

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1450



A By-law to enlarge and extend the time within which action or actions may be commenced against the Corporation at the instance of the Greater Vancouver Water District, in certain cases.

WHEREAS the Corporation of the District of Burnaby (in the recitals herein contained referred to as the "Corporation"), being a Municipality within the meaning of the "Greater Vancouver Water District Act", Chapter 22 of the Statutes of British Columbia 1924, and amending Acts, has by agreement entered into by virtue of the provisions contained in Section 82 of the said Act, and ratified by the electors of the said Municipality, been added to the Greater Vancouver Water District:-

AND WHEREAS in respect of water supplied by the Greater Vancouver Water District to the Corporation for and during the respective months of March, April, May, June, July, August, September, October, November and December, 1932, certain accounts rendered for each of the said months by the said Water District to the Corporation remain unpaid by the latter:

AND WHEREAS the Corporation is unable to pay the said accounts, or any of them, at this time:

AND WHEREAS, but for the passing of this By-law, the remedies open to the Greater Vancouver Water District for enforcing payment of the said accounts, and each of them, by way of action or actions against the Corporation, would be barred, impaired or affected were such action or actions not commenced within one year after the cause of action arose:

AND WHEREAS under the provisions of the Municipal Act Amendment Act, 1933, the Council of a Municipality may

enlarge and extend the time for commencement of actions against the Municipality for such period of time beyond the said period of one year as may be designated by the Council in any case:

AND WHEREAS John Bennett has been appointed Commissioner of the Municipality of Burnaby under Part XXIII of the Municipal Act, and as such, has under the said Statute, power to pass such By-laws as might have been passed by the Council of the Municipality:

AND WHEREAS the said Commissioner, acting as such, is desirous of designating a period of time beyond the period of one year after the cause of action or actions shall have arisen, within which action or actions may be commenced against the Corporation in respect of the said accounts and each of them:

THEREFORE THE SAID COMMISSIONER, in exercise of all the powers in that behalf him thereunto enabling, enacts as follows:-

1. - It shall be lawful for the Corporation of the District of Burnaby to consent and agree, and the said Corporation hereby consents and agrees, that any action or actions against the Corporation for recovery of the said accounts, or any of them, separately or collectively, may be commenced by the Greater Vancouver Water District at any time up to the 30th day of April, 1937, inclusive, and that if so commenced the Corporation shall be absolutely barred, estopped and prohibited from pleading, alleging, contending or in any way taking advantage of the terms of

the Municipal Act or any other act or law dealing with or having reference to the limitation of time within which such actions may be brought or commenced.

2. - That the period between the expiration of the time within which, but for the passing of this By-law, action would have to be taken on each of the said accounts, and the said 30th day of April, 1937, shall be regarded as a further period of time designated by the Commissioner within which action or actions may be commenced for recovery of the said accounts and each of them.

3. - That this By-law shall not be capable of being revoked, repealed or rescinded in any way, and that a copy thereof, certified to be a true copy under the hand of the Commissioner, and sealed with the corporate seal of the Corporation of the District of Burnaby, and delivered to the Greater Vancouver Water District, shall be regarded as an agreement entered into under seal by the said Corporation and enforceable against it at the instance of the Greater Vancouver Water District, according to its terms.

4. - That in the event of its being alleged or found at any time that the powers herein exercised by the Commissioner should have been exercised by him by way of resolution in place of By-law, this By-law shall in that event be regarded as a resolution, and as such be obligatory upon the Corporation of the District of Burnaby, according to its full tenor and purport.

5. - This By-law shall not come into force and effect unless and until it shall have received the approval of the Lieutenant-Governor in Council.

6. - This By-law may be cited for all purposes as the "DISTRICT OF BURNABY GREATER VANCOUVER WATER DISTRICT ACCOUNTS PAYMENT EXTENSION BY-LAW, 1933".

PASSED by the Commissioner of the Corporation of the District of Burnaby on the 7th day of June 1933.

RECONSIDERED by the said Commissioner, finally adopted by him, and signed by him and the Clerk of the said Corporation, and sealed with the Corporate Seal on the 14th day of June 1933.



John Bennett
COMMISSIONER.

Charles B Brown
CLERK.

APPROVED by the Lieutenant-Governor in Council
the *20th* day of *June* 1933. (See Order-
in-Council Number *827*).

I, Charles B Brown, Clerk of the Corporation of the District of Burnaby do hereby certify the foregoing to be a true copy of a by-law passed by the Commissioner for the Corporation of the District of Burnaby on the 14th day of June, A.D. 1933.

Charles B Brown
Clerk.