ender PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNC

Order in Council No:-

 $1159\,$, Approved and Ordered

SEP - 2 1990

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- 1. Letters Patent, in the form attached, be issued incorporating the District of Sooke.
- 2. Supplementary Letters Patent in the form attached be issued for the Capital Regional District.
- Letters Patent dated September 26, 1952 incorporating the Sooke Fire Protection District; be repealed, and the Sooke Fire Protection District be dissolved, effective midnight, December 7,1999, under the terms and condidtions established in Letters Patent incorporating the District of Sooke.
- 4. All assets and liabilities, whether real or contingent, of the Sooke Fire Protection District, are transferred to the District of Sooke upon dissolution; and all bylaws of the Sooke Fire Protection District are declared to be bylaws of the District of Sooke.
- 5. The Langford Electoral Area and the Sooke Electoral Area are amalgamated to form the Juan de Fuca electoral Area

Minister of Municipal Affairs

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

ct and section: <u>Municipal Act</u> sections 7,8,9,13,24,25,30,735,777,781 and 798

Other (specify): _____

109/99/13





PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other

Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come -

GREETING

Minister of
Municipal Affairs

(WHEREAS by sections 7, 8 and 9 of the

(Municipal Act that upon receipt of a

(request for incorporation and after a

(vote in favour, the Lieutenant Governor

(in Council may, on the recommendation of

(the Minister of Municipal Affairs, by

(Letters Patent, incorporate the residents

(of any area of land into a municipality;

AND WHEREAS a vote has been held as required by sections 8 and 9 of the Municipal Act, and the result was in favour of incorporation of a municipality;

AND WHEREAS the conditions and requirements of the Municipal Act have been complied with;

NOW KNOW YE THAT by these presents, We do order and proclaim that the residents of the area hereinafter described shall, on, from and after the 7th day of December, 1999 be incorporated as a District municipality under the *Municipal Act* and under the provisions hereinafter contained or referred to:

NAME

1.0 The municipality shall be called and known by the name of the "District of Sooke," hereinafter referred to as "the municipality".

BOUNDARY

2.0 Commencing at the most easterly corner of Section 122, Sooke Land District; thence southwesterly and northwesterly along the southeasterly and southwesterly boundaries of said Section 122, to the most westerly corner thereof; thence northwesterly, southeasterly and southwesterly along the northeasterly, southwesterly and northwesterly boundaries of Section 120, to the most easterly corner of Lot 2 of Section 71, Registered Plan 38961 on file in the

Land Title Office, Victoria, thence northwesterly and southwesterly along the northeasterly and northwesterly boundaries of said Lot 2, Plan 38961 to the most westerly corner thereof, thence northwesterly along the northeasterly boundary of Lot 3 of Section 70, Registered Plan 23371, to the most easterly corner of Lot 2 of Section 70, Plan 23371; thence southwesterly and northwesterly along the southeasterly and southwesterly boundaries of said Lot 2, Plan 23371, to the most westerly corner thereof; thence southwesterly along the northwesterly boundary of Lot 3 of Section 70, Plan 23371, to the most northerly corner of Lot 1 of Section 70, Registered Plan 20544; thence southwesterly along the northwesterly boundary of said Lot 1, Plan 20544, to the point of intersection with the easterly prolongation of the northerly boundary of Lot 1 of Section 70, Registered Plan 13445; thence westerly along said prolongation and continuing westerly along the northerly boundary of Lot 1 of Section 70, Plan 13445, to the northwest corner thereof; thence southwesterly along the southeasterly limit of Canadian National Railway right of way, as shown on Registered Plan 98RW, (and now known as the Galloping Goose Trail), to the point of intersection with the southwesterly boundary of Section 70; thence northwesterly along the southwesterly boundary of said Section 70 to the point of intersection with the natural high water mark of Hutchinson Cove, on the easterly shore thereof, thence westerly in a straight line and in a direction perpendicular to the said high water mark of Hutchinson Cove, on the easterly shore thereof, to the middle point of said Hutchinson Cove; thence southwesterly in a straight line to the mid-point of Hutchinson Cove, at the entrance thereto; thence southwesterly along the southwesterly prolongation of the same straight line to the mid-point of Sooke Basin; thence in general northwesterly and southwesterly direction along the middle lines of Sooke Basin, Sooke Harbour and Sooke Inlet to the point of

intersection with a line drawn parallel to and perpendicularly distant 300 metres southerly from the natural high water mark of Sooke Inlet, on the northerly shore thereof; thence in a general southwesterly and northwesterly direction parallel to and 300 metres perpendicularly distant southeasterly and southwesterly from the natural high water marks of Sooke Inlet and Juan de Fuca Strait to the point of intersection with the southwesterly prolongation of the southeasterly boundary of Section 16 (Indian Reserve Number 2, Sooke); thence northeasterly along said southwesterly prolongation and continuing northeasterly, northwesterly and southwesterly along the southeasterly, northeasterly and northwesterly boundaries of Section 16 (Indian Reserve Number 2, Sooke), to the northwest corner thereof, being a point on the natural high water mark of Sooke Bay, on the northeasterly shore thereof; thence southwesterly along the southwesterly prolongation of the northwesterly boundary of Section 16, (Indian Reserve Number 2, Sooke), for a distance of 300 metres; thence in a general northwesterly and westerly direction 300 metres perpendicularly distant southwesterly and southerly from and parallel to the natural high water mark of Sooke Bay, on the northerly shore thereof, to the point of intersection with a straight line drawn 300 metres southerly from and perpendicular to the most westerly southwest corner of Section 18, Sooke Land District; thence northerly along said straight line to the most westerly southwest corner of Section 18; thence northwesterly along the southwesterly boundaries of Sections 18 and 19 to the most westerly corner of said Section 19; thence northeasterly along the northwesterly boundary of Section 19 to the most southerly corner of Section 39; thence northwesterly and northeasterly along the southwesterly and northwesterly boundaries of said Section 39 to the most westerly corner of Section 38; thence northeasterly along the northwesterly boundaries of Sections 38, 37 and 36 to the most

