



ORDINANCES  
OF THE  
**YUKON TERRITORY**

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PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR  
**1968**  
THIRD AND FOURTH SESSIONS

J. SMITH  
COMMISSIONER

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THIRD SESSION



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## CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY  
1968 (Third Session)

AN ORDINANCE RESPECTING  
LANDS OF THE YUKON TERRITORY

(Assented to July 5th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. This Ordinance may be cited as the *Yukon Lands Ordinance*. Short Title.
2. In this Ordinance "lands" means lands to which this Ordinance applies. Lands Defined.
3. This Ordinance applies in respect of Application.
  - (a) lands acquired before or after the coming into force of this Ordinance, with Territorial Funds;
  - (b) public lands, the administration of which has, before or after the coming into force of this Ordinance, been transferred by the Governor in Council to the Commissioner;
  - (c) lands acquired by the Commissioner pursuant to tax sale proceedings;
  - (d) all roads, streets, lanes and trails on public lands; and
  - (e) any other lands that are subject to the control of the Commissioner in Council.
4. (1) The Commissioner may dispose of lands that in the opinion of the Commissioner are not required for public purposes. Power to Direct disposition of Lands.
  - (2) All agreements providing for the disposition of lands shall be in writing and shall be signed by the Commissioner and be sealed with the seal of the Territory. Execution of Agreements.

**CHAP. 1**

**LANDS OF THE YUKON TERRITORY**

**Regulations.**

**5.**

The Commissioner may make regulations

- (a) providing for the appraisal of lands and for the manner in which such lands are to be offered for sale or other disposition ;
- (b) prescribing the terms and conditions of any sale, lease or licence to occupy of lands ; and
- (c) prescribing the fees to be payable to the Commissioner upon any disposition of lands.

**6.**

The Clerk of the Council shall lay before the Territorial Council a copy of every document disposing of lands at the session of the Council next following the date of such document.

**Repeal.**

**7.**

The Yukon Lands Ordinance being Chapter 112 of the Revised Ordinances of the Yukon Territory, 1958, is hereby repealed.





## CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY  
1968 (Third Session)

AN ORDINANCE TO AUTHORIZE THE  
COMMISSIONER TO BORROW A SUM NOT  
EXCEEDING SIX HUNDRED THOUSAND DOLLARS  
FROM THE GOVERNMENT OF CANADA AND TO  
AUTHORIZE THE COMMISSIONER TO ENTER  
INTO AN AGREEMENT RELATING THERETO  
AND TO AUTHORIZE THE COMMISSIONER TO  
ENTER INTO AN AGREEMENT WITH THE  
ANVIL MINING CORPORATION LIMITED FOR THE  
CONSTRUCTION OF CERTAIN WORKS

*(Assented to July 5th, 1968)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. This Ordinance may be cited as the *Canada and Anvil Agreements Ordinance*. Short Title.
2. The Commissioner on behalf of the Yukon Territory may borrow from the Government of Canada a sum not exceeding six hundred thousand dollars. Commissioner may borrow.
3. The Commissioner is authorized to enter into and execute on behalf of the Yukon Territory an agreement with the Government of Canada providing for
  - (a) the repayment to the Government of Canada of the amount borrowed pursuant to section 2; Commissioner may execute agreement with Canada.
  - (b) the payment to the Government of Canada of interest at such rate as may be agreed upon by the Commissioner on the principal from time to time outstanding on the amount borrowed pursuant to section 2;
  - (c) such other terms and conditions as may be agreed upon by the Commissioner.

Commissioner  
may execute  
agreement  
with Anvil.

4. The Commissioner is authorized to enter into and execute on behalf of the Yukon Territory an agreement with the Anvil Mining Corporation Limited providing for the construction on behalf of the Yukon Territory of a public townsite and access road in the Territory.

5. The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Yukon Territory under agreements entered into pursuant to sections 3 and 4 of this Ordinance.

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## CHAPTER 3

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ORDINANCES OF THE YUKON TERRITORY  
1968 (Third Session)

AN ORDINANCE TO AMEND  
THE TAXATION ORDINANCE

*(Assented to July 5th, 1968)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 50 of the Taxation Ordinance is hereby repealed and the following substituted therefor:

"50. (1) On or before the first day of February in each year the Commissioner shall, in accordance with this Ordinance, levy taxes on the assessed value of all real property in the Territory liable to taxation under this Ordinance. <sup>Rates.</sup>

(2) The Commissioner may vary the rate of tax levied under this section according to the location of the real property to be taxed.

(3) Any order of the Commissioner varying the rate of tax made under subsection (2) of this section shall be laid before the Council within the first fifteen days of the session next after the date thereof, and if the Council within the period of forty days beginning with the day on which any such order is laid before the Council resolves that it be annulled, it ceases to have effect, but without prejudice to its previous operation or anything duly done or forfeiture or punishment incurred."



ORDINANCES  
OF THE  
**YUKON TERRITORY**

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PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR  
**1968**  
FOURTH SESSION



CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO FACILITATE THE DIVISION  
OF PROPERTIES INTO PARTS THAT ARE TO BE  
OWNED INDIVIDUALLY AND PARTS THAT ARE  
TO BE OWNED IN COMMON AND TO  
PROVIDE FOR THE USE AND  
MANAGEMENT OF SUCH PROPERTIES

(Assented to December 9th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as *The Condominium Ordinance*. Short Title.

INTERPRETATION.

2. (1) In this Ordinance, Definitions.
- (a) "architect" means a person who is authorized to practice as an architect in any province; "Architect."
  - (b) "board" means the board of directors of a corporation; "Board."
  - (c) "buildings" means the buildings included in a property; "Buildings."
  - (d) "by-law" means a by-law of a corporation; "By-law."
  - (e) "claim" includes a right, title, interest, encumbrance or demand of any kind affecting land, but does not include the interest of an owner in his unit and common interest; "Claim."
  - (f) "common elements" means all the property except the units; "Common Elements."

- "Common Expenses." (g) "common expenses" means the expenses of a performance of the objects and duties of a corporation and any expenses specified as common expenses in a declaration or in section 7;
- "Common Interest." (h) "common interest" means the interest in the common elements appurtenant to a unit;
- "Corporation." (i) "corporation" means a corporation incorporated under this Ordinance;
- "Declaration." (j) "declaration" means a declaration to which reference is made in section 6 and includes any amendments thereto;
- "Encumbrance." (k) "encumbrance" means a claim that secures the payment of money or the performance of any other obligation and includes a charge, a mortgage and a lien;
- "Land." (l) "land" means land, whether leasehold or in fee simple under the provisions of the *Land Titles Act (Canada)*;
- "Owner." (m) "owner" means the owner of the freehold estate or leasehold estate in a unit and common interest, but does not include a mortgagee unless the mortgagee is in possession;
- "Plan." (n) "plan" means the plan to which reference is made in section 7 and includes any amendments thereto;
- "Property." (o) "property" means the land and interests appurtenant to the land described in the plan or subsequently added to the common elements;
- "Registered." (p) "registered" means registered under the *Land Titles Act (Canada)*;
- "Registrar." (q) "registrar" means a registrar or deputy registrar appointed under the *Land Titles Act (Canada)*;
- "Surveyor." (r) "surveyor" means a Dominion Land Surveyor; and



- (s) "unit" means a part of the land included in the plan and designated as a unit by the plan, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and plan are registered. "Unit."

3. (1) Words and expressions used in this Ordinance, and not defined in section 2 have the same meanings as assigned to them under the *Land Titles Act (Canada)*. Meaning of other expressions.

(2) For the purposes of this Ordinance, the ownership of, or leasehold interest in, land includes the ownership of, or leasehold interest in, space. Ownership of space.

4. The objects of this Ordinance are to facilitate the division of property into parts that are to be owned or leased individually, and parts that are to be owned or leased in common, and to provide for the use and management of such properties and to expedite dealings therewith; and the Ordinance shall be construed in a manner to give the greatest effect to these objects. Objects.

5. (1) A declaration and plan may be registered by or on behalf of the owner in fee simple, or the lessee, of the land described in the plan. Who may register declaration.

(2) Upon registration of a declaration and plan, the property described in the plan is governed by this Ordinance and the registrar shall Effect of registration.

- (a) issue a certificate of title in the name of the corporation as hereinafter provided, which shall set forth that the certificate of title is issued pursuant to the *Condominium Ordinance*;
- (b) issue a separate certificate of title in the name of each owner for each unit described in the plan which shall set forth the proportion of the common interest appurtenant to the unit, and that the certificate of title is issued pursuant to the *Condominium Ordinance*;
- (c) keep an index to be known as "Condominium Corporations Index";

- (d) keep a register to be known as “Condominium Register” in which declarations, plans, by-laws, notices of termination and other instruments respecting land governed by this Ordinance shall be registered, and the registration recorded.

Contents of  
declaration.

- 6. (1) A declaration shall not be registered unless
  - (a) title to the land described therein is registered under the *Land Titles Act (Canada)*;
  - (b) it is executed by the owner or lessee of the property;
  - (c) it has been approved as to form by the registrar;
  - (d) it contains the legal description of the land that is the subject of the declaration;
  - (e) it contains the statement of intention that the land or the leasehold interest therein, and interests appurtenant to the land described in the plan be governed by this Ordinance;
  - (f) it contains the consent of all persons having registered encumbrances against the land or interests appurtenant to the land described in the plan;
  - (g) it contains a statement expressed in percentages allocated to the units of the proportions in which the owners are to contribute to the common expenses and to share in the common interest;
  - (h) it contains a statement expressed in percentages allocated to the units, of the proportions in which the owners are to contribute to the common expenses and to share in the common interest; and
    - (i) it contains an address for service.

Further  
contents of  
declaration.

- (2) In addition to the matters mentioned in subsection (1) a declaration may contain
  - (a) a specification of common expenses;

- (b) a specification of any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;
- (c) provisions respecting the occupation and use of the units and common elements, but no such provision shall discriminate because of the race, creed, colour, nationality, ancestry or the place of origin of any person;
- (d) provisions restricting gifts, leases and sales of the units and common interest, but no such provision shall discriminate because of the race, creed, colour, nationality, ancestry or the place of origin of any person;
- (e) a specification of the number, qualification, nomination, election, term of office, compensation and removal of members of the board, and the meetings, quorum, functions and officers of the board;
- (f) a specification of the duties of the corporation consistent with its objects;
- (g) a specification of the majority required to make by-laws of the corporation;
- (h) provisions regulating the assessment and collection of contributions towards the common expenses;
- (i) provisions respecting the priority of a lien for unpaid assessment;
- (j) a specification of the majority required to make substantial changes in the common elements and the assets of the corporation;
- (k) a specification of any provision requiring the corporation to purchase the units and common interests of any owners who dissented after a substantial addition, alteration or improvement to, or renovation of, the common elements has been made or after the assets of the corporation have been substantially changed;

- (l) a specification of any allocation of the obligations to repair and to maintain the units and common elements;
- (m) a specification of the percentage of substantial damage to the buildings and a specification of the majority required to authorize repairs under section 20;
- (n) a specification of the majority required for a sale of the property or a part of the common elements;
- (o) a specification of the majority required for the termination of the government of the property under this Ordinance;
- (p) any other matters concerning the property; or
- (q) any or all of such matters.

Amendment of declaration.

(3) All matters contained in a declaration, except the address for service, may be amended only with the written consent of all owners, and all persons having registered encumbrances against the units and common interests.

Registration of amendment.

(4) Where a declaration is amended, the corporation shall register a copy of the amendment either

- (a) executed by all the owners and all persons having registered encumbrances against the units and common interests, or
- (b) accompanied by a certificate under the seal of the corporation certifying that all the owners and all persons having registered encumbrances against the units and common interests have consented in writing to the amendment.

and until the copy is registered, the amendment is ineffective.

Contents of plan.

7. (1) A plan shall delineate the perimeter of the horizontal surface of the land, and the perimeter of the buildings in relation thereto, and shall contain

- (a) structural plans of the buildings;

- (b) a specification of the boundaries of each unit by reference to the buildings;
- (c) diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings;
- (d) a certificate of a surveyor certifying that he was present at and personally superintended the survey represented by the plan, and that the survey and plan are correct;
- (e) a certificate of an architect certifying that the buildings have been constructed and that the diagrams of the units are substantially accurate, and substantially in accordance with the structural plans; and
- (f) a description of any interest appurtenant to the land that is included in the property.

(2) A plan and any amending plan shall not be registered unless it has been approved by the Surveyor General of Canada. Approval of plan.

(3) The plan may be amended only with the written consent of all owners and all persons having registered encumbrances against the units and common interests. Amendment of plan.

(4) Where a plan is amended, the corporation shall register a copy of the amended plan either Registration of amendment.

- (a) executed by all the owners and all persons having registered encumbrances against the units and common interests, or
- (b) accompanied by a certificate under the seal of the corporation certifying that all the owners and all persons having registered encumbrances against the units and common interest have consented in writing to the amendments.

and until the copy is registered, the amendment is ineffective.

**8.** (1) Units and common interests are real property for all purposes and the unit and common interest appurtenant. Nature of units and Common Interests.

ant thereto provided therein may devolve or be transferred, leased, mortgaged, or otherwise dealt with in the same manner and form as any land the title to which is registered under the *Land Titles Act (Canada)*.

Ownership of units. (2) Subject to this Ordinance, the declaration and the by-laws, each owner is entitled to exclusive ownership and use of his unit.

Dangerous activities. (3) No condition shall be permitted to exist, and no activity shall be carried on, in any unit or the common elements that are likely to damage the property.

Right to enter. (4) The corporation, or any person authorized by the corporation, may enter any unit at any reasonable time to perform the objects and duties of the corporation.

Ownership. 9. (1) The owners are tenants in common of the common elements.

Common elements. (2) An undivided interest in the common elements is appurtenant to each unit.

Use of common elements. (3) Subject to this Ordinance, the declaration and the by-laws, each owner may make reasonable use of the common elements.

Ownership not to be separated. (4) Except as provided by this Ordinance, no share in the common elements shall be dealt with except with the unit of the owner; and any instrument dealing with a unit shall operate to deal with the share of the owner in the common elements without express reference thereto.

No partition. (5) Except as provided in this Ordinance, the common elements shall not be partitioned or divided.

Encumbrance not enforceable saving. (6) No encumbrance is enforceable against the common elements after the declaration and plan are registered.

