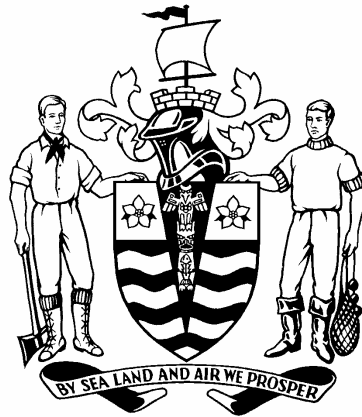


# CITY OF VANCOUVER BRITISH COLUMBIA



## LOCAL IMPROVEMENT PROCEDURE BY-LAW NO. 3614

This By-law is printed under and  
by authority of the Council of  
the City of Vancouver

(Consolidated for convenience only  
to September 12, 2006)

# **LOCAL IMPROVEMENT PROCEDURE BY-LAW**

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**BY-LAW NO. 3614**

**A By-law to deal with  
local improvements and  
special assessments for them**

**[Consolidated for convenience only,  
amended to include By-law No. 9358,  
effective September 12, 2006]**

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THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1  
INTERPRETATION**

**Name of By-law**

1.1 The name of this By-law, for citation, is the Local Improvement Procedure By-law.

**Definitions**

1.2 In this By-law:

“assessed owners”, in Section 3, means owners of assessed properties specially benefited by a project referred to in section 3.2;

“benefited” means deemed by Council to be specially benefited;

“business and industrial district” means any area of the city zoned by Council under the Zoning and Development By-law as a commercial district except for local commercial district (C-1), an industrial district, an historic district, or a comprehensive development district permitting commercial or industrial uses;

“cost” means the cost of the project;

“flankage” means the side-line frontage of a corner parcel of real property deemed under section 3.10 or otherwise under this By-law to be specially benefited by a project, according to the plan of such parcel filed in the Vancouver/New Westminister Land Title Office, and includes any corner cut-off to meet any adjoining frontage of the parcel unless any by-law otherwise provides;

“frontage” means the dividing line between such parcel and any street included in a project according to the plan of such parcel filed in the Vancouver/New Westminister Land Title Office;

“higher zoned district” means collectively any business and industrial district and any multiple dwelling and local commercial district;

“general debentures” mean debentures issued upon the general credit of the city at large;

“multiple dwelling and local commercial district” means any area of the city zoned by Council under the Zoning and Development By-law as a multiple dwelling district, a local commercial district (C-1), or a comprehensive development district permitting multiple dwelling uses;

“project” means any works, improvements, or services that Council deems will specially benefit real property in a limited and determinable area, authorized by Council to be undertaken and carried out under this By-law, and includes the work of undertaking and carrying out the project;

“residential district” means any part of the city zoned by Council under the Zoning and Development By-law as a limited agriculture district, a one-family dwelling district, a two-family dwelling district, or a comprehensive development district permitting limited agriculture, one-family dwelling or two-family dwelling uses;

“special assessment” means a tax against real property authorized by Council under this By-law;

“thoroughfare” means any street or portion of street designated by Council as a thoroughfare in connection with a project; and

a reference to an officer of the city such as the city clerk, city engineer, city manager, director of finance, director of legal services, or collector of taxes means the individual appointed by Council to hold such office or a person duly authorized to carry out the powers and duties of the office.

## **Table of contents**

1.3 The table of contents is for information only, and is not for use in interpreting or enforcing this By-law.

## **Schedules**

1.4 The attached Schedule A forms part of this By-law.

## **Severability**

1.5 A decision by a court that any part of this By-law is void or unenforceable is not to affect the balance of the By-law.

**SECTION 2  
STREET PROJECTS APPROVED PRIOR  
TO ENACTMENT DATE OF THIS BY-LAW**

**Application of Schedule A**

2.1 The provisions set out in Schedule A to this By-law are to govern all street projects referred to in Schedule A that the Court of Revision approved before the date of enactment of this By-law and that still exist, and the provisions of this By-law, except for Sections 3.1 to 3.9 inclusive, apply to Schedule A.

**Expiry of Schedule A**

2.2 After December 31, 2019, Schedule A is to have no further force or effect.

**SECTION 3  
STREET PROJECTS APPROVED ON OR  
AFTER ENACTMENT DATE OF THIS BY-LAW**

**City's share of cost of projects**

3.1 To defray the cost of any project, the city will contribute, out of the general revenue of the city or out of capital funds raised by the issue of general debentures, the city's share of the cost of any project set out in this Section 3.

**Assessed owners' share of cost of projects**

3.2 To defray the cost of any project, the city will levy and collect taxes based upon special assessments imposed upon real property deemed by Council to be specially benefited by the project and not exempt from such special assessment, proportionate to the frontage of that real property.

**Application of Section 3**

3.3 This Section 3 applies to the following projects approved by the Court of Revision on or after the date of enactment of this By-law:

- (a) constructing, opening, widening, extending, prolonging, altering the grade of, diverting, re-constructing, or landscaping any street including acquiring the real property for such purpose;
- (b) if Council has levied a special assessment under this By-law in respect of any project referred to in section 3.3(a), undertaking and carrying out any such project once the terms of the special assessment have expired and such project has worn out; and



- (c) constructing, enlarging, prolonging, extending, or re-constructing any common sewer or drain and its connections, for the conduct or disposal only of surface water on a street, into or through any street or real property owned or possessed by the city or by any other person including acquiring the real property for such purpose.

**Contributions for sidewalk projects**

3.4 For any project involving a sidewalk:

- (a) the city must contribute 65% of the cost; and
- (b) assessed owners must contribute 35% of the cost.

**Contributions for street projects in a residential district**

3.5 For any project involving a street, except a sidewalk or lane, in a residential district:

- (a) the city must contribute 40% of the cost; and
- (b) assessed owners must contribute 60% of the cost.

**Contributions for lane projects in a residential district**

3.6 For any project involving a lane in a residential district:

- (a) the city must contribute 30% of the cost; and
- (b) assessed owners must contribute 70% of the cost.

**Contributions for street projects in a higher zoned district**

3.7 For any project involving a street, except a sidewalk or lane, in a higher zoned district:

- (a) the city must contribute 10% of the cost; and
- (b) assessed owners must contribute 90% of the cost.

**Contributions for lane projects in a higher zoned district**

3.8 For any project involving a lane in a higher zoned district:

- (a) the city must contribute 10% of the cost; and
- (b) assessed owners must contribute 90% of the cost.

### **Contributions for miscellaneous street improvements**

3.9 Despite anything to the contrary in sections 3.4 to 3.8, for any project involving installation of:

- (a) raised speed humps in a lane to discourage excessive vehicular speed, assessed owners;
- (b) corner bulges in streets which have curbs, assessed owners of parcels of real property abutting the block of street containing the corner bulge; and
- (c) traffic circles, assessed owner of parcels of real property abutting streets radiating from the intersection containing the traffic circle for a distance of one block;

must contribute 100% of the cost.

### **Relief from street project assessments**

3.10 Despite subsection (b) of sections 3.4 to 3.8, for any project involving a street including a sidewalk or lane referred to in any one of those sections, the city must also contribute:

- (a) 75% of the cost that Council would otherwise specially assess against each flankage parcel in a residential district;
- (b) 25% of the cost that Council would otherwise specially assess against each flankage parcel in a higher zoned district;
- (c) 25% of the cost that Council would otherwise specially assess against each parcel of real property adjacent to a pedestrian collector route in a residential district, being a route leading to a public amenity such as a school, hospital, day care centre, senior home, community centre, library, park, church, commercial area, or transit;
- (d) 25% of the cost that Council would otherwise specially assess against each parcel of real property adjacent to a thoroughfare in a residential district; and
- (e) 50% of the cost that Council would otherwise specially assess against each parcel of real property specially benefited by the re-construction of a sidewalk or footpath.

### **Portion of parcel in higher zoned district**

3.11 For the purpose of this By-law, where any portion of a parcel, which is subject to special assessment pursuant to the provisions of this By-law, is situate in a higher zoned district, the provisions of this By-law having reference to special assessments in higher zoned districts are to apply, despite the fact that the frontage upon which such special assessments are to be imposed is situate in a residential district.

