby to the person who has given the notice.

- Successor in interest (5) A successor in interest shall be deemed to be the secured party for the purposes of this section when he receives a notice under subsection (1).
- Powers of judge (6) A judge may
(a) exempt the secured party, in whole or in part, from complying with a notice if the person giving the notice, not being the debtor, does not establish to the satisfaction of the judge that he has a legal or equitable interest in or to the collateral, or that he is a creditor or execution creditor,
(b) extend the time for answering the notice, or
(c) make such further or other order as is reasonable and just.
- Charges for reply (7) The secured party may require payment of the prescribed charges for each reply to a notice under subsection (1), but the debtor is entitled to a reply without charge once in every six months.
- Interest may be void (8) Where the secured party fails to comply with the requirements of subsection (1) and no exemption or extension has been ordered under subsection (6), the person who has given the notice may apply to have the secured party's security interest, or any part of it, declared void, and if in all the circumstances, and having regard to the prejudice suffered by any of the above-named parties, this is an appropriate remedy, the judge shall declare the security interest or part of it void.
- Reinstatement of interest (9) Where all or part of a security interest has been declared void, a judge may, on application by the person who but for such declaration would have been a secured party, order the security interest to be reinstated, if satisfied that it would be appropriate to do so.
- Priority after reinstatement (10) Where all or part of a security interest is ordered to be reinstated, priority in that security interest shall be determined by the latest of the following events:
(a) the date on which the reinstatement is ordered;

- (b) the date on which the security interest is registered; or
- (c) the date on which the secured party acquires possession of the collateral.

Service (11) The notice mentioned in subsection (1) may be served in accordance with section 67 or by registered mail addressed to the post office address of the secured party as it appears on the security agreement or financing statement.

PART III
PERFECTION AND PRIORITIES

Time of perfection 19(1) A security interest is perfected when

- (a) it has attached, and
- (b) all steps required for perfection under this Ordinance have been completed, regardless of the order of occurrence.

Subordination of Security Interests

Unperfected interests 20(1) Except as provided in section 21 an unperfected security interest is subordinate to the interest of

- (a) a person who is entitled to priority under this Ordinance,
- (b) a person who causes the collateral to be seized under legal process, including execution, attachment, or garnishment, or who obtains a charging order or equitable execution affecting the collateral,
- (c) the trustee in bankruptcy of the debtor, or the representative of the creditors of the debtor but only for the purpose of enforcing the rights of persons mentioned in paragraph (b),
- (d) a transferee who is not a secured party and acquires his interest for value without notice of the security interest and before it is perfected
 - (i) in documents of title, securities, instruments or goods where the

transferee receives delivery of the collateral,

- (ii) in intangibles other than accounts,
- (iii) in accounts acquired through a transaction not otherwise governed by this Ordinance, or
- (iv) in chattel paper acquired through a transaction not otherwise governed by this Ordinance, where the transferee receives possession of the chattel paper.

Perfected interest

- (2) A perfected security interest is subordinate to the rights of persons mentioned in paragraphs (1)(b) or (c) except to the extent that the security interest secures
- (a) advances made before the interest of such a person arises,
 - (b) advances made before the secured party receives notice of the interests of such persons, or
 - (c) reasonable costs incurred and expenses made by the secured party for the protection, maintenance, preservation or repair of the collateral.

Purchase-money interest

- 21(1) A purchase-money security interest that is registered before or within 15 days after the debtor's possession of the collateral commences, or in the case of an intangible, within 15 days after the security interest attaches, has priority over the interest of a person mentioned in paragraphs 20(1)(b) or (c).

Perfection

Continuity of perfection

- 22(1) If a security interest is originally perfected in any way permitted under this Ordinance and is again perfected in some way under this Ordinance without an intermediate period when it is unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Ordinance, and shall be deemed for the purposes of section 35 to be continuously perfected

in the way in which it was originally perfected.

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|----------------------------|-------|---|
| Assignees | (2) | An assignee of a security interest succeeds in so far as its perfection is concerned to the position of the assignor at the time of the assignment. |
| Perfection by possession | 23(1) | Subject to section 19, possession of the collateral by the secured party, or on his behalf by a person other than the debtor or the debtor's agent, perfects a security interest in
(a) chattel paper,
(b) goods,
(c) instruments,
(d) securities,
(e) negotiable documents of title, or
(f) money
but, subject to section 22, only while it is actually held as collateral. |
| Possession by debtor | (2) | For the purposes of subsection (1), a secured party is deemed not to have taken or retained possession of collateral that is in the apparent possession or control of the debtor or the debtor's agent. |
| Perfection by registration | 24(1) | Subject to section 19, registration perfects a security interest in any collateral, but only during the period in which the registration of a financing statement relating to the security interest is effective. |
| Automatic perfection | 25(1) | A security interest that is a purchase-money security interest in consumer goods other than special consumer goods is perfected automatically immediately upon attachment without the need for compliance with section 23 or section 24, or any other provision of this Ordinance dealing with the perfection of a security interest except paragraph 19(1)(a). |
| Temporary perfection | 26(1) | A security interest in instruments, securities or negotiable documents of title is a perfected security interest for the first 15 days after it attaches to the extent that it arises for new value given under a written security agreement. |

Temporary perfection (2) A security interest perfected under section 23 in

- (a) an instrument that a secured party delivers to the debtor for the purpose of
 - (i) ultimate sale or exchange,
 - (ii) presentation, collection, or renewal, or
 - (iii) registration of transfer; or
- (b) a negotiable document of title, or goods held by a bailee that are not covered by a negotiable document of title, which document of title or goods the secured party makes available to the debtor for the purpose of .
 - (i) ultimate sale or exchange,
 - (ii) loading, unloading, storing, shipping, or trans-shipping, or
 - (iii) manufacturing, processing, packaging, or otherwise dealing with goods in a manner preliminary to their sale or exchange,

remains perfected for the first 15 days after the collateral comes under the control of the debtor.

Perfection may end (3) Beyond the period of 15 days referred to in subsection (1), a security interest under this section becomes subject to the provisions of this Ordinance for perfecting a security interest.

Proceeds

Extension to proceeds 27(1) Subject to this Ordinance, where collateral gives rise to proceeds, a security interest in the collateral

- (a) continues as to the collateral, unless the secured party expressly or impliedly agrees otherwise, and
- (b) extends to the proceeds.

Continuity of perfection (2) A security interest in proceeds is a continuously perfected security interest if the interest in the original collateral

- (a) is perfected by the registration of a financing statement that covers the original collateral and proceeds from it, and contains a description of property that may be claimed as proceeds sufficient to distinguish it from property that may not be claimed as proceeds,
- (b) is perfected by the registration of a financing statement that covers the original

collateral and proceeds from it, where the proceeds are of a type that falls within the description of the original collateral contained in the financing statement, or
(c) is perfected by the registration of a financing statement that covers the original collateral and proceeds from it, where the proceeds consist of money, a bill of exchange drawn on a financial institution, or an account with a financial institution.

Temporary perfection (3) In a case other than one mentioned in subsection (2), a perfected security interest in proceeds remains perfected as to the proceeds for a period of 15 days after receipt of the proceeds by the debtor, but the security interest becomes unperfected as to the proceeds on the expiration of the 15-day period unless it is perfected as to the proceeds by any of the methods and under the circumstances prescribed in this Ordinance for original collateral of the same type.

Goods Held by Bailee

Perfection 28(1) A security interest in goods in the possession of a bailee is perfected
(a) by the issuance of a document of title in the name of the secured party,
(b) by a holding on behalf of the secured party pursuant to section 23,
(c) by registration as to the goods, or
(d) where the bailee has issued a negotiable document of title covering the goods, by perfection of a security interest in the negotiable document of title.

Other security interests (2) The issuance of a negotiable document of title covering goods does not preclude any other security interest in the goods from arising during the period that the negotiable document of title is outstanding.

Priority (3) A security interest in a negotiable document of title covering goods takes priority over a security interest in the goods otherwise perfected after the

goods become covered by the negotiable document of title.

Priority (4) Notwithstanding subsection (3), a perfected security interest in goods takes priority over a security interest in a negotiable document of title covering the goods where the security interest in the goods was registered at the time when the security interest in the negotiable document of title was perfected.

Returned or Repossessed Goods

Interest may reattach 29(1) A security interest in goods that are the subject of a sale or lease and that are returned to, or repossessed by,
(a) the person who sold or leased the goods,
(b) a transferee of chattel paper or a person having a security interest in an intangible resulting from the sale or lease of the goods, or
(c) a secured party who had a security interest in the goods at the time they were sold or leased or anyone claiming from or under him, reattaches to the extent that the obligations under the security agreement remain unfulfilled.

Perfection of interest (2) Where a security interest that reattaches under subsection (1) was perfected at the time of the sale, lease or exchange by a registration that is still effective at the time of the return or repossession of the goods, the security interest reattaches as a perfected interest, but otherwise requires for its perfection a registration or a taking of possession by the secured party.

Interest in goods (3) A security interest in goods that attaches while the goods are in the possession of a buyer or lessee of the debtor and that is perfected before the goods are returned or repossessed has priority over the security interest mentioned in paragraph (1)(c).

Chattel paper (4) Where a sale or lease creates chattel paper and the goods are returned or repossessed, the unpaid transferee of the chattel paper has a security

interest in the goods, and, if the unpaid transferee took possession of the chattel paper in the ordinary course of business and for new value, the transferee's security interest has priority over the security interest mentioned in paragraph (1)(c) and has priority over a security interest in the returned or repossessed goods as after-acquired property which first attaches on return or repossession.

Intangibles (5) Where a sale or lease creates an intangible and the goods are returned or repossessed, the secured party who had the security interest in the intangible has a security interest in the goods, but the security interest mentioned in paragraph (1)(c) has priority over that interest.

Perfection expires (6) A security interest asserted under subsection (4) or (5) is a perfected security interest in the goods when the security interest in the chattel paper or intangible was perfected, but it becomes unperfected 15 days after the day of return or repossession of the goods unless the secured party perfects his interest in the goods by taking possession of them or registering his security interest in them before the expiration of the 15-day period.

Dealings in the Ordinary Course of Business

Sale or lease of goods 30(1) A buyer or lessee of goods sold or leased in the ordinary course of the business of the seller or lessor takes them free from any perfected or unperfected security interest in the goods given by or reserved against the seller or lessor or arising under section 29, whether or not the buyer or lessee knows of it, unless he also knows that the sale or lease constitutes a breach of the security agreement.

Sale of consumer goods (2) A buyer or lessee of consumer goods other than special consumer goods takes free of a perfected security interest in those goods if
 (a) he buys or leases the goods without knowledge of the security interest,
 (b) he gives new value for his interest, and

(c) he receives delivery of the goods.

Terms of sale or lease (3) For the purposes of subsections (1) and (2), the sale or lease may be for cash, by exchange for other property, on credit, or by delivery of goods or documents of title under a pre-existing contract for sale or lease, but subsections (1) and (2) do not apply to a transfer in bulk, or to a transfer as security for or in total or partial satisfaction of a past liability.

Goods (4) A buyer or lessee of goods takes free of a security interest that is temporarily perfected under subsection 26(2), 27(3) or 29(6) or a security interest the perfection of which is continued under subsection 46(2) if
(a) he gives new value for his interest,
(b) he buys or leases the goods without notice of the security interest, and
(c) he receives delivery of the goods.

Special Cases

Money 31(1) A holder of money has priority over any security interest in it perfected under section 24 or temporarily perfected under subsection 27(3) if the holder
(a) acquired the money without notice that it was subject to a security interest, or
(b) was a holder for value, whether or not he acquired the money without notice that it was subject to a security interest.

Payment of debt (2) Notwithstanding subsections (1) and (3), a creditor who receives money or an instrument drawn or made by a debtor and delivered in payment of a debt owing to him by that debtor takes free from a security interest in the money or instrument drawn or made by the debtor whether or not the creditor has notice of the security interest.

Instrument or security (3) A purchaser of an instrument or a security has priority over any security interest in the instrument or security perfected under section 24 or temporarily perfected under section 26 or subsection 27(3) if the purchaser
(a) gave value for his interest,

- (b) acquired the instrument or security without notice that it was subject to a security interest, and
 - (c) took possession of the instrument or security.

- Negotiable document of title (4) A holder to whom a negotiable document of title has been negotiated has priority over any security interest in the negotiable document of title that is perfected under section 24 or temporarily perfected under section 26 or subsection 27(3) if the holder
 - (a) gave value for the document of title, and
 - (b) took the negotiable document of title without notice that it was subject to a security interest.

- Chattel paper (5) A purchaser of chattel paper who takes possession of it in the ordinary course of business and who gives new value for it
 - (a) has priority over any security interest in it that, in the case of chattel paper claimed as original collateral, was perfected under section 24, or any security interest in it as proceeds of equipment or consumer goods, if the purchaser acquired the chattel paper without notice that it was subject to a security interest, and
 - (b) has priority over any security interest in it as proceeds of inventory, whether or not the purchaser has notice of the security interest.

- Liens 32(1) Where a person in the ordinary course of business furnishes materials or services with respect to goods that are subject to a security interest, any lien that he has in respect of the materials or services has priority over a perfected security interest unless the lien is given by an Ordinance that provides that the lien does not have such priority.

- Transfer by debtor 33(1) The rights of a debtor in collateral may be transferred voluntarily or involuntarily, notwithstanding a provision in the security agreement prohibiting transfer or declaring a

transfer to be a default, but no transfer prejudices the rights of the secured party under the security agreement or otherwise, including the right to treat a prohibited transfer as an act of default.

Purchase-money Security Interest

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| General
priority | 34(1) | Subject to section 27, a purchase-money security interest in collateral or its proceeds, other than inventory, has priority over any other security interest in the same collateral or its proceeds given by the same debtor where the purchase-money security interest is perfected <ol style="list-style-type: none">(a) in the case of an intangible, within 15 days after the purchase-money security interest in the intangible attaches, or(b) in the case of collateral other than an intangible, within 15 days after the debtor receives possession of the collateral. |
| Inventory | (2) | Subject to section 27 and subsection (4), a purchase-money security interest in inventory or its proceeds has priority over another security interest in the same collateral given by the same debtor if <ol style="list-style-type: none">(a) the purchase-money security interest in the inventory is perfected at the time when the debtor obtains possession of the collateral, and(b) the purchase-money secured party gives a notice in accordance with subsection (3) to the holder of the other security interest, where the holder of the other security interest has, before the earlier of<ol style="list-style-type: none">(i) the date of registration by the purchase-money secured party, or(ii) the date when the collateral comes under the control of the debtor, registered a financing statement covering the same type or kind of collateral of the debtor. |
| Notice re
inventory | (3) | For the purposes of subsection (2), a notice shall <ol style="list-style-type: none">(a) state that the person giving the notice has acquired, or expects to acquire, a |

- purchase-money security interest in inventory of the debtor and its proceeds,
- (b) contain a sufficient description of the collateral, and
 - (c) be received by the holder of the other security interest within a period of two years before the debtor obtains possession of the collateral.
- Proceeds of inventory (4) No purchase-money security interest in proceeds of inventory has priority over a security interest in accounts given for new value where a financing statement relating to the security interest in accounts is registered before the purchase-money security interest is perfected or a financing statement relating to it is registered.
- Conflicting interests (5) A purchase-money security interest in proceeds under subsection (1) or (2) is subordinate to a non-proceeds purchase-money security interest in the same collateral if the non-proceeds purchase-money security interest is perfected at the time when the debtor obtains possession of the collateral or within 15 days thereafter.
- Crops (6) A perfected security interest in crops or their proceeds given for a consideration to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise has priority over an earlier perfected security interest to the extent that such earlier interest secures obligations that were contracted more than six months before the crops become growing crops by planting or otherwise, even though the person giving the consideration knew of the earlier security interest.

Priorities

- General rule 35(1) If no other provision of this Ordinance is applicable, priority between conflicting perfected security interests in the same collateral shall be determined by the order of
- (a) registration,

- (b) possession of the collateral by the secured party under section 23, and
 - (c) perfection,
- whichever is earliest, and, as between unperfected security interests, by the order of attachment.

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| Interruption of perfection | (2) | Where, after the registration or perfection of a security interest, or after possession is taken of collateral by a secured party, there is a period during which there is no registration or perfection of the security interest, or there is no possession of the collateral by the secured party, the priority of the security interest shall be determined with reference to the time when, subsequently or again, the security interest is registered or perfected, or possession is taken of the collateral by the secured party. |
| Proceeds | (3) | The date for determining priority of conflicting security interests in proceeds, where no other provision of this Ordinance is applicable, is the date established under subsection (1) for determining priority between conflicting security interests in the collateral. |
| Future advances | (4) | If future advances are made while a security interest is perfected, the security interest has the same priority for the purposes of this section with respect to future advances as it has with respect to the first advance. |
| Lapsed interests | (5) | Where the registration of a security interest lapses as a result of the secured party's failure to renew the registration or where the registration of a security interest has been discharged fraudulently, in error or without authorization, the secured party may re-register his security interest within thirty days after the lapse or discharge, and, where he re-registers, the prior lapse or discharge does not affect the priority status of the security interest in relation to competing interests in the collateral that arose prior to the lapse or discharge, except insofar as subsequent advances are made or contracted for following the lapse or discharge and prior to the re-registration. |

Transfer by debtor (6) Where a debtor transfers his interest in collateral that at the time of the transfer is subject to a security interest, the security interest has priority over any other security interest granted by the transferee before the transfer, except insofar as the security interest granted by the transferee secures advances made or contracted for after the transfer at a time when the security interest is unperfected through the operation of section 46.

Exception (7) Subsection (6) does not apply where the transferee acquires the debtor's interest free of the security interest granted by the debtor.

Fixtures

General priority rule 36(1) Except as provided in subsections (2), (3) and (4),
(a) a security interest that attaches to goods before they become fixtures has priority as to the goods over the claim of any person to the extent that his interest in the goods depends upon his interest in the real property, and
(b) a security interest that attaches to goods after they become fixtures has priority as to the goods over the claim of a person to the extent that his interest in the goods depends upon an interest in the real property subsequently acquired, but does not have priority over the claim of a person to the extent that his interest in the goods depends upon an interest in the real property that is registered at the time when the security interest attaches to the goods if he does not, in writing, consent to the security interest or disclaim his interest in the goods depending upon his interest in the real property.

Interests in real property (2) A security interest mentioned in subsection (1) is subordinate to another interest in the goods to the extent that the other interest depends upon a subsequent purchase for value of an interest in the real property, or upon a prior encumbrance of record on the real property in respect of a subsequent advance, if the purchase or advance is

made or contracted for without fraud and before the security interest is registered under the Land Titles Act (Canada) in accordance with section 44.

Prior execution

(3) A security interest mentioned in subsection (1) is subordinate to another interest in the goods to the extent that the other interest depends upon the binding of the real property by a writ under section 125 of the Land Titles Act (Canada) without fraud and before the security interest is registered under the Land Titles Act (Canada) in accordance with section 44.

Purchase-money interest

(4) Notwithstanding subsection (3), an interest in goods, to the extent that it depends upon the binding of real property under section 125 of the Land Titles Act (Canada), is subordinate to a purchase-money security interest in the goods that is registered under the Land Titles Act (Canada) within 15 days after the debtor receives possession of the goods.

Notice of intention to remove goods

(5) A secured party who intends to exercise his right to remove fixtures from real property shall serve, on each person who appears by the records of the Land Titles Office to have an interest in the real property, a written notice containing

- (a) the name and address of the secured party,
- (b) a sufficient description of the fixtures,
- (c) a statement as to the amount required to satisfy the obligations secured by his security interest,
- (d) a description of the real property, and
- (e) a statement of his intention to remove the fixtures unless the obligations secured by his security interest are satisfied before a specified day that is not less than 12 days after the service of the notice.

Service of notice

(6) A notice under subsection (5) may be served in accordance with subsection 67(1) or by registered mail addressed to the post office address of the person to be served as it appears in the records of the Land Titles Office.

- Time for removal (7) A secured party shall not exercise his right to remove fixtures from real property
- (a) before the expiration of 15 days after the service of every notice required to be served under subsection (5), or
 - (b) after he is refused permission under subsection (9).
- Reimbursement for damage (8) Any person, other than the debtor, who has an interest in the real property at the time when goods subject to a security interest become fixtures is entitled to reimbursement for any damage to his interest in the real property resulting from the removal of the fixtures, but is not entitled to reimbursement for diminution in the value of the real property caused by the absence of the fixtures removed or by the necessity for their replacement.
- Refusal of permission (9) The persons entitled to reimbursement as provided in subsection (8) may refuse permission to remove the goods until the secured party has given adequate security for the reimbursement.
- Application to court (10) The secured party may apply to a court for an order
- (a) determining the persons entitled to reimbursement under this section,
 - (b) determining the amount and kind of security to be provided by the secured party, or
 - (c) dispensing with the consent of any or all of the persons mentioned in paragraph (a).
- Postponement of removal (11) A person entitled to receive a notice under subsection (5) may apply to a judge for an order postponing the removal of the goods from the real property, and the judge may make any order that he considers just.
- Retention of fixtures (12) A person having an interest in real property that is subordinate to a security interest by virtue of subsection (1) may, before the fixtures are removed from the real property by the secured party, retain the fixtures upon satisfaction of the obligations secured by the security interest having priority over his interest.

Duty of secured party (13) A secured party who, under this Ordinance, has the right to remove fixtures from real property shall exercise his right of removal in a manner that causes no greater damage or injury to the land or to the other property situated on the land, or that puts an owner, lessee or occupier of the real property to any greater inconvenience, than is necessarily incidental to the removal of the fixtures.

Accessions

General priority rule 37(1) Except as provided in subsections (2), (3) and (4), and in section 38,
(a) a security interest that attaches to goods before they become an accession has priority as to the accession over the claim of any person to the extent that his interest in the accession depends upon his interest in the goods to which the accession is affixed or attached, and
(b) a security interest that attaches to goods after they become an accession has priority as to the accession over the claim of a person to the extent that his interest in the accession depends upon an interest subsequently acquired in the goods to which the accession is affixed or attached, but does not have priority over the claim of a person to the extent that his interest in the accession depends upon an interest in the goods to which the accession is affixed or attached, acquired before the attachment of the security interest in the accession, if he does not, in writing, consent to the security interest in the accession or disclaim his interest in the accession depending upon his interest in the goods to which the accession is affixed or attached.

Interest in main goods (2) A security interest mentioned in subsection (1) is subordinate to another interest in the accession to the extent that the other interest depends upon a subsequent purchase for value of an interest in the goods to which the accession is affixed or attached, or upon a prior perfected security

interest in those goods in respect of a subsequent advance, if the purchase or advance is made or contracted for before the security interest mentioned in subsection (1) is perfected.

- Prior execution (3) A security interest mentioned in subsection (1) is subordinate to the interest of a creditor who has caused the goods to which the accession is affixed or attached to be seized under judicial process to enforce a judgment before the security interest is perfected.
- Purchase-money interest (4) Notwithstanding subsection (3), an interest in an accession, to the extent that it depends upon the exercise of the rights of an execution creditor as such, is subordinate to a purchase-money security interest that is perfected within 15 days after the debtor obtains possession of the collateral.
- Notice of intention to remove goods (5) A secured party who intends to exercise his right to remove accessions from the goods to which they are attached shall serve, on each person known by him to have an interest in those goods and on any person who has registered a financing statement indexed in the name of the debtor and referring to those goods, a written notice containing
- (a) the name and address of the secured party,
 - (b) a sufficient description of the accessions,
 - (c) a statement as to the amount required to satisfy the obligations secured by his security interest,
 - (d) a sufficient description of the goods to which the accession is affixed or attached, and
 - (e) a statement of his intention to remove the accessions from the goods to which they are affixed or attached unless the obligations secured by his security interest are satisfied before a specified day that is not less than 12 days after the service of the notice.
- Service of notice (6) A notice under subsection (5) and may be served in accordance with subsection 67(1) or, in the case of a person who has registered a financing statement, by registered mail addressed to his post office address as it appears on the security agreement or financing statement.

- Time for removal (7) A secured party shall not exercise his right to remove an accession from the goods to which it is affixed or attached
- (a) before the expiration of 15 days after the service of every notice required to be served under subsection (5), or
 - (b) after he is refused permission under subsection (9).
- Reimbursement for damage (8) Any person, other than the debtor, who has an interest in the goods to which an accession is affixed or attached at the time when the goods subject to a security interest become an accession is entitled to reimbursement for any damage to his interest in the goods to which the accession is affixed or attached resulting from the removal of the accession, but is not entitled to reimbursement for diminution in their value caused by the absence of the accession or by the necessity for its replacement.
- Refusal of permission (9) The persons entitled to reimbursement as provided in subsection (8) may refuse permission to remove the goods until the secured party has given adequate security for the reimbursement.
- Application to court (10) The secured party may apply to a court for an order
- (a) determining the persons entitled to reimbursement under this section,
 - (b) determining the amount and kind of security to be provided by the secured party, or
 - (c) dispensing with the consent of any or all of the persons mentioned in paragraph (a).
- Postponement of removal (11) A person entitled to receive a notice under subsection (5) may apply to a judge for an order postponing removal of the accession from the goods to which it is affixed or attached, and the judge may make any order that he considers just.
- Retention of accession (12) A person having an interest in goods that is subordinate to a security interest by virtue of subsection (1) may, before the accession is removed, retain the accession upon satisfaction of

the obligations secured by the security interest having priority over his interest.

Duty of secured party (13) A secured party who has the right to remove an accession from the goods to which it is affixed or attached shall exercise his right of removal in a manner that causes no greater damage or injury to those goods, or that puts the person who is in possession of those goods to any greater inconvenience, than is necessarily incidental to the removal of the accession.

Commingled Goods

Continuity of perfection 38(1) A perfected security interest in goods that subsequently become part of a product or mass continues in the product or mass if the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass.

Sharing by interests (2) Where more than one perfected security interest attaches to the product or mass, the security interests are entitled to share in the product or mass according to the ratio that the obligations secured by each security interest entitled to share bear to the sum of the obligations secured by all the security interests entitled to share.

Exception (3) This section does not apply to a security interest in an accession to which section 37 applies.

Subordination

Subordination 39(1) A secured party may, in the security agreement or otherwise, subordinate his security interest to any other security interest.

Assignment by Secured Party

Rights of assignee 40(1) Unless a debtor on an intangible or chattel paper has made an enforceable agreement not to assert defences or claims arising out of a contract between the debtor and the assignor, the rights of an assignee are subject to (a) all the terms of the contract between the debtor on an intangible or chattel paper and

the assignor and any defence or claim arising out of the contract, and

- (b) any other defence or claim of the debtor on an intangible or chattel paper against the assignor that accrued before the debtor on an intangible or chattel paper received notice of the assignment.

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| Modification after assignment | (2) | So far as the right to payment under an assigned contract right has not been earned by performance, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith, in accordance with reasonable commercial standards, and without material adverse effect upon the assignee's rights under or the assignor's ability to perform the contract, is effective against an assignee unless the debtor on an intangible or chattel paper has otherwise agreed, but the assignee acquires corresponding rights under the modified or substituted contract. |
| Exception | (3) | Nothing in subsection (2) affects the validity of a term in an assignment agreement that provides that any modification or substitution in relation to the agreement by the assignor is a breach of the agreement. |
| Debtor may pay assignor | (4) | Subject to paragraph 10(1)(e) of the <u>Judicature Ordinance</u> , the debtor on an intangible or chattel paper may pay the assignor until the debtor receives notice of the assignment reasonably identifying the relevant rights and, if requested by the debtor within a reasonable time, proof of the assignment. |
| Assignments are valid | (5) | A term in a contract between a debtor on an intangible and an assignor that prohibits assignment of the whole of an account or intangible for money due or to become due is void. |

PART IV.
THE REGISTRATION SYSTEM

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| Establishment of system | 41(1) | A registration system, including a registry for the registration of financing statements, shall be established for the purposes of this Ordinance. |
| Registrar | (2) | There shall be appointed, from among the members of the Public Service, a registrar of personal property security. |
| Duties of registrar | (3) | The registrar shall supervise the administration of the registration system established under subsection (1). |
| Designation by registrar | (4) | The registrar may designate one or more persons on the staff of his office to act on his behalf. |

Searches

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| Search of registry | 42(1) | Upon the request of any person in a prescribed manner and upon payment of the prescribed fee in the prescribed manner, the registrar shall <ol style="list-style-type: none">(a) issue a search report stating whether there is registered at the time mentioned in the search report a financing statement in which the person named in the request is shown as a debtor and, if there is, its registration number, and any other information recorded in the office of the registration system,(b) provide a certified copy of any registered financing statement, or(c) provide such further or other information as he may be required by regulation to provide. |
| Search report | (2) | A search report issued under paragraph (1)(a) is prima facie evidence of its contents. |
| Certified copy | (3) | A certified copy issued under paragraph (1)(b) is prima facie evidence of the contents of the financing statement of which it is a copy. |
| Warning | (4) | A search report issued under paragraph (1)(a) may contain a warning in such words as may be prescribed concerning its accuracy. |

Certified copy (5) A copy of any registered document certified by the registrar is receivable in evidence as prima facie proof for all purposes, without proof of his signature or official position.

Financing Statements

General form 43(1) In order to register under this Ordinance for the purpose of perfecting a security interest, a financing statement shall be registered that contains in typed form
(a) the name and address of the debtor,
(b) the name and address of the secured party,
(c) a sufficient description of the collateral, and
(d) such other information as may be prescribed.

Tender for registration (2) A financing statement may be tendered for registration at the registry, or it may be sent for registration by mail addressed to the prescribed address.

Refusal of registration (3) Where, in the opinion of the registrar, a document tendered for registration does not comply with this Ordinance, he may refuse to register it, and shall give the reason for his refusal.

Signature by agent (4) For the purposes of this Ordinance, a writing is deemed to be signed by a person when it is signed by the person or his agent.

Time for registration (5) A financing statement may be registered at any time, and before a security agreement is made or a security interest attaches.

Fixtures and Crops

Interests in land 44(1) In order to perfect, against interests to which the Land Titles Act (Canada) applies, a security interest in crops that are growing or to be grown or in goods before or after they become fixtures, a copy of the financing statement and such form of application for registration as may be prescribed shall also be registered under the Land Titles Act (Canada).

- Interests in goods (2) A security interest in crops or in fixtures may be perfected as a security interest in goods without also being perfected pursuant to subsection (1).
- Registration under Land Titles Act (3) A copy of a financing statement accompanied by a form of application for registration prescribed under subsection (1) may be registered under the Land Titles Act (Canada), and the registrar or deputy registrar appointed under the Land Titles Act (Canada), upon payment of the proper fee, shall enter and register the financing statement as an encumbrance against the land therein described as provided by the Land Titles Act (Canada).
- Financing statement (4) A copy of a financing statement is not registrable under subsection (3) unless,
(a) it contains a sufficient description of the land to which it relates, and
(b) the title to the land to which it relates is registered under the Land Titles Act (Canada).
- Discharge or release (5) Where the registration of a financing statement ceases to be effective under section 54, or where a discharge of a security agreement or release of collateral is made under section 52, the registrar or deputy registrar appointed under the Land Titles Act (Canada) shall, upon the production of such proof if any as he may require, make an entry as provided by the Land Titles Act (Canada) noting that the registration of the financing statement has lapsed, that the security agreement has been discharged, or that the collateral has been released, as the case may be, in whole or in part.
- Change in statement (6) Sections 45 to 50 apply mutatis mutandis in respect of financing statements registered under the Land Titles Act (Canada).

Assignment by Secured Party

- Financing statement 45(1) Where a financing statement is registered and the secured party assigns his interest, a financing statement disclosing the assignment may be registered if it sets forth in typed form at least
(a) the name and address of the debtor,

- (b) the name and address of the secured party of record,
- (c) the name and address of the assignee, and
- (d) the registration number of the previously registered financing statement.

- Partial assignment (2) Where an assignment under subsection (1) relates to only part of the collateral, the financing statement registered under subsection (1) shall contain a sufficient description of the collateral to which the assignment relates.

- Assignment before registration (3) Where no financing statement has been registered with respect to a security interest and the secured party assigns his interest, a financing statement may be registered in which the assignee is disclosed as the secured party.

- Assignee is secured party (4) After registration of a financing statement under this section, the assignee becomes the secured party of the record.

- Time for registration (5) A financing statement disclosing an assignment may be registered before or after an agreement to assign the security interest has been completed.

Assignment by Debtor

- Assignment with consent 46(1) Where a security interest is perfected by registration and the debtor with the consent of the secured party assigns his interest in the collateral, the assignee becomes a debtor and the security interest becomes and remains unperfected to the extent of the interest assigned until the secured party registers a financing statement containing the prescribed information.

- Assignment without consent (2) Where a security interest is perfected by registration and the secured party learns that the debtor has changed his name or assigned his interest in the collateral, the security interest becomes unperfected to the extent of the interest assigned 15 days after the secured party learns of the change of name or the assignment and the name and address of the assignee, unless the secured party registers a financing statement containing

the prescribed information within the 15-day period.

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| Re-perfection | (3) | A security interest that becomes unperfected under subsection (1) or (2) may thereafter be perfected by registering a financing statement containing the prescribed information or as otherwise provided by this Ordinance. |
| Prior registrations | (4) | This section does not have the effect of unperfected a prior security interest as defined in subsection 71(1) that is registered under a prior registration law as defined in that subsection. |

Amendments

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| Financing statement | 47(1) | A financing statement disclosing an amendment to a previously registered financing statement may be registered at any time during the period that the previous registration is effective. |
| Effect of registration | (2) | Where an amendment adds collateral or alters the name or description of the debtor, it is effectively registered as to the additional collateral, or as to the altered name or description, only from the date of the registration of the financing statement disclosing the amendment. |
| Release of collateral | (3) | A financing statement releasing certain collateral described in a previously registered financing statement may be registered at any time during the period that the registration is effective and it takes effect from the date of registration of the financing statement disclosing an amendment releasing collateral. |
| Registration number | (4) | A financing statement registered under this section must refer to the registration number of the financing statement that it amends. |

Subordination

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| Financing statement | 48(1) | A financing statement disclosing a subordination of a security interest created or provided for by a |
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security agreement in respect of which a financing statement has been registered under this Ordinance may be registered at any time during the period that the registration of the subordinated interest is effective.

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| Effect of registration | (2) | Unless a contrary intention appears from the financing statement disclosing a subordination to it of a previously registered financing statement, it is effectively registered and takes effect only from the date of registration of the financing statement disclosing the subordination. |
| Registration number | (3) | A financing statement registered under this section must refer to the registration number of the financing statement that is subordinated to it. |

Renewal

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| Financing statement | 49(1) | A financing statement disclosing a renewal of a previously registered financing statement may be registered at any time during the period that the previous registration is effective. |
| Registration number | (2) | A renewal must refer to the registration number of the financing statement that it renews. |

Removal of Records

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| Occasion for removal | 50(1) | Financing statements or information provided on a financing statement as the case may require may be removed from the records of the registry
(a) when the financing statement is no longer effective,
(b) upon the receipt of a financing statement discharging or partially discharging the financing statement,
(c) upon the failure of the secured party to register a financing statement disclosing a judge's order maintaining a financing statement under subsection 52(4), or
(d) upon the receipt of a court order compelling the discharge or partial discharge of the financing statement. |
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Receivers

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| Registration required | 51(1) | Every person who obtains an order for the appointment of a receiver or receiver manager of the property of a debtor or who appoints a receiver or receiver manager under the terms of a security agreement shall, within 15 days from the date of the order or appointment, register a financing statement disclosing the appointment. |
| Renewal of appointment | (2) | Every receiver or receiver manager of the property of a debtor shall, while he continues to act as a receiver or receiver manager, register a financing statement disclosing the renewal of his appointment in the manner prescribed by section 47 in order to maintain in effect the registration made under subsection (1). |
| Termination | (3) | Every receiver or receiver manager of the property of a debtor shall, upon ceasing to act as a receiver or receiver manager, register a financing statement disclosing his ceasing to act as a receiver or receiver manager of the property of the debtor. |
| Trust indenture | (4) | This section applies with the necessary changes with respect to a trustee under a trust deed. |

Discharge of Security Agreement

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| Financing statement discharge | 52(1) | Where a financing statement is registered and the collateral or proceeds, as the case may be, is released or partially released, the secured party shall discharge the registration, wholly or partially, as the case may require, by registering a financing statement containing the prescribed information. |
| Prohibition | (2) | No financing statement discharging a registration under subsection (1) shall be registered unless financing statements disclosing all assignments by the secured party or debtor are registered. |
| Demand for financing statement | (3) | Where a financing statement is registered and
(a) all the obligations under the security agreement to which it relates are performed, |

- (b) it is agreed to release part of the collateral in which a security interest is taken upon payment or performance of certain of the obligations under the security agreement, then upon payment or performance of such obligations, or
- (c) it purports to give the secured party a security interest in property of the debtor in which the secured party does not have, or is not entitled to claim, a security interest, any person having an interest in the collateral which is the subject of the security agreement or financing statement may serve a written demand on the secured party, demanding a financing statement discharging the registration under subsection (1), and the secured party shall sign and deliver or send to the registry the financing statement together with financing statements discharging the registration of all assignments by the secured party or the debtor in respect of which such financing statements have not been registered, within fifteen days after service of the demand.

Notice of discharge

- (4) Where the secured party, without reasonable excuse, fails to deliver the required financing statements within 15 days after receipt of a demand under subsection (3), the person who has made the demand may require the registrar to serve a notice in writing on the secured party stating that the registration of the registered financing statement will be discharged or that a part of the collateral will be released, as the case may be, upon the expiration of 40 days after the day on which the registrar serves the notice on the secured party, unless in the meantime the secured party registers with the registrar a financing statement disclosing an order of a judge that the registration of the interest of the secured party be maintained, in whole or in part, as the case may be.

Application to judge

- (5) The secured party may apply to a judge by originating application with notice of the application to the person demanding under subsection (3) and the registrar, and the judge may,

- (a) order that the registration of a financing statement be maintained in whole or in part, with or without conditions and, subject to section 54, for any period of time that he considers just,
- (b) order that the registration of a financing statement be discharged, in whole or in part, with or without conditions, or upon the provision of such security as he considers just, or
- (c) if he determines that the secured party had insufficient cause for not filing a financing statement disclosing a discharge of obligations under the security agreement, order the secured party to pay to the person demanding the discharge under subsection (3) the sum of \$200 or the amount of the loss, damage, or inconvenience suffered by that person, whichever is greater.

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| Service | (6) | The demand or notice mentioned in subsection (3) or (4) may be served in accordance with subsection 67(1) or by registered mail addressed to the post office address of the secured party as it appears on the security agreement or financing statement. |
| Exception | (7) | Subsection (4) does not apply to an agreement registered under the <u>Corporation Securities Registration Ordinance</u> or to a financing statement registered with respect to a security interest taken under a trust deed where the financing statement indicates that the security agreement with respect to which the financing statement was registered is a trust deed. |
| Trust deeds | (8) | Where the secured party under a registration to which the <u>Corporation Securities Registration Ordinance</u> applies or under a trust deed fails to deliver the financing statements demanded in subsection (3), the person making the demand may apply to the Court, upon notice to all persons concerned, for an order directing that the financing statement be removed from the registry. |

Action against Commissioner

Amount of award	53(1)	Subject to the other provisions of this section, any person who suffers loss or damage as a result of his reliance upon a prescribed registry document or printed search result that is incorrect because of an error or omission in the operation of the registry may bring an action against the Commissioner in the Court for recovery of damages, but no award of damages to any single claimant shall exceed the prescribed amount.
Limitation	(2)	No action for damages under this section lies against the Commissioner unless it is commenced within one year after the time of the person's having suffered the loss or damage.
Class action	(3)	Any action for recovery of damages under this section brought by a person shall be brought as an action on behalf of all other persons who relied on the same document or result, and the judgment in the action, except to the extent that it relates to the finding of the fact of reliance by each person and provides for subsequent determination of the amount of damages suffered by each person, constitutes a judgment between each person and the Commissioner in respect of an error or omission in the operation of the registry.
Trust deed	(4)	An action for recovery of damages under this section brought by a trustee under a trust deed or any person with an interest in a trust deed shall be brought as an action on behalf of all persons with interests in the same trust deed, and the judgment in the action, except to the extent that it provides for subsequent determination of the amount of damages suffered by each such person, constitutes a judgment between each such person and the Commissioner in respect of the error or omission.
Trust deed	(5)	In an action brought by a trustee under a trust deed or by any person with an interest in a trust deed, proof that each person relied on the document or result is not necessary if it is established that the trustee relied on the document or result,

but no person is entitled to recover damages under this section if he knew at the time he acquired his interest that the document or result relied on by the trustee was incorrect.

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| Total claims | (6) | The total of all claims for compensation paid under subsections (3) and (4) in any single action shall not exceed the prescribed amount. |
| Notice | (7) | In proceedings under subsections (3) and (4) the Court may make any order it considers appropriate to give notice to members of the class. |
| Immunity | (8) | Except as provided by this section, no action shall be brought against the Commissioner, the registrar or any officer or employee of the registry for any act or omission of the registrar or any officer or employee of the registry in respect of the discharge or purported discharge of any duty or function under this Ordinance. |

Effect of Registration

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| Time of effect | 54(1) | A registration under this Ordinance is effective only from the time of the assignment to it of the registration number and the recording of the prescribed particulars of it in the registry or in the Land Titles Office, as the case may be. |
| Duration of effect | (2) | Registration under this Ordinance of a financing statement is effective for the prescribed length of time. |
| Registration is not notice | (3) | Registration of a financing statement shall not constitute constructive notice or knowledge to third parties of
(a) its contents,
(b) the security interest to which it refers, or
(c) the financing statement itself. |

PART V
DEFAULT - RIGHTS AND REMEDIES

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| Application of Part | 55(1) | Unless otherwise provided in this Part, this Part applies only to a security interest that secures payment or performance of an obligation. |
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- Pawnbrokers (2) This Part does not apply to a transaction between a pledgor and a pawnbroker.
- Rights are cumulative (3) The rights and remedies mentioned in this Part are cumulative.
- Rights of secured party (4) Where the debtor is in default under a security agreement, the secured party has, in addition to any other rights and remedies,
(a) the rights and remedies provided in the security agreement except as limited by subsection (7),
(b) the rights and remedies provided in this Part, and
(c) when in possession, the rights, remedies and duties provided in section 17.
- Enforcement of interest (5) The secured party may enforce the security interest by any method available in or permitted by law, and if the collateral is or includes documents of title, the secured party may proceed either as to the documents of title or as to the goods covered thereby, and any method of enforcement that is available with respect to the documents of title is also available, mutatis mutandis, with respect to the goods covered thereby.
- Rights of debtor (6) Where the debtor is in default under a security agreement, he has, in addition to the rights and remedies provided in the security agreement and any other rights and remedies, the rights and remedies provided in this Part and in section 17.
- No waiver or variation (7) Except as provided in sections 17, 61 and 62, no provision of section 17 or sections 59 to 63, to the extent that they give rights to the debtor and impose duties upon the secured party, shall be waived or varied, but the parties may by agreement determine the standards by which the rights of the debtor and the duties of the secured party are to be measured, so long as such standards are not manifestly unreasonable having regard to the nature of such rights and duties.
- Real and personal property (8) Where a security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he

may proceed as to both the real and the personal property, in which case this Part applies to the personal property only to the extent that it is not inconsistent with laws applicable to proceedings against real and personal property in a single action.

- No merger (9) A security interest does not merge merely because a secured party has reduced his claim to judgement, and the right of the secured party to the proceeds of the collateral is not affected by any execution levied under the judgment.
- Appointment of receiver 56(1) A security agreement may provide for the appointment of a receiver or a receiver-manager and, except as provided in this Ordinance, prescribe his rights and duties.
- Powers of Court (2) Upon the application of any person entitled to make an application under section 63, and after notice has been given to any person that the judge directs, the Court may
- (a) appoint a receiver or receiver-manager,
 - (b) remove, replace or discharge a receiver or receiver-manager whether appointed by a court or pursuant to a security agreement,
 - (c) give directions on any matter relating to the duties of a receiver or receiver-manager,
 - (d) approve the accounts and fix the remuneration of a receiver or receiver-manager, and
 - (e) make any order it thinks fit in the exercise of its jurisdiction over receivers and receiver-managers.
- Rights and duties (3) Notwithstanding any other Ordinance, and except as otherwise ordered by the Court, a receiver or receiver-manager appointed under a security agreement has the rights of a secured party under this Part and shall comply with this Part and section 17 as if he were a secured party.
- Exception (4) Unless the Court orders otherwise,
- (a) a receiver-manager is only required to comply with sections 17 and 57 to 60 when he disposes

of collateral otherwise than in the course of carrying on the business of the debtor, and
(b) sections 61 and 62 do not apply whenever a receiver or receiver-manager has been appointed.

Collection rights of secured party 57(1) Where so agreed and in any event upon default under a security agreement, a secured party is entitled
(a) to notify any debtor on an intangible or chattel paper or any obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and
(b) to take control of any proceeds to which he is entitled under section 27.

Expenses of collection (2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the debtors on intangibles or chattel paper or obligors on instruments shall proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections.

Seizure on default 58(1) Subject to sections 36 and 37, upon default under a security agreement,
(a) the secured party has, unless otherwise agreed, the right to take possession of the collateral by any method permitted by law,
(b) if the collateral is equipment and the security interest is perfected by registration, the secured party may, in a reasonable manner, render such equipment unusable without removal thereof from the debtor's premises, and the secured party shall thereupon be deemed to have taken possession of such equipment, and
(c) the secured party may dispose of collateral under section 59 on the debtor's premises.