southerly corner of Lot 1 of Section 1, Otter Land District, Registered Plan 23816; thence northerly along the westerly boundaries of Lots 1, 2 and 3 of Section 1, Plan 23816, and Lots 1 and 2 of Section 1, Registered Plan 40715, to the northwest corner of said Lot 2, Plan 40715; thence easterly along the northerly boundary of Lot 2 of Section 1, Plan 40715 to the northeast corner thereof; thence easterly in a straight line to the northwest corner of Lot 5 of Section 1, Plan 23816; thence southeasterly along the northeasterly boundaries of Lots 5 to 10, inclusive, of Section 1, Plan 23816, to the most easterly corner of said Lot 10, Plan 23816, being a point on the natural high water mark of De Mamiel Creek on the right bank thereof; thence in a general southerly direction along said right bank of De Mamiel Creek to the point of intersection with the northwesterly boundary of Section 35, Sooke Land District; thence northeasterly along the northwesterly boundaries of Sections 35, 34, and 33 to the most southerly corner of Section 24, Otter Land District; thence northerly and easterly along the westerly and northerly boundaries of said Section 24 to the northeast corner thereof; thence northerly along the westerly boundaries of Sections 13 and 25 to the point of intersection with the southeasterly boundary of Malahat Land District; thence southwesterly, northerly, westerly and northerly along the southeasterly, westerly, southerly and westerly boundaries of Block 1435 E & N, Malahat Land District, to the most westerly northwest corner thereof; thence westerly, northerly, westerly and northerly along the southerly, westerly, southerly and westerly boundaries of Block 843 E & N, to the northwest corner thereof, thence westerly, northerly, easterly, northerly, westerly, northerly, easterly and southerly along the boundaries of Block 844 E & N, to the most southerly corner of Block 1036 E & N, and being a point on the right bank of Sooke River; thence due south to the point of intersection with the left bank of Sooke

River; thence South 45 degrees East along a straight line to the point of intersection with the easterly limit of Canadian National Railway right of way, as shown on Registered Plan 1204 O.S., (and now known as the Galloping Goose Trail); thence in a general southerly direction along the easterly limit of said Canadian National Railway right of way, Plan 1204 O.S. to the point of intersection with the northerly boundary of Section 22, Otter Land District; thence easterly along the northerly boundaries of Sections 22, 21, 20 and 19, to the northeast corner of said Section 19; thence southerly along the easterly boundary of Section 19, to the southeast corner thereof, thence southerly along the easterly boundary of Section 102, Sooke Land District, to the most northerly corner of Section 56; thence southerly along the easterly boundary of said Section 56 to the most westerly corner of Section 57; thence southeasterly along the northeasterly boundaries of Sections 57, 118 and 116 to the point of intersection with the southwesterly boundary of Lot 1 of Section 65, Goldstream Land District and Section 116, Sooke Land District, Registered Plan 24184; thence southeasterly and northeasterly along the southwesterly and southeasterly boundaries of said Lot 1, Plan 24184 to the point of intersection with the northeasterly boundary of Section 116, Sooke Land District; thence southeasterly and southwesterly along the northeasterly and southeasterly boundaries of said Section 116, to the most northerly corner of aforesaid Section 122; thence southeasterly along the northeasterly boundary of said Section 122 to the aforesaid most easterly corner thereof. being the point of commencement, save and except thereout Indian Reserve Number 1. Sooke. (also known as Section 8, Sooke Land District), and the municipality containing by admeasurement 4-975,00 hectares of land, more or less and 850,00 hectares of foreshore and land covered by water, more or less.

COUNCIL

3.0 The Council of the municipality shall consist of the mayor and six counc	illors.
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3.1 A quorum of Council shall be four members.

ELECTION OF THE FIRST COUNCIL

- 4.0 The election of the members of the first Council of the municipality shall be conducted in the manner provided for general local elections by the *Municipal Act*, including any order under the Act.
- 4.1 The election shall be held on Saturday, November 20, 1999.
- 4.2 Thomas Moore, the chief election officer for the Capital Regional District, shall be the chief election officer and shall be responsible for the conduct of the election of the first Council of the municipality.
- 4.3 For the purposes of the election of the first Council of the municipality, the chief election officer may appoint officials to assist in the administration and conduct of the election.
- The provisions of the "Capital Regional District Elections Bylaw No. 2162, 1993," shall apply

to the conduct of the election of the first Council, to the extent that they are not inconsistent with the provisions of these Letters Patent.

FIRST MEETING

The first meeting of the Council shall be held on Tuesday, December 7, 1999, at a time and place to be set by the mayor-elect.

ASSESSMENT ROLL

- An assessment roll of lands and improvements for the area incorporated by these Letters Patent shall be completed, returned, confirmed and authenticated by the British Columbia Assessment Authority for the 2000 taxation year.
- 6.1 For the year 2000, any assessment appeal, pursuant to section 40 of the Assessment Act, against the assessment of a property within the area covered by these Letters Patent, is deemed to be an appeal against the assessment roll of the municipality.

BORROWING POWER

7.0 The borrowing power of the municipality shall be determined by the Inspector of Municipalities until such time as section 449 of the *Municipal Act* applies.

CURRENT EXPENDITURES

The Council shall have the power to incur liabilities by borrowing money, or otherwise, but not exceeding the amount to be determined by the Inspector of Municipalities for the purpose of operating the municipality, until a bylaw to impose rates under section 331 of the *Municipal Act* has been adopted for the year 2000 and any liability so incurred shall be repaid out of the revenue for the year 2000.

BUDGET

9.0 Notwithstanding section 327 of the *Municipal Act*, the mayor-elect shall cause to be prepared a provisional budget for that portion of 1999 that the municipality is incorporated and the year 2000. A copy of the provisional budget shall be supplied to each member of Council at the first meeting of Council. The provisional budget, that was caused to be prepared by the mayor-elect or as altered by the Council, shall be adopted at the first meeting of the Council.

ACCOUNTS AND AUDIT

10.0 For the purposes of Part 14 of the *Municipal Act*, the first year shall run from the date of incorporation to December 31, 2000.

REGIONAL DISTRICT BYLAWS

Subject to these Letters Patent, each bylaw, right, power, privilege, contract, resolution, order, regulation, restriction, license and permit of whatsoever kind and description passed, made, enacted, entered into and granted, and in effect, or in force in, or issued to, or by the Capital Regional District, and having application to the area incorporated by these Letters Patent, insofar as they are within the powers of the municipality, on and from December 7, 1999 may be enforced, amended or repealed by the Council of the municipality in the same manner as if they were passed, made, enacted, entered into, or granted by the municipality.