(7) An encumbrance which except for subsection (6) would be enforceable against the common elements, is enforceable against all the units and common interests.

Discharge. (8) Any unit and common interest may be discharged from an encumbrance by payments to the claimant of a portion of the sum claimed determined by the proportions specified in the declaration for sharing the common expenses.

(9) Upon payment of a portion of the encumbrance sufficient to discharge the encumbrance in so far as it affects a unit and common interest, and upon demand, the claimant shall give to the owner of that unit a discharge of the encumbrance in so far as it affects that unit and common interests.

Discharge on demand.

(10) For the purposes of municipal assessment and taxation each unit and common interest constitute a parcel, and the common elements do not constitute a parcel.

Assessment for taxation.

(11) For the purpose of determining liability resulting from breach of the duties of an occupier of land, the corporation shall be deemed to be occupiers of the common elements and the owners shall be deemed not to be occupiers of the common elements.

Where corporation deemed to be occupier.

10. (1) The following easements are created and are appurtenant to each unit:

Easement appurtenant to units.

- (a) Where a building or any part of a building
  - (i) moves after registration of the declaration and plan, or
  - (ii) after having been damaged and repaired, is not restored to the position occupied at the time of registration of the declaration and plan,

an easement for exclusive use and occupation in accordance with this Ordinance, the declaration and the by-laws, over the space of the other units and common elements that would be space included in the unit if the boundaries of the unit were determined by the position of the buildings from time to time after registration of the plan and not at the time of registration;

- (b) An easement for the provision of any service through any installation in the common elements or any other unit;
- (c) An easement for support and shelter by the common elements and any other unit capable of providing support or shelter.

Easements appurtenant to common elements.

(2) The following easements are created and are appurtenant to the common elements :

- (a) An easement for the provision of any service through any installation in any unit ;
- (b) An easement for support and shelter by any unit capable of providing support and shelter.

Ancillary rights.

(3) All ancillary rights and obligations reasonably necessary to make easements effective shall apply in respect of easements implied or created by this Ordinance.

Creation of corporation.

11. (1) Upon registration of a declaration and plan, there is created a corporation without share capital having a name comprised of the following components :

- (a) The place or district ;
- (b) The words "Condominium Corporation"; and
- (c) The abbreviation "No." together with a number which shall be the next available consecutive number in the Condominium Corporations Index.

Members.

(2) The members of the corporation are the owners and they shall share the assets of the corporation in the proportions as provided in the declaration.

Companies Ordinance not to apply.

(3) The *Companies Ordinance* does not apply to a corporation.

Objects of corporation.

(4) The objects of the corporation are to manage the property of the owners, and any assets of the corporation.

Responsibilities of corporation.

(5) The corporation is responsible for the control, management and administration of the common elements.

Control of corporation.

(6) The corporation shall be regulated in accordance with the declaration and the by-laws.

Records of corporation.

(7) The corporation shall keep adequate records and any member of the corporation may inspect records at any reasonable time on reasonable notice.



(8) Upon there being a change of address for service from that set out in the declaration as required by subsection (1) of section 6, the corporation shall immediately register a notice of change of address for service, and the registrar shall amend the declaration accordingly.

Change of address.

(9) The corporation may own, acquire, encumber and dispose of real and personal property for the use and enjoyment of the owners.

Real and personal property.

(10) The corporation shall have a common seal and may sue and be sued; and in particular may bring an action with respect to the common elements and may be sued in respect of any matter connected with the property for which the owners are jointly liable.

Corporation may sue and be sued.

(11) A judgment for the payment of money against the corporation is also a judgment against each owner at the time the cause of action arose for a portion of the judgment determined by the proportions specified in the declaration for sharing the common expenses.

Judgment against corporation.

(12) Where the owners and the property cease to be governed by this Ordinance,

Effect of termination.

(a) the assets of the corporation shall be used to pay any claims for the payment of money against the corporation; and

(b) the remainder of the assets of the corporation shall be distributed among the members of the corporation in the same proportions as the proportions of their common interest.

12. (1) The affairs of the corporation shall be managed by a board of directors whose number, qualification, nomination, election, term of office, compensation and removal from the board shall be as provided in the declaration or the by-laws.

Board of directors.

(2) The board of directors shall hold meetings, perform functions, elect officers, and carry out duties as provided in the declaration or by-laws.

Duties of board.

(3) The acts of a member of the board or an officer of the board done in good faith are valid notwithstanding any defect that may thereafter be discovered in his election or qualifications.

Defects in election, etc.

By-laws. **13.** (1) The corporation, by a vote of members who own sixty-six and two-thirds per cent, or such greater percentage as is specified in the declaration, of the common elements, may make or amend by-laws,

- (a) governing the management of the property;
- (b) governing the use of units or any of them for purposes of preventing unreasonable interference with the use and enjoyment of the common elements and other units;
- (c) governing the use of the common elements;
- (d) regulating the maintenance of the units and common elements;
- (e) governing the use and management of the assets of the corporation;
- (f) respecting the board;
- (g) specifying duties of the corporation consistent with its objects;
- (h) regulating the assessment and collection of contributions towards the common expenses; and
- (i) respecting the conduct generally of the affairs of the corporation.

By-laws consistent with Ordinances. (2) The by-laws shall be reasonable and consistent with this Ordinance and the declaration.

Registration. (3) When a by-law is made, amended or repealed by the corporation, the corporation shall register a copy of the by-law, amendment or repeal together with a certificate executed by the corporation certifying that the by-law, amendment or repeal was made in accordance with this Ordinance, the declaration and the by-laws and until the copy and certificate are registered, the by-law is ineffective.

Prohibition. (4) No by-law or amendment or repeal thereof shall be capable of operating to prohibit or restrict the devolution of a unit or any transfer, lease, mortgage or other dealing therewith, or to destroy or modify any easement implied or created under this Ordinance.

(5) The by-laws may provide for the owners making reasonable rules consistent with this Ordinance, the declaration and the by-laws respecting the use of the common elements for the purposes of preventing unreasonable interference with the use and enjoyment of the units and the common elements and the rules shall be complied with and enforced in the same manner as the by-laws.

Rules for common elements.

14. (1) Each owner is bound by, shall comply with, and has a right to the compliance by the owners with, this Ordinance, the declaration and the by-laws; and the corporation has a duty to effect such compliance.

Compliance by owners.

(2) The corporation and each person having an encumbrance against a unit and common interest has a right to the compliance by the owners with this Ordinance, the declaration and the by-laws.

Compliance by others.

(3) Each member of the corporation and each person having an encumbrance against a unit and a common interest has the right to performance of any duty of the corporation specified by this Ordinance, the declaration or the by-laws.

Performance of duty of corporation.

15. (1) The corporation shall

Common expenses.

- (a) establish a fund for the payment of the common expenses to which fund the owners shall contribute in proportions specified in the declaration;
- (b) assess and collect the owner's contributions towards the common expenses as regulated by the declaration and the by-laws;
- (c) pay the common expenses;
- (d) have the right to recover from any owner by an action for debt
  - (i) the unpaid amount of any assessment,
  - (ii) any sum of money expended by it for repairs to or work done by it or at its direction in complying with any notice or order by a competent public or local authority in respect of that portion of the building comprising the unit of that owner, and

- (iii) any sum of money expended by it for repairs done by it under subsection (6) of section 19 for the owner;
- (e) have a right of lien for the unpaid amount of any assessment or account that the corporation has the right to recover from the owner under clause (d), which right of lien shall, upon registration of a notice of lien, be a lien against the unit and common interest of the defaulting owner, and have priority over all encumbrances unless otherwise provided in the declaration;
- (f) have the right to enforce the lien in the same manner as a mortgage is enforced under the *Land Titles Act (Canada)*; and
- (g) on the application of an owner or a purchaser of a unit and common interest certify
  - (i) the amount of any assessment and accounts owing by the owner to the corporation and for which the corporation has a lien or right of lien against the unit and common interest of the owner,
  - (ii) the manner in which the assessment and the accounts are payable, and
  - (iii) the extent to which the assessment and accounts have been paid by the owner,
 and in favour of any person dealing with that owner, the certificate is conclusive proof of the matters certified therein.

No avoidance of expenses.

(2) The obligation of an owner to contribute towards the common expenses shall not be avoided by waiver of the right to use the common elements or by abandonment.

Discharge of lien.

(3) Upon payment of the unpaid amount in respect of which a lien has been registered as provided in clause (e) of subsection (1) and upon demand, the corporation shall give a discharge of the lien.

Voting.

16. (1) The owners shall have voting rights in the corporation in the proportions provided in the declaration.

(2) Where a registered mortgage of a unit and common interest contains a provision that authorizes the mortgagee to exercise the right of the owner to vote or to consent, the mortgagee may exercise the right, if he has given written notice of his mortgage to the corporation and the address for service of notices on him; and where two or more mortgages contain such a provision, the right to vote or consent shall be exercisable by the mortgagee who has priority.

Voting by mortgagees.

(3) Any powers of voting conferred by this Ordinance, the declaration, or the by-laws may be exercised, or any consent required to be given under this Ordinance, the declaration or the by-laws may be given, or any document required to be executed under this Ordinance, the declaration or the by-laws may be executed,

Voting by minors, etc.

- (a) in the case of an owner who is an infant, by the guardian of his estate or, if no guardian has been appointed, by the Public Administrator;
- (b) in case of an owner who is an insane person, by the Public Administrator; or
- (c) in the case of an owner who is incapacitated for any other reason, by the person who, for the time being is authorized by law to control his property or if no such person can be found or is willing to act, by the Public Administrator.

(4) Where the court, upon application of the corporation or of any owner, is satisfied that there is no person capable or willing or reasonably available to exercise the power of voting, giving consent, or executing a document, in respect of a unit, the court

Order of court.

- (a) in cases where unanimous vote or unanimous consent is required by this Ordinance, the declaration or the by-laws, shall; and
- (b) in any other case, may in its discretion authorize the Public Administrator or some other fit and proper person, to exercise the power of voting, to give the consent or to execute the document, in respect of the unit.

Order of  
authori-  
zation.

(5) On giving authority under subsection (4), the court may make such order as it considers necessary or expedient to give effect to the authorization.

Substantial  
alterations.

17. (1) The corporation may, by a vote of members who own sixty-six and two-thirds per cent or such greater percentage as is specified in the declaration, of the common elements make any substantial addition, alteration or improvement to or renovation of the common elements, or may make any substantial change in the assets of the corporation; and the corporation may, by a vote of a majority of the members, make any other addition, alteration or improvement to or renovation of the common elements, or make any other change in the assets of the corporation.

Cost.

(2) The cost of any addition, alteration or improvement to or renovation of the common elements, and the cost of any substantial change in the assets of the corporation, are common expenses.

Dissenters.

(3) The declaration may provide that, if any substantial addition, alteration or improvement to, or renovation of, the common elements is made or if any substantial change in the assets of the corporation is made, the corporation shall, on demand of any owner who dissented, purchase his unit and common interest.

Arbitration.

(4) Where the corporation and the owner who dissented do not agree as to the purchase price of the unit and common interest, the owner who dissented may elect to have the fair market value of his unit and common interest determined by arbitration by serving a notice to that effect on the corporation, and the purchase price of his unit and common interest shall be the fair market value determined by arbitration and the *Arbitration Ordinance* shall apply.

Duty to  
insure.

18. (1) The corporation shall insure its liability to repair the units and common elements after damage resulting from fire and such other risks as may be specified by the declaration or the by-laws, to the extent required by the declaration or the by-laws, and for this purpose the corporation has an insurable interest to the replacement value of the units and common elements.

(2) Notwithstanding subsection (1), and any other law relating to insurance, an owner may insure his unit in respect of any damage in a sum equal to the amount owing at the date of any loss referred to in the policy on a mortgage of his unit.

Owner's right to insure.

(3) Any payment by an insurer under a policy of insurance entered into under subsection (2) shall be made to the mortgagees if the mortgagees, or any of them, so require, in order of their priorities; and the insurer shall then be entitled to an assignment of the mortgage or a partial interest in the mortgage to secure the amount so paid.

Payment to mortgagee.

(4) A policy of insurance issued to a corporation under the authority of subsection (1) is not liable to be brought into contribution with any other policy of insurance except another policy issued on the same building under the authority of subsection (1).

Contributions.

(5) A policy of insurance issued to an owner under the authority of subsection (2) is not liable to be brought into contribution with any other policy of insurance except another policy issued on the same unit under the authority of subsection (2).

Relation of owner's insurance.

(6) Subsections (1) and (2) do not restrict the capacity of any person to insure otherwise than as provided in those subsections.

Other insurance.

19. (1) Each owner shall maintain his unit.

Maintenance of units.

(2) The corporation shall maintain the common elements.

Maintenance of common elements.

(3) Subject to section 20, the corporation shall repair the units and common elements after damage.

Duty to repair.

(4) For the purposes of this Ordinance, the obligation to repair and the obligation to maintain are mutually exclusive; and the obligation to repair does not include any obligation to repair improvements made to units after registration of the declaration and plan.

Obligations to repair and maintain.

(5) Notwithstanding subsection (1), (2) and (3), the declaration may provide that

Declaration of obligations in declaration.

(a) each owner shall, subject to section 20, repair his unit after damage;

(b) the owners shall maintain the common elements or any part of the common elements;  
or

(c) the corporation shall maintain the units or any part of the units.

Permission to repair.

(6) The corporation shall make any repairs that an owner is obliged to make and that he does not make within a reasonable time.

Consent by owner.

(7) An owner shall be deemed to have consented to have repairs done to his unit by the corporation under this section.

Determination of damage.

20. (1) Where damage to the units and common elements occurs, the board shall determine within thirty days of the occurrence whether there has been substantial damage to the extent that the cost of repair would be twenty-five per cent, or such greater percentage as is specified in the declaration, of the value of the units and common elements immediately prior to the occurrence.

Vote for repair.

(2) Where there has been a determination that there has been substantial damage as provided in subsection (1), and the owners who own sixty-six and two thirds per cent of the units and common elements, or such greater percentage as is specified in the declaration, vote for repairs within sixty days of the determination, the corporation shall repair the damage.

Termination by notice after substantial damage vote for repairs.

21. (1) Where, on a vote, the owners do not vote for repair, the corporation shall, within ten days of the vote, register a notice of termination with the registrar.

(2) Where there has been no vote within sixty days of the determination that there has been substantial damage under subsection (1) of section 20, the corporation shall, within ten days after the expiry of the sixty day period, register a notice of termination.