## Equitable adjustments for streets

3.12 Despite anything to the contrary in subsection (b) of sections 3.4 to 3.8 and section 3.9, the following provisions, with respect to equitable adjustments, are to apply:

- (a) in the case of a triangular or other parcel of land of abnormal shape or situation and in the case of any area included in a right-of-way of a railway or other public utility, despite anything to the contrary in this By-law, Council may determine what variation, if any, is to be applied thereto and direct specifically the special annual assessments to be levied with respect to such parcel or area as a part of the property owners' share of the cost of any project, so that the said special annual assessments will represent as nearly as possible an equitable and fair adjustment or special assessment thereof as compared with other parcels of real property situate within the area and subject to special assessments for the same project, which special annual assessments need not have reference to frontage measurements, area or other physical characteristics but may take into consideration the proportion of benefit to be enjoyed by the parcel to be so specifically assessed, as compared with the other parcels aforesaid. Council in directing the amount of the special annual assessments with respect to any such parcel may provide that the city, in addition to all other contributions by the city provided for herein, must contribute such proportion thereof or such amount thereof as Council may see fit as a part of the city's share of the cost of the project;
- (b) in the case of a parcel in a residential district where the front and rear boundaries of such parcel each respectively abut on a street, other than a lane, the city must in addition to all other contributions by the city provided for herein, contribute 50% of the cost of such project as would otherwise be specially assessed against such parcel;
- (c) in the case of a parcel having an average depth, measured perpendicular to the frontage, of less than 100 feet and an area of less than 20,000 square feet, the city must contribute a percentage of the costs of the project that would otherwise be specially assessed against such parcel, according to the following formulae:

- (i) for parcels located in a residential district

$$\frac{75}{100} \times \frac{100}{100} \frac{\text{average parcel depth (in feet)}}{100}$$

- (ii) for parcels located in all other districts

$$\frac{25}{100} \times \frac{100}{100} \frac{\text{average parcel depth (in feet)}}{100}$$

except that where as a consequence of another section of this By-law a proportion

of the costs assessed against the parcel is also payable by the city, then the section providing for the larger proportion payable by the city is to apply, and the proportion payable by the city as a consequence of this subsection (c) cannot be added to proportions payable by the city as a consequence of any other section; and

- (d) the city will assume the amount of any allowances made pursuant to the provisions of this section, as a portion of the city's share of the cost of such project.

### **Projects on special grounds**

3.13 Despite anything to the contrary in this By-law, the city may, without adopting the formalities required by any by-law, except to the extent that the same may be required by the provisions of the Vancouver Charter, as a local improvement project on special grounds, within the meaning of the Vancouver Charter:

- (a) construct and lay down a sidewalk of any material or materials which Council may deem expedient, upon and along any street or park, or any portion thereof, in the city as a local improvement, and the cost thereof is to be specially assessed against the properties fronting or abutting thereon, or benefited thereby, in the proportions hereinbefore set out, if two-thirds of all the members of Council resolve that such project is necessary in the public interest and that such project will benefit the real property in the area designated in such resolution;
- (b) construct or carry out any paving project necessary for the completion or linking up of any pavement already constructed on any street, or for the linking up of any street-widening already carried out on any street, and may also acquire any real property which may be necessary with respect to the opening or widening of any lane, and may specially assess the cost of such construction, or the acquisition of any such real property against the properties benefited thereby; provided, however, that a resolution must have first been passed by two-thirds of all the members of Council stating that such project is necessary in the public interest and that such project will benefit the real property in the area designated in such resolution.

### **Project on one side of street**

3.14 Where any project is to be carried out on one side only of any street and the cost of such project is to be specially assessed on the real property benefited thereby on either or both sides of such street or upon the real property abutting on that side of the street only upon which such project has been constructed, Council, subject to the provisions of this By-law, will specially assess the cost thereof on the following basis:

- (a) where any work or project has been constructed on one side of any street and the entire cost of such work or project has been contributed out of the general revenue of the city or out of capital funds raised by the issue of general debentures, and it is proposed to carry out any project of a similar nature on the opposite side of such

street, the cost of such project will be specially assessed against the real property benefited thereby on both sides of such street proportionate to the frontage thereof;

- (b) where any work or project has been constructed on one side only of any street and the property owners' share of the cost of such work or project has been specially assessed against the real property benefited on that side of such street only, and it is proposed to carry out any project of a similar nature on the opposite side of such street, the property owners' share of the cost thereof will be specially assessed against the real property benefited thereby on that side of the street only upon which such project is to be constructed, proportionate to the frontage thereof;
- (c) where any such work or project has been constructed on one side only of any street and the property owners' share of the cost of such work or project has been specially assessed on both sides of such street, and it is proposed to construct any project of a similar nature on the opposite side of such street, the property owners' share of the cost thereof will be specially assessed against the real property on both sides of such street benefited thereby, proportionate to the frontage thereof;
- (d) despite anything to the contrary in this By-law, the city may carry out on one side of any street any project for the paving, either with or without curbs, as in this section provided where the other side only of any street has already been paved, with or without curbs and the cost of any portion thereof has been specially assessed against the property benefited thereby on both sides of such street, or where the cost has been paid out of the general revenue of the city; and may, by a two-thirds vote of all the members of Council, and without observing any formalities not required by the Vancouver Charter, by resolution carry out such project and will specially assess the cost thereof on the real property which is benefited thereby on both sides of such street in the proportions hereinbefore set forth; provided that the said resolution declares that such project is deemed to be necessary in the public interest and that such project will benefit the real property situate within the area designated in such resolution; and
- (e) despite anything to the contrary in this By-law, but subject to the provisions of the Vancouver Charter, the city may repave or resurface any street upon which a pavement has previously been constructed and may extend or widen such pavement on either or both sides thereof, of such materials and to such width and thickness as Council may deem necessary and, subject to the provisions of this By-law as to any contribution to be made by the city, may specially assess the cost of such repavement, resurfacing, extending or widening, as a local improvement project, against the properties to be benefited thereby; provided that a resolution has first been passed by at least two-thirds of all the members of Council declaring that such project is necessary in the public interest and that such project will benefit the real property in the area designated in such resolution.

#### **Council's contribution in case of special grounds**

3.15 In the event of Council exercising the powers contained in sections 3.13(b) and 3.14, the

city will contribute:

- (a) one-third of the total cost of any project under section 3.13(b); and
- (b) such proportion of the total cost of any project under section 3.14 as in this by-law provided.

Council may, by by-law or resolution, provide for the payment of such proportion out of funds raised by general debentures or out of the general revenue of the city; provided that the proportion of cost of such local improvement specially assessable against any parcel of land must not exceed any amount equal to 25% of the assessed value of such parcel (exclusive of improvements), appearing on the last revised real property assessment roll of the city; and if such cost would otherwise exceed such amount then the city will contribute the excess irrespective of whether it has already contributed any portion of the cost of such project under this section or not.

#### **No objection**

3.16 No objection by any owner to a project undertaken or to be undertaken by the city on special grounds, within the meaning of the Vancouver Charter, need be entertained by Council.

#### **Project applications and procedures**

3.17 All projects, except as otherwise provided in this By-law or except as authorized by special by-law duly passed in accordance with the provisions of the Vancouver Charter, are to be initiated in one of the following ways:

- (a) on a sufficiently signed petition of the owners of the real property to be benefited thereby;
- (b) on the report of the city engineer, adopted by Council, recommending the project on special grounds as provided in the Vancouver Charter; or
- (c) after notice with respect to the projects initiated by Council, as provided in the Vancouver Charter, and no sufficiently signed notices of objection of the owners of the real property to be benefited thereby to the proposed project being filed within the time limited therefor by the provisions of the Vancouver Charter.

#### **Application of Section 9 to street projects**

3.18 The provisions of Section 9 of this By-law apply to projects initiated under this Section 3.

### **SECTION 4 PROJECTS FOR THE CONSTRUCTION OR ERECTION OF AWNINGS**

## **Definitions re awnings**

4.1 In this Section 4, unless the context otherwise requires:

"awning project" means the undertaking or proposed undertaking, as the context may require, by the city of a project for the construction and erection upon or over any street or other right-of-way of awnings or canopies and other necessary equipment in connection therewith and where necessary the attachment of such awnings or canopies to private or public property, as a local improvement, under the local improvement provisions of the Vancouver Charter and of this Section 4.