MANAGEMENT OF DEVELOPMENT

- Jurisdiction for the management of development, pursuant to Part 26 of the Municipal Act, within the municipality is transferred from the Capital Regional District to the municipality effective December 7,1999, as described in the Supplementary Letters Patent of the Capital Regional District, approved and ordered concurrently with these Letters Patent.
- 12.1 In accordance with section 24(2) of the *Municipal Act*, any provision of a bylaw adopted by the Capital Regional District that applies to the area of incorporation continues in force as if the bylaw was passed, made or enacted by the Council of the municipality until it is amended or repealed by the Council.

- A contract is hereby established between the municipality and the Capital Regional District whereby the Capital Regional District will provide administrative support for management of development services within and on behalf of the municipality, as directed by Council, from the date of incorporation to midnight, December 31, 2000. The specific terms of the contract shall be as mutually agreed by the municipality and the Capital Regional District, and those terms may include an expiry of the contract prior to midnight, December 31, 2000, upon notice being provided as established by those terms.
- 12.3 The cost, net of fees and charges, shall be paid for by the municipality to the Capital Regional District to the limit of the pro rated share of the budget of the Capital Regional District for the service based on the net taxable assessment for that portion of the Sooke Electoral Area newly enclosed within the municipality in relation to the total net taxable assessment for the service.
- 12.4 With respect to the contract established by section 12.2, above, the municipality shall be responsible for any costs over and above the amount of the budgeted expenditures of the Capital Regional District for the year 2000 for management of development services within the municipality, and the Capital Regional District shall only spend funds beyond that budgeted amount with the consent of the municipality.

REGIONAL DISTRICT ELECTORAL AREA MANAGEMENT OF DEVELOPMENT

13.0 Notwithstanding section 820(8) of the Municipal Act, the municipality may, before January 31,

2000 notify the board that, until further notice, it will no longer share the costs for the management of development under Part 26.

REGIONAL DISTRICT SERVICES TRANSFERRED TO THE MUNICIPALITY

14.0 The following services of the Capital Regional District are transferred to the municipality, effective December 7, 1999, as described in Supplementary Letters Patent of the Capital Regional District approved and ordered concurrently with these Letters Patent.

CAPITAL REGIONAL DISTRICT SERVICES TRANSFERRED TO THE MUNICIPALITY				
SERVICE	AUTHORITY REFERENCE			
Removal and deposit of soil.	Letters Patent, Division, XI			
Community Parks.	Letters Patent, Division, XIV			
Nuisances and Unsightly premises.	Letters Patent, Division, XX			
Animal Control.	Letters Patent, Division, XXII			
Noise Control.	Letters Patent, Division, XXVII			
Harbour Authority.	Letters Patent, Division, XXXVII			
Fireworks and Firearms Control.	Letters Patent, Division IV			
Building Inspection.	Building Inspection Extended Service Establishment Bylaw No. 1750.			
Economic Development Commission.	Economic Development Commission Establishing Bylaw No.1824.			
Regional Library participation.	Vancouver Island Regional Library District Participation Local Service Establishment Bylaw No. 2248			
Numbering of Buildings.	Sooke Numbering of Buildings Extended Service Establishment Bylaw No. 2105			

Emergency Program Act.	Sooke Emergency Program Act Extended Service Bylaw No. 2109			
Stormwater Quality Management.	Sooke Stormwater Quality Management Extended Service Establishment Bylaw No. 2453			

- 14.1 With respect to the services described in section 14.0, above, all rights, titles, assets, powers, privileges, licenses, liabilities and interests of the Capital Regional District are transferred to the municipality.
- 14.2 A contract is hereby established between the municipality and the Capital Regional District whereby the Capital Regional District will provide administrative support for regulatory bylaws in force and effect in relation to the services of removal and deposit of soil, nuisances and unsightly premises, animal control, noise control, fireworks and firearms control, building inspection and numbering of buildings, at the time of incorporation of the municipality, within and on behalf of the municipality, as directed by Council, from the date of incorporation to midnight, December 31, 2000. The specific terms for the contract shall be as mutually agreed by the municipality and the Capital Regional District and may include an expiry of the contract prior to December 31, 2000 upon notice being provided as established by those terms.
- 14.3 The cost, net of fees and charges, shall be paid for by the municipality to the Capital Regional District for the service based on the costs of servicing the municipality in relation to the overall service area and on the same basis that is charged to the service area outside the municipality.

14.4 The Capital Regional District shall, on or before June 1, 2000, pay to the municipality all unexpended funds collected prior to December 7, 1999 pursuant to section 941 of the *Municipal Act* with respect to approvals of the subdivision of land located within the boundary of the municipality.

MUNICIPAL PARTICIPATION IN REGIONAL DISTRICT SERVICES

The municipality shall be a municipal participating area in the following services of the Capital Regional District, and any other services for which Sooke Electoral Area was an electoral participating area at the time of incorporation of the municipality, except where transferred as described in Supplementary Letters Patent for the Capital Regional District, approved and ordered concurrently with these Letters Patent:

CAPITAL REGIONAL DISTRICT SERVICES MUNICIPALITY A PARTICIPANT				
SERVICE	AUTHORITY REFERENCE			
Community Health Services.	Letters Patent, Division XI			
Land Assembly, Housing and Land Banking.	Letters Patent, Division XII			
Septage Disposal.	Letters Patent, Division XXI			
Temporary Investment of Debenture Proceeds.	Letters Patent, Division XXVIII			
Transit.	Letters Patent, Division XXIV			
Development and Sale of Land.	Letters Patent, Division XXXIV			
Community Recreation Programs.	Letters Patent, Division XV			