Effect of registration of notice.

(3) Upon the registration of a notice of termination under subsections (1) or (2),

(a) the government of the property by this Ordinance is terminated;

(b) the owners are tenants in common or lessees, as the case may be, of the land and interests



appurtenant to the land described in the plan in the same proportions as their common interests;

- (c) claims against the land and the interests appurtenant to the land described in the plan created before the registration of the declaration and plan are as effective as if the declaration and plan had not been registered;
- (d) encumbrances against each unit and common interest created after the registration of the declaration and plan are claims against the interest of the owner in the land and interests appurtenant to the land described in the plan, and have the same priority they had before the registration of the notice of termination; and
- (e) all claims against the property created after the registration of the declaration and plan, other than the encumbrance mentioned in clause (d), are extinguished.

22. (1) Sale of the property or any part of the common elements may be authorized Termination  
by sale.

- (a) by a vote of owners who own sixty-six and two-thirds per cent; or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property or the parts of the common elements as the case may be, created after the registration of the declaration and plan.

(2) Where a sale of the property or any part of the common elements is authorized under subsection (1), the corporation shall Execution  
of documents.

- (a) register a notice of termination which shall describe the property or the part of the common elements being sold and shall affect only such property; and

(b) transfer the property or the part of the common elements being sold.

Notice of termination.

(3) The notice of termination and the transfer shall

(a) be executed by all the owners and all the persons having registered claims against the property or the part of the common elements being sold; or

(b) be executed by the corporation and be accompanied by a certificate under the seal of the corporation certifying that the required percentage of owners as stipulated in the Ordinance or the declaration have voted in favour of the sale, and that all persons having registered claims against the property or the part of the common elements being sold have consented in writing to the sale.

Conclusive-ness.

(4) A certificate made under clause (b) of subsection (3) is conclusive proof of the facts stated therein

(a) in favour of a purchaser of the parcel; and

(b) in favour of the registrar.

Effect of registration.

(5) Upon registration of the transfer, the registrar shall

(a) endorse upon the certificate of title in the name of the corporation a memorial that the property or a part of the common elements, as the case may be, is no longer governed by this Ordinance;

(b) in the case of a transfer of all of the property, cancel the certificates of title of each unit, and where necessary, dispense with the production of the duplicate certificate of title without complying with the provisions of section 16 (5) of the *Land Titles Act (Canada)*; and

(c) in the case of a transfer of part of the common elements, cancel the certificate of title for that part of the common elements being transferred.

(6) Upon registration of the transfer

Effect of registration on claims.

- (a) registered claims against the land and interests appurtenant to the land created before the registration of the declaration and plan are as effective in respect of the property transferred and the registrar shall issue the certificates of title in respect of the property transferred clear of such registered claims;
- (b) registered claims against the property or the part of the common elements created after the registration of the declaration and plan are extinguished in respect of the property transferred clear of such registered claims.

(7) Subject to subsection (8), the owners share the proceeds of the sale in the same proportions as their common interest.

Proceeds.

(8) Where a sale is made under this section, any owner who dissented may elect to have the fair market value of the property at the time of the sale determined by arbitration by serving notice to that effect on the corporation within ten days after the vote, and the *Arbitration Ordinance* shall apply; and the owner who served the notice is entitled to receive from the proceeds of the sale the amount he would have received if the sale price had been the fair market value as determined by arbitration.

Right of dissenters.

(9) Where the proceeds of the sale are inadequate to pay the amount determined under subsection (8), each of the owners who voted for the sale is liable for a portion of the deficiency determined by the proportions of their common interests.

Where proceeds inadequate.

23. (1) Termination of the government of the property under this Ordinance may be authorized

Termination by notice without sale.

- (a) by a vote of the owners who own sixty-six and two-thirds per cent, or such greater percentage as is specified in the declaration, of the common elements; and
- (b) by the consent of the persons having registered claims against the property created

after the registration of the declaration and plan.

Notice of termination.

(2) Where termination of the government of the property under this Ordinance is authorized under subsection (1), the corporation shall register a notice of termination which shall either

- (a) be executed by all the owners and all the persons having registered claims against the property created after the registration of the declaration and plan; or
- (b) be executed by the corporation and accompanied by a certificate under the seal of the corporation certifying that the required percentage of owners as stipulated in the Ordinance or the declaration and all the persons having registered claims against the property created after the registration of the declaration and plan had voted in favour of the termination of the government of the property.

Effect of registration.

(3) Upon registration of a notice of termination under subsection (2), the provisions of subsection (3), section 21, shall apply.

Application to court.

24. (1) Where

- (a) damage to units and common elements occurs, or
- (b) all or part of the property is expropriated, or
- (c) the corporation or any owner, or any person having an encumbrance against a unit and common interest deems it advisable,

any interested party may apply to the court for an order terminating the government of the property under this Ordinance, or amending the declaration or the plan.

Considerations.

(2) In determining whether to terminate the government of the property under this Ordinance, or to amend the declaration or the plan, the court shall consider

- (a) the scheme and intent of this Ordinance;

- (b) the rights and interests of the owners individually and as a whole;
- (c) what course of action would be most just and equitable; and
- (d) the probability of confusion and uncertainty in the affairs of the corporation or the owners if the court does not make an order under subsection (1).

(3) Where an order is made under subsection (1), Order. the court may include in the order any provisions that the court considers appropriate in the circumstances including without limiting the generality of the foregoing,

- (a) directions for the payment of money by the corporation or by the owners or by some one or more of them;
- (b) directions to adjust the effect of the order as between the corporation and the owners and as amongst the owners themselves;
- (c) the application of insurance moneys or proceeds of the expropriation of common elements; or
- (d) the transfer of the interests of owners of units which have been wholly or partially damaged or expropriated to the other owners.

(4) On any application to the court under this section any insurer who has insured the units and the common elements under subsection (1), of section 18, may appear in person or by agent or counsel. Appearance by insurer.

(5) The court may vary any order made by it under this section. Variation.

25. (1) Where a duty, imposed by this Ordinance, the declaration or the by-laws, is not performed, the corporation, any owner, or any person having an encumbrance against a unit and common interest may apply to the court for an order directing the performance of the duty. Application to require performance of duties.

(2) The court may by order direct performance of the duty and may include in the order any provisions that Order.

the court considers appropriate in the circumstances including

- (a) the appointment of an administrator for such time, and on such terms and conditions, as it deems necessary; and
- (b) the payment of costs.

Adminis-  
trator.

(3) An administrator appointed under subsection (2) shall

- (a) to the exclusion of the corporation, have such of the powers and duties of the corporation as the court shall order;
- (b) have the right to delegate any of the powers so vested in him; and
- (c) be paid for his services by the corporation, which payments are common expenses.

Saving  
clause.

(4) Nothing in this section restricts the remedies otherwise available for failure to perform any duty imposed by this Ordinance.

Regulations.

26. For the purpose of carrying out the provisions of the Ordinance, the Commissioner may make regulations not inconsistent with any other provision of this Ordinance

- (a) prescribing forms for use under this Ordinance; and
- (b) prescribing rules to cover cases for which no provision is made under this Ordinance.



CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE RESPECTING THE IMPOSITION  
AND COLLECTION OF A TAX ON FUEL OIL

(Assented to December 9th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

**SHORT TITLE.**

1. This Ordinance may be cited as the *Fuel Oil Tax Ordinance*. Short Title.

**INTERPRETATION.**

2. In this Ordinance, Definitions.
- (a) "fuel oil" includes all liquid and gaseous products obtained from petroleum, natural gas, casing head or natural gasoline, benzol, bezine, naptha, coal, coal tar, oil shales, kerosene, gas, oil and any combination of any such products; "Fuel Oil."
  - (b) "consumer" means a person who buys fuel oil from a supplier for his own use; "Consumer."
  - (c) "supplier" means a person who sells fuel oil to a consumer; "Supplier."
  - (d) "distributor" means a person who sells fuel oil to a supplier for resale; "Distributor."
  - (e) "inter-provincial carrier" means a motor vehicle which is used to transport freight from one province to another; "Inter-provincial Carrier."
  - (f) "through freighter" means a motor vehicle which carries freight through the Territory without being loaded or unloaded therein; "Through Freighter."

"Single Trip Permit."

(g) "single trip permit" means a document issued to the operator of a motor vehicle pursuant to the Motor Vehicles Ordinance permitting him to use his vehicle as an inter-provincial carrier or a through freighter for a single trip;

"Province."

(h) "province" for the purpose of this Ordinance includes the State of Alaska and the Territory;

"Tax."

(i) "tax" means the tax imposed by this Ordinance.

**TAX AND COLLECTION.**

Consumers to pay tax.

3. Subject to this Ordinance every consumer shall, at the time of purchase or receipt of delivery, pay to his supplier a tax of eleven cents per imperial gallon of fuel oil for remittance through the distributor to the Territorial Treasurer.

Exemptions.

4. (1) No tax is payable on fuel oil consumed or to be consumed in stationary generators of electricity, to propel an aircraft, for heating, for lubricating, for laying or sprinkling on roads or streets, as cleaning fluids or solvents, or in the operation of farm tractors for farming purposes if the consumer certifies in writing to his supplier that the fuel oil is required for a tax exempt purpose.

(2) No tax is payable on fuel oil sold or delivered to:

(a) the Government of Canada, or

(b) a visiting force as defined in the *Visiting Forces (North Atlantic Treaty) Act*,

if the person who receives delivery of the fuel oil has been so authorized by such Government or force and furnishes to the supplier a certificate to that effect.

(3) No tax is payable on fuel oil when used for *bona fide* pharmaceutical or medical purposes.

Payment in arrears.

5. Tax on fuel oil obtained for a purpose exempt pursuant to section 4 shall be payable if the fuel oil is used for a purpose which is taxable.



6. Subject to this Ordinance and the regulations the distributor shall: Distributors responsibilities.

- (a) remit to the Territorial Treasurer not later than the 25th day of each month all tax received by such distributor in respect of the next preceding month;
- (b) receive tax paid in arrears in accordance with section 5;
- (c) refund tax paid on fuel oil used for a purpose exempt pursuant to section 4;
- (d) furnish the Territorial Treasurer with a return in the prescribed form not later than the 25th day of each month;
- (e) furnish with the return specified in paragraph (d) a certificate in the prescribed form; and
- (f) furnish the Territorial Treasurer with such invoices and other documents and such copies thereof as the Territorial Treasurer may require.

7. (1) Any person appointed by the Commissioner may enter at any reasonable time the business premises occupied by any person, or the premises where his records are kept, to determine whether this Ordinance and the regulations are being and have been complied with, or to inspect, audit and examine books of account, records or documents, or to ascertain the quantities of fuel oil on hand, sold or used by him, and the person occupying the premises shall answer all questions pertaining to these matters, and shall produce such books of account, records or documents as may be required. Powers of inspection.

(2) Where it appears from the inspection, audit or examination of books of account, records or documents that this Ordinance or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate or measure the tax due in such manner and form and by such procedure as the Commissioner may deem adequate, and the Territorial Treasurer shall assess the person for the amount of the tax so calculated. Assessment of tax due.

Fuel oil imports for importers consumption.

8. Every person, other than the operator of a through freighter, an inter-provincial carrier or the holder of a single trip permit, who brings into the Territory for his own use a quantity of fuel oil greater than fifty gallons shall, within ten days thereof, pay to the Territorial Treasurer the tax thereon or furnish an exemption certificate in the prescribed form together with such other documents as the Territorial Treasurer may require.

Records.

9. Every distributor, supplier and person referred to in section 8 shall

- (a) maintain books and records in respect of his fuel oil transactions in sufficient detail to permit examination and calculation of the tax; and
- (b) preserve such books and records for at least twelve months from the time the tax is collected.

Inter-provincial carrier or through freighter.

10. (1) The operator of an inter-provincial carrier or through freighter shall apply to the Registrar of Motor Vehicles for a permit enabling the holder to obtain or purchase fuel oil within the Territory free of tax at the time it is obtained or purchased

Bond.

(2) Every applicant for a permit pursuant to subsection (1) shall deposit with the Territorial Treasurer a bond in the prescribed form in an amount to be determined by the Territorial Treasurer.

Application of bond.

(3) The Territorial Treasurer may apply a bond to any tax not paid by the depositor of a bond.

Emblem.

11. (1) The Registrar of Motor Vehicles shall issue an emblem in the prescribed form to the holder of a permit issued pursuant to section 10.

Emblem must be displayed.

(2) An emblem issued pursuant to subsection (1) shall be displayed on the lower right side of the windshield of each inter-provincial carrier and through freighter.

Return to Territorial Treasurer.

12. Every holder of a permit issued pursuant to section 10 shall, not later than the 25th day of each month

- (a) remit to the Territorial Treasurer tax at the rate of eleven cents per imperial gallon

computed at the consumption rate of five miles per imperial gallon on fuel oil used by such holder within the Territory during the next preceding month; and

- (b) furnish the Territorial Treasurer with a return in the prescribed form.

**13.** (1) Every person applying for a single trip permit shall, at the time of application for such permit, pay tax according to the mileage of the trip to be made in the Territory calculated at the consumption rate of five miles per imperial gallon. Single trip permit holder.

(2) Upon payment of tax the Registrar of Motor Vehicles shall furnish an applicant for a single trip permit with an emblem in the prescribed form. Emblem.

(3) An emblem furnished pursuant to subsection (2) shall be displayed on the lower right side of the windshield of the vehicle for which the single trip permit has been issued. Emblem must be displayed.

(4) The holder of a single trip permit may obtain or purchase sufficient fuel for the trip free of tax.

**OFFENCES AND PENALTY.**

**14.** (1) Every person who

- (a) makes a false statement in any return, certificate or form used under this Ordinance, Offences and penalties.
- (b) obtains or attempts to obtain or knowingly induces, assists or attempts to assist another person to obtain an unwarranted exemption from tax,
- (c) knowingly gives false information respecting any fuel oil transaction,
- (d) refuses to produce records or documents respecting fuel oil or any container used for holding fuel oil that is in his possession or control,
- (e) refuses or neglects to pay or remit tax where required to do so by this Ordinance or

to execute prescribed returns, certificates or forms in connection with exemptions from tax where required to do so by this Ordinance, or

(f) violates any other provision of this Ordinance or the regulations,

is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment and may be ordered to pay the amount of the tax not paid.

Prosecution does not affect other remedies.