## **Application of Section 4 to awning projects**

4.2 The provisions of this Section 4 apply to any awning project undertaken and carried out, or to be undertaken and carried out, under the provisions of Part XXIV of the Vancouver Charter.

## **Application of Section 9 to awning projects**

4.3 Except as in this Section 4 provided, the provisions of Section 9 apply to awning projects undertaken in accordance with the provisions of this Section 4.

## **Cost of projects for awnings**

4.4 The entire cost of any awning project must, except as in this or any other by-law otherwise provided, be met by special assessments, according to the frontage of the real property benefited thereby and not exempt from such special assessments; provided however, Council may contribute out of the general funds of the city or out of the capital funds raised by the issue of general debentures, the cost of any such awning project or any portion thereof as the city's share thereof.

## **Equitable adjustment for awnings**

4.5 In the case of a corner parcel or of a triangular or other parcel of land of abnormal shape or situation and in the case of any area included in a right-of-way of a railway or other public utility, despite anything to the contrary in this By-law or in this Section 4, Council may determine what variation, if any, is to be applied thereto and direct specifically the special annual assessments to be levied and collected with respect to such parcel or area as a part of the property-owners' share of the cost of any awning project, so that the said special annual assessments represent as nearly as possible an equitable and fair adjustment or assessment thereof as compared with other parcels of real property situate within the area subject to special assessments for the same awning project, which special annual assessments need not have reference to frontage measurements, area or other physical characteristics but may take into consideration the proportion of benefits to be enjoyed by the parcel to be so specifically assessed, as compared with the other parcels aforesaid. Council in directing the amount of the special annual assessments with respect to any such parcel may provide that the city, in addition to all other contributions by the city, contribute such proportion thereof or such amount as Council may see fit as a part of the city's share of the cost of the awning project.

## **Basis of special assessments for awnings**

4.6 Council may by by-law or resolution provide the basis of special assessments with respect to any awning project under this Section 4 accordance with the provisions of the Vancouver Charter.

## **SECTION 5 PROJECTS FOR STREET LIGHT STANDARDS**

### **Definitions re street light standards**

5.1 In this Section 5, unless the context otherwise requires:

"lane lighting project" means the undertaking or proposed undertaking, as the context may require, by the city of a project for the installation of street lights for the purpose of lighting a lane or lanes and the installation of supporting structures, wires and other necessary equipment in connection therewith as a local improvement, under the local improvement provisions of the Vancouver Charter and of this Section 5;

"light standard project" means the undertaking, or proposed undertaking, as the context may require, by the city of a project for the installation of a series of street light standards, wires and other necessary equipment in connection therewith as a local improvement, under the local improvement provisions of the Vancouver Charter and of this Section 5;

"special light standard project" means a light standard project the cost of which, in the opinion of Council, will be substantially in excess of the cost of a light standard project which would normally be undertaken by Council under the local improvement provisions of the Vancouver Charter, being Part XXIV thereof; and

"underground wiring project" means the undertaking or proposed undertaking, as the context may require, by the city of a project for the installation or placing underground of electrical and communication wires, cables and ducts or any of them and other necessary equipment in connection therewith and, where necessary, the removal, relocation or installation of poles, light standards and other equipment (as part of the project), as a local improvement under the local improvement provisions of the Vancouver Charter and of this Section 5.

### **Application of Section 5 to street light standard projects**

5.2 The provisions of this Section 5 apply to any lane lighting project, light standard project, special light standard project, or underground wiring project, undertaken and carried out, or to be undertaken and carried out, under the provisions of Part XXIV of the Vancouver Charter except as in this or any other by-law otherwise provided.

### **Application of Section 9 to street light standard projects**



5.3 The provisions of Section 9 of this By-law apply to projects initiated under this Section 5.

#### **Cost of project for street light standards**

5.4 All future costs of any lane lighting project, light standard project or underground wiring project must, except as in this or in any other by-law otherwise provided, be met by special assessments, proportionate to the frontage of the real property benefited thereby and not exempt from such special assessments, provided, however, that for the carrying out of any lane lighting project, light standard project or underground wiring project, Council may, unless otherwise provided by by-law, contribute out of the general funds of the city, or out of capital funds raised by the issue of general debentures, the proportion or proportions hereinafter specified of the cost of such projects, as the city's share thereof:

- (a) in addition to all other contributions by the city provided for herein, the city will contribute 15% of the cost of all light standard projects, and underground wiring projects;
- (b) in the case of a triangular or other parcel of land of abnormal shape or situation and in the case of any area included in a right-of-way of a railway or other public utility, despite anything to the contrary in this By-law, Council may determine what variation, if any, is to be applied thereto and direct specifically the special annual assessments to be levied and collected with respect to such parcel or area as a part of the property-owners' share of the cost of any lane lighting project, light standard project or underground wiring project, so that the said special annual assessments will represent as nearly as possible an equitable and fair adjustment or assessment thereof as compared with other parcels of real property situate within the area subject to special annual assessments for the same project, which special annual assessments need not have reference to frontage measurements, area or other physical characteristics but may take into consideration the proportion of benefit to be enjoyed by the parcel to be so specifically assessed, as compared with other parcels aforesaid. Council in directing the amount of the special annual assessments with respect to any such parcel may provide that the city in addition to all other contributions by the city provided for herein, contribute such proportion thereof or such amount as Council may see fit as a part of the city's share of the cost of the project;
- (c) in the case of a parcel having an average depth, measured perpendicular to the frontage, of less than 100 feet and an area of less than 20,000 square feet, the city will contribute a percentage of the costs of the project that would otherwise be specially assessed against such parcel, according to the following formulae:

- (i) for parcels located in a residential district

$$\frac{75}{100} \times \frac{100 \text{ _ average parcel depth (in feet)}}{100}$$

- (ii) for parcels located in all other districts

$$\frac{25}{100} \times \frac{100 \text{ _ average parcel depth (in feet)}}{100}$$

except that where as a consequence of another section of this By-law a proportion of the costs assessed against the parcel is also payable by the city, then the section providing for the larger proportion payable by the city applies, and the proportion payable by the city as a consequence of this subsection (c) cannot be added to proportions payable by the city as a consequence of any other section;

- (d) in addition to all other contributions by the city provided for herein, the city will contribute:
  - (i) 50% of the cost of such project as would otherwise be specially assessed against any parcel in a residential district where the front and the rear boundaries of such parcel each respectively abut on a street, other than a lane,
  - (ii) the amount of the cost incurred in connection with any lane lighting project or light standard project due to the removal of trees, situate on any street, which trees, in the opinion of Council, impair, or may later impair, the efficiency of the illumination supplied by any lighting to be installed in connection therewith,
  - (iii) all costs of a lane lighting project or light standard project upon and along a thoroughfare in excess of the normal cost thereof which would otherwise, in the opinion of Council, be required to meet the local need,
  - (iv) 75% of the remaining cost of a lane lighting project, light standard project or underground wiring project in a residential district, where the special assessments for any such projects are based on flankage measurements, and
  - (v) 25% of the remaining cost of a lane lighting project, light standard project or underground wiring project in a higher zoned district, where the special assessments for any such projects are based on flankage measurements; and

- (e) for the purpose of this By-law where any portion of a parcel, which is subject to special assessment pursuant to the provisions of this By-law, is situated in a higher zoned district, the provisions of this By-law having reference to special assessments in higher zoned districts apply, despite the fact that the frontage upon which such special assessments are to be imposed is situated in a residential district.

