

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 5682

A BY-LAW to impose a monthly occupancy fee  
upon occupants of mobile buildings.

WHEREAS the Council may by by-law impose a monthly  
occupancy fee upon the occupants of mobile buildings.

NOW THEREFORE the Council of The Corporation of the District  
of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY MOBILE BUILDINGS  
OCCUPANCY FEE BY-LAW 1970".

2. For the purposes of this by-law, unless the context other-  
wise requires:

(a) "mobile building" means a structure manufactured  
as a unit and intended to be occupied in a place  
other than that of its manufacture and which is  
not taxable as real property;

(b) "occupant" means any person who occupies or  
uses a mobile building as a dwelling, office,  
store, or shop, but does not include a bona fide  
tourist whose occupancy or use does not exceed  
two months;

(c) "operator" means any person who carries on the  
business of renting space for the accommodation  
of mobile buildings.

3. (1) Every occupant of a mobile building shall pay to the  
Municipality a monthly occupancy fee, as calculated hereunder, for  
each month of occupancy or use.

(2) The occupancy fee payable with respect to each mobile build-  
ing so occupied or used shall be based on the area of the mobile  
building, measured externally, and shall be calculated as follows:

<u>Area of Mobile Building</u>	<u>Monthly Occupancy Fee</u>
900 square feet or more	\$ 10.00
800 square feet or more but less than 900 square feet	9.00
700 square feet or more but less than 800 square feet	8.00
600 square feet or more but less than 700 square feet	7.00
500 square feet or more but less than 600 square feet	6.00
400 square feet or more but less than 500 square feet	5.00
300 square feet or more but less than 400 square feet	4.00
Less than 300 square feet	nil

3. (3) The occupancy fee for each mobile building so occupied or used shall be due at the same time as the rent of the space occupied by the said mobile building is due and shall be paid by the occupant to the operator at the time of paying the said rent.

4. (1) The operator shall be deemed to be the agent of the Municipality and as such shall levy and collect the fee imposed under this by-law upon the occupants of mobile buildings occupying space rented from him.

(2) The operator shall remit to the Collector of the Municipality, not less than once every calendar month all occupancy fees collected in the previous calendar month, together with a statement setting out:

- (a) The location of the premises in the Municipality upon which space was rented for mobile buildings in the previous calendar month;
- (b) The name of the occupant of each such mobile building;
- (c) The area of such mobile building, measured externally;
- (d) The premises or space upon which it was situate;
- (e) The date upon which occupancy commenced;
- (f) The date when occupancy terminated;
- (g) Details of occupancy fee paid by the occupant during the period covered by the statement;

- (h) Details of amount of arrears and the period for which monthly occupancy fee is in arrears, if any;
- (i) Details of prepayment, if any.

4. (3) The operator shall, at all reasonable times, produce to the Collector or his Agent, his records for any period that a monthly occupancy fee is being levied upon occupants of mobile buildings by the Municipality, of payments made by occupants to him for space for mobile buildings upon premises within the Municipality, and of all existing rentals of such space during any such period, and shall provide a receipt to an occupant paying such monthly occupancy fee to him;

- (a) Identifying any monthly occupancy fee so paid as to amount;
- (b) Time covered by such payment;
- (c) Location of the premises where the space was rented by the occupant from the operator;
- (d) The area of such mobile building, measured externally, and shall make a carbon copy of such receipt for inspection by the Collector or his Agent.

(4) The operator shall be entitled to deduct from the monthly occupancy fee collected by him on behalf of the Municipality an allowance of three (3%) percentum of the fees collected and shall not be entitled to any other remuneration for his services in collecting and forwarding such fees to the Municipality.

5. Any person who is liable to pay a monthly occupancy fee imposed pursuant to this by-law who refuses or neglects to pay the same on the due date is , upon summary conviction, liable to pay a fine not exceeding \$500.00, which together with the amount of the tax, shall for the purposes of recovery pursuant to the Municipal Act, be one penalty.

6. Any operator who fails to levy and collect the fees imposed under this by-law upon the occupants of mobile buildings occupying space within the Municipality rented from him, or who fails to remit same to the Collector of the Municipality at the time and in the manner prescribed in this by-law is, upon summary conviction, liable to pay a fine not exceeding \$500.00, which together with the amount of occupancy fee payable shall, for the purpose of recovery pursuant to the "Municipal Act", be one penalty.

7. The liability imposed by sections 3 and 4 is a debt recoverable by action brought by the Municipality in any Court of competent jurisdiction.

8. The Collector may, by himself or agent, demand from any person liable to pay a monthly occupancy fee under this by-law the production of his receipt from the operator of the Municipality for such tax; and in case of neglect or refusal on demand to produce such a receipt lawfully issued to him and the time limited under section 3 for payment of such tax having expired, the Collector may, by himself or his agent, levy and collect the amount of such tax in the manner provided in section 5.

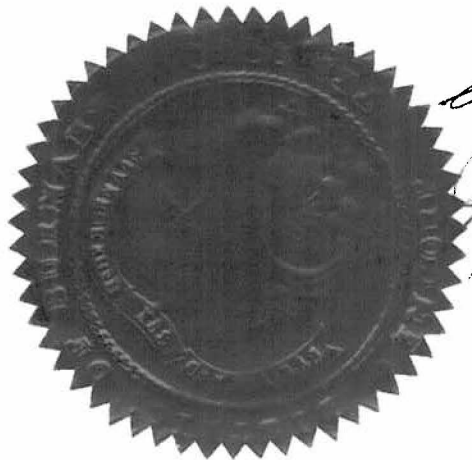
Read a first time this 4th day of May, 1970.

Read a second time this 4th day of May, 1970.

Read a third time this 4th day of May, 1970.

Reconsidered and adopted this 11th day of May,

1970.



*Robert M. Rutte*  
MAYOR  
*J. H. Law*  
CLERK