Solid Waste Disposal.	Solid Waste Disposal Local Service Establishment Bylaw No. 1903
Regional Source Control Program.	Source Control Local Service Establishment Bylaw No. 2402
Regional Water Supply.	Water Supply Local Service Area Establishment Bylaw No. 2537
Regional Water Distribution.	Water Distribution Local Service Area Establishment Bylaw No. 2538
Regional Parks.	Regional Parks Extended Service Establishment Bylaw No.1749
Regional Parks - Towing of Vehicles.	Regional Parks Vehicle Towing Extended Service Establishment Bylaw No. 2529
911 Emergency Response Telephone.	Emergency Response Telephone Extended Service Establishment Bylaw No. 2468
Family Court Committee.	Family Court Committee Extended Service Establishment Bylaw No. 2560
Traffic Safety Commission.	Bylaw No. 1828
Emergency Radio and Electronic Communications Advisory Service.	Emergency Radio and Electronic Communications Systems Advisory Extended Service Establishment Bylaw No. 2703
Sooke Regional Historical Society - Museum Grant in Aid.	Sooke Region Historical Society Specified Area Establishment Bylaw No. 1189
Sooke Ice Arena.	Bylaw No. 152
Sooke Swimming Pool.	Sooke Swimming Pool Local Service Establishment Bylaw No. 2598

15.1 Commencing in the 2000 taxation year, the municipality shall levy, collect and remit to the Capital Regional District such taxes and charges as necessary to meet its share of the operating and debt servicing costs of the services described in section 15.0, above.

IMPROVEMENT DISTRICT

- 16.0 The Sooke Fire Protection District is dissolved effective as and from midnight, December 7,
 1999, and all property, both real and personal, and all rights, powers and privileges arising out
 of any contract, agreement, collective agreement, covenant, or otherwise whatsoever, and all
 tasks, debts, actions, causes of actions, and all claims and demands whatsoever either at law or
 in equity pertaining to the Sooke Fire Protection District, shall transfer to, vest in, and belong to
 the municipality from that date.
- Nothing in these Letters Patent shall impair or affect the rights of any creditor of the Sooke Fire

 Protection District, and the municipality shall be liable for and subject to and shall pay,

 discharge, carry out and perform all debts, liabilities, obligations, contracts and duties of the

 Sooke Fire Protection District which exist on and from midnight, December 7, 1999.
- Subject to these Letters Patent, each bylaw, right, power, privilege, contract, resolution, order, regulation, restriction, license and permit of whatsoever kind and description passed, made, enacted, entered into and granted, and in effect, or in force in, or issued to, or by the Sooke Fire Protection District, and having application to the area incorporated by these Letters Patent, insofar as they are within the powers of the municipality, shall remain in full force and effect, in and for the municipality, on and from midnight, December 7, 1999, and each may be enforced, amended or repealed by the Council of the municipality in the same manner as if they were passed, made, enacted, entered into, or granted by the municipality.

16.3 With respect to reserve funds of the Sooke Fire Protection District established by bylaw pursuant to section 751 of the *Municipal Act*, the municipality shall, no later than March 1, 2000, adopt a bylaw pursuant to section 496 of the *Municipal Act* to establish a fire protection capital reserve fund into which the reserve funds of the Sooke Fire Protection District can be transferred.

FIRE PROTECTION SERVICES ADVISORY COMMITTEE

- 17.0 An advisory committee of Council to be known as the Fire Protection Services Advisory

 Committee of Council is hereby established and shall remain in place until December 31, 2000 at the earliest. Membership of the committee shall be:
 - a) the Trustees of the Sooke Fire Protection District at the time of dissolution and;
 - b) up to four (4) other persons appointed by Council.
- 17.1 The general purpose of the Fire Protection Services Advisory Committee shall be to review and advise Council on any and all matters relating to the fire department, including the annual budget, capital expenditures, other expenditure plans, operating plans and personnel.

ROADS, DRAINAGE AND APPROVING OFFICER

18.0 Pursuant to Division 2- Highways, of Part 16; Public Works, of the Municipal Act, and

pursuant to Part 3 of the *Highways Act*, all public roads within the boundary of the municipality except for those classified as arterial highways are the responsibility of the municipality.

- Notwithstanding the generality of section 18.0 above, the responsibility for roads and bridges shall include all maintenance (including electrical), capital improvements, road drainage, signs, traffic regulation and all permits previously administered by the Ministry of Transportation and Highways, (including access and utility permits).
- 18.2 Where, in conjunction with the approval of a plan of subdivision by an approving officer, pursuant to the Land Title Act, works were established or land was set aside for the purpose of drainage, the responsibility for maintenance of those works or ownership of those lands is transferred to the municipality.
- 18.3 Pursuant to section 77 of the Land Title Act the municipality has jurisdiction for subdivision approval and must appoint an approving officer.

ARBITRATION

19.0 In the event that the municipality and the Capital Regional District are unable to agree on any matter arising from the implementation of these Letters Patent, or Supplementary Letters Patent of the Capital Regional District, approved and ordered concurrently with these Letters Patent, the parties may request the Inspector of Municipalities review the issue which is the subject of

the dispute, and the Inspector may make recommendations, or may impose a resolution which is binding on all parties

EFFECTIVE DATE

20.0 Sections 4.0 to 4.4 of these Letters Patent are effective immediately.

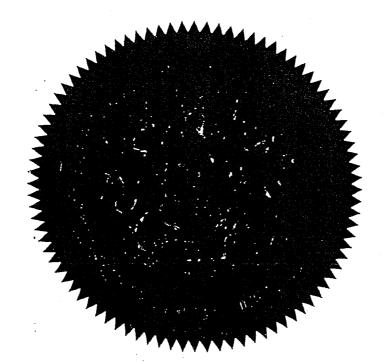
20.1 Except as provided in section 20.0, these Letters Patent are effective December 7, 1999.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable Garde B. Gardom, Q.C., Lieutenant Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this 200 day of September, in the year of Our Lord one thousand nine hundred and ninety-nine and in the forty-eighth year of Our Reign.

By Command.