Disposal of Collateral

Proceeds of disposition 59(1) Upon default under a security agreement, the secured party may dispose of any of the collateral

in its condition either before or after any commercially reasonable repair, processing or preparation for disposition, and the proceeds of the disposition shall be applied consecutively to

- (a) the reasonable expenses of retaking, holding, repairing, processing, preparing for disposition and disposing of the collateral and any other reasonable expenses incurred by the secured party, and
- (b) the satisfaction of the obligation secured by the security interest of the party making the disposition.

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| Manner of disposal | (2) | Collateral may be disposed of in whole or in part, and any such disposition may be by public sale, private sale, lease or otherwise and, subject to subsection (4), may be made at any time and place and on any terms so long as every aspect of the disposition is commercially reasonable. |
| Delay | (3) | The secured party may delay disposition of the collateral in whole or in part for such period of time as is commercially reasonable. |
| Notice of disposition | (4) | Not less than 20 days prior to disposition of the collateral, the secured party shall serve a notice on <ul style="list-style-type: none">(a) the debtor or any other person who is known by the secured party to be the owner of the collateral,(b) any creditor or person with a security interest in the collateral whose interest is subordinate to that of the secured party and who has registered a financing statement indexed in the name of the debtor, and(c) any other person with an interest in the collateral who has delivered a written notice to the secured party of his interest in the collateral prior to the date of the service of the notice on the debtor. |
| Contents of notice | (5) | The notice mentioned in subsection (4) shall contain <ul style="list-style-type: none">(a) a brief description of the collateral, |

- (b) a statement as to the amount required to satisfy the obligation secured by the security interest,
- (c) a statement as to the sums actually in arrears, exclusive of the operation of any acceleration clause in the security agreement, and a brief description of any other provision of the security agreement for the breach of which the secured party intends to dispose of the collateral,
- (d) a statement as to the amount of the applicable expenses referred to in paragraph (1)(a) or, in a case where the amount of such expenses has not been determined, a reasonable estimate,
- (e) a statement, where applicable, that upon payment of the amounts due under paragraphs (b) and (d) the debtor or other person may redeem the collateral,
- (f) a statement, where applicable, that upon payment of the sums actually in arrears or the curing of any other default, as the case may be, together with the amounts due under paragraph (1)(a), the debtor may reinstate the security agreement,
- (g) a statement that unless the collateral is redeemed or the security agreement is reinstated the collateral will be disposed of and the debtor may be liable for any deficiency, and
- (h) a statement as to the date, time and place of any public sale, or the date after which any private disposition of the collateral is to be made.

Notice by
receiver

- (6) A notice under subsection (4) given by a receiver or receiver-manager need contain only
 - (a) a description of the collateral by type or kind, and
 - (b) a statement as to the date, time and place of any public sale, or the date after which any private disposition of the collateral is to be made.

Statements
not needed

- (7) Where the notice required in subsection (4) is served on any person other than the debtor, it need

not contain the information specified in paragraphs (5)(c), (f) and (g), and where the debtor is not entitled to reinstate the security agreement, the notice to the debtor need not contain the information specified in paragraphs (5)(e) and (f).

- Deficiency (8) No statement mentioned in paragraph (5)(g) shall make reference to any liability on the part of the debtor to pay a deficiency if under any Ordinance or rule of law the secured party does not have the right to collect a deficiency from the debtor.
- Purchase by secured party (9) The secured party may purchase the collateral or any part thereof only at a public sale.
- Bona fide purchaser (10) When a secured party disposes of collateral by sale to a bona fide purchaser for value who takes possession of it, the purchaser acquires the collateral free from the interests of the debtor and from any interest subordinate to that of the secured party, whether or not the requirements of this section have been complied with by the secured party, and all obligations secured by such subordinate interests are deemed to be performed for the purposes of section 52.
- Exception (11) Subsection (10) does not apply so as to affect the rights of a person with a security interest deemed to be registered under section 71 who has not been given a written notice under this section.
- Transfer to guarantor etc. (12) A person who is liable to a secured party under a guarantee, endorsement, covenant, repurchase agreement, or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party, and such a transfer of collateral is not a disposition of the collateral.
- Notice not required (13) The notice mentioned in subsection (4) is not required where
(a) the collateral is perishable,

- (b) the collateral will decline substantially in value if not disposed of immediately after default,
- (c) the cost of care and storage of the collateral is disproportionately large in relation to its value,
- (d) due to market conditions, a delay in disposing of the collateral would likely reduce the amount recovered from its disposition,
- (e) for any other reason, a judge of the Court, on ex parte application, is satisfied that a notice is not required, or
- (f) after default, every person entitled to receive a notice of disposition under subsection (4) consents in writing to the immediate disposition of the collateral.

Service (14) The notice required in subsection (4) may be served in accordance with subsection 67(1), or in the case of a person who has registered a financing statement, by registered mail addressed to his post office address as it appears on the statement or on the security agreement.

Surplus or deficiency 60(1) Where a security agreement secures an indebtedness and the secured party has dealt with the collateral under section 57 or has disposed of it in accordance with section 59 or otherwise, he shall account for and pay over any surplus consecutively to

- (a) any person who has a subordinate security interest in the collateral who registers a financing statement prior to the distribution of the surplus,
- (b) any other person who has an interest in the surplus, if that person has delivered a written demand for it on the secured party prior to distribution of the surplus, and
- (c) the debtor.

Proof of interest (2) The secured party may request a person who has a subordinate security interest or a person who has delivered a written demand to furnish him with proof of that person's interest, and unless the person furnishes such proof within ten days after

the secured party's demand, the secured party need not pay over any portion of the surplus to him.

Liability of debtor (3) Unless otherwise agreed, or unless otherwise provided in any Ordinance, the debtor is liable for any deficiency.

Retention by Secured Party

Proposal to retain 61(1) After default, the secured party in possession of the collateral may propose to retain the collateral in satisfaction of the obligations secured, and shall serve a notice of the proposal on

- (a) the debtor or any other person who is known by the secured party to be the owner of the collateral,
- (b) any creditor or person with a security interest in the collateral whose interest is subordinate to that of the secured party and who has registered a financing statement indexed in the name of the debtor, and
- (c) any other person with an interest in the collateral who has delivered a written notice to the secured party of his interest in the collateral prior to the date of the service of the notice on the debtor.

Objection (2) If any person who is entitled to notice under subsection (1), and whose interest in the collateral would be adversely affected by the secured party's proposal, delivers to the secured party a written objection within 15 days after service of the notice, the secured party shall dispose of the collateral under section 59.

Effect of retention (3) If no objection is made, the secured party in possession is, at the expiration of the 15-day period, deemed to have elected irrevocably to retain the collateral in full satisfaction of the obligations secured, and thereafter is entitled to hold or dispose of the collateral free from all rights and interests therein of

- (a) any person entitled to notice under paragraph (1)(b) who has been served with such notice, and

- (b) any person entitled to notice under paragraph (1)(a) or (c) whose interest is subordinate to that of the secured party and who has been served with such notice.
- Proof of interest (4) The secured party may require any person who has made an objection to his proposal to furnish him with proof of that person's interest in the collateral and, unless the person furnishes proof within ten days of the secured party's demand, the secured party may proceed as if he had received no objection from such person.
- Application to judge (5) Upon application by a secured party, and after notice to all persons affected, a judge may determine that an objection to the proposal of a secured party is ineffective on the ground that (a) the person made the objection for a purpose other than the protection of his interest in the collateral or the proceeds of a disposition of the collateral, or (b) the market value of the collateral is less than the total amount owing to the secured party and the costs of the disposition.
- Bona fide purchaser (6) When a secured party in possession disposes of collateral after expiration of the period mentioned in subsection (3) to a bona fide purchaser for value who takes possession of it, the purchaser acquires the collateral free from any interest subordinate to that of the secured party, whether or not the requirements of this section have been complied with by the secured party, and all obligations secured by such subordinate interests are deemed to be performed for the purposes of section 52.
- Exception (7) Subsection (6) does not apply so as to affect the rights of a person with a security interest deemed to be registered under section 71 who has not been given a written notice under this section.
- Service (8) The notice required under subsection (1) may be served in accordance with subsection 67(1) or, in the case of service on a person who has registered a financing statement, by registered mail addressed

to his post office address as it appears on the statement or the security agreement.

Redemption and Reinstatement

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| Exercise of right | 62(1) | Unless he has after default otherwise agreed in writing,
(a) any person entitled to receive a notice under subsection 59(4) may redeem the collateral by tendering fulfillment of all obligations secured by the collateral, or
(b) the debtor may reinstate the security agreement by paying the sums actually in arrears, exclusive of the operation of any acceleration clause, or by curing any other default by reason whereof the secured party has taken possession of the collateral, upon payment of a sum equal to the reasonable expenses incurred by the secured party in retaking, holding, repairing, processing, preparing the collateral for disposition and arranging for its disposition, and any other reasonable expenses incurred by the secured party. |
| Only one reinstatement | (2) | A security agreement may be reinstated only once in its life, and then only if the payment terms under the agreement are less than six months in arrears. |
| Deadline | (3) | Redemption under paragraph (1)(a) or reinstatement under paragraph (1)(b) may occur at any time before the secured party
(a) has disposed of the collateral,
(b) has contracted for such disposition under section 59, or
(c) is deemed to have elected irrevocably under section 61 to retain the collateral in satisfaction of the obligation. |

Non-compliance by Secured Party

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| Application to court | 63(1) | Where a secured party in possession of collateral is not complying with an obligation imposed by section 17, or after default, is not proceeding in accordance with this Part or the account is disputed, the debtor, any person who is the owner of the collateral, the creditor of either of them, |
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or any person other than the secured party who has an interest in the collateral may apply to a court having jurisdiction and the court may, upon hearing the application, direct that the secured party comply with the obligations imposed by section 17 or this Part, order that the collateral be or not be disposed of, order an account to be taken, or make such other or further order as the court deems just.

Liability of secured party	(2)	If the disposition of the collateral has been made otherwise than in accordance with this Part, the debtor or any other person entitled to notice under subsection 59(4) or whose security interest has made been known to the secured party prior to the disposition has a right to recover from the secured party any loss or damage caused by his failure to comply with this Part.
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PART VI
MISCELLANEOUS

Exercise of rights and duties	64(1)	All rights, duties or obligations arising under a security agreement, under this Ordinance or under any other applicable law, shall be exercised in good faith and in a commercially reasonable manner.
Recovery of loss	(2)	Where a person fails to discharge any duties or obligations imposed upon him by this Ordinance, any person has a right to recover loss or damage that he suffered and that was reasonably foreseeable as liable to result from such failure.
No waiver	(3)	Except as otherwise provided by this Ordinance, any provision of any agreement that purports to limit the liability of a person for failure to discharge duties imposed on him by this Ordinance is void.
Other laws apply	65(1)	The principles of law and equity, including the law merchant, the law relating to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion and mistake, and other validating or invalidating rules of law, supplement this Ordinance and continue to apply.

- Effect of agreements (2) Except as provided by this or any other Ordinance, a security agreement is effective according to its terms.
- Minor defects 66(1) The validity or effectiveness of a document to which this Ordinance applies is not affected by reason of a defect, irregularity, omission or error in the document or in the execution or registration of the document unless the defect, irregularity, omission or error is seriously misleading.
- Partial errors (2) Failure to provide a description required by this Ordinance in relation to any type of collateral in a document does not affect the validity or effectiveness of the document as it relates to other collateral.
- Rules of court (3) Unless otherwise provided by this Ordinance or the regulations, the Rules of Court apply to proceedings under this Ordinance.
- Service 67(1) Where under this Ordinance a notice or any other written matter may be or is required to be served, it may be served on
- (a) an individual, by personal service or by registered mail addressed to him at his residence or place of business and, if he has more than one place of business, at any one of his places of business,
 - (b) a partnership,
 - (i) by personal service upon any one or more of the partners or any person having, at the time of service, control or management of the partnership business at the principal place of business of the partnership within the Territory, or
 - (ii) by registered mail addressed to the partnership, any one or more of the partners, any person having, at the time of service, control or management of the partnership business at the principal place of business of the partnership within the Territory, or at the post office address of the principal place of business of the partnership within the Territory,

- (c) a body corporate, by delivery to the registered office of the body corporate or by registered mail addressed to the body corporate at its registered office, and
- (d) an extra-territorial body corporate, by delivery to the attorney for the body corporate appointed under section 163 of the Companies Ordinance, or section 45 of the Societies Ordinance, or by registered mail addressed to the body corporate at the address of such attorney.

Registered mail

- (2) Service by registered mail is effected when the addressee actually receives a notice or any other written matter, or upon the expiry of four days after the day of registration, whichever is earlier.

Knowledge or notice

- (3) For the purposes of this Ordinance, a person knows or has notice when,
 - (a) in the case of an individual, information comes to his attention under circumstances in which a reasonable person would take cognizance of it, and
 - (b) in the case of a partnership, information has come to the attention of one or more of the partners or of a person having control or management of the partnership business under circumstances in which a reasonable person would take cognizance of it, and
 - (c) in the case of a body corporate, information has come to the attention of
 - (i) a managing director or officer of the corporation, or
 - (ii) a senior employee of the corporation with responsibility for matters to which the information relates,

under the circumstances in which a reasonable person would take cognizance of it, or the information in writing has been delivered to the registered office of the body corporate or attorney for an extra-provincial body corporate appointed under section 163 of the Companies Ordinance or section 45 of the Societies Ordinance.

Service by registered mail (4) Where a notice or any other written matter may be served by registered mail to the post office address as it appears on a registered financing statement or security agreement and

- (a) no financing statement was required to be registered and no sufficient address appears on the security agreement, or
- (b) no document is registered and the security interest is deemed to be perfected under subsection 71(3),

the notice or other written matter shall be served in accordance with subsection (1).

Extension of time 68(1) Where in this Ordinance other than sections 5 to 7, 13 and 34, Part IV and this Part, any time is prescribed within which or before which any act or thing must be done, the Court on application may, upon such terms, conditions and notice, if any, as it may order, extend the time for doing the act or thing.

Regulations

Regulations 69(1) The Commissioner may make such regulations as he deems necessary

- (a) prescribing the duties of the registrar;
- (b) prescribing business hours for the office;
- (c) respecting the registration system including the indexing of collateral by serial number;
- (d) requiring the payment of fees and prescribing amounts thereof;
- (e) governing practice and procedure applicable to proceedings under this Ordinance;
- (f) prescribing forms and providing for their use;
- (g) respecting the signing of financing statements,
- (h) respecting the length of time that registration of a financing statement is effective;
- (i) authorizing the registrar to accept for registration financing statements that are not in typed form, or that are not in the prescribed form;
- (j) exempting from the operation of this Ordinance leases of specified types or classes

- of goods by specified or classes of persons;
and
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Ordinance.

Transitional Provisions

- | | | |
|--------------------------|-------|---|
| Application of Ordinance | 70(1) | This Ordinance applies <ul style="list-style-type: none">(a) to every security agreement made after this section comes into force, and(b) to every prior security interest as defined in subsection 71(1), that has not been validly terminated, completed, consummated or enforced in accordance with the prior law before this section comes into force. |
| Validity of interests | (2) | Notwithstanding section 74, the validity of a prior security interest as defined in section 71 is governed by the prior law. |
| Prior security interests | (3) | Notwithstanding section 74, the order of priorities between security interests is determined by prior law if all of the competing security interests arose under security agreements entered into before this section comes into force. |
| Other interests | (4) | Notwithstanding section 74, the order of priorities between a security interest and the interest of a third party is determined by prior law if the third party interest arose before this section comes into force and the security interest arose under a security agreement entered into before this Ordinance comes into force. |
| "prior law" | (5) | In this section, "prior law" means the law in force on the day immediately preceding the day on which this section comes into force. |
| Included interests | (6) | This Ordinance applies to security interests created under <ul style="list-style-type: none">(a) renewal, extension, refinancing or consolidation agreements made after this section comes into force, and |

- (b) revolving credit transactions entered into before and continuing after this section comes into force.

71(1) In this section,

"priority security interest"

"prior security interest" means a transaction, lease, assignment, sale or consignment validly created or entered into before this section comes into force that is a security interest within the meaning of this Ordinance and to which this Ordinance would have applied if it had been in force at the time when the transaction, lease, assignment, sale or consignment was created or entered into; and

"prior registration law"

"prior registration law" means the Assignment of Book Debts Ordinance, the Bills of Sale Ordinance, the Conditional Sales Ordinance, section 102 of the Companies Ordinance, and the Corporation Securities Registration Ordinance.

Registered prior interest

- (2) A prior security interest that, when this section comes into force, is covered by an unexpired filing or registration under a prior registration law shall be deemed to be registered under this Ordinance and, subject to this Ordinance, such registration continues the effect of the prior filing or registration for the lesser of the unexpired portion of the filing or registration period and three years from the date on which this section comes into force, and the effect of the prior filing or registration may be further continued by the registration of a financing statement under this Ordinance.

Unregistered perfected prior interest

- (3) A prior security interest validly created, reserved, or provided for under any prior law that gave that interest the priority of a perfected security interest without filing or registration under any prior registration law and without the secured party taking possession of the collateral is perfected within the meaning of this Ordinance as of the date the security interest attached, and that perfection continues for three years from the date this section comes into force

without registration under this Ordinance, after which it becomes unperfected unless otherwise perfected under this Ordinance.

- Continuity of perfection (4) The perfection of a prior security interest that, when this section comes into force, is covered by an unexpired filing or registration under a prior registration law, and for the perfection of which under this Ordinance no registration of a financing statement is required, continues under this Ordinance.
- Unregistered prior interest (5) A prior security interest that, when this section comes into force, could have been but is not covered by a filing or registration under a prior registration law, may, subject to this Ordinance, be perfected by the registration of a financing statement under this Ordinance.
- Perfection by possession (6) A prior security interest that, when this section comes into force, could be but is not perfected under the prior law by the secured party's taking possession of the collateral, may, if permitted by this Ordinance, be perfected by possession in accordance with this Ordinance.
- Time of possession (7) A prior security interest that, under this Ordinance, may be perfected by the secured party taking possession of the collateral is perfected for the purposes of this Ordinance by such possession, whether such possession occurs before or after this section comes into force and notwithstanding that the prior law did not permit the perfection of the security interest by such possession.
- Perfection without registration or possession (8) A prior security interest that, when this section comes into force, could have been but is not covered by a filing or registration under a prior registration law and that, under this Ordinance, may be perfected without registration of a financing statement and without possession of the collateral by the secured party, is perfected under this Ordinance if all the other conditions for the perfection of a security interest are satisfied.

- Previous liens (9) The validity of a lien that exists before this Ordinance come into force under an Ordinance mentioned in sections 79, 82, 85 or 86 shall be determined as if this Ordinance had not come into force.
- Limit to liability (10) No action lies against any person for damages arising out of the non-perfection or non-registration, under this section, of a prior security interest, whether or not it is covered by a registration under a prior registration law, except for damages arising out of a breach of a duty of care assumed by the person in instructions received by him, or in an opinion expressed by him, after this section comes into force.

Other Ordinances

- Conflicting provisions 72(1) Where there is conflict between this Ordinance and a provision of the Consumers' Protection Ordinance, the provision of the Consumers' Protection Ordinance prevails insofar as it affects security interests in consumer goods.
- Specific Ordinances (2) Where there is conflict between this Ordinance and a provision of the Distress Ordinance, the Exemptions Ordinance or the Landlord and Tenant Ordinance, the other Ordinance prevails.
- General rule (3) Except as provided in subsections (1) and (2), in all other cases of conflict between this Ordinance and the Consumers' Protection Ordinance or any other general or special Ordinance, this Ordinance prevails.
- References 73(1) The provisions of any general or special Ordinance that relate to a security interest to which this Ordinance applies and that refer to the Assignment of Book Debts Ordinance, the Bills of Sale Ordinance, the Conditional Sales Ordinance, the Corporation Securities Registration Ordinance, section 102 of the Companies Ordinance, or any provision thereof, shall be deemed to refer to this Ordinance or to the corresponding provision of this Ordinance as the case may be, and not to the Assignment of Book Debts Ordinance, the Bills of

Sale Ordinance, the Conditional Sales Ordinance, the Companies Ordinance, or the Corporation Securities Registration Ordinance, as the case may be.

- Chattel mortgage, etc. (2) A reference in any Ordinance to a chattel mortgage, lien note, conditional sales contract, floating charge, pledge, assignment of book debts, or any derivative of these terms, or to any transaction which under this Ordinance is a security agreement, is deemed to be a reference to the corresponding type of security agreement under this Ordinance.
- Repeal 74(1) The Assignment of Book Debts Ordinance, the Bills of Sale Ordinance, the Conditional Sales Ordinance and the Corporation Securities Registration Ordinance are repealed.
- Choses in action Ordinance 75(1) Subsection 2(1) of the Choses in Action Ordinance is amended by adding immediately after the expression "but subject to such conditions and restrictions with respect to the right of transfer as may appertain to the original debt or as may be connected with or contained in the original contract" the expression "and subject to the Personal Property Security Ordinance;"
- (2) Section 4 of the Choses in Action Ordinance is repealed.
- Companies Ordinance 76(1) Sections 102, 103, 104, 105, 106, 107, and 114 of the Companies Ordinance are repealed.
- (2) Subsection 109(1) of the Companies Ordinance is amended by striking out the words "The copies of instruments creating any mortgage or charge requiring registration under this Ordinance with the Registrar, and".
- (3) Subsection 109(2) of the Companies Ordinance is amended by striking out the words "said copies of" and the words "copies or".
- (4) Subsection 111(1) of the Companies Ordinance is amended by striking out the number "102" and substituting the number "102.1" for it.

- Distress Ordinance 77(1) Subsection 3(1) of the Distress Ordinance is amended by striking out the expression "chattel mortgage" and substituting for it the expression "security interest".
- (2) Section 7 of the Distress Ordinance is repealed.
- Factors Ordinance 78(1) Subsection 15(1) of the Factors Ordinance is amended by striking out all of the words following the expression "by a declaration registered" and substituting for them the expression "under this Ordinance with the Registrar of Companies".
- Garage Keeper's Lien Ordinance 79(1) Subsection 4(1) of the Garage Keepers' Lien Ordinance is amended by striking out all of the words following the word "completed" and substituting the following for them: "register a financing statement under the Personal Property Security Ordinance containing the prescribed information".
- (2) Subsection 4(2) of the Garage Keepers' Lien Ordinance is repealed.
- (3) Subsection 4(3) of the Garage Keepers' Lien Ordinance is amended by striking out the expression "If a claim is filed" and substituting for it the expression "Where a financing statement is registered".
- (4) Subsection 5(1) of the Garage Keepers' Lien Ordinance is repealed.
- (5) Subsection 5(2) of the Garage Keepers' Lien Ordinance is amended
- (a) by striking out the expression "files a claim of lien" and substituting for it the expression "registers a financing statement", and
 - (b) by striking out all of the words following the expression "interest in" and substituting for them the expression "or a security interest in the motor vehicle, the lien is subordinate to the interest or security interest".

- (6) Paragraph 10(1)(c) of the Garage Keepers' Lien Ordinance is repealed and the following substituted for it:
- "(c) interests or security interests that, under this Ordinance, have priority over the lien,".
- (7) Schedule I of the Garage Keepers' Lien Ordinance is repealed.
- Interpretation Ordinance 80(1) Subsection 20(1) of the Interpretation Ordinance is amended by adding the following new definition:
- "'security interest' means a security interest within the meaning of the Personal Property Security Ordinance;".
- Judicature Ordinance 81(1) Paragraph 8(1)(h) of the Judicature Ordinance is amended by striking out the expression "money due under a mortgage" and substituting for it the expression "money due under a mortgage of land".
- Mechanics' Lien Ordinance 82(1) Subsection 2(1) of the Mechanics' Lien Ordinance is amended by adding the following new definition:
- "'land' includes fixtures within the meaning of the Personal Property Security Ordinance;".
- Partnership Ordinance 83(1) Subsection 2(1) of the Partnership Ordinance is amended by striking out the definition of "registration district".
- (2) Subsection 47(1) of the Partnership Ordinance is amended by striking out the expression "of the registration district in which they carry on or intend to carry on business".
- (3) Subsection 65(1) of the Partnership Ordinance is amended by striking out the expression "of the registration district in which the principal place of business is or is to be situate".
- Securities Ordinance 84(1) Paragraph 3(1)(o) of the Securities Ordinance is amended by striking out the expression "a contract within the meaning of the Conditional Sales Ordinance" and substituting the following for it:

- "(i) a contract for the sale of goods under which possession is or is to be delivered to the buyer and the property in the goods is to vest in him at a subsequent time upon performance of any obligation, or
- (ii) a contract for the hire of goods under which it is agreed that the hirer shall become, or shall have the option to become, the owner of the goods upon full compliance with the terms of the contract;".

Warehousemen's 85(1)
Lien
Ordinance

Paragraphs 4(1)(a) and (b) of the Warehousemen's Lien Ordinance are repealed and the following substituted for them:

- "(a) to the owner of the goods, and
- (b) to every person who has registered a financing statement indexed under the name of the owner of the goods under the Personal Property Security Ordinance before the goods are deposited with the warehouseman."

(2) Paragraphs 5(2)(b) and (c) of the Warehousemen's Lien Ordinance are repealed and the following substituted for them:

- "(b) to the owner of the goods,
- (c) to every person who has registered a financing statement indexed in the name of the owner of the goods under the Personal Property Security Ordinance before the goods are deposited with the warehouseman."

Woodmen's 86(1)
Lien
Ordinance

Subsection 5(1) of the Woodmen's Lien Ordinance is amended by adding at the end the following expression: "and a financing statement containing the prescribed information is registered under the Personal Property Security Ordinance."

(2) Subsection 8(3) of the Woodmen's Lien Ordinance is repealed and the following substituted for it:

"8(3) The lien expires unless proceedings to enforce it are commenced within 30 days after the later of

- (a) the date upon which the statement of claim and affidavit are filed,
- (b) the date upon which the financing statement is registered, and
- (c) where credit is given, the date upon which the period of credit expires."

Commissioner 87(1) The Commissioner is bound by this Ordinance.

88(1) The Ordinance, or any provision of it, comes into force on a day or days to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 21

AN ORDINANCE TO AMEND THE
RECIPROCAL ENFORCEMENT OF JUDGMENTS ORDINANCE
(Assented to November 13, 1980)

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

1(1) Section 2 of the Reciprocal Enforcement
of Judgments Ordinance is amended

(a) by striking out the definition of
"judgment" substituting the
following for it:

"judgment"

"judgment"

(a) means a judgment or
order of a court in
a civil proceeding,
whether given or
made before or after
the commencement of
this Ordinance,
whereby a sum of
money is made payable,
and

(b) includes an award in
an arbitration
proceeding if the
award, under the law
in force in the
state where it was
made, has become
enforceable in the
same manner as a
judgment given by a
court in that state,
but

Application for
registration
of judgment

(c) does not include an
order for the period-
ical payment of
money as alimony or
as maintenance for a
wife or former

wife or reputed wife or
a child or any other
dependant of the
person against whom
the order was made;"

(b) by striking out the word "jurisdiction"
in the definition of "judgment
debtor" and substituting for it the
word "state", and

(c) by adding the following new subsection:

"(2) All references in this
Ordinance to personal
service mean actual
delivery of the process,
notice or other document,
to be served, to the
person to be served
therewith personally, and
service shall not be held
not to be personal service
merely because the service
is effected outside the
state of the original
court."

2(1) Subsections 3(1) and (2) of the Ordinance
are repealed and the following is substituted
for it:

Application
to register

"3(1) Where a judgment has been
given in a court in a re-
ciprocating state, the judgment
creditor may apply to the
Court within six years after
the date of the judgment to
have the judgment registered,
and on any such application
the Court may order the
judgment to be registered.

Ex parte
application

(2) An order for registration
under this Ordinance may be
made ex parte in any case in
which the judgment debtor

(a) was personally served with process in the original action, or
(b) though not personally served, appeared or defended, or attorned or otherwise submitted to the jurisdiction of the original court,
and in which, under the law in force in the state where the judgment was made, the time within which an appeal may be made against the judgment has expired and no appeal is pending, or an appeal has been made and has been disposed of.

Certificate

(2.1) In a case to which subsection (2) applies, the application shall be accompanied by a certificate issued from the original court under its seal and signed by a judge thereof or the clerk thereof.

Form of certificate

(2.2) The certificate shall be in the form set out in the Schedule, or to the like effect, and shall set forth the particulars as to the matters therein mentioned.

Notice

(2.3) In a case to which subsection (2) does not apply, such notice of the application for the order as is required by the rules or as the judge deems sufficient shall be given to the judgment debtor."

(2) Subsection 3(3) of the Ordinance is amended

(a) by striking out all of the words

Registration
not permitted

preceding paragraph (a) and substituting the following for them:

"3(3) No order for registration shall be made if the court to which application for registration is made is satisfied that",

(b) by striking out paragraph (a) and substituting the following for it:

"(a) the original court acted

(i) without jurisdiction under the conflict-of-laws rules of the court to which application is made, or

(ii) without authority, under the law in force in the state where the judgment was made, to adjudicate concerning the cause of action or subject-matter that resulted in the judgment or concerning the person of the judgment debtor",
and

(c) by striking out the word "jurisdiction" in paragraph (c) and substituting for it the word "state".

(3) Section 3 of the Ordinance is amended by adding the following new subsection:

Partial
registration

"(5) If a judgment contains provisions by which a sum of money is made payable and also contains

provisions with respect to other matters, such judgment may be registered under this Ordinance in respect of those provisions thereof by which a sum of money is made payable, but may not be so registered in respect of any other provisions therein contained."

3(1) The Ordinance is amended by adding, immediately after section 3, the following new sections:

Issuance of
certificate

"3.1(1) Where the original court is a court in the Territory, that court has jurisdiction to issue a certificate for the purposes of registration of a judgment in a reciprocating state.

Foreign
currency

3.2(1) Where a judgment sought to be registered under this Ordinance makes payable a sum of money expressed in a currency other than the currency of Canada,
(a) the registrar of the Court shall determine the equivalent of the sum in the currency of Canada on the basis of the rate of exchange prevailing at the date of the judgment in the original court, as ascertained from any branch of any chartered bank,
(b) the registrar shall certify on the order for registration the sum so determined expressed in the currency of Canada, and

(c) upon its registration,
the judgment shall be
deemed to be a judgment
for the sum so certified."

4(1) Paragraph 6(1)(a) is repealed and the
following is substituted for it:

"(a) within one month after
the registration or
within such further
period as the registering
court may order, notice
of the registration shall
be served upon the judgment
debtor in the same manner
as a writ of summons is
required to be served,
and".

5(1) Subsection 8(1) of the Ordinance is
amended by striking out the expression
"province of Canada" and substituting
for it the expression "state in or
outside Canada".

(2) Subsection 8(2) of the Ordinance is
amended by striking out the word
"jurisdiction" wherever it occurs and
substituting for it in each case the
word "state".

6(1) Subsection 9(1) of the Ordinance is
repealed and the following is substituted
for it:

Effect of
Ordinance

"9(1) Nothing in this Ordinance
deprives a judgment creditor
of the right to bring action
on his judgment, or on the
original cause of action,
(a) after proceedings have
been taken under this
Ordinance, or
(b) instead of proceeding
under this Ordinance,

and the taking of proceedings under this Ordinance, whether or not the judgment is registered, does not deprive a judgment creditor of the right to bring action on the judgment or on the original cause of action."

7(1) The Ordinance is amended by adding at the end of it the following Schedule:

SCHEDULE

Under the Reciprocal Enforcement of Judgments Act of the Province of.....

CERTIFICATE

CANADA

Province of.....
(or as the case may be)

To all whom these Presents shall come.....
GREETING:

It is hereby certified that, among the records enrolled in the court of at, before the Honourable a Justice (Judge) of the said Court, in the Procedure Book there is record of an action, numbered as No.

BETWEEN:

.....
(Plaintiff(s))

and

.....
(Defendant(s))

1. The writ of summons (statement of claim) (or as the case may be) was issued on the day of 19...., and proof was furnished to this court that it was served on

the defendant by delivery of a copy thereof
to him and leaving it with him.

2. No defence was entered, and the judgment was
allowed by (proof, default, or order)
.....

or

2. A defence was entered and judgment was allowed
at the trial (or as the case may be)
.....

3. Judgment was given on the day of
..... 19....

4. Time for appeal has expired and no appeal is
pending (or An appeal against the judgment
was made and was dismissed by the Court of
Appeal and the time for any further appeal
has expired and no further appeal is pending,
or as the case may be.)

5. Further details if any.

6. Particulars:

Claim as allowed.....	\$.....
Costs to judgment.....	\$.....
Subsequent costs.....	\$.....
Interest.....	\$.....
	\$ _____

Paid on.....	\$.....
And the balance remaining due on said judgment for debt, interest and costs is the sum of	\$.....

And all singular which premises by the
tenor of these presents we have commanded to
be certified.

IN TESTIMONY WHEREOF we have caused the Seal of
our said Court at to be hereunto affixed.

*An Ordinance to Amend the
Reciprocal Enforcement of Judgments Ordinance* *Chp. 21*

WITNESS, The Honourable a Justice (Judge) of our
said Court at this day of
..... 19....

SEAL

A Justice (Judge) of the Court of
.....
or
Clerk of the Court of

NOTE: This Ordinance is based on a model Act
recommended by the Uniform Law Conference
of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 22

AN ORDINANCE TO AMEND THE
SCHOOL ORDINANCE

(Assented to November 13, 1980)

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

- 1(1) The School Ordinance is amended by
adding immediately after section 109,
the following new section:
"109.1(1) Notwithstanding sections 107
and 109, the Commissioner may
by regulation fix a date for
the commencement or termination
of the school year, or any
vacation, other than the date
otherwise fixed under this
Ordinance."

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 23

AN ORDINANCE TO AMEND THE
SOCIETIES ORDINANCE

(Assented to November 13, 1980)

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

- 1(1) Subsection 15(3) of the Ordinance is amended by striking out the word "shall" and substituting for it the word "may".
- 2(1) Subsection 30(1) of the Ordinance is amended by striking out the expression "by two directors" and substituting for it the expression "signed by two directors".
- (2) Section 30 of the Ordinance is amended by adding the following new subsection:
" (2) Every society shall, in the manner prescribed by the by-laws, appoint a person to hold the office of auditor who shall, upon the approval of the Registrar, be the auditor for the society.
- Appointment of auditor
- (3) Subject to subsections (4) and (5), and notwithstanding subsection (2), where a society by extraordinary resolution waives the appointment of an auditor, the society is not required to appoint an auditor.
- Waiver of appointment
- (4) No resolution under subsection (3) is effective for more than one financial year.
- Duration of waiver

Appointment
by Commissioner

(5) Where an appointment of an auditor is not made under subsection (2), the Commissioner may, on the application of any member of the society, appoint an auditor for the society for the current year and fix his remuneration."

3(1) Subsection 31(1) of the Ordinance is amended

- (a) by striking out the word "directors" wherever it occurs and substituting for it in each case the expression "officers and directors", and
- (b) by striking out the word "director" and substituting for it the expression "officer and each director and his term of office".

4(1) The Ordinance is amended by adding, immediately after section 34, the following new section:

Registration
refused

"34.1(1) The Registrar may, where he is of the opinion that any document submitted to him

- (a) contains matter contrary to law,
- (b) by reason of any omission or mis-description, has not been duly completed,
- (c) does not comply with the requirements of this Ordinance, or
- (d) contains any error, alteration or erasure,

refuse to receive or register the document and request that the document be appropriately amended or completed and re-submitted, or that a new document be submitted in its place.

**Form of
documents**

- (2) Every document required by this Ordinance to be filed or registered with the Registrar
 - (a) shall be in typed or printed form, and
 - (b) shall be in the English language, or accompanied by a notarially certified translation of it."

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 24

THIRD APPROPRIATION ORDINANCE, 1979-80
(Assented to November 13, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the period of 12 months ending on March 31, 1980:

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

Citation	1(1)	This Ordinance may be cited as the <u>Third Appropriation Ordinance, 1979-80</u> .
Amount granted	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, Three Hundred and Five Thousand, Nine Hundred Dollars for defraying the several charges and expenses of the public service of the Territory for the period of twelve months ending March 31, 1980, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A".
Monies to be accounted for	3(1)	The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars)</u>
Department of Education	86,400.
Department of Human Resources	50,500.
Municipal & Community Affairs	81,200.
Tourism & Economic Development	6,100.
Public Service Commission	71,600.
Finance	830,700.
Library & Information Resources	2,900.
Health	<u>176,500.</u>
 TOTAL	 <u><u>1,305,900.</u></u>

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 25

AN ORDINANCE TO AMEND THE YUKON COUNCIL ORDINANCE
(Assented to November 13, 1980)

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

- 1(1) Paragraph 7(2) of the Yukon Council Ordinance is amended by adding, at the beginning of the subsection, the expression "Subject to subsection (3),".
- (2) Subsection 7(3) of the Ordinance is amended
 - (a) by striking out the word "or" in paragraph (h), and
 - (b) by striking out paragraph (i) and substituting the following new paragraphs for it:
 - "(i) is or becomes employed by the Government of the Yukon Territory as a casual employee within the meaning of the Public Service Commission Ordinance, or
 - (j) is or becomes a member of a board, Commission or other body created by an Ordinance and he holds office as a member at the nomination of the Commissioner."
- 2(1) Sections 8 and 9 of the Ordinance are repealed and the following new section is substituted for them:
 - "8(1) The purpose of this section in general is to promote full public disclosure by members of their private interests, which may be, or may appear to be, in conflict with their duties as members, and in particular but without limiting the generality of the foregoing, the purpose of this section is to promote full public disclosure of
 - (a) any direct or indirect interest of a member, or his family, alone or with another, or by the interposition of

Disclosure
of members'
interests

- a trustee, corporation or third party, in any contract with the Government of the Territory,
- (b) any substantial benefits received directly or indirectly by a member or his family for or in respect of any contract with the Government of the Territory,
 - (c) any substantial benefit or gift received by a member or his family that may have been or may appear to have been, received in respect of the actual or anticipated discharge by the member of his public duties,
 - (d) any debt or other obligation of a member that may influence or appear to influence the discharge by the member of his public duty,
 - (e) all of the business interests of a member and his family including directorships held by the member or his family, and
 - (f) the arrangements made by the members and their families to ensure that no real, apparent or potential conflict of interest exists or will arise between their personal and business affairs and their public duties.

Disclosure

- (2) Every member shall, on or before April 30 in each year, file with the Clerk of the Council, a disclosure statement setting forth
 - (a) a full description of the sources of all income received by the member or his family in the immediately preceding calendar year,
 - (b) a full description of all real property in the Territory in which the member or his family has an interest, or has had an interest in the immediately preceding calendar year,
 - (c) a full description of the corporations, associations,

partnerships and societies in which the member or his family has an interest, or has had an interest in the immediately preceding calendar year,

- (d) a description of assets of the member and his family, other than assets referred to in paragraph (b) and (c) and family assets within the meaning of the Matrimonial Property Ordinance,
- (e) where a member or his family has received any benefit under any contract or agreement with the Government of the Yukon Territory, a full description of the nature and value of that benefit,
- (f) subject to paragraph (d), such other information as may be required by the regulations, and
- (g) such other information or particulars as the member may include to comply with the purpose of this section or to show what he has done to avoid conflicts between his present interests and his duties as a member.

- "family" (3) In this section, "family" means dependant relatives of the member residing in the same household as the member and includes his spouse.

- Amendments (4) Every member shall from time to time file with the Clerk of the Council such amendments to his disclosure statement as may reasonably be required to comply with the purpose of this section.

- Public inspection (5) Every disclosure statement or amendment filed with the Clerk of the Council under this section shall be open for inspection by the public during the normal office hours of the office of the Clerk of the Council.

- Exception (6) Where an interest or benefit is received, held or enjoyed by a member in common with other members of the public or a class of the public under a statutory right, other than one that is subject to the exercise of a power of discretion by a member of the public service, and the member receives, holds or enjoys no special preference not available to other members of the public or members of the class, the interest or benefit need not be set forth in the disclosure statement by the member.
- Exception (7) Notwithstanding subsections (1) and (2), a member need not set forth in his disclosure statement an interest in which he has no beneficial interest and that is held by him as an executor, administrator or trustee.
- Summary
Convictions
Ordinance (8) Section 4 of the Summary Convictions Ordinance does not apply in respect of this section."
- 3(1) Subsection 12(1) of the Ordinance is amended by striking out the expression "sections 7 or 8" and substituting for it the expression "section 7".

TABLE OF ORDINANCES

(Being a table of those Ordinances included in the Revised Ordinances, 1971, those subsequently added to the consolidation thereof or those enacted since the coming into force of the Revised Ordinances, 1971.)

Legend:

In. = Included in	Am. = Amended
En. = Enacted	Sp. = Spent
Rp. = Repealed	History = from the earlier of (i) enactment; or
Re. = Re-enacted	(ii) inclusion in R.O.Y.T., 1971
N.C.N.R. = Not Consolidated, Not Repealed.	

* = On January 6, 1981 this Ordinance had not yet been proclaimed into force.

Consolidation Chapter No. = Chapter designation of the Ordinances having general application to members of the public, as contained in the Consolidated version of the Ordinances of the Yukon Territory.