#### **Portion of parcel in higher zoned district**

5.5 Despite section 5.4, but subject to section 5.6, the entire cost of any special light standard project must be met by special assessments proportionate to the frontage and flankage of the real property benefited thereby and not exempt from such special assessments. In determining the frontage and flankage of such real property for the purpose of levying and collecting the special assessments with respect thereto, the following provisions apply:

- (a) in the case of a parcel of real property of abnormal shape or situation, and in the case of any area included in a right-of-way of a railway or other public utility, Council may vary the number of feet or metres of frontage and flankage of the parcel or area upon which the special assessment for a special light standard project will be based so that the special assessment represents as nearly as possible an equitable and fair adjustment or assessment thereof as compared with other parcels of real property subject to special assessments for the same project;
- (b) where the front and rear boundaries of a parcel of real property situated in a residential district each respectively abut on a street other than a lane, then the number of feet or metres of the frontage of the parcel upon which the special assessment for a special light standard project will be based, is to be reduced by 50%;
- (c) the number of feet or metres of the flankage of a parcel of real property situated in a residential district upon which the special assessment for a special light standard project will be based, is to be reduced by 75% when the special assessment for such project is based on flankage measurements; and
- (d) the number of feet or metres of the flankage of a parcel of real property situated in a higher zoned district upon which the special assessment for a special light standard is to be based, will be reduced by 25% when the special assessment for such project is based on flankage measurements.

#### **Special light standard project**

5.6 The city may contribute such portion of the cost of a special light standard project as Council may see fit as the city's share of the cost thereof.

#### **Basis for special assessments**

5.7 Council may by by-law or resolution provide the basis of special assessments with respect to any project under this Section 5, in accordance with the provisions of the Vancouver Charter.

**SECTION 6  
PROJECTS FOR UNDERGROUND WIRING  
UNDERTAKEN PURSUANT TO AN AGREEMENT  
UNDER THE "LOCAL GOVERNMENT GRANTS ACT"**

**Definitions re underground wiring**

6.1 In this Section 6, unless the context otherwise requires:

"connection rate" means a portion or all of the costs (including all costs necessary and incidental thereto) of placing underground that part of an underground wiring project, whether on private or city property, being the service connection to the building or buildings to be served;

"line rate" means a portion or all of the costs (including all costs necessary and incidental thereto) of placing underground that part of an underground wiring project located in the street or right-of-way, not being part of the service connection to private property; and

"underground wiring project" means the undertaking or proposed undertaking, as the context may require, by the city of a project for the installation or placing underground of electrical and communication wires, cables and ducts or any of them and other necessary equipment in connection therewith and, where necessary, the removal, relocation or installation of poles, light standards and other equipment (as part of the project), as a local improvement under the local improvement provisions of the Vancouver Charter and of this Section 6, and in accordance with an agreement made pursuant to section 4(d) of the *Local Government Grants Act* or the equivalent section in a former act.

**Application of Section 6 to underground wiring project**

6.2 The provisions of this Section 6 apply to any underground wiring project undertaken and carried out, or to be undertaken and carried out, under the provisions of Part XXIV of the Vancouver Charter.

**Application of Section 9 to underground wiring project**

6.3 The provisions of Section 9 of this By-law apply to projects initiated under Section 6.

**Cost of projects for underground wiring**

6.4 The balance of the costs of any underground wiring project, after deducting therefrom the amount (if any) contributed by the city toward the cost of the project and the amount or amounts (if any) contributed to the city on account of the cost of the project by the Province of British

Columbia and any public utility of either of them pursuant to section 4(d) of the *Local Government Grants Act* or the equivalent section in a former act will be apportioned and levied as follows:

- (a) with respect to the line rate, by special assessment proportionate to the frontage of the real property benefited by the project and not exempt from such special assessments; and
- (b) with respect to the connection rate for the service connection or connections to each individual parcel of real property benefited by the project and not exempt from such special assessments, by special assessment against the parcel so served.

**Equitable adjustment for underground wiring**

6.5 In the case of a corner parcel, a triangular parcel, or other parcel of land of abnormal shape or situation and in the case of any area included in a right-of-way of a railway or other public utility, despite anything to the contrary in this By-law, Council may determine what variation, if any, is to be applied thereto and direct specifically the special annual assessments to be levied and collected with respect to such parcel or area as a part of the property-owners' share of the cost of any underground wiring project, so that the said special annual assessments will represent as nearly as possible an equitable and fair adjustment or assessment thereof as compared with other parcels of real property situate within the area subject to special assessments for the same project, which special annual assessments need not have reference to frontage measurements, area or other physical characteristics but may take into consideration the proportion of benefit to be enjoyed by the parcel to be so specifically assessed, as compared with the other parcels aforesaid. Council in directing the amount of the special annual assessments with respect to any such parcel may provide that the city, in addition to all other contributions by the city provided for herein, contribute such proportion thereof or such amount as Council may see fit as a part of the city's share of the cost of the project.

**Relief for smaller parcel**

6.6 In the case of a parcel having an average depth, measured perpendicular to the frontage, of less than 100 feet and an area of less than 20,000 square feet, the city will contribute a percentage of the costs of the project that would otherwise be specially assessed against such parcel, according to the following formulae:

- (a) for parcels located in a residential district

$$\frac{75}{100} \times \frac{100 \text{ _ average parcel depth (in feet)}}{100}$$

- (b) for parcels located in all other districts

$$\frac{25 \times 100}{100} \frac{\text{average parcel depth (in feet)}}{100}$$

except that where as a consequence of another section of this By-law a proportion of the costs assessed against the parcel is also payable by the city, then the section providing for the larger proportion payable by the city applies, and the proportion payable by the city as a consequence of this section 6.6 cannot be added to proportions payable by the city as a consequence of any other section.

### **Abutting property lines**

6.7 Where the front and rear boundaries of a parcel of real property each respectively abut on a street or right-of-way and power and communication lines or either of them are located in or upon each of such streets or rights-of-way, if an underground wiring project is undertaken pursuant to this Section 6 on one of such streets or rights-of-way, the city will contribute 50% of the cost of such project as would otherwise be specially assessed against that parcel and, if an underground wiring project is undertaken pursuant to this Section 6 on the other of such streets or rights-of-way, the city will contribute 50% of the cost of such project as would otherwise be specially assessed against that parcel.

### **Basis of special assessments for underground wiring**

6.8 Council may by by-law or resolution provide the basis of special assessments with respect to any project under this Section 6, in accordance with the provisions of the Vancouver Charter.

## **SECTION 7 PROJECTS FOR COLLECTIVE PARKING**

### **Nature of collective parking projects**

7.1 The provisions of this Section 7 apply to projects for collective parking and without restricting the generality of the same include the following:

- (a) acquisition of real property for parking sites;
- (b) demolition or removal of buildings and structures;
- (c) clearing, grading, levelling and draining;
- (d) gravelling, paving, blacktopping, surfacing, and landscaping;
- (e) installing lighting facilities;
- (f) installing crossing and access facilities;

- (g) constructing ramps, decks, towers and buildings for parking or other purposes ancillary thereto;
- (h) providing meters and equipment for control of parking or payment of fees or rentals; and
- (i) providing office furniture, machinery and equipment required for operation of parking projects.

#### **Advancement of collective parking projects**

7.2 Projects under this Section 7 may be advanced only on a sufficiently signed petition of the owners of the real property to be benefited thereby.

#### **Application of Sections 9 to collective parking projects**

7.3 Except as in this Section 5 provided the provisions of Section 9 of this By-law other than sections 9.4, 9.5, and 9.6 thereof apply to projects undertaken in accordance with the provisions of this Section 7.

#### **Non-residential district special assessments**

7.4 No property is to be specially assessed for any part of the cost of any project under this Section 7 unless such property is located in a non-residential district. Despite the foregoing, a project under this Section 7 may be located on a site in a residential district.

#### **Notice re acquisition of real property**

7.5 Where a petition for a project under this Section 7 requires the acquisition of real property by the city, a notice must be mailed by the collector of taxes or under the direction of the collector of taxes to each of the assessed owners of the real property proposed to be acquired. The notice is to contain a short description of the project, a description of the real property proposed to be acquired, and the time and place that Council will sit to hear any complaint against the project. The notice must be mailed at the same time as notices are mailed pursuant to section 10.14 to the assessed owners of real property liable to be specially assessed for the project. The provisions of section 10.14 respecting the preservation of evidence of such mailing applies to this section.

## **SECTION 8 PROJECTS FOR COMMUNITY CENTRES**

## AND OTHER SPECIAL PROJECTS

### Large designated areas

8.1 The provisions of this Section 8 apply to all special projects undertaken or to be undertaken as directed by Council, where, in the opinion of Council, the designated area included in the project is unduly large and Council has directed that such project be submitted to the electors in the area, pursuant to the provisions of the Vancouver Charter.