(2) A prosecution under this section does not suspend or affect any remedy for the recovery of tax payable under this Ordinance.

Burden of proof.

15. In any prosecution for an offence under this Ordinance or in any action or other proceedings brought for the recovery of tax, the burden of proving that he has paid or remitted tax or that he is exempt under this Ordinance from liability to pay or remit tax is on the accused or the defendent.

Prosecution within two years.

16. No prosecution for an offence under this Ordinance shall be commenced after two years from the date of the commission of the offence.

REGULATIONS.

Regulations.

17. The Commissioner may make regulations  
(a) prescribing forms; and  
(b) for carrying out the purposes and provisions of this Ordinance.

Fuel Oil Tax Ordinance 1962 repealed.

18. The *Fuel Oil Tax Ordinance*, chapter 6, of the Ordinances of the Yukon Territory, 1962 (first session), is repealed.



CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO ESTABLISH THE  
HISTORIC SITES AND MONUMENTS BOARD  
OF THE YUKON TERRITORY

(Assented to December 9th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

**SHORT TITLE.**

1. This Ordinance may be cited as the *Historic Sites and Monuments Ordinance*. Short Title.

**INTERPRETATION.**

2. In this Ordinance,
- Definitions.  
"Board."
- (a) "board" means the Historic Sites and Monuments Board of the Yukon Territory established by this Ordinance;
- (b) "historic place" means a site, building or other place of historic interest or significance, and includes buildings or structures or things that are of interest by reason of age or architectural design. "Historic Place."

**COMMEMORATION OF HISTORIC SITES.**

3. The Commissioner may
- Powers of Commissioner.
- (a) by means of plaques or other signs or in any other suitable manner, mark or otherwise commemorate historic places;
- (b) make agreements with any persons for marking or commemorating historic places pursuant to this Ordinance and for the care and preservation of any places so marked or commemorated;

- (c) establish historic museums ;
- (d) acquire any historic places, lands or things for historic museums or any interest therein, by purchase, lease or otherwise; and
- (e) provide for the administration, preservation and maintenance of any historic places acquired or historic museums established pursuant to this Ordinance.

**HISTORIC SITES AND MONUMENT BOARD.**

Board estab-  
lished.

4. (1) A Board to be called the Historic Sites and Monuments Board of the Yukon Territory is hereby established, consisting of not more than ten members appointed by the Commissioner, of whom seven shall be appointed on the recommendation of the Council.

Term of  
office.

(2) A member holds office during pleasure for such period not exceeding two years as may be fixed by the Commissioner.

Reappoint-  
ment.

(3) A retiring member of the Board is eligible for reappointment.

Chairman.

(4) The members of the Board shall choose one of their number to be the chairman thereof.

Vice-  
Chairman.

(5) The members of the Board may choose one of their number to be vice-chairman thereof.

Quorum.

(6) A majority of the members constitutes a quorum.

Commissioner  
may provide  
staff.

(7) The Commissioner may

- (a) designate an officer of the Public Service of the Territory to be the Secretary of the Board; or
- (b) appoint a Secretary of the Board at such remuneration and under such terms or conditions of employment as may be prescribed, and may, from among the persons employed in the Public Service, provide the Board with such other employees or assistants that are necessary for the proper conduct of the business of the Board.

(8) The Board shall meet at least once in every calendar year at the call of the chairman, but the time and place of each such meeting is subject to the approval of the Commissioner; and, in addition, the Board shall hold such other meetings at such times and places as the Commissioner may require.

Meetings to be held.

5. (1) The Board may receive and consider recommendations respecting the marking or commemoration of historic places, the establishment of historic museums and the administration, preservation and maintenance of historic places and historic museums, and shall advise the Commissioner in carrying out his powers under this Ordinance.

Powers and duties of board.

(2) The Board may recommend that studies be commissioned.

6. Each member of the Board appointed by the Commissioner may be paid such remuneration and traveling and living expenses as may be fixed by the Commissioner.

Fees and expenses.

7. All expenditures for the purpose of this Ordinance shall be paid out of monies appropriated by the Commissioner in Council therefor.

Expenditures.

8. The Commissioner may make regulations for carrying the purposes and provisions of this Ordinance into effect.

Regulations.

9. (1) As soon as practicable after the end of each fiscal year the Board shall submit to the Commissioner a report of its proceedings for that year in such form as the Commissioner may prescribe.

Annual reports.

(2) In addition to the report required by subsection (1), the Board shall furnish to the Commissioner such other statements or reports in respect of its activities, at such time and in such manner, as the Commissioner may require.

Further reports.

CHAPTER 4

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

HOTELS AND TOURIST  
ESTABLISHMENTS ORDINANCE

(Assented to December 9th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

SHORT TITLE.

- Short Title. 1. This Ordinance may be cited as the *Hotels and Tourist Establishments Ordinance*.

INTERPRETATION.

- Definitions. 2. In this Ordinance,
- "Inspector." (a) "inspector" means a person appointed pursuant to section 3;
- "Guest." (b) "guest" means a person who obtains accommodation at a tourist establishment;
- "Operator." (c) "operator" means the manager or other person in charge of a tourist establishment;
- "Register." (d) "register" means a bound book or card index system; and
- "Tourist Establishment." (e) "tourist establishment" means an hotel, motel, lodge, inn, tourist home, cabin or cottage used or intended to be used for the purpose of providing accommodation for the public.

ADMINISTRATION.

- Appointment of inspectors and officers. 3. The Commissioner may appoint inspectors and such other officers as he deems necessary for carrying out the purposes and provisions of this Ordinance.



**CONSTRUCTION AND ALTERATIONS.**

4. No person shall Permit required.
- (a) construct a tourist establishment,
  - (b) move a building that is or forms part of a tourist establishment, or
  - (c) make any structural alteration to a tourist establishment,
- unless he obtains a permit for that purpose from an inspector.
5. Where a person seeks a permit for any purpose set out in section 4, he shall submit to an inspector Application for permit.
- (a) an application for a permit in a form approved by the Commissioner; and
  - (b) two copies of all plans and specifications relating to the application.
6. (1) When an application for a permit has been received by an inspector and the copies of plans and specifications referred to in section 5 are approved by him and by the Fire Marshal appointed pursuant to the *Fire Prevention Ordinance*, the inspector shall issue a permit to the applicant. Issuance of permit.
- (2) A permit issued under subsection (1) expires twelve months from the date upon which it is issued unless it is expressed to be for a shorter period of time. Term of permit.
7. Where any work in respect of which a permit has been issued is performed, it shall be performed in compliance with such provisions of the *National Building Code* as the Commissioner may prescribe. Compliance with National Building Code.

**OPERATING REQUIREMENTS.**

8. Every operator shall Duties of operator.
- (a) keep his tourist establishment in good repair and in a clean and sanitary condition;
  - (b) keep the land surrounding his tourist establishment in good order and free from refuse;

- (c) have in attendance, at all times during the operation of his tourist establishment, at least one person capable of operating the establishment in a proper manner ;
- (d) identify by name or number each sleeping unit, cabin or cottage ;
- (e) equip the door of each sleeping unit, cabin or cottage with a lock and key ;
- (f) equip all public washrooms and water closets with baffle partitions in such a manner as to ensure the privacy of the user ; and
- (g) take all reasonable precautions to ensure the safety of his guests and their property.

Notices to be posted.

9. (1) Every operator shall post and keep posted on the entrance door of each sleeping unit, cabin or cottage a notice stating

- (a) the rates charged for the sleeping unit, cabin or cottage when occupied by one person, two persons and more than two persons ;
- (b) the hour before which a guest must vacate a sleeping unit, cabin or cottage or be deemed to have retained it for an additional day ; and
- (c) the provisions of sections 21 and 22 of this Ordinance.

Rates not to exceed rates posted.

(2) No operator shall charge a rate for a sleeping unit, cabin or cottage in excess of the rates specified in the notice referred to in paragraph (a) of subsection (1).

#### REGISTRATION.

Register to be kept.

10. Every operator shall maintain a register in which he shall enter

- (a) the name or number of the sleeping unit, cabin or cottage occupied by each guest ; and
- (b) the date of arrival and departure of each guest.

11. Every guest shall enter his name, usual place of residence and his vehicle licence plate number, if any, in the register. Guests required to register.
12. No operator shall enter or knowingly allow to be entered any false information in the register. False registration prohibited.
13. Every entry made in the register shall be retained by the operator for a period of not less than one year from the date of the entry. Entries to be kept for one year.
14. The register shall be open at all reasonable times for inspection by any member of the Royal Canadian Mounted Police or by any officer appointed by the Commissioner. Register to be open for inspection.

#### CLOSURE OF TOURIST ESTABLISHMENTS.

15. (1) Where an operator wishes to close his establishment he shall Closure of tourist establishment.
- (a) at least seven days prior to the date of closing his establishment, file with the Commissioner a written notice of closure setting forth the date on which his establishment will close and the date, if any, on which he expects it will be reopened; and
- (b) on or before the date on which the establishment is closed, affix to each highway sign advertising his establishment a notice advising the public that it is closed.
- (2) A notice referred to in paragraph (b) of subsection (1) shall be not less than one-quarter the size of the sign to which it is affixed. Size of notices required.

#### SEIZURE AND DETENTION OF GOODS.

16. (1) Where a person who is indebted for accommodation to an operator has not removed his luggage or personal effects from a tourist establishment, the operator of that establishment may seize and detain such goods. Right to seize and detain goods.
- (2) The tools of a workman for the *bona fide* use by him in his trade or profession may not be seized and detained by an operator under this section.
17. An operator is responsible for the safe keeping of any goods detained by him pursuant to section 16. Responsibility for goods detained.

**SALE OF DETAINED GOODS.**

Inspection  
and sale of  
detained  
goods.

**18.** Where the amount of the indebtedness for which any goods were detained remains unpaid for a period of not less than one month after the date upon which they were seized, the operator who seized the goods may

- (a) in the presence of a peace officer, force or break the locks or fastenings on any trunk, valise or other article detained by him for the purpose of ascertaining and inspecting the contents thereof; and
- (b) subject to section 19, sell privately or by public auction the goods so detained.

Notice of  
sale to be  
given.

**19.** (1) Where an operator intends to sell any goods pursuant to section 18, he shall, at least one month before the date of the sale, forward a notice of sale by registered mail to the person indebted to him at that person's last previous known address.

Contents  
of notice.

- (2) A notice referred to in subsection (1) shall
  - (a) give a general description of the goods to be sold;
  - (b) specify the time and place of the sale;
  - (c) contain an itemized statement of the amount of the indebtedness, showing the sum due at the time of forwarding the notice;
  - (d) demand that the amount of the indebtedness be paid before the time of the sale; and
  - (e) state that if the amount of the indebtedness is not paid before the time of the sale, the goods will be sold privately or by public auction at the time and place specified in the notice.

Notice to  
be posted.

(3) An operator referred to in subsection (1) shall keep posted in a conspicuous place on his premises for at least one week prior to the time of the sale a copy of the notice of the sale referred to in that subsection.

Application  
of proceeds  
of sale.

**20.** (1) Where a sale is held pursuant to section 18, the operator may use the proceeds of the sale to pay

- (a) the reasonable costs of holding the sale; and

- (b) the amount of indebtedness owing to him by the former owner of the goods that were sold.

(2) Where the proceeds of a sale held under section 18 exceed the amount of money required to pay the costs and indebtedness referred to in subsection (1), the operator, upon application therefor, shall pay the balance of the proceeds to the person entitled thereto. Idem.

(3) Where an application referred to in subsection (2) is not made within thirty days from the date of the sale, the operator shall pay the balance of the proceeds to the Territorial Treasurer who shall hold it for the person entitled to it for one year from the date of the sale. Idem.

(4) Where a claim for the balance of the proceeds of a sale held under section 18 is not made to the Territorial Treasurer within one year from the date of sale, the balance of the proceeds of that sale shall become part of the Yukon Consolidated Revenue Fund. Idem.

#### LIABILITY OF OPERATORS.

21. (1) No operator is liable to compensate any guest for loss of or damage to goods or property brought to his establishment unless the goods or property Liability of operator for property of guests.

- (a) were located in the sleeping unit, cabin or cottage assigned to that person and were stolen, lost or damaged through the fault or neglect of the operator or of any employee or agent of the operator;
- (b) were deposited with the operator for safe custody; or
- (c) were checked in a checking room in the establishment.

(2) An operator may, as a condition of his liability, require that goods or property tendered by a guest for safe custody be placed in a box or other receptacle fastened and sealed by the guest. Condition of liability.

(3) Where an operator refuses to receive for safe custody any goods or property of a guest, or where a guest, through any default of the operator, is unable to deposit Refusal to receive property for safe custody.

goods or property for safe custody, the operator is not entitled to the protection of this Ordinance in respect thereof unless he proves that his establishment was not equipped with a safe or vault and that he so informed the guest at the time of refusing to receive the goods or property.

Receipt for property deposited for safe custody.

(4) When a guest deposits money, jewelry, documents or valuables of a similar nature for safe custody with an operator, the operator at the time of deposit shall give that guest a receipt therefor, which shall be surrendered by the guest when his property is returned to him.

Liability for property in room of guest.

22. Notwithstanding anything in this Ordinance, an operator shall not be liable for theft, loss of or damage to any goods or property of a guest unless the door of the sleeping unit, cabin or cottage occupied by that guest was locked during his absence therefrom and the keys to the lock given to the guest were left with the operator.

No protection unless notice posted.

23. An operator is entitled to the benefit of sections 21 and 22 only in respect of goods or property brought into his establishment while the provisions of those sections are posted as required by subsection (1) of section 9.

Undesirable persons may be removed.

24. Subject to section 4 of the *Fair Practices Ordinance*, an operator may remove any person from his establishment who in his opinion is undesirable if the operator has requested that person to leave the establishment and has given such person a reasonable opportunity to do so.

**EXEMPTIONS FROM SEIZURE.**

Exemptions under writs of execution not to apply.

25. Property exempt from seizure under writs of execution shall not be exempt from seizure under a writ of execution issued on a judgment obtained by an operator in respect of an indebtedness incurred for accommodation supplied by him.

**REGULATIONS.**

Regulations.

26. The Commissioner may make such regulations as he deems necessary to carry out the purposes and provisions of this Ordinance.

**OFFENCES.**

**27.** Every person who contravenes a provision of this Ordinance is guilty of an offence and is liable upon summary conviction to a fine not exceeding five hundred dollars. Offences and penalty.