<u>ORDINANCES</u>	<u>CONSOLIDATION CHAPTER No.</u>	<u>HISTORY</u>
Adult Occupational Training Agreements Repeal	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 10
Age of Majority	A-0.1	En. O.Y.T. 1972 (1st), c. 1
Alaska Highway Maintenance (1972)	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 2
Animal Protection	A-0.2	En. O.Y.T. 1977 (2nd), c. 1
Apprentice Training	A-1	In. R.O.Y.T. 1971, c. A-1
Arbitration	A-2	In. R.O.Y.T. 1971, c. A-2
Archives	A-3	In. R.O.Y.T. 1971, c. A-3
Area Development	A-4	In. R.O.Y.T. 1971, c. A-4; Am. O.Y.T. 1975 (3rd), c.3
Assessment and Taxation	A-4.1	En. O.Y.T. 1972 (1st), c. 13; Am. O.Y.T. 1975 (1st), c. 18; Am. O.Y.T. 1979 (2nd), c. 16; Am. O.Y.T. 1980 (1st), c. 20, s. 2; Am. O.Y.T. 1980 (2nd), c. 17, s. 440
Assessment in the City of Whitehorse	N.C.N.R.	En. O.Y.T. 1977 (2nd), c. 11
Assignment of Book Debts	A-5	In. R.O.Y.T. 1971, c. A-5; Rp. O.Y.T. 1980 (2nd), c. 20, s. 74
Bills of Sale	B-1	In. R.O.Y.T. 1971, c. B-1; Rp. O.Y.T. 1980 (2nd), c. 20, s. 74
Blasting	B-2	In. R.O.Y.T. 1971, c. B-2

Boiler and Pressure Vessels	B-2.1	En. O.Y.T. 1979 (2nd), c. 1; Am. O.Y.T. 1980 (2nd), c. 16, s. 1
Brands	B-3	In. R.O.Y.T. 1971, c. B-3; Am. O.Y.T. 1980 (1st), c. 20, s. 3
Building Standards	B-3.1	En. O.Y.T. 1973 (1st), c. 1; Am. O.Y.T. 1980 (2nd), c. 17, s. 440 *
Bulk Sales	B-4	In. R.O.Y.T. 1971, c. B-4
Business Development Assistance	B-4.1	En. O.Y.T. 1980 (1st), c. 1 *
Business Licence	B-5	In. R.O.Y.T. 1971, c. B-5; Am. O.Y.T. 1980 (1st), c. 20, s. 4
Cancer Diagnosis	C-1	In. R.O.Y.T. 1971, c. C-1
Cemeteries and Burial Sites	C-2	In. R.O.Y.T. 1971, c. C-2
Change of Name	C-3	In. R.O.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.O.Y.T. 1971, c. C-4; Am. O.Y.T. 1972 (1st), c. 15
Chiropractic	C-5	In. R.O.Y.T. 1971, c. C-5; Am. O.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.O.Y.T. 1971, c. C-6; Am. O.Y.T. 1980 (2nd), c. 20, s. 75 *
Citizenship Instruction Agreement	C-7	In. R.O.Y.T. 1971, c. C-7
Civil Defence Workers' Compensation Agreement	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 26
Civil Emergency Measures	C-8	In. R.O.Y.T. 1971, c. C-8
Collection	C-9	In. R.O.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. O.Y.T. 1975 (1st), c. 1; Am. O.Y.T. 1975 (3rd), c. 4; Am. O.Y.T. 1976 (1st), c. 4; Am. O.Y.T. 1977 (1st), c. 8; Am. O.Y.T. 1978 (1st), c. 3; Am. O.Y.T. 1980 (1st), c. 2; Am. O.Y.T. 1980 (2nd), c. 1; Am. O.Y.T. 1980 (2nd), c. 16, s. 2
Companies	C-10	In. R.O.Y.T. 1971, c. C-10; Am. O.Y.T. 1975 (3rd), c. 5; Am. O.Y.T. 1980 (1st), c. 3; Am. O.Y.T. 1980 (2nd), c. 2; Am. O.Y.T. 1980 (2nd), c. 20, s. 76
Compensation for Victims of Crime	C-10.1	En. O.Y.T. 1975 (1st), c. 2; Am. O.Y.T. 1976 (1st), c. 5; Am. O.Y.T. 1980 (2nd), c. 3
Conditional Sales	C-11	In. R.O.Y.T. 1971, c. C-11; Rp. O.Y.T. 1980 (2nd), c. 20, s. 74 *
Condominium	C-12	In. R.O.Y.T. 1971, c. C-12; Am. O.Y.T. 1977 (2nd), c. 5; Am. O.Y.T. 1980 (1st), c. 4 *

Conflict of Laws (Traffic Accidents)	C-12.1	En. O.Y.T. 1972 (1st), c. 3
Consumers' Protection	C-13	In. R.O.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.O.Y.T. 1971, c. C-14; Am. O.Y.T. 1980 (1st), c. 20, s. 5
Controverted Elections	C-15	In. R.O.Y.T. 1971, c. C-15; Am. O.Y.T. 1977 (2nd), c. 3, s.103
Co-operative Associations	C-16	In. R.O.Y.T. 1971, c. C-16; Am. O.Y.T. 1973 (1st), c. 8; Am. O.Y.T. 1975 (2nd), c. 7; Am. O.Y.T. 1980 (2nd), c. 4
Cornea Transplant	C-17	In. R.O.Y.T. 1971, c. C-17; Rp. O.Y.T. 1980 (1st), c. 14, s. 16
Coroners	C-18	In. R.O.Y.T. 1971, c. C-18; Am. O.Y.T. 1972 (2nd), c. 17
Corporation Securities Registration	C-19	In. R.O.Y.T. 1971, c. C-19; Am. O.Y.T. 1980 (1st), c. 20, s. 6; Rp. O.Y.T. 1980 (2nd), c. 20, s. 74 *
Corrections	C-19.1	En. O.Y.T. 1973 (1st), c. 2; Am. O.Y.T. 1980 (1st), c. 20, s. 7
Court of Appeal	C-20	In. R.O.Y.T. 1971, c. C-20
Court Worker Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 3
Credit Union	C-20.1	En. O.Y.T. 1977 (1st) c. 2; Rp. O.Y.T. 1980 (1st), c. 5 *
Credit Unions	C-21	In. R.O.Y.T. 1971, c. C-21; Am. O.Y.T. 1975 (2nd), c. 8; Am. O.Y.T. 1976 (1st), c. 6; Rp. O.Y.T. 1977 (1st), c. 2, s.158
Creditors' Relief	C-22	In. R.O.Y.T. 1971, c. C-22
Curfew	C-23	In. R.O.Y.T. 1971, c. C-23
Custody of Federal Parole Violators Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 4
Dawson, City of, General Purposes Loan	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 25
Dawson City Utilities Replacement	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 14; Am. O.Y.T. 1980 (2nd), c. 16, s. 3
Dawson General Purposes Loan	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 31
Dawson Historic Sites Aid Grants	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 21
Day Care	D-01	En. O.Y.T. 1979 (2nd), c. 3; Am. O.Y.T. 1980 (2nd), c. 16, s. 4
Defamation	D-1	In. R.O.Y.T. 1971, c. D-1; Am. O.Y.T. 1980 (2nd), c. 5

Dental Profession	D-2	In. R.O.Y.T. 1971, c. D-2; Am. O.Y.T. 1973 (1st), c. 9; Am. O.Y.T. 1979 (1st), c. 1
Dependants' Relief	D-3	In. R.O.Y.T. 1971, c. D-3; Rp. O.Y.T. 1980 (2nd), c. 6 *
Dependants' Relief	D-3.1	En. O.Y.T. 1980 (2nd), c. 6 *
Devolution of Real Property	D-4	In. R.O.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.O.Y.T. 1971, c. D-5; Rp. O.Y.T. 1975(1st), c. 11
Distress	D-6	In. R.O.Y.T. 1971, c. D-6; Am. O.Y.T. 1980 (2nd), c. 20, s. 77 *
Dog	D-7	In. R.O.Y.T. 1971, c. D-7; Am. O.Y.T. 1980 (2nd), c. 16, s. 5
Elections	E-1	In. R.O.Y.T. 1971, c. E-1; Am. O.Y.T. 1974 (2nd), c. 5; Am. O.Y.T. 1975 (3rd), c. 6; Am. O.Y.T. 1977 (1st), c. 9; Am. O.Y.T. 1977 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 3, s.104; Am. O.Y.T. 1978 (1st), c. 4
Elections, 1977	E-1.2	En. O.Y.T. 1977 (2nd), c. 3; Am. O.Y.T. 1980 (1st), c. 20, s. 8; Am. O.Y.T. 1980 (2nd), c. 7 *
Electoral District Boundaries	E-1.3	En. O.Y.T. 1977 (2nd), c. 2
Electoral District Boundaries Commission	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 1; Sp. June 17, 1974
Electoral District Boundaries Commission	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 3; Sp. November 7, 1977
Electrical Protection	E-2	In. R.O.Y.T. 1971, c. E-2; Rp. O.Y.T. 1976 (3rd), c. 3
Electrical Protection	E-2.01	En. O.Y.T. 1976 (3rd), c. 3
Electrical Public Utilities	E-2.1	En. O.Y.T. 1972 (1st), c. 4; Am. O.Y.T. 1974 (2nd), c. 6
Elevator and Fixed Conveyances	E-3	In. R.O.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. O.Y.T. 1976(3rd), c. 1
Employment Agencies	E-4	In. R.O.Y.T. 1971, c. E-4; Rp. O.Y.T. 1972 (1st), c. 5
Employment Agencies	E-4.1	En. O.Y.T. 1972 (1st), c. 5
Energy Conservation Agreement	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 6 *
Engineering Profession	E-5	In. R.O.Y.T. 1971, c. E-5

Evidence	E-6	In. R.O.Y.T. 1971, c. E-6; Am. O.Y.T. 1980 (1st), c. 7; * Am. O.Y.T. 1980 (1st), c. 20, s. 9 *
Executions	E-6.1	En. O.Y.T. 1980 (1st), c. 8 *
Exemptions	E-7	In. R.O.Y.T. 1971, c. E-7
Expropriation	E-8	In. R.O.Y.T. 1971, c. E-8
Factors	F-1	In. R.O.Y.T. 1971, c. F-1; Am. O.Y.T. 1980 (2nd), c. 16, s. 6; Am. O.Y.T. 1980 (2nd), c. 20, s. 78
Fair Practices	F-2	In. R.O.Y.T. 1971, c. F-2; Am. O.Y.T. 1974 (2nd), c. 7
Faro General Purposes Loan	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 30
Faro General Purposes Loan	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 27
Fatal Accidents	F-3	In. R.O.Y.T. 1971, c. F-3; Rp. O.Y.T. 1980 (1st), c. 9 *
Fatal Accidents	F-3.1	En. O.Y.T. 1980 (1st), c. 9 *
Fifth Appropriation, 1971-72	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 28
Fifth Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 16
Fifth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 21
Fifth Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 5
Financial Administration	F-4	In. R.O.Y.T. 1971, c. F-4; Rp. O.Y.T. 1976 (3rd), c. 4
Financial Administration	F-4.1	En. O.Y.T. 1976 (3rd), c. 4
Financial Agreement, 1973	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 28
Financial Agreement, 1974	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 22
Financial Agreement, 1975	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 21
Financial Agreement, 1976	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 10
Financial Agreement, 1977	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 14
Financial Agreement, 1978	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 19
Financial Agreement, 1979	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 8
Financial Agreement, 1980	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 10 *
Fire Prevention	F-5	In. R.O.Y.T. 1971, c. F-5; Am. O.Y.T. 1972 (1st), c. 18; Am. O.Y.T. 1973 (1st), c. 10; Am. O.Y.T. 1980 (2nd), c. 12; Am. O.Y.T. 1980 (2nd), c. 16, s. 7
Firearms Administration Agreement	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 3
First Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 27

First Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 21
First Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 17
First Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 20
First Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 11
First Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 15
First Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 18
First Appropriation, 1979-80	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 7
First Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1979 (2nd), c. 4
First Appropriation, 1981-82	N.C.N.R.	En. O.Y.T. 1980 (2nd), c. 8
Fitness and Amateur Sport Agreement	F-6	In. R.O.Y.T. 1971, c. F-6
Flag	F-7	In. R.O.Y.T. 1971, c. F-7
Floral Emblem	F-8	In. R.O.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.O.Y.T. 1971, c. F-9; Am. O.Y.T. 1980 (1st), c. 20, s. 10 *
Fourth Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 20
Fourth Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (4th), c. 24
Fourth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 20
Fourth Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 12
Fourth Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 17
Fraudulent Preferences and Conveyances	F-9.1	En. O.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.O.Y.T. 1971, c. F-10; Rp. O.Y.T. 1980 (1st), c. 11 *
Frustrated Contracts	F-10.1	En. O.Y.T. 1980 (1st), c. 11 *
Fuel Oil Tax	F-11	In. R.O.Y.T. 1971, c. F-11; Rp. O.Y.T. 1973 (1st), c. 4
Fuel Oil Tax	F-11.1	En. O.Y.T. 1973 (1st), c. 4; Am. O.Y.T. 1975 (2nd), c. 9; Am. O.Y.T. 1979 (1st), c. 2
Fur Export	F-12	In. R.O.Y.T. 1971, c. F-12; Am. O.Y.T. 1979 (2nd) c. 5
Game	G-1	In. R.O.Y.T. 1971, c. G-1; Am. O.Y.T. 1972 (1st), c. 19; Am. O.Y.T. 1973 (1st), c. 11; Am. O.Y.T. 1975 (2nd), c. 10; Am. O.Y.T. 1975 (3rd), c. 7; Am. O.Y.T. 1979 (2nd), c. 6; Am. O.Y.T. 1980 (2nd), c. 9; Am. O.Y.T. 1980 (2nd), c. 16, s. 8

Gaols	G-2	In. R.O.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.O.Y.T. 1971, c. G-3; Am. O.Y.T. 1980 (2nd), c. 20, s. 79 *
Garnishee	G-4	In. R.O.Y.T. 1971, c. G-4; Rp. O.Y.T. 1980 (1st), c. 12 *
Garnishee	G-4.1	En. O.Y.T. 1980 (1st), c. 12 *
Gasoline Handling	G-5	En. O.Y.T. 1972 (1st), c. 6
General Development Agreement	G-5.1	En. O.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. O.Y.T. 1975 (1st), c. 5; Am. O.Y.T. 1980 (1st), c. 13; Am. O.Y.T. 1980 (1st), c. 20, s. 11 *
Health Care Insurance Plan	H-1	In. R.O.Y.T. 1971, c. H-1
Highways	H-1.1	En. O.Y.T. 1975 (3rd), c. 1; Am. O.Y.T. 1976 (3rd), c. 5; Am. O.Y.T. 1978 (1st), c. 5
Historic Sites and Monuments	H-2	In. R.O.Y.T. 1971, c. H-2; Am. O.Y.T. 1975 (2nd), c. 11
Home Owner's Grant	H-2.1	En. O.Y.T. 1976 (1st), c. 1; Am. O.Y.T. 1976 (3rd), c. 6; Am. O.Y.T. 1978 (1st), c. 6; Am. O.Y.T. 1980 (2nd), c. 10
Hospital Insurance Services	H-3	In. R.O.Y.T. 1971, c. H-3; Am. O.Y.T. 1975 (3rd), c. 8
Hotels and Tourist Establishments	H-4	In. R.O.Y.T. 1971, c. H-4
Housing	H-5	In. R.O.Y.T. 1971, c. H-5
Housing Corporation	H-5.1	En. O.Y.T. 1972 (1st), c. 7
Housing Development	H-6	In. R.O.Y.T. 1971, c. H-6; Am. O.Y.T. 1975 (2nd), c. 12
Human Tissue Gift	H-7	En. O.Y.T. 1980 (1st), c. 14
Immunity of Members	I-1	In. R.O.Y.T. 1971, c. I-1; Rp. O.Y.T. 1978 (1st), c. 2, s.42
Income Tax	I-1.01	En. O.Y.T. 1979 (2nd), c. 7; Am. O.Y.T. 1980 (2nd), c. 11
Institute of Chartered Accountants	I-1.1	En. O.Y.T. 1976 (3rd), c. 2
Insurance	I-2	In. R.O.Y.T. 1971, c. I-2; Rp. O.Y.T. 1977 (1st), c. 1, s.236
Insurance	I-2.01	En. O.Y.T. 1977 (1st), c. 1; Am. O.Y.T. 1977 (2nd), c. 4, s. 257; Am. O.Y.T. 1980 (1st), c. 15; Am. O.Y.T. 1980 (1st), c. 20, s. 12; Am. O.Y.T. 1980 (2nd), c. 16, s. 9

Insurance Premium Tax	I-2.1	En. O.Y.T. 1976 (1st), c. 2; Am. O.Y.T. 1976 (3rd), c. 7; Am. O.Y.T. 1980 (2nd), c. 12
Interim Supply Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 23
Interim Supply Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 16
Interpretation	I-3	In. R.O.Y.T. 1971, c. I-3; Am. O.Y.T. 1973 (1st), c. 12; Am. O.Y.T. 1974 (2nd), c. 8; Am. O.Y.T. 1979 (2nd), c. 2, s. 4; Am. O.Y.T. 1980 (1st), c. 20, s. 13; Am. O.Y.T. 1980 (1st), c. 30, s. 35; * Am. O.Y.T. 1980 (2nd), c. 20, s. 80 *
Intestate Succession	I-4	In. R.O.Y.T. 1971, c. I-4
Judicature	J-1	In. R.O.Y.T. 1971, c. J-1; Am. O.Y.T. 1975 (2nd), c. 13; Am. O.Y.T. 1980 (1st), c. 28, s. 1; Am. O.Y.T. 1980 (1st), c. 30, s. 35; * Am. O.Y.T. 1980 (2nd), c. 13; * Am. O.Y.T. 1980 (2nd), c. 15; * Am. O.Y.T. 1980 (2nd), c. 20, s. 81 *
Jury	J-2	In. R.O.Y.T. 1971, c. J-2
Justice of the Peace	J-3	In. R.O.Y.T. 1971, c. J-3; Am. O.Y.T. 1976 (3rd), c. 8; Rp. O.Y.T. 1979 (2nd), c. 8, s. 23
Justice of the Peace Court	J-3.1	En. O.Y.T. 1979 (2nd), c. 8
Labour Standards	L-1	In. R.O.Y.T. 1971, c. L-1; Am. O.Y.T. 1973 (1st), c. 13; Am. O.Y.T. 1974 (2nd), c. 9; Am. O.Y.T. 1975 (1st), c. 14; Am. O.Y.T. 1975 (3rd), c. 9
Land Acquisition Fund	L-1.1	En. O.Y.T. 1976 (2nd), c. 1
Landlord and Tenant	L-2	In. R.O.Y.T. 1971, c. L-2; Am. O.Y.T. 1972 (1st), c. 20; Am. O.Y.T. 1980 (1st), c. 20, s. 14
Lands	L-3	In. R.O.Y.T. 1971, c. L-3; Rp. O.Y.T. 1972 (1st), c. 8, 14
Lands	L-3.01	En. O.Y.T. 1972 (1st), c. 8, 14
Legal Aid	L-3.1	En. O.Y.T. 1975 (3rd), c. 2
Legal Profession	L-4	In. R.O.Y.T. 1971, c. L-4; Am. O.Y.T. 1975 (3rd), c. 10; Am. O.Y.T. 1979 (2nd), c. 9; Am. O.Y.T. 1980 (1st), c. 20, s. 15
Legal Profession Accounts	L-5	In. R.O.Y.T. 1971, c. L-5; Am. O.Y.T. 1980 (1st), c. 20, s. 16
Legitimation	L-6	In. R.O.Y.T. 1971, c. L-6
Limitation of Actions	L-7	In. R.O.Y.T. 1971, c. L-7

Liquor	L-8	In. R.O.Y.T. 1971, c. L-8; Am. O.Y.T. 1976 (1st), c. 3, s.5; Am. O.Y.T. 1976 (3rd), c. 9; Am. O.Y.T. 1977 (1st), c. 13; Am. O.Y.T. 1979 (2nd), c. 10; * Am. O.Y.T. 1980 (1st), c. 17; Am. O.Y.T. 1980 (1st), c. 20, s. 17
Liquor Tax	L-8.1	En. O.Y.T. 1976 (1st), c. 3; Am. O.Y.T. 1977 (1st), c. 10; Am. O.Y.T. 1980 (1st), c. 18
Loan Agreement (1972), No.1	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 26
Loan Agreement (1973), No.1	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 29
Loan Agreement (1973), No.2	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 30
Loan Agreement (1974), No.1	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 24
Loan Agreement (1975), No.1	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 22
Loan Agreement (1975), No.2	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 14
Loan Agreement (1976), No.1	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 13
Loan Agreement (1977), No.1	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 19
Loan Agreement (1978), No.1	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 20
Loan Agreement (1979), No.1	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 9
Loan Agreement (1980) No. 1	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 19 Rp/Re. O.Y.T. 1980 (2nd), c. 14
Local Improvement District	L-9	In. R.O.Y.T. 1971, c. L-9; Am. O.Y.T. 1972 (1st), c. 21; Am. O.Y.T. 1972 (2nd), c. 22; Am. O.Y.T. 1977 (1st), c. 11; Am. O.Y.T. 1977 (1st), c. 22; Am. O.Y.T. 1977 (2nd), c. 6; Rp. O.Y.T. 1980 (2nd), c. 17, s. 441 *
Lord's Day	L-10	In. R.O.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. O.Y.T. 1974 (2nd), c. 2
Low Cost Housing	L-11	In. R.O.Y.T. 1971, c. L-11
Magistrate's Court	M-1	See Territorial Court
Maintenance	M-2	In. R.O.Y.T. 1971, c. M-2; Am. O.Y.T. 1980 (1st), c. 30, s. 34; * Rp. O.Y.T. 1980 (2nd), c. 15 *
Marriage	M-3	In. R.O.Y.T. 1971, c. M-3
Married Women's Property	M-4	In. R.O.Y.T. 1971, c. M-4
Matrimonial Property	M-4.1	See Matrimonial Property & Family Support
Matrimonial Property & Family Support	M-4.1	En. O.Y.T. 1979 (2nd) c. 11 Am. O.Y.T. 1980 (2nd), c. 15 * Am. O.Y.T. 1980 (2nd), c. 16, s. 10

Mechanics' Lien	M-5	In. R.O.Y.T. 1971, c. M-5; Am. O.Y.T. 1980 (2nd), c. 20, s. 82 *
Mediation Board	M-5.1	En. O.Y.T. 1972 (1st), c. 9
Medical Profession	M-6	In. R.O.Y.T. 1971, c. M-6; Am. O.Y.T. 1975 (3rd), c. 11; Am. O.Y.T. 1978 (1st), c. 7; Rp. O.Y.T. 1979 (2nd), c. 12, s.63
Medical Profession	M-6.1	En. O.Y.T. 1979 (2nd), c. 12; Am. O.Y.T. 1980 (2nd), c. 16, s. 11
Mental Health	M-7	In. R.O.Y.T. 1971, c. M-7; Am. O.Y.T. 1973 (1st), c. 14, Am. O.Y.T. 1980 (1st), c. 20, s. 18 *
Metric Information Agreement	N.C.N.R.	En. O.Y.T. 1977 (2nd), c. 12
Miners' Lien	M-8	In. R.O.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.O.Y.T. 1971, c. M-9; Am. O.Y.T. 1974 (2nd), c. 10; Am. O.Y.T. 1975 (1st), c. 15; Am. O.Y.T. 1978 (1st), c. 8
Motion Pictures	M-10	In. R.O.Y.T. 1971, c. M-10
Motor Vehicles	M-11	In. R.O.Y.T. 1971, c. M-11; Am. O.Y.T. 1972 (1st), c. 23; Am. O.Y.T. 1973 (1st), c. 15; Am. O.Y.T. 1974 (2nd), c. 11; Am. O.Y.T. 1975 (3rd), c. 12; Am. O.Y.T. 1976 (2nd), c. 4; Am. O.Y.T. 1977 (1st), c. 1, s.236; Rp. O.Y.T. 1977 (2nd), c. 4, s.258
Motor Vehicles	M-11.1	En. O.Y.T. 1977 (2nd), c. 4, Am. O.Y.T. 1980 (1st), c. 20, s. 19; Am. O.Y.T. 1980 (1st), c. 21; Am. O.Y.T. 1980 (1st), c. 30, s. 35; * Am. O.Y.T. 1980 (1st), c. 23, s. 26; Am. O.Y.T. 1980 (2nd), c. 17, s. 440 *
Municipal	M-12	En. O.Y.T. 1972 (1st), c. 10; Am. O.Y.T. 1975 (1st), c. 16; Am. O.Y.T. 1975 (2nd), c. 14; Am. O.Y.T. 1976 (3rd), c. 10; Am. O.Y.T. 1977 (2nd), c. 7; Am. O.Y.T. 1980 (1st), c. 20, s. 20; Am. O.Y.T. 1980 (1st), c. 30, s. 35; * Rp. O.Y.T. 1980 (2nd), c. 17 *
Municipal	M-12.1	En. O.Y.T. 1980 (2nd), c. 17 *
Municipal Aid	M-13	En. O.Y.T. 1972 (1st), c. 11; Rp. O.Y.T. 1980 (2nd), c. 17, s. 441 *
Municipal Elections	M-14	En. O.Y.T. 1972 (1st), c. 12; Rp. O.Y.T. 1980 (2nd), c. 17, s. 441 *
Municipal Employees Benefits	M-15	En. O.Y.T. 1975 (2nd), c. 1; Rp. O.Y.T. 1980 (2nd), c. 17, s. 441 *
Municipal General Purposes Loan (1974)	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 25
Municipal General Purposes Loan (1975)	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 23

Municipal General Purposes Loan (1976)	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 15
Municipal General Purposes Loan (1977)	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 20
Municipal General Purposes Loan (1978)	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 21
Municipal General Purposes Loan (1979)	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 10
Municipal General Purposes Loan (1980)	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 22; Am. O.Y.T. 1980 (2nd), c. 18
Newspaper	N-1	In. R.O.Y.T. 1971, c. N-1
Noise Prevention	N-2	In. R.O.Y.T. 1971, c. N-2
Notaries	N-3	In. R.O.Y.T. 1971, c. N-3; Am. O.Y.T. 1974 (2nd), c. 12
Northern Natural Gas Pipeline Agreement	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 4
Occupational Training	O-O.1	En. O.Y.T. 1975 (1st), c. 6
Old Age Assistance and Blind Persons' Allowance	O-1	In. R.O.Y.T. 1971, c. O-1; Rp. O.Y.T. 1975 (1st), c. 12
Optometry	O-2	In. R.O.Y.T. 1971, c. O-2
Parks	P-01	En. O.Y.T. 1979 (2nd), c. 13; Am. O.Y.T. 1980 (2nd), c. 16, s. 12
Partnership	P-1	In. R.O.Y.T. 1971, c. P-1; Am. O.Y.T. 1977 (2nd), c. 8; Am. O.Y.T. 1980 (1st), c. 20, s. 21; Am. O.Y.T. 1980 (2nd), c. 19 Am. O.Y.T. 1980 (2nd), c. 20, s. 83 *
Pawnbrokers and Second- Hand Dealers	P-2	In. R.O.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.O.Y.T. 1971, c. P-3; Rp. O.Y.T. 1980 (1st), c. 23
Perpetuities	P-3.1	En. O.Y.T. 1980 (1st), c. 23; Rp. O.Y.T. 1980 (1st), c. 23
Personal Property Security	P-3.2	En. O.Y.T. 1980 (2nd), c. 20 *
Pharmaceutical Chemists	P-4	In. R.O.Y.T. 1971, c. P-4; Am. O.Y.T. 1973 (1st), c. 16; Am. O.Y.T. 1975 (3rd), c. 13
Pioneer Utility Grant	P-4.1	En. O.Y.T. 1978 (1st), c. 1; Am. O.Y.T. 1980 (1st), c. 20, s. 22
Plebiscite	P-5	In. R.O.Y.T. 1971, c. P-5
Pounds	P-6	In. R.O.Y.T. 1971, c. P-6; Am. O.Y.T. 1973 (1st), c. 17; Am. O.Y.T. 1980 (1st), c. 20, s. 23
Presumption of Death	P-7	In. R.O.Y.T. 1971, c. P-7; Rp. O.Y.T. 1980 (1st), c. 24

Presumption of Death	P-7.1	En. O.Y.T. 1980 (1st), c. 24
Public Health	P-8	In. R.O.Y.T. 1971, c. P-8; Am. O.Y.T. 1972 (1st), c. 24; Am. O.Y.T. 1975 (3rd), c. 14
Public Inquiries	P-8.1	En. O.Y.T. 1973 (1st), c. 5
Public Printing	P-9	In. R.O.Y.T. 1971, c. P-9
Public Service	P-10	In. R.O.Y.T. 1971, c. P-10; Rp. O.Y.T. 1976 (2nd), c. 2, s.217
Public Service Commission	P-10.1	En. O.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.O.Y.T. 1971, c. P-11; Am. O.Y.T. 1974 (2nd), c. 13; Am. O.Y.T. 1976 (3rd), c. 11
Purchase and Supply Services Agreement	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 31
Real Estate Agents' Licensing	R-0.1	En. O.Y.T. 1977 (1st), c. 5; Am. O.Y.T. 1980 (1st) c. 20, s. 24
Reciprocal Enforcement of Judgments	R-1	In. R.O.Y.T. 1971, c. R-1; Am. O.Y.T. 1980 (2nd), c. 21
Reciprocal Enforcement of Maintenance Orders	R-2	In. R.O.Y.T. 1971, c. R2; Rp. O.Y.T. 1980 (1st), c. 25
Maintenance Orders	R-2.1	En. O.Y.T. 1980 (1st), c. 25
Recording of Evidence by Sound Apparatus	R-3	In. R.O.Y.T. 1971, c. R-3
Recreation Development	R-3.1	En. O.Y.T. 1977 (1st), c.6; Am. O.Y.T. 1980 (2nd), c. 17, s. 440 *
Regulations	R-4	In. R.O.Y.T. 1971, c. R-4; Am. O.Y.T. 1980 (1st), c. 20, s. 25
Rehabilitation Services	R-5	In. R.O.Y.T. 1971, c. R-5; Am. O.Y.T. 1975 (1st), c. 17
Rental-Purchase Housing	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 25
Retirement Plan Beneficiaries	R-5.1	En. O.Y.T. 1979 (2nd), c. 14
Robert Campbell Bridge Agreement	N.C.N.R.	En. O.Y.T. 1973 (4th), c. 32
Sale of Goods	S-1	In. R.O.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.O.Y.T. 1971, c. S-2
Second Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 29
Second Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 22
Second Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 18
Second Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 17

Second Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 18
Second Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 16
Second Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 6
Second Appropriation, 1979-80	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 26
Second Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 27
School	S-3	In. R.O.Y.T. 1971, c. S-3; Rp. O.Y.T. 1974 (2nd), c. 14;
School	S-3.1	En. O.Y.T. 1974 (2nd), c. 14; Am. O.Y.T. 1980 (2nd), c. 22
Scientists and Explorers	S-4	In. R.O.Y.T. 1971, c. S-4
Securities	S-5	In. R.O.Y.T. 1971, c. S-5; Am. O.Y.T. 1976 (3rd), c. 12; Am. O.Y.T. 1980 (1st), c. 20, s. 26; Am. O.Y.T. 1980 (2nd), c. 20, s. 84
Sixth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 19
Social Assistance	S-6	In. R.O.Y.T. 1971, c. S-6; Am. O.Y.T. 1980 (2nd), c. 16, s. 13
Societies	S-7	In. R.O.Y.T. 1971, c. S-7; Am. O.Y.T. 1974 (2nd), c. 15; Am. O.Y.T. 1980 (1st), c. 20, s. 27; Am. O.Y.T. 1980 (2nd), c. 23
Society of Industrial Accountants	S-7.1	See Society of Management Accountants
Society of Management Accountants	S-7.2	En. O.Y.T. 1975 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 9
Special Rural Development Agreement (Special ARDA)	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 15
Stabilization Fund Loan	S-7.3	En. O.Y.T. 1977 (1st), c. 7; Am. O.Y.T. 1978 (1st), c. 9; Rp. O.Y.T. 1980 (1st), c. 29 *
Steam Boilers	S-8	In. R.O.Y.T. 1971, c. S-8; Rp. O.Y.T. 1979 (2nd), c. 1, s.43
Students' Financial Assistance	S-8.1	En. O.Y.T. 1975 (2nd), c. 3; Am. O.Y.T. 1978 (1st), c. 10
Students' Grants	S-9	In. R.O.Y.T. 1971, c. S-9; Rp. O.Y.T. 1975 (2nd), c. 6
Summary Convictions	S-9.1	En. O.Y.T. 1980 (1st), c. 30 *
Superannuation, Territorial Employees	S-10	In. R.O.Y.T. 1971, c. S-10; Am. O.Y.T. 1975 (2nd), c. 16
Supervision of Federal Parolees Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 7

Supreme Court	S-10.1	In. R.O.Y.T. 1971, c. T-2; Am. O.Y.T. 1971 (3rd), c. 3; Am. O.Y.T. 1979 (2nd), c. 2; Am. O.Y.T. 1980 (1st), c. 28, s. 3
Survivorship	S-11	In. R.O.Y.T. 1971, c. S-11; Rp. O.Y.T. 1980 (1st), c. 31;
Survivorship	S-11.1	En. O.Y.T. 1980 (1st), c. 31
Taxation	T-O.1	See Assessment and Taxation
Tenants in Common	T-1	In. R.O.Y.T. 1971, c. T-1
Territorial Court	T-2	See Supreme Court
Territorial Court	T-2.05	In. R.O.Y.T. 1971, c. M-1; Am. O.Y.T. 1979 (2nd), c. 2; Am. O.Y.T. 1980 (1st), c. 28, s. 2
Territorial-Municipal Employment Loans	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 33
Third Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 19
Third Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (3rd), c. 23
Third Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 19
Third Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (3rd), c. 15
Third Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 16
Third Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 17
Third Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1979 (2nd), c. 17
Third Appropriation, 1979-80	N.C.N.R.	En. O.Y.T. 1980 (2nd), c. 24
Tobacco Tax	T-2.1	En. O.Y.T. 1974 (2nd), c. 3; Am. O.Y.T. 1976 (1st), c. 9; Am. O.Y.T. 1978 (1st), c. 12
Trade Schools Regulation	T-3	In. R.O.Y.T. 1971, c. T-3
Transfer of Prisoners Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 8
Transport Public Utilities	T-4	In. R.O.Y.T. 1971, c. T-4; Am. O.Y.T. 1980 (1st), c. 32; Am. O.Y.T. 1980 (2nd), c. 16, s. 14
Travel for Medical Treatment	T-4.1	En. O.Y.T. 1975 (2nd), c. 4
Travel Industry Development Agreement	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 5
Trustee	T-5	In. R.O.Y.T. 1971, c. T-5; Am. O.Y.T. 1980 (1st), c. 33
Unemployment Assistance Agreement Repeal	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 13
Variation of Trusts	V-1	In. R.O.Y.T. 1971, c. V-1

Vital Statistics	V-2	In. R.O.Y.T. 1971, c. V-2; Am. O.Y.T. 1973 (1st), c. 18;
Wages Recovery	W-1	In. R.O.Y.T. 1971, c. W-1
Warehousemen's Lien	W-2	In. R.O.Y.T. 1971, c. W-2; Am. O.Y.T. 1980 (2nd), c. 20, s. 85 *
Wills	W-3	In. R.O.Y.T. 1971, c. W-3
Whitehorse, An Ordinance to open a certain portion of Land in the City of	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 13
Whitehorse General Purposes Loan (1972)	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 32
Whitehorse General Purposes Loan (1973)	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 34
Whitehorse (Takhini and Valleyview) Lands	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 18
Woodmen's Lien	W-4	In. R.O.Y.T. 1971, c. W-4; Am. O.Y.T. 1980 (2nd), c. 20, s. 86 *
Workers' Compensation	W-4.1	In. R.O.Y.T. 1971, c. W-5; Rp/Re. O.Y.T. 1973 (3rd), c. 6; Am. O.Y.T. 1975 (3rd), c.6, s.4; Am. O.Y.T. 1977 (2nd), c. 10; Am. O.Y.T. 1980 (1st), c. 20, s. 28 *
Workmen's Compensation	W-5	See Workers' Compensation
Workmen's Compensation Supplementary Benefits	N.C.N.R.	En. O.Y.T. 1973 (3rd), c.7
Young Offenders Welfare Agreement	N.C.N.R.	En. O.Y.T. 1976 (2nd), c. 3
Young Voyageur Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 9
Yukon Council	Y-1	En. O.Y.T. 1978 (1st), c. 2; Am. O.Y.T. 1979 (2nd), c. 18; Am. O.Y.T. 1980 (2nd), c. 25
Yukon River Basin Study Agreement	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 34



ORDINANCES
OF THE
GOVERNMENT OF YUKON

PASSED BY THE YUKON COUNCIL
IN THE YEAR
1980

Part II:
MUNICIPAL VOLUME

BEING THE SECOND SITTING OF THE THIRD SESSION
OF THE TWENTY - FOURTH COUNCIL
OCTOBER 14 - NOVEMBER 13, 1980

D. BELL COMMISSIONER

ORDINANCES OF THE YUKON TERRITORY
1980 (2nd), Chapter 17

MUNICIPAL ORDINANCE

(Assented to November 13, 1980)

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

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

PART 1 - INTERPRETATION

2(1) In this Ordinance,

"administrator" "administrator" means a person appointed
as administrator under this Ordinance;

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

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

"board" "board" means a board appointed by
council pursuant to this Ordinance to
provide advice and recommendations to
council;

"Chief
Administrator
Officer" "Chief Administrative Officer" means a
person appointed as chief administrative
officer of a municipality pursuant to
section 187.

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

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

"commission" "commission" means a commission appointed
by council pursuant to this Ordinance
with powers and duties as provided;

"corporation"	"corporation" means a company, a society, a sole proprietor, a cooperative association or a firm of partners;
"council"	"council" means the council of a municipality;
"elector"	"elector" means an elector as defined in this Ordinance;
"fiscal year"	"fiscal year" when used with respect to the government of a municipality means calendar year;
"hamlet"	"hamlet" means a hamlet established under this Ordinance;
"highway"	"highway" includes a street, road, lane, bridge, viaduct and any other way open to use by the public and all road allowances made therefor but does not include a private right-of-way or the highways excluded by an order made pursuant to section 261;
"inspector"	"inspector" means the inspector of municipalities appointed under this Ordinance;
"mayor"	"mayor" means the mayor of a city, town, village;
"municipal services"	"municipal services" means primary municipal services, secondary municipal services and tertiary municipal services as itemized and any additional services and facilities the Commissioner may prescribe.
"municipality"	"municipality" means any part of the Territory established as a city, town, village under this Ordinance;
"National Building Code"	"National Building Code" means any code adopted as the building code pursuant to the <u>Building Standards Ordinance</u> ;

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

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

"primary municipal services" means those services and facilities necessary to provide primary sewage collection, water delivery service, street and road maintenance with constructed gravel surface, garbage disposal facilities, fire protection and emergency services, sewage treatment facilities, street lighting in arterial roads, and administrative office space;

"real property" means land and all buildings, fixtures, machinery, structures, and things erected upon or under or affixed thereto;

"regulating" includes authorizing, controlling, inspecting, limiting and restricting;

"secondary municipal services" means those services and facilities necessary to provide recreation, transit, animal impoundment facilities, ditch and culvert surface drainage, garbage collection service, public cemeteries, pavement and sidewalks on major traffic routes, street lighting in major activity areas;

"submission" means any question, by-law or matter on which pursuant to any Ordinance the council is required to obtain the assent of the electors or taxpayers of the municipality;

"taxes" means taxes imposed by this Ordinance and the Assessment and Taxation Ordinance and includes any interest or penalties payable in respect of unpaid taxes and also includes any service charges imposed in respect of local improvements on property by this Ordinance or the Assessment and Taxation Ordinance and any interest or penalties payable in respect of them;

"taxpayer" means a person qualified to vote on a money by-law pursuant to this Ordinance;

"tertiary municipal services" means those services and facilities necessary to provide parks, pavement, lighting and sidewalks of local collector roads, piped storm drainage system and parking facilities;

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

"village" means any part of the Territory established as a village under this Ordinance.

Construction of words applying to officer by his name or office 3(1) Words in this or any other Ordinance, or in any regulation passed under such Ordinances, or in any by-law or resolution of a council, directing or empowering any officer of the municipality to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office and his lawful deputy, and such person as the

Council may from time to time by by-law or resolution designate to act in his place or stead.

Reckoning of period of time in days

4(1) In reckoning time for purposes of this Ordinance, any period of time expressed in days shall be exclusive of any holiday as defined by the Interpretation Ordinance.

5(1) Where the time limited or the date under this Ordinance for any proceeding or for the doing of anything expires or falls upon a day on which the offices of the municipality are not open to the public, the time so limited shall extend to and such thing may be done on the day next following on which the offices are open to the public but this subsection does not apply with respect to polling-day.

Jurisdiction of Council

6(1) The jurisdiction of every council is confined to the municipality the council represents, except where authority beyond the same is expressly conferred by this or any other Ordinance.

(2) Where in this Ordinance an affirmative vote of at least two-thirds of all the members of a council is required for the doing of any act or the exercising of any power, such requirement means an affirmative vote of at least two-thirds of the number of members of which the council is required to consist according to Part II.

PART II - INCORPORATIONS

Division (1) - Incorporation

Incorporation Title

7(1) Every city, town or village, created or established in Yukon Territory under this Part shall be a municipal corporation under the name of

- (a) in the case of cities, "The City of....."
- (b) in the case of towns, "The Town of....."
- (c) in the case of villages, "The Village of....."

(2) A corporation created or established under this Part has all the rights and liabilities of a corporation and has full power, subject to the provisions of this Ordinance, to acquire by purchase, lease or otherwise and to hold real property, crown property and to sell or lease real property and likewise to acquire, hold, sell or lease personal property and to contract for material or services.

Incorporation process

8(1) The Inspector of Municipalities may, for an area deemed to have a population in excess of 300 persons, on his own initiative or in response to a petition signed by not less than ten taxpayers resident in the area, submit a proposal to the Commissioner for the establishment of a municipality in that area.

(2) The Commissioner shall give public notice of the proposal under subsection (1) in a newspaper circulating in the area noted in subsection (1) and cause a copy of the notice to be posted in four conspicuous places in the area.

(3) The notice shall include

- (a) the area proposed to be included in the municipality,
- (b) the estimated or actual population of the area,
- (c) the estimated tax rate which will be required to be established in order to meet the commitments of the proposed municipality in each

- of the first two years following its establishment, and
- (d) the procedure to be followed in lodging an appeal, if any, against the proposed establishment of the municipality.
- (4) The notice of appeal under subsection (3) shall be in substantial conformity with the procedure set out in the notice and shall be signed by not less than ten percentum of the persons who are residents of the area proposed to be included in the municipality who
- (a) are 19 years of age or over
 - (b) are Canadian citizens
 - (c) have resided in that area for the period of one year immediately preceding the publication of the notice under subsection (2).
- (5) Where the Commissioner receives a valid appeal pursuant to this section, he shall fix a time and place within the area for the holding of an inquiry and shall appoint a person to hold the inquiry.
- (6) No member of the public service of the Territory shall be eligible to be appointed to hold the inquiry mentioned in subsection (5).
- (7) The person appointed to hold the inquiry pursuant to subsection (5) shall hold the inquiry at the time and place fixed by the Commissioner and shall hear any evidence and receive any submissions made supporting or objecting to the proposal contained in the order.
- (8) Where it appears to the person holding the inquiry that a substantial number of the residents of the area are opposed to the establishment of a municipality or are opposed to the terms upon which it is to be established, the person may

ascertain the wishes of the inhabitants in the matter in a suitable manner.

- (9) The person holding the inquiry has the power to summon witnesses, administer oaths and for the purpose of holding the inquiry, has all the powers of a Board of Inquiry appointed pursuant to the Public Inquiries Ordinance.
- (10) As soon as may be after the conclusion of the inquiry, the person shall prepare and furnish to the Commissioner a report within the time limits prescribed by the Commissioner on the inquiry and shall make recommendations concerning the establishment of a municipality in the area.
- (11) The Commissioner shall give notice of the recommendation of the report under subsection (10) in the same manner as the notice of the proposal under subsection (2) and in the same or another notice state his intention to
 - (a) cancel the proposal, or
 - (b) to establish the municipality as originally proposed, or
 - (c) to establish the municipality set out in the original proposal with the modifications as stated in the notice hereunder.

Incorporation Order

- 9 (1) The Commissioner may by order create or establish a municipality.
- (2) Except in the case of a hamlet, the order of the Commissioner establishing the municipality shall specify
 - (a) the name, boundaries, area and class of municipality, and notwithstanding any provision of this Ordinance may specify such other provisions and conditions as may be deemed necessary for the operation of the municipality,

- (b) the qualifications required for membership on the first council to be elected and the qualifications required of the voters at the first election,
- (c) the time and manner of electing the first council,
- (d) the respective terms for which members of the council shall be elected at the first election,
- (e) the Returning Officer, or the provisions for the appointment of a Returning Officer, at the first election,

and may specify

- (f) the polling place or places at the first election,
- (g) that the Inspector shall determine the day, time and place of the first meeting of the first council,
- (h) the sum which may be borrowed to meet the current lawful expenditure of the municipality in the year of incorporation and for the year next following, if deemed expedient,
- (i) the dates which may be observed initially and once only in place of statutory dates.

(3) In the exercise of the powers under this section, the Commissioner may by order incorporate the residents of any area into a municipality and thereupon shall revoke an existing charter of incorporation and shall dissolve any municipality situated within the municipality so incorporated.

(4) For the purposes of this section, a Local Improvement District existing immediately prior to the coming into force of this Ordinance shall be deemed to be a municipality.

Type of Municipality 10(1) The type of municipality to be established shall be in accordance with the following table

<u>Estimated Population</u>	<u>Type of Municipality</u>
300 to 1000	Village
500 to 3000	Town
Over 2500	City

(2) Any area set aside by law as a national park or a territorial park or a game preserve or sanctuary established by law and contained within the boundaries of a municipality is outside the jurisdiction of the municipality unless otherwise prescribed.

Notice of incorporation order 11(1) All orders under this Part shall be published in two issues of a newspaper circulating in the area and displayed in at least four conspicuous places within the proposed municipality.

Municipality in conjunction with natural resource 12(1) Notwithstanding the provisions of section 10 where in the opinion of the Commissioner, it is in the public interest to establish a municipality in conjunction with the development of a natural resource, the Commissioner may, by order incorporate the residents of any area of land into a municipality.

Division (2) - Change of Status or Boundaries

Change of Status process 13(1) The Council of any municipality at any time may by by-law submit for the approval of the electors the question of changing the status of the municipality to some other class of municipality that it is eligible for pursuant to section 10.

(2) Where the approval of electors has been obtained to a change of status the Commissioner may revoke the existing

order and reincorporate the municipality in a new class pursuant to a new order.

- (3) Notwithstanding subsection (1) where it appears to the Commissioner that the population of a municipality has increased or decreased beyond the numbers required in section 10 by more than ten percentum, the Commissioner may proceed to revoke the existing order and issue a new order that provides a new status for the municipality.
- (4) Where the Commissioner deems that there has been sufficient change in population, the council of the municipality shall be given written notice and no steps shall be taken to revoke the existing order until after six months have elapsed from the date of mailing of the written notice to council.
- (5) An order issued under subsection (3) shall include provisions for implementation as referred to in section 9 and such other matters as the Commissioner deems necessary to provide for a proper transition to a new class of municipality.
- (6) An order issued under this section may include, if so requested by council, that the municipality retain as part of its name the former name.

Transitional provisions for change of status

- 14(1) When a municipality (herein called the "old municipality") changes its status from one class of municipality to another (herein called the "new municipality")
 - (a) the mayor of the old municipality continues as the mayor of the new municipality until his successor is sworn into office,
 - (b) each other member of the council of the old municipality continues as a

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

Alteration
of
Boundaries

15(1)

The council of a municipality may petition the Commissioner to alter the boundaries of the municipality in accordance with the changes proposed in the petition.

- (2) Upon the receipt of a petition under subsection (1) the Commissioner shall refer the petition to the Yukon Municipal Board for its opinion.
- (3) Where the Commissioner deems it in the public interest, he may recommend to the Yukon Municipal Board the alternation of the boundaries of a municipality.
- (4) Upon receipt of a recommendation or a petition from the Commissioner, the Yukon Municipal Board shall hold a public hearing in the area to be affected for the purpose of hearing objections and inquiring into the merits of the application.
- (5) Notice of the public hearing will be advertised in two issues a week apart of a newspaper circulating in the area and posted notice in at least four conspicuous places in the municipality and the area to be included.
- (6) Upon completion of the public hearing, the Yukon Municipal Board may recommend to the Commissioner
 - (a) that the boundary alteration be approved as proposed,
 - (b) that the boundary alteration be approved with modifications, or
 - (c) that the boundary alteration not be approved.
- (7) Upon receipt of a recommendation for the approval of the boundary alteration as proposed or a recommendation for the approval of the boundary alteration with modifications from the Yukon Municipal Board, the Commissioner may issue an order adjusting the area of the municipality and include in such order such provisions as are necessary to facilitate an orderly adjustment.

Transitional provisions with boundary alterations

- 16(1) When the boundaries of a municipality (herein called the "old municipality")

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

- (a) the mayor of the old municipality shall continue as mayor of the new municipality until his successor is sworn into office,
- (b) each other member of the council continues to be a member of the council of the new municipality until his successor is sworn into office,
- (c) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality directs otherwise,
- (d) all by-laws and resolutions of the old municipality continue as by-laws and resolutions governing the additional area included within the boundaries of the new municipality insofar as they are not inconsistent with this Ordinance, until they are repealed or others made in their stead by the Council of the new municipality,
- (e) all taxes due to the Commissioner, levied in the additional area added to the old municipality, shall be deemed to be arrears or taxes due to the new municipality and shall be dealt with as if it had imposed the taxes,
- (f) all business licences, utility charges or other debts due to the Commissioner and remaining unpaid by residents of the additional area at the time of the proclamation of the alteration of the boundaries of the municipality shall be deemed to be debts owing to the new municipality and dealt with accordingly,

- (g) the Commissioner may direct that all monies collected by the new municipality under paragraph (e) and (f) shall be paid to him,
- (h) the Commissioner may make any regulations he deems necessary to carry out the provisions of this section.