Attorney General





CANADA

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other

Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come -

GREETING

Minister of Municipal Affairs

(WHEREAS pursuant to the provisions

(of section 776 of the Municipal Act

(the Capital Regional District

(was incorporated by Letters Patent

(effective February, 1, 1966;

AND WHEREAS the District of Sooke, lying within the boundary of the Capital Regional District, is incorporated, effective December 7, 1999;

AND WHEREAS section 782 of the *Municipal Act* allows the Lieutenant Governor in Council to issue Supplementary Letters Patent transferring from the regional district to a newly incorporated municipality the jurisdiction for a service in respect of all or a specified part of a service area;

AND WHEREAS section 777(3) of the *Municipal Act* provides upon the recommendation of the Minister of Municipal Affairs, the Lieutenant Governor in Council may, by Supplementary Letters Patent, eliminate an existing electoral area;

AND WHEREAS it is deemed expedient to dissolve the Electoral Area of Langford and to incorporate the lands and land covered by water of the aforesaid Electoral Area within the Electoral Area of Sooke, the combined area of which is to be known as the Juan de Fuca Electoral Area;

NOW KNOW YE that by these presents, We do order and proclaim that:

REDEFINITION OF ELECTORAL AREA BOUNDARIES

1.0 The Letters Patent of the Capital Regional District, as amended, be further amended as follows:

- 1. Section 3 is deleted in its entirety and the following substituted therefor:
 - "3. The member municipalities of the regional district are as follows:
 - (a) Municipalities: The Corporation of the District of Central Saanich, City of Colwood, Corporation of the Township of Esquimalt, District of Highlands, District of Langford, District of Metchosin, District of North Saanich, The Corporation of the District of Oak Bay, The Corporation of the District of Saanich, Town of Sidney, District of Sooke, Town of View Royal, and The Corporation of the City of Victoria.
 - (b) Electoral Areas: Outer Gulf Islands, Saltspring Island, and Juan de Fuca, the boundaries of which are described in Appendix A attached to and forming part of these Letters Patent."
- 2. By striking out in Appendix A, as amended, the boundary description of the Electoral Area of Langford.
- 3. By striking out in Appendix A, as amended, the boundary description of the Electoral Area of Sooke and substituting the following therefor:

Juan de Fuca - Firstly: Commencing at the point of intersection of a line drawn due east from the most northerly corner of Lot 74A, Lake Land District and the northeasterly boundary of The Corporation of the District of Saanich, as defined in *The British Columbia Gazette* under date of January 12, 1995, said boundary of the District of Saanich being 304.8 metres

perpendicularly distant northeasterly from the natural high water mark of Saanich Peninsula, on the easterly shore thereof; thence in a general southeasterly and northwesterly direction along the boundaries of said District of Saanich to the point of intersection with the northeasterly boundary of The Corporation of the District of Oak Bay, as defined in The British Columbia Gazette under date of April 16, 1981; thence in a general southerly and northerly direction along the boundaries of said District of Oak Bay to the point of intersection with the southerly boundary of The Corporation of the City of Victoria, as incorporated on August 2, 1862 and subsequently amended, the latest amendment being May 2, 1952, thence in a general westerly and northerly direction along the boundaries of said City of Victoria to the point of intersection with the easterly boundary of the Corporation of the Township of Esquimalt, as defined in The British Columbia Gazette, under date of February 29, 1968; thence in a general southerly, westerly, and northerly direction along the boundaries of said Township of Esquimalt to the point of intersection with the easterly boundary of the City of Colwood, as defined in The British Columbia Gazette under date of September 28, 1989; thence in a general southwesterly direction along the boundaries of said City of Colwood to the point of intersection with the easterly boundary of the District of Metchosin, as defined in The British Columbia Gazette under date of July 26, 1984; thence in a general southerly, westerly, northerly and northwesterly direction along the boundaries of said District of Metchosin to the most easterly corner of Section 122, Sooke Land District; thence southwesterly and northwesterly along the southeasterly and southwesterly boundaries of said Section 122, to the most westerly corner thereof; thence northwesterly, southeasterly and southwesterly along the northeasterly, southwesterly and northwesterly boundaries of Section 120, to the most easterly

corner of Lot 2 of Section 71, Registered Plan 38961 on file in the Land Title Office, Victoria; thence northwesterly and southwesterly along the northeasterly and northwesterly boundaries of said Lot 2, Plan 38961 to the most westerly corner thereof; thence northwesterly along the northeasterly boundary of Lot 3 of Section 70, Registered Plan 23371, to the most easterly corner of Lot 2 of Section 70, Plan 23371; thence southwesterly and northwesterly along the southeasterly and southwesterly boundaries of said Lot 2, Plan 23371, to the most westerly corner thereof, thence southwesterly along the northwesterly boundary of Lot 3 of Section 70, Plan 23371, to the most northerly corner of Lot 1 of Section 70, Registered Plan 20544; thence southwesterly along the northwesterly boundary of said Lot 1, Plan 20544, to the point of intersection with the easterly prolongation of the northerly boundary of Lot 1 of Section 70, Registered Plan 13445; thence westerly along said prolongation and continuing westerly along the northerly boundary of Lot 1 of Section 70, Plan 13445, to the northwest corner thereof, thence southwesterly along the southeasterly limit of Canadian National Railway right of way, as shown on Registered Plan 98RW, (and now known as the Galloping Goose Trail), to the point of intersection with the southwesterly boundary of Section 70; thence northwesterly along the southwesterly boundary of said Section 70 to the point of intersection with the natural high water mark of Hutchinson Cove, on the easterly shore thereof; thence westerly in a straight line and in a direction perpendicular to the said high water mark of Hutchinson Cove, on the easterly shore thereof, to the middle point of said Hutchinson Cove; thence southwesterly in a straight line to the mid-point of Hutchinson Cove, at the entrance thereto; thence southwesterly along the southwesterly prolongation of the same straight line to the mid-point of Sooke Basin; thence in general northwesterly and southwesterly direction along the middle lines of Sooke