**REPEAL.**

**28.** The Hotel Keepers Ordinance is repealed. Repeal.

CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE RESPECTING NOTARIES

(Assented to December 9th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

**SHORT TITLE.**

- |   |  |
|---|--|
| Short Title.                                | 1. This Ordinance may be cited as the <i>Notaries Ordinance</i> .  |
| Roll of Notaries Public.                    | 2. There shall be prepared and kept in the office of the Territorial Secretary a roll to be called the "Roll of Notaries Public".  |
| Application for enrolment.                  | 3. (1) Every person who seeks enrolment as a Notary Public shall make application in the prescribed form to the Territorial Secretary and pay the prescribed fee.<br><br>(2) No application shall be accepted unless the applicant is a Canadian citizen or other British subject and is a resident of the Territory.<br><br>(3) Every application accepted by the Territorial Secretary shall be reported to the Court. |
| Order for and enrolment.                    | 4. The Court, if satisfied that the applicant is of good character, and that there is need for a Notary Public in the place where the applicant desires to practise, shall order that the applicant be examined in the duties of a Notary Public and that, if found qualified after such examination, the applicant be enrolled as a Notary Public.  |
| Power of judge to provide for examinations. | 5. A judge shall from time to time appoint a person or persons to conduct the examination of applicants, and shall prescribe the subjects in which they shall be examined, and shall fix the fees to be paid to the examiners by the applicants, and, generally, may make rules in respect of examinations.  |



6. Upon the applicant filing proof in the prescribed form with the Territorial Secretary that he has passed the examination, and has taken the oath of office, in the prescribed form before a judge, the Territorial Secretary shall enrol the applicant as a Notary Public and shall record upon the roll a memorandum of the area within which such Notary Public is authorized to practise.

Enrolment  
after  
examination.

7. Every person enrolled pursuant to section 6 may hold office for a period not exceeding five years but such enrolment may be renewed on application to the Territorial Secretary and payment of the prescribed fee.

Terms  
of office.

8. The Court has full power and authority upon application by the Legal Adviser or any person aggrieved, in a summary manner, to enquire into the professional conduct or any alleged incompetence, negligence, or fraud of a Notary Public, and may for cause shown order that a Notary Public be struck off the Roll of Notaries Public, or be suspended from practising for a period named in the order or make such order as is just.

Power of  
Court to  
strike off  
the roll or  
suspend  
Notaries  
Public.

9. Any person who acts as a Notary Public or holds himself out as qualified to act as a Notary Public without being qualified and authorized to do so in accordance with the provisions of this Ordinance or in any way contrary to any limitation or condition to which his enrolment or commission is subject, is guilty of an offence, and liable, upon summary conviction, to a fine not exceeding five hundred dollars or one year's imprisonment or to both fine and imprisonment.

Offence and  
penalty.

10. No act done by a Notary Public shall be deemed invalid or ineffectual by reason only of the fact that it is done contrary to any limitation or condition to which his enrolment or commission is subject and nothing in this Ordinance relieves any person acting as a Notary Public from liability for any loss, damages or costs caused to or incurred by any other person by reason of any act done while so acting.

Validity of  
certain acts.

11. The preceding sections of this Ordinance, except subsections (1) and (2) of section 3, do not apply to barristers and solicitors.

Application  
of preceding  
sections.

Right to use title and exercise power of Notary Public.

12. (1) Every barrister and solicitor enrolled under the *Legal Profession Ordinance* and every Notary Public qualified under this Ordinance has and may use while so enrolled or qualified the style and title of "Notary Public in and for the Yukon Territory", and, save as in this Ordinance provided, has and may exercise while so enrolled or qualified the right and power to

- (a) give notarial certificates of his acts;
- (b) attest or protest all commercial instruments brought before him for attestation or public protestation;
- (c) administer oaths, affidavits, affirmations or statutory declarations that may or are required to be administered, sworn, affirmed, or made by the law of the Territory, or of any Province, or of Canada, or of any country other than Canada; and
- (d) perform such duties as may be authorized or prescribed by any Ordinance.

Disbarred, disqualified or suspended barrister and solicitor.

(2) No barrister and solicitor who is disbarred, disqualified or suspended from practice under any of the provisions of the *Legal Profession Ordinance* shall, so long as the disbarment, disqualification or suspension continues, act as or use the style and title of a Notary Public, or have or exercise any of the powers, rights, duties, privileges or emoluments referred to above.

Emolument.

(3) A Notary Public is entitled to receive the emoluments pertaining to the office of Notary Public as may be prescribed by the Commissioner.

Commission.

13. The Territorial Secretary shall upon request, and upon payment of a fee of ten dollars, issue to every person empowered to act as a Notary Public by virtue of this Ordinance a commission in the prescribed form, and shall at any time, upon request of any person so commissioned who has not been struck off the roll and is not suspended from practising, and upon payment of the prescribed fee, give to that person a certificate stating that he is duly commissioned or entitled to act as a Notary Public under this Ordinance.

**14.** An appeal lies to the Court of Appeal from any order or decision of the Court under this Ordinance. Appeal.

**15.** All fees payable to the Territorial Secretary under this Ordinance shall be remitted to the Territorial Treasurer and form part of the Yukon Consolidated Revenue Fund. Accounting for fees.

**16.** A judge may make rules not inconsistent with this Ordinance and prescribe forms and fix fees for all proceedings under this Ordinance not fully provided for herein, and may alter, add to, amend or repeal such rules, forms and fees as and when it may seem to him necessary or desirable. Rules.

**17.** (1) The Commissioner, if satisfied that the appointment of a Notary Public under this section is necessary in the public interest, may, by a commission, appoint any employee of the Government of the Territory or the Government of Canada to be a Notary Public; and an appointment so made may be during pleasure or for such period as the Commissioner may think fit, and the Commissioner may define and limit the area within which a person appointed under this section may practise as a Notary Public. An appointment under this section shall confer upon the person named therein power only in connection with his employment, and without fee, to administer oaths, to take affidavits, declarations and acknowledgements, to attest instruments by his seal and to give notarial certificates of his acts. Government employees.

(2) Every person appointed under this section shall be enrolled by the Territorial Secretary.

**18.** (1) Every person presently holding a commission of appointment as a Notary Public or a Commissioner for Oaths may continue to practise as such Notary Public or Commissioner for Oaths subject to the provisions of this section. Transitory provisions.

(2) The Territorial Secretary shall on the date on which this Ordinance comes into force on the roll of Notaries Public place the name of every person presently holding a commission of appointment as a Notary Public.

(3) The Territorial Secretary shall strike off the roll of Notaries Public on the 1st day of April 1969 the name of every Notary Public enrolled in accordance with this

section who has not on or before that date applied to the Territorial Secretary for retention of his name upon the roll.

(4) The Territorial Secretary shall strike off the roll of Notaries Public on the 1st day of October 1969 any applicant who has not complied with this Ordinance.

(5) The appointment of every person holding a Commissioner for Oaths appointment shall be cancelled on the 1st day of October 1969.

A Notary Public is ex officio a Commissioner for Oaths in the Territory.

19. A Notary Public is ex officio a commissioner for taking oaths in the Territory, and where the Notary Public administers oaths or takes affidavits, affirmations or declarations within the Territory, it is not necessary to their validity that he affix his seal thereto.

Regulations.

20. The Commissioner may make regulations for carrying out the purposes and provisions of this Ordinance.

## CHAPTER 6

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO PROVIDE FOR THE  
VOCATIONAL REHABILITATION OF  
DISABLED PERSONS

(*Assented to December 9th, 1968*)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

**SHORT TITLE.**

1. This Ordinance may be cited as the *Rehabilitation Services Ordinance*. Short Title.

**INTERPRETATION.**

2. In this Ordinance, Definitions.
- (a) "Board" means the Yukon Rehabilitation Services Board; "Board."
- (b) "Co-ordinator" means the Co-ordinator of Rehabilitation Services; "Co-ordinator."
- (c) "disabled person" means a person who because of physical or mental impairment is incapable of pursuing regularly any substantially gainful occupation; and "Disabled person."
- (d) "rehabilitation services" means any process of restoration, training and employment placement, including services related thereto, the object of which is to enable a person to become capable of pursuing regularly a substantially gainful occupation. "Rehabilitation Services."

3. The Commissioner may enter an agreement with the Minister of Manpower and Immigration of Canada for the purpose of providing for payment by Canada to the Commissioner of contributions in respect of the costs in- Agreement.

curred by the Territory in undertaking in the Territory a comprehensive program for the vocational rehabilitation of disabled persons.

Application  
for rehabili-  
tation  
services.

4. Application for rehabilitation services under this Ordinance may be made by or on behalf of a disabled person

- (a) who is eligible for vocational rehabilitation under the *Veterans Rehabilitation Act of Canada*, or
- (b) whose disability is not the result of an injury in respect of which benefits are payable to that person under any workmen's compensation law.

Co-ordinator.

5. The Commissioner shall appoint

- (a) a Co-ordinator of Rehabilitation Services and when the Co-ordinator is absent, his powers and duties shall be exercised by a person designated by the Commissioner; and

Board.

- (b) a Yukon Rehabilitation Services Board consisting of:

- (i) a chairman who shall be the Co-ordinator;
- (ii) the manager of the Canada Manpower Centre; in the City of Whitehorse;
- (iii) the Yukon Superintendent of the Department of National Health and Welfare of Canada; and
- (iv) the head of the Department of Social Welfare.

Duties of  
Board.

6. The Board shall

- (a) establish appropriate means of seeking disabled persons in need of rehabilitation services;
- (b) receive applications for rehabilitation services; and
- (c) assess the suitability of each applicant for rehabilitation services and make recommendations to the Co-ordinator.

7. The Co-ordinator may approve the provision of rehabilitation services. Co-ordinator may approve amounts prescribed.
8. Where the Co-ordinator has approved rehabilitation services, there may be paid to a disabled person, or on that person's behalf, such amounts as are prescribed by the regulations.
9. The Commissioner may make regulations Regulations.
- (a) governing the manner of making application;
  - (b) prescribing qualifications of applicants;
  - (c) prescribing what proof of any fact, including evidence under oath, is to be furnished by an applicant;
  - (d) prescribing the rehabilitation services that may be approved;
  - (e) providing for the suspension or cancellation of rehabilitation services;
  - (f) providing for investigations respecting disabled persons who have applied for rehabilitation services or for whom rehabilitation services have been approved;
  - (g) prescribing the amounts to be paid to or on behalf of disabled persons for whom rehabilitation services are approved and the manner and times of payment;
  - (h) prescribing additional duties of the Co-ordinator;
  - (i) prescribing the records that shall be kept under this Ordinance;
  - (j) prescribing forms; and
  - (k) generally for carrying out the purposes and provisions of this Ordinance.
10. Every person who violates a provision of this Ordinance or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. Offence and penalty.

CHAPTER 7

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ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE RESPECTING AGISTERS AND  
KEEPERS OF LIVERY, BOARDING AND  
SALES STABLES

*(Assented to December 9th, 1968)*

R.O.Y.T.  
1958 c.2.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. An Ordinance Respecting Agisters and Keepers of Livery, Boarding and Sales Stables is repealed.



## CHAPTER 8

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 ORDINANCES OF THE YUKON TERRITORY  
 1968 (Fourth Session)

 AN ORDINANCE TO AMEND THE  
 EVIDENCE ORDINANCE

*(Assented to December 9th, 1968)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
 1958 c.37;  
 1965 (2nd)  
 c.4;  
 1967 (2nd)  
 c.6;  
 1968 (2nd)  
 c.3.

1. Sections 65, 66, 67, 68, 69, 70 and 71 of the *Evidence Ordinance* are repealed. Repeal.

CHAPTER 9

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ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO AMEND THE  
GAOLS ORDINANCE

*(Assented to December 9th, 1968)*

1968 (2nd)  
c.2.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of the *Gaols Ordinance* is hereby repealed and the following substituted therefor:

“2. Every building and other enclosure on the land described in the Schedule is designated as a prison, gaol or lock-up for the confinement of persons charged with the commission of any offence under a statute, ordinance or other law in force in the Territory or sentenced thereunder to a term of imprisonment not exceeding two years less one day.”

## CHAPTER 10

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 ORDINANCES OF THE YUKON TERRITORY  
 1968 (Fourth Session)

 AN ORDINANCE TO AMEND THE  
 INTERPRETATION ORDINANCE

*(Assented to December 9th, 1968)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
 1958 c.58;  
 1959 (1st)  
 c.5;  
 1967 (2nd)  
 c.8.

1. Paragraph (ac) of sub-section (1) of section 20 of the *Interpretation Ordinance* is amended by deleting the word "and" at the end thereof.
2. Paragraph (ad) of sub-section (1) of section 20 of the said Ordinance is amended by adding the word "and" to the end thereof.
3. Sub-section (1) of section 20 of the said Ordinance is amended by adding thereto immediately after paragraph (ad) thereof the following paragraph:

“(ae) “prescribe” means prescribe by regulation of the Commissioner unless otherwise provided.”

“Prescribe.”

CHAPTER 11

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ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO AMEND THE  
JUDICATURE ORDINANCE

(Assented to December 9th, 1968)

R.O.Y.T.  
1958 c.60;  
1960 (3rd)  
c.5;  
1961 (1st)  
c.7;  
1964 (2nd)  
e.8;  
1968 (2nd)  
c.6.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subparagraph (i) of paragraph (e) of section 17 of the *Judicature Ordinance* is repealed and the following substituted therefor:

Statement.

“(i) The clerk shall on or before the 15th day of each month prepare a statement in the prescribed form in duplicate from the accounts and books mentioned in paragraph (c) hereof and transmit a copy of the statement to the Territorial Treasurer.”

## CHAPTER 12

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ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO AMEND THE  
LEGAL PROFESSION ORDINANCE

*(Assented to December 9th, 1968)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsection (2) of section 3 of *The Legal Profession Ordinance* is repealed and the following substituted therefor:

“(2) Upon the production to the Secretary of a registration certificate issued by the Court and on payment of the fee required by section 6, the Secretary shall cause the name of the person designated in such certificate to be entered on the Roll with the date of such entry.”

2. Subsection (3) of section 5 of the said Ordinance is repealed and the following is substituted therefor:

“(3) A registration certificate shall be in the prescribed form and shall be signed by the Clerk of the Court and sealed with the seal of the Court.”