Division (3) - Dissolution

Reason for
dissolution

17(1) Where in the opinion of the Commissioner, the population of a municipality has been reduced to a level insufficient for the continuance of a municipality, he may order the dissolution of the municipality.

(2) No municipality shall be dissolved until the Commissioner is satisfied that due provision has been made for the winding up of the municipality's affairs and for the payment of all debts and obligations of the municipality.

Assets
transferred
to
Commissioner

(3) Upon dissolution of a municipality all property and assets of the municipality shall be transferred to the Commissioner under such terms and conditions as the Commissioner may prescribe and all taxes imposed by the municipality remaining unpaid shall be deemed to be taxes imposed by the Commissioner under the Assessment and Taxation Ordinance on the date of their imposition.

Collection
of outstanding
Taxes

(4) Where a municipality is dissolved at a date prior to the imposing of the taxes for the calendar year in which dissolution takes effect, all real property within the municipality so dissolved is liable to assessment and taxation by the Commissioner in that year in accordance with the provisions of the Assessment and Taxation Ordinance.

- (5) The last authenticated real property assessment roll of a municipality that has been dissolved may be used for the purpose of levying and collecting taxes therein under the Assessment and Taxation Ordinance.
- Regulations respecting dissolution (6) The Commissioner may make any regulations he deems necessary for the dissolution and proper winding up of a municipality.

Division IV - Formation of Hamlets

- Formation of Hamlets 18(1) The Commissioner may, by order, designate any area of land to be established as a hamlet and may provide services as are set out in the order, and impose any regulation authorized under this Ordinance or any other Ordinance for municipalities and impose such taxes, licences, charges and fees to contribute to the cost of providing works and services as provided in this Ordinance for the benefit of the residents.
- Contents of order 19(1) The order establishing a hamlet shall include but shall not be restricted to providing for title, boundaries, works or services to be provided and the date the order becomes effective.
- Appointment of Advisory Council 20(1) The Commissioner may appoint the members of the first Advisory Council or may direct the Inspector to conduct the first election of members of an Advisory Council and the Commissioner may prescribe the procedures to be followed for conducting any subsequent hamlet election.
- Composition of Advisory Council 21(1) Subject to section 20:
(a) a hamlet shall have an Advisory Council of five members which shall be elected; and

(b) a Chairman shall be elected by the Advisory Council from amongst its members at its first meeting.

Duties of
Advisory
Council

22(1) It shall be the duty of the Advisory Council to assist the Commissioner in:
(a) determining the works or services which are required;
(b) the regulations deemed desirable for the benefit of the residents;
(c) supervising the works or services if required within the hamlet.

Inspector
supervise
activities
of Hamlet

23(1) Subject to section 18 and section 19 the Inspector shall be responsible for the supervision of the activities of hamlet Advisory Councils and in carrying out his duties shall determine:
(a) qualifications required for membership on Advisory Council and qualification of voters;
(b) terms of office for members;
(c) day, time and place of the first meeting of the first Advisory Council.

Quorum

24(1) A majority of the members of the Advisory Council constitute a quorum.

(2) The Chairman shall vote, and any question resulting in a tie shall be deemed to be decided in the negative.

Annual
meeting

25(1) An annual general meeting shall be held each year.

(2) The Advisory Council may by resolution make rules and regulations relating to the calling of meetings and the conduct of such meetings.

Secretary

26(1) The Advisory Council may with the approval of the Inspector, from time to time,

appoint a secretary and fix the salary and prescribe the duties of the secretary.

Real and personal property

27(1)

Real and personal property including works of any kind acquired for the hamlet shall be held by the Commissioner on behalf of the hamlet.

Dissolution of Hamlet

28(1)

The Commissioner may dissolve any hamlet upon the advice of the Inspector and make disposition of its assets as appears equitable.

Revision of order for hamlet

29(1)

The Commissioner may at any time vary or amend the order establishing a hamlet.

PART III - ELECTIONS
Division I - Electors

- Qualification of electors 30(1) Every person is entitled to vote at an election in a municipality who
- (a) is a Canadian citizen,
 - (b) has attained the age of 19 on the day on which the poll is taken, and
 - (c) has resided in the municipality for the period of one year immediately preceding the day on which the poll is taken.
- Residency requirements 31(1) For the purposes of this Part a person does not reside in a municipality unless, the true, fixed, permanent lodging place to which, when is he absent, he has the intention of returning is located in the municipality.
- (2) Notwithstanding subsection (1), where a person who is a resident of a municipality leaves his home for a temporary purpose, he does not cease to be a resident of the municipality.
 - (3) Notwithstanding subsection (1), where a person who is a resident of a municipality leaves the municipality with the intention of making his residence elsewhere, he ceases to be a resident of the municipality.
 - (4) Subject to subsection (1), the place where a person's family resides shall be deemed his place of residence unless he takes up or continues his abode at some other place with the intention of remaining there.
 - (5) A change of residence can only be made by actual removal with the intent to establish a fixed habitation in another place.

Eligibility
for vote on
submissions

- 32(1) Where a person entitled under section 30 to vote at an election in a municipality is a taxpayer, he is qualified to vote on a submission in the municipality.
- (2) Subject to subsections (3) and (4), where a corporation is a taxpayer, it is entitled to vote on a submission.
- (3) A corporation is not entitled to vote on a submission unless, not less than ten days before the day on which the vote on the submission is taken, it files with the clerk a statement in writing naming some person who is eligible to vote under section 30, as the agent to vote on behalf of the corporation.
- (4) No person may vote under this section on behalf of more than one corporation.
- (5) For the purposes of this section, "taxpayer" means any person and the spouse of such person who, on the day on which the vote on the submission is to be taken is the owner of taxable property in the municipality within the meaning of section 49 of the Assessment and Taxation Ordinance.

Division II - Qualifications for Council

Eligibility
for alderman
or mayor

- 33(1) A person is not eligible to be nominated to become an alderman or mayor of a municipality unless, on the day of his nomination,
- (a) he is a Canadian citizen
 - (b) he has attained the age of 19 on the day on which the poll is taken
 - (c) he has resided in the municipality for the period of one year immediately preceding the day on which the poll is taken, and
 - (d) his name appears on the list of electors.
- (2) Notwithstanding subsection (1), a person is not eligible to become an alderman or mayor of a municipality if he

- (a) is an employee or salaried officer of the municipality;
 - (b) is an undischarged bankrupt;
 - (c) is a judge of a court, other than a justice of the peace or a juvenile court judge;
 - (d) has, directly or indirectly, any contract or any interest in any contract with the municipality;
 - (e) is indebted to the municipality for a debt exceeding \$250, other than a debt for current taxes;
 - (f) is currently incarcerated; or
 - (g) ceases, before the poll is taken to be entitled under section 30 to vote at an election in the municipality.
- (3) Notwithstanding subsection 2, a person is not disqualified by reason that
- (a) he is a shareholder, officer, or director of a company that has dealings or contracts with the municipality,
 - (b) he is a member, officer or employee of a society or association that has dealings or contracts with the municipality,
 - (c) as executor, administrator, or involuntarily by operation of law, he is a party to or holds, for a period of more than 12 months, contract with the municipality,
 - (d) he receives in common with other inhabitants services that are contracted with the municipality (municipal services, easements and encroachment, purchase of any debenture of the municipality in common),
 - (e) he receives witness fees and conduct money for attending proceedings involving the municipality,
 - (f) he receives remuneration for serving as a member of the municipal volunteer fire or ambulance brigade or volunteer emergency measures organizations, or

- (g) he is providing services or goods to the municipality within the provisions of subsection 34(2).

Disqualification 34(1)
rules

A person is disqualified from being an alderman or mayor of a municipality where,

- (a) being a shareholder, officer or director of a corporation that has dealings or contracts with the municipality, he votes at a meeting of the council on any question affecting the company, or participates in the consideration of the question by the council,
- (b) being a member, officer or employee of a society or association that has dealings or contracts with the municipality, he participates in the consideration by the council of any matter affecting the society or association,
- (c) he ceases to be eligible to become an alderman or mayor under section 33.

(2) Notwithstanding subsection (1), a member of the council of a municipality may, provide goods or services to the municipality where:

- (a) the sale of goods or services to the municipality or to persons contracting with the municipality are made at competitive prices by a dealer in those goods or services incidental to and in the ordinary course of his business; and
- (b) the member does not vote at any meeting of the council on any question affecting the contract for such goods or services.

Division III - Election Proceedings

Term of office	35(1)	All members of council shall hold office for a term of two years.
Election by-law	36(1)	Council may by by-law (a) divide the municipality into polling divisions, (b) subject to this Ordinance, regulate the conduct of an election, (c) establish a polling place in a hospital, old age home or similar institution, and set special hours for when the poll shall be open.
By-laws for submission	37(1)	Subject to the Ordinance, council may by by-law adopt rules of procedure concerning a submission as are deemed necessary.
Ballot paper for submission	(2)	Where a submission is held at the same time as an election the ballot paper used therein shall not be of the same in size or colour as that used for an election.
By-law for ward system	38(1)	The council may, by by-law, made with the approval of the Commissioner, provide that all or some of the members of the council be elected on an area or ward basis.
Composition of wards	39(1)	For the purposes of section 38, a single area or ward may consist of one or more defined areas whether or not these areas are contiguous.
Appointment of returning officer	40(1)	The council shall, on or before the first Monday of October in each election year and at other times as required, (a) appoint a returning officer, subject to this Ordinance, to be responsible for the administration of the election or submission,

- (b) establish the place for making nominations,
- (c) establish the place or places at which polls will be held, if a poll is required and subject to section 69 set hours which polls shall be open,
- (d) appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers, and
- (e) otherwise arrange for the holding of the election or submission.

Division IV - Advance Poll

- | | | |
|-------------------------------------|-------|---|
| Advance poll | 41(1) | For the purpose of enabling every voter mentioned in section 30 to vote at an election, the council may direct the returning officer to establish one or more advance polling places. |
| | (2) | Notice of an advance poll shall be given in the form and the manner provided in section 69. |
| Conduct of advance poll | 42(1) | Except as provided in this Ordinance, the poll to be held at every advance polling place shall be conducted in the same manner provided by this Ordinance, for the conduct of other polls in an election. |
| Hours for advance poll | 43(1) | The poll at each advance polling place established shall be open between such hours and on such day or days as the council may determine. |
| Eligibility to vote at advance poll | (2) | A person is not entitled to vote at an advance poll unless he will be unable to vote on the day on which the vote is to be held <ul style="list-style-type: none">(a) by reason of his absence from the municipality, |

- (b) by matters of conscience, or
- (c) by circumstances beyond his control.

Record of vote	44(1)	The poll clerk at each advance polling place shall record in the poll book in the column headed "remarks" after the name of each person who votes, a notation that the person has voted.
Oath to vote at advance poll	45(1)	The returning officer or the deputy returning officer, every candidate and the agent of every candidate may require that a person intending to vote at the advance poll, take any oath that he may be required to take under this Ordinance before being handed a ballot.
Advance poll ballot box to be sealed until close of regular polls	46(1)	Upon the close of the advance poll each day, the returning officer or the deputy returning officer shall, and each candidate or agent present may, affix his seal to the ballot box in such a manner that no ballots can be deposited in it without breaking the seal, and the ballot box shall remain sealed until the close of the poll on polling day.
Count of votes from advance poll	47(1)	The returning officer or deputy returning officer, in the presence of the candidates and the agents who are present, shall, when all polls are finally closed on polling day, open the ballot box, count the votes, and take all other proceedings provided by this Ordinance for deputy returning officers in connection with the conduct of an election after the close of the poll.
Division V - List of Electors		
Clerk shall prepare preliminary list of electors for municipality	48(1)	Where a municipality is not divided into separate polling divisions, the clerk shall prepare in each election year a preliminary list of electors in which the names of all persons qualified to vote at the next election, so far as is ascertainable, are set out in alphabetical

order by surname and first name or initial, together with the address of each elector.

- (2) Where the municipality is divided into polling divisions, the clerk shall prepare in each election year a separate preliminary list of electors for each polling division.
- (3) Where a by-election occurs and the list of electors has not been revised within the eight months preceding the date of the by-election, the council shall cause the list of electors to be revised in accordance with the provisions of this Ordinance.
- (4) Notwithstanding subsection (3) the council may cause the list of electors to be revised in accordance with provisions of this Ordinance where a by-election occurs within the eight months following the last revision.

Contents of preliminary list

49(1) The preliminary list of electors prepared pursuant to section 48 shall set out in alphabetical order the names of all persons entitled to vote together with the address of each elector, so far as it reasonably may be practicable to do so.

System of enumeration

50(1) The council may, by by-law, provide for a system of enumeration or registration of the names of persons entitled to vote at an election.

Clerk to post preliminary list of electors

51(1) The clerk shall on the first Wednesday of September in each election year post a copy of the preliminary list of electors in the municipal office, and
(a) in at least four conspicuous places in the municipality, if it is not divided into polls, or

(b) in at least one conspicuous place in each polling division, if the municipality is divided into polling divisions, and the copies of the preliminary list shall remain posted until the sitting of the Board of Revision.

Establishment
of Board of
Revision

- 52(1) The council shall establish a Board of Revision for the municipality and shall appoint the members thereof who shall hold office during pleasure, but no member of the council and no employee of the municipality shall be a member of the Board of Revision.
- (2) Not less than three persons shall be appointed as members of the Board of Revision and the Board shall elect one of their members to be chairman of the Board.
- (3) Every member of the Board of Revision shall, before entering upon his duties take and subscribe the oath or affirmation as set out in the prescribed form.
- (4) The council shall, by by-law, prescribe a fee to be paid to members of the Board of Revision.

Procedure
for Board
of Revision

- 53(1) The Board shall be presided over by the Chairman, or in his absence by a Chairman chosen from among the members present.
- (2) The clerk of municipality shall act as the clerk of Board of Revision and shall record its proceedings.
- (3) In the absence of the clerk, the Board may appoint another person to act in his place.

- (4) A majority of the members of the Board of Revision constitutes a quorum of the Board and if a quorum is not present, the Board shall stand adjourned to the next day, not a holiday, and from day to day thereafter until there is a quorum.
 - (5) The Board of Revision shall sit on the first Monday in October of each election year, and shall continue to sit from day to day if so required.
- Time limit for Board members to receive preliminary list 54(1) The clerk shall, at least forty-eight hours before the day fixed for revision of the preliminary list of electors, deliver to each of the members of the Board of Revision a copy of the preliminary list of electors.
- Basis for revision 55(1) Any person who is eligible to vote at an election may apply to the Board of Revision to have the preliminary list of electors revised on the ground that the name of:
 - (a) an eligible voter is omitted therefrom;
 - (b) an eligible voter is incorrectly set out therein; or
 - (c) a person not eligible to vote is included therein.
- Deadline for application to Board 56(1) Any person eligible to vote at an election who wishes to apply for revision of the preliminary list of electors under section 55 may make such application on or before the first Monday in October, by leaving with the clerk written notice of his application.
- Contents of notice of application (2) The notice of application for revision of the preliminary list of electors shall fully set out:
 - (a) the name of the person in respect of whom the application is made;

- (b) the nature of the revision that is sought;
- (c) the grounds upon which the application is made; and
- (d) the name, residence and mailing address of the person making the application.

(3) The clerk shall give notice to every person who has given notice of his intention to make an application to the Board of Revision, and to the persons in respect of whom notice of application is made, of the place and time fixed for the sittings of the Board.

Clerk to issue notice of sittings of Board

57(1) Notice of the time and place fixed for the sitting of the Board of Revision shall be issued by the clerk at least ten days before the day fixed for the sitting of the Board of Revision and shall be:

- (a) published in a newspaper circulating within the municipality; and
- (b) posted in the municipal office; and
 - (i) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or
 - (ii) in a conspicuous place in each polling division, if the municipality is divided into polling divisions.

Power to hear applications and revise preliminary list

58(1) The Board of Revision shall hear all applications made pursuant to section 55.

(2) If in respect of any application the Board of Revision is satisfied that the preliminary list of electors should be corrected, then the Board of Revision shall revise the preliminary list of electors accordingly.

- (3) Where the name of a person qualified to vote is incorrectly spelled, is duplicated, or where a person is not properly described in the preliminary list of electors, the Board of Revision may correct such spelling, duplication or description notwithstanding the absence of any notice or application required by this Ordinance.
- Revised list of electors 59(1) All corrections and revisions made in the preliminary list of electors by the Board of Revision shall be shown thereon in red ink, and the preliminary list of electors so corrected and revised shall be certified by the Board of Revision as being the revised list of electors for the municipality.
- (2) The revised list of electors shall be the list of qualified electors for the general municipal elections, and for all subsequent elections until such time as a new revised list of electors is prepared.
- Clerk and returning officer to receive copies of revised list 60(1) The Chairman of the Board of Revision shall deliver a copy of the revised list of electors, to the clerk and to the returning officer within nine days after the Board commences its sitting.
- Copies of revised list to be printed 61(1) The clerk shall cause to be printed as many copies of the revised list of electors, with the name of the electors appearing thereon as the returning officer may deem necessary.
- Timing for posting copies of revised list 62(1) The returning officer shall on the third Monday in October in each election year post a copy of the revised list of electors in the municipal office, and

- (a) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions; or
 - (b) in a conspicuous place in each polling division if the municipality is divided into separate polling divisions,
- and the copies of the revised list of electors shall remain so posted until the day after polling day.

Division VI - Nomination

Nomination day and polling day	63(1)	Nomination day for the offices of mayor and alderman shall be the last Monday in October, and if it is necessary to hold a poll, polling day shall be the second Thursday of November.
Nomination notice	64(1)	Notice of the time and places fixed for holding nomination proceedings shall be issued by the returning officer, and such notice shall be in the prescribed form.
Publication of nomination notice	(2)	The nomination notice referred to in subsection (1) shall be <ul style="list-style-type: none">(a) published in a newspaper circulating within the municipality; and(b) posted in the municipal office and<ul style="list-style-type: none">(i) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or(ii) in a conspicuous place in each polling division, if the municipality is divided into polling divisions; by returning officer at least six days before nomination day.
Requirements for nomination	65(1)	No person shall be nominated as a candidate unless such person

- (a) is qualified to be elected in accordance with section 33;
- (b) has been nominated in writing by ten persons who are, to the best of his knowledge, and belief, electors;
- (c) has delivered or caused to be delivered to the returning officer between the time of the nomination notice and twelve o'clock noon on nomination day, a nomination paper in the prescribed form, together with a declaration administered by the returning officer, clerk or notary public in the prescribed form.

Contents of nomination paper

- 66(1) A nomination paper shall contain
- (a) the name and address of the person being nominated;
 - (b) a statement subscribed to by the persons mentioned in paragraph 65(1)(b); and
 - (c) the written consent of the person being nominated.

Elector may subscribe more than one paper

- (2) An elector may subscribe as many nomination papers as there are candidates to be elected, but each candidate shall be nominated by a separate nomination paper.

Receipt given by returning officer

- (3) The returning officer shall, if requested to do so, give a receipt to the person who delivers to him a nomination paper with the accompanying declaration.

Duties of returning officer on nomination day

- 67(1) The returning officer shall be present between the hours of ten o'clock in the forenoon and twelve o'clock noon on nomination day at the place appointed by the council for the holding of nomination proceedings, and shall at twelve o'clock noon announce to the electors present the names of all electors who have been

nominated as candidates in accordance with the provisions of this Ordinance.

No speeches
or
interruptions

- (2) The returning officer shall not permit any speeches or interruptions during the nomination proceedings referred to in subsection (1).

Procedure
at close of
nominations

- 68(1) At the conclusion of nomination proceedings,
- (a) if the number of candidates for the vacant offices exceeds the number of vacancies, the returning officer shall proceed to hold a poll pursuant to this Ordinance, and
 - (b) if the number of candidates for the vacant offices equals or is less than the number of vacancies, the returning officer shall declare those candidates elected.
- (2) If there are, on nomination day fewer persons nominated as candidates for office than there are members to be elected, the council shall cause the Commissioner to be notified of the number of vacancies and the Commissioner may fill such vacancies by the appointment of person(s) eligible pursuant to section 33, or may direct council to hold one further nomination for the remaining vacant positions prior to filling the vacancies by appointment.
- (3) A person appointed under subsection (2) shall, if he accepts office, make the prescribed declaration and take the oath of allegiance under the same provisions as if he had been elected.

Division VII - Notice of Poll

- Contents of notice of poll 69(1) The notice of the poll issued by the returning officer shall state
- (a) the name of each candidate;
 - (b) the time and place at which the poll will be open for the purpose of receiving the votes of the electors.
- Publication (2) The notice of the poll referred to in subsection (1) shall be posted
- (a) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or
 - (b) in a conspicuous place in each polling division if the municipality is divided into polling divisions;
- by the returning officer at least seven days before polling day.
- (3) Notwithstanding subsection (1), the polls shall be open for a minimum of ten consecutive hours between the hours of seven o'clock in the forenoon and eleven o'clock in the afternoon.
- List of candidates 70(1) At the close of nominations, the returning officer shall, at the request of a candidate or agent, deliver to him a certified list of all candidates.

Division VIII - Preparations for the Poll

- Clerks to supply ballot boxes 71(1) The clerk shall have ready at all times at least as many ballot boxes as there are polling stations in the municipality.
- Type of ballot box (2) The ballot boxes shall be made of some durable material, and shall be provided with a lock and key, and shall be so constructed that the ballot-paper can be introduced therein, and cannot be withdrawn therefrom unless the box is unlocked.

- (3) Where it becomes necessary, for the purposes of an election, to use the ballot boxes, the clerk shall, before the polling day, deliver a sufficient number of ballot boxes to the returning officer appointed for the purposes of the election.

Ballot papers 72(1) Where a poll is granted, the returning officer shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers in the prescribed form as will be sufficient for the purposes of the election.

Rules applicable for ballot papers 73(1) Separate ballot papers shall be used for the election of the mayor and for the election of aldermen.

- (2) The names of the candidates shall be printed on the ballot paper in the order determined by lot by the returning officer on nomination day.

- (3) The name of a candidate shall be printed on the ballot-paper in accordance with such reasonable directions as he may give in his nomination papers as to its spelling, or as to the use of a contraction or a nick-name.

Division IX - Proceedings at the Polls

Ballot boxes to be locked and sealed 74(1) The presiding officer at each polling-place, just before the commencement of the poll, shall show each ballot-box empty to such persons as may be present in the polling-station, so that they may see that it is empty, and then he shall

- (a) lock it up and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and
- (b) place and keep it in his view, locked and sealed, for the receipt of ballot papers.

Secret ballot	75(1)	The voting at every election shall be by secret ballot.
Cumulative voting	76(1)	No elector shall vote more than once for each candidate to be elected.
Penalty	(2)	A person who contravenes subsection (1) or who obtains, except under the provisions of section 89, more than one ballot paper for any election or submission, at the same or some other polling place within the municipality, shall, on summary conviction, be liable to a penalty of one hundred dollars; and a person so convicted is not eligible as a candidate nor entitled to vote at any municipal election in the municipality for a period of two years following the date of his conviction.
	(3)	The provisions of this section do not apply to the returning officer who shall only vote in accordance with the provisions of sections 110 and 115.
Receipt of votes	77(1)	Subject to the provisions of subsection 78(2), the returning officer or deputy returning officer at any municipal election shall receive the vote of any person whose name he finds in the latest certified list of electors furnished to him for use at the election.
Challenge of voter	78(1)	If a person offering to vote at any municipal election is challenged as unqualified by the returning officer or

deputy returning officer or by any candidate or his agent, or by a duly qualified elector, the returning officer or deputy returning officer shall require the person so offering to vote to take an oath in the following form, to be administered to him by the returning officer or deputy returning officer:

"I swear (or solemnly affirm):

- (a) That I am legally qualified to vote at this election;
- (b) That I am the person referred to as _____ in the list of electors being used in this election or my name does not appear on the list of electors;
- (c) That I have not voted before in this election at this or any other polling-station;
- (d) That I am of the full age of nineteen years;
- (e) That I am a Canadian citizen; and
- (f) That I have not, directly or indirectly, received any reward or gift, nor do I expect to receive anything in respect of the vote for which I now apply.

So help me God."

Disqualification (2) Notwithstanding section 77 or 82, any person who is challenged and who refuses to take such oath shall not be permitted to vote.

Records of electors taking oath 79(1) Where an elector takes the oath, the returning officer or deputy returning officer shall enter, opposite the name of the elector in the list of electors, the word "sworn".

- Votes objected to (2) Where the vote of a person is objected to by a candidate or his agent, the returning officer or deputy returning officer shall also enter the objection in the list of electors opposite the name of the elector using the words "objected to", and adding the name of the candidate.
- Power to receive declaration 80(1) A returning officer or deputy returning officer appointed to attend at a polling place has the power to ask the questions and receive the declarations or oaths authorized by law to be asked of and made by electors.
- Omission of voter's name from printed list 81(1) When the name of a qualified elector appearing on the certified list of electors has been omitted from the printed list, the municipal clerk may in writing authorize the returning officer or deputy officer at the proper polling place to supply a ballot paper to that person, and that person is then entitled to apply for and receive a ballot paper.
- Application for registration of voter at poll 82(1) A person whose name does not appear on the latest certified list of electors of the municipality is entitled to vote if
(a) he files with the returning officer or deputy returning officer an application for registration in the form prescribed and
(b) he is otherwise qualified to have his name entered upon the list of electors.
- (2) Subject to section 112, the returning officer shall submit to the municipal clerk all the applications for registration filed under subsection (1) and the clerk shall incorporate them in the list of electors.

- Ballot papers to be furnished to applicant 83(1) Upon being satisfied that an applicant for a ballot paper is entitled to vote at the polling place where he applies for a ballot paper, the returning officer or deputy returning officer or poll clerk shall furnish the applicant with one of each of the ballot papers to which he is entitled.
- Suitable mark on list of electors (2) A suitable mark shall be made on the list of electors against or through the name of each elector to whom a ballot paper is supplied.
- Marking of ballot papers 84(1) The elector, on receiving a ballot paper, shall promptly proceed into one of the compartments provided, and while screened from observation shall mark his ballot paper by making a cross, or other mark in the blank space opposite the name of the candidate or candidates for whom he votes or by making a cross, or other mark in the blank space provided for the purpose of indicating whether or not he is in favour of a submission.
- (2) The elector shall then fold the ballot paper across to conceal the names of the candidates and any mark he may have made on the face of the ballot paper, leave the compartment without delay, and, having exhibited the folded ballot paper to the returning officer or deputy returning officer or poll clerk, shall, without exposing the front of the ballot paper to anyone, deposit it in the closed ballot box.
- (3) After depositing his ballot paper, the elector shall promptly leave the polling place.
- Infirmity or inability to read 85(1) If the returning officer or deputy returning officer is satisfied that an

elector, through infirmity, is unable to enter one of the compartments at the polling place, the returning officer or deputy returning officer may permit such elector to mark his ballot paper in some other convenient place.

(2) If the returning officer or deputy returning officer is satisfied that an elector, through infirmity or inability to read, is unable to mark his ballot paper, or if the elector is unable to enter a compartment then the returning officer or deputy returning officer or a person designated by the elector may accompany the elector to a convenient place, and there may, at the elector's request and in his presence, mark the ballot paper on behalf of the elector as directed by the elector.

(3) The returning officer or deputy returning officer or other person shall fold the ballot paper as in other cases, carry out the other requirements of section 84 and shall deposit the ballot paper in the closed ballot box in the presence of the elector.

(4) The returning officer or deputy returning officer shall make a list of the electors for whom he has marked any ballot paper pursuant to this section, with the notation "Infirmity" or "Unable to Read".

Witness

86(1) An elector who is unable to mark his ballot is entitled to have a person of his choice witness the marking of his ballot.

(2) A person may act as a witness under subsection (1) only once at the same election and only after he has taken an oath in the following form, by the

returning officer or deputy returning officer:

"I swear (or solemnly affirm):

- (a) That I will keep secret the name of the candidate or candidates for whom I as witness see the ballot papers of the voter marked; and
- (b) That I have not at this election acted as witness for another elector to observe the marking of a ballot paper.

So help me God."

One person to occupy compartment of polling station

87(1) While an elector is in one of the compartments of the polling place to mark his ballot paper, no other person, except as provided in sections 85 and 86, shall be allowed to enter the compartment or to be in a position to observe the way in which the elector marks his ballot paper.

Elector may vote if another person has voted in his name

88(1) If a person, representing himself to be a particular elector named on the list of electors applies for a ballot paper after another person has voted as that elector, the applicant, on taking the oath required under section 78, is entitled to receive a ballot paper and to vote.

(2) Where a person receives a ballot paper under subsection (1), the poll clerk shall note opposite the name of the elector on the list of electors that a second ballot paper has been issued, and shall also note there any objection made on behalf under section 80 on behalf of a candidate, and the identity of the candidate.

Second ballot paper may be issued 89(1) An elector who has inadvertently dealt with his ballot paper in a manner so that it cannot be conveniently used as a ballot paper may, on delivering to the returning officer or deputy returning officer the ballot paper inadvertently dealt with and proving the inadvertence to the satisfaction of the returning officer or deputy returning officer, obtain another ballot paper in the place of the ballot paper, and the returning officer or deputy returning officer shall immediately cancel and retain the spoilt ballot paper.

Deputy returning officer or poll clerk vote where stationed 90(1) Notwithstanding section 83 a deputy returning officer or poll clerk, if a qualified elector, may vote at the polling place to which he is appointed.

Reasonable time to vote 91(1) Every employer shall give every employee who is an elector a reasonable time, while the polls are open to cast a vote, and in no case shall the time be less than four clear hours during the time the polls are open to cast his vote.

(2) No employer shall make any deduction from the pay of an employee nor impose upon or exact from the employee any penalty by reason only of absence for the purpose of casting a vote.

Division X - Sundry Provisions

Death or default of returning officer 92(1) Where a deputy returning officer has died or refuses or does not attend at the time and place required by the returning officer to receive his lists of electors and other election papers, the returning officer shall appoint another person to act in his place as deputy returning officer.

- (2) Where, at the time designated for a nomination or poll, the returning officer has died, or does not attend to hold the nomination or poll within one hour after the time designated, or no returning officer has been appointed, the municipal clerk shall act as and be the returning officer at, and shall forthwith proceed to hold, the nomination or poll.
- (3) (a) Any person appointed under this section to act as deputy returning officer shall have all the powers and perform all the duties of the deputy returning officer.
- (b) Any clerk appointed under this section to act and to be the returning officer shall have all the powers and perform all the duties of a returning officer.

Proceedings in
case of violence

- 93(1) Where a nomination or poll is interrupted or obstructed by a riot or open violence, the returning officer or deputy returning officer shall not terminate the business of the nomination or finally close the poll for that cause, but shall with proper precaution adjourn the nomination or the taking of the poll at that place to the following day.
- (2) If necessary, the returning officer or deputy returning officer shall further adjourn the nomination or poll until the interruption or obstruction has ceased, when he shall proceed with the nomination or poll at the original place.
- (3) The day when the nomination or poll is concluded shall be deemed to have been the day fixed for the nomination or poll, as the case may be.
- (4) Where a nomination is concluded after an adjournment under this section, the poll shall, if practicable, be put off for an

equal number of days, and the new day shall be the day of polling under this Ordinance.

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| Adjourned poll | 94(1) | Where a poll has been adjourned by a deputy returning officer, he shall promptly notify the returning officer, who shall not finally declare the state of the poll, or the name or names of the candidate or candidates elected, until the poll so adjourned has been finally closed. |
| Peace officer | 95(1) | From the time of the nomination of candidates until the day following the final closing of the election, the returning officer and each deputy returning officer is a peace officer. |
| Aid to maintain order at poll | 96(1) | For the maintenance of peace and good order at an election, a returning officer or deputy returning officer may require the assistance of all peace officers and other persons present at the election, whether at the nominations or at a polling place. |
| Control of polling station by presiding officer | 97(1) | The returning officer or deputy returning officer shall keep order at his polling station, shall regulate the number of electors admitted at a time and shall exclude all persons not entitled, permitted or required by this Ordinance to be present. |
| Who may be present in a polling place | 98(1) | During polling, a person is not entitled or permitted to be present in a polling place if he is not an election officer, candidate, clerk or agent authorized to be at the polling place, or if he is not an elector for the time being actually engaged in voting, but the returning officer or deputy returning officer may have present, or to summon to his assistance, |

a peace officer to maintain order or preserve the peace, or prevent a breach of the peace, or to remove persons who may, in the opinion of the returning officer or deputy returning officer be obstructing the polling or wilfully violating any of the provisions of this Ordinance.

Removal from
poll for
misconduct

99(1)

Where a person misconducts himself in a polling place or fails to obey the lawful orders of the returning officer or deputy returning officer he may immediately, by order of the returning officer or deputy returning officer be removed from the polling place by a peace officer or a person authorized in writing by the returning officer to remove him; and the person so removed shall not, except with the permission of the returning officer or deputy returning officer again be allowed to enter the polling place during the day.

Custody of
person removed
from polling
place

(2)

A person removed under subsection (1), if charged with the commission of an offence in the polling place may be kept in custody until he can be brought before a Justice of the Peace.

Voting by
person in
custody

(3)

The powers conferred by subsection (2) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling place from having an opportunity to vote at the polling place.

Presiding
officer may
arrest
disturbers

100(1)

A returning officer or deputy returning officer may arrest, or cause to be arrested by verbal order, and place in the custody of one or more peace officer or other persons for as long as he considers expedient, a person disturbing the peace and good order at an election,

or may, under an order signed by him, cause the person to be imprisoned for any such disturbance until the expiration of a period not later than the final closing of the election or of the poll.

- (2) No such arrest, detention or imprisonment under subsection (1) exempts in any manner the person arrested, detained, confined or imprisoned from a penalty to which he may have become liable for anything done by him contrary to this Ordinance or otherwise.

Division XI - Proceedings after the Poll

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| Ballot boxes to be sealed at close of poll | 101(1) | At the close of the poll the ballot boxes shall be sealed up so as to prevent the introduction of additional ballots. |
| What persons may be present at counting of votes | 102(1) | The returning officer or deputy returning officer, their assistants, clerks and constables, the candidates and one agent for each candidate for each poll, but no other person except with the approval of the returning officer, may be in the polling place during the opening of the ballot boxes and counting of the votes. |
| Duties of presiding officer after close of poll | 103(1) | The returning officer or deputy returning officer for each polling place, promptly after the close of the poll, shall open the ballot boxes in the presence of the agents, if any, of the candidates, count the votes in the prescribed manner by section 109, and declare the result of the poll at his polling place. |
| | (2) | Notwithstanding subsection (1) no ballot box for an advance poll or institutional poll shall be opened until after the final close of all polls on polling day. |
| Transferring ballot | (3) | If the returning officer or deputy returning officer finds any ballot in other than the appropriate ballot box, he shall transfer it to the appropriate ballot box. |

Rejection
of ballot

- (4) The returning officer or deputy returning officer shall, in counting the votes, reject as invalid any ballot
- (a) for a reason set out in the municipal election by-law;
 - (b) having votes for more candidates than are to be elected;
 - (c) having a mark or otherwise having been dealt with in a manner, by which the voter could be identified;
 - (d) that is unmarked or void for uncertainty; or
 - (e) that has not been supplied by the returning officer.

Assistance
in counting
votes

- (5) Subject to section 40, the returning officer or deputy returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes, except that he shall personally deal with all ballot papers rejected or ballots objected to during the counting.

Ballot to be
made up into
separate
packets

- 104(1) After completion of the count, the returning officer or deputy returning officer shall make into separate packets, each sealed by him and by those agents of candidates desiring to do so
- (a) all ballots counted as valid to which no objection has been made;
 - (b) all ballots counted as valid to which objection has been made;
 - (c) all rejected ballots;
 - (d) all the unused and spoiled ballot papers;
 - (e) the marked copies of the list of electors, the poll-book, and the counterfoils of the ballot papers, if any, and
 - (f) the list showing the number of electors whose votes were marked by the returning officer or deputy returning officer under the headings "Infirmity" and "Unable to Read".

- Ballot statement (2) The returning officer or deputy returning officer shall prepare and sign a ballot account showing
- (a) the number of votes given to each candidate and on each submission at that polling place; and
 - (b) the number of ballot papers entrusted to him accounted for under the headings of "ballot papers received", "ballots counted as valid", "ballots counted as valid to which objection has been made", "ballots rejected", and "ballot papers unused or spoiled".
- Ballot boxes to be sealed and locked (3) The returning officer or deputy returning officer shall place the sealed packets and ballot account in the ballot boxes used in his polling place and lock the boxes and attach the key.
- Locked ballot boxes to be delivered to returning officer (4) The locked boxes shall be delivered to the returning officer in accordance with his instructions.
- Examination of ballots 105(1) The returning officer shall arrange to examine the ballot accounts and, where necessary, to count the votes in the presence of the candidates or their agents as soon as practicable after the close of the poll.
- (2) The returning officer or deputy returning officer shall, where necessary, give notice in writing of the time and place of the examination and, if necessary, of the count, to the candidates' agents appointed to attend at the examination of ballot paper accounts and the counting of the votes.
- Result of poll 106(1) The returning officer shall, in the presence of the candidates' agents, if any, open the ballot boxes and ascertain

the result of the poll by counting the votes given to each candidate, and immediately shall proclaim elected the candidate or candidates having the highest number of votes for the office or offices for which they have been nominated.

Dispensing with counting of votes

- (2) The returning officer may dispense with his count where, in his opinion, after examination of the ballot accounts, there is no doubt about the result of the poll, and no candidate or his agent has, in writing, requested a count.

Count of specified polling places

- (3) The returning officer may limit his count to those polling places requested by a candidate or his agent.
- (4) Subject to section 40, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes, but he shall personally deal with all ballots objected to or rejected.
- (5) The returning officer shall prepare a ballot account for any votes counted by him.

Single polling place in municipality

- 107(1) Where the returning officer is the presiding officer at the only polling place in the municipality during an election, and has carried out his duties under sections 103 to 105 he may immediately make the proclamation under subsection 106(1).

Advanced poll procedures

- 108(1) The provisions of sections 103 to 107 apply, so far as applicable and with the necessary changes, to the votes, ballot papers, and ballot boxes used at an advance poll.

Procedure
in counting
ballots

- 109(1) A returning officer who counts votes under section 106 shall open each ballot box, take out the packets, count and record the number of ballots and ballot papers, and then count the votes, proceeding continuously so far as practicable.
- (2) The returning officer in counting the votes, shall examine each ballot and call out in a distinct voice the name of the candidates for whom votes are recorded on the ballot keeping a record of the votes given for each candidate.
- (3) The ballots shall be opened and placed on a table with their printed or written faces upward, so that the candidates or their agents can see how the face of the ballot is marked.
- (4) The returning officer shall reject ballots for the reasons set out in subsection 103(4), and shall endorse "rejected" on each ballot rejected, adding to the endorsement "rejection objected to" if an objection be made to his decision by a candidate or agent.
- (5) Subject only to a recount by the Court, the decision of the returning officer on a question about a ballot is final.

Vote of
returning
office in
tie

- 110(1) A returning officer shall not vote at an election until after the votes have been counted and then only if the votes cast in respect of two or more candidates are equal in number and his vote would break the tie.
- (2) A returning officer casting his vote pursuant to subsection (1) shall do so

by the drawing of lots for the purpose in the presence of the clerk or a poll clerk and any candidate or agent present at the time.

- | | | |
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| Proclamation
of results | 111(1) | In addition to his proclamation of elected candidates, the returning officer shall openly proclaim the result of any submission to the electors and post in a conspicuous place in the municipal office or other public place a statement under his hand showing the result of any poll with the number of votes cast for each candidate, and for and against each submission at the election. |
| Retention of
documents | (2) | The returning officer shall retain all documents and ballots for an election for a period of eight weeks from the day upon which he proclaims the result of the election until every proceeding relating to that election pending in the Court during that period, and of which he has received written notice from a party to the proceedings, has been finally determined, and then, unless otherwise directed by an order of the Court, may cause them to be destroyed. |
| Statement
to Council | 112(1) | Within one month after proclaiming the result of the election, the returning officer shall submit to the council a copy of the statement proclaimed by him under sections 106 and 111, together with a compilation of the information contained on the ballot account or accounts, and |
| | (2) | provide the municipal clerk with the names of all electors sworn in at the polls which shall be incorporated in the List of Electors. |

Division XII - Controverted Elections
Recount of Ballots

Recount of
contested
election

113(1) Where, on the affidavit of a credible witness, it appears to the Court at any time within five days after the proclamation of the result of the election that the returning officer or deputy returning officer has, in counting the votes, incorrectly counted the number of votes cast or unlawfully accepted or rejected a ballot, the Court may, where the majority for a successful candidate is under fifty votes, immediately by order appoint a time to recount the votes.

(2) The time appointed for the recount shall not be more than eight days from the date of the order of the Court.

(3) Notice of the time appointed for the recount shall be served on the returning officer and on each candidate or his agent not less than four days before the time appointed, or within such other time as the Court directs.

(4) The Court may require a clerk of the Court to be present at a recount and may appoint competent persons to assist it in recounting the votes.

Those entitled
to be present
at recount

114(1) The Court shall decide what persons other than the returning officer, the candidates and their agents, may be present while the recount is taking place.

Recount
procedure

115(1) The Court shall proceed as continuously as is practicable to conduct a recount of the votes in the same manner as that prescribed by section 109, and shall verify or correct the ballot account.

- (2) Upon the completion of the recount, the Court shall seal up all the ballots in separate packets, and certify the result to the returning officer, who shall then proclaim the result of the recount by the Court, and shall, if necessary, amend the statement posted under section 115.
- (3) Where there is any equality of votes the returning officer, shall determine which candidate is elected as provided in section 110.

Custody
of ballot
papers

- 116(1) The returning officer, or other person in whose possession the ballots and ballot accounts may be, shall, on a written notice from the Court, produce them at the time and place appointed for the recount, and they shall continue in the custody of the returning officer or other person having lawful custody, subject to the direction of the Court.

Safeguarding
of election
documents

- 117(1) During a recess or adjournment of a recount, the person who has lawful custody of ballots and other documents relating to the election shall keep them under his seal and the seals of any other parties who desire to affix their seals, and he shall take necessary precautions for the security of the ballots and documents.
- (2) During a recount and during a recess of a recount, the Court shall take and cause to be taken every precaution necessary to ensure that the mode in which an elector has voted or dealt with a ballot paper shall not become known to

any person other than the persons
lawfully present during the recount.

Division XIII - Removal from Office

- | | | |
|--|---------|---|
| Determination
by Judge only | 118 (1) | The validity of the election of a member of the council, or his right to hold his seat as a member, shall not be called into question or determined otherwise than in accordance with the following provisions, and except as provided by paragraph 130(1)(c), the determination shall be made only by the Court, whose decision is final. |
| Petition for
removal of
member of
council | 119 (1) | <p>A candidate at the election, or any four or more qualified electors, may present a petition verified by affidavit to the Court requesting that</p> <ul style="list-style-type: none">(a) the election of a member of the council be declared invalid because the election was not conducted according to law, or because the person proclaimed to be elected was not lawfully elected; or(b) a member of the council be declared to have become disqualified from holding office as a member of the council since his election. |
| Time
limitation
for petition | 120 (1) | Every petition to have an election declared invalid shall be filed within ten days from the date upon which the member of the council was finally proclaimed elected, and every petition to have a member of the council declared disqualified to hold office as a member of the council shall be filed within one month after the alleged ground of disqualification came to the attention of the petitioners. |

Security for costs of hearing

(2) If the Court is satisfied upon the facts alleged in the petition that there is reasonable ground for supposing that the declaration should be made, it may require the petitioners to deposit five hundred dollars with the Court as security for the costs of the member of council petitioned against.

Hearing of petition

(3) The Court shall hear and determine the matters raised in the petition in a summary manner without formal pleadings.

(4) Subject to this Ordinance, the Rules of Court apply.

(5) The Court may, in its discretion,
(a) designate the time and place for hearing of the petition;
(b) designate the method of taking evidence, either by affidavit or oral testimony, or both, but an allegation of bribery or corrupt practice shall be proved by oral testimony;
(c) designate the persons who are to be notified of the hearing and how they may be served; and
(d) give directions for dealing with any matter not otherwise provided for.

Witness

121(1) No witness shall be required to divulge for whom he voted at the election.

(2) Subject to subsection (1), a person shall not be excused from answering a question concerning an election, or the conduct of a person in relation to it on the ground of privilege, or on the ground that the answer will tend to subject him to a penalty, but the answer given by a person claiming privilege, or claiming that the answer will subject

him to a penalty, shall not be used in any proceeding under this Ordinance against the person if such Court gives to the witness a certificate that he claimed the right to be excused on either of the grounds answered to the satisfaction of the Court.

Declaration of Judge

122(1)

If the petition is for a declaration that the election is invalid the Court may make a declaration that the election is valid or invalid, that a person has been elected instead of another, or that a person has not been elected and the office remains vacant.

(2)

If the petition is for a declaration that a member of council has become disqualified as a member of council since his election, the Court may make a declaration confirming the member in his office or disqualifying him from continuing in office as a member of council.