Basin, Sooke Harbour and Sooke Inlet to the point of intersection with a line drawn parallel to and perpendicularly distant 300 metres southerly from the natural high water mark of Sooke Inlet, on the northerly shore thereof; thence in a general southwesterly and northwesterly direction parallel to and 300 metres perpendicularly distant southeasterly and southwesterly from the natural high water marks of Sooke Inlet and Juan de Fuca Strait to the point of intersection with the southwesterly prolongation of the southeasterly boundary of Section 16 (Indian Reserve Number 2, Sooke); thence northeasterly along said southwesterly prolongation and continuing northeasterly, northwesterly and southwesterly along the southeasterly, northeasterly and northwesterly boundaries of Section 16 (Indian Reserve Number 2, Sooke), to the northwest corner thereof, being a point on the natural high water mark of Sooke Bay, on the northeasterly shore thereof; thence southwesterly along the southwesterly prolongation of the northwesterly boundary of Section 16, (Indian Reserve Number 2, Sooke), for a distance of 300 metres; thence in a general northwesterly and westerly direction 300 metres perpendicularly distant southwesterly and southerly from and parallel to the natural high water mark of Sooke Bay, on the northerly shore thereof, to the point of intersection with a straight line drawn 300 metres southerly from and perpendicular to the most westerly southwest corner of Section 18, Sooke Land District; thence northerly along said straight line to the most westerly southwest corner of Section 18; thence northwesterly along the southwesterly boundaries of Sections 18 and 19 to the most westerly corner of said Section 19; thence northeasterly along the northwesterly boundary of Section 19 to the most southerly corner of Section 39; thence northwesterly and northeasterly along the southwesterly and northwesterly boundaries of said Section 39 to the most westerly corner of Section 38; thence northeasterly

along the northwesterly boundaries of Sections 38, 37 and 36 to the most southerly corner of Lot 1 of Section 1, Otter Land District, Registered Plan 23816; thence northerly along the westerly boundaries of Lots 1, 2 and 3 of Section 1, Plan 23816, and Lots 1 and 2 of Section 1, Registered Plan 40715, to the northwest corner of said Lot 2, Plan 40715; thence easterly along the northerly boundary of Lot 2 of Section 1, Plan 40715 to the northeast corner thereof: thence easterly in a straight line to the northwest corner of Lot 5 of Section 1, Plan 23816; thence southeasterly along the northeasterly boundaries of Lots 5 to 10, inclusive, of Section 1. Plan 23816, to the most easterly corner of said Lot 10, Plan 23816, being a point on the natural high water mark of De Mamiel Creek on the right bank thereof; thence in a general southerly direction along said right bank of De Mamiel Creek to the point of intersection with the northwesterly boundary of Section 35, Sooke Land District; thence northeasterly along the northwesterly boundaries of Sections 35, 34, and 33 to the most southerly corner of Section 24, Otter Land District; thence northerly and easterly along the westerly and northerly boundaries of said Section 24 to the northeast corner thereof; thence northerly along the westerly boundaries of Sections 13 and 25 to the point of intersection with the southeasterly boundary of Malahat Land District; thence southwesterly, northerly, westerly and northerly along the southeasterly, westerly, southerly and westerly boundaries of Block 1435 E & N. Malahat Land District, to the most westerly northwest corner thereof; thence westerly, northerly, westerly and northerly along the southerly, westerly, southerly and westerly boundaries of Block 843 E & N, to the northwest corner thereof; thence westerly, northerly, easterly, northerly, westerly, northerly, easterly and southerly along the boundaries of Block 844 E & N, to the most southerly corner of Block 1036 E & N, and being a point on the right

bank of Sooke River; thence due south to the point of intersection with the left bank of Sooke River; thence South 45 degrees East along a straight line to the point of intersection with the easterly limit of Canadian National Railway right of way, as shown on Registered Plan 1204 O.S., (and now known as the Galloping Goose Trail); thence in a general southerly direction along the easterly limit of said Canadian National Railway right of way, Plan 1204 O.S. to the point of intersection with the northerly boundary of Section 22, Otter Land District; thence easterly along the northerly boundaries of Sections 22, 21, 20 and 19, to the northeast corner of said Section 19; thence southerly along the easterly boundary of Section 19 to the northwest corner of Section 57, Goldstream Land District, and being a point on the northerly boundary of the District of Metchosin, as defined in The British Columbia Gazette under date of July 26, 1984; thence easterly along the northerly boundary of the said District of Metchosin to the point of intersection with the westerly boundary of the District of Langford, as defined in The British Columbia Gazette under date of March 2, 1995; thence northerly and easterly along the westerly and northerly boundaries of said District of Langford to the point of intersection with the westerly boundary of the District of Highlands, as defined in The British Columbia Gazette under date of January 18, 1996; thence northerly and easterly along the westerly and northerly boundaries of the said District of Highlands, to the point of intersection with the westerly boundary of the aforesaid District of Saanich, as defined in The British Columbia Gazette under date of January 12, 1995; thence easterly and northerly along the northerly and westerly boundaries of the said District of Saanich to the most northerly northwest corner thereof, thence northerly along the westerly boundary of Section 15, Range 1 West, South Saanich Land District, to the point of intersection with the middle line of Tod Creek; thence

westerly along said middle line of Tod Creek and continuing westerly and northerly along the middle line of Tod Inlet produced to the middle line of Saanich Inlet; thence southerly along said middle line of Saanich Inlet and the middle lines of Squally Reach and Finlayson Arm to the point of intersection with a line drawn due east from the most northerly northeast corner of Lot 167, Malahat Land District; thence due west to the aforesaid most northerly northeast corner of Lot 167 and continuing westerly along the northerly boundaries of Lots 167, 51 and 54 to the northwest corner of said Lot 54; thence westerly and southerly along the northerly and westerly boundaries of Block 453 to the point of intersection with the northerly boundary of Lot 85; thence westerly along the northerly boundary of said Lot 85 to the point of intersection with the easterly boundary of Lot 38; thence northerly along the easterly boundary of said Lot 38 to the northeast corner thereof; thence northerly and westerly along the easterly and northerly boundaries of Lot 57 to the northwest corner thereof; thence northerly along the easterly boundary of Lot 62 to the most southerly southeast corner of Block 287; thence westerly and northerly along the southerly and westerly boundaries of said Block 287 to the southerly boundary of Bock 323; thence westerly along the southerly boundary of said Block 323 to the easterly boundary of Block 159; thence northerly, westerly and northerly along the boundaries of said Block 159 to the southerly boundary of Lot 6; thence easterly and northerly along the southerly and easterly boundaries of said Lot 6 to the northwest corner of Lot 90; thence easterly, northerly, westerly and southerly along the boundaries of Block 159 to Lot 42; thence westerly along the northerly boundary of said Lot 42 to the northwest corner thereof, thence northerly and westerly along the easterly and northerly boundaries of Block 159 to the southeast corner of Block 160; thence northerly, westerly and southerly along the boundaries of