3. Section 6 of the said Ordinance is repealed and the following substituted therefor:

“6. A person who is granted a registration certificate shall forthwith pay to the Territorial Secretary an enrolment fee in the sum of two hundred dollars.”

4. Section 7 of the said Ordinance is repealed.

5. Section 8 of the said Ordinance is repealed and the following substituted therefor:

“8. (1) Subject to sections 9 and 12 and to subsection (4) of this section, every person whose name appears on the Roll shall pay to the Territorial Secretary on or before the thirty-first day of March in each year an annual practice fee in the sum of thirty dollars.

(2) Upon receipt of the annual practice fee the Territorial Secretary shall issue to the barrister and solicitor who pays the same an annual practice certificate in the prescribed form.

(3) An annual practice certificate shall expire on the thirty-first day of March next following the day upon which it was issued.

(4) Where application for enrolment is made by the holder of a registration certificate under section 4 or section 7, he shall pay to the Territorial Secretary his first annual practice fee at the same time he pays the fee required by section 6.”

6. Section 9 of the said Ordinance is repealed and the following substituted therefor:

“9. (1) Where a barrister and solicitor does not intend to practice as a barrister and solicitor at any time during any certificate year, he may

(a) file with the Territorial Secretary a statutory declaration stating that he does not intend to practice as a barrister and solicitor at any time or times within the specified certificate year; and

(b) pay to the Territorial Secretary a non-practice fee in the sum of five dollars.

(2) Upon receipt of such declaration and fee the Territorial Secretary shall issue to the barrister and solicitor an annual non-practice certificate in the prescribed form for the certificate year therein specified.”

7. Section 10 of the said Ordinance is repealed and the following substituted therefor:

“10. (1) A barrister and solicitor, who has not paid his annual fee for any year or years since his enrol-

ment and who wishes to resume practise as a barrister and solicitor in the Territory, may

- (a) file with the Territorial Secretary a statutory declaration stating that he has not at any time or times when he was not the holder of an annual practice certificate issued under this Ordinance, practised as a barrister and solicitor in the Territory and his reasons for not so practising;
- (b) pay to the Territorial Secretary a sum equal to five dollars for every year in which since his enrolment he has not held such an annual practice certificate; and
- (c) pay to the Territorial Secretary the full annual practice fee for the then current certificate year.

(2) Upon receipt of the declaration and the full amount of the sums mentioned in subsection (1), the Territorial Secretary shall issue to the barrister and solicitor an annual practice certificate for the then current certificate year."

8. Subsection (3) of section 23 of the said Ordinance is repealed and the following substituted therefor:

Application  
and procedure  
to restore  
name.

"(3) Before being entitled to be restored to the Roll under this section the person whose name is sought to be restored shall pay all arrears of fees due by him to the Territorial Secretary including the fees for the period which has elapsed since he was struck off the Roll."

9. Section 24 of the said Ordinance is repealed.

10. The schedule of the said Ordinance is repealed.

CHAPTER 13

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ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO AMEND THE  
LOAN AGREEMENT ORDINANCE (1962) No. 1

*(Assented to December 9th, 1968)*

O.Y.T.  
1962 (1st)  
c.2  
1967 (1st)  
c.18.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of the *Loan Agreement Ordinance (1962) No. 1* is hereby repealed and the following substituted therefor:

“2. The Commissioner may on behalf of the Yukon Territory borrow from the Government of Canada a sum not exceeding two million dollars for the purpose of making First Mortgage Loans under paragraph (b) of subsection (3) of section 3 of the Low Cost Housing Ordinance.”

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CHAPTER 14

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO AMEND THE  
MINING SAFETY ORDINANCE

R.O.Y.T.  
1958 c.75;  
1968 (2nd)  
c.9.

(Assented to December 9th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of the *Mining Safety Ordinance* is repealed and the following substituted therefor:

**INTERPRETATION.**

- |     |   |                             |
|-----|---|-----------------------------|
| "2. | In this Ordinance,  | Definition.                 |
|     | (a) "agent" means a person having on behalf of the owner, the charge and control of a mine, and includes the general manager;   | "Agent."                    |
|     | (b) "certificate" means a miner's medical certificate or an initial medical certificate;  | "Certificate."              |
|     | (c) "dust exposure occupation" means  |                             |
|     | (i) any employment underground in a mine,   | "Dust exposure occupation." |
|     | (ii) any employment at the surface of a mine in ore or rock crushing operations in which the ore or rock being crushed is not constantly kept in a moistened or wet condition by the use of water or chemical solutions, or |                             |
|     | (iii) any employment at the surface of a mine that is designated by an inspector as a dust exposure occupation;   |                             |

- "Initial medical certificate."
- (d) "initial medical certificate" means a certificate issued by a medical officer, under section 4, to a person who is not qualified to receive a miner's medical certificate;
- "Inspector."
- (e) "inspector" means a duly qualified person appointed or authorized to act as such by the Commissioner under this Ordinance;
- "Machinery."
- (f) "machinery" includes steam and other engines, boilers, furnaces, milling and crushing apparatus, hoisting equipment, pumping equipment, chains, ore trucks, tramways, tackle, blocks, ropes, tools and all other appliances used in, about or in connection with a mine;
- "Manager."
- (g) "manager" means the person in immediate charge of a mine;
- "Medical officer."
- (h) "medical officer" means a person who is entitled to be or is registered pursuant to the *Canada Medical Act* or who is the holder of a subsisting permit issued pursuant to section 7 or 7A of the *Medical Profession Ordinance*;
- "Mine."
- (i) "mine" includes an opening, quarry, or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of or proving any mineral bearing substance, and any ore body, mineral deposit, stratum, soil, rock, quartz, limestone, bed of earth, clay, sand or gravel or place where mining is or may be carried on and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and any roastyard, smelting furnace, mill, work or place used for or in connection with crushing, reducing

smelting, refining or treating any mineral-bearing or other substances described in this paragraph;

- (j) "mine rescue superintendent" means a person appointed as such by the Commissioner under this Ordinance; "Mine rescue superintendent."
- (k) "miner's medical certificate" means a certificate issued by a medical officer under section 14A to a person respecting employment in a dust exposure occupation; "Miner's medical certificate."
- (l) "mining" includes any mode or method of working whereby any soil, earth, rock, stone, quartz, clay, sand or gravel may be disturbed, removed, carted, carried, washed, sifted, crushed, roasted, smelted, refined or dealt with for the purpose of obtaining any minerals or metal therefrom, whether the same may have been previously disturbed or not, and all operations and workings in a mine; "Mining."
- (m) "owner" means a person, mining partnership or corporation, being the immediate proprietor, lessee or occupier of a mine or any part thereof or any land located or leased as mining lands, and includes his or its agent, but does not include a person, mining partnership or corporation merely receiving a royalty, rent or fine from a mine or mining lands; "Owner."
- (n) "Registrar" means a person appointed as Registrar of Miner's Medical Certificates; "Registrar."
- (o) "shaft" means a vertical or inclined excavations in a mine extending downward from the surface or from some interior point through which men or materials are transported, and includes a pit or winze; "Shaft."

“Shift.”

(p) “shift” means a number of employees whose hours for beginning and terminating work in a mine are the same or approximately the same.”

Registrar of Miner's Medical Certificate.

2. Paragraph (b) of section 3 of the said Ordinance is repealed and the following substituted therefor:

“(b) appoint a duly qualified person as Registrar of Miner's Medical Certificates for the purposes of this Ordinance; and

Mine Rescue Superintendent.”

(c) appoint persons as mine rescue superintendents for the purposes of this Ordinance.”

3. Section 4 of the said Ordinance is repealed and the following substituted therefor:

Power and duties.

“4. The duties and powers of inspectors, mine rescue superintendents and medical officers are those hereinafter described in this Ordinance.”

4. Paragraph (b) of subsection (3) of section 5 is repealed and the following substituted therefor:

“(b) make such other reports of his activities as the Commissioner may require.”

5. Section 8 of the said Ordinance is repealed and the following substituted therefor:

Posting of rules.

“(1) Subject to the approval of the Commissioner and an inspector, the manager of a mine may make rules, not inconsistent with this Ordinance or any rule made under it, for the safe operation of a mine under his management and for the maintenance of order and discipline in the mine.

(2) Upon approval by the Commissioner and an inspector of any rule made under subsection (1), the rule shall be posted in a conspicuous place in or about the mine by the manager of the mine and shall come into force seven days after it is so posted or at such earlier time as the Commissioner may direct.”

6. Section 10 of the said Ordinance is repealed and the following substituted therefor:

“10. (1) No male person under the age of eighteen years shall be employed underground or at the working face of any open cut workings, pit or quarry, and no male person under the age of sixteen years shall be employed in or about a mine. Restriction as to age.

(2) No female person shall be employed in underground work in any mine. Female employment.

(3) Subsection (2) does not apply to a female

(a) holding a position of management who does not perform manual work;

(b) employed in health services;

(c) who, in the course of her studies, spends a period of training in the underground parts of a mine; and

(d) who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

(4) Except as provided in the *Blasting Ordinance*, no person shall conduct any blasting operation requiring the use of explosives unless he is the holder of a permit issued under that Ordinance.” Blasting operations.

7. Subsection (3) of section 11 of the said Ordinance is repealed and the following substituted therefor:

“(3) Where one of the regular hoistmen is absent from duty and no competent substitute is available, the remaining hoistmen may work extra time not exceeding Exemption for hoistmen where one absent.

(a) four hours each in any consecutive twenty-four hours, or

(b) with the approval of an inspector, eight hours each in any consecutive forty-eight hours,

for a period not exceeding ten consecutive days.”

8. Sections 13 to 16 of the said Ordinance are repealed and the following substituted therefor:

“13. (1) Subject to subsection (2), no person shall engage in or be permitted to engage in a dust exposure occupation unless he is the holder of a valid and subsisting certificate.

Exemption to requirements of certificate.

(2) Notwithstanding subsection (1), a person who has undergone a medical examination in accordance with this Ordinance and who has not, as a result of that examination, been refused a certificate or renewal may engage in a dust exposure occupation for a period of not more than thirty days.

Application.

14. (1) Every person who does not hold a certificate and who intends to engage in a dust exposure occupation shall undergo a medical examination that shall be conducted by a medical officer.

Initial medical certificate.

(2) A medical officer who conducts an examination in accordance with subsection (1) shall issue an initial medical certificate to the person examined if he is satisfied that the person examined is free from disease of the respiratory organs and is otherwise fit for employment in a dust exposure occupation.

Duration of initial medical certificate.

(3) Subject to subsection (1) of section 14A, an initial medical certificate is valid for a period of twelve months from the date of its issue unless sooner cancelled by the Registrar.

Renewal of initial medical certificate and issuance of miner's medical certificate.

14A. (1) A holder of an initial medical certificate who intends to continue or resume work in a dust exposure occupation shall, within thirty days prior to the date of expiry of the certificate, apply to a medical officer for renewal of the certificate or issuance of a miner's medical certificate, and the medical officer shall,

(a) where the applicant

- (i) has been employed in a dust exposure occupation for less than twenty-three months in the four years preceding the day of the application, and
- (ii) is found by medical examination to be free from disease of the respiratory organs and to be

otherwise fit for employment in a dust exposure occupation, renew the certificate; and

(b) where the applicant

(i) has been employed in a dust exposure occupation for at least twenty-three months in the four years preceding the day of the application, and

(ii) is found by medical examination to be free from disease of the respiratory organs and to be otherwise fit for employment in a dust exposure occupation;

issue a miner's medical certificate to the applicant.

(2) A miner's medical certificate, whether issued before or after the coming into force of this section, is valid for a period of twelve months from the date of its issue unless sooner cancelled by the Registrar.

14B. (1) A holder of a miner's medical certificate who intends to continue or resume work in a dust exposure occupation shall, within thirty days prior to the date of expiry of the certificate, undergo a medical examination that shall be conducted by a medical officer.

Application for renewal of miner's medical certificate.

(2) A medical officer who conducts an examination in accordance with subsection (1) shall renew the certificate where the applicant is free from tuberculosis of the respiratory organs.

Renewal of miner's medical certificate.

14C. (1) Where the holder of a miner's medical certificate has allowed the certificate to expire, he shall, before resuming work in a dust exposure occupation, undergo a medical examination that shall be conducted by a medical officer.

Application for renewal of certificate after expiry.

(2) A medical officer who conducts an examination in accordance with subsection (1) shall, if such certificate expires less than three years before the date of such medical examination, renew the certificate where the applicant is free from tuberculosis of the respiratory organs.

Renewal of certificate after expiry.

No renewal after three years.

(3) Where the miner's medical certificate of a person examined in accordance with subsection (1) expired three years or more before the date of the medical examination, the miner's medical certificate shall not be renewed and the provisions of subsection (2) of section 14 shall apply.

Medical examination to include chest x-ray.

14D. (1) A medical examination conducted by a medical officer pursuant to this Ordinance shall include a chest x-ray photograph that may be submitted by the medical officer for such review as the medical officer thinks fit.

Occupational and medical history.

(2) Every person who undergoes a medical examination pursuant to this Ordinance shall provide the medical officer conducting the examination with such particulars of his occupational and medical history as the medical officer may require.

Filing with Registrar.

(3) A medical officer shall, within thirty days after conducting a medical examination pursuant to this Ordinance, send to the Registrar the chest x-ray photograph, particulars of occupational and medical history and medical reports and opinions relating to the examination.

Production of medical records.

14E. The Registrar may produce x-ray photographs, particulars of occupational and medical history and medical reports and opinions filed with him pursuant to this Ordinance for inspection by

- (a) a medical officer for use in connection with a medical examination pursuant to this Ordinance of the person of whom such x-ray photographs, particulars of occupational and medical history and medical reports and opinions relate;
- (b) the person to whom such x-ray photographs, particulars of occupational and medical history and medical reports and opinions relate, his employer or former employer, and insurer of such person or the insurer of that person's employer or former employer or to the



Referee appointed under the Workmen's Compensation Ordinance or a Referee or Workmen's Compensation Board appointed or established under similar legislation of any province for use in the adjustment or settlement of any claim by such person under that Ordinance or legislation, or

- (c) any other person where the written consent of the person to whom such x-ray photographs, particulars of occupational and medical history and medical reports and opinions relate is filed with the Registrar.