### Submission to electors

8.2 Despite any other provision of this By-law, where Council, by resolution, passed by at least two-thirds of all the members present has declared that it is desirable that a project should be undertaken and carried out on the initiative of Council under the provisions of this Section 8, and has also declared that the said project will specially benefit the real property in a limited area therein designated by Council, and has further declared that in the opinion of Council, the area so designated is unduly large within the meaning of section 507(2) of the Vancouver Charter, Council will direct that appropriate proceedings be taken to submit the project to the electors shown on the most recent list of electors with respect to the parcels situate within the area so designated. Council, by resolution, is to fix a day for taking the vote of the said electors for or against such project and will direct whether the special assessments are to be proportionate to the frontage or by special rate on the assessed value of the parcels so declared to be specially benefited by the project or how otherwise.

### Procedure for submission to electors

8.3 So far as consistent with and not repugnant to the provisions of this By-law, the procedure to be followed in submitting such project to the electors in the area in accordance with this By-law is, mutatis mutandis, to be the same as that provided in the Vancouver Charter with respect to the passing of by-laws requiring the assent of the electors generally but only the electors in the area will be entitled to vote on any such project.

### Resolution for submission to electors

8.4 The resolution authorizing and directing the submission of a project to electors, pursuant to the provisions of section 507(2) of the Vancouver Charter is to furnish the following information:

- (a) a description of the project;
- (b) the designated area included in the project;
- (c) the estimated total cost of the project;
- (d) the city's share of such cost showing separately any amount thereof agreed to be allocated from funds administered by any other administrative body;



- (e) the amount or portion of such cost made available to the city by any person or organization other than the city;
- (f) the estimated cost per front foot or per front metre, the special rate aforesaid, or the estimated amount otherwise payable annually as the case may be by special assessments against the parcels situate within the designated area; and
- (g) the number of special annual assessments to be required.

#### **Publication of resolution synopsis**

8.5 A synopsis of the resolution referred to in section 8.4 containing the information set out in the resolution together with the time when the vote will take place and the voting places where the vote will be taken, must be published within one month before the date of the vote in at least two issues of a daily newspaper published in the city.

#### **Form of ballot**

8.6 Council will settle or give directions as to the form of ballot to be issued to the electors aforesaid, which ballot is to include briefly the information set forth in the resolution authorizing and directing any submission to electors under this Part.

#### **Use of only one frontage**

8.7 In the case of special assessments based on the frontage of any parcel only one frontage of such parcel will be used by the collector of taxes for the purpose of measurements to be made under this Section 8. In case there are two or more frontages to any parcel the collector of taxes will determine which one of such frontages will be the subject of such measurement, provided that Council on appeal thereto by any person interested may otherwise direct.

#### **Other provisions do not apply**

8.8 The provisions of this By-law having reference to petitions for any project, notices of objection thereto and notices of special assessment under clause section 506(2)(b) of the Vancouver Charter do not apply to any project submitted to electors under this Section 8.

## **SECTION 9 PROCEDURE**

## **Definitions re procedure**

9.1 In this Section 9, unless the context otherwise requires:

"appropriate officer" means the city engineer or the deputy city engineer in the case of projects under the preceding sections of this By-law except for Section 8, and in the case of projects under Section 8 such official as may be designated by the city manager; and

"project" means any project as defined or referred to in the preceding Sections of this By-law.

## **Application of Section 9 to projects**

9.2 The provisions of this Section 9 apply, mutatis mutandis, to all procedural matters arising under the preceding sections of this By-law.

## **Projects initiated by petition**

9.3 Upon the filing with the city clerk of a petition praying that a proposed project, which project it is claimed therein will be a special benefit to real property having frontage on any street, designated in the petition, should be undertaken and carried out as a local improvement, the following procedure applies:

- (a) the city clerk must forthwith transmit such petition to the collector of taxes;
- (b) the collector of taxes, if satisfied after examining the petition that it has been duly and sufficiently prepared and signed in accordance with the provisions of the Vancouver Charter and this By-law, must certify the petition and return it to the city clerk;
- (c) in case the certificate of the collector of taxes states that the petition has been duly prepared and signed, as aforesaid, the collector of taxes must furnish to the city clerk therewith particulars duly certified by the collector of taxes, giving:
  - (i) the proportion in number of the assessed owners entitled to sign the same and who have signed the same to the total number of such assessed owners liable to be specially assessed for the said project as at the date of the filing of such petition, and
  - (ii) the proportion of the value, according to the last revised real property assessment roll, of the parcels of land of the said assessed owners who have so signed the said petition to the total value of the parcels liable to be specially assessed for the said proposed project;
- (d) in case the certificate states that the petition has been duly prepared and signed, as aforesaid, the city clerk must forthwith transmit such petition, so endorsed,

together with the particulars, duly certified as aforesaid, to the appropriate officer;

- (e) the appropriate officer must thereupon examine the subject matter of the petition and must, with as little delay as possible, forward to the city manager a report, in writing, as to the advisability of undertaking the proposed project and also forward to the director of finance for the city a report, in writing, showing such of the following particulars as are deemed appropriate to the project:
  - (i) the nature of the proposed project including a description of the limited or determinable area involved and a description of the street upon which any proposed project is to be undertaken,
  - (ii) the probable lifetime of the work to be performed in connection therewith,
  - (iii) a description of the total real property claimed to be benefited,
  - (iv) a description of the specially assessable frontage and flankage of such real property, including the basis and extent of any adjustments recommended by the appropriate officer in accordance with this By-law,
  - (v) a description of the frontage and flankage, if any, of the real property, or any part thereof, exempt from such special assessments,
  - (vi) the estimated total cost per foot or per metre of frontage (exclusive of debenture interest) specially assessable against the abutting property immediately benefited,
  - (vii) the frontage and flankage, if any, of street intersections, and
  - (viii) the total estimated cost of the proposed project including:
    - (A) the probable amount of the contract price,
    - (B) the probable amount of any engineering expenses connected therewith,
    - (C) the probable amount of any compensation payable by way of injurious affection to property resulting from the project, and
    - (D) the respective shares and amounts of the total estimated cost to be borne by the city and the affected property owners;
- (f) the director of finance on receipt of such report of the appropriate officer must forward it to the city manager, together with a written report from the director of

finance as to the financial arrangements in respect thereof;

- (g) in the event of the report of the appropriate officer recommending the undertaking of such project, and in the event of the report of the director of finance certifying that financial arrangements have been or can be made to carry out such project, the city manager may adopt such reports with or without amendment and decide that it is desirable to undertake such project, and recommend the same to Council; and
- (h) in case of the adoption by Council of the said recommendation or report of the city manager with or without amendment, the city clerk must cause the recommendation or report, as adopted, to be forwarded without delay to the collector of taxes with instructions that the recommendation or report, as adopted, with or without amendment, by Council as aforesaid, be brought without delay before the Court of Revision.

#### **Projects initiated by the city on other than special grounds**

9.4 In case the appropriate officer recommends a project and designates a limited and determinable area in which a project is located as a local improvement without any petition, or any sufficiently signed petition having been presented to Council therefor, the appropriate officer must report to the city manager and to the director of finance in the manner provided in section 9.13, and the director of finance will also make a report as provided in section 9.14, and such reports, if approved by the city manager, will be forwarded to Council, and if Council, on receipt of such reports declares by a vote of two-thirds of the members of Council present at any meeting thereof that it is deemed desirable to carry out such project, as finally determined by Council, and that such project will specially benefit the real property within the boundaries of the area included therein, the collector of taxes will forthwith proceed to serve the notices of the intention of the city to undertake such project with particulars, in accordance with the provisions of the Vancouver Charter.

#### **Projects initiated by the city on special grounds**

9.5 Before proceeding to undertake and carry out any project on special grounds, pursuant to section 506(3) of the Vancouver Charter, Council may first endeavour to undertake and carry out such project on the initiative of Council pursuant to the provision of section 506(2) aforesaid. Council may thereafter, despite the filing of any number of notices of objection thereto, proceed to undertake and carry out such project on special grounds as aforesaid, in accordance with the provisions of the Vancouver Charter.