Block 160 to the northerly boundary of Block 159; thence westerly and southerly along the northerly and westerly boundaries of said Block 159 to the northerly boundary of Block 1255; thence westerly and southerly along the boundaries of said Block 1255 to the northerly boundary of Block 1068; thence westerly along the northerly boundary of said Block 1068 to the northwest corner thereof; thence westerly and northerly along the northerly and easterly boundaries of Block 1273 to the southerly boundary of Block 889; thence northerly, easterly, northerly and westerly along the boundaries of said Block 889 to the easterly boundary of Block 773; thence northerly along the easterly boundaries of Blocks 773 and 766 to the northeast corner of Block 766; thence westerly along the northerly boundaries of Blocks 766, 9, 1149 and 1296 to the northwest corner of said Block 1296; thence northerly, westerly and southerly along the easterly, northerly and westerly boundaries of Block 1234, Malahat and Cowichan Lake Land Districts, to the northerly boundary of Block 1235, Malahat and Cowichan Lake Land Districts; thence westerly, northerly and westerly along the boundaries of said Block 1235 to the southwesterly boundary of the Esquimalt & Nanaimo Railway Company's Land Grant Boundary, all the lots and blocks herein above mentioned, beginning with Lot 167, being within the Esquimalt and Nanaimo Land Grant Boundary; thence northwesterly along said Esquimalt and Nanaimo Land Grant Boundary to the easterly boundary of Lot 680, Renfrew Land District; thence southerly and westerly along the easterly and southerly boundaries of Lot 680 to the southwest corner thereof, thence due south to the northerly boundary of Lot 200; thence westerly and southwesterly along the northerly and northwesterly boundaries of Lot 200 to the most westerly northwest corner thereof, thence due west to the easterly boundary of Lot 195; thence northerly and westerly along the easterly and

northerly boundaries of Lot 195 and continuing westerly along the northerly boundary of Lot 196 to the easterly boundary of Lot 223; thence southerly along the easterly boundaries of Lots 223, 222, 215 and 168 to the northerly boundary of Lot 117; thence westerly and southerly along the northerly and westerly boundaries of said Lot 117 and continuing southerly along the westerly boundary of Lot 118 and its production southerly to the northerly boundary of Lot 146; thence westerly and southerly along the boundaries of Lot 146 to the southwest corner thereof, being a point on the natural high water mark of Juan de Fuca Strait, on the northerly shore thereof, and all the lots herein above mentioned, beginning with Lot 680, being in Renfrew Land District; thence due south to the southerly boundary of the Province; thence southeasterly, northeasterly and northwesterly along the southwesterly, southeasterly and northeasterly boundaries of said Province of British Columbia to the point of intersection with a line drawn due east from the most northerly corner of Lot 74A, Lake Land District; thence due west along said line to the aforesaid point of intersection with the northeasterly boundary of The Corporation of the District of Saanich, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the corporate limits of any city, district, District or village municipality or any land, foreshore, or land covered by water that may be hereafter incorporated therein.

Secondly: Indian Reserve 1, Esquimalt (also known as Lot 25, Esquimalt Land District) and Indian Reserve 1A, New Songhees, (also known as Lot 2A, Esquimalt Land District).

Thirdly: Indian Reserve 13, Highland Land District, except that part of Finlayson Arm Road

right of way within that Indian Reserve.

Fourthly: Indian Reserve 1, Sooke, (also known as Section 8, Sooke Land District).

- 1.1 The Langford Electoral Area is dissolved immediately before the first Monday after December 1, 1999 or when the director for the Juan de Fuca Electoral Area takes office, whichever is later.
- 1.2 For the purposes of the 1999 general local election, the Juan de Fuca Electoral Area is deemed to exist prior to the date in section 1.1 and those qualified electors of the Langford Electoral Area and the Sooke Electoral Area, excepting that part incorporated as the District of Sooke by Letters Patent issued concurrently with these Supplementary Letters Patent, are deemed to be qualified electors of the Juan de Fuca Electoral Area.

TRANSFER OF SERVICES TO THE DISTRICT OF SOOKE

- 2.0 The jurisdiction for all local services and extended services of the Capital Regional District, except as described in section 6.0 of these Supplementary Letters Patent, which are within the jurisdiction of the Capital Regional District, are hereby transferred to the District of Sooke.
- 2.1 The effective date of transfer of jurisdiction for the services described in section 2.0, above, shall be the effective date of these Supplementary Letters Patent, unless otherwise provided by Order

of the Minister, pursuant to section 782 of the Municipal Act.

MANAGEMENT OF DEVELOPMENT

- Jurisdiction for the management of development, pursuant to Part 26 of the Municipal Act, within the District of Sooke is transferred from the Capital Regional District to the District of Sooke, effective December 7, 1999.
- 3.1 A contract is hereby established between the District of Sooke and the Capital Regional District whereby the Capital Regional District will provide administrative support for the management of development services within and on behalf of the District of Sooke, as directed by Council, from the date of incorporation until midnight, December 31, 2000. The specific terms of the contract shall be as mutually agreed by the District of Sooke and the Capital Regional District, and those terms may include an expiry of the contract prior to December 31, 2000 upon notice being provided as established by those terms.
- 3.2 With respect to the contract established by section 3.1 above, the District of Sooke shall be responsible for any costs of the Capital Regional District over and above the amount of the budgeted expenditures for the year 2000 for the management of development within that portion of the Sooke Electoral Area newly enclosed within the municipal boundaries of the District of Sooke, and the Capital Regional District shall only spend funds beyond that budgeted amount with the consent of the District of Sooke.

REGIONAL DISTRICT ELECTORAL AREA MANAGEMENT OF DEVELOPMENT

4.0 For the year 2000 the District of Sooke shall be a municipal participating area in the Capital Regional District general service of management of development, as defined by section 797(c) of the Municipal Act unless the Council of the District of Sooke notifies the board before January 31, 2000 that it will not participate.

