

B Y - L A W NO. 454.

A General By-law to provide for the Assessment of Real Property benefited by local improvements in pursuance of Section 258 of the Municipal Clauses Act and Amendments.

WHEREAS by virtue of the said Section 258 of the Municipal Clauses Act and Amendments thereto it is provided that the Council may upon petition by by-law provide that the cost of the works therein specified as local improvements may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate and also that the proportion or number of owners of lands to be benefited by such local improvements and the proportion of value which the lands owned by them shall bear to the whole of the said lands to be benefited necessary to the petition for the said local improvement and the means of ascertaining and determining the lands to be benefited by such local improvements and of ascertaining and determining the proportions in which the assessment for the cost thereof or any part of the said cost is to be made on the various portions of real property so benefited may be finally determined in such manner and by such means as are provided by by-law in that behalf.

NOW THEREFORE the Municipal Council of the Corporation of the District of Burnaby enacts as follows : -

1. All petitions for local improvements to be made under the provisions of this by-law ~~after~~^{if} received by the Council and referred to the Board of Works shall be examined by the Municipal

Clerk and an engineer to be nominated by the Council whose duty it shall be to ascertain and fully determine whether the same are signed by a majority in number of the persons shown by the last revised assessment roll of the Municipality to be the owners of the lands effected by such by-law and to be the owners of more than one-half in value of such lands and such petitions when found to be correct as aforesaid shall be numbered by the said Clerk in the order in which they are received and be entered at length in a book to be kept for that purpose to be called the "Local Improvement Book" and the Clerk and the said engineer shall endorse upon such petitions their certificate of the correctness thereof and of the value of the whole of the lands ratable under the By-law and of the whole number of the owners of such property as aforesaid as well as the number of the petitioners and shall forthwith transmit the same to the Board of Works.

2. It shall be the duty of the Clerk so soon as the said Board of Works shall have reported to the Council in favor of the prayer of any such petition and their report thereon shall have been adopted by the Council to cause a copy of the said petition to be forwarded at once to the said engineer nominated by the Council as aforesaid.

3. It shall be the duty of the said engineer upon receipt of a copy of any such petition from the Clerk to proceed at once to ascertain and determine what real property will be ~~immediately~~ benefited by the proposed improvements and to ascertain and determine the proportion in which the assessment to defray the cost thereof is to be made on the various portions of lands so benefited and to report the same to the Council as soon as practicable provided that such engineer shall be subject to any

resolution which the Council may make determining what lands or real property, if any, other than that fronting or abutting upon the road, street, lane or alley whereon or wherein the improvement is made or to be made, especially benefited and ought to be charged with a part of the cost thereof and also determining what proportion, if any, of the cost of work of local improvement within the Municipal limits not exceeding one-half of such cost the Municipality shall contribute. The said report when approved shall be entered in the said Local Improvement Book.

4. The said Clerk as soon as the report of the engineer is entered in the Local Improvement Book as provided by the third section of this By-law shall cause a notice to be left at the place of abode or deposited in the Post Office addressed to the last known place of abode of all parties to be assessed for such improvements that the said assessment is to be made and the amount thereof and that a by-law in accordance therewith will be passed by the Council unless the same be appealed from within ^{thirty (30)} ~~eleven~~ days after the delivery of such notice. ✓

5. In case the owner or any person interested in such lands desires to appeal from such assessment he shall, within the aforesaid period of ^{thirty} ~~eleven~~ days, give notice in writing to the Clerk of his intention to appeal. ✓

6. If any such notice of appeal be so received by the said Clerk trial of such complaint shall be had in the first instance by and before the Court of Revision which the Council shall from time to time as occasion may require or on some day not earlier than two days and not later than fifteen days from the expiration of the said period of ^{thirty} ~~eleven~~ days. ✓

7. Such Court of Revision shall be composed of not less

than four (4) members of the Council and shall hear such complaints and after hearing the parties complaining as well as the engineer and such other evidence as may be adduced the said Court of Revision may confirm, or alter, raise or lower the assessment, and every such decision shall be considered as final except the same is further amended on appeal as hereinafter provided.

8. At the Court of Revision the complainant and all witnesses shall give evidence under oath, four (4) members of the Council shall be a quorum of the Court. Any member thereof may administer the oath to any person giving evidence thereat and the Clerk of the Council shall be the Clerk of the Court unless the Court otherwise determine. The assessment as finally passed by the Court of Revision and certified by the Clerk as passed shall, except in so far as the same may be amended or appealed as hereinafter provided, be valid and binding all parties concerned notwithstanding any error or defect in or with regard to such assessment or any defect, error or mis-statement in the notice required by Section 4 hereof or omission to deliver or transmit such notice.

9. If any person be dis-satisfied with the decision of the Court of Revision he may appeal therefrom in which case he shall within two days after the decision of the Court of Revision in person or by his solicitor serve upon the Municipal Clerk a written notice of his intention to appeal to the Judge or acting County Court Judge having a jurisdiction within the said Municipality. The Judge shall appoint a day for hearing the appeal, notice of which shall be given by the Clerk. The Judge shall hear the appeal and the evidence adduced upon oath at the

Repealed with the Act 102

time and place appointed in a summary manner and may adjourn the hearing from time to time and defer judgment therein at pleasure.

10. All assessments to be levied at any time under any Local Improvement By-law upon the lands benefited thereby shall be payable at the time or times and at the place and in the manner in which the ordinary Municipal taxes are payable.

This By-law may be cited as the "Burnaby Local Improvement General By-law 1909."

DONE AND PASSED in Open Council the *Twelfth*
day of *April* A.D. 1909.

RECONSIDERED, adopted and finally passed the Council
the *twenty third* day of *April* A.D. 1909.

Peter Oppen

Reeve.

G. J. Saunders.

G.M.B.