#### **Notice of objections**

9.6 In the event of notices of objection being filed with the city clerk within the time limited by the provisions of the Vancouver Charter, to any project so recommended by the appropriate officer and approved by Council, on the initiative principle, as in this Section 9 provided, the collector of taxes will forthwith ascertain whether such notices or objection are sufficiently or insufficiently signed in accordance with the provisions of the Vancouver Charter, and in the event

of such notices of objection being sufficiently signed, the collector of taxes will so certify and report to Council and to the appropriate officer, and thereafter no further proceedings will be taken under the said reports of the appropriate officer and the director of finance except on special grounds.

### **Notice of project**

9.7 When notice of a project under the provisions of this By-law has been given by Council, and no notices of objection, sufficiently signed, have within the time limited by the Vancouver Charter, to such proposed project, been filed, it will be lawful for Council in the same or any succeeding year, to undertake and to carry out the proposed project to completion before making the special assessments therefor.

### **Reports to Court of Revision**

9.8 The collector of taxes will forthwith on the expiration of the time limited by the Vancouver Charter forward the reports of the appropriate officer and the director of finance as approved by the city manager and Council, to the city clerk to be brought before the Court of Revision.

### **Sufficiency of petition**

9.9 For the purpose of ascertaining whether any petition for or notices of objection to any project, have been sufficiently signed as required by the provisions of the Vancouver Charter, Council, or the collector of taxes, in determining the value of the real property represented by such petition or notices of objection, must not take into consideration the value of any property which is exempt, either wholly or in part, from special assessment to the extent of such exemption.

### **Measurements**

9.10 Council, for the purpose of making the special assessment for the cost of any project, will cause measurements to be made of the frontage and flankage liable to special assessment for such cost and of the frontage and flankage exempt from special assessment in respect thereof; provided, however, that the foregoing provision will not apply in the case of any project where Council has provided that the proportion of the cost of such project chargeable against the property benefited thereby, is to be assessed by special rate on such property according to the assessed value thereof.

### **Special assessment roll**

9.11 The collector of taxes, forthwith after the adoption by Council of the reports hereinbefore provided for with respect to any project, will forthwith cause a special assessment roll to be prepared and notices thereof, and of the time and place of the holding of a Court of Revision, with respect thereto, in accordance with the provisions of the Vancouver Charter and of this By-law and any resolution of Council duly passed in that behalf.

### **Proceedings to complete project**

9.12 In the event that no notice of appeal from the Court of Revision has been duly given, within the time limited by the Vancouver Charter, or so soon as any such appeal is disposed of, the city clerk will return to the collector of taxes the report of the appropriate officer recommending the project as adopted by Council, and with any alterations or amendments which have been made thereon by the Court of Revision, or as a result of any such appeal, and will also notify the appropriate officer of the action or decision of the Court of Revision or on appeal as the case may be, and the appropriate officer will submit such notice to the city manager.

#### **Receipt of notice or action of Court of Revision**

9.13 Upon receipt of notice of the action or decision of the Court of Revision or on appeal as the case may be, the city manager may recommend the project to proceed. The action of Council upon such report and recommendation of the city manager will be the final decision of Council whether to undertake the proposed project or otherwise.

#### **Proceedings for imposing assessments**

9.14 Within one month after the owners' share of the cost of any project has been ascertained, including compensation for real property acquired for the purpose of the project or injuriously affected by it and the expense incurred by the city in connection with the determination of such compensation but excluding interest on advances made and the estimated cost of the issue and sale of debentures and of any discount allowed to the purchaser of such debentures in respect of the project, the appropriate officer will report in writing to the director of finance the total amount of the owners' share thereof.

#### **Amount chargeable for interest**

9.15 The director of finance, as soon as possible after receipt of the report of the appropriate officer under section 9.14, will ascertain the amount properly chargeable for interest on the advances made, the estimated discount (if any) on the sale of the debentures, and the estimated interest which will accrue until the necessary special assessments have been made, the necessary by-law passed, the debentures to be issued thereunder disposed of, and the moneys provided thereby to repay such temporary advances. The director of finance will thereupon report the same in writing to the appropriate officer who will certify to the director of legal services the cost of the project, including interest and discount (if any) as aforesaid, that is chargeable to the property benefited thereby. The collector of taxes will furnish to the director of legal services a description of the real property to be specially assessed therefor and the rate to be levied thereon annually.

#### **Preparation of by-law**

9.16 Upon receipt of such information from the appropriate officer and the collector of taxes, the director of legal services will prepare a by-law for making the necessary special assessments therefor and for providing for the issue and sale of debentures to provide the amount of money required to repay any temporary advances with interest as aforesaid, which may have been obtained in order to meet the property-owners' share of the cost of such project pending receipt

of the special assessments to be imposed with respect thereto, less any amount paid in advance by or on behalf of any owner of real property otherwise subject to special assessment with respect to such project, under the provisions of section 9.18.

### **Preparation of schedule**

9.17 The schedule mentioned in section 516 of the Vancouver Charter is to be prepared in such manner as to set forth in separate parts thereof the parcels which are to be specially assessed on a frontage basis and those which are to be specially assessed on any basis other than frontage, or otherwise specially assessed, respectively, and is to set forth with respect to any parcel the amount of any special contribution directed by Council, pursuant to section 3.11(a), or pursuant to section 10.5, as part of the city's share of the cost of the project.

### **Notification of cost of project**

9.18 Prior to the passing of a by-law imposing a special assessment on real property assessable for any local improvement project, the collector of taxes must notify every owner of such real property of such owner's proportionate amount of the property-owners' share of the cost of such project and that the owner may pay such amount, without interest, within 21 days of the date specified in the notice which notice is to expire prior to passing of such by-law and the owner may pay such amount without interest within the time specified in the notice.

### **Commutation of annual assessments**

9.19 An owner of real property specially assessed with respect to any local improvement project may commute the annual assessments imposed thereon by such by-law by paying the unpaid annual assessments on the tax roll including the assessment for the year then current together with the present value of the remaining annual assessments imposed by the by-law, calculated at the sinking fund rate as specified in the by-law.

### **Projects of a like nature**

9.20 Where Council has undertaken two or more projects of a like nature, then Council when determining the portion of the cost of such projects to be assessed against the real property benefited thereby, may by resolution establish a flat rate per foot frontage of such rateable real property based on the average cost per foot frontage of such projects as estimated by Council, which cost must include an amount for interest on advances made and the estimated cost of the issue and sale of debentures and the discount (if any) allowed to the purchaser of such debentures in respect of the projects.

### **Notification to director of legal services**

9.21 Despite anything contained in section 9.14 or 9.15, where Council has by resolution established a flat rate per foot frontage under section 9.20, the appropriate officer must report in writing to the director of legal services that the part of the project for which the rateable real property benefited thereby will be assessed at the flat rate so established is complete, and state the amount to be assessed against the real property benefited thereby. The collector of taxes

must furnish to the director of legal services a description of the real property to be specially assessed therefor and the rate to be levied thereon annually. The director of legal services will thereupon prepare the necessary by-law as provided in section 9.16 mutatis mutandis.

## **SECTION 10 GENERAL PROVISIONS**

### **Application of Section 10**

10.1 Unless otherwise in this Section 10 set forth, or the context otherwise requires, the provisions of this Section 10 apply to all projects under this By-law.

### **Basis of assessment for any particular project**

10.2 Despite anything to the contrary in this By-law, Council may by by-law prescribe the basis of assessment with respect to any particular project or any part thereof or parcel included therein and whether it is based in whole or in part on the assessed value of the parcels specially benefited or how otherwise, than on a frontage basis, in which case any provision of this By-law inconsistent therewith does not apply.

### **Works necessary to public interest**

10.3 Council may determine that certain works, improvements or services within the meaning of section 508(e) of the Vancouver Charter, connected with a project, but not part of such project, are necessary in the public interest to be done at the same time as the project and may determine the portion, if any, of the cost of such other works, improvements, or services which are to be included as part of the cost of such project.

### **Effect of submission to electors**

10.4 Despite the provisions of section 510 of the Vancouver Charter, a Court of Revision need not sit and notices of special assessment need not be mailed in cases where a project is submitted to the electors under section 507(2) of the Vancouver Charter.