15. Where the holder of a certificate is notified by the Registrar that the chest x-ray photographs taken prior to the issuance or renewal of his certificate, the particulars of occupational and medical history or the medical reports and opinions relating to an examination of him pursuant to this Ordinance have not been received by the Registrar, the holder shall, within twenty days from receipt of the notice,

- (a) spend such chest x-ray photographs or particulars of occupational and medical history or medical reports and opinions to the Registrar; or
- (b) have another medical examination and send the chest x-ray photographs, the particulars of his occupational and medical history and the medical reports and opinions relating to such examination to the Registrar.

Forwarding of x-ray photographs, medical reports, etc.

15A. The Registrar may at any time require any person who is employed in a dust exposure occupation to be examined by a medical officer, and the medical officer shall endorse the results of such examination on the certificate issued to that person.

Registrar may order examination.

15B. (1) The Registrar may cancel a certificate where

- (a) the chest x-ray photographs, particulars of occupational and medical his-

Registrar may cancel a certificate.

tory, or medical reports of the holder of the certificate have not been received by the Registrar;

- (b) the holder of a certificate fails or refuses to be examined by a medical officer when so required by the Registrar, or
- (c) he is satisfied that the holder of the certificate has tuberculosis of the respiratory organs or, in the case of a holder of an initial certificate, that he is otherwise medically unfit for employment in a dust exposure occupation.

Notice of intention to cancel certificate.

(2) The Registrar shall not cancel a certificate pursuant to paragraph (c) of subsection (1) until a notice of intention to cancel the certificate within thirty days from receipt thereof has been given to the holder and the holder has been given an opportunity of being heard.

(3) A notice of intention to cancel a certificate shall be in writing and shall be sent to the holder of the certificate by double registered mail addressed to him at the address shown on his certificate.

Delivery and custody.

16. Subject to subsection (2) of section 13, no person shall work or be employed in a dust exposure occupation unless the manager of the mine at which he is so employed is in possession of the certificate issued to that person, and the manager shall retain such certificate, except when required by that person for renewal, during the period that he is so employed at the mine."

9. Section 18 of the said Ordinance is repealed and the following substituted therefor:

Disposal of harmful by-products.

"18. The owner or manager of a mine shall dispose of arsenic sludge or other by-products of that mine that are dangerous to persons, domestic animals, wild animals, fish or property at a location approved by an inspector and in such a manner that it will not cause injury to any person, animal, fish or property."

10. Subsections (1) and (3) of section 20 of the said Ordinance are repealed and the following substituted therefor:

“20. (1) Where a mine has been abandoned or work therein has been discontinued, the owner or manager shall cause the top of the shaft and all surface entrances, pits and openings to be securely fenced or otherwise protected to the satisfaction of an inspector.

Fencing of abandoned mines.

(3) Where an owner or manager who is required by this section to do so fails to erect suitable fencing or other protective means within such time as an inspector may order, the inspector may cause suitable fences or other protective means to be erected and all costs arising therefrom constitute a debt payable to the Receiver General of Canada and are recoverable in any court of competent jurisdiction.”

Where owner fails to comply.

11. Paragraph (b) of subsection (1) of section 22 of the said Ordinance is repealed and the following substituted therefor:

“(b) plans of each underground level showing all underground workings, including shafts, tunnels, diamond drill holes, dams and bulkheads.”

12. (1) Subsection (1) of section 27 of the said Ordinance is amended by striking out the word “or” at the end of paragraph (g) thereof, by adding the word “or” at the end of paragraph (h) thereof and by adding thereto the following paragraph

“(i) any explosion or outbreak of fire in any way related to the operation of air compressor, air receiver, compressed air line or steam boiler;”

(2) Subsection (5) of section 27 of the said Ordinance is repealed, and the following substituted therefor:

Injuries.

“(5) Where any person suffers injury or disability whether resulting in lost time or not, the owner or manager shall send notice thereof to an inspector in the form prescribed by the Commissioner.”

13. Subsections (1) to (4) of section 28 of the said Ordinance are repealed, and the following substituted therefor :

Application.

“(1) This section applies only to a mine that in the opinion of an inspector conducts operations that may require the use of mine rescue apparatus.

Mine rescue stations.

(2) Mine rescue stations shall be established, equipped, operated, and maintained at such places and in such manner as the Commissioner may direct.

Mine rescue superintendent.

(3) A mine rescue superintendent shall be responsible for the maintenance of mine rescue equipment in good and serviceable condition at all times and for the operation of mine rescue stations.”

14. Subsection (4) of section 28A is repealed, and the following substituted therefor :

“(4) The assessment referred to in subsection (3) shall be made quarterly and shall be apportioned among the mines to which this section applies on a per man per month basis for

- (a) underground operations,
- (b) open pit operations, or
- (c) any combination of underground and open pit operations,

at rates to be fixed from time to time by the Commissioner.”

15. Subsections (1) to (3) of Section 29 are repealed and the following substituted therefor :

Mine rescue training.

“29. (1) The manager of a mine shall cause sufficient personnel at the mine, including such proportion of the supervisory personnel as an inspector may direct, to be trained as mine rescue crews in the use and maintenance of mine rescue apparatus.

(2) Mine rescue crews shall be trained by a mine rescue superintendent in accordance with any direction given by an inspector.

Supervision of crews.

(3) The manager of a mine shall supervise mine rescue crews in all mine rescue work and recovery operations conducted at the mine.”

16. Section 31 of the said Ordinance is repealed and the following substituted therefor:

“31. (1) Every person who Offence and penalty.

(a) violates a provision of this Ordinance or of any regulation or rule made thereunder; or

(b) fails to obey an order or direction given thereunder by the Commissioner or an inspector;

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

(2) A person who fails to obey a written order or direction given by the Commissioner or an inspector is, in addition to the fine prescribed in subsection (1), liable on summary conviction to a fine not exceeding one hundred dollars for each day on which he fails to obey that order or direction. Where offence continues.

(3) Where an offence is one that might have endangered the safety of persons employed in or about a mine or caused serious personal injury or a dangerous accident and was wilfully committed by the act, default or negligence of the person guilty thereof, that person is, upon summary conviction, liable either in substitution for or in addition to any pecuniary penalty that may be imposed, to imprisonment for a term not exceeding three months. Additional penalty where offence dangerous.

(4) Where a corporation is guilty of an offence against this Ordinance an officer, director or agent of the corporation who directed, authorized, consented to, acquiesced in, or participated in the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. Offence by a corporation.

(5) A prosecution for an offence under this Ordinance may be heard before a judge or justice.” Prosecution before judge or justice.

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO AMEND THE  
MOTOR VEHICLES ORDINANCE

(Assented to December 9th, 1968)

R.O.Y.T.  
1958 c.77;  
1960 (3rd)  
c.3;  
1961 (1st)  
c.5;  
1961 (2nd)  
c.7;  
1962 (1st)  
c.2;  
1962 (5th)  
c.6;  
1963 (2nd)  
c.9;  
1964 (1st)  
c.9;  
1965 (2nd)  
c.5;  
1966 (2nd)  
c.13;  
1967 (2nd)  
c.12;  
1967 (2nd)  
c.13;  
1968 (1st)  
c.3;  
1968 (2nd)  
c.10.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Subsection (1) of Section 8 of the *Motor Vehicles Ordinance* is repealed and the following substituted therefor:

"8. (1) Subject to subsection (5) every owner shall in respect of any one accident to the limit of at least \$50,000 exclusive of interest and costs take out and maintain in force a policy of motor vehicle liability insurance against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property; and where in any one accident loss or damage results from bodily injury or death and loss of or damage to property any claim arising out of bodily injury or death shall have priority over any claim arising out of loss of or damage to property."

2. Schedule B to the Ordinance is repealed and the following substituted therefor:

“SCHEDULE B.

Maximum Authorized Carrying Capacity of Motor Vehicles	Minimum Insurance
Less than 8 persons .....	\$50,000.00
8 to 12 persons .....	65,000.00
13 to 20 persons .....	75,000.00
21 to 30 persons .....	100,000.00
31 to 40 persons .....	125,000.00
41 to 50 persons .....	150,000.00
51 to 60 persons .....	175,000.00
More than 60 persons .....	200,000.00.”

3. This Ordinance shall come into force on April 1st, 1969.



CHAPTER 16

ORDINANCES OF THE YUKON TERRITORY  
1968 (Fourth Session)

AN ORDINANCE TO AMEND THE  
MUNICIPAL ORDINANCE

(Assented to December 9th, 1968)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

1. Section 2 of the *Municipal Ordinance* is amended by adding thereto the following new definitions:

"Trailer."

"(oa) "trailer means a vehicle, whether equipped with wheels or not, and whether self-propelled or not, that is used or designed as a dwelling or sleeping place.

"Trailer Park."

"(ob) "trailer park" means land in or upon which any trailer used for the living, sleeping or eating accommodation of persons therein is placed, located, kept or maintained, or used or maintained as a camp ground for the public, whether or not a fee or charge is paid or made for the rental or use thereof and includes an auto camp."

2. The said Ordinance is hereby amended by the addition of the following section immediately after section 117 thereof:

"TRAILERS AND TRAILER PARKS.

Trailers.

117A. The Council may pass by-laws for prohibiting the use, and for prohibiting the owner or lessee of any trailer from permitting the use, of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas



thereof, for more than such number of days, not less than sixty, as the by-law provides, in any period of ten consecutive months.

(a) A by-law passed under this paragraph may be made to apply to any trailer whether or not such trailer was used for the living, sleeping or eating accommodation of persons before the by-law was passed. Application of by-law.

(b) A by-law may provide for imposing penalties of not less than ten dollars, and not more than fifty dollars, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence. Penalties.

(c) For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer is located in the municipality or in the defined area or areas only for the purpose of sale or storage. Use.

117B. The Council may pass by-laws for licensing trailers located in the municipality, except in a trailer park, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer park, without a licence therefor; Licensing of trailers.

(a) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage; Application of by-law.

(b) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first Municipal trailer parks.

thirty days, may be made payable in advance, but no licence fee shall be more than twenty dollars per month.

Municipal  
trailer  
parks.

117C. The Council may pass by-laws for acquiring, establishing, maintaining and operating trailer parks and for acquiring land for such purposes and for installing such services for the use of occupants of trailer parks as the Council may deem expedient and for fixing the fees to be paid by the occupants of trailer parks.

Trailer  
parks.

117D. The Council may pass by-laws for licensing, regulating and governing trailer parks and for designating areas of land to be used as trailer parks, and for prohibiting the use of other land for such purposes.

117E. Where any by-law made under the provisions of sections 117A, 117B, 117C and 117D of this Ordinance conflicts with the provisions of the Trailer Coach Park Regulations made under the provisions of the *Public Health Ordinance*, the provisions of the Trailer Coach Park Regulations shall prevail."

## CHAPTER 17

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 ORDINANCES OF THE YUKON TERRITORY  
 1968 (Fourth Session)

 AN ORDINANCE TO AMEND THE  
 POLICE MAGISTRATE'S COURTS ORDINANCE

*(Assented to December 9th, 1968)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:

R.O.Y.T.  
 1958 c.88;  
 1968 (2nd)  
 c.11.

1. Section 6 of the *Police Magistrate's Courts Ordinance* is repealed.

2. Subsection (1) of section 7 of the said Ordinance is repealed and the following substituted therefor: Repeal.

"7. (1) Each clerk shall, on or before the 15th day of every month, from the books mentioned in paragraph (c) of subsection (3) of section 4, prepare a statement in the prescribed form and transmit a copy of the statement to the Territorial Treasurer." Statement.

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Cemeteries .....	new	1967 (1st) c.1
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Conditional Sales .....	20	1964 (2nd) c.9-s.2(ba) added; 2(g) added; 3(1)(2); 3(4)(5); 3A added; 7(1); 8; 12; 14; 14A added; 15(1); 16 & 17 added
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SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Electrical—Carmacks		1961 (1st) c.1 1964 (2nd) c.4-s.2 added
"    —Teslin		1963 (1st) c.1 1963 (2nd) c.11-s.2; 3 added
Frustrated Contracts .....	48	
Fuel Oil Tax .....		1962 (1st) repealed
Fuel Oil Tax .....	new	1968 (4th) c.2
Fur Export .....	49	1961 (2nd) c.11-Sched. A 1968 (2nd) c.5-Sched. A
Game .....	50	1959 (1st) c.3-s.2(1)(w); 8; 9A & 9B added; 14A added; 25(2); 27(1); 34(1); 36; 42(2)(b)(vii) added; 49(1); 74(3)(4)(5); 81(b) 1959 (2nd)c.4-s.39(1) 1961 (2nd) c.10-s.78(3)(4) added; Sched. A-9A added 1964 (1st) c.10-Sched. A-1(c) 1965 (1st) c.5-s.42 1967 (1st) c.11-s.2(1)(o); 2(1) (sa) added; 2(1)(w); 2(4)(a) & (b) added; 7; 8(1)(a)(l); 10(1); 10(1a) added; 10A added; 12; 13; 13A & 13B added; 14(3) added; 15; 16; 19(2)(3)(4)(5) & (6) added; 19A added; 20; 26(r) & (s) added; 38A & 38B added; 42(2); 65; 66; 67; 68; 69; 72; 80(1)(f)(g) added; 81(c) added; 82; 84; 86; 86A-B-C & D added; 87; 88; Sched. A-1(b)(iv)(v)(vi)(c)(d);Sched. A-11; Sched. A-16 & 17 added; Sched. D added
Gaols (Territorial) .....	new	1966 (2nd) c.2 1968 (4th) c.9-s.2
Garage Keepers .....	51	
Garnishee .....	52	1965 (2nd) c.6-s.17; 19 added
Hairdressers .....	new	1967 (1st) c.4
Historic Sites & Monuments .....	new	1968 (4th) c.3
Hospital Aid .....	53	1959 (1st) c.1 repealed
Hospital .....	new	1964 (2nd) c.13 repealed
Hotel Keepers .....	54	1968 (4th) c.4 repealed
Hotels and Tourist Establishments .....	new	1968 (4th) c.4
Housing Development .....	new	1967 (1st) c.6
Illegitimate Children .....	55	
Immunity of Members .....	new	1966 (1st) c.1
Insane Persons .....	56	
Insurance .....	57	1959 (1st) c.4-Part III s. 39 to 52; 52A & B added; Part I of Sched. 1962 (5th) c.7-s. 48 1963 (2nd) c.5-s.131A added 1967 (1st) c.15-s.2(a); 2(ab) added; 2(h)(i)(j)(k)(p)(r); 2A added; Part IV s.53-112
Interpretation .....	58	1959 (1st) c.5-s.37 added 1967 (2nd) c.8-s.21(1)(j) 1968 (4th) c.10-s. 20(1)(ae) added