Technical irregularity not to invalidate election

123(1)

The election of a member of council shall not be declared invalid by reason only of an irregularity or failure to comply with a provision of this Ordinance if it appears to the Court that the election was conducted in good faith and in accordance with the principles laid down by this Ordinance, and that the irregularity or failure did not materially affect the result of the election.

Order of Court

124(1)

Where it is declared that the election is invalid, or that the election of any person be set aside, the Court shall order that a person found not to have been duly elected be removed from office; and where it is declared that some other person was duly elected, the Court shall order that the elected person be admitted to the office immediately after taking the prescribed oaths of office and of

allegiance within thirty days of the order.

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| Costs | 125(1) | The costs of and incidental to a petition are in the discretion of the Court, which may
(a) order by whom, and to whom, and in what manner they shall be paid, and
(b) fix the amount or direct them to be taxed.

(2) The costs of a successful petitioner shall be paid promptly by the municipality, and the municipality may recover such costs as may be directed by the Court.

(3) Costs are recoverable in the same manner as a judgment of the Court. |
| Penalty | 126(1) | If the Court declares that the election of a person as a member of council be set aside, or that he has become disqualified since his election from holding office as a member of council, or if a person appeals unsuccessfully under section 128, the Court may order the person to pay to the municipality a sum of money, not exceeding one thousand dollars, as the Court thinks proper. |
| Withdrawal of petition | 127(1) | A person may file a disclaimer under section 128 renouncing all claim to an office notwithstanding the filing of a petition and the Court may permit the petition to be withdrawn, except where it contains an allegation of bribery or corrupt practice by the person filing the disclaimer. |
| Vacancy when allegation of invalid election or disqualification | 128(1) | Where it is alleged that a person elected as a member of council was not validly elected or since his election has become |

Division XIV - Vacancies

disqualified from holding office as a member of council, his office shall not be vacated, and he shall not be prevented from voting or acting as a member of council unless

- (a) the Court declares that the person was not validly elected, or that, since his election, he has become disqualified from continuing in office as a member of council;
- (b) that person files a written disclaimer with the clerk renouncing all claim to the office; or
- (c) the council has passed a resolution declaring his office vacant because in its opinion he has become disqualified under this Ordinance from holding office as a member of Council.

Appeal
against
council
resolution
to vacate
office

129(1) A person may, within five days after the passing of the resolution of the council, appeal to Court, which, after making the inquiry it considers necessary and hearing the parties, shall either confirm the resolution or set it aside.

(2) The rules governing an appeal shall, so far as practicable, be those applicable to a petition under section 119 and 120.

(3) The person appealing is not entitled to vote or act in his capacity as a member of council pending the determination of the appeal, but the appellant's office shall be deemed not to be vacant until the resolution is confirmed by the Court or until the appeal is abandoned.

When office
becomes
vacant

130(1) The office of a member of council shall be deemed to be vacant where the member
(a) has filed a disclaimer under section 128;

- (b) has been declared by the Court not to have been validly elected, or to have become disqualified since his election;
- (c) has his office declared vacant by resolution;
- (d) has appealed unsuccessfully from a resolution of council declaring his office vacant or has abandoned his appeal;
- (e) has resigned or died; or
- (f) has his election deemed null and void under section 133.

- (2) Where a member's resignation is to take effect when his successor is sworn in, the office shall be deemed to be vacant for the purpose of subsection (1).

Resignation

131(1)

The resignation of a member of council from his office shall be effected by submitting a written resignation to the clerk.

- (2) A resignation is irrevocable after its submission to the clerk and is effective from the date a successor is sworn in, or at such earlier date as may be stated in the resignation.

Alderman
running
for
office of
Mayor

132(1)

An alderman may be nominated for the office of mayor if he has deposited his resignation with the clerk prior to nomination day for the office of mayor.

- (2) The election to fill a vacancy created by a resignation under subsection (1) may be held at the same time as the election for the mayor, and shall be considered a separate election.

- Failure to make declaration and take oath 133(1) If a person elected to council fails to take the prescribed oaths of office and of allegiance within forty days after the proclamation of his election, his election shall be deemed to be null and void, and his office declared vacant.
- Disqualification for absence (2) Unless otherwise provided by by-law, where a member of council is continuously absent, except because of illness or with leave of the council, from the meetings of the council for a period of three months, he is disqualified from holding office for the remainder of his term of office.
- Nomination to fill vacancy 134(1) A nomination to fill a vacancy on council shall be held at a time fixed by council but, not earlier than thirty nor later than forty-five days after the vacancy occurs or when the written resignation is submitted to the clerk.
- (2) Council may with an affirmative vote of two-thirds of the members, appoint a date for the nomination prior to the thirty days requirement mentioned in subsection (1).
- (3) The election shall be held under this Part and any by-laws and resolutions of the municipality relating to municipal elections, but if there is a poll, the poll shall take place on the third Thursday after the nomination.
- (4) Where a vacancy occurs after July 1 in the last year of the term of a member of council, the council may hold the vacancy open until the next general election, but this subsection ceases to apply if council is unable to maintain a quorum.

- Authority of Commissioner to initiate nominations 135(1) Where the general or other municipal election is not held or no proceedings have been taken within the time required to fill a vacancy, the Commissioner may issue a warrant to the clerk or if there is no clerk, to another person, requiring him, ten days after the date of the warrant, to fix the day for the nomination and election of a new mayor or alderman, as the case may be.
- (2) Where no by-laws or resolutions regulating elections are in force in the municipality, the Commissioner may make regulations for holding the election.
- By election for duration of original term 136(1) A person elected or appointed to fill a vacancy holds the office only for the unexpired term of the member in whose place he has been elected or appointed.
- Election procedures in emergency situation 137(1) In the event of the occurrence of a peace time disaster or emergency, within the meaning of those terms as used in the Civil Emergency Measures Ordinance, that prevents the operation of this Ordinance for the declaring or filling of a vacancy on the council, the Commissioner may make regulations governing the declaring of such vacancies and the time, conduct of, and procedure relating to the election.
- Division XV - Submissions
- Submission 138(1) A submission that requires the assent of the electors may be made at the time of an election or at such other time as the council may determine.
- Approval of submission 139(1) A submission that requires assent of the electors or taxpayers shall be deemed not to have received assent unless
(a) the submission is submitted to and

voted on by the electors or taxpayers in the manner provided in this Ordinance, and

(b) subject to the other provisions of this Ordinance, a majority of the votes is cast in favour of the submission.

Rules for submission

- 140(1) A submission submitted for the assent of electors shall be for a distinct purpose.
- (2) A submission submitted for the assent of electors shall not group together two or more purposes, but the bylaw may include purposes incidental to the main purpose.
- (3) Where two or more submissions are submitted at the same time, each shall be voted on separately.

- 141(1) Divisions X and XI apply, with necessary changes and so far as applicable, to voting on a submission.
- (2) The council shall arrange for the vote and determine the day for the poll.

Timing for submission

- 142(1) Polling day for a submission directed by the Commissioner or the Inspector to be submitted for the assent of electors or taxpayers shall not be less than ten days and not more than thirty days after the day of the direction.
- (2) Polling day for a by-law requiring the approval of the Commissioner or the Inspector shall be not less than ten days and not more than thirty days after the day on which the approval is given, or, if there is more than one approval, the day on which the latest approval is given.

Notice
of
submission

(3) Polling day in every other case where a by-law is to be submitted for the assent of the electors or taxpayers shall be not less than ten days and not more than thirty days after the day upon which the by-law receives third reading.

143(1) At least ten days before polling day, the clerk shall post a copy of the proposed submission, the by-law authorizing the submission, or, if directed by council, a synopsis of the submission, in the places and in the manner specified in subsection (2).

(2) At least ten days before polling day, the clerk shall publish a copy of the proposed submission, the by-law authorizing the submission, or, if directed by council, a synopsis of the submission, in one issue of a newspaper published or circulating in the Municipality.

(3) There shall be appended to each copy of a submission or synopsis published or posted under this a notice signed by the clerk in one section of the following forms with such variation as circumstances require

"For a proposed submission
Take notice that the above is a true copy (or is a synopsis, as the case may be) of a proposed submission upon which the vote of the electors of the municipality will be taken at (mention all polling-places, days, and hours) on the day of , 19 , and that has been appointed returning officer for the purpose of taking and recording the vote.

Form of
question
on
submission

- 144(1) A vote on a submission shall be by ballot, in such form that a voter may indicate his assent or dissent by making the prescribed mark opposite the word "Yes" or the word "No".
- (2) The returning officer shall determine the persons who may be present at the poll and at the counting of the votes.

Division XVI - Corrupt Practices

Corrupt
practices

- 145(1) It is an offence for a person,
- (a) having already voted at a municipal election, to present himself again to vote at the same election;
 - (b) without due authority, to supply a ballot paper to any person;
 - (c) fraudulently to put into the ballot box any paper other than a ballot paper that he is authorized to put in the box;
 - (d) fraudulently to take a ballot paper out of a polling place;
 - (e) without due authority, to destroy, take, open or otherwise interfere with a ballot box or packet of ballots;
 - (f) to interfere or attempt to interfere with a voter in marking his ballot;
 - (g) to communicate information as to the candidate for whom any voter has voted or to induce a person to display a ballot paper so as to make known to him or to any other person the manner in which he has voted, or for or against whom he has marked his ballot paper;
 - (h) being a duly appointed election officer, to neglect or refuse to discharge any duty under this Part;
 - (i) to aid, incite, counsel, facilitate or otherwise to be a party to the commission by any person of an offence under this Ordinance; or

(j) publically campaign either for himself or on behalf of a candidate in any municipal election on polling day.

Undue
influence

146(1) It is an offence for a person, directly or indirectly, by himself or by another person on his behalf, to use force, violence or restraint, or to inflict or threaten to inflict injury, damage, loss, or harm in any other manner, to practise intimidation against a person to induce or compel the person to vote or not to vote, or in any way to prevent or otherwise interfere with the free exercise of the franchise of any voter.

(2) It is an offence for a person, directly or indirectly, or by any other person on his behalf, to give, lend, or offer or promise any money or valuable consideration, or give or procure, or agree to give or procure, or offer or promise, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at any municipal election or upon any submission, or who corruptly does any such act on account of such voter having voted or refrained from voting at such election or upon any such submission.

(3) The actual personal expenses of any candidate and bona fide payments for the fair cost of printing and advertising shall be held to be expenses lawfully incurred and the payment thereof shall not be a contravention of this section.

Offences
affecting
use of
ballot
papers

147(1) It is an offence for a person
(a) to forge, counterfeit, fraudulently

- alter, deface or destroy a ballot paper or the initials of the deputy returning officer signed on it;
- (b) not being a person entitled under this Ordinance, to possess a ballot paper;
 - (c) being a deputy returning officer, fraudulently to put, otherwise than as authorized by this Ordinance, his initials on the back of any paper purporting to be, or capable of being used as, a ballot paper at an election;
 - (d) with fraudulent intent, to print a ballot paper or what purports to be or is capable of being used as a ballot paper;
 - (e) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;
 - (f) being a deputy returning officer, to place upon a ballot paper, except as authorized by this Ordinance, any writing, number or mark with intent that the elector to whom such ballot paper is to be or has been given may be identified thereby;
or
 - (g) to attempt to commit an offence specified in this section.

Division XVII - Penalties

Penalties

- 148(1) Every person who commits an offence under this Part 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.
- (2) Every member of council who is convicted of an offence under this Part shall forfeit his seat on the council and is

disqualified from being a candidate or elector at any municipal election for the next succeeding three years.

Time
limit
for
commencement
of proceedings

- 149(1) All proceedings, other than a petition to contest a municipal election, against any person for the commission of an offence shall be commenced within two months after the municipal election at which the offence was committed.
- (2) Every person who is convicted of an offence under section 145, 146 and 147 of this Ordinance is disqualified from voting at any municipal election for a period of three years from the time of the commission of the offence.
- (3) The justice finding any person guilty of corrupt practices under sections 145, 146 and 147 of this Ordinance shall report the same forthwith to the clerk of the municipality.
- (4) The clerk shall enter in a book to be kept for the purposes the names of all persons who have been adjudged guilty of any corrupt practices and of whom he has been notified by the justice who tried the case pursuant to subsection (3).

PART IV - GOVERNMENT AND PROCEDURE

Division (1) - Municipal Councils

Council

- 150(1) Every municipality shall have a council, the members of which shall be elected in accordance with the provisions of this Ordinance.
- (2) The council of a municipality is a continuing body notwithstanding any general or other election.

Composition
of Council

- 151(1) The full council of a village shall consist of a mayor and four aldermen.
- (2) The full council of a town shall consist of
- (a) a mayor and four aldermen, or
 - (b) a mayor and six aldermen, if authorized by by-law.
- (3) The full council of a city shall consist of
- (a) a mayor and six aldermen, or
 - (b) a mayor and eight aldermen, if authorized by by-law.
- (4) Notwithstanding the provisions of this Ordinance
- (a) the council of a village may, by by-law with the approval of the Commissioner, provide for the election of five aldermen,
 - (b) the council of a town may, by by-law with the approval of the Commissioner, provide for the election of five aldermen,
 - (c) where pursuant to this subsection, the Commissioner has approved the election of five aldermen, such aldermen shall at the first meeting of the council after such election, designate one of their members to be mayor, and
 - (d) every by-law made pursuant to this subsection shall include a provision setting out the date and place for the holding of the first meeting of council after the election pursuant to this subsection.

Quorum

- 152(1) A majority of the whole council is necessary to form a quorum.
- (2) No act or other proceeding of the council that is not adopted at a meeting of the

council at which a quorum is present, is valid and binding on any person.

- (3) The proceedings of a council or any committee thereof are not invalidated by any vacancy among its members or by any defect in the appointment of any member or by the disqualification of any member thereon, so long as a quorum remains in office.
- (4) Where the number of members of a council is reduced to less than a quorum by death or physical or mental incapacity, the Commissioner may order that the remaining members of the council shall be deemed to be a quorum until elections are held to fill the vacancy.

Duration of office

153(1) Subject to the provisions of this Ordinance, the members of council shall hold office from twelve o'clock noon on the third Monday of November following their election or from the time of their swearing in, whichever is the later, until twelve o'clock noon on the third Monday of November two years later or until their successors are sworn in.

Powers of municipality

154(1) Except as otherwise provided by this Ordinance, the powers of every municipality shall be exercised by the council of the municipality.

Member at large

155(1) Subject to section 38 of this Ordinance, every member of council shall be elected from the municipality at large.

Oath of Office and Oath of Allegiance

156(1) Every person who is elected mayor or aldermen shall, before taking his office, take the Oath of Office, and the Oath of Allegiance as set out in the prescribed form, before a Supreme Court or Territorial Court Judge, Justice of the Peace or

clerk of the municipality, and shall procure from the person administering the oath, the completed oath or copy thereof which, before taking his seat on council, he shall deposit with the clerk.

Corporate seal 157(1) Every municipality shall have and maintain a corporate seal which shall be in the clerk's custody.

Division (2) - Meetings of Council

Place of meetings of council 158(1) The council of every municipality shall hold its meetings and transact all business of the corporation within its own boundaries except where the council resolves to hold a meeting or meetings outside its own boundaries.

Meetings held openly 159(1) The council shall hold its meetings openly and no person shall be excluded therefrom except for improper conduct.

(2) The person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at the meeting.

(3) Notwithstanding subsection (1), where a majority of the members present is of the opinion that it is in the public interest to hold a committee meeting of the whole or part of the council on any subject in private, a council may by resolution, exclude any person or persons from the meeting, but it has no power at such committee meeting to pass any by-law or resolution apart from the resolution necessary to revert back to an open meeting.

Timing of meetings of council 160(1) Except as may be otherwise provided for under this Ordinance, the first meeting

of council following any general election shall be held before the 30th of November of the election year at such time and place as may be designated by the mayor, and thereafter the council shall meet as it may determine, but

- (2) The council shall hold at least one meeting each month.

Special meetings

161(1) A special meeting of the council shall be called by the clerk when he is requested in writing to do so by the mayor or by any two aldermen.

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

Procedural by-law

162(1) The council shall by by-law make rules for calling meetings, governing its proceedings, the conduct of its members, the appointment of committees and generally, for the transaction of its business.

- (2) No by-law relating to council procedures shall be amended except pursuant to notice being given in writing and openly announced at a preceding regular meeting of council.

- Majority
vote of
council
- 163(1) All acts authorized or required to be done by council shall, except where otherwise provided in this Ordinance, be done or decided by a majority of the members of the council present and entitled to vote.
- (2) An act or proceeding of a council is not valid unless it is authorized or adopted by a by-law or resolution at a duly constituted open meeting of the council.
- How power
exercised
- 164(1) Unless expressly required to be exercised by by-law, all powers of a council may be exercised by by-law or resolution.
- Council
voting
- 165(1) The mayor and every alderman present shall vote on every matter and the vote of the mayor shall be cast last
- (a) unless, in a specific case the mayor or alderman is excused by resolution of the council from voting or
- (b) unless he is disqualified from voting by reason of pecuniary interest,
- and the clerk shall, whenever a recorded vote is demanded by a member of the council, or more than a majority is required on a vote, record in the minutes the name of each member present and whether he voted for or against the matter.
- (2) Any by-law or resolution upon which there is an equality of votes shall be deemed to be decided in the negative.
- (3) An abstention shall be considered a vote in favour except where the person abstaining is prohibited from voting under section 34.

Division (3) - Sundry Provisions

Indimnity
and re-
muneration
for council

166(1) The council may, subject to any provisions of this Ordinance, provide by by-law for an annual indemnity to the mayor and to the aldermen and the indemnity for the mayor may be greater than that for the aldermen.

(2) A council may provide for the payment to the members of the council such remuneration, either annual or otherwise, for attending the meetings of the council and the committees thereof or for assuming or performing any additional duties.

(3) A council may provide for the payment of reasonable allowances for travelling and for subsistence and out of pocket expenses incurred in attending meetings affecting the municipality, which shall be paid to members in the manner and at the rates provided by the resolution.

Disqualification
of member does
not impair
council decisions

167(1) No action or decision of council shall be quashed, set aside or declared invalid by reason only that a person sitting or voting as a member was not qualified for municipal office, or has ceased to be qualified.

Effect of
invalid
election

168(1) Where the election of a council has been adjudged invalid, or the election of any member thereof has been set aside, or the office of any member thereof has been disclaimed, or any member thereof has been declared disqualified from holding office, no by-law, contract, or other proceeding adopted, entered into or taken by the council prior to such adjudication, setting aside, disclaimer, or declaration of disqualification shall, if otherwise within the jurisdiction and powers of the council, be invalidated

or in any manner attached by reason only of such adjudication, setting aside, disclaimer, or declaration of disqualification.

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| Minutes | 169(1) | The minutes of the proceedings of all meetings of the council shall be legibly recorded in a minute book. The minutes shall be certified as correct by the clerk and shall be adopted by council and shall be signed by the mayor or other member presiding at the meeting at which they are adopted, and minutes shall be open for the inspection of any person, who may make copies thereof and extracts therefrom at all reasonable times, on payment each time of a fee in an amount prescribed by by-law. |
| | (2) | The minutes of the proceedings of any standing committee, and other administrative bodies shall be legibly recorded in a minute book and shall be signed by the chairman or member presiding and, with the exception of the minutes of a standing committee or other administrative body relating to matters for adoption by the council, the said minutes shall be open for the inspection of any person, who may make copies thereof and extracts therefrom, at all reasonable times, on payment each time of a fee in an amount prescribed by by-law. |
| Prohibiting conflict of interest by council | 170(1) | The council shall not appoint any of its members to any salaried office. |
| Incidental powers | 171(1) | Where powers have been specifically allotted to a council, it shall have power to do all things incidental or conducive to the allotted powers. |

Division (4) - Powers and Duties of Mayor

Mayor	172(1)	The mayor of a municipality shall be a member of the council, shall preside over all meetings of the council and shall be chief executive officer of the municipality.
Acting Mayor	173(1)	The council may, from time to time, appoint from amongst its members an acting mayor who shall, in the absence, illness or inability of the mayor, have all the powers and perform all the duties of the mayor.
Duties of presiding officer	174(1)	At all meetings of the council, the presiding officer shall maintain order and decorum and decide all questions of order subject to appeal to the council as a whole.
Appeal against presiding officer	175(1)	<p>If an appeal be taken by a member of the council from the decision of the mayor, the question shall be immediately put by him and decided without debate, "Shall the Chair be sustained?" and the mayor shall be governed by the vote of the majority of the members of the council then present and the names of the members of the council voting for or against the question "Shall the Chair be sustained?" shall be recorded on the minutes, and in the event of the votes being equal, the question shall pass in the affirmative.</p> <p>(2) If the mayor refuses to put the question "Shall the Chair be sustained?", the council shall forthwith appoint one of its members to preside temporarily in lieu of such mayor and the member of the council so temporarily appointed shall proceed in accordance with subsection (1), and in the event of the votes being equal, the question shall pass in the affirmative.</p>

- (3) Any resolution or motion carried under the circumstances mentioned in subsection (2) is as effectual and binding as if carried under the presidency of the mayor.

Duties
of Mayor

- 176(1) The mayor of a municipality shall
 - (a) be active in causing the laws governing the municipality to be duly executed and put into force,
 - (b) communicate, from time to time, to the council all such information and recommend all by-laws, resolutions, and measures which, in his opinion, may tend to the peace, order and good government of the municipality in relation to the powers conferred upon the council by this or any other Ordinance, and
 - (c) subject to section 180, establish standing committees for any purposes which he considers would be better regulated and managed by means of such committees, and appoint members of the council thereto; but the proceedings of all such committees shall be subject to the approval of the council, save insofar as such proceedings may be in pursuance of any authority delegated to such committees or any one of them under this Ordinance.

- (2) Where a chief administrative officer has not been appointed pursuant to section 187, the mayor shall
 - (a) direct all officers and employees of the municipality in the conduct of their work and direct the management and affairs of the municipality and suspend, if deemed necessary, any officer or employee of the municipality and as far as may be in his power to cause all negligence, care-

lessness, and violation of duty on the part of the officers and employees to be prosecuted and punished, and

(b) in every case of suspension under this subsection, report to the council at its next sitting and the council may reinstate any officer or employee who has been suspended or confirm such suspension, or confirm and extend such suspension or dismiss the officer or employee.

- (3) Where a chief administrative officer has been appointed pursuant to section 187, the mayor shall
- (a) provide direction to the chief administrative officer on policies adopted by council, and
- (b) suspend, where necessary, an officer of the municipality and cause such officer to be prosecuted or disciplined for any negligence, carelessness or violation of duty on his part.

Employee's
right of
appeal of
suspension
to council

- 177(1) An officer or other employee who has been suspended pursuant to section 176 may appeal in writing to the council within five working days of his suspension and the council may, after hearing, in committee or otherwise, an officer or other employee who has appealed his suspension pursuant to this section
- (a) extend, reduce or confirm the suspension of the officer or employee,
- (b) reinstate the officer or employee, or
- (c) otherwise vary any penalty imposed on the officer or employee.

Mayor
ex officio
member

178(1) The mayor is ex officio a member of all boards, associations, commissions, committees or other organizations which the council has the right to establish pursuant to this Ordinance and the mayor when in attendance, possesses all the rights, privileges, powers and duties of other members, whether elected or appointed.

Reconsideration
of by-law

- 179(1) The mayor or any two aldermen at any time after the adoption of any by-law, resolution or proceeding which does not require the assent of the electors or taxpayers, and which has not yet been acted on may return it for reconsideration.
- (2) The mayor or alderman shall state the objections to council and the clerk shall record such objections, suggestions and proposed amendments in the minute book.
- (3) The council shall, as soon thereafter as convenient consider such objections and either
- (a) reaffirm the by-law, resolution, or proceeding,
 - (b) reject the by-law, resolution, or proceeding, in which case it is deemed to be absolutely vetoed, rescinded and repealed and is of no force or effect whatever, but
 - (c) any decision to amend or reject or reaffirm the by-law or proceedings pursuant to this section shall be by two-thirds majority of the members of council.
- (4) The conditions which applied to the passage of the original by-law, resolution, or proceeding apply to the rejection thereof.

- (5) Where the by-law, resolution or proceeding has been reconsidered pursuant to this section, it shall not be brought forward for further reconsideration for at least six months after the initial review by council.

Division (5) - Committees

Establishment of Committees

180(1) The council may, from time to time, establish such standing or special committees as it deems desirable to consider matters referred to them by the council and to require reports of its findings or recommendations.

Witnesses

181(1) The council, or any committee thereof, shall have the power under signature of the mayor and the seal of the municipality to summon witnesses for examinations on oath as to any matters connected with or relating to the administration of the municipality.

(2) The council shall by by-law prescribe the fees and expenses that shall be paid to a witness served with a summons by the council or a committee thereof.

(3) All evidence given before a council or a committee thereof may be given under oath or on affirmation as council directs.

Division (6) - Officers and Employees

Appointment of clerk

182(1) Council shall by by-law appoint a clerk who shall hold office during the pleasure of the council.

Duties of clerk

183(1) The clerk in addition to the duties and powers which may from time to time be prescribed by council shall
(a) have custody of the corporate seal of the municipality and cause it to be affixed as required,

- (b) attend all meetings of the council and truly record all resolutions, decisions and other proceedings of the council,
- (c) prepare, maintain, and safely preserve the minute books and other records of the transactions and other business of the council and its committees,
- (d) keep the original of every by-law of the council after having seen to its proper completion,
- (e) furnish copies of by-laws to any person applying therefor and may charge such fee as council may prescribe, and
- (f) administer oaths and take and receive affidavits and declarations within the municipality required to be taken under this Ordinance or any other Ordinance relating to the municipality.

Appointment
of Treasurer

184(1)

The council shall by by-law appoint a treasurer who shall hold office during the pleasure of council.

Duties of
treasurer

185(1)

The treasurer in addition to the duties and powers which may, from time to time, be prescribed by the council, shall

- (a) keep or supervise the keeping of all funds and securities of the municipality,
- (b) collect and receive all monies belonging or accruing to the municipality from whatever source,
- (c) be responsible directly or indirectly for the receiving and disbursing of the funds of the municipality in accordance with the procedure for so doing as provided by by-laws,
- (d) keep a complete and accurate account of all monies received or disbursed by him on behalf of the municipality,

- (e) keep a complete and accurate account of all assets and liabilities of the municipality and of all transactions affecting the financial position of the municipality,
- (f) from time to time in accordance with directions received from council and in any event, at least once a year, prepare a statement of revenues and expenditures of the municipality,
- (g) compile and supply any information relating to the financial affairs of the municipality from time to time required by the Inspector, and
- (h) inspect the records of and direct any official of the municipality, or of any administrative body handling municipal funds in matters involving the responsibility of the treasurer.

Signing authority

186(1) Subject to subsection (2), the mayor or acting mayor of the municipality shall sign, jointly with the treasurer all cheques issued by the municipality.

Single signature for pay cheques

(2) A council may by by-law authorize the mayor and treasurer to issue each week, fortnight or month, as the case may be, a single cheque covering the total amount of the weekly, fortnightly or monthly payroll and such cheque shall be deposited in the bank in a wages account and shall be paid out upon cheques signed by the treasurer alone.

(3) Any signatures required under this section may be printed, lithographed or otherwise mechanically reproduced if so authorized by by-law of council.

Chief
administrative
officer

- 187(1) Council may by by-law provide for a chief administrative officer, make provision for his appointment and subject to subsection (2) may delegate to him any of the administrative powers conferred on council by this Ordinance.
- (2) The chief administrative officer shall not have the power to
- (a) pass by-laws or resolutions, or
 - (b) appoint or dismiss an officer.
- (3) The chief administrative officer shall under the direction of the mayor
- (a) supervise and direct the affairs of the municipality and officers and employees thereof,
 - (b) put into effect and carry out the policies of council,
 - (c) provide advice to council,
 - (d) inspect and report on all municipal works as often as required by council,
 - (e) prepare or cause to be prepared estimates of revenue and expenditures as required by council and submit to council for consideration,
 - (f) prepare, or cause to be prepared, all contracts as directed by council, and
 - (g) carry out any other duties required by by-laws or resolutions of council.
- (4) The chief administrative officer or other officers as may be prescribed by by-law has authority to suspend, discipline or dismiss any employee, other than an officer, and shall where the suspension is for more than five working days or where any employee is dismissed, report the suspension, or dismissal and reasons therefor to council.
- (5) The chief administrative officer may appoint and engage employees, other than

officers, for whom provision is made by council or dismiss employees who are no longer required in accordance with conditions prescribed by council.

Appointment
of officers
and employees

- 188(1) The council may by by-law provide for such officers and employees as may be deemed necessary or expedient for the carrying-on of the good government of the municipality and the carrying-out of the provisions of this Ordinance.
- (2) The council may, in the same or in another by-law, prescribe the powers, duties and responsibilities of the officers and employees; provided, however, that the powers, duties and responsibilities specifically assigned to any officer or employee by this Ordinance shall not be abridged or impaired.
- (3) Notwithstanding subsection (2) where the council prescribe the powers, duties and responsibilities of officers and employees, the powers, duties and responsibilities specifically assigned to any officer or employee shall not abridge or impair any of the powers, duties and responsibilities of council.
- (4) The council may, in the same or in a separate by-law, or by means of a collective or other agreement, fix with respect to officers and employees of the municipality
- (a) remuneration and other benefits,
 - (b) hours of work and other conditions of employment,
 - (c) the manner of appointment, promotion and dismissal, and
 - (d) may provide a benefits program for employees or enter into such program with the Commissioner subject to section 193.

- (5) The council may, by by-law appoint the same person to two or more offices or positions.
- (6) Subject to anything contained in a contract of employment and notwithstanding any by-law adopted under this section, the engagement of an officer of the municipality
 - (a) may not be terminated except upon reasonable notice and then only by an affirmative vote of at least two thirds of all the members of the council, or
 - (b) may be terminated without notice only for cause and only by a majority vote of all the members of the council.
- (7) For the purposes of subsection (6), the following shall be deemed to be officers of the municipality,
 - (a) clerk, treasurer, chief administrative officer, and
 - (b) any employee designated by by-law as an officer of the municipality with powers, duties and responsibilities as prescribed by by-law.
- (8) Any employee who has been suspended or dismissed may appeal in writing to council within five working days of his suspension or dismissal.
- (9) Council may, after hearing in committee or otherwise, an employee who has appealed his suspension or dismissal pursuant to this section
 - (a) extend, reduce or confirm the suspension of the employee,
 - (b) confirm dismissal of the employee,
 - (c) reinstate the employee, or
 - (d) otherwise vary any penalty imposed.

- Conflict of interest for officers
- 189(1) No person having an interest, direct or indirect in a contract with the municipality shall be appointed an officer by the council.
- (2) No officer shall, during his term of office, have any interest, direct or indirect, in any contract with the municipality except with respect to his appointment as an officer of the municipality and if an officer acquires such an interest, he may be immediately dismissed without notice and without compensation.
- (3) For the purposes of this section, the term "contract" is deemed not to include the purchase of a lot for building a home or the supply of a utility or other service of the community, common to all members of the community and at the same rates, nor for the payment of superannuation benefits, group medical or life insurance premiums or income continuance plans which the council may by by-law provide.
- Oath of office
- 190(1) Every officer appointed by council shall, before assuming his duties, take an oath of office and oath of allegiance as prescribed.
- Bonding
- 191(1) The council may from time to time designate those officers or employees who shall be bonded, for such obligation, in such amount and with such surety as the council directs and the premiums if any, shall be paid by the municipality.
- Program of indemnification
- 192(1) The council may by by-law provide for a program of indemnification of officers and employees and direct the conditions whereby the municipality may pay any sum required for the protection, defence or indemnification of an officer or employee

of the municipality where an action or prosecution is brought against him in connection with the performance of his municipal duties or the conduct of any part of the business of the municipality, and costs necessarily incurred and damages recovered, but the council shall not pay any fine imposed on an officer or employee as a result of his conviction for a criminal offence.

- (2) The council may in a by-law under subsection (1) provide that the municipality will not seek indemnity against its officers and employees where the actions of those officers or employees result in a claim for damages against the municipality by a third party unless the officer or employee has been grossly negligent or has acted contrary to the terms and conditions of his employment or to an order given to him by a person in authority over him.

Commissioner to administer a program of retirement, death and disability benefits

193(1) The Commissioner shall pursuant to this Ordinance and the regulations, administer a program of retirement, death and disability benefit plans for employees of all municipalities.

- (2) The Commissioner may declare this program to be applicable to any public boards or commissions or other bodies established by or under an Ordinance and thereupon this Ordinance applies in respect of such board, commission or other body and its employees as if it were a municipality.

Contributions to benefit plan

194(1) Contributions to the benefits program, as prescribed by the Commissioner, shall be made by both employees and the municipality, but the contributions of the municipality shall be at least equal to the contributions of the employees.

- (2) All contributions to the benefits program shall be paid to the Commissioner at the times and in the manner prescribed by the regulations and shall be accounted for by him in the manner set forth in the regulations.
- (3) Where a municipality fails to make any contribution required pursuant to this Ordinance or the regulations, the Commissioner may pay the contribution on behalf of the municipality together with interest.
- Benefit payments 195(1) Benefit payments under the benefits program shall be made as provided in the regulations.
- Reciprocal agreement for benefit plan 196(1) The Commissioner may enter into a reciprocal agreement with any body whose employees are subject to a pension plan and with any person who administers the pension plan on its behalf to provide that
- (a) when a person moves from the employment of such body to the employment of a municipality, and
 - (b) when a person moves from the employment of a municipality to the employment of such body
- pension benefits or service credits of that person shall be transferred in accordance with the terms of the agreement and any such agreement may be retroactive in effect.
- Municipal Employees Benefits Board 197(1) The Commissioner shall establish a board, to be known as the Municipal Employees Benefits Program Board, to administer the benefits program.
- Agreement with N.W.T. 198(1) The Commissioner may enter into an agreement with the Commissioner of the Northwest Territories for such time as is mutually agreeable for the purpose of adopting a common set of regulations and

the formation of a single Board with representation from each of the two Territories and to carry out the provisions of such agreement, which Board shall replace the Board referred to in section 197 during the currency of such agreement.

Commissioner
may make
regulations
for benefit
program

199(1)

The Commissioner may make regulations and amend them from time to time for the purpose of carrying out the provisions of this program according to their true intent, and without in any way restricting the generality of the foregoing, may make regulations

- (a) prescribing the terms and conditions of the benefits program and the terms and conditions under which the employees of a municipality shall be brought under the benefits program,
- (b) defining different classes of employees of municipalities and prescribing different conditions for different classes and limiting the application of the Ordinance to certain classes,
- (c) defining what constitutes service of any employee for the purposes of the benefits program,
- (d) prescribing the terms and conditions under which the employees shall receive benefit payments,
- (e) defining the amount of benefit payments,
- (f) exempting any employer, employee, class of employees, municipality or other person affected by the regulations, from the regulations or any part thereof,
- (g) prescribing the procedures to be followed by the Municipal Employees Benefits Program Board, municipalities and their employees in matters arising under this Ordinance, and

- (h) prescribing the amount of contributions to be made to the benefits program by each municipality and its employees.

Division (7) - By-laws

Procedure for dealing with by-laws

200(1) Subject to this Ordinance, the council shall by by-law provide for the procedure to be followed in passing by-laws.

Assent or approval of by-laws

201(1) Where, under this or any other Ordinance, a by-law requires the assent of the electors or taxpayers, such assent shall be obtained before the council adopts the by-law.

(2) Subject to this Ordinance, where a by-law requires the approval of the Commissioner or the Inspector, such approval shall be obtained before the by-law receives third reading by council.

Village by-laws

(3) Except as otherwise provided, all village by-laws will require the approval of the Inspector, such approval shall be obtained before the by-law receives a third reading by council.

Time extension for by-law

(4) Notwithstanding any provision of this Ordinance where a time limit is set for the completion of a matter by by-law, the council may apply to the Commissioner for an extension of time for adopting the by-law and the Commissioner may extend the time limit.

By-laws to have three readings

202(1) Every by-law shall have three distinct and separate readings before it is finally adopted, but no more than two readings may take place at any one meeting.

Form of by-law	203(1)	Every by-law shall be in writing under the seal of the municipality and shall be signed by the person presiding at the meeting at which the by-law is adopted and by the clerk.
Effective date of by-law	204(1)	Every by-law adopted by a council is effective and in force and binding as from the date of such adoption, or from any subsequent date fixed by the by-law.
Registration of by-laws	205(1)	A true copy of every by-law adopted by council as signed by the mayor or person presiding at the meeting at which such by-law was adopted and by the clerk and under the seal of the municipality and certified to be a true copy by the clerk shall be deposited for registration with the Inspector.
Evidence of by-law	206(1)	A copy of a by-law under the seal of the municipality and certified by the clerk to be a true copy shall be received in any court of law as evidence of the due execution of the contents of it without further proof.
Time restriction for reconsideration of rejected by-law	207(1)	If a by-law requiring the assent of the electors or taxpayers is rejected, no other by-law for the same purpose may be submitted to the electors or taxpayers for six months, except with the approval of the Commissioner.
Power to amend or vary by-law	208(1)	Except as otherwise provided in this Ordinance, the power to make by-laws, regulations, rules, orders, or resolutions shall include power exercisable in the like manner and subject to the like consent and conditions (if any) to amend, vary, consolidate, repeal, rescind, or revoke the by-laws, regulations, rules, orders or resolutions and make others.

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Amendment of money by-law	209(1)	Notwithstanding section 208 (a) no loan authorization by-law shall be amended or repealed by the council, except with the approval of the Commissioner, and (b) where such approval is given, the Commissioner may direct that the council shall not be required to obtain the assent of the taxpayers of the municipality or a part of the municipality where such assent would otherwise be required.
Amendment of by-law approved by electors	210(1)	Notwithstanding section 209, a by-law other than a by-law for contracting debts by borrowing money or otherwise, to which the assent of the electors has been given may, with the approval of the Commissioner be amended or repealed without the assent of the electors.
Offence	211(1)	Every person who violates or fails to comply with the provisions of this Ordinance or any by-law made thereunder commits an offence.
Penalty	212(1)	Every violation or failure to comply with the provision of any by-law made under this Ordinance may be proceeded with in accordance with the procedures set out in the <u>Summary Convictions Ordinance</u> .
Application to quash by-law	213(1)	A judge, upon application by any resident of a municipality or by any person interested in a by-law of the municipality, may quash a by-law in whole or in part for illegality and may award costs of the application according to the result thereof. (2) Notice of the application referred to in subsection (1) shall be served upon the municipality at least seven days prior to the date upon which the application

is to be made and the applicant shall give security to the court in the amount of five hundred dollars for any costs that may be awarded against him.

Limitation
period

- 214(1) No application shall be made to quash a by-law of a municipality after the expiration of one month following the final adoption of the by-law.
- (2) Notwithstanding subsection (1), where a by-law requiring the assent of the electors or taxpayers of the municipality has not been submitted to or has not received the assent of the electors or taxpayers, application to quash that by-law may be made at any time.

Notice of
action on
illegal
by-laws

- 215(1) Where a by-law is illegal in whole or in part and where anything has been done under it that by reason of the illegality gives any person a right of action, no action shall be brought until one month after notice in writing of intention to bring the action is given to the clerk.
- (2) Every action referred to in subsection (1) shall be brought against the municipality alone and not against any person acting under the by-law.

PART V - POWERS AND DUTIES OF COUNCIL

Division (1) - Finance Operations

Provisional
operational
budget

- 216(1) On or before the 31st day of December in each year, council shall adopt a provisional operational budget for the succeeding year.
- (2) Until an annual operational budget is adopted, no expenditure shall be made that is not provided for in the provisional operational budget except with the written approval of the Inspector.

Village provisional operational budget	217(1)	Notwithstanding the provisions of section 216, a village shall submit its provisional operational budget to the Inspector for approval in whole or in part on or before the 15th of December in each year.
Annual operational budget	218(1)	On or before the 15th day of April in each year, the council shall cause to be prepared the annual operational budget for the current year, and shall by by-law adopt the annual operational budget.
	(2)	Council may apply to the Inspector for an extension of time for submitting its annual operational budget and if such extension is approved by the Inspector the provisional operational budget will remain in force for such period as allowed by the Inspector.
	(3)	Notwithstanding subsection (1), a village shall submit its annual operational budget to the Inspector for approval on or before the 15th of March in each year.
No expenditure unless provided for in annual operational budget	219(1)	No expenditure shall be made which is not provided for in the annual operational budget.
Amendments with approval in Instector	220(1)	The annual operational budget shall not be amended, altered or varied in such a manner which increases the total expenditures except by by-law.
Contents of operational budget	221(1)	An operational budget prepared under this Ordinance shall include a detailed estimate of (a) the anticipated expenditures of the municipality for the next ensuing fiscal year, including (i) the sum or sums necessary for municipal purposes and to meet debt repayment installments and interest payments falling due during the fiscal year,

- (ii) such sums as may be necessary to meet the ordinary expenditures of the municipality, as determined by the council, and
 - (iii) such sums as the council may consider desirable and necessary to set aside to create a fund for future specified expenditures;
- (b) the anticipated revenues of the municipality for that year derived from taxes and sources other than taxation,
 - (c) any accumulated surplus from previous years appropriated for the current operational budget, and
 - (d) a copy of the operational budget so prepared shall be annexed to the minutes of the meeting where it is adopted.

Investment
of operating
surplus

- 222(1) The council may, by by-law, authorize the treasurer to invest any operating surpluses of the municipality or other monies of the municipality that are not required for immediate disbursement in any of the securities referred to in subsection (2) or in notes or deposit receipts of chartered banks and to dispose of any investment so made whenever necessary to meet expenditures.
- (2) The securities referred to in subsection (1) are
 - (a) any stock, debenture or securities of the Government of Canada or of any province of Canada,
 - (b) any debentures or securities the payment of which is guaranteed by the Government of Canada or by any province of Canada,
 - (c) in any investments authorized for insurance companies by the Canadian and British Insurance Companies Act (Canada) as amended from time to time other than investments under section 63, subsection (4) of that Act.

- (3) The power to invest conferred by subsection (1) includes the power to reinvest the operating surplus of the municipality or other surplus in the securities referred to in subsection (2) and to sell, assign or transfer them, and call in and vary the investment for others of a like nature.

Capital expenditure program

223(1) On or before May 15th in each year, the council shall cause to be prepared and adopted by by-law a capital expenditure program for a period of not less than five years showing estimates of the proposed source and application of funds for capital projects for each year of the program.

- (2) The capital expenditure program adopted under subsection (1), including amendments, remains in force and effect until a new capital expenditure program is adopted the following year.

- (3) Except with the approval of the Inspector, the capital program shall not be varied either by amendment or by the adoption of a new program with respect to any proposed expenditure for which the Inspector has approved the borrowing of money.

Taxpayer approval where expenditure exceeds specified sum

224(1) Notwithstanding any other provision of this Ordinance, prior to council adopting any by-law for the expenditure of money on any capital item or aggregation of items in one scheme estimated to cost in excess of the sum specified in subsection (2) approval of the taxpayers must be obtained and the provisions of sections 232 to 240 shall apply mutatis mutandis.

- (2) A vote of the taxpayers shall not be required
 - (a) in a city where the amount does not exceed \$500,000
 - (b) in a town where the amount does not exceed \$250,000
 - (c) in a village where the amount does not exceed \$25,000.

- (3) The amounts provided pursuant to subsection (2) shall be adjusted annually by regulation at the commencement of each calendar year by a percentage in accordance with the percentage change in the value of the assessable property within the municipality.

- (4) A by-law for the expenditure of money pursuant to subsection (1) shall not be required where a by-law to borrow money has been submitted pursuant to the provisions of this Ordinance.

- (5) Notwithstanding this section, where a council has placed money in a revolving fund for the replacement of equipment, expenditures may be made from such a fund, without a vote of the taxpayers.

- (6) Notwithstanding subsection (1), where the cost of a capital item or aggregation of items in one scheme is being shared by the Municipality with the Territory or Canada and the amount required in subsection (2) is not exceeded as the municipality's share a vote of the taxpayers shall not be required.

Special
expenditure

- 225(1) The council may, by by-law expend money
 - (a) for or in aid of the establishing, developing, maintaining, and operating of airports, seaplane harbours, and landing areas for aircraft either within or without the municipality,

- (b) for the reception and entertainment of distinguished guests,
- (c) for paying all or some of the expenses of delegates, whether members of the council, or otherwise, when, on instructions of the council, they are representing the municipality outside the limits of the municipality,
- (d) for paying all or some of the expenses necessarily incurred by members of the council outside the limits of the municipality when, on instructions of the council, they are engaged in or about the business of the municipality,
- (e) for paying all or some of the expenses necessarily incurred by employees of the municipality when, on instructions of the council, they are engaged in or about the business of the municipality,
- (f) for honouring persons who have, in the opinion of the council served or brought honour to the municipality, and
- (g) for such other matters as the Commissioner may prescribe.

(2) Any payments under subsection (1) for the expenses of a member of the council shall be additional to any payments under section 166.

Grants
in aid

- 226(1) Council may, by by-law grant aid
- (a) for hospitals and nursing homes within or without the municipality,
 - (b) for charitable institutions within or without the municipality,
 - (c) to any patriotic or disaster fund,
 - (d) for assisting in the celebration of an event of general public interest, and
 - (e) for such other matters as the Commissioner may prescribe.