### **Unequal benefits**

10.5 Despite anything to the contrary contained in this By-law, Council may declare and provide in the case of any project that all the parcels included in such project are not equally benefited and may by by-law both determine the proportion of benefit that will be applied as between different parcels or classes of parcels and apportion the cost of such project accordingly. Council may also direct and provide that the city contribute such proportion of the special assessments to be imposed against any parcel to which this section applies as Council sees fit as a part of the city's share of the cost of the project.

### **Strata lots and air space parcels**



10.6 The following provisions apply to strata lots and air space parcels:

- (a) strata lots and air space parcels will be deemed to abut the same street or streets as did the parent parcel from which they are derived;
- (b) all strata lots within the same strata plan will be deemed to benefit equally from a local improvement project and the special assessments therefor, when made on a frontage basis, will be based on the parent parcel street abutment and will be apportioned among all strata lots in the same ratio as their respective unit entitlements;
- (c) where one or more air space parcels have been derived from the same parent parcel, the special assessments therefor, when made on a frontage basis, will be based on the street abutment of the parent parcel and such special assessments will be apportioned among the air space parcels and the remainder of the parent parcel in the same ratio as the floor area of the development of each parcel bears to the total floor area of the development of all such parcels, provided however, if in any case the collector of taxes is of the opinion that such apportionment cannot be conveniently applied or will result in unfairness to the owners of one or more such parcels, the collector of taxes will apportion the special assessments as deemed equitable and appropriate, subject always to review by the Court of Revision; and
- (d) for purposes of this section 10.6, the floor area of the development of any parcel will be as the same is recorded in the records of the British Columbia Assessment Authority for the year in which the apportionment of the special assessment is made.

#### **Plot map measurements**

10.7 The measurements shown on plot maps in the office of the Assessor may be adopted by the collector of taxes in preparing the special assessment roll required under the provisions of the Vancouver Charter, and will be prima facie evidence of the correctness of the same in any proceedings where such measurements are in question.

#### **Unsubdivided block or parcel**

10.8 In the case of any unsubdivided block or parcel of land being subject to assessment for any work or local improvement under this By-law, the collector of taxes will determine whether such unsubdivided block or parcel of land will be assessed as frontage or as flankage, or the proportion in which such block or parcel of land will be assessed as frontage or flankage, and the decision of the collector of taxes thereon will be final and binding.

#### **City as owner**

10.9 Despite the provisions of section 9.9 of this By-law, where the city is the owner of any

parcel, the city may, as such owner, authorize the signing by the city clerk on behalf of the city of a petition for any project, despite that the city is not an owner liable to be specially assessed with respect to such parcel.

### **Signature by agent**

10.10 Subject to the provisions of the Vancouver Charter, corporations and others, including church organizations, trustees and societies incorporated under the "*Society Act*", may sign a petition or notice of objection by their respective agents upon proof, satisfactory to the collector of taxes, or Council, on appeal thereto by any person interested, that any such agent is duly authorized to sign the same on behalf of the assessed owner of any real property entitled to sign such petition or notice of objection.

### **Effect of filing signature**

10.11 Signatures to petitions or notices of objection may not be withdrawn or countermanded after their filing with the city clerk.

### **Power of certification**

10.12 The power to certify whether any petition for a project has been sufficiently signed, or whether a sufficient number of notices of objection have been filed, is hereby delegated to the collector of taxes. Such certificate will be final and conclusive for all purposes, subject to an appeal to Council by any person affected by the same.

### **Petitions and notices in writing**

10.13 All petitions and notices provided for under this By-law must be in writing. Forms of petitions and notices, advertisements and all other general forms must contain the information required by the provisions of the Vancouver Charter and of this By-law and, before the issue or publication thereof, must be submitted to the director of legal services and to the head of the department or other administrative body responsible for the undertaking, carrying out and completion of the project in connection with which the said forms are to be issued, or published, for settlement and approval by the said officials. Provided that any form aforesaid may be settled and approved by Council. Notices of Assessment, required under section 510 of the Vancouver Charter, may, where a project is undertaken on the initiative under section 506 thereof, be combined with the notice required under said section 506.

### **Special assessment roll**

10.14 The special assessment roll, required under the provisions of the Vancouver Charter must be made by the collector of taxes and notices of special assessment in accordance therewith must be mailed by or under the direction of the collector of taxes. The collector of taxes must require the person responsible for mailing notices of special assessment and other notices to specially assessed owners with respect to any project required under the provisions of the Vancouver Charter or of this By-law to preserve evidence of such mailing, with all necessary particulars as to date, address and otherwise, by way of a statutory declaration to which a true copy of the form of

notice so mailed by or under the direction of the collector of taxes, is duly marked as an exhibit thereto.

### **Subdivision or other changes**

10.15 In cases where parcels are subdivided or otherwise changed, so far as their boundaries or zoning are concerned, and such change, if it had been made before any special assessments were imposed would have affected the amount thereof, with respect to any parcel so subdivided or changed, the collector of taxes in respect of that property must apportion and adjust all subsequent special assessment levied under this By-law from time to time in such manner and to such extent as may be necessary in order to make such special assessments the same as they would have been had such change been in effect at the time the said special assessments were imposed.

### **Property inequitably or unjustly affected**

10.16 Where Council, by the votes of not less than two-thirds of all the members of Council, either by resolution or by by-law, deem and declare, for reasons to be expressly therein set forth, that any property is especially inequitably or unjustly affected by any special assessment imposed against such property pursuant to any provision of this By-law, Council may, by such resolution or by-law reduce the said special assessment for any one or more years, or for the full period of the by-law imposing such special assessment, and by such resolution or by-law direct the collector of taxes to enter on the tax roll against the said property the amount of the reduced special assessment in lieu of the original special assessment; and the amount of the difference between the original and such reduced special assessment will be provided out of the general funds of the city.

### **Repeal of earlier by-laws**

10.17 Subject to section 10.18, By-laws 1920 (including Schedule A as amended), 2001, 2049, 2050, 2054, 2153, 2155, 2262, 2397, 2514, 2520, 2663, 3190, 3245, 3382, 3508, 3509, 3511, 3512, 3521, 3523, 3547, are repealed.

**By-law's force and effect**

10.18 The provisions of this By-law are to come into force and take effect on and after the date of the passing hereof in respect of all or any local improvement works advanced after said date; but the provisions in this By-law will not be deemed to apply to any local improvement works, or the proceedings in respect thereof, or any part of the same, which were initiated prior to the passing hereof under or pursuant to any other Act or by-law applicable thereto; and any such local improvement work, or any proceedings in respect thereof initiated prior to the passing of this By-law under or pursuant to any other Act or by-law applicable thereto, are to be completed and finished under and pursuant to the provisions of any such Act or by-law authorizing the same.

ENACTED by Council this 20<sup>th</sup> day of July, 2004

\_\_\_\_\_  
"Larry Campbell"

Mayor

\_\_\_\_\_  
"Syd Baxter"

City Clerk

#75275v3

## SCHEDULE A

### PROJECTS FOR NEW STREETS, PAVING, SIDEWALKS, ETC.

1. In this Schedule A:

"pedestrian collector street" means any street or portion thereof which is so designated by Council for the purpose of this Schedule A; and

"school collector street" means any street or portion thereof which is so designated by Council for the purpose of this Schedule A.

2. The provisions of this Schedule A apply to the following works and projects:

- (1) opening, widening, extending, prolonging, altering the grade of, or diverting any street or opening up or establishing any new street, including the acquiring of real property for such purpose;
- (2) constructing, paving, or curbing any street;
- (3) resurfacing with suitable materials any pavement where the foundation for such resurfacing is deemed by the city engineer sufficient therefor;
- (4) constructing sidewalks or footways in, upon, and along any street;
- (5) reconstructing any pavement, curbing, sidewalk, or footway when the terms of the special assessment therefor have expired and the work or improvement included in such project, as determined by Council on the recommendation of the city engineer, have become worn out; or
- (6) constructing or reconstructing, enlarging or prolonging, and extending any common sewer or drain into or through any street or real property owned or possessed by the city or by any person other than the city, and making all proper and necessary connections therewith. Provided that such sewer or drain is for the conduct, or disposal of surface water on any street and not for any other purpose.