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SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Intestate Succession .....	59	1962 (1st) c.19-s.5 1965 (2nd) c.7-s.3; Part II added
Judicature .....	60	1960 (3rd) c.5-s.14; 51(1) 1961 (1st) c.7-s.51(1) 1964 (2nd) c. 8-s.17(a); 37 1968 (2nd) c.6-s.17 (c) & (e); 17 (f) added 1968 (4th) c.11-s. 17(e)(i)
Jury .....	61	1961 (3rd) c.1-s.9; 14(5); 19(2) 1968 (2nd) c.7-s.7 (ha) & (hb) added
Labour Provision .....	62	1968 (2nd) c.1 repealed
Labour Standards .....	new	1968 (2nd) c.1
Landlord & Tenant .....	63	
Legal Profession .....	64	1962 (1st) c.14-s.26 added 1967 (2nd) c.9-s.11; 26 1968 (4th) c.12-s. 3(2); 5(3); 6; 7; 8; 9; 10; 23(3); 24; Sched.
Legal Profession Accounts .....	new	1965 (1st) c.1
Legitimation .....	65	
Limitation of Actions .....	66	
Liquor .....	67	1959 (1st) c.6-s. 12(1)(b); 30(1); 30(3); 76(3) added 1961 (2nd) c.6-s.37(1) 1962 (1st) c.18-s.2(1)(y) added; 9; 12A; 12B; 12C; 12D; 12E added; 12(2); 15(9)(10) (11)(12)(13) added; 50(2); 31(1)(a)(b); 31(1)(c) added; 31(3); 37(2); 76; 77 1962 (5th) c.11-s.12A(1) 1962 (5th) c.14-s.8(2) 1963 (1st) c.9-s.12A(7)(9); 12B(7); 12D(4); 15; 15A; 15B; 15C added 1963 (1st) c.12-s.45 1964 (1st) c.12-s.7A added; 8(3); 9; 12; 12A(2); 12B(1); 12B(2); 12D(5) added; 14A added; 20; 31 1965 (1st) c.6-s.2(1)(qq) added; 9; 12(2); 12A(1)(2)(5) (8)(9); 12B(1)(2)(5)(6) (9); 12C; 12D(3); 23; 24; 25; 29(3); 31(6) added; 45(2)(b); 48; 50(4); 51(2); 52A added; 77(6); 86(1)(e) added; 88(1)(g) added; Sched. 1965 (2nd) c.3-s.9; 12C added; 19(1)(b); 24; 25; 31(1); 31(7) added; 34(3); 39; 86(1)(bb) added; 52A 1966 (2nd) c.8-s.12A(1); 12A(1a); 12D(2); 31(1)(b); 31(1)(c); 31(8) added (Obsolete 1/1/67) 1967 (2nd) c.10-s.31(8) added 1968 (1st) c.2-s.86(1) & (2) 1968 (2nd) c.8-s.20(1a) added; 24(3) added

**TABLE OF PUBLIC ORDINANCES**

SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Loan Agreement (1961) No. 1 .....	new	1961 (2nd) c.2 1966 (1st) c.11 repealed
Loan Agreement (1961) No. 2 .....	new	1961 (2nd) c.4
Loan Agreement .....	new	1961 (3rd) c.4
Loan Agreement (1962) No. 1 .....	new	1962 (1st) c.2 1967 (1st) c.18-s.2 1968 (4th) c.13-s. 2
Local Improvement District .....	new	1965 (2nd) c.1 1967 (2nd) c.11-s.6A added
Low Cost Housing .....	new	1962 (1st) c.1 1963 (1st) c.8-s.2; 3(2)(a); 3(2)(c); 3(3)(a); 3(3)(d); 4(1)(a) added 1966 (1st) c.7-s.3(3)(c) 1966 (2nd) c.11-s.3(3)(b)(e); 4(1a) 1967 (1st) c.14-s.3(3)(c)
Low Rental Housing Agreement .....	new	1962 (1st) c.3 1963 (1st) c.13 repealed
Lords Day (Yukon) .....	new	1962 (1st) c.8
Maintenance .....	68	
Marriage .....	69	
Married Women's Property .....	70	
Masters and Servants .....	71	1963 (2nd) c.2 repealed
Mayo Seaplane Base Agreement .....	new	1963 (2nd) c.4
Mechanics Lien .....	72	
Medical Professions .....	73	1963 (2nd) c.7-s.4(1)(b); 7A added 1964 (1st) c.11-s. 7A(1) & (2)
Miner's Lien .....	74	
Mining Safety .....	75	1968 (2nd) c.9-s.(fa) added; 3(c) added; 28A added 1968 (4th) c.14-s. 2; 3(b); 4; 5(3)(b); 8; 10; 11(3); 13; 14; 15; 16; 18; 20(1); (3); 22(1)(b); 27(1)(i) added; 28(1)(2)(3)(4); 28A(4); 29 (1)(2)(3); 31
Motion Picture .....	76	
Motor Vehicles .....	77	1960 (3rd) c.3-s.5(2); 6(3)(6); (11)(c)(12); 7(2); 8(1); 11(3); 13(c); 14(2); 15(2)(4); 19(1) (2); 22(1)(2)(6)(8)(b); 27 (2)(3) added; 29; 34(1)(c); 34(3) added; 41(1)(c) added; 41(4); 49A; 49B added; 138A added; 163(2); Sched. A & B 1961 (1st) c.5-s.2; 49B 1961 (2nd) c.7-s.76(2) 1962 (1st) c.21-s.22(3); 22(6) (7); s.3 of Sched. A 1962 (5th) c.8-Sched. A 1 & 2 1963 (2nd) c.9-s.8(7) added; 25(2)(3); Sched. A1; Sched. A2; 76(2)(3); 76(4) added 1964 (1st) c.9-s.151A added 1965 (2nd) c.5-s.14(2); 20; 24(e); 25(4); 76(3); 147(2); 151B added; 164 1966 (2nd) c.13-s.26(4); 37; 49(3)(4)(5)(6); Sched. A1



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SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Motor Vehicles (cont'd) .....		1967 (2nd) c.12-s.2(ii) added; 6(15) added; 6A added; 33(1)(e); 33 (3) & (4) added; 61A added; 95; 130A added; 150(1)(n)
		1967 (2nd) c.13-s.155(b)
		1968 (1st) c.3-Sched. A
		1968 (2nd) c.10-s.110
		1968 (4th) c.15-s. 8(1); Sched. B
Motor Vehicle Fuel Tax .....	78	1962 (1st) c.6 repealed
Municipal .....	79	1959 (2nd) c.1 repealed
Municipal .....	new	1959 (2nd) c.1
		1960 (1st) c.6-s.99(aa) added; 288; Sched. B(d); Sched. B (g) added
		1961 (1st) c.6-s.109; 124(3); 133; 144; 238(b)
		1961 (2nd) c.5-s.71(3)
		1961 (2nd) c.9-s.122; 194
		1961 (3rd) c.2-s.194
		1962 (1st) c.22-s.194; 195; 228(1); 240
		1962 (5th) c.10-s.34(2) added; 118(c); 194.
		1962 (5th) c.13-s.97A added; 121(1)(a)(iii) added
		1962 (5th) c.16-s.240(1)
		1963 (1st) c.5-s.240
		1964 (1st) c.8-s.232(1)(3)
		1964 (2nd) c.12-s.194; 195
		1966 (1st) c.6-s.2(d); 2(da) (db) added; 2(fa) added; 2(i)(j)2(na) added; 2(q) added; 5; 5A, B, C, D added; 7(2)(b); 9A added; 10; 11(1); 12(1); 12A added; 15; 16; 16A, 16B, 16C added; 20(1); 22(1); 24(2); 25; 26; 27; 28 (2); 29; 30; 31; 33(1)(2); 35 (f); 37(f); 39(1); 43(1)(f); 43(2); 53; 62; 63(1); 71(2); 87(1)(i)(j) added; 87(5) added; 112; 120A added; 121(1); 121A added; 122; 135; 136; 138(1); 146; 147; 148; 156; 164(2)(i); 168; 174(1)(4)(5);175(1); 181; 183(1); 185; 186(1)(3)(4); 189 to 193; 195; 213(1); 214; 217(2); 241(a); 245(2) (4)(5); 249; 251A added; 256; 256A added; 259(1); 260(2); 262(1); 270A added; 276A added; 279; 280A added; 290A added; 293(3); 294(e); 294A added; 296(2) added; 312(r)(s)(t) (u)(v)(w)(x) added; Sched. C. Form A, B & C; Form EA, 1A added; Form O, P; Form S, T added

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SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Municipal (cont'd) .....		1966 (2nd) c.7-s.137A added; Sched. D added 1967 (1st) c.16-s.2(fa); 121(1) (b); 122; 138(1); 148(1); 156; 174(1)(4); 175(1); 181 (1)(2)(3); 183(1); 186(3); 195; 213(1) 1967 (2nd) c.14-s.92A added 1968 (4th) c.16-s. 2(oa)(ob) added; 117A, B, C, D, E added
Newspaper .....	80	
Noise Prevention .....	81	
Notaries .....	new	1968 (4th) c.5
Old Age Assistance and Blind Persons Allowance .....	82	1961 (1st) c.2-s.4(c) 1962 (1st) c.17-s.3(1)(2); 4(a)(b) 1964 (1st) c.3-s.3(1)(2); 4(a)(b)
Optometry .....	83	
Partnership .....	84	
Pawn Brokers and Second Hand Dealers .....	85	
Perpetuities .....	new	1968 (2nd) c.2
Petroleum Products .....	86	
Pharmaceutical Chemists .....	87	
Police Magistrate's Courts .....	88	1968 (2nd) c.11-s.4; 7 1968 (4th) c.17-s.6; 7(l) 1962 (1st) c.5 repealed
Poll Tax .....	89	
Pounds .....	90	
Presumption of Death .....	new	1962 (5th) c.5
Protection of Children .....	91	
Public Health .....	92	1959 (1st) c.8-s.2(g); 3(w); 3(x) added; Part II; 14; 17 1961 (1st) c.9-Sched. A 1962 (5th) c.12-s.3(v)(w); 5, 6, 7, 8, 9, 10, 10A, 10B added
Public Printing .....	93	
Public Service .....	94	Repealed
Public Service .....	new	1967 (1st) c.3
Reciprocal Enforcement of Judgment .....	95	
Reciprocal Enforcement of Maintenance Orders .....	96	
Recording of Evidence by Sound .....	new	1963 (2nd) c.1 1966 (2nd) c.15-s.3
Regulations .....	new	1967 (2nd) c.4
Rehabilitation Services .....	new	1968 (4th) c.6
Royal Canadian Mounted Police Agreement .....	new	1964 (2nd) c.2
Sale of Certain Lands (Whitehorse) .....	new	1960 (1st) c.1
Sale of Goods .....	97	
Saw Logs Driving .....	98	
School .....	99	1962 (1st) c.7 repealed
School .....	new	1962 (1st) c.7 1964 (1st) c.7-s.88(1); 88(3) (4)(5) added 1965 (1st) c.3-s. 88A added 1966 (1st) c.5-s.93(d)(e) 1966 (2nd) c.9-s.85 1967 (1st) c.12-s.78(2) 1967 (2nd) c.15-s.97 (2), (3) & (4); 97 (5) & (6) added

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SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Scientists and Explorers .....	100	
Securities .....	new	1966 (1st) c.2
Social Assistance .....	new	1967 (2nd) c.5
Societies .....	101	1967 (1st) c.7-s.36
Steam Boilers .....	102	
Student's Grants .....	new	1967 (1st) c.5
Survivorship .....	new	1962 (5th) c.4
Synod of Diocese of Yukon .....	new	1963 (1st) c.2
Taxation .....	103	1959 (2nd) c.2 repealed
Taxation .....	new	1959 (2nd) c.2
		1959 (2nd) c.5-s.2(h)
		1960 (1st) c.5-s.3(f)
		1961 (1st) c.4-s.2(g); 3(f)
		3(j) added; 22
		1963 (1st) c.6-s. 73(b)
		1966 (2nd) c.6-s.15A added;
		Sched. B added
		1967 (1st) c.10-s.58(2a) added
		1967 (1st) c.17-s.42A
		added; 50(1); 50 A & B added;
		58; 58A, B & C added; 59(1)
		59(1a) added
		1967 (2nd) c.16-s.42A; 50(1);
		50A; 50B; 50C & 50D added;
		58; 58A; 58B; 58C; 59(1) &
		(1a)
		1968 (3rd) c.3-s. 50
Tenants in Common .....	104	
Territorial Employee Superannuation .....	new	1963 (1st) c.4
Trustee .....	105	
Unemployment Assistance Agreement .....	new	1959 (1st) c.2
Variation of Trusts .....	new	1962 (5th) c.6
Vital Statistics .....	106	1964 (2nd) c.3-s. 28(1); 45(g);
		46(8) Sched.
		1966 (2nd) c.14-s. 30(4a)
		(4b) added; 30(9)
Vocational Training Agreement .....	107	1967 (2nd) c.1 repealed
Wages Recovery .....	new	1963 (2nd) c.2
Warehousemen's Lien .....	108	
Whitehorse Land Sale and Loan (1961) .....	new	1961 (2nd) c.1
		1966 (1st) c.12 repealed
Wills .....	109	
Woodmen's Lien .....	110	
Workmen's Compensation .....	111	1966 (2nd) c.1 repealed
Workmen's Compensation .....	new	1966 (2nd) c.1
Yukon Hospital Insurance Services .....	new	1960 (1st) c.2
Yukon Housing (1961) .....	new	1961 (2nd) c.3
		1962 (1st) c.12-s.3(3)(b)
		1964 (1st) c.2-s.3(3)(b)
		1965 (2nd) c.8-s.5; 6
		1966 (1st) c.9-s.3(3)(b)
		1967 (1st) c.13-s.3(3)(b)
Yukon Housing Loan .....	new	1960 (3rd) c.2
Yukon Labour (Minimum Wages) .....	new	1968 (2nd) c.1 repealed
Yukon Lands .....	112	1968 (3rd) c.1 repealed
Yukon Lands .....	new	1968 (3rd) c.1
Yukon Social Service Society .....	new	1962 (1st) c.10