Division (2) - Raising of Revenue

- | | | |
|------------------------------|--------|---|
| Raising of revenue | 227(i) | Subject to this Ordinance, and the <u>Assessment and Taxation Ordinance</u> , council may adopt by-laws providing for the raising of revenue by the imposition and collection of a tax upon real property in the municipality and by the imposition and collection of local improvement taxes. |
| | (2) | On or before the 15th of April in each year, taxes shall be levied in accordance with the <u>Assessment and Taxation Ordinance</u> as council deems necessary, in order to provide for the raising of revenue sufficient to meet the estimated expenditure of the municipality for that year and to provide any levy of school tax. |
| Sources of revenue | 228(1) | In accordance with the provisions of this Ordinance council may by by-law
(a) impose and collect
(i) business licences and fees,
(ii) inspection fees,
(iii) parking fees,
(iv) utility charges, and
(v) recreation fees,
(b) take into revenue, fines, interests on deposits and investments and any charges for the operation of any services or utilities under the control of council, and such other funds as the municipality may acquire. |
| Proceeds from sale of assets | 229(1) | Except with the written approval of the Inspector, all proceeds received from the sale or disposal of any assets of the municipality shall be set aside in a reserve fund to be used for items identified in the capital budget and may be expended by by-law. |

- (2) Notwithstanding subsection (1) the council shall provide that where an asset was financed by borrowed money, that such debt shall first be satisfied before any proceeds are set aside in a reserve fund.

Division (3) - Debt Restrictions

Limits on debt for current operations

- 230(1) The council shall not incur any liability beyond the amount of the municipal revenue for the current year and any of the accumulated revenue surplus of prior years appropriated for the annual operational budget or the annual operational budget as amended, except as provided in this Ordinance.

Contracts

- (2) Notwithstanding subsection (1), the council may contract for the supply of materials, equipment, and services, professional or otherwise, required for the operation, maintenance and administration of the municipality and of municipal property
 - (a) when the duration of the contract is for five years or less, without the assent of the taxpayers, or the approval of the Inspector, and
 - (b) when the duration of the contract exceeds five years with the approval of the Inspector who may direct that the assent of the taxpayers also be obtained.
- (3) The council shall not borrow in anticipation of current revenue, save as hereinafter provided in this Division.
- (4) Notwithstanding subsection (1) and section 257, where in this Ordinance provision is made for the acquisition, by lease or otherwise, of real property

and related personal property, the council may by by-law with the approval of the Inspector enter into a lease or other agreement for that purpose, and may in like manner by by-law enter into a mortgage or other obligation for the payment of money to secure any amount owing under the lease or other agreement

- (a) without the assent of the taxpayers, where the duration of the lease or other agreement, mortgage, or other obligation is for ten years or less, or
- (b) with the assent of the taxpayers, where the duration of the lease or other agreement, mortgage, or other obligation exceeds ten years, or
- (c) without the assent of the taxpayers, with the Crown in right of Canada or the Territory or a statutory authority of either of them, or with a Crown Corporation or Agency, or
- (d) without the assent of the taxpayers, where land is being acquired for a purpose authorized by section 259, if
 - (i) all or part of the money payable under the lease or other agreement is secured by a mortgage or other obligation for the payment of money on the land being acquired,
 - (ii) the term of payment of the mortgage or other security does not exceed twenty-five years, and
 - (iii) the prior approval of the Inspector has been given.

Power to borrow

231(1)

Notwithstanding any other provision of this Ordinance, the council may, without the assent of the taxpayers or the approval of the Inspector, by by-law

provide for the borrowing of such sums of money as may be requisite to meet the current lawful expenditures of the municipality.

- (2) The total of the outstanding liabilities incurred under subsection (1) shall not at any time exceed the sum of the whole amount remaining unpaid of the taxes for all purposes levied during the current year and the whole amount of any sums of money remaining due from other governments.
- (3) Prior to the levying of taxes in any year, the amount of the taxes during the current year for the purposes of subsection (2) shall be deemed to be seventy-five percentum of the whole amount of the taxes levied in the immediately preceding year.
- (4) Where money is borrowed pursuant to this section, all unpaid taxes and the taxes of the current year when levied, or so much thereof as may be necessary, shall when collected be used to repay the money so borrowed.

Authorization
to borrow

- 232(1) Subject to this Ordinance, the council may by by-law authorize the borrowing of money for municipal purposes.
- (2) No money borrowed by a municipality shall be used for any purpose other than that stated in the by-law, except that if, on completion of the work for which the money was borrowed, there remains an unexpended balance, the balance may be used by the municipality
 - (a) for the payment of any interest payable in respect of the loan,
 - (b) for the repayment of the principal amount of the loan, or
 - (c) for such other purposes and upon

such terms and conditions as the council with the approval of the Inspector deems expedient.

Approval of
by-law by
Inspector and
taxpayers

- 233(1) No by-law authorizing the borrowing of money shall be passed unless the contents thereof have been approved by the Inspector who may, in his discretion and upon consideration of the economic circumstances involved
- (a) refuse to grant his approval if he has reason to believe the debt proposed to be created by the by-law would exceed the future ability of the municipality for repayment,
 - (b) withhold his approval until he is satisfied that the project can be completed for the amount proposed to be borrowed,
 - (c) withhold his approval until he is satisfied that the depleting of the borrowing power occasioned thereby will not unduly delay the undertaking of other projects of established urgency then under contemplation,
 - (d) withhold his approval until the amount proposed to be borrowed is reduced, or
 - (e) withhold his approval until the terms of the by-law are altered or amended to his satisfaction and in accordance with his directions.

- (2) The Inspector shall determine the form and content of the evidence of the debt obligation to be issued by a municipality pursuant to a loan by-law other than borrowing in anticipation of current revenues.

Appeal of
Inspector's
decision

- 234(1) An appeal lies from every decision of the Inspector under section 233 to the Commissioner who may confirm, rescind, or amend the decision of the Inspector, and

the determination of the Commissioner, on the appeal shall be conclusive and binding on all parties, including the Inspector.

Approval of Inspector to be obtained

- 235(1) No by-law for borrowing money shall be valid unless, prior to the third reading thereof, it has been submitted to and approved by the Inspector and, when so required, has received the assent of a majority of the taxpayers in the municipality voting thereon prior to adoption.
- (2) Council shall, upon receipt of notice of approval of the Inspector, subject to the assent of taxpayers
- (a) proceed to obtain the assent of taxpayers, or
 - (b) withdraw the by-law.

Exemptions to assent of taxpayers

- (3) Notwithstanding subsection (2), the assent of the taxpayers is not required for borrowing or expenditure
- (a) when the monies to be borrowed are to be used to pay for local improvement works under section 249,
 - (b) when the monies to be borrowed are to be used for any of the purposes mentioned in the Housing Corporation Ordinance,
 - (c) when the monies to be borrowed are to be used for capital expenditures for primary municipal services, or
 - (d) when the monies to be expended on secondary or tertiary municipal services do not exceed the amount specified under section 224.

Procedure for obtaining assent of taxpayers

- 236(1) Where the assent of taxpayers is required, the provisions of sections 138 to 144 of this Ordinance governing submissions shall apply.

Adoption
of borrowing
by-law

237(1) If a by-law for borrowing money has been submitted to and approved by the Inspector and where necessary received the assent of a majority of the taxpayers in the municipality voting thereon, the council may adopt the by-law.

Form of
by-law

238(1) A by-law to borrow money shall show in detail

- (a) the amount proposed to be borrowed,
- (b) the purpose for which the expenditure is to be made,
- (c) the term of the loan,
- (d) the rate of interest payable thereon, and
- (e) the method of repayment,

and every such by-law shall recite that the approval of the Inspector has been obtained.

(2) Every by-law to borrow money shall, subject to subsection (1), by its terms

- (a) provide for the method of repayment of the loan, and
- (b) generally be in such form and contain such further provisions as are required by the Inspector.

Limit for
borrowing
without
taxpayer
assent

239(1) Notwithstanding section 230 and section 235 of this Ordinance, where the total debts of a municipality are equal to or exceed the amount of two percentum of the total assessed value of the real property in the municipality any by-law contracting a further debt without the assent of the taxpayers shall be invalid.

(2) For the purposes of subsection (1), the total debts of a municipality do not include any monies borrowed for local improvements to the extent that the cost of the local improvements is to be assessed, levied and collected by means of a special rate under paragraph 281(1)(d) upon the parcels of land directly benefitted by them.

Personal liability for unlawful use of funds

240(1) Any member of council who votes for any by-law or resolution authorizing the expenditure of monies contrary to the provisions of this Ordinance, and any officer or other employee who obeys any such by-law or resolution, commits a breach of this Ordinance and is subject to civil liability for his action.

(2) Any sums due the municipality under this section may be recovered by the municipality or by an elector suing in the name of the municipality or suing on behalf of himself and all other electors of the municipality, or by the holders of any security suing in the name of the municipality.

(3) In addition to any other penalty to which he may be liable, any member of a council who votes for any by-law or resolution authorizing the expenditure of monies contrary to the provisions of this Ordinance is disqualified from holding any municipal office for a period of three years from the date of his being convicted of a breach of this section.

(4) Any officer of the municipality who of himself disposes of assets contrary to the provisions of this Ordinance, is personally liable to the municipality for the amount thereof.

Defence

(5) It is a good defence to any action brought under this section against any officer or employee of a municipality if it is proved that he, in writing over his signature, gave warning to the council that the effect of the by-law or resolution was to authorize or necessitate the use of monies contrary to the provisions of this Ordinance.

(6) It is a good defence to any action brought under this section against any

member of council for voting on a by-law or resolution authorizing the expenditure of monies contrary to the provisions of this Ordinance, that such member received an opinion in writing, prior to so voting, from an officer of the municipality or the barrister and solicitor appointed by council that such by-law or resolution was a lawful by-law or resolution and that the expenditure of monies pursuant to such by-law or resolution was not contrary to the provisions of this Ordinance.

Division (4) - Auditing

Appointment
of auditor

241(1) The council shall by by-law appoint as auditor one or more persons or a firm of auditors satisfactory to the Inspector but no persons or member of the firm of auditors shall be so appointed who, at the time of his appointment or at any time during the immediately preceding fiscal year of that municipality is or was a member of the council, is or was the treasurer of the municipality or has or has had, directly or indirectly, alone or with any other person, any share or interest in any contract or employment with or on behalf of the municipality other than for services within his professional capacity.

(2) The clerk shall notify, in writing, the auditor and the Inspector forthwith of every appointment made pursuant to subsection (1), and of the termination of engagement of every appointee.

Auditor may
appeal
termination

(3) Where the engagement of an auditor is terminated
(a) the auditor may within one month of notification of such termination appeal in writing against the decision of the council to the Commissioner, who may confirm or set aside the termination,

- (b) the auditor shall file a copy of his notice of appeal with the clerk,
 - (c) the council shall not appoint another auditor until the time allowed for an appeal by the auditor has elapsed or, if an appeal has been made, until the appeal has been dealt with by the Commissioner.
- (4) The termination of the engagement of an auditor is not effective until his successor has been appointed.
- Inspector may order discharge of auditor
- (5) Where, in the opinion of the Inspector, the auditor has discharged his duties in a negligent manner, he may require the council to dispense with the services of the auditor and to appoint another person as auditor.
- Procedure in case council neglects to appoint an auditor
- 242(1) In case a council fails or neglects to appoint an auditor, the Inspector may, upon giving one month's notice of his intention to do so to the council, appoint some qualified person or persons as auditor.
- (2) The Inspector may fix the remuneration to be paid by the municipality to the appointee of the Inspector and may in his discretion place a limit on the period of such appointment.
- Powers and duties of auditor
- 243(1) The auditor shall
- (a) audit and report upon all books and accounts relating to the affairs of the municipality or relating to any matter under its control or within its jurisdiction,

- (b) make such examination as will enable him to report to council as required,
 - (c) have right of access at all times to all records, documents, instruments, accounts, vouchers and other components of the financial reporting system of the municipality or of any other administrative body handling municipal matters or funds,
 - (d) submit a report to the council on or before June 15 on the annual financial statements, referred to in section 248(2) of this Ordinance, and shall state in his report whether
 - (i) his examination was made in accordance with generally accepted auditing standards and accordingly, included such tests and other procedures as he considered necessary in the circumstances, and
 - (ii) in his opinion, the financial statements present fairly the financial position of the municipality and any other administrative body as at December 31 and the results of its operations for the year then ended, in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year.
- (2) The auditor is entitled to require from members of the council or other administrative body, and from officials of the municipality or other administrative body, and from any other person, any information or explanation necessary for the performance of his duties.

- (3) The auditor shall separately report to the council any disbursement, expenditure, liability or any other transaction lacking proper authority under this or any other Ordinance or under any by-law or resolution passed under it.
- (4) The auditor shall report in writing to the council and to the Inspector every defalcation or irregularity dealing with the assets, liabilities, accounts, funds and financial obligations of the municipality and of any other administrative body of the municipality.
- (5) In addition to the examination and reports required by this section, the Inspector or the council may, at any time, require such further examinations and reports from the auditor as may be considered necessary or advisable, or the auditor may, on his own initiative, make any further examination or reports as he considers necessary or advisable, and this section applies with the necessary changes and so far as it is applicable to those further examinations and reports.
- (6) The auditor shall forward to the Inspector a copy of every report submitted by him to the council or to any officer of the municipality.

Inspection of report by electors

244(1) Every elector of the municipality may inspect any report or statement, which has been submitted to the Council by the auditor and may, by himself or his agent and at his own expense, take a copy thereof or extract therefrom.

Elector may object to any matters under audit

245(1) Any elector of the municipality may in writing lodge with the auditor an objection to any item of account or other matter relating to an audit then in progress.

- (2) Upon receipt of any objection as provided for in subsection (1), the auditor shall appoint a time and place for dealing with the objection, and shall give notice thereof to such elector.
- (3) The auditor shall consider the matters before him, and if in his opinion the objection comes within the scope of section 243, he shall forthwith proceed in the manner set out therein.
- (4) Nothing in this Ordinance shall be construed to prevent an elector or a group of electors, from exercising any right to take action for recovery on behalf of the municipality.

Obligation to assist auditor

246(1) Every member of the council and every officer or employee of the municipality, and every member and servant of any other administrative body handling municipal funds shall make available all records, documents, instruments, accounts, vouchers and every other component of the financial reporting system of the municipality necessary for the audit or required by the auditor, and shall give the auditor every reasonable facility and furnish full information and explanation concerning the affairs of the municipality or other administrative body necessary for the performance of his duty.

- (2) A person who neglects or refuses to comply in any respect with a summons issued in writing, by the auditor under subsection (1) commits an offence.

Auditor not to remove documents, etc.

247(1) The auditor shall not, without the sanction of the council or without an order of a Judge, remove or cause to be removed any money, securities, records, documents, instruments, accounts, vouchers

and every other component of the financial reporting system of the municipality from the office of the municipality or other place where the same may repose for safe-keeping.

- (2) An auditor who violates the provisions of subsection (1) is liable, on summary conviction, to a penalty not exceeding five thousand dollars.
- (3) Nothing in this section prohibits the auditor from transferring records, documents, instruments, accounts, vouchers and every other component of the financial reporting system of the municipality from one office of the municipality to another office of the municipality for the convenience of the audit.

Financial statements

- 248(1) Council shall require the treasurer, or other delegated official to prepare financial statements of the municipality as of the preceding December 31 and for the year then ended.
- (2) Such financial statements shall be prepared on or before April 15 in each year and shall include
 - (a) balance sheets,
 - (b) statements of revenue and expenditures,
 - (c) other related statements as required by the Inspector,
 - (d) such other information as required by the Inspector, and
 - (e) the Inspector may require additional financial reports upon reasonable notice at any time.
- (3) Where any activity of the municipality is carried on by another administrative body, the financial statement may include separate statements for each activity, so long as the items of account of

controlling nature appear in the statements required in subsection (2).

Financial statement to be published

- (4) The balance sheets referred to in (2) shall be signed by the treasurer or other delegated official and all financial statements shall be published prior to June 30 in pamphlet form for the information of the electors, together with the auditor's report or an abstract thereof.
- (5) Unless otherwise provided, the financial statements published shall include the financial statements of every other administrative body.

Copy of financial statement and audit to Inspector

- (6) The treasurer shall, not later than June 30 in each year, forward to the Inspector a copy of the financial statements together with the auditor's report.

Division (5) - Local Improvements

Local improvements

- 249(1) Any public work of the following character or description may be undertaken by the municipality as a local improvement
 - (a) opening, widening, straightening, extending, grading, levelling, diverting, or paving a street,
 - (b) constructing a sidewalk, footcrossing, curbing, bridge, culvert or embankment forming part of a street, or constructing a system of storm drainage,
 - (c) making, deepening, enlarging, or lengthening a common sewer or water main,
 - (d) making sewer or water service connections to the street line on land abutting a main,
 - (e) constructing a conduit for wires or pipes along or under a street,
 - (f) providing other public works normally found in organized communities, and
 - (g) reconstructing and replacing any of the works mentioned.

Cost of improvements

- 250(1) The council may pass by-laws
- (a) prescribing the means of ascertaining and determining the cost of any local improvement and the lands that will be directly benefited thereby, the expense of which is to be a charge against the lands,
 - (b) prescribing the means of ascertaining and determining the proportion of the total cost thereof to be charged against the various parcels of land, and
 - (c) if deemed necessary, the appointing of a qualified person, to ascertain and determine the cost of a local improvement to be charged against various parcels of land, and who shall make a report thereof to the council.

By-law to provide for hearing of objections

- (2) Each by-law referred to in subsection (1) shall set forth the time and place at which any objection to the local improvement or the proposed sharing of the cost thereof shall be heard by the council, except that in no case shall the time fixed for the hearing of any such objection be less than two weeks after the time when the last of the notices mentioned in subsection (3) were posted and mailed as required by that subsection.

Notice of by-law

- (3) Before any proposed local improvement is proceeded with, unless the total cost of the improvement is to be assumed by the municipality, the clerk of the municipality shall give notice of such proposed improvement by
- (a) posting a copy of such by-law in at least four conspicuous places in the immediate vicinity of the lands to be benefited or charged in respect of such improvement, and
 - (b) mailing a copy of such by-law to every person shown on the assessment

roll of the municipality as an owner of any land to be benefited or charged in respect of such improvement.

By-law
authorizing
improvement

- 251(1) Upon receipt of the report, if any, referred to in section 250 and upon hearing any objection to the local improvement or to the proposed sharing of the cost thereof, the council may pass by-laws
- (a) authorizing the execution of the local improvement and determining the probable cost thereof,
 - (b) for determining what lands will be directly benefited by the local improvement, what portion of the cost thereof is to be charged against the several parcels of land to be so benefited and what portion is to be charged against the municipality as a whole and the basis of determining the portion of the cost thereof to be charged against any individual parcel of land whether by frontage tax or otherwise,
 - (c) for assessing, levying and collecting by means of a special rate upon the parcels of land directly benefited or upon that land and the municipality as a whole, as the case requires, the cost of any local improvement with interest at the rate of interest used in determining the cost of the work and advertised in the notice, and
 - (d) prescribing the time or times at which and the manner in which the amounts levied are to be paid and specifying the terms on which the parties assessed for the local improvements may commute the assessment by the payment of their proportionate share of the cost thereof in a lump sum.

- Commissioner's local improvement 252(1) Where the Commissioner has incurred the cost of a local improvement within a municipality, the council of that municipality at the request of the Commissioner and on his behalf shall by by-law assess, levy and collect by means of a special rate upon the parcels of land directly benefited or upon that land and the municipality as a whole, as the case requires, the cost of such local improvement with interest at the rate of interest used in determining the cost of the work and advertised in the notice.
- (2) Every by-law passed pursuant to subsection (1) shall provide for the payment of the cost of the local improvement within the probable life thereof as certified by the officer appointed by the Commissioner for that purpose.
- (3) Where a council has passed a by-law pursuant to subsection (1), the amount of money collected pursuant to that by-law shall be paid by the council to the Commissioner.
- Costs to be charged against abutting lands 253(1) The cost of any local improvement shall be calculated in terms of an annual rate, and unless the local improvement is not one for the direct benefit of the lands abutting any road and the council otherwise orders, it shall be determined
- (a) on a frontage basis, that is to say, at a uniform rate according to the number of linear metres along the front of the abutting land, or
 - (b) according to a formula established by by-law for determining the special assessment in the case of triangular or irregularly shaped parcels or parcels situated at the junction or intersection of highways, or parcels wholly or in part unfit

for building purposes or for adjustment in formula for subdivision subsequent to local improvement.

Improvement benefiting municipality at large

254(1) Where, in the opinion of the council, any work or local improvement benefits the municipality generally and it would be inequitable to raise the whole of the cost thereof by local special levy, the municipality may pay out of the general funds of the municipality, a portion of the total cost thereof and such funds shall be identified in the by-law.

Payment of lifetime of improvement

255(1) Every local improvement by-law shall provide for the payment of the special levy within the probable life of the local improvement for which the debt has been incurred as certified by the officer appointed by the council for that purpose.

Allocation of cost

256(1) Where the council in the opening of or the making of proposed improvements to or in connection with any road determines that lands other than those fronting or abutting on the road are to be benefited and ought to be charged with part of the cost thereof, it shall determine the proportion against the other lands on a frontage or other basis in like manner as the same is to be assessed and levied in the case of land fronting or abutting on the road.

Lands not abutting improvement

(2) Where, in order to afford an outlet for the sewage from or the draining of land other than that fronting or abutting upon the road along which a sewer or drain is to be constructed, a sewer or drain is constructed of a larger capacity than that required for the efficient carrying off of sewage and drainage from the land so fronting or abutting, the council may impose a special levy upon

the other land benefited by the construction of the sewer or drain.

Division (6) - Works and Services

Acquisition
of property

- 257(1) Council may acquire for municipal purposes by purchase, gift, lease or otherwise any real or personal property and any rights, easements, privileges in and to real property from Canada or the Territory or any person.
- (2) Council may by by-law reserve for a specific municipal or public purpose any land owned by the municipality.
- (3) Council may by by-law, with the approval of the Commissioner, remove any reservation issued pursuant to subsection (2).
- (4) Council may sell by auction or otherwise, on such terms and conditions as deemed advisable, the interest of the municipality in any real or personal property not required for municipal purposes and which is not reserved.
- (5) Council may by by-law lease any real or personal property held or owned by the municipality for any term or terms, including renewal options not exceeding in the aggregate ninety-nine years.
- (6) Any lease under subsection (5) for a period longer than five years requires the approval of the Inspector.

Expropriation
procedure

- 258(1) Subject to the Expropriation Ordinance the council of a city may, without the consent of the owner enter upon and expropriate any land that it deems necessary for the public purposes of the municipality.

- (2) The council of a town or village may petition the Commissioner to expropriate on their behalf any land that it deems necessary for the public purposes of the municipality and the Commissioner may, upon assurance from council that they will bear the costs involved, proceed with expropriation pursuant to the provisions of the Expropriation Ordinance.
- Acquisition of land for development 259(1) Notwithstanding any other provision of this Ordinance, the council may by by-law acquire land within the municipality for resale or lease for residential, industrial, commercial or any other purposes, and may, prior to disposing of the land or any part thereof, subdivide and develop the land.
- Property for community use (2) The council may by by-law acquire and hold any real property within the municipality for pleasure, recreation or community uses of the public, including but not restricted to the public safety, public library, art gallery, museum, arenas, community halls, exhibition buildings, parking areas, parks and recreation grounds.
- Disposal of property acquired for community use (3) No real property acquired and held for any of the uses described in subsection (2) shall be disposed of without the assent of the taxpayers unless exempted by the Inspector.
- Acquisition of buildings for municipal purposes 260(1) Subject to section 235, the council may by by-law acquire or construct any building required for any municipal purpose, including the housing of any municipal official or for any business or other operation which the municipality may be authorized to conduct.

- (2) The council may by by-law construct or acquire a building with floor space which is greater than is necessary for the accommodation of the municipal services required and may, subject to the provisions of subsections (5) and (6) of section 257, lease or rent any surplus floor space not required for the municipal services.

Division (7) - Highways

- | | | |
|--------------------------------|--------|--|
| Highways | 261(1) | All allowances made for roads in any municipality, all roads laid out pursuant to any Ordinance or by-law, and all roads dedicated to the public use shall be deemed, for the purpose of this Ordinance, to be highways. |
| Jurisdiction over highways | (2) | Subject to this Ordinance and the <u>Highways Ordinance</u> and to any rights reserved by any person laying out or dedicating a highway, every municipality has jurisdiction over all highways, within the limits of the municipality and the management and control of all highways shall be vested in the municipality except highways excluded by an order made pursuant to subsection (3). |
| | (3) | Notwithstanding any other section of this Ordinance, the Commissioner may by order provide that any section of this Ordinance shall not apply to any highway described in the order. |
| Authority to maintain highways | 262(1) | Council may <ul style="list-style-type: none">(a) lay out, construct, maintain and improve highways,(b) construct, repair, maintain, improve and care for sidewalks and boulevards, and plant or care for and remove grass, shrubs, trees and other plants thereon, |

- (c) clean, oil, water highways, provide for lighting of highways and such other things as are necessary for safe use and preservation of highways, and
 - (d) authorize any officer or employee at his discretion to temporarily close a highway or part thereof to traffic or to control traffic, for any period during the construction, repairing or improvement of such highway or portion subject to the municipality providing a reasonable temporary alternative route for traffic.
- Temporary closures
- By-laws to regulate highways 263(1) Council may by by-law
- (a) establish, widen, alter, relocate or divert a highway or any portion of a highway,
 - (b) stop up and close to traffic a highway or any portion, or re-open any highway or portion that has been closed to traffic,
 - (c) open and operate quarries, sand and gravel pits acquired by the municipality,
 - (d) assign the name or number of any highway, or alter the name or number of the highway which shall have no effect until a certified copy is filed in the Land Registry Office,
 - (e) subject to the Highways Ordinance regulate or prohibit the erection or placing of any sign or advertisement,
 - (f) classify any highway or portion and make different regulations for different zones,
 - (g) designate a portion of a highway for use as a mall or pedestrian promenade and control, restrict or wholly prohibit the use of vehicles,
 - (h) open and maintain a temporary road or right-of-way for public purposes,
- Closure
- Gravel pits
- Numbering
- Control advertising
- Classification
- Pedestrian mall
- Temporary roads

Encroachments		(i) authorizing any encroachment on a highway which it deems necessary and expedient and setting an annual or single fee therefor, and
Obstruction of highways		(j) make provision for the prevention or removal of any obstruction upon the highways.
Closing highways for celebrations	264(1)	Notwithstanding sections 262 and 263, a council may, by resolution, close a highway for purposes of a celebration, parade or other special event for any period of time not exceeding three days.
Highways to be kept in repair	265(1)	Every highway, and every portion thereof, except a highway mentioned in subsection (3) shall be kept in reasonable repair by the municipality within which it lies.
Responsibility of municipality	(2)	Every municipality is responsible for the construction, maintenance and repair of any municipal work constructed on any highway within that municipality.
Private roads	(3)	A municipality is not liable to keep in repair any highway (a) laid out by a person other than the municipality unless that highway has been declared by by-law as a common and public highway or otherwise assumed by the municipality as such by public use, or (b) excluded by an order made pursuant to section 261(3).
Damages sustained by reason of non-repair	266(1)	Where a municipality fails to keep in reasonable repair a portion of a highway on which work has been performed or improvements made by it, that municipality is liable for all damages sustained by any person by reason of such default.

- (2) A municipality is not liable for any damages caused by the overflow of water from any sewer, road drain, ditch or watercourse if such overflow is occasioned by ice or snow obstructions therein or by reason of unusual rainfall and the municipality has taken all reasonable precautions against damage.
- (3) Except in case of gross negligence, a municipality is not liable for any personal injury caused by ice or snow upon a sidewalk.

Removal of snow and ice

- 267(1) Council may by by-law require persons to remove and clear away all snow, ice, dirt and other obstructions from sidewalks adjoining premises owned or occupied by them; and in the event of non-compliance, within forty-eight hours cause the necessary work to be done and the expenses thereof charged against the owner or occupier of the premises.

Charge for cleaning and clearing highways, etc.

- 268(1) Notwithstanding section 249, council may by by-law levy a local improvement tax to defray the annual cost of cleaning, clearing snow and ice, watering, oiling, tarring, lighting, supplying light in excess of that supplied to the municipality at large, cutting grass and weeds, and trimming trees and shrubbery on any portion of any highway, sidewalk or boulevard; the local improvement tax shall be levied on the parcels of land which abut on the portion of the highway, sidewalk or boulevard, as the case may be.
- (2) In a by-law imposing the tax the council may provide that some portion of the cost of providing any of the services under subsection (1) shall be borne by the municipality.

- (3) The provisions of the Assessment and Taxation Ordinance apply, mutatis mutandis, to subsection (1) and for that purpose, a service shall be deemed to be a work which may be undertaken as a work of local improvement.
- (4) The council shall not undertake to provide a service for which a local improvement tax is to be imposed under this section except in accordance with the provisions of section 250.

Division (8) - Sewer and Storm Drains

By-law for operation of sewerage system

- 269(1) The council may by by-law with the approval of the Commissioner provide for the establishment of a system of sewerage works for the collection, conveyance and disposal of sewage, or drainage works for the impounding, conveying and discharging of surface and other waters, or both, or a combination of both, and for this purpose may purchase or construct the necessary works, including the acquisition of all appliances, equipment, real property, easements, and rights-of-ways required therefor.
- (2) The council may operate, maintain, improve, extend or alter any existing drainage or sewerage systems and acquire all appliances, equipment, materials, real property, easements, and rights-of-ways required therefor.
- (3) The council may by by-law
 - (a) regulate the design and installation of drainage and sewerage works provided by persons other than the municipality, and
 - (b) require owners of real property to connect their buildings and structures to the appropriate sewer or drain

connections in the manner prescribed in the by-law and in the event of any owner failing to make the necessary connections within a specified time, provide for having the work done.

By-laws for
administration
of sewer
system

270(1)

Subject to the Public Health Ordinance council may by by-law

- (a) impose a connection charge upon owners of real property to defray the cost of laying connecting pipes
 - (i) from sewers to land on which buildings or structures are situate, and
 - (ii) from drains to land required to be drained, and fix the terms and conditions of payment,
- (b) impose a frontage tax in accordance with the provisions of the Assessment and Taxation Ordinance upon the owner of land or real property capable of being drained into a sewer or drain, whether or not the land is connected with or whether or not the real property is drained into the sewer or drain, for the opportunity to use the sewer or drain, and
- (c) with the approval of the Commissioner impose a charge against the owner or occupier of real property for the use of a sewerage system, a drainage system or a combined sewerage and drainage system and may vary the charge
 - (i) for sewerage or combined sewerage and drainage facilities in accordance with
 - (a) the number of outlets served,
 - (b) the quantity of water delivered to the premises by a utility,

- (c) a classification of users or effluents, or
 - (d) any combination of such methods, or
 - (ii) for drainage facilities alone, in accordance with the area of land served or benefited.
- (2) In a by-law adopted under subsection (1), provision may be made whereby the frontage tax or a charge under clause (c) of subsection (1) may be waived or lessened in respect of real property, any present or previous owner or present occupier of which
- (a) has constructed at his own expense any portion of the sewerage or drainage system of the municipality, or
 - (b) has paid all debt and debt charges, including interest, in respect of that portion of the sewerage, drainage, or sewerage and drainage system of the municipality that serves the real property.

Division (9) - Waste Collection and Disposal

Waste collection and disposal

- 271(1) Subject to the Public Health Ordinance council may by by-law
- (a) establish, construct, maintain and operate public incinerators,
 - (b) establish, maintain and operate grounds for the disposal of garbage of all kinds,
 - (c) establish, construct, maintain, and operate upon or under any street, or elsewhere, lavatories, urinals, water closets and the like convenience,
 - (d) establish and maintain a system for the collection, removal, and disposal of garbage, ashes, refuse and other noxious, offensive, unwholesome, and discarded matter,

- (e) compel persons to make use of any system established for the disposal of garbage, ashes, refuse, and other noxious offensive, unwholesome, and discarded matter, and prescribe the terms and conditions upon which persons make use of such system,
- (f) establish a scale of charges payable by owners or occupiers of real property for the removal to the public incinerator or such other designated place of tradewaste, garbage, rubbish and matter, and for compelling payment of the charges so fixed, and for imposing penalties for neglecting to remove or have removed and brought to the public incinerator or such other place as aforesaid such tradewaste, garbage, rubbish and other matter,
- (g) enter into contracts with any person for all or part of the collection, removal, and disposal of garbage and other waste, upon terms and conditions as prescribed in the by-law, and
- (h) compel and regulate the emptying, cleansing, and disinfecting of private drains, cesspools, septic tanks and privies and the removal and disposal of refuse therefrom.

Division (10) - Water Distribution

Operation of
water
distribution
system

272(1) The council of a municipality may by by-law, with the approval of the Commissioner, provide for the establishment and use within or without the municipality, of a water distribution system for supplying water for any and all purposes to and for the inhabitants of the municipality or to and for the inhabitants of adjacent localities.

- (2) Where a water distribution system has been established under subsection (1), council may acquire, purchase or construct the necessary works including the acquisition of all appliances, equipment, real property, easements, and rights-of-ways and any real property required for protection of such works.
- (3) Where a municipality operates a system pursuant to subsection (1) the council may by by-law prohibit or regulate the design, installation and operation by any person of the same service in all or any part of the municipality.
- (4) The council may operate, maintain, improve, expend or alter any existing water distribution system and acquire all appliances, equipment, materials, real property, easements and rights-of-ways required therefor.
- (5) The council may by by-law require owners of real property to connect their buildings and structures to the water distribution system in the manner prescribed in the by-law, and in the event of any owner failing to make the necessary connections within a specified time, provide for having the work done.

By-law to manage water distribution system

273(1) The council operating and maintaining a water distribution system may by by-law, fix the rates, terms and conditions under which water may be supplied and used.

Connection charges for water system

274(1) The council may by by-law
(a) impose connection charges upon owners of land upon which are situated buildings or structures, to defray the cost of laying connecting pipes from water mains to the land,

and fix the terms and conditions of payment;

- (b) impose a frontage tax in accordance with the provisions of the Assessment and Taxation Ordinance upon the owners of land or real property which is capable of being connected with any water main, whether or not the parcel of land is connected with such water main.

- (2) In a by-law adopted under subsection (1), provision may be made whereby the frontage tax may be waived or lessened in respect of real property of which any present or previous owner has constructed at his own expense any portion of the water distribution system of the municipality.

Franchise for water distribution system

- 275(1) Subject to the approval of the Commissioner, the council may by by-law grant a franchise, upon such terms and conditions as it may prescribe to any person undertaking to provide a water distribution system and authorizing that person to erect or operate on, above, or under any highway or public place within the municipality any fixtures, buildings, structures, or other things necessary in order to provide the services to which the franchise so granted relates.

Division (11) -- Sundry Works and Services

Power to acquire and operate sundry facilities

- 276(1) Council may by by-law acquire, purchase, lease or otherwise and hold, use, improve real property for any of the following purposes
 - (a) off-street parking facilities or arcade structures,
 - (b) airport landing area or seaplane base,
 - (c) trailer park,
 - (d) mobile home park, and
 - (e) any business improvement area established pursuant to section 370.

- (2) The council may construct buildings and structures and equip them for any of the purposes designated in subsection (1).
- (3) The council may provide for the operation, maintenance, and management of any property acquired, held, or used under this section.
- (4) The council may charge and collect a fee or rent for the use of any space in or portion of, or the use of, any of the property acquired under this section, and may enter into agreements with other persons for the leasing or subletting of any of the property.
- (5) Where the facility is deemed by council to be of special benefit to the business or commercial areas of the municipality, the council may by by-law designate all or a part of the commercial or business area as benefiting and apply the provisions of section 249.

Division (12) - Fire Protection & Emergency Services

Fire prevention by-laws

277(1) Subject to any Ordinance and regulations made thereunder, the council shall, by by-law, establish a fire department and in the same or another by-law set out the organization of the department and the powers and duties of the various grades of firemen.

By-laws to regulate fire protection

(2) Subject to any Ordinance and regulations made thereunder, the council may adopt by-laws

Acquisition of equipment

(a) for the purchase of fire fighting equipment and providing proper buildings therefor,

Fire districts

(b) establish areas to be known as "fire districts" and regulate the construction of buildings in each

- of such districts in respect of precautions against the danger of fire, and discriminate and differentiate between the districts as to the character of the buildings permitted in each of them,
- Fire hazards (c) for the destruction, alteration, or removal of any building, structure, or portion thereof or any weeds, grass, rubbish or other thing within the municipality that in the opinion of the council constitutes, or is likely to constitute, a fire hazard or that should be removed for the protection of life and property and providing for charging the costs and expenses of the destruction, alteration, or removal against the property concerned,
- Agreements with other municipalities or Territory (d) enter into agreements with other municipalities or the Territory or Canada for the use in the municipality or in such other municipalities of fire fighting equipment and personnel upon such terms and conditions and for such remuneration as may be agreed upon,
- Regulate business with dangerous products (e) to regulate the manufacturing, processing, storing, selling, transporting, or use of combustibles, chemicals, explosives, or other dangerous products,
- Regulate gasoline products and business (f) regulate the construction, installation and operation of tanks, pumps and measuring devices used, or intended to be used, for the sale, storage or other disposition of gasoline, oil or other inflammable liquid,
- Open fires (g) to regulate the use of fires and lights in the open air or elsewhere, (h) to prohibit persons from standing, loitering, or sitting in the aisles, passages and stairways of churches, theatres, halls, skating rinks and other public buildings,

Inspections

- (i) to inspect premises for conditions which may cause a fire or incur the danger of a fire or increase the danger to persons,
- (j) to take such measures as are described in the by-law to prevent and suppress fires, including the demolition of buildings and structures to prevent the spread of fires,
- (k) for the inspection and supervision of electric wiring to ensure that the wiring and services comply with the standards prescribed by any Ordinance and the fees to be charged for such inspections, which fees shall be reasonable in the amount and shall not be imposed for the purpose of exacting revenue,
- (l) regulating and installation of stoves and stove pipes or other apparatus or things that may be dangerous in causing or promoting fires and enforcing the proper cleaning of chimneys, flues and stove pipes, and

Fireworks

- (m) classifying fireworks
 - (i) prohibiting or regulating and controlling the sale of fireworks or any specified class or classes thereof in the municipality,
 - (ii) prohibiting or regulating and controlling the setting off in the municipality or in any specified part or parts of the municipality of fireworks of any specified class or classes thereof, and
 - (iii) prescribing conditions under which a display of fireworks or a specified class or classes thereof may be held in the municipality or in any specified part or parts of the municipality.

- (3) Notwithstanding the generality of subsection (2) council may adopt by-laws regulating any other matter which the council considers necessary or proper for adequate fire protection or the protection of life or property.
- Emergency plan 278(1) Subject to any Ordinance and any regulations made thereunder, the council shall by by-law, establish an emergency plan and pursuant to section 385 provide for a civil emergency measures commission and such officers as are deemed necessary to carry out the provisions of the emergency plan.
- Actions during an emergency 279(1) Where there is an emergency as defined in the Civil Emergency Measures Ordinance, the meetings of any municipal council may be held at any convenient location within or outside the municipality, and the council of a municipality may acquire and hold such land at such locations and erect such buildings thereon as may be convenient for such purpose.
- Ambulance and ambulance subsidy 280(1) Council may adopt by-laws
(a) for the acquisition and equipment of a motor vehicle or vehicles for the purposes of providing ambulance service in the municipality, and
(b) for entering into an agreement with one or more owners of ambulances to furnish certain ambulance service in the municipality and may annually by by-law authorize payment to the owner of such ambulance of a grant.
- General powers for protection of life and property 281(1) Notwithstanding any other provisions of this Ordinance, the council may, by by-law regulate any other thing or matter which it considers necessary or proper for the protection of life or property.

Division (13) - Recreation

Acquisition
of property
for recreation
purposes

282(1)

The council may by by-law

- (a) acquire, by purchase, lease or otherwise, accept and hold any real property within the municipality for pleasure, recreation, or community uses of the public, including but not restricted to public library, art gallery, museum, arena and exhibition buildings,
- (b) make rules and regulations governing the management, maintenance, improvement, operation, control and use of any real property mentioned in this section,
- (c) lease or rent any real property mentioned in paragraph (a) and owned or held by the municipality, and
- (d) close to free use by the public the whole or any portion of any real property mentioned in this section at such times and for such periods as may be deemed advisable and fix and charge fees for admission to or for the use of any of the facilities so closed.

Parks and
Recreation
Commission

(2)

Notwithstanding the Recreation Development Ordinance, council may by by-law subject to section 384 establish a Parks and Recreation Commission.

Division (14) - Public Health By-laws

Public
Health
by-laws

283(1)

Subject to the Public Health Ordinance

and the regulations made thereunder, the council may adopt by-laws

- (a) in the interests of the public health of the municipality and the prevention of contagious and infectious diseases,
- (b) requiring the removal of dirt, filth, dust and rubbish from highways,

- in the municipality by the person or persons depositing it, or by the owner or occupier of an adjacent property where it can be proved that the dirt, filth, dust and rubbish originated on the property adjacent, and in the case of default by the owner or occupier, for removing it at his expense and charging the expense thereof against his property as a special tax to be recovered in like manner as other taxes on real property,
- (c) requiring the removal by the owner thereof of anything deemed dangerous to the health and safety of the inhabitants of the municipality and for charging the expenses thereof against any property owned by him in the manner provided in paragraph (b),
 - (d) regulating or prohibiting the construction within the municipality of privy vaults, water closets and septic tanks and providing for the keeping of the same in a proper state of cleanliness and repair,
 - (e) preventing or regulating the erection or continued operation within the municipality of slaughter houses, gas works, tanneries and other factories and trades that may prove to be nuisances generally,
 - (f) preventing and abating public health nuisances generally,
 - (g) preventing the putting of anything prejudicial to health in any stream or body of water within the municipality or from which water is supplied to the municipality for any purpose.

Fees for
public health
services

284(1)

The council shall by by-law provide for the payment of such sums as the Commissioner

may, from time to time, fix for the provision of public health services to the municipality.

Cemeteries

285(1)

Notwithstanding the Cemeteries and Burial Sites Ordinance the Council may lay out, develop, improve, regulate, maintain and operate cemeteries, and acquire and hold for such purpose real and personal property within or without the municipality.

PART VI REGULATORY
Division (1) - Building Regulations

Building
Regulations

286(1) The Council shall by by-law, subject to any Ordinance and regulations made thereunder, set standards regulating the construction, alteration, repair and demolition of buildings and structures provided that the standards set by council shall be no less than those of the current National Building Code, as amended from time to time.

Exemptions
from
National
Building
Code

- (2) Notwithstanding subsection (1) where council considers that there are local conditions that would make compliance with the standards set in the National Building Code, or amendments thereto, unworkable council may, by by-law, with the approval of the Commissioner, provide for exemption from any standards that may be provided by a by-law made pursuant to subsection (1).
- (3) Any by-law for the health, safety and protection of persons and property may:
- (a) regulate the construction, alteration, repair, or demolition of buildings and structures,
 - (b) regulate the installation, alteration, or repair of plumbing (including septic tanks and sewer connections) heating, airconditioning, electrical wiring and equipment, gas or oil piping and fittings, appliances, and accessories of every nature and kind,
 - (c) regulate the seating arrangements and seating capacity of places of public assembly,
 - (d) require contractors, owners, or other persons to obtain and hold a valid permit from the council, or from the proper authorized official,

before commencing and at all times during the construction, erection, excavation, installation, addition, repair or alteration, or gas or oil pipes and fittings, plumbing, heating, sewers, septic tanks, drains, electrical wiring, tents, signs, oil-burners, tanks, pumps, and all like works, fittings, and things, and buildings and structures of the kind, description, or value described in the by-law,

- (e) prescribe conditions generally respecting the issuance and validity of permits and the inspection of works, things, buildings, and structures and provide for the levying and collecting of permit fees and inspection charges,
- (f) regulate or prohibit the moving of any building into or from the municipality, or the moving of any building from one property to another in the municipality,
- (g) regulate the construction and layout of trailer courts, mobile home parks and camping grounds, and require that such courts, parks and grounds provide facilities specified in the by-law,
- (h) provide that no trailer or mobile home may be occupied as a residence or office unless its construction and facilities meet the standards specified in the by-law, and
- (i) require that, prior to any occupancy of a building or part thereof after construction, wrecking, or alteration of that building or part thereof, or any change in class of occupancy of any building or part thereof, an occupancy permit be obtained from the council or the proper authorized official, which permit may be

withheld until the building or part thereof complies with the health and safety requirements of the by-laws of the municipality or of any Ordinance or regulation made thereunder.

Power to order demolition or correction of deficiencies

- 287(1) The council may by by-law authorize or require
- (a) the demolition, removal, or the bringing up to a standard specified in the by-law of a building, structure, or thing, in whole or in part, that is
 - (i) in contravention of any by-law, or
 - (ii) in the opinion of council, in an unsafe condition, or
 - (b) the filling-in, covering-over, or alteration in whole or in part of an excavation that is
 - (i) in contravention of any by-law, or
 - (ii) in the opinion of council, in an unsafe condition.

- (2) Except as provided in subsection (7) a by-law adopted under section (1) shall provide for not less than thirty days' notice of the contemplated action to be given the owner, tenant, or occupier of the real property affected.

Appeals

- (3) An appeal lies to a Judge against the contemplated action under any by-law made pursuant to subsection (1).
- (4) Notice of an appeal under subsection (3) shall be given the municipality within ten days from the date of the notice given under the by-law to the owner, tenant, or occupier of the affected premises.