### COSTS OF PROJECTS

3. All future costs of any project must, except as in this Schedule A or in any other by-law otherwise provided, be met by special assessments, according to the frontage of the real property benefited thereby and not exempt from such special assessments; provided, however, that in the case of any project, Council may, by a vote of the majority of the members of Council present at any meeting thereof, determine that the cost of any such project or any portion thereof will be

paid out of the general revenue of the city, or out of moneys raised by the issue of general debentures, pursuant to the provisions of the Vancouver Charter.

4. For the carrying out of any project Council will contribute out of the general funds of the city, or out of funds raised by the issue of general debentures, the proportion or proportions hereinafter specified of the cost of such project as the city's share thereof; and will also provide that the property owners' share thereof, being the proportion or proportions of the costs hereinafter specified, will be met by special assessment, according to the frontage of the real property benefited thereby and not exempt from such special assessment, that is to say:

- (1) Subject to subsections (2) and (14), the cost of a project for constructing or reconstructing a concrete sidewalk or footway in, upon or along a street in a residential district will be apportioned as follows:
  - (a) the city will contribute:
    - (i) the total cost of the project on all street intersections, and
    - (ii) 75% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby; and
  - (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and this Schedule A as to the portion of the cost of the project or any part thereof to be borne by the city.
- (2) In the case of a project undertaken by the city on or after 1 January 1984, and subject to subsection (14), the cost of a project for constructing or reconstructing a concrete sidewalk or footway in, upon or along any pedestrian collector street in a residential district will be apportioned as follows:
  - (a) the city will contribute:
    - (i) the total cost of the project on all street intersections, and
    - (ii) 75% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby, and
    - (iii) 25% of the remaining cost of the project; and
  - (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and this Schedule A as to the portion of the cost of the project or any part thereof to be borne by the city.

- (3) Subject to subsections (15), the cost of a project for constructing or reconstructing any sidewalk or footway in, upon or along a street in a higher zoned district will be apportioned as follows:
- (a) the city will contribute:
    - (i) the total cost of the project on all street intersections, and
    - (ii) 25% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby; and
  - (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and this Schedule A as to the portion of the cost of the project or any part thereof to be borne by the city.
- (4) Subject to subsection (6), the cost of a project for constructing, reconstructing, paving, or resurfacing any public road other than a lane in a residential district will be apportioned as follows:
- (a) the city will contribute:
    - (i) the total cost of the project on all street intersections,
    - (ii) 75% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby,
    - (iii) the total cost of grading all such public roads between the gutters constructed as part of the project, and the total cost of any necessary construction of, improvement to, or preparation of, pavement, granular base or drainage facilities in respect of the project greater than the local need as determined by the city engineer,
    - (iv) in the case of a project undertaken on the initiative of Council, the total cost of the acquisition and planting of trees, and
    - (v) in the case of a project undertaken by the city on or after January 1, 1984, 50% of the cost of paving or resurfacing of all such public roads between the gutters up to the local need as determined by the city engineer; and
  - (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and this Schedule A as to the portion of

the cost of the project or any part thereof to be borne by the city.

- (5) The cost of a project for constructing, reconstructing, paving, or resurfacing a public road other than a lane, in a multiple dwelling and local commercial district will be apportioned as follows:
- (a) the city will contribute:
    - (i) the total cost of the project on all street intersections,
    - (ii) 25% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby,
    - (iii) the total cost of any necessary construction of, improvement to, or preparation of, pavement, granular base, or drainage facilities in respect of the project greater than the local need as determined by the city engineer, and
    - (iv) in the case of a project undertaken on the initiative of Council, the total cost of the acquisition and planting of trees; and
  - (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and this Schedule A as to the portion of the cost of the project or any part thereof to be borne by the city.
- (6) The cost of a project for constructing, reconstructing, paving, or resurfacing a public road other than a lane in a business and industrial district will be apportioned as follows:
- (a) the city will contribute:
    - (i) the total cost of the project on all street intersections,
    - (ii) 25% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby,
    - (iii) the total cost of any necessary construction of, improvement to, or preparation of, pavement, granular base, or drainage facilities in respect of the project greater than the local need as determined by the city engineer, and
    - (iv) in the case of a project undertaken on the initiative of Council, the total cost of the acquisition and planting of trees; and



- (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and this Schedule A as to the portion of the cost of the project or any part thereof to be borne by the city.
- (7) The cost of a project for constructing, reconstructing, paving, or resurfacing a in a residential district, will be apportioned as follows:
  - (a) the city will contribute:
    - (i) the total cost of the project on all street intersections,
    - (ii) 75% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby,
    - (iii) the total cost of any necessary construction of, improvement to, or preparation of, pavement, granular base, or drainage facilities in respect of the project greater than the local need as determined by the city engineer, and
    - (iv) in the case of a project undertaken by the city on or after January 1, 1984, 35% where centre-valley construction is used and 50% in all other cases of the construction of, improvement to or preparation of a granular base up to the local need as determined by the city engineer;
  - (b) the total cost of the project will be met by special assessment proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and of this ScheduleA as to the portion of the cost of the project or any part thereof to be borne by the city.
- (8) The cost of a project for constructing, reconstructing, paving, or resurfacing a lane in a multiple dwelling and local commercial district will be apportioned as follows:
  - (a) the city will contribute:
    - (i) the total cost of the project on all street intersections,
    - (ii) 25% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby, and
    - (iii) the total cost of any necessary construction of, improvement to, or preparation of, pavement, granular base or drainage facilities in respect of the project greater than the local need as determined by the city engineer; and

- (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby subject to the Vancouver Charter and this Schedule A as to the portion of the cost of the project or any part thereof to be borne by the city.
- (9) The cost of a project for constructing, reconstructing, paving, or resurfacing a lane in a business and industrial district will be apportioned as follows:
  - (a) the city will contribute:
    - (i) the total cost of the project on all street intersections,
    - (ii) 25% of the cost of the project as would otherwise be specially assessed against flankage property benefited thereby, and
    - (iii) the total cost of any necessary construction of, improvement to, or preparation of, pavement, granular base, or drainage facilities in respect of the project greater than the local need as determined by the city engineer; and
  - (b) the total cost of the project will be met by special assessment, proportionate to the frontage of the real property benefited thereby, subject to the Vancouver Charter and this Schedule A as to the portion of the cost of the project or any part thereof to be borne by the city.
- (10) The cost of a project for the addition of raised sections to the pavement in a lane in a residential district or higher zoned district for the purpose of discouraging excessive vehicular speed will be apportioned as follows:

The total cost of the project will be met by special assessments on the parcels of real property abutting the lane and proportional to the assessments for the paving with which the project referred to in this subsection is related.
- (11) Where a project undertaken by the city after July 18, 1995 is the installation of a corner bulge in a road that has already been provided with curbs, the total cost of the project will be borne by the property owners and will be met by special assessments on the parcels of real property abutting the block of street containing the corner bulge, proportionate to the frontage of real property benefited thereby.
- (12) Where a project undertaken by the city after July 18, 1995 is installation of a traffic circle, the total cost of the project will be borne by the property owners and will be met by special assessments on the parcels of real property abutting the streets radiating from the intersection containing the traffic circle for a distance of

one block, proportionate to the frontage of real property benefited thereby.

- (13) Where the project is the construction or reconstruction of curbs and gutters, or the construction, reconstruction, or repaving of any road in a residential district which Council designates as a thoroughfare, the city will contribute 25% of the cost which would otherwise be specifically assessed against the real property specially benefited by such projects, in addition to any contributions by the city provided for in this Schedule A.
- (14) Where a project undertaken by the city on or after January 1, 1987 is for the reconstruction of a sidewalk or footpath, the city will contribute 50% of the cost which would otherwise be specifically assessed against the real property specially benefited by such project, in addition to any contributions by the city provided for in this Schedule A.
- (15) Where a project undertaken by the city on or after January 1, 1994 is for the planting of trees only, the city will contribute 33 1/3% of the cost which would otherwise be specifically assessed against the real property specially benefited by such project, in addition to any contributions by the city provided for in this Schedule A.