

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1463.

A BY-LAW to enlarge and extend the time within which action may be commenced against the Corporation of the District of Burnaby at the instance of the Vancouver and Districts Joint Sewerage and Drainage Board or other proper authority in a certain case.

WHEREAS the Corporation of the District of Burnaby (in the recitals herein contained referred to as the "Corporation") is a municipality within the Sewerage District established by the "Vancouver and Districts Joint Sewerage and Drainage Act", Chapter 79 of the Statutes of British Columbia 1914, and amending Acts:

AND WHEREAS the sum of money required by the Vancouver and Districts Joint Sewerage and Drainage Board to be paid by the Corporation on or before the first day of November, 1932, to the Minister of Finance for the purpose of the said Board remains unpaid by the Corporation:

AND WHEREAS the Corporation is unable to pay the said sum at this time:

AND WHEREAS but for the passing of this By-law the remedies open to the said Board or other proper authority for enforcing payment of the said sum by way of action against the Corporation would be barred, impaired or affected were such action 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 action 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 Mahony 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 the period of time beyond the period of one year after the cause of action shall have arisen, within which action may be commenced against the Corporation in respect of the said sum.

THEREFORE THE SAID COMMISSIONER, in exercise of all of 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 against the said Corporation for recovery of the said sum may be commenced by the said Board or other proper authority at any time up to the first day of November, 1937, inclusive, and 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 action 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 to enforce payment of the said sum, and the said first day of November, 1937 shall be regarded as a further period of time designated by the said Commissioner within which action may be commenced to enforce payment of the said sum.

3. That this By-law shall not be capable of being revoked, repealed or rescinded in any way, and that copy thereof, certified to be a true copy under the hand of the said Commissioner, and sealed with the corporate seal of the Corporation of the District of Burnaby, and delivered to the said Board, shall be regarded as an agreement entered into under seal by the said Corporation and enforceable against it at the instance of the said Board (or other proper authority) 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 said 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 VANCOUVER AND DISTRICTS JOINT SEWERAGE AND DRAINAGE BOARD ACCOUNT PAYMENT EXTENSION BY-LAW, 1933."

7. PASSED by the Commissioner of the Corporation of the District of Burnaby on the Twenty-fifth (25th) day of October, A.D. 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

Thirtieth (30th) day of October, 1933.



J. Makony

COMMISSIONER.

Charles B. Brown

CLERK.

APPROVED by the Lieutenant-Governor in Council the *7th*
day of *November* 1933, (See Order-in-Council Number *1390*)