- (5) The Judge shall hear and finally determine the matter, making such order as may seem appropriate in the circumstances.
 - (6) At the expiration of the period mentioned in subsection (2), the proper authorized official may proceed in accordance with the by-law or the decision of the Judge, as the case may be.
 - (7) Where council deems there is imminent danger of public injury
 - (a) the council of a city may waive the requirement for notice,
 - (b) the council of a town or village may, with the approval of the Inspector, waive the requirement for notice.
- Imminent danger to public

Division (2) - Licencing and Regulating Business

- 288(1) Subject to any other Ordinance or regulations made thereunder, the council may by by-law control and regulate all businesses carried on within the municipality including the manner of operation, the nature of operation and the location thereof, and may license any or all such businesses
 - (a) whether or not the business is mentioned elsewhere in this Ordinance, and
 - (b) whether or not the business has a business premises within the municipality.
 - (2) The council may, in a by-law under this section
 - (a) provide for the classification of businesses for the purpose of the by-law,
 - (b) prescribe different licence fees for different classes of businesses, and
- Regulation of businesses

(c) make any provision of the by-law applicable to one or more business or one or more classes thereof.

Business licences

289(1) The council may, by by-law, prohibit the carrying on of any business without a licence.

Exemptions from licensing

290(1) No licence is required with respect to any performance, exhibition, concert or entertainment, the entire proceeds of which over and above actual expenses are devoted to or to be given to a church, school, hospital, charitable, patriotic, war fund or community purpose.

(2) No licence is required with respect to any performance, exhibition, concert, entertainment or concession which is held in a duly licensed theatre or other duly licensed place.

Refusal to grant or revocation of licence

291(1) The council may refuse to grant or may revoke or suspend a licence on grounds which, to it, appear just and reasonable and may delegate to a municipal officer on such terms and conditions as the council by by-law may determine the power to refuse to grant or revoke or suspend any licence if in his opinion there are just and reasonable grounds for the refusal of the application or for revocation or suspension of the licence subject to the right of the applicant to appeal the refusal or revocation or suspension to the council.

(2) A suspension of a licence under this section may be

- (a) for a period of time not exceeding the unexpired term of the licence, or
- (b) where the suspension is for non-compliance with a by-law, until the holder of the suspended licence, in the opinion of the council, complies with that by-law.

- (3) A licence may be revoked or suspended for noncompliance with a by-law notwithstanding that the holder of that licence has not been prosecuted for a contravention of that by-law.
- (4) The council shall hear any appeal pursuant to subsection (1) within 10 days after the refusal of the application or revocation or suspension of the licence.
- (5) Where a licence is suspended or revoked under subsection (1), the council or the municipal officer, as the case may be, shall declare at the time of the suspension or revocation whether or not the suspension or revocation is necessary in order to prevent injury to the public.
- (6) Where no declaration is made under subsection (5) and an appeal to the council from the suspension or revocation has been commenced, the suspension or revocation does not take effect until the appeal has been heard and determined.

Definition of "business"

292(1) For the purposes of sections 288, 289, 290 and in any by-law passed under the provisions of sections 288, 289 and 291 "business" means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purposes of gain or profit.

Carriers of persons and chattels

293(1) Without restricting the generality of sections 290 and 291 the council may by by-law subject to the Motor Vehicles Ordinance and Transport Public Utilities Ordinance and regulations and orders made thereunder provide for the regulation of carriers of persons or chattels, and such by-law may

- (a) establish maximum and minimum charges by such carriers, or any classes thereof,

- (b) establish and alter routes to be taken by carriers of persons or chattels,
- (c) specify standards of safety,
- (d) classify carriers by type and prescribe different regulations for different classes,
- (e) limit the number of vehicles with respect to which persons may be licensed in any class of carriers,
- (f) requiring every driver of a taxicab to obtain a permit from the municipality to drive a cab within the municipality,
- (g) attach conditions or restrictions, to the granting of any permit issued under this section, and
- (h) suspend, cancel or revoke after notice to show cause has been given, any permit issued under this section.

Regulation
of taxi
operations

- 294(1) Subject to section 293 council may require every driver of a taxicab to obtain a permit from the municipality to drive a cab within the municipality, and
- (2) The council, after notice to show cause has been given to the licensee and upon hearing the same and being satisfied that the public interest so requires, may by resolution,
 - (a) suspend any licence referred to in subsection (1) for a period not exceeding one month; or
 - (b) revoke any licence referred to in subsection (1).
- (3) The council may refuse to issue or renew a permit to drive a taxi cab within the municipality to any person whose driving record, criminal record, character, age, or state of health is such that, in the opinion of council, that person is unfit to drive a taxi cab.

- (4) For the purposes of determining the driving record, criminal record, character, age or state of health of any person applying for the issue or renewal of a permit to drive taxi cabs within the municipality, the council, or any person authorized by council in accordance with subsection (5), may
 - (a) request, in writing, any such information from any person or organization, including any law enforcement agency, whether located within Yukon or not, or
 - (b) require that any such information be provided by the applicant before a permit is issued.

- (5) The council may, by by-law or resolution, delegate to any person, including a peace officer, the authority to issue, renew, or to refuse to issue or renew permits to drive taxi cabs within the municipality.

- (6) Where the council has delegated to any person the authority with respect to the issuance or renewal of permits to drive taxi cabs pursuant to subsection (4), an appeal from the decision of that person may be had to the council of the municipality, and the decision of the council is final, with no appeal lying therefrom.

Public transit system

- 295(1) Subject to the approval of the Commissioner the council may, by by-law, provide for the establishment, maintenance and operation of a system for the public transport of persons and property within the municipality or within the municipality and adjacent localities.

- (2) Any council operating and maintaining a public transport system may, by by-law, fix the rates, terms and conditions under which transport facilities may be supplied and used.

- (3) Where a public transport system is established pursuant to subsection (1) the council may by by-law provide for the acquisition or purchase of any buildings, structures, vehicles, appliances, equipment or other things necessary in order to provide the service.
- (4) Where a public transport system is established under subsection (1) the council may, by by-law, establish a Public Transit Commission, with duties and powers as provided in section 386.

Public transit utility

296(1) Subject to the approval of the Commissioner the council may, by by-law, grant a franchise, upon such terms and conditions as it may prescribe, to any person undertaking to provide public transportation services to residents of the municipality and authorizing that person to construct or operate any fixtures, buildings, structures, vehicles or other things necessary in order to provide the service to which the franchise so granted relates.

Business hours

297(1) Subject to any Ordinance or regulations made thereunder the council may by by-law provide for all matters or things relating to the days and hours wherein shops or one or more classes of shops shall be permitted to remain open or shall be required to close and for such purposes may

- (a) exempt shops or one or more classes of shops, designated as to size or type, from any of the provisions of such by-law,
- (b) designate by type the merchandise that may be sold or exposed for sale during the hours that any shops or one or more classes of shops are permitted to remain open, and

(c) impose conditions which must be met by any shops or one or more classes of shops that are permitted to remain open, including a condition that a specified minimum number of employees shall be on the shop premises at such times as are specified.

Business on
holidays

298(1)

The council, by by-law, may require that during the whole or part of a holiday as defined in the Interpretation Ordinance or of a day proclaimed as a civic holiday, all shops and businesses, or any specified class or classes thereof be closed and remain closed.

- on any highway or other public place or on any lands acquired by the municipality for parking purposes or designated as parking stands or places,
- Fees for parking (g) prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location of the parking stands or places, the class of vehicles for which the parking stands or places are intended or as the council may otherwise determine, but the council may in its discretion grant free use of all or any parking stands or places for all vehicles or any particular class thereof for such period of time or during such hours as may be specified in the by-law,
- Parking meters (h) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using parking stands or places,
- Truck routes (i) defining the route or routes through the municipality that vehicles or any particular class of vehicle must follow in entering or traversing the municipality,
- Parking prohibition (j) prohibiting the parking of any vehicle in any private parking place or on any private property by any person other than the owner, occupant, licensee or permittee of the parking place or private property except with the consent of such owner, occupant, licensee or permittee,
- Towing away (k) authorizing the owner, occupant, licensee or permittee of any private property to remove or cause the removal of any vehicle that is

unlawfully placed, left or kept on any privately owned property, to impound or store the vehicle and to release it to the owner upon payment of the cost of removal and impounding or storage within a period of thirty days after the date of the removal of the vehicle or within such extended period as may be specified in the by-law, and providing for the recovery of the cost, if not paid within the specified period, from the owner of the vehicle by action in court of competent jurisdiction or by sale of the vehicle at public auction or private sale,

Removal of
vehicles
unlawfully
parked

- (1) authorizing a peace officer or any designated officer to remove or cause the removal of any vehicle that is unlawfully placed, left or kept on any highway, public parking place, other public place or on municipally owned property, to impound or store the vehicle, and shall upon impoundment mail or deliver notice to the registered owner of the vehicle at his last known address informing the owner of the location of the impounded vehicle and the conditions for its release, and to release it to the owner upon payment of the cost of removal and impounding or storage within a period of thirty days after the date of the removal of the vehicle or within such extended period as may be specified in the by-law and providing for the recovery of the costs, if not paid within the specified period, from the owner of the vehicle by action in court of competent jurisdiction or by sale of the vehicle at public auction or private sale,

Regulations

- (m) making regulations with respect to
 - (i) obstruction of traffic,
 - (ii) one-way street,
 - (iii) pedestrian or bicycle traffic,
 - (iv) safety zones,
 - (v) turning,
 - (vi) loading zones and bus stops,
 - (vii) traffic on highways in the vicinity of public schools,
 - (viii) traffic at intersections,
 - (ix) the right-of-way of one vehicle over another or of a pedestrian over a vehicle or vice versa, and
 - (x) the directions that a vehicle must follow on certain highways within the municipality, and may impose penalties for a violation of any such by-laws, and if any by-law departs from the rules laid down in this section and the departure is indicated to drivers by means of signs or devices for controlling traffic or by traffic officers, every driver within the municipality shall conform to the by-law.

Recreational vehicles

- (2) Subject to this Ordinance, the council may pass by-laws
 - (a) imposing penalties on persons travelling on sidewalks on horseback, bicycle or other vehicle, and
 - (b) controlling, regulating and providing a system of registration, including the authority to seize and impound, all-terrain vehicles, motorcycles, motorized toboggans and bicycles whether on or off a highway.

Division (4) - Control of Animals, Insects and Birds

By-laws preventing spread of animal diseases, etc.

- 300(1) The council may pass by-laws for the purpose of preventing the spread of

tuberculosis, and other animal disease that are communicable to human beings and without restricting the generality of the foregoing, may pass by-laws empowering designated persons to make such inspections as may be required for effectually carrying out the provisions of this section.

By-laws
regulating
animals,
insects and
birds

- 301(1) For the purpose of regulating and controlling animals, birds and insects, the council of any municipality may pass by-laws
- (a) preventing the leading, riding and driving of cattle, horses or other animals in any public place,
 - (b) restraining and regulating the running at large of animals, and providing for the impounding or destruction of animals running at large and where an animal is impounded make provision for the killing, sale or other disposition of impounded animals if not claimed from the pound within a specified time or if the claimant does not comply within a specified time with such conditions governing payment of costs and expenses and removal from the pound as the by-law may provide,
 - (c) classifying dogs for licensing purposes,
 - (d) prescribing a tariff or licence fee to be paid by persons owning, possessing or harbouring dogs which fee may vary as between the different classification of dogs,
 - (e) require that owners, possessors, or harbourers of dogs, or any class of dogs, shall keep them effectively muzzled while they are at large or upon a highway or public place or shall keep them on leash or under

- control of a competent person while upon a highway or public place as the by-law may direct,
- (f) regulating the keeping by any person of wild or domestic animals or poultry or other birds within the limits of the municipality,
 - (g) prohibiting the keeping by any person of wild or domestic animals or poultry in any specified part or parts of the municipality where, in the opinion of council, that keeping is likely to cause a nuisance,
 - (h) for regulating the moving and keeping of bees, and defining areas within which such bees may be kept or within which the keeping of them is prohibited,
 - (i) for the purposes of eliminating or mitigating within the municipality biting insects and insect pests,
 - (j) regulate the sale of animals,
 - (k) for the prevention of cruelty to animals,
 - (l) regulating the location of kennels or other places for the training, care, breeding, treatment or boarding of animals,
 - (m) providing for the seizure and detention or destruction, of animals unlawfully permitted to be at large, and
 - (n) regulate and fix the fines and fees to be levied.

Division (5) - Sundry Regulations and Provisions

Sundry regulations and powers

- 302(1) Notwithstanding any other Ordinance or regulations thereunder the council may by by-law regulate or prohibit
- (a) sales by auction in a public market,
 - (b) athletic contests of whatever nature in a municipality,
 - (c) the removal of soil, sand, gravel, rock or other substance of which

land is composed from any lands within the municipality, and require the holding of a permit for such purpose and, fix a fee for such permit and different regulations and prohibitions may be made for different areas,

- (d) the deposit of soil, sand, gravel, rock or other material on lands within the municipality or within any area within the municipality and require the holding of a permit for such purpose and fix a fee for such permit and different regulations and prohibitions may be made for different areas, and
- (e) the cutting of trees on lands within the municipality or within any area within the municipality and require the holding of a permit for such purpose and fix a fee for such permit and different regulations and prohibitions may be made for different areas.

Curfew for children

303(1)

Notwithstanding the Curfew Ordinance, council may by by-law

- (a) regulate the time after which children shall not be in a public place at night without proper guardianship, and
- (b) designate the age or apparent age of children to whom the by-law applies.

- (2) A child to whom the by-law applies who is found in a public place after the time so fixed may be warned to go home by a peace officer and if after the warning the child refuses or fails to go home he may be taken to his home or to a shelter by the peace officer.

- (3) Any parent or guardian who permits his child or ward habitually to contravene a by-law adopted under this section commits an offence and is liable, on summary conviction to a fine not exceeding the sum of one hundred dollars.

By-law provisions for preventing and abating nuisances and disturbances, etc.

- 304(1) The council may by by-law
- (a) require owners or occupiers of buildings to prevent pigeons or other birds from perching, roosting, or nesting thereon, and regulate the feeding of pigeons or other birds by persons other than their owners,
 - (b) prevent, abate, and prohibit nuisances and provide for the recovery of the cost of abatement of nuisances from the person causing the nuisance or such other person or persons as may be described in the by-law,
 - (c) regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or which in the opinion of the council are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the municipality,
 - (d) prevent or prohibit persons from shouting, using megaphones, and making other noise in or at or on streets, wharves, docks, piers, railway stations, or other public places,
 - (e) regulate or prohibit the sale or disposal to any person of firecrackers

- and other fireworks of every nature or kind,
- (f) prohibit persons from causing or permitting water, rubbish, or noxious, offensive, or unwholesome matter or substance to collect or accumulate around their premises, or from depositing or throwing bottles, broken glass, or other rubbish in any open place,
 - (g) prohibit the owners or occupiers of real property from allowing property to become untidy or unsightly, and require them to remove therefrom any accumulation of filth, discarded materials, or rubbish of any kind, and for providing that in default of such removal the municipality, by its workmen or others, may enter and effect such removal at the expense of the person so defaulting; and for providing that the charges for so doing, if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears,
 - (h) require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia; and for prescribing measures and precautions to be taken for such purpose; and for fixing limits not to be exceeded in respect of such emissions,
 - (i) require manufacturers and processors to dispose of the waste from their plants in the manner directed by the by-law,

- (j) require the owners or occupiers of real property, or their agents to clear such property of brush, noxious weeds, or other growths; and for providing that in default of such clearing the municipality, by its workmen or others, may enter and effect such clearing at the expense of the person so defaulting; and for providing that the charges for so doing, if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear,
- (k) prohibit the posting, exhibiting or distributing of placards, play-bills, posters, advertising, writings or pictures or the writing of words, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize, on walls or fences, or elsewhere on or adjacent to a highway or public place, and
- (l) prohibit the carrying-on of any noxious or offensive trade, business, or manufacture.

By-laws
to
regulate
firearms
and
explosives

305(1)

The council may, by by-law applicable throughout the municipality or within any defined area or areas thereof, regulate or prohibit and the regulations may be different for different areas

- (a) the discharging of firearms, including air guns, air rifles, air pistols, and spring guns, or the exploding of firecrackers or other fireworks,
- (b) notwithstanding any regulation or prohibition enacted under clause (a), the council may authorize the issuance of a permit to any person or organization for the purpose of

- the observance or celebration of any special event or festival by the use of firecrackers or other fireworks of any nature or kind, and may specify the terms and conditions thereof, and
- (c) the use of any explosive agent for blasting, and for regulating persons engaged in blasting, and for requiring persons engaged in blasting to give security for damage to persons who, or whose property, may be injured thereby.

Division (6) - Public Nuisances

- | | | |
|---------------------------------------|--------|---|
| definitions of "building" and "owner" | 306(1) | In this section "building" includes any fence, scaffolding, structure or erection and "owner" means the person in whose name the title to the property is registered and includes the person whose name appears as owner of the land or building in the assessment records of the municipality. |
| Building a nuisance | (2) | The council may by by-law declare any building to be a nuisance if the council is of the opinion that the building is dangerous to public safety or health. |
| | (3) | Subject to subsection (9), where a building has been declared under subsection (2) to be a nuisance, the council may by order require the owner, within the time specified in the order, which shall not be less than three months from the date of service of the order upon the owner |
| | | (a) to demolish or remove the building and to fill in the open basement or excavation remaining on the site of the building after the demolition or removal thereof or take such other measures with respect to the basement or excavation as may be described in the order, or |

- (b) to improve the condition of the building in the manner and to the extent described in the order.
- (4) An order made under subsection (3) may be personally served upon the owner or sent to him by registered mail at his last known address as shown by the assessment roll or by the records of the Land Titles Office and the council may direct that notice of the order be affixed to any part of the building and may authorize an agent of the municipality to cause such notice to be affixed to the building; and where the owner is deceased or his address is unknown, a copy of the order shall be published in at least two issues of a newspaper circulating in the municipality.
- (5) If an owner does not comply with an order made under subsection (3) within the time specified therein, the council may proceed to have such work done as it considers necessary for the purpose of carrying out the order, and the cost of the work shall be added to and form part of the taxes on the land on which the building is or was situated.
- (6) Where the council proceeds under subsection (5) and the building is occupied, the council may, if it is of the opinion that the work cannot be conveniently carried out while the building is occupied, by written notice require the person occupying the building to vacate the building forthwith.
- (7) Where a person to whom the notice has been given under subsection (6) fails to vacate the building forthwith after receiving the notice, the council may apply ex parte to a judge in chambers

for an order requiring the person to deliver up possession of the land on which the building is situated and of the building, to a nominee of the council and upon such an application, the judge may make such order, including an order as to costs, as he deems just.

- (8) Where the council proceeds under subsection (5) and removes or demolishes the building, it may sell, or otherwise dispose of the building or the materials therefrom, as the case may be, at such price as it considers reasonable, and shall pay the proceeds of the sale or other disposition, after deducting the amount of the cost of the work, any costs awarded to the council under subsection (7), and any taxes owing in respect of the property, to the owner, mortgagee or other person entitled thereto.
- (9) Before making an order under subsection (3), the council shall cause not less than one month's prior written notice to be given to the owner specifying the date, time and place of a meeting of the council at which the making of such an order will be considered and stating that the owner will be given an opportunity to be heard at the meeting before an order is made; and in such case a building permit or demolition permit may be withheld pending the issuance of an order under subsection (3) of this section.
- (10) A notice under subsection (9) may be personally served upon the owner or sent to him by registered mail at his last known address as shown by the assessment roll or by the records of the Land Titles Office; and where the owner is deceased or his address is unknown, a

copy of this notice shall be published in at least two issues of a newspaper circulating in the municipality.

- (11) The owner of the building affected by an order made under subsection (3), or any other person having a registered interest in the building who considers himself aggrieved by the order, may within thirty days after service of the order upon the owner, apply by notice of motion to a judge in chambers for a review of the matter and the judge, if satisfied
 - (a) that the council acted in a manner contrary to the intent and meaning of this section, or
 - (b) that the procedure prescribed in this section has not been followed,may set aside, vary or modify the order on such terms as to costs and otherwise as he deems just.

- (12) No action lies against the municipality or the council or any of its officials, agents or servants of the municipality, in respect of any matter or thing done under this section.

Junked
vehicles

- 307(1) Where an owner or occupant of property keeps or permits to be kept thereon a junked vehicle, the council may serve a notice on such owner or occupant, as the case may be, which notice shall set out the time and place of a council meeting at which the owner or occupant as the case may be, may appear to show the cause why the junked vehicle should not be removed from the property and destroyed.

- (2) Service of a notice under subsection (1) shall be by personal service and shall be made not less than three days before the date of the council meeting referred to therein.

- (3) Notwithstanding subsection (2), where a junked vehicle is located on vacant property and the address of the owner is unknown to council, the notice mentioned in subsection (2) shall be published in at least two issues of a newspaper circulating in the municipality, the last publication of which shall be not less than three days before the council meeting mentioned in the notice.
- (4) Where the owner or occupant, as the case may be
 - (a) does not appear before council pursuant to the notice under subsection (3) or (4) as the case may be, or
 - (b) appears before council and fails to satisfy the council that the junked vehicle should not be removed from the property and destroyed, the council or its authorized agent or employee may remove the junked vehicle from the property and destroy it at the expense of the municipality.
- (5) The council may postpone the removal and destruction of the junked vehicle on conditions which it considers necessary.
- (6) For the purposes of this section, a "junked vehicle" means a vehicle that
 - (a) is either in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition, and
 - (b) is not located in a building and does not form part of the business enterprise lawfully being operated on that property.
- (7) The council shall be the judge as to whether any vehicle is a junked vehicle within the meaning of this section.

Definition
of
"junked
vehicle"

Removal and disposal of abandoned vehicles

- (8) No action lies against the municipality or its agent or employee for any reasonable or necessary acts committed in connection with any removal or destruction or both, of a junked vehicle in accordance with this section.
- 308(1) Where any vehicle has been left or placed upon any highway, public place or municipality owned property and has been allowed to remain there for ten days or more and the owner thereof cannot after reasonable inquiry be ascertained, the vehicle shall be deemed to be abandoned.
- (2) The council may by resolution order that a vehicle which is deemed to be abandoned within the meaning of subsection (1), be removed by the municipality from the place where it is abandoned and sold, destroyed, or otherwise disposed of as the council may decide.
- (3) Where a council pursuant to subsection (2) decides to sell, destroy or otherwise dispose of an abandoned vehicle it shall, at least fifteen days before doing so, publish a notice of its decision in a newspaper circulating in the municipality together with a description of the abandoned vehicle.
- (4) When an abandoned vehicle is sold pursuant to the council's order under this section, the proceeds of the sale shall be applied against the cost of removal of the vehicle and any balance remaining shall form part of the general funds of the municipality and in such case, the purchaser of the vehicle shall, notwithstanding the provisions of any other Ordinance, obtain good title thereto free and clear of all encumbrances.

- (5) Notwithstanding the provisions of any other Ordinance, no action lies or shall be brought against a council which sells, destroys or otherwise disposes of a vehicle in compliance with the provisions of this section.

PART VII - PLANNING, LAND USE AND DEVELOPMENT

Division 1 - Official Community Plan

Preparation of
official commu-
nity Plan

- 309(1) The council of a municipality shall within two years of incorporation adopt by by-law an official community plan in accordance with the provisions of this Part.
- (2) The Commissioner may from time to time extend the time for the adoption of an official community plan.
- (3) The Commissioner may, after consultation with the council of a municipality, direct the council to prepare or amend an official community plan for all or part of the municipality.
- (4) The council of a municipality may by resolution authorize the preparation or amendment of an official community plan, such plan or amendment shall be adopted within two years.

Purpose of
an official
community plan

- 310(1) The purposes of an official community plan are:
- (a) to serve as a framework whereby the municipality and the community as a whole may be guided in formulating development policies and decisions;
- (b) to identify the factors relevant to the use and development of land;
- (c) to identify the critical problems and opportunities concerning the development of land and the social, environmental and economic effects thereof;
- (d) to set forth the desired timing, patterns and characteristics of the future development of land and to determine the probable social,

- environmental and economic consequences thereof;
- (e) to identify the programs and actions necessary for the implementation of the official community plan;
 - (f) to outline the methods whereby the best use and development of land and other resources in adjacent areas may be coordinated;
 - (g) to identify those matters of government concern which affect the use and development of land and other resources within the municipality.
- Contents of an official community plan 311(1) An official community plan shall consist of the plans and supporting material defining the future physical, social and economic development of the municipality.
- Commissioner may make regulations (2) The Commissioner may make regulations not inconsistent with this Ordinance governing the preparation and contents of an official community plan.
- Exercise of powers by Commissioner 312(1) Where the council of a municipality fails to prepare or adopt an official community plan, or to direct development in accordance with an official community plan, the Commissioner may exercise any of the powers of the council under this Part after giving at least thirty days written notice to the municipality of his intention to do so.
- Notice of adoption of official community plan 313(1) The Council shall give notice of its intention to adopt an official community plan by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area affected, or by any other method approved by the council; the first of the notices shall be published at least four clear weeks before a date fixed by the council for the consideration of submissions respecting the plan; and the notice

shall state a place where and the hours during which, the plan may be inspected by any interested person and the time and place fixed for the consideration by the council of written submissions respecting the plan.

Consideration
of submissions

314(1)

The council shall make suitable provisions for the inspection of the official community plan by interested persons, and shall hear and determine all verbal and written submissions thereto before adopting the plan.

Approval of
Yukon Municipal
Board

315(1)

No by-law passed under this division shall be valid unless prior to the third reading of the by-law, the council has obtained the written approval of the official community plan by the Yukon Municipal Board.

(2)

The Yukon Municipal Board, in reviewing an official community plan, shall consider only

(a) whether the official community plan conforms to the requirements of this Ordinance;

(b) whether the council has, in preparing and adopting the official community plan, complied with the requirements of this Ordinance.

(3)

The Yukon Municipal Board, after considering the proposed plan, may hold a public hearing and in such case the provisions of section 313 shall apply mutatis mutandis and shall

(a) approve the plan, or

(b) refer the plan back to council with recommendations for modifications.

(4)

The Yukon Municipal Board on completion of any public hearing held under this

section shall submit a report on such hearing to the council and to the Commissioner.

Commissioner's approval

316(1)

The municipality shall, following compliance with section 315 submit to the Commissioner:

- (a) two copies of the official community plan certified correct by the clerk of the municipality and a copy of the by-law adopting the official community plan; and
- (b) a copy of written approval by the Yukon Municipal Board pursuant to section 315.

- (2) An official community plan shall have no effect until approved by the Commissioner.
- (3) The Commissioner shall with respect to an official community plan submitted to him under this section
 - (a) approve the plan, or
 - (b) disapprove the plan, or
 - (c) approve the plan subject to such reservations and qualifications as may appear to him to be necessary or desirable.
- (4) Where the Commissioner disapproves an official community plan or approves it subject to reservations and qualifications, he may direct the council to:
 - (a) prepare an official community plan; or
 - (b) amend the official community plan and may direct the council to give notice of the changes made therein.
- (5) Where the Commissioner directs the municipality to amend the official community plan and to give notice of the changes made therein, sections 313, 314 and 315 apply mutatis mutandis.

Effect of adoptions of official community plan

- 317(1) Council shall not enact any provision or carry out any development contrary to or at variance with an official community plan.
- (2) No person shall carry out any development that is contrary to, or at variance with an official community plan.
- (3) The Governments of Canada and Yukon, and any agency thereof, shall not carry out any development contrary to or at variance with an official community plan.
- (4) Notwithstanding subsection (2), council is not empowered to impair the rights and privileges to which an owner of land is otherwise lawfully entitled.
- (5) The adoption of an official community plan shall not commit the council or any other person, association, organization, or any department or agency of the Governments of Canada or Yukon to undertake any of the projects outlined in the official community plan.
- (6) The adoption of an official community plan does not authorize council to proceed with the undertaking of any project except in accordance with the procedure and restrictions laid down therefor by this or any other Ordinance.

Effect of official community plan on zoning by-law, etc.

- 318(1) Where any existing zoning by-law or regulation under the Area Development Ordinance is at variance with the provisions of an official community plan, the provisions of the plan shall supersede the provisions of the by-law or regulation.

Subdivision by-law

- 319(1) Upon adoption of an official community plan, the council may enact a by-law to control the subdivision of land under Division 4 of this Part.

- Amending procedure 320(1) An official community plan may be amended but any such amendment shall be made in accordance with the procedure established in this Part for the preparation and adoption of such a plan.
- Council to review official community plan 321(1) The council shall review the official community plan:
(a) not more than five years after adoption of the plan;
(b) when requested to do so by the Yukon Municipal Board or by the Inspector.
- (2) The council may review the official community plan whenever it considers it necessary to do so.
- (3) A review of an official community plan shall be carried out in the manner of preparing an official community plan, but if the plan is found not to require any amendment, a resolution of council re-adopting the plan, approved by the Yukon Municipal Board and the Commissioner shall be considered a satisfactory re-enactment of the plan.
- Boundary alteration 322(1) When the boundaries of a municipality are altered, the council shall forthwith review the official community plan and within one year of the boundary alteration shall submit an amended plan to the Yukon Municipal Board and the Commissioner for approval.
- (2) Where a plan is reviewed and amended following a boundary alteration, the amendment shall apply, but is not limited to, the area subject to the boundary alteration.

Division 2 - Zoning By-law

- Existing zoning by-laws continued
- 323(1) A zoning by-law approved under any former Municipal Ordinance and subsisting on the day on which this Ordinance comes into force is continued in force until repealed as provided in this Ordinance.
- 324(1) Where an official community plan is adopted the council shall within one year adopt a zoning by-law applicable to the land affected by the official community plan.
- (2) The Commissioner may from time to time extend the time allowed for adoption of a zoning by-law.
- (3) The Commissioner may, after consultation with the council of a municipality direct the municipality to prepare or amend a zoning by-law for all or part of the municipality.
- No zoning by-law without official community plan
- 325(1) The council of a municipality shall not pass a zoning by-law without first adopting an official community plan.
- Action by Commissioner
- 326(1) Where a council has not adopted a zoning by-law within one year of adopting an official community plan or of receiving a direction from the Commissioner, or where the council fails to direct development in accordance with a zoning by-law, the Commissioner may exercise any of the powers of the council under this Part after giving at least thirty days written notice to the municipality of his intention to do so.
- Purpose of a zoning by-law
- 327(1) The purposes of a zoning by-law are:
- (a) to implement the development control provisions of the official community plan;

- (b) to provide for the amenity of the area within the council's jurisdiction; and
 - (c) to provide for the health, safety and general welfare of the inhabitants of the municipality.
- (2) The council of a municipality shall not pass a zoning by-law or any amendment thereto that does not conform to the provisions of an official community plan.
- (3) The Commissioner shall not approve a zoning by-law that does not conform to the provisions of an approved official community plan.
- Compulsory content of a zoning by-law
- 328(1) A zoning by-law shall provide for the establishment of a board of variance and shall provide for an appeal thereto and therefrom to the Yukon Municipal Board in accordance with the provisions of this Part.
- (2) A zoning by-law shall contain no provision that would:
- (a) permit only public development, or
 - (b) permit no use to be made of land, buildings or other structures unless the land, building or structure is the property of the municipality.
- 329(1) A zoning by-law may provide for a system of development and use permits, prescribe the terms and conditions under which a permit may be issued, suspended or revoked, and prescribe forms for permits and applications therefor.
- (2) A zoning by-law may prescribe the development permitted in a district for which no development permit shall be required.

- (3) For greater certainty but without limiting the purpose of a zoning by-law stated by section 327 every zoning by-law may prescribe or establish zones or districts of such number, shape and area as may be considered by the council best suited for any or all of the following purposes or any other unspecified purpose and within those districts or any of them, may:
- (a) permit, regulate or prohibit the use of land for business, industry, residence or any other purpose;
 - (b) permit, regulate or prohibit the use, for business, industry, residence or any other purpose, of buildings and other structures erected, placed, constructed, reconstructed, altered or repaired after the passing of the by-law;
 - (c) permit, regulate or prohibit the location of any or all classes of businesses, industries, trades, callings or professions, the location of apartments, townhouses, terraces, club houses, group homes or residences, dwellings, the location of public and semi-public buildings or property designed for specified uses;
 - (d) prescribe the class of use of land or buildings or land and buildings that shall be excluded or subjected to special regulations or standards, designate the use for which buildings may not be erected, placed, or constructed, reconstructed, altered or repaired or for which land may not be used, and designate the class of use that only shall be permitted;
 - (e) prescribe the minimum and maximum size of lots or parcels into which land may be subdivided and the minimum area of land required for any particular class of use or size of building;

- (f) prescribe the minimum and maximum density of population or intensity of development;
- (g) prohibit the erection of any building or other structure on land that is subject to flooding, slumping, earth movement, the presence of ice, or other instability or on land where, owing to bad natural drainage, steep slopes, rock formations, the presence of ice or other similar features, the cost of providing satisfactory waterworks, sewerage, drainage or other public utility would, in the opinion of the council, be prohibitive;
- (h) regulate the location, height, number of storeys, area and volume of buildings and other structures, erected, placed, constructed, reconstructed, altered, or repaired after the passing of the by-law;
- (i) regulate the percentage of a lot or parcel of subdivided land that may be built upon and the size of yards, courts and other open spaces;
- (j) require the owners or occupants of buildings or other structures to be erected or used for any purpose specified in the by-law to provide and maintain any necessary loading or parking facilities on land that is not part of a public highway;
- (k) regulate or prohibit the public display of signs and advertisements and regulate the nature, kind, size, location, colour, illumination and inscription of any sign or advertisement displayed;
- (l) regulate or prohibit the location of campers, trailers and mobile homes, campgrounds, trailer parks and mobile home parks and mobile home subdivisions and regulate the

internal layout and standard of services to be provided in campgrounds, trailer parks and mobile home parks;

- (m) regulate the external architectural appearance and facing materials of buildings or structures in such districts or parts of the municipality as the council considers appropriate;
- (n) regulate the architectural appearance and building materials or facing materials in those areas in a municipality considered to be of special significance to the heritage of the municipality, territory or Canada;
- (o) regulate the location of buildings or structures to ensure the optimum exposure of buildings to the sun and to ensure that no building inhibits the exposure of another building, whether on the same lot or adjacent land, to the sun;
- (p) permit, regulate or prohibit the removal from the ground of soil, gravel, sand, silt, aggregate or other surficial materials.
- (q) provide for a municipal planning board with powers and duties as prescribed in section 388.

- (4) A zoning by-law may also prescribe in respect of a zone or district the use of land or buildings or other structures that may be permitted in the district for such limited time only as may be fixed by the by-law, including such special conditions of use as may be determined by the council in each particular instance; but no such use shall be contrary to an official community plan.

330(1) The districts or zones established in the zoning by-law shall be shown on a

map attached to and forming part of the by-law, and where necessary zones or districts may be described.

- (2) The map shall bear a statement that it accompanies the zoning by-law, shall be under the seal of the municipality and shall be signed by the mayor and the clerk.
- (3) The map shall be drawn so that individual lots and parcels may be identified.
- (4) The zoning by-law shall contain a statement indicating whether the text or map take precedence in determining the boundaries of zones or districts.

Payments in lieu of providing off-street parking facilities

331(1) Where a zoning by-law requires any parking facilities on land that is not part of a public highway, as set out in clause (j) of subsection 329(3), the council may by the same or another by-law exempt a person from the requirement of providing the parking facilities where, in lieu thereof, the person pays to or agrees to pay to the council a sum calculated by multiplying the number of such parking spaces that the person would otherwise be required to provide by the amount fixed for each parking space; and the payment of or agreement to pay such sum shall be subject to such terms and conditions as the council may determine.

No development or use without permit

332(1) Where a zoning by-law is in effect no development shall be undertaken or use commenced unless a development permit, or use permit as the case may be, where such a permit is required, has been obtained.

- (2) A development permit or use permit shall not be valid unless it conforms with the zoning by-law and the provisions of this Ordinance.
- (3) A building permit shall not be valid unless a subsisting development permit, where such a permit is required, has been issued.

Notice of proposed by-law or amendment

333(1) The council shall give notice of its intention to pass a zoning by-law or amendment thereto by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area affected, or by any other method approved by the council.

- (2) The notice shall:
 - (a) describe the area affected by the by-law or amendment by:
 - (i) reference to street names and addresses and commonly understood area designations;
 - (ii) publication of a map of the area; or
 - (iii) in case of an amendment of general application, which does not designate land for specific uses, by a description of the type of property affected according to zoning districts but not by the specific location of all such property;
 - (b) state a place where and the hours during which the zoning by-law may be inspected by any interested person, and the time and place set for consideration by the council of written submissions respecting the by-law;
 - (c) in the case of an amendment, include a statement of the reasons for and an explanation of the amendment.

(3) Notwithstanding subsection (1) the council shall serve a copy of the notice on each assessed owner of property within a radius of one hundred metres from the property affected by any zoning amendment; and such notice shall be deliver by personal service or by regular first class mail to the address of the owner shown on the latest authenticated assessment role.

334(1) The council shall make copies of the proposed by-law or amendment available at cost to any interested person, together with a copy of the notice setting out the time and place set for the hearing.

335(1) The council shall make suitable provision for inspection of the zoning by-law or amendment by interested persons and before passing the by-law or amendment, shall hear and consider all verbal and written submissions thereto.

(2) The meeting to consider submissions regarding the proposed by-law or amendment shall be held not earlier than seven days after the last date of publication of the notice referred to in section 333.

Approval by
Commissioner

336(1) No zoning by-law shall be valid unless prior to third reading of the by-law, the council has obtained the written approval of the by-law by the Commissioner.

(2) The municipality shall submit to the Commissioner two copies of the zoning by-law certified correct by the clerk of the municipality.

(3) The Commissioner shall:
(a) approve the zoning by-law, or
(b) reject the zoning by-law, or

(c) approve the zoning by-law subject to such reservations and qualifications as may appear to him to be necessary or desirable.

(4) Where the Commissioner rejects a zoning by-law or approves it subject to reservations and qualifications he may direct the council to:

- (a) prepare a new zoning by-law or
- (b) amend the zoning by-law and may direct the council to give notice of the changes made therein.

(5) Where the Commissioner directs the municipality to amend a zoning by-law and to give notice of the changes amde therein, sections 333, 334 and 335 apply mutatis mutandis.

Effect of
adopting
zoning
by-law

- 337(1) Council shall not enact any provision or carry out any development contrary to or at variance with a zoning by-law.
- (2) No person shall carry out any development that is contrary to, or at variance with a zoning by-law.
- (3) The governments of Canada and Yukon and any agency thereof, shall not carry out any development contrary to or at variance with a zoning by-law.
- (4) Notwithstanding subsection (2), council is not empowered to impair the rights and privileges to which an owner of land is otherwise lawfully entitled.

Review of
zoning
by-law

- 338(1) Every zoning by-law shall be reviewed and consolidated by the council:
- (a) when the council considers it necessary; or
 - (b) when the official community plan is reviewed.

Fee for zoning amendment application

- 339(1) A zoning by-law may provide that when an application is made to a council for an amendment to the by-law, it shall be accompanied by an application fee not exceeding five hundred dollars.
- (2) The zoning by-law may provide that if the amendment proposed by the applicant is adopted by the council, the fee may be refunded in whole or in part to the applicant.

Division 3 - Interim Development Control

Interim control

- 340(1) From and after:
- (a) the date of a resolution passed under subsection 309(4), or
 - (b) a direction of the Commissioner under subsection 309(3), or
 - (c) the date of proclamation of this Ordinance, or
 - (d) the date of adoption of an official community plan under section 324,
- the council may by resolution provide that no person shall carry out any development within the area that will be affected by the proposed official community plan or zoning by-law as the case may be except with the written permission of the council of the municipality.
- (2) A municipality shall give notice of its intention to pass a resolution under subsection (1) by publishing an advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area in which the proposed development is planned, or by any other method approved by the council; and the first of the notices shall be published at least four clear weeks before a date fixed by the council for passing the resolution.

- (3) A person who desires to carry out any development in an area that will be affected by the proposed official community plan or zoning by-law shall apply to the council of the municipality for permission to carry out the development and upon receipt of such an application, the council of the municipality shall, within sixty days:
- (a) grant the permission applied for;
 - (b) grant the permission applied for subject to specified conditions;
 - (c) defer making a decision in respect of the application for a period not exceeding six months from the date of application; or
 - (d) refuse the permission applied for.
- (4) Notwithstanding subsection (3), no development that is contrary to:
- (a) an existing official community plan;
 - (b) an existing zoning by-law
- shall be permitted in an area that will be affected by a proposed official community plan or a proposed zoning by-law until the plan or by-law has been approved by the Commissioner and thereafter development shall only be permitted in accordance with such by-law.
- (5) A person aggrieved by the decision of the council of the municipality under subsection (3) may appeal to the Yukon Municipal Board.

Council may withhold building permit for a limited time

- 341(1) From and after the first publication by a municipality of an advertisement under subsection 340(2) the council of the municipality may withhold the issuance of a building permit for any building or other structure in the area affected by the proposed resolution for a period not exceeding three months from the date of the application for the permit.

Effect of failure to adopt by-law 342(1) When a council fails to adopt an official community plan or zoning by-law, any refusal of permission to, or conditions imposed upon a grant of permission to, carry out development made pursuant to section 340 or 341 becomes invalid and the development may be carried out as if the resolution to prohibit the carrying out of development had never been passed.

Division 4 - Subdivisions

Interpretation 343(1) In this Division "application" means an application for approval of a proposed subdivision of land; "subdivision" means the division of a lot or parcel by an instrument, or the creation of a new parcel from previously unsubdivided land, and "subdivide" has a corresponding meaning.

Approval of Commissioner 344(1) No subdivision of land shall be made unless in accordance with this Ordinance and the regulations and with plans and specifications submitted to and approved by the approving authority.

Approving authority 345(1) The Commissioner may by Order declare that from a date to be named in the Order:
(a) the Inspector shall be an approving authority within that area of a municipality not under the jurisdiction of any other approving authority;
(b) a council shall be an approving authority within the area under its jurisdiction;
(c) a council shall only be made an approving authority if it has adopted a subdivision control by-law approved by the Commissioner.

Agrees to
subdivision

346(1) Every person who makes or agrees to make a subdivision shall provide access thereto by a highway approved under regulations made by the Commissioner, or under regulations made by an approving authority and approved by the Commissioner, as the case may be.

(2) Subsection (1) shall not apply to:

(a) land intended for use as a railway right-of-way, or a right-of-way for a ditch, irrigation canal, pipeline, telecommunication or power transmissions line, or as a municipal utility described in section 349,

(b) land conveyed or to be conveyed to the owner of adjoining land to which access has been provided by a public highway, if in the opinion of the approving authority, the land conveyed or to be conveyed and the adjoining land are to be used for a common purpose and if the certificates of title to the lands may be consolidated into one certificate for one consolidated parcel of land.

(3) The requirement for access under subsection (1) may be waived by the approving authority where strict compliance is impractical or unnecessary, but the design shall not be such as to preclude the provision of access at some future time.

Public
reserves

347(1) Every plan of proposed subdivision shall make provision for the dedication to the public use, in addition of streets and lanes to a maximum of ten percent of the land to be subdivided, except that the requirements of this section shall not apply to:

(a) land to be subdivided into units of four hectares or over in area;

- (b) land intended for a railway station ground or right-of-way, or a right-of-way for a ditch, irrigation canal, pipeline, telephone line or power transmission line, or a reservoir or a sewage lagoon;
 - (c) land to be resubdivided for the purpose of correcting or rearranging boundaries or land previously included in an area subject to the requirements of this section, and where reversionary rights have been exercised on any subdivision, no further dedication for public use shall be required.
- (2) Notwithstanding subsection (1), where land adjacent to surface water or any other body of water is to be subdivided for other than public recreational uses, the following dedication of land to the public use may be required
- (a) a parcel of land, of such width as may be determined by the approving authority, lying between the bank of the land containing the water and the land to be retained by the owner, for the preservation of the bank and the protection of the land retained by the owner against flooding and to provide public access to the water;
 - (b) other land as may be required to provide access to the shoreline of the land containing the water to serve the proposed subdivision, not exceeding ten percent of the area of the land to be subdivided.
- (3) Where the approving authority so determines, no subdivision shall be carried out on any sloping land or on any land that the approving authority considers may be unstable unless it has been certified

after a consideration of geotechnical survey data and analysis in respect of the land carried out in accordance with good professional practice at the expense of the person proposing the subdivision, that the land is suitable for development; and where subdivision of the land is not permitted the land may be dedicated to the public use and may be accepted as part of the land required to be dedicated to the public use if the dedication is approved under subsection (5).

- (4) Notwithstanding subsection (1), where the land to be subdivided contains ravines, swamps, natural drainage courses or other areas that in the opinion of the approving authority are unsuitable for building sites or other private uses, the approving authority may require that those areas be dedicated to the public use as parks, natural areas or areas for public recreational use in addition, or in part contribution, to the amount of land that is required to be dedicated to the public use pursuant to this section.
- (5) The location and suitability of land dedicated to the public use shall be subject to the approval of the approving authority.
- (6) Each parcel of land dedicated to the public use shall vest in the Crown and the parcels shall be designated on the application and plan of survey as "Public Reserve PR1" or Public Reserve PR2" and so on, as the case may be, and the area thereof shall be shown.
- (7) Where land, that was subject to the requirement for the dedication of a certain amount of the land to the public

use or that was subdivided prior to the requirement for such dedication, is designated under a zoning by-law for residential use by more than ten dwellings per hectare of the land that is subject to the plan of subdivision, or where an owner requests rezoning of any other land not previously subject to dedication to the public use, provision may be made for the dedication of additional land to the public use, provided that the total dedication shall not be more than the percentage required in subsection (1), and in such case the approving authority may require the registered owner of the land to either:

- (a) submit, within three months from the date of mailing of the notice, a plan of survey dedicating the required land to the public use; or
- (b) pay to the council, within three months from the date of mailing of the notice, an amount equal to the fair value of the required land;

and the council may:

- (c) withhold or authorize its proper officer to withhold a development permit or a building permit for any building or other structure on the land subject to the requirement for dedication to the public use or payment in lieu thereof; or
- (d) refuse the request for rezoning of the land.