REGIONAL DISTRICT SERVICES TRANSFERRED TO THE DISTRICT OF SOOKE

The following services of the Capital Regional District are transferred to the District of Sooke, effective December 7, 1999, as described in Letters Patent of the District of Sooke, approved and ordered concurrently with these Supplementary Letters Patent:

- 1					
CAPITAL REGIONAL DISTRICT SERVICES TRANSFERRED TO THE DISTRICT OF SOOKE					
	SERVICE	AUTHORITY REFERENCE			
	Removal and deposit of soil.	Letters Patent, Division, XI			
	Community Parks.	Letters Patent, Division, XIV			
Nuisances and	Nuisances and Unsightly premises.	Letters Patent, Division, XX			
	Animal Control.	Letters Patent, Division, XXII			
	Noise Control.	Letters Patent, Division, XXVII			
	Harbour Authority.	Letters Patent, Division, XXXVII			
	Fireworks and Firearms Control.	Letters Patent, Division IV			
	Building Inspection.	Building Inspection Extended Service Establishment Bylaw No. 1750.			

Economic Development Commission.	Economic Development Commission Establishing Bylaw No. 1824.
Regional Library participation.	Vancouver Island Regional Library District Participation Local Service Establishment Bylaw No. 2248
Numbering of Buildings.	Sooke Numbering of Buildings Extended Service Establishment Bylaw No. 2105
Emergency Program Act.	Sooke Emergency Program Act Extended Service Bylaw No. 2109
Stormwater Quality Management.	Sooke Stormwater Quality Management Extended Service Establishment Bylaw No. 2453

- A contract is hereby established between the District of Sooke and the Capital Regional District whereby the Capital Regional District will provide administrative support for regulatory bylaws in force and effect in relation to the services of removal and deposit of soil, nuisances and unsightly premises, animal control, noise control, fireworks and firearms control, building inspection and numbering of buildings described in section 5.0, above, at the time of incorporation of the District of Sooke, within and on behalf of the District of Sooke, as directed by Council, from the date of incorporation to midnight, December 31, 2000. The specific terms of the contract shall be as mutually agreed by the District of Sooke and the Capital Regional District and may include an expiry of the contract prior to December 31, 2000 upon notice being provided as established by those terms.
- 5.2 The cost, net of fees and charges, shall be paid for by the District of Sooke to the Capital Regional District for the service based on the costs of servicing the District of Sooke in relation to the overall service area and on the same basis that is charged to the service area outside the District of Sooke.

- With respect to the local services described in section 5.0, above, all rights, titles, assets, powers, privileges, licenses, liabilities and interests of the Capital Regional District are transferred to the District of Sooke; and where the local service area includes an area greater than that portion of the area of the Sooke Electoral Area newly enclosed within the municipal boundaries of the District of Sooke, the service area is reduced by the exclusion of the area incorporated as the District of Sooke.
- Where the Capital Regional District has established a reserve fund pursuant to section 826 of the Municipal Act for a particular local service transferred to the District of Sooke, the Capital Regional District shall transfer those funds, including accumulated interest, to the District of Sooke no later than June 1, 2000.

DISTRICT OF SOOKE PARTICIPATION IN REGIONAL DISTRICT SERVICES

The District of Sooke shall be a municipal participating area in the following services of the Capital Regional District, and any other services for which Sooke Electoral Area was an electoral participating area at the time of incorporation of the District of Sooke except where transferred by these Supplementary Letters Patent:

CAPITAL REGIONAL DISTRICT SERVICES DISTRICT OF SOOKE A PARTICIPANT				
SERVICE	AUTHORITY REFERENCE			
Community Health Services.	Letters Patent, Division XI			
Land Assembly, Housing and Land Banking.	Letters Patent, Division XII			
Septage Disposal.	Letters Patent, Division XXI			
Temporary Investment of Debenture Proceeds.	Letters Patent, Division XXVIII			
Transit.	Letters Patent, Division XXIV			
Development and Sale of Land.	Letters Patent, Division XXXIV			
Community Recreation Programs.	Letters Patent, Division XV			
Solid Waste Disposal.	Solid Waste Disposal Local Service Establishment Bylaw No.1903			
Regional Source Control Program.	Source Control Local Service Establishment Bylaw No. 2402			
Regional Water Supply.	Water Supply Local Service Area Establishment Bylaw No. 2537			
Regional Water Distribution.	Water Distribution Local Service Area Establishment Bylaw No. 2538			
Regional Parks.	Regional Parks Extended Service Establishment Bylaw No. 1749			
Regional Parks - Towing of Vehicles.	Regional parks Vehicle Towing Extended Service Establishment Bylaw No. 2529			
911 Emergency Response Telephone.	Emergency Response Telephone Extended Service Establishment Bylaw No. 2468			
Family Court Committee.	Family Court Committee Extended Service Establishment Bylaw No. 2560			
Traffic Safety Commission.	Bylaw No. 1828			
Emergency Radio and Electronic Communications Advisory Service.	Emergency Radio and Electronic Communications Systems Advisory Extended Service Establishment Bylaw No. 2703			

Sooke Regional Historical Society - Museum Grant in Aid.	Sooke Region Historical Society Specified Area Establishment Bylaw No. 1189
Sooke Ice Arena.	Bylaw No. 152
Sooke Swimming Pool.	Sooke Swimming Pool Local Service Establishment Bylaw No. 2598

6.1 Commencing in the 2000 taxation year, the District of Sooke shall levy, collect and remit to the Capital Regional District such taxes and charges as are necessary to meet its share of the operating and debt servicing costs of the services described in section 6.0, above.

CONTINUATION OF SERVICE AREA BOUNDARIES

7.0 Services which were provided to the entire area of the Sooke Electoral Area or the entire area of the Langford Electoral Area by the Capital Regional District on December 7, 1999, will continue to be provided to that same portion of the Juan de Fuca Electoral Area except for the area newly incorporated within the District of Sooke, until determined otherwise by the Capital Regional District:

ARBITRATION

In the event that the Capital Regional District and the District of Sooke are unable to agree on any matter arising from the implementation of these Supplementary Letters Patent or Letters Patent incorporating the District of Sooke, approved and ordered concurrently with these Supplementary Letters Patent, the parties may request the Inspector of Municipalities to review the issue which

is the subject of the dispute, and the Inspector may make recommendations, or may impose a resolution which is binding on all parties.

EFFECTIVE DATE

8.0 These Supplementary Letters Patent are effective December 7, 1999.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable Garde B. Gardom, Q.C., Lieutenant Governor of Our said Province of British Columbia, in our City of Victoria, in Our said Province, this 2ND day of SEPTEMBER, in the year of Our Lord one thousand nine hundred and ninety-nine and in the forty-eighth year of Our Reign.

By Command.

Attorney General

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