- (8) Notwithstanding subsection (1) where it appears to the approving authority that the dedication of land to the public use by a person proposing a subdivision of land would serve no practical purpose or for any other reason would be unnecessary or undesirable, the approving authority may direct that the requirements of

dedicating land to the public use in respect of the proposed subdivision:

- (a) be deferred in whole or in part until a further subdivision is made; or
- (b) be waived in total and may provide that in lieu thereof the applicant be required to pay to the municipality a sum of money in an amount no greater than the value of the land that would otherwise have been dedicated to the public use, and may direct the time and method of payment.

(9) For the purpose of subsection (8), the value of the land shall be determined on the basis of its fair value immediately after the subdivision of the land, and such fair value shall be established pursuant to the Assessment and Taxation Ordinance.

(10) Where the dedication of land to the public use is deferred under clause (a) of subsection (8), the approving authority shall file a caveat against the title of the land concerned to protect the interest of the future requirement of dedicating to the public use the required amount of land.

Buffer strips

348(1) Where a subdivision design requires the provision of land as a buffer between adjacent lands and the land to be so provided consists of strips for the development or preservation of earth berms or plantings, the plan of subdivision shall, in addition to the requirement of the dedication of lands for the public use provide for strips of land of adequate width to accomplish the intended purpose and the parcels shall be designated "Buffer Strip B1" or Buffer Strip B2"

and so on and the lands comprising the buffer strips vest in the Crown.

- (2) The amount of land required to be provided as buffer strips in a subdivision of land other than for residential purposes may be included in calculating the amount of land required to be dedicated to the public use in a subdivision of land where the approving authority considers that the public interest is best served by such an arrangement.

349(1) Where a subdivision is proposed that would create a parcel of land exclusively for the use of a municipal water, sanitary sewer, drainage, electrical, natural gas, telecommunications or other similar service or utility, the parcel may be of such shape and size as may be required, and shall be designated "Utility Lot U1" or "Utility Lot U2" and so on as may be appropriate and shall only be used for such a utility.

- (2) Where a utility occupies a right-of-way which is an easement over other land, the requirements of subsection (1) shall not apply.

- (3) Where a utility occupies a utility parcel, the provisions of subsection 348(2) shall apply.

Ownership
of dedicated
lands

350(1) Where land is subdivided and designated a highway or a public reserve or buffer strip under sections 347 or 348 respectively, ownership of such road or parcel shall vest in the Commissioner.

351(1) All lands dedicated to the public use and lands constituting buffer areas now vested or that hereafter become vested in the Commissioner, by reason of the registration in the land titles office

of the plan of the subdivision of land into lots, blocks or parcels, and all land transferred by any person to the Commissioner for public use may be sold, leased or otherwise disposed of or transferred to any municipality subject to any condition which may be prescribed.

Commissioner
may make
regulations

352(1)

The Commissioner may make regulations consistent with this Part for controlling the subdivision of land.

(2)

The regulations made under subsection (1) may:

- (a) prescribe reasonable conditions respecting the submission of plans to the council, governmental agencies and public utility organizations, the information to be shown on plans or otherwise supplied, and proof of the suitability of the land and its proposed subdivision;
- (b) prescribe conditions and standards respecting the construction and manner of laying out streets, lanes, public reserves, lots, blocks and other units of land, the permissible minimum widths and maximum grades of streets and lanes, and the provision of service streets in proposed subdivisions abutting controlled access highways.

Councils may
make regulations

353(1)

A council that has been designated as an approving authority by the Commissioner may by by-law make regulations not inconsistent with this Ordinance or the regulations made under section 352 for controlling the subdivision of land and may make regulations with respect to any matter not mentioned in regulations made by the Commissioner.

- Application 354(1) An owner or any person who proposes to subdivide land, hereinafter referred to as the applicant, shall submit an application to the approving authority in accordance with the requirements of the regulations prescribed by the approving authority.
- (2) If the applicant is not the owner of the land to be subdivided, the applicant shall with the application, submit the approval of the owner to the approving authority in the form specified in the regulations.
- 355(1) Where an application complies in all respects with the applicable provisions of this Ordinance, the official community plan, the zoning by-law and the regulations, the approving authority shall issue its certificate of approval of the application.
- (2) A certificate of approval shall be valid for a period of twelve months and shall be subject to renewal for one or more periods of twelve months at the discretion of the approving authority.
- (3) Subject to any other provisions of this Ordinance, where an approving authority is of the opinion that compliance with a requirement of any applicable regulation is impractical or undesirable because of circumstances peculiar to a proposed subdivision, the approving authority may relieve the applicant in whole or in part from compliance with the requirement; but no relief shall be granted that is contrary to the provisions of an official community plan or zoning by-law.
- Revocation of approval 356(1) An approving authority may revoke an approval of a proposed plan of subdivision where the plan has not been registered in the proper land titles office or

where certificate of title to the land has not been issued, as the case may be, if in its opinion it is necessary to do so.

(2) A revocation of approval of a proposed plan of subdivision may be appealed in the same manner as a refusal to approve the proposed plan may be appealed.

Refusal of approval

357(1) Subject to section 355, the approving authority shall refuse to approve a plan of proposed subdivision if in the opinion of the authority, the plan is not in the public interest, or is inconsistent with any of the provisions of this Ordinance or of any order, regulation, by-law, or other planning scheme issued, made or approved under this or any other Ordinance; and

(2) where the approving authority refuses to approve a plan of subdivision the authority shall advise the applicant of his right to appeal under this Ordinance and shall notify him respecting the time within which an appeal may be made.

Rights of appeal

358(1) Where an application for approval of a proposed plan of subdivision is refused the applicant may, within thirty days after the date on which he is served with notice of the refusal and after giving written notice to the approving authority of his intention to do so, appeal therefrom to the Municipal Board.

359(1) Where an approving authority refuses or revokes an approval of a proposed plan of subdivision, the authority shall serve the applicant with notice of the refusal or revocation by sending to him a notice thereof to the address contained in the application or by serving him personally with a copy of the notice.

- 360(1) An application to subdivide land shall be considered approved if a decision has not been made by the approving authority within ninety days of the submission of the application.
- (2) Notwithstanding subsection (1), the time allowed for consideration of an application may be extended with the approval of the Commissioner.
- Re-application of same proposal 361(1) No subsequent unaltered application for approval of a proposed subdivision of land that provides for the same use of the land shall be made by the same or any other person within six months of the date of the refusal by the approving authority.
- Restrictions on registration of instruments 362(1) Where an instrument:
(a) granting a lease of part only of a parcel of land; or
(b) charging, mortgaging or otherwise encumbering a part only of a parcel of land;
has the effect or may have the effect of subdividing the parcel, the registrar shall not accept the instrument for registration unless it is approved in accordance with this Part, however:
(c) nothing in this section prevents the registration of any such instrument in existence prior to the coming into force of this Ordinance;
(d) the length of time during which any such instrument has been in existence shall not be taken into account by the approving authority when considering the application for approval of the subdivision.
- (2) Where a parcel of land is separated into two or more areas by a registered plan for a road or right-of-way pursuant to a

plan of subdivision or by a natural boundary the separated areas shall be deemed to be one parcel for the purposes of this Part.

Division 5 - Development Cost Charge

Development
cost charge

- 363(1) The council, may, as a condition of its consent to an application, by by-law, impose development cost charges on every person:
- (a) who applies to the approving authority for approval of the subdivision of a parcel of land for any purpose, or;
 - (b) who applies to the municipality for a building permit authorizing the construction or alteration of buildings or structures for any purpose.
- (2) Development cost charges required to be paid pursuant to a by-law under this section shall be fixed prior to the approval of the subdivision by the approving authority or the issuance of the building permit, as the case may be, and may direct the time and method of payment.
- (3) No development cost charge shall be required to be paid:
- (a) if a development cost charge has previously been paid with respect to the same development, unless, as a result of a further subdivision or development, new capital cost burdens will be imposed on the municipality, or
 - (b) where the subdivision or development does not impose new capital cost burdens on the municipality.
- (4) A by-law under subsection (1) shall provide a schedule of development cost

charges and the charges may vary in respect of:

- (a) different defined or specified areas or zones,
 - (b) different uses,
 - (c) different capital costs related to any class of development, and
 - (d) different sizes or number of units or lots created by or as a result of development.
- (5) A development cost charge paid to a municipality shall be deposited in a development reserve fund.
- (6) The municipality shall use money deposited in a reserve fund under subsection (5) together with interest on it only for the purpose for which it was deposited; namely,
- (a) a capital payment, including planning, engineering and legal costs, for providing, altering, or expanding municipal services and other facilities of benefit to the municipality; or
 - (b) the payment of a debt incurred as a result of an expenditure made for the purposes set out in paragraph (a),
- and the payments shall be authorized by by-law.
- (7) No by-law under subsection (1) shall be adopted unless the contents have been approved by the Inspector who may, in his discretion and on consideration of the economic circumstances involved:
- (a) grant the approval, or
 - (b) refuse to grant the approval, or
 - (c) withhold or revoke the approval until the terms of the by-law are altered and amended to his satisfaction and in accordance with his directions.

Division 6 - Non-Conforming Use

- | | | |
|--|--------|--|
| Application
of municipal
development
plan or zoning
by-law to
certain buildings | 364(1) | Where at the date of approval of an official community plan or zoning by-law a building is lawfully under construction or all required permits for the construction of a building have been issued, the building shall be deemed to be a building existing at the date of the approval of the plan or by-law; but the erection of any such building must be commenced within twelve months after the date of issuance of the last permit relating thereto. |
| Continuation of
non-conforming
use | 365(1) | The lawful use of land or of a building or other structure existing at the date of the approval of an official community plan or zoning by-law that does not conform to the plan or by-law may be continued; but if the non-conforming use is discontinued for a period of eighteen months or more, the future use of the land, building or other structure shall be in conformity with the plan or by-law. |
| Extention of
non-conforming
use | 366(1) | <p>The lawful use of a building existing at the time of the approval of an official community plan or zoning by-law that does not conform to the plan or by-law may be extended throughout the building; but no structural alterations, except those required by statute or by-law shall be made in the building while the non-conforming use is continued.</p> <p>(2) For the purpose of this section, repairs, maintenance or installations that do not alter the size of the building or involve the rearrangement or replacement of structural supporting elements shall not be considered to be structural alterations.</p> |

Damage to buildings 367(1) If a building that does not conform to the provisions of an official community plan or zoning by-law is destroyed by fire, or otherwise is damaged, to an extent of seventy-five percent or more of the assessed value of the building, it shall not be rebuilt or repaired except in conformity with the provisions of the plan or by-law.

Non-conformity not to be increased 368(1) Where the use of a building existing at the time of the approval of an official community plan or zoning by-law conforms to the plan or by-law but the building itself does not conform to the full requirements of the plan or by-law, structural alterations and additions which conform to the requirements of the by-law may be made but the element of non-conformity shall not be increased by such alteration or additions.

Change of occupancy 369(1) A change of owner, tenant or occupant of any land or building shall not be deemed to affect the use of the land or the building.

Division 7 - Business Improvement Area

Improvement area may be established 370(1) The council of a municipality may, by by-law, with the approval of the Commissioner, designate any area as a business improvement area and may:

- (a) establish a Management Commission to which may be entrusted the improvement and maintenance of municipally owned property in the area, and the promotion of the area as a business or shopping area;
- (b) provide for the raising and expenditure of money for the purposes of the business improvement area and which may be expended by the Management Commission.

(2) Notwithstanding anything contained in subsection (1), an area shall only be designated as a business improvement area if it conforms to the provisions of the official community plan.

Commissioner may enter into agreements 371(1)

The Commissioner may enter into an agreement with a council for the provision of funds to a municipality on such terms as are agreed upon to do anything beneficial to a business improvement area.

Division (8) - Appeals

Board of variance

372(1)

A board of variance established pursuant to section 328 shall consist of not less than three or more than nine members, to hear and determine appeals made to it pursuant to this Part.

(2)

Where the population of a municipality is more than five thousand the board shall be composed of persons other than aldermen of the municipality.

Right of appeal

373(1)

In addition to the right to appeal to the board of variance, otherwise provided in this Part a person may appeal to the board of variance who:

- (a) alleges that the council or a person acting for or on behalf of the council has misapplied the official community plan or zoning by-law in a particular case; or
- (b) claims that there are practical difficulties or unnecessary hardships in the way of carrying out the plan or by-law by reason of the exceptional narrowness, shortness, shape, topographic features or any other unspecified unusual conditions of a specified property.

- (2) A person who appeals under clause (b) of subsection (1) is not entitled to have his appeal allowed if:
 - (a) the unusual condition is the result of his or the property owner's deliberate action;
 - (b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district; or
 - (c) a relaxation of the provisions of the by-law would be contrary to its purposes and intent and would injuriously affect the neighbouring properties.

- (3) The board shall not grant an appeal which would allow a change of use of land or buildings.

- (4) The board may attach such conditions to the granting of an appeal as in its opinion will preserve the purposes and intent of the official community plan and zoning by-law.

Procedures for appeal

- 374(1) A person desiring to appeal to the board of variance shall file with the secretary of the board written notice of his intention to appeal and shall at the same time pay to the secretary such sum, as may be prescribed by the board to meet its expenses.

- (2) The board shall fix a day for the hearing of the appeal which shall be not later than thirty days after the date of the filing of the notice of intention to appeal.

- (3) The board shall, not later than ten days before the day fixed for the hearing of the appeal, give notice of the hearing:

- (a) by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area in which the property in respect of which the appeal is made is situated; and
 - (b) by serving a copy of the notice on each assessed owner of property within a radius of one hundred metres from the property in respect of which the appeal is made; such notice shall be delivered by personal service or by regular first class mail to the address of the owner shown in the latest authenticated assessment roll.
- (4) The appellant shall, not later than ten days before the day fixed for the hearing of the appeal, file with the secretary of the board all maps, plans, drawings and written material that he intends to submit in support of the appeal.
- (5) The council shall, if required by the board to do so, transmit to the secretary of the board, before the day fixed for the hearing of the appeal, the original or true copies of maps, plans, drawings and written material in its possession relating to the subject matter of the appeal.
- (6) All maps, plans, drawings and written material, or copies thereof, filed or transmitted pursuant to subsection (4) or (5) shall, unless otherwise ordered by the board, be retained by the board and be part of its permanent records; but pending the hearing of the appeal, all the material shall be made available for the inspection of any interested person.

- (7) The hearing of the appeal shall be open to the public, and the board shall hear the appellant and every person who desires to be heard in favour of or against the appeal; and the board may adjourn the hearing or reserve its decision for not more than thirty days.

- (8) The chairman of the board or, in his absence, the acting chairman may administer oaths, affirmations or declarations.

- (9) The decision of the board shall be based on the facts and merits of the case and shall be in writing setting forth the reasons for the decision and signed by the chairman, or in his absence the acting chairman, and the secretary and a copy of the decision shall be delivered or sent by the secretary to the Inspector, the municipality and the appellant within ten days of the date on which the decision was rendered and to each interested person upon his request.

- (10) Subject to subsection (12), an appeal granted by the board shall not become effective until the expiration of thirty-five days from the date on which the decision is made or, if conditions are affixed pursuant to subsection 373(4) until such time as the conditions have been complied with, whichever is the later.

- (11) The Inspector, a municipal council, the appellant, or any other person may, within twenty days after the date on which a copy of the decision is received and upon written notice to the board of variance, appeal therefrom to the Yukon Municipal Board.

(12) An appeal under subsection (11) in respect of a decision of the board of variance shall have the effect of suspending the decision of the board of variance pending the decision of the Yukon Municipal Board with respect to the decision of the board of variance.

(13) Within ten days after a notice is given to the board of variance pursuant to subsection (11), the secretary of the board shall transmit to the secretary of the Yukon Municipal Board a copy, certified by the first mentioned secretary to be a true copy of all the records of the board of variance pertaining to the case.

Appeal to the
Yukon Municipal
Board

375(1) The Yukon Municipal Board shall hear appeals in all cases where provisions for appeals to that board are made pursuant to this Ordinance or by an order or regulation made pursuant to this Ordinance.

(2) The Yukon Municipal Board shall determine all appeals submitted to it and such decisions shall be conclusive and binding on all parties.

(3) A copy of the Yukon Municipal Board's decision shall be sent to each party to the appeal and upon request to any interested person.

(4) If the Yukon Municipal Board has ordered any person to make a report to the Board, the Board shall include such report in its minutes.

(5) The Yukon Municipal Board or any person authorized by it to make an inquiry or report may enter upon and inspect any land, buildings or other property pertinent to the subject before the Board.

Division IX - Miscellaneous Provisions

Offences
and
penalties

376(1) A person who:

- (a) contravenes any provision of this Part;
- (b) contravenes any provision of an order, regulations, by-law or official community plan in force pursuant to this Part;
- (c) fails to do any act or thing required to be done by an order, regulation, by-law or official community plan, in force pursuant to this Part; or
- (d) suffers or permits any act or thing to be done in contravention of any provision of an order, regulation, by-law or official community plan in force pursuant to this Part; or
- (e) obstructs or hinders any person in the performance of his duties under this Part or under any order, regulation, by-law or official community plan in force pursuant to this Part,

is guilty of an offence and liable on summary conviction to a fine of not more than ten thousand dollars and in the case of a continuing offence to a further fine not exceeding twenty-five hundred dollars for each day during which the offence continues.

(2) In addition to the penalties provided in subsection (1) a person convicted under this section in respect of a use of land or buildings or development carried out in contravention of this Part or any order, regulation, by-law or official community plan in force pursuant to this Part may be ordered to remove such development at his expense.

Land
Development
Agreement

377(1) The council may pass by-laws providing for entering into land development agreements.

- (2) Prior to the issuing of any development permit pursuant to an agreement under subsection (1), the council of a municipality may require the owner of the land to which the permit would apply, or his agent, to enter into a land development agreement with the municipality with respect to that land.

- (3) Any land development agreement referred to in subsection (2) may include agreement as to:
 - (a) the use of the land in relation to any existing or proposed building or structure;
 - (b) the timing of construction of any proposed building or structure;
 - (c) the siting and design, including exterior materials of any proposed building or structure;
 - (d) the provision for traffic control and parking space;
 - (e) the provision of open space, the grading of land and landscaping;
 - (f) the construction, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution and sewage disposal;
 - (g) the provision of recreational or other amenities; or
 - (h) the levying of a fee in lieu of otherwise providing for any of the matters mentioned in subclauses (a) to (g);
 - (i) the establishment of such other conditions as the council may consider reasonable under the circumstances.

- (4) No development permit may be issued and no land development agreement may be made that is contrary to an official community plan.

- (5) Except as provided by subsection (4), the use and development of any land to which a development agreement applies shall, notwithstanding any other by-law of the municipality, or any amendment thereto, be in accordance with the land development agreement.
- (6) The council may require any land development agreement entered into pursuant to subsection (2) to be registered in the Land Titles Office and any such agreement as registered shall have the force and effect of a restrictive covenant running with the land.
- (7) The council shall not enter into a land development agreement until it has held a public hearing and obtained the approval of the Commissioner and sections 333 to 336 shall apply mutatis mutandis.
- (8) Nothing in this section restricts the right of any owner to develop his land in accordance with the regulations, restrictions or prohibitions of the municipality applying to the zone in which the land is situated where that owner is not required to enter into a land development agreement with council.

Definition of
"development"

- 377.1(1) In this Part "development" means the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use of any building or land.

PART VIII - BOARDS AND COMMISSIONS

- Remuneration and qualification of Board or Commission 378(1) Council may by by-law establish remuneration for any board or commission that is established pursuant to council's authority under any Ordinance.
- (2) For any board or commission that is established by council pursuant to any Ordinance, the council may in the same by-law that creates the board or commission, or another by-law;
- (a) prescribe the qualifications and terms of office of the members of the board or commission;
 - (b) prescribe the manner in which the chairman and members of the board or commission and their successors, are to be appointed;
 - (c) prescribe the manner in which the chairman and members of the board or commission are to conduct meetings and vote on any matters;
 - (d) provide for the appointment and duties of officers and employees if any;
 - (e) provide conflict of interest rules for the direction of the board or committee.

Division (1) - Yukon Municipal Board

- Yukon Municipal Board 379(1) The Commissioner shall establish a board to be known as the Yukon Municipal Board with powers, duties and functions pursuant to this Ordinance.
- Appointment 380(1) The board shall consist of a chairman, deputy chairman and no more than three other members all of whom shall be appointed by the Commissioner, and shall serve at pleasure, provided that two members of the board may be appointed by the Commissioner upon the recommendation of municipalities in the Territory.

- Remuneration (2) Members shall receive such remuneration for service as prescribed.
- Quorum (3) A quorum shall consist of a majority of the board but a vacancy shall not impair its right to act.
- (4) The board may authorize one or more of its members to conduct any of the business of the board, but a decision made by one or more members does not become absolute until confirmed by the board.
- (5) A person is not eligible to become or remain a member of the board if he
- (a) is an employee or salaried officer of a municipality;
- (b) is a member of the public service of the territory;
- (c) is a member of a municipal council or the Territorial Council;
- (d) while a member of the board takes part in any proceedings of the board where the member has a direct or indirect pecuniary interest in the matter the board is considering.
- Sittings (6) The board shall sit at such time and places as the chairman may designate.
- Proceedings (7) The board may make rules regulating the conduct of its proceedings.
- Secretary (8) The Commissioner shall appoint a secretary to the board who shall:
- (a) keep a record of all proceedings;
- (b) have custody and care of all records and documents;
- (c) obey the directions of the chairman relating to his office.
- Experts (9) The Commissioner may, from time to time, on the recommendation of the board appoint one or more experts or persons

having appropriate technical knowledge to assist the board in an advisory or other capacity.

- Oath of Office (10) Members of the board shall swear an oath of office as prescribed.
- Liability (11) No member of the board or its secretary or person appointed to assist the board shall be personally liable for anything done under the authority of this Ordinance.
- Powers 381(1) The board for all purposes of this Ordinance, shall have the powers of a court of record and has the authority to hear and determine all questions of law or fact in matters assigned to the board under this or any other Ordinance.
- Jurisdiction 382(1) The board has jurisdiction and power:
(a) to hear all applications made for a change in the boundaries of a municipality;
(b) to approve the official community plan for a municipality;
(c) to determine any appeal referred to the board pursuant to this Ordinance;
and
(d) to perform such duties as the Commissioner may deem necessary and delegate to the board by order.
- 383(1) The board shall exercise its powers by resolution which shall be submitted to the Commissioner who may make such orders as are deemed necessary in the public interest.

- (2) The provisions of subsection (1) do not apply in cases where the board approves an official community plan, or determines any appeal, in accordance with the provisions of this Ordinance.

Division (2) - Parks and Recreation Commission

Parks and Recreation by-law

- 384(1) The council may by by-law:
 - (a) establish a Parks and Recreation Commission;
 - (b) empower the Commission to organize and conduct a recreation program;
 - (c) empower the Commission to operate, improve and maintain any parks, playgrounds or other land set aside for recreation purposes and the buildings or structures thereon;
 - (d) empower the Commission to incur liabilities for the purposes of this section, within the amounts included therefor in the annual budget of the municipality.

Division (3) - Emergency Measures Commission

Establishment of civil emergency measures commission

- 385(1) Subject to the provisions of the Civil Emergency Ordinance council shall by by-law establish a civil emergency measures commission and appoint the members thereof.
- (2) Council may appoint a civil emergency coordinator who shall carry out the instructions of the commission.
- (3) Council may empower the commission to incur liabilities within the amounts included therefor in the annual budget.

Division (4) - Public Transit Commission

Establishment
of Public
Transit
Commission

386(1)

The council of a municipality may, by
by-law:

- (a) establish a Public Transit Commission having not less than five nor more than seven members, two of whom shall be chosen from among the members of council;
- (b) empower the Commission to organize, operate or maintain a public transit system;
- (c) empower the Commission to incur liabilities for the purposes of the organization, operation or maintenance of a public transit system within the amounts included therefor in the annual budget of the operations of the Commission as approved by the council;
- (d) provide for the expenditure of funds of the municipality with respect to the organization, operation or maintenance of a public transit system; and
- (e) prescribe such other powers or duties of the Commission as are necessary for organization, operation or maintenance of a public transit system.

(2) Where a Public Transit Commission is established under subsection (1), the Commission shall, in addition to any duties imposed by by-law:

- (a) establish and monitor the general operating policies of any public transit system organized, operated or maintained by the Commission;
- (b) on or before the fifteenth day of November in each year, prepare and submit an operating and capital budget of the operations of the

Commission for council's review and approval; and

- (c) prepare and submit annually, and as requested by council, a report of the operations of the Commission for council's review.

Division (5) - Board of Examiners

Board of Examiners

- 387(1) The Commissioner may at the request of two or more councils appoint a Board of Examiners.
- (2) The board may establish standards of proficiency for municipal employment according to office and grade, and has power to approve or disapprove the credentials of any person applying for appointment as an officer of any municipality.
- (3) Notwithstanding the provisions of this section, the Commissioner may by order from time to time, empower the Yukon Municipal Board to fulfill the duties of the Board of Examiners.

Division 6 - Municipal Planning Board

Municipal Planning Board

- 388(1) Subject to section 329 the council may by by-law appoint a board to be known as the municipal planning board to advise and assist the council with respect to all matters pertaining to community planning and the orderly development of the municipality.
- (2) A majority of the members of the board shall be persons who are not members of the council or employees of the municipality.
- (3) Any community planning board appointed under any former Municipal Ordinance and subsisting on the day on which this Ordinance comes into force is continued.

Duties of
Municipal
Planning
Board

389(1) The board may perform such duties of a planning nature as may be referred to it by the council and do such other things as it considers necessary in connection with the planning and orderly development of the municipality.

PART IX MISCELLANEOUS
Division (1) - Additional Powers

Civic Holidays	390(1)	Council may declare a public holiday which shall be observed within the municipality on the day named by the council or council may authorize the mayor to determine and proclaim the day.
Flag, crest, coat of arms	391(1)	Council may by by-law, with the approval of the Commissioner adopt a flag, crest or coat of arms for the municipality and may make restrictions on its use.
Census	392(1)	Council may take a census of the municipality.
Prohibition against aid to enterprises	393(1)	Council shall not, either directly or indirectly, assist any industrial or commercial enterprise or undertaking, and without restricting the generality of the foregoing, shall not grant assistance: (a) by giving or lending money or other security, or give the use or ownership of any municipal asset; (b) by guaranteeing by endorsement or otherwise, any borrowing; (c) by granting any exemption from taxation; (d) by granting as a gift any property owned by the municipality.
Join action with other municipalities	394(1)	A municipality may join with any other municipality for the purpose of exercising any powers conferred by this Ordinance, but no agreement made pursuant to this section is valid until approved by the Commissioner.
Association of municipalities	395(1)	A municipality may become a member of any association of municipalities for furthering the interests of the municipalities and may by resolution pay fees for such membership and make contributions to the expenses of the union and paying expenses

of delegates to any meeting or upon its business.

- (2) A municipality may become a member of any non-profit association or organization that council deems to for the advancement of the interests of the municipality.

Further power to deal with municipal assets

- 396(1) In addition to all powers and authorities vested in or conferred upon the council, under this or any other Ordinance, the Commissioner may from time to time confer upon the council such further powers with respect to the management and disposal of the assets of the municipality as the Commissioner deems advisable, and thereupon the council shall have and may exercise the powers so conferred.

Unless specifically provided, no power to grant privileges.

- 397(1) Except where it is specifically provided to the contrary, a council shall not have the power to grant to any person any particular privilege or exemption from the ordinary jurisdiction of the corporation or to grant any charter bestowing a right, franchise or privilege; or to give any bonus or exemption from any tax, rate or rent, or to remit any tax or rate levied or rent chargeable.

Cancellation of Tax arrears

- (2) Notwithstanding subsection (1), council may by by-law approved by the Commissioner, cancel any arrears of taxes appearing on the tax roll where such taxes are not secured against land in the municipality and, in the opinion of council, are no longer collectable from the person liable to pay the same.

Additional powers for purposes peace, order and good government

- 398(1) Upon receipt of a petition from the council of a municipality, the Commissioner may, to the extent not inconsistent with the intent of this or any other Ordinance, confer such further powers upon the

council as are necessary to preserve and promote the peace, order and good government of the municipality and to provide for the protection of persons and property.

Incidental powers 399(1) Council in addition to the powers specifically allotted to it, shall have power to do all such things as are incidental or conducive to the exercise of the allotted powers.

Data Processes property of municipality 400(1) A computer data base, magnetic tape, or computer programme prepared for the purposes of a municipality by a consultant, or data processing company upon payment of the agreed price, is the property of the municipality.

Division (2) - Enforcement of By-laws and Resolutions

Enforcement of by-laws 401(1) Council may from time to time, make by-laws, or make provision in existing by-laws, for the purposes of enforcing the by-laws of the municipality by fine or imprisonment, or both and for inflicting fines and penalties and costs.

Enforcement officers 402(1) Where pursuant to this Ordinance, a council has authority to direct, by by-law or otherwise, that any matter or thing be done by any person, or that regulations be observed, the council may, in the same or some other by-law:
(a) authorize any employee or enforcement officer of the municipality to order any person carrying out any work or doing anything contrary to the provisions of such by-law to forthwith cease carrying out such work and doing such things; and
(b) provide that failure to obey such order is an offence;
(c) authorize appointed officers to enter, at all reasonable times,

upon any property subject to the regulations of council in order to ascertain whether such regulations or directions are being obeyed.

- (2) The council or any person authorized by the council may apply to the Court for an injunction ordering any person to cease carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection (1), and where the Court is satisfied:
- (a) that an employee of the municipality has ordered any person carrying out any work or doing anything contrary to the provisions of such by-law to cease carrying out such work or doing such thing, and
 - (b) that such person has failed to obey such order,
- the Court shall issue an injunction ordering such person to cease carrying on such work or doing such thing together with any ancilliary orders necessary thereto.
- (3) The council may by by-law:
- (a) provide for the appointment of enforcement officers who may be sworn in as peace officers; and
 - (b) designate such other officers as the council deems expedient for the proper carrying out of the business and good government of the municipality; and may define their duties and responsibilities.

Recovery
of costs

- 403(1) Whenever a council has authority to direct that any matter or thing should be done by any person, such council may also direct that, in default of its being done by that person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with interest as

prescribed by by-law with approval of the Commissioner with costs in like manner as municipal taxes.

Power of court 404(1) Any Justice of the Peace, or Judge of the Territorial Court before whom a prosecution is had for an offence against a municipal by-law may convict the offender on the oath or affirmation of any credible witness, and may impose the whole or part of the penalty or punishment authorized by the by-law with the costs of prosecution.

Judge not disqualified because he is a ratepayer in the municipality getting the fine 405(1) A Justice of the Peace, Judge of the Territorial Court is not disqualified to act as such where in case of a conviction, the fine or penalty or part thereof goes to the municipality in which the Justice or Judge of the Territorial Court is a ratepayer or a member of the council.

Definition of "by-law" 406(1) In this division, "by-law" includes an order or resolution.

Procedure for enforcement 407(1) The procedures set out in section 212 shall apply to the institution of all proceedings for the enforcement of by-laws.

Division (3)

Compensation for Injuriouly Affected Property

Compensation for property used or injured and arbitration 408(1) The council shall make to owners, occupiers or other persons interested in real property entered upon, taken or used by the municipality in the exercise of any of its powers, or injuriouly affected by the exercise of any of its powers, due compensation for any damages, including interest, necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and a claim for compensation, if not mutually agreed upon, shall be decided by three arbitrators to be appointed by the Commissioner.

- (2) Subject to this Ordinance, the arbitrators or a majority of them may determine the procedure for conducting the arbitration.
- (3) For the purposes of subsection (1) the rate of interest shall be the prime lending rate of the Bank of Canada in effect on the most recently preceding July 2nd, and the interest accrues from the day on which the property was taken, entered upon or used.
- (4) The provisions of this section do not apply to Part VII of this Ordinance.

Procedure of
arbitrators

409(1) The arbitrators appointed as aforesaid shall be sworn before a Justice of the Peace, well and truly to decide the questions between the person claiming compensation as aforesaid and the municipality. The arbitrators shall attend at some convenient place in the municipality, after not less than eight days' notice has been given by or on behalf of the municipality, or by the claimant for compensation, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration. An award made and agreed to in writing by any two of the arbitrators is final; except that any award under this Ordinance is subject to be set aside on application to the Court on the following grounds, and no others, namely: That the arbitrators have been guilty of misconduct or have awarded the compensation on a wrong principle, in which case reference shall be made again to arbitration as hereinbefore provided; and in all cases of reference to arbitration under this Ordinance the Court may from time to time remit the matters referred, or any of them, or award thereon, to the reconsideration of the arbitrators.

- Time-limit for making claim for compensation 410(1) Every claim for compensation under the Ordinance made by a person shall be made within one year from the date when the real property was so entered upon, or used, or when the alleged damages were sustained or became known to the claimant, or in case of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant.
- By-law to be published 411(1) A by-law adopted for entering upon, breaking up, or using any real property without the consent of the owner thereof shall, before coming into effect, be published in a newspaper circulating in the municipality.

Division (4) - Actions, Suits and Executions

- Limitation of actions against municipality 412(1) Except as otherwise provided in this Ordinance, every action against a municipality
- (a) for the unlawful doing of anything purporting to have been done by the municipality under the powers conferred by any Ordinance, and which might have been lawfully done by the municipality if acting in the manner prescribed by law, shall be commenced within six months after the cause of the action first arose; and
 - (b) other than those mentioned in paragraph (a) shall be commenced within one year after the cause of the action arose.
- Execution against municipality by leave of a judge 413(1) No writ of execution against a municipality shall be issued without leave of a judge and every judge has discretion to permit the writ to issue at such time and upon such conditions as he shall think proper, or he may refuse to permit the writ to

be issued, or he may suspend execution thereunder upon such terms and conditions as he may think proper or expedient having regard to the reputed insolvency of the municipality and the security afforded to the person entitled to the judgement by reason of its registration.

Appeal (2) An appeal from the decision of any judge with reference to any application for a writ of execution, may be taken by either party under the same rules as may for the time being apply to any other order made by a judge in chambers.

Service generally 414(1) Where by this Ordinance or any by-law, made thereunder a writ, notice or other document is required to be served on or sent by registered mail to the municipality or the clerk, it shall be served or sent by leaving it at or sending it by registered mail to the office of the clerk.

If amount claimed not paid, rate may be struck 415(1) Where the amount owing on a writ of execution together with all costs thereon is not paid to the sheriff within one month after service on the clerk, the sheriff shall examine the assessment rolls of the municipality and shall, in like manner as rates are struck for general municipal purposes but without limiting the amount of the rate, strike a rate on the dollar sufficient to cover the amount due on the execution with such addition to it as the sheriff deems sufficient to cover the interest and his own fees.

Praecepte 416(1) The sheriff shall, after striking a rate pursuant to section 415, issue a praecipe under his hand and seal of office directed to the treasurer of the municipality and shall annex the praecipe to every tax roll showing the rate and particulars

thereof, stating that the municipality has neglected to satisfy the writ of execution and commanding the treasurer to levy the rate forthwith.

Return of praecipe with amount levied	417(1)	Where at the time of levying a rate pursuant to the praecipe of the sheriff, the tax demand notices for that year have not been issued, the clerk shall add a column on the notices, headed "execution Rate in A.B. v. the Municipality", and shall insert therein the amount required by him but where the tax demand notices for the year have been issued he shall proceed to issue separate tax demand notices for the execution rate.
Surplus	418(1)	The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus within ten days after receiving all the same to the clerk and such amounts shall form part of the general revenue fund of the municipality.
Municipality may borrow money to pay into court or to pay costs of actions	419(1)	In the event of any municipality being ordered and required to pay into the court any monies as security for the payment of any judgement or other debt, or as security for any damages or costs, or as security for the costs of any appeal from the decision of any court or any arbitrator, the council of the municipality may borrow such sums of money as may be requisite for that purpose.
Corporate seal, etc. not to be taken in execution	420(1)	The corporate seal, tools, machinery, equipment and records, office furniture, fixtures and fittings of every municipality shall be exempt from forced seizure or sale by any process of law.
Costs earned by salaried officer of municipality	421(1)	In any court proceedings under this Ordinance, costs awarded to a municipality

shall not be disallowed or reduced upon such taxation merely because the solicitor who earned such costs, or in respect of whose service costs are charged, was a salaried officer of the municipality.

Division (5) - Inspector of Municipalities

Inspector of Municipalities

422(1) The Commissioner shall appoint an officer to be known as the Inspector of Municipalities who has such powers and duties in addition to those prescribed under this Ordinance as may be assigned to him by the Commissioner and shall hold office at pleasure.

(2) The Inspector shall, subject to the Commissioner, administer this Ordinance and insure that the provisions be carried out and perform such other duties as may devolve upon him under this or any other Ordinance.

(3) The Inspector may, by himself or by any deputy or other person authorized by him, inspect the records of any municipality and, for this purpose, every officer of any municipality shall make available to the Inspector any record or document relating to the conduct of the municipality.

Official seal

423(1) The Inspector shall have an official seal inscribed with the words "Inspector Of Municipalities of Yukon". Every paper, writing or instrument purporting to be issued by the Inspector and impressed with the seal of his office is admissible in evidence in all courts of the territory without proof of such sealing or of the signature of the Inspector, or of his deputy, to such paper, writing or instrument.

True copy of documents 424(1) The record of any document or instrument forming part of the records of the office of the Inspector or any copy of the same, or any copy of any document or instrument kept in his office, certified to be a true copy under the hand of the Inspector or his deputy, is admissible in evidence in all courts of the territory as of equal validity with the original document or instrument.

Division (6) - Appointment of Administrator

Appointment of Administrator 425(1) Where

- (a) a municipality has failed to or cannot make due provision for the payment of either the principal of or interest on any loan, or
- (b) the council has failed to carry out any duty or function imposed on it pursuant to this Ordinance, or
- (c) The Commissioner for any other reason considers it in the best interest of the municipality that its affairs be conducted by an administrator

the Commissioner may by order appoint a person as administrator of the municipality.

(2) Where the Commissioner appoints an administrator for a municipality pursuant to subsection (1)(c), he shall table a report in the Territorial Council concerning the reasons for the appointment of an Administrator.

(3) On the appointment of an administrator of a municipality, the council shall be deemed to have retired from office and to be no longer qualified to act for or on behalf of the municipality or to exercise any of the powers and duties vested in the council by this or any other Ordinance.

- Powers of administrator 426(1) The administrator shall, subject to this Ordinance, have, possess, enjoy and may exercise all the powers and duties of a duly constituted council.
- Power to obtain all municipal documents 427(1) The administrator may demand and is entitled to receive from officers of the municipality, all monies, securities, evidence of title, books, assessment rolls, tax rolls, by-laws, papers and documents of or relating to the affairs of the municipality in their possession or under their control.
- (2) Any person who fails or refuses to comply with the demand of the administrator made pursuant to subsection (1) is liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- Bonding of administrator 428(1) The administrator shall be bonded in such amount as the Commissioner determines, for the due and faithful performance of his duties, and the premium shall be paid by the municipality.
- Commissioner to advise 429(1) In the administration of the affairs of the municipality and prior to the making of any expenditure or the incurring of any liability on account of the municipality, the administrator shall consult with and be guided by the advice and directions of the Commissioner, as the order appointing the administrator or any subsequent order from time to time provides.
- Local committee (2) The Commissioner shall appoint a local committee of two or more residents with whom the administrator shall consult in relation to the conduct of the affairs of the municipality.

Disposal of assets	430(1)	For the purpose of realizing upon the outstanding assets of the municipality, the administrator has all the powers and duties of the council.
	(2)	All amounts realized upon such assets shall be devoted to the payment of the then existing liabilities of the municipality in such manner and to such extent as is determined by the Commissioner.
Rate of taxation	431(1)	Notwithstanding anything in this Ordinance, the Commissioner shall determine the rate of taxation which shall be levied in the municipality for which an administrator has been appointed.
Books and accounts	432(1)	The administrator shall keep books of account relating to the affairs of the municipality, showing its financial condition, and the books shall be open at any time to the examination and inspection of the Commissioner or any person authorized by him in that behalf.
	(2)	At least once every month or as specified in the order of appointment, the administrator shall furnish to the Commissioner a statement of the financial condition of the municipality including a statement of its assets and liabilities.
Record of proceedings	(3)	A record of all proceedings relating to the affairs of the municipality shall be kept by the administrator.
Approval of by-laws	433(1)	The Commissioner may require that all by-laws passed by the administrator shall before becoming effective be approved by the Commissioner.
Payment of administrator	434(1)	The administrator shall be paid out of the funds of the municipality for his

services and such reasonable travelling and other expenses as the Commissioner determines.

Revocation of administrator's appointment

435(1)

Where the Commissioner in his discretion considers it advisable to provide that the affairs of the municipality shall again be conducted by a council, he shall by order revoke the appointment of the administrator and make suitable provisions for the election of a new council.

Division (7) - Certification of Municipal By-laws and Securities

Certification of borrowing from commercial source

436(1)

The Council of any municipality which seeks to borrow funds from any sources outside of the Government of the Territory, and which adopts a loan authorization by-law or a by-law imposing a special assessment or a special rate, may apply to the Inspector for a certificate approving the by-law.

Certificate of approval not to be granted while action pending

(2)

A certificate shall not be granted by the Inspector while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, or until the expiration of the time limited for giving notice of intention to make application to quash the by-law.

(3)

Notwithstanding anything contained in subsection (2) if the time for giving notice of intention to make application to quash any by-law has been allowed to elapse before the application to approve is made under subsection (1), the Inspector may, in his discretion, disregard any action or proceeding in which the validity of the by-law is in question, commenced after the application for approval was

made, and proceed to give his certificate of approval without reference to such action or proceeding; and such certificate, if given, shall be of the same force and effect as if such action or proceeding had not been begun.

Debenture issued on approved by-law may be approved

- (4) Where a by-law has been approved, the Inspector may also approve the debentures or other securities issued in conformity with its provisions.
- (5) Any certificate issued under the provisions of subsection (4), may bear the actual or lithographed signature of the Inspector.

Decision of Inspector not subject to action

- 437(1) The Inspector may, by himself, or by any deputy or other person authorized by him, direct and hold inquiry into any application for a certificate under this Part, and may hear and determine protests; and his decision in respect of the granting, withholding, or refusing of any certificate shall not be subject to action, suit, or proceeding, mandamus, certiorari, or prohibition in or issued out of any of the courts of the territory.
- (2) The person holding an inquiry under this section has in respect of the same the like protection and privileges, and the like powers of summoning and compelling attendance of witnesses, administering an oath to witnesses, calling for production of documents and punishing for contempt, as are by law given appointed under the Public Inquiries Ordinance. Expenses of and incidental to the inquiry shall be paid by the municipality.

Certificates to be conclusive evidence of validity of by-laws and debentures

- 438(1) The production of a certificate issued under this Part or of the certified copy of a certificate is, in all courts and places and for all purposes whatsoever,

conclusive evidence that the by-law, debenture, or other security described in or covered by the certificate has been lawfully and validly made and issued, and that all statutory and other requirements have been complied with, and the validity of such by-law, debenture, or other security shall not be attacked or questioned or adjudicated upon in any action, suit, or proceeding whatsoever in any of the courts of the Territory.

Form of Certificate

(2) The Certificate may be in the following form:

In pursuance of the Municipal Ordinance, I hereby certify that the within by-law (debenture or other security, as the case may be) has been lawfully and validly made and enacted (or made and issued, as the case may be) and that its validity is not open to be questioned on any ground whatever in any of the courts of the Yukon Territory.

Dated this day of , 19 .

Inspector of Municipalities of Yukon

Regulations

439(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.

Transitional provisions

440(1) All orders, regulations, contracts, licences, by-laws and other documents pertaining to any municipality or Local Improvement District issued pursuant to any Ordinance prior to the coming into force of this Ordinance that are not inconsistent with the provisions of this Ordinance shall remain in effect until such time as they expire or are expressly repealed.

- (2) Section 3 of the Building Standards Ordinance is repealed.
- (3) Section 110.1 of the Motor Vehicles Ordinance is repealed.
- (4) Section 2 of the Recreation Development Ordinance is amended by repealing the words "or the board of trustees of a local improvement district" therein.
- (5) Section 6(2) of the Recreation Development Ordinance is amended by repealing the words "pursuant to section 102" therein.
- (6) Section 10(1) of the Recreation Development Ordinance is amended by repealing the words "or local improvement district" therein.
- (7) Paragraph 49(1)(b) of the Assessment and Taxation Ordinance is amended by striking out the words "or Local Improvement District".
- (8) Subsection 50(3) of the Assessment and Taxation Ordinance is amended by striking out the words "the Local Improvement District".
- (9) Subsection 58(2) of the Assessment and Taxation Ordinance is amended by striking out the words "the Local Improvement District Ordinance".

Repeal

- 441(1) The following Ordinances are repealed:
 - (a) Local Improvement District Ordinance;
 - (b) Municipal Ordinance;
 - (c) Municipal Elections Ordinance;
 - (d) Municipal Employees Benefit Ordinance.

Coming into force

- 442(1) This Ordinance or parts thereof come into force on such day or days as may be fixed by the Commissioner.

